

ELBERT COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

MINUTES

We welcome all of our visitors today, we appreciate your participation. If you need to have personal conversations if you would please step outside, we would appreciate it. Also if you have cell phones, we would ask that you put them on silent during today's meeting.

CALL TO ORDER ROLL CALL:

Robert Rowland - Here

Danny Willcox - Here

Larry D. Ross - Here

With a quorum present I call to order this meeting of the Elbert County Board of County Commissioners, convening this 28th day of September, 2016 at 9:06 a.m.

INVOCATION: Robert Rowland, Elbert County Commissioner

PLEDGE OF ALLEGIANCE:

AGENDA:

Commissioner Willcox moved to approve the Agenda as presented.

Commissioner Rowland 2nd.

ALL IN FAVOR

CORRESPONDENCE:

CONSENT AGENDA: The consent agenda consists of matters that occur in the normal course of business between BOCC Meetings. These items are summarized and available to citizens, and are approved and enacted at this time by the BOCC in one (1) motion.

- a. Vouchers/Warrants/Mylar signing
- b. Approval of CDS Vouchers
- c. Approval of Customer Purchase Order for John Deere 772G Grader, Serial No. 1DW772GPTBE641605
- d. Approval of Customer Purchase Order for John Deere 772G Grader, Serial No. 1DW772GPTBE641600

Commissioner Ross moved to approve the consent Agenda as presented.

Commissioner Rowland 2nd.

ALL IN FAVOR

AWARDS & RECOGNITION:

Commissioner Rowland recognized a home school family who came to observe how government works. He introduced



the family and the children and then presented them with a video entitled, "The More Perfect Union", which explains how our country came together.

Commissioner Willcox thanked everyone in the Budget Meeting. He said it was an organized, good meeting and thought there was much accomplished in the meeting.

Commissioner Ross agreed and said the meeting was informative and stayed on topic.

Commissioner Rowland said he thought it was really good and the best budget meeting he had attended in a long time. He said it demonstrated a collaborative team spirit. He was pleased to see that those involved recognized the needs of their individual departments but also recognized the needs of the team for the benefit of the County.

ELECTED OFFICIALS/DEPARTMENT HEADS/STAFF REPORT(S): This is the time when any county elected official, department head or employee may use the podium to report on any matter of interest to the citizens and the BOCC. This is an open format and does not require prior approval or disclosure of the subject matter to be discussed and therefore cannot be added to the agenda at this time, but may be added at a later time for follow up or consideration by the BOCC if appropriate.

Dallas Schroeder, Elbert County Clerk and Recorder

Mr. Schroeder brought it to the attention of the BOCC and the public that the 100 foot rule against electioneering is now in effect. In summary, any politically oriented material, (pertaining to this election) bumper stickers, t-shirts, buttons etc.. are not to be within the 100 foot limit around the building. He asked for the public to be aware of the law and asked for the assistance in policing the grounds.

PUBLIC COMMENT(s): The public comment is a time when any citizen may bring forth items of interest or concern. During this time each individual will have three minutes to present view(s) on County matters(s). In the interest of time, please have your comments prepared for presentation as each person will be allowed one (1) opportunity to approach the podium. Please keep your comments to a three (3) minute maximum. No formal action will be taken on these items during this time due to open meeting provision; however, the items may be placed on a future posted Agenda if action is required. If you have comments on a regular Agenda item(s), please hold your comments until that item is up for consideration. The public comment portion of the BOCC meeting is not to be used for political or campaign purposes; comments/questions should be limited to matters of current County affairs and business. When you approach the podium please identify yourself and spell your last name and give your address.

Eric Gingrich, 45900 Deer Trail Rd

Mr. Gingrich presented packets of information to the Commissioners. His comments were an extension of comments made in previous meetings about structures going up in his neighborhood without the proper permits. He stated he is a tax payer and voter. He referred to the Aug 31st meeting when Kyle Fenner (CDS Director) said she invited him to the BOCC meeting and he said she did just the opposite. He referred the Commissioners to the packet he presented. He said he was told that nothing could be done for thirty days after a certified return receipt letter had been sent. He wanted to know what was being done with the situation. He commented that now a 4th parcel has an illegal structure.

Susan Schick, 4122 Downwest Ride, Elizabeth

Ms. Schick mentioned she attended the budget meeting and congratulated everyone on the meeting. She complained that no copies of the proposed budget were provided to the public. She questioned the Thigman



contract and stated she didn't agree with the new hire in the Assessor's Office.

1. Marlene Groves, 33300 Range Rd

Presentation on Citizen Finance Oversight Committee

Ms. Groves had received permission from the Commissioners to have a ten minute period to make a case for a Citizens Finance Committee. Her power point presentation began by stating she was not throwing stones but suggestions. Her presentation included her ideas and perceptions on: Relevant & Historical Info, Current Financial Impression, Committees in other Counties, the benefits of a Committee, the General Concept of a Committee, the purpose and scope of a Committee, the qualification and selection of members, and a proposed Timeline and Steps to get one a Committee started.

Patty Sward, 1765 Pawnee Parkway

Ms. Sward stated she was impressed with the Citizen's Finance Committee report. She stated the best committee is best when it is mixed and get a creative group of people and not get group think. She encouraged the Board that the Committee be a mixed group.

OLD BUSINESS:

NEW BUSINESS: (Public comment may be provided for items as deemed appropriate)

- a. Expansion of the Authority of Outside Counsel to handle matters contained in the Lark Fogel letter dated 9/22/16

Commissioner Ross moved to expand the authority of outside counsel to handle matter contained in the Lark Fogel letter dated 9/22/16.

Commissioner Willcox 2nd.

Commissioner Rowland explained and further clarified what the authority granted by this motion would entail.

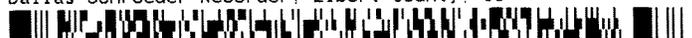
Commissioner Ross – Aye
Commissioner Willcox - Aye
Commissioner Rowland - Nay

- b. Instruct Outside Counsel to respond to the email from Attorney Lark Fogel to BOCC dated 9/23/16.

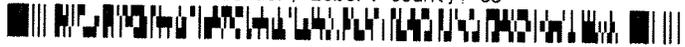
Commissioner Ross moved to instruct outside counsel to respond to the email from Attorney Lark Fogel to BOCC dated 9/23/16.

Commissioner Willcox 2nd

Commissioner Ross – Aye



Commissioner Willcox – Aye
Commissioner Rowland – Nay



Commissioner Ross moved for a 5 minute recess.
Commissioner Rowland 2nd.
ALL IN FAVOR

EXECUTIVE SESSION:

Attorney-Client Privileged Communication for Personnel Related Matters, Fogel Letters, MSEC Investigation and Larson Report to receive Legal Advice with Outside Counsel Steve Larson
Back in Session 9:59 AM

Commissioner Ross moved to enter into Executive Session.
Commissioner Willcox 2nd.

There was an extensive discussion between all three Commissioners discussing the appropriateness of the Executive Session and assuring that all the qualifications for Executive Sessions. After much discussion a vote was taken.

Commissioner Ross – Aye
Commissioner Willcox – Aye
Commissioner Rowland – Recuse

Back in Session @ 11:07 AM

Commissioner Ross asked County Manager Ed Ehmann to comment on the Budget.

Mr. Ehmann presented the draft budget to the Commissioners. It is not due to the Commissioners until October 15th. This presentation meets the statutory obligations in presenting a draft budget to the Commissioners and noted that it will be made available on the web site.

After being asked, Mr. Ehmann relayed that the Public Hearing will be on November 16 and will be adopted by December 21st.

c. CWCB Contract Amendment Regarding the Water Supply Grant

Commissioner Ross moved to approve the CWCB contract amendment regarding the water supply grant.

Commissioner Willcox 2nd.

Mr. Ehmann explained this is a one year extension, in essence a place-holder for the Funds

Commissioner Rowland reviewed the situation and explained the BOCC approved a contractor but

that the actual contract with the contractor has not been approved yet.

- d. Request from CDS for BOCC approval to forward four outstanding code enforcement cases to County Attorney for further action.

Commissioner Ross moved to approve the forwarding of four outstanding code enforcement cases to the County Attorney for further action, those addresses being 1122 Belgrade Circle, 45115 Cottonwood Lane, 45350 Cottonwood Lane and 46795 Deer Trail.

Commissioner Willcox 2nd.

Commissioner Rowland commented that because of the Supervisory role with the CDS department that the BOCC is endorsing forwarding these matters to the County Attorney.

Mr. Ehmann noted that there has been minimal involvement in these cases by either the County Attorney or County Manager and neither had seen the files as of yet, but they would get up to speed ASAP.

ALL IN FAVOR

LAND USE:

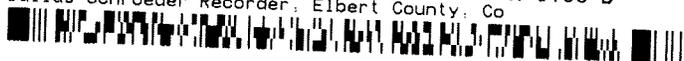
ATTORNEY TO THE BOCC:

ADJOURNMENT

Commissioner Ross moved to adjourn.

Commissioner Rowland 2nd

ALL IN FAVOR



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO



Robert Rowland



Danny Willcox, Vice Chair



Larry D. Ross, Chairman

ATTEST: Dallas Schroeder

County Clerk

BY:



Clerk to the Board of County Commissioners

