

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

August 31, 2021

A regular meeting of the Board of County Commissioners of Gilpin County was held on August 31, 2021, at the Gilpin County Old Courthouse and online. Chair Linda Isenhardt called the meeting to order at 9:02 a.m. In attendance were Chair Isenhardt, Commissioner Sandy Hollingsworth, Commissioner Web Sill, County Attorney Bradford Benning, and Deputy Clerk to the Board Sharon Cate.

Agenda Review. Rescheduled for a later date: the Sheriff's Office monthly report. Added: discussion of the Human Resources and Finance Interim Director's pay; discussion of a demolition application for three of the cabins at the Rollinsville Yacht Club; and discussion of the telecommuting policy.

Public/Press Comment. Jessica Nevin expressed her views on the current COVID-19 public health order (PHO 21-03) regarding mask requirements and potential testing for some Gilpin County employees. She also asked that this public health order be rescinded.

COVID-19 Update.

Emergency Manager Nathan Whittington:

- The Gilpin County Office of Emergency Management (OEM) is now self-supporting with the Emergency Planner position; staff created a postcard to send to all residents to inform all of OEM's support.
- OEM is still actively monitoring County facilities, supporting employees with personal protective equipment (PPE) and other supplies.

Public Health Coordinator Bonnie Albrecht:

- Six new cases in the last seven days, 35 cases since August, and two hospitalizations in the last two weeks
- 59.2% of eligible residents are fully vaccinated
- Upcoming vaccine clinics:
 - Gilpin County Farmer's Market on 9/3/21, 9/4/21, & 9/5/21, all from 10a-4p
 - Gilpin County Transfer Station: 8/28/21, 8/29/21, 9/04/21, 9/11/21, 9/18/21, 9/25/21, all from 9:00a-3:00p
 - Gilpin County Library: 9/1/21, 9/8/21, 9/15/21, 9/22/21, 9/29/21, all from 10:00a-2:00p
- Testing is available at the Public Health Office on Monday afternoons and Wednesday mornings, and at the Z Casino parking lot on Tuesday's from 2p to 6p and Thursdays from 10a to 2p. Test results are now being received in less than 24 hours.
- Gilpin County Public Health still offers all three vaccinations: Moderna, Pfizer and Johnson & Johnson.
- Flu vaccination clinics are being planned.

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

Potential Revision to Public Health Order #21-03 and Masking Requirements. Commissioner Isenhardt stated that today the Board of Health (BOH) would consider an amendment to current Public Health Order (PHO) #21-03, regarding potential requirements for masking and testing for Gilpin County employees, and masking in County-owned facilities as safety measures against COVID-19. Public Health Coordinator Bonnie Albrecht explained that the proposed First Amended PHO #21-03 could be approved by the BOH, or could become a Human Resources policy instead. County Attorney Benning replied that the BOH has the power to implement the proposed Amendment in either manner, but the BOH was his preference.

Gilpin County Public Health Director Dr. Dawn Comstock gave medical information on the efficacy of vaccinations, emphasizing that no vaccine is 100%, but that they do lessen the impact of the virus and decrease the number of hospitalizations. Unfortunately, the Delta variant has decreased the efficacy of current vaccines. Each Commissioner shared their views on requiring vaccinations and testing of employees. Commissioner Hollingsworth spoke specifically to section 2.1.2 of PHO #21-03, asking if masks should be required regardless of an employee's vaccination status. She further clarified that she does not support mandates on vaccinations, but does support weekly testing, and suggested that since the Sheriff's Office is ready to do testing, they might be willing to start.

After lengthy discussion among the BOH, Commissioner Hollingsworth moved to amend PHO #21-03, section 2.1.2 to require masks for all individuals in Gilpin County buildings and outdoors if a distance of 6 ft. cannot be maintained, and to continue testing. Commissioner Isenhardt seconded the motion, which passed by a vote of passed by 2 to 1, with Commissioner Sill voting against.

