

**MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
JULY 5, 2005**

State of Colorado, County of Arapahoe. At a public hearing of the Board of County Commissioners for Arapahoe County, Colorado held at 5334 S Prince St. Littleton CO 80166 there were:

Lynn Myers, Chair	Present
Bernard L. Zimmer, Chair Pro Tem	Present
Susan Beckman, Commissioner	Present
Rodney Bockenfeld, Commissioner	Present
Frank Weddig, Commissioner	Present
Kathryn Schroeder, County Attorney	Present
Nancy A. Doty, Clerk to the Board	Absent & Excused
Jennifer Gayer, Deputy Clerk	Present

When the following proceedings, among others, were had and done, to wit:

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ADOPTION OF THE AGENDA

Deputy County Attorney Jack Bush asked to have the Authorization for the Chair to sign a letter requested by BRE Properties to the Agenda as Consent Agenda Item 9.

Commissioner Weddig asked to have Consent Agenda Item 7 removed from the Consent Agenda for a separate discussion and vote.

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Zimmer to adopt the Agenda as amended with the addition of Consent Agenda Item 9 and the removal of Consent Agenda Item 7 from the Consent Agenda for a separate discussion and vote.

The motion passed 4-0, Beckman Absent and Excused.

ADOPTION OF THE MINUTES

The motion was made by Commissioner Zimmer and duly seconded by Commissioner Weddig to adopt the minutes of the June 14, 2005 Public Hearing.

The motion passed 4-0, Beckman Absent and Excused.

CEREMONIES

There were no ceremonies.

CITIZEN COMMENTS

There were no citizen comments.

CONSENT AGENDA

The motion was made by Commissioner Weddig and duly seconded by Commissioner Zimmer to approve the Consent Agenda as amended with the addition of Consent Agenda Item 9 and the removal of Consent Agenda Item 7.

The motion passed 4-0, Beckman Absent and Excused.

Item 7

Commissioner Weddig wondered about the contract between 1st Class Towing and the County. He understood this agreement was one that the County does every year and acknowledged that he is not familiar how this type of agreement is done every year for Arapahoe County. He wondered lack of a per mile charge and the storage charges.

County Attorney Kathryn Schroeder explained this is the County's standard agreement for services.

Jack Bush said this is an agreement for when the Sheriff has to call for a tow. The Sheriff broke the County up into three geographical areas. He said various companies had the opportunity to respond to the bid to be the primary towing company that the Sheriff's Department would call when a car is towed. He explained this process was to establish a primary responder to be available on an ongoing basis with the Sheriff's Department.

Ms. Schroeder clarified that Commissioner Weddig's primary question related to the per mile charge.

Commissioner Weddig said he is looking for some background information as well. He said the agreement discusses a \$95 hook up charge.

Chief Bruce Williamson said that is a flat rate that the towing company charges the County if the Sheriff's Department takes possession of the vehicle. He explained that ordinarily tow charges and the associated costs are passed on to the owner of the vehicle when the owner picks the vehicle up. He explained that if there is a police hold on a car for evidence or processing, then the County pays the charges. He said the storage charges are the charges paid if the County puts a hold on a vehicle. He said if there were a vehicle that was used in a homicide, the District Attorney would ask to preserve as evidence.

Mr. Weddig concluded there is no mileage charge for the Sheriff. He wondered who picks up the towing costs when the vehicle is re-claimed.

Chief Williamson said ordinarily the charges are charged to the vehicle owner unless the County places a hold on a vehicle. He said he does not know if the owner of a vehicle that has been towed has to pay a mileage charge,

Commissioner Weddig confirmed there is no mileage charge for the County, but realized the vehicle owner is subject to the charges of the towing company. He recalled that with the City of Aurora regulated such a contract.

The owner of the vehicle picks up the cost of the tow.

Ms. Schroeder said the County would not regulate what the towing company charges individual private owners.

Mr. Bush said the County does not have the authority to regulate that business.

Commissioner Weddig wondered if this could be deferred, or whether this would have to be approved today.

Ms. Schroeder said she is not aware of when the previous agreement expires. She said the County should have an agreement in place to ensure that the Sheriff has someone to call for a tow.

Commissioner Weddig said if the County is going to regulate how much it would pay for a tow, he also believes there should be some protection for the consumer.

Chief Williamson said the rates charged are the commercial rates that are used in the industry.

Commissioner Weddig concluded the PUC regulates this area well enough for the County to not worry. He also asked for a breakdown of how much an average citizen is charged for towing and storage.

The motion was made by Commissioner Weddig and duly seconded by Commissioner Zimmer to approval of Consent Agenda Item 7, Authorization for the Chair to sign Agreement for Services by and between Arapahoe county and First Class Towing relating to vehicle towing services in geographical Area 2, as defined in the agreement, in an amount to not exceed \$50,000, pursuant to the terms contained therein.

The motion passed unanimously.

GENERAL BUSINESS ITEM

Item A – Resolution No. 050401 - Public Hearing, Ordinance 2005-1, Technical Amendment/Correction to Arapahoe County Ordinance No. 99 as adopted on March 22, 2005.

Deputy County Attorney Jack Bush explained this is a technical amendment to the Model Traffic Code, which was a first reading a couple of weeks ago. He said the Board adopted a Model Traffic Code in March of this year. He explained at that time there was an item left out. He said the item left out was an amendment done in a 2001 Edition where the County made the Model Traffic Code applicable to municipalities where the municipality had the County enforce it. He said when the Model Traffic Code was re-adopted this year, for the 2003 Edition, the County failed to include that minor technical amendment. He said the Board should adopt a resolution today, which amends the Model Traffic Code to allow the County to apply the Code to municipalities that choose to do so.

Commissioner Weddig realized that the back up material discusses that the County and the Sheriff retain the traffic fines. He wondered who gets the money in Arapahoe County as far as the Sheriff's Office and the County General Fund.

Mr. Bush said the fees come from District Court, after that are imposed and the revenue goes into the County General Fund.

Chief Williamson said this Ordinance, when originally enacted in 1999, following the November 1998 General Election, which said the fines of traffic infractions, absent the surcharges, could be retained by the County and the Sheriff's Office for personnel, education, training and equipment. He explained therefore the revenues from those fines instead of going straight to the State, were retained by the County.

The motion was made by Commissioner Weddig to approve Ordinance 2005-1, Technical Amendment/Correction to Arapahoe County Ordinance No. 99 as adopted on March 22, 2005.

Seconded by Commissioner Zimmer.

The motion passed 4-0, Beckman Absent and Excused.

COMMISISONER COMMENTS

Commissioner Myers recognized Joshua Bollstein in the audience, a sophomore from Englewood High School who is off to Washington D.C. for nine day, representing Colorado in the People to People Youth Conference. She explained one of his requirements is to attend a public hearing. She also recognized a Congressional Staff member in the audience who is representing Congressman Beauprez.

There being no other business before the Board, the Chair adjourned the hearing at 9:51 AM.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

**NANCY A. DOTY, CLERK TO THE BOARD
BY JENNIFER GAYER, DEPUTY**