

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

MARCH 10, 2023

CALL TO ORDER

Board of County Commissioners met in regular session on March 10, 2023. The meeting was called to order by Chairman Blaine Arbuthnot at 8:30 a.m. Roy Elliott was absent from the meeting. The following were present:

Blaine Arbuthnot-----Chairman
Terry McMillian-----Member
LaShelle Benbow-----Deputy Clerk to the Board

RESOLUTION NO. 2023-8553

APPROVE FEBRUARY 2023 BOCC MINUTES

Motion by McMillian, seconded by Arbuthnot to approve the February 2023 board minutes.

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

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2023-8554

APPROVE SPECIAL DHS DISBURSEMENT, MARCH 1, 2023

Motion by McMillian, seconded by Arbuthnot to approve the special DHS disbursement for March 1, 2023, and authorize transfer of funds in the following amount:

DHS Fund \$ 525.07

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

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2023-8555

APPROVE DHS DISBURSEMENTS, MARCH 9, 2023

Motion by McMillian, seconded by Arbuthnot to approve the DHS disbursements for March 9, 2023, and authorize transfer of funds in the following amount:

DHS Fund \$ 26,395.83

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

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2023-8556

APPROVE DISBURSEMENTS, MARCH 10, 2023

Motion by McMillian, seconded by Arbuthnot to approve the disbursements for March 10, 2023, and authorize transfer of funds in the following amounts:

General Fund	\$ 46,737.04
Road and Bridge Fund	\$ 36,521.69
EMS Fire Fund	\$ 2,228.29
Ambulance Fund	\$ 20,237.24
Water Fund	\$ 22,077.90
DHS Fund	\$ 1,076.53
Conservation Trust Fund	\$ 1,555.87
E911 Fund	\$ 1,570.35

Total Disbursements \$132,004.91

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

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2023-8557

APPROVE SECRETAC DISBURSEMENTS, MARCH 10, 2023

Motion by McMillian, seconded by Arbuthnot to approve the SECRETAC disbursements for March 10, 2023, and authorize transfer of funds in the following amount:

SECRETAC Fund	\$ 500.00
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Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2023-8558

APPROVE NOTICE OF SUPPLEMENTAL BUDGET PUBLICATION

Motion by McMillian, seconded by Arbuthnot to approve the following Notice of Supplemental Budget which will be published one time in the Ordway New Era, on March 14, 2023.

NOTICE OF SUPPLEMENTAL BUDGET
(Pursuant to 29-1-106, C.R.S.)

NOTICE is hereby given that a proposed supplemental budget has been submitted to the Crowley County Board of County Commissioners for the current fiscal year of 2023; a copy of such proposed supplemental budget has been filed in the office of the Crowley County Board of County Commissioners, where the same is open for public inspection; such proposed supplemental budget will be considered at a regular meeting of the Crowley County Board of County Commissioners to be held at the Courthouse Annex, Commissioners Meeting Room, on March 27, 2023 at 8:30 a.m.

Any interested elector of Crowley County may inspect the proposed supplemental budget and file or register any objections thereto at any time prior to the final adoption of the supplemental budget, March 27, 2023, at 8:30 a.m.

Summary of Supplemental Budget:

RESOLUTION FOR SUPPLEMENTAL BUDGET AND APPROPRIATION

(Pursuant to Section 29-1-109, C.R.S.)

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE COUNTY OF CROWLEY, COLORADO.

WHEREAS, Crowley County was awarded \$100,000 in grant proceeds from the U.S. Department of the Treasury Local Assistance and Tribal Consistency Fund. The receipt of the grant revenues was not assured at the time of the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO;

Section 1. That the 2023 appropriation for the General Fund, Auxiliary Services, line number 10.543.59534 LATCF Grant Expenditure is hereby increased from \$0 to \$100,000 for the following purpose: to cover any cost incurred on or after March 15, 2021, for any governmental purpose other than a lobbying activity.

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

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2022-8559

APPROVE AUTHORIZED SIGNERS ON ORDWAY SENIOR CITIZENS CHECKING ACCOUNT

In late 2022, Vic Shrader resigned as the President for the Ordway Senior Citizens club. He turned over all documentation and account records to the Crowley County Commissioners. Since then the club has not been active. The commissioners published an ad in the Ordway New Era asking that all individuals interested in reorganizing the club to please contact them. To date, no interest has been expressed.

