

**OFFICIAL SUMMARY PROCEEDINGS OF THE BOARD OF
COUNTY COMMISSIONERS, TETON COUNTY, WYOMING**

The Teton County Board of Commissioners met in regular session on **February 3, 2020** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:07am.

Commission present: Natalia Macker Chair, Greg Epstein Vice-Chair, Mark Barron, Mark Newcomb, and Luther Propst.

ADOPT AGENDA

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to adopt the agenda as it stands. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to enter executive session pursuant to Wyoming Statute §16-4-405(a) (vii) To consider the selection of a site or the purchase of **real estate** when the publicity regarding the consideration would cause a likelihood of an increase in price. Chair Macker called for the vote. The vote showed all in favor and the motion carried. They entered executive session at 9:10am.

Commission present: Natalia Macker - Chair, Greg Epstein Vice-Chair, Mark Barron, Mark Newcomb, and Luther Propst.

Staff: Keith Gingery, Alyssa Watkins, and Sherry Daigle.

Others: Brett McPeak

At 9:20am, a motion was made by Commissioner Propst and seconded by Commissioner Newcomb to adjourn from executive session. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

No action was taken.

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to direct staff to proceed as discussed in executive session. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

ACTION ITEMS

1. Consideration of Payment of County Vouchers

A motion was made by Commissioner Propst and seconded by Commissioner Barron to approve the February 3, 2020 county voucher run in the amount of \$1,058,642.40. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

2. Consideration of Administrative Items

- a. 24-Hour Liquor Permits

- i. Jackson Hole Ski & Snowboard Club, Karen Oatey Pole Pedal Paddle, April 4, 2020

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve as presented. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

- b. SLIB Drawdowns

- i. Horsethief Canyon Landfill Closure Project

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the drawdown request for the Horsethief Canyon Landfill Closure project as presented. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

- c. Tax Corrections

- d. Human Service/Community Development Contracts for Service

- i. Seniors West of the Tetons

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the contract for service pursuant to the adopted FY2020 budget appropriations for Seniors West of the Tetons as presented. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

- e. Special Events Permits – Applications Pending (*for informational purposes, no action taken*)

- i. **4th of July 10K:** Date – July 4, 2020 Location- Owen Bircher Park and Fish Creek Road (Runners will start and finish at Owen Bircher, traveling Fish Creek to near the parking area at the Bridger-Teton trailhead and back) Attendees- 250 participants

3. Consideration of Approval of the Human Resources Policy Manual (**10:00am**) **CONTINUED FROM JANUARY 27, 2020**

4. Consideration of Proposed Outgoing Commissioner Correspondence

There was no outgoing correspondence.

DISCUSSION ITEMS

1. Known Matters for Discussion
 - A. Identify Consent Agenda

The agenda for February 4, 2020 was reviewed and items for the consent agenda were pulled.

2. Other Matters for Discussion
 - A. Commissioner Propst brought up discussion regarding the RFQ for the BLM parcels.

MATTERS FROM COMMISSIONERS

1. Calendar review - The Board reviewed their weekly calendars.
2. BCC Administrator – Alyssa Watkins, Board of County Commissioners Administrator, gave updates via email.
3. Liaison reports / Commission updates
 - A. Natalia Macker gave updates on Board of Health – Coronavirus, Vaping.
 - B. Greg Epstein had no updates.
 - C. Mark Barron had no updates.
 - D. Mark Newcomb gave updates on the Sage Grouse Technical meeting
 - E. Luther Propst gave updates on START – Open Houses on Route Plan.

The meeting was recessed at 9:36am and reconvened at 10:01am.

