

RESOLUTION NO. _____

RESOLUTION CONCURRING IN THE CITY MANAGER'S RELEASE OF PERSONNEL INFORMATION

WHEREAS, on February 28, 2018, the Asheville Citizen Times published body-worn camera footage, recorded in late August of 2017, which showed a former Asheville Police Department ("APD") officer, Christopher Hickman ("Hickman"), using excessive force to arrest an individual on or near Biltmore Avenue in Asheville; and

WHEREAS, that recording was removed from the APD by an unknown source and provided to the Asheville Citizen Times, presumably by the same unknown source, and the Asheville Citizen Times has made the recording available to the public; and

WHEREAS, Hickman's employment from the City ended in January of 2018, and most of the information regarding the APD's response to the complaint of excessive force against Hickman, and APD's actions in response to Hickman's actions is properly classified as confidential personnel information pursuant to N.C. Gen. Stat. § 160A-168 and other applicable law, and is, therefore, not available to the public pursuant to North Carolina law; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-168(c)(7), the City Manager, "with concurrence" of the City Council may release certain information about employee personnel actions, under the circumstances set forth in that statute. The City Manager has determined and the Council concurs, that those circumstances exist in the current matter; specifically, that the release of the confidential personnel information included in Exhibit A attached hereto, and incorporated herein by reference, "is essential to maintaining public confidence in the administration of city services [and] to maintaining the level and quality of city services."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to N.C. Gen. Stat. § 160A-168(c)(7), the Asheville City Council hereby concurs with, agrees and encourages the City Manager's release of certain personnel information contained in Exhibit A, attached hereto.

Read, approved and adopted, this 5th day of March, 2018.

City Clerk

Mayor

Approved as to from:

City Attorney