

**BOARD OF TRUSTEES  
TOWN OF WESTCLIFFE  
MONDAY, DECEMBER 12, 2024  
SPECIAL MEETING**

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**CALL TO ORDER**

Mayor Wenke called the meeting to order at 1:30 P.M.

**ROLL CALL**

**The following members were present:** Mayor Wenke, Mr. Jagow, Mr. Nordyke, Mr. Wilhelm, Mr. Dembosky, Mr. Fulton, and Mr. Mowry.

**PLEDGE OF ALLEGIANCE**

Mayor Wenke led the Pledge of Allegiance.

**OTHERS PRESENT**

Jerry Peters, Kathy Reis, Caleb Patterson, and Erin Christie.

**ORDER OF BUSINESS**

**a. Discussion on the Town of Westcliffe's government structure.**

VERBATIM TRANSCRIPT

WENKE: Okay on the agenda, this special meeting is a discussion of the Town of Westcliffe's government structure. So I'm going to let Caleb take the floor on that.

PATTERSON: As we go, I hope you guys don't mind me standing. I'm going to thank you all for coming in here. I sent a first email in mass that was blind copied. So it was considered to be recorded.

So no open meeting laws were being broken. So I sent you the first document, and then I kind of looked at that and restructured it now. You're probably asking why are we here?

And it's been quite a few months that's led me up to the decision to finally address you all on this. I've spoken to many senior management, CCCMA management, senior managers, excuse me to kind of bring me to this situation. I spoke with CIRSA.

So CML, DOLA Other government entities really just to give me as much information as I could to know that I was making the right great choice here for this meeting. Now, I'm going to say this is kind of a by nature an adversarial meeting, and I'm going to try not to make it that way. That's why I sent the document out again to ensure that it was not as much as -- but I'm going to open up with something that that could be adversarial to really that I would say the last flick of that domino that brought us to here. And it was the review, and you know to be honest with you I felt estranged by that. I don't know, and there and it took so long for me to read that I threw out one response (inaudible).

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I got in my head, oh I'm going to do this and then I did it. And eventually, you know, we're here, you know, there was a few things in that one was just a fundamental misunderstanding of what a town manager is. In the review it said that the town manager cannot put things on the agenda but must request from the clerk who is a single point of contact to the Board of Trustees and that's just a fundamental misunderstanding of what a town manager is and what city management is, really see city management.

I can read here from CRS. I am the chief executive officer of the town and I know that you know Kathy has been here for 20 years or so. She's been great and there's been high turnover, which you had to rely on her quite often and she's done a spectacular job with that. But and I also think in the past you really haven't had managers who at least knew what a city manager was and I could be speaking ill on that and I apologize, if that's the case.

We're going to get into some CRS here 31-4-11. Well, I'll start with 31-4-2-10 the City Council shall appoint a city manager who should be the chief administrative officer of the City. The city manager shall be chosen solely on the basis of his executive administration qualifications and need not when appointed to be a resident of the city or state now you can make an argument between statutory and home rule, but regardless whether you call me administrator or manager that roles and responsibilities are the same. Yes, sir?

DEMBOSKY: That's under city not town. We're a statutory town so and there is no CRS town manager law.

PATTERSON: Correct. There's an administrator. And it does get into the administrator, which we'll dive a little bit farther into. There are statutory and home rule governments and generally with the statutory government you have an administrator.

But regardless the roles and responsibilities are the same and that's why I've had CIRSA come here to kind of help us all understand that, and he got I know that he mentioned once in the meeting that the one single point of contact and DOLA did mention the word manager. I think she said the word administrator because technically we're a statutory government. Now exchange words however you'd like, city, town, council, board regardless at the end of the day the meanings are the same. And if you do need clarifications on that I hope that Clay will be here shortly to help you with that in the executive session.

Now with -- there are a few more things that are on there and in it that brought us with it again, and I didn't get that time to talk with you all and we're really supposed to be a team here. And I had to look at the past to see if it really was just me right, and I looked in the past and this has been happening since 1986 that the town has been hiring and firing managers, administrators, whatever you'd like to call it over and over and over again

And I think I know some answers to that. But it looked like a document that I was given right before you about the fire zone that that's ultimately what I translated that as. There are things in there that I know that which is not true. And then when I asked for the evidence on that I

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said there are things in that document that was the review. When it says that I said, I don't have time for citizens, I never said that. And there was others -- but I'm going to dive too deep into that now. I understand that can grind there. So I'm going to try to focus our mindset on this I would imagine this conversation in your point of view as you've been sowing into me and just like as you plant the carrot in the ground and you wait months and months and months for it to come out now we're reaping. And it's a positive reaping.

It's not reaped what you sow in that sort of context. And now as you've been instilling this knowledge and wisdom in me, it's my turn to give that back to you I'm what I've learned. And I think if you come to the table with your mindset is hey, he's a young man and we need to train him I think you're failing already and I think we need to have a mindset of we need to work together. And if we have that mindset, then I think this is conversation today will go very well, actually. Then we'll both learn some things.

Now when CIRSA came and handed you all a handbook, best practices ethics, and liabilities for elected officials. You can translate that into a bureaucrat like myself, right? Under chapter 1 there is four. I call them pillars for a clear governance. The first one is allocation of responsibility. The second one is transparency in meetings. The third is qualified judicial rules of engagement and fourth is personal conduct. And as you see them numbered on your list. They all are number one under how we, you failed goes back to number one rules and responsibility so as their number that's how they're addressed. Now how we have failed one are no clear rules. Two we have no uniform reporting these procedures. Three no quasi judicial procedures, we do. I think they're a little shaky at best, meetings getting off task, not all trustees heard, unclear outcomes, lack of public trust I think this has been garnered over the years and I mean it's a culture that we have to really work together.

WENKE: Let me ask you a question about that -- meetings getting off task now, I'm not, listen, I've probably been guilty of that a few times. Not all trustees are heard, I mean I've not heard that for many of these trustees if I am not listening to any of them or if they don't have a chance to speak. I'd like to know who it is and when that happened because I think I get everybody, I do my role as mayor to build consensus. You can't build consensus if you're not listening to everybody. So I'm just asking where you got that.

PATTERSON: Yeah, I'll refer to specific and now it's not all the time I think you do it, you know, you do a great job. And this is not to speak you, so gosh, I think it was maybe our September meeting when we're supposed to get a vote, but we did it and then on the second time when you looked at me said, okay, Caleb, can we do this? I then said, you know, can we get a consensus? Which we didn't do the first time and I know Bob had a question about the master plan instead of bringing it back or at least somebody had a question.

It wasn't heard and I could be wrong on that.

WENKE: No, that's the case I remember that meeting. Yeah, and I think we were going to review the master plan at a different occasion a later occasion

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PATTERSON: And I apologize and a lot of that just has to do with the floor, look up right when you're right next to everybody, It's kind of hard to look at but if that's not the case and I apologize but continue ...

WENKE: No uniform reporting procedures.

PATTERSON: That's right.

PATTERSON: Reporting what to whom?

PATTERSON: Let's -- if you let me stay on task a bit.

WENKE: You're on task right now. So we're just telling what you mean by that so I can understand in meetings, how do we fail?

PATTERSON: Yeah, so we don't have any uniform or at least formal reporting procedures, we don't. Usually what I'd like to implement is a document that has report one two, three, four five, so whatever it might be that's in your packets that you can read, rather, and it helps us stay on track from one meeting to the next rather than me just bringing some piece of paper and letting you know.

So I think that would really help, and not management by objectives, with something that you put out and that you want to start implementing and I saw through that, and some of it was just because of uninformed and you guys don't, aren't keeping, or we're having a hard time keeping you all informed. So I think a good way to address that would be through formal reporting procedures from us to you all.

WENKE: That's the purpose of the management by objectives.

PATTERSON: Yeah. Yes.

WENKE: Thank you.

DEMBOSKY: Keep going. You say how we have failed. You had earlier said, you know, we can learn from one another. When I read that I have to say how we have failed that sounds like an F.

PATTERSON: Yeah, well, I wouldn't, I'd say that's unfair to you all.

