

August 21, 2018

At a regular meeting of the Board of County Commissioners, Washington County Colorado, held at the Courthouse in Akron, Colorado on Tuesday the 21st day of August, 2018, there were present:

Lea Ann Laybourn, chairman	present
Terry G. Hart, commissioner	present
Leland Willeke, commissioner	present
Garland Wahl, clerk of the board	present
Madeline Meacham, county attorney	present

8:15 Auditors Report-Scott Szabo

The County is in good shape financially and with it's reserves.

8:45 Public Comment/Work Session

9:15 John Chapdelaine- update Eastern Colorado Community Fund

Additional Items to add to the agenda

- Capital Request Road & Bridge Dist. 3
- Resolution to modify term limits for District Attorney
- Social Service Director
- Letter from Amy Miller
- Resolution to Vacate dedicated road in Platner

9:30 Business Meeting Convenes

Approve Consent Agenda

1. Schedule of bills for the County from the General, Road & Bridge, Health Care, TV Translator, Landfill, Justice Center Fund and Construction payables for August 21, 2018 in the amount of \$103,743.21
2. Nursing Home bills for August 21, 2018 in the amount of \$42,289.94
3. Pioneer Haven bills for August 21, 2018 in the amount of \$908.40
4. Minutes from Prior Meetings
  - a. August 14, 2018

It was moved by Commissioner Hart and duly seconded by Commissioner Willeke to **approve the Consent Agenda** with correction. On roll call vote, all votes being yes, the motion passed.

Commissioner Laybourn read an email from Amy Miller stating she would be honored to serve in the capacity of Economic Development for Washington County. Miller stated she believes in this county and wants to help it thrive. Please know that I will serve the county in any way to help diversify and improve the economy of the entire county.

Commissioner Hart stated the Airport Development Board is also for Economic Development and Miller already serves on it. Clerk of the Board reminded Commissioner Hart that Miller had been removed from the Airport Development Board by the County Commissioners and replaced by Vicki Armstrong. Commissioner Willeke stated no further discussion was needed.

It was moved by Commissioner Willeke and duly seconded by Commissioner Hart to approve the **Request for Capital Purchase for Road and Bridge District #3 for the purchase of a new pickup** at a cost of \$29,000. On roll call vote, all votes being yes, the motion passed.

It was moved by Commissioner Willeke and duly seconded by Commissioner Hart to **award the job of the Washington County Health and Human Services director to Grant "Eddie" Smith** at a salary of \$55,000. On roll call vote, all votes being yes, the motion passed.

Commissioner Hart and Teresa Traxler will get letters out to other applicants.

10:00 Facilities Service Manager-Matt Green (Courthouse Cupola)

Green turned in a bid for painting the Courthouse Cupola, and box that the cupola is sitting on from Sterling Paint Company for \$8300.

It was moved by Commissioner Willeke and duly seconded by Commissioner Hart to **award the bid to Sterling Paint Company to paint the Courthouse Cupola** and box that the Cupola sits on for \$8300. On roll call vote, all votes being yes, the motion passed.

Green reported that Nursing Home Administrator, Brenda Rhea, asked if just the living room windows at Pioneer Haven could be replaced for now. Green will get information to the two bidders to bid for 40 single hung windows for the living rooms.

10:30 County Attorney

Resolution 65-2018 for vacation of dedicated road in Platner

Resolution 66-2018 to refer modifying the term limits of District Attorney to the ballot

Continuance of hearing with Jeremy Wells

#### **Resolution 65-2018**

**WHEREAS**, pursuant to Colorado Revised Statutes 43-2-303 the Board of County Commissioners may divest all right, title, or interest of the County to a dedicated road by adoption of a Resolution to that effect after notice and holding a public hearing to consider a roadway vacation; and

**WHEREAS**, the Town of Platner was recorded on April 10, 1920 in Book 2 Page 38 in the Office of the Washington County Clerk and Recorder; and

**WHEREAS** pursuant to the aforementioned statutory mandates the Board received a request from Mary Gibbens and Adolfo Castanon dated July 18, 2018 to vacate a portion of the dedicated roadway as shown on the Platner Subdivision Plat map, as Prairie Street adjacent to the Eastern portions of Lots 1 and 3; and

**WHEREAS**, the dedicated road is not in use; and

**WHEREAS**, applicants are the owner of the North side of the dedicated roadway that was dedicated to Washington County and recorded in Reception Number 868874; and

