

The Board of County Commissioners met in regular session on July 26, 2010. Those present for the session were Lynn M. Padgett, Chair; K. Keith Meinert, Vice-Chair; Heidi M. Albritton, 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. 9:04 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.*

**Anemometer Move**

Will Clapsadl, Facilities Manager, advised the Commissioners about moving the anemometer tower earlier than expected. Data showed that it was a poor Class I. It would be moved to Lynn Padgett’s house and up and running tomorrow afternoon.

**Public Outreach on Communications Tower**

Commissioner Albritton read a letter to the editor in the *Ouray County Plaindealer* saying that the Commissioners had not reached out to the public enough regarding the communications tower. A discussion followed. Commissioner Albritton wondered about drafting a response from the Board. Commissioner Meinert replied that regardless of how much outreach the Commissioners did, there would still be someone who was disgruntled. They discussed that maybe there could be a letter on the process, itself. Commissioner Albritton will draft a response.

**B. 9:22 Chris Miller, Road and Bridge Supervisor:**

**1. Road and Bridge Report:**

Chris Miller, Road Superintendent, reported that things were flowing fairly smoothly. Crews had spent 300 hours blading in the last two months including Wildcat Canyon, which was 99% done.

Miller discussed an MOU (Memorandum of Understanding) with Wildcat Fire [*Horsefly Fire*] to keep the roads up. Road and Bridge was already taking care of Wildcat; the only new cost would be Mariposa. Deganhart explained that Staff had met with Dan Quigley and Larry Behrends of Horsefly Fire to take on the roads. The goal was to have properly maintained roads out of the firehouses and they discussed doing a simple MOU with the association. If the Board agreed, she would draft an MOU. Miller added that it would involve almost two miles of roads. Deganhart pointed out that they were wildland firefighters and that area was a prime location for wildland fires so the County was getting something in return for maintaining the roads. The MOU would be renewed on an annual basis. Hunt added that if the fire association was able to form a fire district then maybe they could make a contribution to the County for the maintenance. Commissioner Meinert noted that the Commissioners wanted to encourage the association to formalize the formation of a new district or merge with an existing district and the MOU could further that cause. A discussion followed. Commissioner Padgett asked to have representatives of the association meet with the Commissioners. Deganhart replied that they would be present when the Commissioners considered the MOU.

Miller continued with his update providing labor hours and costs for various projects.

Commissioner Padgett discussed the Hardrock Hundred Mile Endurance Run and suggested sending the organizers a letter advising them that if they wanted to close a county road they had to work with the County to do so. Hunt will follow up. Commissioner Meinert asked to copy Rick Trujillo.

Commissioner Meinert asked if Miller’s computerized report was in a form to be able provide copies to the Commissioners. Miller advised that it was “getting there.”

Commissioner Meinert asked about Camp Bird Road and concerns of vandalism of the historic structures. He understood that there had been more discussions with Camp Bird about rerouting the road. Miller advised that Butters with Camp Bird made it clear that the road would not be moved. Commissioner Albritton suggested that there might be another way to broach the topic again explaining that the County did not want to cause a situation that encouraged vandalism and would be willing to move the road if Camp Bird would allow it. Commissioner Meinert suggested putting it on a future agenda and invite the Ouray County Historical Society, Robert Stouffer, and the 4WD group from Montrose for discussion of a game plan.

**2. Request for approval and authorization of the Chair’s signature on a Rental Agreement with Macdonald Equipment Company for a Rosco Tru-Pac 915 Rubber Tire Roller for Road and Bridge:**

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve and authorize the Chair’s signature on a Rental Agreement with Macdonald Equipment Company for a Rosco Tru-Pac 915 Rubber Tire Roller for Road and Bridge as presented. There was no discussion. Motion passed unanimously.*

### 3. Discussion/direction concerning authority to sign and contract:

Commissioner Albritton explained that the request was a result of discussions at the Road Committee meeting. Timeliness of contracting for equipment was at issue when requests had to be placed on a Board of County Commissioners agenda that could take some time.

