



CITY OF RAPID CITY

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MEMORANDUM

To: City Council
From: Mayor Sam Kooiker *Sam Kooiker*
Date: December 12, 2012
Subject: Closed Session

At the regular City Council meeting on Monday, December 17, 2012, you will be asked to approve a Special City Council meeting for an Executive Session on Thursday, December 20, 2012 to discuss a "personnel matter".

The purpose is to discuss allegations of off-site misbehavior against members of the City Council. This issue does not involve any current or former city employees, either as witnesses, plaintiffs or defendants. The complaint involves current and former appointed and elected city officials, and former candidates for public office.

The City's Attorney's opinion is that going into closed session to discuss this issue is technically legal; it is up to you to decide if appropriate. In my opinion, this issue has absolutely no business being discussed in closed session.

When this matter began, I informed Council Leadership if this came to a public hearing(s), I would be present but would not preside, as this is a Council matter.

However, it remains my responsibility to review, sign or veto any subsequent actions of the Council relating to this matter. Since a motion to go into closed session is procedural in nature and is neither signed nor vetoed, I am compelled to weigh in at this time.

Again, I would like to reiterate the reason behind my position: This matter involves the actions of elected officials on their own time and does not involve any past or present city employees. Therefore, going into closed session to discuss this matter is not only extreme, it is extremely wrong. I urge the City Council to vote no on going into closed session to discuss this matter.



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