Crowley County will take over management of the club until there is a public interest. In regards to the club bank account, Vic Shrader will be removed as an authorized signer. All three commissioners will be added as authorized signers, with two signatures being required.

Motion by McMillian, seconded by Arbuthnot to approve the change in signatories on the Ordway Senior Center club checking account.

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

Arbuthnot-----Aye
Elliott-----Absent
McMillian-----Aye

RESOLUTION NO. 2022-8560

APPROVE A RESOLUTION ESTABLISHING REASONABLE FEES FOR DISCOVERY REQUESTS AND IMPOSING A FEE FOR THE RESEARCH AND RETRIEVAL OF DISCOVERABLE RECORDS FOR DEPENDENCY AND NEGLECT HEARINGS

Motion by McMillian, seconded by Arbuthnot to approve the following resolution:

A RESOLUTION ESTABLISHING REASONABLE FEES FOR DISCOVERY REQUESTS AND IMPOSING A FEE FOR THE RESEARCH AND RETRIEVAL OF DISCOVERABLE RECORDS FOR DEPENDENCY AND NEGLECT HEARINGS

STATE OF COLORADO)
) ss.
County of Crowley)

At a Regular Meeting of the Board of County Commissioners for Crowley County, Colorado, held in Ordway, Colorado, on the 10th day of March, A.D., 2023, there were present:

Blaine Arbuthnot, Chairman
Terry McMillian, Commissioner
LaShelle Benbow, Deputy Clerk to the Board

when the following proceedings were had and done, to-wit:

WHEREAS, C.R.S. §24-72-203(1)(a) and C.R.S. §24-72-306(1) permits Crowley County to make such rules with reference to the inspection of records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office; and

WHEREAS, C.R.S. §24-72-205(6)(a) permits Crowley County to impose a fee in response to a request for the research and retrieval of records; and

WHEREAS, C.R.S. §24-72-205(6)(a) requires Crowley County to publish a written policy that specifies the applicable conditions concerning the research and retrieval of records by the custodian; and

WHEREAS, C.R.J.P. Rule 1, requires the use of Colorado rules of Civil Procedure, whenever a Juvenile Rule is silent on a matter.

WHEREAS, there are no relevant rules as to discovery in Colorado Rules of Juvenile Procedure, therefore the C.R.C.P. Rule 26 shall dictate discovery costs in a dependency and neglect proceeding.

WHEREAS, all reasonable expenses in connection with the production, inspection, copy, or photostatting of the discoverable material shall be paid by the requesting party as the same are incurred; and

WHEREAS, the reasonable expense in connection with the production shall be based upon the actual costs of the production; and

WHEREAS, the reasonable expense in connection with the production shall be limited to the discoverable materials; and

WHEREAS, a record of the expense of providing production of discoverable materials shall be kept and maintained by Crowley County to be submitted by Crowley County to the court for final determination as whether or not said expense shall be allowed as costs; and

WHEREAS, Crowley County desires to impose a fee for the retrieval and research of records for discovery requests so Respondents are aware of the costs prior to submitting discovery requests.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Crowley, Colorado, pursuant to the Colorado Redistricting Commissions, that:

1. All requests for discoverable records shall be submitted timely.
2. It is the intent of this policy is to create an incentive for the party seeking discovery to demand only what it really needs, while staying in compliance with C.R.C.P Rule 26.
3. After the first hour of time has been expended researching and/or retrieving discoverable records, Crowley County shall charge a fee.
4. The current fee shall be \$33.58 per hour, but shall automatically increase every five-year period to be equal with the rate adopted and established by the director of research of the legislative council appointed pursuant to section C.R.S. §2-3-304(1) in accordance with C.R.S. §24-72-205(6)(b).

5. Requests for records shall only be processed and accessible during reasonable times within the hours when the County of Crowley's Department of Human Services is open.
6. All requests for copies of records shall be charged \$0.25 per letter size page, and an additional fee for legal sized paper.
7. All requests for electronic copies shall include a fee for the actual cost of the electronic storage device (thumb drive, disk, etc.).
8. Before providing access to records, or before beginning the research and retrieval process, the County of Crowley shall require an advance deposit fee, to include the time it is projected to take to identify and segregate records that need to be disclosed.
9. If the request for records requires the assistance of an outside entity, such as Triad, to access the records, the requestor of the records shall pay the actual cost of the third-party services.

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

Arbuthnot-----Aye

Elliott-----Absent

McMillian-----Aye

No further business appearing the meeting was recessed.

ATTEST:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman