

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
MINUTES
WEDNESDAY, APRIL 20, 2016
REGULAR MEETING
Second Floor, Miramonte Building
Telluride, Colorado

Present: Chair Joan May
Vice-Chair Art Goodtimes
Absent: Commissioner Elaine R.C. Fischer
Staff Present: County Administrator Lynn Black
County Attorney Steve Zwick
Chief Deputy Clerk John Huebner

1. Call to order.
9:35 a.m.
2. Review of Agenda.
3. Calendar Review.
4. CONSENT AGENDA:
 - a. Authorization of March 2016 Payroll and Vendor Payments.
(ATTACHMENT I)
 - b. Acceptance of March 2016 Road Report.
 - c. Acceptance of Building Department Monthly Report for March 2016.
 - d. Approval of Agreement for Services with Tooker Electric for electrical upgrades at the County Fairgrounds in an amount not to exceed \$29,550 to be paid from the Conservation Trust Fund, subject to final approval of the agreement by the County Attorney.
 - e. Approval to re-appoint Sonny Lopez to a regular seat on the Norwood Lone Cone Library Board to a term ending 2/21/21.
 - f. Approval to re-appoint John Dotson to a two year term on the San Miguel Basin Fair Board.
 - g. Approval of Memorandum of Understanding with the Colorado State BLM Office for and Interagency Radio Frequency Use Agreement to allow use of the county's frequency for supporting interagency incident response activities.
 - h. Approval of Chair's signature on the Household Hazardous Waste Collection Agreement with Clean Harbors Environmental Services Inc. for the County Household Hazardous Disposal Event on May 21, 2016 in Telluride.
 - i. Approval of Chair's signature on Renewal of Retail Beer Liquor License for S M C S LLC, 1982 HWY 145, Telluride, CO based on the County Clerk's Written Findings. (ATTACHMENT II – Written Findings)
 - j. Approval of Chair's signature on Department of Social Services' reports: January 2016 Earned Revenue and Expenditures, February 2016 Check Register, February 2016 Expenditures through Electronic Benefit Transfers, January 2016 County Allocation / MOE report, January 2016 Balance Sheet and 2016 Caseload Report.
 - k. Approval of an Agreement for Services with the GMCO Corporation and with Envirotech Services to provide for the delivery and application of dust retardant products onto certain county roads beginning May 2, 2016 in the amount of \$185,577.
 - l. Approval of Chair's signature on an Extension to the Intergovernmental Agreement with Town of Telluride for noxious weed management and control services provided by county in 2016 in an amount not to exceed \$3,500.
 - m. Approval to Authorize the Road and Bridge Department to purchase a used 2014 John Deere 210GL Excavator from Honnen Equipment Company in the amount of \$158,505 per accepted bid.
 - n. Ratification of Chair's signature on County Veterans Service Officer's March 2016 Report.

MOTION by Goodtimes to approve [Consent Agenda] as presented. **SECONDED** by May. **PASSED 2-0.**

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
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5. ADMINISTRATIVE MATTERS:

- a. Consideration of a resolution to appoint Elissa Dickson to a two-year honorary term as San Miguel County Poet Laureate.

MOTON by Goodtimes to adopt the resolution before us. **SECONDED** by May.
PASSED 2-0. (ATTACHMENT III – Resolution #2016-7)

- b. Consideration of a resolution cancelling certain possessory interest taxes that the County Treasurer has determined to be uncollectible for the tax year 2014.

MOTON by Goodtimes to approve as presented. **SECONDED** by May. **PASSED 2-0.**
(ATTACHMENT IV – Resolution #2016-8)

- c. Update regarding greenhouse gas emissions data and EcoAction programs in particular the SMPA IQ Weatherization Program.

Present: Kim Wheels, EcoAction Partners Community Energy Coordinator; Heather Knox, EcoAction Partners Director; Mike Rozycki, County Planning Director; Nina Kothe, County Commissioners Office; Doug Barry, County Building Official

- d. Update on the US Forest Service's Spruce Beetle Epidemic and Sudden Aspen Decline Management Response (SPEADMR) Objections process.

Present: Dave Schneck, County Environmental Health Director; Steve Zwick, County Attorney

- e. Update of CDOT's regional summer road maintenance schedule.

