

February 21, 2017

The Logan County Board of Commissioners met in regular session with the following members present constituting a quorum of the members thereof:

Byron H. Pelton	Chairman
David G. Donaldson	Commissioner
Joseph A. McBride	Commissioner

Also present:

Alan Samber	Logan County Attorney
Marie Granillo	Logan County Deputy Clerk
Betty Green	Logan County Road and Bridge
Laurie Jones	Eastern Colorado Small Business Development Center
Trae Miller	Logan County Economic Development Center
Callie Jones	Journal Advocate

Chairman Pelton called the meeting to order at 9:00 a.m. The meeting opened with the Pledge of Allegiance.

Chairman Pelton asked if there were any revisions for the agenda.

Commissioner Donaldson moved to go into an Executive Session immediately to discuss the purchase, acquisition, lease, transfer, or sale of real, personal other property interest under Colorado Revised Statute 24-6-402(4)(a) and also to discuss personnel matter under Colorado Revised Statute 24-6-402-(4)(f), and it does not involve any specific employee who has requested the discussion of the matter in open session, any member of this body or any elected official.

Commissioner McBride seconded and the motion carried 3-0.

Chairman Pelton announced going into the Executive Session at 9:02 a.m.

Chairman Pelton reconvened the meeting at 9:36 a.m. and stated the Executive Session has been concluded. The participants in the Executive Session were the County Attorney, Alan Samber, Commissioner Dave Donaldson, Chairman Byron Pelton and Commissioner Joe McBride. Chairman Pelton stated for the record if any person who has participated in the Executive Session believes that any substantial discussion of the matter was not included in the motion to go into Executive Session occurred during in the Executive Session or that any improper action occurred during the Executive Session in violation of open meetings law. Chairman Pelton asked to state the concerns for the record. None were indicated.

The Board continued with the Consent Agenda items.

- Approval of the Minutes of the February 7, 2017 meeting.
- Acknowledgement of the receipt of the Clerk and Recorder report for the month of January, 2017.
- Acknowledgement of the receipt of the Treasurer's report for the month of January, 2017.
- Consideration of the approval of an application for renewal of a 3.2% Beer On/Off Premises license on behalf of Kuskies Oil and Café.
- Consideration of the approval of the appointment/re-appointment of the advisory board members to various advisory boards:
 - Re-appoint Tom Kiel and Jerry Wernsman to the Planning Commission.
 - Appoint Stanton Gartin to the Planning Commission and Board of Adjustment.
 - Re-appoint Carol Silvey, Peggy Swedlund and David Piper to the Lodging Tax Board.
 - Appointment of Karen Ramey-Torres and Fred Jackson to the Lodging Tax Board.

Commissioner Donaldson made a motion to approve the Consent Agenda for the February 21, 2017, business meeting. Commissioner McBride seconded and the motion carried 3-0.

Chairman Pelton continued with Unfinished Business:

Commissioner McBride moved to approve the Government Obligation Contract between Logan County and Kansas State Bank for financing the purchase of three (3) 2017 fully equipped patrol vehicles for the Logan County Sheriff's Office and authorize Chairman Pelton to sign the lease agreement. Chairman Pelton seconded the motion.

Under discussion; Commissioner Donaldson had several statements and a few questions that may prompt some discussion but does not to have to. Commissioner Donaldson found in the contract that he does not see an interest rate. Exhibit A states that below is a detailed description of the items of the equipment including quantity, model number and serial number where applicable, all that was written there is (3) 2017 Police vehicles. In Exhibit E there are some specifics but not with any numbers.

In Exhibit B the amount financed, the principal that's being borrowed is \$132,646.00.

Commissioner Donaldson stated, in his opinion, more than needed. Commissioner Donaldson, in his calculations if you removed the mobile and hand-held radios and take the low bid for the vehicles, the principal amount would be \$114,226.00, which would be a difference of \$18,420.00. Exhibit C on the contract is not filled out.

Exhibit D is completed with the vehicle and the specific equipment, however, the purchase requisitions have not cleared the Board of County Commissioner approval step of the Logan County purchasing policy and, to Commissioner Donaldson's knowledge, purchase orders have not been issued. Specifically, the Finance Department received the requisitions on January 31 and the vehicles were ordered on that same day. Chairman Pelton and Commissioner McBride initialed the requisitions at some point after January 31, 2017. At the work session on February 7,

Undersheriff Pierce was asked to get a bid from a third vendor for the cars which he did. That bid came in at \$1311.00 lower than the first two bids. Commissioner Donaldson met with Undersheriff Pierce on February 9; he had all the bids except for the emergency equipment package. Hand held radios are not attached to the cars and should not be considered part of the vehicles. That's a cost of \$4,728.00.

