

**SAN MIGUEL COUNTY BOARD OF COUNTY COMMISSIONERS  
MINUTES**

**Wednesday, May 1, 2024**

**Zoom.us**

**Location Egnar Fire House.**

**1) CALL TO ORDER.**

3:30 p.m. Begin.

**2) Roll Call**

Present:

Lance Waring, Chair

Kris Holstrom, Vice Chair

Anne Brown, Commissioner

Staff Present:

Mike Bordogna, County Manager

Jarrold Biggs, Special Projects Director

Amy Markwell, County Attorney

Nancy Willis, Paralegal

**3) MOMENT OF SILENCE**

**4) REVIEW OF AGENDA**

**5) PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA.**

**6) CONSENT AGENDA**

- 6.a) Approval of the Chair's signature on a Noxious Weed Management Agreement with the Telluride Airport

(ATTACHMENT - Noxious Week IGA SMC and TEX April 2024.pdf)

- 6.b) Approval of the Chair's signature on a Noxious Weed Management Agreement with the Lone Cone Library

(ATTACHMENT - 2024 IGA Lone Cone Library NWM Final.pdf)

- 6.c) Approval of the Chair's signature on a Noxious Weed Management Agreement with the Town of Mountain Village.

(ATTACHMENT - 2024 IGA Town of MV NWM.pdf)

- 6.d) Acceptance of the March 2024 Road Report.

(ATTACHMENT - March 2024 Road Report.docx)

- 6.e) Approval of the Chair's signature on an Amended & Restated Deed Restriction and Covenant for 110 Timberline Ct, Johanna Lyons.

(ATTACHMENT - Lyons Deed Restriction)

- 6.f) Consideration of a correction to Resolution 2024-07 Section 3.02 of the San Miguel County Employee Handbook, Exhibit B, clarifying the years for vacation accrual as 8.1-10 years and 10.1+ years to clearly define the eligibility.

(ATTACHMENT - Resolution 2024-7 - re-recorded to correct exhibit B.pdf)

- 6.g) Approval of the March 2024 Payroll and Vendor Payments.

(ATTACHMENT - 03-March BOCC Consent Agenda.docx)

(ATTACHMENT I)

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

## 7) ADMINISTRATIVE MATTERS

- 7.a) Consideration of the Chair's signature on a Special Events Permit to the Norwood Roping and Gymkhana Club to serve regular Malt, Vinous & Spiritous Liquor on July 26 & 27, 2024 at San Miguel County Fairgrounds, 1165 Summit Street, Norwood, CO based on the County Clerk's Written Findings/MOTION

(ATTACHMENT - Liquor License Norwood Roping Club\_Redacted.pdf)

**MOTION** by Kris Holstrom to approve a Special Events Permit to the Norwood Roping and Gymkhana Club to serve regular Malt, Vinous & Spiritous Liquor on July 26 & 27, 2024 at San Miguel County Fairgrounds, 1165 Summit Street, Norwood, CO. **SECONDED** by Anne Brown. **PASSED 3-0.**

(ATTACHMENT II - Written Findings)

- 7.b) Approval of Chair's signature on a Memorandum of Understanding with Montezuma Water for operation of the Egnar Water Dock./MOTION

(ATTACHMENT - BOCC Agenda Doc-Montezuma Water MEMO.pdf)

(ATTACHMENT - MOU.SMC and MWC.Egnar Water Dock.DRAFT 2024.pdf)

Presented by: Jarrod Biggs, Special Projects Director; Ramona Rummel, Finance Director

Note: There was no motion needed. This was an informative line item.

- 7.c) Ratification of the appointment of Mikael Madsen, San Miguel County Veterans Service Officer./MOTION

Presented by: Mike Bordogna, County Manager; Mikael Madsen, Veteran Service Officer

**MOTION** by Kris Holstrom to approve the ratification and appointment of Mikael Madsen, San Miguel County Veterans Service Officer. **SECONDED** by Anne Brown. **PASSED 3-0.**

- 7.d) Update with the Egnar Fire Department District.

Presented by: Darlene Williams, Egnar Fire District

- 7.e) Discussion of the Dolores River National Conservation Area/Monument.

