

GRAND JUNCTION CITY COUNCIL

SPECIAL SESSION MINUTES

JUNE 24, 2015

The City Council of the City of Grand Junction, Colorado met in Special Session on Wednesday, June 24, 2015 at 5:30 p.m. in the City Hall Auditorium, 250 N. 5th Street. Those present were Councilmembers Marty Chazen, Chris Kennedy, Duncan McArthur, Rick Taggart, Barbara Traylor Smith, and President of the Council Phyllis Norris. Councilmember Bennett Boeschstein was absent. Also present were City Attorney John Shaver, Deputy City Manager Tim Moore, and City Clerk Stephanie Tuin.

Council President Norris called the meeting to order. Councilmember Chazen led the Pledge of Allegiance and the audience remained standing for a moment of silence.

Council President Norris thanked all the Department Heads for being present at the meeting.

Consideration of Amendments to City Manager Rich Englehart's Employment Contract

President of the Council Norris explained the purpose of the meeting. She read Mr. Englehart's request for amendment of his contract and a conditional resignation. She then read his letter of resignation as submitted (attached). She asked the Council for comment.

Councilmember Kennedy moved to approve the request from City Manager Rich Englehart to amend his employment contract with the terms stated and to accept his immediate resignation. Councilmember McArthur seconded the motion. Motion carried by roll call vote.

Council President Norris said the termination of the City Manager is complete.

Councilmember Chazen suggested that, in the interest of continuity of operations, Deputy City Manager Tim Moore assume the responsibilities of City Manager on an interim basis until the City Council has the opportunity to discuss their next steps. He noted that all Department Heads will report to Mr. Moore and all Council requests for Staff assistance from the City Council go through Mr. Moore. With his assignment to Downtown Development Authority (DDA), perhaps he will consider assigning a designee for DDA. He then asked the City Attorney to discuss the duties of the City Manager as stated in the City Charter and if they need a motion for this.

City Attorney John Shaver addressed the City Council on their options on how to proceed. The Council can by virtue of motion make Tim Moore Interim City Manager or can bring a resolution forward for a more formal action however a motion at this meeting is appropriate. The designation of the roles are clear in the Charter - the duties of City Manager he read paragraph 59 of the Charter: "The city manager shall see to the faithful execution of the laws and ordinances of the state and city; control and direct the several officers and departments of the city government; investigate at any time the affairs of any department; attend all meetings of the council and take part in its discussions, but not vote; keep the council advised of all the needs of the municipality; recommend measures for its adoption; prepare the annual budget, and perform such other duties as may be imposed on him by this Charter or any ordinance." Attorney Shaver also read paragraph 60 of the City Charter: "**60. Limitations of Council.** Neither the council nor any member thereof shall dictate the appointment of any person by the city manager, or in any manner interfere with him or prevent him from exercising his own judgment in the appointment of officers and employees. Except for the purpose of inquiry, the council and its members shall deal with that part of the administrative service of the city for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager either publicly or privately."

Council President Norris asked how the Council would like to go forward.

Councilmember Kennedy asked if a motion is necessary. City Attorney Shaver said a motion is certainly sufficient but a more formal action can come forward.

Councilmember Chazen stated if Mr. Moore accepts the role then all requests from City Council will funnel through Mr. Moore.

Deputy City Manager Tim Moore said he would be honored to serve the community in this interim period.

Councilmember Chazen moved to designate Tim Moore as Interim City Manager until the City Council has the opportunity to consider its next steps. Councilmember Kennedy seconded the motion. Motion carried by roll call vote.

Council President Norris asked if there are any other comments.

Councilmember Kennedy said he would make some comments for the benefit of all those in the City organization. Any time such an important staff change takes place, it creates a lot of issues and unrest. From his perspective, they, the City Council, intend to move forward in a positive direction; that is their main goal, to make sure the City's best interest is at heart and move forward in a positive direction.

Council President Norris thanked Rich Englehart for his dedication and work for what he has done for the City; his accomplishments will be included in the news release. Mr. Englehart pulled the Economic Development Partners together with a focus on moving Grand Junction community forward. She expressed appreciation for all of his contributions to the City.

There were no other comments.

Adjournment

With there being no further business, the meeting was adjourned at 5:45 p.m.

Stephanie Tuin, MMC
City Clerk



CITY MANAGER'S OFFICE

June 24, 2015

Mayor Phyllis Norris
c/o City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81506

Mayor Norris and City Council,

It is with a heavy heart I ask that you accept this letter as my conditional resignation as your City Manager. If you accept the following requested amendments to my current employment agreement, my resignation will become effective immediately.

I deeply care for this organization and for a number of reasons it is best I resign now. Increasing conflicts, both internally and externally, that have arisen over the last few weeks have led me to question my own effectiveness to continue to represent this Council and organization. By accepting my ultimate responsibility as a leader, I am anxious to see the City begin to heal and move forward and I believe my resignation will be the beginning of that process.

Since March 2008 when I was appointed as the Deputy City Manager and continuing through December 2011 with the Council at the time choosing me as City Manager, I have been in either a supporting role or a leadership role on behalf of the City, the City Council and this organization on a number of exciting projects and ventures that have brought about beneficial change and progress for the City. I have been supportive of our leadership team as they have delivered quality service to the citizens of this community. My work and dedication in this community has resulted in treasured professional relationships and friendships with you all, the department heads, incredible employees, our ED Partners, citizens and business leaders. I have formed lasting partnerships that will hopefully contribute to the overall success of this community now and well into the future. I am extremely proud of the work that the Council and in turn the community has undertaken and the fact that this City is on the cutting edge. You can be confident that opportunities for economic prosperity will continue and grow during the months and years ahead.

I am certain that the dedicated men and women of the City will continue to deliver excellent service day in and day out to the citizens of this community. I could not be more proud of the role that I played in meeting the objectives of this City Council and the previous Councils. It has been an honor and privilege to work with and for you all and to serve the citizens in this great community.

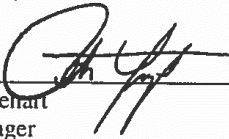
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In light of the contributions made and mentioned above I respectfully request your approval of my resignation on the stated terms. It is my hope that the City Council will recognize my accomplishments and will agree to amend my employment agreement to pay me severance upon my resignation in the amount of \$127,680.16. As well, I would ask that the Council modify my contract to strike the 30-day notice provision.

Thank you City Council, the very talented and professional department heads, division managers and all the dedicated employees that I have had the privilege of working with and for.

Respectfully submitted,



Rich Englehart
City Manager