



## Legislation Text

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**File #:** 18-0288, **Version:** 1

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City Council and Settlement Authority

**Presenter:**

Wynetta Massey, City Attorney

**Summary:**

In compliance with the City Charter, City Council has, for several decades, provided closed executive session direction and authorization to the City Attorney or attorney staff members regarding the settlement of claims and litigation against the City in amounts over \$100,000.00. This direction and authorization in closed executive sessions is a privileged attorney-client communication and does not require a formal vote. Instead, the Council provides the City Attorney or attorney staff members negotiating on behalf of the City direction and authorization regarding the maximum dollar amount for settlements of claims and litigation-all other settlement terms are solely within the discretion of the City Attorney. Council has requested the Office of the City Attorney offer options regarding the public disclosure of negotiation and decision making processes surrounding claims and litigation settlements. The Office of the City Attorney has researched many jurisdictions throughout Colorado and there are a variety of ways in which other cities authorize settlement of litigation.

**Previous Council Action:**

N/A

**Background:**

In response to a City Council request, the Office of the City Attorney has provided options to the Council regarding the public/confidential nature of settlement negotiations and direction to the City Attorney or attorney staff members. The Office of the City Attorney has identified multiple options, including: 1). revision of the City of Colorado Springs Rules and Procedures of City Council, 2). revision of the Code of the City of Colorado Springs, 2001 as amended, and 3). increased frequency of notification to City Council of settlement. Please see the attached memorandum from the Office for details regarding the various options.

Upon direction from City Council, the Office of the City Attorney will begin efforts to implement the desired option(s).

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

N/A

**Proposed Motion:**

N/A

**Summary of Ordinance Language**

N/A