



ELBERT COUNTY, COLORADO

The Board of Elbert County Commissioners (BOCC) met in a regularly scheduled meeting on Wednesday, May 14, 2014 with roll call of members as follows:

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

The BOCC convened at 9:01 a.m., Chairman Kurt Schlegel called the meeting to order.

Prayer given by Pastor Jim Emig of Kiowa Creek Community 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:

Commissioner Rowland moved that the BOCC accept the agenda as presented. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

2. Correspondence:

a. Commissioner Rowland stated he placed the 2014 Event Guides prepared by the East Central Council of Governments in the BOCC room and encouraged anyone interested to take one.

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 Apr. 23, 2014
- b. Vouchers/Warrants
- c. Grant Agreement with DOLA for County Road 29 Improvements
- d. Approval of Payment of \$3640.00 from County Engineer Escrow Account to Enertia Consulting Group for Front Range Pipeline Road Inspection
- e. Community Development Block Grant Recording
- f. Final approval for sale of alcoholic beverages during Elizabeth Stampede Rodeo on June 6, 7, and 8, 2014 at Casey Jones Park, Elizabeth



Commissioner Rowland moved that the BOCC accept the consent agenda as presented. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

4. Awards/Recognition:

Commissioner Schlegel read an e-mail that originated from Mr. Bob Johnson from the Colorado Department of Transportation, thanking the Elbert County Sheriff's Office for monitoring and enforcing speed reductions during highway projects, stating it made the employees feel safer when out doing their work.

Commissioner Schlegel stated he also received a letter of commendation and a plaque from Arapahoe County to the Elbert County Sheriff's Office, thanking them for their assistance during a recent call of an active shooter inside Arapahoe High School. The letter was signed by David C. Walcher and Commissioner Schlegel presented the plaque to Undersheriff Joe Winkel.

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. Carolyn Parkinson (Community and Development Services) gave a presentation regarding the map revision of flood hazard boundaries in Elbert County that will be effective 5-23-14, stating this will affect most habitable structures in the town of Elbert by now placing them outside of the flood plain.

b. Ed Ehmann (County Manager) gave an update on road issues regarding recent moisture. Due to complaints from West Elbert County residents, they are revising plans to re-allocate resources from other areas of the County to mitigate the worst problem roads.

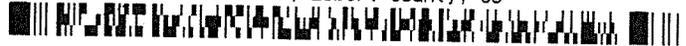
Commissioner Schlegel: Can anything else be used for dust mitigation on our roads other than Magnesium (Mag) Chloride?

Mr. Ehmann: Yes but other options are not as cost effective and don't last as long.

Commissioner Ross: As projects are prioritized, is preference given to school bus routes and fire and life-safety issues?

Mr. Ehmann: School bus routes are always given preference, but when school is out, a lot of those projects will be completed, then they focus on other projects, usually determined by amount of traffic.

Commissioner Ross: Arapahoe County just recently put down what appears to be recycled asphalt on their portion of Ridge Road because of heavy vehicle traffic coming in and out of Metrogro and it appears to be doing very well.



Mr. Ehmann: Metrogro actually helped Arapahoe County with that project.
Commissioner Ross: That is a perfect example of when Industry approaches us that has heavy traffic, we also can solicit their help in improving our roads.

Mr. Ehmann: Correct, that is what we do with our Road Use Agreements. We are also looking at obtaining about 1000 tons of recycled asphalt from the Highway 86 project to use on some of our roads.

- C. Commissioner Rowland commented on water importance to this county and the fact that he and Commissioner Ross and Director of Community and Development Services Kyle Fenner all sit on different Water Basins and these committees all must have their water plan to the Governor by July 31st of this year. He gave the following website for anyone interested in looking into this: cowaterplan@state.colorado.us or coloradowaterplan.com.

Carolyn Parkinson from Community and Development Services advised everyone there is a meeting of the Arkansas River Basin Thursday at 7pm at the Simla High School and this is for the public!

