

**MINUTES OF THE CONTINUED BOARD OF DIRECTORS PUBLIC MEETING  
ARABIAN ACRES METROPOLITAN DISTRICT**

June 27, 2019 at 5:30 P.M.

Divide Fire Station, 103 Cedar Mountain Road, Divide, Colorado 80814

**In attendance were Directors:**

Jennifer Waller, President  
Craig Waller, Treasurer  
Edith Coffman, Assistant Secretary  
Lucas Ortivez, Secretary  
Lanny Hoel, Assistant Secretary

**Also in attendance were:**

Kevin Walker, WSDM  
Kristina Kulick, WSDM  
Dallas Schroeder, DEO (by phone)  
Members of the public (see sign-in sheet)

**1. ADMINISTRATIVE MATTERS**

- a. Call to Order & Declaration of Quorum: President Waller called the meeting to order at 5:31 p.m.
- b. Confirm any Potential Conflicts of Interest: The Board confirmed there were no potential conflicts of interest.
- c. Discussion and Approval of the Agenda: President Waller noted Mr. Willow was absent. Mr. Walker requested a combined a motion for Agenda items 1.f and 1.g. Director Coffman moved to approve the Agenda as amended; seconded by Director Hoel. Motion passed unanimously.
- d. Ratify Board acceptance of the Court Order dated June 5, 2019: Mr. Walker passed out a memo and updated everyone on what had recently happened with regards to the Recall Election and the result of the June 5<sup>th</sup> Court Order. He explained the previous DEO resigned and Mr. Dallas Schroeder was appointed by the Court. Mr. Walker passed out copies of the Court Order and said the Board will need to set the election date and establish the method of election which the Manager recommends being a mail-in ballot. He also explained that the Board will need to authorize payment of invoices related to the recall election. Director Ortivez moved to ratify and accept the June 5<sup>th</sup>, 2019 Court Order; seconded by Director Hoel. Motion passed unanimously. President and Treasurer Waller recused themselves from all votes related to the recall election.
  - Introduction of Designated Election Official, Mr. Dallas Schroeder, Clerk and Recorder of Elbert County: Mr. Schroeder introduced himself and said he was excited to work with the District and will make sure that everyone who is eligible to vote has a ballot and they are counted accurately. He said he looks forward to assisting the District in their recall election. Mr. Baker asked about the mail-in ballot. Director Coffman let him know they will be addressing that item shortly.

- Authorize District Manager to negotiate IGA with Elbert County for Board approval: Director Ortivez moved to authorize the District Manager to negotiate the IGA with Elbert County; seconded by Director Hoel. Motion passed unanimously.
- e. Review and approve the Payment of Claims related to the Recall Election and as agreed in the Court Order: Director Hoel moved to approve the payment of claims related to the Recall election and as agreed in the Court Order; seconded by Director Ortivez. Motion passed unanimously.
- f. Establish September 17, 2019 as the date of the Election regarding the Recall of two Board Members, Jennifer Waller and Craig Waller and Establish the method of election for the recall elections – Mail Ballot or Polling Place: Mr. Walker explained the drafted Resolution that was done with Mr. Schroeder and Mr. Williams that establishes the date and method of the recall election. Director Hoel moved to adopt the following Resolution: 1. The Recall Election will be conducted as a mail ballot election on Tuesday, September 17, 2019, with ballots due at 7:00 p.m., September 17, 2019. 2. Pursuant to CRS 1-13.5-106(1), C.R.S. (which permits boards of local governments to “utilize all or part of the requirements and procedures of the ‘Uniform Election Code of 1992....’”), the Board authorizes the election to be conducted under Title 1, except no VSPCs and no in-person voting. 3. Pursuant to CRS 1-1-111(2), the Board authorizes the designated election official (“DEO”) to make such other exceptions to Title I as may be necessary to accurately and efficiently conduct the election. 4. The Board authorizes the DEO’s use of Dominion’s Democracy Suite 5.2 electronic ballot counting system. The motion was seconded by Director Ortivez. Mr. Schroeder confirmed that if anyone wanted to watch the counting of the votes, they will need to take a class and get certified by the Secretary of State as a watcher. Mr. Biondo asked when the ballots will be mailed. Mr. Schroeder said everything with Title 1 depends on date of election, and since that was just established he will put together a list of dates posted to the website so everyone will know when they will get their ballot but it is projected to be in late August. A woman from the public asked about those who are not here in the Summer and do not forward their mail. Mr. Schroeder explained they will use the statewide database to send ballots and within that system they can change their mailing address at [www.govotecolorado.com](http://www.govotecolorado.com) to change their mailing address, but ballots cannot be forwarded. These instructions can be posted on the District’s website as well. Mr. Walker said they could possibly put a notice with the water bill, or the Manager could send notice. Mr. Schroeder explained if a person is just a property owner, they will get the list from the Assessor’s office and will get their address that way. If they are registered to vote here and are military, they are on a separate list and they get their ballots sent to them earlier. Mr. Walker confirmed you must be a registered voter in the state of Colorado in order to be an elector. Mr. Brown asked about the self-nomination form from Ms. Bertrand and if it is still valid. Mr. Walker said they will have their own self nomination form that they will provide on the website as well as instructions on how to

