Minutes of the Board of County Commissioners Regular Meeting held on January 03, 2019 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

Call the meeting to order

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvies- Chrmn.- Present
Steve McCarroll-Vice Chair-Present
John Sandoval-Vice Chair- Present
Tressesa-County Admn-Present

Also present were: Nick Sarmiento-County Attorney, Connie-HR, and Annabelle Gomez-Deputy Clerk & Recorder.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the Pledge of Allegiance.

Prayer: Chrmn. Jarvies gave the opening prayer.

Approval of Agenda:

Motion to approve the agenda as presented: Comm. McCarroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of the December 14th, 2018 Payroll Meeting, the December 19th Special Meeting, and the December 27, 2018 Special Meeting: Comm. Sandoval/Second: Comm. McCarroll - All in favor.

3-0 Motion carried unanimously.

Approval of Payroll and Accounts Payables

Motion to approve payroll and accounts payables: Comm. Sandoval/Second:Comm. McCarroll- All in favor.

3-0 Motion carried unanimously.
Public Comment: None.

Nick Sarmiento - County Attorney

Nick didn’t have anything to present to the board at this time.

Correspondence - County Administrator

Tressesa - County Admn. presented the salaries for 2019 for approval.

Motion to approve the salaries for 2019: Comm. McCarroll/Second: Comm. Sandoval - All in favor.

3-0 Motion carried unanimously.

Approval of Setting dates for the Regular and Payroll Meetings of the Conejos County Board of Commissioners for the year 2019.

Tressesa presented a resolution for the dates for the regular and payroll meeting for the year 2019 as follows:

WHEREAS, the Conejos County Board of Commissioners shall meet at the county seat at least one business day of each month and at such other times and locations within the county as in the opinion of the board the public interest may require;

WHEREAS, the Board of Commissioners in accordance with C.R.S., 30-10-303 hereby set forth their regularly scheduled meeting for the first Thursday of each month with the exception of July. Meeting will be held on the 3rd due to the 4th of July being on the first Thursday. The re-organizational meeting will be on January 15th 2019; and

WHEREAS, the board of commissioners hold their regularly scheduled meeting at the Conejos County Courthouse, located at 6683 County Rd 13, Conejos, Colorado; and

WHEREAS, the following payroll meetings for 2019 have been set as follows:

January 15th  
May 15th  
September 16th  
February 15th  
June 17th  
October 15th  
March 15th  
July 15th  
November 15th  
April 15th  
August 15th  
December 16th
WHEREAS, the board may hold other special or emergency meetings as posted at the Conejos County Courthouse 24 hours prior to such meeting; location of posting is at the front window of the courthouse and on the peg board next to the Commissioner’s Board Room.

NOW THEREFORE IN consideration of the foregoing recitations, BE IT RESOLVED that Tressessa Martinez, County Administrator is hereby directed to publish meeting dates in the Conejos County Citizen and the Conejos County Courier. Also posed on the web site Conejos county. org.


3-0 motion carried unanimously.

Executive Session

Motion to go into executive session as per 24-6-402 (b) conference with the attorney: Comm. McCarroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

The board came out of executive session at 10:04 AM where they discussed a Land Use issue and an easement that the county owns and no decisions were made.

Nick Sarmiento: It is the opinion of the county attorney that the discussion held had an attorney/client privilege therefore no record was kept.

Donnie Martinez, Sheriff Gurule, Garth Crowther-Jail Discussion

Donnie stated that they have a failing drain field that they are looking at getting repaired, replaced, or getting connected with the Town of Antonito, they have had Weavers come out and done some work, they have had Robins Construction that is going to set up some pumps so the water flows where it should be, will get in contact with the Town of Antonito to see if they allow to connect to their sewer system, if not we will get to draining a new drain field for the jail, he will be in contact with CDPHE to let them know that the drain field
is failing and let them know what they will be doing to correct the issues.

Chrmn. Jarvies asked Donnie to keep them informed and have Nick Sarmiento- County Attorney involved.

Comm. McCarroll asked Donnie if he has to have CDPHE involved to see what they suggest in the meantime.

Donnie said he didn’t think that CDPHE has to be involved as long as they are informed and let them know what their plan is, they might ask for a timeline, once they get that they will give them that information, doesn’t think they are in a situation where they are flowing to anyone’s property but their own.

There being no further business to come before the board, Chrmn. Jarvies declared the meeting adjourned.

ATTEST: MITCHELL JARVIES
NATHAN RUYBAL
CLERK OF THE BOARD
CHRMN. BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Payroll Meeting held on January 15, 2019 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

Call the meeting to order

Chrmn. Jarvis called the meeting to order at 9:00 AM.

Roll call: Mitchell Jarvis- Chrmn.-Present
Steve McCarroll-Vice Chair-Present
John Sandoval-Vice Chair-Present
Tressesa-County Admn. Present

Also present were: Nick Sarmiento-County Attorney, Connie Ricci-HR, and AnnaBelle Gomez- Deputy Clerk and Recorder.

Pledge of Allegiance: Chrmn. Jarvis led everyone in the Pledge of Allegiance.

Prayer: Comm. Sandoval gave the opening prayer.

Approval of Agenda: Motion to approve the agenda as presented: Comm. Sandoval- Second: Comm. McCarroll. All were in favor.

3-0 Motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of the January 03, 2109 Regular Meeting: Comm. Sandoval-Second: Comm. McCarroll. All were in favor.

3-0 Motion carried unanimously.

Approval of Payroll and Accounts Payables

Motion to approve payroll and accounts payables: Comm. McCarroll-Second: Comm. Sandoval. All were in favor.

3-0 Motion carried unanimously.

Administrator’s Correspondence: None
Comm. Sandoval asked Tressesa-County Admin. to check and see what the process is for kids to apply for those scholarships at Adams State that the county donated to, would like to know if there is any criteria, if there is a committee, etc.

Chrmn. Jarvies stated that it would be good to have a report to see who they funded with that money.

**Nick Sarmiento- County Attorney**

Nick stated that he doesn't know what model traffic code they are operating under right now, they need to adopt a 2010 model traffic code, he has been in discussions with the sheriff, what he wants to do is tackle three things 1. They need to figure out the traffic model code, 2. They need to figure out the ordinance on rubbish, junk, and trash, 3. They need to get their fee schedule, once they have all these in place then they can present them to the courts, then the courts approve them and get them into their system, the deputies can then site them and take the heat off of Land Use, at that point we would update the tickets, they could put the ordinances on the summons and complaints and this would include anything that the statutes allow; he wants to look at is how do we protect our bridges, he will discussing that with the Sheriff, if approved they will identify the bridges that they have to protect; this will include weight limits.

Chrmn. Jarvies asked if they have anything on trash and rubbish because he gets a lot of calls concerning that.

Nick stated that there are two ways of pursing that, one is through Land Use and filing a civil complaint, when looking at the statute it allows them to cite them for the same thing; so it would be a citation.

Comm. Sandoval stated that you get less kick back when it's the sheriff citing.

Nick Sarmiento will check into it.

**Meeting with OLTC**

Tressesa, County Admin. stated that she set up work session for OLTC on Thursday, she has invited Costilla County, Vivian will be here.

