

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES**

Tuesday, March 10, 2020

333 W Colorado Ave. 2nd Floor Telluride Co

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

Staff Present: Mike Bordogna, County Manager
Amy Markwell, County Attorney
Nancy Hrupcin, County Legal Assistant
Carmen Warfield, Chief Deputy Clerk

1. **CALL TO ORDER.**

9:33 a.m.

2. **REVIEW OF AGENDA**

4.e. Removed.

5.c. Continued to a future meeting.

10.a. Removed.

10.c. Removed.

3. **CALENDAR REVIEW**

4. **CONSENT AGENDA**

- a. Ratification of the Chair's signature on the National Environmental Policy Act (Nepa) Comment Letter.
- b. Ratification of Chair's signature on a Scoping Notice for Spring Creek Basin Wild Horse Herd Area Management Plan.
- c. Ratification on the B.L.M. Uncompahgre Field Office Preliminary programmatic Environmental Assessment (E.A.) to disclose and analyze the environmental effects of a proposal to implement wildlife habitat and rangeland improvement, restoration, and mitigation treatments within the Project Area.
- d. Approval of the Board to waive the insurance requirement for the band performance (Neon Sky) at the County Fair on Saturday, July 11, 2020.
- e. ~~Item removed. - Approval of Chair's signature on a letter of support for the Dolores N.C.A. letter.~~
- f. Ratification of Chair's signature on the letter of support for the organization ReSTORE to benefit the Gunnison Sage Grouse.
- g. Approval of Minutes: January 29, 2020, February 4, 2020, and February 5, 2020.
- h. Ratification of Chair's signature on the January 2020 Veterans Service Officers report.
- i. Approval of Chair's signature as the Board of Commissioners and as San Miguel County Housing Authority on an Amended and Restated Deed Restriction and Covenant with Thomas K and Kathryn Newell, 923 Two Rivers Dr., Unit 10, Two Rivers Subdivision.
- j. Acceptance of a letter of support to the Colorado Opportunity Scholarship Initiative.
- k. Authorization of January 2020 Payroll and Vendor Payments.
- l. Approval of Chair's signature on a Construction agreement with Reams Construction on the Outdoor Arena Renovation/Upgrade Project – Arena located at the San Miguel County Fairgrounds in Norwood.

MOTION by Lance Waring to approve the consent agenda as presented with item 4.e. removed.
SECONDED by Kris Holstrom. **PASSED 3-0.**

5. **ADMINISTRATIVE MATTERS**

- a. Approval of Chair's signature on an Application for a Special Events Permit of Malt, Vinous and Spirituous Liquor by the Telluride Mountain School, Location at the Telluride Regional Airport, 1500 Last Dollar Rd. Telluride CO. based on the County Clerk's Written Findings.

MOTION by Lance Waring to approve as presented. **SECONDED** by Kris Holstrom.
PASSED 3-0. (ATTACHMENT I – Written Findings)

- b. Consideration of a request by the Assessor to approve Petition for Abatement or Refund of Taxes, approval for the year 2019, Qwest Corp, Schedule # CO992795.

Present: Jeannie Davis, Deputy Assessor

MOTION by Lance Waring to approve as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.** (ATTACHMENT II)

- e. ~~Item Continued to a future meeting: Discussion of an additional law enforcement seat on the Behavior Health Solutions Group.~~
- g. Consideration of an Intergovernmental Agreement between Town of Sawpit regarding reimbursement of the cost of drainage improvements or conveyance of the right of way along Jackson Street to the County.

Present: Ryan Righetti, County Road and Bridge Superintendent; Amy Markwell, County Attorney

MOTION by Kris Holstrom to approve the Intergovernmental Agreement as presented. **SECONDED** by Lance Waring. **PASSED 3-0.**

- h. Approval of Chair's signature on the contract with Colorado Department of Transportation for work consisting of roadway and drainage improvements to the intersection of SH 145 and County Road 58P (C.R. 58P) in Sawpit, Colorado.

Present: Ryan Righetti, County Road and Bridge Superintendent; Amy Markwell, County Attorney

MOTION by Lance Waring to approve the Chair's signature on the contract, as presented. **SECONDED** by Kris Holstrom. **PASSED 3-0.**

- i. Consideration of Chair's signature on a memorandum of understanding with The Telluride Mountain Club concerning Stewardship of the Society Tum Climbing Area.

Present: Amy Markwell, County Attorney

MOTION by Kris Holstrom to approve as presented. **SECONDED** by Lance Waring. **PASSED 3-0.**

9:58 a.m. Recessed.

