

MINUTES – REGULAR MEETING
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
September 3, 2013

Present: Commissioner James Newberry, Commissioner District 1 - Chair
Commissioner Merrit Linke, Commissioner District 2
Commissioner Gary Bumgarner, Commissioner District 3

Also Present: Assistant County Attorney Bob Franek
Assistant County Manager Ed Moyer
Finance Director Scott Berger
Road and Bridge Supervisor Ken Haynes
County Planner Kris Manguso
Chief Building Official Scott Penson
Veterans Service Officer Duane Dailey
County Engineer Tim Gagnon

Those present recited the Pledge of Allegiance

Commissioner Bumgarner moved to open Senior Property Tax Exemption Hearings.

The motion passed unanimously.

Commissioner Linke moved to approve the minutes of the Special meeting of the Grand County Housing of August 27, 2013, as presented.

The motion passed unanimously.

Commissioner Linke moved to approve the minutes of the Regular meeting of the Grand County Board of County Commissioners of August 27, 2013, with corrections.

The motion passed unanimously.

Pole Creek Meadows Public Improvement District

The Board convened a Special meeting of the Pole Creek Meadows Public Improvement District.

Finance Director

Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on September 4, 2013, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Bumgarner moved to approve and sign the warrants to be paid on September 4, 2013.

The motion passed unanimously.

Mr. Berger stated that next Tuesday, he will bring forward the Budget requests from the Departments.

Mr. Berger stated that the Board needs to decide on the PILT (Payment In Lieu of Taxes) allocation. Typically, the majority of the money goes to Road and Bridge. Last year, the Board put some into capital: \$900,000 to Road and Bridge and \$50,000 capital. The Board also needs to discuss the distribution of the 13 mills between funds.

Department Contracts, Comments, Issues

Veterans Service Office Duane Dailey stated that last year there was a Constitution Week in Grand Lake and it will be done again this year. Mr. Dailey takes as many veterans as possible to the parade. This year they hope to have the Freedom Riders.

Tina Strang presented the Second Quarter Report to the Governing Body for Home Health:

Ms. Strang stated that the license to do business as a Home Health Agency with the State of Colorado requires that they give quarterly updates to the governing body.

The policies were reviewed by the Professional Advisory Committee and they approved modifications. The modifications were to charity care, immunizations of health care workers, and admission policy.

When they did a program evaluation, Home Health had requests for extended-hour nursing. The Home Health Department cannot provide extended-hour nursing due to staffing. Extended hour nursing is anything that is 8 hours per day.

There were 14 patients declined due to staffing.

There were no state reportables. There were no complaints.

There was annual training. There were 13 topics for RNs, 10 for PTs, 13 for AT, and 3 for CNA. Each of the clinical staff has to have 12 topics per year. The training that is still needed is training in the ICD 10 transition. The RNs are looking into additional infusion training.

There are three office staff in Home Health: 6 FTE for CNA, 2.8 for RN, 1 full-time PT, and .4 AT. They are fully staffed as budgeted.

Admissions: 4 Medicaid, 13 Medicare, and 9 private insurance

The census was up for the second quarter to 49. There were 28 discharges, 413 visits were completed, and 7,442 miles were driven to complete the visits.

The chart audit was completed. There were only two areas of concerns. The “all other areas” was at 80 percent accuracy.

The patient satisfaction survey is 9.9 out of 10. The patient satisfaction is higher in Grand County than the state and national averages.

Infection control shows “no trends were identified.”

Staff training has been completed.

For the quarter, the revenue was \$51,875 with expenses of \$110,971 showing County support of \$59,097. The cost per patient is \$1,206.

Ms. Strang reported that they have done some marketing this year but because they are turning patients, they do not have a strong marketing plan.

Chairman Newberry noted that Home Health had to turn down 14 people and wanted to know if that was because of staffing. Ms. Strang stated that most of the time when working with hospital discharge planners, they try to figure out if someone can stay in the hospital longer, whether they can go to an out-patient facility, go to a skilled nursing facility, etc. There are times that people refuse to go to facilities and the people do not get care. It is up to the hospital to decide on the best course of action.