**WHEREAS**, the owner of the South side of the dedicated roadway was notified of this vacation and has not indicated any objection; and

**WHEREAS**, pursuant to a notice the Board held a public hearing on August 14, 2018 and received evidence and testimony regarding said proposed vacation; and

**WHEREAS**, the Board has reviewed this matter on this date and has no reason not to grant the vacation of the dedicated but underutilized roadway based upon the information made available to them.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY**, as follows:

1. By adoption of this Resolution and pursuant to the authority vested onto the Board by Colorado Revised Statutes 43-2-301 et. seq., having been fully advised, the Board hereby vacates the dedicated but underutilized roadway as may have been granted to the County as set forth in the Washington County Clerk and Recorder records and Platner subdivision plat and / or any other County records evidencing interests of Washington County in said roadway.

2. Pursuant to C.R.S. 43-2-302, ownership of the real property created by the adoption of this resolution, shall vest to the property owners abutting the vacated roadway.

3. The Clerk to the Board is hereby directed to record this Resolution and forward a copy to the aforementioned property owner who filed the application for vacation and to the Washington County Assessor so that the Washington County land records may be changed to reflect the action taken by the Board on this date.

4. Title shall vest immediately upon vacation.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 7th day of August by Commissioner Hart who moved its adoption. The motion was seconded by Commissioner Willeke and on roll call vote, all votes being yes, the resolution was adopted.

It was moved by Commissioner Willeke and duly seconded the Commission Hart to adopt the following Resolution. On roll call vote, all votes being yes, the resolution was adopted.

**RESOLUTION NO. 2018 – 66**

**A RESOLUTION REFERRING TO THE VOTERS OF WASHINGTON COUNTY THE QUESTION OF WHETHER TERM LIMITS OF THE DISTRICT ATTORNEY FOR THE 13TH JUDICIAL DISTRICT SHOULD BE MODIFIED.**

**WHEREAS**, Article XVIII, Section 11, of the Colorado Constitution limits elected state and local official to two consecutive terms of office; and

**WHEREAS**, Article XVIII, Section 11 of the Colorado Constitution also allows the voter of any political subdivision of the state to change the limitations on the number of consecutive terms of office which may be served by any individual; and

**WHEREAS**, the District Attorney of the 13th Judicial District is limited to two consecutive terms of office; and

**WHEREAS**, a proper request has been filed with the Board of County Commissioners of the counties comprising the 13th Judicial District to refer the question of term limits to the voters of the respective counties; and

**WHEREAS**, the County Commissioners of the seven counties in the 13th Judicial District jointly desire to refer the question of whether to modify the term limits for the District Attorney from two to three terms in each of the respective counties; and it is desirable that the voters of Washington County be provided the opportunity to express their will on this matter.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OR COUNTY COMMISSIONERS OF WASHINGTON COUNTY, COLORADO**, as follows:

1. The following question is hereby certified to the Washington County Clerk and Recorder to be presented to the registered electors of Washington County at the General Election to be held on November 6, 2018:

**COUNTY REFERRED BALLOT QUESTION #7A – CHANGING TERM LIMITS FOR THE OFFICE OF DISTRICT ATTORNEY**

**Shall the term limit imposed in Article XVIII, Section 11(1) of the Colorado Constitution on the Office of the District Attorney for the Thirteenth (13th) Judicial District be modified from two terms to three terms?**

\_\_\_\_\_ **Yes/For**  
\_\_\_\_\_ **No/Against**

2. The Washington County Clerk and Recorder is hereby designated the Election official for this referred question.

ADOPTED AND SIGNED this 21st day of August, 2018.

BOARD OF COUNTY COMMISSIONERS  
WASHINGTON COUNTY, COLORADO

11:00 Continuance Hearing- Jeremy Wells Road and Bridge Supervisor Dist. 1

Present at the Rebuttal Hearing: Commissioners - Lea Ann Laybourn, Terry Hart, Leland Willeke; Clerk of the Board - Garland Wahl; County Attorney Madeline Meacham; Road and Bridge Supervisor, District 1 - Jeremy Wells; Wife of Jeremy - Kim Wells; Road and Bridge, District 1 employees - Tad Johnson and Ron Serl; Commissioner Candidate - Tony Wells; Citizen - Marvin Brandon; Akron News Reporter - JoAnn Busing; and Otis Telegraph - Jerry Patterson.

