

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

September 14, 2021

A regular meeting of the Board of County Commissioners of Gilpin County was held on September 14, 2021, in an online format only; no meeting was held at the Old Courthouse. Chair Linda Isenhardt called the meeting to order at 9:01 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.** A Board of Health discussion of proposed Public Health Order (PHO) #21-04 was added to the agenda at 3:00 p.m.

**COVID-19 Update.**

Public Health Coordinator Bonnie Albrecht:

- 24 cases in the last 7 days, 8 of them since yesterday
- 59.9% of eligible Gilpin County residents have been fully vaccinated
- Vaccine clinics this week: September 15<sup>th</sup>, 10a-2p, and 18<sup>th</sup>, 9a-3p, both at the Community Center. The clinics that had been scheduled for the Gilpin County Library were moved to Community Center, with all three vaccines available
- Testing:
  - Rapid testing on Monday 1:30-3:30 and Wednesday 9-11 at Public Health office
  - PCR testing on Tuesday 2- 6 at public health and Thursday 10-2 at Z casino parking lot

Emergency Manager Nathan Whittington:

- The Office of Emergency Management has been keeping County offices stocked with personal protective equipment.

**Extension of Gilpin County Disaster Declaration.** County Attorney Benning said due to Delta variant of COVID-19 and rising case numbers, the Board needed to extend the County's Disaster Declaration, in part to receive federal and state aid for supplies. FEMA extended their period to the end of 2021, and Gilpin County can mirror that in their Declaration. Fall is expected to be problematic due to a rise in cases. Commissioner Hollingsworth moved to extend the Gilpin County Disaster Declaration through December 31, 2021. Commissioner Isenhardt seconded the motion, which passed by a vote of 2 to 1, with Commissioner Sill voting against.

**Discussion of Extending COVID-19 Pay Versus Sick Time.** County Attorney Benning explained the various classifications of pay which employers can or must provide to employees to cover sick leave due to COVID-19, saying these measures were meant to keep workplaces safe and healthy. The Board agreed to revisit the topic again closer to the end date of the current pay policy.

**Extension of Hinkle Auditor Agreement for 2022.** Commissioner Isenhardt said best practices is to contract with a new auditor every five years, but in the current circumstances, it might be best for Gilpin County to continue with the current auditor, Hinkle and Company, PC, for 2022. Interim Finance Director Lorna Plamondon said Hinkle knows the County's system and that it would be good to have the same auditor through the transition to a new Finance Director, once one is hired. She recommended the extension, saying Hinkle's offer included extra help, but they would charge the County only if that help was needed. Commissioner Sill moved to extend the Hinkle and Company contract for the 2021 county audits to be performed in 2022, not to exceed \$24,500.00. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

**Request to Fill a Position—Facilities Maintenance Technician.** Facilities Manager Ryan Keenan requested the Boards' approval to change a temporary seasonal maintenance technician position to full-time, saying a total of three technicians would help with the work load. Human Resources Co-Director Susie Allen noted that the temporary position would have been paid from American Rescue Plan Act (ARPA) funds. After discussion, it was decided that Manager Keenan would work with Co-Director Allen and return to the Board with a revised request.

**Sheriff's Office Monthly Report.** Sheriff Kevin Armstrong reported on operations in all divisions of the Sheriff's Office for the month of July 2021, specifically noting an increase in 911 calls. The Patrol Division continues the anti-speeding campaign with the Colorado State Patrol. In response to Commissioner Hollingsworth, Sheriff Armstrong stated that Evidence Technician (and current Co-Director of Human Resources) Susie Allen sent some evidence items to auction and was working on some firearms trades and quotes, and that most of the County's domestic violence cases occur in the casinos, not among Gilpin County residents.

**Solicitation of Public Input on Local Use of American Rescue Plan Act (ARPA) Funds.** Commissioner Isenhardt explained that Gilpin County had received \$600,000 in American Rescue Plan Act (ARPA) funds and would receive approximately the same amount in 2022. Of that amount, \$275,000 was allocated for hiring back some employees and otherwise filling vacant positions. ARPA funds can also be used for infrastructure and non-profit organizations. She asked for input from the public on how they would like to see ARPA funds used, but no one commented. Commissioner Hollingsworth added that Gilpin County had received a Rural Economic Development Initiative (REDI) grant from the Colorado Department of Local Affairs (DOLA) to fund an 18-month position. That person will

work with all businesses in Gilpin County to raise awareness of funding available and promoted Gilpin County, as ARPA could be used for the grant match.

**Jail Meals Proposal.** On August 31, 2021, Undersheriff Tonia Kapke and Detentions Division Chief Greg Demo proposed a contract with Summit Food Services, to provide inmate meals plus Volunteers of America (VOA) meals for Gilpin County seniors. Today they returned with the requested detailed financial information and said they had been given positive responses when checking Summit's references at other small county jails. County Attorney Benning advised the Board that the contract was clean, but that he had a few small changes to discuss with Summit's attorney. The Board's discussion touched on sufficient quality and quantity of food, ways to serve senior meals if the Community Center had to close, a potential cost savings of \$120,000 annually resulting from hiring fewer County employees, the importance of meeting the nutritional needs of seniors, and the possibility of approving the contract with Summit Food Services. All voiced support for this solution for meal services.

**Human Resources Items.** Human Resources (HR) Co-Director Susie Allen presented the following:

Proposal to Hire an HR Specialist Higher into Pay Range. Co-Director Allen requested approval to not hire an HR Generalist for a vacant position at this time, but to instead hire an HR Specialist, which would better fit the department's current needs. The financial impacts in 2021 would be a cost savings, as Specialists are in a lower pay grade. Co-Director Allen proposed hiring an applicant into the pay grade at \$24.00 per hour, as they have seven years' experience in HR work, such as Workers' Compensation claims and the Families Medical Leave Act (FMLA). A second applicant will be offered another vacant position within the County in the Finance Department, as they worked previously for the County, can prepare medical vouchers, and are familiar with the HR software. Commissioner Hollingsworth moved to approve the request to fill a position Human Resources Specialist into the pay range at \$24.00 hour. Commissioner Sill seconded the motion, which passed by a vote of 3 to 0.

Proposal to Hire Accounts Payable Specialist Higher into Pay Range. Co-Director Allen said this position was one that was laid off during the COVID-19 layoffs, and could be filled using ARPA funds. This combined position works 80% in accounts payable (Finance) and 20% in HR, but could start at 50/50 to help both departments. The preferred applicant knows the County's current vouchering software and was previously cross-trained. Commissioner Hollingsworth said this is not a new idea to combine job duties, but also that she wasn't sure she would want to use ARPA funds for this, as the General Fund might be better. Commissioner Sill moved to approve the request to fill a position at \$22.71 per hour. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

Telecommuting Policy. Commissioner Hollingsworth commented that today is at least the fourth time the Telecommuting Policy has come before the Board. Commissioner Isenhardt said she thought that at one time it was helpful to have some employees working from home, but now employees need to work in their offices at least 50% of their time. Co-Director Allen made the following points:

- Teryx, Inc., the County's IT support provider, had not planned for long-term telecommuting by employees, which carries some security concerns. Some employees' internet service might not be as strong as that in County offices.
- Clarification is needed on this policy and its purpose when it was initially intended, and on the overall general vision going forward.
- From an IT standpoint, what can the County support and sustain in the future, and what is that cost for Teryx?

Commissioner Sill said the Telecommuting Policy is a work in progress, followed by agreement among the Board that each supervisor needed to decide how best to meet their group's needs. Commissioner Hollingsworth said Telecommuting is dependent on COVID-19 circumstances, and for now it is a good intermediate solution that can be flexible, as long as productivity doesn't go down. Commissioner Isenhardt asked about employees needing interoffice support and how that would occur if they were working at home. Commissioner Hollingsworth said Gilpin County has no completely remote positions. Commissioner Isenhardt agreed, saying the 50/50 split needs to be a requirement, if the supervisor agrees, and that this language should be added into the Policy. Co-Director Allen said she now has enough information to work on the Policy and bring it back to the Board.

Families First Coronavirus Response Act—Update on Payroll Tax Credit Status. Co-Director Allen said it might be possible for Gilpin County to receive a \$30,000 reimbursement from the federal government for leave paid to employees related to COVID-19. Interim Finance Director Lorna Plamondon said in January 2021, the original FFRCA tax credit was very small, under \$1,000 for the fourth quarter of 2020, so the Board voted to not take the tax credit due to that staff time that was needed to process the claim. Now in the new tax period, employers can again take a tax credit for COVID-19 wages that were paid, but there are limits. If Gilpin County chooses to now participate, it would reduce the payroll taxes, possibly up to 100%. Commissioner Sill moved to take advantage of the tax credit with the FFCRA. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

**RECESS.** The Board recessed from 11:00 a.m. to 11:11 a.m.

**Legal Status Report.** County Attorney Benning gave the following updates.

Update of Contract with Flatirons Surveying, Inc. Because no one has run for the elected position of County Surveyor, the prior Board had approved a contract with Flatirons Surveying, Inc., in 2020. Last year's contract needs to be renewed. County Attorney Benning said Flatiron's work would be only for the County, and that counties are statutorily required to provide some surveying services, such as in a Court Order. Commissioner Hollingsworth asked that the term "Illegal Aliens" be changed to "Workers without Authorization," per recent state legislation.

Gilpin County Senior Living Lease Agreement. After talking with representatives of Gilpin County Senior Living (GCSL), County Attorney Benning now has an updated draft contract, which will be discussed with the Board in Executive Session later today. This draft will then be sent to GCSL a draft for their input. Water is a crucial factor in the Board's decision on a potential lease agreement and will be part of the final agreement. County Attorney Benning will schedule a work session with GCSL and their attorney for final revisions to the draft agreement. Also, he is concerned about locking up this property for an extended period of time, in the case that GCSL might not have the ability to see the project to completion. He has spoken with the County water engineers, who want a cushion of 1 acre-foot as a best-case scenario. They have domestic water uses, but they have given no water-use study to Gilpin County, which is in the agreement. GCSL needs a land survey, and they need to find water rights, as the developer would have to bring water rights or money for other rights.

Dakota Hill Communications Tower Site Agreement. The County's main communications tower has been located on Dakota Hill for many years, at an elevation of over 10,000 feet. There have been occasional power outages at that site, plus there is an emergency generator in the building that hasn't been serviced. The County provides support through a Memorandum of Understanding (MOU) with the State, as they have communications equipment on the County's tower. After the State makes changes, the updated MOU will be presented to the Board, as capital costs need to be divided more fairly.

United Power Lease Agreement for Space on Communications Tower. United Power has asked to locate some equipment on Gilpin County's tower on Dakota Hill, which will soon be addressed in a written proposal to the Board.

#### **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: September 29, Senior Leadership Team at 9:00 a.m., and a Board meeting at 1:00 p.m.

Discussion of Adding Juneteenth as a Gilpin County Holiday. Human Resources Co-Director Susie Allen will soon present to the Board, a resolution to approve adding Juneteenth as a County holiday.

Potential Redistricting of Congressional Districts. Commissioner Hollingsworth said our congressional district will likely be changed. Gilpin County has talked about staying with Clear Creek and Jefferson counties for all of our many intergovernmental agreements. Commissioner Sill said it was best to let the redistricting committees do their work and then see where Gilpin County stands, but in the meantime, residents should communicate with their representatives. Commissioner Hollingsworth added that residents have used the online comment option. Commissioner Isenhardt said a non-partisan group is working on this and hopefully will create some fair maps.

Commissioner Comments. Commissioner Hollingsworth said she and County Attorney Benning had submitted a request to the Department of Local Affairs (DOLA) for the County's Compensation Plan last installment, and they are now close to doing the same for the Public Health/Human Services building. Interim Finance Director Lorna Plamondon has been a huge help.

**Public / Press Comment.** *Mountain-Ear* reporter John Scarffe received clarification on the next meeting link.

**Executive Session.** At 11:54 a.m., Commissioner Hollingsworth 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); 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 Sill seconded the motion, which passed by a vote of 3 to 0.

**Following Executive Session, the Board reconvened their regular meeting.**

**Update on Jail Meals.** County Attorney Benning said mutual indemnification and governmental immunity language was added to the proposed contract with Summit Food Services for inmate and seniors' meals.

Commissioner Sill moved to approve the Summit Food Services contract with the modifications set forth by County Attorney Benning for a period of one year. Commissioner Hollingsworth seconded the motion, which passed by a vote of 3 to 0.

**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.

**Public Health Order #21-04—Masking Requirements at Gilpin County RE-1 School.** Commissioner Isenhart said the Gilpin County Board of Health (BOH) would consider a public health order due to recent quarantines at the Gilpin County RE-1 School, plus numerous emails and calls from parents regarding the schools’ hesitancy to require masks for students and staff. The BOH reached out to Superintendent Dr. David MacKenzie and the school board, but have not heard of a potential decision on next steps. Because of the urgency and the potential withdrawing of students from school, the BOH will consider Public Health Order (PHO) #21-04.

Gilpin County Public Health Director Dr. Dawn Comstock cited this information from Public Health Coordinator Bonnie Albrecht:

- Currently seven cases of COVID-19 confirmed in students or school staff in the past 14 days.
- This is not quite at an outbreak level at this point. Three epi-linked cases have occurred; five are required for being termed “outbreak status.” The school has had three quarantines in the past two weeks; these students are missing out on in-person learning.
- Three students are scheduled for testing today due to symptoms; if two of them test positive, it will be termed an outbreak.
- Two teachers say kids are coming to school with upper respiratory symptoms, such as cold symptoms, but they could be COVID-19 symptoms.
- The Colorado Department of Public Health and Environment (CDPHE) released updated school guidelines on September 10, which are on their website. The five main updates are:
  1. The CDPHE is now in alignment with the American Academy of Pediatrics, the CDC, and other public health officials, and have updated their recommendation for universal indoor masks for all visitors—students, teachers, staff, etc.—to k-12 schools, regardless of vaccination status, and at all levels of community transmission.
  2. They updated table criteria for reducing quarantine to remove the community vaccination metric, and removed the recommendation that if 70% of a county has been vaccinated, they do not need to quarantine.
  3. They have updated the table to increase the threshold for high rates of school community COVID vaccination from 70 to 80%. If a school has 80% vaccination coverage of students, faculty and staff, they might not need to quarantine.
  4. There is new language for air ventilation and air quality to reduce transmission.
  5. There is a clarification on their recommendation for quarantining based on distance and masking in a typical classroom. These are recommendations, not requirements. At this point, there is nearly universal support among national, state and local medical health experts regarding the need for universal masking in schools. Colorado Children’s Hospital has a Frequently Asked Questions (FAQ) page available to parents that includes their call for universal masking in schools. It is their determination ~~is~~ that masks do not pose a physical or mental health risk to students, and that wearing masks can mitigate transmission of COVID-19 in the school setting. Jefferson County and six other counties in the Denver metro area are under public health orders that require masking in schools.
- Dr. Comstock met with school Superintendent Dr. David MacKenzie at the beginning of the semester to discuss masking, and told him of her concern that the school’s low rate of transmission last year might not hold for this year. She has a recollection that there was an agreement that if an outbreak did occur, that the school would voluntarily adopt a mask requirement in the school.
- She recommended that the County adopt a mask mandate at the school.

Commissioner Hollingsworth noted that the calculations are based on testing results, then asked how officials would know how many people are testing. Dr. Comstock replied that people who are symptomatic but are not testing would not be in that equation. Dr. Comstock said anyone who tests positive is a case. As to defining an outbreak, epidemiologically-linked symptomatic cases can also meet that definition of an outbreak.

Dr. MacKenzie was invited to speak, but did not. Each Commissioner expressed his/her view of the current situation, then Commissioner Isenhart said the Board would allow public comment.

Those comments were:

Rana Silver: We should be using funding to do testing in our district; I’m in favor of masking and testing onsite at the school to avoid a full outbreak.

Rebekah: I’m an ICU nurse working with COVID patients; without masking, our school could be a super-spreader; we need testing at the school; masks can reduce the number of lost school days.

Crystal Zeibeck via email: free rapid testing should be available to all students; the school receives money for this; consider masking kids that can’t be vaccinated and older kids, not the younger ones.

Commissioner Isenhart and Commissioner Hollingsworth both spoke about the reasons the BOH decided to require masking inside all County facilities, and why they thought it could help prevent an outbreak of COVID at the school. Commissioner Hollingsworth said Dr. MacKenzie was on today's zoom meeting, and asked him why testing was not being done at the school. He did not respond. She added that according to public health information, masking helps with other respiratory illnesses on the rise such as RSV, not just COVID.

Gilpin County Public Health Coordinator Bonnie Albrecht made the following statements:

- The RE-1 School has been great in working on quarantines and notifying parents of new cases of COVID.
- The way cases are going, masks would help keep the spread down, along with testing to exclude ill people, some of whom are asymptomatic. One student tested positive yesterday, and three are displaying symptoms today; we will see their test results tomorrow. They are one case shy of having an outbreak.
- A layered approach of masking, testing, social distancing and good handwashing will help prevent spread within the school.

Commissioner Isenhart said if the BOH mandates masking for all at the school for two months, and agrees to talk with everyone again in November, there might be better compliance. Having the school officials put testing in place, along with these measures could relieve some parents' anxiety.

Commissioner Hollingsworth moved to approve Public Health Order #21-04, to require masking of all students, staff faculty and visitors at Gilpin County RE-1 school, while indoors, through December 16, 2021, the end of the current semester. Commissioner Isenhart seconded the motion, which passed by a vote of 2 to 1, with Commissioner Sill voting against. Commissioner Sill stated that the RE-1 School Board had voted four to one against masking requirements, information that the Board of Health had not received prior to today's meeting.

Commissioner Isenhart and Commissioner Hollingsworth reiterated that testing is available by the County at no cost to the school, and Commissioner Hollingsworth highly encouraged the school to adopt an onsite testing policy in response to some parents' and teachers' request for it.

**Adjourn.** There being no further business to come before the Board, they adjourned at 3:57 p.m.

Signed this 26<sup>th</sup> day of October 2021.