

NOTICE OF PUBLIC MEETING
TOWN OF SAGUACHE
Board of Trustees
Agenda
For
Special Session
August 11, 2017
Saguache Community Building
525 7th Street

The Town of Saguache Trustees met for a special session on August 11, 2017. The following trustees were present:

Greg Terrell, Mayor	Present
Loren Aldrich, Trustee	Present
Susan Collins, Trustee	Present

Town of Saguache employees were present as follows:

Pam Fye, Town Administrator	Present
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Town of Saguache Attorney was present as follows:

Karen Lintott, Attorney	Present
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Citizens in Attendance:

Michaelyn Luttge, Patsy Garcia, Tina Sanchez, Terry Gillette, James Knight, Crystal Knight, Brian Strauss, Hillary Conroy, Linda Aherns, Amber Wilson, Janice Torrez, Alice Wardlow, Wyoma Hansen, Steven Martinez, Toni Martinez, Leslie Griffith, Laura Montoya, Thomas Mascarenas, Nyla Thompson, Mike Wheeler, Elvie Samora, Barbara Donahue, Bill Donahue, Esther Last, Sky Wright, Terry Strain, Travis Lambert, Timmothy H. Chittum, Crisenseo F. Samora, Jimmie P. Lovato, Sandra Lovato, Alex Abeyta, James Montoya, Melissa Armenta, Zach Joyner, Janice Lovato, Paul Roth.

Citizens present but not on sign in sheet: Trevor Ward, Evan Samora, Maryanne Martinez, Stacey Martinez, Paula Lujan, Joe Lujan, Mary Johnson, Rick Barandas, Dave Winter, Ellen Cox, Lyn Miles, Brandy Bishop, Joseph Garcia, Teresa Benns

Call to Order: Mayor Greg Terrell called meeting to order at 6:35.

Additions and Deletions:

Trustee Aldrich: Under new business I would like to add the addition of the letter of interest for town clerk.

Mayor Terrell: It's on there.

Attorney Lintott: For town clerk?

Mayor Terrell: Ok. Next order of business is to Approve/Discuss/Appoint a town trustee for a quorum. Loren did you send Luana a letter?

Trustee Aldrich: Yes, I did.

Mayor Terrell: So, she is the person you picked?

Trustee Aldrich: She responded in paper.

Mayor Terrell: Any discussion? I will entertain a motion.

Motion: Trustee Aldrich motion to accept Luana Lovato as a trustee.

Mayor Terrell: To fill the quorum.

Second: Trustee Collins

Vote: 3 – Aye; 0 – No; 0 – Abstain. Let the record reflect a unanimous vote.

Mayor Terrell: Under the attorney's advice we are assigned under the necessary clause under the state since we don't have a quorum. One of the trustees, Loren was picked to find a trustee in order that we have a quorum. Once we have a quorum, then we can conduct town business and fill the remaining seats. Loren sent Luana a letter, she found that she met all of the requirements and she had agreed to step up and make a quorum and, so we have just voted on that to accept Luana as a Trustee in order to fill the quorum. Luana come on up.

Oath: Mayor Terrell: Raise your right hand and state after me. I Luana Lovato do solemnly swear, sincerely and truly declare and affirm. That I will support and enforce the constitution and the laws of the United States of America and the State of Colorado and the charter ordinances of the Town of Saguache and shall faithfully perform to the best of my abilities the office of town trustee upon which I am about to enter.

Trustee Lovato: Oath taken and seated as Trustee

Motion: Trustee Collins moved to enter into executive session for legal advice from our town attorney at the moment so that we can get our new town trustee up to speed with the current agenda.

Second: Trustee Aldrich

Vote: 4 – Aye; 0 – No; 0 – Abstain Let the record reflect a unanimous vote to enter executive session

Mayor Terrell: It is August 11, 2017 and the time is 6:43. For the record I am the presiding officer Greg Terrell as required by the open meeting law this executive session is being electronically recorded. Also present at this executive session is Administrator Fye, Attorney Lintott, Trustee Aldrich, Trustee Lovato, Trustee Collins and myself Mayor Terrell. This executive session is for the following purposes; for 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); I caution all participants to keep the discussion to the stated purpose of the executive session, and that no formal action may occur in the executive session. If at any point in the executive session any participant believes that the discussion is going outside the proper scope of the executive session, please interrupt the discussion and make an objection.

Attorney Lintott: This is Karen Lintott, as town attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication. I am, therefore, recommending that no further recorded be kept of the is executive session.

Mayor Terrell: The town Attorney has recommended that no further record be kept of this executive session. The time is now 6:46 and I am turning off the tape recorder as this time.

Mayor Terrell: The time is now 7:43, and the executive session has been concluded. Participants in session were Administrator Fye, Trustee Aldrich, Attorney Lintott, Mayor Terrell, Trustee Lovato and Trustee Collins. For the record, if any person believed that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meeting Law, I would ask you to state your concerns for the record. No objections

2. Additions/Deletions to Agenda.

Mayor Terrell: Since Luana is new to the board I will now ask if there are any addition or deletions to the agenda?

Trustee Lovato: I would like to table the ordinance regarding number of animals until the next board meeting. No objections.

Mayor Terrell: I need a motion to approve the consent agenda:

- Minutes for Regular Session held on April 11, 2017
- Minutes for Special Session held on April 16, 2017
- Minutes for Regular Session held on May 9, 2017
- Minutes for Special Session held on May 18, 2017
- Minutes for Special Session held on May 23, 2017
- Minutes for Regular Session held on June 13, 2017
- Minutes for Special Session held on June 15, 2017
- List of Bills for August 2017

Motion: Trustee Aldrich – I move to approve the consent agenda.

Second: Trustee Collins

Trustee Lovato: Can I have the floor for a minute? I am not able to, I have not reviewed these and was not in all of these meetings, I don't recall what happened. I would prefer being able to review the minutes prior to approving them, but that's my objection.

Trustee Collins: We have motion on the floor

Trustee Lovato: Well we have a motion on the floor, but we also have discussion.

Mayor Terrell: You are not recognized there is a time for citizen comments. There is a time for citizen comment. Luana you still have the floor

Trustee Lovato: Ok So I would like to have time to review the minutes before they're approved.

Mayor Terrell: Further discussion.

Trustee Collins: I don't have an issue with that.

Mayor Terrell: Loren?

Trustee Aldrich: Not at this point. I don't have anything else further

Motion: Trustee Collins: I would like to make a motion that we allow Trustee Lovato to approve the minutes in her own time and then get back to us this coming meeting.

Attorney Lintott: Put it off until September?

Trustee Collins: Evidently so.

Attorney Lintott: OK. Make a motion

Trustee Collins: I just said I would like to make a motion

Attorney Lintott: You did?

Trustee Collins: Yes

Attorney Lintott: We need a second

Trustee Aldrich: I guess I will second that rescind my ...

Mayor Terrell: You need to rescind your motion

Trustee Aldrich: I need to rescind my original motion

Mayor Terrell: Yes

Trustee Aldrich: I rescind my original motion

Second: Trustee Aldrich

Mayor Terrell: Any further discussion?

Vote: 4 – Aye; 0 – No; 0 – Abstain. Let the record show a unanimous vote

Mayor Terrell: We are now going to move on to citizen comments

Pam Fye: Greg you left off the list of bills.

Trustee Aldrich: He added those in the consent agenda

Pam Fye: They need to be separate because the town needs to pay those bills

Trustee Collins: Luana do you have a problem with the bills?

Trustee Lovato: They're fine

Trustee Collins: She says the bills are fine.

Terrell: Ok can I hear a motion about the bills then?

Motion: Trustee Collins: I would like to make a motion that we approve the list of bills for August 2017 to be paid.

Second: Trustee Aldrich.

Trustee Terrell: Discussion?

Vote: 4-Aye; 0- No; 0-Abstain. Let the minutes reflect that the vote was unanimous

Citizen's Comments: (limited to 3 minutes per citizen)

Mayor Terrell; We have a sign in sheet we will just go down the list. I will let Karen call out the names and 3 minutes

Attorney Lintott: The first name is Brian Strauss.

Mayor Terrell: We are recognizing Mr. Strauss first please.

Brian Strauss: My name is Brian Strauss and as a group I would like to defer my 3 minutes to Rick.

Attorney Lintott: The next on the list is Hillary Conroy

Hillary Conroy: I defer to Rick

Mayor Terrell: Rick you have the floor

Trustee Lovato: Can you please let us get through the meeting

Rick Barandas: I am on the list. I am Rick. These people have deferred to me and they would like their right to speak after. Everybody here has asked me to make this statement. We as a group do not want this board making any large decisions and that includes employment decisions until this board is a complete board of seven again and a point of fact there are three people here who would be very happy to be back on this board. So, we feel that this could happen by you making this happen whether you make this happen tonight or if you want them to write their letter that they want to be back on the board. Again, we do not want major decisions until we have a full 7- person board. And don't ask this board to trust what I am saying. I will confirm what I am saying. Everybody who agrees with what I am saying please stand. So, you see what I am saying is truth. Thank you

Mayor Terrell: Thanks Rick

Attorney Lintott: Should I call out the next name?

