

# GRAND JUNCTION CITY COUNCIL

## SPECIAL SESSION MINUTES

FEBRUARY 2, 2016

The City Council of the City of Grand Junction, Colorado met in Special Session on Tuesday, February 2, 2016 at 12:48 p.m. in the Administration Conference Room, 2<sup>nd</sup> Floor, City Hall, 250 N. 5<sup>th</sup> Street. Those present were Councilmembers Bennett Boeschstein, Marty Chazen, Chris Kennedy, Duncan McArthur, Barbara Traylor Smith, Rick Taggart, and President of the Council Phyllis Norris. Also present were Interim City Manager Tim Moore, City Attorney John Shaver, Human Resources Director Claudia Hazelhurst, Public Works Director Greg Lanning, Police Chief John Camper, and Waters & Company Consultant Chuck Rohre.

Councilmember Traylor Smith moved to go into Executive Session to Determine Positions Relative to Matters that may be Subject to Negotiations; Developing Strategy for Negotiations; and Instructing Negotiators Concerning Possible Offer(s), Term(s) or other Matters for Possible Appointment/Employment of a City Manager Under Colorado Revised Statutes Section 24-6-402(4)(e) and/or for the Purposes of Consideration of Documents Protected by the Mandatory Nondisclosure Provisions of the Colorado Open Records Act, Part 2 Article 72, Title 24 [Such Records are Subject to Nondisclosure Under 24-72-204(3)(a)(XI)(b)] all as Provided by C.R.S Sections 24-6-402(3.5) and 24-6-402(4)(g) of the Open Meetings Law and will be returning to open meeting.

City Attorney Shaver advised, prior to the second to the motion, that the reason for the motion being stated as such is due to concerns raised by Mr. Dennis Simpson as to the legality of convening an executive session based on these reasons. City Attorney Shaver assured him that these were legal. Another concern of Mr. Simpson was that the City Council would make a decision in executive session to which City Attorney Shaver assured Mr. Simpson that would not be the case but there may be direction given to City Staff for negotiations regarding possible employment. In response to Mr. Simpson's concerns, City Attorney Shaver added some clarification to the posted notice.

Councilmember McArthur seconded the motion. Motion carried.

Councilmember Kennedy asked for additional clarification on the proper process. City Attorney Shaver said that nothing will be finally adopted in the executive session but of course there has to be some consensus in order to discuss negotiations. City Attorney Shaver advised that Mr. Simpson's specific concern is any severance provisions in the contract. He reiterated to Mr. Simpson that those types of discussions are lawful and needed and any final decision will be made in open session.

The City Council convened into executive session at 12:50 p.m.

Councilmember McArthur left the executive session at 1:48 p.m.

Councilmember Traylor Smith left the executive session at 1:51 p.m.

Councilmember Kennedy moved to adjourn the executive session. Mayor Pro Tem Chazen seconded the motion. Motion carried. The executive session adjourned at 2:05 p.m.

The open session was convened at 2:05 p.m.

Council President Norris read the following statement:

The time is now 2:05 p.m., and the executive session has been concluded. The participants in the executive session were: all members of Council, Police Chief John Camper, Public Works Director Greg Lanning, City Attorney John Shaver, Interim City Manager Tim Moore, Human Resources Director Claudia Hazelhurst, and Consultant Chuck Rohre.

If any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. An improper matter would include something not included in the motion to go into executive session or an improper vote or decision.

No concerns were raised. The next agenda item was then to give direction to City Staff.

Councilmember Kennedy moved to direct Staff and the consultant (Mr. Rohre) to conduct further references and background on the candidates for City Manager. Councilmember Boeschenstein seconded the motion. President of the Council Norris clarified that the motion contemplated that the background information would be provided to Council to be reviewed in executive session. The movant and second agreed on the amended motion. Amended motion passed by roll call vote.

Councilmember Kennedy moved to adjourn. Councilmember Chazen seconded. Motion carried.

The open session was adjourned at 2:09 p.m.

Stephanie Tuin, MMC  
City Clerk