

# AGENDA ITEM #12A.

## CITY COUNCIL COMMUNICATION FORM

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**FROM:** Dan Foote, City Attorney

**DATE:** March 13, 2018

**ITEM:** City Attorney Report.

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ORDINANCE  
 RESOLUTION  
 MOTION  
 DIRECTION  
 INFORMATION

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### 1. Sheriff Garret Wiggins' Records Request

On February 1, 2018 Sheriff Garret Wiggins submitted to the City a request pursuant to the Colorado Open Records Act and the Colorado Criminal Justice Records Act for records relating to Kristin Bantle's employment with the City. A copy is attached.

The request refers to Ms. Bantle's candidacy for the office of Routt County Sheriff as a factor weighing in favor of the release of employment records that might otherwise not be subject to release. Ms. Bantle has declined to consent to the release of these records.

Due to the privacy interests involved and the history of litigation between both Ms. Bantle and the City and Ms. Bantle and the Sheriff, it is very likely that the City will need to seek guidance from the Routt County District Court as to whether certain documents should be released pursuant to the Sheriff's request.

I am bringing this matter to your attention due to the possibility of litigation. If the City determines that it is necessary to commence litigation, the matter would be handled by outside counsel appointed by the City's insurance pool. Outside counsel's fees would be paid by the insurance pool. Litigation would be subject to expedited rules and should be resolved in a matter of months, if not weeks.