

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

September 3, 2020

A special meeting of the Board of County Commissioners of Gilpin County was held on September 3, 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 the Shooting Range Lease First Renewal, and the Peace Officers Mental Health Support Grant Program.

Resolution #20-18—To Refer a Ballot Issue to the Registered Electors of Gilpin County Pursuant to Article X, Section 20 of the Colorado Constitution for the Purpose of Establishing a Dedicated Mill Levy for the Parks and Recreation Department. County Attorney Benning gave an overview of the proposed resolution to refer a ballot issue for a mill levy for operation of the Parks and Recreation Department, and stated that in a Board discussion on September 1, 2020, they agreed to lower the mill levy rate from 4.5 to 2.57, with a three-year term. Business Analyst Gabrielle Chisholm gave an onscreen demonstration of the tax calculator on the Gilpin County website and explained how a property owner could calculate the approximate change to their taxes, should the mill levy pass. Commissioner Watson's questions about the calculations were answered by County Manager Montoya who also noted the mill levy would affect only the County portion of a property's taxes, not districts such as the Timberline Fire Protection District or a school district.

Commissioner Engels moved to adopt resolution #20-18, "To Refer a Ballot Issue to the Registered Electors of Gilpin County Pursuant to Article X, Section 20 of the Colorado Constitution for the Purpose of Establishing a Dedicated Mill Levy for the Parks and Recreation Department." Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

County Attorney Benning explained that now that the resolution has been adopted, laws and rules restrict the County's involvement only to providing factual information, and no County funds may be used to publicize the ballot question. Election questions should be directed to the Clerk and Recorder's Office. The next step will be for County Manager Montoya to work with Clerk and Recorder Sahari McCormick to create the language for the Ballot Information Booklet, the light blue book mailed to voters to provide the text, title, and a fair and impartial analysis of each initiated or referred constitutional amendment, law, or question on the ballot. In response to a question from Commissioner Watson, County Attorney Benning stated that as a private citizen, County employees have the right to post signs on their property regarding ballot questions.

Resolution #20-17— To Refer a Ballot Issue to the Registered Electors of Gilpin County Pursuant to Article X, Section 20 of the Colorado Constitution for the Purpose of Establishing a Dedicated Mill Levy for the Sheriff's Office. County Attorney Benning gave overview of the proposed resolution, saying it was basically the same as for the Parks and Recreation Department mill levy, but that the Sheriff's Office's mill levy would generate approximately \$998,800.00 annually, exclusively for Sheriff's Office operational costs. He said all of Gilpin County government has been severely impacted by the loss of revenue, but the Sheriff's Office's budget is the largest. County Attorney Benning said that for each \$100,000.00 in actual value, at a mill levy rate of 2.270, a property's taxes would change by approximately \$16.00 for the year 2021. Business Analyst Gabrielle Chisholm demonstrated the County's online calculator for this proposed mill levy for residential properties and said information links would be added to the County's website.

Commissioner Engels noted that the ballot language does not give the County the ability to expend these dedicated funds as it wants, but must pay for operations only. County Manager Montoya explained that the Education Enhancement Intergovernmental Agreement between the City of Black Hawk and the Gilpin County RE-1 School District would not be impacted by this mill levy, because it is based on sales tax. Neither the Sheriff's Office nor the Parks and Recreation Department mill levies proposed address sales tax, as Gilpin County has NO sales tax.

Commissioner Engels moved to adopt 20-17, "To Refer a Ballot Issue to the Registered Electors of Gilpin County Pursuant to Article X, Section 20 of the Colorado Constitution for the Purpose of Establishing a Dedicated Mill Levy for the Sheriff's Office." Commissioner Isenhart seconded the motion, which passed by a vote of 3 to 0.

Business Analyst Chisholm shared additional ballot question information she would post with the calculator, such as one mill generates \$440,000.00. She added that Gilpin County has the lowest property tax rate in Colorado, and that the gaming tax is set by the Colorado Constitution.

Peace Officers Mental Health Support Grant Program. Sheriff Kevin Armstrong requested the Board's approval of his office's submission of an application for the Peace Officers' Mental Health Support Grant Program for mental health services specific to first responders. Law enforcement personnel encounter unique circumstances that require specialized counseling, and this grant would pay for the counseling. Commissioners Isenhardt and Engels agreed that officers are subjected to unusual stresses and that this service would be beneficial. Commissioner Engels moved to approve submission of a grant application for the Peace Officers Mental Health Support Grant Program for the Sheriff's Office. Commissioner Isenhardt seconded the motion, which passed by a vote of 3 to 0.

