

The Board of County Commissioners met in regular session on February 7, 2012. Those present for the session were Heidi M. Albritton, Chair; F. Mike Fedel, Vice-Chair; Lynn M. Padgett, Member; Connie Hunt, County Administrator; and Linda Munson-Haley, Clerk of the Board.

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

A. 9:06 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.

County Attorney Applications

Sherry Peck, Human Resources Director, advised the Commissioners that she had received three new applications for the County Attorney position. That brought the total to twenty. Commissioner Albritton said that the Commissioners would look at the new applications and discuss them later in the day.

Willows

Commissioner Padgett had a conversation with a Log Hill resident who was curious as to why the Delta Force and Road crews were cutting down willows on CR 24A. Hunt would look into it.

Vicious Dogs

Commissioner Padgett related that she was still receiving calls from the public telling her that the Sheriff's Office continued to tell them that the Commissioners would not do anything about vicious dogs. Second Chance did not take in vicious dogs. The Sheriff's Office was not trained to work with vicious dogs but was looking into a contract to hire someone to deal with the issue when it arose. She asked Hunt to contact the Sheriff's Office to get more information about costs and budgeting to contract the work out.

J. 9:15 Commissioner/Administrative Reports:

Commissioner Albritton discussed the following:

- 1) **Jury Trial in BOCC Room** Commissioner Albritton received a request from Judge Deganhart asking to use the Commissioners' meeting room for a jury trial on May 1. The meeting location for that day would be switched to the Ouray County 4-H Event Center. A discussion followed on space requirements and included the need for a room for the Clerk for elections.
- 2) **Work Session Change** She asked to move the work session that had been scheduled for March 14 to discuss organizational structure to Monday, March 12 at 1:30 p.m. instead. Commissioners Fedel and Padgett agreed.
- 3) **Region 10 Update** The City of Montrose had proposed doing its own revolving loan fund. Michelle Gad was the new Area Agency on Aging Director. Gad redesigned the RFP (Request for Proposal) process and was enthused about getting things going down a more productive path. Commissioner Albritton noted that issues were arising with Touch of Care. The Mayor of the City of Montrose had requested a copy of the recording from one of the recent Region 10 meetings and Paul Gray refused for confidentiality reasons. Commissioner Albritton wanted to discuss developing a policy at Region 10 for transparency and the Sunshine Law at the next Region 10 executive board meeting. The Region 10 Board retreat would be held in March to discuss improvements.

Connie Hunt, County Administrator, discussed the following:

- 1) **Tech Assessment** She scanned in the two proposals that the County had received for a Technology Assessment and asked if all of the Commissioners wanted to be involved in the process. Commissioners Padgett and Fedel wanted to be included.

Commissioner Albritton continued:

- 4) **Brown Bag** She had received confirmations that most of the elected officials and department heads could attend a brown bag luncheon in April.
- 5) **Open House** She wanted to identify a date to host the first "open house", possibly in June. Commissioner Padgett wanted to hold off until September if the Commissioners were not ready by May. Commissioner Albritton agreed. She explained that one of the Commissioners' goals was to host two open houses a year for public outreach to let the public know what was going on in the County organization and what was on the radar. Commissioner Fedel wanted to wait until the fall, also.

Commissioner Padgett discussed the following:

- 1) **WENS** She was pleased with the WENS notices of late regarding controlled burns and the Amber Alert. She heard from one citizen who thought that the messages were too prolific but when the Sheriff explained the recent legislation to her she understood the need. Commissioner Padgett suggested that citizens could sign up to only receive email messages if the cell phone text messages were too much, or they could mute the ringtone notification on their cell phones.

B. 9:38 Shirley Diaz, Executive Director, San Miguel Regional Housing Authority (SMRHA):

1. Discussion with Ouray County Housing Authority and Delta Housing Authority regarding the potential implementation of a countywide rehabilitation and down payment assistance program:

Todd Wicklund was present.

