

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, NOVEMBER 26, 2008**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION WITH THE FOLLOWING MEMBERS PRESENT:

Kit Shy	Chairman
Dick Downey	Vice-Chairman
Carole Custer	Commissioner
Kris Lang	Deputy Clerk to the Board

Also present was Nora Drenner, reporter for the Wet Mountain Tribune and commissioner elect Jim Austin and Lynn Attebery. Several community members were present.

AGENDA

8:30 AM	Call meeting to order Pledge of allegiance Review vouchers and sign checks Old Business
10:00 AM	Rusty Christensen – Landfill report
10:30 AM	Virginia Trujillo – Treasurer / Transfer Funds Board Administrative Assistant Report
11:00 AM	PUBLIC HEARING Community Service Block Grant (CSBG) 2009 Plan Stephanie Freeman – UAACOG Laura Lockhart – Human Services Director
1:00 PM	Staff Meeting

The meeting was called to order at 8:50 AM and the Pledge of Allegiance was recited.

County payroll and accounts payable were approved from the following funds:

County General	\$184,784.62
Road and Bridge	\$ 49,622.51
Emergency Service	\$ 12,267.99
Human Services	\$ 16,101.69
Self Insurance	\$ 426.64
Capital Improvement	\$ 16,442.36
TOTAL	\$279,645.81

Commissioner Custer thanked Dawna Hobby for her efforts and assistance during the advertising, interviewing and hiring of the Resource Navigator. She reported the committee interviewing the applications submitted and making the decision to hire included Commissioner Custer, current Veterans Service Officer Amber Hansen, American Legion representative Bob Dreher, Human Resource/Finance Manager Dawna Hobby and Human/Social Services Director Laura Lockhart. Commissioner Custer announced the applicant chosen for the position is

Lorraine Silva and that Ms. Silva accepted the position. Funding for the full time Resource Navigator's position is being provided by the County Department of Human-Social Services through County Temporary Assistance to Needy Families (TANF) reserve funds. Commissioner Custer stated that the Resource Navigator's County duties will include management and coordination of the activities to be held at the new facility at 615 Rosita Avenue and serving as the Custer County Veteran's Service Officer. Ms. Silva's first task will be to contact all the regional and local human services providers to determine level of participation and space usage in the resource center and prepare contracts for their participation. Ms. Silva will begin her orientation and training with Commissioner Custer in the commissioner's room and with Randy and Amber Hansen at the current veteran's service office on December 1, 2008 and as soon as the renovations are complete, will relocate to the resource center.

Commissioner Custer reported the renovation work at the resource center is in progress with the majority of the dirt work completed. The balance of the dirt work cannot be completed until after the roll off is removed from the driveway. All carpeting and padding have been removed and the floor tile should be arriving the second week of December. The door to the accessible public restroom has been realigned and fixtures are being installed. Items being removed from the premise are being stored in the garage and will be offered in an appropriate sale process at a later date. Commissioner Custer reported that she is working to complete the remaining paperwork and final steps to close out our Community Development Block Grant obligation for the resource center and once the state signs off on all the requirements, the final payment from the Department of Local Affairs will be forthcoming. Hopefully the remaining \$10,000 will be arriving by the end of 2008.

Commissioner Custer reported that the County Department of Human-Social Services again through County TANF reserves funds will be providing financial support to the Custer County Kid's Club the after school preschool through fifth grade program that will be starting in January at 118 Jerry Court. Initially the workgroup working on that project were looking to establishing a Boys and Girls Club as the after school program, however, as it turns out due to the size of our community it was not financially feasible to establish that program here. The Kid's Club will however adopt some of the same protocols as the nationally recognized Boys and Girls Club. Next week the workgroup hopes to finalize those plans so that the Kid's Club can open on January 5, 2009.

Commissioner Downey stated he had met with Roy Masinton of the Bureau of Land Management and Paul Crespin of the US Forest Service and they expressed appreciation regarding their relationship with the BOCC and expressed a desire to attend the meeting on January 13, 2009 with the new commissioners to further establish a harmonious rapport.

Commissioner Custer made a motion, seconded by Commissioner Shy, to go into Executive Session. Motion carried unanimously. Commissioner Shy cited C.R.S. 24-6-402 (4) (f) regarding an on-going personnel matter. This session was for the sole purpose of seeking legal consultation with the County Attorney. Motion carried unanimously.

The BOCC went into Executive Session at 9:02 AM, and those present were Commissioner Shy, Commissioner Downey, Commissioner Custer, Commissioners elect: Jim Austin and Lynn Attebery and tele-conference with County Attorney, John Naylor. Commissioner Shy instructed

Administrative Assistant Kris Lang to remain and monitor the recording device. The County Attorney advised the purpose of the session was to seek advice of the attorney and under that basis this would be privileged communication and would not require recording.