(ATTACHMENT - BILL Dolores River National Conservation Area and Special Management Area Act.pdf)

(ATTACHMENT - County\_Tribe letter to HNR 02\_2024\_Final\_w signatures.pdf)

(ATTACHMENT - Rep. Boebert - Dolores Monument OPPOSED draft.pdf)

(ATTACHMENT - Western Small Miners Association\_DoloresNCA\_support letter 20230505.pdf)

Presented by: Lance Waring, Commissioner

Public Who Addressed the Board:

Cole Bedford, County resident

Aimee Tooker, West End Community

Mason Osgood, Sheep Mtn Alliance

Candy Meehan, Mayor of Norwood, County resident

Art Goodtimes, County resident

Wendy Fenner, County resident

Tom Wood, County resident

## 8) PLANNING MATTERS

- 8.a) Update on the progression of the proposed Solar regulations for San Miguel County.

(ATTACHMENT - BOCC Egnar Solar Briefing 050124.pdf)

(ATTACHMENT - 20240327 San Mig SOLAR REGS Work Session 2 with redline.pdf)

Presented by: Kaye Simonson, Planning Director

People Who Addressed the Board:

Candy Meehan, Mayor of Norwood; County resident

Art Goodtimes, County resident  
Emily Masson, County resident

- 8.b) Update on mining exploration applications and the future mining regulations for San Miguel County.

(ATTACHMENT - BOCC Mineral Exploration Egnar update 050124.pdf)

Presented by: Kaye Simonson, Planning Director

**9) AFFORDABLE HOUSING UPDATES**

Presented by: Jarrod Biggs, Special Projects Director

1. Continued County Land Analysis - Pathfinder, Deep Creek Road and Bridge Shop
2. The Area Median Income Tables will be updated
3. Update on the San Miguel County Housing Authority Needs Assessment

**10) MANAGER MATTERS**

Presented by: Mike Bordogna, County Manager

1. Tomorrow is a scheduled all County Training, and offices will be closed.
2. The current Human Services Director Carol Friedrich will be retiring. Interviews will begin May 6, 2024, for her replacement.
3. The BOCC and the Planning Commission have a scheduled work session on May 8th concerning Solar Regulations.
4. Update on the Gondola Replacement.
5. Update on the Road and Bridge Projects.
6. The Intergovernmental meeting is scheduled for May 13th.

**11) SPECIAL PROJECTS DIRECTOR - Jarrod Biggs  
Update and other, as needed.**

1. Upcoming Lodging Tax Panel meeting.

**12) COMMISSIONER UPDATES:**

Kris Holstrom - Region 10 Executive Committee, Hwy 50 bridge closed at Blue Mesa updated via Colorado Department of Transportation  
Anne Brown - Telluride Senior Lunch, Elected Official lunch, The SB-212 bill is being opposed by the Colorado Counties Inc.  
Lance Waring - Energy Office - Carbon Storage underground

**13) ATTORNEY MATTERS**

- 13.a) Litigation Update

(ATTACHMENT - Attorney Memo.Litigation Update.5.1.24.pdf)

Presented by: Amy Markwell, County Attorney

Paradox Resources has declared bankruptcy. Taxes owed to San Miguel County Districts are in the amount of \$402,000 not including the year 2023. The Treasurer has filed a claim. GNG Partners have purchased Paradox Resources. The next plan is the liquidation of personal property.

14) **ADJOURNMENT**

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

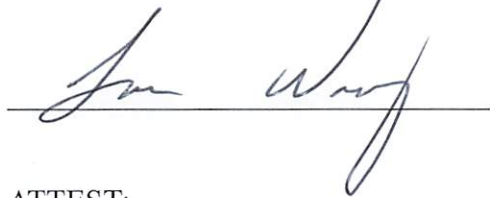
15) **5:00 pm - 5:45 pm Dinner provided by San Miguel County**

16) **5:45 pm - 6:30 pm Public/Listening Session**

Respectfully submitted,

Approved 6/26/2024 

BOARD OF COUNTY COMMISSIONERS



ATTEST:



ATTACHMENT *I*

This Resolution is being re-recorded to correct Exhibit B.