Diaz explained that the Down Payment Assistance (DPA) and Regional Housing Rehabilitation Programs were actual money left over from the WCHDO (Western Colorado Housing Development Organization). The Delta Housing Authority ended up with those funds and started using them in Delta County. As Todd Wicklund got familiar with his job and how the program worked, he reached out to Montrose and then to San Miguel County, skipping over Ouray County because at the time there was not a housing authority here. Once the Ouray County Housing Authority (OCHA) in Ouray County was established, Jen Coates tried to get some of the funds. Because there was no staff or budget it could not be done through OCHA because it was an enterprise entity and there was a limitation on how much the budget could increase or decrease annually. The Town of Ridgway Attorney was not comfortable with the IGA because he felt there was too much liability.

For Ouray County with the rise in foreclosures and the drop in assessed property values, there really was an ability for a broader, local AMI (Area Median Income) range to purchase. The DPA was very useful. It was a very low interest loan and served the 80% AMI and lower. It did not cost anything to anyone but the homebuyer who had to have a down payment to purchase the home. It was a loan; it was a second that followed federal guidelines. These programs required homebuyer education taught by Diaz and Todd Wicklund, who were certified teachers.

Todd Wicklund delivered a PowerPoint presentation. He had been with the program for quite awhile. It was a regional program and the dollars had always been meant for the region. The main goals of the Regional Housing Rehabilitation Program was to address and often mitigate architectural barriers, age-in-place barriers, energy efficiency, and healthy homes – any kind of radon, lead paint, asbestos problems. It was all dependent on the loan amount. It was for low to moderate income households. Typical households included those on Social Security and the underemployed. People who were financially eligible for the program at the time of application did not have to remain at that income level to keep the loan. If their income went down, allowances could be made for forbearance or adjustment on the payments, and some were even deferred. A typical payment was \$50 a month. They would never be disqualified or asked for more. The Ouray County maximum income levels ranged from a family size of one with a maximum annual income of \$38,300 (about \$18/hr) to a family of eight with a maximum annual income of \$72,150.

The program helped the homeowners in two ways: 1) with an affordable loan, and 2) with project supervision or consultation to help determine the scope of work, assist with selecting contractors, and provide consultation and inspections through completion of the project. This service was provided for free. There were lead-based paint guidelines to follow and to get ahead on that Wicklund did the testing and clearance, himself, so that the cost did not get passed along to the homeowner. He could do most of it as part of his job because he was certified. There was a small cost to send samples to the lab. He was trained to teach the class to certify contractors. It was not free but was cheaper than going to Denver. The cost was \$175 for an 8-hour class. The Office of Resource Efficiency in Gunnison County came up with financial assistance for the training. The EPA required a \$300 application fee per firm. The tester would have to purchase certain equipment that could be another cost.

Wicklund went through the process. He sat down with the applicant to determine property eligibility according to federal and state guidelines, and to determine the homeowner's needs and wants. They often came up with more things than they could afford and he would take the higher number to the loan committee that was made up of business professionals, civic leaders, and representatives from Social Services agencies. The loan applicant remained anonymous. If approved, he and the homeowner would determine the scope of work and choose a list of contractors. The homeowner was encouraged to take an active part in both, and the homeowner chose the contractor. Payment was released only after approved by Wicklund and the homeowner.

Diaz explained some of the particulars of the IGA and funding. There would be an annual review and annual funding. Wicklund would only be able to get the two homes in Ridgway done because the funding was available for them.

Wicklund discussed the Cost / Benefit of the program. The State Program Guidelines required that matching funds be provided by the local government of the community served. That would be \$500 per rehabilitation project completed to help defray the cost of program administration including travel expenses relating to construction supervision. The cost was only accrued on applications that became completed projects. That amount could leverage up to \$25,000 of rehab work typically.

Wicklund briefly discussed the DPA program that was for first-time homebuyers with an income eligibility of 80% AMI. The loan amount could be up to 4.5% of the purchase price up to \$11,700 with a loan to value of 105%. It could be used for down payments, closing costs, and mortgage buy-downs. The borrower needed to come up with \$1,000. A small loan fee was typically less than \$50. There were no fees required to the local government.

Commissioner Albritton explained that to move forward the County needed an IGA and would have to put it on a future agenda.

Commissioner Fedel felt that it was a very economical way to start down the path of affordable housing. The education coming out of the program was free. If the Commissioners could have the Attorney review the IGA and mollify their liability concerns, he felt that the County should go along with this.

Commissioner Padgett agreed with Commissioner Fedel. She wanted to direct Staff to look at the IGA and see if there were any barriers to moving forward and then sign the IGA at some time in the future. She asked Diaz to brainstorm for ways to look for funding to defray the costs of contractor training and EPA fees.

