

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES**

Wednesday, December 29, 2021

Zoom.us

1) Roll Call

Present:

Lance Waring, Chair

Kris Holstrom, Vice Chair

Staff Present:

Mike Bordogna, County Manager

Amy Markwell, County Attorney

Nancy Hrupcin, Legal Assistant

Carmen Warfield, Chief Deputy Clerk

2) 9:30 a.m.

3) REVIEW OF AGENDA

4) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

5) CONSENT AGENDA

- 5.a) Approval of Chair's signature on the U.S. Geological survey (USGS) to provide seasonal operation and maintenance of the gaging station 09168730 Dolores River near Slick Rock, CO for \$10,899.

(ATTACHMENT - 22REJFACO 124 CY22 San Miguel County cover letter.pdf).

(ATTACHMENT - 2022_Sickrock Agreement Updated.pdf).

- 5.b) Approval of Chair's signature on the Telluride Fire Protection District 2022 Ambulance Licenses for the following vehicles:

Ford F-450/Braun 2006 Vin: 1FDXF47P56EA03460

Ford F-450/Braun 2014 Vin: 1FDUF4HT9EEB20343

Ford F-450 Braun 2017 Vin: 1FDUF4HT7HDA02253

Ford F-450/Braun 2006 Vin: 1FDXF47P56EA03461

Ford F-450/Braun 2019 Vin: 1FDUF4HTXDA19801

Ford F-450/Braun 2020 Vin: 1FDUF4HT6LDA13883

locations of Telluride 1; Mountain Village 2; Placerville 3; San Bernardo 4

(ATTACHMENT - 2022 Telluride Fire District Ambulance License.pdf).

(ATTACHMENT - 2022 Telluride Fire Protection Permit Ambulance Form.doc).

(ATTACHMENT - 2021 Telluride Amb inspection.pdf).

- 5.c) Approval of Chair's signature as the Board of County Commissioners and the Ouray County Board of County Commissioners, sitting as the Boards of Health for each respective County for the 2022 Intergovernmental Agreement; Women, Infants and Children program.

(ATTACHMENT - 2022 WIC IGA.pdf).

MOTION by Kris Holstrom to approve as presented. **SECONDED** by Lance Waring. **PASSED 2-0.**

6) ADMINISTRATIVE MATTERS

- 6.a) Consideration of the approval and Chair's signature on resolution #2021-49 approving precinct boundaries in San Miguel County, Colorado./MOTION

Presented by: Stephannie Van Damme, County Clerk and Recorder

(ATTACHMENT - Res. 2021-49.Precinct Boundaries.docx).

(ATTACHMENT - 20150519_PRECINCTS.pdf).

(ATTACHMENT - BOCC memo-Precinct Boundaries.Corrected Voter numbers.12.16.21.doc).

(ATTACHMENT - BOCC memo Precinct Boundaries 12.2.21.pdf).

MOTION by Kris Holstrom to approve Resolution #2021-49 and the Precinct Boundary Map as presented by the Clerk and Recorder. **SECONDED** by Lance Waring. **PASSED 2-0.**

(ATTACHMENT I - 2022-49)

- 6.b) Consideration of approval and chair's signature on resolution #2021-50 reapportioning San Miguel County into three county commissioners districts nearly equal in population./MOTION

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(ATTACHMENT - 20211217_CommissionerRedistrictingMemo.pdf) .

(ATTACHMENT - Public Hearing Notice 11.10.21 Daily Planet.pdf) .

(ATTACHMENT - Public Hearing Notice 11.10.21 Norwood Post.pdf) .

(ATTACHMENT - Dove Creek Ad 10.28.21.pdf).

(ATTACHMENT - 2021 Commissioner Redistricting OPTION 1.pdf).

(ATTACHMENT - 2021 Commissioner Redistricting OPTION 2.pdf).

(ATTACHMENT - 2021 Commissioner Redistricting OPTION 3.pdf).

(ATTACHMENT - Redistricting Resolution 2021-50.docx).

(ATTACHMENT - 2021 Commissioner Redistricting Proposed Plan -Recommended Option 3).

(ATTACHMENT - SanMiguel 2020 Blocks by Proposed District.pdf- Recommended Option 3).

Presented by: Heather Widlund, GIS Coordinator

MOTION by Kris Holstrom to approve the chair's signature on resolution #2021-50 as presented. **SECONDED** by Lance Waring. **PASSED 2-0.**

(ATTACHMENT II- Resolution 2021-50)

7) **SOCIAL SERVICES MATTERS**

- 7.a) 1st Motion: Approval of Chair's signature on Social Services Department Balance Sheet October 2021, Earned Revenue and Expenditures October 2021, Expenditures through Electronic Benefit Transfers November 2021, Check Register for the Month of November 2021, County Allocation/MOE Report OCT, and 2021 Caseload Graph/MOTION

-
2nd Motion: Approval of Chair's signature on CDHS Certification of Compliance – Year 2022 County Personnel and Merit System/MOTION

3rd Motion: Approval of Chair's signature on AGREEMENT FOR PROFESSIONAL SERVICES with 100th Meridian Law Group, P.C., W. Herbert McHarg, Esq. for Legal Services/MOTION

(ATTACHMENT - SMC December Packet.pdf)

Presented by: Carol Friedrich, Director of Social Services

MOTION by Kris Holstrom to approve the Social Services Department Balance Sheets as presented. **SECONDED** by Lance Waring. **PASSED 2-0.**

