

**Commissioner Mark Waller (00:00):**

Mr. District Attorney, do you have anything you'd like to talk about that's not on the agenda?

**District Attorney Dan May (00:16):**

Good morning I'll be brief. I know you've got some important business today and it's nice to see more and more of the County opening up as we go forward. Dan May, District Attorney. I come here today just basically to ask a question whether you know if you're going to be doing a TABOR retention request of the voters this fall. I bring it up now because I think it was about this time last year that you funded a survey to determine, and my understanding is the survey, and I could be corrected on the number, cost over \$20,000, on doing a retention last year, whether the voters had the will to do that. It's also my understanding, the survey did a survey of the chairman, Bill Elder and other commissioners on how popular they were with the community at the same time. So, and I don't know how that's funded if you do it in the budget, whether that's done in an executive session. I believe it's done in an executive session, so I wasn't aware of it at the time. And so I just didn't know if you were going to be spending money on that this year. Also in a phone call, the elected officials have been having phone calls and the chair indicated that he was interested in doing a TABOR waiver this fall. So I didn't know if we were spending money on that. And if that's something the commission had been talking about it at this point.

**Commissioner Mark Waller (01:39):**

Yeah. I mean, I'll be happy to answer that for you. Yeah, we did a we did a poll which happens all the time. Again the City of Colorado Springs I'm sure is doing one right now in their TABOR retention. We did one cause we want to determine what are the voters think? Do the voters want to keep their money or do they want us to be able to use that? We figured at the time it would probably be better to spend \$20,000 to determine where the voters were at before we spent 300 or \$350,000 to put an initiative on the ballot. And ultimately, when we spent that \$20,000, we decided not, because of the results of the poll. we decided not to go forward with a ballot initiative. So spending that 20,000 bucks saved us \$350,000 of costs of related to putting something on the ballot. You know, we certainly are looking into all the options. I think moving forward, I don't want to speak for the whole board, so I'd love to hear what my colleagues have to say here as well. But certainly as we move through these trying times and we have budget issues the way that we do related to COVID, you know, we're about \$12 million short in sales tax revenue collections. Certainly we're trying to consider all the options moving forward. So that's what we're trying to figure out. I don't know, County Attorney, did you have anything you wanted to add to that?

**County Attorney Diana May (03:07):**

Thank you. Good morning, Mr. May, I just wanted to say for the record that all of our executive sessions we do properly notice. The executive session we had last year related to the issue were noticed on our agenda. And if you have any executive sessions concerning attorney/client conversations with the board and my clients, we would also be noticing those on the agenda and available in our normal postings.

**District Attorney Dan May (03:40):**

Oh, so that is something that is a discussion in executive and the spending of that money is in executive session. I have not researched that law to know what the law is on that.

**County Attorney Diana May (03:55):**

The provisions of the open meetings allow for attorney/client conversations to be held in private to give legal advice. Generally, that is the manner in which we have the discussion on receiving direction from clients, that would be properly noticed. And the public would have the availability to know that we would be having that attorney/client protected conversation.

**Commissioner Mark Waller (04:26):**

Mr. Vice Chair.

**Commissioner Longinos Gonzalez:**

Thank you Mr. Chair. You know, I just want to highlight one thing. I think it did eventually, you know, save people \$300,000 in terms of what you might (inaudible) and cause it cost that much to put it on. But I do want to say for the record, that poll had nothing to do with my position because I publicly stated prior, during, and afterwards that it was my recommendation to return that to the public last year again, before, during and afterwards.

**District Attorney Dan May:**

You've been very consistent on that.

**Commissioner Mark Waller:**

Yeah. Commissioner Williams.

**Commissioner Holly Williams (05:35):**

Yeah. I think that just for the public that is here today, when we run a ballot issue, just like every other government entity in the County, we have to pay our own clerk and recorder to run it. So putting anything on the ballot is approximately \$300,000. Now this year we'd face having to make, we already run a shoestring budget, the lowest budget amongst the 10 major counties, \$271 per citizen, per taxpayer. And a lot of our buildings are having problems, which we've been able to make some emergency fixes, unfortunately, due to all the money the federal government gave us. And so this year we are looking at maybe having to make \$6 million worth of permanent cuts. It's a very serious issue because of the interaction between TABOR and an amendment in the eighties called the Gallagher amendment, which forces the property taxes down. It was 21%. And the assessment rate in 1980, it's gone all the way down to 7.1%. And it's possible that it might drop to 5.5%, which is fantastic for us tax payers, right? Cause our property tax bill keeps going down and down. The unfortunate thing is all the deferred maintenance at the County. We already run a shoestring budget and having to find another \$6 million worth of cuts after we, you know, essentially tanked the IT department in 2011 and made huge layoffs in 2011. We run, our staff is the best in the state. I will stand behind them a hundred percent cause we run a very creative and efficient operation, but it is a very serious issue to consider a ballot initiative. And so we will be talking about that. Just wanted to get my 2 cents in there.

