

**CROWLEY COUNTY BOARD OF COUNTY COMMISSIONERS  
RECORD OF PROCEEDINGS**

**August 27, 2018**

**CALL TO ORDER**

Board of County Commissioners met in regular session on August 27, 2018. The meeting was called to order by Chairman T. E. Allumbaugh at 8:30 a.m. The following were present:

T. E. Allumbaugh-----Chairman  
Frank Grant-----Vice Chairman  
Gary Gibson-----Member (absent)  
Mike Apker-----Deputy Clerk to the Board

**RESOLUTION NO. 7460**

**APPROVAL RESOLUTION FOR TELECOMMUNICATION SERVICES AND BALLOT TITLE TO SUBMIT TO THE ELECTORATE**

Motion by Grant, seconded by Allumbaugh to approve the following resolution and ballot title for telecommunication services question to be submitted to the Crowley County voters:

A RESOLUTION PROVIDING FOR THE SUBMISSION, TO THE REGISTERED QUALIFIED ELECTORS OF CROWLEY COUNTY, COLORADO, OF A BALLOT QUESTION REGARDING WHETHER CROWLEY COUNTY, COLORADO MAY PROVIDE TELECOMMUNICATIONS SERVICES, ADVANCED SERVICES (HIGH SPEED INTERNET) AND CABLE TELEVISION SERVICES, EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC AND/OR PRIVATE SECTOR PARTNERS; SAID BALLOT QUESTION TO BE SUBMITTED AT THE GENERAL ELECTION TO BE HELD NOVEMBER 6, 2018; PRESCRIBING THE FORM OF BALLOT QUESTION FOR SUBMISSION AT SAID ELECTION; PROVIDING FOR CERTIFICATION OF THE ELECTION QUESTION TO THE COUNTY CLERK AND RECORDER; AND OTHERWISE PROVIDING FOR THE CONDUCT THEREOF

WHEREAS, affordable, reliable, and innovative telecommunication services, including, but not limited to, broadband internet services, are hereby found and determined to be essential for Crowley County's residents and businesses in today's economic environment and for quality of life; and

WHEREAS, in 2005, the Colorado General Assembly enacted Senate Bill 152, codified at §29-27-101, C.R.S., et seq., which provides that before a local government may provide telecommunications services, advanced services (high speed internet) and cable television services, as such services are defined in the statute, either directly or indirectly, it must call an election on the question of providing such services and obtain the approval of the majority of its registered electors voting on any such ballot question; and WHEREAS, the effect of Senate Bill 152, codified in Colorado statute, has been to restrict Crowley County's ability to improve its connectivity through either the provision of direct, or indirect services in cooperation with other public or private sector services providers, as set forth in §29-27-103, C.R.S.; and

WHEREAS, the Crowley County Board of County Commissioners does hereby find and determine that re-establishing Crowley County's legal ability to directly and/or indirectly provide such telecommunications services, advanced services (high speed internet) and cable television services could allow Crowley County to implement local telecommunications solutions that would provide or improve needs based on access for the county's residents and businesses; and

WHEREAS, the Crowley County Board of County Commissioners desires to submit to the registered electors of Crowley County, Colorado a ballot question regarding whether Crowley County may provide, without increasing taxes, telecommunications services, advanced services (high speed internet) and cable television services, either directly or indirectly with public and/or private sector partners at the next general election on November 6, 2018; and

WHEREAS, any such ballot question must be approved by a majority of the legally eligible registered electors of Crowley County voting on such ballot measure before becoming effective; and

WHEREAS, pursuant to section 1-5-203(3), C.R.S., no later than sixty days before any election the designated election official of each political subdivision that intends to conduct an election shall certify the order of the ballot and ballot content.

