

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

MINUTES

Wednesday, April 21, 2021

Zoom.us

Telluride, Colorado

Present: Lance Waring, Chair
Kris Holstrom, Vice-Chair
Hilary Cooper, Commissioner

Staff Present: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Nancy Hrupcin, Legal Assistant

Absent: Carmen Warfield, Chief Deputy Clerk

1. **CALL TO ORDER.**

9:30 a.m.

2. **REVIEW OF AGENDA**

3. **CALENDAR REVIEW**

4. **CONSENT AGENDA**

- a. Acceptance of Public Trustee Report for First Quarter beginning January 1, 2021, and ending March 31, 2021. (ATTACHMENT I)
- b. Consideration of the Chair's signature on an Agreement for Services with Desert Mountain Corporation and Road & Bridge for Dust Retardant.
- c. Ratification of Chair's signature on County Veterans service Officer's March 2021 report.
- d. Approval of Minutes: March 10, 2021, March 17, 2021, March 24, 2021, March 31, 2021, and April 7, 2021.
- e. Ratification of a Letter of support on behalf of Telluride Foundation and Tri-County Health Network's Americorp VISTA program.
- f. Approval of the re-appointment of Becky Hannigan to the San Miguel Basin Fair Board.
- g. Approval of the 2021 Vendor and Payroll payments. (ATTACHMENT II)

MOTION by Kris Holstrom to approve as presented with the correction of the trustee report. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

5. **ADMINISTRATIVE MATTERS**

- a. Consideration of appointing Sara Lopez to the Norwood Lone Cone Public Library Board of Trustees.

Presenter: Sara Lopez, Candidate request for appointment; Carrie Andrew, Library Director

MOTION by to approve appointing Sara Lopez to the Norwood Lone Cone Public Library Board of Trustees. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- b. Discussion on the proposed chain-up stations in the County.

Presented by: Julie Constan, Tony Cady, Matt Muraro, Jennifer Allison; Colorado Department of Transportation

Note: Given the community's concerns, the Commissioner's asked CDOT to pause the process, revisit the proposal, rejoin the conservation, and dig into alternatives during the upcoming meeting with CDOT in June.

- c. Consideration of Chair's signature on a resolution updating the Sheriff's Office Civil Process fees.

Presented by: Amy Markwell, County Attorney, Kristi Covault, Civil Deputy

MOTION by Hilary Cooper to approve the BOCC Resolution 2021-13 Concerning Fees Charged by the San Miguel County Sheriff's Office Relating to the Service of Process. **SECONDED** by Kris Holstrom. **PASSED 3-0.** (ATTACHMENT III – Resolution 2021-13)

- d. Consideration of Chair's signature on a resolution in support of President Biden's pause on new oil and gas leasing on Federal Public Lands.

MOTION by Kris Holstrom to approve the resolution of the Board of County Commissioners, San Miguel County, in support of President Biden's pause on new oil and gas leasing on Federal Public Lands taking out the two blue 'Whereas' items and changing the word 'applaud' to 'support.' **SECONDED** by Hilary Cooper **PASSED 3-0.** (ATTACHMENT IV- Resolution 2021-15)

- e. Consideration of a request by the Assessor to Deny Petition 2021-32 for abatement or refund of taxes, TY2020, Henry Reid for Lot 175, LLC, c/o Ray Bowers, Lot 423, TMV Fil 12, R1080088423

Presented by: Peggy Kanter, Assessor

MOTION by Hilary Cooper to uphold the Assessor's denial. **SECONDED** by Kris Holstrom **PASSED 3-0.** (ATTACHMENT V- Petition 2021-32)

6. PLANNING MATTERS

- a. Discussion and overview of Planning projects Fire Mitigation.

Presented by: Kaye Simonson, Planning Director

- b. Consideration of a Resolution by the Board of County Commissioners Concerning Extending the Emergency Temporary Moratorium Prohibiting the Termination of ADU Deed Restrictions.

Presented by: Amy Markwell, County Attorney; Kaye Simonson, Planning Director

MOTION by Hilary Cooper to extend the Temporary Emergency Moratorium Prohibiting the Termination of ADU Deed Restrictions **SECONDED** by Kris Holstrom **PASSED 3-0.** (ATTACHMENT VI - Resolution 2021-14)

- c. Executive Session: Discussion regarding violations of the County's Land Use Code - Paradigm Festival - Egnar, Owner: Robert Wright, citation (4)(b).

MOTION by Kris Holstrom to move into Executive Session to discuss the County's Land Use Code violation. **SECONDED** by Hilary Cooper **PASSED 3-0.**

11:28 a.m. Recessed.
12:15 p.m. Reconvened.

MOTION by Kris Holstrom to come out of Executive Session. **SECONDED** by Hilary Cooper. **PASSED 3-0.**

Board only spoke about the one item it stated.

Note: The County Attorney requested that item 6.c. not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT VII)

7. SOCIAL SERVICES MATTERS

(Board of Commissioners sitting as the San Miguel County Board of Social Services.)

- a. Approval of Chair's signature on Social Services Department Balance Sheet February 2021, Earned Revenue and Expenditures February 2021, Expenditures through Electronic Benefit Transfers March 2021, Check Register for the Month of March 2021, MOE Report FEB-21 and 2021 Caseload Report

Presented by: Carol Friedrich, County Social Services Director

MOTION by Kris Holstrom to approve the Social Services packet as presented. **SECONDED** by Hilary Cooper. **PASSED 3-0**

- b. Approval of Chair's signature on a proclamation by the Board of Commissioners proclaim April 2021 as Child Abuse Prevention Month.

Presented by: Carol Friedrich, County Social Services Director

MOTION by Hilary Cooper to approve the Chair's signature on a proclamation by the Board of Commissioners to proclaim April 2021 as Child Abuse Prevention Month. **SECONDED** by Kris Holstrom. **PASSED 3-0. (ATTACHMENT VIII)**

- 8. Lunch Break
12:37 p.m. Recessed.
12:45 p.m. Reconvened.

9. **PUBLIC HEALTH AND ENVIRONMENT**

(Board of Commissioners sitting as the San Miguel County Board of Public Health and Environment)

- a. Recognition of Henry Mitchell and the work he has done on behalf of San Miguel County.

Presented by: Sheriff Bill Masters; Henry Mitchell, Emergency Manager

- b. Discussion and update with the San Miguel County Stakeholders concerning the COVID 19 outbreak.

Presented by: Grace Franklin, Public Health Director

10. **UPDATE WITH THE COUNTY MANAGER / COMMISSIONER UPDATES**

- a. Update with the County Manager
 - 1. Our insurance company named San Miguel County for the highest in quality of life and health in the United States out of 3,000 counties
 - 2. Revisions and updates are planned for the employee handbook and policy
 - 3. Human Resources Generalist and Finance Department have had good applicants apply for the positions
 - 4. Starr Jamison, Natural Resources and Special Projects Director will start this Monday April 26th
 - 5. Colorado energy office is looking to transition to electric vehicles and the Federal Government is working on infrastructure. The County can re-evaluate the appropriateness in a few years.
 - 6. Update on the Applebaugh HOA and costs for the bridge.
 - 7. Dave Bush has constructed a new office in Fruen Building for Juvenile Diversion
 - 8. Outreach regarding PILT legislation. Develop modeling tool to determine the value of federal land.
 - 9. May 24, 2021 all County Training is scheduled.
 - 10. The Egnar school visit found pleasantly surprised at the condition of the building. Still a need to investigate utility and maintenance costs and what community needs it might serve. Perhaps partner the building with forest service, BLM. There is potential but need input from the community.
- b. Discussion on the need for a Recovery Manager.

Presented by: Mike Bordogna, County Manager

- c. Kris Holstrom 5-star program is continuing; Covid vaccination panel in Norwood; Earth day movie at the Norwood Library; Water concerns as the snow melts.

- d. Hilary Cooper Updates and Legislative Updates. State modeling calculated 3,000 lives were saved with the COVID prevention measures in place. Vaccinations after having the virus. Post infection, as soon as they are not infectious anymore; Concerns of Norwood running out of water this summer; Restore Grant funding

JURISDICTIONAL UPDATES

Delanie Young, Town of Telluride, Town Meeting this Tuesday to have work session about Summer events. Housing relief fund still has money in it. The mask giveaway continues. Todd Brown, Town of Telluride- will be having the main street outdoor dining area this summer Kim Montgomery, Town of Mountain Village-nothing to report

12. ATTORNEY MATTERS

(Any of these items may involve an Executive Session C.R.S. 24-6-402)

- a. Still waiting on order from litigation

Presented by: Amy Markwell, County Attorney

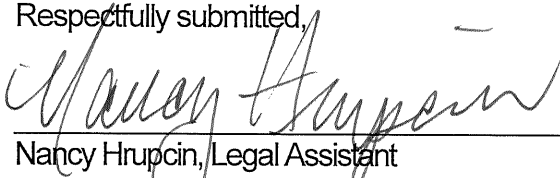
MOTION by Hilary Cooper to adjourn. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

13. ADJOURNED.

3:09 p.m.

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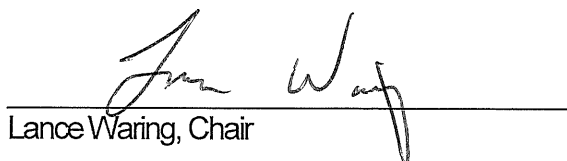
Respectfully submitted,


Nancy Hrupcin, Legal Assistant

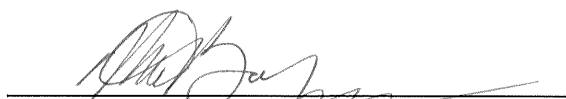
Approved May 26, 2021.

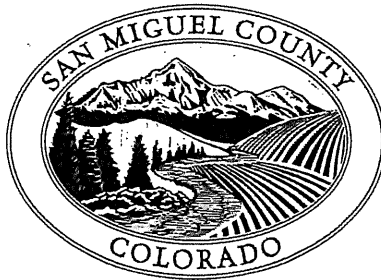


SAN MIGUEL COUNTY BOARD OF COMMISSIONERS


Lance Waring, Chair

ATTEST:


Mike Bordogna, County Manager



ATTACHMENT I

Office of the Treasurer and Public Trustee

Brandi R. Hatfield, Treasurer and Public Trustee

PUBLIC TRUSTEE'S REPORT

First Quarter beginning January 1, 2021, and ending March 31, 2021

Financial Report

Revenue Source	1st Quarter 2021		1st Quarter 2020		\$ Change	
Release of Deeds of Trust	308	\$ 4,620.00	203	\$ 3,045.00	105	\$ 1,575.00
Foreclosure Fees	0	\$	2	\$ 300.00	-2	\$ (300.00)
Other Fees	0	\$		\$ 65.00		\$ (65.00)
Total Earnings		\$ 4,620.00		\$ 3,410.00		\$ 1,210.00

Statistical Report

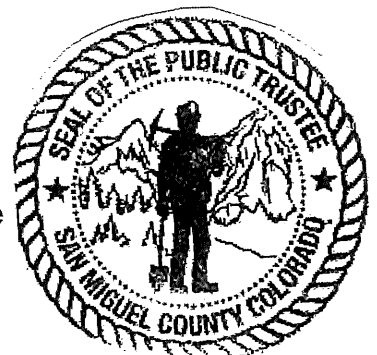
Number of Foreclosures	1st Quarter 2021	1st Quarter 2020	% Change
Opened:	0	4	-100%
Withdrawn:	0	1	-100%
Filed Bankruptcy	0	1	-100%
Cured:	0	0	No Change
Sold:	0	1	-100%
Redeemed:	0	0	No Change
Deeds Issued:	0	1	-100%

I, Brandi R. Hatfield, Public Trustee in and for the County of San Miguel in the State of Colorado, hereby certify the preceding report is a true and correct report of the transactions of the office of Public Trustee in the County and State aforesaid for the 1st Quarter of 2021.

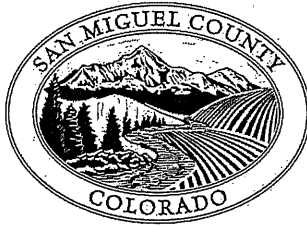
WITNESS MY HAND AND SEAL THIS 1st DAY OF April 2021

Brandi R. Hatfield

Brandi R. Hatfield, Public Trustee in and for the
County of San Miguel, Colorado



P.O. Box 488 • 305 W Colorado Ave • Telluride, Colorado 81435 • (970) 728-4451
email: brandih@sanmiguelcountyco.gov website: www.sanmiguelcountyco.gov



ATTACHMENT II

FINANCE OFFICE

RAMONA RUMMEL, FINANCE DIRECTOR

April 16, 2021

To: Board of County Commissioners
Mike Bordogna, County Manager

Below please find a summary of payments issued during the month of March 2021. This presentation of claims is required per CRS 30-25-110.

Staff is recommending the approval of these payments via consent agenda on April 21, 2021.

Any questions, please let me know. Thank you.

Per 30-25-110 C.R. S. Claims presented to the board - when-how paid.

March 2021 Payments		
	PAYROLL	VENDOR PAYMENTS
101 - General Fund	\$542,587.92	\$346,127.07
102 - Road & Bridge Fund	\$151,028.69	\$106,270.35
103 - Social Services Fund	\$31,421.25	\$8,139.68
104 - Sales Tax Capital Fund		\$338,957.06
106 - Transit Fund		\$3,175.63
107 - Retirement Fund	\$39,612.26	
108- Parks and Open Space Fund	\$25,628.43	\$35,264.36
109 - Conservation Trust Fund		
110 - Lodging Tax Fund		\$30,676.00
111 - Vegetation Management Fund		\$455.55
112 - Early Childhood Education Fund		\$187,652.00
113 - Mental Health Fund		\$16,668.00
115 - Public Health & Environment Fund	\$20,882.48	\$14,426.30
116 - Energy Fund		
117 - COVID19 Fund	\$50,003.23	\$8,710.35
224 - Housing Authority		\$10,000.00
226 - Solid Waste Disposal District		\$8,823.27
301 - Grant Fund		\$54,328.00
TOTALS	\$861,164.26	\$1,169,673.62

P.O. BOX 486 • Norwood, Colorado 81423 • (970) 327-4885 •
ramonar@sanmiguelcountyco.gov

ATTACHMENT III

**RESOLUTION CONCERNING FEES CHARGED BY THE SAN MIGUEL COUNTY
SHERIFF'S OFFICE RELATING TO THE SERVICE OF PROCESS**

RESOLUTION # 2021 - 13

WHEREAS, the Colorado Legislature enacted certain amendments to C.R.S. §§ 30-1-104, 30-1-105, 30-1-105.5, 30-1-106, 30-1-107 and 30-1-116, in House Bill 10-1057, effective August 11, 2010, concerning certain fees collected by sheriffs in civil actions and the authorized mileage rate; and

WHEREAS, the fees set forth in this Resolution will supersede and rescind the fees which the Sheriff's Office is authorized to charge to include Resolution #2010-31, except that the fees in effect for the Sheriff's Office services provided herein to San Miguel County government offices and agencies which are funded wholly or in part by San Miguel County shall be charged as set forth in Section II, below.

NOW THEREFORE, BE IT RESOLVED in accordance with the provisions of C.R.S. §§ 30-1-104, 30-1-105, 30-1-105.5, 30-1-106, 30-1-107 and 30-1-116, as amended, fees collected by the sheriff or his/her designated representatives, for serving and returning various writs and processes and performing other duties under state law shall be fixed as follows:

I. FEES:

- (1) For serving and returning a summons or other writ of process in a criminal action not specified in this section, with or without complaint attached, on each party served, in counties of every class, actual expenses, but not more than fifteen dollars (\$15.00).
- (2) For serving and returning a summons or other writ of process in other than a criminal action not specified in this section, with or without complaint attached, on each party served, actual expenses not to exceed thirty-five dollars (\$35.00).
- (3) For making a return on a summons in a criminal action not served, five dollars (\$5.00).
- (4) For making a return on a summons in other than a criminal action not served, for each party, twenty dollars; (\$20.00).
- (5) For serving and returning each subpoena in a criminal action on each witness, seven dollars and fifty cents (\$7.50).
- (6) For serving and returning each subpoena in other than a criminal action on each witness; sixty dollars (\$60.00).

- (7) For making return on a subpoena in a criminal action not served, five dollars (\$5.00).
- (8) For making return on a subpoena in other than a criminal action not served, twenty dollars (\$20.00).
- (9) For serving each juror, ten dollars (\$10.00).
- (10) For serving and returning writ of attachment or replevin on each party, in counties of every class, mileage, as described in Section III.B. herein, and actual expenses.
- (11) For serving garnishee summons on each party, twenty dollars (\$20.00).
- (12) In making demand for payment on executions when payment is not made, one dollar (\$1.00).
- (13) For levying execution or writ of attachment, besides actual custodial and transportation costs necessarily incurred in counties of every class, mileage as described in Section III.B. of this resolution and actual expenses.
- (14) For levying writ of replevin, besides actual custodial and transportation costs necessarily incurred in counties of every class, mileage, as described in Section III.B herein, and actual expenses;
- (15) No custodian shall be appointed by the sheriff to take custody of goods by him or her attached, nor shall any deputy be placed in charge thereof, unless the plaintiff or his or her attorney shall request the appointment of such custodian in writing; such custodian or deputy shall receive twelve dollars (\$12.00) per diem of twelve hours or fraction thereof, which shall be taxed as costs in the case.
- (16) For making and filing for record a certificate of levy on attachment or other cases, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (17) For committing and discharging convicted prisoners to and from the county jail, in counties of every class, a reasonable fee, not to exceed thirty dollars (\$30.00), which fee shall be collected directly from prisoners at the time of commitment, but shall be refunded to any prisoner who is not convicted.
- (18) For serving writ with aid of posse Comitatus with actual expenses necessarily incurred in executing said writ, in counties of every class, actual expenses, but not more than sixty dollars (\$60.00); for serving same without aid in counties of every class, actual expenses, but not more than four dollars (\$4.00).

- (19) For attending before any judge, court not being in session, with prisoners with writ of habeas corpus for each day of twelve hours or fraction thereof, twelve dollars (\$12.00).
- (20) For attending courts of record when in session, per diem of twelve hours, or fraction thereof, in counties of every class, twelve dollars (\$12.00); but the attendance upon the county court shall be certified by the judge of said court at the close of each month.
- (21) For advertising property for sale, besides the actual cost of the advertising, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (22) For making certificates of sale previous to execution of deed, or on sales of personal property, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00);
- (23) For executing and acknowledging deed of sale of real estate, in counties of every class, actual expenses, but not more than forty dollars (\$40.00).
- (24) For taking, approving, and returning bond in any case, in counties of every class, a reasonable fee, not to exceed ten dollars (\$10.00).
- (25) For executing capias or warrant in criminal cases, on each prisoner named therein, in counties of every class, two dollars (\$2.00).
- (26) For transporting insane or other prisoners, besides the actual expenses necessarily incurred, in counties of every class, not less than twelve cents per mile nor more than the maximum mileage allowance provided for state officers and employees under § 24-9-104, C.R.S., as determined by resolution of the board of county commissioners of each county or as provided by the charter of a home rule county, and for the service of mittimus or other process order, whether written or otherwise, in transporting prisoners, in counties of every class, not less than twelve cents per mile nor more than the maximum mileage allowance provided for state officers and employees under § 24-9-104, C.R.S., as determined by resolution of the board of county commissioners of each county or as provided by the charter of a home rule county; except that such mileage shall be only by one officer and no mileage shall be charged upon the guards attending the officer in charge of custody of the prisoner and further except that the guards attending the officer in charge of the prisoner shall receive, besides the expenses necessarily incurred, the sum of twelve dollars (\$12.00) per diem of twelve hours, or fraction thereof, to be paid out of the county treasury.
- (27) For his or her services in sales of real estate on an execution or decree, order of court, or other court process, besides actual expenses, in counties of every class on all bids under three thousand dollars (\$3,000.00) twenty dollars (\$20.00); and

on all sums bid over three thousand dollars (\$3,000.00), one percent; but such commission shall in no case exceed the sum of one hundred dollars (\$100.00).

- (28) For money collected by sale of personal property, in counties of every class, on all sums bid under five hundred dollars (\$500.00) five percent; on all sums bid over five hundred dollars (\$500.00) five percent; on all sums bid over five hundred dollars (\$500.00) and under one thousand dollars (\$1,000.00), six percent; and on all sums bid over one thousand dollars (\$1,000.00), seven percent; but no fee shall be charged for an auctioneer or other person for making sales of personal property; and in no case shall such commission exceed the sum of one hundred dollars (\$100.00).
- (29) For money collected or settlements made without sale, after writ of execution, attachment, or replevin has been placed in his/her hands, and levy or demand for payment has been made on the proper party, on all amounts under five hundred dollars (\$500.00), three percent; on all amounts over five hundred dollars (\$500.00) and under one thousand dollars (\$1,000.00), two percent; on all amounts over one thousand (\$1,000.00), one and one-half percent; but the fee in no case shall exceed the sum of one hundred fifty dollars (\$150.00); and the plaintiff or any person making any settlement shall be liable to the sheriff for such fees.
- (30) For pursuing and capturing or pursuit without capture, each prisoner charged with the commission of any crime denominated a felony, beyond the limits of the county, all necessary expenses of such pursuit, upon a verified, itemized account being presented for the same together with twelve dollars (\$12.00) per diem of twelve hours for the time occupied in such pursuit.
- (31) For serving and returning writ of ne exeat or body attachment, in counties of every class, actual expenses, but not more than twenty dollars (\$20.00).
- (32) For serving copy of execution when making levy on shares of stock under execution, on each party served, in counties of every class, actual expenses, but not more than sixty dollars (\$60.00).
- (33) For making certificates of levy on shares, or otherwise, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (34) For making return on execution, in counties of every class, actual expenses, but not more than sixty dollars (\$60.00).
- (35) For executing certificate of redemption, in counties of every class, actual expenses, but not more than thirty dollars (\$30.00).
- (36) For service and execution of any writ of restitution or order of possession of premises, besides actual transportation costs necessarily incurred in counties of

every class, actual expenses not to exceed two hundred dollars (\$200.00), except that a Sheriff may charge for actual expenses in excess of two hundred dollars if the work performed exceeds two hours in duration. A Sheriff may charge a fee under this paragraph (36) after the sheriff has provided a detailed accounting of his or her actual expenses to the person requesting such service. Actual transportation costs assessed pursuant to this paragraph shall only be charged once per location for each service or execution.

