

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 25**

4
5 **Series, 2018**

6
7 **INTRODUCED BY COUNCILMEMBERS: VALDES & DRISCOLL**

8
9 **AN ORDINANCE OF THE CITY OF LITTLETON,**
10 **COLORADO, AMENDING SECTION 27 OF THE CITY**
11 **CHARTER, REGARDING COUNCIL MEETINGS**

12
13 **WHEREAS**, the provisions in the city charter pertaining to council meetings and
14 open and executive sessions are not adequate to handle the city's affairs in a transparent, open
15 and responsible manner, and;

16
17 **WHEREAS**, there are matters that pertain to the public health safety and welfare
18 that council may need to discuss in executive session and is prohibited from doing so under the
19 current city charter, and;

20
21 **WHEREAS**, matters such as the evaluation of a council appointee, negotiations
22 for the purchase or sale of real property and obtaining legal advice from the attorneys of the
23 public body are part of negotiations and require council input, and;

24
25 **WHEREAS**, providing instructions to negotiators, evaluation of council
26 appointees and obtaining legal advice is generally privileged from outside parties in order to
27 provide for full and complete discussion of the relevant issues:

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30 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
31 **THE CITY OF LITTLETON, COLORADO, THAT:**

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33 **Section 1:** Section 27 of the city charter is hereby amended as follows:

34 **Sec. 27. Council Meetings; OPEN AND EXECUTIVE SESSIONS.**

35 The Council shall meet regularly at the City Hall or at such other place as Council
36 may direct at least once each month. THE MEETING SHALL BE SET at a day
37 and hour to be fixed from time to time by the rules and procedures of each Council.
38 The Council shall determine the rules of procedure governing meetings. All
39 meetings for the transaction of business shall be open to the public.

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41 Special meetings of the Council may be called in the manner and at the time
42 provided for by the rules of procedure of the Council, provided that local public
43 media are notified of the meeting at the same time that the Council Members are
44 notified.
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1 Four members of the Council shall constitute a quorum.

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

8 1. To discuss matters required to be kept confidential by Federal and State laws
9 OR RULES OR REGULATIONS, INCLUDING BUT NOT LIMITED TO
10 SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR
11 INVESTIGATIONS, INCLUDING DEFENSES AGAINST TERRORISM OR
12 CRIMINAL ACTS, BOTH FOREIGN OR DOMESTIC; and

13
14 2. To confer with an attorney regarding a legal action already filed in a court of
15 law. The case name and number shall be cited for the public record. Any final
16 settlement or final agreement shall be decided by a majority vote in a regular
17 meeting of the Council.

18 3. THE PURCHASE, ACQUISITION, LEASE, TRANSFER OR SALE OF ANY
19 REAL OR PERSONAL PROPERTY. NO EXECUTIVE SESSION MAY BE
20 HELD FOR THE PURPOSE OF CONCEALING THE FACT THAT A
21 MEMBER OF THE COUNCIL HAS A PERSONAL INTEREST IN SUCH
22 PURCHASE, ACQUISITION, LEASE, TRANSFER OR SALE. ALL FORMAL
23 ACTION ON THE AGREEMENTS FOR SUCH PURCHASE, ACQUISITION,
24 LEASE, TRANSFER OR SALE OF ANY REAL OR PERSONAL PROPERTY
25 MUST OCCUR IN AN OPEN SESSION OF THE CITY COUNCIL.

26 4. CONFERENCE WITH THE ATTORNEY(S) FOR THE COUNCIL FOR THE
27 PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL
28 QUESTIONS. THE GENERAL SUBSTANCE OF THE LEGAL QUESTION
29 SHALL BE PART OF THE AGENDA FOR EXECUTIVE SESSION. MERE
30 PRESENCE OR PARTICIPATION OF THE ATTORNEY(S) FOR THE
31 COUNCIL IS NOT SUFFICIENT FOR AN EXECUTIVE SESSION UNDER
32 THIS SUBSECTION. NO PERSONS, OTHER THAN MEMBERS OF THE
33 COUNCIL, THE ATTORNEYS FOR THE CITY, THE CITY MANAGER AND
34 ONLY ANY OTHER PERSON REQUIRED IN THE JUDGMENT OF THE
35 ATTORNEYS FOR THE COUNCIL TO PROVIDE FACTUAL INFORMATION

1 NECESSARY FOR THE FORMULATION OF THE LEGAL QUESTION MAY
2 BE PRESENT IN THE EXECUTIVE SESSION. NO FORMAL ACTION OF
3 THE COUNCIL MAY BE TAKEN DURING AN EXECUTIVE SESSION HELD
4 UNDER THIS SUBSECTION. ALL FORMAL ACTION ARISING OUT OF OR
5 RESULTING FROM AN EXECUTIVE SESSION HELD UNDER THIS
6 SUBSECTION MUST OCCUR IN AN OPEN SESSION OF THE CITY
7 COUNCIL.

8 5. PERSONNEL MATTERS ARE DEFINED AS THE RECRUITMENT,
9 EVALUATION, DISCIPLINE, TERMINATION AND EMPLOYMENT OF AN
10 EMPLOYEE THAT IS APPOINTED BY THE COUNCIL. THE EMPLOYEE
11 WHO IS THE SUBJECT OF THE EXECUTIVE SESSION SHALL BE GIVEN,
12 IN WRITING, NO LESS THAN FORTY-EIGHT HOURS' NOTICE OF THE
13 EXECUTIVE SESSION. THE EMPLOYEE MAY REQUEST, UPON NO LESS
14 THAN TWENTY-FOUR HOURS' NOTICE, THAT THE MATTER BE HELD
15 IN AN OPENING MEETING SESSION. ALL FORMAL ACTION ARISING
16 OUT OF OR RESULTING FROM AN EXECUTIVE SESSION HELD UNDER
17 THIS SUBSECTION MUST OCCUR IN AN OPEN SESSION OF THE CITY
18 COUNCIL.

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

23 **Section 2:** Severability. If any part, section, subsection, sentence, clause or
24 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
25 validity of the remaining sections of this ordinance. The City Council hereby declares that it
26 would have passed this ordinance, including each part, section, subsection, sentence, clause or
27 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
28 clauses or phrases may be declared invalid.

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30 **Section 3:** Repealer. All ordinances or resolutions, or parts thereof, in
31 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
32 repealer clauses of such ordinance nor revive any ordinance thereby.

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35 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
36 of the City of Littleton on the 17th day of July, 2018, passed on first reading by a vote of 6 FOR

and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the 7th day of August,
2018, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,
at the hour of 7:00 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of _____FOR
and ____ AGAINST on the 7th day of August, 2018 and ordered published by posting at Littleton
Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

Wendy Heffner
CITY CLERK

Debbie Brinkman
MAYOR

Lena McClelland
ASSISTANT CITY ATTORNEY