Diaz suggested that maybe the Workforce could pay the fee for unemployed contractors, etc.

All of the Commissioners agreed to schedule an item on a future agenda for consideration of the IGA.

Diaz reported that there was a housing meeting of the mountain regions on February 17, 2012 in Salida that she would attend and represent Ouray County along with San Miguel County. She was working on an annual OCHA update for 2011.

C. 10:16 Yankee Boy Conservation Association Representatives:

1. Year-end Update:

Bob and Helen Oliver with the Yankee Boy Conservation Association (YBCA) provided a year-end update to the Commissioners. Bob Oliver, President of YBCA, noted that the YBCA was in its tenth year and still going strong.

YBCA's core mission was to provide a presence in the high country to encourage tourists to tread lightly. That was accomplished with the help of the Alpine Hosts who meet and greet the visitors to the area. The Alpine Hosts had always been well received by the tourists. They had information and handed out brochures. Their main focus was to let the tourists know that the locals cared about what happened up there. On a broader scale, the mission involved resource protection that had a goal of enhancing tourism. One specific example was that most of the land accessed by 4-wheel-drive roads in the Yankee Boy / Canyon Creek area was private. The Alpine Hosts encouraged the tourists to treat the private land well in hopes that the private landowners would continue to allow access to the land.

Last summer, Alpine Host Art Spomer, a longtime host, was in the high country a day or two a week, along with other hosts. The full-time host recruited in cooperation with the Forest Service did not show up. Regardless, everything still went well and there were no problems. Hopefully, the position would be filled this summer.

Jim and Claire France were recruited by the Forest Service as Campsite Hosts for Thistledown for their third summer and would be back in 2012. YBCA assisted the Campsite Hosts.

Many hours were spent in meetings and administrative projects. YBCA worked closely with the Forest Service.

Accomplishments were pretty much the same as in previous years. In cooperation with the Ouray County Commissioners and the Forest Service, YBCA worked with the dumpster at Angel Creek that the Commissioners funded each year. He thanked the Commissioners for the funding. It was important to have some sort of trash collection in the canyon. Helen Oliver noted that there had been problems with people dumping household trash in the dumpster in the past but that seemed to have gone away. They experimented with not locking the dumpster and that had worked well.

Bob Oliver reported that the emergency phone located at the turnoff to the old Imogene Pass road for several years was working all year now. YBCA worked with the Forest Service and the Ouray County Sheriff's Office to keep it working.

The Slow and Quiet Zone declared by the Commissioners seemed to be working well. There was very little loud or excessively fast use. The Olivers lived close enough to hear. "Slow" meant to obey the County speed limit and "Quiet" meant to have a street legal muffler.

YBCA had two ongoing projects. The Forest Service had been talking about a walk-in campground near the composting toilet aimed at people climbing Mount Sneffels. YBCA had been talking with the Forest Service about a toilet on the Ouray County side of Imogene Pass at timberline.

YBCA continued to work with the Forest Service and the relationship continued to be good. It had not started out that way ten years ago but it was working now. The Forest Service Recreation Director, Ken Straley, had left the area but was still helping from afar. The Forest Service did not replace him but gave his job to someone else to take over along with their regular job. That person was helpful but not overly so.

Commissioner Albritton thanked the Olivers and was glad that it had been a successful program for ten years. The Commissioners supported what they were doing and the County had budgeted for the dumpster again for 2012.

Commissioner Padgett wanted to put the three brochures on the county's website.

D. 10:31 General Business:

6. Request for approval and authorization of Chair's signature on the Request to Fill Part-Time Paramedic Position form:

Kim Mitchell, Chief Paramedic, was present.

Commissioner Padgett asked Hunt about budgeting for two 24-hour positions. Hunt explained that she had budgeted for one 24-hour and one full-time position. Commissioner Padgett asked if the new position was to include benefits.

Hunt and Mitchell replied that they had budgeted for benefits. Hunt explained that the Commissioners may want to increase the hourly rate for this position because the person who was proposed to get the position was a paramedic and should get paid more than an EMT-I.

Mitchell explained that none of the on-call hours were included. The employee whose hours had been reduced to twenty-four was not on call at all and that meant that everyone else had to increase their on-call hours.

