

Minutes
Special Town Board Meeting
Town of Paonia, Colorado
February 15, 2022

<https://www.youtube.com/watch?v=eFh-D3e4-AQ>

RECORD OF PROCEEDINGS

Mayor Bachran opened the meeting with the pledge of allegiance.

Roll Call

In attendance were:

Mayor Bachran
Trustee Mick Johnson
Trustee Karen Budinger
Trustee Tamie Meck
Trustee Paige Smith
Trustee Dave Knutson

Absent:

Trustee Jeff Thompson

Approval of Agenda

Motion made by Trustee Knutson, seconded by Trustee Meck to amend the agenda with the addition of an executive session for receiving legal advice from the attorney specific to the proposed citizen initiative. Motion carried unanimously.

Attorney Conklin assured the Board and community an addition of an executive session in this circumstance is appropriate and recommended the Board enter into one for additional in depth advice.

Announcements

None.

New Business

Town attorney Conklin introduced the sole new business item - review of and possible action on citizen initiative ordinance regarding increased local accountability, records access, fees associated with CORA requests, and public challenge of staff, Board, and Ordinance actions in municipal court.

Attorney Conklin reviewed ordinance and had a conversation with Mr. Bill Brunner, a petitioner of the initiative ordinance. Attorney Conklin stated there were several sections in conflict with state law and others that are not subject to initiative power. Attorney Conklin suggested the Board continue the discussion to the next meeting to allow additional time for legal review to provide the best and most accurate ordinance language should the voters have an opportunity to vote on the matter. Attorney Conklin again recommended an executive session.

Attorney Conklin added that regardless of whether the ordinance was to pass as drafted, multiple sections that conflict with the law would be unenforceable, and stated areas within the ordinance are problematic with Colorado legislative jurisdiction establishment.

Discussion ensued regarding:

Modification of a voted ordinance
County court review of issues with the initiative power
The process and understanding of public records request
Frustration with process and transparency
Volume of work associated with open records requests

Motion made by Trustee Budinger, Seconded by Trustee Smith to continue consideration of the agenda topic to February 22nd. Motion carried unanimously.

Motion made by Trustee Knutson, Seconded by Trustee Thompson for a conference with the Town attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specific to receive counsel on the proposed initiative.

Mr. Brunner objected to the executive session due to a lack of specific questions being asked for legal advice.

Motion carried with five (5) ayes and one (1) nay from Trustee Meck.


Entered executive session at: 7:05 pm
Returned to regular session at 7:51 pm.

Those in attendance were Mayor Bachran, Trustees Johnson, Budinger, Meck, Smith, Knutson, Attorney Conklin, and Administrator/Clerk Ferguson.

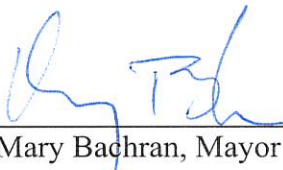
No issues noted.

Adjournment

Meeting adjourned at 7:53 pm.



J. Corinne Ferguson, Town Clerk



Mary Bachran, Mayor