Hunt pointed out that if something was needed right away Miller could address it during the Call to the Public. She suggested that the resolution that gave her authority to sign up to \$2,500 could be revised upward to authorize more money for emergency situations. The Board was in favor of that. Commissioner Padgett asked what Hunt thought would be a ceiling limit that made sense. Would it be \$5,000? \$10,000? \$20,000? Hunt replied at least \$10,000 because of the tiers in the Procurement Policy. She was basically approving financial things up to \$9,999 now. Anything over \$10,000 required formal RFPs that were brought back to the Board anyway.

Deganhart added that it should be written to include one-time purchases as well as ongoing leases.

Commissioner Meinert asked Hunt to come up with a recommendation.

Hunt added that it would only be used in emergency situations. She would put together a list of recommendations and bring back a revised resolution.

#### D. 9:59 Top of the Pines (TOP) Representative(s):

##### 1. Review and discussion of annual report:

Tim Manzagol was present on behalf of Top of the Pines. He distributed an annual report and noted that there had been no vandalism issues. Reading from the report he explained that the big push in the last couple of years was completion of a GOCO grant and as of a few months ago they were debt-free. He thanked the Ridgway School National Honor Society students who volunteered to clean up after the construction. Road and Bridge had a little remaining cleanup of backfilling trenches. He wanted to get a weed abatement program in place. The cross-country ski committee mobilized last fall for trail maintenance.

As far as income, TOP, Inc. had raised about \$1,500 from weddings. TOP did not see much money this year from the skiers although conditions were good. Requested donations were \$3-\$5 but TOP only received about 75-cents per person. Passes were available for \$50. [Commissioner Padgett understood Manzagol to mean memberships.] He explained the need to educate the public that the donations were important to help keep the facility open. TOP acquired a \$13,160 grant from the Forest Service Emergency Supplemental Funds program to do forest improvement specifically on the 20 acres around the facility. He explained that there was a mistletoe infestation in the compound that was spreading. The property was last logged in 1964. He met with a forester for mistletoe removal and thinning. Matching funds were involved that TOP would use in-kind volunteer labor to match. When TOP indicated that it did not have cash funds available, the Forest Service had another source of funding, educational funding. This fall, TOP would have students come up and State Foresters would lead one or two sessions to walk students through exactly what was the state of the forest and what was needed to be done to bring it to a healthy standard. Manzagol thanked Jim Parker for spearheading that effort.

Snow conditions overall were good and attendance indicated that more people were coming from farther away – Telluride, Delta and Grand Junction – that reinforced the use as a regional facility and would help in future years to see funding from the other areas. The Telluride Academy continued to use the facility. The Ridgway secondary school had a few half-day classes last fall and spring. The potential was huge. There were lots of recreational opportunities. Once TOP completed the building, use fees would increase. The cost to get into audio/video equipment to facilitate lectures and small music ensemble groups ranged from \$100,000 to \$250,000 to create the type of space that would be versatile for various types of groups.

TOP's goals were to complete the Forest Service grant this year with minor work on the pavilion to enclose the rear roof to keep rodents out. TOP would continue to partner with other organizations like the Telluride Academy and the Ouray County Performing Arts Guild and continue to work on awareness of the possibilities of the facility. TOP would work with the Planning Department to extend the special use permit to include alcoholic beverages.

TOP still needed to work with the adjoining Highland Subdivision to provide assistance with placing rocks in the roads to reduce erosion. The group would like the County to help on a limited basis. A water supply was there so the fire danger was limited. He discussed the need to flush the system, operate it and chlorinate before turning it on. Once the hydrants were open, the public assumed that the water was potable. He would talk to County Staff to coordinate bacterial testing in the next few weeks. Hunt suggested contacting Cheryl Roberts for the testing.

Manzagol would also contact Ron Mabry, Weed Manager, for a weed abatement program.

Commissioner Padgett noted that according to the special use permit dogs were not allowed on the property. She asked if he wanted to amend that. Commissioner Meinert read it to say that as long as dogs did not pose a threat to wildlife they were okay.

Manzagol explained that the dog ban was put in originally at the request of the BLM and local landowners. It was not challenged until the cross-country ski program began. If anything, TOP had only received compliments for not allowing dogs. Currently, TOP's position was to continue to honor the wildlife and open space aspects of the 175-acre park.

Commissioner Padgett wanted to spell out who was ultimately responsible for weed abatement in an agreement. She suggested making it more official in the special use permit or an MOU. Hunt referred to the management agreement.

