

SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS
MINUTES
Wednesday, June 26, 2024
Zoom.us

LOCATION OF MEETING 1120 Summit St., Norwood (Sheriff Annex).

1) 9:35 a.m. CALL TO ORDER.

2) Roll Call

Present:

Lance Waring, Chair

Kris Holstrom, Vice Chair

Anne Brown, Commissioner

Staff Present:

Jarrold Biggs, Assistant County Manager

Amy Markwell, County Attorney

Rachel Allen, Assistant County Attorney

Nancy Willis, Paralegal

Carmen Warfield, Chief Deputy Clerk

Absent:

Mike Bordogna, County Manager

3) MOMENT OF SILENCE

4) REVIEW OF AGENDA

5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.

6) CONSENT AGENDA

6.a) Approval of Minutes: April 24, 2024 and May 1, 2024.

(ATTACHMENT - 20240424-BOCC-MInutes-Draft.pdf)

(ATTACHMENT - 20240501-BOCC-Minutes-Draft.pdf)

6.b) Acceptance of the April 2024 Road Report.

(ATTACHMENT - April 2024 Road Report.docx)

6.c) Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Mark Snyder, Lot 18, Lone Cone Library Subdivision of Lot 2, Norwood, CO.

(ATTACHMENT - Snyder Mark Deed Restriction.pdf)

6.d) Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Elisabeth Gaz, Lot 4, Lone Cone Library Subdivision of Lot 2, Norwood, CO.

(ATTACHMENT - Elisabeth Gaz Deed Restriction.pdf)

6.e) Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Tom Lutsic and Laney

Bond, Lot 23, Lone Cone Library Subdivision of Lot 2, Norwood, CO.

(ATTACHMENT - Lutsic and Bond Deed Restriction.pdf)

- 6.f) Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on Amended and Restated Deed Restriction and Covenant with Heidi M. Connor, Lot TR9, Lawson Hill Subdivision/PUD.

(ATTACHMENT - Connor Deed Restriction.pdf)

- 6.g) Approval of an agreement for services with R and B Oilfield to fabricate and install engineered designs of steel stairs, railings and observation deck at the Bridal Veil Trail.

(ATTACHMENT - Bridal Veil Falls Stairs and Platform cover letter.docx)

(ATTACHMENT - Bridal Veil Stairs construction PSA BINDER.pdf)

- 6.h) Approval of the professional services agreement with Columbia Ltd., to conduct a full executive search and recruitment of the County Attorney in the amount of \$24,900.

(ATTACHMENT - San Miguel County, CO - CA.5-31-24.docx)

(ATTACHMENT - San Miguel County, CO-CA.Scope.5-31-24.pdf)

MOTION by Anne Brown to approve the consent agenda as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

7) ADMINISTRATIVE MATTERS

- 7.a) Consideration of Resolution 2024-28 Regarding Defense and Indemnification of Sheriff Masters, Melony Hemphill, Tiffany Ann, Nathan Ketner, Melinda Barrows, Kip Albanese, Caitlin Bills and Nicholas Xavier Pursuant to C.R.S. § 24-10-101 et seq./MOTION

(ATTACHMENT - SO Investigation- Albanese signed.pdf)

(ATTACHMENT - SO Investigation- Barrows signed.pdf)

(ATTACHMENT - SO Investigation- Bills signed.pdf)

(ATTACHMENT - SO Investigation- Hemphill signed.pdf)

(ATTACHMENT - SO Investigation- Ketner signed.pdf)

(ATTACHMENT - SO Investigation- Tiffany Ann signed.pdf)

(ATTACHMENT - SO Investigation- Xavier signed.pdf)

(ATTACHMENT - Res 2024-28.SO indemnification.docx)

Presented by: Amy Markwell, County Attorney

MOTION by Kris Holstrom to approve Resolution 2024-28 regarding the Defense and Indemnification of Sheriff Masters, Melony Hemphill, Tiffany Ann, Nathan Ketner, Melinda Barrows, Kip Albanese, Caitlin Bills and Nicholas Xavier Pursuant to C.R.S. § 24-10-101 et seq. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT I - Resolution 2024-28)

- 7.b) Consideration of Resolution 2024-29 Regarding Defense and Indemnification of Carol Friedrich and Jill Betz Pursuant to C.R.S. § 24-10-101 et seq./MOTION

(ATTACHMENT - Res 2024-29.DHS indemnification.docx)

(ATTACHMENT - Indemnification_letters.june 2024.pdf)

Presented by: Amy Markwell, County Attorney

MOTION by Anne Brown to approve Resolution 2024-29 Regarding Defense and Indemnification of Carol Friedrich and Jill Betz Pursuant to C.R.S. § 24-10-101 et seq. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT II - Resolution 2024-29)

- 7.c) Consideration of Chair's signature on Resolution 2024-31 to opt out of requiring authorizations to operate Ambulance Services (providers) on or after July 1, 2024, and repeal and rescind Resolution 1990-47./MOTION

(ATTACHMENT - CDPHE Local Authorization Letter to Counties 4.3.2024 (1)(1).docx)

(ATTACHMENT - Resolution 2024-31 Repeal Authorization of Ambulance Service.docx)

Presented by: Amy Markwell, County Attorney

MOTION by Kris Holstrom to approve Resolution 2024-31 to opt out of requiring authorizations to operate Ambulance Services (providers) on or after July 1, 2024, and repeal and rescind Resolution 1990-47. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT III - Resolution 2024-31)

- 7.d) Consideration of Resolution 2024-27 Updating Section 1-6 of the Administrative Policy Manual Concerning Employee Indemnification/MOTION

(ATTACHMENT - Res 2024-27.Admin Policy 1-6 EMPLOYEE INDEMNIFICATION.rev June 2024.docx)

(ATTACHMENT - Admin Policy 1-6 EMPLOYEE INDEMNIFICATION.rev June 2024 (Redline).docx)

Presented by: Amy Markwell, County Attorney

MOTION by Anne Brown to approve Resolution 2024-27 Updating Section 1-6 of the Administrative Policy Manual Concerning Employee Indemnification. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT IV - Resolution 2024-27)

- 7.e) Discussion with staff on the Mill Creek Park project and the required dedications for open space and affordable housing.

(ATTACHMENT - Mill creek PP.pptx)

Presented by: Kaye Simonson, Planning Director; Janet Kask, Parks and Open Space Director; Amy Markwell, County Attorney

Staff direction to move forward with grading the site (for safety) and placing picnic tables and benches in the area.

- 7.f) Consideration by the Board of an additional \$39,666 contribution to the Shed youth hang out space at the Town of Telluride VooDoo Property/MOTION

(ATTACHMENT - San Miguel County Mail - Re_ Shed - Youth hangout.pdf)

(ATTACHMENT - Youth Hangout & Warming Hut Presentation[81][6][77].pdf)

(ATTACHMENT - TCHN Proposed Shed Budget 2024[49][38].xlsx)

(ATTACHMENT - Staff Memo- Regional Youth Hangout Update and Next Steps.pdf)

Presented by: Zoe Dohnal, Acting Town Manager; Dawn Katz, Tri-County Health; Ryan McGovern, Town of Telluride

Note: Once we have the demographic information data, consideration it may end up that the County is not a full-one-third partner in the funding if that is what the data indicates. If numbers show that it's equal across all jurisdictions, that would help us make a decision. The 2026 fiscal year will be available for hard numbers to evaluate, further demographics and give a finer understanding of the greater San Miguel County including demographics from Rico and Ophir.

MOTION by Kris Holstrom to approve the consideration of an additional contribution of \$45,860 to the Shed Youth Hangout space; of that total amount, \$39,666 is for tenant improvements and \$6,194 for the 2024 operating expenses. **SECONDED** by Anne Brown. **PASSED 3-0.**

10:53 a.m. Recessed.

10:59 a.m. Reconvened.

- 7.h) Consideration of a request by Bright Futures on behalf of Strong Start to allocate county funds to compensate for shortfall in revenues from the Strong Start .75 mill levy./**MOTION**

(ATTACHMENT - Letter to BOCC Strong Start Mill Levy 6.20.24 signed.pdf)

Presented by: Jarrod Biggs, Assistant County Manager; Kathleen Merritt, Bright Futures; Cathy Barber, Strong Start

Note: There was a discussion only. The Board moved to item 7.g.

- 7.g) Direction on Senate Bill 22-238 Backfill Distribution/**MOTION**

(ATTACHMENT - BOCC Agenda Doc - SB22-238 Backfill (06202024).pdf)

Presented by: Jarrod Biggs, Assistant County Manager

MOTION by Anne Brown to approve the backfill of the Early Childhood Education and the Mental Health Fund to what they would have received at a .75 mill levy this year and put the remaining backfill fund as discussed. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

8) NATURAL RESOURCES AND CLIMATE RESILIENCE

Presented by: Starr Jamison, NRCR Director

Staff direction is to move forward with the Climate Action plan and realistic goals of meeting them.

9) AFFORDABLE HOUSING UPDATES

Presented by: Jarrod Biggs, Assistant County Manager

Update:

1. Walking the Pathfinder pit area.
2. A survey of the Deep Creek will be completed this week.
3. An update on the Village Court Apartments lottery to a County Employee has been chosen. The lottery process in-house will continue to be improved.

10) DEPARTMENT OF HUMAN SERVICES

- 10.a) Approval of Chair's signature on Social Services Department April 2024 Balance Sheet, April 2024 Earned Revenue and Expenditures, May 2024 Expenditures through Electronic Benefit Transfers, Check Register for the Month of May 2024, County Allocation / MOE Report, APR-24, 2024 Caseload Reports/**MOTION**

(ATTACHMENT - SMC June Packet.pdf)

Presented by: Linnea Edwards, Assistant Human Services Director

MOTION by Anne Brown to approve the financials as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

14) COMMISSIONER UPDATES:

Kris Holstrom - Open Space Committee Meeting; Saguache County Commissioner visit
Anne Brown - Saguache County Commissioner visit; Behavioral Health Think Tank, Panel Discussion with Telluride Foundation, Rural Health Care
Lance Waring - Dolores River National Conversation Area with Montrose County Commissioners, SMART, EcoAction Partners, Gondola Subcommittee meeting

11) Lunch
12:07 p.m. Recessed.
12:47 p.m. Reconvened.

12) MANAGER MATTERS

~~12.a) Update on the county oversight structure.~~

Update with Jarrod Biggs, Assistant County Manager

1. The July 4th Holiday is next week. The County will be closed on Thursday and Friday.
2. There is a regularly scheduled meeting on July 10th.
3. There will be a forthcoming agreement for the County Attorney search.

15) ATTORNEY MATTERS

- 15.a) Consideration of Resolution 2024-30 Granting the County Attorney's Office Informed Consent to Use Listserv Resources Pursuant to Rule of Professional Conduct 1.6./MOTION

(ATTACHMENT - Res 2024-30 Informed Consent.listserv.docx)

Presented by: Amy Markwell, County Attorney

MOTION by Lance Waring to approve Resolution 2024-30 Granting the County Attorney's Office Informed Consent to Use Listserv Resources Pursuant to Rule of Professional Conduct 1.6. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

(ATTACHMENT V - Resolution 2024-30)

13) COUNTY HOUSING MATTERS

- 13.a) Discussion of settlement an agreement regarding Lagoe-Cristadoro Deed Restriction Notice of Violation.

Possible executive session pursuant to C.R.S. 24-6-402(4) (b) and (e)

(ATTACHMENT - NOV 042524.pdf)

Presented by: Amy Markwell, County Attorney; Doug Tueller, Attorney representing the Client; Matthew Lagoe, Owner

Note: The final document will be presented on June 10, 2024, for approval.

16) EXECUTIVE SESSION C.R.S. 24-6-402

- 16.a) EXECUTIVE SESSION: Conferences with an attorney to discuss a ballot question about commissioner terms C.R.S. 24-6-402 (4)b

Presented by: Amy Markwell, County Attorney; Jarrod Biggs, Assistant County Manager

MOTION by Kris Holstrom to go into executive session, to have a conference with an attorney to discuss a ballot question about commissioner terms C.R.S. 24-6-402 (4)b. **SECONDED** by Anne Brown. **PASSED 3-0.**

1:17 p.m. Recessed.

1:34 p.m. Reconvened.

MOTION by Kris Holstrom to come out of executive session, only the one item stated was discussed. Staff direction was provided. **SECONDED** by Anne Brown. **PASSED 3-0.**

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

- 15.b) Conference with attorneys regarding litigation matters for San Miguel County case 2023CV30044.

Executive Session pursuant to C.R.S. 24-6-402(4)(b)

Presented by: Amy Markwell, County Attorney; Lane Thomasson, Attorney representing the County; Kaye Simonson, Planning Director

MOTION by Kris Holstrom to go into executive session, to have a conference with an attorney regarding litigation matters for San Miguel County case 2023CV30044, C.R.S. 24-6-402(4)(b). **SECONDED** by Anne Brown. **PASSED 3-0.**

1:35 p.m. Recessed.

2:31 p.m. Reconvened.

MOTION by Kris Holstrom to come out of executive session, only the one item stated was discussed. Staff direction was provided. **SECONDED** by Anne Brown. **PASSED 3-0.**

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

17) ADJOURNMENT

MOTION by Kris Holstrom to adjourn the meeting. **SECONDED** by Anne Brown. **PASSED 3-0.**

2:32 p.m. Adjourned.

Respectfully submitted,

Approved Aug. 21, 2024 *CM*
BOARD OF COUNTY COMMISSIONERS

Lane *Ward*

ATTEST:

Mike *Boyer*

