

# Board of County Commissioners of Lincoln County

Agenda for November 29, 2012

9:00 Call to order and Pledge of Allegiance

9:30 Pat White and George Moats with Eastern Slope Rural Telephone to discuss EagleNet, a company that offers broadband services to county facilities

1. Approve the minutes from the November 19, 2012 meeting
2. Discuss a budget proposal related to the funding of the District Attorney's Office for 2013
3. Review the October reports of revenues and expenditures for County General, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, Road and Bridge and the individual road districts
4. Old business
  - a. Review and sign a Food Service Agreement with Consolidated Correctional Foodservice
5. New business
6. Approve payroll and expense vouchers

The Board of Lincoln County Commissioners met at 9:00 a.m. on November 29, 2012. The following attended: Chairman Steve Burgess, Commissioners Gary Beedy and Ted Lyons, County Administrator Roxie Devers, Clerk to the Board Corinne M. Lengel, Commissioners-Elect Greg King and Doug Stone, and Will Bublitz with The Limon Leader/Eastern Colorado Plainsman.

Chairman Burgess called the meeting to order and led the Pledge of Allegiance. Mr. Lyons made a motion to approve the minutes from the meeting held on November 19, 2012, as submitted. Mr. Beedy seconded the motion, which carried unanimously.

Ms. Devers informed the commissioners that the D.A.'s office would like to meet with them on December 5 at 10:30 a.m. in Castle Rock to discuss the budget proposal related to the funding of the D.A.'s office for 2013. Mr. Beedy said he'd spoken with Arapahoe County Commissioner Nancy Sharp at conference and was told that newly elected District Attorney George Brauchler is willing to drop his salary to \$130,000 if he is allowed an annual increase, similar to what was done when Jim Peters was in office. Mr. Beedy said he had suggested an annual increase that would have Mr. Brauchler making \$154,000 at the end of his four-year term. Ms. Devers said she'd received new information concerning the DA's budget and what is being proposed is to keep the approximately reduced appropriation of \$1 million for the 4 counties in a contingency somewhere else in the budget so it would be available for expenditure. Lincoln County's amount would be \$6,000. She had suggested keeping the money in the D.A.'s budget and calling it contingency, but the D.A.'s office didn't want to do that, so another option would be to have it available in the Administration line item, which the Board agreed to do. Mr. Beedy said the reasoning behind not putting it in the D.A.'s budget was that they wanted Mr. Brauchler to have to ask the counties for the additional funds specifically.

The Board reviewed the October reports of revenues and expenditures for the County General, Capital Projects, Conservation Trust, E911, Landfill, Library, Lodging/Tourism, and Road & Bridge funds, as well as for the individual road districts.

At 9:30 a.m., Pat White, George Moats, and Tony Lyons with Eastern Slope Rural Telephone Association met with the Board to discuss EAGLE-Net Alliance, a company that offers broadband services to county facilities. Others present for the discussion were Sheriff Tom Nestor and Captain Clint Tweden, County Treasurer Jim Covington, John and Judy Thelen, Ben Orrell, and Patsie Smith. According to Ms. White, EAGLE-Net Alliance was awarded a \$100.6 million grant in September of 2010 from the U.S. Department of Commerce's Broadband Technology Opportunities Program, in coordination with the American Recovery and Reinvestment Act. The premise of the grant was to help drive investment into Colorado in rural areas that truly need help with broadband connectivity. EAGLE-Net's original mission as a self-described "independent governmental entity" was to "bring high-speed Internet to every public school in Colorado through public-private partnerships to build a comprehensive, statewide network." However, Ms. White explained that the reality is quite different, as EAGLE-Net has not made attempts to communicate with private companies as they promised to do, and have even engaged in overbuilding existing networks at the expense of longstanding rural providers. They have now openly stated that they intend to compete for the business not only of school

districts, but of local governments, law enforcement agencies, libraries, and other entities that keep local telecommunications companies in business. Ms. White added that the grant money will run out on August 31, 2013, so it seems to be EAGLE-Net's intent to spend it all before that time, unconcerned with the detriments they are causing in local areas. Those detriments include possible loss of jobs, families, school attendees, and property taxes. Ms. White stated that Eastern Slope's assessment is based on assets and revenues, and as EAGLE-Net "cherry-picks" their customers, the revenues will decrease, causing a reduction in property taxes paid to the county. Currently, ESRTA pays the county \$47,000 in taxes each year. She went on to say that EAGLE-Net is building an open-access network, meaning they can lease their facilities to any provider, and although she is not opposed to competition, she is opposed to it when it is not on a level playing field. Questions for the commissioners to ask should they be approached by EAGLE-Net in the future would be whether or not they will employ local people, if they will pay taxes, and most importantly, what their sustainability is. Mr. Moats added that another question would be how long their response time would be should a local establishment incur a problem. Ms. White stated that it is basically a duplication of services using government funding.

Mr. Burgess asked if the commissioners could do anything to help, such as send a letter in opposition of losing local services, and Ms. White said that she would be happy to provide talking points and they would definitely appreciate a letter. She added that the grant funding gives them the right to come in; there is no way to stop that, but she wanted the commissioners to be aware of the impact to the local economy.

Greg King wanted to know what open-access is, and Ms. White explained that it basically means that the fiber optic cable has to end somewhere. Wherever it ends, whether it is at the county, a school, or a hospital, other carriers or providers are then able to access it. Mr. Moats put in that ESRTA sends secure, dedicated fiber optic lines to the customers they serve, adding that in EAGLE-Net's case, the central office would be wherever the presence is and they would automatically expect that their panels and equipment would be stored at that location.

Patsie Smith asked if the hospital should be approached as well, or if the county takes care of it, but was told that the presentation should definitely be given to the hospital board.

