

**Brenda Gaide**

---

**From:** "Clint Smith" <clintsmith5555@live.com>  
**Date:** Wednesday, January 25, 2017 8:13 AM  
**To:** <brenda@custercountygov.com>  
**Subject:** Re: Explanation why Legal Bids Award was not on the Agenda. Response Required.

Good morning Brenda,

Here is the e-mail from Jordan Hedberg that was sent to the three commissioners.

*Clint*

---

**From:** Jay Printz <jdp@jdprintz.com>  
**Sent:** Tuesday, January 17, 2017 12:37 PM  
**To:** Clint Smith  
**Subject:** Fwd: Explanation why Legal Bids Award was not on the Agenda. Response Required.

Clint it appears that the WMT wants to escalate this. I think it is appropriate for you to respond to the email. Do you think we should go into executive session on Friday to discuss the legalities of the email?

Thanks

Jay

----- Forwarded message -----

**From:** **Jordan Hedberg** <[reporter1@wetmountaintribune.com](mailto:reporter1@wetmountaintribune.com)>  
**Date:** Tue, Jan 17, 2017 at 12:05 PM  
**Subject:** Explanation why Legal Bids Award was not on the Agenda. Response Required.  
**To:** [bob@custercountygov.com](mailto:bob@custercountygov.com), Jay Printz <jdp@jdprintz.com>, [rdh@apaintedview.com](mailto:rdh@apaintedview.com)  
**Cc:** [editor@wetmountaintribune.com](mailto:editor@wetmountaintribune.com), [wayne@wetmountaintribune.com](mailto:wayne@wetmountaintribune.com)

Commissioners,

I need an explanation on three items of concern:

1. Why was the award of the legal publications not on the agenda during the commissioners meeting on 1/10/2016 ?

a. According to Colorado Revised Statutes, C.R.S. 24-6-402 "(c) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible."

i. The three of you made no effort to list the "Bids" on the agenda.

b. If Mr. Kattnig had even attempted a "24 hour" notice of an update of the agenda, you would have satisfied the following court case "

Section does not require a public body to adjourn and re-notify when the action already falls under a topic listed on the notice. The particular notice contained the agenda information available at the time of the notice and, thus, satisfied the requirement that "specific agenda information" be included "where possible". Town of Marble v. Darien, 181 P.3d 1148 (Colo. 2008)."

2. How does awarding the contract to the Sentinel save the county "\$3,200"? Mrs. Hood explanation: "We had a different figure than you stated we spent last year. When we did the calculations of what we spent last year with the new numbers and what we now have budgeted in the four departments that use public notices we came up with that figure." Is not satisfactory.
3. And why does circulation have "no impact on the award?" according to Mr. Kattnig. There is no law requiring the acceptance of the lowest bid.

I expect well thought out explanations to my above points, citing legal laws, before the end of business Friday, January 20, 2017.

If I receive no response by that time, in compliance with C.R.S 24-72-201 Colorado Public Records Law. I will request any emails and documents relating to how the decision to award the bids went to the Sentinel to see if a "meeting" was held without public notice, to see any correspondence that does not constitute "Work-Material," and finally to see if the award on 1/10/16 was a "rubber-stamped" from prior discussions.

You will have three business days after Monday, January 23, to comply, after that I will file a complaint with the district court.

While Mr. Printz has already stated that he was a "private citizen" so he does not fall under the above law, he and Mrs. Hood would have to prove how their actions as a private citizen did not influence public policy. "C.R.S 24-6-401. Declaration of policy: It is declared to be a matter of statewide concern and the policy of this state that the formation of public policy is public business and may not be conducted in secret."

From my point of view, You have all conducted the formation of public policy in secret, and it is a violation of the law. And I am reaching out to get your side of the story.

Sincerely,

**Jordan Hedberg**

Staff Reporter  
The Wet Mountain Tribune  
[719-783-2361](tel:719-783-2361) or [reporter1@wetmountaintribune.com](mailto:reporter1@wetmountaintribune.com)  
404 Main Street  
Westcliffe, CO 81252

--

This electronic mail transmission and any accompanying documents contain information belonging to the sender which may be confidential and legally privileged. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please notify me immediately by telephone or e-mail and destroy the original message without making a copy. Thank you.

Sent with Mailtrack