Ms. Strang stated that there is another home health agency serving Grand County. It is a private company that came to Grand County to serve patients.

There are times that patients want to come home and it is not safe for the patient to come home. If they come home, Grand County Home Health cannot provide care.

The average length of stay in Home Health in 2012 was less than 20 days. There are three patients that are long term care that Home Health has had for several years.

Road and Bridge Update

Road and Bridge Supervisor Ken Haynes asked Micah Benson to provide an update on the Airports.

Ms. Benson stated that she has an estimate from Bob Thompson on fixing the leaks on the Jet A fuel dispenser at the Granby Airport. Ms. Benson asked if the Board would like to get that done.

The filter housing has a crack across the top. There is a pipe below that is seeping through the threads. Mr. Thompson believes that the problem with the threads when the air temperature is high.

The Board gave direction to move forward with the repairs now and would like a contract brought back to the Board to get the work done.

Mr. Haynes requested that the County enter into a contract on County Road 84 for hazard tree removal. The group that is removing the trees on the Forest Service property has agreed to remove the trees at little to no cost other than to take the trees.

The Board gave direction to move forward and offer a contract to West Range Reclamation to remove trees in the County right-of-way.

Chairman Newberry stated that the Road and Bridge Department needs to contact any private property owners that will be affected.

Mr. Haynes stated that Xcel Energy is requesting permission from landowners to repair the natural gas line crosses County Road 20 and County Road 309. This is from Hot Sulphur Springs to Parshall over the Parshall Divide. There are seven places where the roads cross the lines. The landowner is Grand County and Excel would like permission from the Board. The BLM is requesting a cultural resource evaluation on the County Roads. Mr. Franek stated that BLM is asking to start the cultural assessment. If it finds anything, the BLM would like to be allowed collection of the items. There is no discussion of who will pay for any part of this.

The agreement that the County is being asked to sign states:

_____ I will or will not allow access to Grand County Roads for purposes of identifying and avoiding cultural resources.

_____ I will or will not allow collection of artifacts that are endangered of being damaged or destroyed.

The Board would like to know who is paying for what and what exactly the County is signing.

County Engineer Tim Gagnon stated that County staff had a meeting with KRW last week regarding both landfills. The County would like to move forward on a closure plan but needs Colorado Department of Public Health and Environment's (CDPHE) approval. KRW has come up with costs to get the County going on that path.

For the Granby Landfill, the County will survey the cap and do permeability test. The point of the soil cover is to assure that too much water does not get into trash. The Board of Commissioners will need to approve any plan before it can be approved by the CDPHE.

Chairman Newberry asked where the County is on the parallel course as far as the research and the data gathered. Mr. Gagnon stated that right now, there is no plan to propose to the CDPHE that the County will put in any wall. This can change if the mass starts to move. The County will continue to test the wells. Chairman Newberry stated that the Board needs to know if the County representatives need to be at the meeting with CDPHE including any technical staff. Mr. Gagnon stated that the County will not commit to anything today. Chairman Newberry stated that he believes that at least one Board member needs to be present.

Chairman Newberry would like to know if CDPHE is asking Grand County to do anything outside of what has been required for any other landfill closure process. Mr. Gagnon will check with KRW.

Commissioner Linke stated the County needs to hear the pros and cons of closing the landfill and what parameters will be used to determine if the County can close the landfill.

Mr. Gagnon stated that he did an alternative analysis; they looked at closure costs at \$120,000 per year for all the monitoring.

Commissioner Bumgarner asked for a cost of adding to the cap. Mr. Gagnon stated that the cap was built with a five percent grade in 2010. It has not shifted. If there is a two percent grade in areas, the County needs to find a way to have a five percent grade. Putting material on the mass is the easy way to solve it, but that can cause more problems.

Mr. Moyer stated that the survey would be an internal document that would be subject to the Colorado Open Records Act.

Chairman Newberry stated that the Board told the consultants to move toward closing the landfill. Chairman Newberry does not understand why the Board would need to know what the pros and cons would be to closing it as the Board wanted the landfill closed. Commissioner Bumgarner wants to know what it will cost to close.

Mr. Moyer stated that what the County is doing today, the County will have to do for the next 30 years after closing. The quicker the County can get the closure plan in place and the clock ticking, the better.

Mr. Moyer stated that Mr. Gagnon is requesting that he come back with a contract for a cost estimate to survey the cap to know where the County is at and if there is need for additional fill.

Mr. Moyer stated that Mr. Gagnon is requesting direction for him to go back to KRW and get a cost estimate for surveying the cap and a permeability test so that the County can take the next step for the closure plan.

Mr. Gagnon will not commitment to anything with CDPHE. He needs to understand what CDPHE is asking to be done at the landfill.

Commissioners Bumgarner and Linke stated that they need to know the costs going forward. Mr. Haynes stated that staff will provide all the options to the Board with the costs before staff talks with the people at the State.

Mr. Gagnon stated that for an estimated cost of \$29,576, KRW will perform the initial analysis as far as surveying, meetings with the County and CDPHE, the creation of a general conceptual closure plan, and doing all of these items with the Kremmling landfill as well as the Granby landfill. In addition, there will be three additional monitoring days requested by the Board at a cost of \$4,290. Mr. Gagnon would like to get a contract with KRW for a total cost of \$33,866 to get both landfills moved toward a closure plan.

Mr. Haynes needs the information from KRW to do the grading and contour plans at both landfills to get into closure.

Commissioner Linke stated that it seems to him is that staff comes forth with contracts and the Board does not have an option not to sign. He feels like the Board is stuck.

Mr. Gagnon stated that there is a maximum allowable permeability of the cap. In theory, if there is cracking there will be movement and movement will open the crack. All caps have to have a permeability analysis performed.

Chairman Newberry stated that Board is giving direction to move forward on a contract with KRW to do the work as presented.

Mr. Gagnon stated that they hope to get out to the survey and permeability in another week and will likely have a workshop with the Board the third week of September.

Mr. Haynes stated that the Magnesium Chloride application should be done the end of the week.

Board Business

Commissioner Bumgarner moved to send letters to Dillon Berger, Karla Whitacre, and Peter Works thanking them for their good work on an EMS transport to Denver.

The motion passed unanimously.

Commissioner Linke stated that he would like to discuss the salary increase and the effective date of the raise. The Board chose to have the raise given to employees that had been employed by the County for one year prior to the date of the motion. Commissioner Linke stated that date was fairly arbitrary. The raise was to show appreciation for employees that stuck with the County and to keep and retain good employees. The problem that Commissioner Linke had with the date was that there were people that missed deadline by a week or two. Commissioner Linke would like to make the raise retroactive to when the person gets to the one year of employment.

The Board would like to investigate this with the Human Resources Department.

Commissioner Linke stated that with regard to the public auction of the County cars, there will be a requirement to register and have a buyer's number and Commissioner Linke will be the auctioneer.

Mr. Moyer stated that if the cars are not auctioned off, staff would like to put those cars in storage and use for a trade-in or have an auction next year. Mr. Moyer stated that all County employees except the Commissioners can bid on the cars.

Mr. Franek stated that the County can make a claim for government roads under RS2477. Chairman Newberry stated that the Board asked legal to come up with ideas that would allow the County to claim or use federal roads in Grand County.

Commissioner Bumgarner moved to appoint Don Wooster as representative to the Planning Commission for District 1.

The motion passed unanimously.

Chairman Newberry would like to have direction for Grand County's representation on the different Boards. Chairman Newberry stated that this came to mind because of the meeting with the Transportation Legislation Review Committee (TLRC) next week.

Some of the questions that will be addressed at the TLRC meeting is:

1. What are the general concerns regarding transportation?
2. What would be the top two or three CDOT projects that the Board would like to see accomplished if resources were available.
3. How much is your local transportation is supported by gas tax distributions?

Chairman Newberry stated that if CDOT has projects then CDOT needs to fund the projects.

The Board members agreed the Board members that attend outside meetings should have a position from the entire Board and should report back after they attend meetings. There will be a separate agenda item to discuss other meetings that the Board members attend.

Mr. Moyer stated that Commissioner Bumgarner will be attending the TLRC meeting next Tuesday.

Calendars

September 4	River District Conference call at noon
September 5	Countywide Chamber mixer at the Hot Sulphur Springs Fire Station at 4:30 p.m. State Land Board in Gould
September 7	Gridiron Bash
September 9	DOLA meeting at noon at the Glory Hole
September 10	TLRC meeting at 10:00 a.m. in Kremmling
September 18	Fraser Town Board meeting at 7 p.m.
September 19	Lunch in Grand Lake regarding the Grand Lake Livability study

Manager and Attorney Items

Assistant County Attorney Robert Franek presented:

Resolution No. 2013-8-38, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN THE KREMMLING PRESCHOOL BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2013-8-39, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A SERVICES CONTRACT BETWEEN GRANBY ELEMENTARY SCHOOL AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO"

Resolution No. 2013-8-40, "A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A CONSULTING SERVICES AGREEMENT BETWEEN ATLAS ADVERTISING, LLC

AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR THE IMPLEMENTATION OF LOCAL INSITE SOFTWARE ON GRAND COUNTY'S ECONOMIC DEVELOPMENT WEBSITE”

Resolution No. 2013-8-41, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A COLORADO SURPLUS AIRPORT EQUIPMENT PROGRAM ASSURANCE CONCERNING EQUIPMENT PURCHASED FOR USE AT THE GRAND COUNTY – GRANBY AIRPORT”

Resolution No. 2013-8-42, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE A COLORADO SURPLUS AIRPORT EQUIPMENT PROGRAM ASSURANCE CONCERNING EQUIPMENT PURCHASED FOR USE AT THE KREMMLING – MCELROY AIRFIELD”

Resolution No. 2013-8-43, “A RESOLUTION APPROVING AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO TO EXECUTE ACCEPTANCE OF A DONATION OF 10,000 TONS OF CLAY BASED AGGREGATE MATERIAL FROM MOUNTAIN PARK CONCRETE, INC.”

Commissioner Linke moved to approve Resolutions Nos. 2013-8-38 through 2013-8-43.

The motion passed unanimously.

Mr. Franek reported that the Board that the County has received most of the deeds on the Conservation Easements in Pine Air.

Mr. Moyer presented a contract with Columbine Hills Concrete for the Kremmling Airport apron expansion and pavement maintenance. The apron expansion is being postponed until spring; however, the contractor provided in writing that his original bid will not change.

Commissioner Bumgarner moved to enter into an agreement in the amount of \$714,302.20 with Columbine Hills Concrete Inc. for Kremmling Airport McElroy Field.

The motion passed unanimously.

Mr. Moyer stated that the as of last week there was 35 cubic feet per second (cfs) coming out of Lake Granby. Since the minimum flows went down to 20 as of September 1, the 5412 ½ water went up to 55 cfs. There is 20 cfs minimum flow and 55 cfs of fish flow. Katherine Morris is putting together a graph depicting what the 5412 ½ water looks like compared to 2002.

The 100th anniversary for Rocky Mountain National Park celebration committee will be on the 10th during the Town Board's Regular meeting at 10:30 a.m. in Grand Lake.

Mr. Moyer stated that there have been questions about the Terminal Building at the Granby Airport. The FAA will allow the County to lease the facility to a non-aeronautical use but it would have to be short term.

Chairman Newberry would like the County to perform an evaluation of the Terminal Building.

With regard to the RICD (Recreational In-Channel Diversion) project, Mr. Moyer reported that Caroline Bradford attended a workshop with the Eagle County staff. Grand County is making a request of \$340,000 from Eagle County for the RICD project. It is possible that the money could come out of a Community Grant Program through Eagle County. The Board will set up a Commissioner to Commissioner meeting.

Grand County is drafting the BLM right-of-way permit and the 404 Permit for the project.

Ridge View Estates Subdivision Exemption Final Plat Recording Extension

The following is all or part of staff's Memorandum to the Board as it was provided by staff for inclusion in the minutes of the meeting held on August 27, 2013.

SUBJECT: Request for recording extension
Ridgeview Subdivision Exemption

LOCATION: The Northeast ¼ of the Southeast ¼ of Section 18, Township 1 North Range 76 West of the 6th P.M.; Between US Hwy 40 and the southern portion of Innsbruck Val Moritz

The Ridgeview Estates Subdivision Exemption located on a 40.64 acre parcel of land located just east of Highway 40, adjacent to Innsbruck Val Moritz. The Subdivision Exemption request to create three (3) lots received conditional final plat approval on April 3, 2012.

Mr. Brian Dornbusch has submitted a late request for a one (1) year extension to the recording requirement. This is permitted under Section 3.3(3)(e) of the Grand County Subdivision Exemption Regulations which reads as follows:

“Approval of any Final Plat shall expire after one (1) year if not recorded in the Office of the Grand County Clerk and Recorder following the date of the Board of County Commissioners Final Plat approval. One (1) year extensions may be requested in writing by the developer and will be considered by the Board of County Commissioners.”

Mr. Dornbusch has stated he has encountered unforeseen delays between himself and his financial institution, and expects these to be resolved in the near future. Considering the economic hardships that many of the county residents have dealt with, staff is recommending approval of this recording extension request for one year, or until April 3, 2014.

[End of Staff's memo]

Commissioner Linke moved to approve an extension for recording of the Final Plat Ridge View Estates Subdivision Extension with staff's recommendation.

The motion passed unanimously.

Manager and Attorney Items

Mr. Moyer stated that some steers got out onto Highway 40 from Flying Heels Arena. The gate at Arena is spring loaded and some of the hardware was loose. Members of the Roping Club have now wired the gates shut.

CTSI- George Tinker

Mr. Tinker reported that Grand County's contribution for 2013 was \$327,000. The County received a discount and a distribution from equity of \$75,000. That amount is taken against the contribution or premium level. The premium level is based on losses and it reduced the County's 23 percent in CAP (Casual and Property Pool). The final contribution for 2013 was \$252,000.

There is not much money in the Worker's Compensation Pool because claim discounts because claims that area closed with no reserve are fewer. The contribution was originally figured \$379,000 and the County received \$6,000 back, so the discount was 1.5 percent.

The County's Loss Ratio is not very good. Grand County is 10 percent in CAP and 1.21 in Worker's Compensation. Mr. Tinker stated that there is some good news in CAP.

The average for the entire pool is 78 percent. Grand County is 59 percent for 2010, 2011, and 2012 and that is good news.

Claims are not charged on the number of events; they are only charged on the cost. Law enforcement is on the top of the total costs. There was one loss at the library due to water damage. There were seven losses is EMS and they are all vehicle related.

Mr. Tinker stated that he sees the most frequency of claims having to do with vehicles. Mr. Tinker suggested driver training for EMS and the Sheriff's Office.

Mr. Tinker stated that CTSI has a number of driving classes that it can make available to the County.

The County's Worker's Compensation is 1.21 percent. There were three years when the County was over 100 percent and two years it was 18 percent.

Mr. Tinker reported that slip, trip and falls are the most common cause of injury, accident, and death in all industries and in the home.

Overall, Grand County is doing very well. Three of five years Grand County is high and two years Grand County is very low. Grand County is getting some very unusual claims that are costing a lot of money.

Jail Inspection

The Board performed a jail inspection.

District Attorney Budget Discussion

District Attorney Brett Barkey presented the Mission Statement: Community Safety and Ethical Prosecution. Mr. Barkey stated that serving the community and excellence is extremely important to him.

Mr. Barkey stated that he set up a Grand Jury this year. He intended to call a Grand Jury because of an incident but found some legal authority that changed his view.

Mr. Barkey stated that he set up a critical incident team; this year one was support for the Snowball event and the other was the shooting in Hot Sulphur Springs.

Mr. Barkey stated that he has been sending his team to a significant amount of training. He has been sending his attorneys to other District Attorney offices to see how their offices work.

For 2014, Mr. Barkey has asked Moffat County to help with physical security. In addition, Mr. Barkey will keep the Grand Jury and continue district-wide training for the critical incident team.

Mr. Barkey stated he has seen an increase in felonies in Grand County.

Mr. Barkey reported that juvenile cases are down across the district.

Mr. Barkey stated that he will be asking for a 4.7 percent raise in the personnel budget across the District. Mr. Barkey would like to purchase a vehicle for an investigator and a vehicle for him.

Commissioner Bumgarner asked for the population decreases by County in the 14th Judicial District. Mr. Barkey will provide that information to the Board at budget time.

Chairman Newberry stated that he would like to have a discussion about security access into the Judicial Building.

Board Business

Human Resource Coordinator Colleen Reynolds stated that she understood that the Board had a discussion over giving a 2.5 percent increases to everyone hired through August 11, 2012 through December 31, 2012, at their anniversary date.

Ms. Reynolds stated that her department can accommodate the request. Ms. Reynolds stated that a lot of employees have been here longer than a year are making the same as the new co-workers are being paid.

Ms. Reynolds stated that there are 14 employees that were hired between August 11, 2012 through December 31, 2012, that did not get the raise and in January there are four more people.

Commissioner Bumgarner stated that the Board gave the raise to recognize those that stayed with the County and have not had a raise in four to five years.

The Board agreed to leave the raise as originally decided.

Ms. Reynolds reported that open enrollment for insurance is October 16 and 17.

Secession/The 51st State Initiative Discussion

Chairman Newberry stated that the Board had a discussion about this last week and agreed to continue the discussion to today.

Jackie Woods stated would like to see Grand County secede from the “bleeding heart liberals” on the front range.

Mimi Kaplysh stated that she and her husband have lived in Grand County for about 15 years. She would like to see a question on the ballot regarding secession from the state. Ms. Kaplysh stated that she would like to see the question put on the ballot because it is a great opportunity to get some clout with other rural counties and to educate our own community on issues that many people do not know what has been forced down our throats. She stated that she would like to see the liberals and the conservatives in Grand County work on this together.

Ted Kaplysh stated that as an issue on the ballot, it would broaden the public forum both locally and nationally for rural Colorado to express and articulate its dissatisfaction with representation in State government. One of the most glaring issues is Second Amendment Rights. This might affect the conscience of those in control.

Eden Recor stated that he is in favor of putting the secession question on the ballot. He would also like to see a question on the ballot that states that Grand County wants each County to have a Senator. Either way, it will bring issues to light.

Bob McVay stated that if this gets on the ballot, there are things that the County needs to consider. What if the State is fine with the poor rural counties seceding; what happens with our water rights? The County needs to look at infrastructure problems. Mr. McVay would like the Board to consider placing a ballot question on the ballot proposing one Senator per County.

Sethfield Pankey stated that he has lived in Grand County since 1999 and was a State Legislature. He stated that he served as the Chair of the Health and Human Services Committee for 12 years. He recommends that the County pursue the initiative to join the Counties that have proposed the formation of a new state. Mr. Pankey stated that the rural counties are tremendously under-represented in the State Legislature. Those representatives know very little about Western or even Eastern Colorado.

For the last four times that redistricting has taken place, it has gone to the Colorado Supreme Court to make the decision. Every time rural Colorado has lost representatives. Grand County has no representation at the State.

Mr. Pankey stated that the Supreme Court has never made a decision that supported rural Colorado or the Western Slope.

Harry Kottcamp stated that he supports putting the secession question on the ballot. The more choice we give to the voters; the better. Putting it on the ballot will raise important issues. The reapportionment that occurred where Grand County’s representative was taken was vindictive. They did everything they could to tell Grand County that the County would get a representative and at the last minute it was taken away.

The Republican Party protested to the Supreme Court, so the Supreme Court made sure that Republican Party did not get representation.

Mr. Kottcamp stated that the United States Supreme Court struck down by the proposal of having a Senator for each County.

Al Olson stated that Grand County needs to stand up with the other Counties to protest how we feel we are being controlled by the big city and the State.

Chris Bergquist stated that he has done mining, logging, and has been in the military. He said that his way of life is not represented at all by the Front Range. The Front Range has the votes to override about anything that he believes in.

Maurice Sharp stated that he would like to see the 51st State Ballot question put on the ballot.

Christine Lee stated that she is not for putting the question on the ballot. Ms. Lee stated that she agrees with the representation in the State. It is not necessary to put it on the ballot. Ms. Lee moved to Colorado and does not want to be in the 51st State.

Eden Recor stated that in the next 10 years, the population of Colorado is going to increase 2 to 3 million people.

Ted Kaplysh stated that rural Colorado needs to make it known to the Governor and the Legislature that they have an obligation to represent the entire State of Colorado; not the Denver metropolitan area. When a Governor is in office, they are no longer the head of their party and they need to speak for everyone.

The proposal to form a 51st State will never happen. The proposal of a 51st State is a way to bring the lack of representation to the focus of the government. Mr. Kaplysh stated that he had a conversation with Representative Claire Levy about why she voted for the 15 limit magazine. She responded to Mr. Kaplysh that she did not know anything about it and she voted for the law the way it was presented to her.

Chairman Newberry stated that Grand County has been involved in the State Water Plan. Grand County did an economic assessment of what water means to the headwaters counties. Grand County is educating the front range about the needs of Grand County.

Chairman Newberry stated that the City and County of Boulder and Claire Levy were Grand County's biggest allies on the Moffat Firing Project and the Windy Gap Firing Project. Chairman Newberry stated that Grand County is getting the state to buy into the Water Plan based on economic impact for the entire state.

Commissioner Linke stated that there are reasons pro and con to move forward with the ballot question. Some of the reasons are valid. Getting back at the party in power right now is not a good reason. Commissioner Linke reported that someone told him that we are a true democratic society and for that reason the question should be put on the ballot. Commissioner Linke stated that that United States is not a democratic society; we are a constitutional republic with democratic principles.

Commissioner Linke stated that he believes that there is no one in the room that believes that we can create a new state. He wondered if the 51st state is something we want. He stated that putting this question on the ballot is not the best way to make a statement. He is interested in pursuing the one Senator per County idea. Grand County does have some things in common with Boulder. He does not like some of the things that Boulder stands for and does not like the gerrymandering that took place. Is seceding from Colorado going to solve those problems?

Commissioner Linke stated that the 51st State issue has become a conservative vs. liberal issue. It looks like it is being pushed by conservatives who lost the last election.

Commissioner Bumgarner stated that politics make strange bedfellows. Grand County agreed with Boulder County on the water but there is a Rollins Pass issue for which the Counties are diametrically opposed. Grand County did respond when Claire Levy supported the 15 magazine limit. Grand County did a resolution regarding the gun legislation and the Board of Commissioners had to compromise with that. The Board wanted a 3 to 0 vote on the Resolution so compromise was necessary.

Less than a year from now, we all have an opportunity to get a representative on the Grand County side. Commissioner Bumgarner agreed that it would feel good to have this vote and to show that Grand County does not feel represented, but he does not believe that it will be a slam dunk that this will pass in Grand County.

Mimi Kaplysh stated that the conversation is to whether to put the question on the ballot. She said that it appears that the Board is afraid to put this on the ballot because it might lose. Ms. Kaplysh stated that the reason to put it on the ballot is to hear from the people; not to hurt someone. She wondered why the Board would not put it on the ballot. Why would Grand County miss the opportunity to be heard?

Eden Recor stated that there are advantages and disadvantages to becoming a state; the new state would be allowed two senators. Mr. Recor stated that the government of the United States is supposed to be from the bottom up and it starts in the Counties. Mr. Recor would like to see one senator per county.

Bob McVay stated that he gets upset when he hears that the liberals and the conservatives cannot work together. He spent a lot of time with a Republican (Mr. McVay is a member of the Democratic Party) to attend and testify at the redistricting meetings only to be ignored by the Reapportionment Commission.

If the citizens want to send a message, we need to make sure that we are sending a common message.

Chairman Newberry stated that there is a way to work within the system. With regard to the water issues, western Colorado is united on water and it has worked to the benefit of Grand County.

Chris Bergquist stated even if the question loses, it will make headlines.

Chairman Newberry stated that Grand County has a reputation of going to Denver and fighting for the County. He thinks this type of ballot question discredits the County. Chairman Newberry stated that he is seeing more people say they don't want the secession question on the ballot.

Ms. Kaplysh stated that throughout the nation, there is information about the eleven counties that are talking about session and they are not being seen as stupid. They are being seen as courageous. Ms. Kaplysh is not against following the process but wants to think a little out of the box.

Commissioner Bumgarner stated that it appears that the people in the room believe that Grand County is not being representative or heard. As a compromise, Commissioner Bumgarner suggested that the Board investigate the possibility of a senator per county.

Harry Kottcamp stated that the one senator per county was fought out in the Supreme Court of the United States and it lost.

Ms. Kaplysh asked why the County could not put both questions on the ballot. Chairman Newberry stated that the question about one senator per county would send the same message as secession and offers a solution.

Harry Kottcamp stated that he does not understand why the Board wants to deny the right of the voters to express their opinion.

Chairman Newberry asked for the key things that the group felt that they were not being heard. Some of the items were:

1. The 15 clip magazine
2. The cost of electrical power
3. Over regulation
4. Cost of license plates
5. Time in solitary confinement being applied to good time for early release from prison
6. Civil Unions
7. I-70 Corridor
8. Insurance
9. Marijuana

Caroline Sharp stated that it would be confusing to have the question on the ballot to form a new state and to have a question about having one Senator per County.

Commissioner Bumgarner moved to put on the 2013 November 5th ballot the question “should Grand County propose one senator per County.”

Discussion: Commissioner Linke would like the question a little clearer. Assistant County Attorney Franek suggested the following language:

“Should every County within Colorado have one Senator representing that County within the Senate of the Colorado Legislature?”

Commissioner Linke stated that he believes this question asks if people want better representation.

Ms. Kaplysh asked if this could be sent to the national media.

Mr. Recor asked what will happen if the question passes. Commissioner Linke would like to get with Phillips County and see how they are moving forward.

Chairman Newberry stated that he believes that the information would need to go to the lobbying group for the Counties which is CCI (Colorado Counties Incorporated).

Mr. Franek modified his suggested language to:

“Should Grand County propose that every County within Colorado have one Senator representing each County within the Senate of the Colorado Legislature.?”

Commissioner Bumgarner accepted that language to substitute for his original motion.

Chairman Newberry suggested that people interest in secession may want to start a petition drive.

The motion passed unanimously.

Mr. Kottcamp noted that the Commissioner's vote is unconstitutional.

Assistant County Attorney Bob Franek presented Resolution No. 2013-9-1, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO REFERRING TO A VOTE OF THE ELECTORS THE BALLOT QUESTION WHETHER TO PROPOSE THAT EVERY COUNTY WITHIN COLORADO HAVE ONE SENATOR REPRESENTING EACH COUNTY WITHIN THE SENATE OF THE COLORADO LEGISLATURE AND CERTIFYING THE BALLOT QUESTION TO THE GRAND COUNTY CLERK AND RECORDER FOR THE NOVEMBER 5, 2013 COORDINATED ELECTION"

Commissioner Linke moved to approve Resolution No. 2013-9-1 as presented.

The motion passed unanimously.

Mr. Frank stated that there is a U.S. District Court case referred to as 900 Mulligan versus Grand County where Grand County holds \$130,000. The court stated that Grand County can deposit the money with the Clerk of Court and be dismissed out of the lawsuit. Mr. Franek asked for a motion to authorize the Treasurer to pay the funds to the Clerk of the Court.

Commissioner Bumgarner moved to authorize the transfer of funds to the Clerk of the U.S. District Court in the amount of \$130,955.

Discussion: The Court will decide where the money will go.

The motion passed unanimously.

There being no further business to come before the Board, the Regular meeting was adjourned at 5:14 p.m. The minutes were taken by Deputy Clerk and Recorder Sosanna Luke and prepared by County Clerk and Recorder Sara L. Rosene. Approved this _____ day of September 2013.

James L. Newberry, Chair

Attest:

Sara L. Rosene
Grand County Clerk and Recorder