Mayor Terrell: Yes

Attorney Lintott: Is it Tina Sanchez

Hillary Conroy: No, it's Hillary Conroy. I defer my time, at this time, to Terry Gillette.

Attorney Lintott: Ok, Terry Gillette.

Terry Gillette: It is my understanding that the board members that resigned offered to be reinstated but were denied that opportunity. Is that correct?

Mayor Terrell: Under the legal advice that we have received not just from the town attorney but from CIRSA, from Sam Abbot at CML and from CML. Once you resign that is it. It is the same as contract law, is it still applies. So, there is no vehicle for them to be reinstated back on the board except for what is applied by law. And that includes meeting the requirements, putting a letter in and then being appointed back onto the board. That's it plain and simple.

Terry Gillette: The code with resignation, doesn't it require a motion to accept resignation?

Mayor Terrell: No

Attorney Lintott: No it does not.

Attorney Lintott: This is with all due respect that is a legal issue, and this is the advice that I have given and based on the advice I have received from other attorneys who handle this kind of stuff.

Terry Gillette: And this is all spelled out in state code? Where do you find reference to that?

Attorney Lintott: Colorado Revised Statutes and in Case law interpreting it. If you will look at C.R.S. section 31-4-303. (repeated)

Mayor Terrell: Can you read that for us please?

Attorney Lintott: The board of trustees has the power by appointment to fill all vacancies on the board or any other office and the person so appointed shall hold his office until the next regular election and until his successor is elected and has complied with section 31-4-401. The board also has the power to fill a vacancy in the board or in any other elective office of the town by ordering an election to fill the vacancy until the next regular election and until a successor has been elected and has complied with section 31-4-401. If a vacancy in the board or in such other elective office is not filled by appointment or an election is not ordered within 60 days after the vacancy occurs. The board shall order an election subject to the municipal election code to be held as practical to fill the vacancy until the next regular election and until a successor has been elected and has complied with section 31-4-401. At its first meeting the board shall choose one of its trustees as Pro Tem who in the absence of Mayor from any meeting from said board or during the Mayors absence from the town or his ability to act shall perform the Mayors duties. The board also has the power to elect a Clerk Pro Tem to perform the duties of the clerk during his absence or inability to act.

Citizen: What did any of that have to do with any of the board member's retracting their resignation?

Citizen: Or reinstatement of such?

Terry Gillette: At the time it was said we couldn't reinstate them but none of that speaks to not reinstating those board members.

Attorney Lintott: Because they don't have a specific code that addresses that but once you resign, you resign.

Terry Gillette: There has to be a code or some kind of regulation that says you can't reinstate them. You didn't accept their resignation.

Attorney Lintott: You don't have to accept their resignation. The resignation is effective upon it being delivered.

Terry Gillette: You have an emergency situation by virtue that you don't have enough board members but there is nothing you have in writing that says you can't accept or reinstate these people other than

Attorney Lintott: They resigned.

Terry Gillette: Did you then accept in writing their resignation?

Attorney Lintott: You're not required to, but mayor Terrell sent an email responding to their resignations that was on July 21.

Terry Gillette: That said, "I accept your resignation?"

Attorney Lintott: You don't have to accept the resignation. The resignation stands, and they returned their items to the board and that was on July 26. So, the resignations stand. So now we are at a situation where you appoint and then approve and presumably these members they can write letters of interest and be reappointed if they meet the criteria.

Terry Gillette: So, their ability to appoint is based on an emergency situation.

Attorney Lintott: No it is not and emergency situation it's based on this code section I just read to you.

Terry Gillette: Nothing you just read identifies what you just done.

Attorney Lintott: We appointed as somebody of letter of interest and then appointed and approved a new board member. That's 31-4-303 that gives this board the power to do that and now that there is a quorum they can accept letters of interest to fill the other three seats.

Terry Gillette: So, you cannot reinstate the members?

Citizen: They can do letters of interest, right?

Attorney Lintott: Of course.

Citizen: What's the criteria?

Attorney Lintott: That will be addressed when we vote towards the end of the meeting. Did that answer your question? The next person I have is Tina Sanchez.

Tina Sanchez: My question for Greg and Loren is: How was the town clerk hired without advertising?

Attorney Lintott: I will answer that. This is based on council.

Mayor Terrell: Not knowing the answer to that myself I contacted CIRSA, Tammy Tanoue to be exact, she is the attorney for CIRSA. CIRSA, if you do not know is the town's insurance carrier. They are the ones who do all of this. Based on her advice, how she laid everything out, in consultation with the town Attorney and with consultation with others is this is how it is laid out. It falls in what is called the necessary clause and I have never heard of that before until I talked to Tammy Tanoue at CIRSA. Let me make a distinction, it is not an emergency it is called a necessity. And so, what I did was follow what she instructed me to do, what the town Attorney instructed me to do and what CIRSA instructed me to do. In the absence of having no deputy clerk or town clerk they said to have the town administrator hire, find and hire, an Interim town clerk until we could officially meet as a board and start advertising for a clerk. And that is the role, I am following their procedure, what they have laid out, what they have said is legal. Tina, does that answer that?

Tina Sanchez: I guess my question is, how was this person, how did you guys know about her? I am sure there was more than one person in this town that was qualified. So how did this person get located.

Mayor Terrell: The requirements that I asked were number 1. that they be local, #2 that they have an accounting background, #3 that they have professional writing skills and we needed to get that person on. This person is not a permanent position. This person is to fill in under the necessity clause and we need a clerk in town hall at this moment. This doesn't circumvent advertising for and hiring for those positions. The town administrator needed to find someone as soon as possible and there were a few people who were available and had met those requirements. She picked that person to fill into that slot at that time. At some point, which hopefully we will get to tonight, we will put down to advertise for a town clerk and advertise as such and go through the interviews just like we would hire anyone else. This is under a necessity clause to have a clerk and this was demanded by CIRSA. Does that answer Tina?

Tina Sanchez: So, should we as members of the community, that are interested, should we always keep in contact with the Administrator so that she knows that we are available. Because you know what? I would have been interested but I had no clue that you guys, we didn't have a town clerk for 6 months, and I had no clue that you guys were even looking at putting an interim in.

Trustee Collins: We couldn't even meet as a board to have a meeting to have meeting to approve an article to go out to the newspaper.

Tina Sanchez: So how did that lady know?

Trustee Collins: Because Greg spoke with CIRSA, who is our insurance carrier. They recommended that he have the town clerk find an interim person to fill in for the moment because we have three full time opened positions, she's filling one and there are two and there is no one to answer the phones at home.

Mayor Terrell: We are straying off. This falls under necessity. This person that is in there in not our permanent town clerk. We must as a board, it is on the agenda tonight, officially approve the advertisement. You may ask why has the board not done this before. I can't answer that, because nobody wanted to put that on the agenda. Next person.

Attorney Lintott: Hillary Conroy.

Hillary Conroy: I passed, reserving the right to speak later.

Tina Sanchez: I have one more question on that. If this is a necessity, why wasn't this done back when we lost our town clerk 6 months ago?

Mayor Terrell: I can't answer that Tina. I can't answer that.

Citizen: Why?

Mayor Terrell: Why? It is a decision made by 7 people. Seven people did not make that decision. There were 7 people when Rese stepped down.

Citizen: What do you mean there were 7 people?

Mayor Terrell: There were 7 people when Rese stepped down. Your confusing, at that time there was no necessity. Tina, I can't answer because I don't know why. I can only speak for myself, I can't speak for other trustees that were on the board at that time.

Attorney Lintott: Going down the next person Nyla Thompson.

Nyla Thompson: I would like to pass my turn to Lyn Miles.

Lyn Miles: So we have a necessity situation. We have to abruptly, in an emergency state, hire a town clerk. Apparently, Pam did that not the Mayor, is that correct? So, if that was a necessity and you had Pam reach out to Leigh Mills and she looked like the best candidate in the whole County, not to mention you didn't hire anyone from the Town of Saguache, you got her from outside of town. Why didn't you Greg as Mayor, when three of your board members resigned because of their lack of confidence as you as the Mayor, why didn't you as a Mayor reach out to them and ask them to reconsider. And why didn't you then ask them to rescind that and get them back on the Board as a necessity?

Mayor Terrell: I can't answer that Lyn.

Lyn Miles: You are the leader of this Board. You have deferred to this Attorney that we know nothing about. Why don't you be the leader you were elected to be and quit telling us "I can't answer that". We're waiting your honor.