Commissioner Downey made a motion, seconded by Commissioner Custer, to go back into regular session. Motion carried unanimously.

The BOCC came out of Executive Session at 9:50 AM. No decisions were made.

Commissioner Shy added a correction to the record that Board Administrative Assistant Kris Lang was in attendance throughout, however did not take notes or no recording was made.

Commission Shy stated this was an on-going conflict issue among the janitorial service and court personnel requiring a resolution. He asked for a motion. Hearing none he proceeded explaining the options of administrative leave followed by a reprimand, suspension and a follow-up meeting after details have been reviewed or no action. Commissioner Custer responded that she did not know what to say at this time. Commissioner Downey suggested Russ Conner be invited to the meeting to address the issues.

Commissioner Shy addressed Russ Conner and gave him a copy of the recent correspondence received dated November 24, 2008 from Linda Urwiller and asked Mr. Conner if he would like to go into Executive Session and Mr. Conner replied no. Mr. Conner responded that he felt he was being harassed by the court office personnel. He stated he cooperated with the recommendations of Cynthia Barnes of Colorado Technical Services Inc. and cleaned the court room area after 4 PM and limited if not eliminated interaction with the court personnel. Commissioner Shy asked Mr. Conner if he continued to use bleach and the strong cleaning chemicals in the court room area and Mr. Conner replied he has not since he and Commissioner Downey reviewed and agreed on the cleaning chemicals to be used in the court area.

Commissioner Custer stated for the record that the letter she drafted to Judge Barton was in fact only a draft document for the BOCC to review as a starting point in the discussion and that no formal decision had been made. She said on the advice of the County Attorney John Naylor and CTSI Human Resource Administrator Cynthia Barnes she was asked to draft a document that provided some options for the separation of custodian duties and the court house personnel. The draft of the letter to District Chief Judge Charles Barton was just that, a draft and was not a document for public review, nor was it outlining a BOCC agreed upon work schedule. She stated the letter was not on county letterhead nor was it signed by any member of the BOCC. She said she was saddened and dishearten that the letter was distributed as a public document and apologized for not providing a draft date on the letter.

Commissioner Downey stated he presented the draft letter to Mr. Conner for discussion purposes and asked Mr. Conner if he was aware of that and Mr. Conner replied yes.

Commissioner Shy stated he had received several phone calls from department heads regarding the distribution of the drafted letter and asked Mr. Conner if he had circulated it? Mr. Conner replied that he had shown it to several employees and Commissioner Shy responded that hard copies had been made available and were distributed.

Commissioner Shy asked Mr. Conner if he had any comments and Mr. Conner said he felt the allegations were trumped up and were not true. He said he had told Cynthia Barnes (CTSI) that he felt he was being forced out of his employment position. Mr. Conner remarked that his personal attorney indicated the accusations submitted were unconfirmed and unsigned hear-say. Mr. Conner said he talked with several employees in the courthouse who denied making any of the proposed comments or accusations.

Commissioner Shy asked Mr. Conner once again if he would like to go into Executive Session and Mr. Conner replied no. Commissioner Shy remarked that Ms. Rocheleau stated she was intimidated and afraid of Mr. Conner and he replied he has not talked to or with her in over a year and a half and did not know why she was afraid of him.

Commissioner Shy stated he did not know where to go from here since Mr. Conner has not tried to reconcile the situation.

Mr. Conner responded to a conflict allegation and said he and Mr. Charlie French did have a previous conflict problem but they had reached a mutual resolution and worked it out. Mr. Conner also responded to a whistling allegation and stated he cannot whistle. He stated he felt he is being harassed by Ms. Rocheleau and also has legal rights.

Commissioner Shy asked Mr. Conner why he wrote "God" on the signature line for his supervisor on the absentee request form he submitted to Human Resources and Mr. Conner replied because he felt like it and thought it was comical. He also stated that he was not able to locate a BOCC supervisor to sign his absentee request.

Commissioner Downey asked when the absentee form became necessary. Commissioner Custer replied the use of a request for leave is in the current employee policy manual. Commissioner Downey inquired if there had been a memorandum of instruction on this policy and Commissioner Custer replied instructions had previously been distributed. Mr. Conner responded that he was not aware of the policy until recently and asked if he was the only employee being asked to complete absentee forms. Commissioner Custer responded that he was not and continued to explain that this policy helps the human resource department keep more accurate records regarding time employees are absent from work because of illness, vacations or other reasons.

Commissioner Custer stated there has been a lot of written correspondence and oral discussion on the issue and the BOCC needed to make a decision. Commissioner Custer recommended filing a letter of reprimand in Mr. Conner's personnel file and placing Mr. Conner on administrative leave until his submitted retirement date of January 13, 2009. She said in essence the county is providing Mr. Conner with an early retirement package starting immediately.

