

Board of County Commissioners of Lincoln County
Agenda for March 17, 2020

1:00 Call to order and Pledge of Allegiance

1. Old Business
2. New Business

Board of County Commissioners of Lincoln County
Agenda for March 18, 2020

9:00 Call to order and Pledge of Allegiance

10:30 Kevin Stansbury, Lincoln Community Hospital CEO, to provide a LCH monthly report

11:30 Executive Session pursuant to C.R.S. §24-6-402-(4) (f) (I) for personnel matters

3. Approve the minutes from the March 5, 2020 meeting
4. Approve the minutes from the March 17, 2020 meeting
5. Review the employee timesheets for Land Use Administrator Fred Lundy and Landfill Manager Mickey Jaques
6. Review the February, 2020, reports from the County Assessor, County Clerk & Recorder, County Sheriff and County Treasurer
7. Review the February, 2020, reports from the Colorado Counties Casualty and Property Pool and the County Workers' Compensation Pool
8. Review the February, 2020, Statement of Revenues and Expenditures for County General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road and Bridge and Individual Road Districts
9. Review and act upon a letter of support for Morgan Community College to apply to the Colorado Opportunity Scholarship Initiative
10. Review and act upon the 2020 Lincoln County Annual Operating Plan
11. Review and act upon an Agreement for Sanction and Approval of the Colorado Professional Rodeo Association
12. Conduct a performance evaluation for Lincoln County Land Use Administrator Fred Lundy
13. County Commissioner reports
14. County Attorney's report
15. County Administrator's report
16. Old Business
17. New Business

The Board of Lincoln County Commissioners met at 1:00 p.m. on March 17, 2020. The following attended: Chairman Steve Burgess, Vice-Chairman Ed E. Schifferns (by phone), Commissioner Doug Stone, County Administrator Jacob Piper, and Clerk to the Board Corinne M. Lengel.

Others attending at the start of the meeting were: Sheriff Tom Nestor, Undersheriff Gordon Nall, Assessor Jeremiah Higgins, Deputy Treasurer LaRay Patton, Land Use Administrator Fred Lundy, Emergency Manager Ken Stroud, Coroner Andy Lorensen, and Human Services Director Pat Phillips.

Chairman Burgess called the meeting to order and asked Ken Stroud to lead the Pledge of Allegiance.

Mr. Burgess then explained to the group that due to the COVID-19 coronavirus, the commissioners asked Mr. Piper to draft a resolution declaring Lincoln County an “emergency county” to obtain federal funding. Mr. Piper said he’d based the draft on a document from El Paso County but cautioned that declaring the emergency required a concrete reason. He recommended waiting for a confirmed case of the virus in Lincoln County.

Sheriff Nestor commented that a confirmed case was extremely likely. He felt that being prepared to pass the resolution would be sufficient for now but that it wasn’t necessary just yet. He added that there would be funding concerns, especially since they don’t have enough PPE (Personal Protective Equipment) and would have to pay for more. Federal funding could help with that.

Mr. Piper also provided a resolution that would allow a commissioner absent from a meeting to vote via telephone. A commissioner could not vote on any quasi-judicial proceedings or chair the meeting over the phone, however.

Mr. Stone made a motion to adopt a resolution regarding a remote participation policy for the Board of County Commissioners. Mr. Schifferns seconded the motion, which carried unanimously.

At a regular meeting of the Board of County Commissioners of Lincoln County, Colorado held in Hugo, Colorado on March 17, 2020, there were present:

Steve Burgess, Chairman	Present
Ed E. Schifferns, Vice Chairman	Present
Douglas D. Stone, Commissioner	Present
Stan Kimble, County Attorney	Absent & Excused
Corinne Lengel, Clerk of the Board	Present
Jacob Piper, County Administrator	Present

when the following proceedings, among others, were had and done, to-wit:

RESOLUTION #1011 It was moved by Commissioner Stone and seconded by Commissioner Schifferns to adopt the following resolution:

Lincoln County Board of County Commissioners Remote Participation Policy

WHEREAS, the Lincoln County Commissioner Remote Participation Policy is established for members' remote electronic participation in Board of County Commissioners meetings due to an emergency or personal matters, or temporary disability or medical condition that prevents his or her physical presence.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Lincoln County that the attached Lincoln County Board of County Commissioners Remote Participation Policy is hereby adopted and effective as of March 17, 2020.

Upon roll call the vote was:

Commissioner Schifferns, Yes; Commissioner Burgess, Yes; Commissioner Stone, Yes.

