MINUTES – SPECIAL MEETING
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
November 12, 2014

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

Also Present:
County Manager Lurline Underbrink Curran
County Attorney Jack DiCola
County Clerk and Recorder Sara Rosene
Assistant County Attorney Bob Franek
Finance Director Scott Berger
Road and Bridge Supervisor Ken Haynes
County Planner Kris Manguso
Public Health Nurse Brene Belew-LaDue
Veterans Service Officer Duane Dailey
Housing Authority Director Jim Sheehan
County Treasurer Christina Whitmer
County Engineer Tim Gagnon
EMS Chief Ray Jennings

Those present recited the Pledge of Allegiance.

Minutes
Commissioner Linke moved to approve the Minutes of the Regular Meeting of the Grand County Board of Commissioners of October 28, 2014, with corrections.

The motion passed unanimously.

Housing Authority
The Board convened a Special meeting of the Grand County Housing Authority.

Finance Director
Scott Berger, Finance Director, presented the Warrant Register and Expenditure List to be paid on November 12, 2014, for vendor payments. The list for this period was verified for the Board's approval.

Commissioner Linke moved to approve and sign the warrants to be paid on November 12, 2014.

The motion passed unanimously.

Mr. Berger stated that he received the November sales tax collection which was for September. Year-to-date sales tax has hit $3 million. Mr. Berger noted that year-to-date is already over the full year of collections for the prior year. Sales tax is coming in strong and lodging tax is up as well.

General Public Comments/Issues by any member of the public wishing to address the Board

Greg Norwick of 429 County Road 371, Parshall stated that he is here today as a representative of Everist Materials, Peak Concrete Pumping, Badlands Trucking, and Morrow and Sons Construction.

Mr. Norwick stated that the Highway 9 bids are due tomorrow. When that the project came out for advertisement, some of the contractors approached Blue Valley Ranch for a potential aggregate source. After discussion amongst their team, they decided to make that property available to the general contractors. Mr. Norwick is concerned over that particular pit being available when Mr. Norwick there are four already legally permitted, operable, viable gravel sources in West Grand County that could support the project.

Ms. Underbrink Curran noted that there are no applications for another pit in that area.
Mr. Moyer stated that he received two phone calls from two separate contractors regarding that potential and he let them know what the process could be should that happen.

Mr. Norwick stated that he met with Blue Valley Ranch twice to help educate them. Mr. Norwick stated that he has done a lot of research in the way that CDOT does their estimating, their advertising, and their bid evaluation and award. Mr. Norwick stated that of the 144 projects that were advertised, 25 percent of them were rejected in 2014 due to one reason or another. Most of the time, they were due to low engineer estimates.

Mr. Norwick looked at the three major line items that one of the four permitted gravel sources could supply in terms of aggregate, asphalt, and concrete. Mr. Norwick applied CDOT’s 2013 cost data to those line items. Mr. Norwick stated that with the cost data in hand, the prices out of the four existing pits the project can be built on time and on budget without the need of an additional source.

Mr. Norwick stated that when he met with Blue Valley Ranch, Mr. Norwick educated them about the process. Mr. Norwick believes that CDOT provided Blue Valley Ranch with some mis-information. CDOT did an analysis of the project. Mr. Norwick believes that there is a wide spread of potential ranges of value for the project. The aggregates, asphalts, the concrete, and the materials are an insignificant piece to the overall value of the project.

Mr. Norwick stated that when he looks at the three major line items (embankment, Class 1 aggregate base course, and the Class 6 aggregate base course) it represents approximately $2.5 million of material on a $42 million project. The savings of going to a source closer to the site is less than 2 percent of the total amount.

Mr. Norwick stated that Blue Valley appreciated his comments and they understood the concerns but their comment was that the “ship had already sailed.”

Mr. Norwick stated that the term sheet does not provide for any specific royalty rates. Most of the general contractors are hesitant to use the pit as a bid item going in because of too many unknowns. They are stuck with the existing local supply which puts the existing local supply in a bidding process at odds.

Mr. Norwick stated that his firm wants to be involved in the project. He noted that the County donated a lot of money and he appreciates it. Mr. Norwick stated that he is emotionally attached to the project as they have had three employees killed on Highway 9 and countless number of injuries and property damage.

