COLORADO SPRINGS, COLORADO
CITY UTILITIES OFFICE
PLAZA OF THE ROCKIES
121 S. TEJON STREET
BLUE RIVER CONF ROOM, 5th FLOOR
JANUARY 22, 2014 - 4:45 PM

Council met in **Special Session**.

There were present: President King, President Pro Tem Bennett, Councilmembers Collins, Knight, Miller, and Pico. Absent: Councilmembers Gaebler, Martin and Snider.

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1. **Call to Order.**

City Clerk Johnson called the roll. Six Councilmembers were present; three absent.

2. **Executive Session**

Interim City Attorney Massey described the single agenda item scheduled was for a Closed Executive Session involving a personnel matter. She stated that, per City Charter, the two City officials that Council has supervisory hire/fire control of are the City Auditor and the CEO of Utilities and that all other City employees, per Charter § 4-40 (c), are under the supervision and control of the Mayor.

Ms. Massey stated that it was the legal advice of the City Attorneys' Office that the matter being discussed is solely the purview of the Mayor and should not be discussed in Open or Closed Session. However, if Council chose not to follow that advice, she recommended Council discuss the item in Closed Session. She further clarified that, per the Colorado Open Meetings law, the employee subject of the personnel matter has a right to a public hearing. If the employee were to request a public hearing on the matter, the advice of the City Attorneys' Office would be that Council not conduct such a public hearing unless the employee signed a Waiver and Release pertaining to the confidential employment matters that could be disclosed during the meeting.

President King polled the Council to confirm if the topic should continue to be discussed. Consensus of those present agreed to pursue the discussion.

Ms. Massey read into the record the request for a Closed Executive Session.

President King polled the Councilmembers present to determine whether they approved the Closed Executive Session. Consensus of the six Councilmembers present agreed unanimously to enter into Closed Executive Session.

Robert Gardner, Attorney for George Culpepper, stated his client requested the session be held in public session. Mr. Culpepper confirmed this to be true.

Mr. Gardner described that it is primarily Mr. Culpepper's interest to have his story, his position, placed into the public record and stated he would not advise Mr. Culpepper to sign a Waiver and Release.

Ms. Massey asked Council whether they were willing to conduct this hearing in Open Session without the signed Waiver and Release. Ms. Massey advised Council that this was a confidential employment matter and to the extent that Council discloses any confidential employment related information, the City believes it would be best protected by a signed Waiver and Release.

Councilmembers present allowed Mr. Culpepper to commence to read his position statement relative to his hiring and subsequent termination from City employment. He also read a statement prepared by his wife in his defense. Mr. Gardner stated that this concluded their presentation.

Councilmember Miller stated he will be bringing forward charter amendments to address the authority of Council over Council staff and their ability to obtain Legal Counsel.

President King also stated he will be bringing forward charter amendment changes.

3. **Adjourn.**

There being no further business, at 6:33 p.m. Council President King announced,

COUNCIL ADJOURNED

Sarah B. Johnson

Sarah B. Johnson, City Clerk