WHEREAS, such election shall be conducted by the Crowley County Clerk and Recorder in accordance with the "Uniform Election Code", Articles 1 to 13, of Title 1, Colorado Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Crowley County, State of Colorado, as follows:

1. The following ballot title and ballot question is hereby referred and submitted to the registered electors of Crowley County, Colorado, at the November 6, 2018 general election:

Crowley County Broadband Service Authorization

"Without increasing taxes, shall Crowley County, Colorado, have the legal ability to provide

any or all services currently restricted by Title 29, article 27, Part I, of the Colorado Revised Statutes, specifically described as "advanced services," "telecommunication services," and "cable television services," as defined by the statute, including, but not limited to, any new and improved high bandwidth services based on future technologies, utilizing community owned infrastructure including but not limited to any existing fiber optic network, either directly, or indirectly with public or private sector service providers, to potential subscribers that may include telecommunications service providers, and residential or commercial users within Crowley County?"

YES/FOR

NO/AGAINST

2. Said ballot question shall be voted upon only by Crowley County, Colorado, registered electors legally eligible to vote at the November 6, 2018 general election.

3. The Board of County Commissioners hereby directs that a copy of this Resolution be certified and filed in the Office of the Clerk and Recorder and authorizes and directs the Crowley County Clerk and Recorder to certify the ballot issue and ballot content as provided by law.

4. Pursuant to the provisions of C.R.S. 1-5-203(3), the County Clerk and Recorder, as the designated and coordinated Election Official, shall certify the ballot. If any part, section, paragraph, clause or provision of this Resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution, it being the intention that the various parts hereof are severable.

5. The Board finds, determines and declares that this Resolution is necessary for the public health, safety and welfare of the citizens of the County of Crowley, State of Colorado.

6. MOVED, READ AND ADOPTED, by the Board of County Commissioners of the County of Crowley, State of Colorado, at its regular meeting held the 27th day of August, 2018.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Gibson-----Absent  
Grant-----Aye

**RESOLUTION NO. 7461**

**APPROVAL EMPLOYEE PAYROLL, AUGUST 2018**

Motion by Grant, seconded by Allumbaugh to approve the August employee payroll and authorize transfer of funds in the following amounts;

|                      |              |
|----------------------|--------------|
| General Fund         | \$64,805.38  |
| Road and Bridge Fund | \$17,490.54  |
| EMS Fire Fund        | \$ 2,094.23  |
| Ambulance Fund       | \$ 4,720.43  |
| Water Fund           | \$ 3,340.81  |
| DHS Fund             | \$32,589.33  |
| Total                | \$125,040.72 |

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Gibson-----Absent  
Grant-----Aye

**RESOLUTION NO. 7462**

**APPROVAL DHS DISBURSEMENTS, AUGUST 27, 2018**

Motion by Grant, seconded by Allumbaugh to approve the DHS disbursements for August 27, 2108 and authorize transfer of funds in the following amount:

DHS Funds           \$14,873.37

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Gibson-----Absent

**RESOLUTION NO. 7463**

**APPROVAL COUNTY POLICY ON MEALS, MILEAGE, TRAVEL AND MISCELLANEOUS EXPENSES**

Motion by Grant, seconded by Gibson to adopt the following employee policy/procedure on meals, mileage/travel and miscellaneous expenses:

All business-related expenses, including those related to official travel, must be for the benefit of the County. Meals, mileage, and travel expenses that are reasonable, necessary, and documented are eligible for reimbursement as further explained within this policy. The County will not pay for expenses incurred on behalf of family members or personal friends. Per 7 CCR 1103-1, all travel time spent at the control or direction of the County, excluding home to work travel, shall be considered as time worked.

1. Expense Guidelines:

- If the County credit card is used and the proper receipts or documentation is not provided, the traveler may be responsible for reimbursing the County for undocumented expenses.
- For business meal expenses incurred, an itemized breakdown of the meal receipt is required, along with a clear description of the business purpose and the name of all participants.
- For travel-related expenses, a copy of the conference/training brochure in addition to any department required training request forms must be provided with your reimbursement request.

2. Ground Transportation:

- Crowley County has vehicles which may be available for use. If a County vehicle is available for use, it is preferred that it be used in lieu of a personal vehicle.
- Ground transportation includes all costs associated with bus fare, parking, rental cars, shuttles, subway/light rail, taxi fare, toll charges, and/or associated tips.
- Reasonable expenses for ground transportation are generally reimbursable by the County, but must be accompanied by receipts and/or other sufficient documentation explaining the reason for the expense.

3. Mileage:

- Crowley County's mileage reimbursement rate is \$0.50 per mile. The Board of County Commissioners may adjust this rate as needed.
- This reimbursement covers Employees and Elected Officials traveling in their privately-owned vehicles on official County business.
- When submitting the appropriate documentation for a mileage reimbursement, the Employee or Elected Official should not request reimbursement for the cost of fuel or any other vehicle related expense.

4. Lodging:

- The County follows the Colorado Federal Per Diem Rates for lodging and meals; this information can be found at <https://www.federalpay.org/perdiem/2018>. Depending on the travel destination, different per diem rates apply to lodging and meals.
- Employees and Elected Officials must obtain a detailed/itemized receipt for all lodging expenses.
- The maximum room rate paid or reimbursed will be limited to the single occupancy rate, and should be within the applicable per night lodging per diem rate for that destination. If the cost exceeds the per diem rate, the Employee may be responsible for the amount which exceeds the established per diem.

5. Meal Expense:

- The County follows the Colorado Federal Per Diem Rates for lodging and meals; this information can be found at <https://www.federalpay.org/perdiem/2018>. Depending on the travel destination, different per diem rates apply to lodging and meals.
- Employees and Elected Officials may charge meal expenses to their County-issued credit card or may choose to charge them to a personal credit card and seek reimbursement from the County.
- It is required that the employee submit detailed receipts listing all food and beverage items purchased. Alcoholic beverages are not allowed to be purchased with a County credit card, and will not be eligible for reimbursement.
- If the charge includes meal expenses for individuals other than the cardholder, the names of those individuals and their relationship to the County should be included with the detailed receipt.
- The per diem allowance is intended to provide Employees and Elected Officials with three (3) meals per day, including tips. If meals are provided at an event, the per diem request should exclude the pro-rata cost of that meal. The meal cost allocation is: 20% for breakfast, 30% for lunch, and 50% for dinner.

6. Air Transportation, Airport Parking, Rental Cars:

- In the event an Employee or Elected Official must attend an out-of-state conference or training event, the County will pay for competitively-priced round trip air

transportation, as required. Flights should be arranged sufficiently in advance to obtain the lowest-cost coach fare possible.

- Reimbursement for airport parking will be paid at or up to the daily economy-parking rate.
- Rental cars should be compact unless warranted by multiple travelers.
- The Employee or Elected Official does not need to purchase the rental company's insurance, and can reject the loss damage waiver insurance.
- In the event that the rental car is involved in a wreck, please contact the Administration Office as soon as possible to file the appropriate insurance claim (719-267-5555, ext. 3).

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Gibson-----Absent  
Grant-----Aye

**RESOLUTION NO. 7464**

**APPROVAL RESOLUTION REFERRING DISTRICT ATTORNEY TERM LIMIT QUESTION**

A Resolution of the Board of County Commissioners of Crowley County referring to the November 6, 2018 general election ballot and the question of extending the term limits for the District Attorney in and for the Sixteenth Judicial District, State of Colorado.

- A. The voters statewide adopted an amendment to the state constitution in 1994 which imposed term limits on every state and local elected office (Article XVIII, Section 11, Colorado Constitution).
- B. The amendment is applicable to countywide elected offices in Crowley County, Statewide offices as well as special districts to include the Sixteenth Judicial District.
- C. By the terms of subsection 2 of that constitutional amendment itself, the voters of a county can vote to eliminate or modify the state-imposed term limits in a November election by a majority vote approving such a question referred to the ballot by the board of county commissioners of that county.
- D. The Sixteenth Judicial District is made of Bent, Crowley and Otero Counties, State of Colorado.
- E. The voters of the 16th Judicial District can vote to eliminate or modify the state-imposed term limits in a November election provided that such question is approved by a majority vote in each county comprising the judicial district.
- F. It has been requested that this Board consider placing a question on the November 2018 election ballot seeking to modify term limits applicable to the office of District Attorney for the Sixteenth Judicial District, to enable a person elected to such office to be nominated for and elected to such office for a maximum of three consecutive terms.
- G. Pursuant to the provisions of Article XVIII, Section 11(2), this Board desires to refer to the November election the question of the modification of term limits for the Office of the District Attorney, for the Sixteenth Judicial District.

**THEREFORE, THE BOARD RESOLVES:**

1. There shall be referred to the November 6, 2018 general election ballot the question of the modification of term limits for the elected office of the District Attorney, Sixteenth Judicial District, to enable a person elected to such office to be nominated for and elected to such office for a maximum of three consecutive terms.
2. The Board shall take further action by resolution to set a ballot title for the proposal described herein. For purposes of Section 1-11-203.5 C.R.S., as amended, such resolution shall serve to set the ballot title for such proposal.

A motion to approve this Resolution was made by Commissioner Grant, seconded by Commissioner Allumbaugh and passed by a unanimous vote.

ADOPTED this 27th day of August, 2018.

**RESOLUTION NO. 7465**

**APPROVAL BALLOT TITLE FOR EXTENSION OF TERM FOR DISTRICT ATTORNEY TO THREE CONSECUTIVE TERMS**

A Resolution of the Board of County Commissioners of Crowley County approving a ballot title for the November 6, 2018 general election to extend the term limits for the District Attorney for the 16th Judicial District, State of Colorado.

Recitals:

A. The Board has adopted Resolution No. referring a question to the November 6, 2018, general election ballot.

B. The Board desires to determine the ballot title for the question referred for placement on the ballot for the November 6, 2018, general election.

C. Pursuant to Sections 30-11-103.5 and 31-11-111(3), C.R.S. as amended, the Board must fix a ballot title according to the following guidelines: consider the public confusion that might be caused by a misleading title; avoid a title for which the general understanding of the effect of a "yes" or "no" vote would be unclear, no conflict with titles selected for any other measure that will appear on the ballot in the same election; and the title shall correctly and fairly express the true intent and meaning of the measure.

D. The Board finds that the ballot title set forth below meets the statutory guidelines.

Therefore, the Board resolves:

1. In accordance with the statutory guidelines, the Board fixes the following ballot title for the referred question:

DISTRICT QUESTION (District Attorney Term limit Extension to Three Terms):

SHALL THE TERM LIMITS IMPOSED BY STATE LAW AND IN ARTICLE XVIII, SECTION 11, OF THE COLORADO CONSTITUTION ON THE OFFICE OF DISTRICT ATTORNEY IN AND FOR THE SIXTEENTH JUDICIAL DISTRICT, BE MODIFIED SO AS TO PERMIT AN ELECTED OFFICEHOLDER IN THAT OFFICE TO SEEK AND, IF THE VOTERS OF THE 16TH JUDICIAL DISTRICT CHOOSE TO RE-ELECT THAT PERSON TO A THIRD TERM IN OFFICE, TO SERVE A THIRD CONSECUTIVE TERM?

2. The Board shall take further action to finally certify the ballot measure and ballot title, together with any others that may be approved, to the November 6, 2018 general election ballot on or before September 7, 2018.

A motion to approve this Resolution No. was made by Commissioner Grant, seconded by Commissioner Allumbaugh, and passed by a unanimous vote.

ADOPTED this 27th day of August, 2018.

**RESOLUTION NO. 7466**

**APPROVAL RESOLUTION REFERRING DISTRICT ATTORNEY TERM LIMIT LIMITATION TO THE ELECTORATE**

A Resolution of the Board of County Commissioners of Crowley County referring to the November 6, 2018 general election ballot and the question of eliminating the term limits for the District Attorney in and for the Sixteenth Judicial District, State of Colorado.

A. The voters statewide adopted an amendment to the state constitution in 1994 which imposed term limits on every state and local elected office (Article XVIII, Section 11, Colorado Constitution).

B. The amendment is applicable to countywide elected offices in Crowley County, Statewide offices as well as special districts to include the Sixteenth Judicial District.

C. By the terms of subsection 2 of that constitutional amendment itself, the voters of a county can vote to eliminate or modify the state-imposed term limits in a November election by a majority vote approving such a question referred to the ballot by the board of county commissioners of that county.

D. The Sixteenth Judicial District is made of Bent, Crowley and Otero Counties, State of Colorado.

E. The voters of the 16th Judicial District can vote to eliminate or modify the state-imposed term limits in a November election provided that such question is approved by a majority vote in each county comprising the judicial district.

F. It has been requested that this Board consider placing a question on the November 2018 election ballot seeking to eliminate term limits applicable to the office of District Attorney for the Sixteenth Judicial District, to enable a person elected to such office to be nominated for and elected to such office for unlimited consecutive terms.

G. Pursuant to the provisions of Article XVIII, Section 11(2), this Board desires to refer to the November election the question of the elimination of term limits for the Office of the District Attorney, for the Sixteenth Judicial District.

THEREFORE, THE BOARD RESOLVES:

1. There shall be referred to the November 6, 2018 general election ballot the question of the modification of term limits for the elected office of the District Attorney, Sixteenth Judicial District, to enable a person elected to such office to be nominated for and elected to such unlimited consecutive terms.

2. The Board shall take further action by resolution to set a ballot title for the proposal described herein. For purposes of Section 1-11-203.5 C.R.S., as amended, such resolution shall serve to set the ballot title for such proposal.

A motion to approve this Resolution was made by Commissioner Grant seconded by Commissioner Allumbaugh and passed by a unanimous vote.

ADOPTED this 27th day of August, 2018.

**RESOLUTION NO. 7467**

**APPROVAL BALLOT TITLE FOR DISTRICT ATTORNEY TERM LIMIT ELIMINATION**

A Resolution of the Board of County Commissioners of Crowley County approving a ballot title for the November 6, 2018 general election to eliminate the term limits for the District Attorney for the 16th Judicial District, State of Colorado.

Recitals:

A. The Board has adopted Resolution No. referring a question to the November 6, 2018, general election ballot.

B. The Board desires to determine the ballot title for the question referred for placement on the ballot for the November 6, 2018, general election.

C. Pursuant to Sections 30-11-103.5 and 31-11-111(3), C.R.S. as amended, the Board must fix a ballot title according to the following guidelines: consider the public confusion that might be caused by a misleading title; avoid a title for which the general understanding of the effect of a "yes" or "no" vote would be unclear, no conflict with titles selected for any other measure that will appear on the ballot in the same election; and the title shall correctly and fairly express the true intent and meaning of the measure.

D. The Board finds that the ballot title set forth below meets the statutory guidelines.

Therefore, the Board resolves:

1. In accordance with the statutory guidelines, the Board fixes the following ballot title for the referred question:

DISTRICT QUESTION ( Elimination of term limits on the Office of District Attorney):

SHALL THE TERM LIMITS IMPOSED BY STATE LAW AND IN ARTICLE XVIII, SECTION 11, OF THE COLORADO CONSTITUTION ON THE OFFICE OF DISTRICT ATTORNEY IN AND FOR THE SIXTEENTH JUDICIAL

DISTRICT, BE ELIMINATED SO AS TO PERMIT AN ELECTED OFFICEHOLDER IN THAT OFFICE TO SEEK AND, IF THE VOTERS OF THE 16TH JUDICIAL DISTRICT CHOOSE TO RE-ELECT THAT PERSON TO ANY CONSECUTIVE TERM?

2. The Board shall take further action to finally certify the ballot measure and ballot title, together with any others that may be approved, to the November 6, 2018 general election ballot on or before September 7, 2018.

A motion to approve this Resolution was made by Commissioner Grant, seconded by Commissioner Allumbaugh, and passed by a unanimous vote.

ADOPTED this 27th day of August, 2018.

**AUDIENCE: RACHEL PATRICK**

Rachel Patrick updated the board on her activities with Small Business Development. She presented the resource guides and also disaster recovery and continuity guide.

The number of loan approvals for Crowley County was discussed

**MONTHLY PRISON MEETING**

The board held their monthly prison meeting with representatives of the two facilities.

Those present were:

Commissioners: Allumbaugh and Grant  
AVCF Plant Mgr: Bob Bucholz  
CCCF Warden: Barry Goodrich

No further business appearing the meeting was recessed.  
Minutes taken by Mike Apker.

ATTEST:

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Lucile Nichols, County Clerk

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Tobe Allumbaugh, Chairman