

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS

Minutes of Meeting

March 26, 2019

The Board of Morgan County Commissioners met Tuesday, March 26, 2019 at 9:01 a.m. with Chairman James Zwetzig, Commissioner Mark Arndt and Commissioner Jon Becker in attendance. Chairman Zwetzig asked Fort Morgan Times Reporter Cara Morgan to lead the meeting in the Pledge of Allegiance.

CITIZEN'S COMMENT

There was no citizen comment provided.

ADOPTION OF THE AGENDA

Commissioner Arndt made a motion to adopt the agenda as presented with Commissioner Becker seconding the motion. Motion carried 3-0.

CONSENT AGENDA

Ratify the Board of County Commissioners approval of meeting minutes dated March 19, 2019

Ratify the Board of County Commissioners approval of Contract 2019 CNT 042, 5280 Publishing Inc., Print and digital 2019 advertising, Term of Contract May 01, 2019 through July 31, 2019

Ratify the Board of County Commissioners approval of Contract 2019 CNT 043, Hermann Global/Visit USA Parks, Digital Marketing, Term of Contract February 25, 2019 through December 31, 2019

Ratify the Board of County Commissioners approval of Contract 2019 CNT 044, BearCom Group Inc., U-Wave Tower Site Maintenance, Term of Contract April 01, 2019 through March 31, 2019

Ratify Board of County Commissioner's signature on the Waiver of Potential Conflict with the Wiggins Rural Fire Protection District signed February 7, 2019

Ratify Chairman Jim Zwetzig's signature on the Certification of Eligibility to Receive Conservation Trust Funds for period January 1, 2019 to December 31, 2019

Ratify the Board of County Commissioner's approval of Morgan County Tourisms Letter of Recommendations for additional board members, dated March 20, 2019

Commissioner Becker made a motion to approve items 1-7 as presented, Commissioner Arndt seconded the motion and motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval - Board of County Commissioners and Morgan County Sheriff Joint Statement of Opposition for HB 19-1177

A JOINT STATEMENT OF THE BOARD OF MORGAN COUNTY COMMISSIONERS AND SHERIFF OF MORGAN COUNTY, COLORADO, OPPOSING HB19-1177

Counties have the authority through C.R.S. §§ 30-11-101 to 103, to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues in the county and that the powers of a county as a body politic and corporate shall be exercised by the board of county commissioners.

The Morgan County Board of County Commissioners and Morgan County Sheriff oppose Colorado HB19-1177 commonly known as the Red Flag bill. As written we believe this bill violates several federal and state constitutional rights.

Those rights include, but are not limited to, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms.

Article II, Section 3 of the Constitution of Colorado provides that all "persons have certain inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness".

Article II, Section 13 of the Constitution of Colorado provides that the "right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question".

Article II, Section 7 of the Constitution of Colorado provides that the "people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures".

Article II, Section 15 of the Constitution of Colorado provides that "Private property shall not be taken or damaged, for public or private use, without just compensation," which the Colorado Supreme Court has indicated includes a legal interference with the physical use, possession, disposition, or enjoyment of the property, including temporarily.

House Bill 19-1177 infringes upon the inalienable rights of the citizens of Morgan County by allowing for family or household members and law enforcement officers to petition for the temporary removal of weapons, *ex parte* and with a minimal burden of proof, and without advance notice to lawful gun owners, contemplating search warrants

2 COMMISSIONERS PROCEEDINGS

that order peace officers to forcibly enter premises and seize a citizen's property with no evidence of a crime having been committed, and further shifting the burden of proof to gun owners accused under this law to thereafter prove that they are not a significant risk of causing personal injury to themselves or others, all while being held to a higher standard of proof by clear and convincing evidence.

House Bill 19-1177 is off target in that it fails to address the heart of the mental health crisis in our communities, to wit: the failure of communities to fund and provide services to the people in need, instead of penalizing them and criminalizing otherwise lawful conduct.

Every elected official takes an oath to support and defend the United States Constitution, the Constitution of the State of Colorado and the laws of the State of Colorado and by implication question the constitutionality of legislation that infringes upon constitutional rights.

It is because of that Oath that the Morgan County Commissioners in coordination with the Morgan County Sheriff, commit to actively resist the bill, including joining other county and city governments of like mind to challenge this legislation should it pass, to protect our citizen's constitutional rights.

The Board would also encourage the state legislature to cease in further actions restricting the Second Amendment rights of citizens and instead address the real and fundamental challenges of mental illness in our state.

Board of County Commissioners

s/Jim Zwetzig
Jim Zwetzig, Chair

s/Mark Arndt
Mark Arndt, Commissioner

s/Jon Becker
Jon Becker, Commissioner

Morgan County Sheriff

s/David Martin
David Martin

Commissioner Becker presented to the Board a Joint Statement of Opposition for HB 19-1177 by reading aloud the statement. Commissioner Becker further provided comments regarding the bill and the issues this bill as written clearly violates the rights of the citizens of the State of Colorado. He further commented that what should have been addressed is the mental health crisis and further spoke of an amendment that was recently struck down that clearly put forward by State Senator Sonnenberg that addressed the mental health crisis which is the root of the problem at hand. He stated given this proposed amendment was struck down; this became a gun grab bill and a clear violation of the second amendment.

At this time, Sheriff Martin stated he is in agreement with Commissioner Becker, stating he published a statement of his own prior to this statement being prepared and feels this bill is constitutionally flawed, further stating he has a meeting with the Chief Judge on April 18th, with all of law enforcement from the 13th Judicial District attending and this will be a topic of discussion.

Commissioner Arndt commented the bill places the Sheriff in a difficult position whereas the Sheriff took an oath and if he should not act on this bill, he then violates the constitution as it is stated, and he is bound by the laws of the State of Colorado and if he should not abide by the law, he will face serving a jail sentence.

Sheriff Martin stated this bill does not only affect the Sheriff's serving the State of Colorado, it will affect all of law enforcement given the way the bill is being written as it states the law enforcement entity is to act where this person is residing or located.

At this time, Chairman Zwetzig asked if there was anyone who wished to speak in regards to this matter at which time, Terry Winberg, address being 16093 Highway 34, Fort Morgan, thanked the Board for addressing this issue stating it is a countywide concern, and appreciated they have addressed this matter with great thought, not just acting off the cuff.

Commissioner Arndt made a motion to approve a Joint Statement of Opposition for HB 19-1177 as presented, Commissioner Becker seconded the motion and motion carried 3-0. Chairman Zwetzig asked that it be noted for the record that Sheriff Martin chimed in his approval as well.

UNFINISHED BUSINESS

There was no unfinished business.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Commissioners reviewed the calendar dated March 22, 2019 through April 2, 2019 with changes.

Sheriff Martin had initially indicated that he would be providing a departmental report on April 2, 2019 but will not be able to do so as he will be out of town and unable to prepare for this report.

COMMISSIONERS PROCEEDINGS 3

Morgan County Clerk and Recorder Susan Bailey provided an update regarding the State's implementation of a redundancy plan that will allow for less down time in the Motor Vehicle Department stating her department participated in a pilot program with the Colorado Department of Revenue and it has resulted in infrastructure that allows as a backup internet connection at a cost savings to the County.

Chairman Zwetzig made mention of the Jail Task Force meeting that was held on Monday, March 25, 2019 and asked Commissioner Arndt to provide an update. Commissioner Arndt stated the study was to look at what the needs are and commented that costs were discussed where the building is worth approximately 16 million and to revamp the existing building would be projected at 90 million to revamp and 106 million to move into a new facility. He stated this would take the County to about 2050 with the projected growth rate. The existing building has been in existence for nearly 30 years, and further commented on what plan the County will be looking at so this expenditure is something that is looked at before it is an emergency expenditure.

Chairman Zwetzig stated the task force started in 2016 but calls and concerns began in 2013, and the fact the process is moving slowly, but planning and forethought takes some time.

Sheriff Martin provided comment stating the task force has indicated costs of the current system to be anywhere from 22-28 million and the 16 million is the difference between new construction and renovation, as per Sheriff Martin. He stated at some point there will need to be adjustments made and renovations completed, so a strategy is needed.

Being no further business the meeting was then adjourned at 9:25 a.m.

Respectfully Submitted,

Susan L. Bailey
Clerk to the Board

(Minutes ratified April 2, 2019)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/James P. Zwetzig
James P. Zwetzig, Chairman

s/Mark A. Arndt
Mark A. Arndt, Commissioner

s/Jon J. Becker
Jon J. Becker, Commissioner

(SEAL)

ATTEST:

s/Susan L. Bailey
Susan L. Bailey