

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, APRIL 6, 2010**

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 9:07 AM and the Pledge of Allegiance was recited

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Carole Custer	Commissioner	Present
John Naylor	County Attorney	Present
Debbie Livengood	Clerk to the Board	Present

AGENDA:

Call meeting to order
Pledge of allegiance
Roll Call
Amend agenda
Approval of minutes
Audience introduction
Old Business:

Discussion regarding the signing of the Memorandum of Understanding between the Colorado Department of Local Affairs, CSU Extension and the BOCC for the Rural Technical Assistance Program

County Attorney

- Continued discussion regarding encroachment CR 378
- Lot Line Vacation – Wetmore Project Property
- Update on the status of the County Personnel Policy
- Hamilton issue
- Hanssen Haus Resource Center/Veterans Service monthly report – Lorraine Silva
- Human Resource/Finance monthly report – Dawna Hobby
- Planning and Zoning monthly report – Jackie Hobby
- Social Service monthly report – Laura Lockhart

**MOTION by Commissioner Attebery, seconded by Commissioner Austin:
To accept the posted agenda. The motion carried unanimously.**

Commissioner Custer addressed the Memorandum of Understanding (MOU) between the Colorado Department of Local Affairs – Colorado State University (CSU) Extension and Custer County Board of Commissioners. She reported that Diana Laughlin and Lauren Howell from the Colorado Department of Local Affairs / Colorado State University Extension Rural Technical Assistance Program gave a presentation at the February 18, 2010 Work Shop held at the Wetmore Fire Station regarding the potential use and possible community park for the property at 26278 State Highway #96 referenced as the Wetmore Project.

Commissioner Custer explained that the cost estimate of the MOU totaled \$2000.00 and that Custer County would be responsible for \$1000.00 of that amount and the Department of Local Affairs (DOLA) CSU Technical Assistance responsible for the other \$1000.00. She commented that she would like the Board to sign the MOU at the BOCC meeting scheduled in Wetmore on April 14, 2010. Commissioner Austin said he was not in favor of the Board designating an additional \$1000.00 from the Conservation Trust Fund for the project. Commissioner Attebery agreed and added that the Wetmore citizens are not receptive or supportive of the community park options presented by the CSU Extension Rural Technical Assistance Program. He stated the primary focus and goal of the community at this time was the demolition of the building on the property. Commissioner Custer expressed concern regarding the time Ms. Laughlin and Ms. Howell spent on the preparation and presentation of the Wetmore Project plans. She proposed a compensation consideration.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

Not to sign the MOU between the Colorado DOLA – CSU Extension and the Custer County Board of Commissioners. The motion carried. Commissioner Custer was opposed. Commissioner Custer will prepare the appropriate correspondence to the CSU Extension Rural Technical Assistance program informing them of the decision and motion.

The BOCC met with the County Attorney and discussed the following:

- Encroachment on CR 378. The road would qualify for adverse use since it has been in existence and use since 1950 and therefore would not be revised or changed on request.
- The Wetmore property does not qualify for a lot line vacation since the county does not own any property between the Wetmore Community Building and the Wetmore Park Project
- Hamilton issues will be reviewed in an executive session
- Custer County Comprehensive Personnel Policy 2010. John Naylor, County Attorney, stated he had reviewed the personnel policy. He said the policy was also reviewed by Cynthia Barnes, Colorado Technical Services Inc., Senior Human Resource Specialist. He reported that Human Resource/Finance Manager, Dawna Hobby had forwarded the personnel policy for review to the non-board County Elected Officials. Commissioner Custer expressed concerns regarding specific vernacular wording of the personnel policy. The Board agreed to approve Resolution #10-04 as amended adopting the updated personnel policy for county employees. The Board approved the addition of a signature page for the elected officials to sign after review and approval of the Custer County Comprehensive Personnel Policy 2010.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To approve Resolution # 10-04, A Resolution of the BOCC of Custer County, Colorado Adopting an Updated Personnel Policy for County Employees. The motion carried. Commissioner Custer abstained.

CUSTER COUNTY RESOLUTION

Resolution No. 10-04

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO, ADOPTING AN UPDATED PERSONNEL POLICY FOR COUNTY EMPLOYEES.