**Commissioner Stan Vander Werf (07:10):**

Thank you, Mr. Chair. I'd also like to express my sentiments as Commissioner Gonzalez did. I felt that it was not the right time to ask for the citizens to allow us to retain that money and supported the return of those dollars. And that is in fact what we did in the County. We returned those dollars that time around. And the other concern that I had though, was the polling of individual

commissioners. I didn't really understand the relevance of that. I was not aware that that was being done. And I have asked that the County staff to not do the polling of individual commissioners. I think it's appropriate to poll because we can find whether or not there's a sentiment in the community about retaining those dollars to do something like invest it in infrastructure. And it's good to know if we have interests in the community on issue A or issue B or issue C you know, about maybe putting a little bit more money towards those. And to the point of spending some money to determine whether we have some understanding in advance before we spend this 300 to \$350,000, I think that that's appropriate to do. But I didn't understand the polling of individual commissioners and I've asked the staff not to do that going forward with future polls. Thank you.

**Commissioner Mark Waller:**

Commissioner Bremer. Did you have anything you want to add?

**Commissioner Cami Bremer (08:46):**

I do. Thank you. My colleagues have said it very well and to specifically answer your question, Mr. DA regarding whether we're considering that this year. I think it's way too early to determine that one way or another. I do think we have to be prudent and well informed about our budget situation as it unfolds, you know, we don't have March sales tax revenues in, property tax revenues are deferred so we don't have the whole picture of what the budgetary situation is like right now and what it looks like for our community. And I would like for a very informed decision, one that we take very seriously and it's too early to say right now, but I will be looking at the data, the numbers, our current situation, and what will ultimately benefit our citizens more wholly, and the best.

**Commissioner Mark Waller (09:57):**

Yeah. So thank you. Thanks for being here and asking that question. I know it's a really important issue for us moving forward. I'm just kind of curious, is this something that you would like us to do this year, to ask for that TABOR retention? Is it something you think we should be giving the voters back this year? Or is it something you'd like to see a little bit more information on?

**District Attorney Dan May (10:16):**

First of all, I'd like to say that I'd like to be a little more transparent in the spending of our money. I don't think there's anything wrong with being in a general session saying we want to spend money on a survey. I think surveys do have a very legitimate purpose and then maybe it can be expressed in that general discussion, what exactly is going to be in the survey. I think spending dollars of tax dollars, shouldn't be an executive session decision. I think it should be transparent and that taxpayers and voters should easily be able to ask, how much did you spend and what was it spent for and what were the results? Because it is an expenditure that came out of the taxpayer's pockets in the end. So, I'd like to say that first of all. Second. Yes. When you brought it up commissioner Mark Waller in the phone call about four weeks ago, I know that Chuck Broerman spoke out against it saying he didn't think it was a good time to do it, even though you indicated you wanted to do that this fall, I expressed the same thing. I don't think it's a good year to do it. I think people are hurting right now. I think people have lost jobs. Many people in this building are fighting for small businesses. Many people that are sitting here today are fighting for people who are trying to keep their income, keep their families together, keep their employees employed. And it's been a real struggle and the shutdown has been a real struggle. And so you know my position. That's why I've taken a very strong position, I think, that I'm not intending to criminalize what people are trying to do and trying to help their employees, and this community and their own families. So I think it's a

tough year to do it. And so that's one of the reasons, the two reasons I brought it up, this was about the time I assume the executive decision was made on the expenditure last year of 20 plus thousand. I don't know, I haven't heard the exact figure. And because the chair indicated he was interested in putting it on the ballot this fall. Before we spent that money, I thought there ought to be a discussion in the public on it, some transparency.

**Commissioner Mark Waller:**

That's what we always do. Have those discussions. Madam County attorney. Did you have anything to add?

**County Attorney Diana May (12:18):**

I do, just a few things. I just want the record to be very clear Mr. May that spending (inaudible) is subject to public disclosure. It's never a decision that's made in executive session. Spending of public funds is done in a very transparent manner, and is subject to scrutiny and public review and public disclosure. So there's never been any spending in executive session. The purpose of the executive session that's allowed by law is for clients to receive legal advice from their attorney. So I just want to clarify that, that the, that when there was an executive session last year and the ultimate direction was to not put something on the ballot, the spending of any public funds was completely transparent, (inaudible) to make a decision, whether this would, there would be a necessity to have the ballot go forward and what the public's perception would be of the board having this go forward. So I just want to put that on the record and if we do have any executive sessions, they would be properly noticed, and there have not been any decisions made to put anything on the ballot. I believe the meeting that you're referring to was getting input from different elected officials, such as yourself and there was no commitment or any decisions made in that meeting. And so I just want to make that clear that there's not a public perception that there's been any decisions made because there has not been. Thank you.

**Commissioner Mark Waller:**

Mr. Vander Werf.

**Commissioner Stan Vander Werf (14:02):**

Yes, sir. Thank you, Mr. Chair. Mr. May, I do appreciate your coming down to make your point about this. And perhaps we can consider your input here. You have made a recommendation about whether to retain or not retain, and I think we can consider your input to be the first public input that at least I have with regard to whether to retain or not. So, thanks for providing that public input.

**District Attorney Dan May:**

You bet. I always want to be transparent. Thank you. Anything else?

**Commissioner Mark Waller:**

Are there any other elected officials in the audience that want to speak on a matter that's not on the agenda?