

## Indemnification:

I have had the opportunity to think long and hard, review the information, as well as speak to the parties involved concerning the indemnification of Commissioners Rowland and Ross on both of the legal cases.

I believe that a Board of County Commissioners, when acting as a board in making decisions, should not only support each other, but also help each other in every decision that affects the county, regardless of their personal beliefs. We were individually elected to be independent voices for our constituents and as elected officials we are expected to conduct ourselves in professional and ethical manners. That being said, we are human beings and we are not perfect. In the case of Commissioner Rowland and his fine, I have reviewed the evidence, consulted the ruling experts and case law decision. It is my opinion and understanding that the ruling upon him was not because he acted unethically or immorally, but because he listened to the advice of then ,County Attorney Alex Beltz, who did not recorded evidence in the meetings, which was the fault of the attorney, not the BOCC. In this case, the appeals court decided that he would be liable for the fine of \$1000, but the county would not be responsible for the attorney fees of the plaintiff because it did appear to be politically motivated.

I want to be clear that when the Board of County Commissioners, Rowland, Ross and Schlegel voted to hold these meetings and employ the expertise of Mr. \_\_\_\_\_, they did it as a vote of the board. In my opinion they all should have been held accountable and should share the fine. The fact that Commissioner Rowland was singled out and then not voted to have an appeals process, seems unjust to any elected official who is sworn into office, especially when the BOCC decided as a unified whole to allow the meetings.

This has also been brought to the attention to the Colorado State Legislature, who just passed HB 15-1074, which was sponsored by 10 Democratic Representatives, including the Speaker of the House, who would seem to agree with me.

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Which means that if a BOCC votes as a whole, every "yes" voting member should be responsible for the outcome and subjected to fin s. A Commissioner can only be singled out if the other Commissioners voted No on such resolutions or issues. I did have the opportunity to speak with Speaker Hullinghorst as she knew this case was brought forward because of Elbert County and she stated she felt this was important to protect any elected official from being singled out or targeted by a political agenda as this would gravely affect any individual from wanting to serve in public office if they would consistently be subject to litigation. I also had the opportunity to speak with the Governor's office who said that this bill was passed and sent to his desk for signature on March 30 and he would indeed sign it.

After confirming that and also speaking to my fellow Commissioners who both acknowledged that this decision was made in good faith conscious by all three BOCC members at the time who all voted yes. I would have to recommend that Mr. Rowland be indemnified as he should be given his due process and should not be tried in the eyes of the local media, but by the courts.

Incidentally, they have spoken and I have no doubt that it is the best interest of the County and State to protect any elected official from political and personal vendettas, which this appears to be, so that they may receive due process. Furthermore, the plaintiff did approach me before I was elected and stated that she merely filed a complaint and that the ACJ picked this up and ran with it, but it was not her intent to make this a bigger issue than it was or file ethics complaints, but to make him understand the

2

consequences of speaking at the public meetings. I would believe that in good faith had she not recently filed a motion to recover all attorney fees, that the Appellate Courts said the County or Commissioner Rowland was not responsible for. This appears to be a personal issue between Commissioner Rowland and the complainant.

Moving to the next case in which both Commissioner Rowland and Ross need to be indemnified, again, I am voting to allow it because it is in the best interest of the county and they made a decision as a BOCC to make a staffing decision in the interest of cost when the county was struggling to pay bills and cuts had to be made. I believe that this case needs to be played out in the courts and both Commissioners are entitled to fair due process. As stated above, the BOCC must act as a whole and is fully responsible for the decisions they make as a board. When a Commissioner has a dissenting vote that does not follow the "whole", they are protected under Colorado State Law.

To reiterate, I am voting "yes" to indemnify Commissioners Ross and Rowland for both cases stated above. It is an unfortunate issue for Elbert County to be in, but I fully believe in both cases the Courts will make the correct decision and Elbert County can move on and forward.