

To: Don Volger, Mayor of the Town of Pagosa Springs

From: Jeff Posey, Town of Pagosa Springs Planning Commissioner

CC: Town Council members and Town Planning Commission members, Town Manager, Town Planning Director

Date: June 8, 2020

Mr. Mayor:

I am writing to request that the Town Council remove Bill Hudson from the Town Planning Commission.

I'm concerned that Bill Hudson, one of the town's alternate Planning Commission members, has been involved in potentially illegal and unethical activities that violate Planning Commissioner roles as quasi-judicial members of our local government. As directed in our training last December and January, we are prohibited from *ex parte* discussion or decision-making regarding projects that may come before the Planning Commission.

The project in question is the Hot Springs Partners LLC proposal that resulted in the Town Council considering and creating an Urban Renewal Authority. As part of that URA process, the Planning Commission plays a role in reviewing applications, the first one likely being the Hot Springs Partners LLC proposal for the travertine meadows north of Town Hall.

I offer two pieces of evidence, attached as PDF files with URL links provided.

The first piece of evidence is an editorial penned by Bill Hudson and published on March 20, 2020, in the *Pagosa Daily Post* (owned and operated by Commissioner Hudson) titled "EDITORIAL: Closed for Business, Part Four" (<https://pagosadaily.com/2020/03/20/editorial-closed-for-business-part-four/>).

In that article, Commissioner Hudson confirms that he and two others were going door-to-door in downtown Pagosa circulating a petition for an amendment to the Town of Pagosa Springs Home Rule Charter designed to prevent the proposed Hot Springs Partners LLC project from moving forward.

The second piece of evidence I attach is the website referenced in the editorial by Commissioner Hudson called [FairTaxes4Pagosa.com](https://fairtaxes4pagosa.com/) (<https://fairtaxes4pagosa.com/>). That website clarifies that the motivation for Commissioner Hudson and his allies is to stop the proposed Hot Springs Partners LLC project.

In training conducted by Sam Light, CIRSA General Counsel on December 17, 2019, and again by Collins Cockrel, & Cole on January 28, 2020, Planning Commission members were instructed: "Do not sign 'for' and 'against' petitions," and "Ex Parte Communications [are] strictly forbidden when the communication concerns a matter that is subject to a quasi-judicial hearing or meeting process."

Given these pieces of evidence, I contend that Commissioner Hudson has knowingly acted in illegal *ex parte* communications with citizens about a specific project known to come before the Planning Commission. As another recent example, consider Commissioner Hudson's "affidavit" following his minority "nay" vote made at the May 26, 2020, Town Planning Commission meeting. An ethical Planning Commission member argues for

his or her position in open session and then accepts the majority vote. Commissioner Hudson does not live up to that standard of ethical behavior.

I sincerely hope to remain on the Planning Commission, where I wish to work tirelessly to help build the best possible future for this town and its citizens. Unfortunately, I am convinced that the presence of Bill Hudson on the Town Planning Commission materially restricts our ability to plan and act for the best interests of the town, and his continued presence on the Planning Commission as sanctioned by the Town Council will drive me to seek other, more effective ways to serve this community.

Thank you for your attention to this matter.

**Jeff Posey**

Town of Pagosa Springs Planning Commissioner

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