

The Board of County Commissioners met in regular session on August 2, 2010. Those present for the session were 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. Lynn M. Padgett, Chair, was absent.

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

**A. 9:00 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.*

With no one for Call to the Public the Commissioners continued on to the next agenda item.

**B. 9:00 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. There was no discussion. Motion passed.*

**2. Request for approval and authorization of the Chair’s signature on a letter to John Peters regarding the Coral Bell Estates PUD Final Plat, and adoption of Resolution 2010-025 amending Resolution 2007-032 to amend certain language contained in the PUD Agreement for Coral Bell Estates pertaining to improvements to Coral Bell Drive:**

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve and authorize the Vice-Chair’s signature on a letter to John Peters regarding the Coral Bell Estates PUD Final Plat and adoption of **Resolution 2010-025** amending Resolution 2007-032 to amend certain language contained in the PUD Agreement for Coral Bell Estates pertaining to improvements to Coral Bell Drive, language that had been approved but never adopted by resolution reflecting changes to specifications to Coral Bell Drive and the new drawings approved by the County Engineer and Road and Bridge Superintendent, and setting deadlines for Final Plat. Discussion.*

*Commissioner Meinert noted the deadline dates on Exhibit “A” and wanted to clarify the dates. He asked to amend the language in the last sentence of Resolved Statement 2 to read “The specific improvements to be completed by the Developer prior to approval of the Final Plat are all those improvements and requirements listed on the attached Exhibit ‘A’ ” adding “except for the completion dates.”*

*Deganhart asked about attaching Castrodale’s Staff Memo dated June 1, 2010 to the letter. The Commissioners agreed to include it with the letter but not with the resolution.*

*With no further discussion, the motion passed.*

**C. 9:10 Commissioner / Administrative Reports:**

**Linda Munson-Haley**, Clerk of the Board, discussed the following:

- 1) **Code of Ethics** She advised the Commissioners that two representatives on the BOVA and two on Ridgway-Ouray Area Joint Planning Boards had not signed the Code. She noted that the BOVA was scheduled to meet in a few weeks. She asked for direction from the Commissioners. They suggested asking the BOVA representatives to sign before the meeting and that the Clerk of the Board should call the two representatives from the Joint Planning Boards.

**Commissioner Albritton** discussed the following:

- 1) **Calendar** Work Session tomorrow at 9 a.m. at Land Use and a meeting with Congressman Salazar at 3:30 p.m. at the Ouray County 4-H Event Center; a BOE hearing on Wednesday at 9:30; a CCI meeting on Thursday at 10 a.m. at the Montrose Fairgrounds; and a PLP meeting at 1:30 p.m. at the Ute Museum in Montrose.

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

- 1) **Golden Crystal Mining Claim** She distributed a summary memo from Mark Castrodale dated July 30, 2010, on the Golden Crystal Mining Claim explaining the status of an issue there. Staff will follow up with Garard.
- 2) **Multi-county resolution** Commissioner Pete McKay with San Juan County asked if Ouray County would join in a multi-county resolution opposing the proposed ballot amendments. A discussion followed.
- 3) **Calendar issue** Commissioner Padgett, Deganhart and Hunt met and Commissioner Padgett suggested that an August 10 work session on mitigation measures and regulation of mining activities be moved to October 5 to meet other agencies’ timelines. She had also suggested that the August 10 work session be either a debriefing of the July 27 field trip or a second field trip to visit the southern end of the county and Government Springs Road. Commissioner Albritton recognized the need for a trip to the southern end of the county but she was not as concerned about Government Springs Road noting that a lot of the issues there would have been issues visited on July 27. It might be better to take time and have a debriefing and then decide what they would want to visit during a second field trip. Commissioner Meinert wanted to debrief ridgeline/escarpment/setback issues, have an additional field trip to the mining claim areas and

CR 7 and CR 9. He wanted to ensure that the debriefing on the July 27 site visit would focus on skyline breakage issues, ridgeline / escarpment definition / setbacks. The next field trip to be scheduled for some time after the debriefing should focus on the extension of visual impact application. The reason he wanted to separate it into two separate categories was because he did not think that the Commissioners had seen enough of the county to be able to have a thorough debriefing on that subject on the basis of last week's visit. Deganhart suggested that the Commissioners may be able to have that discussion in tomorrow's work session. The Commissioners agreed to have the debriefing on August 10..