Hunt added that the compensation for volunteers was above the minimum wage. There was some confusion about compensation for the ALS (Advanced Life Support) personnel.

Commissioner Albritton suggested that it could be a good work session topic. Hunt wanted to just talk about the issue internally. Commissioner Padgett wanted the Interim County Attorney in the loop to ensure that there was not a labor law problem.

Mitchell reported that she had looked at the labor laws and felt that they were being observed. As a contract employee the person would need to get paid for all of the time worked. The reason she was considering this particular person was because the person would be available all of the time as opposed to someone else who would only want to work the hours that they were scheduled. A discussion followed.

Hunt and Mitchell agreed to get together to discuss staffing hours and departmental issues.

Commissioner Padgett wanted to revisit the request next week and set for approval at that time.

Mitchell added that the benefits package was what would keep the person from taking another job and not being available all of the time. There was more discussion about the importance of a benefits package for certain departments. Hunt cautioned that she wanted to ensure that the County was being equitable for all departments.

1. Request for approval of warrants:

M/S/P—*Motion was made by Commissioner Fedel and seconded by Commissioner Padgett to approve warrants as presented including an Inspiron warrant for \$3,125.00. There was no discussion. Motion passed unanimously.*

2. Request for approval of the January 24, 2012 Minutes:

Commissioner Padgett had some questions and suggested changes.

M/S/P—*Motion was made by Commissioner Fedel and seconded by Commissioner Padgett to approve the minutes for January 24, 2012 as amended. There was no discussion. Motion passed unanimously.*

3. Request for adoption of Resolution 2012-003 regarding Disbursement of National Forest Payments and Motor Vehicle Funds Monies:

M/S/P—*Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to adopt Resolution 2012-003 regarding Disbursement of National Forest Payments and Motor Vehicle Funds Monies as presented. There was no discussion. Motion passed unanimously.*

4. Request for approval and authorization of Chair's signature on Certification of Compliance form concerning Immigration Status – Cooperation with Federal Officials to meet the requirements of SB06-090:

M/S/P—*Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to approve and authorize the Chair's signature on a Certification of Compliance form concerning Immigration Status – Cooperation with Federal Officials to meet the requirements of SB06-090 as presented. There was no discussion. Motion passed unanimously.*

5. Ratification of action taken at the January 24, 2012 Board meeting approving the Release of Performance Bond for Coral Bell Estates PUD and authorizing the Chair's signature on the release form:

M/S/P—*Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to ratify approval of release of a Performance Bond for Coral Bell Estates PUD and the Chair's signature on the release form. There was no discussion. Motion passed unanimously.*

7. Request for approval and authorization of Chair's signature on Memorandum of Understanding regarding the Control of Confidential Data:

Commissioner Albritton noted that this was in regard to local sales tax collection data.

M/S/P—*Motion was made by Commissioner Fedel and seconded by Commissioner Padgett to approve and authorize the Chair's signature on a Memorandum of Understanding regarding the Control of Confidential Data as presented. There was no discussion. Motion passed unanimously.*

8. Request for approval of appointments/reappointments to the Ridgway-Ouray Area Joint Planning Boards:

M/S/P—*Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to agree with the request from the City of Ouray to approve the appointment of Tamara Gulde to replace Michael Underwood, and to reappoint Bud Zanett to the Ouray Area Planning Board for three years to expire on January 31, 2015. There was no discussion. Motion passed unanimously.*

M/S/P—*Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to agree with the request from the Town of Ridgway to reappoint Rick Weaver, to appoint Rodney Fitzhugh to replace Paul Hebert for three years to expire on January 16, 2015, to appoint Ellen Hunter to complete Pat Willits's term due to expire on January 16, 2013, and to appoint Tim Patterson to complete Rodney Fitzhugh's term due to expire on January 16, 2013 to the Ridgway Area Planning Board. There was no discussion. Motion passed unanimously.*

9. Revisit of Board of Visual Appeals appointments and consideration of reappointments of regular and alternate positions:

M/S/P—*Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to change the appointments previously made and to appoint John Nixon as an alternate to the Board of Visual Appeals with a term to expire on January 9, 2015 and in his place appoint John Clark to be a full member of the Board of Visual Appeals with a term to expire on January 9, 2015. There was no discussion. Motion passed unanimously.*

E. 11:02 Land Use Item(s):

1. Discussion of Land Use Priorities:

Mark Castrodale, County Planner, was present.

