

COTTONWOOD HEIGHTS

RESOLUTION NO. 2024-40

A RESOLUTION ADOPTING A PRIVACY SPACE COMPLIANCE PLAN

WHEREAS, Cottonwood Heights (the "City") is a municipality and political subdivision of the state of Utah; and

WHEREAS, in its 2024 general session legislation now codified as, *inter alia*, Chapter 31 (the "Privacy Act") of UTAH CODE ANN. Title 63G was enacted which, among other things, requires each of Utah's government entities to adopt a privacy space compliance plan (a "Privacy Plan") to address the entity's compliance with its duties under the Privacy Act; and

WHEREAS, the City's city council (the "Council") desires to adopt a Privacy Plan as required by the Privacy Act; and

WHEREAS, consequently, at its 18 June 2024 meeting the Council considered, among other things, adopting a Privacy Plan as required by statute; and

WHEREAS, the Council has reviewed the proposed Privacy Plan, a copy of which is annexed hereto; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the City and its constituents to adopt the Privacy Plan as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights that the attached Privacy Plan is hereby adopted.

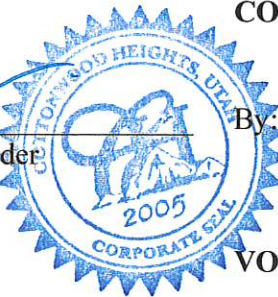
This Resolution, assigned no. 2024-40, shall take effect immediately upon passage.


PASSED AND APPROVED this 18th day of June 2024.

ATTEST:

COTTONWOOD HEIGHTS

By: 
Paula Melgar, Recorder



By: 
Michael T. Weichers, Mayor

VOTING OF THE BOARD:

Michael T. Weichers	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Matt Holton	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Suzanne Hyland	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Shawn E. Newell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Ellen Birrell	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the office of the Secretary this 18th day of June 2024.

FILED AND RECORDED this 19 day of June 2024.



PRIVACY SPACE COMPLIANCE PLAN

PURSUANT TO:

A. UTAH CODE ANN. §63G-31-301, students in public schools are prohibited from accessing sex designated privacy spaces (which includes sex-designated restrooms, locker rooms, shower rooms, and changing rooms) that do not correspond with the student's sex as defined in that statute;

B. UTAH CODE ANN. §63G-31-302, individuals generally may only access sex designated changing rooms located in a government entity's facility that are open to the general public if: (a) the individual's sex corresponds with the sex designation of the changing room, or (b) the individual has legally amended their birth certificate and undergone a primary sex characteristic surgical procedure to correspond with the sex designation of the changing room; and

C. UTAH CODE ANN. §63G-31-304, each government entity must adopt a privacy compliance plan ("*Privacy Compliance Plan*") to address compliance with the government entity's duties under Chapter 31 of UTAH CODE ANN. Title 63G.

Consequently, the following is the required Privacy Compliance Plan of the city of Cottonwood Heights (the "*City*"):

Section 1. **City Staff Response.** The City hereby informs its employees to report any complaint they receive alleging that an individual has engaged in one or more of the following criminal offenses in a "*sex designated*" "*privacy space*" in a "*facility*" located within the City, as those terms are defined in UTAH CODE ANN. §63G-31-101, to the Cottonwood Heights Police Department ("*CHPD*") through either the emergency or non-emergency dispatch services:

- Lewdness under UTAH CODE ANN. §76-9-702;
- Lewdness involving a child under UTAH CODE ANN. §76-9-702.5;
- Voyeurism under UTAH CODE ANN. §76-9-702.7;
- Loitering in a privacy space under UTAH CODE ANN. §76-9-702.8; and/or
- Criminal trespass in a changing room under UTAH CODE ANN. §63G-31-302(3).

Section 2. **Law Enforcement Response.** If CHPD receives a complaint or allegation that an individual has: (a) engaged in one of the criminal offenses listed in Section 1 while in a government entity facility located in the City, or (b) has otherwise violated Chapter 31 of UTAH CODE ANN. Title 63G while in a government entity facility located in the City, an appropriate call priority will be assigned and the complaint will be handled in accordance with CHPD's policies and procedures.

Section 3. **New Facility Construction.** As required by UTAH CODE ANN. §63G-31-304, the City will ensure that any City facilities constructed after May 1, 2024 include at least one

single-occupant facility, as defined in UTAH CODE ANN. §63G-31-101.

Section 4. **Existing Facilities.** The City shall consider the feasibility of retrofitting or remodeling the facilities it owns or controls that include privacy spaces (as defined in UTAH CODE ANN. §63G-31-101) to include features to increase individual privacy, such as floor-to-ceiling walls and doors or similar privacy protections, curtains or other similar methods of improving individual privacy within the privacy spaces.

Section 5. **Unisex Facilities.** The City shall ensure sufficient sex-designated privacy spaces through compliance with UTAH CODE ANN. §§15A-3-112 and 15A-3-304 regarding unisex facilities (as defined in UTAH CODE ANN. §63G-31-101).