10:02 a.m. Reconvened.

11. COMMISSIONER UPDATES AND PUBLIC DISCUSSION

- a. Public Comment
- b. Lance Waring- Community Support, Nepa Rollbacks
- c. Kris Holstrom – Primary Election update, Democratic Caucus, Club 20
- d. Hilary Cooper – Hilary will detail the many updates in writing.

9. UPDATE WITH THE COUNTY MANAGER

- a. Discussion regarding long term parking in the "new" parking garage in the Town of Telluride.

Present: Mike Bordogna, County Manager

5. ADMINISTRATIVE MATTERS - Continued

- e. Board Recess to attend the meeting at the Town of Telluride as the San Miguel County Board of Health from 10:40 a.m. - 12:00 p.m.

10:27 a.m. Recessed.

12:16 p.m. Reconvened.

- d. Update on the Transfer Station operations.

Present: Chris Trospen, Bruin Waste Management

Board Consensus to schedule a discussion meeting in Norwood concerning the Transfer Station in Norwood.

10. **ATTORNEY MATTERS**

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

- a. ~~Item Pulled - Discussion on the COGCC Rulemaking—Mission change~~
- b. Discussion whether the BOCC wants to join an Amicus Brief on a case where the issue is "Whether the Colorado Governmental Immunity Act allows a claim to proceed with respect to equitable remedies even if it bars the same claim with respect to legal remedies.

Present: Amy Markwell, County Attorney

Note: Not enough information provided to the board to make a decision.

5. **ADMINISTRATIVE MATTERS –Continued.**

- e. Exploring rural housing with the Telluride Foundation.

Present: April Montgomery, Telluride Foundation; Paul Major, Telluride Foundation; Johnathon Rose, Post Graduate Student

8. **PUBLIC HEALTH AND ENVIRONMENT**

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

- a. Update with the Public Health Director.

Present: Grace Franklin, Public Health Director

7. **GOVERNMENT AFFAIRS/NATURAL RESOURCES**

- a. Pending items BOCC/GANR.
- b. Discussion of B.L.M. Uncompahgre Field Office (U.F.O.) Protest Denial
- c. Discussion of the status of the B.L.M. Tres Rios Field Office ACEC amendment.

Present: Lynn Padgett, Government Affairs/Natural Resource Director, Via Zoom

2:12 p.m. Recessed.

2:15 pm Reconvened.

6. **PLANNING MATTERS**

- a. Discussion of identifying the criteria for determining County-owned parcels.

Present: Mike Bordogna, County Manager; Kaye Simonson, Planning Director; Ryan Righetti, County Road and Bridge Superintendent

Note: Identifying Factors Discussed:
 Proximity to infrastructure (water, sewer, broadband)
 Site Attributes
 Geohazard
 Zoning and Existing Use
 Proximity to Transit
 Walkability/Bike
 Adjunct to Roads

10. **ATTORNEY MATTERS – Continued.**

- d. Consideration of Chair's signature on a resolution revising the San Miguel County Sheriff's office policy for Open Records Requests pursuant to the Colorado Open Records Act and the Colorado Criminal Justice Records Act.

Present: Amy Markwell, County Attorney

MOTION by Lance Waring to approve the Resolution as presented. **SECONDED** by Kris Holstrom.
PASSED 3-0. (ATTACHMENT III – Resolution 2020-009)

- e. Executive Session: Discussion regarding Land Negotiations, citation (4)(d).

Present: Amy Markwell, County Attorney

MOTION by Lance Waring to go into executive session for a discussion regarding land negotiations, citation (4)(d). **SECONDED** by Kris Holstrom. **PASSED 3-0.**

2:50 p.m. Recessed

3:27 p.m. Reconvened.

3:09 p.m. Kris Holstrom left the meeting.

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

- f. Item continued to a later meeting. ~~Executive Session (if needed) Further discussion of State Land Board Wilson Mesa Response Letter, citation (4)(a).~~
- g. Update on Litigation.
 - 1. Update on the Sunshinemesa L.L.C.

Present: Amy Markwell, County Attorney

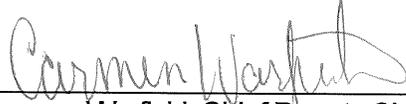
12. **ADJOURNMENT.**

MOTION by Lance Waring to adjourn the meeting. **SECONDED** by Hilary Cooper. **PASSED 2-0.**

3:34 p.m. Adjourned.