Payroll Taxes Holiday. County Manager Montoya said he had met with County Attorney Benning, Finance Director Clorinda Smith and People, Culture and Finance Department Director Lori Schroyer, to discuss an executive order issued by President Trump regarding the temporary interruption of employees' Federal Insurance Contribution Act (FICA) taxes. The order and IRS guidance allows employers to participate or not, in a "tax holiday" from September 1, 2020, through December 31, 2020. The unpaid taxes would have to be paid in 2021, or interest and penalties could be imposed. County Manager Montoya said for Gilpin County it was more of an accounting issue that the current payroll software is not programmed to do, plus it would cause extra work for staff. County Attorney Benning noted it might not be legally binding, and that Congress could question it and workers might not have to pay back the missed taxes. County Manager Montoya said he and the staff involved recommended that Gilpin County not participate. After discussion, the Board consensus was to not participate based on the current assumption that employees would have to pay back the taxes in 2021. Commissioner Isenhardt moved to stay status quo on FICA withholding for the remainder of 2020, and possibly make some adjustments next year. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0. County Manager Montoya said staff would send this information to all Gilpin County employees.

Shooting Range Lease, First Renewal. County Attorney Benning presented a renewal of the Law Enforcement Shooting Range lease between Gilpin County and property owner Ren Goltra for one year. The annual lease amount is \$6,000.00 at \$500.00 per month, paid through the Open Space fund and revenue from the Frei and sons gravel quarry. Sheriff Kevin Armstrong said that because of the current stage 2 fire ban, the range has not been used for four months. Other local law enforcement agencies have not been asked to share in the lease cost, but Sheriff Armstrong said he would talk with them about it. Commissioner Watson put forth the idea of amending the fire ban to allow law enforcement agencies to use this shooting range as long as the surrounding area is non-combustible. Commissioner Isenhardt moved to approve the renewal of the Law Enforcement Shooting Range lease between Gilpin County and Ren Goltra for one year until September 30, 2021, at an annual lease amount of \$6,000.00 at \$500.00 per month. Commissioner Engels seconded the motion, which passed by a vote of 3 to 0.

Public / Press Comment.

Resident Donna Okay Parman expressed her thanks to the Board for listening to community; property taxes have been bare minimums for a long time; and residents are willing to pay to bring back the Community Center and keep the Sheriff's Office strong, and to stop the motorcycles.

Resident Sandy Hollingsworth asked where the food bank would be located after the Sheriff's Office moves into the Human Services offices (expected to be vacated later this year). County Manager Montoya said that although no decision has been made, it will likely be moved to the current Public Health building on Norton Drive, after HS and Public Health move to the newly renovated building. Gilpin County was awarded a Human Services grant for a walk-in refrigerator, which will require concrete and electrical work, which begins today.

DOLA Grant Funding for Current Projects. Chris LaMay, of the Colorado Department of Local Affairs (DOLA), advised Gilpin County that it could be possible to delay using grant funds on current projects for up to one year, but that this would be taken into account on future grant applications and would not be favorable. County Manager Montoya said will give a construction update soon on the Human Services / Public Health building.

Public Participation During Board Meetings. Commissioner Engels spoke to the questions received from the public via the Chat function in the Board's online meeting format, regarding use of potential property tax money that could be generated if the Parks and Recreation Department ballot question passes. He suggested scheduling a Board work session soon to learn the facts and write a plan for reopening the Community Center. County Manager Montoya said if the ballot measure passes, Gilpin County will want to start recruiting employees immediately, hire staff in January, and maybe partially open on February 1. The costs would be paid from the General fund reserves, knowing that revenue would be received to make the reserve whole again. Resident Carolyn Collins Petersen asked if there would be a role for community committee members in that process. County Manager Montoya said what would be needed from these amazing groups would be their input on the level of service to be provided at the Community Center and how to slowly increase services.

Commissioner Watson said she would be pleased to have these groups involved, but the Board needs to understand what can be done with this amount of money, such as how many days per week to open the facility, and to establish that events would have to pay for themselves. Commissioner Engels said State Public Health

Order requirements would still apply. Commissioner Watson said she hoped previously furloughed employees would have an inside track and given some consideration on filling vacant jobs. Commissioners Isenhart and Engels agreed.

Adjournment. There being no further business to come before the Board, they adjourned at 10:32 a.m.

Signed this 22nd day of September 2020.