Mayor Terrell: Again, they resigned.

Lyn Miles: That wasn't my question. My question was why didn't you reach out to them as you had the new town administrator reach out to Leigh Mills. Why didn't you reach out to the Board members of this community, who have a vested interest in our town, you could have reached out to them as the leader of our town but, yet you had the town administrator, who we don't really know, reach out to a woman who we don't hardly know in this town. But, you have three board members who were so upset

at how the governing council of our town is being conducted and you didn't reach out to them about that.

Mayor Terrell: Because the matter is confidential, Lyn.

Lyn: How is that confidential?

Mayor Terrell: They took the position of resigning. I can't talk to them about that. I want to say one other thing. I would step outside of government immunity into personal liability and I will be damned if I do that.

Lyn Miles: Was personal liability for her to step out of her liability to reach out to a temporary town clerk. That's not right.

Attorney Lintott: You can't answer those questions.

Lyn Miles: How can she do that when she isn't even elected? You're elected, she's just an employee? You are the one, as the Mayor, should have reached out to these Board members and said "We have a problem here. What is going on? Would you please reconsider?", but then the government is shut down for two months because it doesn't have a quorum. How did you accept Luana's letter?

Mayor Terrell: Lyn, there are legal things that I am bound to.

Lyn Miles: You need to go to school and learn these things so that you can communicate to us a little better.

Mayor Terrell: That's why I talked to lawyers at CIRSA and follow their instructions.

Lyn Miles: Why don't you bring these experts from the State to come down here and fix this mess up and explain to us what the heck is going on.

Mayor Terrell: I am more than happy to have these experts come down to a town meeting and explain everything. More than happy, happy to have the Attorney General, I am happy to have CIRSA, CML and I will reach out to them so that they can explain this.

Lyn Miles: We would like them at the next meeting and I also want to reiterate what Rick said. We do not as citizens of this community want any major decisions made by this board until there is a full board again.

Mayor Terrell: Ok, next person.

Lyn Miles: We are asking that you reconsider and rescind the resignation letters of these three board members. As member of this board they resigned for a reason. The reason is we are all standing here right now. We want these people back on the board.

Mayor Terrell: Lyn, I am required to follow the law.

Lyn Miles: When she read that statute there was no law. Just the common-sense factor to rescind these letters. That's just common sense.

Trustee Collins: Thank you Lyn for your time. We do appreciate you speaking to us.

Attorney Lintott: The next is Mike Wheeler.

Mike Wheeler: I am sure you are aware that we tried to have a public meeting it fell that this was in around us. The consensus as a group is transparency. We just feel like over and over the community at large is vaguely informed at best as to the decisions you are making or contemplating. We haven't seen any bills posted for quite a while. The web page is in dire need of updating. Maybe your approval of these minutes will move that along. There is a great deal of concern in the community about follow through, people will go to town hall and ask for the assistance or the town to come forward with their part of whatever, like the sewer situation and then not following through with their commitment. This is a really big one that I have heard from not just the board members that recently resigned, but the past board members, which may or may not be your fault, the information that the board has to make determinations on in that meetings in handed to the trustees, so I'm told, just prior to the meeting or

maybe one day in advance. So, we feel as a group that it greatly inhibits our trustees' ability to make conscientious informed decisions. And this one, Greg, it's personal. I would say nine out of every ten people would be perfectly pleased with your resignation. We're watching, and more and more people are starting to watch.

Attorney Lintott: Thank you Mike. Elvie Samora.

Elvie Samora: I originally was going to comment on what Greg did regarding the necessity, from my point of view, that before this board makes large decisions, large financial decisions, large long-term commitment decisions. I think, as the only person sitting out there that's making 50 grand a year, that's a big decision, that's a lot of money, I think that we have to look at the overall picture at what we are doing when we vote aye or nay on an administrator, something the town hasn't had before. I am not going to go up and down but when I think about the product quality of the Administrator, but I am disappointed in some things. I'm disappointed in not being able to get answers when I call the town hall. I'm disappointed that we've been told a thousand times that whatever we need is on the town's website is a bunch of bologna. There are not any town minutes from the entire year of 2017 on the town's website. There are board members on commission boards, even the town board, we had one member, Janice Torrez, who was approved as a board member. Her name never was on there for about two months. Kate Vasha whom had passed away was still on there. There are no town minutes, no updated anything. The town website, which is a simple website, there's complicated websites and there's simple ones, that one's a simple one. There's nothing there. That's my criticism of your staff function. My criticism of your boards function, having sat up there before, both as a board member and as a Mayor, the inability to answer question about law should be embarrassing. You talk about the necessity of having an interim clerk, we talk about the necessity of having a fourth board member here. Well, the necessity for the fourth board member is because three of them split. We don't know why, but you can't say you don't know why. You do know why, and it should have been addressed on the phone, at the restaurant, one on one and talked about and said "Hey, what's going on? Where are we going wrong?". Through all these years the town has never been without legal advice. Gene Farish, many, many, many years and now Karen Lintott. So, there is no excuse for not knowing something legal. It is illegal to not have a town clerk. Rese Garcia left, whether it was of her own volition or whatever, it became immediately a legal absolute necessity to have a Clerk and to say I don't know why we didn't fill that, there was many people on the board. Bologna, bologna it doesn't matter. The fact is you do know that it was a legal requirement by the State of Colorado to have a Clerk and it still is. So, all this hemming and hawing about I don't know, or it's been rough, or I've been sick, so I can't get my job done, doesn't fly with me. I'm sorry. You have people who are upset, and you can't wait until 10 o'clock rolls around so we will all go home. Well these people are not going home. Their bodies are going home but they are not going home. They are going to be in everybody's faces for the next, I don't know how many years. Thank you.

Attorney Lintott: Bill Donahue.

Bill Donahue: This doesn't have anything to do with what we are talking about but when I go into the town hall I feel a definite cold. I feel like I'm going to the town hall in Detroit or someplace like that. It's cold and not town friendly. That's it.

Attorney Lintott: Ester Last

Ester Last: Under wanting full transparency, I would like to ask the Mayor why have we never gotten toilets in the new park down town when that was in the bid and we had the money for it and where did that money go?

Mayor Terrell: That money still exists. We have been short-handed in public works and that has been on the board to do all summer. Dave Hammel being injured and out we have been trying to get that in and if we do not get that in this year we will lose that money. It will go away. That money still sits, we have until the end of the year to get the bathroom put in, and so we are hoping it will get accomplished very soon. Again, here's a good example, Dan was injured this week, Dave Hammel was still out on injury. We are waiting until they're well and they can get to that.

Ester Last: Well possibly you need to hire someone. So, how long exactly has it been since you started the park idea, started working on it?

Mayor Terrell: Gosh 4 years.

Ester Last: You haven't had maintenance people out this entire 4 years.

Mayor Terrell: We have the money this year. We did not have it prior to that.

Ester Last: I believe it was in the whole bid. They even had a park bench and a picnic table.

Mayor Terrell: If you would call I would be more than happy to review those minutes. They can tell you exactly what happened in that board meeting. That architect, that if you will look I disagreed with at the time, ended up costing more. So, the proposal that was presented in front of the board at that time was scaled down on what was going to happen at that park in order to pay Burt Wadman the architect more money. It was I think, don't quote me on this, but I think it was \$96,000 and the board approved to go ahead with that. I disagreed with that by the way. I thought that money should have gone to the bathroom at that time.

Ester Last: But you guys are working on the other bathrooms. The downtown area has grown and isn't that what we want?

Mayor Terrell: Absolutely.

Ester Last: The grocery store has signs up everywhere saying they will not let anyone use their bathrooms. So, it falls on a few people downtown.

Mayor Terrell: The bathrooms have been talked about for going on quite a while. I personally been pushing to get them done. What's gonna happen this year is we will lose that money.

Ester Last: So your saying we're going to abandon this project?

Mayor Terrell: I want it done this year.

Brian Strauss: I would like to know if we do have money and we lose it, is it fiscal year or just regular year. Then, I would like to know what is the plan for personnel. What is the plan for an emergency happening? I know that Danny doesn't live here anymore and David Hammel is out and lives out of town. Who do you got for emergencies?

Mayor Terrell: Brian, we are going to have to hire some people to figure this out.

Brian Strauss: I've known since I moved here that Danny was studying to be an ordained minister and was planning on leaving. I've know that for 6 years. I didn't know Mr. Hammel was out until like three weeks after he was already out because I talked to his brother. I live right next door to the town hall. It was never on that bulletin board. That bulletin board is a joke. The one person I see at that bulletin board posting the most is the American Legion and that would be Terry Gillette. I looked at the website tonight to get the agenda for this meeting and they aren't there. There's nothing on there. Your personnel problem is one of your biggest problems right now. I know that the sewer around town, it could go at any time.

