

The Board of County Commissioners met in regular session on July 13, 2009. Those present for the session were Heidi M. Albritton, Chair; K. Keith Meinert, Vice-Chair; Lynn M. Padgett, Member; Mary Deganhart, County Attorney; Connie Hunt, County Administrator; and Linda Munson-Haley, Clerk of the Board.

- **Note – This meeting was recorded for reference purposes.**

**A. 9:02 Call to the Public:**

*The “Call to the Public” agenda item is a time when the public may bring forth items of interest or concern. No formal action may be taken on these items during this time due to the open meeting law provision; however, they may be placed on a future posted agenda if action is required.*

**Feedback on Direction to Planning Commission**

Commissioner Albritton explained that she had received a lot of feedback on the Commissioners' direction to the Planning Commission regarding the proposed South Alpine Zone. The Commissioners had started off with what they thought to be clear objectives but after hearing all of the public outcry they may need to revisit the issue in a more productive way. Her reaction was to cancel the Planning Commission work session on this topic scheduled for July 14, and to schedule a public forum or a town hall meeting on residential development on mining claims in the Alpine area and invite anyone who wanted to comment on this particular topic to attend. The Commissioners could revisit the goals and objectives and get feedback from the public to see if they needed to be revisited. She suggested that it would be good to have the Planning Commission there, too.

Commissioner Padgett agreed. Everyone was interested in what was good for the county but the proposal had been sensationalized and incorrect information had been disseminated.

Commissioner Meinert agreed that there was a disconnect. The Planning Commission was not following the instructions that the Board of County Commissioners provided a few months ago when the process was started.

The meeting was scheduled for Monday, July 27, 2009 at 7 p.m. at the Ouray Community Center (if available) or the Courtroom at the Ouray County Courthouse if not available. Deganhart and Castrodale would draft a memo clarifying the needs and purpose. The Commissioners would introduce the topic, host a public forum, and provide a wrap-up. The Planning Commission work session on the topic on July 14 was suspended.

The Commissioners asked to schedule a meeting with the Planning Commission in August to discuss process.

Commissioner Albritton noted that one of the reasons that she suggested the town hall meeting was for the public to understand why the Commissioners had initiated the issue.

Commissioner Padgett pointed out that good points were made by the public at the Call to the Public last week. The time of the Planning Commission meetings was one issue. Another issue was the remark that public comment may or may not be taken at a work session. She provided background information explaining that between 2004 and 2006, when she was on the Planning Commission, there were two to three people who came to each work session of the Planning Commission and spoke on average for two of the three hours. That was not productive; however, the pendulum may have swung too far to the other side. She wanted to see if there was a way to take public comment but not have it derail the work sessions. Commissioner Albritton agreed.

Andy Mueller respected the need to have work sessions. If the public wanted to listen or participate at the end of the meeting, that was okay. Where the concern from the public came was when there were work sessions and one public hearing and the perception of pressure to have a resolution at the end of that public hearing. Instead, he suggested that there be a public hearing where public comment was taken, the Commission went back to the drawing board and tweaked the proposed legislation, and then a decision was made at a separate meeting. It would be helpful to set that out as a process so that the public would know when comment would be taken.

Commissioner Padgett requested that the Planning Commission packets be posted on the website. Castrodale agreed that it could be done but reminded everyone that he was down a staff member. The best way for the public to get the packet information now would be to call him.

Commissioner Meinert recalled that about three years ago the Board of County Commissioners (BOCC) was heavily criticized for process and accused of railroading an issue through. At the time, he was one of the accusers. The same principle applied; the County needed a process that did not allow the BOCC to be criticized for lack of due process. This was an excellent discussion to have with the Planning Commission and the Commissioners decided to check with the Planning Commission for a process meeting on August 3 or August 10.

**B. 9:44 Land Use Items:**

**1. Applicant: B&V Subdivision:**

**Purpose: Applicant's request for Board of County Commissioner approval and Chair's signature on Amendment to final plat of the B&V Subdivision**

Attorney Brad Switzer was present on behalf of Lynn Olin, and Attorney Mike Hockersmith was present on behalf of Michael Bullock. Mark Castrodale, County Planner, was present.

Commissioner Padgett noted that the Planning Commission had approved the amendment with two conditions and forwarded it to the Board of County Commissioners. The Planning Commission did not anticipate a big difference in driveway configuration or a big change at the CDOT level.

Commissioner Meinert advised that the Commissioners had never seen the issue presented at the Board of County Commissioners (BOCC) level; it had always been between the two parties, not either party and the BOCC. The lack of a signature because of a dispute between the parties was stopping the process. His overriding concern was about getting the County involved in a private dispute between two parties and he wanted to do whatever could be done to keep the County out of the dispute.

Commissioner Padgett agreed that she did not want the County subjected to neighbor disputes. She wanted to hear how the application pertained to any sort of change to the CDOT permit. The terms of the permit were the crux of the issue in her mind.

Mike Hockersmith explained that a major factor as far as process was a pending lawsuit set for trial next week. The owner of Lot 1 sued the owner of Lot 2. He questioned whether or not the Board of County Commissioners wanted to jump in the middle when there would already be a judicial resolution.

Hunt explained that Brad Switzer had contacted Land Use and the County Attorney about talking to the Board of County Commissioners on behalf of B&V. When she spoke to him she asked if he wanted to wait until after the case. He still wanted to meet with the Commissioners. She suggested that Castrodale be allowed to present the application and the Commissioners then hear from the applicant.

Mark Castrodale, County Planner, explained that the plat amendment was started and Lot 1 was subsequently sold. The County had requirements for a Tri-County water tap and a CDOT access permit. Through process, the applicant had met all of the conditions of the plat amendment except getting all of the required signatures on the plat.

Deganhart agreed with Castrodale and referred to the minutes of October 1, 2007 and the conditions of the sitting Board. She advised the Commissioners that Ouray County was a party to the aforementioned lawsuit although she filed a stipulation and from the County's perspective it was not participating in it. However, if the ruling was to accept the plat without the signature the County would comply with that ruling.

Commissioner Padgett had more questions about the approvals.

Commissioner Albritton recalled a discussion that the CDOT process for gaining an access permit was more onerous than the County would put the applicant through. Because the County had already agreed to abide by the court's decision, she was not inclined to reach a consensus today.

Deganhart believed that one of the critical issues in the lawsuit was whether the agreement between Bullock and Fuller constituted approval and whether he could rescind that approval. In her mind nothing had changed since October 2007 when the approvals were made, other than the lawsuit.

Brad Switzer advised the Commissioners that if they approved the plat today and it was recorded, the case would be dismissed. The B&V Subdivision was done in 1986 by Bob and Viola Williams. Permission was granted for this plat amendment and County Staff had an agreement dated 1985 that was signed by Ed Fuller and Mike Bullock in its files whereby Bullock agreed to the amendment to the original plat of the subdivision. The amendment was to allow water on the property and to allow residential uses. The owner of Lot 1 at the time, Ed Fuller, had the property listed for sale when the agreement was signed. Bullock was aware that there would be new owners. The agreement gave Bullock a free storage unit that he had for almost a year, the right to remove brush, which he did and got free firewood. In reliance on Bullock's consent, the County Staff entered a recommendation that the current owner of Lot 2, Bullock, had agreed to the request and, therefore, the approval standard of Section 6.13 of the Land Use Code had been met. Resolution 2006-037 was approved with conditions for a water line under the highway, a CDOT access permit, and a condition that all be done within twelve months. The Land Use Code did not require the signature but was a requirement from Castrodale in an email in November 2007 to Del-Mont Consultants. Switzer advised Commissioner Padgett that there was no access problem. Both of the property owners had access. Olin had the plat altered to obtain Bullock's signature. Bullock would not sign it. Olin spent thousands of dollars on the water line and the CDOT access permit in reliance on Bullock's signature. Switzer stated that he was hoping by meeting with the Commissioners today to vacate the trial next week and file a motion to dismiss.

Commissioner Albritton referred to a Memo on October 4, 2007 from Doug Canright advising Lynn Olin that he needed to obtain the neighbor's signature. The requirement for the signature did not come from Castrodale. She sympathized with the request.

Commissioner Meinert sympathized with the plight also but kept going back to the Land Use Code. If the signature was the only evidence of agreement between the parties then he felt the Board had followed the proper procedures of the Land Use Code.

Hockersmith reaffirmed that Bullock did not want to sign the plat. He also cautioned the Commissioners that if they made a decision today it could possibly be overturned by the court. He suggested that they let the judge decide the issue.