Meacham stated this is a continuation of the discussion from August 14, 2018. At that hearing Mr. Wells was given an opportunity to respond to a complaint made by a fair board member. This continuation was granted in response to Mr. Wells' request for more time to prepare a response to the complaint and to other issues that were raised. Mr. Wells received a Notice of Administrative Leave, Notice for Cause Issues and Notice of Rebuttal Hearing.

Meacham then asked Jeremy Wells if it was still his desire for this personnel issue discussion to be an open meeting.

Wells replied yes he wanted an open meeting.

Commissioner Hart stated he wanted to make a statement.

Meacham stated the procedure for this meeting would be as follows:

- Commissioner Hart will make his statement
- Jeremy Wells can make a rebuttal statement
- Board will take this matter under advisement and issue a decision later today
- Board will go into Executive Session to receive legal advice from the attorney (C.R.S. 24-6-402(4)(c))
- Board will close Executive Session
- Board will resume business meeting to make a decision

To: Jeremy Wells  
From: Madeline Meacham  
Date: August 14, 2018  
Subject: Written Confirmation that you have been placed on Administrative leave, Notice for Cause Issues under consideration, and Notice of Rebuttal Hearing.

MEMORANDUM

This Memorandum will confirm discussions regarding the decision to place you on investigatory leave and consider disciplinary action, and to notify you of the hearing at which the Board will consider discipline, up to and including termination, for cause, of your employment with Washington County.

You were informed on August 13<sup>th</sup> 2018 that Commissioner Terry hart received a complaint about you from a fair board member, which was confirmed in writing on August 7, 2018, concerning your conduct and that the Board would discuss that complaint with you in an executive session on August 14<sup>th</sup>. At your request, a copy of that letter was provided to you.

You requested that the meeting be opened to the public, and it was. You were given an opportunity to respond to the allegations for the complaint, and you did so. You and your wife also raised multiple concerns about procedural issues.

The Commissioners reviewed the complaint and the evidence you provided, and determined that the hearing would be continued until next week, August 21, 2018 at 11:00 a.m., in order to review the complaint in the context of other aspects of your performance history that have come to light. The terms of your contract with the County provide that you serve at the pleasure of the Board, and that you are not entitled to the termination procedures set forth in the Washington County Personnel and Procedures manual. Washington County interprets the procedural issues you have raised today as a request for a written statement of good and just causes for termination and a rebuttal hearing. Your employment contract does provide for those procedures.

The issues the Board will consider in addition to the August 7<sup>th</sup> complaint are (1) your previous written reprimand, dated January 19, 2018, which was provided to you and which you discussed with Commissioner Hart, and (2) a co-workers complaint of March 22, 2018, which did not result in discipline. Both of those complaints concerned allegations of conduct similar to the conduct complained of in the August 7, 2018 letter, including use of profanity, and conduct that intimidated other in conflict situations. In addition Commissioner Hart has been informed recently that you have used county equipment for personal/family use, without permission. Based upon all of the aforementioned, I am providing you with this written statement and notice that the continued hearing of August 21, 2018 will function as a rebuttal hearing as provided in your employment contract, to give you notice of the for cause issues under consideration and to provide related documents, as requested.

In addition, I wish to remind you that the Board directs you to refrain from contacting employees with regard to these issues, and to refrain from entering the workplace, until this matter is resolved.

Attachment 1  
January 19, 2018  
Jeremy Wells  
District 1 Supervisor

RE: Written Warning

On December 27, 2017, your conduct as a county employee and supervisor while doing business with OJ Watson was grossly unprofessional and included vulgar language to the sales person and others employed by OJ Watson. Your actions have caused OJ Watson to no longer do business with Washington County as a whole. Parts for plows & pick up cranes among other products they offer will not be available to anyone representing Washington after the treatment they received from you.

When speaking to the owner, he relayed to me that in the thirty (30) plus years working in his family owned business he has never had any of his employees exposed to the language and treatment that you delivered by anyone representing a county or municipality in Colorado. Your signature at the bottom of this statement will require you to participate in a "people skills" and/or anger management training and will also serve as your recognition that any future misconduct of unprofessionalism while representing Washington County will result in immediate termination.

As an employee of the County, but more so as a Department Supervisor, we represent the county whenever we are in public, business hours or not. The highest standard of professionalism and ethics, is the goal at all times. Washington County's expectation from all of our employees is not vulgar language, yelling, sarcasm or personal attacks on coworkers or the public, vendors or other entities and employees are unacceptable. Especially when we're in the public eye.