Mr. Norwick stated that they have 53 families that they support that live in Grand County and having that impact on the highway is going to be difficult to overcome. Over 50 percent of the projects that they manufacture in Grand County go south into Summit County. With the proposed traffic projection, that volume will no longer be available to them to competitively haul into the County. Without the opportunity to replace the volume with the materials on the project puts the jobs in jeopardy.

Mr. Norwick stated that he believes that the job can be built with local sources.

In the term sheet, CDOT will not participate in the permit process. CDOT has a permit process that is a DRMS (Division of Reclamation Mining and Safety) that is a 111. It is an emergency permit that allows for three general criteria. CDOT made it known that the 111 would not be available for the project.

In Blue Valley’s term sheet, it does say that any contractor that is successful in being low bidder and negotiating something with Blue Valley would have to go to the County to go through the County permit process.

Mr. Norwick is before the Board to educate the Board on the negative impacts to the local residents and the employees of Everist Materials. Mr. Norwick asked that the Board be thoughtful in its evaluation if and when the contract comes in front of the Board.

Mr. Norwick stated that he is not sure that the participation from the private sector for the project would have been as strong if people had known that this particular situation would have been an option.

Ms. Underbrink Curran stated that if the Board gets an application, it will hold a public hearing.

Mr. Norwick stated that the reality of the bid (if indeed the low bidder would go in with local sources as is) and after the fact they want to renegotiate more favorable rates at Blue Valley Ranch, those profits end up in the pockets of the general contractors and not in local businesses.
Mr. Norwick stated that the timing with Blue Valley just was not right. They should have let the process take place with the current local supply. If the local supply is not competitive and the bid was out of whack because of the supply, then they could have come in after the fact and say that they could save the project and donate the royalties.

Mr. Norwick stated that the project is going to go and not because of the material pricing but because of the availability and aggressiveness of the general contractors. There is a good list of contractors.

Commissioner Newberry stated that he voted for this project because of the interest in Grand County businesses doing well and money coming into our economy. He added that he is not saying anything specific to Mr. Norwick’s case. Commissioner Newberry stated that he would be very disappointed to find out that the use of local businesses was not being followed through.

Commissioner Linke stated that he agrees with Commissioner Newberry and Commissioner Linke noted that he spoke up at the time of approval because he believed that it was an investment in the community.

**Departmental Contracts, Comments/Issues**

Veterans Service Office Duane Dailey stated that the new Secretary of Veterans Affairs has started a series of town hall meetings. The first one was a month ago in Denver at the VA Hospital.

Mr. Dailey stated that the veterans that are over 30 percent disabled living in the Grand Lake get mileage over Trail Ridge Road to Ft. Collins. Mr. Dailey made the point at the town hall meeting that people cannot get to Ft. Collins over Trail Ridge Road for approximately eight months of the year.

Mr. Dailey asked for permission to speak at CCI regarding Veteran Services. The Board has no objection to that.

Commissioner Linke thanked Mr. Dailey and Dave Jones for putting on the Veterans breakfast.

Mr. Dailey stated that he spoke with one of the teachers at West Grand School District and they would like classroom flags.

**Road and Bridge Update**

Assistant Road and Bridge Supervisor Bill Clark and Engineer Tim Gagnon appeared before the Board.

Bill Clark presented a contract with Green Thum who picks up the waste oil at the shops. It is a Service Contract at no charge to Grand County.

Commissioner Linke moved to authorize the Board to sign the Services Contract between Green Thum, Inc. and Grand County regarding removal of the waste oil from the Grand County Road and Bridge Shops at no cost to Grand County.

The motion passed unanimously.

Mr. Clark stated that they are having some issues with the Granby Fuel systems due to the card reader. Mr. Gagnon reported that Krule Construction is close to wrapping up in Kremmling. The biggest part of the work in Kremmling is to get the impervious lining in. There is a lot of testing with regard to that.

As far as the Granby Landfill and the additional sandbags, Mr. Gagnon has an amendment to the contract for $20,000.

Commissioner Newberry moved to authorize the Chair to sign the First Amendment to the Construction Contract between Colorado Lining International and Grand County as presented in an amount not to exceed $20,000.

Discussion: Mr. Gagnon stated that Colorado Lining is working to get this done quickly.

The motion passed unanimously.
Commissioner Linke asked about the vents in the liner. Mr. Gagnon stated that he received an email back from Colorado Lining and they spoke with the engineer who designed the vents. It is the engineer’s opinion that the vents will work fine. Mr. Gagnon stated that he is requiring a signed and stamped letter from the engineer and they will be responsible for any improvements that they need to be done at no cost to the County.

Commissioner Newberry assumed that the approval and stamp was already in the County contract. If it is not, the contracts need to be modified.

Ms. Underbrink Curran stated that Colorado Lining designed the cover and she believes that they should sign and stamp the design.

Mr. Gagnon stated that all of the pipes have been inserted for the County Road 3 culvert project. Mr. Gagnon stated that the pipe and grout is in. Mr. Gagnon stated that all of the inspections have passed. Mr. Gagnon reported that Ken Haynes was very happy with the contractor’s professionalism and efficiency.

Mr. Gagnon will be working with the people in Sunset Ridge regarding their work toward a ballot question in 2015 for paving.

Wire Transfer Discussion

County Treasurer Christina Whitmer stated that she understood that the Board had questions regarding wire transfers.

Mr. Whitmer stated that the auditors addressed the normal operational business wires. It is bringing in money to cover warrants or cover Treasurer’s expenses. The Treasurer pools all money together for security purposes and earning interest.

Ms. Whitmer stated that she has multiple internal controls for wiring money in and out of both bank accounts.

Ms. Whitmer stated that the Board has the authority to direct her to pay for things by wire.

Commissioner Newberry stated that he understood that the Treasurer did not want to be part of the answer by the Board to the Management letter.

Ms. Whitmer does not want to be part of an answer to the Management Letter that appears in the newspaper.

Ms. Whitmer stated that she understood that the Board’s response to the Management Letter was that the Board checked with the Treasurer and she is in compliance with the Colorado statutes.

The Board agreed that it will identify that the Board contacted the Treasurer and she goes by state statutes. The Board finds that the Treasurer is in compliance.

Ms. Underbrink Curran stated that the County has a new rule that she is not sure how to handle.

Human Resources Director Colleen Reynolds stated that when the Affordable Care Act was enacted, part of what the County provided was an annual enrollment count of the covered members on insurance. Starting in 2014, payable in January 2015, the County is responsible for paying $63 per member. The money is budgeted in the budget. To process that, Ms. Reynolds has to do a submission form. On the form, they are requesting bank information because they are going to access the account from January 9.

Ms. Reynolds went to Ms. Whitmer to get that information. The Treasurer could not provide the information.

Ms. Reynolds stated that there is no other vehicle for processing this payment. Ms. Reynolds has to provide some bank information and this is due by Friday.

Ms. Whitmer stated that it is illegal. Every debt of the County needs to be approved by the Board. It is a demand for payment. No vendor has the right to pull money from the County’s account.

Ms. Whitmer stated that there are state and federal payroll taxes that Ms. Reynolds generates the ACH. When the County is in control of generating the wire or the ACH, then it is in compliance with the statute. When the County provides the bank account information and they can take whatever they want, the County is not in compliance with law.
Ms. Reynolds stated that the form requires that they are given a date to access the funds.

Commissioner Linke suggested sending a letter quoting that statute.

The Board would like to check with CCI and see how this is being handled by other counties.

**Board Business**

Commissioner Linke read from the [November 9, 2014, Section B, Page 1], *Denver Post* article by Bruce Finley:

> Colorado is looking for 163 billion gallons of water, and a long-awaited state plan for finding it calls for increased conservation, reusing treated wastewater and diverting more water from the Western Slope.

Later in the article:

> “The state plan is silent on the issues the West Slope has raised,” said Colorado River District manager Eric Kuhn, a longtime advocate for western communities. What good is a plan that does not build a consensus on the most difficult issues? What good is a plan if it does not encourage discussion and resolution of the most difficult issues?”

> The core problem Kuhn said, is that “all the water within 50 miles of the Continental Divide is already spoken for.”

Ms. Underbrink Curran stated that there is a roundtable meeting on December 18, 2014, from 9 a.m. to 3:00 p.m. in Grand Junction.

Mr. Franek reported back that he contacted CCI and the individual who is handling the Affordable Care Act was not there and she will be calling back. In the meantime, Mr. Franek explained to the County Treasurer that he would like the County to have a bank account and at the time the payment comes due Ms. Reynolds will come before the Board and request a resolution to place the amount of money that is needed in the account and then the federal government could pull the money. The Treasurer is fine with that.

County Manager Underbrink Curran and Commissioner Linke attended clarity work shop in Grand Lake. At least a couple of the town board members have an issue with the four meter standard and are campaigning for a lower standard. One of the members said that three or four inches would be fine.

Ms. Underbrink Curran stated that the executive summary said that the fishery is currently in fair to poor condition. Removing nutrients could affect the fishery. The nutrients that are being pumped in there now are not supporting fat fish. The fish are skinny.

Commissioner Linke moved to approve letters to EMS employees who received appreciation for a job well done on a recent incident.

The motion passed unanimously.

Commissioner Linke had conversation last week about the previous County Surveyor’s records. Commissioner Linke spoke with two family members about that and they are in favor or doing something regarding the records and understand the value of archiving some of the records.

Commissioner Linke talked with Mr. Dugwyler asking for student involvement in County government. He would like a process to get young people involved.

Commissioner Linke made note of opinion article by Vincent Carroll in the [November 9, 2014, Perspective Section, Page 3D], *Denver Post*. The opinion piece talks about the overreach of the Federal Government with regard to Sage Grouse.

Commissioner Linke moved to authorize the Board to send a letter to CDOT regarding the GasX project.
The motion passed unanimously.

Calendar

November 13 Tabernash meeting at 7:00 p.m.
November 17 Hearing for Brigid Irish
November 19 Rural Health Network appreciation dinner at Midtown Café at 6:00 p.m.

Commissioner Linke left the meeting to attend the Sonoran Institute in Glenwood Springs.

Manager and Attorney Items

Ms. Underbrink Curran asked for the Board position on the Busk Ivanhoe.

Commissioner Newberry moved to authorize the County’s water attorney (White and Jankowski) to file an amicus brief in the Busk Ivanhoe case.

Discussion: This is following the River District’s direction on storage rights.

The motion passed.

Ms. Underbrink Curran asked for a motion to allow the Chairman Bumgarner to execute a Construction Contract between Grand County and Kissner GC Inc. for the construction of the RICD white water park. They were the successful bidder and they have provided their bond and the insurance. The County Attorney has checked over the documents and finds them all to be appropriate. The amount of the contract is $886,223.31.

Commissioner Newberry moved to authorize the Chair to sign the Construction Contract between Kissner GC Inc. and Grand County for the construction of the RICD in the amount of $886,223.31 and authorize the Chair to sign the Notice to Proceed.

The motion passed.

Ms. Underbrink Curran requested a motion to allow the Chair to execute the Agreement to Accept Liability and the resolution to do the same for the Credit Union of Colorado. It is the credit cards for all that are allowed to have County credit cards. The agreement to accept liability will not be given as an exhibit to the resolution because it contains Social Security Numbers. There will be a statement attached to the resolution explaining why the Agreement is not part of the resolution.

Commissioner Newberry moved to authorize the Chair to sign the Agreement to Accept Liability which is the issuance of credit cards for the County employees.

The motion passed.

Ms. Underbrink Curran requested a motion to allow White and Jankowski to execute the stipulations under the Environmental Flow Application with CNL Income (Shore Fox), Clinton Ditch Company, Summit County, Town of Fraser, Winter Park Recreation Association, and state and division engineers.

Commissioner Newberry moved to authorize White and Jankowski to stipulate to the Environmental Flow Application as presented by the County Manager.

The motion passed.

County Manager Underbrink Curran attended the Upper Colorado Basin Water Forum in Grand Junction. It is held by the Colorado Mesa University. It is part of their curriculum. Ms. Underbrink Curran spoke on the Colorado River Cooperative Agreement and its benefits to Grand County and the West Slope. Grand County received a number of positive comments on the work that has been done and the benefits that will inure to Grand County.

Commissioner Newberry stated that he wanted to provide clarification on fuel payments. Commissioner Newberry stated that the Treasurer and Micah Benson had a conference call with the vendor regarding the payment of fuel. An agreement on how to handle that was worked out with the Treasurer and the fuel vendor. Commissioner Newberry would like to get correspondence when these type of things change.
Assistant County Attorney Franek reported that County Attorney DiCola, paralegal Teri Mordick and he will attend the County Attorney’s meeting in Colorado Springs.

Commissioner Newberry moved to convene an Executive Session at 10:57 a.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is a building permit violation.

The motion passed unanimously.

Commissioner Newberry moved to reconvene the regular meeting at 11:09 a.m.

The motion passed unanimously.

I, Gary Bumgarner, hereby attest that the portion of the executive session during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

I, Anthony J. DiCola, hereby attest that the portion of the executive session during which the Recorder was directed to take no minutes constituted a privileged attorney-client communication.

Assistant County Attorney Franek presented the following Resolutions for Board approval:

Resolution No. 2014-9-52, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO GRANTING A REIMBURSEMENT TO THE POLE CREEK MEADOWS PUBLIC IMPROVEMENT DISTRICT GENERAL FUND ACCOUNT IN THE AMOUNT OF $753.00 FOR 2013 TREASURER’S FEES”


TO EXECUTE A SERVICES CONTRACT BETWEEN GROUND ENGINEERING CONSULTANTS, INC. AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO FOR MATERIALS TESTING SERVICES AS PART OF THE COUNTY ROAD 3 CULVERT REHABILITATION PROJECT


Resolution No. 2014-11-12, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING WHITE AND JANKOWSKI, LLP TO SUBMIT AN AMICUS CURiae BRIEF IN APPELLATE CASE NO. 2014SA303, AN APPEAL FROM WATER COURT CASE NUMBER 2009CW142 CONCERNING THE APPLICATION FOR WATER RIGHTS OF BUSK-IVANHOE, INC.”

Resolution No. 2014-11-13, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO APPROVING AND AUTHORIZING WHITE AND JANKOWSKI, LLP TO EXECUTE ON BEHALF OF GRAND COUNTY STATEMENTS IN OPPOSITION IN WATER COURT DIVISION 5, CASE NUMBERS 2014CW3097 AND 2014CW3098, APPLICATIONS BY BYERS PEAK PROPERTIES, LLC AND BYERS PEAK DOWNHILL PROPERTIES, LLC FOR WATER”


Resolution No. 2014-11-17, “A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO AUTHORIZING OUT-OF-STATE TRAVEL FOR THE GRAND COUNTY EMS CHIEF”


The motion passed.

Treasurer’s Report

The Board reviewed the Treasurer’s report.

Ms. Whitmer presented the Board with the investment policy.

Commissioner Newberry stated that he would like Commissioner Linke to see this before it is approved.

Ms. Whitmer stated that when the Finance Director comes to the Board to get warrants approved, at that time he would present any wiring instructions. Ms. Whitmer took that information and put into the policy.

Ms. Whitmer stated that she set up an account called “Affordable Care Act” bank account through Centennial Bank. Centennial Bank will not charge the County for the account. This is not going to be a wire transfer, but instead will be transfers of funds into that account to pay for the annual withdraw.

The amount to be transferred is $30,744.

Ms. Underbrink Curran requested a motion to authorize $30,744 to be transferred for payment for the Affordable Care Act insurance.

Commissioner Newberry moved to authorize the Board to sign the memorandum of the transfer of funds for the Affordable Care Act reinsurance fee in the amount of $30,744.

Discussion: Commissioner Newberry stated that Commissioner Linke is not present but Commissioner Newberry believes that Commissioner Linke understood that a conclusion to this problem would be addressed.

The motion passed.

Fee Hearing

The public hearing scheduled to begin at 11:30 a.m. was called to order by Chairman Bumgarner at 11:32 a.m. Assistant County Attorney Franek set the record.

Exhibit A Memorandum from the County Manager dated September 30, 2014
Exhibit B Public Notice published in the Middle Park Times
Exhibit C Proof of Publication in the Middle Park Times
Exhibit D Grand County Community Development Fee Schedule
Exhibit E Grand County Home Health Fees

Tina Strang of Home Health stated that the consultants recommended that the “start of care visit RN” be changed from $150 to $225 and the “start of care visit PT/OT” be change from $125 to $225. This will allow a change in what can be charged to private pay insurance.

This change takes Grand County to match the industry standard.

Chairman Bumgarner asked for and received no public comment.

Commissioner Newberry moved to adopt the Home Health Care fees as presented in exhibit E.

The motion passed.

Commissioner Newberry moved that the Home Health fee be adopted effective January 1, 2015.
The motion passed.

Ms. Underbrink Curran stated that she spoke with the Community Development Director regarding his request. The Community Development Director reported that there was no fee schedule that could be relied on so he put together the costs that are currently charged so that it can be ratified.

Chairman Bumgarner asked for and received no public comment.

Commissioner Newberry moved approve the fees as presented in Exhibit D for the Grand County Community Development Fee Schedule. It is a ratification of existing fees.

The motion passed.

Commissioner Newberry moved to close public hearing.

The motion passed.

Superintendent Jody Mimmack, East Grand School District – Update

Superintendent Jody Mimmack is present to provide an update to the Board. The East Grand School District is fully accredited CDE. They missed being accredited with distinction by 1.4 percentage points.

Dr. Mimmack reported that there is new staff in the District.

Dr. Mimmack stated that Lynn Burrows, PE Teacher at Fraser Valley Elementary won Colorado Elementary PE Teacher of the Year. She has been selected as the regional Elementary PE Teacher and is now in the national competition.

Dr. Mimmack stated that the school district is working on the technology initiative. Dr. Mimmack stated that because the mill did not pass did not mean that they still did not have a need. Most of the district’s technology is at the end of its useful life. Instead of going back to the voters, the group decided to do a private community campaign. The group has found seed money from the Sprout Foundation in the amount of $250,000. To unlock that money, there has to be a community match.

The school district put in $250,000 and there is $125,000 is coming in toward the $250,000. Dr. Mimmack is asking for money to help with the match.

The school district has a four-phase technology plan. Instead of replacing desk tops, labs, and laptops they are going with Cromebooks. It is a one-on-one initiative. The first phase is Cromebooks for every middle schooler.

There will then be eight Cromebooks for every second through fifth grade class so that teachers can have a center in their classroom. They are also replacing some wireless access points.

The second phase replaces the teacher laptops.

Dr. Mimmack stated that Kindergarten through 5th grade the Cromebooks stay in the classroom and 6th through 12th grade Cromebooks go home with kids.

The Board will let Dr. Mimmack know if the County can provide money toward the project.

Juvenile Services Department Update

Juvenile Services Director Kelly Friesen is present for her quarterly update. Ms. Friesen stated that, to date, they have served 72 kids. That is up slightly from last year. They have 28 kids actively open as of right now.

Ms. Friesen stated that she has been working on age of detention through the Colorado Commission of Criminal and Juvenile Justice. That initiative failed 8 to 10 on October 10. The initiative stirred up a lot of interest among Social Services Directors that are more interested in raising the age of delinquency from 10 to 13. Ms. Friesen has been working with some people of CCI.
Ms. Friesen stated that she is a commissioner on the nominating commission to select judges. Because Judge McClelland was not retained, she will be taking part in that selection process on December 19.

Mr. Friesen stated that she is waiting for the contract form the Division of Youth Corrections regarding Senate Bill 215. This will bring $12,962 into this Judicial District to treat kids with Marijuana issues.

House Bill 1032 went into effect on November 1, 2014. This bill mandates that the public defender has to be present at all juvenile detention hearings.

**Board Business**

Commissioner Newberry stated that he understands that the courts are moving forward with taking care of the jury boxes.

County Manager Underbrink Curran asked Chief Jennings for an emergency plan for the County Administration Building and the Judicial Building.

County Attorney DiCola stated that he received the final report from the auditors. The gross amount is $519,968. The unrecovered misappropriation is $320,849. This information is for the period of time from 2002 through 2013.

Mr. DiCola stated that he has provided the District Attorney with all of this information.

Mr. DiCola stated that the estimates of loss are:

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Mr. DiCola stated that 2012 is a combination of cash and checks.

Commissioner Newberry stated that we know that there is $82,000 on the books to be recovered.

Mr. DiCola stated that based on percentages, he believes that 4 percent of the money missing was cash.

Mr. DiCola stated that Grand County is going to submit a claim to the insurance company in the amount of $316,815.

Ms. Underbrink Curran stated that if staff turns in the claim and the County gets paid for that amount of money and if staff continues to collect money from people, the amount collected outside the insurance claim will be paid back to the insurance company.

Mr. DiCola stated that Colorado has a Victims’ Right Law. The District Attorney uses the Victims’ Rights Law as a shield when he wants to shield a victim. In some cases, the District Attorney ignores the Victims’ Rights Law. In the Irish case, Grand County has been ignored.

Mr. DiCola stated that he found out about the offer being made to Brigid Irish because he walked into a meeting by accident. Mr. DiCola stated that Grand County has not been given the right to make a complaint with regard to being a victim.

County Attorney DiCola stated he feels that the County was mistreated with regard to this disposition.

Mr. DiCola stated that he will assure that he is on top of the court appearances.

Mr. DiCola reported that Brigid Irish’s next court appearance is November 17, 2014 at 2:00 p.m.
Mr. DiCola stated that he will call Lucy at the District Attorney’s Office to find out if a plea bargain is in the works.

Ms. DiCola understands that the Board agrees that Brigid Irish should be convicted of a felony and there should be no agreement with regard to probation.

The Board would like to hold a special meeting to discuss the Board’s position on the hearing that will be held on Tuesday.

Final Budget Determination

Finance Director Scott Berger is asking for approval of the budget subject to any subsequent Board approved changes and the Assessor’s final assessed value determination. Mr. Berger would like direction to notify the Department Heads and the organizations that are in the County budget so that they can proceed with their budget deliberations and direct Mr. Berger to prepare the budget resolutions to be signed on December 9, 2014.

Commissioner Newberry moved approve the Grand County Colorado 2015 budget subject to any subsequent board approved changes and the Assessors final assessed value determination and direct the Finance Director to notify the county department heads and to contact those organizations included in the county budget so they may proceed with their budget deliberations and to prepare the 2015 budget resolutions for signature at the public meeting on December 9, 2014.

The motion passed.

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

Attorney Items

County Attorney DiCola stated that he spoke with Lucy in the District Attorney’s Office and if there is a plea bargain, she types up all the paperwork and she has received nothing with regard to Brigid Irish.

Commissioner Newberry stated that the Board has had to sit back and just take all of this because it is told by the Sheriff not to say anything, the District Attorney not to say anything, and then once the report comes out the Board is told not to say anything. Commissioner Newberry stated that this just feeds the conspiracy theory.

Mr. DiCola stated that he was shocked by the District Attorney’s position.

Mr. DiCola stated that there are many reasons for plea bargain. As a practical matter, the rule of thumb is the District Attorney should win every case he takes to trial because he can settle or dump every case he is going to lose.

If Ms. Irish goes to trial, there is no guarantee that she will be found guilty of anything.

The District Attorney looks at the case and determine the cost and whether someone will plea to some charges.

Finance Director

Finance Director Scott Berger presented the Board with a Services Contract between Grand County and McMahon and Associates for the financial audit.

Commissioner Newberry moved to approve the Services Contract between Grand County and McMahon and Associates for the financial audit.

The motion passed.

Mr. Berger stated that the auditors have requested that the Board sign the engagement letter. Assistant County Attorney Franek stated that the Board does not need to sign the engagement letter because it is an exhibit attached to the contract.

Ms. Underbrink Curran stated that there was a discussion at the meeting earlier today about the Board’s position on what needs to be done when an engineer designs something for the County.
Tim Gagnon had a question regarding the vents at the landfill and if they were going to work when snow gets on them. Mr. Gagnon received an email from Colorado Lining stating that their engineer designed the vents and he believes that gas may melt the snow. Ms. Underbrink Curran suggested that Mr. Gagnon email them back and get the statement from the engineer with his PE on it and inform them if it did not work, Colorado Lining is responsible and the County will not pay for any fix.

Mr. DiCola stated that if the County buys something, one would not necessarily think that there would be design issues. If the County is paying for a design, it should say so in the contract.

Mr. DiCola stated that everyone needs to pay close attention to the contract.

Commissioner Newberry moved to convene an Executive Session at 3:08 p.m. citing Section 24-6-402, CRS, which states that local public bodies may utilize executive sessions for considering any of the following matters (specifically): (4)(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on a specific legal question. The topic of the meeting is a case involving the Inn at SilverCreek versus Rockra Mushroom Farm Corporation and Tina Whitmer as the Grand County Public Trust and Treasurer.

The motion passed.

Commissioner Newberry moved to reconvene the regular meeting at 3:23 p.m.

The motion passed.

I, Gary Bumgarner, hereby attest that the portion of the executive session during which no minutes were taken was confined to a topic authorized for discussion in an executive session.

_______________________________________________

I, Anthony J. DiCola, hereby attest that the portion of the executive session during which the Recorder was directed to take no minutes constituted a privileged attorney-client communication.

________________________________________________

There being no further business to come before the Board, the Regular meeting was adjourned at 3:23 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _______ day of December 2014.

_____________________________________
Gary Bumgarner, Chair

Attest:

___________________________________________
Sara L. Rosene, Grand County Clerk and Recorder