



ELBERT COUNTY, COLORADO

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

Robert Rowland- PRESENT

Kurt Schlegel- PRESENT

Larry Ross- PRESENT

The BOCC convened at 9:10 a.m., Chairman Robert Rowland called the meeting to order.

Prayer given by Pastor Jeremy Rose of Grace Way Bible 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:** No Changes
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.

NONE for this Special Meeting

4. **Awards/Recognition:** NONE
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, Director of Public Works.

- Down approximately 3 positions in maintenance.
- Bridge and road maintenance has been deferred.
- In one area of the Fairgrounds the cost of water has gone up 300%, causing them to defer more maintenance to absorb the increased cost.



Commissioner Rowland asked Mr. Ehmann what major impacts these situations create as related to keeping employees.

Mr. Ehmann:

- It is a large risk, as pipeline, oil, and road construction companies who do work in the county, see the hard working County Operators and try to persuade them to work for their company for much more pay or better benefits.
- Costly to our County as it takes approximately one year to train or replace an employee.

Commissioner Ross asked about the water bills; why are we obligated to buy our water from Kiowa when the County has water rights that we could actually utilize?

Mr. Ehmann:

- Since the majority of our facilities sit within the town limits of Kiowa, we had to dedicate our county owned water rights under the ground to the town in exchange for water service.

Commissioner Ross also pointed out the additional expenses to the County in the form of legal expenses of the Landfill issue in the amount of \$47,000.00 and a subsequent fine by CDPHE and unknown as yet site remediation costs.

Mr. Ehmann:

- Perfect example of the additional costs to the County resulting from not having enough staff in the right place at the right time. Not enough staff to be on site to protect the County.
- The total mill levy is 28.090 of which 9.5 mils go to Road and Bridge. A 1% Sales and Use Tax passed in 2007 was created to generate a fund of just under two (2) million dollars per year to go to Road and Bridge, (primarily used for capital improvements like 20 year roadway systems) but has never generated what it was supposed to. Roads are not getting paved, and the paved ones are not getting necessary maintenance done.
- Any revenues from the machinery tool tax ballot issue, if passed, would go directly to Road & Bridge to help cover those shortfalls.

b. Sheriff Heap gave an overview of the Sheriff's Office including staffing concerns and budget concerns.

- Provides at least 12 significant services to County
- At least 10 more new mandated services started in 2013 without federal funding.



- Sheriff's office budget has remained flat since 2006 but calls have increased 191%.
- Based on County population, he should have 23 Deputies instead of the 12 he has.

Commissioner Ross asked Sheriff Heap about the cost difference in housing inmates in another County versus housing them here.

Sheriff Heap:

- Cost is much lower to keep inmates in-house; as they would still have to book them here, then transport them to be held overnight, then transport back to this courthouse for bond hearing or court.

Commissioner Rowland asked if staffing is at risk for turnover.

Sheriff Heap:

- Other Counties do offer \$15,000.00 to \$20,000.00 per year more and have better benefits and he has lost people at the sergeant level.
 - It takes 8 years to train someone to Sergeant Level.
- c.** Kyle Fenner, Director of Community and Development Services.
- Building and Planning is significant revenue generating Department within Community and Development Services, but not enough staff to sufficiently service all applications and clients in a timely manner.
 - Unlike Motor Vehicle, where title and registration must be done in this county, developers and individuals can go elsewhere to build homes etc. if customer service not done in a timely manner.

Commissioner Ross spoke along the lines that Ms. Fenner brought up about missed opportunities for revenue and mentioned the existing exemption to the Machine and Machine Tool tax as one of them.

- d.** Jennifer Grote, Director of Information Technology (I.T.).
- Elbert County's technology not even up to Government current standards.
 - Deferred many I.T. maintenance issues due to lack of funding.
 - Software and standardization is way behind and we cannot generate revenue if we don't have the I.T. tools to do it.