Washington County recognizes your potential and wants you to achieve the highest level of professionalism and leadership and it is our hope that you'll contemplate the path needed to reach your potential.

s/Terry G. Hart, Commissioner District 1

s/Jeremy Wells, Road & Bridge Supervisor District 1

Attachment 2

March 22, 2018

(Jim Evans) Leland wants ot talk to you he does not remember your saying anything. He is waiting for you I'm not in a good frame of mind now. It would be better if I didn't

(Bobbie Jo Thorpe) Please come see me in the morning

(Evans) Ok

(Thorpe) Will have coffee and chat

(Evans) Grievance would be about Jeremy Wells calling me a little &#%@, a piece of @#\$\$% and then very aggressively telling me not to ever come back to his shop again. Matt can confirm he did that to Joe also calling a mother%#\$@^& and to never come back to his shop again. Terry told me not to go back again. Jeremy told Terry about the incident.

I told Terry I could rise above the incident. I'm really having a lot of anxiety about going out there. Now that I have to deal with him AND his wife.

I have had very little sleep in a while now and I get irrational and think and plan for the worst and start stinking thinking (looking for a new job) instead of dealing with my issues.

And I was assured today I had one if I wanted it

So that's my chat. It will be gone tomorrow

I will be fine

You are really quiet.....as an HR person, is this grievance material????

(Thorpe) Sorry driving home. Yes I already spoke to Terry

(Evans) I kept quiet until being forced to go out there Monday and today. Then the anxiety gets the best of me.

(Thorpe) It's okay we will talk in the morning. Try and relax

(Evans) And I remember our session last week with ctsi. That is the definition of workplace hostility and he even did it on front of his new cameras and was recorded I'm sure but I rose about it and didn't get the recording. If the commissioners saw that he would have been instantly fired I would think So I already said to much after reading this....but to conclude Jeremy was trying to watch the camera videos at the same time on his iPhone he was profusely complaining about. We figured out why it was so slow for both of us is he had subscribed to a cloud video backup and the upload speed was killing the network. It was 4 pm and we were in each other's way and I threw a fit and said. "It's past my quitting time, I'm out of here and figure it out yourself." We obviously have a personality conflict and I highly prefer not to be subjected to verbal and physical abuse ever again. He was very ominous and towering and intimidating like an aggressive Rottweiler. The kind that your not sure if you are hoping not to be his next lunch. So if you would kindly forward this to the commissioner and put a copy in my file, that is my legitimate complaint. Also how Matt is involved, I had asked him to assist with running the cables and installing the cameras, he casually mentioned that his crew had a similar run in with Jeremy. He had expressed the same sentiments as I ask for....Not to have to be potentially subject to that kind of work environment. He will have to further speak for himself. So that's my wishes from the board. I realize these texts are legally binding documents, so this is my grievance. Not one more thing needs to be said by me.

(Thorpe) OK

(Evans) I sent them the texts in email form. It's all good I respectfully ask not to have to go there as was Jeremy's wishes and he has made it extremely clear. I also fear for retaliation or being dogged if Tony should happen to get elected. Tony and I have a good relationship at the moment but if this comes to the surface I may as well work some where else

Attachment 3  
Commissioner Hart

I wanted to write a statement for you information concerning an incident involving a phone conversation with your Dist. 1 Supervisor Jeremy Wells. I was asked by Phillip Sims, who organizes and puts together the equipment display at the Eastern Colorado Roundup, to call Mr. Wells and get the key to the Volvo wheel loader. Mr. Sims wanted to move the loader from in front of the county shop to the display area north of the swine barn. I had a conversation with Jeremy about moving it and he stated he had made a deal with the salesman to display it by the county shop. I told Jeremy he was not in charge of the fair displays and we wanted it moved over with the other equipment. The Fair Board does not want to show favoritism to any one company but give them all a chance to display what they like. We also wanted all the equipment in one spot so we could ensure it wasn't being vandalized while in our possession.

Jeremy was breaking up on the phone and I could only hear about every other word, but I could hear he was very upset. He stated he would call me back and when he was in a better spot. About 30 min later I received a call back from Jeremy. He was very defensive and immediately began cursing about



moving the loader. He stated he was sick and tired of us (the Fair Board) giving orders and not helping. He said we were a bunch of sons a bitches that expect his crew to do all the work out at the fairgrounds. He stated he has never seen a fair board member out there doing a damn thing. After 15 min or so of arguing with Jeremy and being cussed at I was tired of hearing him use &#\$%@ as an adjective for every sentence. I told him this was not the time and we would discuss it at a later date. I ended the phone call. Mr. Sims and I decided we would get done what we needed to without bothering Jeremy.

A couple hours later I was contacted by Dist. 2 supervisor Jason Lockard. He stated he had talked to Jeremy and Mr. Wells conveyed to him that he was done helping us (the Fair Board) with anything. He was removing any Dist. 1 equipment from the grounds. Mr. Lockard offered to bring anything we might need to the fairgrounds so we could move displays around during the week of the fair. I thanked him and told him I would let him know. Instead of using Dist.1 Backhoe with pallet forks, we were given permission to use Wagner Cat's telehandler that was on display. Matt Green stated to me on Saturday, that he had asked Jeremy to use the Dist. 1 water truck to wet down the arena, he said Jeremy told him he could use it because he was going to send the Fair Board a bill for the use of it. Mr. Green declined using it.

I understand that the fair is an inconvenience for Dist. 1 when they are trying to work. The Fair Board was told that the county Road & Bridge employees could help maintain and repair fairgrounds. The Fair Board has been asked many times to have this done early so it isn't a burden for the R & B employees. We try as much as possible to accommodate this. I have never been demanding or unprofessional to Jeremy Wells. This is the second time he has cursed at someone trying to organize and run our county fair. I volunteer my time, I don't get paid to move panels, water the grounds, weld gates. Jeremy Wells does, I refuse to be spoken to like that. Mr. Wells is a representative of Washington County this is not how I want our county portrayed. We all need to work together to make the ECR happen.

Alan Basler, ECR Fairboard Member

**Commissioner Hart Statement:**

In January of 2018 I received a disturbing call from O.J. Watson, a vendor of pickup mounted snow plows and box mounted cranes, concerning Jeremy Wells. He told me that in the thirty years that he had been doing business he had never been treated in such a vulgar way and neither had any of his employees been treated in such a manner as they were treated by Jeremy Wells. He told me that, as a result, Washington County can do business elsewhere, and his company would not serve Washington County as long as Mr. Wells is employed there. Mr. Wells was informed about the complaint and given a written warning.

The statement in the written warning regarding the O.J. Watson incident states "Your signature at the bottom of this statement will require you to participate in a "people skills" and/or anger management training and will also serve as your recognition that any future misconduct or unprofessionalism while representing Washington County would result in immediate termination."

I have seen no paperwork confirming participation in Anger Management Class.

In March 2018 (just 60 days later) a confrontation during business hours with two coworkers resulted in Jeremy Wells using profanity, calling one a motherfucker and the other a little fucker and a piece of shit. This confrontation was witnessed by a third coworker.

The first week of August 2018 I received a letter from a Fair Board member stating that Jeremy Wells was unprofessional and used vulgar language toward him in a disagreement about who should move equipment. Our board members are volunteers, trying to organize and run our fair. I followed up with the board member in a phone call. The fair board volunteer stated that Jeremy Wells told him that he (Mr. Wells) thought the Fair Board were a bunch of sons of bitches and that he'd never seen a fair board member doing a damn thing and that fucking was used as an adjective in every sentence.

In response, Jeremy Wells denied using profanity and stated that no key was available from him or any of his crew members to move the front end loader in question during the fair board member request. Jeremy Wells stated that the fair board member's request should have been directed to the vendor.

The vendor was called after our meeting last week asking why Jeremy Wells or one of his crew did not have a key to move that front end loader during the fair. The vendor stated that Mr. Wells had been given a key at the time it was delivered. I called the board member, and informed him that Mr. Wells denied using profanity. The board member confirmed his earlier statement that Mr. Wells used profanity.

In addition, a concerned citizen recently brought it to my attention that the district 1 service truck was seen in a field belonging to a relative of Jeremy Wells during this past wheat harvest. No permission was asked or given for personal use of county equipment.

It was also reported that a relative was allowed to work on a personal truck in the county shop.