Secondly, Commissioner Padgett did not see anything that enabled landscape changes. She suggested including something to properly enable them to make decisions of overall landscape management and treatment there. Hunt clarified that the property was deeded to the County and that the federal government reserved the timber rights.

Manzagol explained that TOP's ultimate goal was to help the County procure funds to develop TOP as an extension of the school systems and recreational opportunities for the county and that the County would eventually take the project over. TOP would not be able to continue to take on the responsibilities indefinitely.

Commissioner Meinert asked to see actual figures of utilization in Manzagol's next report along with TOP's Board's strategy to improve that use.

Manzagol explained that a 5-phase program addressed those steps. The area was meant to be open space and wildlife habitat so he cautioned the need to be sensitive in defining use and to what level that use would then diminish those aspects of the property. A discussion followed as to the purpose of the facility.

**10:42 The Commissioners recessed and reconvened at 10:45:**

**E. 10:45 Executive Session to receive Legal Advice from the County Attorney pursuant to C.R.S. 24-6-402(4)(b) regarding issues related to the Personnel Policy Manual:**

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to enter into an executive session pursuant to C.R.S. §24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice on issues related to the Personnel Policy Manual. A roll call vote was taken on the motion with the following results.*

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

---

*Mary Deganhart, County Attorney*

---

*Lynn M. Padgett, Chair*

Those present for the Executive Session were Commissioner Padgett, Commissioner Meinert, Commissioner Albritton, Mary Deganhart, Connie Hunt and Sherry Peck, Human Resources Director.

**10:48 The Commissioners entered into an executive session:**

**11:10 Conclusion of executive session:**

The Board came out of executive session and Commissioner Padgett made the following statement. *"The Board has just concluded an executive session during which a discussion occurred relative to the Personnel Policy Manual pursuant to C.R.S. 24-6-402(4)(b). No formal action was taken during such session and the Commissioners were given legal advice from the County Attorney."*

**11:11 The Commissioners recessed and reconvened at 11:14:**

**F. 11:14 Executive Session pursuant to C.R.S. 24-6-402(4)(f) regarding a personnel matter:**

Commissioner Padgett explained that Norm Rooker and his wife, Vicki, were present and Norm Rooker had background information that he wanted to share on the record.

Rooker explained that he was unavailable for the first session that was offered because he was attending the Colorado Wildland Fire Incident Management Academy as a public information officer trainee. One of his duties was to make a presentation at the Board of County Commissioners meeting in Cañon City, a county much larger than Ouray County with a much greater tax base facing a call from the public for replacing the members of the Planning and Zoning Commission because they were upset with uranium mines opening up. He traveled 300 miles to hear some of the same issues that Ouray County was experiencing and he just wanted to share that with the Commissioners.

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to enter into an executive session pursuant to C.R.S. §24-6-402(4)(f) for discussion of a personnel matter at the employee's request. A roll call vote was taken on the motion with the following results.*

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

*Motion passed unanimously.*

Those present for the Executive Session were Sherry Peck, Human Resources Director; Connie Hunt, County Administrator; Mary Deganhart, County Attorney; Commissioners Albritton, Meinert and Padgett; as well as Vicki Rooker and Norm Rooker. Vicki Rooker was present at the request of Norm Rooker.

**11:18 The Commissioners entered into an executive session:**

*[There was no record of when the Board came out of executive session, no concluding statement, and no indication of when the Commissioners recessed for lunch.]*

**The Commissioners recessed for lunch and reconvened at 1:40:**

**G. 1:40 Land Use Item – Coral Bell Estates:**

**Purpose: Request for Final Plat approval**

Mark Castrodale, County Planner, was present. No one was present for Coral Bell Estates.

Commissioner Padgett noted that the Commissioners had received notification from the Applicant to table the request for 30 days.

In his Staff Report dated May 12, 2010, Castrodale discussed a revised resolution to amend the PUD agreement. At the meeting on January 4, 2010, it was noted that, according to Resolution 2007-032, *“the Ouray County Engineer and the Ouray County Road and Bridge Superintendent could approve any modifications to the approved design drawings during the construction of the PUD infrastructure.”* The Staff Report detailed what was and was not completed concluding that it was not complete. Castrodale suggested a discussion about due dates and what they meant. When the Developer submitted the requirements piecemeal it disrupted the flow in the office.