DEMBOSKY: Well, that's how you say it Caleb. And that's one of the problems we have in communication. Yeah, you're very strident.

PATTERSON: Well, I think we, is, we including myself and you, have to understand that this is very much a team effort. You guys are the how and why, I'd be the what might be or how, and

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when and how do we work together. If I think there's a lot of questions that have been unanswered and we'll go through this document. But I do think we've got along on some things and to just throw that away, right guys? I'm your manager I'm here to help you and to serve you and so just to look at that at face value and to throw that away right away, and I understand my age is probably something you look at you see, you know who is this 25 year old that tells me, you know, what it is or not? But again referring back to that what we've read, I've learned a lot and I want to share this with you so we can each serve each one of the citizens in an appropriate way. And this is what this document is and, again, it could get adversarial but this is the best way I've tried to formulate this conversation to not make it as much as that.

WILHELM: Yeah question for you. Where are you reading this from in this document?

PATTERSON: First document introduction. If you're using a computer, on page two. All right, what has come because of our failure – one, no transparency and administrative tasks, lack of teamwork meaning tasks, lost public, staff and trustees lose their voice and attention. That's more of a general understanding that is the lack of public trust, please.

JAGOW: I have a question backing up underneath the Yeah How we have failed? Yeah, you have specific instances of inappropriate behaviors from local government.

PATTERSON: Yeah, I don't mean to be brazen. I'm one of them as well. I think you're sitting here today and we, and assume and just thinking, I think sitting here today without really looking inwards in trying to ignore that, you'd be lying yourself.

WENKE: Let me just interject something that I learned on this vacation. I turned, okay, and it does apply, I went and saw in Turkey the whirling dervishes. Very, very, interesting and it comes out of Islam but the point of it is these men go in a circle twirling during this whole event and, but the bottom line is, that it's mankind's nature to try to change the world but instead they should look inward and change themselves. So I think you should take that to heart.

PATTERSON: Well again, I think that's a little inappropriate for today's meeting.

WENKE: Just a second here when you talk about no transparency in administrative tasks. What do you mean by that?

PATTERSON: So again, right? We don't think I'm addressing you guys without addressing myself.

WENKE: You say here there is a lack of teamwork. So again, this is a team effort, right? Yeah, so why is that?

PATTERSON: All right, I don't mean to be strident, but I will mention some things. So bill 24. I'll do the first thing that you asked which was no transparency in administrative tasks, I'm going to go through what a manager is and what my, by statute, by law, gentlemen, not what we feel

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my position should be but by law what it is and to circumvent that I think would be breaking again those four areas of clear governments. I think you'd be breaking the allocation of responsibilities and it's important to trust me as a manager.

WENKE: You don't know what your responsibilities are?

PATTERSON: I think you guys don't know my responsibilities. And that's, I apologize for that, but it goes to show especially with that document, that review, that says I have to go to the clerk who's a single point of contact to the Board of Trustees. That's not the case statutorily. It's -- I'm your single point of contact.

DEBOSKY: But you're not, the town clerk is the administrator.

PATTERSON: See, that's just not, see, that's just not the case.

DEMBOSKY: You want to see her job description?

PATTERSON: So let's, we're going to get into that and the history behind that, I'm going to answer you, so, again guys ...

PATTERSON: Well, I see this -- temperatures are rising.

WENKE: Let me ask you this question because this is going to be a long meeting. Why is it? Let me work in a different way. If we make all these changes you will have created a huge bureaucracy number one, but number two, the outcome you seek is what?

PATTERSON: To align ourselves with statute.

WENKE: No, what is the outcome you seek for the Town of Westcliffe, other than meet up with some state statute.

We've never -- you know, we, I don't know, but, Clay's are we okay? Are we violating any law by the way we're organized, Clay?

BUCHNER: Can you guys hear me? Yeah, so I think the statute Caleb is referring to is a description of job responsibilities different when you selected a town manager as an officer of the town in that role, but I don't think, I don't agree with Caleb's interpretation that it's a violation of statute. Some towns can't have multiple staff members and they divide up, for example, responsibilities of town officers amongst the trustees. My understanding is that it might not be typical the way that Westcliffe is structured and it might not necessarily be considered a best practice by The Colorado Municipal League, but it's not, it's not statutorily disallowed.

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WENKE: Okay, so we're not in violation of any law or statute. So let me just keep on with that, but you're saying okay, we become in line with state statute and so then you're saying all these changes would just simply obtain?

PATTERSON: What do you mean by all these changes simply obtain?

WENKE: What do you want, you want to be, you want to be in charge of everything? I'm making a statement. That's my interpretation. And so you're saying that if you're in charge of everything we'll have transparency.

We'll have reports. We'll have teamwork. We'll have all of this right? That implies that we don't have any of this now.

PATTERSON: I would make that case and that's what this is all about.

WENKE: Why don't we have teamwork?

PATTERSON: Because we have no accountability.

WENKE: I mean the team is right here, you three, that's the team. So you work 20 feet from each other okay, so the question is why doesn't teamwork exist? It's easy to do you can holler and say hey, or you could walk across the hall or they could too.

PATTERSON: So teamwork does exist. And it was one thing, on the reviews, that we both got that we really disagreed with. There is a very good effort with teamwork, but things get lost well quite a bit.

You know quite honestly there's, like I mentioned, Senate bill Senate bill 24-131 that was supposed to go on the agenda a while ago and that's nobody's fault, but again. I'll do an ownership and say yeah, that's on me, right? But there are things that getting lost.

WENKE: Now how would this resolve that issue?

PATTERSON: I think so, yeah, well again, I think it'll be mindset at the beginning--

WENKE: I've come from a lot of big organizations, I can tell you that they have a lot of structure, and there is no lack of leadership or lack of teamwork. Number one, number two things do get lost. Number three, inefficient.

PATTERSON: So we should just accept that, should we accept that things are getting lost, and inefficient, if there's a solution?

WENKE: But I don't see a reason to change everything to achieve --

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DEMBOSKY: Yeah, I'd like to follow up on that - what you just said now is an example I think of your failure to communicate because you're implying that if we don't accept it your way that's all there is to it. There's no other options - I don't know why the three of you aren't getting along if that's the case.

PATTERSON: Okay, that is not the case - people are getting involved and that was one thing I didn't agree with in the meetings.

REIS: Sorry to interrupt everybody, Clay said "how long this is expected to go, my 3PM docket got moved to 2PM, so I'll have to jump off then I come back intermittently and then back permanently at 3:30", and then he asked that you write down any questions for him.

PATTERSON: So how am I able to communicate with you guys, if I see things that are hindering my way of communicating with you and by addressing you on that and just telling me 'no' right, so you said you're right. I primarily made this conversation about we, not you, not I, we. So if there is something that I see on an administrative level that we need to work on dispelling it right away without really without getting into this again, I think we're kind of losing focus and getting off track here. I think we should try to get back to this real quick and answer some of those questions that you have. Now one of the first ones was rules by ordinance. Mark you talked with me the one time, you said, "why should we have rules by ordinance now" as a history for you all?

And I'm going to be reading off the effective management in response to the review page. So if you're wondering where I'm at, the Town of Westcliffe originally had an administrator to answer some of the questions at least we had we originally had an administrator or a manager. That's in parentheses --

WENKE: Where are you now?

PATTERSON: Effective management in response to the review if you're on a computer. Let me see, computer is going to be page 41.

DEMBOSKY: Are you on your second document, roles by ordinance?

PATTERSON: Not just yet I went ahead and skipped real quick. Well, let me just read through this. In 2001 the town then hired and created the position of a manager or administrator, in 1999 resolution 1, then in 2006 resolution 9 the Town of Westcliffe repealed the position of administrator/manager and then 2010 we rehired the manager and I haven't been able to find a resolution behind that. So why is it important that we have we make these positions?

It is in statute. We have to have the positions attorney, clerk, municipal judge, and manager or administrator. If you're going to have those they need to be by an ordinance and that is state statute. That's 31-4 -- give you the exact one.