The Chairman declared the motion carried and so ordered.

Board of County Commissioners
of Lincoln County

ATTEST:

Clerk of the Board

LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS
REMOTE PARTICIPATION POLICY

The following policy is established for members' remote electronic participation in Board of County Commissioners meetings due to an emergency or personal matters, or temporary disability or medical condition that prevents his or her physical presence.

- a. On or before the day of a meeting, the member shall notify the County Administrator that the member is unable to attend the meeting due to an emergency or a personal matter, or a temporary disability or medical condition. The member must identify the nature of the emergency or personal matter, but need not specify the nature of the disability or medical condition.

- b. A quorum of the Board of County Commissioners (BOCC) must be physically assembled at the meeting location. The BOCC members present must approve the participation unanimously of the members physically present. The decision shall be based on the reason for remote participation, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk shall record in the BOCC minutes the specific nature of the emergency or personal matter, or the fact of disability or medical condition, and the remote location from which the absent member participated. If the absent member's remote participation is disapproved, such disapproval shall be recorded in the Council's minutes.
- c. For any remote participation, the County shall make arrangements for the voice of the absent member or members to be heard by all persons in attendance at the meeting location. The Clerk shall ensure that any voting record reflects the absent member's vote.
- d. The meeting may not be chaired by remote participation
- e. Remote participation shall not be allowed for any quasi-judicial matters where the board members have been required to ascertain facts and circumstances from the testimony of sworn witnesses, and to make individualized decisions based on its' determination of such facts and circumstances.

Mr. Burgess said that because of the COVID-19 pandemic, the commissioners discussed closing the courthouse to the public, beginning on March 18. They had a meeting scheduled for April 7 and would reevaluate the situation at that time, but currently, the plan was to close until April 8. Elected officials or department heads could decide how their staff would cover the offices to handle backend work and answer phones.

Sheriff Nestor said that it would be Thursday before he knew what the courts planned to do; reopen or remain closed. If they decided to continue standard practices, he would have to provide courthouse security at the metal detector, which would mean the building would have to remain open to the public. His instincts told him they would close since others in the state had already done so.

Mrs. Phillips said that Human Services could engage in phone interviews, and clients can apply for services online. Staff would be available to help them navigate websites. Caseworkers would arrange their schedules accordingly, so she said they would have no issues with closing to the public. Moving their operations entirely out of the courthouse would be much more difficult due to cybersecurity and VPNs.

Mr. Higgins agreed, stating that he wouldn't have his staff work from home for the same reason; they would need VPN access, which would be too difficult. He would discuss a schedule with his staff, such as Mondays, Wednesdays, and Fridays.

Mrs. Lengel said she would do the same since they are governed by statute regarding recording timelines. Her thought was to have staff in the office every two days to meet the deadlines, answer phones, and handle the mail. They'd completed the audit and canvass and certified the Presidential Primary Election to the state on Monday. She added that if it had to happen, this was probably the best time that it could.

Mrs. Patton felt that someone needed to be in the Treasurer's office but said that if the commissioners closed the building to everyone, they'd figure out how to make it work. She agreed that closing to the public would not be a problem.

Both Mr. Lundy and Mr. Piper said they could do some of their work from home.

Sheriff Nestor suggested a unified press release to the public and offered Michael Yowell to help Mr. Piper and Mrs. Lengel put something together. He added that the commissioners should consider closing all county buildings, not just the courthouse, to the public. Mr. Burgess said they couldn't close Public Health, but employees of the Extension office were already directed to work remotely. Mr. Schifferns asked if the road crews would perform business as usual, and the others agreed since they are not typically in crowds of ten or more.

Mr. Burgess also stated that employees would not be charged sick or annual leave during the pandemic. Departments should also continue to pay all hourly employees with set schedules as if they were there.

The group discussed county commissioner meetings since there are four scheduled in the next few weeks; March 18, 30 and 31, and April 7. The Board agreed to approve the monthly bills and payroll remotely if the Clerk's office could email the files. Mr. Burgess said they could always call an emergency meeting if necessary. They would plan to meet on April 7 to reassess the situation and decide if the building would reopen on April 8.

Mr. Stone made a motion to close the county courthouse to the public until at least April 8, 2020, due to COVID-19. Mr. Schifferns seconded the motion, which carried unanimously.

Before leaving, Mrs. Patton asked the Board for permission to use her county credit card to pay the \$125 CPRA sanctioning fee for the fair rodeo. If she pays by check, the cost will increase to \$325. The commissioners agreed to allow Mrs. Patton to use her county credit card to pay the fee.

