



Curry County Administrator

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Last week the court hearing regarding Curry County versus Commissioner Boice was held with the honorable Judge Combs presiding. To remind the Commissioners and the public that this was a Curry County action, not an Administrator Schroeder action/decision. Staff were representing Curry County in carrying out the direction of the County Board. This is a summary for the public.

Two issues were decided last week.

The first was a small claims case which sought reimbursement for the excess travel which Commissioner Boice incurred during the fiscal year ending June 30th, 2018. The Court found in favor of Commissioner Boice in this case. Even though Commissioner Boice was present at the meeting where the vote was passed, thus was notified and instructed not to travel or incur any more travel expenses on December 12th 2017, the County did not stop him from traveling; hence there was not enough due process. Commissioner Boice could not be expected to be sued for excess travel when the county did not take sufficient action to stop him from continuing to travel outside of the available budget. For example, the Judge indicated that when Mr. Boice continued to violate the travel policy, administration should have directly prevented him from utilizing a county vehicle by physically making keys unavailable to him. I was not here during that time, and am unaware why vehicles were allowed to be used when the budget had been exceeded. Nonetheless, travel continued. The Commissioners' travel budget is currently overspent for 2018-19 so per the Judges' instructions, administration has collected the keys for all of the Commissioners vehicles and will not allow any travel unless there is a budget amendment. Staff have also been instructed by the court to collect all county credit cards from the Commissioners; if they are not returned to staff by Friday, they will be cancelled. The Judge indicated that these measures would be what he would view as appropriate steps.

The second issue was a citation for travel in violation of the elected official's travel ordinance. This ordinance was enacted on Sept 5th, with a violation on Sept 10th. The claim was that Commissioner Boice did not seek board approval for travel out of the County by the full board, which is required per the ordinance. The Judge felt that there was not enough time and/or warning that such a violation would result in a citation, hence the ticket was dismissed. The Judge however indicated to Commissioner Boice that he needs to follow the ordinance going forward and request permission to travel out of the County by the full board, and accurately fill out and turn in the daily tracking sheets for the cars. Administrative staff can only enforce what the County Board adopts. If this ordinance is changed, or repealed, staff will enforce the new policy or ordinance accordingly. If the Board approves a supplemental budget, keys to the cars and credit cards will be returned to Commissioners.