Attorney Lintott: Sky Wright.

Sky Wright: I am passing on to Mike Wheeler.

Attorney Lintott: Mr. Wheeler.

Mike Wheeler: So, I want to talk about transparency again. The thing about transparency it's like a pane of glass. You can see through a pane of glass in both directions. I've talked to citizens who have great points to make who are afraid to express themselves for fear of retaliation. So, what I keep hearing from my neighbors over and over is that we really need to demand to be adequately informed not just once but on a daily basis as an ongoing process. So, back to this little short list, folks would really like the board to follow protocol. Folks would like the board members as well as the Mayor to be knowed up on the issues. An answer of, I don't know why they didn't reach out for a town clerk when Rese left, just

doesn't cut the mustard. I really think we deserve an answer why you didn't reach out to the board members when they submitted letters of resignation.

Mayor Terrell: Does it make sense that there is 4 of them and they hold the power and they resigned instead of coming and talking to me.

Mike Wheeler: I pose that question again Mr. Mayor. Why did you not make any attempt whatsoever to reach out to any of the resigning board members, why?

Mayor Terrell: Because they resigned. That's not the way

Mike Wheeler: If I have any time left I would certainly pass that forward.

Attorney Lintott: Barbara Donahue

Barbara Donahue: You knew before they put in their resignation that there was a problem because they walked out. At the time that they walked out, they had not put in their letters of resignation. You could have said why are you guys walking out, what's going on here.

Mayor Terrell: Barbara, I am not aware of any walkout.

Attorney Lintott: The last meeting the board had prior to their resignations was July 11th. The resignations were submitted July 21.

Barbara Donahue: But they walked out of the meeting.

Attorney Lintott: There was no meeting.

Mayor Terrell: I think three of them are here. Did you guys walk out of the July 11th meeting?

Amber Torrez: That was in the newspaper. We did not do that.

Mayor Terrell: Ok, thank you.

Teresa Benn: And by the way I was clear when I printed that, that it was a tip phoned in. That doesn't mean it's valid that just means I'm reporting a tip.

Attorney Lintott: We are moving around so much I'm not sure where we are. Did we get Travis Lambert?

Travis Lambert: When will they be appointing or going for a vote for new board members?

Mayor Terrell: That is on the agenda tonight. We will have to discuss and approve to put in letter of interest and that will be discussed at that point. So that hasn't been decided yet.

Travis Lambert: When will you be posting or advertising for town clerk?

Mayor Terrell: If the board approves that tonight then I would say right away.

Attorney Lintott: The next name is Alex Abeyta.

Alex Abeyta: You know what I can't understand is that you appointed that woman over there, why don't you appoint two more and make a quorum right away? But it's against the law for you not to appoint them right away. If you can do one you can do three more or four more. Whatever you need.

Mayor Terrell: Alex I'm following what was laid out to me by CIRSA. They're the ones who said we needed to fill a quorum by appointing. Thereafter, once a quorum is met, we can proceed on how it is legally done.

Alex Abeyta: Ok, then let me ask you a question. When you seen the four trustees were going to quit, you should have stopped and said ok now we got a problem here why don't we find out what the problem is. You should have found out why it was coming, because you can't trust anybody unless you ask them yourself. You're the Mayor, you have to be the one who asks the questions not one of the board members or your administrator. You're the one who's got to do it because you're the head of it. We put you there, so tell us.

Mayor Terrell: Well all I can say is that did not happen and that was based on the advice I was given once they have resigned they've resigned and I cannot discuss a confidential matter with someone who is not on the board.

Attorney Lintott: Are you finished?

Alex Abeyta: Yes ma'am.

Attorney Lintott: James Montoya.

James Montoya: Once again, transparency. It took me a long time with you Greg arguing with you. I have never been in a town where I have had to argue with the Mayor, face to face arguing with you. That's unheard of, you are supposed to be the town leader. I asked you that before, you're the town leader and you said "Oh, I'm powerless". If your powerless then why are you up there? That's all I want to know? We elected you and we don't want you anymore.

Attorney Lintott: Brandy Bishop.

Brandy Bishop: I defer to Jopa.

Attorney Lintott: Ok, Jopa.

Paul Roth (Jopa): I hope you can take this as constructive criticism. When I talk about good faith and how it's opposing secrecy. When we saw these executive sessions and in the meetings, you listed there's a lot of them. When your using so many execute sessions, in the common law forget all the regulations. In the common law secrecy harms good faith. I think it's very important for you guys to remember that and the reason everyone is freaking out right now is because of all the secrecy and curiosity and secrecy leads to speculation. Part of speculation is probably not good. So, the less secrecy you use the more we develop the good faith and the more we can be one big happy family. So, executive session is very well written out in the Sunshine Act and what's allowed and what's not allowed. It's a narrow construction that we have granted you the authority to narrowly construct executive session for specific purposes and I don't know if all council members know this but when we create executive session you are not allowed to decide anything there. You seem to do pretty well, but from what I've heard you're not very good at this, you're deciding things in there, maybe getting a show of hands in there, I think that's allowed. But, you bring that decision back up here with minutes and public session. It's a narrow construction of executive sessions and I think that's all I've got today. I hope you can take that as constructive criticism.

Attorney Lintott: Joseph Garcia.

Joseph Garcia: Mr. Mayor I want to say that I'm offended how you sit up there and you chuckle and you're smug about it and you're laughing at us. In your bylaws, whatever you follow, I know when I was in charge of a safety committee I had 24 hours to present my minutes to the company. How long do you guys have to present your minutes? What is it in the bylaws, Mayor please?

Mayor Terrell: Generally, and this is generally, and we have asked for very recently. I think it was Wyoma who asked for this, that the minutes be done within three weeks of the meeting and presented to the board for them to look at.

Joseph Garcia: That's why we are going back to April 11th for minutes? No, seriously.

Mayor Terrell: Seriously, the board members have made a motion to table them until they can look at them further. This has back logged and here we are.

Joseph Garcia: Well, thanks for laughing at us. I really appreciate it.

Mayor Terrell: I'm not laughing.

Theresa Benns: Can I just say something, just a little caveat. In Center, after they come out of their executive sessions they ask all of the board members, do you agree with what went on during the executive session. That might be a good thing to ask.

Mayor Terrell: I will reread again what I read when we came out of executive session. For the record, if any person participating in the executive session believed that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask you to state your concerns for the record.

Theresa Benns: I am just making sure you are doing that. That's all.

Mayor Terrell: They ask that when we come out of executive session every single time.

Teresa Benns: That if anybody had any objection they could make them?

Mayor Terrell: Yes.

Attorney Lintott: He was doing that when people were coming in. Ellen Cox.

Ellen Cox: I am deferring my 3 minutes to Lyn Miles.

Lyn Miles: We are wondering why, we have 3 vacancies now because Luana has filled one, we have three board members who are present who would be more than willing to apply right now if you would be willing to rescind their resignations and reappoint them to the board as per the wishes of this entire citizens?

Attorney Lintott: David Winter.

Lyn Miles: You didn't answer the question. I will stand until you answer it.

Mayor Terrell: I must follow the law.

Mike Wheeler: What is the law? You didn't read us anything about allowing letters of resignation to be rescinded? There is nothing in there that you read that addressed allowing letter of resignation to be rescinded.

Attorney Lintott: That is the advice of counsel. We had an executive session, I respect your...

Lyn Miles: When I was on the Board, executive sessions were only used for personnel problems. Everything else has to be transparent.

Mayor Terrell: To receive legal advice. The legal advice I have been told is that I must follow the law. I cannot rescind those and that the Board must vote to advertise for letters of interest. Once the board does that, then we can receive letters of interest and we can appoint to fill the rest of the board.

Lyn Miles: To save time and money, why don't you reconsider and rescind the letters of resignation and as they stand here right we want to reapply in front of all of us here. That's the wishes of the town that you so proudly assume that you are serving. Then serve us Greg, serve us.

Mayor Terrell: I would be more than happy to have CIRSA's attorney's.

Lyn Miles: Why do we have to have CIRSA's attorney's. Why not right here, right now?

Mayor Terrell: Because Lyn, I put it in. Ok. The State of Colorado requires a trustee to follow due process and that I will do. I won't waiver from that.

Lyn Miles: Did Loren reach out to the trustees?

Trustee Aldrich: I did to find out what their stories were and what their response was, I did reach out to them. I did not request their coming back, but I did want to know what their stories and reasons were, so I did reach out to them. All four.

Citizen: What did you find?

Trustee Aldrich: What did I find? That is something I cannot expand on.

Lyn Miles: One more question Greg. If they desire to have their resignations rescinded can that serve a letter of intent to be put back on the board tonight?

