



Mesa County Attorney's Office

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May 16, 2023

Sent via Email to: dscanga@bfak.com & mrussell@bfak.com

Mr. David Scanga
Mr. Michael Russell
Hoskin, Farina & Kampf, P.C.
200 Grand Avenue Suite 400
Post Office Box 40
Grand Junction, CO 81502

Re: Consideration of Removal of Board of Health

Dear David,

Please be advised that the Board of County Commissioners for Mesa County ("BOCC") intends to convene a special meeting at 3:00 PM on Monday, May 25, 2023 to consider the removal of Will Hays, Errol Snider, Gretchen Gore and Deborah Monaghan from the Mesa County Board of Public Health ("BOH"). This communication includes notice of the time, place and manner of conduct of the consideration of the removal of the BOH as well serving to provide reasonable notice of the potential grounds for removal to be considered by the BOCC.

First, although the BOCC will consider each BOH member individually, because of 1) the interrelationship of issues and claims (Common questions of law or fact); 2) the lack of prejudice to any party; 3) the potential duplication of evidence; 4) the BOCC's ability to separate the evidence such that evidence of wrongdoing by one BOH member will not be improperly considered against another; and 5) other matters favoring the promotion of economy of resources, the BOCC will be asked to simultaneously consider each of the four individual agenda items.

Secondly, the proceedings will be conducted pursuant to the Public Hearing/Meeting Rules as appears on the BOCC's website (<https://www.mesacounty.us/sites/default/files/2023-03/Rules%20of%20Decorum.pdf>) except that the Order and Timing of Speaker should be as follows:

- 2.1 **Staff presentation, if any.** Timing – as needed. Staff will make a presentation to the BOCC and receive questions from the BOCC.
- 2.2 **Individual Board of Health Member presentations.** Timing – :10 minutes for each member of the Board of Health. Each individual member of the Board of Health may make a presentation to the BOCC and receive questions from the BOCC. The :10-minute time frame does not include questions from the BOCC but is intended to apply to each individual member of the Board of Health that appears to challenge their removal. The Chair *may* extend this :10 minutes upon request for good reason.
- 2.3 **Public input.** Timing – At the Chair’s discretion, **three (3) minutes per speaker** (prior to starting their presentation, speakers who have prepared presentations that include detailed handouts, PowerPoint presentations, or similar items, and speakers who represent an organized group, may request that the Chair, **in his or her sole discretion**, approve additional time). Speakers are encouraged to state their agreement with the testimony of a previous speaker rather than providing repetitive and redundant testimony. **THE PUBLIC WILL NOT BE ALLOWED TO SPEAK AGAIN AT THE CONCLUSION OF THE PUBLIC COMMENT PORTION OF THE HEARING.**
- 2.4 **Omitted.**
- 2.5 **Staff clarification.** The Chair, **in his or her sole discretion**, may allow Staff time to respond to input from the Applicant or the public. Timing – :05 Minutes. No public questions or input will be allowed.
- 2.6 **Board discussion and deliberation.** Timing – as needed. The Board members may: 1) discuss their respective views of the agenda item; 2) convene an executive session to obtain legal advice; 3) take the matter or any one of the individual BOH member’s matter under advisement; or, 4) other.

Thirdly, in order to provide the individual BOH members with due notice of the transaction or occurrence that is the subjecting them to possible removal from the position of BOH member, Mesa County Board of Public Health, I direct your attention to the email from Janet Rowland to each member of the Board of Health, time stamped 1:09PM and dated May 2, 2023. The attachments to that email serve as notice of the facts and circumstances which will be considered when the BOCC decides whether or not to remove the individuals (Mr. Hays, Mr. Snider, Ms. Monaghan and Ms. Gore) from the Mesa County Board of Public Health. See, *Grizzell v. Hartman Enterprises, Inc.*, 68 P.3d 551(Colo. App. 2003).

Your attention to these items is appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd M. Starr", with a long horizontal line extending to the right.

Todd M. Starr
Mesa County Attorney