



SOUTHERN PARK COUNTY FIRE PROTECTION DISTRICT

Board of Directors' Special Meeting
Thursday, January 30, 2014 @ 4:00 pm

1) Introduction of Visitors

Mary Ann Melvin
Ron Melvin
Donna Rodriguez
Joe Rodriguez
Karen Frerichs
Marshall Dunn, Sr.
Mary B. Reppard

2) Attendees:

Board members present:

Amy Mason
Flip Boettcher
Anita Long
Jim Ivey
Roberta Smith (Secretary to the Board)

Excused Board Member

Department members present

Acting Chief Aaron Mandel
Davis Tilton, Chief Engineer
Don Rocksted

3) Call to Order:

Meeting of SPCFPD called to order at 04:00 PM by Chairwoman Amy Mason.

4) Approval of Agenda:

Ms. Mason requests amendments to agenda to pay one invoice, discuss delegation for upcoming election and introduce a board candidate, Marshall Dunn. Ms. Boettcher moves to accept the amended agenda, Jim Ivey seconds, PBA.

5) Expense Reimbursement:

Aaron received an expense reimbursement from Kale Casey for \$245 for seven day training at the Colorado Wildland Fire Management Academy in Colorado Springs from Jan. 11th to Jan 18th, \$460.46 for seven days lodging, and \$80.75 for seven days meals. The total is \$786.21 reimbursement payable to Kale Casey for expenses for 7 day wildland training with lodging and meals. Payment will come from service income generated. Motion to approve by Jim Ivey, second by Ms. Long, PBA.

6) Board discussion regarding upcoming election and Delegated Election Official Report:

Mary Ann Melvin DEO and Donna Rodriguez DEO Secretary have attended internet webinars for the election process. New Call for Nominations form presented for approval by Mary Ann. It can be sent out beginning Feb. 5th through Feb. 20th 2014.

Ms. Melvin created a mock poll book. If a polling place is used, voters will have to sign a form affirming under penalty of perjury that they are a registered Colorado voter and secondly that they are a resident or a spouse or a civil partner of a resident and will sign the form and the poll book. No poll book with a list of registered voters will be available for use. Board has to determine what payment will be made to the election judges (can't be less the \$5.00). Seminar noted that it is not a good idea for the DEO to be an election judge.

Ms. Melvin also presented an example of a sample ballot format from the webinar information. By combining the ballot with its ballot stub, the stub could be numbered and retained (which is required) by cutting it off the ballot, thus separating the stub number from the ballot and ensuring the ballot was both registered and its contents were not identified with a voter.

The Call for Nomination will need to be published in the Flume (deadline Feb. 3rd for Feb. 6th issue). We have to publish the Call for Nomination in the Flume between February 5th and February 20th. Ms. Melvin states she has some Self Nomination forms with her at this time.

The Call for Nomination can be posted at the Guffey Post Office, Guffey Library, Station #1 and the District website.

Ms. Rodriguez noted that it was recommended that any time there was a question regarding the election process; the Board should clear the response with their lawyer.

The clean up bill has changes to Title 1 to 13. It was noted that it appears that the Secretary of State may not approve special district mail in elections from a DEO as the DEO does not have access to the Secretary of State signature list to verify voter signatures and the SOS would not approve anything that isn't verified.

Ms. Long received an email from the Special District Association regarding the cleanup bill HB14-1164. The SDA email noted legislators are not moving the bill through promptly and encourages voters to contact their legislators and ask them to do so. It is needed to clean up the bill HB 13-1303 from 2013 and allow special districts to hold their elections. The SDA further notes that the bill is imperative to the function of local elections. In May, 2014 well over 2,000 special districts will hold their elections. If nothing is changed, the changes in the HB 13-1303 will begin to affect local elections when their mail ballot election plans are filed on Feb 10, 2014. HB 14-1164 will eliminate the plan approval requirements and allow the mail ballot special elections to proceed in essentially the same method as they have successfully operated for many years without complying with the unnecessary additional requirements designed for statewide partisan elections. SDA requests that all urge their Senators and Representatives to vote "yes" on HB 14-1164.

Ms. Long will ask Seth to post on the SPCFPD website the contact info for both Senator Kevin Grantham and Representative Jim Wilson.