***M/S/P—Motion was made by Commissioner Padgett and seconded by Commissioner Meinert, recognizing that in the matter of the B&V Subdivision and the lack of the signature of Michael Bullock, owner of a lot in the subdivision, on the final plat that has been required as a condition by the Board of County Commissioners, she recommended that the present BOCC not approve the Chair's signature on the amendment to final plat at***

this time and await the outcome of the court case that may be decided next week. There was no discussion. Motion passed unanimously.

**10:15 Commissioner Albritton took a break and reconvened at 10:21:**

**C. 10:21 General Business:**

**1. Request for approval of warrants:**

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to approve the warrants as presented. Discussion. Commissioner Padgett had a question that she had spoken to Hunt about regarding final payment to Rees Consulting. Everyone agreed with the payment. With no further discussion, the motion passed unanimously.*

~~**2. Request for approval of July 6, 2009 minutes:**~~

**3. Review and acceptance of the Ouray County Public Trustee Report for June 2009 and a Revised Report for May 2009:**

Jeannine Casolari, Public Trustee, was present and explained the Revised Report for May.

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to accept the Public Trustee Report for June 2009 and the Revised Report for May 2009 as presented. There was no discussion. Motion passed unanimously.*

There was a discussion regarding foreclosures and how they would impact the County.

**4. Request for approval and authorization of Chair's signature on the Grant Agreement between Ouray County and the Department of Natural Resources, Division of Parks and Outdoor Recreation, to benefit the Public Access Group (PAG):**

Commissioner Padgett asked if the County was assured of getting the total amount of \$22,000. Hunt explained that funds came from two sources, GOCO (Great Outdoors Colorado) and a federal source. Ouray County's grant was funded with GOCO dollars so she felt secure with the amount. There was some concern expressed that the grant would not be reimbursed in totality. Commissioner Meinert noted that Ouray County's partners needed to understand the exposure and risk the County was taking on their behalf and if push came to shove there should be some acknowledgement of their responsibility, as well. He asked to review the deliverables, interim reports and other staff-related activities necessary for the grant and suggested that the partners share in those responsibilities.

Commissioner Meinert wanted to acknowledge on the record that Debbie Cokes had singlehandedly written the grant and that not only was it successful but the County had received the highest score from the Colorado State Parks. He felt that she had put in some personal time that was not reimbursed and thanked her for it. He also wanted to publicly acknowledge and thank the PLP for providing the matching funds for the cash match.

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to approve and authorize the Chair's signature on the Grant Agreement with the Department of Natural Resources, Division of Parks and Outdoor Recreation, to benefit the Public Access Group as presented. Discussion. Commissioner Padgett noted that Hunt would write a cover letter to stand for an MOU. With no further discussion, the motion passed unanimously.*

**5. Request for adoption of Resolution 2009-032 approving a Red Flag Policy for Ouray County Emergency Medical Services (OC EMS):**

Norm Rooker, Chief Paramedic, explained that identity theft was on the rise. For the health care industry, it was a looming problem and had risen to the point where the FTC (Federal Trade Commission) has required every health care provider agency to institute and have in place a written policy whereby an identity theft "red flag" would pop up as to how to deal with it and must be shared with all employees. Rooker advised the Commissioners that all of OC EMS information came from Montrose Memorial Hospital and was passed on to EMS's billing agency. If the providers saw anything suspicious they notified them. He contacted the compliance officer with a draft model of a policy vetted by the legal counsel for the AMA and molded specifically for OC EMS. The Ouray County Attorney had approved it.

There was some discussion about changes to the resolution and/or policy to clarify who the "designated compliance officer / privacy official" was and adding the County Administrator as a point of contact. It was pointed out that Rooker would explain the points of contact in more detail during training. To a question regarding how a patient/client would know who to contact Rooker explained that the billing agency was the point of contact and provided contact information on the bill.

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to adopt **Resolution 2009-032** approving a Red Flag Policy for Ouray County Emergency Medical Services as presented. There was no discussion. Motion passed unanimously.*

## 6. Review and discussion of draft Agreement for Operation of Transfer Station:

Commissioner Meinert had a question about the rates and Deganhart explained that they were the same as presented at the last meeting with Waste Management.

Commissioner Padgett talked about hours of operation and wanted to ensure that at least some of the hours were on weekends. Deganhart suggested adding language to the contract that the current days of operation, that included a weekend day, would remain in effect until Waste Management came back to the Board to change them. It was confirmed that the term was a 12-month term.

By consensus, the Board agreed to move forward with the changes suggested above, submit them to Waste Management for approval and signature, and bring back to the Commissioners for final approval.