In summary, the cheapest bid on the vehicles was not considered even though it was from a local Dodge dealer. The \$1,300.00 for the vehicles alone is not, in Commissioner Donaldson opinion the largest issue. The biggest issue, in Commissioner Donaldson mind, is that Logan County's purchasing policy was not followed. Commissioner Donaldson feels that more equipment is being financed than what is needed for a completely equipped patrol car. Lastly, the fiscal impact of the requisition is over \$18,000.00 that could be saved if the cost was taken into consideration. Commissioner Donaldson noted part of that would then come out of other appropriated lines for the mobile and hand-held radios.

Commissioner McBride pointed out why Exhibit C was not filled out and to his understanding once the vehicles arrive; that Exhibit C would be completed.

Chairman Pelton stated that the lack of purchase orders and not following the purchasing policy was his fault. Chairman Pelton made a mistake and talked to Sheriff Powell and told him to order the cars. Chairman Pelton assumed that Transwest was a local dealership and fulfilled the policy and sees now that he was in the wrong.

Chairman Pelton asked if anyone wanted to make an amendment to this motion on the handheld radios, to save that money.

Commissioner McBride stated at this point the Board had several discussions about it and Commissioner McBride did not remember the radios, up until today, as being a part of it.

Commissioner McBride thought that this had been held off for quite a while and he knows some of the issues with viewing Transwest whether it's a local dealer or not, in regards to Dodge, that was brought up in a work session earlier. Commissioner McBride felt that both Transwest and Korf have a place here; they both have access to any vehicle you want. Commissioner McBride did not view that as not a Ram or Dodge dealership. Personally, as far as that part goes we also had some prior discussion on that when they first received the bids. Commissioner McBride knew there were discussions on having the vehicles worked on by a local dealership, which apparently Transwest does have the ram mechanics alignment, they pay or transport the vehicles there for service.

Commissioner Donaldson agreed with Commissioner McBride. Commissioner Donaldson had a discussion with both general managers at Korf and Transwest and they do handle all vehicles, even though they don't sell them in Logan County. They have agreed to transport those vehicles to their Dodge, General Motors, or Ford facilities at their expense. Commissioner Donaldson stated he is comfortable with either of those companies bidding on those vehicles. The motion carried 2-1.

Chairman Pelton continued with New Business:

The Board opened proposals for the purchase of motorgraders for the Logan County Road and Bridge Department.

- Four Rivers, 2017 John Deere 770G, \$228,500.00 each, Fort Collins, CO.
- Wagner Equipment, 2017 Caterpillar 140M3, \$232,568.00 each, Windsor, CO.
- Wagner Equipment, 2017 Caterpillar 12M3, \$213,972.00 each, Windsor, CO.

Commissioner Donaldson made a motion to refer all of the bids to the Road and Bridge Department for their review and recommendation back to the Board of County Commissioners. Commissioner McBride seconded and the motion carried 3-0.

Commissioner Donaldson made a motion to award the proposal for the purchase of two new bottom dump trailers for the Logan County Road and Bridge Department to Utility Trailer Sales of Colorado located in Henderson, CO., for two 2017 Ranco Light Weight bottom dump trailers. Commissioner McBride seconded the motion.

Betty Green from Logan County Road and Bridge Department addressed the Board. The motion carried 3-0.

Commissioner McBride moved to approve a letter of agreement concurring with the interpretation of the current legal status of the Gateway Urban Renewal Plan and proposed agreement for a property tax increment incentive with Luxury Inn Sterling, LLC concerning a proposed Hampton Inn with the plan boundaries and authorize Chairman Pelton to sign the agreement. Commissioner Donaldson second and the motion carried 3-0.

Commissioner Donaldson made a motion to approve an Intergovernmental Agreement between Logan County and Cheyenne, Elbert, Kit Carson, Lincoln, Phillips, and Sedgwick, Washington and Yuma Counties and various municipalities in those counties for participation in the Eastern Rural Planning Commission and authorize Chairman Pelton to sign. Commissioner McBride seconded and the motion carried 3-0.

Commissioner McBride moved to approve the appointment of Diana Korbe to the position of Human Resources/Administrative Officer to the Board of County Commissioners. Chairman Pelton seconded the motion.

Under discussion; Commissioner Donaldson had some statements and some questions that may prompt some discussion but does not necessarily have to have answers to all of his questions. Commissioner Donaldson addressed first; wondered why an appointment. This infers that the normal application and competitive interview process is being circumvented, this a new position and why was it not opened up for application?