ACTION ITEMS (continued)

3. Consideration of Approval of the Human Resources Policy Manual (**10:00am**)
CONTINUED FROM JANUARY 27, 2020

Areas that require the Board of County Commissioners to make final determinations follow:

1. **Jury Duty:** The Policy Committee recommendation limits paid time to 10 business days in a calendar year and allows the employee to retain any fees paid for service (~\$30/day). A request for unlimited paid jury duty rather than limiting paid days has been raised for Board consideration. Trials longer than two weeks are not typical but serving is considered a civic duty, so the request is not to limit paid time off.
 - Commissioners Decision:
 - Option 1:** Unlimited jury duty paid leave and the employee must submit jury duty payments or witness fees received to Teton County.
 - Option 2:** Keep policy as is, as per Policy Committee recommendation, up to 10 paid days and employee keeps jury fees.
 - Option 3:** Up to 10 days jury duty paid leave and employee returns the jury fees to the County.
2. **Paid Family Leave:** The Policy Committee does not recommend including this policy as a benefit. Teton County provides a sick leave accrual max of up to 480 hours (or 12 weeks) of paid leave time and there exists multiple avenues of additional leave (FMLA, PLWOP, SLWOP, Personal Days, Sick Leave, Comp Time, and Vacation Leave) for an employee to utilize in support of family members in need.
 - Commissioners Decision:
 - Option 1:** Leave out as per Policy Committee Recommendation.
 - Option 2:** Add PFL to policy manual. Benefited employees with at least six months of continuous employment, will be granted Paid Family Leave for a maximum of 40 hours, on a pro-rated basis, in a single 12-month calendar period.
3. **Compensatory Time:** Comp Time is Overtime Earned, paid out at 1.5x's the regular rate into a leave bank (in lieu of cash). Current policy manual provides for the ability to bank up to 80 hours of Comp time, which must be used prior to any vacation leave, and can roll over year-to-year. The policy being proposed in the new policy manual recommends limiting Comp Time leave banks to 40 hours but continue to allow employees to carry the balance over each year. A request to keep Comp Time at 80 hours with no cash payout requirement at the end of the year has been discussed.
 - Commissioners Decision:
 - Option 1:** Allow employees to bank up to 40 hours of Comp Time and carry their balance over year-to-year, as per Policy Committee recommendation.
 - Option 2:** Allow employees to bank up to 80 hours Comp Time and require a cash payout at the end of each year; no rollover.
 - Option 3:** Non-exempt employees may accrue up to 80 hours of Comp Time, in lieu of overtime pay, for hours worked in excess of 40 hours per week. This balance may be carryover year-to-year, however if an employee receives a promotion, the current balance must be paid out prior to the effective promotion date. Compensatory time shall be used before any vacation time is used.

Matt Carr, Teton County Sheriff, addressed the Board regarding the carryover of Comp Time.

Anne Sutton, Clerk of District Court, addressed the Board regarding the carryover of Comp Time.

4. **207(k) Law enforcement FLSA Overtime Threshold:** 207(k) is designed to provide flexibility to an organization on managing overtime for essential employees engaged in either law enforcement or firefighting activities. The FLSA sets a threshold on when overtime is to be paid, independent to what schedule is implemented. When calculating overtime for 207(k) employees, the employer cannot use the 40-hour workweek standard. Instead, the rules for when overtime is applied are based on the determined work period. Overtime is then calculated for 'actual' hours worked in excess of the 207(k) maximum. In the case

of the Detention Officers employed by the Sheriff's Office, a 14-day work period has been defined, therefore the FLSA overtime threshold is set at 86 hours. The Sheriff's office detention officers are scheduled 7 12-hour shifts in a 14-day work period, which is a total of 84 hours, and by practice is paying overtime after 84 hours. However, the appropriate overtime threshold under FLSA is 86.

Policy Committee Recommendation: Employees subject to the FLSA §207(k) exemption shall be paid overtime only after the employee's actual worked hours exceed the maximum hours as defined by the FLSA work cycle. In the case of the Sheriff's detention officers, that threshold is 86 hours.

Sheriff's Request: Pay overtime after 84 hours per work period, which is current internal practice.

Matt Carr, Teton County Sheriff, addressed the Board regarding the FLSA overtime threshold for Detention staff.

5. **Promotion of Temp Employees.** Hiring in a temporary employee at a higher salary rate than what is authorized as the hiring range of temp employees.

Option 1: Add to policy "any exceptions to the guidelines will be brought to the Commissioners for review and consideration."

Anne Sutton, Clerk of District Court, addressed the Board regarding exceptions to guidelines in hiring for temps.

6. **Court Compensation.** Ensure that Dispatchers are included with the Sheriff's Office Sworn Employees.

Option 1: Add to policy "and Dispatchers."