Ms. Melvin also noted that we can establish a drop box for absentee ballots. We need a site that is secure, locked and available for one week before the election.

Ms. Long noted that Donna and Mary Anne have invested a significant amount of work in preparing for this process.

Based on a comment from the previous meeting that we should protect our DEO. Ms. Long reports that the Board has approached Dana, a legal assistant at a law firm that handles nothing but election issues. She noted that the BOD of your special district must determine what type of election your district shall hold. Factors must determine whether a polling place or mail ballot election is best.

While cost considerations generally moved people to a polling place election in the past, the popularity of voter sign up for permanent mail ballot lists has changed that situation. Now, even if a polling place election is planned, so many people use mail ballots that the perceived benefits of a polling place election often cannot be realized. Mails in ballots are operated under the control of the Colorado Secretary of State. The SOS supervision begins with a review of the districts mail in plan. If we (the law firm) are designated as your DEO, we will prepare a plan that will allow cancellation of the election by March 4th if there are no more candidates than offices to be filled.

Ms. Mason then contacted our attorney, Richard Toussaint, who noted that with the issues with the 2 bills (HB 13-1303 last year and HB 14-1164 in process) he would recommend moving forward by appointing their law office as the DEO and proceed with a mail ballot plan, replacing Ms. Melvin DEO and Ms. Donna Rodriguez, DEO Secretary due to the changing deadlines, legal issues, extensive involvement and ongoing education that would be required. Most importantly it would also protect them from potential litigation that could be brought after the election and would serve to protect the District from those same potential litigation issues.

The firm, TNC has already been appointed DEO for 9 districts: 5 fire protection districts, 2 sanitation and water districts and 2 municipal districts. We would become their tenth special district. With the experience the firm has gathered, the Board may gain the economies of scale due to work that has already been accomplished as well as getting a firm that has day-to-day follow up with changes in the law and its interpretation.

Ms. Long recommends that while many prefer to vote at a polling place, due to changes underway, we have to bite the bullet and proceed with a mail ballot election with a TNC attorney as our DEO. This is the best way to ensure a completely legal election with little or no exposure to our District or to our election officials. If the law firm makes a mistake, it's on them and not on us. We will have a legal election and reach as many eligible voters as possible with as transparent an election as possible. Based on Area 20 properties (without access to the registered voter election roles) Ms. Long found we have 1661 total properties; many have the same owner (e.g. one owner with multiple properties) and some have mailing addresses that are out of state and may not be registered CO voters. Using that criterion, we have 861 unique owner property combinations. There may be some residents who are registered voters without property, and some property that is held in trust. If property is held in trust, and the trustees do not reside here, they cannot vote. If it is held in trust and they are residents, then they can vote. Guessing that we have around 1,000 unique owners, each of which may have a spouse, and that could lead up to 2,000 or so legal voters.

Ms. Long recommends that we utilize the law firm to proceed with the election and do a mail in ballot. Ms. Rodriguez states that information from Sec. of State was that you have to reside in the fire district to vote for the board. There appears to be a discrepancy in who is eligible to vote.

Ms. Melvin noted that she'd heard of a previous special election that had mailed ballots to all residents rather than qualified voters but that the system in place today is better and should not have such a problem. Ms. Long makes a point that by March 2nd we only have three candidates for a four year term and one candidate for a two year term we would not have to hold this election.

Question from Ron Melvin: who will watch over the attorney to make sure they do it right and who will be counting the ballots? *Ms. Long noted that the firm will be responsible and that it will not necessarily be cheaper than using a polling place. We should be interested in ensuring that everyone that can vote has the ability to do so.*

Could people vote twice if they have more mailing addresses? *No, can only vote once in our district. But they could vote in another fire district as well if they were property owners there and are property owners here.*

Question from Donna: I'd heard (from a lawyer at the Sec of State's office) that if one owns property one can vote on ballot issues but not on special elections unless one is a resident and registered at that location. *Ms. Long notes that she'd like Donna and Mary Ann to stay involved and talk with Dana and raise these issues.*