Present: Ed Archuleta, CDOT Region 5 Engineer; Lisa Schwantes, CDOT Region 5 Public Relations Manager; Mike Rozycki, County Planning Director; Mike Horner, County Road and Bridge Supervisor; Karen Henderson, County Associate Planner; Dave Schneck, County Environmental Health Director; Steve Zwick, County Attorney

Note: County Planning Director and CDOT agree to work together regarding county wetland and floodplain permits concerning planned road repairs on HWY 145.

Board Consensus to direct staff to draft letter in support of additional CDOT funding to install larger drainage pipes under HWY 145 near Down Valley due to the geohazards resulting from debris flows.

- f. Update with BLM Uncompahgre Field Office Acting Manager.

Present: Sara Dawson, Acting Manager BLM Uncompahgre Field Office; Dave Schneck, County Environmental Health Director

- g. Update on proposed mine adit cleanup on US Forest Service lands in the region.

Present: Camille Price, CDPHE Division of Mining Reclamation and Safety Project Manager; Dee Closson, US Forest Service Norwood District; Dave Schneck, County Environmental Health Director; Mike Rozycki, County Planning Director; Mike Horner, County Road and Bridge Supervisor; Randy Barnes, Ophir Town Manager; Lexie Dunham, Sheep Mountain Alliance; Karen Henderson, County Associate Planner

Board Consensus to authorize the use of a helicopter to deliver supplies to adit sites that are located in the High Country Zone Areas finding that there is a public benefit to the proposed project and that the duration of the helicopter flights would be short, and to include language regarding the authorization in county comment letter.

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
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- h. Consideration of a resolution to request the Obama administration to put a temporary hold on security funding to Honduras pending a thorough human rights review and to propose an independent United Nations investigation into the assassination of Berta Cáceras.

MOTON by Goodtimes to adopt resolution with changes as presented. **SECONDED** by May. **PASSED 2-0.** (ATTACHMENT V – Resolution #2016-9)

6. SOCIAL SERVICES MATTERS:

- a. Update with County Social Services Director.
 - 1. Collaborative Management Program.

Present: Carol Friedrich, County Social Services Director; Steve Zwick, County Attorney

7. ADMINISTRATOR'S REPORT:

- a. Update with County Administrator.
 - 1. Funding request received from the Ideas Festival.
 - 2. Six County Infrastructure Coalition meeting on 5/6 in Montrose. **BOCC Consensus** to direct staff to attend meeting on BOCC's behalf.
 - 3. Discussion with Abel Chavez of Western State University regarding a county scholarship program.
 - 4. Carmen Warfield was hired to be Chief Deputy Clerk to BOCC.
 - 5. Tenant in county rental unit is leaving at end of month.

Present: Lynn Black, County Administrator; Steve Zwick, County Attorney

8. COMMISSIONER AND PUBLIC DISCUSSION:

- a. Public Discussion.
- b. Update on Outside Meetings.
 - 1. Art Goodtimes – Soil Health / WEBA
 - 2. Joan May – GuSG Coalition / Climate Future Coalition / Norwood District Ranger
- c. ~~Website postings and press releases.~~
- d. General Discussion.
 - 1. Comment deadlines extended for several BLM scoping notices.

9. ATTORNEY MATTERS:

- a. Update on litigation.
 - 1. GHDC v. TSG and SMC BOCC, San Miguel County CO Supreme Court cert position response, Citation (4)(b).
- b. Discussion of letter of agreement concerning Pandora Mill conveyance from Idarado / Citation (4)(f).

Present: Steve Zwick, County Attorney

MOTON by Goodtimes to go into executive session to discuss Update on litigation: GHDC v. TSG and SMC BOCC, San Miguel County CO Supreme Court cert position response, Citation (4)(b) and letter of agreement concerning Pandora Mill conveyance from Idarado / Citation (4)(f). **SECONDED** by May. **PASSED 2-0.**

Note: The County Attorney requested that items 9.a.1. and 9.b. not have written minutes as it constitutes a privileged attorney-client communication and a statement signed by the attorney and chair is attached. (ATTACHMENT VI)

12:15 p.m. Recessed.
12:43 p.m. Reconvened.

Board only discussed the two items it said it would.

