

MINUTES OF THE MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
GILPIN COUNTY, COLORADO

August 9, 2016

A regular meeting of the Board of County Commissioners of Gilpin County was held on August 9, 2016, at the Gilpin County Old Courthouse. Chair Isenhart called the meeting to order at 9:00 a.m. In attendance were Chair Linda Isenhart; Commissioner Buddy Schmalz; Commissioner Gail Watson; County Manager Roger Baker; County Attorney Jim Petrock; and Deputy Clerk to the Board Sharon Cate.

Review of 2015 Financial Statements. John Cutler, CPA, Principal of Cutler and Associates, and Finance Officer Clorinda Smith presented Gilpin County's 2015 Financial Statements for the Board of County Commissioners' review. Mr. Cutler stated that the annual, independent audit of a County's financial records was a state requirement, and that the end result of the audit is the opinion letter included in the Statement. He noted that the Gilpin County Finance Department had provided all of the information he needed and that he found only one problem, which was a Human Services expenditure in excess of the budgeted amount, but that the exact, budgeted amount is not always clear. The Board made some observations on the Statement, which were addressed by Mr. Cutler, who closed his presentation by saying that Gilpin County has a great financial system and he had no concerns with the Statement. He complimented Finance Officer Smith on her excellent work.

Cost Allocation Plan. Eric Parish, of MGT of America, Inc., and Finance Officer Clorinda Smith presented the FY 2015 Cost Allocation Plan, with Mr. Parish explaining that a cost allocation plan is an accounting document that identifies countywide indirect costs and distributes them to benefitting departments, divisions and programs. The current Plan primarily addresses Human Services programs administered at the county level, but the information can help demonstrate the true costs of operating other departments. Mr. Parish further noted that once the Plan is completed, it is submitted to the Colorado Department of Human Services; he then addressed Commissioner Isenhart's questions about federal and state funding and spoke about general fund support. Commissioner Watson pointed out that the methodology and information can be used to apply for federal funds for emergency preparedness expenses; she then asked about recouping revenue as a result of performing the Cost Allocation Plan. Mr. Parish stated that Gilpin County had recovered between \$20,000 to \$30,000 annually, and that his company's fee was less than \$4,000. He concluded by saying that Finance Officer Smith does a great job and keeps costs down.

Presentation of Certificates of Recognition. Commissioner Isenhart introduced three Gilpin County Human Services employees, Karen Erdman, Case Manager Supervisor, Jennifer Josselyn, Hotline and Food Bank Coordinator, and Department Director Betty Donovan, saying Gilpin County has one of the best Human Services departments in the country. She said the Board wanted to recognize the three employees for initiating the Summer Lunch Program, for students who are at home during the summer and not receiving nutritious meals from the School Lunch Program. Commissioner Watson said she was impressed with their work and was grateful they had taken on the extra duties despite their existing caseload. Director Donovan stated that Supervisor Erdman and Coordinator Josselyn had written menus and schedules and had created a program that served 105 meals to 45 children over the summer, at a cost of \$15.07 per child. Supervisor Erdman noted that several volunteers had helped with the lunch program, and then she described some of the foods served—including some breakfasts—and emphasized that all meals included vegetables and fruit. Commissioner Isenhart said the two employees had made Gilpin County richer by implementing the Summer Lunch Program.

Second Reading, Ordinance #16-01, Pertaining to the Welfare, Control and Licensing of Dogs. County Manager Baker gave a recap of the Board's actions on Ordinance #16-01, "Pertaining to the Welfare, Control and Licensing of Dogs," saying that the Ordinance had undergone the First Reading on April 12, 2016, and the Second Reading on July 26, 2016, with the item being postponed until today. He noted that some changes had been made to some of the language, and that if significant changes were yet to be made, the Ordinance would have to be republished and the process begun anew.

Commissioner Schmalz said the Board had talked about potential revisions to the County's dog regulations for several months, with the original intent of removing the phrase "voice control," in an effort to protect the public and dogs. Commissioner Watson said she had received a great deal of input on the proposed Ordinance from residents in north County and that the residents from Corona Heights had reiterated their desire not to be penalized for walking their dogs off-leash. County Attorney Petrock advised the Board that it was not legal to set aside an overlay district with regulations different from the remainder of the jurisdiction. Commissioner Watson asked for a final change to the Ordinance language in Section B, by removing the word "approved" in referring to an obedience trial (class).

Sheriff Hartman said each judge could interpret the Ordinance differently, but that there was likely no way to write regulations in a way that each would read exactly the same. He said a deputy could determine fairly quickly if a dog was well trained and that the Sheriff's Office was prepared to enforce the final revision of the dog control Ordinance.

