



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, December 11, 2013 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

The BOCC convened at 9:02 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by resident Bill Harris

Pledge of Allegiance

The Board of County Commissioner's meetings are streamed live via the Internet and are recorded for later use

1. Agenda:

- a. Commissioner Schlegel requested the addition of item b. under Consent Agenda, the approval of the Sept. 11, 2013 BOCC Meeting Minutes; and reverse items H and I under New Business.
Commissioner Ross moved that the BOCC accept the Agenda as amended. Commissioner Schlegel 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 Nov. 26, 2013**
- b. **Approval of minutes from Sept. 11, 2013**

Commissioner Ross moved that the BOCC approve the Consent Agenda. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.



4. **Awards/Recognition:**

- a. Sheila Kelley, Elbert County CSU Extension Director stated four (4) of Elbert County's 4H students took top honors in the State of Colorado. One of those 4, Cameron Lynch from the Gold Creek Club, spoke to the BOCC about his trip to Atlanta, GA that was part of his earned awards at State. When asked by the BOCC he responded his project was on electricity. Eleven 4H groups put together Christmas Thank You Baskets for each of the Commissioners and Cameron Lynch from the Gold Creek Club, Miranda Johnson and Aaron Thieman from the Freedom Club presented the baskets to the BOCC.

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 Ehmann reported Road and Bridge Crews have spent 504 hours plowing and sanding roads since the cold snap with minimal breakdowns. Commissioners thanked Ed and the Road and Bridge staff for their work.
- b. Commissioner Schlegel reported that the BOCC received a letter from the Secretary of State's Office requesting that they attend a compliance hearing this Friday, December 13, 2013 at 1:00 p.m. at 1525 Sherman St. in regards to a complaint filed by Jill Duvall regarding alleged campaign and political finance violations by Elbert County Commissioners and Robert Rowland, a Commissioner thereof.
- c. Commissioner Rowland commented they will not be having another regular BOCC meeting this year as the next one falls on Christmas Day. The next regular BOCC Meeting will be Jan. 8, 2014
- d. Commissioner Ross urged everyone to be courteous during the budget portion of meeting.

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. Tony Baker stated he has studied about Elbert County and the dynamics that keep it running and would like to thank everyone for their hard work.
- b. Dan Mason – Kiowa is opposed to any tax increase and opposed to a traffic enforcement increase to balance the budget.
- c. Bill Harris – Simla stated we need to recognize that the BOCC are our representatives and we all need to work together. Addressing all the Elected Officials: Keep up the good work.
- d. Dottie Witkop – Parker offered thanks for Road and Bridge doing something about Thunder Hill dust mitigation.

Commissioner Rowland closed public comment.

7. Old Business: NONE

8. New Business:

1. Jerri Spear, Director of Health and Human Services requested that the BOCC approve the following items:
 - a. Renewal of ICA with Carolyn Bergener for housekeeping services at the “Hoo House”.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Elbert County on behalf of the Elbert County Department of Health and Human Services and Carolyn Bergener, regarding the provision of housekeeping and cleaning services, from January 1, 2014 through December 31, 2014 at a rate of \$200.00 per month.

Commissioner Schlegel seconded. All three Commissioners voted AYE.
Motion Passed.

- b. ICA with Arnold & Associates for legal services.

Commissioner Ross moved that the BOCC approve and execute the Independent Contractor Agreement between Arnold & Associates and the Board of County Commissioners, on behalf of the Department of Health & Human Services, regarding the provision of certain legal services to the Department for a term of six months through June 30, 2014, at a rate of \$100.00 per hour for Attorney’s general and litigation services, \$40.00 per

hour for paralegal services and \$25.00 per hour for services of legal assistants.

Commissioner Schlegel seconded. All three Commissioners voted AYE.
Motion passed.

- c. 2013 County Merit System – Colorado Department of Human Services (CDHS) Certificate of Compliance –regarding compliance with federal personnel merit system.

Commissioner Ross moved that the BOCC approve and execute the Certification of Compliance regarding the operation of the County Merit System for the reporting year 2013.

Commissioner Schlegel seconded. All three Commissioners voted AYE.
Motion passed.

- d. Formal adoption of the State required Elbert County Public Health Improvement Plan 2014-2018.

Commissioner Ross moved that the BOCC approve the Public Health Improvement Plan for January 2014 through December 2018.

Commissioner Schlegel seconded then thanked Kathy Kruse-Sylvester for her hard work on this Plan.

All three Commissioners voted AYE. Motion passed.

- 2. Alex Beltz, Attorney to the BOCC requested that the BOCC approve the following items:

- e. ID Theft Hotline Agreement Addendum previously executed-extends agreement through Sept 14, 2014.

Commissioner Ross moved that the BOCC approve and execute the proposed Addendum to Agreement between Elbert County Board of County Commissioners, on behalf of the Elbert County Sheriff's Office, and the Colorado Department of Public Safety: Colorado Bureau of Investigation Identity Theft/Fraud Unit to extend the previously executed ID Theft Hotline Agreement through September 30, 2014 for a contract price of \$15,000.00 to be paid by the Colorado Department of Public Safety: Colorado Bureau of Investigation Identity Theft/Fraud Unit.

Commissioner Schlegel seconded.

Commissioner Rowland confirmed this is a revenue building Agreement for Elbert County.

All three Commissioners voted AYE. Motion passed.



- f. Resolution approving Credit Union of Colorado (CUC) to add Candace Meece and Johanna Sanders for the purpose of transacting business on the County issued credit card accounts.

Commissioner Ross moved that the BOCC approve and execute the proposed Resolution authorizing Administrative Services Coordinator Candace Meece and Budget Officer Johanna Sanders to transact business on the account, pursuant to the terms and conditions of the Cardholder Agreement previously approved on April 8, 2009.

Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

- 3. Ed Ehmann, Director of Public Works presented the BOCC with:
 - g. Proposed 2014 Budget,

Continued on next page.



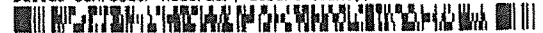
ELBERT COUNTY, COLORADO
 SUMMARY

2014 BUDGET ADOPTED

WITH 2012 AND 2013 ESTIMATE

For the Years Ended and Ending December 31,

	ESTIMATED 2012	ESTIMATED 2013	ADOPTED 2014
BEGINNING FUND BALANCES -Restated	\$ 6,632,349	\$ 6,029,093	\$ 4,491,429
REVENUES			
Taxes	9,361,293	8,462,413	9,853,375
Licenses and Permits	400,000	350,000	451,550
Intergovernmental	8,123,214	8,946,076	9,309,827
Charges for services	1,635,000	1,699,084	2,216,520
Interest income	9,600	7,000	6,750
Lease proceeds	-	-	-
Miscellaneous	128,400	298,264	166,500
Bond proceeds	-	-	-
Clerk fees held for repayment to Escrow	84,461	-	-
Total revenues	19,741,968	19,762,837	22,004,522
TRANSFERS IN	166,567	137,890	899,243
Total funds available	26,540,884	25,929,820	27,395,194
EXPENDITURES			
General Government	3,262,498	3,613,450	3,440,187
Public Safety	3,716,387	3,562,408	4,227,176
Public Health and Welfare	5,456,675	5,543,975	5,166,470
Culture and Recreation	133,199	168,569	140,301
Auxiliary Services	117,556	125,699	117,383
Retirement	201,482	220,802	241,639
Public Works	4,326,725	5,019,512	4,781,810
Debt Service - capital leases & other	796,561	755,083	916,252
Capital outlay	1,411,967	1,491,895	2,653,504
Recreation facilities	200,000	234,683	599,316
Open Space	125,000	-	-
Reimbursement of Clerks Escrow	-	-	-
Bond payment - Wells Fargo	508,088	504,425	510,500
Payment to refunding/insurance escrow	84,461	60,000	55,000
Contingency	4,625	-	5,000
Total expenditures	20,345,224	21,300,501	22,854,538
TRANSFERS OUT	166,567	137,890	899,243
Total expenditures & transfers out requiring appropriation	20,511,791.00	21,438,391.05	23,753,782
ENDING FUND BALANCES	\$ 6,029,093	\$ 4,491,429	\$ 3,641,412



Commissioner Ross moved for a 15 minute recess at 10:34 a.m. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

Commissioner Rowland declared BOCC meeting re-convened at 10:48 a.m.

Sheriff Shayne Heap explained for the BOCC and public how the Law Enforcement Assistance Fund (LEAF) is made up from multiple sources and the increase in funding is to fill up the vacuum left by the loss of 14 out of 23 State Patrol units in our Region.

Commissioner Schlegel also reminded everyone about the increase in cost of Dispatch Services by Douglas County starting in 2014.

Commissioner Rowland commented that we cannot compromise our level of public safety; people will get hurt and traffic will be disrupted, so we must pick up the void created recently by the State Patrol.

Commissioner Ross confirmed that these expenditures are contingent upon obtaining the revenues and is intended to be self-funding.

Commissioner Rowland opened up for Public Hearing at 11:03 a.m.

1. Tony Baker – Elizabeth asked for clarification on the \$1 million proposed Intergovernmental income from the DOLA grant and the intent in the increase in the MTC fund.
2. Bob Lewis – Elizabeth supports Sheriff Heap and his staff and trusts his judgment on revenue issues.
3. Scott Wills – Chairman of Republican Party, appreciates the way budget process was done this year. Thanked the BOCC and is pleased with the Sheriff's plan.
4. Susan Schick read into the record a letter she sent to the BOCC dated December 5, 2013. As the letter was properly read into the record, it is included in its entirety below:



4122 Downwest Ride
Elizabeth, CO 80107

December 5, 2013

Elbert County Commissioners
215 Comanche St.
Kiowa, CO 80117

Commissioners Rowland, Schlegel, and Ross,

I am sending this letter to register my protest of the proposed Elbert County 2014 budget, as presented on December 4 at the county administration building in Kiowa by the Director of Public Works, Mr. Ed Ehmman.

I protest this budget for several reasons as enumerated below:

1. There is a very large projected revenue increase in the Law Enforcement Assistance Fund (LEAF) with no explanation from the presenter or the Sheriff. The budget has the revenues showing up under the MTC (Model Traffic Code) fines category. I object to statements by Commissioner Rowland that any discussion of this topic in a public forum would not be appropriate. I object to Commissioner Schlegel's statement that no further discussion was needed on the subject because he had gone over the numbers twice with Mr. Ehmman and Sheriff Heap, and that he understood them and liked the numbers. The proposed increase in this fund from \$230,000 in 2012 and 2013 to \$891,000 in 2014 warrants an explanation. Commissioner Ross should have been answered when he asked for that explanation.
2. I protest the entire budget proposal in general because there still is no audit of the 2011 budget, and therefore no real numbers upon which one can reasonably and confidently base future projections. This is the second year in a row that Elbert County commissioners have missed the audit deadline causing the state to order the freezing of county tax revenues. I place full responsibility for this situation on Commissioner Schlegel, who is completing his third year as commissioner this month. It is apparent that Commissioner Schlegel has not been able to fully implement the recommended change by the auditor to correct material weaknesses and significant deficiencies in internal controls over financial reporting that would prevent, or detect and correct misstatements on a timely basis.
3. I protest this budget proposal because I have no confidence in the processes used to develop the budget. The last audit this county has is for the 2011 budget. The auditor recommended that the county hire a professional budget director. In early 2013 the



county hired that professional, only to release him in October. Thus, we now have the Director of Public Works, with no background or degree in finance, managing the county budget. It is obvious that the Department of Finance and Budget is greatly understaffed and undertrained and the proposed budget does not address correcting this situation.

4. I protest this budget because no plan has been offered by the commissioners on how they intend to correct this trend of disregarding state mandated reporting deadlines. A review of monthly vendor payments shows that \$147,288.20 was paid to Community Resource Services of Colorado (CRS) during 2012 to track county monies. They were contracted for \$64,800. It appears they were over paid \$82,488.20. The county has paid auditor EideBaily (EB) \$77,540 through October for the 2012 audit and another \$26,000 has been contracted to a second auditor to help locate missing data identified by EB. So, basically the county has spent \$250,828.20 for contracted work intended to produce a budget audit. The commissioners have no valid explanation for this quarter of a million dollar failed effort.

I am offering my protest in writing because recent changes you have made regarding the timing of public comment and your refusal to hear public comment during the period for presentation of new agenda items during BOCC meetings, leads me to question your desire to listen to electors' concerns. Statements made at the December 4th budget meeting that the proposed 2014 budget as presented, with a few minor changes, would be the budget presented to the commissioners for their vote to adopt at the December 11th BOCC meeting have motivated me to send this protest now for your consideration and corrective action.

Respectfully,

Susan Shick
303.646.1093
gastmj@msn.com

cc: Clay Brown, Central Regional Manager, DOLA
Jarrod Biggs, Local Government Budgeting, DOLA
Cynthia Thayer, Local Government Budgeting, DOLA
Local Government Audit Division, Office of the State Auditor



Ms. Schick stated she has great respect for all the people who put this budget together, just no confidence. She then asked the Sheriff for clarification of why his budget page is titled LEAF.

Sheriff Heap answered his budget is included in the general fund as it shows on the budget summary page. LEAF is a separate discretionary fund that sits outside the general budget and is funded through several sources including the Model Traffic Code (MTC) and is not a State fund.

Commissioner Schlegel then responded to each of the protest items in her letter and stated he felt the letter doesn't state the facts at all.

5. Mike Schultz – Kiowa questioned the strategies used for the starting numbers for the budget i.e.: expenditures and revenues, as they affect everything after that.

Ed Ehmann, Director of Public Works responded to the comments about the starting numbers, stating they have discussed their beginning numbers with the auditors with no concerns raised, and even those numbers will very likely change, but with no detriment to the 2014 budget proposed today.

Commissioner Rowland commented on the extensive experience Mr. Ehmann has regarding cash flow and budget procedures and he respects and trusts his expertise.

6. Gary Lauer, Co Rd 134 commented he would like to have the agenda on the BOCC meeting calendar.

Commissioner Schlegel reminded Mr. Lauer the designated official posting place is the bulletin boards on 1st and 2nd floor of the County Building and thought it was being posted on the website. After being informed the website is still not working in that area, he assured Mr. Lauer we are working to get it up there.

7. Rick Blotter, Agate doesn't understand budget completely when speculation is used on revenue.

Sheriff Heap replied they relied on 5 years of historical data to come up with their projected numbers.

Commissioner Schlegel clarified the projected data and stated that revenue was related to the size of the traffic team, which has fluctuated due to budget cuts. This budget proposes adding to that traffic team.



Commissioner Rowland commented the word they are using in the budget is “projections” instead of “speculating”, which is acceptable in a budget process. Our budget is a PLAN based on best educated data.

Ed Ehmann, Director of Public Works stated that if a projected revenue doesn’t happen, the project or expenditure doesn’t happen.

8. Beth Shelley asked for clarification of the Clerk to Board loss on the proposed budget.

Dallas Schroeder, Clerk and Recorder stated that was just an accounting procedure to more accurately project where the actual dollars are made. He believes the Clerk to the BOCC is not a full time job, as she is performing other duties that are reflected in the increase in the Clerk and Recorder line item.

9. Jill Duval, Elizabeth stated she was at the study session last Wednesday where the public was not allowed to talk. She questioned the lottery fund increase.

Ed Ehmann responded the increase is reflected in several line items including grants and interest.

Ms. Duval then stated she wants the County to do budget reports the same as the library board where a financial statement is made available every month.

Commissioner Rowland stated budget reports are available but her point is well taken.

Commissioner Schlegel advised the website will eventually do that.

Ed Ehmann stated the new Sage accounting software program will be fully implemented in 2014 so we can do just that.

10. Dan Mason spoke against the public safety issue being the excuse to increase revenue and asked how public safety is being measured? By number of tickets or amount of money needed for more vehicles and more deputies? Sheriff Heap responded by giving a rundown of what the Sheriff’s Office did for Elbert County in the last 8 ½ days.
11. Bill Harris – Simla appreciates the Sheriff and supports providing the necessary equipment to take care of the public and also provide police safety.



12. Don Draper – Elizabeth agreed with Mr. Harris’ comments. And supports the Sheriff.

Commissioner Rowland closed public comment.

Ed Ehmann thanked the public for their comments, and stated if not all questions or concerns were answered, to feel free to come see them and they will be happy to continue conversation.

Commissioner Ross commended the staff for their work on the budget process and commented on the jail and the fact that 60% of the inmates are not from our county and the tremendous risk to our officers as 25% of inmates also have drug or alcohol addictions and mental illness.

Commissioner Rowland moved to take a 10 minute recess at 12:13 p.m.
Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

Commissioner Rowland declared the BOCC Meeting reconvened at 12:23 p.m.

4. Johanna Sanders, Interim Budget Officer presented the BOCC with:
- h. Proposed 2014 Budget which involves a revenue appropriation of \$22, 004,522.00 and should produce an estimated ending fund balance of \$3,211,913. The budget appropriates from the revenue of each fund, to each fund, the following sums of money:

General Fund	\$7,771,990.00
Public Health and Administration Fund	\$ 309,129.00
Road and Bridge Fund	\$5,867,017.00
Sales and Use Tax Fund	\$2,760,060.00
Law Enforcement Assistance Fund	\$1,029,305.00
Department of Human Services Fund	\$5,012,901.00
Retirement Fund	\$ 247,639.00
Conservation Trust Fund	\$ 612,725.00
Impact Fund	\$ 143,016.00
Chaparral Valley Special Assessment Fund	\$ 42,070.00
Meadow Station Debt Service Fund	\$ 53,112.00
Foxwood Estates Debt Service Fund	\$ 26,580.00

For a total of \$23,875,544.00.



The 2014 budget includes a mill levy for Elbert County for the year 2014 to be extended upon the total assessed valuation of \$261,324,650.00 to produce revenue of \$7,351,585.00. Specifically, the mill levies for Elbert County are as follows:

General Fund	16.314 mills
Road and Bridge Fund	9.500 mills
Human Services Fund	1.500 mills
Retirement Fund	0.703 mills
Refunds/Abatements	0.115 mills

For a total mill levy of 28.132 mills.

In addition, the 2014 budget also includes a mill levy for the year 2014 for the Meadow Station Public Improvement District of 22.000 mills, which will be extended upon a total assessed valuation of \$2,457,580.00 to produce revenue of \$54,067.00.

In addition, the 2014 budget also includes a mill levy for the year 2014 for the Foxwood Estates & Foxwood Ranches Public Improvement District of 30.000 mills, which will be extended upon a total assessed valuation of \$793,380.00 to produce revenue of \$23,800.00.

Commissioner Ross moved that the BOCC adopt and execute a resolution by the Board of County Commissioners, County of Elbert, State of Colorado, for the year 2014, to approve and adopt the 2014 Budget as submitted, amended and herein summarized by fund, and that the Chairman of the Board of County Commissioners be authorized to execute the budget and incorporate it into the public records of Elbert County.

Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

Commissioner Ross stated as it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purposes described, so as not to impair the operations of the County, he hereby moves to adopt and execute a resolution by the Board of County Commissioners, County of Elbert, State of Colorado, for the year 2014, to appropriate the following sums from the revenue of each fund, to each fund, for the purposes stated:



General Fund	\$7,771,990.00
Public Health and Administration Fund	\$ 309,129.00
Road and Bridge Fund	\$5,867,017.00
Sales and Use Tax Fund	\$2,760,060.00
Law Enforcement Assistance Fund	\$1,029,305.00
Department of Human Services Fund	\$5,012,901.00
Retirement Fund	\$ 247,639.00
Conservation Trust Fund	\$ 612,725.00
Impact Fund	\$ 143,016.00
Chaparral Valley Special Assessment Fund	\$ 42,070.00
Meadow Station Debt Service Fund	\$ 53,112.00
Foxwood Estates Debt Service Fund	\$ 26,580.00

For a total of \$23,875,544.00.

Commissioner Schlegel seconded. All three Commissioners voted AYE.
Motion passed.

Commissioner Ross moved that the BOCC adopt and execute a resolution by the Board of County Commissioners, County of Elbert, State of Colorado, for the year 2014 to certify a total levy to be extended upon the total assessed valuation of \$261,324,650.00 to produce \$7,351,585.00 in revenue, and categorized as follows:

General Fund	16.314 mills
Road and Bridge Fund	9.500 mills
Social Services Fund	1.500 mills
Retirement Fund	0.703 mills
Refunds/Abatements	0.115 mills

For a total County levy to be assessed upon the taxed property of the County of 28.132 mills.



Commissioner Schlegel seconded. All three Commissioners voted AYE.
Motion passed.

Commissioner Ross moved that the BOCC adopt and execute a resolution by the Board of County Commissioners, County of Elbert, State of Colorado, sitting as the Board of Directors for the Elbert County Library District, for the year 2014, to certify a mill levy of 2.516 mills to be extended upon the total assessed valuation of \$261,324,650.00 to produce \$657,493.00 in revenue for the Elbert County Library District.

Commissioner Schlegel seconded. All three Commissioners voted AYE.
Motion passed.

Commissioner Ross moved that the BOCC adopt and execute a resolution by the Board of County Commissioners, County of Elbert, State of Colorado, sitting as the Board of Directors for the Meadow Station Public Improvement District, for the year 2014, to certify a mill levy of 22.000 mills to be extended upon the total assessed valuation of \$2,457,580.00 to produce \$54,067.00 in revenue for the Meadow Station Public Improvement District.

Commissioner Schlegel seconded. All three Commissioners voted AYE.
Motion passed.

Commissioner Ross moved that the BOCC adopt and execute a resolution by the Board of County Commissioners, County of Elbert, State of Colorado, sitting as the Board of Directors for the Foxwood Estates & Foxwood Ranches Public Improvement District, for the year 2014, to certify a mill levy of 30.000 mills to be extended upon the total assessed valuation of \$793,380.00 to produce \$23,800.00 in revenue for the Foxwood Estates & Foxwood Ranches Public Improvement District.

Commissioner Schlegel seconded. All three Commissioners voted AYE.
Motion passed.

9. Land Use: NONE

10. Alex Beltz, Attorney to the Board of County Commissioners: NONE



Commissioner Rowland advised the public they will take a 5 minute recess, and then go into Executive Session to discuss personnel and legal matters. Commissioner Rowland moved at 12:40 p.m. that the BOCC take a 5 minute recess. Commissioner Schlegel seconded. All three Commissioners voted AYE. Motion passed.

Commissioners came out of Executive Session and Adjourned the Regular BOCC Meeting.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Robert Rowland, Chairman

Larry Ross, Vice Chair

Kurt Schlegel, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:

Clerk to the Board of County Commissioners

