

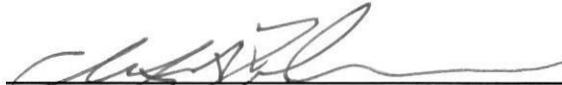




1. The costs in attached Exhibit "A" are certified to the CDOC.
2. The costs in attached Exhibit "A" have not otherwise been paid by the State.

**APPROVED AND ADOPTED** this 14<sup>th</sup> day of October, 2020.

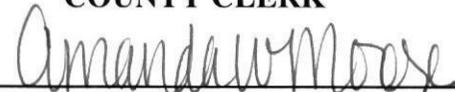
Upon a Motion duly made and seconded, the foregoing resolution was adopted by the following vote:

  
\_\_\_\_\_  
**CHRIS RICHARDSON, COMMISSIONER** AYE

  
\_\_\_\_\_  
**GRANT THAYER, COMMISSIONER** AYE

  
\_\_\_\_\_  
**RICK PETTITT, COMMISSIONER** AYE

**ATTEST: DALLAS SCHROEDER  
COUNTY CLERK**

**BY:**   
\_\_\_\_\_  
**DEPUTY CLERK TO THE BOARD – Amanda Moore**





**All Limon Correctional Facility Prosecution Expenses Summary**  
**District Attorney Employee Compensation and Associated Costs**  
 Related to Colorado Department of Corrections (DOC) - Limon Facility

DOC Fiscal Year - July 1st thru June 30th	2019	2020
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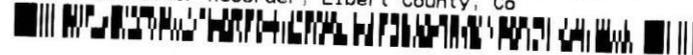
**Percentage & Dollar Amounts of Total Expenses to be Billed to DOC**  
 County & District Attorney Fiscal Year Runs - January 1st thru December 31st  
 DOC Fiscal Year Runs - July 1st thru June 30th

County Percentages

The chart below reflects the total amounts owed by DOC to each of the Four Counties. The amounts owed to each of the Four Counties is calculated upon the population percentage of each County in relationship to the total population of the 18th Judicial District within a Calendar Year. Because portions of two Calendar Years are contained within DOC's Fiscal Year, each of the two years is assigned different County percentages. The percentage owed to each County is calculated separately for each of the portions of the two years within DOC's Fiscal Year, and then added together to give the total amount to be billed (invoiced) to DOC by each of the Four Counties for the Billing Cycle.

County	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
<b>Arapahoe</b>	\$4,094.19	\$4,326.76	\$4,911.99	\$3,692.34
<b>Calendar Year Within DOC Fiscal Year</b>	<b>2019</b>		<b>2020</b>	
<b>Percent Applied to County</b>	63.9600%		63.6900%	
<b>Calendar Year Total to be Billed to DOC</b>	\$8,420.95		\$8,604.33	
<b>Fiscal Year Total to be Billed to DOC</b>	\$17,025.28			

County	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
<b>Douglas</b>	\$2,109.19	\$2,229.00	\$2,562.81	\$1,926.47
<b>Calendar Year Within DOC Fiscal Year</b>	<b>2019</b>		<b>2020</b>	
<b>Percent Applied to County</b>	32.9500%		33.2300%	
<b>Calendar Year Total to be Billed to DOC</b>	\$4,338.19		\$4,489.28	
<b>Fiscal Year Total to be Billed to DOC</b>	\$8,827.47			



**All Limon Correctional Facility Prosecution Expenses Summary**  
**District Attorney Employee Compensation and Associated Costs**  
 Related to Colorado Department of Corrections (DOC) - Limon Facility

DOC Fiscal Year - July 1st thru June 30th      **2019**      **2020**

County	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
<b>Elbert</b>	\$161.95	\$171.15	\$195.12	\$146.67
Calendar Year Within DOC Fiscal Year	2019		2020	
Percent Applied to County	2.5300%		2.5300%	
Calendar Year Total to be Billed to DOC	\$333.10		\$341.79	
Fiscal Year Total to be Billed to DOC	\$674.89			

County	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
<b>Lincoln</b>	\$35.85	\$37.88	\$42.42	\$31.89
Calendar Year Within DOC Fiscal Year	2019		2020	
Percent Applied to County	0.5600%		0.5500%	
Calendar Year Total to be Billed to DOC	\$73.73		\$74.31	
Fiscal Year Total to be Billed to DOC	\$148.04			