- (37) "Actual Expenses". "Actual expenses" means those personnel and processing costs incurred in typing, processing, filing, and serving said process papers but does not include mileage.

II. FEES CHARGED TO SAN MIGUEL COUNTY GOVERNMENT OFFICES AND AGENCIES TO INCLUDE THE OFFICE OF THE DISTRICT ATTORNEY

Sheriff's Office services provided herein to San Miguel County government offices and agencies, to include the Office of the District Attorney, which are funded wholly or in part by San Miguel County shall be charged as set forth below:

- (1) For serving and returning a summons or other writ of process in a criminal action not specified in this section, with or without complaint attached, on each party served, in counties of every class, actual expenses, but not more than fifteen dollars (\$15.00).
- (2) For serving and returning a summons or other writ of process in other than a criminal action not specified in this section, with or without complaint attached, on each party served, actual expenses not to exceed fifteen dollars (\$15.00).
- (3) For making a return on a summons in a criminal action not served, five dollars (\$5.00).
- (4) For making a return on a summons in other than a criminal action not served, five dollars; (\$5.00).
- (5) For serving and returning each subpoena in a criminal action on each witness, seven dollars and fifty cents (\$7.50).
- (6) For serving and returning each subpoena in other than a criminal action on each witness; seven dollars and fifty cents (\$7.50).
- (7) For making return on a subpoena in a criminal action not served, five dollars (\$5.00).
- (8) For making return on a subpoena in other than a criminal action not served, five dollars (\$5.00).

- (9) Mileage for each mile actually and necessarily travelled in serving each writ, subpoena or other process in a criminal action or an action other than a criminal action for Sheriff's Office services provided herein to San Miguel County government offices and agencies, to include the Office of the District Attorney, which are funded wholly or in part by San Miguel County up to the IRS' mileage allowance for business travel which amount shall be determined yearly and posted in a location accessible to the public.

III. MILEAGE

A. Criminal Actions:

Mileage for each mile actually and necessarily traveled in serving each writ, subpoena or other process in a criminal action, up to ninety-five percent (95%) of the IRS' mileage allowance for business travel which amount shall be determined yearly and posted in a location accessible to the public.

B. An Action Other Than a Criminal Action:

The San Miguel County Sheriff has established a zone- or zip code-based mileage fee structure. The zone- or zip code-based mileage fee structure shall establish a single mileage fee for the service of any writ, subpoena, or other process in an action, other than a criminal action, in each separate zone or zip code, as applicable, in San Miguel County. The applicable single mileage fee for a zone or zip code shall be charged for all papers served in the zone or zip code regardless of the number of attempts or actual mileage traveled by a sheriff within the zone or zip code during a sheriff's operational period. The zone- or zip code-based mileage fee structure is set forth in Appendix "A". The single mileage fees for each zone or zip code in San Miguel County as set forth in Appendix "A" are hereby set by resolution and approved by the Board of County Commissioners. The Sheriff's Office will post Appendix "A" in a location accessible to the public.

IV. TWO OR MORE PAPERS SERVED ON THE SAME PERSON OR DIFFERENT PERSONS AT THE SAME TIME AND PLACE IN SAME ACTION

In situations when two or more papers are served on the same person or different persons at the same time and place and in the same action, the Sheriff shall charge the highest individual fee allowable pursuant to C.R.S. § 30-1-104 for the first process and an additional ten dollars (\$10.00) for each subsequent process served. The Sheriff shall charge the single zone mileage based fee for the first process.

V. BILLING ACCOUNTS:

The San Miguel County Sheriff's Office has the authority to establish billing accounts for licensed attorneys and licensed collection agencies that have a principle office located in the state of Colorado. The Sheriff's Office Civil Section has the authority to develop

standardized procedures for billing the accounts authorized herein, including the ability to suspend the billing privileges of any entity for nonpayment of a fee upon demand or other good cause shown.

This resolution shall take effect April 22, 2021.

DONE AND APPROVED IN SAN MIGUEL COUNTY, COLORADO, this 21st day of April 2021.

**SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

DocuSigned by:
Lance Waring
F8BF64194B38430...
By: _____
Lance Waring, Chair

Vote:	Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
	Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
	Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

ATTEST:

DocuSigned by:
Carmen Warfield
BE2AF0C39C6340B...
By: _____
Carmen Warfield, Chief Deputy Clerk



**RESOLUTION OF THE BOARD OF COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO, IN SUPPORT OF
PRESIDENT BIDEN'S PAUSE ON NEW OIL AND GAS
LEASING ON FEDERAL PUBLIC LANDS**

RESOLUTION #2021 - 015

WHEREAS, our vast network of federal public lands offers abundant natural beauty, a wealth of natural resources, a vital economic engine for local communities, and a sought after unique quality of life for residents of communities adjacent to them; and

WHEREAS, it's critical that our public lands and waters are managed responsibly and sustainably so they can remain open and accessible to present and future generations; and

WHEREAS, we support the legal requirement that our federal lands be managed under the 'multiple use' standard to best meet the present and future needs of the American people; and believe that the federal land management policies should be developed with input from local communities and public land users, and incorporate the best available science; and

WHEREAS, federal public land policy should ensure that the companies extracting natural resources provide a fair return to federal and state taxpayers while also protecting wildlife and providing the opportunity for the development of sustainable economic non-extractive activity such as outdoor recreation; and

