



**Background Paper for Proposed  
Resolution**

**COUNCIL MEETING DATE:** March 14, 2022

**TO:** President Heather Graham and Members of City Council

**VIA:** Marisa Stoller, City Clerk

**FROM:** Mayor Nicholas A. Gradisar

**SUBJECT:** A RESOLUTION AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO RETAIN INDEPENDENT LEGAL COUNSEL TO INVESTIGATE COUNCILOR WINNER'S COMPLAINT CONCERNING THE CONDUCT OF THE CITY ATTORNEY ON OCTOBER 28, 2021

**SUMMARY:**

Attached is a proposed Resolution which authorizes the Human Resources Director to retain outside legal counsel to investigate Councilor Winner's complaint concerning the conduct of the City Attorney, Daniel C. Kogovsek, on October 28, 2021.

**PREVIOUS COUNCIL ACTION:**

Not applicable to this Resolution.

**BACKGROUND:**

On December 28, 2021, Councilor Lori Winner filed a complaint alleging that on October 28, 2021, Mr. Kogovsek was intimidating and threatening in his interaction with her prior to an Executive Session called for the purpose of receiving legal advice from the City Attorney. Mr. Kogovsek denies the accusation.

**FINANCIAL IMPLICATIONS:**

In the past, the Human Relations Director has hired independent legal counsel to investigate allegations of employee misconduct. For purposes of this investigation, the HR Director recommends that the City retain:

Josh Marks, Partner  
Berg Hill Greenleaf Ruscitti, LLP  
1712 Pearl Street  
Boulder, CO 80302

The HR Director recommends a \$10,000 spending "cap" be placed in the retainer agreement.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable to this Resolution.

**STAKEHOLDER PROCESS:**

Not applicable to this Resolution.

**ALTERNATIVES:**

City Council could decide not to approve the attached Resolution.

**RECOMMENDATION:**

The Mayor and City Staff take no position regarding approval or disapproval of this Resolution.

**Attachments:**

Proposed Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO RETAIN INDEPENDENT LEGAL COUNSEL TO INVESTIGATE COUNCILOR WINNER'S COMPLAINT CONCERNING THE CONDUCT OF THE CITY ATTORNEY ON OCTOBER 28, 2021

BE IT RESOLVED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The Human Resources Director is hereby authorized to retain:

Josh Marks, Partner  
Berg Hill Greenleaf Ruscitti, LLP  
1712 Pearl Street  
Boulder, CO 80302

to investigate Councilor Winner's complaint concerning the conduct of the City Attorney, Daniel C. Kogovsek, on October 28, 2021.

SECTION 2.

The retainer agreement with Mr. Marks shall be presented to City Council for approval by Ordinance, as required by Sec. 3-9 of the City Charter. A \$10,000 spending "cap" shall be placed in the retainer agreement.

SECTION 3.

This Resolution shall become effective immediately upon final passage.

INTRODUCED: March 14, 2022

BY:

\_\_\_\_\_  
MEMBER OF CITY COUNCIL

APPROVED: \_\_\_\_\_  
PRESIDENT OF CITY  
COUNCIL

ATTESTED BY: \_\_\_\_\_  
CITY CLERK