



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Monday, March 4, 2013 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

The BOCC convened at 9:03 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by Pastor Chuck Norwood of Bible Missionary Church

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 moved item A. under Public Comment to the March 13, 2013 BOCC Meeting per Mary Choate's request.
Commissioner Ross moved that the BOCC approve the Agenda as amended.
Commissioner Schlegel seconded, 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 Feb. 13, 2013

b. Vouchers/Warrants

- 1. Approval to release funds in the amount of \$2500.00 to Enerxia Group, LLC out of Fund 010-000-4571 for Front Range Pipeline project.

Commissioner Ross moved that the BOCC approve the Consent Agenda as drafted.
Commissioner Schlegel seconded, motion passed.

4. Awards/Recognition: NONE



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

- a. Ed Ehmann, Director Public Works. Mr. Ehmann gave a Landfill update stating that preliminary "spoil pile" samples from an unidentified area have been tested and the results are not final but encouraging, and we hope to do the remediation on site rather than have to haul offsite, as the offsite hauling will be much more costly to the county.
- b. Commissioner Schlegel attended the Day of Resistance on Saturday February 23, 2013 at the Capitol protesting at least 6 anti-gun bills before the State Legislature right now, as well as similar legislation being considered at the Federal government level, that will have a definite impact on Elbert County Residents. The State Senate Subcommittees are meeting today (Mar. 4, 2013) to discuss many of them and Sheriff Heap is down there right now to testify against some of these bills.
 - a. Senate Bill 195 would prohibit Colorado citizens from taking online Carrying a Concealed Weapon (CCW) training courses.
 - b. Senate Bill 196 is a de facto Assault Weapons Ban.
 - c. House Bill 1224 has already cleared the House and is moving on to the Senate; it would ban all magazines that hold more than 15 rounds.
 - d. House Bill 1226 bans armed self-defense on college campuses.
 - e. House Bill 1228 puts a charge on each individual who requests a background check to purchase a firearm.
 - f. House Bill 1229 bans the private sale of firearms and expands background checks and gun registration for all Colorado gun owners.

Commissioner Schlegel continued by stating the fact that we are granted certain rights by our Creator; they are called "natural rights" and the right of self-defense is one of those rights. We have politicians at the State and Federal level of our Governments that are trying to take those rights away from us. He then urged every one of us to contact our State Senator, Greg Brophy and Governor Hickenlooper and let them know exactly how they feel on these pieces of legislation. If any of these are passed, they WILL impact everyone and take away our natural rights. He further stated that in his opinion, if any or if all of these pass, it will not have any effect on, nor would it have had any effect on any of the recent attacks that we've seen occur across the country. Commissioner Schlegel concluded by saying that this legislation is a "feel good



measure” and he has contacted his elected officials and will continue to do so and again urged everyone to let their elected officials know exactly how they feel about these.

- c. Chairman Rowland stated he agreed with everything Commissioner Schlegel said. He emphasized it is a very important issue and County Commissioners all over the State of Colorado are coming out and taking a stand on these positions, making it clear to State Government how Local Officials, representing their Counties, feel about these important issues. Commissioner Rowland advised this legislation relates directly to the lifestyle and constitutional protections that we have as citizens of these United States and of this County. He further stated he believes the infringement that these bills represent on our Second Amendment Rights is a direct threat to our citizens of our State and County. Just last week El Paso County, Douglas County and Weld County Commissioners passed Resolutions that addressed their support for the Second Amendment and many Sheriffs around the State are voicing their support for the Second Amendment as well. Commissioner Rowland again emphasized this IS a big issue so we the citizens of this Country and this State need to stand firm and tall when this kind of legislation comes up and he encouraged the citizens to stay involved and stay alert to what is going on.
- d. Cory Stark, Director Emergency Management. Mr. Stark gave an update on the Code Red Reverse Notification System that they will launch Saturday March 30, 2013 at 9:00 a.m. This will involve notifications by phone with a basic message letting the community know this is a test of the system with no action required and may include a short preparedness message.

6. Staff Report: NONE

7. Old Business:

- a. Resolution to appoint Planning Commission Alternate on behalf of Commissioner Robert Rowland, District 1.
Commissioner Ross moved that the BOCC approve and execute a resolution appointing Bob Ware to serve as an associate member to the Elbert County Planning Commission. Commissioner Schlegel seconded, motion passed.
Commissioner Schlegel commented that there are several appointments to the Planning commission that are still pending and the reason that those haven't been made is that we are waiting for the Planning



Commission to get through the Oil and Gas Memorandum of Understanding (MOU). Once that is complete Commissioner Ross will have his appointees ready and then they will make a formal resolution to make those changes to the Planning Commission.

8. New Business:

- a.** Jerri Spear, Director Health and Human Services. Ms. Spear requested the BOCC to approve a one month attorney agreement between Department of Human Services and Arnold & Associates, as they are still waiting on long term basis bids for this service. Commissioner Rowland confirmed that this agreement has been extended twice so far. Commissioner Schlegel suggested the Agreement be amended to two months rather than one, to allow time for the bid process.