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

Treasurer's Reports. County Treasurer Mary Lorenz gave the following reports:

Semi Annual, First Half of 2021. After brief discussion, Commissioner Sill moved to accept the semi-annual report for first half 2021. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

July Monthly. Tax collections are going well. The annual gaming distribution check in the amount of \$8,805,679.70 has been received and will be entered on the August report. Commissioner Hollingsworth moved to accept the July 2021 report. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Historic Preservation Commission—Expenditure Request. County Planner and Historic Preservation Liaison Tami Archer informed the Board she had received an application for the demolition of three historic cabins near Rollinsville, which will require an eligibility report. The consultant she recommends would charge \$1,305.38 for this service; Liaison Archer requested the Board's approval of this expense. Commissioner Hollingsworth moved to approved the expenditure of \$1,305.38 for a historic preservation consultant's study. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Designation of Lactation Area at Community Center. Parks and Recreation Director Gabrielle Chisholm presented a request on behalf of Gilpin County Public Health Advisory Board (PHAB) member Jamie Fanselow, who has arranged to set aside space for a breastfeeding (lactation) space at the Community Center. PHAB member Fanselow said funding for screens and signage is available, and that the Colorado Department of Public Health and Environment is excited about Gilpin County's leadership on providing this space. Commissioner Sill moved to approve the lactation room at the Community Center. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Jail Food Service Proposal. Undersheriff Tonia Kapke and Detentions Division Chief Greg Demo proposed contracting with Summit Food Service to provide meals to inmates, to the Meals on Wheels program for seniors, and to staff. They noted critically low staffing levels in the jail and jail kitchen and the lack of applications for vacant positions. Summit's proposal includes two full-time employees, with the option to add more if the inmate population increases, and would hire Gilpin County's only kitchen employee at a \$7.00/hour wage increase. Also, low-level offender inmates can work in the kitchen. Undersheriff Kapke noted that if the County is able to contract with Summit for the fourth quarter of 2021, there will be an approximate savings of \$34,000.00 to \$35,000.00, based on inmate counts. Commissioner Hollingsworth asked several questions about the cost comparisons of actual staffing and supplies and clarified that Summit is willing to cut three cook positions, which was verified by Undersheriff Kapke. The Board agreed that the initial proposal seemed like it might be a viable solution and asked that it be presented again with more detailed information at the Board's next meeting.

2020 Financial Statements and Audit Review. Auditor James Hinkle, of Hinkle and Company, stated that his company has performed Gilpin County's annual audit and financial statements for the past few years, and then reported on the 2020 audit. He spoke about their process and commented that 2020 had been different, due to receiving COVID-19 relief funding. The audit was started early, with Hinkle's staff checking all controls and segregation of duties, plus a random sampling of operations, all of which went very well. Mr. Hinkle then spoke about the financial statements, saying they had drilled down into information and had found no weaknesses. The company's opinion is unmodified, meaning it is clean and that the statements are done with standard principals.

The difference due to COVID-19 relief money was that these funds required a different type of audit with a close examination of money from federal programs and for compliance. The County does have the correct controls over these federal funds in place and no noncompliance was found in any of this audit. The audit has been submitted through the federal clearinghouse and has been accepted by the feds, indicating all operations are in compliance. The Financial Letter notes that no problems were found, that there were no disagreements with management, no errors were found, and management did not consult with other auditors to agree with them. Commissioner Hollingsworth moved to accept the Financial Statements and Audit Review through December 31, 2020, by Hinkle and Company. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Recess. The Board recessed from 10:45 a.m. to 10:52 a.m.

Finance Office Items.

- Avenu Software Agreement, 2022—2024. Interim Finance Director Lorna Plamondon proposed a three-year renewal of the current finance software contract, which would increase \$250.00 annually. Commissioner Sill moved to approve the contract for 2022 through 2024 for financial software with Avenu at a cost of \$50,793.69 for all three years. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.
- Request to Move Payroll Specialist Higher into Pay Range. Human Resources Director David Woodlock and Co-Director Susie Allen proposed a wage increase for the incumbent Payroll Specialist, as had been discussed in a Board work session. Commissioner Isenhart clarified that one of the wage amounts being discussed was part of the Graves Compensation Study, which has not been officially adopted. The mid-point of the range is \$27.38 /hour, resulting in a financial impact of \$5,286.06 for the remainder of 2021. In the current pay plan, the mid-point is \$25.29; the current wage is \$20.98. Commissioner Sill moved to

provide a pay increase to the incumbent Payroll Specialist at \$25.29 per hour, effective this pay period. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

- **Interim Finance Director Pay.** Human Resources Co-Director Allen gave the history of Staff Accountant Lorna Plamondon being named as the Interim Finance Director, then requested that the pay be moved to midrange. The end date of the arrangement is undetermined, as the County continues to seek applications for the position. After further clarification of the circumstances, Commissioner Hollingsworth moved to approve the payment for Lorna Plamondon as the Interim Finance Director beginning July 15, 2021, with an exempt salary of \$85,600.00. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0. The Board thanked Interim Director Plamondon for her work.
- **Interim Human Resources Director Pay.** Human Resources Co-Director Allen gave the history of Human Resources Specialist Stephanie Garrett being named as the Interim Human Resources Director, then requested that she be paid out-of-title pay for this work. The previous Director's employment ended on July 4, 2021, and per Commissioner Isenhart's request, Ms. Garrett stepped into that role on July 14, 2021. The new director, David Woodlock, began employment on August 2, 2021. Commissioner Sill moved to provide Stephanie Garrett out-of-title pay from June 7 to July 30, at \$643.00 for serving as the Interim Human Resources Director. After discussion, Commissioner Sill withdrew that motion, and moved to approve an out-of-title pay increase to Stephanie Garrett based on the annual salary of \$74,400.00 per year for June 7 through July 30 for serving as the Human Resources Interim Director. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.
- **PHO #21-03, First Amendment.** Human Resources Co-Director Allen clarified that per First Amended Public Health Order (PHO) #21-03, approved earlier in today's meeting, all employees must wear masks, and testing is to be arranged for unvaccinated employees. The policy will begin after Public Health Coordinator Bonnie Albrecht and the Human Resources co-directors can work together on a procedure. Co-Director Allen asked what the Board saw as a next step if an employee refuses to be tested. County Attorney Benning cited the penalties included in First Amended PHO #21-03 as both potential fines or jail time. Once a procedure has been established, it will be reviewed by County Attorney Benning.
- **Telecommuting Policy.** The Board discussed possibly requiring employees to work at least 50% of their work hours in their office, but also to work with department directors and elected officials to determine the best formula for each. Co-Director Allen noted that the remote work policy that included giving employees a stipend to work from home was an exception to the rule, and she further noted that having numerous employees working from home was a particular concern for Teryx, Inc., the County's computer support (IT) provider. The Board agreed to work toward a 50% policy and to discuss the topic further at their September 14, 2021, meeting.

Eagles' Nest Early Learning Center Report. Kayla Lowe, Executive Director of Eagles' Nest Early Learning Center (ENELC) referred to the Center's financial statements for first half of 2021, and reported on operations. She stated that tuition is still down because enrollment is at just over half-capacity, due to a staffing shortage. Because of the staffing shortage, payroll expenses are down, but Director Lowe is actively seeking new teachers, as many families are waiting to enroll. The current financial status is difficult, but many childcare centers nationwide are facing the same problems. She said ENELC will need Gilpin County's financial assistance in 2022. Commissioner Isenhart said ENELC would be added to the Board's budget hearings schedule. Commissioner Sill wondered if the Gilpin County RE-1 School Board could share their excess revenue with ENELC.

Facilities Maintenance Requests. Facilities Manager Ryan Keenan presented the following preliminary information on some requests for proposals (RFP) on work projects:

- **Justice Center Lift Station Grinder Replacement.** The lift station and grinder components of the wastewater system is nearing the end of its expected lifespan and there is no back-up system in place. Commissioner Isenhart emphasized that the Justice Center wastewater system needs to remain functional, and Commissioner Hollingsworth asked if it would be possible to order parts now due to the current long lead time. Manager Keenan said he could potentially do this, but a contractor might want to do the full project. The Board directed him to publish the RFPs and return to them with some proposals.
- **Custodial Contractor.** Assistance is needed to support the one custodial employee responsible for cleaning the County's facilities. The County is currently contracting with Omni Pro, but there have been issues, and Manager Keenan would like to explore other options. The RFP is framed as an ongoing request (no end date), to give Gilpin County the best options. If two more employees could be hired, a contractor would not be necessary. Commissioner Hollingsworth thanked him for bringing the topic to the Board, citing the need for transparency.
- **Justice Center Transformer Replacement.** Manager Keenan requested approval to find a contractor to replace an electrical power transformer at the Justice Center, which is overheating and beginning to fail. The transformer is a single point of failure on the system, and downtime could create safety issues in the building. He presented a proposal from Sturgeon Electric. Commissioner Hollingsworth moved to

approve an expenditure of \$8,985.00 for Sturgeon Electric's proposal to replace the transformer at the Justice Center. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

- **Community Center Campus Improvements.** Triple M Recreation has submitted a proposal for the installation of a rubberized surface at the playground near the ballfields on Highway 46, part of the Gilpin County Fairgrounds Complex. The contract amount would be reimbursed to Gilpin County as part of their grant award from Great Outdoor Colorado (GOCO). Manager Keenan stated that the product has a 10-year lifespan and is recommended for ADA benefits, but the contract would have to include a warranty. Commissioner Sill moved to approve the Triple M contractor's bid for a rubberized surface at the playground at an amount of \$39,330.48, which is covered by a GOCO grant for almost this exact amount, specifically for this use. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Xcel Energy Wildfire Mitigation Plan. Craig Eicher, Xcel Energy's Area Manager of the North Metro Region, said his job is to work with communities as their first point of contact, and that Xcel's chief priority is to avoid wildfire in the mountains. Approximately half of Colorado's population lives in the wildland-urban interface. Manager Eicher and other members of Xcel's wildfire mitigation team shared onscreen a slideshow illustrating their Wildfire Mitigation Program, including the program background, their 2020 accomplishments, their 2021 plans and how communities can participate. A key component of their program is to minimize ignition risks that could lead to wildfire.

Xcel worked with the Colorado State Forest Service and the University of Colorado to identify areas of high consequence in the event of a wildfire. The resulting map showed that most of Xcel's assets in Gilpin County are in the southern portion, where they worked to replace poles, conductors and system equipment. Xcel is encouraging participation and feedback from communities to make this program robust and comprehensive. The Public Utilities Commission has received approval of and commendation for their Wildfire Mitigation Plan in 2021.

After system inspection and improvement has been performed, the Vegetation Management Plan begins by creating defensible space around poles and near transmission lines and residential lines. Commissioner Hollingsworth asked if someone wanted the dead trees removed from these defensible spaces, could they contact Xcel. The team replied that residents can contact them through customer service and their requests would be addressed within one to two weeks. Also, drones with cameras are used to inspect lines, insulators and other parts of transmission lines. Another 2021 Highlighted Program was conductor projects including transmission line rebuilds and other system equipment replacement.

Community and stakeholder engagement activities are ongoing and all are encouraged to contact Xcel to communicate their needs or ideas. Commissioner Isenhardt thanked the Xcel team for their work. Commissioner Hollingsworth asked Gilpin County Emergency Manager Nathan Whittington if Xcel works with him, and if Xcel serves all of Gilpin County. Emergency Manager Whittington requested from Xcel a copy of their Hazard Mitigation Plan, as Gilpin County continues update its Plan. He also asked that Xcel become involved in Gilpin County's hazard mitigation development to identify some common mitigation strategies and objectives. He added that last year Commissioner Hollingsworth had presented Gilpin County with an opportunity for fire mitigation that we weren't able to meet due to the short turnaround time for the grant, but since then the Gilpin County Office of Emergency Management and the Timberline Fire Protection District has been working on a Mitigation Policy, still in rough draft. They are reaching out to external stakeholders to see where efforts can be combined and would like to use Xcel drone capability. This combined effort would be beneficial in applying for federal funding. Area Manager Eicher said he and the Xcel team would try to work together with Gilpin County on that request. Commissioner Hollingsworth reiterated to him that the Board would appreciate that coordination.

Local Liquor Licensing Authority. Commissioner Sill moved to recess as the Board of County Commissioners and convene as the Local Liquor Licensing Authority. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Annual Liquor License Renewal Application. Deputy Clerk Sharon Cate presented an annual renewal application for the retail liquor store license for Blackhawk Development Corp, LLC, dba Coyote Liquors, located at 5312 Highway 119, with a current expiration date of August 10, 2021. Commissioner Sill moved to approve the renewal application at the local level, as presented, with a new expiration date of August 10, 2022. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Board of County Commissioners. Commissioner Hollingsworth moved to adjourn as the Local Liquor Licensing Authority and reconvene as the Board of County Commissioners. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

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

- **Memorandum of Understanding (MOU) with the Friends of the Community Center group.** A short draft document has been developed with Carolyn Collins Petersen to facilitate private donations that are made specifically for the Community Center. Commissioner Isenhardt noted that these donations could be administered similar to donations made to the food bank. The MOU will be presented at a future meeting.

- Lake Gulch Road Intergovernmental Agreement (IGA) with Central City. Last year Gilpin County completed an IGA with the City of Black Hawk, however the City of Central has some concerns with sections of a similar IGA, such as road improvements. County Attorney Benning has indicated to the Central City Attorney that an agreement needed to be reached.
- Gilpin County Senior Living (GCSL) Land Lease. Work continues on a proposed land lease between the County and the Senior Living group, which will soon be discussed by the Board in an executive session, as the proposed project could have an effect on Gilpin County's water rights. Also, GCSL must demonstrate their financial ability to complete their plan. Commissioner Sill said he has questions about the lease, and is concerned about a section in which the County agrees it will be an area of peace and quiet, but it would be located near the Fairgrounds complex. County Attorney Benning said the proposed structures would essentially be modular homes that could be removed from the property.

Board of County Commissioners Status Reports.

Notice of Public Meetings. The Board's upcoming public meetings that could be attended by more than one Commissioner and at which public business may be discussed will include Board meetings on September 14 and 28. (The 28th meeting was later rescheduled to the 29th.)

Commissioner Comments. Commissioner Hollingsworth stated that Denver Water gave notice of a construction project at the East Portal Tunnel by means of a letter sent to residents and businesses, but they did not use an accurate address list. The project will include 10 to 15 trucks per day traveling on Highway 119 and Tolland Road to the jobsite, from 7:00 a.m. to 5:00 p.m. It began on August 21 and will continue to November 7, or maybe into December. She wanted to make the public aware of this. Also, the Vietnam Veteran's Memorial Wall travels and this year will be in 28 communities, one of them being Brighton on September 3, with a reception. It will be there several days from September 2nd to the 5th. The wall travels in memory of the 3 million Americans who served in Viet Nam, and the 58,279 who lost their lives there.

Minutes. Commissioner Hollingsworth moved to approve the Board of County Commissioners Meeting Minutes for August 10 and 17, 2021. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Public / Press Comment. Weekly Register-Call reporter Jaclyn Schrock asked if there was any action taken by the Board today on the Justice Center Lift Station Grinder replacement. Commissioner Isenhardt said the Board approved initiating the request for proposals (RFP) process on that project, and the same for the cleaning of the Justice Center.

Adjourn to Executive Session. Commissioner Sill moved to adjourn into Executive Session 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); and For discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f)(I) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0. There being no further business to come before the Board, they adjourned at 1:02 p.m.

Signed this 12th day of October 2021.