WHEREAS, our state is experiencing the devastating impacts of a warming climate including severe heat and drought, which are making wildfires more frequent and extreme; an increase in emissions of methane, a powerful greenhouse gas emitted on our public lands; extremes in precipitation; and dust on snow, which causes snowfall to evaporate prematurely; and

WHEREAS, as elected leaders, it is our responsibility to take and support prudent and pragmatic steps to reverse climate change and mitigate its devastating impacts by reducing the amount of greenhouse gases and other forms of pollution that contribute to climate change,

NOW, THEREFORE, BE IT RESOLVED by the San Miguel County Board of County Commissioners, that:

1. We support the Biden administration's executive order that temporarily pauses new oil and gas leasing on federal public lands and encourage the administration to:
 - a. Modernize the federal oil and gas leasing program to ensure the oil and gas companies that hold leases and extract natural resources provide a fair return to federal and state taxpayers; and
 - b. Develop a plan to phase out the production of fossil fuels, which are a major contributor to climate change, in a way that also supports the workers, communities, and states that currently have fossil fuel dependent economies.

APPROVED AND ADOPTED this 21th day of April, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

DocuSigned by:
Lance Waring
Lance Waring, Chair

ATTEST:
DocuSigned by:
Carmen Warfield
Carmen L. Warfield, Chief Deputy Clerk to the Board



VOTE:

Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

PETITION FOR ABATEMENT OR REFUND OF TAXES RECEIVED

County: San Miguel Date Received: JAN 21 2021
(Use Assessor's or Commissioner's Only)

Section I: Petitioner, please complete Section I only.

Date: January 15, 2021

Month: Jan Day: 15 Year: 2021

Petitioner's Name: Harry Reid for Tallurda Lot 175, LLC

Petitioner's Mailing Address: P.O. Box 2656

Tallurda

CO

81435

City or Town

State

Zip Code

SCHEDULE OR PARCEL NUMBER(S)

477004212423

PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY

Lot 423 Tallurda Min Village Fl 12

1080089423 Vacant

1080020101 imp

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for property tax year(s) 2020 and 2020 are incorrect for the following reasons: (Briefly describe why the taxes have been levied erroneously or illegally, whether due to erroneous valuation, irregularity in levying, clerical error or overvaluation. Attach additional sheets if necessary.)

This petition is NOT based upon the ground of erroneous valuation. We only dispute the incorrect classification of the subject property. This lot should be classified for the year of 2020 as "residential land" because it is a) contiguous to the owner's residence parcel, b) under common ownership, and c) used as a unit in conjunction with the residence on the owner's contiguous Lot 175F. According to C.R.S. §39-1-102(14.4)(a) and the recent ruling by the Colorado Supreme Court, residential improvements are NOT required to exist on contiguous parcels and the subject should have been classified as "residential land" in 2020.

Petitioner's estimate of value:

NOT COMPLETED

2020

and \$

Value

Year

I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information and belief, is true, correct and complete.

WILLIAM
Petitioner's Signature

Telephone Number (203) 1837-5200

Raymond V. Barker
Agent's Signature

Telephone Number (870) 1728-0100

Letter of agency must be attached when petition is submitted by an agent.

If the Board of County Commissioners, pursuant to § 39-10-114(1), C.R.S., or the Property Tax Administrator, pursuant to § 39-2-110, C.R.S., denies the petition for refund or abatement of taxes in whole or in part, the Petitioner may appeal to the Board of Assessment Appeals pursuant to the provisions of § 39-2-123, C.R.S., within sixty days of the date of any such decision § 39-10-114(3)(1), C.R.S.

Section II:

Assessor's Recommendation

(For Assessor's Use Only)

	Tax Year <u>2020</u>	Tax Year _____
	Assessed	Assessed
Original	<u>926500</u>	<u>268690</u>
Corrected	<u>926500</u>	<u>66240</u>
Abated/Refund	<u>0</u>	<u>202450</u>
	<u>\$14,198.12</u>	<u>\$3500.25</u>
	<u>\$10,697.87</u>	

☐ Assessor recommends approval as outlined above.

If the request for abatement is based upon the grounds of erroneous valuation, an abatement or refund of taxes shall be made if an objection is pending to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(b)(iii), C.R.S.

Tax year 2020 Protest?

☒ No

☐ Yes. If a protest was filed, please attach a copy of the MCO.

Tax year _____ Protest?

☐ No

☐ Yes. If a protest was filed, please attach a copy of the MCO.

☒ Assessor recommends denial for the following reason(s):

Not in common ownership 1/1/20
Does not meet all criteria
for contiguous classification

Peagan Kanta
Assessor's Signature

BL-PT-AR Rev. 12/15/11

FOR ASSESSORS AND COUNTY COMMISSIONERS USE ONLY

(Section III or Section IV must be completed)

Every petition for abatement or refund filed pursuant to 39-10-114, C.R.S. shall be acted upon pursuant to the provisions of this section by the Board of County Commissioners or the Assessor, as appropriate, within six months of the date of filing such petition 39-1-113(1.7) C.R.S.

Section IV: Decision of the County Commissioners

WHEREAS, the County Commissioner of San Miguel County, State of Colorado, at a duly and lawfully called regular meeting held on 4/21/2021 at which meeting there were present the following members: Lance Waring, Kris Holstrom, and Hilary Cooper with notice of such meeting and an opportunity to be present having been given to the Petitioner and the Assessor of said County and Assessor Peggy Kanter present and Petitioner Henry Reid et not present Agent - Ray Bowers present, and where, the said County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED, that the Board agreed with the recommendation of the Assessor and the petition be denied with an abatement/refund as follows:

2020	\$ <u>268690</u>	\$ <u>0</u>	0	\$ <u>0</u>	\$ <u>0</u>
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Year	Assessed Value	Taxes Abate/Refund	Year	Assessed Value	Taxes Abate/Refund
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DocuSigned by:
Lance Waring
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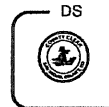
Board of County Commissioners, Chair

I, Carmen Warfield, County Clerk of the Board of County Commissioners in and for the aforementioned county, do hereby certify that the above and foregoing order is truly copied form the record of the proceedings of the Board of County Commissioners.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County

Date signed 4/30/2021.