**Jeremy Wells statement:**

I'd like to state again that there was a lack of advance notice regarding last week's executive session. An even though I was told at that meeting that the protocol didn't really matter at that point, I believe that those statutes and laws exist for a reason that if the shoe was on the other foot I would have been held accountable to those laws and statutes. I had to decide in seconds after I arrived for what I was told was "a meeting with the commissioners and the attorney" to have the issue about the fair board member's letter discussed in an open meeting, or take my changes behind closed doors with no warning, notice or time to prepare. After I received my certified letter on Friday, August 17 and compared it to the texts messages from Terry, I'd also like to state that I was told via text that I was being asked to attend the meeting regarding a letter from a fair board member. When I got the letter from Madelaine, it stated "the complaint from a fair board member". When the board went into executive session the result was a list of other issues that had no bearing on why I was asked to attend the meeting in the first place. Mr. Willeke told me it was to prove that I wasn't being retaliated against, but it feels as if the opposite is

true. I also am concerned about calling the meeting today a rebuttal hearing. I thought those were only for a court of law, and any kind of hearing in terms of my employment are allowed for only after termination.

I have been a dedicated employee for over 6 years. The public's safety is my #1 priority. And I was taken from my job site repairing an unsafe and potentially lethal road to deal with a vendor issue. I am not responsible for vendor issues at the fair. And I do not work for the fair board.

I also believe that since my Uncle Tony beat Terry Hart in the primary for Dist. 1 that Terry Hart has shown retaliatory actions creating a hostile work environment for me, and should I retain my job I believe this will only intensify. I am formally, requesting, for the 2<sup>nd</sup> time, that Commissioner Laybourn becomes my Supervisor effective immediately for the remainder of Mr. Hart's term.

Mr. Wells did not respond to any of the factual allegations in the Notice he had received.

County Attorney Meacham suggested the Commissioners take the matter under advisement.

Commissioner Laybourn stated she had a statement to make.

**Commissioner Laybourn Statement:**

This is not an employment hearing (employment hearings are used only when an employee has been terminated). Nor is this a "rebuttal hearing".

This is a continuance of the discussion from last Tuesday...this is not a court of law.

I have listened to the facts of this matter and after a careful consideration of all that has been said, I tend to agree with Jeremy that this purported hearing for discipline is nothing more than retribution for the election of his uncle. It is sad that the County has fallen this far. I consider this whole matter as a predisposed 'witch hunt'. This entire continuance has been flawed from the beginning and as one Commissioner I cannot accept a process that fails to meet any due process standards.

I have always supported the employees of Washington County who are more than just our employees but in most cases citizens who work and live here. The allegations do not warrant what my fellow Commissioners are seeking, which in my mind they have predetermined all along from the first text sent to Jeremy by Commissioner Hart.

Jeremy was blindsided by an illegal executive session (C.R.S. 24-6-402(4)(f)(I)) on April 14, 2018. *Personnel matters except if the employee who is the subject of the session has requested an open meeting. The public body must give advance notice to the employee(s) who is/are the subject of the meeting so that the employee(s) can elect to have the meeting open to the public. If so, the public body cannot vote to conduct an executive session; the discussion of the employee(s) must be conducted in a public meeting.*

Jeremy was not told he would be the subject of discussion of the executive session on Tuesday, August 14, 2018. Jeremy received a text on Sunday evening, August 12, 2018 from Commissioner Hart to report to a 10am meeting with the BOCC, on August 14, 2018. He was then told by Commissioner Hart via text message that he needed to report on the advice of the county attorney. Prior to any discussion, of that meeting Supervisor Wells stated that he believes he is in a hostile working environment and he is being retaliated against because his uncle Tony Wells won the Primary and will be taking Commissioner Hart's position as Commissioner District One in January 2019.

You, Jeremy are currently on administrative paid leave. You also still have rights as a Washington County employee.

Text messages to address a letter to Jeremy that Commissioner Hart had requested from a fair board member, resulting in a meeting from that letter is unacceptable and unprofessional and puts Washington County at risk. Per the Washington County Handbook, page 61 regarding PUBLIC RELATIONS, I quote: *"Every employee is expected to be courteous and considerate when dealing with members of the public, and should represent the interest of the County to the best of their ability. In cases where a member of public dealing with Washington County personnel becomes irritable or irrational, NO DISCIPLINARY ACTION WILL BE TAKEN AGAINST ANY EMPLOYEE WHO SIMPLY INDICATES THAT THEY ARE UNABLE TO SERVE THAT PERSON AND REFERS THAT PERSON TO HIS OR HER SUPERVISOR OR ELECTION OFFICIAL."* Had Jeremy had the opportunity to explain the situation prior to last week's meeting, it would have clearly indicated that he followed this policy and this his priority is the safety of the citizens of this county, and fixing a road that could have led to an accident is a higher priority than any fair issue. The subsequent allegations are also of not relevance in this matter and will not be addressed again.

