

Section 27 - Council Meetings

DRAFT PROPOSAL FOR CHARTER AMENDMENTS

Sec. 27. Council Meetings; **Open and Executive Sessions.**

A. The Council shall meet regularly at the City Hall or at such other place as Council may direct ~~at least once each month~~ **provided that council may not have an interlude of more than forty-five calendar days between meetings and such modified schedule is approved by the council in advance.** **The meeting shall be set** at a day and hour to be fixed from time to time by the rules and procedures of each Council. The Council shall determine the rules of procedure governing meetings. All meetings for the transaction of business shall be open to the public.

Special meetings of the Council may be called in the manner and at the time provided for by the rules of procedure of the Council, provided that local public media are notified of the meeting at the same time that the Council Members are notified.

B. Four members of the Council shall constitute a quorum.

C. All meetings of the Council or subcommittees of the Council, meetings of all boards, commissions and other advisory bodies of the City and the subcommittees thereof shall comply with the requirements of C.R.S. 24-6-402 (2012) otherwise known as the open meeting law. An executive session may be called in accordance with C.R.S. 24-6-402 for the following reasons and no other.

1. To discuss matters required to be kept confidential by Federal and State laws **or rules or regulations, including but not limited to specialized details of security arrangements or investigations, including defenses against terrorism or criminal acts, both foreign or domestic; and**

Reason for Change: Provide that Council can discuss matters which are confidential under federal rules or regulations, such as Homeland Security and discuss issues such as how to protect against an active shooter in executive session

2. To confer with an attorney regarding a legal action already filed in a court of law. The case name and number shall be cited for the public record. Any final settlement or final agreement shall be decided by a majority vote in a regular meeting of the Council.

3. The purchase, acquisition, lease, transfer or sale of any real or personal property, except that no executive session may be held for the purpose of concealing the fact that a member of the council has a personal interest in such purchase, acquisition, lease, transfer or sale. Formal action on the Agreements for such purchase, acquisition, lease, transfer or sale of any real or personal property must occur in an open session of the City Council.

Reason for Change: Council cannot discuss in closed session how much it will pay or sell real property for. There can be no “arms length” fair negotiations with a party if the City must disclose how much it will pay or sell in advance.

4. Determining positions relative to the position of the council in negotiations relating to collective bargaining or meeting and conferring with an employee organization. Any formal action on an agreement with an employee organization must occur in an open session of the City Council.

Reason for Change: Council cannot discuss in closed session instructions it provides to its staff on negotiations with employee groups. The best interest of the citizens and the city are undermined when the City cannot negotiate in a fair and effective manner

5. Conference with the Attorney(s) for the Council for the purpose of receiving legal advice on specific legal questions. The general substance of the Legal Question shall be part of the agenda for executive session. Mere presence or participation of the attorney(s) for the Council is not sufficient for an executive session under this subsection. No persons other than members of the Council, the Attorney for the City, the City Manager and only any other person required in the judgment of the Attorneys for the Council to provide factual information necessary for the formulation of the legal question may be present in the executive session. No formal action of the Council may be taken during an executive session held under this subsection. All formal action arising out of or resulting from an executive session held under this subsection must occur in an open session of the City Council.

Reason for change: As outlined in the Council Communication, the role of the lawyer is undermined when they are placed in a provision of violating the Rules of Professional Conduct or their duty to their client. The proposed provision is restrictive in ensuring that the public knows the formal action that results from the legal advice given. In a contested matter, it fundamentally disadvantages the city and its residents if the opposing party is given the City's position in advance or the lawyer does not have the input of their client which the Council as a whole.

6. Personnel Matters which are defined as the recruitment of, employment of, evaluation of, discipline of and termination of an employee that is appointed by the Council. The Employee who is the subject of the executive session shall be given not less than forty-eight hours notice of the executive session in writing and not less than twenty-four hours prior to the executive session may request that the matter be held in an open meeting. Upon such request, the matter shall be held in an open meeting.

Reason for change: The proposed provision is restrictive and limited to only Council appointees. The intent here is that the public interest is better served by awareness of these discussions as compared to delegating them to unelected consultants or one on one discussions not part of any agenda.

The entire executive session shall be taped or digitally recorded in its entirety. The recording shall be maintained in the City Clerk's office until those serving on the Council at the time of the recorded executive session are no longer serving on Council.