WHEREAS, The Custer County Board of County Commissioners adopted, by Resolution No.04-2010, a comprehensive personnel policy for Custer County employees; and,

WHEREAS, said resolution required that modification and amendments to that policy be made by resolution; and,

WHEREAS, employment conditions and Colorado state requirements have necessitated that the said policy be updated to meet present and future conditions and requirements; and
BE IT RESOLVED that the said policy is hereby adopted as the policy for personnel issues for the County of Custer and its employees; and
BE IT FURTHER RESOLVED that the policy will be binding upon all future employees and elected officials until modified or amended by further agreement and resolution, subject to the laws of the State of Colorado; and
BE IT FINALLY RESOLVED that no County resources will be utilized in the defense of any County employee or official who violate the spirit and the letter of this resolution and adopted policy.

RESOLVED, ADOPTED AND SIGNED ON THIS 6TH day of April 2010.

Lynn Attebery, Chairman

Debbie Livengood, Clerk and Recorder - Attest

APPROVAL AND ACCEPTANCE BY ELECTED OFFICIALS OF THE CUSTER COUNTY PERSONNEL POLICY AND CLASSIFICATION AND COMPENSATION PLAN.

We, the undersigned duly elected officials of the County of Custer, Colorado, in accordance with and specifically subject to the constitutional and statutory powers and limitations on our respective offices as provided by Colorado law, acknowledge receipt of a copy of the Custer County Personnel Policy adopted by the Board on the 6th day of April 2010, and we as elected officials approve and accept the same as binding upon on employees of our respective offices following formal adoption by the Board of County Commissioners, to the extent that the Policy is consistent with the constitutional and statutory powers and limitations of our respective offices.

In accordance with and specifically subject to the constitutional and statutory powers and limitations on our offices and the provisions of the Policy, at our discretion we may adopt and apply additional policies and procedures to our respective employees as appropriate to carry out our constitutional and statutory duties.

James D. Henrich, Custer County Assessor

Debbie L. Livengood, Custer County Clerk

Arthur L. Nordyke, Custer County Coroner

Fred G. Jobe, Custer County Sheriff

Christopher L.(Kit) Shy, Custer County Surveyor

Virginia C. Trujillo, Custer County Treasurer

Nora Drenner, Reporter for the Wet Mountain Tribune joined the meeting.

Mike Halpin, Deputy for Courthouse Security joined the meeting.

Lorraine Silva, Hanssen Haus Resource Center (HHRC) Navigator/Veterans Service Office (VSO) Assistant met with the BOCC and gave a report. She stated that 50 veterans were served in March 2010. She reported the Mobil Vet Center/Readjustment Counseling Services provides services on the first and third Thursday of the month. She reported the HHRC/VSO facility has provided services to veterans from Fremont County and Pueblo County. Commissioner Custer suggested a record be kept of the number of veterans served through the Mobil Vet Center/Readjustment Counseling Services and the number of veterans served in the HHRC from outside Custer County. Ms. Silva said she submitted a mini grant for the donation of heirloom seeds. She reported she was in the initial phase of getting the veterans to volunteer for a plot of garden space at the Cliff Park-Community Garden. She stated that she is registered for the County Veterans Service Officers 2010 Annual Training Conference from May 10 though May 14, 2010. She advised the training conference is a state mandated requirement.

Commissioner Austin asked if coverage had been arranged for the HHRC in her absence. Ms. Silva responded that Terra-Raye Carter will be providing services in the facility under the Promoting Safe and Stable Families (PSSF) Program. She will also check into having a volunteer veteran provide service coverage.

Ms. Silva reported on the current status of the PSSF Grant. She said the Tony Grampas Youth (TGY) Grant will be reduced by 6%. She reported on the March usage of the conference room and office space at the HHRC that included: PSSF play group and family training, Census registration and training; the National Veteran Cemetery Committee; the Interagency Committee; 4-H groups; the Preventative Leadership Council, the Service Navigator from Upper Arkansas Area Council of Governments; Pets Are Wonderful Support (PAWS) Grant Committee; Rocky Mountain Behavioral Health; the Veterans Trust Fund; the Custer County Transitions; and the Collaborative Management – HB 1541 and Affordable Housing Committee. Commissioner Austin asked for a breakdown of revenues received for the usage of the HHRC. Ms. Silva replied that compensation was being received under the PSSF Grant; the Interagency Committee; the Prevention Leadership Council; and Rocky Mountain Behavioral Health. She said Helping Hands/Domestic Violence will pay rental fees. Ms. Silva commented that she anticipated a revenue increase in the future when the agencies and committees have the opportunity to designate HHRC usage funds in the next grant cycle.

Ms. Silva explained that the 2010 HHRC budget does not reflect the travel grant funds received for the PSSF Program. The budget does however, reflect the PSSF travel expenditures. She said she wanted to provide the Board with advance notice of the situation in the event the HHRC travel budget item reflects a negative.

