

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, DECEMBER 30, 2013**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER’S BOARDROOM.

Commissioner Lynn Attebery called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

Lynn Attebery	Chairman	Present
Allen Butler	Vice-Chairman	Present
Kit Shy	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: Joe Arbuckle, Brent Bruser, Mary Dice, Mike Halpin, Chuck Ippolito, Joshua Johnson, Delwin Lester, Bob Tobin, Jillian Ward, Reporter for the Wet Mountain Tribune, and Paul Sage, Reporter for the Sangre DeCristo Sentinel.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Approval of minutes
- Public Comment
- Commissioner Items
- Executive Session
 - Joshua Johnson
- Old/New Business
- Review vouches and sign checks
- Amend the approved BOCC minutes of December 9, 2013 to include confirmation that the Colorado Health Assessment Plan was presented to the Board by Gail Stoltzfus
- Liquor License (3.2) Renewal Lodge at San Isabel, Rye Co. – Debbie Livengood

MOTION by Commissioner Shy, seconded by Commissioner Butler:

To approve the minutes from December 17, 2013 as presented. The motion carried unanimously

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

County General	\$195,320.09
Road & Bridge	\$104,988.71
Emergency Services	\$ 17,591.28
Human Services	\$ 19,346.41
Capital Improvement	\$ 987.62
Airport Fund	\$ 1,117.12
Tourism Fund	\$ 0
Self Insurance	\$ 0
TOTAL	\$339,351.23

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To approve the December 2013 payroll, warrants and accounts payable. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments. Joe Arbuckle said he was representing the West Custer County Hospital District (WCCHD) and asked if the BOCC has given any consideration or made any decisions regarding the e-mail he sent on December 5, 2013 referencing the Fremont Countywide EMS Assessment by Randy Kuykendall, asking that the BOCC request a similar assessment for Custer County. Mr. Kuykendall is the Director of the Emergency Medical Services under the Colorado Department of Public Health and Environment. Commissioner Attebery said the Board received the request but would require additional information regarding the specifics of the proposal, estimated costs, and potential commitment and responsibility of the county. Commissioner Shy said he was unclear why the request was even being forwarded to the BOCC. He said he would not support an assessment that involved other emergency entities without those entities being properly notified and involved. Commissioner Shy said that multiple emergency entities and agencies that serve the county are involved with the Custer Emergency Service (CES) program and suggested that the WCCHD Board present the proposed assessment at the next scheduled CES meeting. Commissioner Attebery and Commissioner Butler agreed. The BOCC confirmed that the next scheduled CES meeting was on January 8, 2014. Mr. Arbuckle, WCCHD Chairman gave a brief report regarding the Federal Department of Labor's audit that was conducted on December 10, 2013. The audit focused on the rules and regulations surrounding the independent contractor categorization of employment and compensation for the EMS members during the last six years. He said that the categorization should be either an employee or volunteer status. He said it was not financial feasible to have the EMS staff reclassified as employees under the Hospital District. He said that the WCCHD Board has agreed to go back to an EMS voluntary status beginning January 1, 2014. Mr. Arbuckle said that the EMS/Ambulance operations are consistently in the red and that the clinic could no longer finance the operations. He said the WCCHD Board would like the ambulance service and operations to be completely severed from the Custer County Clinic.

Darwin Lester, Custer County Clinic Executive Director reported that the clinic is now able to provide various lab services for the veterans in the area. He said that potential ambulance runs to the clinic were being discussed and reviewed. He remarked that there will be specific stipulations as to what types of diagnosis could be brought into the clinic via ambulance. Mr. Lester said he would update the BOCC as the information became available.

Joshua Johnson addressed the BOCC and said he was researching some possible county and state irregularities and violations regarding the inspection, licensing and certification of the ambulances. He asked if the BOCC could go into executive session for personnel matters. Commissioner Attebery said that under section 24-6-402, C.R.S (4) (f) personnel matters does not apply to discussion concerning any member of the local public body, any elected official or the appointment of a person to one such offices. The BOCC appointed Joshua Johnson as the individual responsible for the inspection, licensure and regulations of the ambulances in 2012. Following a discussion the BOCC agreed that since Mr. Johnson was an appointed volunteer the matter did not fall under the required personnel criteria of an executive session.

Mr. Johnson said that he would be meeting with Mr. Lester, Executive Director of the Custer Community Clinic later this date to discuss and review several issues. He began to share the concerns, and the Board agreed that until the concerns could be verified or confirmed, they should not be a part of the public record. The BOCC thanked Mr. Johnson for his involvement and felt that a resolution in the matter would be a positive step forward.

Mr. Johnson commented that Custer County Resolution #96-11, A Resolution Adopting Procedures for Providing Emergency Medical Service, and the Licensing and Regulation of Ambulance Services within Custer County, Colorado should be reviewed and revised to meet the current standards. He said that he would forward a revised draft of the resolution for the Boards review at a later date.

Commissioner Attebery said the BOCC has received a request to amend the approved minutes from the December 9, 2013 meeting from the Public Health Nurse, Gail Stoltzfus. Ms. Stoltzfus is requesting that the minutes reflect that she had presented the BOCC with a copy of the Colorado Health Assessment Plan for review and approval.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To amend the previously adopted minutes from December 9, 2013 to include that Gail Stoltzfus, Public Health Nurse presented the BOCC with a copy of the Colorado Health Assessment Plan for review and approval. The motion carried unanimously.

Virginia Trujillo, Treasurer addressed the BOCC and requested a transfer of \$130,000.00 from the Payment in Lieu of Tax (PILT) Fund to the County General Fund.

MOTION by Commissioner Attebery, seconded by Commissioner Shy:

To approve a transfer of \$130,000.00 from the PILT Fund to the County General Fund. The motion carried unanimously.

The BOCC recessed at 10:10 AM.

The BOCC reconvened at 10:20 AM.

Kelley Camper, Chief Deputy Clerk and Recorder presented the Liquor License (3.2) renewal for the Lodge at San Isabel, Rye, Colorado. She said that the application was complete and in order. She reported that the sheriff department investigation report was without incident.

MOTION by Commissioner Butler, seconded by Commissioner Shy:

To approve the Liquor License (3.2) renewal for the Lodge at San Isabel as presented. The motion carried unanimously.

Commissioner Attebery asked if there was any more business to discuss. Hearing none, he adjourned the meeting at 10:45 AM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman