

The Board of County Commissioners met in special session on October 19, 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.**

9:03 Boiler Update:

Will Clapsadl, Facilities Manager, advised the Commissioners that Ennovate and R&H Mechanical, subcontractors, would be arriving this morning to begin work on the boiler system at the Courthouse. He expected the project to take thirty days at the outside during which time the Courthouse would be without heat. Space heaters would be available for offices that needed them.

Commissioner Meinert discussed the request by Commissioner Albritton to spruce up the front of the Courthouse and asked what, if anything, had been done on that project. Clapsadl advised that he had taken off the old flashing but wanted to see if the snowmelt system on the ramp on the north side of the building would work before taking down the ramp in the front of the Courthouse. Commissioner Albritton asked that Connie Hunt and Will Clapsadl come up with some recommendations for the work on the front of the Courthouse but she felt that the boiler project was the priority now.

Clapsadl said that he was also busy with the roof at the Land Use / Road and Bridge facility and putting in the 3-phase power at the transfer station. With regards to the ramp, he felt that with the help of Road and Bridge he could have it dismantled and removed in a day. Commissioner Albritton suggested that once it was removed, signage would be necessary directing people to the handicapped access on the north side of the building. Commissioner Meinert recalled that the “avalanche” danger of the ramp on the north side of the Courthouse was still a problem. Last winter ice and snow buildup on the roof slid off the roof and built up on the ramp portion of the sidewalk on the north side of the building. Clapsadl agreed that it could be a safety issue but may require historical society approval to correct.

A. 9:15 Discussion and possible action regarding Housing Plan:

Jen Coates was present.

Commissioner Albritton noted that the Commissioners had a copy of the Plan dating back to June 2009.

Jen Coates related that she did not have any budget information at this time but that the Town of Ridgway and the City of Ouray had approved the Plan as drafted. She clarified that they had not agreed to any particular financing but had approved the Plan.

Commissioner Meinert asked how they had adopted the plan. Did they set up an IGA between the two municipalities? Did they pass a resolution adopting the Plan?

Coates stated that at the Town level the Town Council had voted to adopt the Plan. She assumed something similar had happened at the City of Ouray.

Commissioner Meinert was willing to suggest adoption of the Plan to begin working with the municipalities to move forward.

Coates provided a brief update. The Regional Housing Authority (RHA) Board (Housing Board) met with Sandy Stuller and expressed concern about the structure of the IGA. She noted that it was probably fine until the Housing Plan was funded. If the entities wanted to amend the IGA they would want to de-Bruce. Once funded, the Housing Board would talk again about bringing the IGA up-to-speed and how the Housing Board should be structured.

Commissioner Meinert felt that there was a more fundamental question than funding. The existing IGA was set up presuming that the RHA had no independent authority to take action but waited until it was tasked and paid by one of the governmental entities to do some task. The philosophy being recommended now was an RHA that had independent operating authority and was an entity that the governmental entities looked to, to make recommendations for affordable housing.

Coates explained that if the entities agreed to Plan and if it was not funded there would be limited financing or policy development opportunities that would not require a lot of capital up front. She suggested that instead of funding and hiring staff to facilitate limited action items, each entity could allocate its own staff time.

Commissioner Padgett wanted the Housing Board to workshop the best IGA scenario and present it when it was fully baked.

Commissioner Meinert was more comfortable with a more proactive body. He was in favor of taking steps to adopt the study recommendations.

Mary Deganhart asked the Commissioners what they would be adopting and saying that the County would do. She pointed out that a good portion of the Plan involved Code changes, and Staff already had a lot on its plate. The County would be looking at a minimum of a year to change the zoning to allow a bonus density unit. She cautioned the Commissioners to decipher what they were signing on to say that the County would do.

Commissioner Padgett suggested that the RHA Board could workshop the Plan and come back with suggestions.

Commissioner Albritton the Plan recommended a timeline for the County's specific items but the County had never sat down with the Town Council and City Council to brainstorm and discuss the Plan. She felt uncomfortable adopting it without having discussions with the other decision makers. She was concerned about what adoption of the Plan meant to the County. She wanted to have a workshop with representatives from the Town and City to better understand the Plan. She wanted to move forward and support the Housing Board but wanted more communication with the Town and City.

Commissioner Padgett suggested just adopting the goals and objectives.

Commissioner Albritton replied that the action items were what she was concerned about not the goals and objectives.

Commissioner Meinert explained that was why he asked about the nature of the municipalities' adoptions of the Plan. Both had been doing some of these things for years. He reiterated his concern about the fundamental shift in emphasis. If the Commissioners adopted the principles of the Plan without committing to the action items then what they had done was to shift the nature of the County's participation in the RHA from a reactive to a proactive body and the brainstorming could take place among the Board members of the RHA. The Commissioners could task the County's Board member [*Lynn Padgett*] to participate in those discussions and bring back to the Commissioners a distillation of what it all meant.

Commissioner Padgett did not see any Plan as being static. The County was onboard with commissioning the study but then to just shelve it and not look at it was remiss.

Commissioner Albritton replied that she was not suggesting shelving it. Staff suggested that the Commissioners "accept" the Plan rather than "adopt" it. Commissioner Albritton endorsed having workshops with the Town and City because she was concerned that the entities may have different takes on it and everyone needed to be on the same plane before adopting it and moving forward to avoid any misunderstandings.

Deganhart advised that adoption meant that the County was signing on and she was concerned that the County would then be committed to changing the zoning, etc.

Coates likened the Plan to a master plan or a guiding document. It laid out recommendations and policy would be developed from there.

Commissioner Albritton continued to lobby for a workshop adding that there needed to be cohesiveness between all of the governing bodies.

Commissioner Meinert felt that the discussions needed to be had by the governmental entities' representatives to the Housing Board to consider county-wide objectives. His objective in adopting the Plan was to instruct the County's representative to the RHA to coordinate, negotiate, or brainstorm with the other entities' representatives on the Housing Board to come back with more fleshed out recommendations.

Commissioner Albritton clarified that the Housing Plan was what was recommended by the Housing Board. She felt that there still needed to be discussions among the Commissioners and then with the governing bodies as to how it would be financed and how the things would be accomplished.

Commissioner Padgett disagreed. She compared the Housing Board to the Planning Commission. The governmental entities would task the Housing Board with a project and the Housing Board would bring back recommendations to the governmental entities. Once the entities had adopted the Plan the Housing Board, itself, may decide that the timeline was unworkable.

Commissioner Albritton was suggesting more of a philosophical discussion as to whether the RHA was ready to tackle the specific recommendations in the near future. Was it realistic to expect the Boards and Commissions to work together to accomplish the specific things.

Commissioner Meinert felt that the Housing Board was where those issues needed to be thrashed out. There was more discussion.

Commissioner Albritton felt that the document had flesh and was an action plan, and it was a bit disingenuous to accept it in principle but that the details were not really the details and that they were not really set in stone. She was fine with accepting the Plan to move the process forward under the auspices as suggested by the other Commissioners that the Housing Board would chew on the individual pieces and bring back recommendations. From Ouray County's perspective, not the City, not the Town, the buck stopped with the County and when she signed her name she took full responsibility for what that entailed. She felt uncomfortable accepting something and not knowing exactly what it was that she was accepting. She wanted to acknowledge that the Commissioners had not had discussions on each of the action items in the Plan and what the implications were to the rest of the county. She wanted it out there that the Commissioners did not intend to hold the County to each of the specific action items as stated until they had discussions on each based on recommendations from the Housing Board. Commissioner Albritton made her concerns known but wanted to *accept* rather than *adopt* the Plan.

M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to accept the Reese Consulting Study of June 22, 2009 as embodying the philosophy and direction that the Commissioners would like for the Regional Housing Authority to take and to empower the County's representative on the Regional Housing Authority Board to consider with the other board members the recommendations made in this study for coordinating affordable housing objectives between the three governmental entities and bring back specific

recommendations to the Board of County Commissioners on what further action was needed to implement and further the goals embodied in the study. Discussion.

Commissioner Padgett asked Coates if this motion was a hindrance at all in moving forward.

Coates replied that it was very good, very helpful, and put all three jurisdictions in agreement to move forward with the Plan even though there were still unknowns about the financing. The Housing Board would be happy that the Commissioners were inline. At the Housing Board level the representatives could talk about options and alternatives with and without financing and bring it back to the Commissioners.

Commissioner Padgett agreed.

Commissioner Meinert hoped that the RHA Board recognized that there were more than financial commitments involved. He wanted to ensure that the RHA Board acknowledged that there would be concessions on all entities' parts and talked about it openly. It had to be developed by the members of the RHA Board and brought back to the governmental bodies recommending concessions for the benefit of the affordable housing objectives and approaching them on an equal basis.

Commissioner Albritton acknowledged that she was happy to go in this direction with the discussion in the motion.

With no further discussion, the motion passed unanimously.

Deganhart would do a resolution accepting the Plan for Board signature.

Commissioner Albritton thanked Jen Coates for her time and effort.

10:17 Commissioner Albritton recessed and reconvened at 10:30:

10:30 Administrative Reports:

Mary Deganhart, County Attorney, discussed the following:

- 1) **Stalled out with SourceGas** She distributed her most recent email to SourceGas with a copy of a letter to the bond company. She has received no response from anyone at SourceGas; however, Cameron Bingham with SourceGas indicated to Connie Hunt that he had intercepted Deganhart's correspondence and felt that he should step in. He asked her to meet with him. Deganhart advised that it had been two months since the initial letter was sent to SourceGas asking that the road be taken care of and SourceGas's reply that the road would be taken care of or SourceGas would write a check. Since then the position seemed to be changing. Deganhart initially worked with Tim Atwater with SourceGas who told her that engineers had been working on it and had contracted with Buckhorn to do an analysis. SourceGas was supposed to have provided the County with a status report by last week and she had not heard from them. Bingham had told her that Buckhorn was onboard and would be getting started. Deganhart and Hunt were meeting with Bingham this afternoon.

By consensus, the Commissioners directed Deganhart to send the letter to the bond company.

Connie Hunt, County Administrator, discussed the following:

- 1) **Work session notice** She sent an email to everyone regarding the lunch work session with the Commissioners next Monday. The budget work session would follow.
- 2) **IGA meeting with Town recap** She and Commissioner Meinert met with the Town of Ridgway last week on the IGA. Some of the Town Council had concerns about CR 1. They discussed mosquito control, added cooperation on weed control and another issue about a collaborative effort on regional sustainability. The Town wanted to see the County communicate better on the grant issue. She discussed the word "bypass" and how it was replaced in the grant with "alternative route." Commissioner Albritton asked if they got any feel for if the Town was supportive of the grant or not. Commissioner Meinert acknowledged that the County had to go through the grant application before going through the public process and would catch up with a public meeting on November 12. He encouraged the Council and the Chamber to have representation at the meeting to represent the business communities' interest for a consensus opinion. Commissioner Padgett had heard from two business owners who were in support because they wanted the town to be pedestrian-friendly. A discussion followed. Commissioner Meinert suggested wrapping up the IGA issues by making a decision on what the County was willing to support financially on the mosquito control issue. He was comfortable with the County continuing to make a substantial contribution to that effort and he would not want to reduce the \$6,000 but if necessary he suggested a \$1,500 to \$1,000 reduction. Hunt suggested funding the Town at \$5,000 and holding back \$1,000 in case the County needed to treat other areas. Commissioner Padgett suggested \$1,500 or \$2,000. Hunt suggested \$5,000.

By consensus, the Commissioners agreed to a reduction of \$1,500 making the payment to the Town of Ridgway in the IGA \$4,500.

B. 10:58 The Board of County Commissioners convened as the Board of Social Services concerning the following items:

Allan Gerstle, Director of Social Services, was present.

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

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

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

2. Review of Caseload Report for September 2009:

Commissioner Albritton acknowledged receipt and review of the Caseload Report for September 2009.

3. Discussion:

a. Child Welfare Action Committee Recommendation:

The Governor's Office announced that it was rescinding the announcement to discontinue AND (Aid to the Needy Disabled) program as of January 1, 2010.

Commissioner Padgett would be attending the meeting between CCI and the Governor's Office on Tuesday, October 27, 2009 but pointed out that the Commissioners had scheduled a work session on that day. The Commissioners agreed to discuss when to reschedule that work session at the work session tomorrow. She discussed some of the talking points relating to smaller counties. One point was local nonprofit involvement in dependency and neglect cases. She brought up the fact that the State had a furlough day and posited what would happen if there was an emergency during those days.

Gerstle explained that the State was not in a position to take that on. On the furlough day, San Miguel County needed to get a mental health patient into a facility but because of the State furlough day, the State could not do it then and the following Monday was a holiday. There was no end in sight for the State budget crisis. He had a list of local nonprofits and talking points for Commissioner Padgett.

Commissioner Meinert suggested that it would be good to point out the voluntary regionalization that Ouray County had undertaken with San Miguel County, thus, there was no need for forced regionalization.

Gerstle advised the Commissioners that based on the latest information, Denver County was abstaining from voting on the recommendation and that Prowers County was in favor of the recommendation. Commissioner Padgett added that, supposedly, there was a small county in the state that would not speak up but who was in favor of the recommendation because it could not fund the program itself.

Gerstle related that the president of the Directors Association would be sitting in on the meeting. CCI chose to have a small group to dialogue with the Governor. It was suggested that CCI could pack the room with bystanders.

