



The Board of County Commissioners met in special session on January 9, 2023. Those present for the session were Lynn M. Padgett, Chair; Jake Niece, Vice-Chair; Ben Tisdell, Commissioner Member; Connie Hunt, County Administrator; Leo Caselli, County Attorney; and Harlan Thompson, Deputy Clerk of the Board.

- **Note – This meeting was recorded for reference purposes.**

A. 1:30PM Road and Bridge Reports:

1. Road and Bridge Report:

Ty Barger, County Road and Bridge Superintendent, via Zoom.

Barger provided highlights for December 2022 and priorities for January 2023. He emphasized: a third deer strike in twelve months; incomplete excavator repairs and a loaner excavator; no invoice for excavator repair work; and recommended ending the Dave Wood Road IGA/MOU with Montrose County. He noted work on a cost estimate for installing delineators along the County Road 1 escarpment with the lack of pavement markings, in response to community concerns of traffic staying in its lane. He also expressed a need for contracted production of fractured gravel instead of rounded alluvial stone, for road stability.

Commissioner Tisdell recommended he consider grinding in center line mumble strips similar to rumble strips. Barger said he was considering that option on the shoulders, but would also look at the center line.

Commissioner Padgett inquired about the year of the 315L Caterpillar, the number of hours on it and its value. Barger stated he would need to get back with her.

Commissioner Niece asked about the County Road 4 cattle guard. Barger stated they had recently repaired it, and would reconstruct it if needed. Commissioner Padgett inquired if they would relocate it farther from the road. Barger indicated if reconstructed it would remain in the same location with a fixed bar instead of the rolling bar design.

Commissioner Padgett questioned if it was time to replace the excavator. Barger specified the repair estimate of \$83,000 was less than replacement, so they were having it repaired. He identified the need to get an update on the repair costs.

2. Request for authorization to proceed with a procurement using the Exception Clause of the Ouray County Purchasing Policy:

Barger presented a fleet management proposal from Katherine Vigneau, Project Manager, with the Matrix Consulting Group, who he had previously worked with in Nebraska. He said she could provide the needed advice to manage the Road and Bridge fleet.

Commissioner Tisdell expressed concern with only one site visit on the proposal with the types of roads and altitudes in the County. Barger stated the site visit could last a week to include showing equipment and interviews with the crews about the locations they operate.

Commissioner Tisdell asked if they would recommend a budget for a 20 year replacement. Barger confirmed this was included to help control climbing costs while maintaining services to the public, and planning for the future.

Commissioner Niece stated he had legal questions about the exception clause, though the BOCC could make exceptions on a case by case basis. Caselli said he was not sure if it was legally defensible without more information. He clarified that sole source procurement applied to when there was only one source for procurement, without a comparable substitute product or service available. He cautioned this could stray into sole source with possible TABOR challenges and attorney fees.

Commissioner Padgett cited page ten of the County procurement policy regarding the sole source matrix as the only company doing this kind of work, with this type of qualifications, on this type of timeline, and if this would be a good value for around \$50,000. She asked Barger for additional information for the Board's review before granting a sole source exception, and for him to clarify the immediate need. She indicated the formal procurement process could take months, but this could be done with three informal telephone quotes from other firms with comparable services, their timeline, and qualifications. She questioned Caselli if this would be defensible.

Hunt recommended a formal request for proposal (RFP).

Caselli said the Board could do an exception after holding it up for more information, or they could do a formal RFP. He stated he did not think it was time for an approval.

Commissioner Tisdell believed it was a slow moving emergency with escalating repair costs, operational challenges and equipment often not available for use.

Commissioner Niece stated he was not ready to grant an exception, and needed more documentation to show how this was an emergency or time sensitive, otherwise a RFP was needed.

Commissioner Padgett asked for written documentation from Barger to show the need to address it immediately; she recommended using informal quotes to see if this was a best value. She stated if it was a best value, and sole source was needed, it could qualify as an exception.

Hunt thought it could fall under immediate purchase, but not an emergency under the definition with the three quotes. She stated she and Caselli would work with Barger to see if they could justify an immediate purchase.

Caselli indicated the need to be competitive.

Barger stated it was not an emergency, or sole source, but he was regarding it as an exception based on cause.

B. 2:19PM County Attorney Performance Evaluation (continued/rescheduled from December 21, 2022 special meeting), and Request for Approval and Authorization of Chair's Signature on County Attorney Performance Evaluation.

Caselli stated that when he had originally presented his accomplishments for 2022, and future goals for 2023 on December 21, 2022 it was recorded, but there were no members of the public or the press in attendance. He also reviewed a survey he had given to co-workers on the quality of his work and his response to their requests, and the results.

Commissioner Padgett displayed on the screen each Commissioner's evaluation results on how they rated Attorney Caselli's annual performance. The Commissioners discussed the ratings they had given.

The Board agree to use a synthesized master score sheet which the Chair would sign.

M/S/P – Motion was made by Commissioner Tisdel and seconded by Commissioner Niece to proceed with adopting the County Attorney Performance Evaluation for this performance period as described by Commissioner Padgett.

Discussion:

Commissioner Padgett asked Commissioner Tisdel if that implied approval and authorization of Chair's signature on the synthesized score sheet. Commissioner Tisdel confirmed that it did.

Commissioner Niece stated he would accept the modification to the motion.

Caselli queried the Board for public transparency if they would like the synthesized score sheet added to the packet, once the Chair signed it. Commissioner Padgett stated yes with the synthesized scores as the cover sheet.

Commissioner Niece said there was a motion and a second. Commissioner Padgett identified she was considering it as discussion and the score sheet needed to be flashed through on the screen.

The Board ensured consistency for each section of the synthesized score sheet with uniform ratings of a nine, ten or an X where required.

Commissioner Padgett stated she wanted to close the motion with what Hannah Hollenbeck had flashed on the screen and modified with the X's as what the motion included. She noted Board agreement. The motion carried unanimously.

3:07 The Board adjourned the special session.



Michelle Nauer

Michelle Nauer, Clerk and Recorder

By: Harlan Thompson, Deputy Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Lynn M. Padgett

Lynn M. Padgett, Chair

Jake Niece

Jake Niece, Vice-Chair

Ben Tisdel, Commissioner Member