

**Minutes**  
**Town Board Special Meeting**  
**Town of Paonia, Colorado**  
**June 20, 2017**

**RECORD OF PROCEEDINGS**

The Special Meeting of the Town Board of Trustees held Tuesday, June 20, 2017 was called to order at 7:00 PM by Mayor Charles Stewart, followed by the Pledge of Allegiance.

Trustees present were as follows:

Mayor Charles Stewart  
Trustee Bill Bear  
Trustee Chelsea Bookout  
Trustee David Bradford  
Trustee Karen Budinger  
Trustee Suzanne Watson - arrived at 7:04PM

Town Staff present were as follows:

Town Administrator Ken Knight  
Town Clerk Corinne Ferguson

A quorum was present and Mayor Stewart proceeded with the meeting.

**Approval of Agenda**

Motion by Trustee Bear, supported by Trustee Bookout to approve the agenda as presented.  
Motion carried with four (4) ayes and zero (0) nays.

**New Business**

The special meeting was scheduled at the June 20, 2017 regular meeting to receive and address the written Opinion by Town Attorney Reviewing Executive Session Conducted on April 11, 2017, E-mails Reviewed in the Executive Session, Trustee Brunner's Editorial Published in the Delta County Independent on May 24, 2017, Trustee Brunner's Statements to KVNF Broadcast on May 24, 2017, Trustee Brunner's Statements at the June 13, 2017 Town Board Meeting, and Determining whether there was a Violation of the Open Meetings Law and whether Trustee Brunner's Editorial, Statements to KVNF and Statements During the June 13, 2017 Town Board Meeting Violated Colorado Statutes, Town Ordinances, Town Rules, or the Board's Standards of Conduct.

Mayor Stewart read a prepared statement which included the notification of Trustee Brunner's resignation effective June 14, 2017. Although Bill Brunner resigned, Mayor Stewart believes it is in the best interest of the Board to provide the community accurate information and legal opinion regarding the accusations made by former Trustee Brunner.

Point of Information by Trustee Watson.

Mayor Stewart deemed Trustee Watson out-of-order and completed his statement.

Motion by Trustee Bradford, supported by Trustee Bear to waive the attorney client privilege about the April 11, 2017 executive session.

Discussion ensued regarding the necessity to open discussion as requested. Trustee Watson requested the Town Attorney review the Colorado State Law regarding a Board prohibiting trustee's freedom of speech.

Call for the question by Trustee Bear, supported by Trustee Budinger. Call carried with five (5) ayes and zero (0) nays.

Main motion carried five (5) ayes and zero (0) nays.

Trustee Bradford read a prepared statement for the record regarding the e-mails referencing Hawks Haven Road Agreement and issues that have risen due to the allegations of former Trustee Brunner.

Motion by Trustee Bear, supported by Trustee Bookout for the Town attorney to proceed with the investigation and written memo as directed.

Discussion ensued regarding the Town e-mail system, the use of private e-mails for Town business, and discussion of the April 11, 2017 executive session.

Trustee Bookout stated for the record that she is not in favor of spending more money on attorney reviews, as the costs do not benefit the Town, but feels an answer must be provided so business can move forward.

Trustee Watson added she felt excluded from the Hawks Haven agreement and believes executive sessions have been poorly run in the past. Trustee Watson hopes the municipal experience of the new town Attorney will remedy such concerns.

Call for the question by Trustee Bear, supported by Trustee Bookout. Call carried with four (4) ayes and zero (0) nays.

Main motion carried with four (4) ayes, and one (1) nay from Trustee Budinger.

Bill Brunner read a prepared statement and requested to be included in the Town Attorney investigation of the events as requested. The memo regarding the agenda item is set for the regular Board meeting on July 11, 2017.

Heated discussion ensued ending with a suggestion for a recess by Town Attorney Bo Nerlin.

Motion by Trustee Bradford, supported by Trustee Bookout for a five (5) minute recess.

Meeting recessed at 7:55PM

Meeting reconvened at 8:00PM

Trustee Bradford continued to read a prepared statement and apologized for raising his voice during the April 11, 2017 executive session.

Motion by Trustee Watson, supported by Trustee Budinger to schedule a work session for the review and discussion of Robert's Rules of Order.

Discussion ensued regarding the necessity for a review of the rules and additional costs associated.

Call for the question by Trustee Bookout, supported by Trustee Bear. Call carried with five (5) ayes and zero (0) nays.

Original motion failed with one (1) aye and four (4) nays from Trustees, Bear, Bookout, Bradford, and Budinger.

Motion by Trustee Bookout, supported by Trustee Bear to move on to new business. Motion carried with five (5) ayes and zero (0) nays.

#### Discussion Regarding Procedure to Fill Vacancy on Board of Trustees Resulting from Resignation of Trustee Bill Brunner

Mayor Stewart provided an overview of the statutory guidelines for filling an open trustee seat per C.R.S. 31-4-303. The Board has the power to either call for a special election or appoint a person to fill the open seat. The Board has until August 13, 2017 to appoint a trustee to fill the vacancy until the April 2018 regular Municipal election.

Motion by Trustee Bradford, supported by Trustee Bear to fill the open position by appointment;

publicizing and accepting letters of interest until July 20, 2017. Motion carried with five (5) ayes and zero (0) nays.

Motion by Trustee Budinger to appoint Ross King to the open seat. Motion withdrawn.

Discussion ensued regarding the need to notice the community and accept letters of interest before making an appointment.

**Executive Session**

Motion by Trustee Bear, supported by Trustee Budinger to enter executive session for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees; specific to the Town Administrator. Motion carried with five (5) ayes and zero (0) nays.

The Board entered executive session at 8:31PM  
The Board returned to open session at 10:10PM

Those in attendance were: Mayor Stewart, Trustees Bear, Bookout, Bradford, Budinger, Watson, Town Attorney Bo Nerlin, Town Administrator Ken Knight, and Town Clerk Corinne Ferguson.

No issues noted.

**Adjournment**

The meeting was adjourned by Mayor Charles Stewart at 8:43PM

\_\_\_\_s/s\_\_\_\_\_  
J. Corinne Ferguson, Town Clerk

\_\_\_\_s/s\_\_\_\_\_  
Charles Stewart, Mayor