DocuSigned by:
Carmen Warfield
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County Clerk's or Deputy Clerk's Signature

Section V: Action of the Property Tax Administrator
(For all abatement greater than \$10,000)

The action of the Board of County Commissioners, relative to this abatement petition, is hereby

☐ Approved ☐ Approved in Part \$ ☐ Denied for the following reason(s):

Secretary's Signature

Property Tax Administrator's Signature

Date

Letter of Agency

To Whom It May Concern:

I, Henry Reid for Telluride Lot 175, LLC, owner of the property (or properties) at

305 Touchdown Drive, Mountain Village #1435 and

Lot 423 Telluride Mountain Village #1435

hereby appoint Raymond V. Bowers to be my agent to perfect and petition for mitigation of my property taxes for the aforementioned property (or properties).

Signed:



Date:

15th Jan 2021

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO CONCERNING EXTENDING THE
EMERGENCY TEMPORARY MORATORIUM PROHIBITING THE
TERMINATION OF DEED RESTRICTIONS FOR ACCESSORY DWELLING
UNITS ON LOTS OR PARCELS LOCATED IN ALL ZONE DISTRICTS
WITHIN UNINCORPORATED SAN MIGUEL COUNTY, COLORADO**

Resolution #2021 - 14

RECITALS

WHEREAS, the Board of County Commissioners of San Miguel County, Colorado, (“BOCC”) adopted Resolution #2020-28 at its meeting on October 21, 2020, placing an emergency temporary moratorium on the termination of existing deed restrictions on Accessory Dwelling Units (“ADUs”), within all zone districts of unincorporated San Miguel County, as listed in the San Miguel County Land Use Code (“LUC”) Section 5-201 General A. through T, and further described in Section 5-3, Zone District Standards; and

WHEREAS, San Miguel County, Colorado (the “County”) has the authority to regulate the use and development of land located within the County according to the Colorado Constitution and the Colorado Revised Statutes (“C.R.S.”); and

WHEREAS, in connection with its regulation of the use of land located within its unincorporated area, the County has the legal authority to enact an emergency temporary moratorium on land development as part of its inherent police and planning powers, including, but not limited to, its authority under the Local Government Land Use Control Enabling Act of 1974, Title 29, Article 20, Part 1, when necessary for the immediate preservation of public health, safety, and welfare; and

WHEREAS, according to C.R.S. § 30-28-121, the BOCC may promulgate and extend a temporary moratorium not to exceed six months, by resolution and without a public hearing, prohibiting or regulating in any part of or all of the unincorporated territory of the county structures used or to be used for any business, residential, industrial or commercial purpose; and

WHEREAS, BOCC Resolution 1994-2 amended the LUC to require principal dwelling units of a certain size that were being constructed to include an ADU. Alternatively, property owners could choose to pay a fee instead of constructing the ADU. Furthermore, the LUC required all ADUs that were constructed, regardless of the principal dwelling unit size and whether the construction of the ADU was voluntary or mandatory, to be deed-restricted. The ADU Deed Restriction specified, “The use and occupancy of the Accessory Dwelling Unit is hereby limited exclusively to Employees who earn their incomes primarily with the Telluride R-1 School District, and their immediate family members. Use and occupancy of the property is subject to such

definitions, exceptions, and qualifications specified in Section 5-1305 of the San Miguel County Land Use Code.” The ADU Deed Restrictions were recorded on the title of each subject property as an exhibit to the most recent deed; and

WHEREAS, the deed restriction expressly reserves to the County the right to Terminate each Deed Restriction upon recording a Termination Agreement; and

WHEREAS, BOCC Resolution 2007-11 amended the LUC to eliminate the requirement for deed restrictions for ADUs and adopted Section 5-1303 G. Employee Housing Impact Fee/Mitigation, which established a fee per square foot for new construction, additions, and changes in use to mitigate employee housing impacts; and

WHEREAS, there is no procedure outlined in Land Use Code Section 5-1303 regarding the termination of deed restrictions on existing Accessory Dwelling Units; and

WHEREAS, County Planning Staff has informed the BOCC that it has received multiple inquiries regarding terminating the deed restrictions for these ADUs in the past several years within areas of the County; and

WHEREAS, the BOCC does hereby find and determine that the possibility of terminating the deed restrictions on these Accessory Dwelling Units is reducing the already limited affordable housing available in the area and has created an emergency situation within these areas and zone districts that warrants the adoption of an emergency temporary moratorium on the termination of deed restrictions on ADUs located within the unincorporated County; and

WHEREAS, there are forty-five (45) such deed restrictions in existence, but some of the required units were never built, are unoccupied, or are not being used by qualified deed restricted occupants, and the County would like to accurately determine the status of all deed-restricted ADUs; and

WHEREAS, the primary purpose for enacting an emergency temporary moratorium on the acceptance, processing, or approval of the termination of existing deed restrictions on ADUs is to provide the County sufficient time to develop and promulgate amendments to LUC Section 5-1303 and other sections of the Land Use Code, as necessary, pertaining to the Deed Restricted Accessory Dwelling Units, which requires a review and recommendation by the County Planning Commission and a duly noticed BOCC public hearing. The intent of the new LUC provisions prepared and implemented during the moratorium period is to establish an improved process and standards for consideration of requests for termination of deed restrictions that are consistent with the County’s Affordable Housing Regulations; and

