

ELBERT COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

MINUTES

*****Please Note Special Meeting Location*****

Elbert County Fairgrounds, Agricultural Building, Large Room

We welcome all of our visitors today, we appreciate your participation. If you need to have personal conversations if you would please step outside, we would appreciate it. Also if you have cell phones, we would ask that you put them on silent during today's meeting.

CALL TO ORDER ROLL CALL:

Robert Rowland - Present

Kelly Dore - Present

Larry D. Ross - Present

With a quorum present I call to order this meeting of the Elbert County Board of County Commissioners, convening this 22nd day of June, 2016 at 11:00 a.m.

INVOCATION: Pastor Roger Miller, Elbert Christian Church

PLEDGE OF ALLEGIANCE:

AGENDA:

Commissioner Dore moved to accept the Agenda as presented and added that the BOCC would be taking no Public Comment today.

Commissioner Ross also added that Elected Officials/Department Heads/and Staff Reports were being skipped as well.

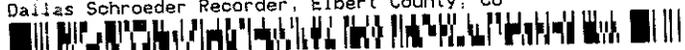
County Attorney, Wade Gateley, submitted that Public Comment was appropriate and part of our normal practices if the BOCC was going to conduct any business in open session.

Commissioner Ross moved to amend the motion on the table to add Item D, after reconvening, to read: Direct Outside Counsel, Steve Larson of Johnson and Repucci, to engage in Mountain States Employers Counsel for resolution of current investigation and to be authorized to receive confidential report from Mountain States Employers Counsel, dated 4/12/16. Mr. Larson, pursuant to this will provide legal counsel to the BOCC in this matter.

Commissioner Dore 2nd.

Discussion ensued between Commissioner Rowland and Commissioner Dore.

Discussion ensued between Commissioner Ross and Dore on procedures and wording to re-state and clarify motions.



Commissioner Ross moved to amend the motion to accept the Agenda as presented except the addition of Item D to read: Direct Outside Counsel, Steve Larson of Johnson and Repucci, to engage in Mountain States Employers Counsel for resolution of current investigation and to be authorized to receive confidential report from Mountain States Employers Counsel, dated 4/12/16. Mr. Larson, pursuant to this will provide legal counsel to the BOCC in this matter.
Commissioner Dore 2nd.

ALL IN FAVOR

Commissioner Dore moved to accept the Agenda as presented.
Commissioner Ross 2nd

ALL IN FAVOR

CORRESPONDENCE:

CONSENT AGENDA: The consent agenda consists of matters that occur in the normal course of business between BOCC meetings. These items are summarized and available to citizens, and are approved and enacted at this time by the BOCC in one (1) motion.

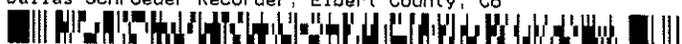
AWARDS & RECOGNITION:

ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORT(S): This is the time when any county elected official, department head or employee may use the podium to report on any matter of interest to the citizens and the BOCC. This is an open format and does not require prior approval or disclosure of the subject matter to be discussed and therefore cannot be added to the agenda at this time, but may be added at a later time for follow up or consideration by the BOCC if appropriate.

Commissioner Rowland shared that he questioned if an Executive Session is an acceptable reason to go to Executive Session. He will assure no employees will be discussed as no employee has been informed that they were to be a subject in the call.

Commissioners Dore and Ross clarified.

PUBLIC COMMENT(s): The public comment is a time when any citizen may bring forth items of interest or concern. During this time each individual will have three minutes to present view(s) on County matters(s). In the interest of time, please have your comments prepared for presentation as each person will be allowed one (1) opportunity to approach the podium. Please keep your comments to a three (3) minute maximum. No formal action will be taken on these items during this time due to open meeting provision; however, the items may be placed on a future posted Agenda if action is required. If you have comments on a regular Agenda item(s), please hold your comments until that item is up for consideration. The public comment portion of the BOCC meeting is not to be used for political or campaign purposes; comments/questions should be limited to matters of current County affairs and business. When you approach the podium please identify yourself and spell your last name and give your address.



OLD BUSINESS:

NEW BUSINESS: (Public comment may be provided for items as deemed appropriate)

- a. Confirm authorization of expenditures for Johnson and Repucci as outside counsel to the Elbert County Board of County Commissioners

Commissioner Dore moved to confirm the expenditures for Johnson and Repucci as outside counsel to the Elbert County Board of County Commissioners.

Commissioner Ross 2nd.

Commissioner Rowland asked if there had been any expenditure before today's meeting.

Mr. Larsen confirmed he had spent one hour preparing for the day's meeting.