**Conejos Weed District- Report- Board Members**
Myron Price stated that they want to know what their relationship is with the county, he made reference to Article 5 and 5.5 which explains the formation and the duties of not just them but also the relationship of the commissioners to them, the interaction determines what weeds they want to control, they are getting along well but they could use another member on the board.

Mr. Price stated that the county is in a financial situation but they will find it difficult to function without any assistance from the county; that would allow them to run the program and purchase equipment but not to pay the administration; would like to have the county attorney look at Article 5.

Nick Sarmiento county attorney stated that he will review Article 5, stated that the relationship between the county are like other special districts there are statutorily on how you are supposed to communicate; and the funding is a separate funding they do have a mill levy, if there are lack of funds would you have to go through another mill levy?

Mr. Price stated that he doesn’t know if they are allowed to increase the mill levy, talked about people not wanting to pay more taxes.

There was a short discussion on getting a sales tax on the ballot this year.

Jimmy Dunn stated that on the sales tax the whole thing is education.

Mr. Price mentioned that they have been helping those that are on the unincorporated areas in Conejos County, they have been paying 50%, they are paying up to $400.00, they will have to change the system, he has applied for grants every year, this year the grant was for $11,000.00 which will help a great deal.

Chrmn. Jarvies stated that they have feelings of frustration with a lot of programs because everybody wants something but the money is just not there.

Mr. Price stated that the guys that farm get complaints about neighbors not controlling weeds; wanted to know if the county can establish a statute to encourage owners take care of the noxious weeds in their own property.

Comm. Sandoval stated that they will have 4 ballot questions on the November ballot.
Mr. Price wanted to know if it is fair for them to use money paid by 1/3 of landowners to through the mill levy to assist the other landowners outside of the weed district, they have done that in the past because the county has given them money from the General Fund.

Nick stated that Sect. 35 of Article 5.5113 talks about public nuisance, can they go after the landowners for public nuisance that they are creating, that would be a court proceeding; that could also be added to their property taxes.

There was a short discussion about the railroad, Nick stated that right now he is in negotiations with the railroad to get the taxes paid he can also bring this up; they could go through the National Transportation Safety Board but having noxious weeds would not be an incident to him running his railroad and it won’t interfere with interstate commerce to at least keep their property in check, also mentioned that maybe they could re-coop the costs after going after certain landowners.

Myron Price asked if they could have one of the board members meet with them at least quarterly.

Comm. McC Carroll stated to just let him know and he will attend their meetings.

Nick Sarmiento talked about Tabor Notices stated that tax ballots are governed by Tabor, those are held on either a General Election or Special Election on odd years; he looked at the last section of Article 5 - the Board of County Commissioners are authorized to levy as special tax but it has to be to the approval of the voter, the amount cannot exceed 5 mills.

Loren Mortensen said that when they were here the last time the board had said that they were not really part of the county, he has a concern especially if they start forcing people to take care of their weeds and we get in a law suit are we operating on our own or is that under the jurisdiction of the county, it’s his understanding as he is reading here they were operating under the county, if they are on their own do they need to get some sort of protection for themselves as members of this board.

Chrmn. Jarvies stated that they will look into that but all special districts have their own attorneys, their own liability insurance, doesn’t know if that is the same; they will find a balance.
Linda – Land Use 2nd Reading of Ordinance Adopting the Onsite Waste Management

Chrmn. Jarvies stated that what they are going to do is open as Board of Health which includes the Board of County Commissioners, Linda-Land Use Administrator and Samantha our Public Health Nurse.

Nick Sarmiento stated that the Board of County Commissioners are acting as the local board of health at this time.

Linda stated that she has 4 documents which includes the appendix and started out with: AN ORDINANCE REVOXING ORDINANCE 2014-01 AN ORDINANCE ADOPTING THE ON-SITE WASTEWATER TREATMENT SYSTEMS PURSUANT TO THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WATER QUALITY CONTROL COMMISSION REGULATIONS #43.

Linda stated that this is considered the second reading and is the request to finalize it and approve it, notice was published in the Valley Courier and on the county's website, made available to the public in the Land Use Office, had some people call and ask general questions on any changes, the changes were minor but nobody ever came in to review them; didn't get any other comments.

WHEREAS, The Board of Conejos County Commissioners on July 15, 2014 passed an ordinance adopting On-Site Waste Water Treatment Systems Regulation 43;

WHEREAS, the Colorado Revised Statutes 25-10-104 Regulation of On-Site Wastewater Treatment Systems-state and local rules allow for adoption of the rules by resolution; and

WHEREAS, the Board of Conejos County Commissioners adopted a Resolution #2019-01 to adopt the On-Site Wastewater Treatment Systems rules on January 15, 2109 and duly published said resolution;

THEREFORE BE IT ORDAINED: That the Ordinance of July 15, 2014 is hereby revoked and the Resolution 2019-02 is reconfirmed, and all acts done, performed or authorized under said resolution are hereby approved, confirmed, ratified and adopted.

ADOPTED this 15th day of January 2019, at Conejos Colorado.

Linda stated that they will be doing everything by resolution instead of by ordinance.

Nick Sarmiento stated that the reason being because of the costs for an ordinance, every time that they have to amend the ordinance to comply with the state’s regulations they have to pay the publication costs.

Chrmn. Jarvies asked if she posted and noticed everybody that this was happening.
Linda said yes.

Chrmn. Jarvis opened it up for public comment for or against.

Linda stated that she did not get anything in writing.

Chrmn. Jarvis proceeded to ask: anyone for or against, for or against, for or against, there being none, Chrmn. Jarvis closed the public hearing.


3-0 Motion carried unanimously.

Chrmn. Jarvis closed the public hearing and opened up an another public hearing for Resolution C-02-2019.

Linda presented the following:

BOARD OF CONEJOS COUNTY COMMISSIONERS ACTING AS THE CONEJOS COUNTY BOARD OF PUBLIC HEALTH.

CONCEJO COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS

WHEREAS, the Conejos County Board of County Commissioners has designated itself as the Conejos County Board of Health “Board” pursuant to C.R.S 25-1-508 and

WHEREAS, on May 13, 2013, the Colorado Water Quality Control Commission adopted On-Site Wastewater Treatment System Regulations #4 (5CCR 1002-43) which required the Board of Health for Conejos County to adopt new regulations; and

WHEREAS, the Colorado Department of Public Health and Environment’s Water Quality Control Division made certain amendments to Regulation 43 effective April 30, 2018; and

WHEREAS, Conejos County Ordinance 2014-01 Adopting On-Site Wastewater Treatment Systems pursuant to the Colorado Department of Public Health and Environment, Water Quality Control Commission Regulation #43 was revoked on January 15, 2109 per Conejos County Ordinance 2019-01 Revoking Ordinance 2014-01; and
WHEREAS, the Colorado Revised Statutes 25-10-104 Regulation of On-Site Wastewater Treatment Systems-state and local rules allow for adoption of the rules by resolution; and

WHEREAS, said amendments were made available to the public for review and comments by reference in the Conejos County Website and at the Conejos County Land Use Office and notice of public hearing was published in the Valley Courier on December 22, 2108; and

WHEREAS, a public hearing was held before the Board of County Commissioners on January 15, 2109 and there was no opposition to said amendments (Complete Resolution is on file in the Clerk & Recorder’s Office.)

Linda-Land Use Admin. stated that she has the On-site Waste Water Regulations per the amendments of the Colorado Public Health and Environment On-Site water treatment regulations #43; which are really basic, a lot of housekeeping amendments that the state made, the state sends them and they have to make any changes that they wish, per discussions that they had in the past they had one regulation that they were more strict than what the state was; they discussed it several times that they needed to be equivalent to the state required and not cause a hardship to landowners, appendix A is what the state requires, however if we want to be more strict then we go through this process again and amend the regulations; the one thing that she did put in these regulations is that vaulted sealed systems that do not have a drain field are only allowed without an engineering plan are in Platoro and Rocky Mountain Estates, those lots are less than one acre, they also allow for a variance process, they would ask their Board of Adjustments to listen to it and contact Samantha our Public Health Director and possibly a few others, it’s a burden of proof is upon the applicant, she will come back in a month or two in regards to a fee schedule, would like to be in line with the rest of the valley.

Comm. McCarroll asked if there are vaulted sytems in Horca also.

Linda said yes they are vaulted but because of the way that it was designed and developed; Horca will be upgrading their infrastructure again, they did not adopt an over site committee to review advanced treatments and special systems that require a lot of over site because it is very time consuming.

Linda stated that it was published in the Valley Courier and the entire regulation was published in the web site and made available in
the Land Use Office, one contractor came in to look at it, he didn’t feel like there should be any changes, she didn’t receive any comments, feels they are ready to make this adoption official.

Chrmn. Jarvis opened it up for public comment, anyone wishing to speak for or against, for or against; for or against, there being no one, Chrmn. Jarvis closed the public comment portion of the hearing.

Motion to approve Resolution C-02-2019 CONEJOS COUNTY ON SITE-WASTEWATER TREATMENT SYSTEM REGULATIONS: Comm. Sandoval/Second: Comm. McCarroll. All in favor.

3-0 Motion carried unanimously.

**Gene and Barbara Runkle- Re-plat/Lot Consolidation- Platoro**

Linda presented the following land use case:

**CASE NO:** CCLU-2018-0268 **REQUEST:** Lot Consolidation  
**APPLICANT:** Gene & Barbara Runkle **ZONING:** Platoro-Community Town Site  
**SURVEY BY:** Billy Vigil-Southern Colorado Surveying  
**BACKGROUND:** An application was filed with the Land Use Office on December 6, 2018 for a Lot Consolidation. The real property is legally described as:

Platoro Block 18-Lots 2,3,4 and northerly ⅘ of vacated First Avenue North, Conejos County Colorado. Physical address: 176 East 2nd Street, Platoro, Antonito, CO. 81120

The proposed Lot Consolidation of the 3 lots will create the following:

Tract A containing 0.274 acre

Notes: Mr. & Mrs. Runkle requested the consolidation of their 3 lots and the vacated area to make their property a little more conforming recognizing that there are many non-conforming lots in Platoro. The structures on the property do not meet setbacks. They will remain non-conforming structures unless they chose to add on to them, if and when that takes place they will either need to move the structures or seek a variance to the setbacks. The property to the east is public land- US Forest Service.

Motion to approve RESOLUTION C-2019-03 (Gene and as presented: Comm. Sandoval/Second: Comm. McCarroll. All in favor.

3-0 Motion carried unanimously.

Outdoor Burning

Linda talked about the state's position on outdoor burning regulations; contacted neighboring counties so see what regulations they have in place and they do not have any, Land Use Administrators that she contacted stated that they do not go out looking for land owners that have burning barrels to site them because they are short on staff and time but they do and try to let people know when they get reports that there are state regulations in regards to burning; her plan is to work with our nursing director and with Ms. Lynaeas who is with SLV Public Health Partnership for Colorado Department Public Health and Environment to see if we can get some notices in the newspaper both the Valley Courier and the Citizen to remind people, the state does not allow burning, to her it was clear information that populations of less than 25,000 can burn in barrels and we basically are using that regulation, we were telling people that we allowed it because of the population less than 25,000.

Comm. Sandoval asked what would be the process if you are driving by and you see someone with a bunch of burning barrels and a lot of smoke; do you go to the sheriff or CDPHE?

Linda stated that most people are coming to Land Use or County Commissioners she would probably give them a handout stating there is a state regulation that says you can't burn, she would like to turn it over to the state; it is not written into our regulations.

Linda stated that in Rio Grande she just lets them know that there is a state regulation.

Samantha- Public Health-Board of Health stated that she can follow up.

Linda stated that when they call the sheriff they should let them know that there is no burning allowed; burning ditches are allowed.

Chrmn. Jarvies stated that we don't want people burning tires; they do cut and trim their trees burn the weeds which is okay.

Sheriff Crowther mentioned he wouldn't mind telling someone there is a burn ban put your fire out but they should have an ordinance so they
have some teeth if they issue a summons; as far as agriculture it should be up to the fire department of that district and the sheriff.

Linda stated that the state would love for us to adopt our own burning regulations but that we follow their regulation 9.

Nick Sarmiento-County Attorney stated that he will look at the regulations; if they need to adopt an ordinance then they can incorporate with the traffic model, junk and rubbish; and this one and incorporate into one summons and citation and get together with the courts on their fees and fine schedule.

*Garth Crowther- Sheriff’s Report/Traffic Model Code*

Sheriff Crowther gave his report as follows:

- Attended the sheriff’s mandatory training- thanked the board for being able to work together.
- Traffic model code- would like to get laws up to date, the fine schedule is low compared to what it should be; there are steps they have to take which Nick-County Attorney will be taking care of.
- Talked about alarms going off which ties their people up.
- Mentioned that they had money for vehicles, they used around $7500 but they wanted it used on last year’s budget, Jefferson has two vehicles, would like to see if they can use that money to purchase those vehicles.
- Thanked the board for their help with the issues at the jail.
- They are down three patrol positions.
- Mentioned that the bullet proof vests are good for 5 years, feels they are putting their people on a liability once that warranty is out, vests run around $800.00, there are grants out there for that, wanted to know if they should buy their own vests in case they leave us.
- Is trying to work on saving money, a breathalyzer was given to us and also 20 winter jackets.
- Have a big trial coming up on the 28th of January, the judge is wondering about security, they will see more uniforms than usual.
- Would like to know if there is an alarm system in this building that if it is set off the people in these offices know that we are in a lock down.
- Tressesa-County Admin. stated that they will look at those vehicle dollars, she will see if she carried them over to this year’s budget.
• Stated that he sent stats to the board.
• Mentioned that he publicly wants to thank Sheriff Gurule for his work.
• Chrmn. Jarvies stated that on the vests they should get what they can but be sure they are up to date.

Donnie stated that he visited with the Town of Antonito, has been in touch with CDPHE, they have five forms they have to fill, they have to approve their tanks, will work with the Antonito Engineer, Robins set up the pump but haven’t received a bill yet; took a tour with the insurance, they are some things they won’t pay for.