20200323-BOCC-Audio

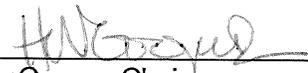
Respectfully submitted,



Carmen Warfield, Chief Deputy Clerk

Approved April 22, 2020.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS

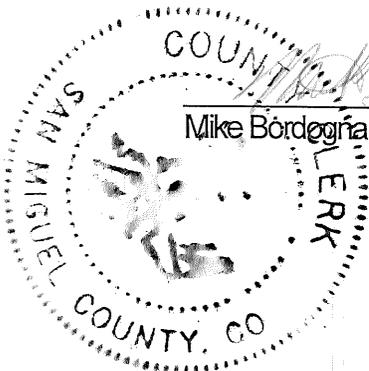


Hilary Cooper, Chair

ATTEST:



Mike Bordonha, County Manager



WRITTEN FINDINGS

ATTACHMENT I

Date: February 5, 2020

To: San Miguel County Board of Commissioners

Re: Special Events Permit for Telluride Mountain School
200 San Miguel River Rd.
Telluride, CO 81435

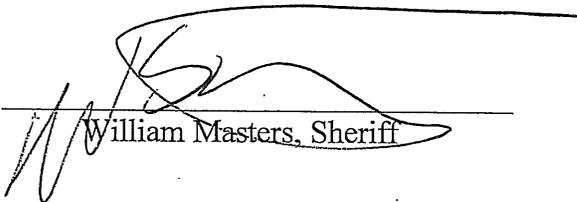
1. Fees: \$60.00 paid to San Miguel County, to serve regular Malt, Vinous & Spirituous Liquor August 03-28-20 to be held at the Telluride Regional Airport.
2. Notice for posting on the proposed site was given to applicant February 28, 2020
Notice does not need to be published in the Weekly Planet unless petitions of remonstrance's are filed with me.

Meeting to be held at 9:30 o'clock A.M., March 10, 2020 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.
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 Telluride Regional Airport.
 - (d) Insurance attached.


Stephannie Van Damme, County Clerk


William Masters, Sheriff

PETITION FOR ABATEMENT OR REFUND OF TAXES

County: San Miguel

Date Received 2/20/2020
(Use Assessor's or Commissioners' Date Stamp)

Section I: Petitioner, please complete Section I only.

Date: 2 20 2020
Month Day Year

ATTACHMENT II

Petitioner's Name: QUEST CORP
 Petitioner's Mailing Address: P.O. BOX 4065
MONROE LA 71211
 City or Town State Zip Code

SCHEDULE OR PARCEL NUMBER(S)	PROPERTY ADDRESS OR LEGAL DESCRIPTION OF PROPERTY
<u>00992795</u>	<u>Misc.,</u>

Petitioner requests an abatement or refund of the appropriate taxes and states that the taxes assessed against the above property for the property tax year 2019 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.)

Petitioner's estimate of value: \$ 3628,275 (2019)
 Value Year

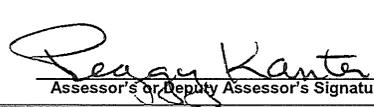
I declare, under penalty of perjury in the second degree, that this petition, together with any accompanying exhibits or statements, has been prepared or examined by me, and to the best of my knowledge, information, and belief, is true, correct, and complete.

 Petitioner's Signature Daytime Phone Number ()
 Email _____

By _____ Daytime Phone Number ()
 Agent's Signature*
 Printed Name: _____ Email _____

*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 § 39-2-116, 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 § 39-2-125, C.R.S., within thirty days of the entry of any such decision, § 39-10-114.5(1), C.R.S.

Section II:		Assessor's Recommendation (For Assessor's Use Only)		
		Tax Year <u>2019</u>		
	<u>Actual</u>	<u>Assessed</u>	<u>Tax</u>	
Original	<u>4,454,482.86</u>	<u>1,291,800</u>	<u>55,000.59</u>	2/19/20 Per DPT No need to send after BOCC sign
Corrected	<u>3,628,275.86</u>	<u>1,052,200</u>	<u>44,798.93</u>	
Abate/Refund	<u>826,207.</u>	<u>239,600</u>	<u>10,201.66</u>	
<input type="checkbox"/> Assessor recommends approval as outlined above. If the request for abatement is based upon the grounds of overvaluation, no abatement or refund of taxes shall be made if an objection or protest to such valuation has been filed and a Notice of Determination has been mailed to the taxpayer, § 39-10-114(1)(a)(I)(D), C.R.S. Tax year: _____ Protest? <input type="checkbox"/> No <input type="checkbox"/> Yes (If a protest was filed, please attach a copy of the NOD.) <input type="checkbox"/> Assessor recommends denial for the following reason(s): <div style="text-align: right; margin-top: 20px;">  Assessor's or Deputy Assessor's Signature </div>				