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
WEDNESDAY, APRIL 20, 2016

10. Adjournment.
12:44 p.m.

Audio MP3 20160420-BOCC-Audio.

Respectfully submitted,



John Huebner
Chief Deputy Clerk

APPROVED May 18, 2016

SAN MIGUEL COUNTY BOARD OF COMMISSIONERS



Joan May, Chair

ATTEST:



Lynn M. Black
County Administrator

FOR CONSENT AGENDA APRIL 20TH 2016

APPROVAL OF MARCH PAYROLLS &
MARCH 2016 VENDOR PAYMENTSCHECKS ISSUED MARCH 1ST THRU MARCH 31ST 2016
FROM FUND/DISTRICT AS FOLLOWS:

FUND	PAYROLL	SPECIAL REQUEST VENDOR
GENERAL FUND - 101	\$548,691.43	\$344,917.83
ROAD & BRIDGE FUND - 102	\$130,637.65	\$160,238.24
SOCIAL SERVICES FUND - 103	\$30,873.40	\$0.00
SALES TAX CAPITAL FUND - 104	\$0.00	\$377,627.35
CAPITAL EXPENDITURES - 106	\$0.00	\$21,887.34
RETIREMENT FUND -107	\$34,056.35	\$0.00
PARKS/OPEN SPACE - 108	\$31,843.73	\$19,923.65
CONSERVATION TRUST FUND - 109	\$0.00	\$0.00
LODGING TAX - 110	\$0.00	\$19,321.09
VEGETATION MANAGEMENT - 111	\$0.00	\$23,866.48
PUBLIC HEALTH & ENVIRONMNT - 115	\$38,885.63	\$13,866.54
ENERGY FUND - 116	\$0.00	\$0.00
HOUSING AUTHORITY - 224	\$0.00	\$2,833.00
DISPOSAL DISTRICT - 226	\$0.00	\$5,667.38
TOTALS	\$814,988.19	\$990,148.90

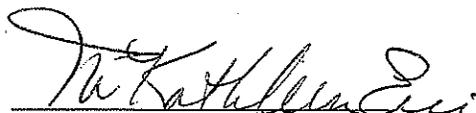
OFFICE OF
SAN MIGUEL COUNTY CLERK

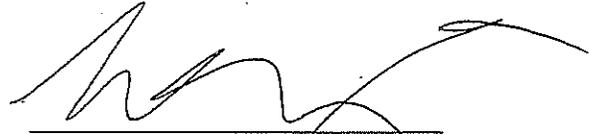
M. Kathleen Erie
P.O. Box 548
Telluride, Co 81435
(970) 728-3954

WRITTEN FINDINGS

Date: April 6, 2016
To: San Miguel County Board of Commissioners
Re: Renewal of Retail Beer Liquor License for S M C S LLC
d/b/a S M C S LLC
37 Hillside Lane
Telluride, Colorado 81435

1. Application is complete.
2. All fees have been paid.
3. William Masters, Sheriff, gives his approval on this renewal.
4. Insurance attached.


M Kathleen Erie, County Clerk


William Masters, Sheriff

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO NAMING ELISSA DICKSON TO THE HONORARY POST OF POET LAUREATE OF SAN MIGUEL COUNTY

Resolution #2016 - 7

WHEREAS, April is National Poetry Month, and San Miguel County has appointed three county poet laureates preceding this: Rosemerry Wahtola Trommer, Ellen Marie Metrick, and Peter Waldor; and

WHEREAS, Elissa Dickson is a very impressive poet/performer, and member in good standing of the Talking Gourds Poetry Club; and

WHEREAS, Ms. Dickson lives and works in San Miguel County, serving as Adult Programming Director at the Wilkinson Library, and has been a valuable partner of the Poetry Club for several years; and

WHEREAS, Ms. Dickson has created our local Poetry Club-posters each month as part of that partnership; and

WHEREAS, Ms. Dickson has performed her poetry at Arroyo's, and is scheduled as a regional featured reader on the Traveling Gourds Tour in December of 2016;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

1. The San Miguel County Board of County Commissioners ("BOCC") does hereby appoint Elissa Dickson as Poet Laureate of San Miguel County; and
2. The BOCC does hereby declare that Ms. Dickson shall serve a two-year term, from April 2016 to April 2018, and her responsibilities will be to promote the literary arts in Telluride, San Miguel County, and around the state.