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MOWRY: I know you want to get through this but when you were going through there's how did you come up with these different times? Because there's ones that I've been talking to people to try to get an idea of what has happened in the last 24 years, since 2000 and you are leaving out a couple of ones and one in 2013 that was here that really spilled out. How we were going to do this and so it's gone back and forth between administrators and not having administrators and there's been times when there was no administrator, yeah, no one in 2013 really spelled out. I think it's by a resolution or exactly what the town structure was.

PATTERSON So there was, I don't think there was no resolution in fact, it was a meeting with the Board now, that's an informal procedure. And I would argue against informal procedures. I think formal procedures when you're in a government meaning by ordinance or by resolution is very important.

MOWRY: Well, this was by resolution.

PATTERSON: Well, which one in 2013? Is this kind of similar to what I have printed out for you guys?

That information is not provided to me beforehand. I don't appreciate that, but that's fine And that's one of the things --

MOWRY: I've been talking to a number of people, former mayors, former different people and this came up and so I asked Kathy to find this and come up with a copy. I'm sorry I didn't get you a copy.

PATTERSON: I appreciate that. Thank you. So rules by ordinance - these are some rules and positions that I've taken from other towns and just kind of threw it in. No, it doesn't have to be exactly like this. You might see some things that are out of, you know whack, but I really get the end of the day is having the CAO of the town and then again, we go on to rule by rank structure. There's two examples there. But regardless at the end of the day it is following 34-31-4 to 11 and having that CAO. Okay, so the rank structure that you see is roles by ordinance.

WENKE: I got this document. There were no page numbers on it. So it's really difficult if you're going off your computer, if it's different, I just counted myself. So approximately, where are you?

PATTERSON: I'll slow down a bit. I'm just trying to be time sensitive.

WENKE: Page 41 or something that was online --

FULTON: Haste makes waste.

PATTERSON: I think so, rules by rules by ordinance gosh, you're right. There are a ton of papers here and that is my fault. What page are you? 41 this is still 41. 41 is effective management I

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just referred to rules by ordinance, but that could look like for our town and then following a rank structure and formally adopting that way, we have some clear rules now going back to page 2, allocation of responsibilities again.

I pointed out rules by ordinances and rules by rank structure. And why is it important to have rules by ordinance? It's like I said, it's state statute and defines by law, which is ordinance, all parties, roles, and responsibility for town employees and board members. No confusion on you know, who does what in the organization? And you know I think it speaks to why we've had such a high turnover in these positions before is because things were done by resolution not necessarily by ordinance resolution being more of a, I'm going to summarize here, but broad statement ordinance being law. And there's a reason why, those are the reason, why the state statute says by laws is so we ensure that we adhere to that, and so there's not I turnover, and I are in unclear roles. Now, why is it important to have an organizational chart? Clear roles and responsibilities. Again, dissemination is why you know, why would we have that?

Well one person I think effectively needs to be accountable in your local government. One person needs to be accountable and then from there it shrivels down really just how any private structure would be - your military structure or really how we do things --

WENKE: I'm looking at your organizational structure here, Caleb, don't interrupt. I guess those of us who have been in business are familiar with organizational structures, but on your organizational structure you have everybody on the top - one Westcliffe citizens, board of trustees the police chief, Round Mountain, yeah, and the fire chief.

Well we're talking about The city of Westcliffe. None of those people report to us so then on the bottom, Westcliffe, Board of Trustees, Town attorney, Town manager ,and HR. In that structure everybody reports to the human resources director who really then reports to me.

PATTERSON: So you're thinking of a strong mayorship form of government.

WENKE: No, I'm looking at your structure.

PATTERSON: Okay, yeah, so I tried to, it is a little bit interpretive I'll say.

WENKE: So the organizational chart we adopted--

PATTERSON: I didn't see resolution on that, my understanding is that there was not a resolution to that.

REIS: There's enough copies for everybody

WENKE: So my point is why did you draw it like this?

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PATTERSON: There's a few reasons. Now the police chief, Round Mountain, fire chief I only did that because they come and give their reports to you, right, more of a formal way of doing things. Now they don't, you don't necessarily have oversight over those except if there is a contract, right, then you have the contract will offer obligations to ensure it gets completed. So that's why if you see that there; these are just a couple of examples, right, different ways it could look like and is the reason why it's not firm is because this is something that we work together on.

WENKE: Okay, so why would you have an organizational chart where no one in the organization reported to you?

PATTERSON: I do.

WENKE: Why would you do that? Why would I have everybody that doesn't work to do that? You have a chart nobody in the organization reports to you.

PATTERSON: Yeah, that might have been a typo so I apologize. I did, well, that would have been a typo and I'm ashamed to say that is on that there's a report to you.

I don't get the police chief. Yeah, so imagine all that eventually going to the manager and the manager they report to the county or they would report to the board. Again, again that is more of a formal way of doing it, right? They don't report to you all but they do give you reports.

So if you see them on there, that's why.

DEMBOSKY: So, that's misleading, if we do, if you want to do that standard practice would show dotted line and then it would explain that there is a liaison taking place there. Yeah, not that they're part of this.

PATTERSON: So yeah, well again this is something we can all work on.

MOWRY: Just to help you out maybe if since we don't have an HR person and we're probably never going to be able to afford an HR.

So then everybody would report to you right because we don't have an HR.

PATTERSON: So it could be two ways, I know that the clerk has traditionally had that HR role. So it could be to that or it could be a part-time certain amount of hours through the month and I do think I get into that a bit. I do have a document later on that so it could be one or the other or just hiring a part-time position for that. I do think an HR rep is important, especially one that is trained and has years of experience behind and have resources.

WENKE: Do you say the same about town manager, that they'd be trained to have a number of years of experience behind them.

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PATTERSON: Yes, again I think that's really inappropriate for today's --

DEMBOSKY: It's our opinion, it's a question asked to you in good faith.

PATTERSON: I think it's more of a jab.

WENKE: It's no more of a jab than what you just said.

PATTERSON: Well the answer to that is yeah, absolutely. So you, again, you guys have sown all this knowledge that I have received and the research I've done is now --

WENKE: The other thing I have a question about is there's a lot in this document that looks like it comes from someplace else that you never had any part in writing, it comes from a council relations policy, who is that?

Who are they? They're not you.

PATTERSON: No that was community out in Texas I reached out to another time to see what they've got other town managers.

WENKE: You've adopted something from Texas to here?

PATTERSON: Yeah, again a lot of this, these documents --

WENKE: You're way off the reservation here.

PATTERSON: I disagree.

DEMBOSKY: Can I give an example here, Mr. Mayor? Yes, okay if we go to rule by ordinance yeah, one, two, three down officers a mayor.

PATTERSON: Role by ordinance, yeah.

WENKE: Possibly what page is that?

PATTERSON: Yeah first page. Oh, okay, okay?

DEMBOSKY: That is in conflict with Colorado revised statute 31-4-3-02 Mayor's powers.

PATTERSON: Okay, explain that some, what specifically is the entire, or was it the two-thirds thing?

DEMBOSKY: You say the Mayor shall preside over Board meetings and shall only vote in the case of a tie, but may also veto spending ordinances, but may be overruled by the Board of

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Trustees by two-thirds the vote. The Mayor or his absence one of the trustees who may be elected Mayor Pro-Tem, this is the law shall reside at all meetings of the Board and shall have the same voting powers as any member of said Board.

PATTERSON: So you're looking at two different types, right, the first one or the second one you just described is what we currently have. Now you can adopt by ordinance --

DEMBOSKY: Second part this is the law for statutory towns, which we are okay. This is, Texas

PATTERSON: No, that's not Texas.

DEMBOSKY: Well. That's where you got it from.

PATTERSON: No, no, no. What you just read section 2-11 right in section 2-11 that describes what we are currently, but you can again, just a suggestion you can and the only reason I put that in there is because I know you'd like to make sure that everybody gets a vote first. So that's why I put that in there. Now the second what you can do is adopt by ordinance the power of only vote in case of a tie and then Mayor may also have the power to make subcommittees, two-thirds of a Board that is from CRS. Again those are two different versions we have the first one to 11, but then if I think if you actually keep reading it gets into the other one or may elect by ordinance, and then it describes what you see there.