Castrodale had provided a memo dated January 23, 2012 in which he addressed a possible amendment to the Land Use Code to allow farming/ranching producers to conduct "farmers' markets or produce stands" on properties designated as "agricultural" by the Ouray County Assessor's Office, along with a draft revision to the definition of "Farming/Ranching." To a question by Commissioner Fedel, Castrodale advised the Commissioners that he tried to find the information locally but could not and found most of it in Washington. It was not a zone-specific use but an ag-specific use. He took the simplest approach and thought that the County could operate under this definition.

Sellers advised that the County basically had a defined use and this was to make the definition include this activity.

Commissioner Padgett wanted to reword the last line to read "...that offer for sale products produced, crafted or created within Ouray County and/or the Uncompahgre Valley".

There was some discussion about the regional application and all agreed to say "...within the Western Slope."

Castrodale said the language had been polished by David Masters, Interim County Attorney.

The Commissioners discussed Section 8 and the sign code.

Commissioner Albritton returned the discussion of the resolution setting priorities for Land Use issues and Land Use Code revision review. She noted item "c" in the resolution and explained that the Commissioners had a work session on it and agreed that at this stage in the game there were more important things than digging into 1041.

Sellers advised that Castrodale had reviewed the 1041 regulations that were in the Code but were not effective and he was of the opinion that there was no need to pull them out. They were ready to repeal those sections. She reminded the Commissioners that they were having the 1041/water work session later this month.

Commissioner Fedel asked to outline the specific provisions that would be repealed for him to review.

Commissioner Padgett wanted to bump it to "b" and make Section 8 the new "c".

Castrodale suggested that Planning Commission could do the "produce stand" concurrent with Section 9.

Commissioner Albritton said that Section 8 needed to remain where it was or bumped up to be before 1041.

Commissioner Padgett wanted to see the ag piece done before the growing season began. Ideally, she wanted the sign piece done before June or, if not, before the end of the summer.

Castrodale said that the Planning Commission was at a critical juncture with visual impact and was making real headway. If the Commissioners put Section 8 concurrent with that it would risk setting visual impact back by taking on these other things. Because the sign code was vague he asked if the Board of County Commissioners could pass a resolution to allow for off-premises signs.

Commissioner Padgett suggested that the Commissioners could do an emergency resolution to allow for temporary off-site signs for the summer if Attorney Sellers was in agreement.

Commissioner Albritton clarified that "b" would remain where it was and they would put the new definition as a new "c". Castrodale "b" was done for all practical purposes. Put the sign code as the new "d" and bump 1041 down a notch.

Sellers interjected that in response to Commissioner Fedel's request to review the sections to be repealed, it would be Chapters 11, 12, 13 and 14. Chapter 10 remained in place. She asked about a sign regulation and wanted more clarity.

Commissioner Albritton explained that the Commissioners were looking to allow for temporary directional signage so that ag operations could indicate where their farm stands were, so that places like Divide Ranch could indicate where their clubhouse was—

Commissioner Padgett interjected that it say temporary signage for ag "and amenities" in the county that were offsite and limited to 3 feet wide by 2 feet high, for six months starting in May through November. A discussion followed.

Commissioner Fedel suggested that it go through December 31, 2012.

Commissioner Padgett suggested that the resolution could say that the Board was enabling temporary offsite signs for an interim period while they were examining Section 8 of the Land Use Code to offer a permanent mechanism for offsite signs. It was their hope that the temporary signs would attempt to meet the spirit and intent of the current Section 9.

Castrodale pointed out that in Resolution 2011-043, "b" stated concurrent with Section 9. He asked if the produce stand should have the same language. Commissioner Albritton yes. Castrodale asked if he would need a resolution to send it to Planning Commission. He also suggested that it would be nice to have a work session with the Board on "signs" to brainstorm an outline as a starting point for Planning Commission. Commissioner Albritton agreed. She asked Castrodale to let them know when it would be a good time to have the work session.

Resolution 2011-043 would be revised and brought back next Tuesday.