### D. 11:06 he Board of County Commissioners convened as the Board of Social Services concerning the following items:

#### 1. Request for approval of the following reports and authorization of Chair's signature on certification page:

- a. Earned Revenue and Expenditures, May 2009:
- b. Check register for the month of June 2009:
- c. Expenditures through Electronic Benefit Transfers, June 2009:
- d. County Allocation / MOE Report, May 2009:
- e. Balance Sheet, May 2009:

Commissioner Meinert noted that the number of child care cases were up substantially. Allan Gerstle explained that it was typically higher during the summer more than during the school season.

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to approve the Earned Revenue and Expenditures Report for May 2009, the Check Register for the month of June 2009, the Expenditures through Electronic Benefit Transfers for June 2009, the County Allocation / MOE Report for May 2009, and the Balance Sheet for May 2009 as presented, and to authorize the Chair's signature on the certification page. There was no discussion. Motion passed unanimously.*

#### 2. Review of Caseload Report for June 2009:

Gerstle noted that the food stamps cases had increased to 90, where they usually went down in the summer.

Commissioner Meinert asked Gerstle how foreclosures had impacted his office. Gerstle advised that his office did not have a budget to help with rent or mortgages but had seen the effect of the crisis on those households that had gone through foreclosures. The Montrose Housing Authority, who covered Ouray County, provided assistance in finding and coming up with a first, last and deposit.

#### 3. Request for approval and authorization of Chair's signature on a Memorandum of Understanding (MOU) for the Colorado Works Program:

Gerstle explained the MOU was an annual contract that Ouray County Social Services had with the Colorado Works Program for many years.

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to approve and authorize the Chair's signature on a Memorandum of Understanding for the Colorado Works Program as presented. There was no discussion. Motion passed unanimously.*

#### 4. Discussion:

- a. Poverty Level Chart:
- b. NVRA – Motor Voter Act:
- c. Other:

Gerstle provided a Poverty Level Chart as a follow-up from a prior discussion with the Board on the poverty level.

The Motor Voter Act was passed in 1993 informing people that they could register to vote at Social Services offices. He pointed out that it was onerous legislation that required Social Services departments to offer to register or recertify clients to vote, or to get a signature if they declined. He informed the Commissioners that there would quite likely be an ACLU (American Civil Liberties Union) lawsuit against the State of Colorado for failure to comply with the Motor Voter Act. Social Services departments were using a County Clerk's office form rather than a Social Services office form, so they changed it. They are required to ask each client if they are registered to vote.

Gerstle wanted to make it clear that the food pantry was located at the Cavalry Assembly of God Church, but that is was operated by all of the churches. The Voyager Program decorated a box and placed it outside of the Clerk's Office in the Ouray County Courthouse as a drop-off location. Care and Share, a program that delivered various food items to Social Services, helped to stock the food pantry along with a notice in the newspaper and cash donations. Social Services also worked with the two grocery stores in the area to help needy people who came in.

Social Services had two court cases and he thanked the County Attorney for her help.

**E. 11:25 The Board of County Commissioners convened as the Board of Zoning Adjustment for the following item:**

1. Request for adoption of **Resolution 2009-033** ratifying action taken by the Board of Zoning Adjustment on July 6, 2009 concerning the Cow Camp PUD:

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to adopt **Resolution 2009-033** ratifying action taken by the Board of Zoning Adjustment on July 6, 2009 concerning the denial of an appeal regarding the Cow Camp PUD as presented. There was no discussion. Motion passed unanimously.*

**11:27 The Board of Zoning Adjustment reconvened as the Board of County Commissioners:**

**F. 11:27 The Board of County Commissioners convened as the County Board of Equalization for the following reports from County Assessor, Susie Mayfield:**

1. **Report of valuation for assessment of all taxable real and personal property pursuant to C.R.S. 39-8-105(1) and (2), respectively:**
2. **List of appeals at the Assessor's level and determinations:**

Susie Mayfield, County Assessor, explained that these reports were due on the second Monday in July for real property [C.R.S. 39-8-105(1)] and July 15 of each year for personal property [C.R.S. 39-8-105(2)]. She noted that the values were subject to change. According to the report, the Taxable Real Property Valuation by the Assessor was \$203,564,570. The State Assessed amount was incomplete because there were still protests at the State level that involved the public utilities. She explained that all of the utilities go through the State because most span several counties or the entire state. She provided a list of the persons protesting real property valuations. Out of a total of 258 official protests, 115 were adjusted, 135 were denied, and 8 were satisfied.