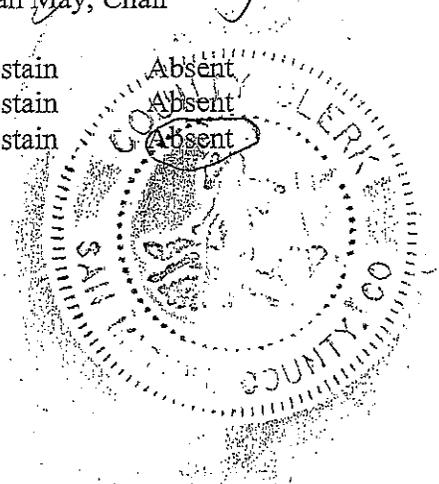
DONE AND APPROVED by the BOCC at a regular meeting held at Telluride, Colorado, on April 20, 2016.

**BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO**

By: Joan May
Joan May, Chair

Vote: Art Goodtimes	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Joan May	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
Elaine R.C. Fischer	<input type="radio"/> Aye	<input type="radio"/> Nay	<input type="radio"/> Abstain	<input type="radio"/> Absent

ATTEST: John Huebner
John Huebner, Chief Deputy Clerk to the Board



**RESOLUTION OF THE BOARD OF COMMISSIONERS
OF SAN MIGUEL COUNTY, COLORADO, CANCELLING CERTAIN
POSSESSORY INTEREST TAXES THAT THE SAN MIGUEL COUNTY
TREASURER HAS DETERMINED TO BE UNCOLLECTIBLE
FOR THE TAX YEAR 2014**

Resolution #2016- 8

WHEREAS, Section 39-4-104(4), C.R.S., Tax Liens, provides that, "The property tax on a possessory interest in real or personal property that is exempt from taxation under this article shall be assessed to the holder of the possessory interest and collected in the same manner as property taxes assessed to owners of real or personal property; except that such property tax shall not become a lien against the property. When due, the property tax shall be a debt due from the holder of the possessory interest to the board of county commissioners for the county in which such property is located or to such other body as is authorized by law to levy property taxes, and shall be recoverable by such board or body by direct action in debt on behalf of each governmental entity for which a property tax levy has been made."; and,

WHEREAS, the San Miguel County Treasurer has determined that certain possessory interest taxes due and owing for the 2014 tax year, as set forth in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, are uncollectible, and has requested that the Board of County Commissioners collect or cancel such taxes, in the total amount of \$ 25.42 and,

WHEREAS, the Board of County Commissioners, having reviewed the County Treasurer's request, does hereby find and determine that the property taxes for the 2014 tax year specifically described in Exhibit "A", are uncollectible by the Treasurer and should therefore be cancelled pursuant to statute.

**NOW, THEREFORE, BE IT RESOLVED BY THE SAN MIGUEL COUNTY
BOARD OF COMMISSIONERS AS FOLLOWS:**

1. The possessory interest taxes described in Exhibit "A" having been determined to be uncollectible are hereby cancelled in accordance with Section 39-10-114(2)(a), C.R.S.
2. Pursuant to the applicable statutes, the San Miguel County Treasurer is hereby directed to amend the relevant provisions of the San Miguel County possessory interest tax list and warrant for the 2014 tax year to indicate that the possessory interest tax obligations specifically described in Exhibit "A", have been cancelled as uncollectible in accordance with this Resolution.

APPROVED, executed and adopted by the Board of Commissioners of San Miguel County, Colorado, at a public meeting in Telluride, Colorado on April 20, 2016.

BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

Joan May
Joan May, Chair

Vote:	Art Goodtimes	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
	Elaine R.C. Fischer	<input checked="" type="radio"/> Aye	Nay	Abstain	<input checked="" type="radio"/> Absent
	Joan May	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent

ATTEST:

John Huebner
John Huebner, Chief Deputy Clerk

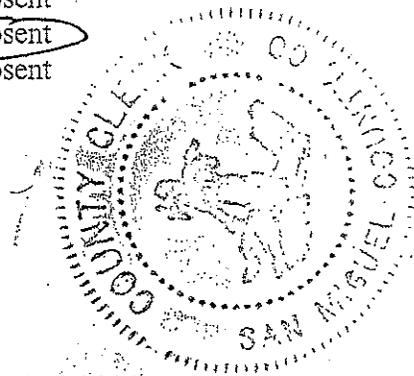


Exhibit "A": - Uncollectible Possessory Interest Taxes Tax Year 2014

EXHIBIT "A"
UNCOLLECTIBLE POSSESSORY INTEREST TAXES TAX YEAR 2014

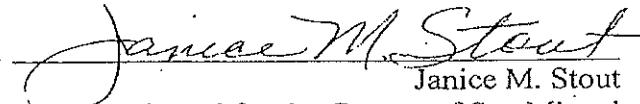
SCHEDULE NUMBER & ACCT NUMBER	TAX YEAR	OWNERSHIP	ASSESSED VALUE	TAX AMOUNT	NOTES
PIBLMCO165 P0006100	2014	ELITE MOTORCYCLE TOURS	570.00	\$ 13.88	NO RESPONSE FROM TAXPAYER IN 2015. MAIL RETURNED.
PIUSFSO814 P0002705	2014	TELLURIDE OFFROAD ADVENTURES	360.00	\$ 11.54	NO RESPONSE FROM TAXPAYER IN 2014. MAIL NOT RETURNED.
TOTAL			930.00	\$ 25.42	

The above list is certified uncollectible by the Treasurer to the Board of County Commissioners and is submitted to the same for collection or cancellation.

Dated:

January 26, 2016

by:


Janice M. Stout
Treasurer in and for the County of San Miguel
State of Colorado

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, REQUESTING THE OBAMA ADMINISTRATION TO PUT A TEMPORARY HOLD ON SECURITY FUNDING TO HONDURAS PENDING A THOUROUGH HUMAN RIGHTS REVIEW AND TO PROPOSE AN INDEPENDENT UNITED NATIONS' INVESTIGATION INTO THE ASSASSINATION OF BERTA CÁCERAS

Resolution #2016 - 9

WHEREAS, it would appear that on March 3, 2016, environmentalist and human rights defender Berta Isabel Cáceres Flores was targeted and murdered for her peaceful championing of environmental protections for rivers and watersheds, particularly the Gualcarque River, and for her protests against the Agua Zarca hydroelectric development project, with its profoundly negative impacts on the lands and lives of the local indigenous people, the Lenca; and

WHEREAS, Cáceres was presented the 2015 Goldman Environmental Prize in international recognition of her work on behalf of the traditional peoples of Honduras; and

WHEREAS, the family of Cáceres stated publicly on March 5th, "We hold DESA [the company behind the dam], the international financial organizations backing the project (the Netherlands Development Finance Company [or] FMO, Finnfund [the Finnish Fund for Industrial Cooperation], the Central American Bank for Economic Integration, Ficohsa Bank)... responsible for the ... constant death threats against Berta, us, and COPINH. We hold the Honduran state responsible for obstructing Berta's protection and for contributing to her persecution, criminalization and murder," and

WHEREAS, the Vatican has publicly called for a special investigation into those responsible for the death of Cáceres (Attachment I); and

WHEREAS, the Mexican activist Gustavo Castro Soto, was wounded in the attack but is being sought by the Honduran government for his alleged involvement in the murder, and has had to take refuge in the Mexican embassy to escape retaliation by the Honduran government and extra-legal forces; and

WHEREAS, on March 17, 62 US Congressional representatives sent a letter to Secretary of State John Kerry, calling for an independent investigation of the assassination and urging the Secretary to immediately stop US security funding pending a review. Rep. Hank Johnson, co-sponsor of the letter along with Rep. Keith Ellison, said, "It's time for our government to leverage security assistance and multilateral loans so as to put real and lasting pressure on the Honduran government to protect its activists and pursue those responsible for these hideous crimes;" and

WHEREAS, the Honduran government has yet to conduct a "prompt, thorough and transparent investigation" into the murder of Cáceres;

NOW, THEREFORE, BE IT RESOLVED that the citizens of San Miguel County call on the Obama administration to put a temporary hold on security funding to Honduras, pending a thorough human rights review, and to propose an independent United Nations' investigation into the assassination of Berta Cáceres.

DONE AND APPROVED by the BOCC at a regular meeting held at Telluride, Colorado, on April 20, 2016.