Chrmn. Jarvies asked Donnie to move forward to see if Antonito’s engineer can make this work with theirs since they are in the middle of re-designing theirs anyway.

**Robert Taylor- Cruelty to Animals**

Mr. Taylor stated that these are things that he sees as he is going out to the store or some place, when someone sees something it has to be reported, he doesn’t know what the laws are for cruelty to animals but someone has a calf tied to a post and there is snow everywhere, took a puppy that had worms to the Humane Society, a dog that had maggots out of his eye was picked up in Manassa, also showed a picture of a couple of mobile homes that are not being occupied, feels there should be a law that the property be fixed up and be occupied with a year, they keep on bringing in stuff, he feels that depreciates the value of the property, Mr. Anderson keeps burning debris and construction material; also mentioned there were some guys parked on the road and were shooting at a beaver or something by the river, he felt they were trespassing- showed a picture where the truck was parked; also talked about some burning in La Jara.

Nick Sarmiento stated that on statute 18-9-202 talks about cruelty to animals but doesn’t know if this is an exception to cattle which is animal husbandry; deputies are allowed to cite it.

Gerald Garcia who is employed by the Humane Society and the have a MOU with the Sheriff’s Office to investigate; stated that they can investigate anything that is not used for production and see that the animal is taken care of; livestock would be Department of Agriculture, mentioned that those animals grow their own coats.

Mr. Taylor stated that there is another Amish family that is doing the same thing with a calf and doesn’t know why, he feels that cow can’t move.
Gerald Garcia stated that they can’t investigate on cattle; the rope is long enough for the cow to move around; he is a state vet and he can’t see that is right or that’s wrong.

Comm. Sandoval asked Gerald if the Sheriff’s Dept. sees something that may be cruelty to animals they call him and he takes a look at it.

Gerald said they are not post-certified but they can assist, they find out the condition of the animal, get a vet or whatever care is needed, if the situation has not been corrected within the time limit then the sheriff can issue a citation.

Comm. Sandoval asked if there is a problem with livestock do they call the State Vet or Department of Agriculture.

Gerald said call the state vet.

Linda-Land Use stated that she will have Mr. Taylor send her what he saw as far as the burning and she will work with Lynnae in Alamosa, on the mobile homes Ms. Cerrato’s daughter had moved that home, both are older than a 76, her intention is to get with the daughter, find out what her plan is because she will have to remove it, on the other home she will talk to Elia Cerrato-Portillo because she has not finished skirting it; hasn’t tied it down or anything.

Samantha – Public Health/Board of Health Reports

Samantha gave her report as follows:

A. Administration and Governance-

a. Has some changes there, Jennifer Jarvies graduated from college in December so she will be leaving.

b. Looking at prevention money, also looking at an increase for immunization funds and looking at hiring a part-time nurse to help with some of those activities.

c. Has one PCP supervisor on maternity leave, she chose not to come back, will not be hiring a full time position, will hire part time and will adjust appropriately which will save the program around $5000.00.

d. Not too many changes to the office, blinds on one side of the building have been replaced has some concerns on security on the other side.

B. Assessment Planning and Communication
a. See Board of Health Report and January 8th press release.


C. Communicable Disease Prevention- Investigation and Control

a. Regional Epidemiologist in February.

b. Lead investigation.

c. Immunizations- got the agreement signed, have a couple of protocols to complete, CDPHE will come in and do a site visit, possible increase in immunization from 23,000 to 27,839.

D. Emergency Preparedness and Response

a. Have to put MOU’s with two different facilities, has met with Ernest and working with EMS, CCH, LTCF, will send the MOU’s to Nick to review.

b. Rodney will be doing a staff ALICE training with emergency management in February.

E. Environmental Health

a. All public health agencies are required to participate in the protection and improvement of air, water, land, and food quality.

F. Prevention and Population Health

a. Tobacco Grant- continued work on community assessment.

b. Office of Behavioral Health Grant- Prevention Coalition- Youth Mental Health training January 18th, have already met cap for the class- may host a second class; next meeting is on Feb 5th at 5 PM.

c. CDOT grant- Completed youth ambassador protocols and application, recruiting youth ambassadors-closing date Jan 31st.

d. Child Fatality- Supplemental funding for CDOT YAPP program to pay youth stipends.

e. Baby and Me tobacco Free- Support smoking cessation for prenatal and postpartum mothers, continued recruitment of participants.

G. Vital Records and Statistics

a. No changes.

H. Personal Care Provider (PCP) Program
a. December 2018- 108 clients served; 20 home visits, 3010.50 field hours worked in December.

b. Accounting Error - Error for ¼ month billing for approximately 33% clients, immediately notified the administrator, reimbursement/credit by county account, corrective action plan for process implemented.

I. Commodity Supplemental Food Program

a. 332 total participation in December.

b. 61 Deliveries in December.

J. Options for Long Term Care Program

a. 346 December, 195 in Conejos County.

b. Fiscal Audit completed November 6th - some corrective action plans such as "time clock system" to be completed by May, that is for OLTC but will probably implement it for all.

c. Conflict Free Case Management- BCP due Feb. 1st, her and Nick visited about the time line, will be meeting with the state, hope that the clients won’t feel the transition a whole lot, need to make sure there is no lapse in service; might want to re-negotiate until 2020 with safety measures in place, they will know more after the work session, working the business continuity plan, they are asking her all the questions about the direct service provider agency she did have conversations telling them she did not understand why she is submitting fiscal solvency and all those things to her direct service agency since they are not the licensing agency, a lot is not applicable.

Conejos County Public Health Board of Health Report

A. Influenza- increase in influenza cases, presented the graphs, had 198 additional influenza associated hospitalizations reported, total number of hospitalizations since the beginning of the 2018-19 season is now 962.

B. Community Health Assessment Priorities-
   a. Priority 1- Build Public Health Capacity
   b. Priority 2- Health Equity-everyone has an opportunity to be healthier in a fair and inclusive way.

C. Immunization Report Card- 19-35 month old children- close to state rate in most categories. 13-17 year old children- a MCV and HPV of particular concern, they will be doing some targeted outreach, suggests that they get them all.
D. Had copy of the press release of January 08, 2019.

Richard and Jarrett Garcia- Road Issue

Comm. Sandoval stated that they have had a road issue in San Antonio that goes to the Salazar property; after we went through with the Attorney General's Office as to what we can and can't do with money from Road and Bridge and going on private land some of those roads have come more and more into question, Mr. Garcia did bring in a paper that the Commissioners signed several years ago, so they sat down with Richard, Jarret, Linda, Donnie, Nick and reviewed the paperwork Richard had from county.