Commissioner Rowland advised the Metro Basin is also working on a meeting date soon.

Commissioner Ross commented the draft reports from the various Basins are being circulated and he strongly encouraged everyone to be informed of what the possible outcome could be in the future regarding our water. He is very concerned about the way talks are going concerning water needs versus private property needs and feels Government regulation is not the solution to problems.

Commissioner Ross also stated if we are successful in our applications to secure funding we will be looking to implement a well monitoring program throughout the county that will give us a snapshot over time of the condition of each of the aquifers in the county.

Commissioner Rowland agreed and stated a well monitoring program will help us track what is happening with our water.

- 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.

NONE

7. Old Business: NONE

8. New Business:

- a. Rick Pettitt, County Treasurer requested that the BOCC approve the Resolution to transfer funds from the General Fund to a new fund created as the Bond Service Fund, created to meet the bond requirements of having \$500,000.00 in restricted funds. He added that this fund will service both interest and principal payments.

Commissioner Rowland moved that the BOCC adopt a resolution transferring funds from the General Fund to a new restricted fund to pay the Bond Service at Wells Fargo and comply with the bond requirements.

Commissioner Ross seconded.

Commissioner Rowland clarified they are not changing cash flow or budget amounts, just putting the funds in a clearer category.

Commissioner Ross asked if we are transferring all \$1,011,250.00 now.

Mr. Pettitt: Right now we plan to transfer the \$500,000.00 plus the \$162,750.00 interest payment, then after the second half of the taxes are received June 15th, we will transfer the remaining balance. Mr. Pettitt also confirmed if there is ever a need to use these funds for anything else it will have to be re-appropriated and done publicly.

All three Commissioners supported this resolution with comments.

Commissioner Schlegel opened the floor for public comment.

There was No Public Comment at this time.

Mr. Ehmann clarified the \$500,000 for reserve was initially going to go to a contingency fund, but it will now go to this new fund due to this Resolution. All 3 Commissioners voted AYE. Motion passed.

- b. Ed Ehmann (County Manager) presented BOCC with a proposed sick bank procedure for Elbert County to re-enter into. This allows employees to contribute to the sick bank and utilize in the event they have exhausted accrued sick, vacation or compensatory time.

Commissioner Rowland moved that the BOCC adopt the Elbert County Sick Leave Bank procedure.



Commissioner Ross seconded and commented much time was spent on this project and he supports it.

Commissioner Rowland agreed and re-emphasized the benefits to the County and employees.

All three Commissioners voted AYE. Motion passed.

- C.** Wade Gateley, County Attorney presented BOCC with 2 additions to the Elbert County Policy Manual defining the relationship between the BOCC and the County Manager. Attorney Gateley said it basically states the County Commissioners have control and final authority, but the County Manager will be a supervising focus point for all Staff and all Departments for the general functions of the County. The County Manager has limited authority to supervise, control, and in some cases, enter into purchases for the County. He then read paragraph 5, page 2 of the Policy Manual out loud in regards to the County Manager's dollar authority limit.

Commissioner Rowland moved that the BOCC adopt the Elbert County Policy Manual regarding the relationship between the Board of County Commissioners and the County Manager as presented.

Commissioner Schlegel seconded.

Commissioner Ross requested a better definition of the last part of the last sentence of paragraph 3 on page 2; specifically the word "investigate".

Commissioner Ross moved that the BOCC amend the motion on the floor by striking the part of the last sentence on page 2, item B, number 3 that says, "...nothing in this guideline shall limit or prohibit the power of the County Manager to investigate elected officials and their staff."

Commissioner Rowland seconded and then made comments regarding this motion, and stated he was not in favor of the motion.

Commissioner Schlegel stated he also was not in favor of this motion.

Commissioner Ross voted AYE.

Commissioners Schlegel and Rowland voted NAY. Motion to amend failed.

Commissioner Ross moved that the BOCC amend the motion on the floor by changing all limited dollar amounts on page 2, item B, number 5, and second paragraph from \$100,000.00 to \$20,000.00.

Commissioner Schlegel seconded.

Commissioner Ross commented on his reasons why he felt now is not a good time to make purchasing power easier.

Commissioner Rowland stated he understands Commissioner Ross' point, but does not support the motion to amend.

Commissioner Schlegel suggested to Commissioner Ross that he make just one motion to limit the purchasing dollar amounts from \$100,000.00 to \$20,000.00 in every place in the Manual that it is referenced.

Commissioner Ross withdrew his previous motion and moved that the BOCC amend the motion on the floor by changing the County Manager's financial authority by limiting purchases to up to \$20,000.00 and that the change be reflected throughout the document, as a limit of \$20,000.00.

Commissioner Rowland stated he understood the point made by Commissioner Ross, but is not in favor of the amendment to the motion. County Manager Ed Ehmann commented on expenditures that Road and Bridge routinely have that are above \$20,000.00, and that by changing the dollar limit to \$100,000.00, it will streamline those routine purchases. Commissioner Schlegel also commented on this amended motion, stating this increase in purchasing limit by the County Manager is for budgeted purchases only and stated he was not in favor of the amended motion.

Commissioner Ross voted AYE.

Commissioners Schlegel and Rowland voted NAY. Motion to amend failed.

Commissioner Ross moved that the BOCC amend the motion on the floor by changing the last sentence in item B, page 2, number 5 to read, "A new written contract will require approval by the Board of County Commissioners."

Commissioner Rowland seconded.

Attorney Gateley commented that State Statute 30.11.107(n) gives the County Commissioners the power to create by Resolution the Office of County Manager and to prescribe the duties to be performed by the County Manager; and in subsection (aa) it gives the Board of County Commissioners the power to establish policies and procedures regarding entering into contracts, and to delegate its power entering into contracts, pursuant to policies and procedures, and to set limits.

Commissioner Ross agreed that there is statutory authority for the BOCC to do this, but his concern is while the County is in financial difficulty and a time of stress, it is better to have more eyes on financial matters rather than delegating it to one set of eyes.

Commissioner Schlegel stated he feels they have given the responsibility to the County Manager, now they need to give him the authority and therefore is against the amended motion.

Commissioner Ross voted AYE.

Commissioners Schlegel and Rowland voted NAY. Motion to amend failed.

Commissioners Schlegel and Rowland voted AYE on the motion to adopt the Elbert County Policy Manual as it has been presented.

Commissioner Ross voted NAY. Motion passed.



- d. Commissioner Schlegel moved that the BOCC adopt the proposed resolution Opposing any Statewide Ballot Initiative That Inhibits Free Commerce, Including Gas & Oil Exploration and Production, in Elbert County. Commissioner Rowland seconded. Commissioner Schlegel then spoke in favor of the motion. Commissioner Rowland agreed and also spoke in favor of the motion. Commissioner Ross expressed his concerns and request for better definition of statements within the resolution, and therefore could not support this resolution. Commissioner Schlegel stated he appreciated Commissioner Ross's perspective but as Commissioners, they have a responsibility to decide which legislation they are going to support or fight against and he believes that several citizen sponsored initiatives are seeking an easy way to change the State's Constitution and therefore, he supports this resolution.

Commissioners Schlegel and Rowland voted AYE.
Commissioner Ross voted NAY. Motion passed.

9. Land Use: NONE

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

Commissioner Rowland moved that the meeting be adjourned at 10:55 a.m.
Commissioner Ross seconded.
All three Commissioners voted AYE. Motion passed.

Meeting Adjourned at 10:55 a.m.



BOARD OF COUNTY COMMISSIONERS

ELBERT COUNTY, COLORADO

Kurt Schlegel, Chairman

Robert Rowland, Vice Chair

Larry Ross, Commissioner

ATTEST: Dallas Schroeder

County Clerk

BY:

Clerk to the Board of County Commissioners