- 5) **Off-week work session in August** Commissioner Padgett had suggested in an email that the Commissioners consider setting up a work session on August 16 to begin workshopping economic considerations of the impacts. Deganhart advised that the request was driven in part because Deganhart would be gone on August 24 for BAA hearings, Commissioner Padgett would be gone the end of August and the beginning of September, and Deganhart would be gone for part of September for vacation. Commissioner Meinert asked to have representatives from both Chambers of Commerce present for the work session on the economic impacts of visual impact regulations that should focus 1) on landowners (from realtors on August 12), 2) on tourism and area economy (input from Ouray Chamber Resort Association [OCRA] and Ridgway Area Chamber of Commerce [RACC]), 3) on the cost to the County to enforce and implement the regulations that Christensen had prepared and would discuss, and 4) on the impact to homeowners from compliance with the visual impact regulations. All should be discussed at the same work session. He wanted to see input from those parties. Hunt will get with Castrodale. Commissioner Albritton advised that she had sent Karen Avery with OCRA a detailed email asking for comment from her or OCRA board members on the visual impact topic in general but had not heard back from her. She had heard from individual businesses but not from the chambers. The Commissioners agreed to have a work session on August 16.
- 6) **Building height work session** She scheduled the work session following the regular Commissioner meeting on August 23.
- 7) **Off-week work session in September or retreat** There was discussion of a time to discuss visual impact, to summarize the public input and consensus points, etc. possibly on September 21. Commissioner Padgett had also suggested setting aside a couple of days for an alternative facility gathering to wrap up visual impact in the form of a retreat. She wanted a longer, more concentrated period of time. Commissioner Albritton did not like the all-day work session idea or the idea of a two-day retreat. Hunt suggested blocking out a four-hour period and have a specific agenda. Commissioner Meinert noted the need to reconsider the schedule after each work session on visual impact where additional work or data gathering or technical input may be identified. He agreed that suggesting that a two-day retreat would wrap everything up was being overly optimistic.

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

- 1) **Tower** She received more communication from Attorney Bob Thomas on the Tower case. He had filed a motion to file supplemental claims regarding the look of the tower not being what was agreed to. There was discussion as to whether the judge could cease the "frivolous" lawsuits.

**Commissioner Meinert** discussed the following:

- 1) **BLM UFO** Commissioner Padgett had sent an email in anticipation of being absent and had two points that she wanted brought up during Admin reports. She reported that she had been working with the BLM UFO (Uncompahgre Field Office) to consider alternative criteria for determining potential for renewable energy projects. The upfront issue was the BLM's ranking of solar potential as low for the entire UFO. Commissioner Meinert continued to read from Commissioner Padgett's email where she went on to say that after some discussion with the BLM they would entertain other expert information. Commissioner Meinert agreed that the BLM should not pre-determine what the resource potential for solar energy was in this area. He suggested that Commissioner Padgett write back that the resource potential has to be determined later on a site-by-site basis using expert advice but to not hardwire a decision into the BLM RMP (Resource Management Plan) that would preclude future development potential of renewable energy sources on BLM lands. Commissioner Albritton asked if the letter should be from the Board. Commissioner Meinert pointed out that Commissioner Padgett was the Board's representative. A discussion followed.
- 2) **Wild and Scenic Rivers** The other item that Commissioner Padgett wanted discussed was the BLM Wild and Scenic Rivers Stakeholders Group. Commissioner Meinert read from Commissioner Padgett's email that as part of the RMP process the BLM was required to consider eligibility and suitability for wild and scenic rivers and to form a stakeholders group to vet the suitability criteria. The BLM asked Ouray County to be a stakeholder. The Colorado River District would facilitate the meetings for the Gunnison Basin segments. Commissioner Meinert asked what level of participation should the Commissioners engage in and should they participate as a stakeholder at meetings being organized by the Colorado River District. No river in Ouray County was being proposed for wild and scenic designation. He pointed out that Andy Mueller was Ouray County's representative to the Colorado River District and was its Chair. Commissioner Meinert felt that participation through Mueller was enough participation. Unless an individual Commissioner wanted to participate individually, he did not see the need to put this on the Board of County Commissioners' plate. Commissioner Albritton agreed and pointed out that there were already representatives through Tri-County Water, Shavano, and other water districts. She agreed not to take it on as a Board.

**Commissioner Albritton** *continued*:

- 2) **Ballot initiatives position** Club 20 took a position against the ballot initiatives and suggested a citizen-initiated campaign against the measures website where those opposed could sign a petition, [donthurtcolorado.com](http://donthurtcolorado.com). A discussion followed.

**10:03 The Commissioners recessed and reconvened at 10:33:**

**E. 10:33 The 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 2010:
  - b. Check Register for the month of June 2010:
  - c. Expenditures through Electronic Benefit Transfers, June 2010:
  - d. County Allocation / MOE Report, May 2010:
  - e. Balance Sheet, May 2010:

Allan Gerstle, Director of Social Services, was present and asked for approval of the reports.

**M/S/P**—*Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve the Earned Revenue and Expenditures Report for May 2010; the Check Register for the month of June 2010; Expenditures through Electronic Benefit Transfers for June 2010; the County Allocation / MOE Report for May 2010; and the Balance Sheet for May 2010 as presented; and to authorize the Vice-Chair's signature on the certification page. There was no discussion. Motion passed unanimously. Discussion.*

*Commissioner Meinert noted that the County Allocation / MOE Report indicated that Child Welfare was two times over budget.*

*Gerstle explained that he prepared the budget based on the allocation given to Social Services by the State. In Child Welfare, his department almost always spent more than what was allocated but they had a guarantee from the State to cover up to \$235,000 before getting into any difficulties. He could budget \$235,000 but had been advised to budget based on the allocation.*

*With no further discussion, the motion passed.*

**2. Review of Caseload Report for June 2010:**

Gerstle explained that his department was averaging one to two children in placement on any given day. If the department got into a child welfare situation and had to place four children for an extended period of time, it could exceed the \$235,000 without much difficulty. Social Services had a statutory responsibility to do that.

Commissioner Albritton asked if children were placed in homes in Ouray County or outside of the county.

Gerstle replied that they had some in Ouray County but most went to foster homes in the Montrose area. Children with special placement needs would go to Grand Junction or a residential facility in Cañon City or Denver. Deganhart added that most of the placements during her tenure had been specialized so a typical foster home would not work.

Gerstle concluded that he looked at food benefits as the best indicator of how busy his office was and he was showing 118 families. In January 2008, there were around 50 households. Now there were between 115 and 125.

**3. Discussion Items:**

- a. Governor's Child Welfare Working Group:**  
(Copy of letter from CCI President David Foy)

Gerstle referred to a letter from Washington County Commissioner Foy to Karen Beye and noted that there were two recommendations from the Child Welfare Action Committee that went to the new committee, the Governor's Child Welfare Working Group. When the group met on June 17, it decided that there was not enough time allowed in the Governor's Executive Order to deal with a restructuring or takeover of the Social Services programs statewide. The group would only evaluate a centralized call system for Child Welfare and have a recommendation to the Governor by the end of September. The fervor over the State's takeover was on the back burner for now.