Mayor Terrell: No.

Lyn Miles: Why? And I don't want to hear about CIRSA.

Mayor Terrell: Point of law. Thank you. I'm just going to tell you it's not going to happen until a lawyer tells me differently. A lawyer has told me that this is how this goes. I want to remind everyone, that the last I heard that the United States is a county and nation of laws and local government is based on that. They have rules and laws that they must follow. It's pretty simple.

Mike Wheeler: You haven't stated anything that ever pertains to trustees who resign and then rescind their resignation. We need to see that law.

Lyn Miles: Greg why don't you want these three back on the board? I'm asking you that.

Mayor Terrell: I never said that did or did not want them back on the board. That's not an issue. I think I will keep that as a personal opinion.

Attorney Lintott: David Winter.

David Winter: I'm going to rescind to Rick.

Rick Barandes: I think we are all between a rock and a hard place. It seems that this word rescind is really creating the problem here. What I would like to ask you is if these three people, tomorrow morning, were come to the town board and reapply for their job, would the town board be there tomorrow to vote on this and think can get some closure to this, we can be back in action and everyone would be pretty happy. Is that something that resonates with you Greg, and the Board and Loren and Susan and Luana.

Trustee Collins: I have one thing to say about that. It is 8:54pm right now. We have to post 24 hours before we have a meeting. How are we going to make this work for everybody last minutes?

Rick Barandes: What about necessity?

Mayor Terrell: Necessity ends once we fill a quorum. Then we are mandated by law to advertise for letters of interest. We have to do it within 60 days. The board must post a meeting at some point and then appoint the three remaining seats. That's it.

Rick Barandes: Then let me say the question different. Today's Friday, so Saturdays the weekend. What I guess I'm saying is then let's do it differently then. Monday morning, if the three people reapply for their job and could not the board respond to that? Because we seem to believe, and what I think people here believe is a very necessary situation of filling the board. So, I think we need to act as swiftly as possible. Does that sound unreasonable to you all? Is there a way to make a motion to that? So, that we can, instead of going back and forth through bureaucracy, we can be proactive and achieve something?

Trustee Collins: Can I just mention we are still in citizen comments at the moment we're not even to our actual Board meeting yet. I'm just point that out.

Rick Barandes: I think you understand the rift here. That we the people are looking for a mechanism to make this happen if this is the inappropriate time to make that motion, then fine, someone can make it at that time I think it will be very well received.

Trustee Aldrich: Rick, on that topic under 8 of our new business is approve the posting and advertisement of letter of interest for the 3 vacant spots. We are going to do that on here. If after we approve this and decide to do this, those people apply for this position is already in process to open the ad again for these three people to come back on the Board.

Rick Barandes: So, Monday if you get letters, their three letters, can you give us a time line on when you will respond to them?

Trustee Aldrich: It will be at our next regular or special meeting whichever occurs first.

Rick Barandes: Again, I will say this is a necessity. So, I would ask the board, I'm not sure when your next meeting is?

Trustee: August 17th.

Rick Barandes: Monday's the 14th. I think the 17th most people would say is fine.

Trustee Lovato: The meeting on the 17th is an information meeting. It's not an actual Board meeting.

Rick Barandes: If that's the case then Loren, can we have, assuming that, the three people will be there Monday to put their letters in, is it reasonable that we the people are asking you to have a special meeting asap. Tuesday, Wednesday, Thursday.

Trustee Aldrich: I think that will be up to the rest of the board to find out if they want to take the time to have special meetings.

Rick Barandes: I think what I'm saying is that, I am not trying to put you Loren in a corner, I am speaking to you for all of us that we're saying, give us something. Say something to us a group, yes, we will act on that or no for whatever your bureaucratic reasons are. But, I think what I'm saying is let the board decide something. It seems reasonable.

Trustee Aldrich: We are listening to you.

Attorney Lintott: That's it.

Mayor Terrell: Hillary, go ahead.

Attorney Lintott: Hillary, I'm sorry I apologize.

Hillary Conroy: Greg, this is pretty personal. You and I have been friends for a long time. I have a lot of respect for you. You're pretty intuitive. Just want you to know I find it impossible to believe that you thought everyone on the board was just fine with what was happening. And if you thought that you must have been blown away by what has happened, but you're so intuitive, I just can't believe there was not an issue.

Mayor Terrell: Again Hillary, there are certain things I can't talk about.

Hillary Conroy: I understand that.

Mayor Terrell: Absolutely, I'm aware.

Hillary Conroy: It is your job as the Mayor to make sure those problems go away.

Mayor Terrell: That's exactly what I was working on, when out of the blue, I get resignations. I can say that.

Hillary Conroy: I hope that's right. I'm so disappointed.

Paula Lujan: I believe you owe Hillary an apology for a comment that you made that you directed directly to her. In my opinion you were discrediting her in front of us.

Mayor Terrell: Not at all Paula. I have nothing but total admiration and respect for Hillary. Hillary if I said something to offend you I sincerely apologize, and you know I am sincere about that.

Paula Lujan: Thank you.

Mayor Terrell: Ok we are going to move on. Old Business.

Review/discuss/approve ballot question whether retail, medical or infused marijuana products are to be sold within the town limits of Saguache.

Attorney Lintott informed the board that she added an amendment to the already approved ballot question to include Tabor information and different language to the text of ballot issue 1. To ballot issue 2, she added medical and retail sales and sales of retail and medical marijuana products, but not retail and medical marijuana cultivation, manufacture or testing facilities within the town limits. Ballot question was read to the public as follows:

BALLOT TITLE AND TEXT OF BALLOT ISSUE 1

SHALL THE TAXES OF THE TOWN OF SAGUACHE BE INCREASED BY AN ESTIMATED FIFTY THOUSAND DOLLARS (\$50,000) IN THE FIRST FISCAL YEAR, BEGINNING JANUARY 1, 2018, AND BY

SUCH AMOUNTS AS ARE RAISED ANNUALLY THEREAFTER, BY IMPOSING A SALES TAX IN THE AMOUNT OF 5% OF THE AMOUNT PAID BY THE PURCHASER ON THE SALE OF MARIJUANA AND MARIJUANA PRODUCTS, BOTH MEDICAL AND RETAIL, WITH SUCH REVENUE TO BE USED FOR THE ADDITIONAL COSTS INCURRED FOR ADEQUATE ENFORCEMENT AND ADMINISTRATION OF MARIJUANA REGULATIONS AND OTHER GENERAL PURPOSES OF THE TOWN, ONLY IN THE EVENT THAT MARIJUANA ESTABLISHMENTS ARE PERMITTED IN THE TOWN OF SAGUACHE BASED UPON AN AFFIRMATIVE VOTE OF THE QUALIFIED ELECTORS OF THE TOWN OF SAGUACHE, WITH THE RESULTING SALES TAX RATES BEING CAPABLE OF BEING LOWERED OR REVOKED IN THE SOLE DISCRETION OF THE BOARD OF TRUSTEES OF THE TOWN OF SAGUACHE, WITH THE RESULTING TAX REVENUES ALLOWED TO BE COLLECTED AND SPENT, NOTWITHSTANDING ANY EXPENDITURE, REVENUE RAISING, OR OTHER LIMITATION CONTAINED IN ARTICLE X, § 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LIMITATIONS PROVIDED BY LAW?

BALLOT TITLE AND TEXT OF BALLOT ISSUE 2

SHALL THE TOWN OF SAGUACHE ALLOW THE OPERATION OF MARIJUANA ESTABLISHMENTS, SPECIFICALLY, MEDICAL, RETAIL AND INFUSED PRODUCT SALES FACILITIES AND SALES OF MARIJUANA AND MARIJUANA PRODUCTS, INCLUDING MEDICAL, AND MARIJUANA PRODUCTS, BUT NOT MARIJUANA CULTIVATION, MANUFACTURE, OR TESTING FACILITIES, WITHIN TOWN LIMITS SUBJECT TO COLORADO STATE AND APPROPRIATE LOCAL LICENSING AND REGULATION?

Attorney Lintott: Those are the two ballot questions and those have to be approved now so that they can get on in a timely fashion. What we have envisioned is prior to this actually being voted on by the electors that I'm hoping to meet with the planning board and draft some regulation so that the voters will have an opportunity to see what this might look like and what some of the limitations, restrictions and parameters will be before they vote:

Mike Wheeler: Why no testing facility?

Mayor Terrell: That is what was previously approved by the board way back when.

Mike Wheeler: But why? Was there a consensus or discussion? I'm sure it's in the minutes. What was the discussion and the discourse on a testing facility? Does anyone know?

Attorney Lintott: That was before my time.

Mayor Terrell: The thing is, we do have to do this otherwise it will not get on the ballot.

Nyla Thompson: Can you tell me what a general-purpose expenditure?