F. 11:34 Second Reading of proposed Ordinance Authorizing the Identification of "Red Flag" Fire Days and Establishing the Ouray County Open Burning Notification System for the Purpose of Safely Disposing of Slash:

Commissioner Albritton opened the public hearing on the Second Reading of a proposed Ordinance Authorizing the Identification of "Red Flag" Fire Days and Establishing the Ouray County Open Burning Notification System for the Purpose of Safely Disposing of Slash.

Sellers prior to this coming before the Commissioners she had contacted the District Attorney (DA) to ensure that Section 9 of the Ordinance was appropriate. She did not hear back from him until after the First Reading. The County did not have an IGA [*Intergovernmental Agreement*] with the DA's office to prosecute violations of the Ordinance; therefore, Section 9 needed to come out and the following sections renumbered. She added that the officer or the county attorney could prosecute. There was some discussion about getting an IGA with the DA so that references in the OHV Ordinance and the Model Traffic Code Ordinance would be valid. She explained that those portions were not enforceable. There were severability provisions so that those paragraphs would not invalidate the ordinances.

Commissioner Albritton directed that Section 9 be removed.

There was discussion about how much of the Ordinance needed to be published in the newspaper. Commissioner Fedel wanted to put the entire Ordinance in the paper. The other Commissioners agreed.

Commissioner Padgett wanted to collect the bills associated with the implementation of this ordinance and send a note to Ouray County's Senator and Representative, and CCI, about how much this unfunded mandate cost the County. She wanted to include the cost of WENS.

Sellers advised that the Ordinance would be published on Thursday and would be effective March 10, 2012.

M/S/P—*Motion was made by Commissioner Padgett and seconded by Commissioner Fedel to approve and adopt Ordinance 2012-01 Authorizing the Identification of "Red Flag" Fire Days and Establishing the Ouray County Open Burning Notification System for the Purpose of Safely Disposing of Slash with the modification that Section 9 would be deleted in its entirety causing Sections 10, 11 and 12 to be numbered consecutively as 9, 10 and 11; and to publish the Ordinance in the Ouray County Plaindealer at the earliest publication date resulting in the Ordinance taking effect thirty days after publication. There was no discussion. Motion passed unanimously.*

Commissioner Albritton closed the public hearing.

G. 11:46 County Administrator Evaluation Wrap-Up:

Commissioner Albritton wanted to sit down with Hunt separately from the Board meeting because of the feedback she had received from the other Commissioners regarding how the scaling worked and the format of the evaluation process.

The Commissioners continued with their evaluation of the County Administrator.

J. 11:54 Commissioner/Administrative Reports, *continued*:

Connie Hunt, County Administrator, *continued*:

- 2) **Liquor Liability Insurance** The Liquor Liability Insurance for the Fairgrounds was renewed.
- 3) **Draft Budget Brochure** She distributed a draft copy of a Budget At-A-Glance brochure for the Commissioners' review. The Commissioners directed that Hunt include her name on the cover. Commissioner Albritton asked to include some numbers in the mill levy graphs. Commissioner Padgett asked to include information about WENS and TNS, and the prescription drug card on the inside of a mailing cover sheet. There was more discussion about possible distribution options.

12:01 The Commissioners recessed for lunch and reconvened at 1:32:

H. 1:32 Discussion of possible policy development regarding the sale of County-held tax liens:
(An executive session may be required to receive legal advice from the County Attorney.)

Jeannine Casolari, Treasurer, and Susie Mayfield, County Assessor, were present.

Interim County Attorney Sellars talked about policy and distributed copies of C.R.S. § 39-11-120, C.R.S. § 39-11-122, and C.R.S. § 39-11-142 and a case pertinent to the discussion before the Colorado Court of Appeals. She explained that the County Treasurer had full authority to sell tax liens, if the full amount was offered, without asking the Board of County Commissioners. If less than the amount due was offered, if it was under \$10,000, she had to come to the Board of County Commissioners; if it was more than \$10,000, she had to send it to the Division of Property Taxation (DPT). As far as process, taxes are assessed by Assessor Mayfield along with a due date to pay. If the taxpayer does not pay the taxes due by the due date then Treasurer Casolari sends out a delinquent tax notice. If the taxes are still not paid, Casolari advertises in the newspaper weeks before the tax sale advising about delinquent taxes that are to be sold at the tax lien sale. Every year the Treasurer is required to collect all of the taxes due, whether they are paid by the owner or at a tax lien sale. That was how the taxing authorities received their monies. If there are no bids to pay the taxes for a piece of property, Treasurer Casolari strikes it off to the County and it becomes County-held. In all of her years as Treasurer, Casolari related that none had been County-held; they always sold at the sale.