District	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
<b>Entire 18th Judicial District</b>	\$6,401.18	\$6,764.79	\$7,712.34	\$5,797.37
Calendar Year Within DOC Fiscal Year	2019		2020	
Percent Applied to All Counties Combined	100.0000%		100.0000%	
Calendar Year Total to be Billed to DOC	\$13,165.97		\$13,509.71	
Fiscal Year Total to be Billed to DOC	\$26,675.68			

## Explanation of Methods of Figuring Costs

Related to the prosecution of Colorado Department of Corrections (DOC) cases originating from the Limon facility

### 1. DEFINITIONS:

**Associated Costs** = All costs incurred by the DA's Office related to DOC cases not involving Employee Compensation

**Billing Cycle** = The months represented in the County invoices sent to DOC as prepared by the DA's Office

**Billing\_Summary** = Tabbed **Sheet** within the **FISCAL SUMMARY workbook** that contains summary calculations and totals reflecting amounts to be billed (invoiced) to DOC by the Four Counties

**Calendar Year** = January 1st thru December 31st

**Ctrl** = Controller

**DA, DA's** = Office of the District Attorney - 18th Judicial District

**DA Costs** = Employee Compensation plus Associated Costs related to the prosecution of DOC matters

**DA's Fiscal Year** = January 1st thru December 31st

**DA Hours** = Time spent by DA Employee working on matters not related to DOC prosecutions

**District Attorney** = The person elected to serve as the District Attorney for the 18th Judicial District

**DOC** = Colorado Department of Corrections

**DOC Fiscal Year** = July 1st thru June 30th

**DOC Hours** = Time spent by DA Employee working on DOC related matters

**Employee(s)** = Person and/or persons employed by the DA

**Employee Compensation** = Employee's annual pay plus the DA's annual contributions to all of the Employee's benefits

**Exempt Employee(s)** = Employee(s) who is/are Attorney(s) or Division Supervisor(s)

**Four Counties** = Arapahoe, Douglas, Elbert, & Lincoln Counties within the 18th Judicial District of Colorado

**Hourly Rate** = Employee's annual pay plus the DA's annual contributions to all of the Employee's benefits, divided by 2080 hours

**Limon Facility** = DOC prison located in Limon Colorado

**Non-Exempt Employee(s)** = Employee(s) who is/are not Attorney(s) or Division Supervisor(s)

**Overtime Compensation** = Pay or time-off to compensate an Employee for time worked exceeding 40:00 hours in a single Work Week

**Sheets** = Tab sheets within Excel workbooks

**Time Record(s)** = Time sheets maintained by DA Employees reflecting time spent working on DOC matters

**Vender** = Supplier of goods or services to the DA's Office

**Work Week** = The DA Work Week runs from 00:01 Saturday morning until 24:00 midnight Friday

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## 2. BILLING SUMMARY

### County Percentages

The **Billing Summary Sheet** within the **FISCAL SUMMARY workbook** reflects the total amounts owed by DOC to each of the Four Counties. The amounts owed to each of the Four Counties is calculated upon the population percentage of each County in relationship to the total population of the 18th Judicial District within a Calendar Year. Because portions of two Calendar Years are contained within DOC's Fiscal Year, each of the two years is assigned different County percentages. The percentage owed to each County is calculated separately for each of the portions of the two years within DOC's Fiscal Year, and then added together to give the total amount to be billed (invoiced) to DOC by each of the Four Counties for the Billing Cycle.

## 3. EMPLOYEE COMPENSATION

### Calculation Formula (Used to figure Employee Hourly Rates for purposes of DOC billing)

Annual Salary  
+ Annual FICA (DA's contribution)  
+ Annual cost of health, dental, & vision benefits (DA's contribution)  
+ Annual cost of Flex Administration Fee (DA's contribution)  
+ Annual cost of disability insurance (DA's contribution)  
+ Annual cost of 401k retirement plan (DA's contribution)

Total of above divided by 2080 hours = Total Hourly Rate for Employee

Separate **Code Sheets** for each of the two years contained within DOC's Fiscal Year adjust the changes in Employee Compensation related to portions of the two Calendar Years within DOC's Fiscal Year. Columns "J" thru "Q" are hidden within the **Code Sheets**. The hidden columns contain the data and Excel formulas used to calculate Employee Hourly Rates. To unhide the columns, block the entire sheet, then in the "Tool Bar" go to "Tools", "Protection", "Unprotect Sheet", then go to "Format", "Columns", and select "Unhide".