DEMBOSKY: I didn't quite finish- this thing that you have says the Mayor shall have a voice in all matters before the council when in accordance with state law may not vote on any agenda items requiring council actions. This says here that he has the ability to vote like any other member again, that's the law Caleb.

PATTERSON: You're mistaken.

DEMBOSKY: No, I'm not.

PATTERSON: You are, so you're reading section 2-11 and there is a second part to that and I don't know if Clay is here to reconfirm that, but you can if you'd like and it does explain that later on in 2-11 that you either have that and I'm really I don't understand what the arguments about but regardless what we have currently is what you read off and there's nothing wrong with that again, the only reason I put that two-thirds in there, which is the second part to 2-11.

DEMBOSKY: So we're talking about communication here. I'm quoting the law. You're telling me I'm wrong. You've got something from someplace else.

You can't explain to me why I'm explaining this law, no, you didn't, this is the law of Mayors for statutory towns. So I'm going to statutory town. This is the law.

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REIS: May I interrupt yes, you have it, it's in our code that the Mayor and the Mayor Pro-Tem can vote on anything. That was passed in 2010.

PATTERSON: So we're going to get into this.

WENKE: I don't think it was Jess --

REIS: He didn't. He was actually the one who asked to do it and Christy was the mayor that signed this ordinance on his request.

DEMBOSKY: There's one other thing in this that Caleb got in here the Mayor shall also sign checks the treasurer with approval from the administrator deems necessary for the efficient administration.

PATTERSON: So not from the mayor that is then all checks go to the administrator. That's what it says. So again, so I think you guys are again, so I'm going to read off the 2-11 and I think you like to take of these that is title 31 article 4 section 301 municipalities or the trustees. So I'm going to go through this a bit to help explain that's why there's that that disconnect.

DEMBOSKY: City Manager, Caleb, which is not applicable to us.

We are a statutory town by law. Which I've got in here because we're less than 2,000 people. You're quoting city manager for those that are above.

PATTERSON: This is under the Mayor.

DEMBOSKY: I've got 2-11 right in front of me here.

PATTERSON: Okay, so it jumps over.

WENKE: I don't see the purpose trying to describe and define what the Boards individual responsibilities are. I think we know what our responsibilities are and, as I said at the beginning, my role. I've always viewed it as trying to build consensus. Sometimes I can't do it, but I think overwhelmingly you would agree that we get everybody saying yay or nay on something. And so I don't know how some bureaucrat in Denver thinks we should do things. This is the way we want to do them. This is our town, and we've been here a long time. Now I know, just read, and got this much mail at home. I just read the Wet Mountain Tribune and your interview with the writer saying that Westcliffe is dying. That you were in charge of everybody. That you were in charge of all the planning, that I think you said you work jointly on the budget.

Just remembering those things. Why would you say those things?

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PATTERSON: Well, it's all a piece take, um. I think I was misquoted just a bit on that now I said originally I do say in that interview at least what I remember when I sat down with her, was that statutorily, I am the chief administrative officer.

MULTIPLE: You're not.

PATTERSON: So all right, let's just take this here for a second.

WENKE: Let the board member speak.

DEMBOSKY: Employee handbook rule 701, individuals public communications regarding town policy or procedures i.e. letters to the editor or speeches, etc. by an employee must be written or conveyed in such a manner so it's not to imply that the employee is speaking for the town. A statement that the employee is expressing the personal opinion should be reflected in the body of any letter of speech, you didn't do that. Why?

PATTERSON: Why yeah, well, I thought it was, I don't really see anything wrong with that, with my interview

DEMBOSKY: This is what you're supposed to be abiding by.

PATTERSON: Okay, so we have policies that we abide by and then some that we don't. I again, I understand where you're coming from that, why you know, tensions are really high.

DEMBOSKY: Well, they really are. I've spent a lot of time mentoring you and I've realized it was a waste of time.

PATTERSON: Well, that's really disheartening.

DEMBOSKY: It is, for me too.

WENKE: You know, Caleb, I know you put a lot of work into this and I know this is what you want. And I think that when George and I did your review we made it very clear that the clerk's office would not report to you period. And yet here you are back with all this trying to get your way. I have a question because you certainly, it seems like you like statutes, and you like, you know CIRSA, whatever, want everything to be defined.

Where in your job description, where in your job description does it say you should be able to do this?

PATTERSON: Town manager?

WENKE: No, no, if you read your job description, Caleb, it is not there. So how about your interpretation of it and our interpretation are clearly different and that's your problem.

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PATTERSON: No, no no, that's it's again, it's saying it's your interpretation is where we're going off. Our rules by ordinance are not my interpretation and your interpretation as it states, but we can organize based on what Mark just said anyway, we want but once you have a town manager, no, that's what they are.

WENKE: We've had a town manager almost since the day I was on this board as a matter of fact, I'm the one who said we should get a town manager. Okay, 20 30 years ago or 20 some years ago. So the point of it is we've had a town manager who had nothing like this as their responsibilities. I'm talking. And you're not listening.

You need to listen. This is the way we want to organize and run this town, you may not like it. And I know you're interviewing for other jobs and because you're not happy here and I can understand that. I've had jobs I've not been happy either and my choice was to either try to help the organization as it was or leave and I chose the latter. I'm not suggesting that's what you do but not every organization is going to be designed the way you want it. And so this is the board, we're the board, we were elected by the public, and you say in here something where we should trust you and not public opinion.

PATTERSON: And I don't think there's something wrong with that statement saying that you should trust, I think that's essential to any team is trust.

WENKE: It's not to listen to the Town? You have it on your little organizational chart that we should listen to the town citizens, I don't know I have to it's in here where you say that. You're the expert and we should listen to you or something to that effect. Well, that's -- but we also have a constituency that were - but that we're responsible to. I just filled up my car with gas and the guy there said why are we paying \$10,000 for that charging station when they were over their bid.

Why are we paying for this? So I should not listen to him?

PATTERSON: I'm sorry, I don't know what that has to do with this document.

WENKE: Well the point is that we as a Board are going to listen to the people who vote us in the office to represent them.

PATTERSON: I don't disagree with that.

WENKE: And yet you make a statement, I've got it highlighted in here and, I can't you know, your manager.

DEMBOSKY: And he says like a manager -- manager to trust your experts.



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PATTERSON: Is that yes something like that. I think that's I think that's key. Yeah, having so it's like that, let's just, I'm going to use Dave's position. He's a subject matter expert when it comes to all things water. It's right so you trust him or Round Mountain trusts him in order to help them accomplish their goals. And it's the same thing with a manager right?

You trust your manager to help you accomplish your goals and it's hard for me to do. That is it's really hard for me to do that when I don't know everything that's going on within the organization and it's hard, right, it's hard. It's hard for me to keep track of everything when I got contracts. I'll just take up this last example, you know last meeting we had contracts that I didn't even see -- right usually contracts move through me. I didn't see those contracts. And we, you know, approve them and if I had one thing that I said, you know hey, we should probably add this little stipulation in there in that didn't get hurt, but it's just fine.

I guess the contract was good at the end. It was really just a copy paste. Yeah, really shouldn't have any reason to not trust that, but right so that's another reason, right? Things are getting lost, if I'm supposed to be looking at contracts and reviewing contracts and cooperation with our attorney and then something goes on the agenda that is a contract that I've never seen, well, okay, who's accountable for that?

DEMBOSKY: Town clerk puts the agenda together. Now it's up to you guys to communicate.

PATTERSON: So, okay so at the end of the day who was accountable?

DEMBOSKY: You're accountable to be in contact with her and she with you.

PATTERSON: See at the end of the day it should be one person and that's the way the system is designed. At the end of the day one person is accountable.

MOWRY: After reading through all this back and in the job descriptions and remembering when you were both hired.

PATTERSON: Yep.

MOWRY: I was here on the committees. And for you it was pretty clear I thought okay, maybe it's just the intent and we didn't spell it out but when you read your job description, it really was you were going to be doing two major things Yeah, one was going to be in charge of the roads and parks. Okay, and Neal has done a great job. I see you've gradually given other people more of a responsibility of that nothing wrong with it. The other major thing that you were supposed to be doing was zoning and building codes. And so those are the two things that you were hired for and we said town manager and you've taken that term 'town manager' and going into all sorts of research for government agencies and statutes and everything and kind of made the town manager into something that I'm not sure was meant to do. I mean and you say a state law and I go back to when we were interviewing, telling you this is what your position is going to be.