Mayor Terrell: This is just the ballot language to put it before the voters and the voters will decide whether they want this or don't want this. This was decided, Wyoma, was it this last June when this was talked about. It was a year ago and here we are at the deadline and this is the ballot initiative that is going to go before the voters. The general-purpose expenditures is the general purposes of the town.

Nyla Thompson: What does the town consider its general purposes?

Mayor Terrell: It could be anything from law enforcement to administrative if it falls within the general fund.

Mike Wheeler: I am still stuck on the testing facility. I have spoken with our County Sheriff and he has told me it would be much easier if law enforcement knew where the marijuana that was going to Denver stopped in Saguache County. At least, law enforcement would know how much traffic he's got and new revenue base. I am curious what's in place to exclude a testing facility from the fold.

Trustee Collins: Mike, we are just trying to go along with the same situation as what the County Commissioners and what Saguache County is doing. I don't remember the exact wording for stuff. I know what was brought to us was retail marijuana and that's where we ended up with this. We said we would have it on the ballot for the public to make the decision and that's why we are here.

Mike Wheeler: We are going to vote whether we are going to allow the sale of marijuana and medical marijuana with the exclusion of having a testing facility.

Trustee Collins: We never discussed a testing facility at the meeting prior. We did not include a testing facility at the meeting prior.

Mike Wheeler: Was this done recently?

Attorney Lintott: No. This is an amendment to a previous resolution the board passed. It's an amendment.

Mike Wheeler: So this isn't to decide to leave testing facility out of the fold.

Trustee Collins: Remember last summer when you showed up at our meetings. We had three or four meetings, and all spoke about marijuana and we said we would put it on the November election. This is what we are trying to go over now to meet the deadline.

Attorney Lintott: This is the extent of it. Certainly, you can bring it up again, folks can petition, you can put your own petition and put it on the ballot in subsequent elections. But this had already been addressed. So, all I could do was amend the existing resolution and add language so that it would be able to be legally put on the ballot.

Trustee Collins: I don't remember discussing a testing facility with the public.

Citizen: Then how did it get excluded?

Trustee Collins: Because before we were an opt out municipality. We didn't have the option. That's why we are trying to be an elected.

Citizen: Who's decision was it to be an opt out municipality?

Attorney Lintott: I took the existing resolution that was drafted by your previous council and added the additional language on the taxing portion of the ballot. It all has to be written, it's very exacting, so you deal with TABOR.

Mike Wheeler: We're talking about the testing facility.

Attorney Lintott: I clarified, in the previous one that was passed, it only addressed the selling portion of marijuana. In order to make it clear, I then excluded cultivation, testing and manufacturing. It didn't change what they did it just made it clear that they were not including these three things.

Trustee Lovato: Can I just clarify, when I was on the board before this, the public came to us and said we want retail marijuana facilities in the Town of Saguache. That's what started this process. The public didn't ask for testing facilities. The issue that brought before us at that time was being able to buy retail marijuana or sell retail marijuana in the Town of Saguache.

Mike Wheeler: When did the issue of the testing facility being allowed or disallowed come to surface?

Trustee Lovato: It was never at issue because that's not what the citizens brought to us at that time. So, what the town board was trying to do was to put it on the ballot so that the town's people could have a retail marijuana facility in the town. It's taken this long to get the ballot information put together and I was on the board over a year ago. So, this wasn't at issue but now this has to be passed in order for us to put it on the ballot in November. So, making changes to this at this point would put the whole vote off until another election cycle.

Citizen: My first question to the town council was why do you want to do this? Is to generate tax revenue?

Mayor Terrell: This was a motion made by the then trustees. It was asked that the town do this. There is another process, you can always as citizens petition.

Citizen: Why would you want to bring it in if it isn't for the tax revenues it will generate? Then why don't you want the testing facility here?

Mayor Terrell: Because that wasn't part of the discussion. There were several trustees who made a motion for this. If you want testing facilities I would suggest asking the board to deal with that. The problem is the reason it did not happen at the last general election because when the board passed this there were 10 remaining days to get this on. They were asked to get this written up and done. It did not meet that 90-day requirement.

Karen Lintott: There was a previous amendment that was prepared by your previous council. To clarify the language so it can go on the ballot. It was done previously, it needed clarification.

Citizen: So, the testing facility was in there previously?

Karen Lintott: No, it was always out.

Trustee Collins: It was not an option.

Karen Lintott: Again, all I was doing was redrafting and amending what previous council had done. Not changing the parameters of it. This was already agreed on.

Mayor Terrell: It was agreed on a year ago.

Citizen: It was agreed on, but never voted on because you couldn't get it passed within the last ten days.

Mayor Terrell: No, it was voted on, by the then board, to put it on. So, we have to have this language written and submitted to the State. They had ten days to do that and they didn't do it. So here we are we had to wait an entire year again and here we are at this point again.

Mike Wheeler: You are voting or discussing an amendment so why don't you in this discussion amend this so that testing facilities will be allowed. Allow us citizens vote whether we want manufacturing and testing facilities in this town.

Mayor Terrell: Let's stop right here. The thing of it is, here's the deal there were plenty of meetings where this came up. In fact, several people who were on the board pushed for this or that were in the audience pushed for this. It was based upon recommendations from public input and what was voted on at that time, what would be included there. I don't know Mike why it was or wasn't. But that doesn't mean that it can't be, you can still do a citizen's petition and get it put on there. You can still petition the board the next election.

Mike Wheeler: So, if you were to amend that tonight?

Mayor Terrell: We can't amend it tonight.

Attorney Lintott: When I say it was amended, I don't mean it was an amendment. The language has been expanded to ensure that it is legal for the tax in question.

Mayor Terrell: Can we entertain a motion.

Paul Roth: Can I please speak about this?

Mayor Terrell: No.

Trustee Aldrich: I think he should be heard.

Paul Roth: The way I understand this is not just the R & M it's also the cultivars. This law the way I just heard it read is pitting the cultivars against the retail establishments and it divides our vote on the issue. It attacks the cultivars and pits the retailers against cultivars. So, I want to ask a specific question. When is the deadline that you spoke of specifically?

Mayor Terrell: It's 90 days before the general election.

Paul Roth: When is the general election?

Mayor Terrell: November.

Paul Roth: So we have a little time to amend it. I think it's wrong to pit the cultivars against the retailers. That's it.

Trustee Lovato: Can I just restate that when this was started it was started because citizens approached us to put it on the ballot to have retail marijuana sales in town. That was the only issue citizens brought before the town board.

Paul Roth: Did any citizens say they wanted the cultivars not to be here? Why is the language in the ballot you just read?

Trustee Lovato: That wasn't an issue at the time.

Paul Roth: Then why is it in the law? Why is it in the language.

Mayor Terrell: Then, I would make a suggestion to you guys. You guys as citizens have the process to also get this on the ballot. Mind you, you have a short time.

Paul Roth: Well I will try to get it amended. Do we have time?

Mayor Terrell: Well not this amended. You can do your own ballot initiative as a citizen. Brian, lets here what you have to say.

Administrator Fye: This was already gone through the process of being resolved approved by the board and the only changes that were made in this amendment is to the taxing question because the way it was written previously was not legal. You cannot have both questions on one ballot, so they had to be separated. That's the only amendment. You cannot have the taxing and whether to have retail or medical or any kind of sales in one question. They have to be separate that's a TABOR rule.

Paul Roth: There is still the new language that was added by the new lawyer that attacks cultivars.

Trustee Collins: It needed to be clarified. So that it could be easier to read on the November ballot. Because our previous attorney put into terms that were more legal and that was not something that everyone could read.

Citizen: I think what I am asking is if it wasn't put in there in the first place about the cultivating, why is it put in there now if it was never put in there before?

Trustee Lovato: I can't answer that because I was not there.

Citizen (Becky): Then why do we have to have it on there?

Trustee Collins: It was for clarification purposes for what the citizens had brought to the previous board, Becky, 2015/2016 somewhere in there.

Citizen (Becky): Well your saying retail was brought to the board.

Trustee Collins: Yes, that was the only thing they brought to the Board.

Citizen: There is also medical listed in there now too?

Trustee Collins: This is the TABOR.

Teresa Benns: Cultivation was addressed in a total separate ordinance that was already approved by the board and is not part of this ordinance. What this is addressing is commercial cultivation saying that that is not allowed inside of the town limits. Cultivation was already approved at the maximum number of 12 plant per residence and now it's down last year.

Mike Wheeler: When was the exclusion of the testing facility? I think we need to address that.

Trustee Lovato: It wasn't an exclusion it wasn't brought to the Board. The only issue that was brought to the Board was retail sales in the Town of Saguache. We didn't exclude anything.