MOTION by Kris Holstrom to approve the Chair's signature on the CDHS Certification of Compliance - Year 2022 County Personnel and Merit System. **SECONDED** by Lance Waring. **PASSED 2-0.**

MOTION by Kris Holstrom to approve the agreement for professional services with W. Herbert McHarg, Esq. for Legal Services. **SECONDED** by Lance Waring. **PASSED 2-0.**

9) **MANAGER MATTERS/Mike Bordgona**

1. Commissioner meetings have updated their schedule as follows:
1st and 3rd weeks of each month will be scheduled as regular meeting
2nd and 4th weeks of each month will be scheduled as work sessions
2. San Miguel Regional Housing Authority is still accepting applications for the Director Position
3. Update on the most recent grants that have been submitted
4. Clerk and the Treasurer's office will expand their hours as follows - Monday thru Thursday beginning January 31, 2022.

10) **COMMISSIONER UPDATES:**

Lance Waring - Communication with Ophir residents

Kris Holstrom - The Road and Bridge department has been working hard on the Mesa keeping the snow and blowing snow in check. The gondola went down over the weekend -SMART transportation was able to step in.

11) **ATTORNEY MATTERS**
(Any of these items may involve an Executive Session C.R.S. 24-6-402)
Update and other, as needed.

Presented by: Amy Markwell, County Attorney

1. Update on the Telluride Medical Center Subcommittee Meeting
2. Update on the draft comment letter for the financial assurance rulemaking

10:08 a.m. Recessed.
10:30 a.m. Reconvened.

8) **PUBLIC HEALTH AND ENVIRONMENT**

8.a) **Update and other, as needed.**

Presented by: Grace Franklin, Director of Public Health

People Who Addressed the Board:
Dr. Jeffrey Kocher, County resident

11.a) **EXECUTIVE SESSION: Affordable Housing - Discussion regarding the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal, or Other Property Interest and to Conference With The County Attorney and County Manager For The Purpose Of Determining Positions Relative To Matters That May Be Subject To Negotiations, Developing Strategy For Negotiations, and/or Instructing Negotiators, Under C.R.S. Sections 24-6-402(4)(a) and (e)**

MOTION by Kris Holstrom to go into executive session to discuss Affordable Housing - Discussion regarding the Purchase, Acquisition, Lease, Transfer, or Sale of Real, Personal, or Other Property Interest and to Conference With The County Attorney and County Manager For The Purpose Of Determining Positions Relative To Matters That May Be Subject To Negotiations, Developing Strategy For Negotiations, and/or Instructing Negotiators, Under C.R.S. Sections 24-6-402(4)(a) and (e). **SECONDED** by Lance Waring. **PASSED 2-0.**

Presented by: Mike Bordogna, County Manager

10:59 a.m. Recessed.
12:14 p.m. Reconvened.

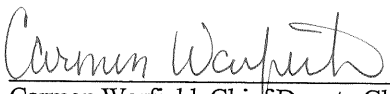
Board only talked about the one item stated.

MOTION by Kris Holstrom to come out of executive session. **SECONDED** by Lance Waring. **PASSED 2-0.**

12) **ADJOURNMENT**

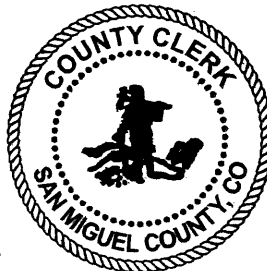
MOTION by Kris Holstrom to adjourn. **SECONDED** by Lance Waring. **PASSED 2-0.**
12:16 p.m.

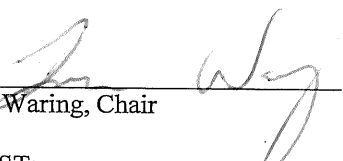
Respectfully submitted,


Carmen Warfield, Chief Deputy Clerk

Approved March 16, 2022.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS




Lance Waring, Chair

ATTEST:


Mike Bordogna, County Manager

These minutes summarize the final decision made by the Board at the referenced meeting. This meeting was also audio recorded and that recording is available for review. In the event there is confusion as to what the final decision of the Board is, the Board will rely on the audio tape to interpret the Board's intent. The audio tape shall act as an official record of these proceedings for any necessary purpose when, in the opinion of the Board, the minutes are in any way insufficient. An audio copy of the Board of County Commissioners' proceedings is available on the website at <https://www.sanmiguelcountyco.gov/661/Agendas-and-Minutes> or by contacting the Deputy Clerk to the Board.

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO APPROVING PRECINCT BOUNDARIES
IN SAN MIGUEL COUNTY, COLORADO**

Resolution #2021-49

WHEREAS, per C.R.S. §1-5-101, as amended, subject to the approval of the Board of County Commissioners (“BOCC”), the County Clerk and Recorder (“Clerk”) shall divide the county into as many election precincts for all general, primary, and congressional vacancy elections as is convenient for the eligible electors of the county and shall designate the place for each precinct at which elections are to be held; and

WHEREAS, in establishing the precinct boundaries, the Clerk shall take into consideration natural and artificial boundaries that meet the requirements of the United States bureau of the census; and

WHEREAS, the Clerk shall establish at least one precinct for every one thousand five hundred active eligible electors in the county at the time of the most recent federal decennial census. However, the Clerk may establish one precinct for every two thousand active eligible electors; and

WHEREAS, the current active voter totals for each precinct as of December 9, 2021, are:

P1- 1979

P2- 1337

P3- 726

P4- 998

P5- 103

P6- 774

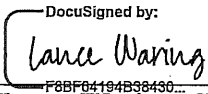
WHEREAS, the BOCC last approved precinct boundary adjustments established by the Clerk in 2011 for the County’s six precincts; and

WHEREAS, based on the data from the 2020 decennial census, the Clerk’s presented precinct map for BOCC approval makes no changes to the current precinct boundaries as adjusted after the 2010 decennial census.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves and adopts the precinct boundaries as presented by the San Miguel County Clerk and Recorder.