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PATTERSON: So there's two parts of that. I'm going to answer the first one that I think I've pretty effectively done those first two things, right, streets and roads, building and zoning. I think I've effectively done that pretty well, and that's not to be conceited. I think I've just done a pretty good job on that. And you're right that is what you know.

MOWRY: I'm not saying that at all. No, I'm saying is all of a sudden those two things you were hired for you're saying we need two other positions. That it's not you and now you're going off into other directions.

PATTERSON: Well, I think it's, you know, if I choose to like to stay I choose to make Neal head of the chip seal. I think that's not out of reach right. If he is doing all the maintenance on the roads they should probably be consulting with me on, hey, these are the roads I think we need to get done and that's very fair and then the building and zoning part. That's a little bit different now with, so, we're going to get their sales tax. You can afford that so probably that just happened right away So, excuse me for that, but eventually when we already have that part-time building and zoning inspector, I would just change the title and the pay would be the same thirty six thousand dollars, Monday, Wednesday, Friday 30 hours a week that'd be plenty I mean, you know those aren't too far the way now you say I've taken --

MOWRY: You're building a bureaucracy that I don't think was ever intended by the council.

PATTERSON: So that's under my roles and responsibilities.

WENKE: It is but it's under our authority to approve it.

PATTERSON: I would say financially, yes administratively, no. We could, so that's again, that's the disconnect, again chief administrative officer. Yeah, that's the town manager's take. You say I I've taken the title, I think I have, I could do a pretty good job.

WENKE: No, that's not the question, you've never been a chief executive officer before have you?

PATTERSON: I think I have and I think I could do a pretty good job.

WENKE: That's not the question. Have you been a chief executive before?

PATTERSON: In the private world, no.

WENKE: In any world?

PATTERSON: No, no, I have not.

WENKE: So the point is in my current business, in the businesses, I've been a chief executive officer, nobody had a person or a position they could fill a position, a new position, without

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going through me, period. So that's not you to fill a position if it's a vacant position Absolutely you or Kathy can do that or Erin. But to add a new position no because it's fiscally related and number two the board or in case of a chief executive I would have to take it to my board, what is all this about why and they would say we don't need that I would say yes, sir, and I would drop it.

PATTERSON: So everything I've already done that you guys have already approved. So I didn't, I'm not saying, to make another position without bringing to attention that much is very much true.

I do have to and it's not that I wouldn't want to do the opposite but elevating Neal's position to where it is and having the part-time position but you guys have already approved, right, and as long as it does not have a financial impact and as long as the administrative duties and tasks are being done, right, so you know, there wouldn't be really any friction early. So I hope there would not be any friction, right? Finances are good.

WENKE: What are you going to do now, Caleb?

PATTERSON: I would still because now Silver Cliff is getting their sales tax back and that's another conversation that needs to be talked about and how to work with that. But why are we talking about Silver Cliff getting their sales tax back?

Yeah, that just got passed the zip code. Yeah, thank you. My apologies zip code, but right some of those funds will then be going over to Silver Cliff.

So therefore you wouldn't be able to hire that's true.

I think it just got passed.

REIS: They did but it doesn't change our sales tax. The only thing it would affect is the online purchases yes. Department of Revenue had already addressed that for Silver Cliff to make sure when you order something that you can go down to Silver Cliff or Westcliffe, where you live and if they don't do that they can get the money back by a form that department of revenue has so I don't think it's going to affect much at all.

WENKE: I sell products all over the state. And I've had our accounting company people use their's for accounting they have one person what this individual does it looks at every, every stream address and not zip code. But street is within a zip code because there are multiple taxing districts inside of the same zip code. So it's not done by zip code that the tax flows in is done by street address. And it'd be a zip there could be a like Westcliffe could have another area within Westcliffe or another tax. So that would be defined and that's how it works. I know that because we've had to pay personally out of my company because we got the wrong tax

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PATTERSON: I'm just saying -- zip code through online orders, and you get up different, maybe that's totally fine, but I would expect maybe a little bit less ones, but if that's not the case.

MOWRY: And in your defense, I mean the mayor of Silver Cliff is saying that we neighboring town has gotten thousands and thousands and with a new zip code, Silver Cliff would get it back.

REIS: That was true in the past before Department of Revenue got a handle on it.

PATTERSON: Let's bring it a little more to a positive. Number two -transparency meetings. I'm in transparency by reports - please see blank formatted repeat sheet. That is just essentially a blank piece of paper that shows different reports. I think it would help you guys if instead of us just having some things written down.

So at the end, during the Board of Trustees meeting we just verbally or kind of informally say hey, this is where we're at with things. There's not necessarily a problem with that, but I think that in order to help you keep track of things, my apologies, in order for us to keep you informed on the things that we're doing that a formal reporting sheet.

WENKE: Why don't you just implement it? You don't have to have permission from us to implement that.

PATTERSON: Yeah, so yeah --

DEMBOSKY: What about the minutes of our meetings?

PATTERSON: I don't know. I think they'd be almost too broad really, you know, the reports would just be really just a summary, right?

So if you look at they're like, so 20 pages of minutes and they get diluted.

WENKE: The management by objective process that I outlined in detail for this board and you would be a vehicle to do that. There are obviously things that fall outside of that, we had a pipe break, that's sort of thing, that you can't account for. But you can implement that process right now.

PATTERSON: Yeah, I can. How am I going to be able to do that look okay, so if I'm not the manager over other departments how do I enforce that?

WENKE: You don't have to be worried about them. They can do their own.

PATTERSON: So you see okay now within the government now within our organization just from off of that. We have already have a split divide down the middle, right?

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One department's doing things all their way. The other one's doing it the other and we don't have uniformity.

WENKE: For example, I think that, so you're here and your current department does inspections, right? Yeah. Okay, and so Kathy's department deals with other things ordinances, and so on and so forth and she has never come to me and say we're doing our inspections wrong. I've never heard you come to me and say she's doing the ordinances wrong. So the point of it is that you don't have to have control of everything to make sure everything happens. You can implement that report yourself.

PATTERSON: It's not about control. It's about uniformity. That's the message in --

WENKE: You'd be on that form and you can do it.

PATTERSON: So again, I really don't see the problem with monthly reporting formats.

WENKE: And there's nothing wrong. I said you can do it.

DEMBOSKY: Well, you two guys could sit down, make a deal and do it.

WENKE: Yeah, why can't you do that?

PATTERSON: Well, we can again and I feel like it was just best in this meeting to kind of answer right that number two with the transparency, how do we so we're --

WENKE: Where are we not having transparency?

PATTERSON: I just said.

WENKE: So you brought it up that there's a lot of transparency. Give us an instance.

PATTERSON: All right. Let's just take the housing for an example. That's when I got hit on my report and I would say we had a fair amount of meetings probably like several. But at the end of the day you guys were left confused because obviously there is a way I was not conveying the information over to you. So I'd imagine that month of reports could have helped with that transparency. Well, you know that's hindsight.

WENKE: You don't have to have a 70 page document to do some of the things you want to do.

PATTERSON: I would agree that yeah.

WENKE: And I don't know why you don't do it.

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PATTERSON: So again, this all plays into something, all following these documents plays into something and more, you know, I feel like the more we get off task, the harder it is -- key division? So yes, there are some things that I could implement right away. But, there's also some things I can't --

JAGOW: What exactly is your task? What is it? What is Caleb's desire of the outcome of this meeting?

PATTERSON: Well, I think that the four tenets. One is a clear allocation of responsibilities, clear, or at least full transparency, perfect quasi judicial roles engagement never get the perfect and then excelling right personnel conduct. So those are like the four tasks or the four pillars I've got under the CIRSA. So eventually it would be a well-defined organization for administrative tasks.

I think we need that and, again, by law we have to have them.

WENKE: So where don't we have -- where do you have confusion about what your job is?

