

# Lawsuit states open-meetings law violated in push for home-rule vote

Board allegedly met 13 times without issuing proper public notifications

BY JOHN AGUILAR

[JAGUILAR@DENVERPOST.COM](mailto:JAGUILAR@DENVERPOST.COM)

Douglas County's commissioners violated Colorado's open meetings law when they teed up an effort to establish home-rule authority, a new lawsuit says, alleging that they met multiple times without advance notice or public participation.

The lawsuit, filed Tuesday in Douglas County District Court by a group that includes a state lawmaker and a former commissioner, challenges the meetings and a resulting ballot question that will be put to voters in June. The lawsuit asks a judge to "enjoin the defendant from moving forward to implement two resolutions that were adopted in violation of Colorado's Open Meetings Law and are therefore invalid."

The south metro county's three commissioners passed the home-rule resolutions March 25. Those measures launched a nearly year-long process to confer additional powers on Douglas County's elected leaders to run their affairs in ways they can't as a statutory county.

That effort, the first of its kind in Colorado in nearly 50 years, must first establish a 21-member charter commission — which requires the approval of voters at a June 24 special election. After the commission drew up the county's home-rule charter, voters would have to approve it in an election this November before it could take effect.

The new lawsuit was filed by Republican former Commissioner Lora Thomas, Democratic state Rep. Bob Marshall, who represents Highlands Ranch, and Julie Gooden, an unaffiliated voter in Douglas County.

In a joint statement issued Tuesday afternoon, the Board of County Commissioners said the lawsuit "intends to keep voters from voting." "Commissioners are confident that the people of Douglas County will prevail in this attack on their right to vote on issues of independence and local control," it said.

George Teal, one of the commissioners named in the lawsuit, characterized it as "all political."

"Baseless accusations by angry people that have nothing to do with the truth," he wrote in a text to The Denver Post on Tuesday.

Marshall, Teal said, is upset that the Douglas County commissioners aren't behind a number of bills he is sponsoring in the state House. Marshall said the law around government meetings is clear — and Douglas County officials violated them in this instance.

"The (board's) blatant disregard for Colorado's Sunshine Laws and secrecy in the home-rule process shows a deep contempt and distrust of the voters," he wrote in an email Tuesday.

The lawsuit lays out 13 meetings the commissioners held between Dec. 17 and April 14 "to discuss public business without providing notice of such meetings and without permitting the public to observe those discussions."

It also includes a March 24 email from Douglas County Republican Party Chair Robin Webb — written the day before the commissioners publicly announced the process to establish home-rule status — in which she said that "I have the slates (the commissioners) have picked to run for the charter broken out by their district listed."

"In other words," the lawsuit states, "not only had the commissioners already decided to adopt the two resolutions (that they were supposedly going to vote upon at the special business meeting the next day), they had even already identified the individuals they had 'picked' to run for the commission seats. ... "



Douglas County launched its home-rule process last month with a news conference at county headquarters in Castle Rock. The commissioners said the new status would help the conservative county more effectively counter laws from a Democrat-dominated legislature that they claim are onerous and oppressive.

"We like to talk about local control in this state, and yet the mechanism for local control is home rule," Teal told The Post at the time.

"Let's put our money where our mouth is."

In recent years, Douglas County has engaged in a series of legal battles with the state over property tax valuations, state immigration laws and the validity of public health orders, such as mask mandates during the pandemic.

The county has filed lawsuits and issued declarations of dissent against Colorado's Democratic leadership.

Thomas had a tumultuous relationship with Teal and Commissioner Abe Laydon during her time on the board of commissioners and resigned just weeks before her term expired late last year. She said Tuesday that the lawsuit she joined isn't about politics but about transparency.

"It's unfortunate that we even need laws to ensure that our elected officials conduct our business out in the open and in the light of day, but these Douglas County commissioners have proven that we absolutely need the rule of law in order to hold them to the proper standard of openness and accountability," she wrote in a text to The Post.