Commissioner Padgett, Mary Deganhart and Allan Gerstle will meet tomorrow at Social Services at 2 p.m.

Gerstle informed the Commissioners that a group of counties including Mesa County and Jefferson County were hiring Katie Atkinson to put together their counties' perspectives and to meet with editorial boards and newspapers to get the word out. They were chipping in \$1,200 each. He was comfortable spending \$300 out of his budget to help get the word out as a token on our part to show support for the larger counties. He asked the Commissioners to speak to our representatives.

By consensus, the Commissioners agreed for Social Services to chip in \$300 for Katie Atkinson's project.

11:30 The Board of Social Services reconvened as the Board of County Commissioners:

11:30 Administrative Reports, *continued*:

Commissioner Padgett discussed the following:

1) CCI hot topics

Medical marijuana dispensaries Pitkin County was looking for a way to outlaw medical marijuana dispensaries. Ridgway enacted a total ban by ordinance on the October 14 banning medical marijuana pharmacies. Pitkin was looking for something from the State to allow counties to do that. San Miguel County enacted a moratorium to consider how to proceed. Commissioner Padgett asked to explore having it available only at Public Health. It went into State law in 2000.

Bond Issue CCI researched the bonds currently required for elected officials for a trivial amount with the insurance companies who were in favor of doing away with them. They were suggesting a “crime rider” on existing insurance policies. Deganhart noted that Ouray County had initiated it and the Commissioners should support it if CCI went ahead. CCI asked Ouray County to talk to its local representatives to sponsor the legislation. Commissioner Albritton offered to talk to Representative Scott Tipton.

C. 10:45 General Business:

1. Request for approval of warrants:

D. 11:44 Executive Session with County Attorney for the purpose of receiving legal advice on specific legal questions regarding the Gold Belt / Horsethief Trail and for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators pursuant to C.R.S. 24-6-402(4)(b) and C.R.S. 24-6-402(4)(e):

M/S/P—Motion was made by Commissioner Meinert and seconded by Commissioner Padgett to enter into an executive session pursuant to C.R.S. §24-6-402(4)(b) and C.R.S. §24-6-402(4)(e) relative to negotiations and legal questions regarding the Gold Belt/Horsethief Trail and to develop strategy for negotiations and instructing negotiators pursuant thereto. 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.

Those present for the executive session were Commissioner Albritton, Commissioner Meinert, Commissioner Padgett, Mary Deganhart and Connie Hunt. No formal action will be taken in the executive session.

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.

Mary Deganhart, County Attorney

Heidi M. Albritton, Chair

11:48 The Commissioners went into executive session:

12:42 The Commissioners came out of executive session:

[A note was made for the record by Commissioner Padgett that, “Padgett left the executive session to attend a phone conference at 12:18 and was not present for the remainder of the meeting.”]

Commissioner Albritton noted that the Board has just concluded an executive session during which a discussion occurred relative to Goldbelt/Horsethief Trail determining legal positions on matters subject to negotiations, developing strategies for negotiations pursuant to C.R.S. §24-6-402(4)(b) and C.R.S. §24-6-402(4)(e). No formal action was taken.

Deganhart asked if it was acceptable to spend some money to move forward and continue with research. The Commissioners did not see how to proceed without spending some money but cautioned Deganhart that if it became apparent that she would be exceeding what would be allowed then she may come back to the Board.

12:44 Administrative / Commissioner Reports, continued:

Commissioner Meinert discussed the following:

- 1) **Meeting update** He met with SMPA, San Miguel County and the municipalities concerning a sustainability coordinator. The group decided that the region should be just Ouray and San Miguel working through TNCC rather than expanding the group to include Montrose and Delta and DMEA, which was the position that San Miguel had. There will be a meeting yet to be scheduled with Montrose and Delta on this and the group asked him to meet with them. TNCC is proceeding with the grant application. SMPA had one meeting with the mayors and wanted to expand that to the counties to periodically discuss energy strategy issues separate from the regional sustainability coordinator. The next meeting was on November 9 at 10 a.m.
- 2) **Press Release** He asked Deganhart about a draft of a press release. He offered to help fine tune it.
- 3) **GOCO Meeting** No one planned to attend the meeting in Durango. Hunt would send regrets.
- 4) **Meeting notes** from the July team building meeting Hunt advised that it was scheduled for October 26.
- 5) **Work Session** tomorrow at 9 a.m. at Land Use on Section 9.

12:57 The Board of County Commissioners adjourned:

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS
OURAY, COLORADO

ATTEST:

Heidi M. Albritton, Chair

K. Keith Meinert, Vice-Chair

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

Lynn M. Padgett, Commission Member