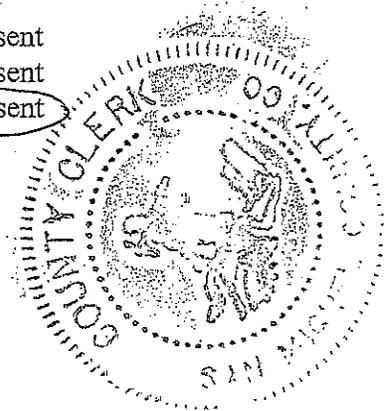
BOARD OF COUNTY COMMISSIONERS
SAN MIGUEL COUNTY, COLORADO

By: Joan May
Joan May, Chair

Vote:	Art Goodtimes	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
	Joan May	<input checked="" type="radio"/> Aye	Nay	Abstain	Absent
	Elaine R.C. Fischer	<input type="radio"/> Aye	Nay	Abstain	<input checked="" type="radio"/> Absent

ATTEST:

John Huebner
John Huebner, Chief Deputy Clerk to the Board





PONTIFICIUM CONSILIUM
DE IUSTITIA ET PACE

San Calisto, 15 marzo 2016

Muy estimados familiares, amigos y compañeros de Bertha Cáceres Flores

Por medio de la presente quiero expresar a cada uno de ustedes mis más sentidas condolencias por el fallecimiento de Bertha Cáceres, dirigente del Consejo de Pueblos Indígenas de Honduras, al mismo tiempo le hago patente la cercanía de cuantos colaboran en el Pontificio Consejo Justicia y Paz. Acompañamos en este momento de dolor al Pueblo y la Iglesia de Honduras, y nos unimos también con ustedes orando por la justicia, la reconciliación y la paz.

Personalmente tuve la alegría de conocer a Bertha durante el Encuentro Mundial de Movimientos Populares celebrado en Roma en el año 2014. En aquella ocasión, pude conocer de primera mano su extraordinaria labor en defensa de la "hermana nuestra madre tierra" (San Francisco de Asís) y la reafirmación de los derechos de los pueblos originarios. Su testimonio, pronunciado frente al Santo Padre Francisco en el Aula vieja del Sínodo, nos conmovió profundamente. La noticia de su asesinato me llena de pesar y la siento como un ataque a todos los que luchamos por un mundo más justo, con tierra, techo y trabajo para todos, un medio ambiente sano y la pacífica convivencia de los pueblos.

Respecto a la trágica desaparición de Bertha, hemos recibido numerosas cartas de distintos de los movimiento y organizaciones sociales participantes de los Encuentros y unido a todos ellos quiero expresar mi deseo de que sea realizada una investigación independiente e imparcial respecto a lo sucedido a fin de que se esclarezca este horrendo crimen a la mayor brevedad posible, y sea protegida la integridad física de los testigos, compañeros y familiares de las víctimas.

Haciendo votos para que una situación semejante no vuelva a suceder, ruego a Dios que proteja a todos los que defienden la Madre Tierra y los derechos sagrados de los Pueblos como enseña el magisterio del Papa Francisco, les confirmo mi cercanía y oración para que el Señor les conforte en este momento de dolor. Y como dijo nuestro Santo Padre: "¡Que el clamor de los excluidos se escuche en América Latina y en todo el Mundo!"

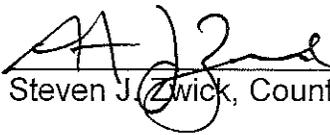
Fraternalmente en Cristo,

Cardenal Peter K.A. Turkson
Presidente

**SAN MIGUEL COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
WEDNESDAY, APRIL 20, 2016**

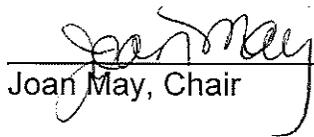
Executive Session Minutes Attest

I, Steven J. Zwick, County Attorney attest that the Wednesday, April 20, 2016 Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.



Steven J. Zwick, County Attorney

I, Joan May, Chair of the San Miguel County Board of Commissioners attest that the Wednesday, April 20, 2016 Executive Session discussions of attorney-client matters were confined to a permissible executive session topic; and constituted a privileged attorney-client communication that does not have written minutes.



Joan May, Chair