Commissioner Ross moved that the BOCC approve and execute the Attorney Agreement between Arnold & Associates and the Board of County Commissioners, on behalf of the Department of Human Services, regarding the provision of certain legal services to the Human Services Department for a term to run through April 30, 2013, at a rate of \$100 per hour for Attorney's general and litigation services, \$40 per hour for paralegal services and \$25 per hour for services of legal assistants. Commissioner Schlegel seconded, motion passed.

- b.** Ed Ehmann, Director Public Works. Mr. Ehmann requested the BOCC approve an Intergovernmental Agreement (IGA) between Elbert County and Douglas County for the provision of roadway maintenance and permits for specific sections of Delbert road from 2013 through 2018, with one automatic renewal period of 5 years.

Commissioner Schlegel commented that Douglas County has already approved this IGA.

Commissioner Ross moved that the BOCC approve and execute the intergovernmental agreement between Elbert County Board of County Commissioners and the Douglas County Board of County Commissioners, regarding the provision of certain roadway maintenance and permitting responsibilities for a period of five (5) years. Commissioner Schlegel seconded, motion passed.

- c.** Ed Ehmann, Director Public Works. Mr. Ehmann requested the BOCC approve a Professional Services Agreement with Enertia Consulting Group, LLC for Fairground Facility Rental evaluation services.

Commissioner Rowland commented that these rates have not gone up recently; they are just making sure that everyone across the board is paying the fair and consistent contract rates the County previously set for rental of the fairgrounds facilities.

Commissioner Ross moved that the BOCC approve and execute the Professional Services Agreement between Elbert County and Enertia



Consulting Group, LLC regarding the provision of certain evaluation services related to the current rates for fairground facilities, for a lump sum payment of \$2,000.00. Commissioner Schlegel seconded, motion passed.

- d. Sunni Ward, Elbert County Sheriff's Department. Ms. Ward requested that the BOCC approve the Victim Assistance and law Enforcement (VALE) grant application, to supplement funding the Elbert County Sheriff's Department receives from the Elbert County Government for its Victim Assistance Program.
- e. Jen Grote, Director of Information Technology. Ms. Grote requested the BOCC approve a lease agreement with Xerox for eight (8) new copiers/printers throughout Elbert County. The printers being replaced are no longer under any maintenance agreement and by replacing all 8; it will upgrade the equipment, provide new maintenance agreements and reduce the County's cost by approximately \$250.00 per month for approximately 5 years. Commissioner Ross moved that the BOCC approve and execute the proposed Lease Agreement between Elbert County and Xerox, regarding the provision of eight (8) new Xerox printers to replace existing printers throughout Elbert County for a total cost of \$1,114.87 per month. Commissioner Schlegel seconded, motion passed.
- f. Ed Ehmann, Director Public Works. Mr. Ehmann requested the BOCC approve a State Highway Access Permit for improvements on US 24 (Simla area), consisting of a left turn lane for westbound traffic turning south onto County Road 125. This improvement is included in the District's construction documents for the new school project. There is no cost to the County for the permit, nor are any County funds being expended for the project. Commissioner Ross moved that the BOCC approve and execute the State Highway Access Permit for improvements to be constructed on US 24 by the Big Sandy School District. Commissioner Schlegel seconded, motion passed.

9. Land Use: NONE

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

11. 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. Robert Thomasson – Elbert. Mr. Thomasson commented on water issues, stating he went online to other Colorado County sites and read some of the handbooks for at least 5 other counties regarding conditions related to their water issues. These handbooks were prepared by the Planning committee and each County’s handbook sets out for the public and members of the various committees their mission; responsibilities; what their fiduciary responsibilities are, what a conflict of interest would be, etc. Mr. Thomasson asked, in light of putting together new water commissions and new planning commissions, would it be possible to include drafting a handbook and making it available to the public and members of these committees to address up front issues like: what is a term limit, what is the actual range that a particular committee can deal with and what it can’t deal with etc. He suggested that if we did so, the trust between the elected officials and these boards, and ultimately the BOCC would be enhanced.

Commissioner Ross responded to Mr. Thomasson stating that his suggestion is very good and well taken.

Chairman Rowland declared the BOCC Meeting recessed at 9:46 a.m. to reconvene at 10:15 a.m. for Executive Session.

Regular BOCC Meeting called back into session by Commissioner Rowland at 10:54 a.m. Participants included all 3 Commissioners and the Attorney to the BOCC. Commissioner Rowland stated no formal action was taken during the Executive Session.

Commissioner Ross moved to adjourn the Mar. 4, 2013 Regular BOCC Meeting. Commissioner Schlegel seconded, motion passed.

Meeting Adjourned at 10:56 a.m.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

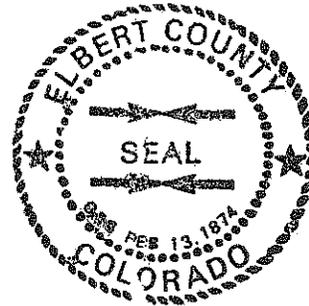
Robert Rowland, Chairman

Larry Ross, Vice Chair

Kurt Schlegel, Commissioner

ATTEST: Diana Hartsough

County Clerk



BY:

Clerk to the Board of County Commissioners