



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, November 12, 2014 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt C. Schlegel- PRESENT

Larry D. Ross- PRESENT

The BOCC convened at 9:04 a.m., Chairman Kurt Schlegel called the meeting to order.

Prayer given by Pastor Stuart Hallam of Bible Missionary Church

Pledge of Allegiance

The Board of County Commissioner's meetings are recorded for later use

1. Agenda:

Commissioner Rowland moved to accept the agenda as presented.
Commissioner Ross seconded. All three Commissioners voted Aye.
Motion passed.

2. Correspondence: NONE

3. Consent Agenda: All matters listed on the Consent Agenda are considered routine by the Board and will be enacted by one (1) motion in the form below. There will be no separate discussion of these items. If discussion is desired on any item(s) and permitted by the Board, those items will be considered separately.

- a. Approval of minutes from Oct. 22, 2014
- b. Approval of minutes from Nov. 3, 2014 w/executive session
- c. Request for \$800.00 payment to Enertia Consulting Group, LLC from Escrow Account for Front Range Pipeline Project
- d. Letter of Support for Colorado Parks and Wildlife Real Property Acquisition (Woodard Public Access Easement)
- e. Letter of Thanks and Letter Accepting Donation from Arapahoe County

Commissioner Rowland moved to accept the consent agenda as presented.
Commissioner Ross seconded.



Commissioner Rowland commented on the Colorado Parks and Wildlife Letter of Support on the Consent Agenda.

Sheriff Heap commented the donation from Arapahoe County mentioned on the Consent Agenda was actually used jail video visitation equipment which has the potential to cut down on manpower hours in our jail once implemented.

All three Commissioners voted AYE. Motion passed.

4. Awards/Recognition:

- a. Under Sheriff Joe Winkel recognized recently deceased Canine Deputy "Red" and presented his trainer Deputy Frank Hurst with a memorial plaque.

5. Elected Official/Department Heads/Staff Report: The Elected Officials, Department Heads and Staff Report comments is a time when any elected official or department head may bring forth items of interest or concern.

- a. Ed Ehmman. County Manager provided updates on:

- 1. County Rd 29 paving has been temporarily halted by the weather but hopefully will resume soon.
- 2. Basement reconstruction has started and current plans are to be utilizing those offices again by Jan. 1, 2015.

- b. Dallas Schroeder, Clerk and Recorder gave an update on the recent election, stating the State's post-election audit will be tomorrow and the results will be certified at that time. Until then, the unofficial results were:

- 1. 16,158 ballots were issued
- 2. 12,641 ballots were returned, indicating just over 75% participation

Mr. Schroeder again thanked the BOCC for the use of their room for the election, and the many others who helped make it a smooth and successful elections process.

6. Public Comment: The public comment period is a time when any citizen may bring forth items pertaining to County business. During this time each individual will have three minutes to present their view(s) on County matter(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. The public comment portion of the BOCC meeting is not to be used for political or campaign purposes; comments and questions should be limited to matters of current County affairs and business. When you approach the podium please identify yourself, spell your last name and give your address.

- a. Mark Galmon – Elizabeth, representing the Stage Run Home Owners Community, brought a request for the roads in Stage Run to be top coat paved.
- b. Tony Baker – Elizabeth, thanked Elbert County Staff and Elected Officials for the accomplishments of the last year and is pleased with the direction this County is going.

7. Old Business: NONE

8. New Business:

- a. Rick Pettitt, Elbert County Public Trustee gave the Public Trustee Quarterly Report for the third quarter of 2014 and requested that the BOCC approve it.

Commissioner Rowland moved to accept the Public Trustee Quarterly Report as presented by Treasurer Rick Pettitt.

Commissioner Ross seconded. All three Commissioners voted AYE.

Motion passed.

- b. Ed Ehmann, County Manager requested that the BOCC approve the Engagement Letter with Eide Bailly LLP for completion of the 2014 financial audit, adding this letter is like the last 2 years, except the cost of reviewing the prior years' audit was included in this years' cost.

Commissioner Rowland asked how the cost of reviewing the prior year's audit was handled in the past.

Mr. Ehmann stated it was treated as an unexpected expense in the budget and added that staying on with Eide Bailly for a third year has created continuity and helps to identify where we need to strengthen our books.

Mr. Ehmann further stated that a software program has been built to connect our Sage and Eagle Programs. We are now in the testing phase to make sure that we have all of our accounts in the program itself.



Commissioner Schlegel commented on the requests in previous years for a "Forensic Audit" of Elbert County's financial records, so Eide Bailly was brought in to start that process. He agreed that it is important to have continuity with the Auditors and spoke in favor of a motion to support this letter of engagement.

At Commissioner Ross' request, Mr. Ehmann clarified that while Poysti Adams was originally hired as one of the audit team members, the goal is to eventually phase-out of using consultants and have Staff members fulfill that position, but we are probably still a year or two away from that goal.

Commissioner Rowland commented that some research has been done concerning our audit costs compared to like counties and our audit costs are about average with theirs.

Commissioner Rowland moved that the BOCC approve the Engagement Letter with Eide Bailly LLP for completion of the 2014 Financial Audit.

Commissioner Ross seconded. All three Commissioners voted AYE.

Motion passed.

- c. County Attorney Wade Gateley stated that earlier in the year the BOCC approved a resolution that was in opposition to certain proposed statewide initiatives regarding energy but there has been no other formal statement from the Commissioners while Elbert County has been working on a process of how to handle Oil and Gas Exploration. At the direction of the BOCC he is presenting a Resolution regarding Elbert County's Energy Development Policy Statement recognizing the rights of the property owners who own oil and gas and mineral interests and their ability to sign leases to develop those interests. It also recognizes that there needs to be mitigation and responsible development taken into account.

Commissioner Rowland moved that the BOCC approve the Resolution regarding Elbert County's Energy Development Policy Statement as presented by County Attorney Wade Gateley.

Commissioner Ross seconded and commented that the previous resolution the Attorney mentioned, which he had voted against, took a political stance but that portion of that resolution no longer has any relevance since the ballot initiatives regarding oil and gas development in the State were withdrawn. He then stated he was in favor of this resolution but with reservations and moved to amend the resolution, specifically item #4 by adding "*make all reasonable efforts to protect and preserve public safety*", citing the current oil and gas permit which involves a haul route that leaves a state highway and continues onto county roads and through a couple of towns.



Commissioner Rowland seconded and commented possibly they could word it to say “that it may have on the natural environment *and public safety*, while respecting the rights and desires of the property owners.”

Commissioner Schlegel spoke against amending this resolution and suggested if they want to amend the resolution, they should just vote no on it and send it back to staff to re-work it.

Commissioner Rowland clarified the purpose of a Resolution is to publicly declare as the BOCC and the County, our position on important issues so that industries outside of our county know what our defined position is on issues. This resolution states the obvious such as promoting development while minimizing effects on the natural environment and therefore he does not have a problem continuing to state the obvious by adding the words “and public safety” to it.

Commissioner Rowland then moved to amend item 4 to read “Elbert County also promotes responsible development and mitigation efforts to minimize the effects of resource development that it may have on the natural environment and public safety, while respecting the rights and the desires of all property owners.”

Commissioner Ross seconded.

All three Commissioners voted AYE. Motion passed.

Commissioner Ross withdrew his motion to amend the original motion.

Commissioner Schlegel agreed that it is very important for us to make policy statements. He clarified by stating that earlier this year, through resolution, they opposed some proposed initiatives by some groups in the state that would be on the ballot. Those initiatives eventually were removed from the table, but WILL be back this coming year (2015), so it’s very important for us to set a policy statement. This does that and he spoke in favor of the amended motion.

All three Commissioners voted AYE on the original motion to declare Elbert County’s Policy regarding energy development and resource extraction. Motion passed.

- d.** Ed Ehmann requested that the BOCC approve the Request for Proposal (RFP) regarding the development of a Water and Sanitary Sewer Infrastructure Master Plan which will be part of the overall Master Plan. Money is budgeted for this project in 2015 and some dates have been identified in this RFP.

Commissioner Rowland moved that the BOCC approve the Request for Proposal regarding the development of a Water and Sanitation and Sewer Infrastructure Master Plan for Elbert County for 2015.



Commissioner Ross seconded.

Commissioner Schlegel commented Elbert County must have a plan in order to grow responsibly. This approval for the RFP will give us a better idea of how much the scope of service will cost and then we can go out and look for State and Federal grant dollars. This approval does not lock us into any deals or contracts and he spoke in favor of the motion.

Commissioner Rowland agreed and included Elbert County must be protected in the process of its growth and spoke in favor of motion.

Commissioner Ross also recognized the importance and requirement of a County Master Plan, but the request before them uses, as a reference tool, the West Elbert County Transportation Master Plan which was produced in 2008 and due to the economic crash that same year, everything has changed, including the projected growth of Elbert County. He stated relying on what he feels is a flawed document which needs to be revisited; as well as an overall master plan for Elbert County is of the utmost importance for decision makers to have at their disposal. Commissioner Ross then quoted from state statute that it is the responsibility of the County per C.R.S. 30-28-106 that the County Planning Commission rather than the governing body prepare and adopt a master plan for the physical development of their communities. He then questioned whether or not releasing a master plan endeavor of this sort solely under the discretion of the BOCC is even legal and he spoke against this proposal.

Commissioner Schlegel clarified the motion before the BOCC is the release of a Request for Proposal for a water and sanitary sewer master plan, and has nothing to do with a planning commission, but rather is the first step in finding out which is the right way to go, who is the best firm to conduct it and how much is the County looking at spending; and has nothing to do with going around a planning commission.

Commissioner Rowland asked Attorney Wade Gateley if what they are doing is legally appropriate.

Attorney Gateley advised: yes it is absolutely legal; this is just starting a process. Per Statute, the master plan has to be approved by the planning commission, but the BOCC has to appropriate monies in order to do this process.

Commissioner Ross stated he would like to read from the Colorado Revised Statutes, "Whenever any County planning commission has adopted a master plan of the County or any part thereof, no road, park, or other public way, ground or space, no utility, whether publicly or privately owned, shall be constructed or authorized in the unincorporated territory of the County until

and unless the proposed location and incentive thereof has been submitted to and approved by such county's planning commission."

Commissioners Schlegel and Rowland voted AYE.

Commissioner Ross voted NAY.

Motion passed.

- e. Commissioner Kurt Schlegel commented that Christmas Day is on a Thursday and there is not much traffic that comes through the County Offices on Christmas Eve. Commissioner Schlegel then moved that the BOCC approve an amendment to the 2014 Holiday Schedule to include Christmas Eve so County Offices will be closed on December 24th in addition to December 25th. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

At 10:30 a.m. Chairman Schlegel declared a 10 minute break.

Chairman Schlegel declared the BOCC meeting reconvened at 10:43 a.m.

- f. County Manager Ed Ehmann presented the proposed Elbert County 2015 operating budget and listed several items that were accomplished in 2014:
 1. Creation of a Debt Service Fund which identifies Elbert County's Wells Fargo Payment each year and holds the restricted \$500,000.00 that the County is required to have per the Wells Fargo Bond (which in the past has been included in the general fund).
 2. The County was able to transfer \$500,000.00 into that debt service fund.
 3. Elbert County met liquidity in 2014 with our projected fund balance.
 4. A contract was entered into with the Assessor's Office which will bring Elbert County back up to speed in re-appraising County properties.
 5. Elbert County entered into a contract with Tri-County which will provide additional Health Services to our residents.
 6. Some equipment changes have taken place such as Law Enforcement radios and County vehicles.
 7. Construction was started on County Road 29 thanks to a nearly \$1 million grant.

Mr. Ehmann then gave an overall summary of the proposed 2015 Budget which included the 2014 projected budget.

All three Commissioners had comments and questions on various items which Mr. Ehmann answered.

Commissioner Ross advised Mr. Ehmann he appreciated the fact that the draft budget was being presented much earlier than in the past which provides more opportunity to fine-tune and dig further into detail and he suggested due



to a history of financial difficulties this proposed budget be reviewed by Poysti & Adams for accuracy prior to the public hearing and adoption.
Mr. Ehmann agreed.

Commissioner Rowland commented on why Elbert County has no full time financial director and explained it is because it is an expense item.

Commissioner Schlegel stated we have turned the corner but we are still flat on revenues, so leadership of the County must remain vigilant and continually seek out ways to increase revenue and decrease cost.

Commissioner Schlegel opened for public comment on the proposed 2015 budget.

THERE WAS NONE

9. Land Use: NONE

10. Wade Gateley, Attorney to the Board of County Commissioners: NONE

Commissioner Rowland moved to adjourn at 11:45 a.m.

Commissioner Ross seconded.

All three Commissioners voted AYE.

Motion passed.

Meeting Adjourned at 11:45 a.m.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Kurt C. Schlegel, Chairman

Robert Rowland, Vice Chair

Larry D. Ross, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:

Clerk to the Board of County Commissioners

