

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

September 1, 2020

A special meeting of the Board of County Commissioners of Gilpin County was held on September 1, 2020, in an online format; no physical meeting was held. Chair Gail Watson called the meeting to order at 9:00 a.m. In attendance were Chair Watson, Commissioner Linda Isenhart, Commissioner Ron Engels, County Manager Abel Montoya, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

Agenda Review. Commissioner Watson added an executive session to receive legal advice on a waiver form for entrance to the Courthouse, and general personnel matters, plus she added a work session after the meeting to discuss concerns about the Alp Hills Road area with Timberline Fire Protection District Chief Paul Ondr.

COVID-19 Update.

Public Health Coordinator Bonnie Albrecht:

- Gilpin County now has 18 confirmed cases, with three people testing today.
- Gilpin County submitted its application for Protect Our Neighbors status last week, and should receive the Colorado Department of Public Health and Environment's response by end of this week or the start of next week.

Emergency Manager Nathan Whittington:

- Work will continue with County Attorney Benning on the Disaster Declaration expiration date.
- Statutes addressing the Gilpin County Animal Response Team (GCART) have been downloaded.
- Gilpin County sent resources to the Cameron Peak and Williams Fork fires. After a discussion on sending Gilpin County personnel to emergencies in other locations, Commissioner Isenhart said the Board and staff were all on the same page, but that the Board should be notified prior to any action being taken.

Sheriff Kevin Armstrong:

- The State had awarded the Sheriff's Office a full grant of almost \$800,000.00, but Sheriff Armstrong received notice on August 28 that they had misguidedly Gilpin County, and that the new amount is only \$392,982.00. He is working on how that reduction will impact staffing levels. Commissioner Watson said yesterday was a difficult day financially for the County, and now this bad news has been added. County Manager Montoya will talk later today about the annual gaming distribution check. Also, the Colorado COVID-19 relief fund will not award a grant for the Community Center.

Ballot Questions / Revenue Loss. County Manager Montoya displayed onscreen Gilpin County's Ending Fund Balance Projections for 2020 that indicated a 20% loss of revenue due to the impacts of the COVID-19 pandemic. He explained the factors that were used to calculate the projections and said the shortage could continue to affect County operations for several years. County Manager Montoya also spoke about anticipated Capital Improvement Plan expenditures over the next few years and what cuts might be necessary to maintain basic operations. He gave examples of revenue that could be generated with the passage of two ballot questions for mil levies for the Sheriff's Office and the Community Center, saying the projections could help guide the Board in their decision on specific ballot question language. Also, SB20-217 has created a number of unfunded mandates for the Sheriff's Office including body cameras on deputies, a full-time employee for data management, and the requirement that every deputy complete an 18-question form after every contact with a member of the public.

Discussion followed regarding the renovations and improvements at the vacant Human Services / Public Health building and whether it was best to put the project on hold or continue, as it is partially grant funded. The consensus was that to delay the project could jeopardize the DOLA grant, which could cause higher long-term costs than short-term savings.

The Board discussed some options for mil levy amounts for the Sheriff's Office and for Parks and Recreation, and how long the terms for each should be. Commissioner Watson said she thought 4.5 mills each for both Parks & Recreation and the Sheriff's Office was too high, and that some residents have indicated they were in favor of shorter terms. Commissioner Engels asked if it would be better to focus on the next three to four years for the Sheriff's Office and two to four years for Parks and Recreation, as both mil levies were needed to help cover salaries in those departments; it could cover the interim until a Parks and Recreation district could be put in place. Commissioner Isenhart said the Board could be more surgical in cutting costs from the Capital Improvements Plan and that the County is well on its way to finishing the Human Services / Public Health building, which will house five different services. After further discussion, Commissioner Watson said a 2.7 mil levy for the Sheriff's Office was appropriate, especially with the partial loss of the grant that office had been awarded. Commissioners Engels and Isenhart said they believed a term of three to five years was best, to maintain operations. Commissioner Watson said she was more in favor of a three-year sunset (term), as the County has not asked residents for a mil levy increase for a long time, and because property taxes are very low. If tax revenue is still needed after that, the County might have to pose a new mil levy request. Commissioner Engels said the County has seen no tax increase in the past 20 years, and a stronger request was needed.

Commissioner Isenhart said she thought a three-year sunset for the Sheriff's Office mil levy would be okay, but that it might be necessary to make a new request after the sunset. County Manager Montoya summarized the discussion by saying the request would be for 2.27 mils for Sheriff's Office operations with a three-year sunset, and no mil levy for the Capital Improvement Plan. For the median household the cost would approximately \$4.50 per month, or \$162.00 over the three years; specific dollar amount will be included on the ballot questions.