### Overtime Compensation - Non-Exempt Employees

When a Non-Exempt Employee works more than 40:00 hours within a Work Week (regardless of the work performed, DOC Hours plus DA Hours), the DA's Office is obligated to compensate the Non-Exempt Employee with pay (or time off) at the rate of 1-½ times his/her Hourly Rate (or over-time worked) for the additional hours. DOC will be billed (at the **Non-Exempt Employee's Hourly Rate**) for all DOC Hours worked. The DA's Office will absorb and compensate the Employee the other 1/2 of Overtime Compensation above 40:00 DOC Hours, and will not bill such 1/2 amount to DOC. Non-Exempt Employee Time Records will reflect the total DOC Hours worked in a single day. District Attorney policy requires Non-Exempt Employees to flex their Work Week to avoid working more than 40:00 hours. Supervisors may permit a Non-Exempt Employees to work more than a 40:00 hour Work Week when unusual circumstances require such. **SEE EXAMPLE CHART BELOW.**

**Overtime Compensation - Exempt Employees**

Exempt Employees DOC Hours will be billed to DOC at the Exempt Employee's Hourly Rate up to 40:00 DOC Hours in a single Work Week. Exempt Employees are not eligible to receive Overtime Compensation for hours worked over 40:00 in a single Work Week. Exempt Employee Time Records will reflect the total DOC Hours worked in a single day, and a separate column will reflect the hours billed to DOC. Once an Exempt Employee works 40:00 DOC Hours in a single week, no additional hours worked in the same week will be billed to DOC. **SEE EXAMPLE CHARTS BELOW.**

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**EXAMPLES:**

EXAMPLE OF DOC BILLING RELATING TO A <u>NON-EXEMPT</u> EMPLOYEE WHO RECEIVES 1-1/2 TIMES PAY OR TIME OFF FOR HOURS OVER 40:00 IN A SINGLE WORK WEEK (DA's Office absorbs and does not bill DOC the 1/2 portion of Overtime Compensation pay or time-off) (These are DA Employees who are <u>NOT</u> Attorneys or Division Supervisors)								
DA WORK WEEK	HRS WORKED NON-DOC	HRS WORKED DOC RELATED	TOTAL DAILY HRS WORKED	TOTAL WORK WEEK HRS	DOC HRS BILLED AT HOURLY RATE	TOTAL WORK WEEK DOC HRS WORKED	TOTAL WORK WEEK DOC HRS BILLED	DOC OVERTIME COMP ABSORBED BY DA'S OFFICE
Saturday	01:00	03:00	04:00	04:00	03:00	03:00	03:00	00:00
Sunday	03:00	04:00	07:00	11:00	04:00	07:00	07:00	00:00
Monday	05:00	05:00	10:00	21:00	05:00	12:00	12:00	00:00
Tuesday	00:00	09:00	09:00	30:00	09:00	21:00	21:00	00:00
Wednesday	03:00	10:00	13:00	43:00	10:00	31:00	31:00	00:00
Thursday	02:00	10:00	12:00	55:00	10:00	41:00	41:00	00:30
Friday	01:00	10:00	11:00	66:00	10:00	51:00	51:00	05:00

EXAMPLE OF DOC BILLING RELATING TO AN <u>EXEMPT</u> EMPLOYEE WHO DOES <u>NOT</u> RECEIVE ADDITIONAL PAY OR TIME OFF FOR WORKING MORE THAN 40:00 HOURS IN A SINGLE WORK WEEK (These are Employees who are Attorneys and Division Supervisors)								
DA WORK WEEK	HRS WORKED NON-DOC	HRS WORKED DOC RELATED	TOTAL DAILY HRS WORKED	TOTAL WORK WEEK HRS	DOC HRS BILLED AT HOURLY RATE	TOTAL WORK WEEK DOC HRS WORKED	TOTAL WORK WEEK DOC HRS BILLED	DOC OVERTIME NOT BILLED
Saturday	01:00	03:00	04:00	04:00	03:00	03:00	03:00	00:00
Sunday	03:00	04:00	07:00	11:00	04:00	07:00	07:00	00:00
Monday	05:00	05:00	10:00	21:00	05:00	12:00	12:00	00:00
Tuesday	00:00	09:00	09:00	30:00	09:00	21:00	21:00	00:00
Wednesday	03:00	10:00	13:00	43:00	10:00	31:00	31:00	00:00
Thursday	02:00	10:00	12:00	55:00	09:00	41:00	40:00	01:00
Friday	01:00	12:00	13:00	68:00	00:00	53:00	40:00	12:00