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF SAN MIGUEL COUNTY, COLORADO, ADOPTING UPDATES OR ADDITIONS  
TO THE SAN MIGUEL COUNTY EMPLOYEE HANDBOOK**

**Resolution #2024-07**

**WHEREAS**, the Board of County Commissioners of San Miguel County, Colorado (BOCC) has adopted an Employee Handbook; and

**WHEREAS**, the BOCC wishes to improve its recruitment and retention of staff based on staff recommendations.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO:**

1. Section 1.01 of the San Miguel County Employee Handbook shall be updated according to the attached Exhibit A and incorporated herein by reference.
2. Section 3.02 of the San Miguel County Employee Handbook shall be updated according to the attached Exhibit B and incorporated herein by reference.
3. Sections 1.01 and 3.02 shall apply to all departments of the County, including all Elected Official offices.
4. This Resolution shall take effect immediately upon its approval by the Board of County Commissioners.

**APPROVED AND ADOPTED** this 3<sup>rd</sup> day of April 2024, at Telluride, Colorado.

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

By: Lance Waring  
Lance Waring, Chair

|       |               |       |     |         |        |
|-------|---------------|-------|-----|---------|--------|
| Vote: | Kris Holstrom | × Aye | Nay | Abstain | Absent |
|       | Anne Brown    | × Aye | Nay | Abstain | Absent |
|       | Lance Waring  | × Aye | Nay | Abstain | Absent |

ATTEST:

By: Carmen Warfield  
Carmen Warfield, Chief Deputy Clerk



## EXHIBIT A

### 1.01 EMPLOYMENT

#### **Equal Employment Opportunity (EEO) and Unlawful Harassment**

The County is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees based on age 40 and over, race (including traits historically associated with race, such as hair texture and length, protective hairstyles), sex, sexual orientation, gender identity, gender expression, color, religion, creed, national origin, ancestry, disability, military status, genetic information, marital status, or any other applicable status protected by federal, state or local law.

#### **Americans with Disabilities Act (ADA) and Religious Accommodation**

The County will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the County or cause a direct threat to health or safety. The County will make reasonable accommodations for employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the County. Employees needing such accommodation are instructed to contact their department head or the Human Resources Department immediately.

Additional guidance on this topic can be found in the County's Administrative Policy Manual.

#### **Pregnancy Accommodation**

Employees have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth. If an employee requests an accommodation, the County will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of her their position. A reasonable accommodation will be provided unless it imposes an undue hardship on the County's business operations.

The County may require that an employee provide a note from her their health care provider detailing the medical advisability of the reasonable accommodation. Employees who have questions about this policy or who wish to request a reasonable accommodation under this policy should contact their Human Resources representative.

The County will not deny employment opportunities or retaliate against an employee because an employee requested a reasonable accommodation related to pregnancy; a health condition related to pregnancy, or the physical recovery from childbirth. An employee will not be required to take leave or accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

#### **Nursing Mothers Accommodation**

A private space will be provided, and reasonable time will be permitted, for nursing mothers to express milk during the workday for up to two years following the birth of a child. The time

permitted typically will run concurrently with the time already provided for meal and rest breaks. If the breaks cannot run concurrently and/or additional time is needed, human resources and the employee will agree upon a schedule which might include the employee using unpaid leave (if non-exempt), annual leave/vacation time, arriving at work earlier, or leaving later. In the event unpaid leave is used, the employee will be relieved of all work-related duties during any unpaid break.

Employees will be provided with the use of a room, office, or other private area, other than a bathroom or toilet stall, that is shielded from view and free from intrusion from co-workers and the public. The County will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk.

Nursing mothers are responsible for using anti-microbial wipes to clean milk expression areas, and for keeping the general lactation space clean for the next user. This responsibility extends to other areas where expressing milk is permitted, equipment is cleaned, and milk storage areas. The County reserves the right to not provide additional break time or a private location for expressing breast milk if doing so would substantially disrupt the County's operations. The County will not demote, terminate or otherwise take adverse action against an employee who requests or makes use of the accommodations and break time described in this policy.