Nick Sarmiento County Attorney stated that he reviewed the document that was signed by the Board of County Commissioners which was dated April 04, 1983, he is working on a letter which is addressed to the Commissioner; the letter is as follows:

Dear Commissioners:

I was asked to review documents that requires us to clean and maintain road 13.4, the only document he finds which is legally binding is the agreement dated April 04, 1983, it was agreed to by a prior Board of County Commissioners of the County of Conejos, the other parties to the agreement are Pete and Corelia Salazar, Gilberto, Otilda and Eva Garcia, the parties entered into the agreement to settle the Garcia’s using a road on the Salazar’s property to enter the Garcia’s property, Article 1 of the agreement creates an easement for the benefit of the Garcia’s but the limitation of the road will not exceed 12 feet in width with a 2 feet of spill over; Article 2 allows the Garcia’s and the Salazar’s to request the Board of County Commissioners to clean and maintain the easement while the parties are allowed to request the commissioners to clean, the commissioners have the sole discretion to comply with the request with no liability whatsoever either expressed or implied, impose on the board of commissioners or commissioners of the district as the case may be for failure to comply with their request, if the county decides to honor the request both parties agreed to reimburse the County of Conejos such sums of money as hereafter be assessed against each party by the board or commissioners for road cleaning and maintenance work done on each respective roadways and easements, it’s clear in the agreement that the county is not obligated to honor the request for maintenance or cleaning the road and it is equally clear that we may be reimbursed for our cost for maintaining and cleaning the road if we honor the request.

Nick stated that it is up to the board’s discretion whether you want to honor this request, if the board decides not to honor it then there
is no liability, if the board does decide to maintain the road and remove the snow then they have the right to bill them for it.

Richard Garcia stated that he thought they were not supposed to charge for snow removal but for blading the road there would be a charge.

Nick Sarmiento stated that there is nothing that limits us from being reimbursed for anything "I quoted the agreement" in the last paragraph of Article 1 it doesn't really define maintenance which includes but does not limit to spreading of dirt and gravel where needed in order to fill in potholes and muddy areas including the removal of snow and snow drifts, that's included in road repair and maintenance.

Comm. Sandoval asked Richard if someone went over there with the loader.

Richard stated that Rossi from the town; they had to take the trash truck in there.

Comm. Sandoval stated that he has no problem honoring what the commissioners back in 83 came up with, the only difference between you and other folks that are requesting is that we: A- we don't have an agreement and B. we won't charge them because we would think we would be in competition with other folks that do it, in respect to you guys he will send a crew in if you guys request it and we will figure out what it costs and bill you by the hour, if the road has to be widened he would have no problem with that.

Richard stated that he is on a monthly social security and doesn't make that much; barely makes it through the month; also mentioned that he is not the only one that uses that road Lipio Duran also uses that road, also the guys that go to the head gate.

Comm. Sandoval stated that the county owes them one clean so they will go and clean it one time; they will time it that way they know exactly what it is going to cost.

Richard said he will get ahold of his cousins Salomon and Maria and let them know what is going on; mentioned that the ambulance would not be able to get there if they have to go to County Rd 14.

Richard felt that road should be grand fathered in.

**Nick Barela-DSS Report**

Nick stated that he would like to go into executive session to discuss personnel/conflict of interest.
Motion to go into executive session as per 24-6-402 (f) personnel: Comm. Sandoval/Second: Comm. McCarroll. All in favor.

3-0 Motion carried.

The board came out of executive session where they discussed conflict free case management for public assistance and no decisions were made.

Nick stated that he would like to add to the agenda the federal shut down and how it is impacting Conejos County Social Services' clients.

Nick requested approval for expenditures which includes accounts payables and EBT Expenditures.

Motion to approve accounts payables in the amount of $28,104.06 and EBT expenditures in the amount of $345,042.10: Comm. Sandoval/Second: Comm. McCarroll- All in favor.

3-0 Motion carried unanimously.

Nick then presented the following:

Adult Financial-142
Colorado Works- 59
Food Stamp/Food Assistance-777
Medical Assistance- 1,602

Nick stated that he did some research on Colorado Works to see why those cases are growing and that is because more cases are coming in, they have a lot of grandparents, aunts and uncles watching those kids, they can retain those services until the child turns 18; case load will continue to go up, they have the allocation to support it at this time.

Conejos County Job Fair- met with Stephanie Goldbranson and will plan on having a job fair on April 18th pending on the approval of the facility which will be the LDS Church in La Jara, it has plenty of room and is centrally located, last year they got some good feedback it was better attended than the one at Adams State.

Nick stated that he did offer each school district the Social Services Scholarship, it will be a total of 6 scholarships at a total of $1000.00 each, mentioned some of the questions that they are asked on the application; they do need to be TANF eligible and under the $75,000.00.
Nick mentioned that they are plugging away to finalize the contract with the Conservation Core for the youth to work program, they are expecting to get around 10 students, will probably interview those kids at the job fair, if they get a bunch maybe they can have a discussion on matching dollars from possibly Road and Bridge or expanding TANF.

Nick stated that there is going to be a Colorado Work Step Pilot Program with Rio Grande, this year they had a goal of placing 10 clients so far they have placed 8, there will be an employer round up at the Monte Villa Inn in Monte Vista on January 24th; will try to invite as many employers as possible to let them know about the program.

Nick stated that in several meetings he discussed the employment first program and how Conejos County had chosen to contract, they got a very small allocation to run that which was $10,000, the state did an RFP for a contract for 26 counties that expressed an interest in having the state do it, they found one person and decided not to go with that person the state decided to take on the responsibility of running the program themselves, they said they are starting the program on January 14 and the staff is not trained, the community is not prepared, he is familiar with the program because he supervised it in Alamosa, of the 776 clients 114 clients would be impacted by this program, some clients could get sanctioned if they don’t participate in the program; he will keep them updated on that when they are ready to implement the program.

Comm. Sandoval asked Nick that on the scholarship application he mentioned that they have to be TANF eligible; how do they know that they are.

Nick stated that it is part of the cover letter it asks tell me your name, your family, your county residence, that way he can screen them right away.

Nick stated that concerning the federal government shut down they have been advised by the state to process as many clients that are up for their re-certification in January for February’s benefits by 6 o’clock today, the state has two pools of money, if we can authorize these cases by prior to 6 o’clock today then it comes from that state of money, if anything after the 15th then it goes into the contingency pool, once that contingency pool is drained then there is a potential that people may or may not get ongoing food stamps, he authorized overtime for his staff, they have around 104 clients that would be
impacted this month but they talked to all of them to have them turn in the certification by 12 o’clock today so they have some time to work them, for those clients that don’t get their benefits approved by today then they fall into that regular pool of getting their benefits next month, what could potentially happen is these clients are going to get their food stamps early, they are going to get those benefits pushed out early this month which means they could deplete their benefits before February runs out, will be reaching out to the food banks letting them know they might have this situation, will keep fingers crossed that whatever is going on with the shutdown gets resolved soon, this will finally trickle down to administration costs.

Connie HR asked if those people know that they have to budget for January and February.

Nick stated that the state is rolling out the communication plan in different phases; they are having daily conversations with the state.

Mack Crowther-Beginning of the Year Report-Semi Annual-Quarterly Report

Mack presented the Semi-Annual report which is published in the Valley Courier every six months, need to be aware of that South Conejos School District that is accumulating, they are approaching a year now, they have not finished their audit, the one total is an inflated number, that amount is $711,000.

Motion to approve the Semi-Annual report as presented by Mack: Comm. McC Carroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Mack presented the Public Trustee’s Quarterly Report, he mentioned that there were 16 foreclosures in 2018 and 280 releases.