Mr. Burgess asked Mrs. Phillips if she would have time for the executive session planned for the following day's meeting since the Board intended to cancel the meeting. She said she did and would go and get the employee.

When they returned, Mr. Stone made a motion to go into executive session, per 24-6-402 (4) (f) (I), C.R.S., for personnel matters. Mr. Schifferns seconded the motion, which carried unanimously. Those remaining for the session were Mr. Burgess, Mr. Stone, Mr. Schifferns (via telephone), Mrs. Phillips, Mrs. Lengel, and Robert Kraxberger. The clerk recorded the session, and the recording will remain on file in the County Clerk's vault for the statutory ninety days.

After Mr. Burgess concluded the executive session, Mrs. Phillips and Mr. Kraxberger left, and Mr. Piper returned to the meeting.

Mr. Stone made a motion to dispense with reading the minutes from the meeting held on March 5, 2020, until the meeting on April 7, 2020. Mr. Schifferns seconded the motion, which carried unanimously.

At 2:00 p.m., Mr. Schifferns left the meeting, and the Board moved on with the remaining March 18 meeting agenda. The commissioners reviewed the employee timesheets for the land use administrator and landfill manager, February 2020 reports from the Assessor, Clerk & Recorder, Sheriff, and Treasurer, and February 2020 reports from the Colorado Counties Casualty and Property and Workers' Compensation Pools. Also reviewed were the February 2020 Statements of Revenues and Expenditures for the General, Public Health, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, and Road & Bridge funds, as well as the individual road districts.

Mr. Stone made a motion to approve a letter of support for the Morgan Community College Colorado Opportunity Scholarship Initiative. Mr. Burgess seconded the motion, which carried.

Mr. Stone also made a motion to approve the 2020 Lincoln County Annual Operating Plan. Mr. Burgess seconded the motion, which carried.

Mr. Stone made a motion to approve an Agreement for Sanction and Approval of the Colorado Professional Rodeo Association for the county fair rodeo. Mr. Burgess seconded the motion, which carried.

Mr. Burgess said that he and Mr. Stone would work on the Land Use Administrator's performance evaluation at the end of the meeting, and he dispensed with commissioner reports.

Mr. Piper placed a call to County Attorney Stan Kimble to see if he had anything to report, but had to leave a message. Mr. Piper then reported that janitor Teena Ludwig learned that Waxie, the company where she purchased the majority of her cleaning supplies, was going to start charging approximately \$200 for shipping. Mr. Burgess asked if she could get the supplies locally, and Mr. Stone suggested she contact MARC, which is where the Karval School obtained their supplies.

Mr. Burgess called for old business, and Mrs. Lengel asked if the commissioners still wanted to consider a pre-audit before the annual audit. She'd contacted Ronny Farmer to see if he thought it necessary, and he told her as long as the cash accounts reconciled with the County Treasurer, and the fund balances agreed with the 2018 audit, it shouldn't be a problem. However, Mrs. Lengel said that those were the two areas where the finance director and deputy treasurer were having problems balancing. Mr. Burgess commented that he'd checked with the firm that the Town of Limon uses, and he wasn't taking on new clients. Mrs. Lengel said that Mr. Farmer hadn't recommended anyone either, but it was something to consider.

Mr. Piper asked the commissioners if they included the fairgrounds when closing to the public because of COVID-19. They tried to contact John Palmer but got no answer.

Mr. Kimble called back at that time, and Mr. Burgess explained that they'd decided to close the courthouse to the public and cancel all commissioner meetings until April 7. As for the case involving county roads and section lines, Mr. Burgess asked if the county should have a written agreement before spending county funds on a survey. Mr. Kimble said the trial might not happen now until the fall since the courts were canceling jury trials. He said he'd informed the parties that the county was willing to help and felt they should hold off to see if they came to an agreement. He added that the county would have to have a written settlement agreement that stipulated what all parties planned to do.

Mr. Kimble had nothing else to report, and there was no other new business to discuss. Mr. Burgess called John Palmer again and left a message, and then he and Mr. Stone completed the performance evaluation for Land Use Administrator Fred Lundy.

With no further business to come before the Board, Mr. Burgess adjourned the meeting at 3:30 p.m. The next meeting will be at 9:00 a.m. on April 7, 2020.

Corinne M. Lengel, Clerk to the Board

Steve Burgess, Chairman