Assessor Mayfield asked to clarify that once it became County-held it did not go to sale.

Casolari said that was correct. Citizens could come in and ask for assignment and the lien would be turned over to them after they paid the taxes. She added that even though there was a lien, the tax notice still went out to the property owner each year.

1:47 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:

M/S/P—Motion was made by Commissioner Fedel and seconded by Commissioner Padgett 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 relating to the sale of county-held tax liens.

A roll call vote was taken on the motion with the following results.

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

There was no discussion. 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.

The Masters Law Firm, Interim County Attorneys

Heidi M. Albritton, Chair

Those present for the executive session were Interim County Attorney Kathryn Sellars; Jeannine Casolari, Treasurer; Susie Mayfield, County Assessor; Commissioner Albritton; Commissioner Fedel; Commissioner Padgett; and Connie Hunt, County Administrator.

[Recording of this executive session was made by Kathryn Sellars who would retain the recording in her records.]

1:49 The Commissioners entered into executive session:

2:17 The Commissioners reconvened into regular session:

Commissioner Albritton noted for the record that the Commissioners came out of an executive session to receive legal advice about tax lien sales and she asked for a motion to enter into a second executive session to receive advice on the Horizon Ranch, the Gunn matter, and the Divide Ranch. Commissioner Padgett asked to receive advice in the executive session on the Lindley matter.

I. 2:17 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:

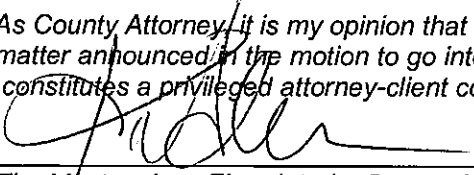
M/S/P—Motion was made by Commissioner Fedel and seconded by Commissioner Padgett to enter into an executive session pursuant to C.R.S. § 24-6-402(4)(b) for a conference with the County Attorney for the purpose of receiving legal advice on matters relating to Horizon Ranch, the Gunn matter, the Divide Ranch and the Lindley matter.

A roll call vote was taken on the motion with the following results.

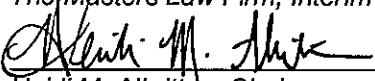
Commissioner Albritton voted in the affirmative
Commissioner Fedel voted in the affirmative
Commissioner Padgett voted in the affirmative

There was no discussion. 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.



The Masters Law Firm, Interim County Attorneys



Heidi M. Albritton, Chair

Those present for the executive session were Interim County Attorney Kathryn Sellars; Commissioner Albritton; Commissioner Fedel; Commissioner Padgett; and Connie Hunt, County Administrator.

[Recording of this executive session was made by Kathryn Sellars who would retain the recording in her records.]

2:18 The Commissioners reconvened into executive session:

3:08 The Commissioners reconvened into regular session:

Commissioner Albritton noted for the record that no decisions were made in the executive session.

J. 3:08 Commissioner/Administrative Reports, continued:

Kathryn Sellars discussed the following:

- 1) **OHV Petition** The Masters Law Firm was contacted by Steve Zwick, and David Masters had a telephone conference with San Miguel County Attorney Steve Zwick, San Juan County Attorney Paul Sunderland, and Hinsdale County Attorney Michael O'Loughlin. The Forest Service was trying to obtain grant funds from the State OHV Fund but were turned down because Parks and Wildlife was unhappy with the OHV ordinances in all four counties. Tim Monahan with the State Attorney General's Office assigned to Parks and Wildlife had an idea that the interested parties could petition the agency for amendment of a rule that could carve out and recognize the counties' OHV regulations as they stood for the four counties. The question was would Ouray County be interested in being a party to such a petition. Steve Zwick would set up a meeting with the Ouray County Commissioners to discuss it further.

Commissioner Padgett continued:

- 2) **Legislative Update** She updated the other Commissioners on her meeting at CCI.