### **EEO Harassment**

The County strives to maintain a work environment free of unlawful harassment. Unlawful harassment includes any unwelcome physical or verbal conduct or any written, pictorial, or visual communication directed at an individual (or group) because of that individual's (or group's) membership in, or perceived membership in, a protected class, that is subjectively offensive to the individual alleging harassment, and is objectively offensive to a reasonable individual who is a member of the same protected class. Harassment does not need to be in-person and can occur over electronic media such as Zoom or other electronic platforms. Prohibited behavior may include but is not limited to the following:

- Written forms such as cartoons, e-mail, posters, drawings, or photographs.
- Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
- Physical conduct such as assault, or blocking an individual's movements.

This policy applies to all employees including department heads, supervisors, co-workers, and non-employees.

### **Sexual Harassment**

Because sexual harassment raises issues that are to some extent unique in comparison to other harassment, the County believes it warrants separate emphasis.

The County strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct or communication is made explicitly or implicitly a term or condition of employment.

- Submission to, objection to, or rejection of such conduct or communication is used as the basis for decisions affecting an individual's employment.
- Such conduct or communication has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves in a professional and businesslike manner at all times. Conduct that may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

- Written forms, such as cartoons, posters, calendars, notes, letters, and e-mail.
- Verbal form, such as comments, jokes, the foul or obscene language of a sexual nature, gossiping, questions about another's sex life or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

### **Complaint Procedure**

If you believe there has been a violation of the EEO policy or harassment based on the protected classes outlined above, including sexual harassment, please use the following complaint procedure. The County has established a program designed to prevent harassment, deter future harassers, and protect employees from harassment. The County takes prompt action to investigate and/or address alleged discriminatory or unfair employment practices. The County also takes prompt remedial actions, when warranted, in response to complaints of discriminatory or unfair employment practices. The County therefore expects employees to make a timely complaint to enable the County to investigate and correct any behavior that may be in violation of this policy.

Report the incident to the proper elected official, department head, the Human Resources Department, or the County Manager who will investigate the matter and ensure appropriate corrective action is taken. Your complaint will be kept as confidential as practicable. If you prefer not to go to any of these individuals with your complaint, you should report the incident to the County Attorney.

The County prohibits retaliation against an employee for filing a complaint under this policy, for exercising rights given to you under federal, state, or local laws, or for assisting in a complaint investigation. If you perceive retaliation for making a complaint or your participation in the investigation, please follow the complaint procedure outlined above. The situation will be investigated.

If the County determines that an employee's behavior violates this policy, appropriate disciplinary action will be taken, up to and including termination of employment.

Please see the updated version attached exhibit b rerecorded to reflect the changes

## EXHIBIT B

### 3.02 Vacation Time

The County currently offers vacation time off with pay to eligible employees. Full-time and part-time employees working 20+ hours per week are eligible for paid vacation time. The accrual rate varies based on an employee's FTE status. Vacation time will be available to a new employee after the completion of three (3) months, with supervisor approval, of continuous employment. Vacation time will begin to accrue for an employee from their hire date at the rate which corresponds to their length of employment per pay period. The current rates of accrual and maximum accruals are as follows and are prorated if an employee works less than 40 hours per pay period:

\*Days are based on 8-hour days

| 40 Hours EE    | Hours per Pay Period/<br>Days per Year | Maximum Vacation Accrual<br>Hours/Days |
|----------------|----------------------------------------|----------------------------------------|
| 0 - 2 years    | 3.7 hours / 12 days                    | 192 hours / 24 days                    |
| 2.1 – 5 years  | 4.62 hours / 15 days                   | 240 hours / 30 days                    |
| 5.1 – 8 years  | 5.55 hours / 18 days                   | 288 hours / 36 days                    |
| 8.1 – 11 years | 6.47 hours / 21 days                   | 336 hours / 42 days                    |
| 11.1+ years    | 7.4 hours / 24 days                    | 384 hours / 48 days                    |