Commissioner Schlegel stated the estimate they were given to bring the whole county up to 2013 I.T. standards will cost approximately \$300,000.00. He also mentioned one of the most common complaints from the public is the lack of response to telephone calls and asked since the county is running on 5 different phone systems; couldn't we all go on one?

Ms. Grote: We are unable to do so due to lack of connectivity between buildings and the cost of just replacing the phones is \$50,000.00.

Commissioner Ross suggested if the mil levy increase does get approved by the voters, they need to specifically designate how much money will be designated to correct which shortfall.

Commissioner Rowland reminded everyone of the new unfunded mandates handed down from the State affecting the Sheriff's Office and the Election's Department and he asked I. T. if we are unable to handle the heavy load imposed by these new mandates. Ms. Grote answered they have found other ways to handle it without the proper technology, but it takes increased time and manpower.

e. Jerri Spear, Director of Health and Human Services.

- Public Health and Environment and Human Services were combined into one Agency just last October.
- Closed down the Simla Office.
- Went from 7 full time employees to 3 full time employees due to funding constraints.
- Still unknown how much they will be impacted by Obama's Health Care bill.
- State and Federal Government could increase the County's required percentage of funding for all programs at any time.

f. Billie Mills, Assessor.

- Assessor's Office is the largest revenue producer in the County.
- Operating with 6 ½ employees, trying to cover over 16,000 parcels in Elbert County.
- Because of the short staff, the only things the Department can go out into the field and pick up is properties with new construction and new sales that pull permits.



- The County is losing revenue from not being able to get to every other parcel in the County that has new construction on it that invariably did not pull a permit.

Commissioner Schlegel advised in the last 2 years, there was about a 4% reduction in assessed valuations and we are expecting another 1 % decrease this year. Could insufficient staff have caused missed chances to re-value those properties?

Ms. Mills: Yes.

g. Stan Wilmer, Director of Finance.

- Cash flow at end of year causes County to hold payment invoices up to 90 days
- County's financial stability at risk
- Need 3 month's expenditures in reserve
- Currently spend approximately \$600,000.00 in general fund per month
- May be able to refinance debt on Justice Center in next few years.

Commissioner Ross asked if they could construct a mill levy proposition to cover the \$505,000.00 due at end of each year to Wells Fargo, thereby freeing up additional funding issues within the County.

Stan Wilmer: Designating certain mill levies to go to a certain debt would be a very good and prudent idea.

Commissioner Rowland commented on several needed items of cost amounting to nearly \$1 million dollars.

Commissioner Ross requested a 15 minutes recess. At 10:50 a.m.

Commissioner Rowland declared the BOCC Meeting in recess for 15 minutes.

Commissioner Rowland declared the BOCC Meeting reconvened at 11:13 a.m.

Ed Ehmann, Director of Public Works:



- Important to maintain Justice Center value as an asset for possible refinance-cannot afford to defer maintenance as we have in so many other areas
- Tried to cross-train Staff to help other departments
- Saved approximately 33% on vehicle maintenance by bringing it back in-house
- Roadway construction costs increased 27% since 2008
- Tires for road maintainers have doubled in cost

6. Old Business: NONE

7. New Business:

Commissioner Rowland made a motion to move item c. under new business to be heard first. Commissioner Schlegel seconded. All 3 Commissioners voted AYE. Motion passed.

- a.** Commissioner Schlegel moved that the BOCC approve and execute the Consulting Services Agreement between the Elbert County Board of County Commissioners and Timotheos, Inc. for the provision of leadership, communication and strategic consulting services to the Board for a contract price of \$15,000.00. Commissioner Rowland seconded.

Commissioner Ross stated he holds Mr. Buchanan in high regard but is concerned which funding source the \$15,000.00 will come from. Commissioner Schlegel stated the general fund.

Commissioner Ross commented on legal issues surrounding a ballot issue and stated any efforts with Mr. Buchanan would be to only inform the public and not to promote a pro or con voter position.

Alex Beltz, Attorney to the BOCC. Attorney Beltz explained no public funds may be used to encourage voter response one way or the other.

Commissioner Rowland made comments about ballot issues and their responsibility to the public.

Commissioner Ross read out loud a portion of the State Statutes governing public moneys for ballot issues.



Timothy Buchanan addressed the BOCC explaining he completely understood Commissioner Ross's legitimate concerns and assured him they heard the same concerns during the campaign over the Elbert School. Every challenge made was taken before the Secretary of State and he passed with flying colors by the Secretary of State every time.

Commissioner Ross moved that the BOCC amend the motion before them to be contingent upon passage of at least one of the ballot question languages that are before them today. Commissioner Rowland seconded. All three Commissioners voted AYE. Motion to amend present motion passed.

Ed Ehmman, Director of Public Works:

- Due to one of the ballot issues dealing with machine and machine tool tax, a portion of the contract price of \$15,000.00 will come from fund 20

Stan Wilmer, Finance Director:

- The percentage of Fund 10/Fund 20 split is 70%-30% respectively

All three Commissioners voted AYE on the original motion that was amended. Motion passed.

Commissioner Schlegel moved that the BOCC recess until 12:30. Commissioner Ross seconded. All three Commissioners voted AYE. Motion passed.

Commissioner Rowland declared recess over and BOCC Meeting reconvened.

- b.** Alex Beltz, Attorney to the BOCC gave a history of the Machine and Tool Tax Exemption.

Commissioner Ross moved that the BOCC approve and execute a resolution to amend Resolution 07-75 and certify ballot language to the Elbert County Clerk and Recorder to repeal and rescind the current County-wide Sales and Use Tax exemption on the sale of machinery and machine tools and subject such sales to the current one percent (1%) county-wide sales and use tax. Commissioner Schlegel seconded.

Commissioner Ross confirmed with the BOCC Attorney that the repeal of the tax exemption will not affect farm and ranch equipment.

Attorney Beltz stated that was correct.

Commissioner Rowland questioned the dollar amount of \$200,000.00 in the Resolution wording in light of future oil and gas drilling.



Attorney Beltz advised it was a good faith estimate that it may be higher or lower from year to year.

All three Commissioners voted AYE. Motion passed.

- c. Attorney Alex Beltz gave an explanation of what has brought Elbert County to request a mill levy increase of 4 mills as a ballot question.

Commissioner Ross moved that the BOCC approve and execute a resolution to certify ballot language to the Elbert County Clerk and Recorder to submit to the voters of Elbert County a proposal for a Mill Levy Increase of not to exceed 4 mills with all proceeds generated to be deposited in the Elbert County General Fund for general fund operational expenditures. Commissioner Schlegel seconded.

Commissioners Schlegel and Rowland both spoke in favor of the motion, saying it is up to them to make sure the voters have the facts of the state of Elbert County in order to allow people to make an informed decision.

Commissioner Ross stated he would like to discuss the possibility of designating a tangible item or items that the increased revenue will be spent on; for example the Wells Fargo debt.

Commissioner Schlegel disagreed, stating as an elected official, the County trusts him to budget the County.

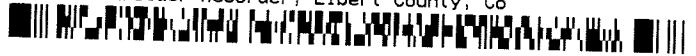
Commissioner Ross stated he is not clear how this particular mill number has been derived and wants the ballot language to be clear as to how the revenue will be spent, so he is open to further discussion as he is not ready to support the motion as it stands.

Commissioner Rowland advised he doesn't see the difference as to WHERE the revenue goes as long as it goes to County needs. He again brought out for the Public's sake several items that have affected the County's budget adversely.

Commissioner Ross once again asked if they could craft a motion with some measure of accountability.

Commissioner Schlegel called the question.

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



8. Land Use: NONE

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

10. 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

Meeting Adjourned at 1:50 p.m.



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