Motion to approve the Public Trustee’s Quarterly Report as presented: Comm. McC Carroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Mack presented a resolution to cancel the uncollectible mobile home taxes.

3-0 Motion carried unanimously.

Mack gave an update on the tax notices which will be mailed out on Thursday, there will an insert on the senior and veterans exemptions, Linda has a newsletter about Land Use, mentioned that the taxes for Sub District 3 starts this year, total assessed is about 800,000, some of those wells vary from a few 100 dollars to 56,000-60,000 dollars, when they start getting phone calls they will re-direct them to the Rio Grande Water Conservancy District.

Mack stated that he will not be going to the conference this year to try and save a few dollars; he will still stay certified.

Mack thanked the board and the Road and Bridge crew for the good work they do on the roads.

Mack talked about the website being used more and more, mentioned that 164 people signed up for the e-notices which saves the county on postage, those notices will not have to be mailed out, all the information is on the website, those notices can be seen and printed from that web site.

**Donnie- Road and Bridge Update**

Donnie gave his report as follows:

- Was going to questions Richard Garcia’s road because Waldo asked him about that.
- Meeting pretty regularly in the mornings to talk about ordering, wants to show the guys the budget as far as where they are spending and where they are not, that way they know where to cut back; trying to get consignment on oil filters.
- Got a bunch of phone calls when they got the snow, visited priority roads, tried to get the ones that have the most traffic.
- Still short in District # 1 but they are doing okay they are keeping up, visited with Waldo seems everything is okay.
- Everything else is okay other than what came up at the jail.

Chrmn. Jarvies stated that when they were at the Antonito meeting they hit them up about hooking up to their water and with sub districts coming in would it be smart to hook up because when they are trenching they could run a water line; is that a well that we would have to pay sub-district fees on.
Nick Sarmiento asked how many acre feet are we pumping out of that?

Donnie said not very much.

Comm. Sandoval mentioned that Delfino Garcia had said he could come and work for the county a couple of weeks instead of hiring a contractor; we could save a lot of money that way.

Donnie stated that in reference to the Robins, they had several times that the sewage had backed up and the pumps were not working, they had talked to Weavers and talked about different ways of getting it done and Robins has the pumps and materials, they came in the next day and got then set up, could have got the Road and Bridge crew in there with loaders but we don’t have the equipment to shoot grade to set the pipe up; hoping that they won’t get too big of a bill, mentioned that hopefully the insurance will cover some of the costs, we need to have someone looking at those pumps to make sure they are working, the system that we have now there are no checks and balances, felt this system should have lasted at least another 10 years, if we get someone that is insured and bonded then we can fall back on them, don’t know what Antonito is going to require, once they get with CDPHE the engineer is going to show where our force main is, types of pumps, etc. they will have to approve; we will not have any control of what Antonito wants to do, it would be nice to do the investment and have it done right.

Comm. Sandoval asked if they have to get a right-of-way from the ditch.

Nick Sarmiento-County attorney stated that they have to get a right-of-way from the actual owner but cannot interfere with the ditches right-of-way, we just have to notice them and make sure they are okay with it.

**Tressesa- Re-organization**

Tressesa County Admn. stated that she has been the budget officer in the past but it can be changed- Comm. McC Carroll stated to go ahead and leave her as budget officer.

Next item- the Valley Courier is the designated newspaper.
Nick Sarmiento-County Atttorney.
Bank- Community Bank of Colorado.

Chrmn. Bd of County Commissioners has been Mitchell Jarvies.

Motion to retain Chrmn. Jarvies as the Chair of the Board of County Commissioners: Comm. McC Carroll/Second: Comm. Sandoval. All in favor.
3-0 Motion carried unanimously.

Tressesa-County Admn. proceeded to read all the appointments of the boards such as Board of Health, SLV Commissioners, GIS-GPS, 911, Planning Comm., Housing Authority, Weed District, Cemetery, Water Conservancy, Blue Peaks, South Central, RETAC, Board of Adjustments, Tourism Board, Colo. Work Force, Planning Commission, Heritage Area, Homeland Security, SLV Hazard, etc.

Tressesa stated that they need letters of appointment for Ty Canty and Hannah Cary.

Motion to approve the appointments as presented with the minor adjustments to the cemetery boards: Comm. Sandoval/Second: Comm. McCarroll. All in favor

3-0 motion carried unanimously.

Tressesa stated that she briefly talked to Comm. Jarvies about every time there is an opening they advertise and very seldom does anyone ever respond; her thought was if they post in different places, post it on the website, they could save a little bit of money, they will still keep the process of the letter, they can charge those entities such as the Conejos Housing Authority.

Chrmn. Jarvies stated that as long as they are consistent with everybody it will be okay.

Comm. McCarroll asked Nick Sarmiento, County Attorney to check that statute that the weed district is concerned about, he feels that what they want is to see how much involvement the Board of County Commissioners have with that district.

Nick stated that the statute does allow them to interact with the Board of County Commissioners.

Chrmn. Jarvies stated that Nick should figure out how much responsibility or liability lies on the Board of County Commissioners.

There being no further business to come before the board, Chrmn. Jarvies declared the meeting adjourned at 12:45.

ATTEST:

NATHAN RUYBAL
CLERK OF THE BOARD

MITCHELL JARVIES
CHRMN. BD OF COUNTY COMMISSIONERS
Minutes of the Board of County Commissioners Regular Meeting held on
February 07, 2019 at 9:00 AM in the Commissioners Board Room, 6683
County Rd 13, Conejos, CO. 81129

Call the meeting to order

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvies- Chrmn. - Present
Steve McCarroll- Vice Chair- Present
John Sandoval- Vice Chair- Present
Tressesa-County Admn.- Present

Also present were: Nick Sarmiento- County Attorney, Connie Ricci- HR,
and AnnaBelle Gomez, Deputy Clerk & Recorder.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the Pledge of
Allegiance.

Prayer: Chrmn. Jarvies gave the opening prayer.

Approval of Agenda: Motion to approve the agenda as presented: Comm.
McCarroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Approval of Minutes: Motion to approve the minutes of the January 15,
in favor.

3-0 Motion carried unanimously.

Approval of Payroll and Accounts Payables

Motion to approve payroll and accounts payable: Comm. McCarroll
Second: Comm. Sandoval- All were in favor.

3-0 Motion carried unanimously.

Public Comment: None

County Admn- Correspondence
Tressesa-County Admn. stated that there is an opening for a representative for the Conejos County Fair Board, Ty Canty has submitted a letter.

Motion to appoint Ty Canty to the Fair Board: Comm. McCarroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Tressesa then presented an addendum to the immunization contract health through Public Health; they are increasing from $23,352 to $27,839.

Motion to approve the amended public health contract for immunizations as presented: Comm. McCarroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Cleave Simpson-Rio Grande Water Conservation District

Mr. Simpson-General Manager of the Rio Grande Water Conservation District stated that he likes to take the opportunity at least once a year to come and visit with them to outline and discuss what has changed with the Rio Grande Water Conservation District, the last two years he has talked about the formation of the sub-districts and ground water surface water interactions.