Commissioner Donaldson had no doubt that the person selected for this position, albeit through unorthodox means, is qualified for the position and will do good things. Why was this person hand selected for this position? The salary data sheet states that a meeting was held on February 20, 2017, to consider this appointment; this was a holiday, Presidents Day, yesterday and the court house was closed.

Commissioner Donaldson continued asking, why were the actions taken last Thursday I was out of town for a Statewide Commissioners meeting? Why was the salary pay rate higher than other department heads since some of those department heads supervise have up to 50 people?

According to this newly written job description, Commissioner Donaldson states his opinion; you have given these position duties that you do not have the authority to delegate.

Commissioner Donaldson does commend Chairman Pelton and Commissioner McBride on how quickly you have been able to come into office, identify the short comings of the County, assessed the duties of the existing positions and created a new position. According to the newly created job description all this was completed by February 1, that was a mere 20 days after you took office, that was commendable. Money to fund this position is money that the previous Board appropriated on the outside chance that a position would be created to fulfill some of the duties that they had identified over a four year period as being needed. Commissioner Donaldson felt that Chairman Pelton and Commissioner McBride did not take advantage of that experience and what the previous Board was looking at that time.

In summary, the positions are normally and historically filled through a competitive process and not through an appointment. The entire Board was not included in the decision making process for the creation of this position. Commissioner Donaldson thought that the pay grade selected for this position will have a ripple effect throughout the county work force and may have a negative impact due to the unsubstantiated value of this new position. Fiscal impact for this decision is somewhere between \$50,000.00 and \$100,000.00 to the taxpayers of Logan County.

Commissioner McBride addressed, as far as the job description goes, that is one thing that with any position remains flexible, especially with a position like this that comes in and the reason why Commissioner McBride felt that there was a necessity that we had a Human Resources and Finance combined. Commissioner McBride believed since 2007, it might have been before then. Commissioner McBride thinks two conflicting positions to have together for the most part, a lot of the Human Resources function for a County this size.

Commissioner McBride felt that it has been near met as far as what needs to be done for this County. The person coming from the current Finance Human Resources (HR) department, Commissioner McBride thought this was viewed more as it's a split, obviously from the two and her being currently employed under there, Human Resources (HR) being an excellent employee and by our own policy manual for recruitment selection. Our policy manual states, office department with a vacancy always the right to promote from within the department or the county itself, all persons having the authority of hire, discharge, transfer, promote personnel, must not follow nondiscriminatory policy of hiring or transferring any qualified applicant. Commissioner McBride stated that this viewed as we had a qualified employee, one that has been essentially doing the base Human Resources (HR) functions. Commissioner McBride thought a lot of those functions have not been met in this County. As far as the salary goes, in 2007 Logan County had a salary survey completed; from that survey (in which those cost money) there were grades in positions that were set up. The Finance and Human Resources Director at the time by taking on Human Resources (HR) moved to a grade 29, which is relatively high grade in this county, also during that study Social Services basically had a finance director that was set up. That study set at a grade 27.

In comparison to Commissioner Donaldson's point on the other department heads and things, Commissioner McBride does not know that any of us will disagree on how our job descriptions are set up and classifications for those, they are kind of across the board and something we

definitely need to address.

Commissioner McBride thought that moving these positions; Finance Director and the Human Resource Director (HR) separated; this was already in place to be a grade 27. Moving any lower than that Commissioner McBride thought to be arbitrarily choosing a spot that may be now we might view this is a good place for them, we do not have that system in place as of yet to do that. Commissioner McBride addressed the salary data sheet that Commissioner Donaldson is referring to (and disappointment today), obviously Chairman Pelton and Commissioner McBride are new Commissioners as far as the new Board goes about doing stuff, it may not be the way things have been done. Commissioner McBride feels in this case, whether it was called an appointment or an announcement of what is transpiring, Commissioner McBride thought it was important to have on the business meeting today.

Commissioner McBride and Commissioner Donaldson will disagree on the participation level between all of the Commissioners there. Commissioner McBride stated that this is very important for a County this size and for our employees in which in turn affects the citizens in this county. The motion carried 2-1.

The Board moved on to Miscellaneous Business/Announcements:

The next regular business meeting will be scheduled for Tuesday, February 28, 2017 at 9:00 a.m. at the Logan County Courthouse.

The Logan County Board of Commissioners adjourned at 10:03 a.m. Tuesday February 21, 2017.

Submitted by:

Logan County Deputy Clerk

Approved: March 7, 2017

BOARD OF COUNTY COMMISSIONERS
LOGAN COUNTY, COLORADO

(seal)

By: _____
Byron H. Pelton, Chairman

Attest:

Logan County Clerk & Recorder