Commissioners Ross and Dore – AYE

Commissioner Rowland – Nay

- b. Authorize Attorney Steve Larson of Johnson and Repucci to proceed in representation of Elbert County Board of County Commissioners on County Employee Related Matters and Treatment of Open Records Requests

Commissioner Dore moved to Authorize Attorney Steve Larson of Johnson and Repucci to proceed in representation of Elbert County Board of County Commissioners on County Employee Related Matters and Treatment of Open Records Requests.

Commissioner Ross 2nd.

Wade Gateley, County Attorney, believes it is appropriate for the BOCC to vote and engage outside counsel. This engagement did not follow normal procedures. Normal procedures are to have a RFP process. This had not been done and is concerning. He also pointed out that the "project" is not defined and does not outline the scope of the engagement. This is outside of normal policies and procedures.

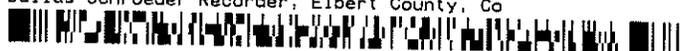
Commissioner Dore disagreed and explained why and stated that Commissioner Rowland went to the District Attorney to ask him to press charges.

Commissioner Ross explained why he believed that the procedure was appropriate. He asked Mr. Larson to comment.

Commissioner Rowland stated he went to the District Attorney, as he has a right to do, to as the District Attorney for a legal opinion.

There was an ongoing discussion between Commissioner Dore and Rowland.

Commissioner Dore restated motion above.



Commissioner Ross noted he had 2nd the motion.

Commissioners Ross and Dore – AYE

Commissioner Rowland - NAY

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Dallas Schroeder Recorder, Elbert County, Co



EXECUTIVE SESSION: Discussion with outside counsel confidential employee related matters and Open Records Request(s)

Commissioner Dore moved to enter Executive Session with outside counsel to discuss confidential employee related matters.

Commissioner Ross 2nd.

County Attorney, Wade Gateley, objected to the reasons for Executive Session and he requested that if he is to be discussed that he requested be done in open meeting.

Commissioners Ross and Dore – AYE

Commissioner Rowland – NAY

Commissioner Ross stated those in attendance in the Executive Session would be all three Commissioners and Steve Larson.

Wade Gateley, County Attorney, asked if he was being denied the right to attend the Executive Session. Commissioner Ross state the Mr. Larson was representing the BOCC in this matter.

Mr. Larson gave his thoughts on the appropriateness of the Executive Session, addressed if only one party requested the session in open meeting, the CORA request and believed that there are statutes allowing for broad reasoning for going into Executive Session.

Into Executive Session at 11:33 AM

Out of Executive Session at 12:28 pm

Reconvene BOCC Meeting

- c. Advisement to Elbert County Elected Officials, County Manager, County Attorney, Department Directors and Administrative Staff regarding treatment of Confidential Information and Materials
Commissioner Ross stated that he placed this on the Agenda to remind everyone how to handle
- d. Direct Outside Counsel, Steve Larson of Johnson and Repucci, to engage in Mountain States Employers Counsel for resolution of current investigation and to be authorized to receive confidential report from Mountain States Employers Counsel, dated 4/12/16. Mr. Larson, pursuant to the agreement in place will provide legal counsel to the BOCC in this matter.

Commissioner Ross moved to Direct Outside Counsel, Steve Larson of Johnson and Repucci, to engage in Mountain States Employers Counsel for resolution of current investigation and to be authorized to receive confidential

report from Mountain States Employers Counsel, dated 4/12/16. Mr. Larson, pursuant to the agreement in place will provide legal counsel to the BOCC in this matter.

Commissioner Dore 2nd

ALL IN FAVOR

Commissioner Rowland advised he was going to give a copy of the documents he gave to the District Attorney.

Commissioner Ross moved that Commissioner Dore provide her copy of the report from the Mountain States Employers Council.

Commissioner Dore 2nd.

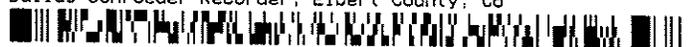
ALL IN FAVOR

LAND USE:

ATTORNEY TO THE BOCC:

ADJOURNMENT

12:22 pm



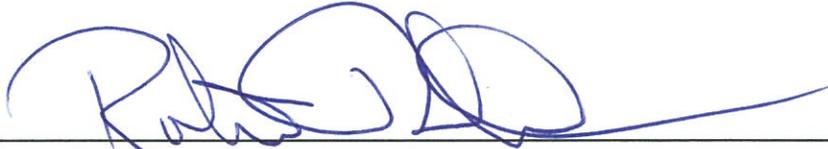
BOARD OF COUNTY COMMISSIONERS
ELBERT COUNTY, COLORADO



Larry Ross, Chairman



Kelly Dore, Vice Chair

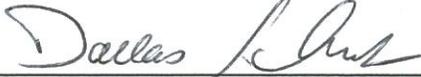


Robert Rowland, Commissioner

ATTEST: Dallas Schroeder

County Clerk



BY: 

Clerk to the Board of County Commissioners