- b. Citizen Review Panel:**

Gerstle advised that the Citizen Review Panel was duly constituted with the appointment of Randy Parker along with two San Miguel County residents. The panel members wanted to meet twice yearly.

- c. TANF expenditures audit:**

Gerstle recalled that a couple of years ago Ouray County had excess TANF monies and there was a push to spend the money. As a result, \$30,000 went to help the Voyager Program and some of the childcare organizations. The State did a neutral audit of the TANF expenditures and most of the counties failed the audit. Because of that, the State decided to look at all 64 counties. He alerted the Commissioners that there would be a State audit of Ouray County's TANF expenditures. He felt that everything was in order but based on what other counties had experienced there could be some problems. Among the counties that had problems, one county had used TANF monies to help the schools buy computers, and some contracts between counties and nonprofits were questionable. A discussion followed.

**d. CBMS (Colorado Benefits Management System):**  
(Copy of letter from CSSDA President Frank Alexander)

Gerstle explained that he wanted the Commissioners to see the latest letter from the Colorado County Social Services Directors Association President, Frank Alexander, to Governor Ritter and Leah Lewis, Acting State CIO in the Governor's Office of Information Technology. The letter mildly expressed the problems that the counties were having with CBMS. The response from the Governor's Office of Information Technology was less than good. It was a continuing struggle.

Commissioner Meinert related that Commissioner Padgett had raised a question in an email regarding this issue as to whether the letter should be copied to the federal government because of concerns of losing federal funding. Commissioner Meinert proceeded to read Commissioner Padgett's email.

Commissioner Meinert noted that the problems with the State system were well-outlined in Alexander's letter. The question was whether any additional pressure from the federal government would reinforce what the Directors Association was trying to accomplish, *i.e.* the cleanup and finalizing of the work on the CBMS system.

Gerstle pointed out that the feds had a regional office of human services and he was sure that they were aware of what was going on. The two sides of the coin were that the federal government was aware, had even paid for part of CBMS, but if the State did not meet certain guidelines the State could be sanctioned. If that happened and the State had no money, it would come out of the counties' allocations. It was suggested that maybe the Directors Association could address putting maximum pressure on the administration.

**e. Other:**

Gerstle related that he would have two budgets prepared this week, a regular budget and a crisis budget. When just looking at savings on his three employees, there would be a savings of \$3,352 of county money but it would cost \$13,410 of state and federal money. There would be a domino effect when making reductions to the budget.

**D. 11:07 The Board of Social Services reconvened as the Board of County Commissioners who then convened as the Board of Health concerning the following items:**

**1. Request for approval and authorization of Chair's signature on a CDPHE Immunization Program Amendment 35 Immunization Funds for Local Public Health Agency Statement of Work for FY 2010-2011:**

Cheryl Roberts, Public Health Director, was present. Public Health had been receiving this funding since the State began allocating funding from the tobacco tax. The majority of the Amendment 35 funding came from the tobacco tax with a small amount from the tobacco settlement. It was late this year because the State was late getting the funds. Years ago the immunization contract earlier this year was federal pass-through.

Commissioner Meinert verified that the money covered the administrative costs of providing the services but did not cover the immunizations themselves. Roberts noted that the immunizations were paid for by the charge to the public for them adding that the costs were audited by the State to keep them in line.

It was clarified that the County was not receiving any more or less funding depending on the amount of utilization.

This immunization program was for children only.

*M/S/P—Motion was made by Commissioner Albritton and seconded by Commissioner Meinert to approve and authorize the Vice-Chair's signature on a CDPHE Immunization Program Amendment 35 Immunization Funds for Local Public Health Agency Statement of Work for FY 2010-2011 as presented and the Fiscal Impact form as presented. There was no discussion. Motion passed.*

**11:21 The Board of Health reconvened as the Board of County Commissioners who 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:

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Lynn M. Padgett, 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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Heidi M. Albritton, Commission Member