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 III: Written Mutual Agreement of Assessor and Petitioner
(Only for abatements up to \$10,000)

San Miguel

The Commissioners of _____ County authorize the Assessor by Resolution No. _____ to review petitions for abatement or refund and to settle by written mutual agreement any such petition for abatement or refund in an amount of \$10,000 or less per tract, parcel, or lot of land or per schedule of personal property, in accordance with § 39-1-113(1.5), C.R.S.

The Assessor and Petitioner mutually agree to the values and tax abatement/refund of:

	Tax Year _____		
	Actual	Assessed	Tax
Original	_____	_____	_____
Corrected	_____	_____	_____
Abate/Refund	_____	_____	_____

Note: The total tax amount does not include accrued interest, penalties, and fees associated with late and/or delinquent tax payments, if applicable. Please contact the County Treasurer for full payment information.

Petitioner's Signature Date

Assessor's or Deputy Assessor's Signature Date

Section IV: Decision of the County Commissioners
(Must be completed if Section III does not apply)

WHEREAS, the County Commissioners of San Miguel County, State of Colorado, at a duly and lawfully called regular meeting held on 03/10/2020, at which meeting there were present the following members:
 Hilary Cooper, Month Day Year Lance Waring, Kris Holstrom

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 (*being present--not present*) and Petitioner Qwest - Not Present (*being present--not present*), and WHEREAS, the said County Commissioners have carefully considered the within petition, and are fully advised in relation thereto, NOW BE IT RESOLVED that the Board (*agrees--does not agree*) with the recommendation of the Assessor, and that the petition be (*approved--approved in part--denied*) with an abatement/refund as follows:
 2019 \$1,052,200 \$44,798.93 approved

Year	Assessed Value	Taxes	Abate/Refund
2019	\$1,052,200	\$44,798.93	approved

DocuSigned by:
Hilary Cooper
Chairperson of the Board of County Commissioners' Signature

I, Carmen Warfield County Clerk and Ex-Officio 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 from 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 this 11th day of March 2020
Month Year

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

Note: Abatements greater than \$10,000 per schedule, per year, must be submitted in duplicate to the Property Tax Administrator for review.

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

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

Approved Approved in part \$ _____ Denied for the following reason(s): _____

Secretary's Signature Property Tax Administrator's Signature Date

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS REVISING THE SAN MIGUEL COUNTY SHERIFF'S OFFICE POLICY FOR OPEN RECORDS REQUESTS PURSUANT TO THE COLORADO OPEN RECORDS ACT AND THE COLORADO CRIMINAL JUSTICE RECORDS ACT

RESOLUTION #2020-009

WHEREAS, the San Miguel County Sheriff's Office has developed its own policies and procedures for processing requests for public records pursuant to the Colorado Open Records Act ("CORA") and the Colorado Criminal Justice Records Act; and

WHEREAS, some sections of CORA were amended by the Colorado State Legislature in 2015; and

WHEREAS, it is deemed desirable and necessary for the San Miguel County Sheriff's Office to revise current policies and procedures for requests for public records.

NOW THEREFORE be it resolved by the Board of County Commissioners of San Miguel County that:

1. The attached version of the San Miguel County, State of Colorado Sheriff's Office Policy for Request for "Public Records" Pursuant to the Colorado Open Records Act (CORA) is hereby adopted.
2. Said revised policy shall become effective as of April 1, 2020.
3. All previous San Miguel County Resolutions regarding requests for public records from the Sheriff's Office are therefore repealed as of the effective date of this resolution.

DONE AND APPROVED IN SAN MIGUEL COUNTY, COLORADO, this 10th day of March, 2020.

Attest:

BY: *Carmen Warfield*
DocuSigned by: Carmen Warfield
BE2AF0C39C63408...
 Carmen Warfield
 Deputy Clerk to the Board

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

BY: *Hilary Cooper*
DocuSigned by: Hilary Cooper
EB1D0C2E8F0642A...
 Hilary Cooper, Chair

VOTE:

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

**SAN MIGUEL COUNTY, STATE OF COLORADO
SHERIFF'S OFFICE POLICY FOR REQUEST FOR "PUBLIC RECORDS" PURSUANT TO THE
COLORADO OPEN RECORD REQUESTS (CORA)**

It is the policy of the San Miguel County Sheriff's Office to allow the inspection of records pursuant to the Colorado Open Records Act ("CORA") found at C.R.S. §24-72-201, *et seq.* and C.R.S. §24-72-301-309, the Colorado Criminal Justice Records Act ("CCJRA"). Records produced by the Sheriff's Office are governed by CCJRA, however if CCJRA is silent, CORA may apply.