Commissioner Padgett agreed that everything should be submitted at the same time.

Castrodale discussed due dates. Peters had said that he was behind schedule because of the issues with the road and the power pole.

Commissioner Albritton felt the need to have a frank sidebar discussion with developers regarding timelines and deadlines.

Commissioner Padgett suggested accommodating Peters this time with a strong rebuke but also wanted to send something out to all of the developers explaining what was expected when submitting for final.

Deganhart pointed out that today was an extension of the deadline.

There was discussion of process and submittal requirements.

Commissioner Meinert agreed with granting an extension this time but the next date would be a drop dead date with the completed submittal.

Castrodale wanted to see the date for submittal in the resolution. He discussed the gray area between customer service and going overboard and becoming an inefficient office.

Commissioner Meinert wanted to see a letter from Staff at the next meeting accepting the 30-day delay but making it clear that the extension was a drop dead date and everything needed to be in the submittal.

Commissioner Albritton offered to sit down with Staff and the developer(s) to discuss deadlines and expectations.

Staff would bring a resolution back next week with dates, along with a letter to be signed by the Board.

**M/S/P**—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to grant a minimum of 30 days’ continuance, and for Staff to develop the appropriate language in a letter and modify the resolution to bring back for final approval next week. There was no discussion. Motion passed unanimously.*

**H. 2:12 General Business:**

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

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve warrants as presented. Discussion. Commissioner Meinert asked about refunds to Jim Ross. Hunt explained that the refund was part of the alternative energy program. With no further discussion, the motion passed unanimously.*

**2. Request for approval of July 8, 2010 Work Session and July 12, 2010 meeting minutes:**

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Padgett to approve the minutes for the July 8, 2010 Work Session and for the July 12, 2010 meeting as presented. There was no discussion. Motion passed unanimously.*

**3. Request for approval of position replacement for the Sheriff's Office: (Ratification)**

**M/S/P**—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to ratify approval of a position replacement for the Sheriff's Office as presented. Commissioner Albritton recused herself. With no further discussion, the motion passed.*

**4. Request for approval of position replacement for Public Health's Homemaker Program:**

Cheryl Roberts, Public Health Director, was present.

Roberts informed the Commissioners that Connie Lowe had resigned after nine years of service. She would post an ad for the 4-day a week budgeted position for the Homemaker Program.

Commissioner Meinert asked about outsourcing and providing the service on a contract basis.

Commissioner Padgett recollected that the Commissioners had rejected the idea when discussed before because an outside supplier would charge much more per hour.

Roberts further explained that the grant required that Ouray County be the agency managing the grant and overseeing the program to keep it local. She would pay more for an outsourced position than if the position was hired locally. Hunt explained that there was no company in the county and it would cost more to get someone from Montrose.

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve a position replacement for Public Health's Homemaker Program as presented. There was no discussion. Motion passed unanimously.*

**5. Request for approval of position replacement for the Clerk & Recorder's Office:**

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve a position replacement for the Clerk & Recorder's Office at 20 hours a week as presented. There was no discussion. Motion passed unanimously.*

**6. Temporary Access Permit for the U.S. Forest Service for the Mephistopheles Lode:**

Tammy Randall-Parker with the U.S. Forest Service was present.

Commissioner Meinert questioned Condition 2 that stated that the permit did not provide public access to national forest land. He pointed out that the County's three-fourth's claim was surrounded by Forest Service lands on all sides.

Tammy Randall-Parker agreed to strike the words "does not" before "provide" so that the corrected language would read, "This permit does not convey any right, title or interest in real property, and provides public access to national forest land."

Deganhart had an email from Liz Mauch and Jim Dunn who did not want the County to sign the permit. They asked that the County take out the extra language that the Commissioners had put in, and put it into a different document. Deganhart discussed her concerns about doing that.