For the Parks and Recreation mil levy, County Manager Montoya said public surveys of County residents have provided an opportunity for residents to express their thoughts. He shared a scenario of 2.9 mils at five-, ten- and 15-year sunset projections. Commissioner Watson noted the tax increase could restore some recreation services, but that the Community Center would not be open seven days per week. Also, that building needs a new roof and repairs for leaking around the foundation, but there will be no funds for enhancements. Commissioner Watson suggested returning to the 2018 budget as a guide for the Parks and Recreation a mil levy. Commissioner Engels said it might be necessary to charge a fee to some who have previously used the Community Center for free.

Commissioner Watson asked County Manager Montoya if a calculator could be added to the County website, so property owners could determine approximately how their taxes might change. He said staff should be able to install this feature, and would provide information on the difference between a property's actual value and its assessed value.

County Manager Montoya summarized the discussion of the Parks and Recreation mil levy as 2.57 mils with a three-year sunset. Referral of these ballot questions will be administered through two Board resolutions, which will be heard on September 3, 2020, in a special Board meeting.

Regarding a potential mil levy ballot question on revenue stabilization (de-Gallagherization), County Attorney Benning gave an overview of TABOR spending limits and how the "de-Gallagherization" of County revenue could help overcome losses experienced this year due to the COVID-19 pandemic. He said a ballot question on this topic will likely be included on the statewide ballot. The Board consensus was that too many mil levy questions on the ballot could cause some voters to reject all of them, and they agreed to not include this on the County ballot.

Employee Compensation Study. Commissioner Watson stated that an Employee Compensation Study was undertaken prior to the COVID-19 financial disaster, and that it could not be enacted anytime soon. County Manager Montoya said the compensation study was initiated as a bi-annual best practice guide, in order to offer fair salaries compared to similar and nearby counties with whom Gilpin County competes for skilled workers. Laurie Graves, of Graves Consulting, Inc., gave a high-level overview of the study results covering wages and benefits, including health insurance, retirement and paid time off for sick leave, vacation and holidays. The Board thanked Consultant Graves for the information.

Response to Questions in Zoom Chat. Commissioner Engels noted that the Board's meetings are currently held in an online format via Zoom, and that he was concerned about some of the public's comments appearing in the "Chat" feature regarding potential mil levy ballot questions. Commissioner Engels addressed the comments by saying that the Board, County Public Health Coordinator Bonnie Albrecht and Public Health Director Dr. Mark Johnson have worked together to write variance requests to the Colorado Department of Public Health and Environment to reopen local casinos as soon as it can be done safely. He further stated that he was upset that anyone would think the County has not worked toward this goal, as the Board is very aware of how important it is. Commissioner Watson said she appreciated Commissioner Engels' comments, and advised the meeting participants that the Board responds to the public during one of two Public Comment periods at the beginning and end of each Board meeting.

Legal Status Report. County Attorney Bradford Benning advised the Commissioners on the following legal issues:

- Road issues, including ownership and access to Dakota Hill, the location of the County's main communications tower site, which also houses State equipment and serves this region. County Manager Montoya said the transportation expert with DTJ Design, contractor on the County's Land Use Compensation Plan, should be looking at this issue and other general road issues, and should be outlining solutions. Discussion followed regarding any cost savings that could be realized from suspending completion of the Comprehensive Plan. Commissioner Engels said 2021 will likely be as bad for revenues as 2020 has been and that to delay projects for a year wouldn't be advantageous. County Attorney Benning said the DOLA contracts include language that states DOLA may take the grant funding away and use it elsewhere at any time. He added that they could decide to do that even without the deferment of projects. Commissioner Watson said the direction to staff is to have them acquire answers on spending grant money during the next fiscal year. Commissioner Isenhart agreed.

County Manager Status Report. County Manager Abel Montoya updated the Board of County Commissioners on the following items:

Presidential Order for an Employee FICA Tax Holiday. The IRS has distributed guidance on a "tax holiday" on employees' FICA taxes through the end of 2020, per President Trump's order, beginning today. The order calls for employers to not withhold FICA taxes through the end of 2020, but to require the taxes owed to be paid next year. County Manager Montoya listed several options for compliance, and some options on how to set this money aside and pay the taxes in 2021. County Attorney Benning said there is controversy as to

whether this federal action should be a presidential or congressional order, and that many employers will continue to take these taxes out. County Manager Montoya and County Attorney Benning will report to the Board soon with more information. Commissioner Engels said he strongly encouraged the County to tuck these funds away for later payment, and that it “wasn’t right to rob social security, which is similar to taking out a loan on a paycheck.”