Mayfield explained that new construction was only listed when it was 100% completed. To clarify the assessed value change from 2008 to 2009, Mayfield explained that when a subdivision was approved, the values for the first year of approval could be very low. The following year those values would go to market value. Also, a multi-lot subdivision could qualify for a discount when 80% of the lots were sold. Commissioner Padgett clarified that it could be based on the entire development or per phase.

Mayfield continued. The industrial value went down as a reflection of Biota closing. Agricultural went up because the State tables went up on different types of ag land, and also because her Staff clamped down on getting strict documentation. Natural resources increased because of sand and gravel operations. The Producing Mines subclass showed n/a because, as of January 1, 2009, the current operating mine was not pulling anything out. She was expecting a report for 2010. The bottom line showed an estimated increase of \$16,410,210. Mayfield was quick to point out that these numbers were subject to change before the first certification in August 2009 and the recertification in December 2009.

In response to a question, Mayfield explained how the mining claims were valued and a discussion followed.

Mayfield discussed personal property and noted that it was basically a self-reporting system. Businesses reported to the Assessor's Office by forms that were due back by April 15. If a business failed to report back to the Assessor's Office, a penalty was assessed. The Assessor's Office determined the value and could do BIA (best information available). The Assessor's Office could also do an audit. According to the report, Taxable Personal Property Valuation by the Assessor was \$2,234,290. Commercial went down drastically due to Biota.

**12:09 Commissioner Albritton recessed for lunch and reconvened at 1:30:**

**G. 1:30 Public Hearing:**

**Purpose:** The purpose of the hearing is to take public comment on possible adoption of the 2009 International Energy Conservation Code. Action may be taken by the Board at the conclusion of the public hearing. Proposed **Resolution 2009-029** may be adopted based upon the action taken by the Board at the hearing.

Mark Castrodale, County Planner, and Paul Christensen, Ouray County Building Official, were present.

Commissioner Albritton opened the public hearing and explained the purpose. She asked for public comment. There was no public comment.

Commissioner Meinert asked Christensen if he had received any input from builders and architects on the implications of the 2009 IECC and if it had been publicized well enough that they would have had an opportunity to weigh in if they so chose.

Christensen could not speak to the publicity issue but related that he had conversations with the building community but had received no input. The changes would impact the prescriptive energy portion of the code and would not only make the day-to-day construction process a little more difficult for the contractor but would impact the air leakage requirements. The contractor would be required to ensure only a certain amount of heat loss or gain. The contractor or design professional will have to provide certification that the building was in compliance with the energy code. The installers of the insulation cannot certify a third-party to verify that all components met requirements. The code does not say that they have to have technical expertise but just verify that everything was sealed properly to prevent air leakage.

The Commissioners agreed that the County should do some sort of outreach to notify the construction community of the changes. Castrodale agreed to pull up names and addresses from the database and send information out.

A discussion followed.

***M/S/P**—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to adopt **Resolution 2009-029** amending Resolution 2000-062 and adopting the 2009 International Energy Conservation Code (IECC) to be in compliance with HB07-1146, to be effective for new building permits issued on or after August 1, 2009 as presented. There was no discussion. Motion passed unanimously.*

Commissioner Albritton closed the public hearing.