The commissioners asked how their project to deploy centralized network with fiber connections was going, and Tony Lyons said that the fiber is in place and they have some configuration left to do. Mr. Moats added that the equipment is ready and that they will be able to maintain existing services as well as increase services. Tony said that they intend to take the T1 lines off of the copper wire, also.

Apparently, moisture was found in the underground conduit when they were working in the courthouse, and Mr. Lyons asked what needed to be done. Tony said they did find another route through the ceiling from the generator at the sheriff's office to the equipment in the clerk's office, and felt that it wasn't as big of a problem as they had originally anticipated. Mr.

Burgess asked him to put together an estimate of what it would cost to replace the conduit, and Tony said he would do so.

Before the sheriff and captain left, the Board reviewed the Foodservice Agreement with Consolidated Correctional Foodservice; Ms. Devers stating that Captain Tweden had provided the cost of meals based on number of inmates. Sheriff Nestor said that most of the companies handle things in the same manner and he feels it is time for a change, not to mention that switching companies will cost the county about \$9,000 less, with a better menu selection. Mr. Beedy made a motion to sign the two-year Foodservice Agreement with Consolidated Correctional Foodservice, beginning January 7, 2013.

Sheriff Nestor also informed the Board that they had seized another two horses this week and have consequently signed a Memorandum of Understanding with the Humane Society which will ensure that they will come out and pick the animals up. Unsure of the legal ramifications of the county going through the adoption process, the sheriff said that they will continue to file criminal charges, but the Humane Society will take care of the animals, which is a much better option. He added that the society recoups its costs when they adopt the horses back out, so entering into the MOU will save the county money in the long run. Sheriff Nestor also said that there will most likely be more horses and some cattle that will be seized, as food is too scarce due to the drought. Mr. Burgess wanted to know if the Humane Society has their own trucks, which the sheriff affirmed, and then asked if the cattle could be sold. Sheriff Nestor said that they have to hold the animals for ten days to see if the owner claims them. If not, the DA gets an order from the judge and the county takes ownership, and then the cattle can be sold.

Since there is a little over a month left before the county is required to switch radios and repeaters over to the new system, Mr. Burgess asked the sheriff if he knew where the situation stands. Zane Nestor was contacted and asked to come over to the meeting. When he arrived, he stated that all but one of the repeaters can be upgraded and the one that needs to be replaced is not a dire emergency. He added that he has received the prices from Wireless Advanced, but is still waiting on prices from Len Stone. He will contact him and let the commissioners know tomorrow what he finds out. Mr. Burgess asked if the grant money can be used to buy the one repeater, but Zane wasn't sure since the funds were designated and split out within the grant. He said he would find out that information today, as well.

When asked about the control tower building south of Hugo, Sheriff Nestor said that he was told to make them an offer, but he feels it would be better to lease it than buy it. They were told that they can store county equipment there for now.

Once the sheriff's department employees had gone, Ms. Devers said that the gentleman who replaced the annex roof has finished the job and would like to be paid as soon as possible. She suggested that one or more of the commissioners go and look at the roof to make sure it is acceptable before payment is made.

Mr. Burgess called for new business and stated that he had asked Ms. Devers to contact Bill Noyce to update the commissioners on the county assets and liabilities before the end of the year. He also would like an update on total employee liability, but Ms. Devers said that it actually comes from Reptech, and they will not have that report until April or May.

Mr. Burgess commented that they had not discussed Treasurer's fees or asking CCI to look into the purpose of continuing them at conference, and felt that they should be looked at. Mr. Beedy said it was most likely too late for this legislative session, and Ms. Devers said she would look up the purpose of the fees in statute.

The commissioners approved the November payroll, and began approving expense vouchers for the month, but were interrupted by a phone call from Todd Weaver with Arapahoe County who wanted to discuss the 2013 District Attorney's budget. He said that instead of repeatedly turning funds back to the four counties, which happens almost every year, Arapahoe and Douglas counties feel that they should hold those other funds in reserve and look at attempting to permanently reduce the D.A.'s budget. Mr. Beedy said that Lincoln County is open to that option and that it had been discussed earlier in the meeting. He explained the idea of holding the additional funds in the Administrative portion of the budget, and Mr. Weaver said that was basically what they had decided also, and that all four counties would have to agree to the distribution. Mr. Weaver also mentioned the fact that Mr. Brauchler would like to take the minimum statutory salary, but that the commissioners were discussing whether or not that would be appropriate concerning the level of cases that he will be involved with when he takes over the office. The recommendation is to start the salary out at the statutory minimum of \$130,000 annually and increase it incrementally in years two, three, and four, ending with approximately \$165,000 at the fourth year. Mr. Weaver added that something would need to be decided before Mr. Brauchler takes office on January 8, 2013. He added that the state pays a percentage of the statutory minimum, which would amount to \$104,000 unless there is a change in statute. Mr. Burgess told him that Lincoln County is agreeable to that proposition as well, and Mr. Weaver said he would send Ms. Devers a letter to have the Board sign.

Mr. Beedy said that he'd received a phone call from Dorothy Eidem who wanted to know if the commissioners would close an unimproved portion of County Road 4A, as she is worried about the trail eroding and dirt blowing because of the dry weather. Mr. Beedy said it is county policy not to do so and Mr. Burgess agreed, unless she would obtain written agreement from the other landowners that use the road. Mr. Beedy said he would contact her and let her know that the county will not be closing the road.

The commissioners finished approving the November 2012 expense vouchers and then, with no further business to come before the Board, the meeting was adjourned until 9:00 a.m. on November 30, 2012.

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Corinne M. Lengel, Clerk to the Board

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Steve Burgess, Chairman