

STATE OF  
COLORADO

Williams - CDOT, Sharon &lt;sharon.a.williams@state.co.us&gt;

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**URGENT: distribute for today's HPTE Board meeting**

1 message

**Karen A. Hammer (Hammer-Law)** <hammer@hammer-law.com>

Wed, Oct 15, 2014 at 11:11 AM

To: dot\_hppte@state.co.us, sharon.a.williams@state.co.us

Cc: Pat Sayas &lt;Pat.Sayas@state.co.us&gt;

Secretary of the HPTE Board, please distribute this email as a supplement to today's agenda packet for today's HPTE Board meeting.

I note that HPTE is required to conduct all of its meeting (rather than merely a portion) in the Auditorium in order to use the electronic recording facilities that are present there, but not present in room 225. The Bylaws require electronic recording of all public meetings.

I will be providing formal comment at today's HPTE Board meeting addressing ongoing and additional violations of the Sunshine Laws and other transparency and accountability laws.

I note by way of example and without waiver, that HPTE again plans to "ratify and affirm" the Amended and Restated Concession Agreement without correcting the flaws I objected to prior to the September 17, 2014 HPTE Board meeting.

In addition to the violations previously objected to in connection with the September HPTE Board meeting, HPTE engages in additional violations of the Sunshine Laws that will render action taken at today's Board meeting legally ineffective and a violation of my clients' rights:

1. The public has not been provided with full and timely notice for the following issues:

No proposed minutes have been provided to the public.

Amendment No. 1 to the Amended and Restated Concession Agreement has not been provided to the public.

Neither the existence of nor the substance of the additional revisions made to the Amended and Restated Concession Agreement after the February 19, 2014 Board meeting have been brought to the public's attention and provided to the public.

The reason for ratification and affirmation has not been identified, nor has the effect of such action.

The cost for such additional revisions and of Amendment No. 1 likewise have not been disclosed to the public.

2. HPTE plans to amend its Bylaws, bringing to my attention a prior alleged amendment that purports to allow the Executive Director to execute contracts and amendments without bringing the substantive terms thereof to the attention of the Board or of the public. This is a breach of the delegation of powers made to HPTE by the General Assembly requiring HPTE to make decisions not just on dollar value of contracts but also on the basis of specific factors. Also, the Bylaws version presented to the public is not marked to show changes from the original.

In addition, HPTE persists in holding portions of its Board meeting in Room 225 rather than the auditorium. The auditorium is designed to facilitate the making of a clear electronic record, while Room 225 is not. HPTE is required under its Bylaws (at a minimum) to electronically record all public meetings.

This email does not waive any rights of my clients and is not meant to provide an exhaustive list of objections.

If HPTE persists with the agenda as published, the action HPTE takes with respect to virtually every agenda item will be legally ineffective based upon, at a minimum, violations of the Sunshine Laws.

Karen

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