



DATE: September 5, 2018
TO: City Council
FROM: Wynetta Massey, City Attorney
RE: September 10, 2018 Executive Session Agenda

Please schedule the following legal matters for Closed Executive Session:

In accord with the City Charter Art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b),(c) and (g), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The topic of the Closed Executive Session is Formal Ethics Complaint 2018-01. The issues to be discussed involve: (1) conferences with the City Attorney's Office for the purpose of receiving legal advice (C.R.S. § 24-6-402(4)(b)); (2) matters required to be kept confidential by federal or state law or rules and regulations (C.R.S. § 24-6-402(4)(c); C.R.S. § 24-72-202(6)(a)(II)(A) & (6)(b)(II) (work product prepared for elected officials); and C.R.S. § 24-72-204(3)(a)(XIII) (deliberative process materials)); and (3) consideration of documents protected by the mandatory nondisclosure provisions of part 2 of article 72 of title 24, commonly known as the "Open Records Act" (C.R.S. § 24-6-402(4)(g); C.R.S. § 24-72-202(6)(a)(II)(A) & (6)(b)(II) (work product prepared for elected officials); and C.R.S. § 24-72-204(3)(a)(XIII) (deliberative process materials)).

The President of Council or President Pro Tem shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may hold a Closed Executive Session. If consent to the Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.

Wynetta Massey
City Attorney

C: John W. Suthers, Mayor
Jeff H. Greene, Chief of Staff
Denny Nester, City Auditor
Sarah B. Johnson, City Clerk
Eileen Gonzalez, City Council Administrator
Tom Florczak, Deputy City Attorney