Commissioner Attebery informed Ms. Silva that there is a glass display cabinet in the building of the Wetmore Project and inquired whether the item would be of interest for the HHRC. He shared his concern with the safety and liability of the placement of an all glass cabinet in the HHRC facility. Ms. Silva agreed. Following a brief discussion the Board agreed that on April 8, 2010, Ms. Silva would have entry into the building on the Wetmore Project property to determine if a table and chairs would be usable at the HHRC facility. Ms. Silva will enlist volunteers to accompany her for the handling and transport of the items to the HHRC.

Commissioner Attebery made a motion, seconded by Commissioner Custer to go into Executive Session. The motion carried unanimously. Commissioner Attebery cited C.R.S. 24-6-402 (b). Conferences with an attorney for local public body for the purposes of receiving legal advice on specific legal questions. The BOCC went into Executive Session at 10:30 AM. Those present were: Commissioner Attebery; Commissioner Austin; Commissioner Custer; County Attorney, John Naylor and Clerk to the Board, Debbie Livengood.

Commissioner Austin made a motion, seconded by Commissioner Custer to go back into Regular Session. The motion carried unanimously.

The BOCC came out of Executive Session at 10:52 AM. No matters were adopted and no actions or decision were made.

Dawna Hobby, Human Resource/Finance Manager met with BOCC and gave a report. She informed the Board that Colorado Employee Benefit Trust (CEBT) Willis/HRC had submitted the lowest quote for renewal of the health insurance. The premium increase would be 2.5%. She reported the bids received from CTSI and Collier Associates were higher. Commissioner Custer asked whether Golenda Insurance had an opportunity to submit a bid. Ms. Hobby responded that the specific utilization information they requested was not available in order for them to submit a bid within the time frame. She commented that the previous bid submissions from Golenda Insurance had been higher than CEBT. Commissioner Custer expressed concern that only a few bids were received. Ms. Hobby replied that due to the uncertainty of the health care reform, many of the companies she contacted chose not to participate in the bidding process. Commissioner Custer asked to review the notations and correspondence regarding the health insurance bid process. Ms. Hobby will forward that information.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To accept the proposal for health insurance submitted by CEBT Willis / HRH. The motion carried. Commissioner Custer was oppose stating she would need to review the bidding process correspondence before she could agree with the motion.

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave a report. She announced the first Public Hearing for the Master Plan was scheduled on April 19, 2009 from 7:00 pm – 9:00 pm in the courtroom. Commissioner Austin expressed concerned that it conflicted with the Round Mountain Water Sanitation District candidate forum scheduled the same date. Ms. Hobby remarked the date and time were chosen to accommodate the members of the Planning Commission.

Ms. Hobby presented the Board with a ISDS variance request for a small building in the Silver Cliff Heights Subdivision.

MOTION by Commissioner Austin, seconded by Commissioner Custer:

To grant an ISDS variance for the 320 square feet structure located on Lot 5 Silver Cliff Heights Subdivision #15. File: 101-12-954. The motion carried unanimously.

Ms. Hobby said the Planning and Zoning Department was receiving complaints regarding the lack or absence of porta-potty's at construction job sites. She explained that the current ISDS variance fee is \$30.00 per permit while the construction is in progress. She presented several fee proposals and options. Following a lengthy discussion the Board agreed to revise the current ISDS variance construction permit fee.

MOTION by Commissioner Custer, seconded by Commissioner Austin:

To revise the policy on ISDS permits for construction sites. The permit fee will be \$20.00. The permit fee will be contractor and site specific. A contractor will be required to provide a receipt showing the purchase or placement of a porta-potty before a zoning permit can be issued. Construction companies will not pay more than \$100.00 per year for units in excess of five sites. The motion carried unanimously.

Laura Lockhart, Social Service Director met with the BOCC and gave a report. She said that family medical is expanding their program from 60% poverty to 100% poverty beginning May 1, 2010. She stated that LEAP will be providing a supplement to their program this year. The specifics are not known at this time. Ms. Lockhart reported that the Social Service Department had experienced an increase of emergency service requests for assistance with rent and utilities in March 2010.

MOTION by Commissioner Austin, seconded by Commissioner Custer:

To recess from the BOCC Meeting and reconvene in the Joint Planning Commission Meeting.

The motion carried unanimously.

The BOCC recessed at 11:20 AM.

The BOCC reconvened at 1:00 PM in the Joint Planning Commission Meeting.

The Joint Planning Commission meeting adjourned at 3:40 PM. No motions were made.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman