

# COMMISSIONERS PROCEEDING 1

## BOARD OF MORGAN COUNTY COMMISSIONERS Minutes of Meeting July 26, 2011

The Board of Morgan County Commissioners met on Tuesday, July 26, 2011 at 9:00 a.m. with Chairman Tony Carlson, Commissioner Brian McCracken and Commissioner Laura Teague in attendance. Chairman Carlson called the meeting to order with Morgan County Treasurer Robert Sagel leading the Pledge of Allegiance to the Flag.

### CONSENT AGENDA

Consideration of Approval of Board of County Commissioners Minutes dated July 19, 2011  
Ratify the Board of County Commissioners approval to revise the Morgan County Fee Schedule regarding Sex Offender Registration Fees  
Ratify Chairman Tony Carlson's signature on SOS Staffing credit application dated July 18, 2011

Commissioner McCracken made a motion to approve all items on the Consent Agenda. Commissioner Teague seconded the motion. Motion carried 3-0.

### GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

#### **CONSIDERATION OF APPROVAL-RESOLUTION-2011 BCC 21-RESOLUTION TO APPROVE THE MORGAN COUNTY INVESTMENT POLICY**

##### **RESOLUTION NO. 2011 BCC 21**

##### **A RESOLUTION APPROVING THE MORGAN COUNTY INVESTMENT POLICY**

WHEREAS, the Morgan County Board of County Commissioners finds that adopting an investment policy will serve the public health, safety and welfare by protecting the public funds held by Morgan County.

NOW THEREFORE be it resolved by the Morgan County Board of County Commissioners that the following Investment Policy is hereby adopted:

##### MORGAN COUNTY INVESTMENT POLICY

- I. **PURPOSE AND SCOPE.** The purpose of this investment policy is to establish guidelines for the investment of funds for Morgan County (the "County"). This policy applies to all "public funds" as defined in C.R.S. § 24-75-601(2) for which the Morgan County Treasurer has been designated as custodian.
- II. **INVESTMENT OBJECTIVES.** The County's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The County recognizes that no investment is totally free of risk and that the investment activities of the County are a matter of public record. Accordingly, the County recognizes that occasional measured losses are inevitable in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that this policy has been followed and that the sale of a security prior to maturity is in the best long-term interest of the County. All public funds within the jurisdiction of the County Treasurer shall be invested in accordance with the Colorado Revised Statutes and resolutions enacted by the Board of County Commissioners in a manner that seeks to accomplish the following objectives in the following priority:
  - a. **Safety.** To insure the safety of all public funds, investments shall be made so as to minimize the potential for capital losses arising from changes in market value or default.
  - b. **Liquidity.** To insure that adequate funds are available at all times to promptly pay all of the County's financial obligations, without need for the sale of investments at the risk of market losses due to untimely liquidation.
  - c. **Yield.** To earn a market-average rate of return consistent with the safety and liquidity objectives.
- III. **MANAGEMENT.**
  - a. **Management responsibility** for the investment program is delegated to the County Treasurer, who is the custodian for all County funds. The County Treasurer shall develop and maintain procedures for the operation of the investment program consistent with this policy.
  - b. **Periodic Review.** This investment policy shall be reviewed and revised as necessary.
  - c. **Audit.** The records of the County Treasurer concerning investments may be audited at any time. All of the Treasurer's records shall be available for inspection by the Board of County Commissioners at any time.
  - d. **Reports.** The County Treasurer shall prepare a monthly report concerning the investment of all public funds within his or her control, which shall be submitted to the Board of County Commissioners for its approval no later than the 10<sup>th</sup> day of each month. By February 1<sup>st</sup> of each year, the County Treasurer shall prepare an annual report describing all transactions for the

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preceding year, and the results of all transactions. All reports shall describe each investment separately.

- e. Accounting. All reports and transaction sheets listing investments transactions shall be retained by the County Treasurer for at least the period of time designated by the State Archivist for retention of investment records by a County Treasurer. Accounts shall be verified periodically by an individual designated by the Board of County Commissioners.
- f. Funds Transfers. Bank wire transfers, ACH transmittals, checks, or other negotiable instruments drawn on the accounts of the Morgan County Treasurer, shall be the accepted vehicles to move funds. All vendors shall receive written instructions from the County Treasurer informing them of the authorized investments and the receiving location of any County funds.
- g. Support Services. The Treasurer may engage the support services of outside professionals, so long as these services produce a net financial advantage and necessary financial protection of the County's resources. Such services may include engagement of financial advisors in conjunction with portfolio management support, special legal representation, third party custodial services, and appraisal of independent rating services.

#### IV. PRUDENCE AND LIABILITY.

- a. Investment Standard. The standard of prudence to be applied by the County Treasurer shall be the "prudent investor" rule, which states, "In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for the benefit of others, fiduciaries shall be required to have in mind the responsibilities which are attached to such offices and the size, nature, and needs of the estates entrusted to their care and shall exercise the judgment and care, under the circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital." C.R.S. § 15-1-304. The prudent investor rule shall be applied in the context of managing the overall investment program.
- b. Treasurer's Liability. The County Treasurer, acting in accordance with this policy and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes.

#### V. ELIGIBLE INVESTMENTS.

- a. All investments shall meet the standards for a legal investment as set forth in C.R.S. § 24-75-601.1 and be of the type set forth below. All investments shall be made in the name of Morgan County, Colorado. Approved investments of public funds held by the Morgan County Treasurer shall be as follows:
  - i. Any security issued by, fully guaranteed by, or for which the full credit of the United States treasury is pledged for payment, such as U.S. treasury bills, notes and bonds.
  - ii. Time certificates of deposit or deposit accounts in state banks or national banks located in the State of Colorado which are insured by the Federal Deposit Insurance Corporation ("F.D.I.C."), which are approved as public fund depositories by the State of Colorado Banking Commissioner, and which have been approved as eligible depositories by the Board of County Commissioners. Certificates of deposit and deposit accounts which exceed the F.D.I.C insurance shall be collateralized as required by the Public Deposit Protection Act for commercial banks except those banks which are participating in the Certificate of Deposit Account Registry ("CDARS"), as permitted by C.R.S. § 24-75-603(4).
  - iii. Time certificates of deposit or deposit accounts in state or federally chartered savings and loan associations located in the State of Colorado which are insured by the Federal Deposit Insurance Corporation (F.D.I.C.), which are approved as public fund depositories by the State of Colorado Savings and Loan Commissioners, and which have been approved as eligible depositories by the Board of County Commissioners. Certificates of deposit and deposit accounts which exceed the F.D.I.C insurance shall be collateralized as required by the Savings and Loan Public Deposit Protection Act.
  - iv. Shares in any local government investment pool organized pursuant to Colorado law that has been approved as an eligible depository by the Board of County Commissioners.
  - v. Any security issued by, fully guaranteed by, or for which the full credit of the following is pledged for payment: the Federal Farm Credit Bank, the Federal Land Bank, a Federal Home Loan Bank, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Export-Import Bank, the Tennessee Valley Authority, the Government National Mortgage Association, the World Bank, or an entity or organization that is created by, or the creation of which is authorized by legislation enacted by the U.S. Congress and that is subject to control by the federal government.

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- vi. A money market fund that is registered as an investment company under the federal Investment Company Act of 1940 and also complies with C.R.S. § 24-75-601.1(1)(k).
  - b. No investment shall be placed for longer than the anticipated time that the County has liquid funds on hand to meet its anticipated obligations. Funds shall not be placed with a maturity of more than three years.
  - c. Investments presently held which do not qualify under the terms of this policy or the Colorado Revised Statutes shall be replaced as soon as reasonably prudent.
  - d. The Treasurer shall only make deposits and investments with those institutions and brokers that have been approved by the Board of County Commissioners as eligible depositories for County funds.
- VI. **DIVERSIFICATION.** With the exception of U.S. Treasury obligations, Government securities, and Government Agency backed securities, no more than 20 percent of public funds available for investment shall be invested with any one approved institution or in any single type of approved investment.
- VII. **COMPETITIVE BIDDING.** A competitive bid process shall be conducted before the County invests any funds. A sufficient number of bids for a specific type of instrument shall be solicited to insure a competitive price or rate. The County shall accept the bid which provides the highest comparable yield for the maturity required, provided the investment is within the parameters of this policy and the institution is of adequate strength as determined by the County Treasurer.

APPROVED this 26th day of July, 2011.

**THE BOARD OF COUNTY COMMISSIONERS  
MORGAN COUNTY, COLORADO**

\_\_\_\_\_  
s/ Tony Carlson  
Tony Carlson, Chairman

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s/Laura Teague  
Laura Teague, Commissioner

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s/ Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

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s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

Morgan County Treasurer Robert Sagel presented to the Board for approval Resolution 2011 BCC 21. Sagel noted the investment policy has been in effect from late 1980 until present. He suggested to the Board three main changes. The first change would be to increase the maximum length of maturity on investments to three years. The second would be to remove the dollar cap per institution or instrument while retaining a maximum limit of twenty percent. The third would be money market funds, certificates of deposits and the certificate of deposit registry program would be eligible investments. Commissioner McCracken stated hopefully this would increase our investment amounts. Commissioner Teague made the motion to approve Resolution 2011 BCC 21. Commissioner McCracken seconded the motion. Motion carried 3-0.

**CONSIDERATION OF APPROVAL-PERMIT-2011 PMT 21-XCEL ENERGY**

Morgan County Road Supervisor John Goodman presented to the Board for approval Permit 2011 PMT 21 allowing Xcel Energy to trench in the right-of-way at 137 Reid Road, Fort Morgan, CO to an existing line to install gas service. Goodman stated he had completed an inspection and the fees were attached. Commissioner McCracken made a motion to approve Permit 2011 PMT 21 and authorize the Chairman to sign. Commissioner Teague seconded the motion. Motion carried 3-0.

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## **CONSIDERATION OF APPROVAL-CONTRACT-2011 CNT 52-BOB BARKER AND COMPANY**

Morgan County Undersheriff Dave Martin presented to the Board for approval Contract 2011 CNT 52. This is the company Morgan County Sheriff's Department has used in the past to purchase supplies for the inmates. An electronic monitoring system would be used for inmates in the work release program to monitor the location of an inmate and transmit an alarm when the inmate is out of the allowed perimeter. The inmate would pay the cost for the monitoring while on work release. Martin noted this will help expand the work release program. Commissioner Teague made a motion to approve Contract 2011 CNT 52 and authorize the Chairman to sign. Commissioner McCracken seconded the motion. Motion carried 3-0.

## **CONSIDERATION OF APPROVAL-BID AWARD-2011-0715-WIGGINS AMBULANCE BARN**

Morgan County Building and Maintenance Supervisor Dave Cornwell presented information on four sealed bids submitted for the Wiggins Ambulance Barn located on eight, twenty-five foot lots. The bids were Ewertz Farms, Randy Ewertz, in the amount of \$36,100.00, The Production Company, Jody Walker, with a bid of \$80,000.00, United Tower Service, Troy Bohm, with a bid of \$40,000.00 and Lazy J Diamond Enterprises, LLC, Glen Neal, with a bid of \$50,292.00. Glen Neal from Lazy J Diamond Enterprises, LLC requested the Board reconsider his bid stating he would be bringing his business out of Weld County into Morgan County and his company would benefit from the Wiggins Main Street location. After discussion Commissioner McCracken made a motion to award the bid to The Production Company with the highest bid of \$80,000.00. Commissioner Teague seconded the motion. Motion carried 3-0.

## **PRESENTATION: RHONDA GRONEWOLD-NORTHEAST COLORADO BOOKMOBILE SERVICES**

Rhonda Gronewold presented to the Board information on budget cuts by Logan County causing one employee to be terminated. With less staff to maintain all the necessary jobs related to the Bookmobile Service there was less time to write grant requests or do fund raising projects causing a large fund reduction. Northeast Colorado Bookmobile Services had considered building a \$300,000.00 new facility, however, with the lack of funding it would not be an option at this time. This program covers a six county area and will now be making fewer trips and in some areas going to every other month. The Bookmobile Service has been depositing money through the Morgan County Treasurer who had been waiving the fees for that service, however, because of economic conditions the Treasurer's Office would need to collect the \$1,300.00 fee. Gronewold explained they will now direct deposit their funds to the Wray Bank avoiding the fee required by the Morgan County Treasurer. Northeast Colorado Bookmobile Services Chair Person, Joan Pearson, stated at this time the Bookmobile has sixty-five to seventy thousand books available and they are storing their furniture at an off-site location.

## **PRESENTATION: CHRISTY FITZPATRICK AND CASEY MATNEY-CSU REGIONAL ENGAGEMENT CENTER**

Janis Dixon, County Extension 4-H Youth Development Director, introduced Casey Matney and Christy Fitzpatrick from the Colorado State University Regional Engagement Center. They are doing a pilot program funded by grant money serving seven Northeastern Colorado Counties. Casey works with farmers, ranchers, Division of Wildlife and anyone interested in developing a program on better rangeland management and grazing practices. Casey will be teaching this year at Northeastern Junior College, Sterling, CO and has a web site available for more information. Christy Fitzpatrick works with kindergarten through twelfth grade students, 4-H members and Scout members to help increase their interest in Science Technology Education Management. She has a free meeting space located in Logan County.

## **COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS**

Commissioners reviewed the calendar dated July 22, 2011 through August 2, 2011 with no changes. It was noted the August 2, 2011 Board Of County Commissioners meeting was cancelled due to the time conflict with the Morgan County Fair.

## **UNFINISHED BUSINESS**

There was no unfinished business.

Public Hearing opened at 9:56 a.m.

## **CONSIDERATION OF APPROVAL-RESOLUTION NO. 2011-BCC 14-DESIGNATING COUNTY COMMISSIONER DISTRICTS**

### **RESOLUTION 2011 BCC 14**

#### **A RESOLUTION DESIGNATING COUNTY COMMISSIONER DISTRICTS**

**WHEREAS**, Section 30-10-306, C.R.S. provides that the county be divided into three compact Commissioner Districts of, as near as is practical, equal population, and

**WHEREAS**, the 2010 U.S. Census has shown that the existing boundaries must be adjusted to meet this requirement.

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## NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MORGAN COUNTY, COLORADO:

1. The boundaries of the Morgan County Commissioner Districts shall be as follows:

### Commissioner District #1

Beginning at the Northwest corner of Morgan County, thence East along the North County line to Colorado Highway 52; thence South on Highway 52 (Main Street) to the Burlington Northern-Santa Fe Railroad; thence West along the railroad to County Road 18 (West Street); thence North on County road 18 (West Street) to County Road R; thence West along County Road R to County Road 17; thence South on County Road 17 to County Road P; thence West on County Road P to County Road 12; thence South on County Road 12 to the intersection of County Road 12 and County Road K; thence South along the West boundary of Range 58 West to the South County line; thence West to the West County line; thence North on the West County line to the point of beginning.

### Commissioner District #2

Beginning at the South County line at the West boundary of Range 58 West; thence East on the South County line to County Road 19; thence North on County Road 19 to County Road P; thence East on County Road P to County Road 20; thence North on County Road 20 (Barlow Road) to County Road S (Riverview Avenue); thence West on County Road S (Riverview Avenue) to Colorado Highway 52 (Main Street); thence South on Highway 52 (Main Street) to the Burlington Northern-Santa Fe Railroad; thence West along the railroad to County Road 18 (West Street); thence North on County road 18 (West Street) to County Road R; thence West along County Road R to County Road 17; thence South on County Road 17 to County Road P; thence West on County Road P to County Road 12; thence South on County Road 12 to the intersection of County Road 12 and County Road K; thence South along the West boundary of Range 58 West to the point of beginning on the South County line.

### Commissioner District #3

Beginning at the Northern County line where it intersects with Colorado Highway 52; thence South on Highway 52 to the County Road S (Riverview Avenue); thence East on Riverview Avenue to County Road 20 (Barlow Road); thence South on County Road 20 to County Road P; thence West on County Road P to County Road 19; thence South on County Road 19 to the South County line; thence East on the South County line to the Southeast corner of the County; thence North on the East County line to the Northeast corner of the County; thence West on the North County line to Colorado Highway 52, the point of beginning.

**DATED** this 26th Day of July, 2011.

### THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

\_\_\_\_\_  
s/ Tony Carlson  
Tony Carlson, Chairman

\_\_\_\_\_  
s/Laura Teague  
Laura Teague, Commissioner

\_\_\_\_\_  
s/ Brian McCracken  
Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

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s/ Connie Ingmire  
Connie Ingmire, Clerk to the Board

Morgan County Clerk and Recorder Connie Ingmire presented to the Board for approval the designation of the County Commissioner Districts. The districts have been divided equally by population after the final population counts by the 2010 Federal Census data was compiled. Ingmire stated there have been only four inquiries on the boundary changes. District One totals were nine thousand three hundred and forty-eight and the new proposed number would be nine thousand three hundred fifty-seven. District Two had voter numbers at nine thousand six and

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the new proposed number would be nine thousand four hundred forty-one. District Three had nine thousand three hundred five and the new proposed number would be nine thousand three hundred sixty-seven. Ingmire stressed the redistricting had to be done now to avoid problems at election time. There was no public comment. Commissioner Teague made a motion to approve the changes made in each district based on the 2010 Census. Commissioner McCracken seconded the motion. Motion carried 3-0.

Public Hearing closed at 10:00 a.m.

## **CITIZEN'S COMMENT PERIOD**

There were no citizen comments.

We hereby adjourn and are in recess at 10:02 a.m.

Respectfully submitted,

Janet Thomas  
Deputy Clerk to the Board

## **THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO**

\_\_\_\_\_  
Tony Carlson, Chairman

\_\_\_\_\_  
Laura Teague, Commissioner

\_\_\_\_\_  
Brian McCracken, Commissioner

(SEAL)

**ATTEST:**

\_\_\_\_\_  
Connie Ingmire, Clerk to the Board