Marshall Dunn: Can the names of the voters be verified as the process occurs? *[Ms. Long] – the DEO receives a certified list of registered voters in Park County and can compare names and also gets a list of property owners from the County Assessor. Names of people that own property but are not Park County registered voters must then be compared to the Colorado registered voter list to determine eligibility. This is part of what may or may not be changing – we won't know, but the law firm is supposed to stay on top of this. Dana thinks the County Assessor will only list Area 20 properties and not Area 4 properties as they don't pay tax to the district. The rules aren't set, and are changing.*

What is Area 4? *If the owner of a property that is in the district's geographical area, but did not choose to be included in the fire district and does not pay taxes to the district, then you are not considered part of the SPCFPD district. However, for renters residing in the district, it appears they may vote in the election, that anyone residing in the geographical area who is a registered CO voter may vote.*

What is the cost? *[Ms. Long] If it is not a contested election and we cancel the election it will cost us \$1,000. If we have a contested election, i.e. there are more than 4 candidates, so that an election must take place, then the cost is estimated to be between \$10,000-\$20,000.*

The board is covered by legal counsel and insurance; does that extend to the DEO? *[Ms. Mason] The appointment of a DEO may require taking out a surety bond to protect the DEO. Ms. Long was not sure what is required.*

7) Discuss Delegation For Upcoming Election

Ms. Mason offered and read in full: **Board Resolution for 2014 Special District Regular Biennial Election May 6, 2014 Appointing A Designated Election Official And Authorizing Designated Election Official To Cancel Election, Resolution #1/14-3** [[Attachment 1](#)].

As noted in the resolution, to support the work done by Mary Ann and Donna: *Any and all actions previously taken by the Designated Election Official or the Secretary of the Board of Directors or any other persons acting on their behalf pursuant to the Act, the Code or other applicable laws as they may be amended, are hereby ratified and confirmed all work done until this date is valid and supported.*

Q&A:

Will those sending in a self nomination forms sent to the new DEO get an acknowledgement that the form has been received and is valid? *[Ms. Mason] Absolutely. We can get a contact # so they can check as well. Also they have asked for an email address so that a confirmation can be sent.*

Can the candidates request a list of who the ballots are mailed to? Should be a matter of record. I know that such lists were supplied to those running for Commissioner. This would allow for mailing to voters. *[Ms. Mason] I don't know – will have to see what we get from the DEO. We will be in contact with Dana, probably every day to know what the changes are, and should be able to publish answers as we get them. Note that if a candidate spends over \$200 (used to be \$20) you must report campaign finance expenditures. Information, as received, will be available on the website. The self nomination form will not change unless the legislature makes a change.*

Ms. Long moves that the resolution be accepted, second by Mr. Ivey. Discussion – Election and legal fees are very expensive, I hope that the community can come together before the election and

agree on candidates for this Board to save the cost of an election. Has there been an election? Yes. Some years ago there were 4 candidates and it was a contested election. Vote to accept election was unanimous.

Comment from Mr. Mandel – *all of the money being used for the election is coming out of the operating budget. I hope the community comes to a reasonable and acceptable slate of four candidates so we don't have to have the expense.* Ms. Mason noted that the Board and District both supports the election process and is pleased to have an election if it is required because we have enough candidates. The community has an opportunity to vote and we fully support it.

Question from Ron Melvin: Mary Ann was elected by the whole board – the resolution did not appear to have the whole board signing off on it. Is this necessary? If they elected her by name, she should be taken off the same way she was elected. *[Ms. Long] She was appointed by resolution and removed by resolution. [Ms. Mason] It was passed unanimously by the board, we'll check with counsel and if the format is not sufficient we can reformat it to comply. Note that the resolution recognizes the work done already. [Ms. Long] We want to keep getting advice and information from Mary Ann and Donna as they have been invaluable in getting the process underway. You will be able to come up with questions we don't know to ask. Note the paragraph recognizing that all actions accomplished are ratified and confirmed – this is in there to protect Mary Ann and Donna.*

8) Introduction by Marshall Dunn

Mr. Dunn introduced himself to the board as a candidate for the election and as a nominee for the open board appointment. States he is a resident and a registered voter of this district. At this time he is the only candidate that has submitted the nomination form.

9) Adjourn meeting:

Motion to adjourn was made by Anita Long and seconded by Jim Ivey. Meeting adjourned at 5:03 p.m. by Chairwoman Mason.

Submitted by Roberta Smith and Mike Brandt, Secretaries to the Board.

