



# Aurora Police Pension Plan

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## Minutes

Hybrid Teams Meeting – November 1, 2022

Board Members Present: Bill Bell, Mike Thode, Steve Neumeyer, John Nielsen, Bob LeGare, Jason Batchelor and Terri Velasquez  
Legal Advisor: Hanosky Hernandez, Senior Assistant City Attorney; Dave Lathers, Senior Assistant City Attorney  
Pension Plan Administrator: Eleanor Beeby  
Observers: Members of the Aurora Police Pension Plan

### ROLL CALL

Trustees Bill Bell, Steve Neumeyer, Mike Thode, Bob LeGare, and John Nielsen were present in person. Jason Batchelor and Terri Velasquez were present virtually, until Trustee Batchelor joined in person. Plan Administrator Eleanor Beeby advised attendees that this meeting is being recorded and transcribed.

Trustee Nielsen stated that due to the dysfunctional nature of this board, he made a motion to adjourn this meeting and moved that a request be made to City Council to disband this Board and move this Plan to a status of an administrative function. Trustee Nielsen also stated he is resigning from the Board. Trustee Velasquez seconded the motion to disband the board. She stated that she wanted to be recognized as a participant at this meeting and that she would not accept Trustee Nielsen's resignation.

Trustee LeGare asked for a legal clarification of a Trustee's resignation. Plan Counsel Hans Hernandez replied that the Bylaws are silent with respect to a Trustee's resignation. So, the customary practice is that Trustee Nielsen's resignation be recognized and accepted by the Board and that Trustee Nielsen can withdraw his resignation. Trustee Nielsen withdrew his resignation.

Trustee LeGare stated that there is a motion to disband this Board and asked for discussion on the motion and a discussion ensued during which two subsidiary motions arose. A revised motion was made that a resolution will be drafted recommending to City Council that they amend City Code to address the function of the Board and move the Plan to a status of an administrative nature. Mr. Hernandez stated there are two motions: the motion to end debate and then a vote to author a recommendation to City Council.

Trustees Thode and Neumeyer challenged whether Trustee Velasquez could vote when she was present virtually and not physically. In making their challenge, Trustee Thode cited Robert's Rules of Order Rules 8:2(1), 9:30, 9:31 and 9:32. Legal Counsel Hernandez stated that Trustee Velasquez's vote is recognized and legitimate. He based his advice on Robert's Rules of Order Rules 9:30 through 9:34

The motion to end discussion resulted in a vote of 4:3 (four votes: Trustees LeGare, Nielsen, Batchelor and Velasquez (three votes: Trustees Bell, Neumeyer and Thode.)). There was no vote taken on the motion to disband the Board. The revised motion that a resolution will be drafted recommending to City Council that they amend City Code to address the function of the Board and move the plan to a status of an administrative function resulted in a vote of 4:3 (four votes: Trustees LeGare, Nielsen, Batchelor and Velasquez) (three votes: Trustees Bell, Neumeyer and Thode).

Trustee Thode, who was chairing the meeting, refused to recognize Trustee Velasquez's votes as she was not physically present. Legal Counsel Hernandez again advised that Trustee Velasquez's vote should be counted. Trustee Neumeyer stated he wanted a written legal opinion for the basis on that advice. Legal Counsel Hernandez stated that all Trustees, as individuals not representing the Board, can author a letter to City Council with their opinions.

Trustee Batchelor made a Motion to request that the City Attorney's Office provide a written opinion with regard to recognizing Trustee Velasquez. Motion passed unanimously 7-0. *(Subsequent to the November 1<sup>st</sup> board meeting, City Attorney Dan Brotzman provided a letter to the board stating that Trustee Velasquez's vote and attendance were officially recognized.)*

#### **ADOPTION OF THE AGENDA**

Trustee Batchelor made a Motion to adopt the agenda as presented in the packet. Discussion ensued and the motion was amended to table items 5 through 7. The motion passed unanimously 7-0 with items 5 through 7 being tabled.

#### **BOARD ELECTION OF PRESIDENT**

Trustee Steve Neumeyer moved and Trustee Thode seconded a motion to appoint Trustee Bill Bell as Board Chair. Motion was approved 6:0 with Trustee Bell abstaining.

#### **MOTION TO ADJOURN**

Board President Bill Bell moved to adjourn the meeting at 5:25 p.m.