submit. Mr. Baker asked about the date of election being within 45 days. Mr. Walker and Dallas confirmed the election date is delayed as well because of the change of the DEOs. Mr. Baker asked if we will go by the statute that says 45 to 75 days. Mr. Walker said they will abide by the statute that says the District has 75 to 90 days from the date of the meeting where the election date is established. Director Coffman confirmed that is what the statute states. President Waller asked if the new DEO will be getting the exact number of eligible electors, and where will the information be coming from. Mr. Schroeder said it will come from the statewide database and Mr. Williams has been in touch with the Teller County Clerk, so they have access to the database. Treasurer Waller asked if a property owner in the District who is not an eligible voter will get a ballot. Mr. Walker and Mr. Schroeder referenced an article that states they must be a property owner in the district as well as an eligible voter in Colorado. The motion passed unanimously.

## **2. Public Comment**

Mrs. Callan read the following statement: I'd like to state that the people who have brought about this recall based on personal hatreds and personal agendas which have nothing to do with the well being of the District, which they would destroy financially in order to pursue their agenda including the fraudulent recall petition campaign are nothing short of criminals whether they are ever prosecuted or not. Moreover, getting what you want at all costs, who will stop at nothing, and at the expense of others, is one of the symptoms of a sociopath. A psychotic individual. Johanna Vannini vowed in an email to, "blow their resources", which she and her erstwhile partner, Judy Bertrand, have done successfully to the detriment of the District and every single member and taxpayer including those in Trout Haven. I hereby point out to Wayne Williams, attorney for the non-recalled board members, that Vannini no longer has any legal standing in this District. She has no property and is no longer a taxpayer despite having an attorney who should be representing Craig Baker. No actions or statements from Vannini are valid. She has no legal standing. Those who have done all the damage they can, without conscience, in order to pursue their agenda will find that their agenda cannot be realized. If they take over the Board, in their simplistic thinking, they believe they can exclude Trout Haven from the water and tax districts. Nothing could be more wrong. The bond holders would never allow it nor would the State of Colorado Water Board. If they wish to pay off the bond and have a million and a quarter to spend, it might be possible. The leaders of this movement are vandals, gang bangers and are guilty of fraud. Fraud is a crime, even if not prosecuted. I hope they will learn that their destructive and criminal actions will come to nothing in the end. They have no interest whatever in our water district or it's customers. Only themselves and their short-sighted goals. As for the multi-million dollar projects, I believe that this Board is willing to listen to whether or not this District can afford to become indebted further for these projects. Approaching them in an orderly and civilized manner might yield some results, instead of the dirty little tactics that run roughshod over everyone but themselves. Sociopaths is absolutely the right diagnosis for these people. I hope they will give it some thought and that the bad karma they have earned will catch up with them soon.

Mr. Baker said he thinks Ms. Callan's statement is a political statement with a lot of opinions. Mr. Baker said he thinks it is way out of order.

Mr. Biondo asked about the court ordered recall election expenses. He asked where the actual court order is. The Board provided him with a copy of the court order. He asked if they made up the numbers because there is no itemized list. Mr. Walker confirmed the numbers were agreed upon by all parties. Mr. Biondo said this could have been done for less than \$10,000.

Mr. Baker said that one of the attorneys said the agreement is not true if not agreed upon. Mr. Walker said he has an email from Ms. Bertrand confirming the amount and the check is right there.

**3. Other Business:** There was no discussion.

**4. Adjournment:** Director Coffman moved to adjourn at 6:03 p.m.; seconded by Director Ortivez. Motion passed unanimously.

THE NEXT REGULARLY SCHEDULED MEETING WILL BE HELD ON WEDNESDAY, JULY 17, 2019 at 5:30 p.m. at the DIVIDE FIRE STATION, 103 CEDAR MOUNTAIN ROAD, DIVIDE, COLORADO 80814

Respectfully Submitted,  
Walker Schooler District Managers

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By: Kristina Kulick for the Recording Secretary

THESE MINUTES ARE APPROVED AS THE OFFICIAL JUNE 19, 2019 MINUTES OF THE ARABIAN ACRES METROPOLITAN DISTRICT BY THE BOARD OF DIRECTORS SIGNING BELOW:

Signed copy on file at District Managers office

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Jennifer Waller, President

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Lucas Ortivez, Secretary

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Craig Waller, Treasurer

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Edith Coffman, Assistant Secretary

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Lanny Hoel, Assistant Secretary