Mr. Simpson stated that on the Sub-district that affects Conejos County is Sub-District 3 which was formed a couple of years ago, they got their plan of water management approved last year which was approved by the district board and then the state engineer’s office, they are operational this year, the assessments were established and were presented to the Treasurer’s Office, 60 or 70 parcels were affected which come to about $800,000, that money goes towards operating of their plan, the operating of the plan has to replace the depletion of those wells caused to the river systems, that is around 31 hundred acre feet of impacts to the Conejos River, about 800 acre feet of impact to the Rio Grande and a small 100 acre foot to the Alamosa River System, the Conejos will offer a whole separate challenge for us, it is not uncommon for the Conejos to be dried up East of 285, the Rio Grande doesn’t experience those dry ups, that offers challenges for operations and management, they require a pool of water, some is stored in Platoro, some in Beaver Reservoir, talked about the other tool they have, they predict what their pumping is
going to be, impacts, and where they are with the aquifer system and put it in the annual plan.

Chrmn. Jarvies asked if they base that off the snow.

Mr. Simpson stated that they have 10 years of metered ground water so they compare predicted stream flow based on NRCS’ prediction and national weather services.

Comm. Sandoval stated that our treasurer mentioned that some land owners were going to be taxed anywhere from 50-$60,000 is that going to fluctuate or are they stuck with that amount.

Mr. Simpson stated it depends, it’s all a function of what their impacts are, if pumping goes down then impacts go down then the fees go down, how aggressive they are in creating and maintaining a sustainable aquifer system as described by the state, fees could go down, if the producer would limit pumping to some number based on supply he can envision where they don’t need a sub-district other than a small administration.

Mr. Simpson talked about the predictions and percentages as of February 1st which the basin as a whole is pretty good; the Conejos as you went further South the less impressive it was; talked about how the supply of water on the basin has decreased in the last 20 years; there are impacts to producers this year; mentioned that they are waiting for Judge Swift to take testimony on the rules and regulations, there are 2 or 3 opposing- she has been reviewing for almost a year now; if she were to accept them it would start at a time clock for every non-exempt well in the San Luis Valley to come into compliance with those rules and regulations, municipal wells, federal agencies, BLM, US Wildlife Services, Parks and Recreations have wells where everyone would have to comply.

Mr. Simpson stated that an individual called an entity representing renewable water resources, they came to him to promote an idea developing a confined aquifer well field in the North end of the valley which was purchased from Gary Boice with no irrigation wells, might have some stock wells, his proposal to him and the Rio Grande Water Conservation District is to now drill some 30 confined aquifer wells, pump some 22000 acre feet of out of the confined aquifer, put it in a pipeline, deliver it up the North end of the valley, over Poncha Pass, up the Arkansas River, up 285, up Trout Creek Pass then put it in the South Plat Basin and make it directly marketable to the South Metro Denver Range, his proposal was “please manage a 16 million
dollar fund on their behalf" he came and presented it to the board, they did not make a decision, they adopted a resolution that said they are not going to participate in anything to export water out of the basin, they are trying to lay ground to what their opposition is like, they will just see how it unfolds.

Chrmn. Jarvies stated that if they need letters from the Board let them know as soon as he can.

Mr. Simpson said he has been thinking about that because some other folks have expressed interest in that also; they have a list of stakeholders and constituents, when the time is right he will be happy to provide them with a template.

Comm. McCarroll stated that they will be glad to help when the time comes.

**Garth Crowther - Sheriff’s Report**

Sheriff Crowther gave his report as follows:

- Asked if they got the report from Alison.
- Stated things are going smooth.
- His people put a lot of over time with this trial going on, some have been doing doubles- applied for a grant from the state courts- won’t go into effect until the 2nd day of the trial, will get most of the over-time covered.
- Had three people lost over at Cumbres Pass- Forest Service was going up with snowmobiles.
- Talked about the vests- Mentioned that they are more expensive than what they thought, with the type that they need and will wear they are about $11,000 they talked to several companies, they are looking at a grant that will pay half of that, looks like they are 95% sure that they will get that grant, they will purchase the vests and the money will be awarded in September, they would get half of that money back- talked about safety issues for the officers.
- Equipment-They are in worst shape than what he thought in equipment and depreciation, felt it was lack of maintenance; they parked 2 vehicles for safety issues concerning the tires.
- Presented a plaque to Charlie Canty for his many years of service with the department.
Chrmn. Jarvies stated that because of budget, anything that concerns safety has to be addressed but they need some kind of plan to gradually bring everything up.

Sheriff Crowther stated that they are putting up a maintenance plan so that they make sure the cars are being maintained, mentioned that he and Tressessa talked about having the building checked and maintained, the commissioners are welcome over there anytime, did get a comment about how clean the place is; commented that he has a good staff.

Nick Sarmiento-County Attorney stated that he sent him a copy of the draft on the fire ban, look at the schedule and see if he agrees with the fines, will have the first reading by the next meeting, the Traffic Model Code will take longer because of the size; he will keep working on it.

Donnie did an update with the waste water, he visited with Amanda Atencio from Atencio’s Engineering, they are the ones setting up Antonito’s sewer lines, they know the elevations and the sewer system, Rossi wasn’t around so he visited with the lady that is in charge of maintenance- they will be there when Atencio’s come down, Meagan can show them the jail, costs are about $5000 in pumping with Weaver’s, they had one back up but was immediately cleared up, Robin’s bill was 3240.00, are working with CTSI, asked Meagan to get costs of pumps, they have turned in only a couple of hundred dollars to the insurance, they will have about 7-8000 dollars of costs and hopefully the insurance will reimburse those costs.

Sheriff Crowther stated that they plan to take on some prisoners, he will not do parole or problem inmates, won’t do anything until the septic matter is taken care of; said he was asked about meals, they are doing about $1.28 a meal.

Comm. Sandoval asked the Sheriff if he knows of anyone that is going to retire give them a heads up so they can do something nice for them; they might also want to put their picture in the Courier.

**Donnie Martinez - Road and Bridge Report**

Donnie gave an update on the following:

- Complex Water- Had the sanitary surveyed, they need to change a few things to get everything up to par, they have spent $11,209.00, will have anywhere from $360.00 to $3800.00 per year, discussed about possibly charging water fees to Little Treasures and the Library, they will have ongoing fees such as sampling, and chlorination all the time, etc.
• Road and Bridge- Had a meeting this morning with the supervisors, they asked about paving this year, they asked if they could just spend all the money in one district like they did before and get some good work done, then the next year the next district gets it, etc.

• Tire Bidding- Right now they send the bids to 3 different companies, they get the bids, tend to split the costs, would like to try and bid with installation and see if they can get some of those costs knocked down, last year they spend $14,216 on top of purchasing tires, would like to see if they can also store the tires for them; that saves on time and time is money.

• Roads- Talked about the snow- they are doing the best they can, got a text message how the guys have to crown the roads, the guys are doing the best they can, got a lot of compliments on their roads this year, talked about re-building the low areas and keeping them flat so they don’t get that accumulation.

• Consignment on Filters- Getting lists of what they need, talked to three different companies, they are willing to set up shelves, will save time on running to the parts store.

• He will get bids for fuel today; if they run short Waldo will order.