I am reinstating you (Jeremy Wells) to go back to your Supervisor duties for Road and Bridge District 1 with full benefits and salary. Go back to work and lead by example. Washington County must follow the law and deliver the highest standards when dealing with employment issues.

I will not minimize or ignore accusations of retaliation or hostile conduct. Jeremy continues to be a dedicated six plus year employee and Supervisor.

Commissioner Willeke requested that Commissioner Laybourn recuse herself or abstain from voting on any motion regarding Jeremy Wells because of her previous relationship with Kim Wells, Jeremy Well's wife.

Kim Wells stated any issues other than the complaint letter from the fair board member should be separate issues and dealt with appropriately.

Meacham stated the Board should take the matter under advisement and seek legal advice.

11:19 It was moved by Commissioner Willeke to **enter into Executive Session** to get legal advice ((C.R.S. 24-6-402(4)( c). On roll call vote, Commissioners Hart and Willeke voted yes and Commissioner Laybourn voted no. Motion passed.

11:38 **Executive Session was closed** and the regular meeting resumed.

Kim Wells asked if they respond now.

Meacham said Jeremy Wells can make additional comments.

Kim Wells was given permission by Jeremy Wells to speak on his behalf. Kim again said she didn't understand why other allegations were brought up today when the only thing Jeremy was asked to come in for was the letter from the fair board member.

Commissioner Hart stated Jeremy Wells has the January complaint letter in his file.

Meacham advised everyone to stop arguing back and forth.

Kim Wells stated we are discussing the letter from the fair board.

Meacham stated it is established that when an employee is being considered for discipline other incidents in the employee's record could be reviewed, and that Mr. Wells had received a written warning about one of those incidents.

Kim Wells stated Jeremy Wells works for all the commissioners and asked by what authority Commissioner Hart put him on leave. Meacham responded that Commissioner Hart is the Commissioner assigned to supervise Mr. Wells' Road and Bridge District.

**Jeremy Wells read the following statement from his Employment Agreement:**

Throughout the term of this Agreement, the Road & Bridge Supervisor shall be subject to discharge for good and just cause. In the event of such discharge the Road & Bridge Supervisor shall be provided a written statement of such causes upon request and given the opportunity for a rebuttal hearing before the Board with respect to the same, provided that such hearing is requested within five (5) working days of receipt of the statement of causes. The appointee agrees that any such rebuttal hearing will be held within two (2) weeks of the date of request.

Notwithstanding the rebuttal hearing as described within Paragraph 8, all Board appointees shall serve at the pleasure of the Board, and are not afforded the same termination procedures as set forth within the Washington County Personnel and Procedures manual. Appointees serve "at will" and may be removed by the Board with or without cause. In the event that this appointee is removed without cause, **THERE SHALL BE NO RIGHT TO ANY REVIEW OR HEARING**, however the Board will provide a

severance to said appointee which is equal to one (1) month's salary for every two years of continuous employment, up to a maximum of six months.

Meacham said a decision should be made and voted on.

More dialogue started between Kim Wells and Commissioners and Meacham stated the discussion should stop.

Kim Wells requested another continuance.

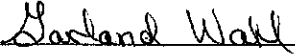
Chairman Laybourn entertained a motion for a continuance. It was moved by Commissioner Laybourn to continue this rebuttal hearing. Motion died for lack of a second.

It was moved by Commissioner Hart and duly seconded by Commissioner Willeke that **Jeremy Wells be terminated**. On roll call vote, Commissioners Hart and Willeke voted yes and Commissioner Laybourn voted no.

Kim Wells said she would like to discuss Severance Pay.

Meacham stated that if an employee is terminated with cause they have no right to severance pay.

11:30 It was moved by Commissioner Willeke and duly seconded by Commissioner Hart to adjourn the meeting. On roll call vote, all votes being yes, the motion passed.

  
\_\_\_\_\_  
Garland Wahl, Clerk of the Board

  
\_\_\_\_\_  
Lea Ann Laybourn, Chairman Board of County Commissioners