**Employee Time Records Relating to DOC Matters**

Each DA Employee is individually responsible for accurately reporting his/her DOC hours worked relating to DOC cases. Employee DOC Time Records are available for inspection (within the DA's Office) by the Four Counties and/or DOC.

**Employee Hours Not Included In DOC Billing**

Hours expended by the District Attorney and the Assistant District Attorney relating to DOC matters have not been included for DOC Fiscal Year 2011-12.

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**4. ASSOCIATED COSTS**

**Preparation of Billing & Inspection of Documentation & Date**

The Chief Financial Officer (Controller) and accounting assistants keep track of all Associated Costs (not involving Employee Compensation) for each DOC case. **Costs Sheets** for (July 1st thru December 31st), and (January 1st thru June 30th) of DOC's Fiscal Year, are within the documentation provided to the Four Counties and DOC. The **Sheets** reflect date of Vender invoice, Vender invoice number, Vender name, type of expense, DA general ledger code number, amount of DA check to Vender, DA check number, and an exhibit number that relates to the details of the transaction. Exhibits are placed in a binder for inspection (within the confines of the DA's Office) by the Four Counties and DOC.

**DA Accounting Related to Vender Billing**

As to Vender invoices dated within the current DA Fiscal Year for services that were rendered within the current DA Fiscal Year, DA payments will accounted for as a DA expense within the current DA's Fiscal Year. As to Vender invoices dated and received by the DA before the end of February of the DA's current Fiscal Year for services rendered during the previous DA Fiscal Year, DA payments will accounted for as a DA expense within the DA's previous Fiscal Year. As to Vender invoices dated and received by the DA after the end of February of the DA's current Fiscal Year for services rendered during the previous DA Fiscal Year, DA payments will accounted as a DA expense within the DA's current Fiscal Year.

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## 5. BACKUP DOCUMENTATION AND DATA

### Custodian of Records & Inspection of Records

Backup documentation and data supporting calculations within documents provided to the Four Counties and DOC by the DA's Office are available for inspection by the Four Counties and DOC within the confines of the DA's Office. Because defense attorneys may raise issues concerning reimbursement of "Costs of Prosecution" relating to C.R.S. 16-18-101(3), the DA's Office is the records custodian for all backup documentation and data related to DOC billing, which permits the Four Counties and DOC to avoid expending resources answering Colorado Open Records Act (CORA) requests, and/or Subpoena Duces Tecum (STD) demands, for production of documentation and/or data by criminal defense attorneys.

## 6. PREPARATION OF BILLING

### Persons Responsible

Documents delivered to the Four Counties and DOC were prepared by Chief Deputy District Attorney John Topolnicki with the assistance of the DA Chief Financial Officer (Controller) and accounting assistants.

### Accuracy - Conservative Approach - Error Corrections

Care is taken to ensure that billed DOC Hours and Associated Costs are related to DOC prosecutions. Billing errors relating to over-billing and/or under-billing of DA Costs, that are discovered to have occurred during the last Billing Cycle (after DOC payments to the Four Counties has already been made for such cycle), will be reported, adjusted, reimbursed and/or billed to DOC in the next Billing Cycle. Errors discovered before DOC payments are made will be corrected as discovered, and adjustments (with notice to both DOC and the Four Counties) will be made to the pending billing. DA Employees are instructed to be very conservative in reporting DOC hours, and to always error in favor of DOC. DA Employees are advised that the Four Counties and/or DOC may audit their Time Records and other documentation and data related to submitted billings

### Employee Hours Related to Preparation of DOC Billing

Hours expended by DA Employees preparing DOC billings have not been reported or billed for DOC Fiscal Year 2012-13, but may calculated, reported, and billed relating to future Billing Cycles.

