

TOWN OF RYE
RECORD OF PROCEEDINGS
October 20, 2023

Call to Order/Roll Call

Marty Rahl, Mayor called the Emergency Meeting to order at 9:00 a.m. at the Town Hall at 2067 Main Street in Rye, Colorado. Those in attendance were as follows: Marty Rahl, Mayor; Sheila Henderson, Mayor-Protem; Sandra Steele, Trustee; Patrick Ryan, Trustee; Markus Buck, Trustee; Kathy MacCormack, Trustee; Chelsie Kersey, Trustee; and Jocelyn Mower, Clerk. Those absent were: N/A.

Regular Meeting

Mayor Rahl stated that the topic of "Account #37 and Board Member Conduct" would be added to the agenda.

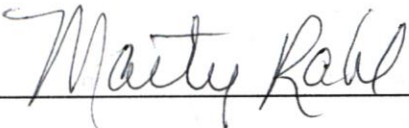
The Board read and reviewed the quote provided by RH Water and Wastewater for ORC services for the Town of Rye. Jocelyn Ensley stated that she confirmed with Richard Hopp that SOPs would be available by him and uploaded to the CDPHE portal if and when his contract is approved by the Board. Kathy MacCormack inquired about the resignation email sent by Ryan Jacob stating that a water treatment plant operator assistant did not accomplish the task of performing the daily reads task set forth by him while he was in service to the Town. Jocelyn Ensley clarified that the email stated that the water treatment plant operator assistant had not received his certification and had not submitted daily activities for SOP's to be created as requested by the contractor. Mayor Rahl further clarified that the water treatment plant operator assistant is performing all daily reads and all daily tasks including logging all required information for the water treatment plant as outlined in his contract and that copies of all logs will be requested for the Board to review for completion at the next monthly Board meeting in November. The Board discussed maintaining a working relationship with Ryan Jacob as a contractor for the Town of Rye and requesting a quote from him when needed for maintenance or projects pertaining to the water treatment plant. Markus Buck asked Jocelyn Ensley request an hourly rate from Ryan Jacob that would be charged to the Town in an emergency situation. Sheila Henderson made a motion to approve the RH Water & Wastewater Contract for ORC Services. Markus Buck seconded the motion. The motion passed unanimously.

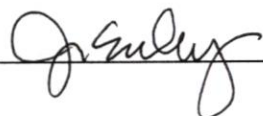
Mayor Rahl stated that account #37 and Board Member Conduct needed to be discussed in regard to the assessment of Ordinance 2021-3 Public Nuisance Violation Fees being assessed and a Disconnection of Water Services Notice being issued. Mayor Rahl confirmed that all Board members who were present at the October 11, 2023, Board Meeting to include Patrick Ryan, Kathy MacCormack, Chelsie Kersey, and Sheila Henderson, agreed in determining that violation fees would continue to be issued to account #37 due to being out of compliance with Ordinance 2021-3 as well as a disconnection of water service notice would be issued due to the account not making a payment for 61+ days. Kathy MacCormack stated she had mentioned at the October meeting that she would have liked to look at the property before voting on the matter. Jocelyn Ensley stated that Chelsie Kersey and Sheila Henderson did go outside on October 11, 2023, to look at the property while the meeting was in session and that all Board members

did agree to continuing with fees being assessed and a disconnection letter being issued to account #37. Mayor Rahl then asked Patrick Ryan to explain the conversation he had with account #37 following the meeting in regard to the Boards decision. Patrick Ryan explained his communication with account #37 was due to a neighborly run in and recounted their discussion to the best of his recollection. Kathy MacCormack stated that she believes the Town needs to be careful about infringing on residents/property owners' constitutional rights when issuing violations and implementing Ordinances and does not believe the property is out of compliance with Ordinance 2021-3. Patrick Ryan stated that account #37 has made substantial efforts in bringing the property into compliance but does not think the property complies with Ordinance 2021-3 as of October 20, 2023. The Board discussed the unethical behavior of Trustees discussing Board decisions with account holders that undermines the decisions of the Board outside of public Board meetings. Jocelyn Ensley stated that following her conversation with Patrick Ryan she added the Town of Rye Policy Manual to the November 8, 2023, regular monthly meeting agenda for the Board to review and discuss as well as Ordinance 2021-3 per his request. Jocelyn Ensley also stated that it is the Boards responsibility to create and uphold Ordinances and Resolutions and any other rules or decisions for the Town as a whole and when Trustees are acting and responding to individual residents outside of public meetings it creates a conflict of interest and is unethical behavior. Jocelyn Ensley stated that these types of conversations damage the credibility of the Board and only complicates tasks set forth by the Board for employees to complete, leading to escalating situations with residents. Markus Buck stated that the Board has created Ordinances, Resolutions, rules, etc. for a reason and that these rules are applied to all residents equally, including Board Members. Patrick Ryan stated that he believes governments need to take a back seat to policing its citizens and would rather publicly shame residents on social media or other platforms than assess fines or issue violations and that he feels the Ordinances and policies in place are too extreme on its residents who may have low incomes or may be on fixed incomes. Markus Buck stated that he understands that all residents have different living and financial situations but that the Town Ordinances provide space for residents to request extensions and encourages residents to communicate with the Board and to come to resolutions and that other account holders who have been in violation have utilized these options and have had positive outcomes for the residents and the Town as a whole. Markus Buck also stated that based on his recent visit to the property he does not believe the property is in compliance with Ordinance 2021-3. Mayor Rahl explained that the Board voted to assess fines and to continue to assess fines to account #37 and that all decisions made are based on Ordinances and Policies that are currently in place. Mayor Rahl went on to request that Jocelyn Ensley provide copies of Ordinance 2021-3 and the current Town Policy so that all Board members can review them and make notations for the next Board Meeting on November 8, 2023. Jocelyn Ensley stated that she will email pdf copies immediately and print copies that will be left at Town Hall following the meeting.

Adjournment

At 10:00 a.m., Sheila Henderson made a motion to close the Emergency Meeting. Markus Buck seconded the motion. The motion passed unanimously.





Marty Rahl, Mayor

Jocelyn Ensley, Town Clerk

**The Next Regular Board Meeting will be held on
November 8, 2023, at 6:00 pm at the Town Hall at 2067 Main Street, Rye, CO 81069
The public is encouraged to attend.**

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the Rye Town Clerk at 719-489-2011. We would appreciate if you would contact us at last 48 hours in advance of scheduled events so arrangements can be made to locate the requested auxiliary aid(s).