OHV Commissioner Padgett picked up on the previous discussion. The State Parks had an issue with liability insurance and age limits. The Counties had the authority to craft local regulations as long as they were not "in conflict" with the State Statutes. This gave them some local control. Her question was how could there be a State Statute that allowed Counties to craft legislation and then have the State Parks Board claim that because there was a difference from the State Statute that allowed this, it was inherently in conflict. She reported that Tim Monahan with the State Attorney General's Office had been copied on emails regarding this issue and he claimed that the four Counties' regulations were definitely in conflict. That was why any grant applications from the four counties were graded and ended up on the bottom of the stack with the least number of points. She asked why no one went after the perception that the Counties were in conflict questioning why they were in conflict. Commissioner Padgett wanted to propose

legislation that would make it illegal for a board to demote an application based on local regulations that local governments were given the authority to craft.

State Representative Priola from Adams County introduced HB12-1066. CCI was opposed to it because it removed local control. The Speaker of the House wanted the bill and Priola was fronting it. The majority of the bill was about legitimizing OHVs and creating a mechanism to title them. There were issues when trying to get a loan as far as high interest rates and insurance was different. The Bill would authorize OHVs to be operated on all county roads with the limitations that the "rider" must be licensed and Commissioner Padgett pointed out that it did not say that the "driver" had to be licensed, the vehicle must be registered with the Department of Revenue, the vehicle must be insured, and it could not be driven on a road with a posted speed limit of more than 45 mph, except to cross it. However, the OHV speed would be capped at 40 mph. The vehicle could not be operated on a limited-access highway or state highway, except that the Department of Transportation could authorize the use of OHVs on state highways outside of municipalities. The vehicle cannot be driven in certain counties or municipalities with larger populations unless the local government specifically authorized it. That was the "opt in". The voters would have to vote it in. The driver cannot carry more people than the OHV was designed for, it had to have equipment standards, and it had to obey the rules of the road. A dealer could issue a temporary registration for OHVs. The plates would not need to be renewed. The owner paid the registration fee of \$10 along with some minor fees. This would create a new class of sports vehicles to include snowmobiles called Powersports Vehicles. She continued to read and discuss some of the points of the bill. Smaller counties would have to "opt out" through a ballot initiative. For municipalities with a population of less than 5,000 the bill would repeal all local OHV ordinances and they would have to go to a ballot measure to reenact them. The proponents said that smaller areas did not understand economic development. She wanted to do a local resolution with other counties in the area saying that the bill was against principles that were adopted locally. CCI's position was they would like to see pages 28 and 29 that removed local control, go away. They were not the pages that addressed driver ages. Commissioner Padgett wanted them to separate the OHV piece from the access piece. It passed on a split vote across party lines.

Commissioner Fedel was mixed about the legislation. The portion of HB12-1066 that addressed access was not a problem to him. The portion of HB12-1066 that addressed licensing was okay to him. But the portion of HB12-1066 that addressed the 16-year-old requirement was a problem to him.

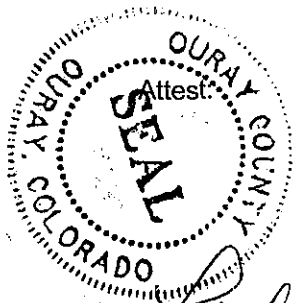
Commissioner Padgett felt that his stance was saying that he did not want local control. The Commissioners could not vacillate on local control; it could not be sometimes we want it and sometimes we do not.


Commissioner Fedel did not agree with that assessment.

Commissioner Padgett explained that CCI was opposed to HB12-1066. Ouray County needed to send a message to J. Paul Brown because he represented Ouray County, too.

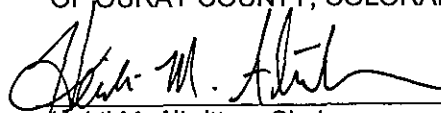
Good Samaritan She had a draft of a Good Samaritan resolution that she wanted to put on the agenda for next week. The resolution would call for the immediate creation and implementation of a federal policy to allow Good Samaritans to improve water quality.

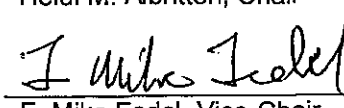
3:55 The Commissioners adjourned the regular session:

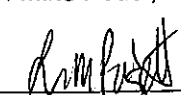



Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

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