



Legislation Text

File #: 18-0623, **Version:** 2

Ordinance No. 19-5 amending Section 407 (Make Reports) of Part 4 (Powers and Duties of the City Attorney) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to reports made by the City Attorney to the Mayor and City Council.

Presenter:

Tracy Lessig, Employment Division Chief, Office of the City Attorney
Erik Lamphere, Litigation Division Chief, Office of the City Attorney

Summary:

City Council has requested ordinance changes in order to provide more transparency in the settlement of matters, claims, and litigation over \$100,000. The City Attorney proposes revisions to three ordinances. The proposed revisions to City Code § 1.2.104 establish processes for City Council to give direction to the City Attorney to negotiate settlement of matters, claims, or litigation in excess of \$100,000, and to approve settlement of matters, claim, or litigation that are contingent only on City Council approval. The proposed revision to City Code § 1.2.107 requires the City Attorney to inform the Mayor and City Council of settlements in excess of \$100,000 as soon as practicable, but in no event later than three days. The proposed revisions to City Code § 1.5.503 clarify the City Attorney's authority to settle matters and claims, which is consistent with the City Attorney's authority to settle matters and claims set forth in City Code § 1.2.406.

Previous Council Action:

The City Attorney's Office gave City Council legal advice regarding the City's Open Meetings Law in closed executive sessions on May 21, 2018 and June 11, 2018. On August 17, 2018, the City Attorney's Office provided City Council a memorandum setting forth various options for increased transparency of settlements over \$100,000. These options were discussed in open session on August 27, 2018. City Council directed the City Attorney's Office to draft proposed ordinance revisions.

Background:

In response to a City Council request, the City Attorney's Office drafted proposed ordinance revisions to address City Council's desire to increase transparency in settlement of matters, claim, or litigation in excess of \$100,000. The ordinance revisions also require the City Attorney to notify City Council of settlements over \$100,000 as soon as practicable, but no later than three days. Finally, the revisions clarify the City Attorney's authority to settle matters and claims.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

N/A

Alternatives:

City Council could decide not to adopt the ordinance.

Proposed Motion:

Move to adopt an ordinance amending Section 407 (Make Reports) of Part 4 (Powers and Duties of the City Attorney) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to reports made by the City Attorney to the Mayor and City Council.

An ordinance amending City Code § 1.2.407 to require the City Attorney to inform the Mayor and City Council of settlements over \$100,000 as soon as practicable, but no later than three days.