



DATE: May 27, 2020
TO: Richard Skorman, City Council President
FROM: Wynetta Massey, City Attorney
RE: June 8, 2020, City Council Closed Executive Session Agenda

Please schedule the following legal matter for **Open Executive Session:**

Estate of Jeffry Melvin v. City of Colorado Springs, Colorado; Daniel Patterson; and Joshua Archer, No. 20-cv-00991-CMA-KMT, United States District Court, District of Colorado

The Civil Action Investigation Committee has recommended that the City represent Officer Patterson as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Officer Patterson was acting in the course and scope of his employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.

Please schedule the following legal matters for **Closed Executive Session:**

In accord with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(a), (b), and (e), the City Council, in Open Session, is to determine whether it will hold an electronic Closed Executive Session. The issues to be discussed involve: (1) legal advice and consultation with the City Attorney on specific legal questions related to the conduct of quasi-judicial hearings; (2) legal advice and consultation with the City Attorney on specific legal questions related to the interpretation of City ordinances; and (3) legal advice and negotiation consultation with the City Attorney regarding an intergovernmental agreement.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may conduct an electronic Closed Executive Session. Each City Councilmember participating in the electronic Closed Executive Session shall affirmatively state for the record that no other

member of the public not authorized to participate in the electronic Closed Executive Session is present or able to hear the matters discussed as part of the electronic Closed Executive Session. If consent to the electronic Closed Executive Session is not given, the item may be discussed in Open Session or withdrawn from consideration.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
Aram Benyamin, Utilities CEO
Denny Nester, City Auditor
Sarah B. Johnson, City Clerk
Emily Evans, City Council Administrator
Tom Florczak, Deputy City Attorney