**M/S/P**—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to approve and authorize the Chair's signature on a Temporary Access Permit for the U.S. Forest Service for the Mephistopheles Lode as presented with the change in Condition 2. Discussion.*

*Randall-Parker felt that Charlie Richmond may not sign the document with the additional clauses added by the Commissioners. The Perimeter Trail was originally proposed by the Ouray Trail Group. People critical of the Forest Service's desire to have this piece of the trail constructed by a contractor wanted to see it constructed by volunteers; however, the Forest Service was concerned about liability and wanted it done by a licensed, bonded contractor. She wanted to assure the Commissioners that the Forest Service was aware of the liability issues with this part of the trail.*

*Commissioner Albritton replied that if Richmond had issues with the permit then the Forest Service and the County could go back into negotiations.*

*With no further discussion, the motion passed unanimously.*

**7. Request for approval of final pay request for ECO Contracting for the Wildlife Mitigation Project: (Ratification)**

**M/S/P**—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to ratify approval of a final pay request for ECO Contracting for the Wildlife Mitigation Project as presented. There was no discussion. Motion passed unanimously.*

**8. Request for approval and authorization of Chair's signature on 2010 Fund Transfers:**

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve and authorize the Chair's signature on 2010 Fund Transfers, one from Other Administration to the Public Health Fund in the amount of \$75,000, the second transferring from the Road and Bridge Fund to the Paving Maintenance Reserve Fund in the amount of \$20,000, both of which were budgeted. There was no discussion. Motion passed unanimously.*

**9. Request for approval and authorization of Chair's signature on the Pre-Grant application for the 2010 CWPP Grant in the amount of \$5,210:**

**M/S/P**—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to approve and authorize the Chair's signature on a Pre-Grant Application for a 2010 CWPP [Community Wildfire Protection Plan] Grant in the amount of \$5,210 as presented. There was no discussion. Motion passed unanimously.*

**I. 2:39 Pete Blair with Blair and Associates:**

**1. Presentation of 2009 Audited Financials:**

Blair distributed reports titled "Management Report for Ouray County December 31, 2009" and "Financial Statements and Independent Auditor's Report as of December 31, 2009", and explained that he had tested the Public Trustee Fund hard this year because of foreclosures. *[The reports are maintained by the County Administrator.]* Everything was fine. Ouray County was required to have a single point audit. The new Sales Tax Fund was in now. He tested 65% of the expenditures with no problems. New amendments to GASB 54 would be going into effect for the audit of 2012. There was a new fund called the Public Health Fund. He had no disagreements with Administration. The County bought a boiler this year and set up an account through Wells Fargo escrow account that he had to pick up on the books.

Blair continued to go through and highlight certain aspects of the reports. Outstanding warrants continued to be worrisome and he felt compelled to get them off the books. The County needed to find out if it was still liable for the warrants and, if so, turn them over to the State of Colorado. Jeanne Casolari, Treasurer and Public Trustee, explained that in the past outstanding warrants were reported to the State but the money was put back into the General Fund.

Blair concluded that Ouray County was in better shape in 2009 than in 2008. The proposed amendments on the November ballot could turn that around and could have a huge impact. A discussion followed.

Blair explained that the County had to have two audits this year, the regular audit and the single audit. He highlighted the audit report and advised that the County would need a single audit again next year. He explained that anytime there was federal assistance over \$500,000 the government required that there be a single audit. He had to do compliance testing on 50% of the federal expenditures that were received. Because this was the first year that Ouray County was over the \$500,000, he had to select programs that were above 50% of the federal assistance. He tested LEAP and food stamps. There were no problems with compliance on either program. Next year, if the County was again over the \$500,000, it would be found to be a low risk audit and he would only have to test 25% of the total federal assistance. Stimulus monies were a little different.

**J. 3:00 Jeanne Casolari, County Treasurer:**

**1. Review and acceptance of Ouray County Public Trustee Report for June 2010:**

Casolari distributed a report titled "Ouray County Public Trustee 2<sup>nd</sup> Quarter Foreclosure Statistics." She pointed out that there were 10 new foreclosures in the month of June and 24 released Deeds of Trust - normally there were 50. Each month they were going down. For the second quarter, April to June, the number of foreclosure filings was 22 with 6 withdrawals and 3 cures. Eleven sales were held. This was significantly up from last year. She explained that a cure occurred when a homeowner worked with her to "cure" the default after foreclosure procedures had been started and a sale date set. On withdrawals, something happened behind the scenes to cause the withdrawal. There were a couple of weeks when there were no foreclosures. The numbers this year were in line with last year. Things were not letting up. A new foreclosure law would be effective beginning in August providing for an expedited foreclosure process when property owners abandoned properties and told their attorneys that they did not want to have anything else to do with it.