Anne Sutton, Clerk of District Court, addressed the Board regarding court compensation for Dispatchers.

7. **Workers' Compensation.** Julianne Fries gave an overview of Workers' Compensation benefits and wage replacement payments. Describing how often FMLA runs concurrently and provides added protections to the employee's job and core medical benefits. Further describing an option, the employee can use to use sick leave deductions to make up the difference between the WC benefits and the employee's gross earnings.

8. **Overtime.** Definition of Overtime under FLSA is 'actual hours worked' over 40 hours in a week. Vacation and sick time do not count as work time.

Matt Carr, Teton County Sheriff, addressed the Board regarding vacation and/or sick time count as work time.

Melissa Shinkle, County Assessor, addressed the Board regarding vacation and/or sick time count as work time.

The meeting was recessed at 11:04am and reconvened at 11:11am.

Public comment was given by Jim Wallace.

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adopt the 2020 Human Resources Policy Manual with the amendments made today and further move that the 2020 Human Resources Policy Manual will supersede the 2011 Teton County Policies Manual and Handbook including all four parts thereof, appendices of the 2011 Manual, and all amendments and personnel related policies adopted since 2011. And I further move that the 2020 Human Resources Policy Manual shall become effective as of March 1, 2020, specifically noting that pro-rata proportional determination of vacation, sick leave, and holidays will be effective as of the effective date of March 1, 2020 and the two personal days for the 2020 Calendar year, granted for all active, full-time employees hired prior to January 1, 2020, will be available as of March 1, 2020. And I further move that the insurance premium co-share responsibilities for benefitted part-time employees shall be effective as of the new fiscal year on July 1, 2020.

Commissioner Epstein and Commissioner Propst are opposed keeping the overtime threshold for Detention Officers at 86 hours.

Chair Macker called for the vote. The vote showed all in favor and the motion carried.

WORKSHOPS

ADJOURN

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adjourn. Chair Macker called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 11:18am.

Respectfully submitted,
Shelley Fairbanks
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chair

Greg Epstein, Vice-Chair

Mark Barron

Mark Newcomb

Luther Propst

ATTEST:

Sherry L. Daigle, County Clerk

**TETON COUNTY CLERK'S OFFICE
02-03-2020 WARRANTS**

Warrant Number	Name	Amount
385721	ABF PROFESSIONAL CLEANING INC.	8,717.00
385722	AED EVERYWHERE INC.	1,287.35
385723	AGRI-COVER INC	616.30
385724	AMAZON CAPITAL SERVICES, INC.	4,919.19
385725	AMERICAN RED CROSS	4,571.00
385726	ANN ADAIR ESSARY FLYNT	2,100.00
385727	ANN GONZALEZ	52.50
385728	APP UNIPATH LLC	30.00
385729	ARLEEN WERMUTH	52.50
385730	AT&T	3,568.11
385731	BIOTA RESEARCH & CONSULTING, INC.	450.00
385732	BONNEVILLE BLUE PRINT	449.40
385733	BRETON BOMMER	244.82
385734	BREAKFAST ROTARY CLUB	175.00
385735	BUCHKO STRUCTURAL ENGINEERING LLC	990.00
385736	CANYON TRUCKING	897.50
385737	CENTURYLINK	2,753.01
385738	CHARTER COMMUNICATIONS	185.39
385739	CHEMSEARCH	341.27
385740	COUGAR FUND	200.00
385741	COMPUNET INC	17,777.99
385742	CONVERGEONE INC.	25,128.24
385743	DELTA DENTAL	1,238.40
385744	DAKOTA JAY BLEDSOE	350.00
385745	DIAMOND L TRUCKING LLC	2,000.00
385746	EASY ACCESS LLC	13,739.00
385747	ELECTRICAL WHOLESALE SUPPLY CO,INC.	109.52
385748	GALLS, LCC	62.58
385749	GENERATION X, INC.	17,174.00
385750	G.E. PICKERING INC.	709.95
385751	GLOBAL STAR USA	86.30
385752	GOLDER ASSOCIATES INC	19,260.90
385753	GORDON ENVIRONMENTAL PSC	2,585.00
385754	GRAINGER	361.18
385755	GREENWAY PAINTING LLC	3,635.00
385756	GRAFIX SHOPPE	498.29
385757	HADLEY ADKINS	52.50
385758	HAMPTON INN & SUITES PINEDALE	187.20
385759	HIGH COUNTRY LINEN SUPPLY LLC	196.28
385760	HUB INT'L MOUNTAIN STATES LTD.	100.00
385761	IDAHO COMMUNICATIONS LLC	1,398.00
385762	INTERMOUNTAIN MOTOR SALES INC.	304.02
385763	JACKSON LUMBER	6.02
385764	JACKSON PEDIATRICS,P.C.	800.00
385765	JH COMMUNITY COUNSELING CENTER	94,593.00

