

SUPPLEMENT AND AMENDED
ATTACHMENT 1 TO IEC COMPLAINT

In C.R.S. Section 24 - 18 - 109. "Rules of conduct for local government officials and employees", Section 3 (a) reads: "A member of the governing body of a local government who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter."

Republican, Tom Flower is a Custer County Commissioner. The Board of County Commissioners (BOCC) oversees the Custer County Public Health Agency ("CCPHA"). Commissioner Flower's wife, Cindi Flower, is an employee of the CCPHA. As such, it is inappropriate for Commissioner Flower to vote on any matters involving Mrs. Flower's employment. Yet, he has never recused himself from such discussions or votes, including but not limited to her compensation and the terms of her employment.

At the August 28 BOCC meeting, a motion was made to increase to all CCPHA employees' pay, for time they had spent on COVID-related matters. The increased pay is to come from Federal funds received by the County, although use of those funds for that purpose is questionable. Mr. Flower voted Aye. A video of the meeting is available at:

<https://custercounty.ompnetwork.org/embed/sessions/151657/custer-county-bocc-meeting-08-28-2020> (start at hour 1.30). Commissioner Flower also voted for the increased pay while sitting on the Custer County Board of Health ("BOH") on September 17, 2020.

In September, 2020, the BOCC, in conjunction with the Custer County Unified School District, hired a public health liaison at \$30.00 an hour. A day or two before that information was made public, Mrs. Flower verbally demanded to Dr. Clifford Brown, the Director CCPHA, that her pay rate be increased from \$15.00 an hour to \$30.00 an hour "because that was the standard going rate." Query, how did Mrs. Flower know about the new hire, and terms of employment, before it was even approved?

Prior to Dr. Brown, the CCPHA Director was an RN, Elisa Livengood, who is a personal friend of the Flowers'. In fact, she lived with them for a period of time when she was in school. Ms. Livengood and Mrs. Flower were/are proponents of keeping the County in phase two of the State's mandates. Dr. Brown is not. Since Dr. Brown was hired, Mrs. Flower has been very vocal about her disagreement with his policies.

Dr. Brown left a letter on Mrs. Flower's desk, which she received on September 29. The letter advised her that speaking out in public as a CCPHA employee, is against the agency's policies, constitutes insubordination as it undermined the Director's message regarding Covid-19. It was not a letter of warning, it was not a performance improvement plan, nothing that would go into her personnel file, only an admonishment to cease and desist.

According to citizens who attended the BOCC meeting the following day, September 30, Commissioner Flower spoke about Dr. Brown in a very derogatory manner, attacking his credentials and ability to do his

job. That same day, Dr. Brown received notice that his presence would be required at an BOH Executive Session. There was no reason given for the session, a fact the county attorney noted.

As it turned out, the purpose of the Executive Session was to consider termination of Dr. Brown. However, because Dr. Brown had not been given notice of the purpose, he demanded a public hearing and legal counsel. A public meeting is now scheduled for October 20.

Dr. Brown's credentials are impeccable. He was hired only two months ago, and he was extensively vetted by the BOCC. It is clear that this attack on Dr. Brown is being made solely because Commissioner Flower's wife disagrees with the doctor's handling of the Covid-19 response.

Since the COVID-19 pandemic struck Custer County, Commissioner Flower has continually sought his wife's opinion on matters relating to the health and safety of the citizens of Custer County. Mrs. Flower is not a doctor, RN, PA or NP. She was, formerly, a volunteer with Custer County EMT.

On September 29, 2020, a group of concerned citizens tendered a letter to Commissioner Bill Canda, sitting as the Chair of the BOH. A copy of that letter is attached hereto and made a part hereof.

Custer County has had a total of 21 positive cases of COVID-19. Only one person affected was hospitalized and that person has recovered. No one has died and the last reported case was more than six weeks ago. Many citizens have requested that the BOH apply to the State of Colorado for relaxation of the governor's mandates. Protect Our Neighbors means that communities that meet certain criteria have less stringent restrictions than under Stay at Home and Safer at Home. Dr. Clifford Brown, the Director of the Custer County Public Health Agency ("CCPHA"), has recommended that it be done. Mrs. Flower has consistently advised Commissioner Flower not to do so, in opposition to the will of the people, and contrary to the recommendation of the Director of CCPHA.

As a citizen of Custer County, I request the IEC investigate the facts of the matter and render its opinion/decision as to the obvious conflict of interest with Commissioner Flower and the citizens he represents.