



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Members of the Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: October 8, 2024
SUBJECT: Response to Citizen Concerns

RESPONSE TO CITIZEN CONCERNS

THE TOWN ADMINISTRATOR. The Town Administrator serves in a management role tasked with: (1) overseeing day-to-day operations of all government operations and departments; (2) receive direction from the elected officials to ensure policies and goals are implemented. (3) implement and enforce the policies and procedures for the operation of the Town; (4) implement the annual budget and oversee expenditures; (5) provide advice, guidance, and suggestions to the elected officials; and (6) represent the Board and Town in certain meetings with local, state and federal officials.

For many organizations, the Town Administrator serves for a period of 5-7 years before moving to another, generally larger, organization. Some administrators may stay as long as 15-20 years, and occasionally their entire professional career. Since 2000 the Town of Elizabeth has had:

- two (2) acting administrators,
- five (5) interim administrators,
- eleven (11) appointed administrators; and
- two (2) periods without an administrator.

The shortest serving administrators were 6 weeks and 12 weeks, respectively. The longest serving administrator since 2000 served for 7 years, and the current administrator has served for nearly 3 years. This means, on average, an administrator in Elizabeth does not serve the average of 5-7 years, but rather approximately 9 months.

CONCERNS WITH WATER WELLS WITHIN THE TOWN. During a recent meeting of the Board of Trustees, comments were made regarding the existence of water wells within the Town of Elizabeth, which are owned separately from the Town of Elizabeth. There are approximately seven (7) private water wells in this category. However, there are some specific details that were not conveyed during the meeting. The State of Colorado authorized these wells (not the Town of Elizabeth) and only under the following conditions: (1) the water well and associated water rights were previously adjudicated by the State; (2) the adjudication occurred prior to 1984; and (3) the water rights must be used for ancillary or irrigation purposes. The broad statement that wells are simply allowed does not accurately reflect the legal status of these wells.

REMOVAL OF TREES ON 601 SOUTH PINE RIDGE. With the recent acquisition of this property, rumors persist that the Town is going to remove all the trees associated with the property. To begin with, plans are far from complete for any development of this property. Neither grant



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funding nor budgetary funds are going to be sought until at least late 2025 or early 2026 for construction on the property. Second, as stated in prior documents, the intention is to maintain trees to the East, South and North of the existing 5+ acres. Finally, it should be remembered that the alternative/backup bidder to the property was a developer of apartment buildings and was seeking to acquire the property for an apartment complex. Such a project would have likely eliminated all trees.

ECONOMIC DEVELOPMENT AND COMMERCIAL PROPERTIES. During a recent meeting of the Board of Trustees, a comment was made that the Town lacks sufficient commercially zoned property for development. This is not entirely correct. There are tracts of land within the Town that are completely insufficient in size for certain types of development. [For example, members of the Town and surrounding community have requested a “Home Depot” in more than one public meeting.] This statement on the lack of commercial sites also mischaracterizes the numerous vacant lots ready for development within the Town such as in the Crossroads area. Crossroads was developed in 1992, and still has approximately twelve (12) lots for development which include ready access to water, wastewater, and electricity. For the Town it is not a lack of locations ready for development, rather the lack of retail businesses in Elizabeth. It is incorrect to confuse the two issues and concerns.

TRANSPARENCY. The issue of transparency arises often with regard to government operations – and rightly so. The elected officials serve at the pleasure of the citizenry and are subject to routine votes by the public. However, it is also important to note that merely because someone was unaware of an event, a meeting, a plan, or a discussion that something erroneous is taking place. So far this year, the Board of Trustees has held twenty-three (23) meetings at Town Hall, with each being open to the public. Each of those meetings are generally between three (3) and four (4) hours in length. Those numbers would suggest between sixty-nine (69) and ninety-two (92) hours of meetings in 2024 alone.

To assist in providing information to the citizens, the agendas are posted in advance as required by Colorado Law; detailed Board Packets are provided in advance of the meetings to the public; and meeting minutes and audio are retained so that the numerous hours of meetings can be heard. In addition, there is a tremendous amount of information shared and available on the website. It is appropriate to seek information about the Town and its operations. It is fundamentally unfair to characterize the elected officials or Staff of malfeasance if one has not spent the time necessary to review years’ worth of meeting information as well as listening to hundreds of hours of the discussions by the Board.

“COLORADO SUNSHINE LAWS”

Several members of the public have suggested through innuendo and direct allegation that the Board of Trustees is conducting meetings in violation of the “Colorado Sunshine Laws.” In summary, the Sunshine Laws require discussions of public business to be in public. It also includes a requirement of notice if a potential quorum may be present at that same time and that only specifically authorized matters be discussed in an executive session.



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*There has been public criticism of the Board for providing **too much notice** of events taking place in which three (3) or more members of the public might be present. The argument is the Town “hides” information from the public by providing these notices. An example of this is the notice that members of the Board of Trustees might have been present on September 28, 2024, for the annual Historic Advisory Board Walk and Talk. Even though no action would be taken, and the gathering is educational and social in nature, the Board provides notice.*

At this same time, individuals have suggested that the Board is proceeding in matters in secrecy. On August 27, 2024, the Board of Trustees directed the Town Administrator and the Chief of Police to seek assistance from outside law enforcement agencies due to the possible breach of the executive session privilege. Through this request, it is highly likely that the outside law enforcement agency will be auditing the use of the executive privilege and become privy to those discussions. ***There is a degree of irony to the claim:*** *Why would the Town seek an investigation of its own Executive Sessions if there were improper meetings, or a violation of the Colorado Sunshine Laws had occurred?* The Town Board of Trustees feels confident enough in the steps taken in adherence to the Colorado Sunshine Laws to ask law enforcement to investigate a matter in a way that any violation would be necessarily discovered.