385766	JH HIST.SOCIETY AND MUSEUM	23,986.75
385767	JTR INC.	55.00
385768	JORGENSEN ASSOCIATES PC	1,392.00
385769	JOHN KIDWELL	1,500.00
385770	LIFE INSURANCE CO OF NORTH AMERICA	459.52
385771	LILY PAD CREATIVE	1,165.50
385772	LONG BUILDING TECHNOLOGIES, INC.	280.25
385773	LOWER VALLEY ENERGY	16.68
385774	MARIO JIMENEZ	52.50
385775	MELISSA SHINKLE	326.60
385776	MICHELLE ROBINSON	52.50
385777	MOST WANTED PERFORMANCE LLC	67.62
385778	NATIONAL BUSINESS SYSTEMS INC.	1,367.01
385779	NAT'L DISTRICT ATTORNEYS ASSOC	181.00
385780	NELSON ENGINEERING COMPANY	226.00
385781	ONE-CALL OF WYOMING	59.50
385782	PAGING AND WIRELESS SERVICE	4,835.00
385783	PEAK BUILDERS INC.	25,500.00
385784	PRIORITY HEALTHCARE DIST	1,955.10
385785	PREMIER TRUCK GROUP	2,666.26
385786	QUANTUM GROUP ENGINEERING PC	1,500.00
385787	RACHEL GRIMES	120.00
385788	RACHEL ZIMMERMAN	29.20
385789	RESPOND FIRST AID SYSTEM	47.54
385790	ROCKY MOUNTAIN COMPETITIVE SOLUTION	236.51
385791	RSCI	629,038.68
385792	SCHOW'S TRUCK CENTER	3,226.19
385793	SENIORS WEST OF THE TETONS	8,000.00
385794	SHERRY L.DAIGLE	60.00
385795	STATION 22 ACCOUNTS RECEIVABLE	232.65
385796	STEPHANIE CROCKETT	52.50
385797	STERICYCLE, INC.	275.62
385798	STATE OF WYOMING	60.00
385799	STATE OF WY ENTERPRISE TECH SERVICE	37.01
385800	ELIOR INC.	3,560.00
385801	SUNSET HEALTHCARE SOLUTIONS INC.	691.56
385802	SWEETWATER COUNTY SOLID WASTE	3,589.85
385803	TAYLOR COOK	44.00
385804	TCSAR FOUNDATION	1,095.72
385805	TETON COUNTY TREASURER	75,666.94
385806	TETON COUNTY TREASURER	2,081.57
385807	TERESA DEGROH	258.70
385808	TETON ENTERTAINMENT LLC	400.00
385809	TETON MEDIA WORKS INC.	267.20
385810	ACP LJH 80 SCOTT HOLDINGS LLC	915.00
385811	THOMSON REUTERS-WEST	1,286.81
385812	TM COMMERCIAL CLEANING LLC	730.00
385813	TRANAMERICA LIFE INSURANCE COMPANY	1,509.14
385814	VERIZON WIRELESS	40.01
385815	VISA	3,773.78
385816	WARREN PENNICK	52.50
385817	WEST BANK SANITATION	16,641.96
385818	WYOMING DEPARTMENT OF REVENUE	300.75
385819	WYOMING FIRE CHIEFS ASSOCIATION	220.00
385820	WY STATE FIREMEN'S ASSOC	300.00
385821	WYOMING STARGAZING	140.00
385822	XEROX FINANCIAL SERVICES	125.95
385823	XEROX CORPORATION	895.76
385824	YELLOWSTONE LEATHER PRODUCTS INC.	40.80