Mayor Terrell: The thing of it is, it is what it is right now. You can always address anytime. Let me explain one more time. It is what the board approved last summer, period.

Mike Wheeler: At whose request?

Mayor Terrell: Brain go ahead, but we really need to go on.

Brian Strauss: Alright you just read that amendment that is going to be written up for the ballot. It's very simple, you got a computer there, you got a computer there, you got a computer there, bring up the minutes from the meeting for when you voted on, it's as simple as that. Bring them up the minutes and say what they brought up. Cultivating marijuana basically means farming marijuana. Where are you going to do that in the Town of Saguache. Testing is a whole different thing ok. It's not selling marijuana. I understand what you are saying, for clarity, not legal mumbo jumbo that nobody understands. What there all talking about though is that they don't remember the minutes, they don't remember what was discussed way back then. So, if you're going to bring something up, you should be able to get on one of them computers and bring up the minutes and say, this is what was discussed this is what we voted on and this is why it's written this way. You can't do that. So, it's going to go to the vote of the public. It says on your information sheet, no infused marijuana products, infused, then it says retail/medical. It doesn't say anything on this agenda about testing facilities, but yet, it says it in there. When you want to discuss something like this you should be able to bring what was done in the past to the public, so they know. On this situation, I understand it is coming up and has been sitting all year. What everyone is concerned about the testing facilities and whether it was in there or not. That's what everyone wants to know?

Mayor Terrell: There is a simple solution. We can take it off the ballot all together.

Attorney Lintott: All you have to do is vote this resolution down. Then you can table them and have that discussion. That would be an option if you would prefer. If you want it on the ballot you can vote, it not you can just table it.

Mayor Terrell: We can take it off the ballot and have more public input on this. I will tell you this it won't end up on the ballot this year.

Paul Roth: I will vote against this because I don't want to make a permanent rule that outlaws cultivation and R & D.

Trustee Lovato: This isn't a permanent law that outlaws either one of them. Right now, they aren't legal in the Town of Saguache. What the Town of Saguache is doing is trying to give the citizens what they asked for. There is nothing that prevents the citizens from coming back and saying we want cultivation in town, we want testing facilities in town. We want you guys to put it on the ballot.

Citizen: When is the deadline date?

Trustee Collins: August 25th.

Attorney Lintott: So it's at the board's pleasure. You would have to say no to this resolution because you currently have two existing questions that are going to the ballot on the un-amended resolution if you want to table it. I don't understand, I think there is some confusion on what exactly the issue is. This excludes testing, cultivation and infused product it's no different than what we had previously. It just specifically excludes it whereas the other one was silent. Again, including it, I'm a scribe here so this is up to your Board.

Mike Wheeler: So if the issue of the testing facility were silent prior to this and the citizenry agrees that there may be some kind of tax base in a testing facility and law enforcement would like to know about copious amounts of product going through our County. You could strike that verbiage that excludes testing facilities then you can move forward of this.

Trustee Lovato: No. Because the ordinance that we have in place restricting marijuana sales, cultivation etc. would still prevent anything other than retail sales. What I'm saying is that there is already an ordinance in place.

Citizen: Why would you vote on it again. What is the point of you amending it again?

Mayor Terrell: Primarily, I'm going to answer that question, you have to have certain language that is approved by the State.

Citizen: Was it your decision or her decision (referring to Attorney Lintott)

Mayor Terrell: We did ask her to clarify and make this a legal thing.

Citizen: There are testing facilities and infused product throughout the whole State.

Mayor Terrell: What she changed is the TABOR part of it. The taxing part.

Mike Wheeler: Who excluded it?

Trustee Lovato: There is no exclusion here. The citizens asked us to include retail sales in Saguache. That was the only issue that was going to be addressed on the ballot question. The citizens didn't come to us and say they wanted testing facilities.

Mike Wheeler: If we have a testing facility in town and the citizenry has the ability to manufacture products that have marijuana in them. We create some type of revenue from the testing facility itself and there are individuals that procured extracts from that testing facility to produce edibles.

Mayor Terrell: Mike, what I would do was bring that to a board meeting put it on the agenda and do a citizen's petition. This was something that was just not talked about.

Paul Roth(Jopa): This wasn't really verbalized that this was even being talked about.

Mayor Terrell: This was a year ago, Jopa. There were several meetings.

Paul Roth: I did go to some County meetings, but I didn't get to any meetings to talk about town rules and I heard nothing of it.

Mayor Terrell: The simple question was, do we want retail marijuana in town or not. That is the question that was put before the board and that is what we voted on to put it on a ballot measure. That is the only issue. Do we put it on a ballot measure or do we not? If you're not liking the language I have no problem I wasn't in favor of this to begin with, but the board was. The board was in favor of putting it to a vote by the citizens. That doesn't mean it is the end of the issue, you can always do a citizen's petition to add these things on to get it on the ballot. So, the question is do we want it on the ballot or not. I would entertain a motion.

Trustee Collins: I don't think you want to hear my motion. I am kind of fried.

Motion: Trustee Collins - I would like to make a motion to approve and amend resolution for the ballot question, 2016-I regarding whether retail, medical and infused medical marijuana products are to be sold within the Town of Saguache.

Second: Trustee Lovato

Vote: Aye - 4, No - 0. Let the record show a unanimous vote, motion passes.

New Business

Review/ discuss/ approve the town administrator's contract.

Trustee Lovato: I would like to table this until the next meeting because I have not had time to review any of the documentation prior to this meeting. I haven't had a chance to review the new contract, the old contract, the evaluation any of that.

Mayor Terrell: Susan, Loren?

Trustee Collins: I think we need to get Luana on board in order to vote on this.

Trustee Aldrich: This is something that this timeline prevented us from making a right decision. Informed decision.

Trustee Lovato: I didn't hear what you said.

Trustee Aldrich: This is a timely issue but is timely that we make the right decisions also.

Trustee Lovato: I agree.

Motion: Trustee Lovato – I make a motion to table the issue regarding the town administrator’s contract and that we schedule another meeting, shortly, to discuss it so I have time to review all the documentation so that I can make an informed decision.

Second: Trustee Aldrich

Vote: Aye – Trustee Lovato, Trustee Aldrich, Trustee Collins -3, No – Mayor Terrell -1. Let the record show that the motion to table the town administrators contract passed.

Review/Discuss/ Approve posting advertisement for letters of interest for the three vacant town trustee positions.

Mayor Terrell: Go ahead Wyoma.

Wyoma Hansen: Thank you for acknowledging me. I would like for the board to consider my letter withdrawing my resignation as my letter of interest and I would like for you to decide as soon as possible. The longer this goes on the worse it gets, and I think I have the best interest of the town. I am sorry this has all happened. I am very disappointed that Mayor Terrell did not reach out to us. He said we did not reach out to him, but we tried numerous times. I think we were a good board and it has fallen apart, and we want it back.

Amber Wilson: I would like to do that too.

Janice Torrez: So would I.

Mayor Terrell: Discussion on the board?

Amber Wilson: Can I just add something more? We were a great board and I do believe we do have the best interest of the town.

Janice Torrez: I would like to add that we would like a decision made as possible so that we don’t drag this on and we know where we are at.

Wyoma Hansen: Like a decision tonight. I know I am not an attorney, but I think we need it tonight.

Amber Wilson: Our letters did express that we were interested in going back on the board.

Mayor Terrell: I would still ask everyone that if we decide on this. We probably should discuss this first. The discussion on advertising for this. Ok discussion one last time on the board.

Trustee Lovato: On the notice we currently have in front of us, we are seeking letters of interest to fill the three vacant positions on the board. The appointees will be up for election on April 2018 because they would be filling vacant seats. We are asking all the parties to send in a letter of interest by noon on September 18th so that it will go on the October 10th regular session. I guess my question is, do we want to continue with that or do we want to change the timeline?

Mayor Terrell: That’s up to the motion that is made.

Trustee Lovato: I am just stating for thought.

Amber Wilson: I do want to ask since there isn’t a law that says that they can’t take us back. If you could please take that into consideration and look at our letters of interest.

Wyoma Hansen: I would like a decision tonight.

Amber Wilson: It is on the agenda.

Mayor Terrell: If you guys want to make a motion or have a discussion.

Trustee Lovato: Loren, can I ask how many other letters of interest did you have to fill my seat.

Trustee Aldrich: That was the only one that I got, that I saw.

Administrator Fye: We got three more yesterday and three oral interests in the position you took this evening. So, all together we have five people right now that have said they were interested in being considered.

Mayor Terrell: We need a trustee to make some kind of a motion on this.

Tina Sanchez: I have a question. For the one that did come in, are those for the one seat, are those also being considered for the other seats?

Lyn Miles: Pam you said you had five letters, why was Loren only given Luana's letter? Loren, you said you saw.

Administrator Fye: I didn't say that Lyn. I said I received two letters yesterday and he had two other vocal, or I had three letters yesterday. Loren was aware, and he had three people that he was considering in his choice. The other two did not come in until after they had made the selection.

Lyn Miles: I know for a fact that Dwayne Jett put in a letter of interest immediately. Loren did you see Dwayne Jett's letter?

Trustee Aldrich: I did not.

Lyn Miles: Why not? Were you just given Luana's letter?

Trustee Aldrich: That's what I see.

Lyn Miles: Dwayne put on Facebook that he put one in at town hall. You should have been given that letter.

Administrator Fye: He did not bring in a letter.

Lyn Miles: As far as we know he did, he put it on Facebook. That's what he said.

Motion: Trustee Collins – I would like to make a motion that we start doing an advertisement for letters of interest for the 3 vacant trustee positions and I hope to do that as soon as possible, this coming week.

Trustee Lovato: Are you saying that we are going to schedule a special meeting.

Trustee Collins: I would like for an advertisement for the letters of interest for the three vacant seats to go out next week.

Amber Wilson: Or is it possible to put us on?

Rick Barandes: I have a question before you vote.

Mayor Terrell: We have a motion on the floor.

Trustee Aldrich: We are still on the discussion of this. Can we have something in there with a short timeline.

Attorney Lintott: You can amend it, but if you post it and allow time for people to submit their letters of interest in 60 days you have to have another appointment within 60 days of the time it became vacant. So that would be September 21. You need to have them filled and those are your parameters. You can shorten it any way you want.

Trustee Collins: I would like it to be advertised next week, we have two weeks to decide.

Trustee Lovato: So we are saying we are scheduling a meeting the week after next.

Attorney Lintott: We have to advertise it first and allow time for responses to come in. Give time to consider it and then vote. So realistically you are looking at September, your next meeting.

Administrator Fye: So you want it to end a week prior to?

Trustee Collins: Let's make it the end of the month.

Attorney Lintott: The September meeting is on the 12th so you probably want to advertise for... does that give you guys enough time?

Trustee Lovato: I don't think we need that much time.

Trustee Collins: I don't either. So, if we can make to the end of two weeks.

Mayor Terrell: Hillary, why don't you go ahead.

Hillary Conroy: When, just for clarification, when are you going to meet to decide on Pam's contract.

Trustee Lovato: We haven't scheduled that at this point.

Hillary Conroy: This is what I think. Anyone new that you have on the board has never worked with Pam, it's going to be impossible for them to vote aye or no on her contract. The only people who are capable of doing that are the three who are asking to be considered to be back on the board.

Trustee Lovato: We can't get into the paper until the 16th. Susan that will be on the week of the 21st. I am not here the 29th, 29th and 30th.

Mayor Terrell: We are going to listen to Rick and then we are going to go back to the board.

Rick Barandes: I would like to go back to your concept of whether it was necessity. It seems to me that it is more necessary that we get three town trustees in place than it truly was to have a temporary clerk which became the biggest issue. This is important, and we need to get answers now why you want to advertise this and prolong it when you have people who would be there Monday morning, with letters, to apply for a job. Is like your turning it into the biggest bureaucracy and it just makes no sense to me that you think it's more important to have an assistant clerk than three knowledgeable trustees. When I have spoken to trustees in the past about the board what I found out was that in so many instances this board voted unanimously. This is a board that gets together and get things done and you want to prolong this.

Mayor Terrell: At this point I would like to entertain a motion from a trustee.

Trustee Collins: I will rescind my motion for advertisement for letters of interest for the three vacant positions for town trustee.

Trustee Lovato: My question is going to be a legal question to you. In the Colorado Revised Statutes what does it say about advertising for vacant positions.

Attorney Lintott: It doesn't say anything, but as practical standpoint, if you want to get it out to the public and allow as many people as possible to weigh in and have letters of interest. That is the way it should be done.

Mike Wheeler: But the board members who resigned were elected by the people and we are asking you to bring these board members back to their posts. You've been given an example or representation by a citizen expressing the fact that the board from left to right could come to the middle and unanimously vote on issues and move forward. So, right now at this moment in time you, as a standing board, could allow these three board members resume their posts. Then, Greg, we can go back to business as usual.

Mayor Terrell: I will not put myself in a personal liability situation. There is a process and we are going to follow this process. What is the matter Mike with taking a few more days, whatever they make a motion by?

Mike Wheeler: We lived without a town clerk for months, that was against the law. So, whatever you all want to do.

Mayor Terrell: At this point, I want to get back to the trustees. Do they have motion to put before this board or not?

Janice Torrez: It is up to the trustees too. It is up to them; you guys have the vote. You can do this if you wanted to.

Trustee Collins: That's why I made a motion to advertise for letters of interest for 3 vacant positions. I want to make sure that if there is somebody else that wants to apply for this board because there could be somebody sitting back there.

Attorney Lintott: You have to take control of this.

Mayor Terrell: Hey, come on guys. They are going to make a motion, whatever it is, I can't make a motion and then we are going to vote on it. It's that simple.

Trustee Aldrich: One thing I want to point out is, that no matter who puts letters of interest for this position, it's still up to us three or four to choose out of that batch which ones we choose to get. Whether it may be, by everybody's accord, these three same people that everybody's happy. So, we still have a choice.

Trustee Lovato: Can also state something. Four of the board members wanted to rescind their resignations and the fourth one is not here to represent herself.

Citizen: She's done.

Trustee Lovato: She has to be the one to determine that, we can't determine that for her. What I am saying is that there were four members that rescinded their resignations. All 4 board member should have the opportunity to be able to put their letters of interest in or consider their rescinded letter be their letters of interest. Not just the three that are here.

Trustee Collins: We are short one person. If she wants to do it, she can put a letter in. I am trying to be open and fair.

Rick Barandes: I was with May this afternoon. May is done. She is not running, does not want to be on this board.

Trustee Lovato: She did submit a letter rescinding her resignation. That's what's fair.

Rick Barandes: I think it's so imperative that you at least look at them. It's not fair to Pam that three people who know nothing about her come in and vote.

Trustee Lovato: I understand what you are saying.

Mayor Terrell: Are we going to do a motion.

Trustee Collins: I'm keeping my motion. It's still out there for the three letters of the vacant trustee.

Mayor Terrell: Put some dates on that.

Trustee Collins: I would like to start opening for the advertisement for the letters first thing Monday. So, get your letters in so we can get back to business. Then we can give them a week to two weeks and when were able to meet that would be the best time to do it. I need to make sure these people have an opening later this week or next week. This coming week we would start it on Monday, give it five days, give us some time to review the letters so we can get back on track. So, Thursday is the advertisement. I would like to meet on the 21st of August.

Trustee Collins: I would like to make a motion that August 21st will be when we review the 3 vacant position for the town trustee positions.

Lyn Miles: When will you make the appointments after you receive the letters?

Trustee Collins: We are going to be holding a meeting on August 21st so that we can review and then appoint. We're going off the letters.

Tina Sanchez: The people that talked to Pam and sent you for this board, for Luana's spot, do they have to reapply? Because they were going for one position, so they have to reapply now?

Trustee Aldrich: I would say that would be fair.

Trustee Collins: I think that would be fair, that way if they want to truly fill a seat.

Citizen: Who's going to control the letters of interest? You had people that applied that Loren wasn't even aware of. How will that work?

Mayor Terrell: Loren, do you want to take charge of receiving all those letters and letting each of us know about those.

Trustee Lovato: I would be willing to accept those and make copies of those for all of the other members.

Motion: Trustee Collins I would like to make a motion that the letter of interest for the 3 vacant trustee position, start to do the advertisement on Thursday of this coming week. With the deadline being August 18th and meet the 21st to make the selections.

Second: Trustee Lovato

Vote: Aye - 4; No - 0. Let the record show the motion passes.

Mayor Terrell: Posting an advertisement to fill the town clerk position. Discussion?

Trustee Lovato: I think we should advertise as soon as possible but we shouldn't make a selection until we have a fully seated board.

Mayor Terrell: Agreed.

Attorney Lintott: You have to give that much more time than you did this one. It has to be done legally.

Motion: Trustee Lovato - I would like to make a motion that we start advertising for the clerk position next week with the deadline being September 18th, so that the board may have time to interview and we have a fully seated board.

Second: Trustee Collins

Vote: Aye - 4; No - 0

Mayor Terrell: I would entertain a motion to adjourn.

Motion: Trustee Collins - I would like to make a motion to adjourn.

Second: Trustee Lovato

Vote: Aye - 4; No - 0

Adjourn 9:23 pm



TOWN OF SAGUACHE BOARD OF TRUSTEES
SAGUACHE, COLORADO



Elvie Samora, Mayor

ATTEST:



Iris Garcia, Clerk