

**THE TOWN OF MOUNTAIN VIEW
TOWN COUNCIL SPECIAL SESSION AGENDA
FEBRUARY 5, 2019
6:30 PM**

- 1) CALL THE SPECIAL SESSION MEETING OF THE TOWN OF MOUNTAIN VIEW TOWN COUNCIL TO ORDER AT THE TOWN HALL, 4176 BENTON STREET/ROLL CALL (Any Council member with any potential conflicts of interest regarding any agenda matters will declare them after Roll Call)**
6:30 PM
- 2) PUBLIC COMMENT REGARDING CURRENT AGENDA ITEMS – LIMITED TO 3 MINUTES PER SPEAKER**
6:30 PM
- 3) DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION NO. 2019-02-05, A RESOLUTION CHANGING THE POLICE CHIEF’S TITLE TO “ADMINISTRATOR OF PUBLIC SAFETY” -TOWN ATTORNEY**
6:40 PM
- 4) SPECIAL SESSION MEETING TO ADJOURN**
6:50 PM

**THE TOWN OF MOUNTAIN VIEW
TOWN COUNCIL SPECIAL SESSION MEETING MINUTES
FEBRUARY 5, 2019
6:30 PM**

PRESENT: Mayor Glenn Levy; Councilmembers: Emilie Mitcham, Mayor Pro Tem; Kathleen Bailey; Mladenka "Mia" Boehrer; Adam Hillig; and Chelsea Steen

EXCUSED/

ABSENT: Councilmember Adam Ellsworth

STAFF MEMBERS

PRESENT: Steve Davis, Public Safety; and Sarah Albright, Town Clerk/Treasurer who recorded the meeting. Minutes are not verbatim.

MEETING TIME: 6:32 PM

LOCATION: Town Hall

THE TOWN OF MOUNTAIN VIEW TOWN COUNCIL CALLED THE SPECIAL SESSION MEETING OF THE TOWN OF MOUNTAIN VIEW TO ORDER

Mayor Levy called the meeting to order and roll call taken with members that were present.

PUBLIC COMMENT REGARDING CURRENT AGENDA ITEMS PER SPEAKER

Levy introduced the agenda item.

There were no comments.

RESOLUTION NO. 2019-02-05, A RESOLUTION CHANGING THE POLICE CHIEF'S TITLE TO "ADMINISTRATOR OF PUBLIC SAFETY"

Levy introduced the agenda item.

Attorney King stated the reason for the resolution was to address a letter that was received from POST Board expressing some concern Steve Davis was appointed Chief at the last meeting and does not currently have his POST certification; he is in the process of getting that re-certification. We should have it in the next couple of months. She sent everyone a legal memo regarding her legal analysis of it and that has not changed. In her legal opinion, as a home rule municipality, he does not need to be POST certified to take the position. He can obtain his certification after hired. She pointed out that Mr. Davis received an email prior from POST and their opinion changed after the fact and she was not clear why. Mr. Davis has agreed to temporarily accept a title change so that POST will no longer be involved. She spoke with the

POST director about this and they said that if his title changed while he gets certification, they will no longer have issues with us, basically resolving that issue. This resolution changes his title to Administrator of Public Safety and is still in charge of the administration of the police department and will not engage in routine law enforcement duties. As soon as Steve Davis has his POST re-certification, this resolution will be rescinded, and he will officially become Police Chief again.

Mitcham stated that in the letter from the POST director, page 2 of that letter, he says while it is theoretically possible for a municipality to appoint a civilian administrator to oversee their law enforcement agency, as was pointed out by a POST staff member, this does not appear to be the case in this instance and the Town's own charter appears to preclude this.

King stated she wanted to point out, again, the POST director is not a lawyer, not the expert of the Charter, and he is not correct.

Mitcham stated at the meeting when they officially appointed Steve Davis, that was a suggestion she made at that meeting.

Levy noted it was a bit different than that. She had suggested an interim Police Chief and there is fundamentally no difference.

King explained she was under the impression that Mitcham suggested that for a month he be appointed interim Police Chief and her advice was based on that suggestion. She apologized for any misunderstanding.

Mitcham stated the issue of the charter language and is glad of the solution and not arguing that the POST board is an expert with our charter. but the language of the charter says the Police Chief shall be in direct charge of the Police and she worried by ding it they weren't acting in compliance with the charter.

The concerns only apply when a state law and home rule law do not agree. There is not state law that conflicts with this situation. He can talk to whomever he wants.

Mitcham explained she wanted an executive session for the record a full conversation in executive session at the next regular meeting.

Hillig stated he has command of not policing in the charter, therefore he can be an administrator. here were specific Steen would like more information coming in and talking about semination of information.

Hillig stated his concern about the lack of trust in the committees or the Mayor.

Bailey doesn't agree with the process.

Levy noted this is the usual and customary process. There were time constraints involved with the process.

Steen asked if there was something noted in the Charter to address a vacancy and using a committee.

Mitcham asked that maybe they could add an agenda item to discuss the process of appointing a police chief at the next regular meeting.

Discussion also included: mayoral delegations; council builds upon decades of others work; council and processes; control over process; trust in current process; appointed officials' interviews; tight time frame; open and transparent discussions desired.

Levy asked if there were any additional topics to discuss; this appointing Mr. Davis as the Administrator of Public Safety.

Mitcham asked Mr. Davis how he felt about it.

Davis stated, candidly, he didn't feel good about it. He's been a police officer in Colorado since about 1979 and has over 40- years' experience and has never had his integrity questioned. He didn't single any one out. He has been P.O.S.T. certified for 37 years, letting it expire as he ran an investigation business. He didn't think he was going to get back into law enforcement. He has been the Chaplain here for over a year, and he knows the officers, and he has responded to residents as well. He felt like an outsider, hit in the head, and he doesn't know why. He understood they have the authority to make sure their town is safe and free from liability. He understood it as he is a city councilmember himself. He does not understand how it got this far. There have been officers that have been appointed Chief of Police that are not P.O.S.T certified, the Town of Edgewater, for example. He knows his limitations. He wasn't clear when they changed the rule and he reached out to them and they replied that they don't get involved; the town can do whatever it wished. He knows what his limitations are as a non-certified officer. He can do the job, protect the officers, protect the town, and everyone there without being a P.O.S.T certified officer. He will take their tests but is at their mercy as they set the dates. All this has been a distraction. He doesn't want the town to be arguing about him. He assured them he knows how to do this job and will do this job. He knows what he is doing and would never do anything to put the town in jeopardy or cost the town a lawsuit or cause any bad news media. His goal is to make the town good not just the police department, to make this town good. It is a great town. His job is to make sure the police officers are safe, no one gets hurt, and that the citizens are safe.

Mitcham stated she was not questioning his integrity. She apologized and his statements mattered. She thanked him.

Councilmember Mitcham made the motion and Councilmember Boehrer seconded. All Aye. The motion passed.

MEETING TO ADJOURN

Councilmember Steen moved to adjourn and Councilmember Boehrer seconded. All Aye. The Special Session meeting adjourned at 7:06 PM.

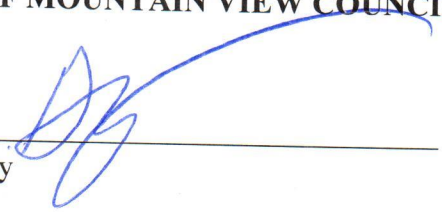
ATTEST:

 Sarah A. Albright, CMC

Town Clerk/Treasurer



TOWN OF MOUNTAIN VIEW COUNCIL


Glenn Levy
Mayor