## 7. DISTRICT ATTORNEY CONTACTS

### Persons Who Will Answer Questions & Handle CORA and SDT requests

Chief Deputy District Attorney John Topolnicki is the DA contact person who is available to answer questions, to appear before the Boards of County Commissioners of the Four Counties, to consult with DOC Officials, and to deal with CORA and STD requests. DA Chief Financial Officer (Controller) Adry Brudwick can also be contacted. Both Mr. Topolnicki and Ms. Brudwick will be available to assist with audits conducted by the Four Counties and/or DOC.

John Topolnicki Contacts:  
720-733-4550 (Desk)  
303-961-3662 (Mobile)  
JTopolnicki@da18.state.co.us.

Adry Brudwick:  
720-874-8554 (Desk)  
ABrudwick@da18.state.co.us.  
Office of the District Attorney  
6450 South Revere Parkway  
Centennial CO 80111

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8. PROCEDURES IN COMPLIANCE WITH C.R.S. 16-18-101(3)

**Statutory Authority Relating to DOC Reimbursement of "Costs of Prosecution" to Counties**

**§ 16-18-101. Costs in criminal cases.**

(3) The department of corrections, from annual appropriations made by the general assembly, shall reimburse the county or counties in a judicial district for the costs of prosecuting any crime alleged to have been committed by a person in the custody of the department. The county or counties shall certify these costs to the department, and upon approval of the executive director of the department, the costs shall be paid. The provisions of this subsection (3) shall apply to costs that are not otherwise paid by the state.

**DA Prepares Cost Calculations**

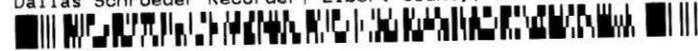
The DA's Office goal is to provide prosecution expense quarterly reports thirty days following the end of each DOC fiscal quarter related to the prosecution of DOC Limon Facility cases.

**DA Delivery of Calculations**

After completion of cost calculations, the DA's Office will deliver documents by email to each of the Four Counties and to DOC.

**Audits**

DOC may begin its auditing of received documents, and supporting documentation and data, upon receipt of documents from the DA's Office, with the understanding that the delivered documents, and supporting documentation and data, have not yet been certified by the counties (as required by statute). Chief Deputy District Attorney John Topolnicki and DA Chief Financial Officer Adry Brudwick will be available to assist with audits conducted by the Four Counties and/or DOC (see contact information above).



### **Certification by Boards of County Commissioners**

After each of the Boards of County Commissioners for the Four Counties have certified the calculations, supporting documentation, and data received from the DA's Office, each Board of County Commissioners will initiate the delivery of their County's individual certification and billing invoice to DOC directed to:

Lenny Merriam, CPA, CFE  
DOC Controller  
CTCF Business Office  
P.O. Box 1010  
Canon City, CO 81215 - 1010  
719-269-4214 Desk  
719-205-6698 Mobile  
719-269-4234 Fax  
lenny.merriam@state.co.us

### **Payments & Delivery Thereof**

Reimbursement payments will not be sent by DOC to any of the Four Counties until all of the Four Counties have delivered their individual certifications and billing invoices to DOC's Controller (see contact information above), and until after DOC has completed its auditing process. DOC payments will be made and delivered by DOC directly to the individual Counties and not through the DA's Office.

### **Inform DA of Payments Received**

Counties are requested to inform the DA's Office of the dates when DOC payments are received. Such notifications should be made to:

John Topolnicki, Chief Deputy District Attorney  
720-733-4550  
JTpolnicki@da18.state.co.us

and/or to

Doris Houser-Williams, DA Chief Financial Officer (Controller)  
720-874-8554  
DHouser@da18.state.co.us  
Office of the District Attorney  
6450 South Revere Parkway  
Centennial CO 80111

**9. ESTIMATES TO DOC RELATING TO BILLING COSTS**

**Quarterly Estimates**

The DA's Office will attempt to keep the DOC Controller advised of DA Costs incurred through each quarter of DOC's Fiscal Year.

**Fiscal Year Estimate**

During July of DOC's current Fiscal Year, the DA's Office will provide an annual estimate of anticipated DA Costs to be billed to DOC for DOC's current Fiscal Year.

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