

Discussion of residency ordinance and enforcement

At the March 4 BOT meeting, Clark had made three motions for votes concerning existing resolutions and ordinances she wanted to change. They concerned removal of a public official, whether elected officials can litigate the town, and standards of conduct for trustees. No one had been apprised of the requested changes before the meeting, including Rivera, so they agreed to discuss all three at tonight's meeting so they would have

time to review her suggestions.

However, on March 18 it appeared none of the other trustees nor Rivera had received the final language they requested from Clark at the March 4 meeting, and none of the lengthy statements she made on March 18 were included in the board packet. She said her personal attorney had subsequently recommended that she not provide a legal opinion or draft resolution. See related March 4 BOT article on page 16.

Clark asserted fellow trustee Jim Ro-

manello is in violation of town ordinance 2.04.020 section A regarding residency in the town. She also questioned the legality and enforceability of the wording of that town ordinance. "I really feel that this is smoke and mirrors. I don't even know that there is a problem."

Citing evidence she claimed to have received from constituents, including Romanello's mortgage history, certified letter receipts, and photos of Romanello at his rental property in Colorado Springs, Clark listed reasons she said proved he had moved out of Monument and should vacate his seat on the board. Clark and resident Ann Howe have been asking for clarification with regard to Romanello's residency for several months. See www.ocn.me/v19n2.htm#mbot.

When Clark said she had Romanello's mortgage history, Trustee Ron Stephens asked her, incredulous, "You pulled his mortgage history?" Clark reiterated she wasn't responsible for getting any of the information. None of the other board members said they had received any comments from Monument constituents regarding this matter. Mayor Don Wilson argued that he had not seen a legal opinion that supported anything she just presented and that someone signing for a certified letter does not constitute residency.

Tonight, Rivera said Clark's only recourse with regard to her residency questions was to follow Colorado statute 31-10-1302 in bringing the matter in front of district court. Clark said she would let her constituents know the process.

Later, during public comments, Howe repeated the residency accusations she has been making for months and accused the trustees of not following the rule of law or doing their duty. Resident and previous BOT member John Howe, who is not related to Ann Howe, said if someone was consistently being followed to his home after the meetings, it is illegal, and the police should check into it. Resident Fred Freuh encouraged the board to initiate a recall, if it comes to that point, rather than decide Romanello's future themselves.

During trustees' comments, Romanello said he has been stalked by Ann Howe, who has followed him home from meetings and photographed him going about his life. Until this meeting, he had stayed silent during residency discussions and accusations, but tonight he said he lived in Village Center, where he was homeowners' association president for four years. "I can spend time where I want to! The board knows my address." He also said he felt this accusation to be politically motivated; Ann Howe ran for the seat that Romanello ultimately won

in the November election.

Ban on trustees suing town revisited

The board discussed town ordinance 02-04-020 section C, which Clark has asked to be revoked. The ordinance reads, in part, "No elected or appointed official shall be engaged in any form of litigation against the town."

Reading from another prepared statement, Clark told board members she believes they have a duty to point out fiduciary or other misconduct by another elected official, but did not specify Colorado law. Stephens thought this would be a conflict of interest if someone on the board was part of the both the defense and the plaintiff sides of a case. Rivera added that executive sessions and attorney-client privilege would be impossible if a trustee brought a lawsuit against the town that they represented.

Rivera suggested not voting now, citing the requirement to have a public hearing for an ordinance change. The board voted 4-3 to direct Rivera to review the legality of the ordinance forbidding litigation and make suggestions for improvement. Elliott, Stephens, and Romanello voted no, but did not give reasons.

Standards of conduct for trustees discussed

At Clark's request, the board reassessed the trustee standards of conduct resolution approved at the March 2018 meeting. Reading a third statement, Clark found the resolution to be arbitrary and capricious with regard to its requirements to remove a trustee based on actions different from Colorado state statute. The board agreed collectively to direct Rivera to review the ordinance for legal fitness and report back at some point in the future.

Public Works employees recognized

Public Works Director Tom Tharnish recognized employees who worked on the marathon water main breaks over the March 2 weekend. Tharnish said many of the workers were inside the 9-foot hole that appeared behind Columbine Gardens Chinese restaurant, some for up to 31 hours working to fix the leak. They had to clear underground power lines, telecommunication lines, and fiber. See photos on page 27.

A second water main break found after the town's tank quickly lost 3 feet of water was located on Mitchell Avenue. The 3-foot-long crack was much more difficult to repair. Tharnish said Foreman went door-to-door talking to homeowners in the area to ensure they knew of the break and had an adequate supply of drinking water during the outage.

Willow Springs proposed annexation discussion

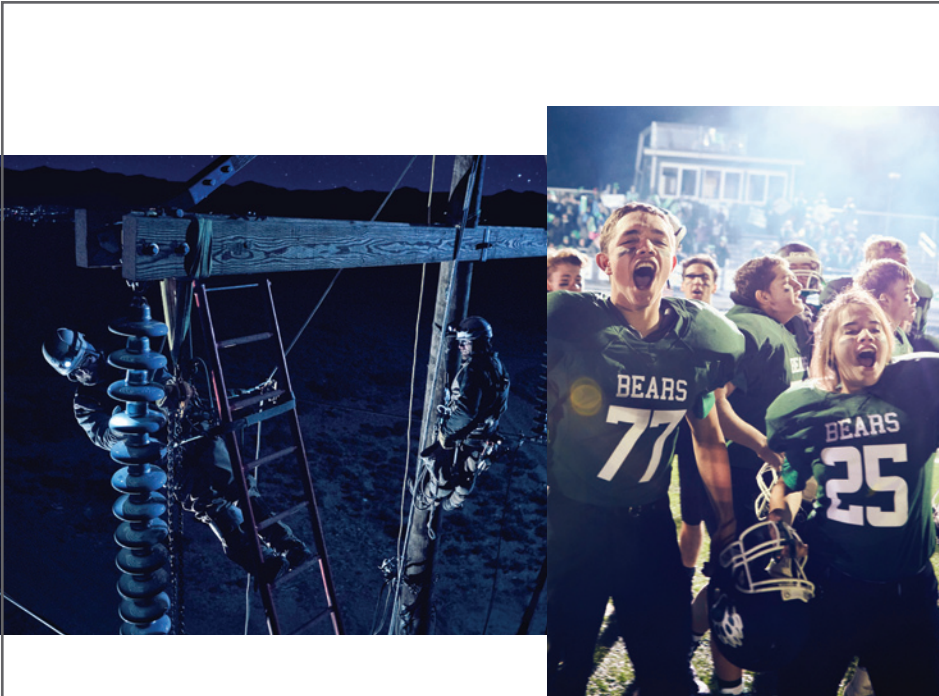
At the Feb. 4 BOT meeting, the board approved Planning Director Larry Manning's request for this March 18 hearing to decide annexation and zoning for two phases of Willow Springs, also known as Monument Creek Ranch. See <https://ocn.me/v19n3.htm#mbot>.

Originally, the board's agenda included votes on two ordinances associated with Willow Springs. The trustees voted to pull those hearing items from the March 18 agenda, and they will most likely come back to the board in May, said Manning.

Instead, the board unanimously approved a resolution "setting forth findings of fact and conclusions concerning the proposed annexation" which Manning presented and states the following:

- The town has found the annexation to be in compliance with state law.
- Not less than one-sixth of the perimeter of the area being annexed is contiguous with the town boundary.
- No other municipality is attempting to annex the land.

The land in question is a 219-acre parcel



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