The following policy is intended to give guidance to the public and San Miguel County Sheriff's Office in regards to CCRJA and CORA policy in the appropriate handling and response to request for public records. The County strives to be open and responsive to the public's request for public records. The Sheriff's Office complies with all statutes governing the keeping, inspection, and dissemination of records and record information. The Colorado Open Records Act found at C.R.S. §24-72-201, *et seq.* governs how governmental entities respond to requests for records and said statute shall be consulted for any questions regarding compliance. Not all information is releasable on all reports. Therefore, the copy of the report you receive may have areas which have been redacted (blacked out).

COLORADO ARREST INFORMATION

By state statute, our office only releases records from our agency. The Colorado Bureau of Investigation (CBI) is the central repository of the criminal history arrest records for the State of Colorado only. The public may attain this statewide arrest history by visiting the CBI website cbirecordscheck.com

REQUEST FOR RECORDS METHODS

A quick link is available on the San Miguel County website page, sanmiguelsheriff.org, under Sheriff, "Records Requests." Once you have filled out the Open Records Form (PDF) for casefile records and/or Data Request Form (PDF) for audio and video records, return the form in one of the following ways:

- Requests may be emailed to the records section RECORDS@SANMIGUELHERIFF.ORG
- Fax the form to (970)-728-9206.
- Bring the completed form to the office located at 684 CR 63L, Telluride, CO, 81435.

Requests will be emailed, unless otherwise requested. The fee shall be as detailed below unless actual costs exceed that amount (research fee, media production, etc.). Any fees charged in this policy shall include the cost of redacting documents to remove privileged material. Fees are waived for victims of certain crimes.

FEES:

- **CASE REPORT** \$5 fee for each search. There is a \$.25 per each additional page over 15 pages. There is no charge for the victim identified in report.
- **AGENCY CRIMINAL HISTORY** A criminal history search involving arrest reports or information history of the San Miguel County Sheriff's Office. \$5.00 for each search. There is a fee of \$.25 per each additional page over 15 pages.
- **MEDIA** \$5 fee for each search; \$20 for photos, audio, video, etc. Media will be emailed whenever possible. \$20.00 FEE PER CD/DVD;
- **CUSTODY ARREST REPORT ('OFFICIAL ACTION')** electronic search fee \$5.00; Official Action includes information that must be released by statute (name, date of birth and address of arrestee, charges and arresting agency, bond amount and date and location of arrest)
- **GENERAL CRIMINAL JUSTICE RECORDS** \$5.00 fee for each search. There is a fee of \$.25 per each additional page over 15 pages.

Per C.R.S. § 24-72-205 (6)(a), a research/retrieval fee may be assessed for every request to inspect public records, whether or not the requested record is located. There is no charge for the first hour of research but after the first hour, a \$30.00 per hour fee will be assessed. The searched records will not be used for the direct solicitation of business for pecuniary gain. Should your request be denied, you may request a written explanation as to why.

DEPOSIT MAY BE REQUIRED: If a requestor has submitted a request which requires extensive research and is time intensive, San Miguel County Sheriff's Office will estimate the hours to review and assemble the documents and transmit said estimate to the requestor. San Miguel County Sheriff's Office may likewise require a deposit or prepayment in full. Without a deposit or prepayment, county resources are not spent prior to reimbursement for preparing documents for review or distribution that may not occur.

WAIVER OF FEES AND CHARGES: Charges may be waived for nominal requests and when the information is readily available. Fees may be reduced or waived if the documents will be used for non-profit activities, journalism and academic research. Fee reductions shall be uniformly applied in these instances. Fees will be waived for certain victims of a crime who want a copy of their own report, military recruiters checking backgrounds on recruits, law enforcement and criminal justice agencies, victim of an accident (individuals who were not charged for causing the accident) and victims or family members for accidents where serious bodily injury or a fatality occurred.

TIMEFRAMES: CORA requires that usual and customary requests for records be complied with within three working days or less (excluding the day the request came in). However, be advised that CORA also provides for an extension for compliance when there is a finding of "extenuating circumstances". C.R.S. § 24-72-203(3).