Commissioner Schmalz moved to adopt Ordinance #16-01, "Pertaining to the Welfare, Control and Licensing of Dogs," as amended. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Petition for Abatement or Refund of Taxes. Assessor Anne Schafer presented the following Petition for Abatement or Refund of Taxes:

Schedule #R003797, Isle of Capri Black Hawk, LLC, 410 Main Street, Black Hawk. Assessor Schafer stated that the Isle of Capri Black Hawk, LLC, [casino] had protested the casino's assessed property valuation in 2015, which was denied by the Board of Equalization, and then had advanced to the State Board of Assessment Appeals. At the BAA, an agreement was reached—a stipulation—for a reduction due to a lower valuation of the Enterprise Value and Management Fees. The assessed value was reduced from \$26,432,270 to \$25,037,933. Assessor Schafer noted that the BAA process caused the Petitioner to disclose additional information, which helped all involved come to a more accurate assessed value.

Commissioner Watson moved to grant the petition for the abatement or refund of taxes for Isle of Capri Black Hawk, LLC, Schedule #R003797, and to grant a refund of \$36,959 for tax year 2015. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

White Collar Exemption Proposal. Human Resources Manager Susie Allen and Finance Officer Clorinda Smith informed the Board that the US Department of Labor (USDL) had updated the Fair Labor Standards Act, affecting some types of employees' entitlement to minimum wage and overtime pay protections; the changes will become effective December 1, 2016. The [pay] range minimum of two Gilpin County job titles currently categorized as exempt (not eligible for overtime pay) are under the USDL threshold of \$47,476—Case Manager Supervisor and Caseworker III. Manager Allen proposed some changes to the current status of the Caseworker III position at 40 hours per week, the future status of the Caseworker III position at less than 40 hours per week, and the future status of the Case Manager Supervisor position.

After a detailed discussion of the changes, Commissioner Watson moved to modify the pay plan to make the Caseworker III starting salary \$47,476, and to change the part-time Caseworker III to non-exempt. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

2015 EMPG Special Project Grant Application. Emergency Operations Manager/Communications Supervisor Sgt. Kevin Armstrong, accompanied by Sheriff Bruce Hartman, presented an application for an Emergency Management Preparedness—Special Project—Grant and asked the Board to approve a grant match of \$16,062 for a total grant amount of \$32,124. Sgt. Armstrong stated that the funds would be used to purchase equipment, technology (phones/computers/wiring) and furniture to establish an Emergency Operations Center (EOC) in the Sheriff's Office training room. He added that, in part, he had referred to FEMA guidelines for operations standards and had reduced the size of the EOC to eight work stations, more suitable to Gilpin County. Sheriff Hartman said he and his key staff had always known they would equip the training room as an EOC and had taken small steps to improve its capability, but that no real investment had been made. He further stated that it's not *if* a disaster or major emergency occurs, it's *when*, and that now is the time to prepare.

Discussion about equipment vendors and supplies followed, with Commissioner Watson asking Sgt. Armstrong to continue to tighten the numbers. Commissioner Schmalz agreed with Sheriff Hartman that the County had been aware of its need for a better EOC, and that if approved, the 50/50 grant would help achieve that goal. Commissioner Watson moved to accept the EMPG Special Project application and to approve the 50% match of \$16,062. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

County Manager Status Report. County Manager Baker updated the Commissioners on the following items:

Monthly Departmental Reports. The monthly departmental reports that had been submitted were discussed.

CDOT I-70 Corridor Leadership Team. County Manager Baker stated that the Colorado Department of Transportation (CDOT) was forming a group to re-examine the I-70 Mountain Corridor from the top of Floyd Hill to the Eisenhower Johnson Memorial Tunnels, and was soliciting representatives from potentially affected jurisdictions. He added that it was important to protect I-70 access to the Central City Parkway, and at the intersection with Highway 6. Commissioner Isenhart volunteered to serve on the group. Commissioner Schmalz moved to appoint Commissioner Isenhart to the I-70 Mountain Corridor Project Leadership Team. Commissioner Watson seconded the motion, which passed by a vote of 3 to 0.

Legal Status Report. County Attorney Jim Petrock advised the Commissioners on the following legal issues:

1. Oral arguments in the Court of Appeals for Gilpin County and Black Hawk's case against the State Treasurer are set for August 23, 1:00 p.m. At that time, the justices will likely ask questions of the attorneys involved, but it could take two to three months before they issue a written decision.
2. Attorney Petrock has received a draft Intergovernmental Agreement (IGA) from Central City for law enforcement. The IGA will be the primary document for this agreement; the Memorandum of Understanding has served as the guiding document while work continues on the IGA.

Board of County Commissioners Status Reports.

Notice of Public Meetings. The public meetings in the upcoming two weeks that could be attended by more than one Commissioner and at which public business may be discussed will include:

- Five-County Commissioners breakfast meeting, August 17, location to be determined
- Gilpin Ambulance Authority meeting, August 10 at the Apex facility
- Living in the Mountains workshop, August 13 at the Community Center

Meeting Minutes.

Commissioner Watson moved to approve the Board of County Commissioners Special Meeting Minutes for July 19, 2016. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Commissioner Watson moved to approve the Board of County Commissioners Meeting Minutes for July 26, 2016. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Adjournment. There being no further business to come before the Board, they adjourned at 10:30 a.m.

Signed this 23rd day of August, 2016.