WHEREAS, Resolution #2020-28 expires at 11:59 p.m. on April 21, 2021, unless confirmed and renewed by the BOCC following a duly noticed regular or special meeting for an additional period of up to six months before its expiration; provided, however, that should the Board consider LUC amendments that are intended to provide adequate

standards before the moratorium expiration date, the moratorium shall expire effective upon the Board's final action regarding such LUC amendments; and

WHEREAS, County Planning Staff initially estimated that the development and implementation of such revisions to the LUC regarding deed restricted ADUs should be completed within approximately four to six months; and

WHEREAS, County Planning Staff has been working with the San Miguel Regional Housing Authority to review and verify the status of the existing ADU's and need additional time for the development and implementation of such revisions to the LUC regarding deed restricted ADUs; and

WHEREAS, the BOCC does hereby find and determine that an extension of the emergency temporary moratorium on the termination of ADU deed restrictions within all zone districts is necessary for the immediate preservation and protection of the public health, safety, and welfare of the citizens of San Miguel County.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Effective immediately upon the adoption of this Resolution, the San Miguel County Planning Department and all other County Departments, are prohibited from conducting pre-application conferences, accepting, processing, and/or approving land use development applications, special use permit applications, and/or development permits, building permit applications and/or permits, and/or any applications for the termination of ADU deed restrictions in all zone districts of unincorporated San Miguel County.
2. The temporary emergency moratorium enacted according to this Resolution shall expire at 11:59 p.m. on October 21, 2021, unless confirmed and renewed by the BOCC following a duly noticed regular or special meeting for an additional period of up to six months before its expiration; provided, however, that should the Board consider LUC amendments that are intended to provide adequate standards before the moratorium expiration date, the moratorium shall expire effective upon the Board's final action regarding such LUC amendments.
3. This emergency temporary moratorium does not amend the Land Use Code, which shall remain in full force and effect. In the event of any conflict(s) between this emergency temporary moratorium and the Land Use Code, the provisions of this moratorium shall control and supersede any conflicting provisions in the Land Use Code.
4. If any one or more section or provisions of this Resolution shall be adjudged by a Court of competent jurisdiction to be legally unenforceable or invalid, such judgment shall not affect, impair, or invalidate the

remaining provisions of this Resolution, it being the County’s intention that the various provisions set forth herein are severable.

DONE AND APPROVED by the San Miguel County Board of Commissioners on April 21, 2021, at a regular meeting held at Telluride, CO.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**

DocuSigned by:
Lance Waring
F8BE64194B38430
By: _____
Lance Waring, Chair

VOTE:

Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
Lance Waring	<u>Aye</u>	Nay	Abstain	Absent



ATTEST:

DocuSigned by:
Carmen Warfield
BE2AF0C39C63408...
By: _____
Carmen Warfield, Chief Deputy Clerk

43MHJATTA

ATTACHMENT VII

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MEETING

April 21,
2021
Date of Meeting

Executive Session Minutes Attest

I, Amy Markwell, County Attorney attest that the April 21,
2021
Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

DocuSigned by:
Amy Markwell
13D869A155064D0...
Amy Markwell, County Attorney

I, Lance Waring, Chair of the San Miguel County Board of Commissioners attest that the April 21,
2021
Date of Meeting

Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.

DocuSigned by:
Lance Waring
F8DF64194B30430...
Chair

ATTACHMENT

**PROCLAMATION OF THE BOARD OF COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO, DO HEREBY
PROCLAIM APRIL 2021 AS CHILD ABUSE PREVENTION MONTH**

VIII

PROCLAMATION 2021 - 004

WHEREAS, The theme of the April 2021 Child Abuse Prevention (CAP) Month is "Growing a Better Tomorrow for All Children, Together"; and

WHEREAS, Throughout CAP Month, Prevent Child Abuse America, Illuminate Colorado and San Miguel are using a community garden metaphor to reinforce the message that "Every day, we help positive childhood experiences take root"; and

WHEREAS, Children are locally grown. We work together to cultivate relationships, connections, and environments that help every child thrive; and

WHEREAS, We harvest what we sow. We plant seeds of support for all children to yield healthier adults with abundant futures; and

WHEREAS, Our work is rooted in science. We know positive childhood experiences in nurturing environments provide fertile ground for physical and mental health, learning, and social skills to flourish; and

WHEREAS, We unearth the possibilities. We focus on innovation every day to give every child what they need and to build bountiful, safe communities; and

WHEREAS, Planning and purpose create common ground. We share resources equitably, expand access to services, and balance conditions for positive childhood experiences to enrich every community; and

WHEREAS, We tend and replenish the soil. We offer homegrown solutions and hardy support to protect what we grow in all elements; and

WHEREAS, Just as the sun's energy provides nourishment to the garden, hope and commitment provide powerful nourishment for the future. We combine the promise of a better tomorrow with our resolve to nourish all children and their families in every season.

NOW, THEREFORE, We, the San Miguel County Board of County Commissioners, do hereby proclaim April 2021 as CHILD ABUSE PREVENTION MONTH in San Miguel County and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

DONE AND APPROVED by the Board of Commissioners of San Miguel County, Colorado, at a duly noticed public meeting held in Telluride, Colorado, on April 21, 2021.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

DocuSigned by:

Lance Waring

Lance Waring, Chair

ATTEST:

DocuSigned by:
Carmen Warfield
BE2AF0C39C63408...

Carmen L. Warfield, Chief Deputy Clerk to the Board

VOTE:

Hilary Cooper	<u>Aye</u>	Nay	Abstain	Absent
Kris Holstrom	<u>Aye</u>	Nay	Abstain	Absent
Lance Waring	<u>Aye</u>	Nay	Abstain	Absent

