



MEETING MINUTES

DATE: Friday, April 22, 2022

TIME: 9:00 a.m.

LOCATION: 0408 Carterville Road
State of Colorado, County of Eagle.

SPECIAL BOARD MEETING

ATTENDANCE

Board Members Present: All attended via webinar.

Board Members present via webinar: David Bentley, President; Eugene McGuire, Vice President; John Van Deusen, Secretary; Cheryl Foley, Treasurer, Dan Roberts, Assistant Treasurer/Assistant Secretary.

CMD Staff Present: Trevor Broersma, General Manager.

Panelists via webinar: Alan Pogue, CMD Legal Counsel.

Members of the public present via webinar: Suzy Smith, Deborah Jasper, Richard Saxby, Steve Houk, Bill Farley, Grant and Susie Cunningham, Lois Bruce, Cassie Grey, Catherine Hanson., Lanie Edinburg, Neel Lemon, Melissa Murphy, Hiren Patel, Mike Grier, Bob Donovan, Beth Leinberry, David Staat, Lori Grube, Ed Shriner, Lois Bruce, Margo Boyle.

CMD Staff present via webinar: Sam Lazar, Operations Manager; Cliff Simonton, Planning Manager.

CALL TO ORDER/DECLARATION OF QUORUM

Director Bentley called the meeting to order at 9:12 a.m., noting a quorum was present.

ADEQUATE NOTICE/CONFLICT DISCLOSURE

Board members acknowledged receiving notice of the meeting no less than 24 hours in advance. As a current candidate in the upcoming election, Director Foley recused herself from discussion and vote regarding the topic of additional candidate statements. No other conflicts were cited.

APPROVAL OF AGENDA

Director McGuire moved to approve the agenda for April 22, 2022. Director Roberts suggested that the agenda be modified to allow Public Comment prior to any vote by the Board on the Discussion item. All agreed to this change.

DISCUSSION ITEMS

PROPOSAL FOR ADDITIONAL CMD CANDIDATE STATEMENTS

Director Bentley presented a measure that would provide opportunity for additional CMD candidate statements in advance of the election. If approved, opportunity and guidelines for additional statements would be announced to the candidates and to the community using the CMD email system. The deadline for final statements to be submitted would be 5 pm on Tuesday, April 26th, with statements made available to the community for viewing Wednesday morning, April 27th. No limit would be placed on the length of the statement. Additional candidate statements would be handled in the same manner as all previous materials passed through using the CMD email list (the CMD “Flash”), and would not be altered, edited or editorialized in any way. If a candidate chose to make a final statement, the CMD Flash would provide a link to their statement.

Discussion followed. Those in support of the proposal cited a perception that an unfair or unlevel playing field exists in the community, and that opportunity for submitting an additional statement would allow candidates to respond and/or affirm their position on various topics.

Those against stated that the CMD Board has no role in determining or in trying to correct a perceived unfair or uneven playing field, and that the opportunity for additional statements would be inconsistent with election procedures that were communicated at the start of the election. Given the late notice, some candidates may have the opportunity to participate or submit statements. Voting is underway, and community members are not looking for additional information. Statements at this late juncture might contain false, misleading or defamatory information, which may expose the CMD to legal action as it serves as the conduit through which these statements are made.

Counsel Pogue was not able to guarantee that the District would be protected against legal action if it were to include candidate statements in a community email that included defamatory or libelous material.

PUBLIC COMMENT

Public comment was opened. Comments included:

- A question as to whether a replacement ballot can be used if a voter changes their mind after voting.
Post meeting it has been confirmed that there is not a mechanism to change a vote once it has been cast.
- A concern for election integrity, and the negative implications of changing the election process schedule so late in the game.
- Support and applaud for the Board’s willingness to openly discuss these matters, and to assure protection against litigation regarding the nature of candidate statements distributed through CMD Flash.
- Support for allowing candidates to make additional statements.
- Assurance that the CPOA mail list was not used in the distribution of recent emails from one or more candidates.
- An observed lack of support or interest from the community for allowing additional statements from the candidates.

Director McGuire commented on the negative tone of the meeting, and hoped that meetings in the future will be more civil in nature.

Councilor Pogue suggested the CMD Flash, if sent, should include language holding harmless and indemnifying the District from litigation arising from the content of any candidate statements.

The vote was called and the measure to allow an additional statement by candidates was approved by a vote of three to one, with Director Foley abstaining.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 10:21 a.m., motion by McGuire, second by Van Deusen.

Approved