



DATE: February 2, 2024
TO: Randy Helms, City Council President
FROM: Wynetta Massey, City Attorney
RE: February 12, 2024, City Council Closed Executive Session Agenda

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)(b) and (e) and City Code § 1.5.506(B), the City Council, in Open Session, is to determine whether it will hold a Closed Executive Session. The issues to be discussed involve (i) consultation with the City Attorney to discuss strategy for negotiations and instructing negotiators regarding an economic development and incentive agreement; and (ii) consultation with the City Attorney and Colorado Springs Utilities staff for the purpose of receiving legal advice and determining positions relative to negotiation of a settlement regarding a wastewater backup claim in excess of \$100,000.

The President of Council shall poll the City Councilmembers, and, upon consent of two-thirds of the members present, may conduct a Closed Executive Session. In the event any City Councilmember is participating electronically or telephonically in the Closed Executive Session, each City Councilmember participating in the Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the Closed Executive Session is present or able to hear the matters discussed as part of the Closed Executive Session. If consent to the Closed Executive Session is not given, the item(s) may be discussed in Open Session or withdrawn from consideration.

Wynetta Massey, City Attorney

C: Jamie Fabos, Chief of Staff