

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING MINUTES
June 9, 2011**

The June 9, 2011 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Hap Channell, Chairperson	Matthew Birnie, County Manager
Paula Swenson, Vice-Chairperson	Katherine Haase, Clerk to the Board
Phil Chamberland, Commissioner (arrived at 10:50 am)	Others Present as Listed in Text

CALL TO ORDER: Chairperson Channell called the meeting to order at 10:35 am. Commissioner Chamberland joined the meeting at 10:50 am as noted in the below minutes.

SG INTERESTS I, LTD. V. BOARD OF COUNTY COMMISSIONERS; RAMON REED; AND NEAL STARKEBAUM; NEW LITIGATION; REPORT OF COUNSEL; ENGAGEMENT OF LITIGATION COUNSEL; POSSIBLE EXECUTIVE SESSION: County Attorney David Baumgarten and Community Development Department Director Joanne Williams were present for discussion.

County Attorney Baumgarten suggested that he and the Board conduct an Executive Session, as an attorney/client communication to discuss key issues and strategies related to the lawsuit, with County Manager Matthew Birnie, Community Development Director Joanne Williams, and Planning Commission Chairperson Ramon Reed and Assistant Community Development Director Neal Starkebaum if they become available; and to narrow the list of participants to only the Board, County Attorney Baumgarten and County Manager Birnie at some point during the Executive Session. **Moved** by Commissioner Swenson, seconded by Chairperson Channell to go into Executive Session for the reasons outlined by the County Attorney with those present outlined by the County Attorney also. Motion carried. County Attorney Baumgarten explained that no contemporaneous electronic recording of the Executive Session would be kept since the discussion was subject to attorney/client privileges.

The board went into executive session at 10:37 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(b)(e).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

David Baumgarten
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 11:53 am. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance, that no decisions were made, that Commissioner Chamberland joined the Executive Session beginning at 10:50 am, and that no contemporaneous electronic recording was kept. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to direct the County Attorney and any other staff to move forward with regards to responding to the lawsuit and to engage outside council in the amount up to \$50,000 at this time. Motion carried unanimously.

PERSONNEL MATTER; DEPUTY COUNTY ATTORNEY; POSSIBLE EXECUTIVE SESSION: County Attorney Baumgarten and Deputy County Attorney Tom Dill were present for discussion.

Deputy County Attorney Dill requested that he and the Board hold the discussion during an Executive Session. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to go into

Executive Session with Deputy County Attorney Tom Dill and the Board of County Commissioners, and that a separate tape (electronic recording) be kept on this matter. Motion carried unanimously.

The board went into executive session at 11:58 am. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4). This specific session was conducted as per C.R.S. 24-6-402(4)(f).*

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4).

Date: _____

Hap Channell, Chairperson
Gunnison County Board of Commissioners

The Board came out of executive session at 12:18 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance, that no decisions were made, and that a separate contemporaneous audio recording was kept.

Chairperson Channell expressed to Deputy County Attorney Dill that these types of situations are never easy and that this particular situation is unfortunate. He also told Deputy County Attorney Dill that the Board appreciates his service and values the contributions that he has made to the County.

Deputy County Attorney Dill requested six months of severance pay with full employee benefits. Chairperson Channell noted that the Board's current contract with Deputy County Attorney Dill authorizes severance equal to three months base pay and benefits. Commissioner Chamberland stated his desire to grant an additional three months of full employee benefits because it would allow Deputy County Attorney Dill to transition into other employment. Commissioner Swenson explained that other resignation clauses allow for full pay and benefits for 60 days after submitting written notice of his resignation to the Board. Because of this, she recommended that the Board authorize three months of severance and an additional two months, for a total of five months of severance pay and full benefits. Chairperson Channell agreed with Commissioner Swenson's assessment. Deputy County Attorney Dill stated his appreciation for the extension.

Chairperson Channell recommended that the Board take this opportunity to clarify the standard language within future contracts for this particular position; specifically to clarify that, although the Board contracts with the Deputy County Attorney for services, the Deputy County Attorney works directly for the County Attorney. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to accept the resignation of Deputy County Attorney Tom Dill and authorize a severance package in the amount of five months severance of wages and benefits as outlined in his contract, and that the three months will be extended to five months. Motion carried unanimously.

ADJOURN: **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 12:24 pm.

Hap Channell, Chairperson

Paula Swenson, Vice-Chairperson

Phil Chamberland, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Stella Dominguez, County Clerk