

July 19, 2023

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Dear Town of Sugar City,

I am in receipt of the agenda for the Town of Sugar City's July 19, 2023 meeting. I appreciate that the Town is finally in semi-compliance with the Colorado Sunshine Law; however, there appears to be an issue with the executive session listing and the fact that "Code Book pages 1-15" and "Code Book pages 15-43" have never been provided to the public for review. "A free self-governing people needs full information concerning the activities of its government not only to shape its view of policy and to vote intelligently in elections, but also to compel the town, the agent of the people, to accept responsibility for its actions." Not only would it be nice to know what is in pages 1-43, but you are required to provide us with access to pages 1-43.

Speaking of keeping things hidden from the public, I have yet to receive the previous requests for the electronic recordings of the previous executive sessions. I request that the Town of Sugar City does not erase, expunge, lose or otherwise misplace or alter the required electronic recording of the previously requested executive sessions while application to court is being made to seek access to the recording(s) for an in-camera review of the recording. If the electronic recording does not exist, please just let me know so we can avoid any unnecessary expenses and so we don't waste the court's time.

As I have previously told the town, section 24-6-402(2)(d.5)(II)(A), C.R.S. requires discussions that occur in executive session to be electronically recorded. "The electronic recording of an executive session shall reflect the specific citation to the provision in subsection (3) of this section that authorizes the public body to meet in an executive session and the actual contents of the discussion during the session."

The agenda states, "For discussion of a personnel matter under C.R.S.24-6-402(2)(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 an elected official; or personnel policies that do not require the discussions of matters personal to the particular employees...Trash rates, code enforcement, clerk/administrator, residences in town." As such, it would appear that trash rates, code enforcement, clerk/administrator, and residences in town would be discussions on matters not enumerated in section (3) of the Colorado Sunshine Law and are definitely not discussions of matters personal to a particular employee. Please note that the section cited by the Town of Sugar City does not include a (3). It has a (2). The section cited by the Town pertains to County Commissioners and the day-to-day supervision of an employee in regard to a disciplinary matter.

Any/all discussions relating and/or pertaining to whether or not the Town of Sugar City shall create a town administrator position through the adoption of a town ordinance are the

specific types of discussions that need to take place in an open meeting. If an executive session is not properly convened, such as this July 19, 2023 meeting, and the town fails strictly to comply with the requirements to convene an executive session, "The town may not avail itself of the protections afforded by the executive session exemption." Your desired executive session is not valid and it is an open meeting subject to the public disclosure requirements. I plan to stay and listen to any/all discussions the Board has tonight.

Please keep in mind that the open meetings law creates a legally protected interest on behalf of citizens to have public business conducted openly in conformity with the statutory provisions. We live in a small town where everyone knows everyone's business. If you don't have the guts to speak about a topic publicly, maybe you shouldn't be speaking about it at all. The personnel matter exemptions that you are meaning to cite pertain to disciplinary matters, and since you all won't discipline an employee for anything, there is no way on God's green earth that this executive session pertains to a personnel matter where discipline is being discussed. Rather, it appears that you are wanting to secretly create a position to award an employee with a new position, even though that employee has been accused of over-billing, double-billing, not knowing how to operate the computer billing system, not knowing how to operate Quickbooks, losing Olney Springs as a trash client, failing to reconcile monthly bank statements, charging inordinate amounts of overtime, and treating residents with contempt and disregard. If these are true, I would be ashamed of such actions and would also want to keep those actions hidden from our eye. However, that is not what is allowed.

Thank you.

A handwritten signature in blue ink, appearing to read 'C. Karle'.

Cindy Karle