CARES Act Funding. The County’s first reimbursement claim for CARES Act funding must be submitted by October 1, for the period of March 3 to the end of September. Staff is compiling claim information and County Manager Montoya will present this to the Board. They will also need to decide on \$50,000 from DOLA for additional COVID-19 costs related to information technology (IT) and computers for at-home workers. Business Analyst II, Gabrielle Chisholm, is writing a grant application to hopefully pay these costs, and the Board will need to decide which option is best. The County also wants to create programs for residents, but plans are contingent on the amount remaining in the CARES Act funding.

Board of County Commissioners Status Reports.

Notice of Public Meetings. The Board’s upcoming public meetings will include a special meeting on September 3, to vote on ballot measures language. This meeting is open to the public, and the Zoom link will be published on Gilpin County’s webpage and on the agenda. Scheduled meetings after that include September 15, 22 and 29.

Public / Press Comment.

- Sandy Hollingsworth asked questions about draft ballot measures being posted on the County’s website. County Manager Montoya said a tax calculator would be posted on the website. Commissioners Watson and Engels agreed that the Board needed to make changes to the ballot measures language prior to posting.
- Carolyn Collins Petersen asked about the mil levy rates. County Manager Montoya cited two mil levies for the Sheriff’s Office and the Community Center, saying they would both likely carry a three-year sunset clause, and neither would include capital improvements. There will be no revenue stabilization question.
- Donna Okray Parman expressed appreciation for lowering the mils levy rates, then asked for increased enforcement on motorcycles speeding on the local highways.
- Commissioner Watson asked Sheriff Kevin Armstrong about any impact on the parking at the East Portal after deputies handed out notices. He said approximately 50 to 100 notices were distributed, but there has been no change in the number of cars parked there. Discussion followed concerning the potential imposition of a \$1,000.00 fine per citation.
- Sheriff Armstrong said that today is Division Chief Tom Ihme’s last day of employment, congratulated him on 27 years of excellent service and commended him on his commitment to the community. Commissioner Isenhart said Division Chief Ihme has been a great public servant, noted his sterling record of service, and said she had worked with him for many years in various capacities. Commissioner Engels asked Sheriff Armstrong to express his appreciation to him, as he was away during Division Chief Ihme’s retirement celebration.
- Paul Ondr said the mil levies being calculated per \$100,000 in value is the actual value, not the assessed value. County Manager Montoya repeated the correction and said the information would be posted on the Gilpin County website, with a link on the home page.

Recess to Executive Session. Commissioner Engels moved to recess into Executive Session as follows:

- For a conference with the County Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b);
- For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e);

Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Regular Session. Commissioner Engels moved to resume regular session. Commissioner Watson seconded the motion, which passed by a vote of 2 to 0, as Commissioner Isenhart had stepped away from the online meeting for a few minutes.

Health Waiver Form for Entry to the Old Courthouse. Commissioner Watson explained that the current health waiver form for entry to the Old Courthouse has outdated language from the start of the COVID-19 pandemic. Commissioner Engels said the State and County public health orders require people to wear masks to enter the building, staff has made all of the protections needed and that although the health waiver form was necessary at the start, it is no longer needed.

Board of Health. Commissioner Engels moved to recess as the Board of County Commissioners and to convene as the Board of Health. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Commissioner Engels moved to remove the requirement that anyone entering a County-owned building be required to sign the health waiver and release. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0. County Attorney Benning will respond to a resident who had concerns about the health waiver and release.

Board of County Commissioners. Commissioner Isenhart moved to adjourn as the Board of Health and reconvene as the Board of County Commissioners. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

Vacant Infrastructure and Development Services Director Position. Commissioner Watson said because Gilpin County lost \$1.5 million in revenues yesterday, filling the vacant Infrastructure and Development Services Director position should probably be postponed for the near future. Commissioner Isenhart agreed and said it should not be eliminated, and that the Board could revisit the topic after the first of the year. Commissioners Isenhart and Engels said it would make sense to have County Manager Montoya oversee the supervisors in this department for a potential cost savings of \$170,000.00. County Manager Montoya said he would take on this task. Commissioner Engels moved to suspend recruitment for the director of Infrastructure and Development Services position until further notice. Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Adjourn. There being no further business to come before the Board, they adjourned at 1:16 p.m.

Signed this 22nd day of September 2020.