| 35 Hours EE    | Hours per Pay Period/<br>Days per Year | Maximum Vacation Accrual<br>Hours/Days |
|----------------|----------------------------------------|----------------------------------------|
| 0 - 2 years    | 3.24 hours / 10.5 days                 | 168 hours / 21 days                    |
| 2.1 – 5 years  | 4.05 hours / 13.125 days               | 210 hours / 26.25 days                 |
| 5.1 – 8 years  | 4.86 hours / 15.75 days                | 252 hours / 31.5 days                  |
| 8.1 – 11 years | 5.67 hours / 18.375 days               | 294 hours / 36.75 days                 |
| 11.1+ years    | 6.48 hours / 21 days                   | 336 hours / 42 days                    |

| 30 Hours EE    | Hours per Pay Period/<br>Days per Year | Maximum Vacation Accrual<br>Hours/Days |
|----------------|----------------------------------------|----------------------------------------|
| 0 - 2 years    | 2.77 hours / 9 days                    | 144 hours / 18 days                    |
| 2.1 – 5 years  | 3.47 hours / 11.25 days                | 180 hours / 22.5 days                  |
| 5.1 – 8 years  | 4.16 hours / 13.5 days                 | 216 hours / 27 days                    |
| 8.1 – 11 years | 4.86 hours / 15.75 days                | 252 hours / 31.5 days                  |
| 11.1+ years    | 5.54 hours / 18 days                   | 288 hours / 36 days                    |

**Please see the updated version attached exhibit b rerecorded to reflect the changes**

| Law Enforcement<br>EE | Hours per Pay Period/<br>Days per Year | Maximum Vacation Accrual<br>Hours/Days |
|-----------------------|----------------------------------------|----------------------------------------|
| 0 - 2 years           | 14.15 hours / 22.99 days               | 367.90 hours / 45.99 days              |
| 2.1 – 5 years         | 15.99 hours / 25.98 days               | 415.74 hours / 51.96 days              |
| 5.1 – 8 years         | 17.84 hours / 28.99 days               | 463.84 hours / 57.98 days              |
| 8.1 – 11 years        | 19.68 hours / 31.98 days               | 511.68 hours / 63.96 days              |
| 11.1+ years           | 21.54 hours / 35 days                  | 560.04 hours / 70.00 days              |

## Exhibit B

### 3.02 Vacation Time

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| 10.1+ Years        | 21.54 Hours / 35 Days              | 560.04 Hours / 70.00 Days           |

WRITTEN FINDINGS

Date: April 18<sup>th</sup>, 2024

To: San Miguel County Board of Commissioners

Re: Special Events Permit for the San Miguel Basin Rodeo Committee  
San Miguel County Fairgrounds  
1165 Summit Street  
Norwood, CO 81423

1. Fees: \$150.00 paid April 18<sup>th</sup>, 2024 paid to San Miguel County, to serve Malt, Vinous and Spirituous Beverage July 26<sup>th</sup> & 27<sup>th</sup> 2024.
2. Notice for posting on the proposed site was given to applicant April 19<sup>th</sup>, 2024

Notice does not need to be published in the Weekly Planet unless petitions of remonstrances are filed with me.

Meeting to be held at 9:35 o'clock A.M., May 1<sup>st</sup>, 2024 for approval of application.

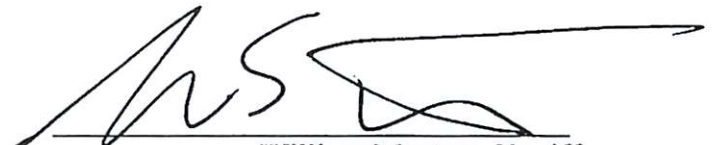
The Sheriff's office will be notified of an opportunity to comment (on any possible perceived law enforcement) at the meeting.

3. Fingerprinting is not required for a Special Events Permit.

William Masters, Sheriff, gives his approval on this application with the understanding that they be allowed to sell only regular beer.

4. Application is complete with the following documents:
  - (a) Diagram showing where liquor will be served and consumer.
  - (b) Certificate of Good Corporate Standing.
  - (c) Written permission from the San Miguel Open Space & Recreation Dept.
  - (d) Insurance attached.

  
Michael Wyszyński, County Clerk

  
William Masters, Sheriff