#### **H. 2:30 Administrative / Commissioner Reports:**

**Mary Deganhart**, County Attorney, discussed the following:

- 1) **Request for extension** She discussed a notice from an attorney's office in Grand Junction on the Potter Ranch probate that has been ongoing since 2006, where they are splitting up the property and giving a 3-acre parcel to one person, and a 6-acre parcel to another. The property is in the Valley Zone and is not in compliance with Ouray County's Land Use Code. In the statutes there is language that says that certain things are not considered to be subdivisions, *i.e.* something created by a court order unless it can be shown to be done to evade subdivision regulations. The attorneys had been in contact since April. She responded to them asking for the narrative, maps, and more information. They got a court order on June 25 advising them to give the County notice so that the County can intervene if necessary. They did not send the notice out until July 7 and she had to respond by this Wednesday. Ouray County cannot make them give more than these smaller parcels but the County should have the opportunity to review the parcels for road and utility access. If nothing else, the County could ask to have plat notes detailing why the smaller acreages were not in compliance. She asked for permission to file for an extension saying that the County was not given proper notice and did not have adequate time, and asking for another twenty days to have time to evaluate. It was incumbent upon the County to point out its objections. Everyone agreed.
- 2) **Tower status** In the Tower 1 case the judge said that he would try to have an order out by the end of this week. In a related issue, Attorney Bob Thomas asked to have both cases, Tower 1 and Tower 2, consolidated into one case. That could mean more delay. She advised the Commissioners that she would vigorously oppose the motion.
- 3) **Liquor license training** She, Connie Hunt and Michelle Nauer attended the training.
- 4) **Water rights** She met last week with Will Clapsadl and representatives from the City of Ouray on the geothermal issue. They talked about water rights and she pointed out that there was still no IGA on them. Patrick Rondinelli, City Administrator, advised that David Masters was preparing one but wanted to meet with the County. Commissioner Meinert wanted a thorough discussion about the elements involved and the terms of any agreement. Deganhart recommended having a water attorney or an expert look at the draft agreement. After some discussion, the Commissioners agreed to take the time to investigate the geothermal and issues surrounding it more thoroughly. They considered the possibility of doing an interim phase and possibly looking at conversion to natural gas if the Facilities Manager was convinced that it was too great a risk to limp along with the existing boiler system for one more winter.
- 5) **Horsethief Trail** Commissioner Meinert wanted to go into executive session to discuss negotiations regarding the Horsethief Trail.

**Connie Hunt**, County Administrator, discussed the following:

- 1) **Ice Park** Patrick Rondinelli advised her that the City would be moving forward on the transfer of the Ice Park to the City.

**Commissioner Padgett** discussed the following:

- 1) **Citizen phone calls** She received phone calls that she would discuss tomorrow.
- 2) **Meetings** This week she would be attending the Club 20 Summer Meetings on July 15 and 16 at the Ouray County 4-H Event Center. She wanted to help out at the grand finale 4-H event, and she planned to attend the PLP meeting this month.

**Commissioner Meinert** discussed the following:

- 1) **Club 20 Summer Meetings** He planned to attend the meetings on July 15 and 16, as well.

**Commissioner Albritton** discussed the following:

- 1) **Citizen calls** She received a call from citizens who were thrilled that Road and Bridge had cleaned out the ditches. Commissioner Meinert received calls that complained about the ditches being cleaned out and exposing the roots of live trees. They asked to advise Chris Miller that when right-of-way work was scheduled to alert the property owners adjacent to the right-of-way to the extent possible.

**Linda Munson-Haley**, Clerk of the Board, had nothing to discuss:

**2:39 Executive Session:**

*M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to adjourn into executive session pursuant to C.R.S. Section 24-6-402(4)(b) for the purpose of receiving legal advice on takings risks and C.R.S. Section 24-6-402(4)(e) for the purpose of determining positions relative to negotiations with Paul Sunderland on the Gillam property. Discussion. Commissioner Padgett asked to add a topic under legal advice concerning matters of the Planning Commission, to explore what options to the Board of County Commissioners may or may not have and what level of concern the Board should have or should not have relative to public perceptions of conflicts of interest held by Planning Commissioners in general. With no further discussion, a roll call vote was taken on the motion with the following results.*

*Commissioner Albritton voted in the affirmative  
Commissioner Meinert voted in the affirmative  
Commissioner Padgett voted in the affirmative*

*Motion passed unanimously.*

*As County Attorney, it is my opinion that the discussion of the matter announced in the motion to go into executive session constitutes a privileged attorney-client communication.*

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*Mary Deganhart, County Attorney*

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*Heidi M. Albritton, Chair*

Those present included Commissioner Padgett, Commissioner Meinert, Commissioner Albritton, Connie Hunt, County Administrator, and Mary Deganhart, County Attorney. The Commissioners would bring Commissioner Padgett’s item into the session and get advice as to whether to continue in executive session or come back out for discussion.

**2:44 The Board of County Commissioners went into executive session:**

**3:26 The Board of County Commissioners came out of executive session:**

Commissioner Albritton made the following statement. “The Board has just concluded an executive session during which a discussion occurred relative to legal negotiations about the Horsethief Trail access issues and discussion about possible takings issues. No formal action was taken during such session.”

**3:27 Commissioner Albritton adjourned the regular session:**

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS  
OURAY, COLORADO

ATTEST:

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Heidi M. Albritton, Chair

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K. Keith Meinert, Vice-Chair

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Michelle Nauer, County Clerk and Recorder  
By: Linda Munson-Haley, Clerk of the Board

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Lynn M. Padgett, Commission Member