Mr. Conner asked if his insurance would continue until January 13, 2008 and his accumulated vacation pay compensated since he heard from the human resource office that he was going to be fired without accumulated benefits. Commissioner Custer stated that Mr. Conner will retain his benefits and insurance coverage until January 13, 2008 and that Mr. Conner is on administrative leave and his employment was not being terminated on this date.

Commissioner Downey expressed concern over the on-going maintenance of the courthouse building and asked Mr. Conner if he would be willing to complete a walk-thru inspection with a new hire. Mr. Conner replied yes. Commissioner Downey remarked the building had numerous idiosyncrasies along with the air conditioning and heating units that required orientation. Commissioner Custer asked the commissioners elect if they would accompany the walk-thru since physical limitations prohibited her physical involvement. Commissioners elect Lynn Attebery and Jim Austin agreed.

Commissioner Shy stated the situation was very unfortunate and apologized on behalf of the Board for not resolving the issue sooner and felt the only option was a separation of parties concerned.

MOTION by Commissioner Custer, seconded by Commissioner Shy:

To place Mr. Conner on administrative leave effective immediately until his retirement date of January 13, 2009 with insurance and retained benefits. Commissioner Downey abstained from voting. Motion carried unanimously.

The Board agreed to prepare individual written reprimand drafts to be compiled into a document for the personnel file. Commissioner Downey stated one of the concerns expressed by the court offices was the mishandling of the mail and it was agreed that the court will process and be responsible for their own mail.

Rusty Christiansen, Landfill manager did not have a monthly report to present.

The BOCC recessed at 10:20 AM.

The BOCC reconvened at 10:50 AM.

MOTION by Commissioner Downey, seconded by Commissioner Custer:

Authorizing County Treasurer Virginia Trujillo to transfer \$100,000 from the Lieu of Tax Fund to the County General Fund. Motion carried unanimously.

Elizabeth French, 2-1-1 Representative reported the 2-1-1 Advisory Board was planning a 2-1-1 celebration on February 11, 2009. She reported that the acknowledgement is a statewide collaboration including several government agencies that will publish information about 2-1-1 services available. Ms. French stated the Advisory Board is requesting that member counties participate and do some type of 2-1-1 acknowledgment at County levels. Commissioner Shy suggested a Proclamation of 2-1-1 Day in Custer County and advised Ms. French to coordinate with Ms. Lang for preparation of a Proclamation for Board review.

Commissioner Shy closed the regular session and opened the Public Hearing.

PUBLIC HEARING
COMMUNITY SERVICE BLOCK GRANT (CSBG) 2009 PLAN
NOVEMBER 26, 2008 11:00 AM

Representative: Stephanie Freeman – Community Service Block Grant Administrator
Laura Lockhart – Human/Social Service Director

Stephanie Freeman stated she was representing Upper Arkansas Area Council of Governments and explained that they manage emergency services funds throughout counties to eligible applicants through the Social Service Department under the direction of Human Resource/Social Service Director Laura Lockhart. Ms. Freeman advised the purpose of the public hearing was to find out if there were any other required services other than the determined emergency services of; Mortgage, Utilities, Prescriptions, Over the Counter Medications, Gas, Transportation Vouchers, House Repairs (furnace, hot water, windows etc), Car Insurance and Repair, Personal Hygiene, Uniforms, Tools, Dues, Dental and Vision Care. Approved applicants are eligible for \$600 per calendar year.

Commissioner Shy inquired on LEAP benefits and Ms. Lockhart replied that any applicable LEAP assistance would be utilized first and that emergency services would apply if a shut off notice was received. She reported rent and utilities are the most utilized emergency services.

Jerry Lacy reported that veterans in need are eligible for emergency assistance from the Veterans Service Office. Approved applicants are eligible for \$400 per calendar year.

MOTION by Commissioner Downey, seconded by Commissioner Custer:
Accepting the conditions and outline of the emergency services provided under the Community Service Block Grant (CSBG) 2009 as presented by Stephanie Freeman, UAACOG Representative and Laura Lockhart, Department of Human/Social Services Director. Motion carried unanimously.

Commissioner Shy closed the Public Hearing and returned to regular session.

MOTION by Commissioner Downey, seconded by Commissioner Custer:
To adjourn for lunch. Motion carried unanimously.

The BOCC recessed at 11:20 AM.

The BOCC reconvened at 1:00PM

The department heads met with the BOCC for the monthly staff meeting. Present were: Beverly Goetz, J.D. Henrich, Dawna Hobby, Chuck Ippolito, Debbie Livengood, Laura Lockhart, Dave Trujillo and staff members Marilyn Keffer, Kelley Camper and Rhonda Post.

Commissioner Shy reported that Mr. Russ Conner has been placed on administrative leave and a letter of reprimand will be issued to him outlining the process steps involved in the decision. Commissioner Shy reported the Board was advised by legal consult that the issue was one of client-attorney privilege and therefore could not be discussed further. He said that although the decision was not unanimous, the commissioners and commissioners elect were involved in the process. He remarked it would be inconvenient during the interim but that the Board did not expect to shift a work load to any current county employee or department and asked for input on the best course of action. Following a discussion it was determined that Commissioner elect Austin would temporarily monitor the functions of the scale house; Commissioner Shy would take the trash to the landfill and the County Road and Bridge Department would provide snow removal on court house parking lot. The Board agreed to hire a part-time janitorial person or

service as soon as possible and will review County options regarding building maintenance and scale house operations.

Commissioner Custer reported that the BOCC had received both written and verbal communication from Chief Judge Charles Barton of our Eleventh Judicial District and others over the past 6 months regarding the situation and that he Board will prepare a letter to Judge Barton informing him of the BOCC's decision.

Beverly Goetz , Extension Office Manager stated she felt the situation involving Mr. Conner should not have been publicized and was not handled appropriately. Commissioner Shy responded that Mr. Conner was offered the opportunity on three separate occasion's to go into executive session and he declined, therefore, the transactions were public record and reportable by the news media. Debbie Livengood, Clerk and Recorder admitted sadly the situation has negatively affected the unity of the court house personnel.

Commissioner Custer reported that the latest draft of the Custer County Personnel Policy Handbook Sections 1 and II would be e-mailed to the department heads for their review. She asked staff to please provide input, feedback and suggestions prior to the next BOCC meeting and stated that staff will have the opportunity to discuss the Handbook at an upcoming regularly scheduled BOCC meeting. The tentative date for the BOCC adoption of the Personnel Policy Handbook has been scheduled for the BOCC Meeting of December 31, 2008. and suggestions prior to the date.

Commissioner Custer clarified that she has not purchased fencing or any other items currently in or removed from the resource center. All items that have been or will be removed from the property are stored in the garage. The carpet that has been removed is available on a first come first serve basis for anyone who could use it. A public sealed bid process for purchase of everything else that is being removed from the building or site will be scheduled at a later date. Commissioner Custer gave an update on the renovations of the resource center and said the property will house a wide variety of community services in addition to the Veterans Services Office and a sample of the services include; the Workforce Center, Upper Arkansas Affordable Housing and WICK to name just a few. She pointed out that due to the low ceiling in the stair well leading to the basement, that the basement will not be open to the public. Space in the basement will be available to county departments and service providers using the facility either in open areas properly maintained or locked storage as needed. Commissioner Custer requested staff input on the naming of the resource center and proposed Hanssen Haus Resource Center. Commissioner Downey remarked that regardless of the determined name the resource center should be referenced as the courthouse annex for recognition and clarification for the county residents.

Commissioner Custer introduced Resource Navigator, Lorraine Silva and explained Ms. Silva will be starting her new job Monday, December 1, 2008 with an orientation from Randy and Amber Hansen regarding her new role as Veteran's Services Officer and from Commissioner Custer regarding her role as county Resource Navigator and manager of the resource center.

Commissioner Shy said no decisions have been made regarding the bidding process or disposal of the old county vehicles at this time. Commissioner Downey suggested the process should be

reviewed with the County Attorney to determine bidding eligibility of county employees. The Board agreed.

Commissioner Shy inquired if the county had checked into establishing a HEAD Start Program and Human Service Director; Laura Lockhart responded that Custer County did not have the statistics to substantiate the program.

Dave Trujillo, Road and Bridge Supervisor gave an update on the Querida and Highway 96 project and advised the area qualifies for State Safety Funding.

All parties in attendance shared safety concerns for the Amish families traveling on the state and county roads and encouraged everyone to remain cautiously observant.

Nora Drenner, Wet Mountain Tribune reporter explained due to previous misrepresentations that all donations to the Wet Mountain Valley Community Foundation require the original form from the paper or a downloaded form from the internet and advised photo-copies would not be accepted.

The BOCC recessed at 2:00 PM.

The BOCC reconvened at 2:20 PM

The BOCC interviewed Julie Trombley and hired her to provide contract cleaning services contracts for months of December 2008 and January 2009 on a nineteen hour weekly schedule. Ms. Trombley will start on Monday, December 1, 2008 with a tentative schedule of 6 AM to 9AM Monday-Friday and four additional hours on the weekend.

MOTION by Commissioner Custer, seconded by Commissioner Downey:
To adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 3:15 PM.