

and a waste of money.

Before adjourning, Elliott noted her concern that "Monument is under a magnified glass." She reiterated her complaint of the \$5 declaration not making sense. "That, to me, is a slap in the face."

Special meeting on Dec. 28

A special meeting was called Dec. 28 to hear the results of the investigation. All councilmembers were present except for Ramos. Parliamentarian Carlson was present to help keep the meeting respectful, and LaKind hired a personal attorney to counsel him during the meeting. About 40 members of the public attended, and several Monument police officers were present. As Mayor Pro Tem Elliott read from prepared notes on proper procedures, members of the public shouted comments in an attempt to disrupt the process. Threats to remove people came from Elliott and Schoening, but no one was removed.

LaKind made a point of order claiming private documents were leaked to the press and to some members of the public, and that Schoening reportedly turned over the private session documents to the press. Carlson, the parliamentarian, took the podium to advise the board that under Robert's Rules of Order, the next procedural step would be to vote on whether to go into executive session. Van Der Jagt explained his legal obligation was to present his findings in executive session, but members of the public continued to shout down the option. LaKind then motioned to review the report in public, and Schoening motioned to waive attorney-client privilege, both passing unanimously. LaKind then objected to being presented the report minutes before the start of the meeting, so Elliott called for a 15-minute recess to look over the report. The report contained 16 pages of the findings and roughly 120 pages of evidence.

Van Der Jagt started to present the summary of his findings but was interrupted several times by audience members. Van Der Jagt asked the board to reconsider executive session to hear the findings of the report without interruptions from the audience, but the board refused. Van Der Jagt began his first reading but was quickly interrupted by Town Manager Mike Foreman, who was mentioned in on the first page of the report, claiming any mention of town staff needed disclosure. LaKind asked his lawyer, William Reed, to object citing open meeting laws: Any time a particular employee is discussed in executive session, they are to be notified. Foreman said he was not notified or given an opportunity to get an attorney. Romanello then asked Reed how to proceed, and Reed explained that town personnel must get their right of notification.

Due to the consistent heckling and the indecision of whether to proceed in executive session or not, Romanello motioned to adjourn and LaKind seconded. The motion failed 3-2. LaKind then announced "goodbye" and walked out. Elliott asked if there was a way to continue with the report without revealing any staff member, and Van Der Jagt said no. A second motion to adjourn was made, this time passing 4-0. Details of the report were never heard nor discussed at the meeting.

What was in the report

The report rules the charter void, concluding that the Town Council may not reform the charter after it passed "in its flawed form," and that the charter must "start over." The report also made four immediate recommendations:

- Publicly censure Steve King, Kathryn Sellars, Sana Abbott, Mike Foreman, Redmond Ramos, Mitch LaKind, and Town Tech Drew Anderson.
- Hold in contempt of Town Council the following: Foreman, King, Abbott, Ramos, and LaKind.
- Terminate the town manager and town attorney, Foreman and Sellars.
- File an ethics complaint against Sellars. Since the meeting Dec. 28 adjourned early, no action was put forward.

The report begins by emphasizing the apolitical nature of the investigation. "It is not a political piece," it states, instead "a Constitutional audit of the [Home Rule] Charter, the election and the internal workings of the Town of Monument related thereto." The report takes aim at how the town handled the election process for ballot issue 2A, particu-

larly on illegal electioneering, but the report cited several problems. One footnote called the town "a hostile work environment" that included accusations of sexual harassment spoken from the dias by then-councilmember LaKind, an accusation that was dismissed by the town manager. Violations of open meeting laws, failure to record public meetings, and failure to respect proper procedure were included.

On misappropriation of funds, the report found Sellars culpable, intentional, or grossly negligent, claiming that the timing "was substantial enough to impact the election." It also took issue with the attempt of Sellars (and Foreman by failing to account properly) to "cure" the problem by paying it back later. "Ultimately, the efforts of the 2A Charter, Town Attorney, and others to cure the misappropriation of funds do not satisfy either the FCPA (Fair Campaign Practices Act) or SOS (Secretary of State) rules for curing a reporting or spending transgression."

On conflicts of interest, the investigation found, "Those in favor of 2A who participated in the transgressions reportedly all stand to gain power as a result of their failure to collaborate on fair election redistricting." The first example: Sellars entered into too many roles for the town than just its legal counsel, particularly when she advised the Home

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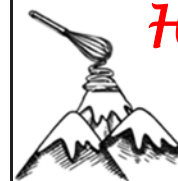
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