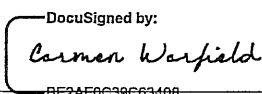
DONE AND APPROVED by the Board of County Commissioners at a regular meeting held at Telluride, Colorado, on December 29, 2021.

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

By: 
F8BF04194B38430...
Lance Waring, Chair

Vote:	Hilary Cooper		Aye	Nay	Abstain	x Absent
	Kris Holstrom	x	Aye	Nay	Abstain	Absent
	Lance Waring	x	Aye	Nay	Abstain	Absent

ATTEST:

By: 
BE2AF0C39C6340B...
Carmen Warfield, Chief Deputy Clerk to the Board



Attachments:

Exhibit "A" - San Miguel County Clerk Memorandum dated December 16, 2021

Exhibit "B" - Precinct Map

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS, SAN MIGUEL COUNTY
FROM: STEPHANNIE VAN DAMME – SAN MIGUEL COUNTY CLERK
SUBJECT: PRECINCT BOUNDARY CHANGES
DATE: 12/29/2021- REVISED TO CORRECT P2/P3 ACTIVE VOTER TOTALS
CC: AMY MARKWELL, MIKE BORDOGNA

Pursuant to C.R.S 1-5-101(3)(a), the clerk and recorder may establish at least one precinct for every 2,000 active eligible electors in the county at the time of the most recent federal decennial census. San Miguel County has 6 precincts, all of which currently, and at the time of the census, contain less than the maximum of 2,000 active voters.

The current Active voter totals for each Precinct are:

P1- 1979
P2- 1337
P3- 726
P4- 998
P5- 103
P6- 774

Currently, the precinct 1 boundary coincides with the Town of Telluride boundary based on the boundary adjustments made in 2011 after the 2010 decennial census. Prior to that adjustment, a portion of the Town of Telluride (generally west of Townsend) was in Precinct 2. The change in the boundary of Precinct 1 was implemented in order to simplify the boundary for purposes of party precinct caucuses, ballot style requirements for Town of Telluride elections, as well as maintaining the statutory requirement of maximum active voters per precinct. At that time, another change to the boundary between Precincts 3 and 4 was made in order to create a common boundary with other taxing and school district boundaries.

Considering the adjustments made in 2011, which helped to create more sensible and efficient boundaries, and the fact that we do not currently have any statutory requirement to adjust the boundary based on Active voter numbers (currently and at the time of the census), I will not be proposing any adjustment to the current precinct boundaries.

Although precinct 1 is currently very close to the maximum active voter count of 2,000 (1,979), making adjustments to the boundary would only serve to create a more complex structure for “splits” and ballot styles and would not provide any benefit to the voters or to our current election processes.

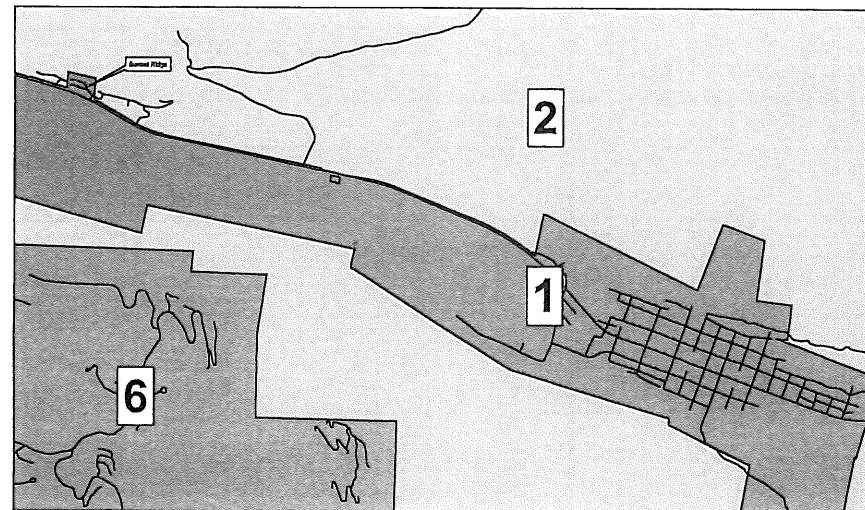
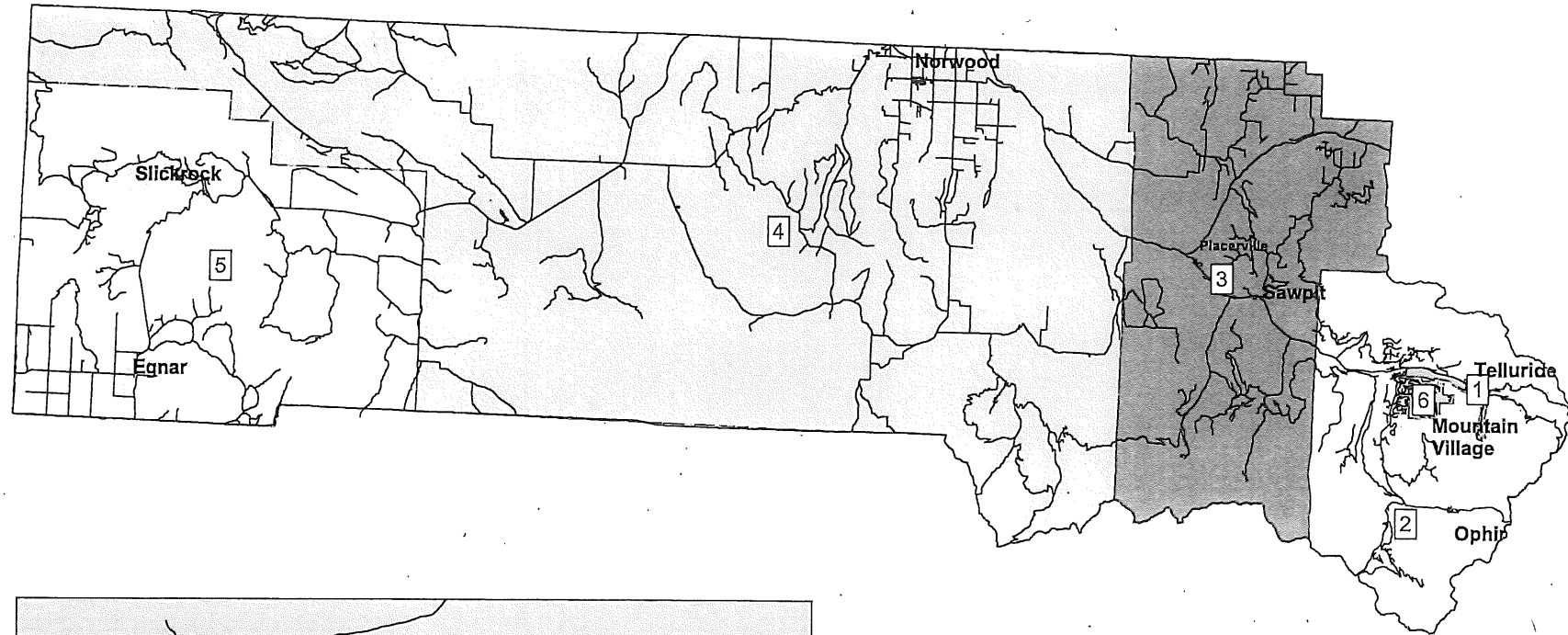
Pursuant to C.R.S. 1-5-101(3)(b)- The precincts established by the county clerk and recorder in subsection (3)(a) of this section need not be modified until the precincts have more than twice as many active eligible electors as they did at the time of the most recent federal decennial census, or when they were established by the county clerk and recorder, whichever is later.

Considering that no boundary changes will be made at this time, the next required precinct boundary adjustment will be when any of the six precincts double in size from the time of the 2020 census.

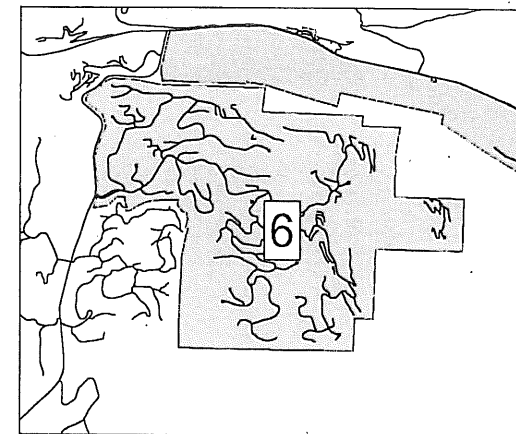
San Miguel County, Colorado

VOTING PRECINCTS

Exhibit B



Precinct 1
Within the Town of Telluride boundary,
including the Sunset Ridge subdivision.



Precinct 6
Within the Town of Mountain Village



NOT TO SCALE

Prepared by San Miguel County
Geographic Information Systems
970-369-5470 Box 1170 Telluride CO
(GISProjects\CLERKELECTIONS\PROJECTS\2015\20150519_PRECINCTS)

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
SAN MIGUEL COUNTY, COLORADO
REAPPORTIONING SAN MIGUEL COUNTY INTO THREE
COUNTY COMMISSIONER DISTRICTS NEARLY EQUAL IN POPULATION**

Resolution #2021-50

WHEREAS, decisions of the United States Supreme Court require the delineation of election districts such that each citizen's vote carries equal weight; and

WHEREAS, that Supreme Court mandate prohibits substantial variation from equal population in drawing election districts for local governments having general governmental powers over the entire geographic area served by that body; and

WHEREAS, Article XIV, Section 6 of the Colorado Constitution require the election of one County Commissioner from each of the three county commissioner districts; and

WHEREAS, in accordance with United States Supreme Court decisions and section 30-10-306, C.R.S., San Miguel County must reapportion its three County Commissioner districts to be as nearly equal as possible by September 30, 2021, based on data from the 2020 United States Census of Population; and

WHEREAS, significant delays in the availability of population data from the 2020 Census due to the COVID-19 pandemic made it impossible for counties to conduct this mandated review by the statutory deadline in 2021. House Bill 21-1047 was enacted in the recent legislative session to correct this issue by making a number of important changes to the county redistricting statute – including the timing of this mandated review. Previously, counties had to complete the redistricting by the first odd-numbered year following the census. So instead of having to complete the redistricting by September 30, 2021, counties now have until September 30, 2023; and

WHEREAS, section 30-10-306(4), C.R.S., as amended, now requires that:

After each federal census of the United States, each [County] Commissioner] district shall be established, revised, or altered to assure that such districts shall be nearly as equal in population as possible based on the redistricting population data prepared by staff of the legislative council and office of legislative legal services, or any successor offices, in accordance with section 2-2-902. In no event shall there be more than five percent deviation between the most populous and the least populous district in each county, at the time such district boundaries are adopted. The establishment, revision, or alteration of districts required by this subsection (4) must be completed by September 30 of the second odd-numbered year following such census.

Such census minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of

corrections for the most recent fiscal year. The establishment, revision, or alteration of districts required by this subsection (4) shall be completed by September 30 of the odd-numbered year following such census; and

WHEREAS, section 2-2-902(4), C.R.S., as amended, states that:

Pursuant to subsection (5) of this section, nonpartisan staff shall prepare redistricting population data to reflect incarcerated persons at their residential addresses in this state rather than their place of incarceration. This data prepared by nonpartisan staff is the necessary census data provided to and to be used by the independent legislative and congressional redistricting commissions established pursuant to sections 44 and 46 of article V of the state constitution and in the establishment of county commissioner districts pursuant to section 30-10-306. The data is the population basis of congressional districts, state house of representative districts, and state senate districts; and

WHEREAS, the Board of Commissioners considered this issue along with evidence and testimony presented with respect to the proposed reapportionment, including comments concerning three alternative draft redistricting plans prepared by the County Geographic Information Systems Office, during a duly noticed public meeting of the Board held on November 24, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of San Miguel County, Colorado, approves and adopts the reapportioning San Miguel County into three county commissioners districts nearly equal in population.

DONE AND APPROVED by the Board of County Commissioners at a regular meeting held at Telluride, Colorado, on December 29, 2021.

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

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

Vote:				
Hilary Cooper	Aye	Nay	Abstain	Absent
Kris Holstrom	Aye	Nay	Abstain	Absent
Lance Waring	Aye	Nay	Abstain	Absent

ATTEST:

By: DocuSigned by:
Carmen Warfield
BE2AF0C49C69408
Carmen Warfield, Chief Deputy Clerk to the Board



- Attachments:
- Exhibit "A" – Redistricting 2021 Staff Proposed Plan
 - Exhibit "B" - 2020 Census Block Listings for Each Commissioner District
 - Exhibit "C" - Final 2021 Commissioner Redistricting map

Exhibit A



**SAN MIGUEL COUNTY
GIS DEPARTMENT**

Date: December 17, 2021
To: Board of County Commissioners
From: Heather Widlund
GIS Coordinator
Re: Redistricting 2021

Summary

- Three plans for redistricting are presented and may be reviewed at www.sanmiguelcountyco.gov/redistricting2021
- Option 3 is recommended for simplicity and to minimize changes to the voter database.

Statutory Requirement for Commissioner Redistricting

Colorado Revised Statute Section 30-10-306 (4) states in part that "...after each federal census of the United States, each commissioner district must be established, revised, or altered to assure that such districts are as nearly equal in population as possible... In no event shall there be more than five percent deviation between the most populous and the least populous districts in each county, at the time such district boundaries are adopted."

Redistricting Process Information

Census Blocks

1. Census population blocks are the smallest unit that may be used to form districts. **Blocks cannot be split.**
2. Blocks vary widely in geographic area and population count.
3. Blocks generally follow physical features such as streams, roads, power lines and ridgelines, not parcel boundaries.

Priorities

1. No more than 5 percent deviation between the most populous and the least populous district.
2. Compact geographic conformation.

Method

A specific redistricting add-on program to GIS software gives the ability to select census blocks and group them. Then one can see the total population counts for each district add up dynamically, and compare the deviation from the target population.

Maps

Maps have been created to show three possible options for configuration of districts. These maps are on

display in several locations around the County as well as on the County’s website (Board of County Commissioners page and GIS page). A special website has been set up to show the previous configurations of districts, basic information about redistricting, and interactive maps that show in detail the configuration of the three options. This website can be found at <https://www.sanmiguelcountyco.gov/redistricting2021>.

Population Shifts*

The County’s population grew overall (from 7359 to 8077) with population shifts within the County that necessitate the redrawing of district boundaries to comply with the statute. The following table shows the 2010 and 2020 population of the existing districts.

	Population 2010 Census	Population 2020 Census	2020 Deviation from target (2692), number of persons	2020 Deviation (%)
District 1	2497	2985	+293	10.9%
District 2	2459	2520	-172	-6.4%
District 3	2403	2572	-120	-4.5%

Plan Options*

Three plan options are presented, with the following population divisions. All three plans propose the same boundaries changes between Districts 2 and 3. The differences are how District 1 and 2 are divided.

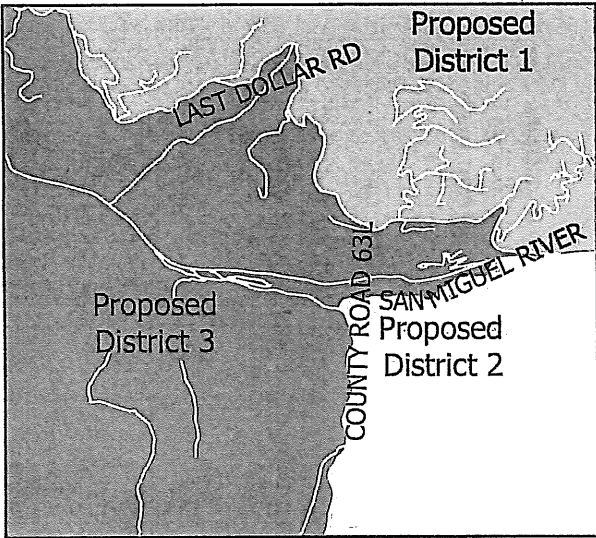
	Option 1	Option 2	Option 3
<i>Target population</i>	2692	2692	2692
	Population, deviation (persons, %)	Population, deviation (persons, %)	Population, deviation (persons, %)
District 1	2696 (+4, 0.15%)	2682 (-10, -0.37%)	2688 (-4, -0.15%)
District 2	2685 (-7, -0.26%)	2699 (+7, 0.26 %)	2693 (+2, 0.07%)
District 3	2696 (+4, 0.15%)	2696 (+4, 0.15%)	2696 (+4, 0.15%)
Total	8077	8077	8077
<i>Deviation between least and most populous district</i>	0.41%	0.63%	0.30%

**Please note: The numbers on these charts were changed from the first version of this memo to account for the reallocation of incarcerated persons to the location of their last known address, per C.R.S. 2-2-902. The data were provided by the Colorado Independent Redistricting Commission. Five persons were reallocated to San Miguel County.*

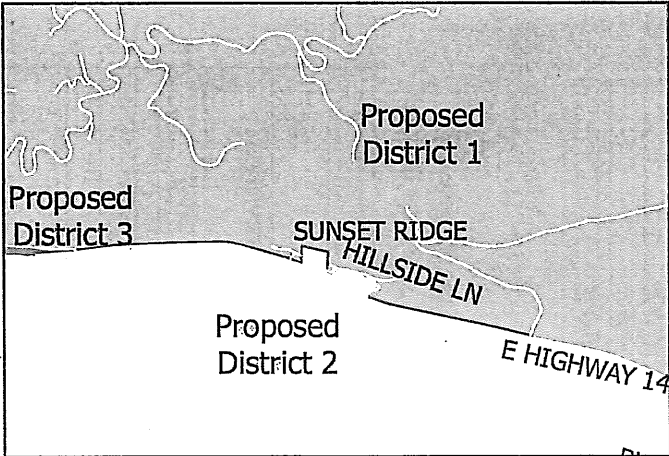
Plan Recommendation

Option 3 is the recommended plan, both because of the minimal deviation between the least and most populous districts and because the specifics of the geographic divisions entail the least amount of data manipulation to re-assign voters to the new districts.

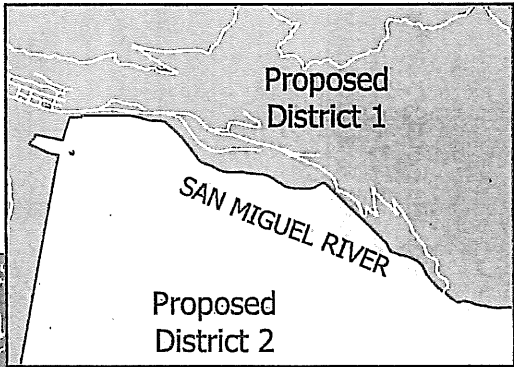
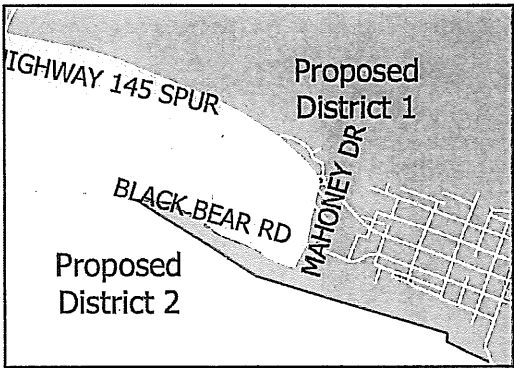
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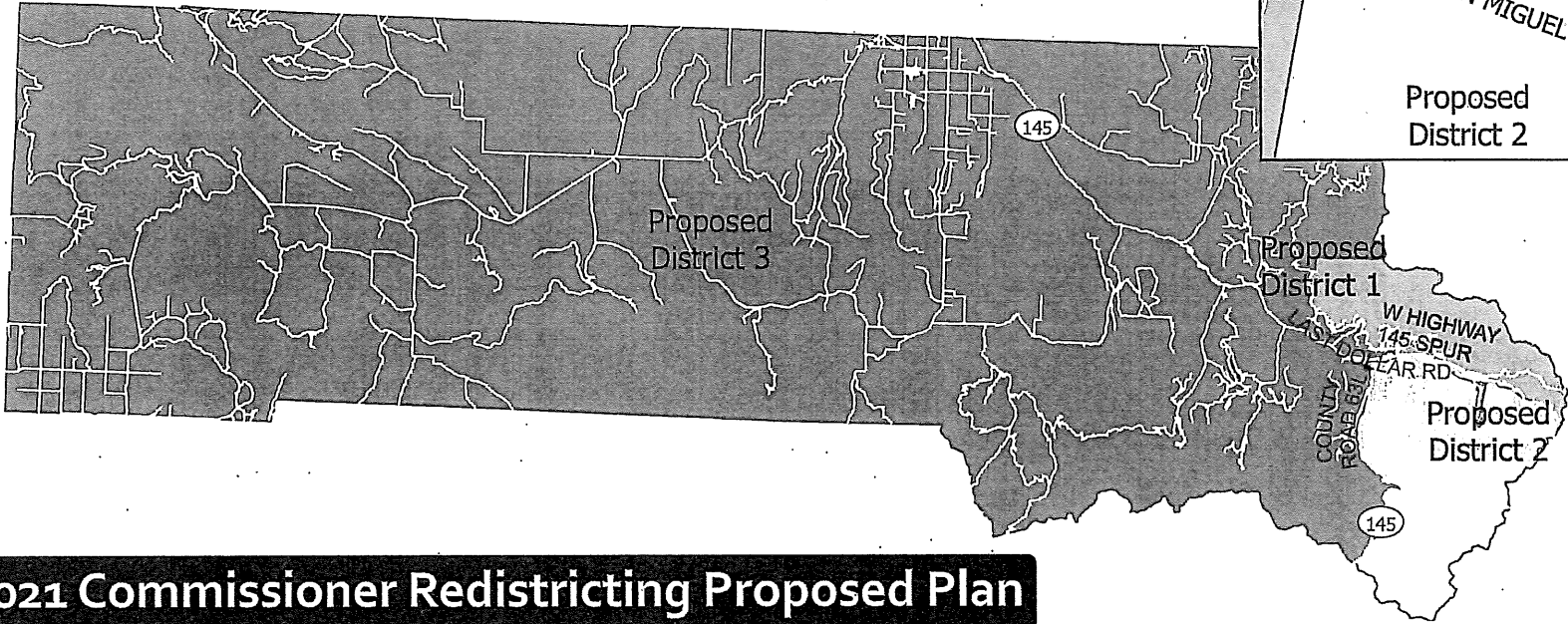
Ilium



Valley Floor



Telluride



2021 Commissioner Redistricting Proposed Plan

2021 Proposed Districts (Option 3)

District

- D1: Pop 2687
- D2: Pop 2693
- D3: Pop 2692

Interactive maps:
www.sanmiguelco.gov/redistricting2021

www.sanmiguelco.gov/redistricting2021

DISCLAIMER
This information is a product of the San Miguel County GIS Department and is intended for the display of relative positions and locations only. Users of this information agree that no assertion or warranty of any kind has been made by San Miguel County as to its accuracy. The presence on the map of a road feature does not indicate public access.
Path \\tridefs\gis\GIS\GISProjects\BOCC\PROJECTS\Census2020\aprx 12/28/2021
Heather Widlund gis@sanmiguelcountyco.gov



2021 BOCC DISTRICT 1 CENSUS BLOCK LIST			
STATE CODE	COUNTY CODE	TRACT	BLOCK
08	113	968101	1000
08	113	968101	1001
08	113	968101	1002
08	113	968101	1003
08	113	968101	1005
08	113	968101	1010
08	113	968101	1011
08	113	968101	1012
08	113	968101	1013
08	113	968101	1014
08	113	968101	1015
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08	113	968101	1017
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2021 BOCC DISTRICT 2 CENSUS BLOCK LIST

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2021 BOCC DISTRICT 3 BLOCK LIST

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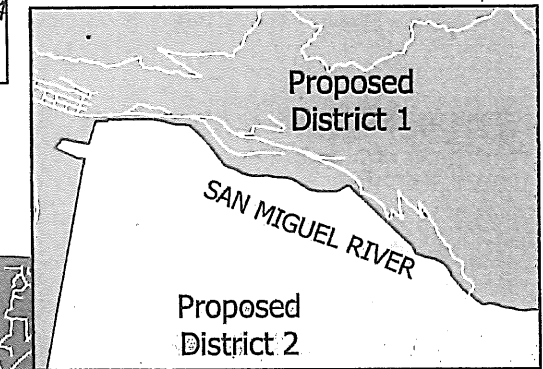
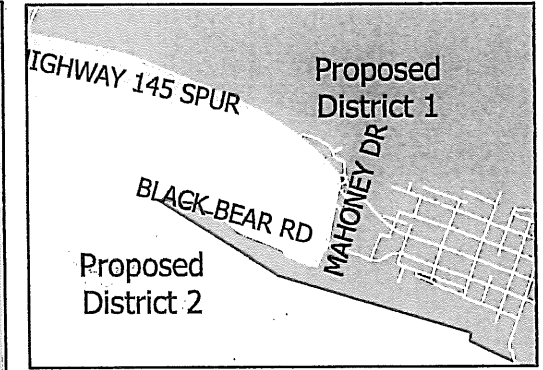
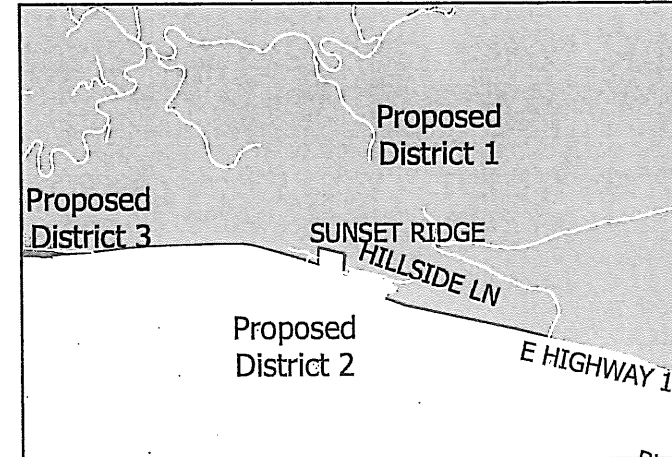
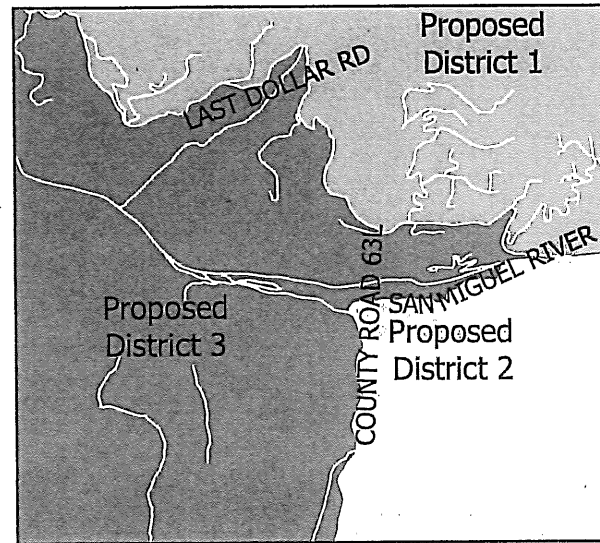
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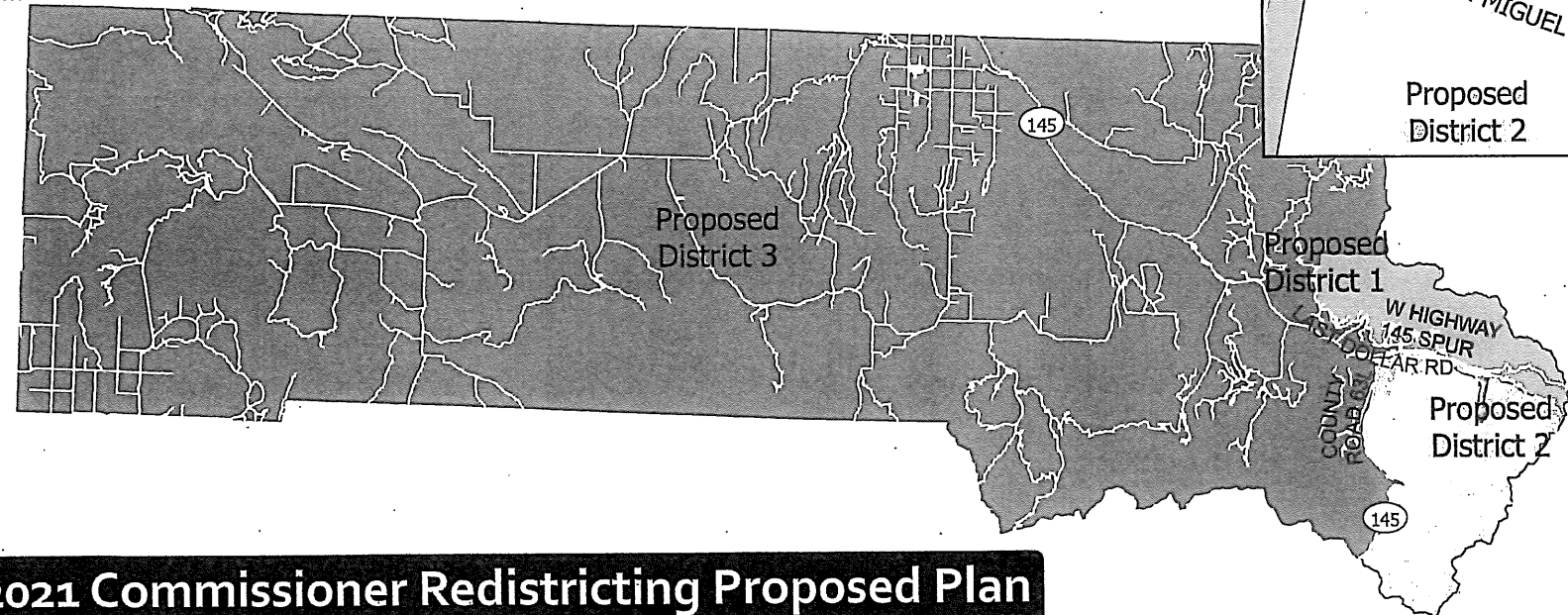
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Ilim



Telluride

2021 Commissioner Redistricting Proposed Plan

2021 Proposed Districts (Option 3)

District

- D1: Pop 2687
- D2: Pop 2693
- D3: Pop 2692

Interactive maps:
www.sanmiguelcountyco.gov/redistricting2021

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 Heather Widlund gis@sanmiguelcountyco.gov