PATTERSON: Again, it's not confusion with what my job is.

WENKE: Well, you just said clearly defined of what your responsibilities are. I would like to know. Yeah, let's start with Kathy - Are you confused what your job is?

REIS: No, I go by my job description.

WENKE: Erin, are you confused about what you have to do?

CHRISTIE: No.

WENKE: Caleb is.

PATTERSON: Yeah, again, it's not confused.

WENKE: So you're not confused. They're not confused. So what is the purpose of that?

PATTERSON: I think that you guys are again -- tough for me to say - I see shaking and I understand that I do, you got to look at me and say, you know the gall on this guy to even, you know, say that. Again we're going to take a statute or statutory definition I don't want to -- managers because that's what we have to do by statute.

DEMBOSKY: Caleb, once again we are a statutory town. Colorado law splits the responsibilities of the two governments into towns and cities. You're quoting the city now.

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PATTERSON: It's not towns and cities. It's easy to confuse, it's, I'd say statutory and home rule because there could be some cities that are statutory. We're looking -- most part.

Yeah, you're right. It's a little --

WILHELM: I need to step out for a sec.

WENKE: Sure, let's just take an intermission here.

WILHELM: Okay, okay, that's fine.

WENKE: Let's take a ten-minute break.

BREAK: Let the record show that a break was taken at 2:30 p.m. The meeting then resumed at 2:36 p.m.

WENKE: Okay, I don't know where we were on this. We're an hour into this and Caleb, if you want to continue, you may.

PATTERSON: Again, if you know at the end of the conversation, if you just want to take what I say with a grain of salt, and that may so be. But look at our history as a town and so since 1986, we've had managers on and on. And you got to ask yourself why might that be and that's generally, I would say maybe unhealthy for the organization itself. So keep that in mind now, you asked I'm going to go, and how can we combat that?

WENKE: I'll comment on that, Caleb. I was here not for all those town managers, but one retired and went to Florida. The one that preceded you had some serious personal issues. It didn't have anything to do with the Town. And I don't know about Feldman, I wasn't here when he was here.

REIS: Yeah. Well he was fired.

WILHELM: He was fired, he was terminated. Okay, I didn't realize.

REIS: Well Bob Squire in January of 2013, the motion was that the position of the town manager be eliminated from the town employee list, and that's when Bob Squire was on.

WILHELM: And we had that other guy over here from Granada who was here for about nine months.

REIS: He left.

WILHELM: Yeah. Well, yeah, he went back East for a job.

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PATTERSON: But we the consensus is and I apologize well, we've had this this on and off trend for quite some time.

WENKE: I don't think they left for the reasons you're saying.

PATTERSON: Saying I think there was definitely some disgruntlement. I called people so that's why, and I'm not going to say who, what, where, but I have, and I've gotten that you know that information from them. So even in the past there was but even from an outside point. Right, without coming in and saying like oh, he was this oh, he was that, right, looking at this from outside looking in we've had this constant turnover in managers. And I don't think it's healthy and here are some -- I have come up with some ways to keep and maintain an effective manager, or at least some ways that I think we could that we should do. One is honor, rules, and responsibilities. Adopt a management structure in congruence with state statute, DOLA, CIRSA, and CML. The position should come with a contract - please see example contract example goes through and then four, trust your manager to manage the town for you and trust your experts. That's what you were looking at, and I don't think there's anything wrong with that statement at all. I think for managers is kind of self-explanatory.

It's, that's what you trust your manager to do. So and then going through you know in turn, I can provide you with the following, a monthly reporting from all department heads again, I and then the second one, yearly review process that would keep the board in charge of the direction of the Town. And that's why I kind of want to stand test because we get off and you know if some gears are grinding, but there's also positive aspects as well.

Now the yearly objective and the town manager performance evaluation process I do have - I think it's probably one of the last documents if you're on the computers and this also goes by the management by objectives that we can look at.

DEMBOSKY: Which page do you have?

PATTERSON: I'm going to scroll to it right now.

DEMBOSKY: I was fussing around with the internet here, but I'm still in the first document.

PATTERSON: It starts at page 52 is 79. It's colored for you, or if you don't have colored sheets, it'll just be different shades. But it goes on the management by objectives, right, how -- we look at last year. We never really sat down and said, okay, you know Caleb, we you know, want you to do X Y & Z this year and we need to you know, get it done.

Really, you know, we, I think the staff is presented to (inaudible) exact but I think for the most part the staff is presented to the board, hey this, you know, this is what we think but we should make that the opposite way. And this, that positive aspect and how we can do that as a team and is to have those yearly objectives.



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DEMBOSKY: Do what now, I didn't hear it.

PATTERSON: I said I think for the most part -- it's been staff at least for the year right for grants and whatnot staff bringing to the board. Hey, this is what we think we should do but what should be is the board coming to the staff and we all sitting down and determining that year, right, what that year is going to look like, what is our goals and our actions?

What's our goal and our objectives and then that is in that those documents.

WENKE: If you recall, in the management by objectives document that I developed and submitted to the board, and Caleb you gave me the idea of us - the board - giving staff that heads up, an idea of what we should create. You should be focusing on coming here. Yeah, and I put that together and I see your objectives. It doesn't follow the format at all, but still all it of it could be changed to the object format that I submitted. But I don't see it in here for Erin, so you're assuming that you're going to be responsible for Erin.

PATTERSON: Again that this is based off of the accountability, right? So going to one. We had that there's that one representative sitting down with them and saying okay, this is what we want you to do and you know, essentially go get it done. But yeah, so there are some financial things that are in there presuming that would be the case.

WENKE: The one thing you say in the document on my documents page 42. So I'm in this area some place. You're talking about, and, I think what precedes it is section -- so you know the page numbers it precedes section 31.4.2.11 in this document. It's the third paragraph down you say Town is asking me to agree to it against the intent of state statute by adopting a two-manager position. I cannot ethically agree to that. Yeah, what ethics are we violating?

PATTERSON: Again I'm sure I think we're again, it's not I really it's you guys are interpreting one way and I think --

WENKE: It's right here. Okay, so if we don't approve of this, right you can't -- are we violating some of your ethics?

PATTERSON: As a manager, yeah, I got to rely on State statute. I said I have to rely on state statute. So if it goes in my opinion if I think it goes against state statute, I think I'm doing a disservice to you all by not at least informing you.

WENKE: Well, you've just been told ten times by Mark here that that statute doesn't apply to us. I think you disagree with it. That's fine

DEMBOSKY: Let me read the citation of the law -- it's right here, Colorado revised statutes title 31 Municipal corporate class organization territory or has four organized structures and officers. Part two organized structures cities city manager form. That's what you're to 11 -Our other one for town which doesn't have a town manager definition is not part of the organized

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structure city. It's organized town and by state law, and I have it here, a municipal government with less than 2,000 citizens is a town. And there's two separate blobs of stuff in the law based on those two structures.

PATTERSON: Okay, then what kind of government - just asking you all - what kind of government do you think we have?

DEMBOSKY: Do you recognize that what you're quoting is inappropriate?

PATTERSON: Again what form of government?

So that's why there's confusion to the question. I'm going to unpack it. Well, there's confusion, so I'm going to unpack it.

So, I, and it's essential what form of government do we think we have? Okay.

No, no, what is it?

(inaudible)

WENKE: Yeah, we have a town board elected by citizens and we have staff within the structure of the town including yourself and the clerk and assistant clerk as part of the management structure. That's where we do it.

PATTERSON: So we have a statutory, but you, that's exactly what you're getting. We have a statutory government, which means if you know, essentially if we don't have something in ordinance then we rely on state statute. That is a very broad kind of just stamp on that. So we have a statutory --

WENKE: Are you saying we could go to jail, if we're organized like this?

PATTERSON: Why so adversarial?

WENKE: Maybe what you should think about it is maybe we don't want and then --

PATTERSON: That's what I said.

WENKE: Because I don't sense that. I wasn't here. I haven't talked to anybody I haven't emailed anybody, I haven't texted anybody, but I get a sense that the board doesn't -- is not buying what you're trying to sell. So that's where we are. So now the one solution we could do which seems to be a bugaboo is that we could just change your job title. You would have a job. We wouldn't have a town manager then we would have something else.

DEMBOSKY: Well, I have an idea --

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PATTERSON: Well, let me real quick if I could, I have some ideas as well. So we are statutory government and therefore should have an administrator.

MOWRY: I mean Erin's job description; she is the administrator.

PATTERSON: Exactly, so but back in the history of the town which gets into if you want to look at timeline of events effective management responsive view, it gets into that. Originally there we've had administrator managers separate from the clerk position and then before Gabriel before Gabriel's hired they, the Town, the Board kind of gathered together and said, okay, we need to help pick up these administrative tasks in between looking for candidates. And so that's when they made the position an administrator. So that's where and then a lot of confusion comes out of that because an administrator isn't a manager. It's just statutory and home rule. So on one hand you have an administrator, but you've also had a historical manager. So that's why there's all this confusion.

Okay, we statutory or are --

WENKE: Who's confused?

PATTERSON: Well, I think I am yeah, yeah. Yeah, but I also think it's also the other way around too. And again, with, trying to convey that to you.

It's hard again to convey that to you, but we've had an administrator and a manager. They are the same thing.

WENKE: Caleb, listen to me. Whatever you all think you've done a lot of work here, I'll give you that. You copied a lot of things from other places and done your research and so forth.

I don't think this dog is going to hunt --

PATTERSON: And that might be the case --

WENKE: What you can bring, is it so I think that if you have you know what if you could take a few more minutes with a closing arguments to leaving out the ordinances or the state codes, convince us as to why we should do this.

PATTERSON: I think for the most part I kind of imagined this conversation going the way it has. I did but again, I felt as if I did not bring this up to you, I would be doing you a disservice.

Because what's the difference between an administrator and manager they are the same thing except for different types of governments. So that's why you're here and you're seeing this is because there are unclear rules. It doesn't matter what you put into the job description really,

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the title of it ultimately matters. So if you're going to have administrator then by statute that person must do administrative tasks. And if you can have a manager --

WENKE: We don't have to follow any rules.

PATTERSON: Well, I think by your government, so you should be following state statutes.

DEMBOSKY: Under the state statute, we define what the duties are. Now you pointed out that we failed in the past to do it by resolution or by ordinance I think we can fix that. We can get it on the agenda. But it says shall prescribe by ordinance their duties. Yeah, so we can it's up to us.

PATTERSON: Okay, I'm trying to give a closing statement, but town manager, okay, what is the town manager by statute? It gets in into that city town --

DEMBOSKY: It doesn't exist.

PATTERSON: It does.

DEMBOSKY: Why do you keep saying that it does? It's not in the law.

PATTERSON: A town manager is the same thing as a city manager. It is the exact same thing.

WENKE: And we can define responsibilities for the town manager. Can we not?

PATTERSON: Yes, regardless of how this conversation has went --

WENKE: I asked you a question, answer the question. Can we not define the responsibilities of the clerk and town managers?

PATTERSON: At the end of the day, even if you do specific job descriptions the overlying message is that that person is your CEO. That is how it works.

WENKE: My message to whom?

PATTERSON: The overlying job -- you put town manager. Yes, you put town administrator. They're the same thing and at the end of the day their roles and responsibilities are the same so divvying those up to me doesn't make sense.

So putting self aside.

WENKE: It makes sense to us.

PATTERSON: Okay, so putting self aside--

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WENKE: -- realize who you report to.

PATTERSON: So right, right and if it makes sense to you guys and you have an employee saying it doesn't make sense to him, then something should be done. So putting again, putting myself aside, and if you don't want to follow that form of government and you just want the administrator then make me a city planner and building and zoning and do that.

DEMBOSKY: How about manager of town operations? How's that sound?

PATTERSON: I don't -- I think that's a little contrived. I think city planner and building and zoning official. It's a little --

DEMBOSKY: Well, you're an operations guy, right roads parks inspections.

PATTERSON: Yeah, I mean I guess whatever the heck you want to call him that's not a bad title, but whatever it is, it needs to be clear because again, I believe it's not clear and I don't think that's and, Mark, I don't think that's a bad title to it either I'm not trying to downplay that and if that's the world you want to go down that road go down that road. But choose one or choose one of the other because when you have a manager or when you have an administrator. They're their duties or their duties.

That's why you harp on that shall be the one point of contact for the board well, you're right on that because an administrator under statutory law is now, again, with the history the positions were separate and it's really was a manager who's always been the administrator and it's only until recently that that role was split. But whatever decision you go by make it just one make it one person reporting to the board because that's how the system is supposed to be designed.

MOWRY: Caleb, in the two documents that you send us, that you revised, the second time the first time you said that you had a number of job possibilities. You had to let them know right after this meeting and then you changed that to If you don't do this, I cannot ethically stay, and I would be willing to be with a new person for three months. Where do you stand on all this?

PATTERSON: Yeah, so that's why the second document got sent out, right? I did get an offer from a city. I had to turn that down because I wanted to at least have this conversation with you. And I had to get things in the office organized I have a whiteboard so in the case that you wanted to fire me after this conversation, that I at least have some direction for that person. Documents on my computer to let them know where I'm out and get them up to date. So I had to at least get affairs in order, if that was going to be the consensus of this conversation. No, I turned that down and I am finalist for now two cities and one county and, I have other applications that I have put in so I guess my answer will be at the end of this month to you all. You know, let's just say they all wanted me, I'd still be with you.

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But just again, I don't want you to think about this conversation and think back on me and because that's not what this is about. It's really just trying to say and if they do it's going to take me a few months to get my affairs in order to -- I'll stay on to help you all during that vacancy to train that person up and go down that road. So that that much is the case.

MOWRY: But so you still cannot ethically stay if we make no changes.

PATTERSON: If -- yeah, guys, I feel strong about the way I do.

WENKE: And I respect that, I respect that position and so forth. Mark, did you want to say something?

DEMBOSKY: I got lost a little bit. So you rejected the one offer, so you have other offers pending now?

PATTERSON: So yeah. So that's why give me all the way to the end of the month to let you know probably till January 1<sup>st</sup>. I'm a finalist for two cities and one county, county administrator. And there's others that I put in that closing is review process is like mid this month end of this month. So I'm kind of waiting on those first communities and you know, again, I don't want to leave, I really consider Westcliffe my home, but there's obviously just some fundamental differences and that's fine. And we can have those.

DEMBOSKY: One of the things in your article, the first document intro for a document introduction, okay get my eyes together. So the future management of Westcliffe, how can we keep and maintain an effective manager?

Number four trust your manager to manage the town for you and trust your experts. Yeah I'm not trying to be provocative here, but you consider yourself an expert in town management.

PATTERSON: Am I an expert? I really don't think anybody gets to that expert level, I think I have some these last two years. I think I have some experience and I've gained experience to that.

DEMBOSKY: Yeah, you have but I mean part of the problem here is you write things like this, and I don't think you're aware of how it can affect people because it sounds like you're saying we don't trust you that you're an expert and we should be. And if you didn't mean that you're not careful in what you're writing.

PATTERSON: I think this conversation today was is pretty good in relaying how you guys' mistrust towards me.

DEMBOSKY: Well trust is earned and I have to say the many explosions you've had with the Mayor and others, you've never apologized for and I remember at the last time it happened, I tried to get you to not do it and you, I don't know if you remember, I leaned over Randy

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stopped it. You apologized saying it was partially your fault. You did not sir, and that crossed the line in my mind.

PATTERSON: Well, I can take accountability now and say, Paul, I apologize for that. I do I think well --

WENKE: Well, thinking back on that, I rarely lose my temper somehow - I -- there's maybe you have a gene or something that a lot of people don't know that sets me off. Anyway. All right. So we've heard, I mean, we've heard of all this and what I would like to do unless Caleb's got other things to add or you have other questions, I'd like to adjourn this part of the meeting and go into executive session and discuss this.

JAGOW: I still have a question, I still don't understand what you are directly are not happy with and exactly what you want. Are you not -- you don't have enough power in your current position or you're upset that Erin has power that you think you should have? It's not -- I'm not understanding.