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to accept the Public Trustee Report for June 2010 as presented. There was no discussion. Motion passed unanimously.*

**2. Treasurer Update:**

Casolari reported that she sent out 687 delinquency notices on July 1, only 30 more than last year. The tax sale this year would take place on November 5. Tax collections as of the end of June were close to last year with 88.38% collected this year and 89.05% last year. The Registrar for Vital Statistics audited her office. She received 100% for both quarters.

**K. 3:13 Discussion of draft resolutions addressing proposed ballot questions, Proposition 101 and Amendments 60 and 61:**

Deganshart distributed a draft copy of resolutions addressing Amendments 60 and 61 and Proposition 101. A discussion followed.

Commissioner Meinert thought it would be helpful to keep in mind the purpose of the resolutions and how the Commissioners intended to use them. If it was to educate the public about the impacts before voting on the measures, it became informational. He asked if the intent was to publish the resolutions in the press or hope that the press would write its own article on them, or put them on the County's website in a special area other than resolutions.

Deganhart advised that the Fair Campaign Practices Act said that they could be distributed in the same manner as the County would distribute any other resolution. If a citizen group wanted to publish them in the paper they could do that.

Commissioner Albritton wanted to also get the local impacts out to the public.

Commissioner Padgett wanted to get something out to the public sooner than later.

A discussion followed as to how to tailor the resolutions to have the most effect.

### **C. 3:39 Commissioner / Administrative Reports:**

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

- 1) **Kinder Morgan and CR 17** She was hopeful that the issue was getting closer to being resolved. She received an email last week from the attorney for Travelers.
- 2) **Update on Tavitac** She asked to update the Board in an executive session.

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

- 1) **Western District Meetings RSVP** It was decided that Hunt, Albritton and Meinert would attend the meeting on August 5 from 10 a.m. to 3 p.m. in Friendship Hall at the Montrose County Fairgrounds.

**Commissioner Albritton** had nothing to discuss:

**Commissioner Meinert** had nothing to discuss:

**Commissioner Padgett** discussed the following:

- 1) **Field Trip** She advised that everyone was meeting at 8:45 a.m. tomorrow at the Ouray County 4-H Event Center to leave at 9 a.m. She encouraged the public to carpool.
- 2) **BOE hearings** She would not be available on August 4 except by telephone if necessary. Deganhart advised that there was no reason that the Commissioners could not have the August 4 Tavitac BOE hearing minus one Commissioner.
- 3) **Calendar** She would not be able to attend a CCI Ag Task Force meeting on Thursday, July 29 from 12:30-4:30. She forwarded the information to Assessor Mayfield.
- 4) **BLM RMP** This was the first BLM RMP to deal with renewable resources. She dialogued with Wes Perrin to make suggestions. A discussion followed.

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

### **3:58 Executive Session:**

**M/S/P**—*Motion was made by Commissioner Meinert and seconded by Commissioner Albritton to enter into an executive session pursuant to C.R.S. §24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice and C.R.S. §24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations relative to Tavitac. A roll call vote was taken on the motion with the following results.*

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

---

*Mary Deganhart, County Attorney*

---

*Lynn M. Padgett, Chair*

Those present for the Executive Session were Commissioner Padgett, Commissioner Meinert, Commissioner Albritton, Mary Deganhart and Connie Hunt.

### **3:59 The Commissioners entered into an executive session:**

**4:24 Conclusion of executive session:**

The Board came out of executive session and Commissioner Padgett made the following statement. *“The Board has just concluded an executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice and (c) to give Staff direction regarding ongoing negotiations with the Tavitac appeal process. No formal action was taken during such session and the Commissioners were given legal advice from the County Attorney.”*

**4:25 The Commissioners adjourned the regular session:**

**The Board of County Commissioners did not convene into a Work Session:**

OURAY COUNTY BOARD OF COUNTY COMMISSIONERS  
OURAY, COLORADO

ATTEST:

\_\_\_\_\_  
Lynn M. Padgett, Chair

\_\_\_\_\_  
K. Keith Meinert, Vice-Chair

\_\_\_\_\_  
Michelle Nauer, County Clerk and Recorder  
by: Linda Munson-Haley, Clerk of the Board

\_\_\_\_\_  
Heidi M. Albritton, Commission Member