

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

November 24, 2009

A regular meeting of the Board of County Commissioners of Gilpin County was held on November 24, 2009, at the Gilpin County Old Courthouse. Chair Whitman called the meeting to order at 9:00 a.m. In attendance were Chair Forrest Whitman; Commissioner Jeanne Nicholson and Commissioner Buddy Schmalz; County Manager Roger Baker; County Attorney Rick Fendel; and Sharon Cate, Deputy Clerk to the Board.

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:

- Colorado Counties, Inc., Winter Conference, December 1 through December 3, 2009

Commissioner Whitman noted there would be no Commissioners meeting on December 1, 2009, due to the conference.

Legal Status Report. County Attorney Rick Fendel advised the Commissioners on the following legal issue:

Dory Lakes Property Owners Association Water Dispute. Following the close of the trial in the Dory Lakes Property Owners Association's (DLPOA) lawsuit against Gilpin County, District Judge Frederic Rodgers issued three rulings. Motions for reconsideration of issues filed by both parties were denied; a third ruling granted the County costs of \$59,000, to be paid by DLPOA.

Treasurer's Reports. Gilpin County Treasurer Alyn Huffman gave the following reports:

Monthly. In reporting on the October 2009 operations in her office, Treasurer Huffman said she had closed the Tax Anticipation Note account at Wells Fargo, but that it could be reopened if necessary. She will also close the Search and Rescue Fund and the Mine Rescue Fund following the Sheriff's Office's purchase of a snow cat vehicle with those funds; the checking accounts for those two funds will also be closed. The State portion of the Sheriff's Public Nuisance Fund will be reduced by the remaining amount needed to cover snow cat purchase.

Tax Lien Sale. Of the 308 properties listed in the public notice for Gilpin County's 2009 Tax Lien Sale, only 183 of them remained on the list by the day of the sale, November 18th. Workers in the Treasurer's Office called property owners and helped them make arrangements to pay their delinquent tax bills. Four properties were not sold and the liens went to the County. A complete list of the properties sold is available in the Treasurer's Office.

Commissioner Nicholson said that each year the Treasurer's Office improves its high standard of collecting delinquent taxes, which is an indication of good leadership. She also commended Treasurer Huffman for her administration of the new Public Health Agency Fund, which is now used exclusively for Public Health revenue and expenditures.

Upper Clear Creek Watershed Association Bylaws and Memorandums of Understanding. Gilpin County Attorney Rick Fendel explained the purpose of the Upper Clear Creek Watershed Association (UCCWA) citing the planning process for water quality in this area as established in approximately 1992. Pursuant to the UCCWA bylaws, any changes must be approved by the members. Also, the memorandum of understanding must be approved every five years. He briefly described the proposed updates and said the dues structure would be the group's next item to review.

Commissioner Nicholson moved to approve the Upper Clear Creek Watershed Association bylaws, as amended. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Commissioner Nicholson moved to approve the Memorandum of Understanding for Conducting Water Quality Management Activities in the Upper Clear Creek Basin. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

Library Board Appointments. After reviewing the letters of interest submitted for two vacant seats on the Library Board of Trustees, Commissioner Nicholson moved to reappoint Michelle Saeger and Ann Wyss to the Library Board of Trustees to each serve 5-year terms that will expire on December 31, 2014. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0.

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

Monthly Departmental Reports. The monthly departmental report that had been submitted was discussed. County Manager Baker noted that Public Health Agency Coordinator Ann Marie Bailey would be conducting a second public clinic for H1N1 flu shots on December 1, 2009.

Public / Press Comment. Pam North of *The Mountain-Ear* and resident Jim Wailes had questions about the Upper Clear Creek Watershed Association (UCCWA), which were addressed by County Attorney Rick Fendel.

Minutes. Commissioner Schmalz moved to approve the Board of County Commissioners Meeting Minutes for November 17, 2009. Commissioner Whitman seconded the motion, which passed by a vote of 2 to 0.

Adjournment. Commissioner Nicholson moved to adjourn to an Executive Session to receive legal advice on the Dory Lakes Property Owners Association litigation. Commissioner Schmalz seconded the motion, which passed by a vote of 3 to 0. The meeting was adjourned at 9:40 a.m.

Signed this 08th day of December 2009