PATTERSON: It's not about me --

JAGOW: Almost everybody in here has had managerial and administrative experience --

Is this your first managerial and administrative position now?

PATTERSON: It's not my first manager position. No. So you're asking what I'm not happy about. I think I mean just based off this conversation alone I've really tried to make this non-adversarial again.

This just can be the nature of these kinds of conversations and just by the reactions of what I'm, what I've gotten and I've -- quite appropriately this meeting, and I understand I've gotten upset in the past. But just off the interactions alone, I just don't think it works to be honest with you. I don't think the way we run things administratively works again. We've lost too many agenda items, too many agenda items pushed out. We don't have clear goals for for the Town and that's not speaking ill against you guys at all. But if we don't have clear goals, you know for the Town, you know, what do we want to see?

WENKE: We have a long-term plan we've been working on. We have a strategic plan. And I want to start on management by objectives. All of those are structures put in place to achieve what you're just discussing.

PATTERSON: Yeah, so I said you're right. We have started to do this.

WENKE: We haven't just started. We've had a long-term plan. We've had a strategic.

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PATTERSON: Yeah, not so even strategic, it's really like goals within our government, right? So yeah, we've had we have comprehensive plans. I've been gearing all of our capital improvements towards that. Right. So and then we have a new master plan, you know, so correct, we are making long-term goals and achievements. But a lot of that is big picture when you start to get down to the administrative side of things, how are things going to get done? And once they do get done things are getting lost --

WENKE: That's what you try to do that's your job is to figure it out and having control over everything is not going to help you do that.

PATTERSON: It's not control. It's about accountability. It's what it's about.

DEMBOSKY: I was just going to make a comment here, Caleb, and somebody said we've had a lot of management experience here over the years and I've been on both sides of pushing government policies, regulations, grants, contracts on either side of it. This is meant constructively. The way you present this is not good enough for what you're trying to do. I would have one document.

Yeah, I would not have sent emails saying that I'm thinking about quitting because the implication whether you meant it or not is my way or the highway. And so a lot of this comes across aggressively. I mean when you said I mentioned it earlier what has come because of our failure that's a really strong word.

PATTERSON: Mm-hmm.

DEMBOSKY: I mean, when I worked at the (inaudible) around here a lot of engineers when they were first getting started really angered the railroads who we work for, and it's the way they worded stuff. And something -- at some point a lot of them didn't even work for me, at that point, at one point they did but you have to pretend you're the other party. Failures, bloody hell failures. What do you mean? And you don't list out what they are, you don't enumerate them.

So you're stating opinions without facts, and they're aggressive whether you think they are or not. So, your approach should have been something more like these ideas. You might have addressed the Board, said I'm working on some ideas.

PATTERSON: Maybe. Yeah.

DEMBOSKY: The Board will appoint somebody to sit down with you and chew on some of this stuff and try to come up with something that's more interpretable. And four different documents, whatever they are. It's not tied together. It's not good enough if you're going to a big city, I hope I wish you well, but you need to improve your skills here.

PATTERSON: I appreciate that. Thank you.



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WENKE: Okay, any other comments?

FULTON: I'm just confused. We're going around a lot of circles today. Yeah, and I'm confused. I've got to be honest with you and I've read this thing 12 times. Okay, so I got a say.

WENKE: Yeah, okay do we have to adjourn this meeting?

NORDYKE: I'm confused. I don't quite understand the whole thing. It doesn't make sense to me, it's not a perfect world.

(inaudible) the rest of our lives. Hire people that I thought stay with me the rest of their life and didn't make it at all I mean, that's the world. That's the way it is.

WENKE: So do I have to have a motion? I'll now entertain a motion to go to executive session.

JAGOW: I make a motion to enter the executive session.

MOWRY: I'll second it.

WENKE: Do we need names? The purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and or instructing negotiations under CRS section 24-6-402(4)€ regarding job descriptions. That motion carried so we haven't even voted on it yet.

So let's vote on that.

- b. Executive Session- For the purpose of determining positions relative to matters that may be subject to negotiations, under C.R.S. Section 24-6-402(4)(e) regarding job description of Town Manager.**

**ACTION:** **Mr. Jagow** moved, and **Mr. Mowry** seconded to go into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, under C.R.S. Section 24-6-402(4)(e) regarding the job description of Town Manager. Motion carried.

**EXECUTIVE SESSION**

At 3:01 p.m., the Special Meeting was recessed. Executive Session was convened at 3:05 p.m.

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At 4:11 p.m., Mayor Wenke reconvened the special meeting and announced that the Executive Session had been concluded. He stated that in addition to himself, the participants in the Executive Session were Mr. Nordyke, Mr. Wilhelm, Mr. Mowry, Mr. Dembosky, Mr. Fulton, Mr. Jagow, Mr. Patterson, Kathy Reis, and Erin Christie. For the record, Mayor Wenke asked that if any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive session occurred during the Executive Session in violation of the Open Meetings Law to state his or her concerns for the record.

VERBATIM TRANSCRIPT

WENKE: For the record, if any person who participated in the executive session believes that there was any improper discussion or improper action in violation of the Open Meetings Law, I would ask that you state your concerns for the record. Do I have to have a motion to adjourn? No, you're good.

Okay, we're done. Okay, gentlemen.

REIS: No, you need item C, Paul, on the agenda.

WENKE: Discussion of possible decision regarding government structure and items subject to negotiation. That's this right here?

REIS: Right.

WENKE: So, now we're in a regular meeting, what do we have to do to say that we've discussed it and we are not going down that path?

REIS: Yeah, and that he has resigned. You need to make that a public record, that he resigned.

WENKE: Wait a minute.

REIS: Clay, is that correct?

WENKE: I would not say that. I would say Caleb has the opportunity to resign. But, I mean, I wouldn't put it in a record like that.

I would just say that Caleb can write letters to you. I don't want to mention that in public, that Caleb resigned. I want him to resign.

REIS: Clay, do you want to give direction on that, please?

BUCHNER: Well, I think we're already back in the public meeting. So, that cat's out of the bag. But I think the appropriate discussion would be whether you're going to, whether Mr. Patterson's intent on resigning. And then, if so, you need to make a formal decision and vote on

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any sort of information regarding severance, waiver of payback, and the details that were discussed during the executive session. Not the details, but putting those details of the resignation and what the formal decision of the board is going to be. You need to do that in this public meeting.

**b. Discussion and possible decision regarding government structure and item(s) subject to negotiation discussed in Executive Session regarding job description job description of Town Manager.**

VERBATIM TRANSCRIPT

WENKE: All right. So, we're back in the public meeting, of course, and we discussed item C. We discussed the possible decision regarding government structure and items subject to renegotiation discussed in the executive session regarding job description of town manager.

The town board did have that discussion, and we have decided not to change our governmental structure. And in that meeting, Mr. Patterson has submitted his resignation, effective immediately. Accordingly, the town will pay Mr. Patterson a one-month severance package, along with his paid time out, and no adjustment for any kind of educational accruals that he may, that may come due to him based on our town policies. Okay? That's just a brief. It doesn't have to be, it doesn't have to pass that.

BUCHNER: You need a motion and a vote, Mr. Mayor.

WENKE: Okay, make a motion that, exactly like Paul said. Yeah. So make a motion that we're going to, we discussed the item C, and we, I'll make the motion, what the hell.

I move that the town board do not accept, does not accept the proposal to restructure the town government, and that we accept Mr. Patterson's resignation as town manager, and that as, and that the town will compensate Mr. Patterson a 30-day severance package, along with his accrued paid time off, and he will not be charged with any educational expenses according to our town policy.

JAGOW: I'll second.

WENKE: Further discussion?

All in favor?

ALL: Aye.

WENKE: Opposed?

Motion carries. We're done.

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JAGOW: I'll make a motion to adjourn.

NORDYKE: I'll second.

WENKE: Thank you. Moved and seconded. All in favor?

ALL: Aye.

WENKE: Opposed?

Mr. Jagow moved, and Mr. Nordyke seconded to adjourn. Motion carried.

ADJOURN

Recorded by:  
Erin Christie  
Deputy Town Clerk