• Water Softner- Will be going for training, he has to test for a different level; has had about 4 hours of studying.

Lauri- Laske/Adams State

Lauri thanked the board for their time, mentioned that she has two agenda items today, first of all last year when she was here she asked support from the county to match with the Colorado Opportunity Scholarship Initiative, with that they were able to award scholarships, would like to take a photo with the board and the students, they were able to award all those students that met the criteria, mentioned that Chris Lopez Director of Marketing and Public Relations, Yvette Lujan from Trinidad St Junior College and Miguel from TSJC are here plus the students; the second part was that she will be asking to partner one more year.

Lauri had the students introduce themselves; they stated their name, what institutions they are attending and what they are majoring in.

Lauri said that the second component is to ask if they can partner again and explained the attainment and affordability.

Lauri talked about the following:
• The goal of the COSI is to increase post-secondary credential completion and preparedness of Colorado students to earn a livable wage and graduate with less debt, and positively contribute to the growth of our state’s economy.

• Students must participate in a rigor-based program which makes this different than other scholarships.

• COSI proposed allocation for Conejos County is $16,097.00, every dollar allocated by the county will be matched dollar for dollar by the State of Colorado up to the maximum allocation, they would be able to do 32 scholarships to students of the county with that amount, if they aren’t able to make that amount they will do dollar per dollar match up to that amount.

• Talked about the proposed scholarship criteria, such as must be a Colorado resident, graduated from Conejos County High School or be a current resident of the county, 2.75 cumulative GPA, attend Adams State University or Trinidad State Junior College, must be a full-time student, will be $1000 scholarship for the academic year.

• Commented on the College Counts.

• Need a letter of support addressing partnering with ASU and TSJC and a commitment of funds by March 15, 2019, funds to be paid to ASU (fiscal agent) by July 1, 2019.

Comm. Sandoval stated that is nice to see so many folks from the county doing so many different things, they have always been supportive in the past, we try to do our parts but budgets are getting tighter and tighter.

Comm. McCarroll stated that he appreciates what went on and were glad to help, proud of each student; great diversity of what they are going into.

Chrmn. Jarvis stated that is great; shows the result of where the money is going.

**Marline Martinez - University of Colorado**

Marline stated that she lives in Del Norte, works for The University of Colorado at the medical campus and their service the entire San Luis Valley, she is working with a department of family medicine around opioid abuse which is very close to home, the project that they are working on is called “It Matters”, she is working with a team that is part of the eastern plains, they started the project in May of 2017, they are conducting a community wide survey to understand people’s attitudes, knowledge about resources, to help us build the gaps where we need to go next, it is a 25 question survey to look
through and answer to the best of your ability, it's anonymous, she is hoping that once they get the data finished they might have some reports that they might be able to send, they are focusing on Rio Grande, Alamosa, and Conejos, she may be coming next year to talk about substance prevention in the schools.

**Naomi Keys-Assessor/Abatements**

Naomi presented the following abatements and gave a reason for the changes.

Motion to approve the following abatements as presented: Comm. McCarroll/Second: Comm. Sandoval- All in favor

3-0 Motion carried unanimously.

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Naomi stated that the assessment rate for 2019 did not go down to 6.11 like they thought, the North Conejos School District has contacted her about putting a school bond issue on the ballot; they used last year's certification.

**Linda- Land Use Report**

Linda gave an update on 2018 Permit statistics which shows they collected $48,643.20 which is balanced with the County Treasurer's report, the report has a breakdown of the construction permits, her report includes the permits, addresses, address signs, septic, and construction from 2010-through 2018; they do show growth in Conejos County.

Linda turned the time over to Chris, who presented the following:

Chris stated that he would like to get the Board’s blessings on implementing a building code; stated the following reasons:

- The building regulations are intended to protect people’s safety, health and welfare in and around buildings, there are a lot of homes that are being built who need a building code, he showed pictures of homes; mentioned that they don’t want to stop anyone from building they just want them to do it safely.
- Chris stated that they have different categories- regulations have different codes such on homes, commercial buildings, hay barns, they just want them to have it done correctly, they want it to be safe for everybody, they have houses that are half completed, they are concerned about fire safety, health and hygiene, moisture penetration, humidity and temperature, and accessibility and usability.
- Chris talked about the economic benefits of model codes which keep construction costs down, which can result in lower insurance costs.

Nick Sarmiento, County Attorney asked Chris which building code would he recommend.

Chris stated that all insurance agencies recommend the 2018.

Nick asked "what if we were to follow the 2008"?, so there is the national building code and a UBC, which would be less burdensome to follow?

Chris stated that they are the minimum amount, they are there to help you be safe; energy efficient codes are different regulations.
Comm. Sandoval asked Linda-Land Use Admn.- in the last 10 years we have done over 1200 building permits, if you had to put a percentage how many are having issues.

Linda stated probably 25%; reputable contractors are building per code, those constructions that are not complete affect the Assessor’s Office because they cannot be assessed as 100% complete.

Comm. Sandoval asked Linda if she knew how many counties in the valley have building codes and what does their budget look like.

Linda said that Alamosa, Rio Grande, Mineral and possibly Costilla, Rio Grande County had a budget of $107,300 in 2018, they came out about $400.00 ahead.

Tressesa, County Admn. mentioned that there are some million and a half dollar homes being built in Conejos County and they are only paying $200.00 for a building permit, those fees would probably go into their loan anyway.

Chris stated that those that pay a $700.00 fee if they had a regulation they would pay $2,380.00.

Linda stated if someone paid $150.00 which is a flat fee, if they had a building code they have an impact fee, etc. they would pay $459.90.

Chrmn. Jarvis stated that he has a brother that is a contractor and he is in favor of a building code, he suggested having another meeting with the presenters, he would like to know what kind of pressure it would put on the staff if they are going to inspect every floor, every wall once it’s done it’s going to take a lot of time.

Comm. Sandoval stated that a state inspector would flunk someone 3 or 4 times, he would get $150.00 every time, he felt the system was being abused; he didn’t care for the abuse of discretion.

Chrmn. Jarvis asked about the liability, if we enforce a building code and our inspector goes out and says that it’s good and it crumbles in five years who does that go back on, we do need to start moving forward but it needs to be process to include people that are building.

Chrmn. McCarron asked if they are building enough in Conejos County that we can afford to pay a building inspector.

Linda stated that would be on the fee schedule that Chris gave them showing what he proposed, don’t look at the impact fee, what Chris proposed is less than Alamosa Counties’ so it would pay for itself,
they have been looking at the codes from other counties that we could model off of, she is in favor of it, thinks it’s time we need to move on so we can have some teeth on some other things, we need something in place for those that do not complete their project there is a problem there, she received a public report from Lynea on a house that they have that needs to be condemned it has black mold and wiring problems, we don’t have anything in place, she sent it to Samantha as well.

Donnie stated that he was new at Land Use when they had that meeting with the contractors, one of the biggest complaints were that some were cutting their own boards, building their own beams, the contractors that are trying to build a code are using graded materials so when it comes to bidding you can’t bid fairly, if we had a building code then they would be required to use building materials, we adopted Reg. 43 in 2014 for waste water and we got complaints because it is outrageous but the thing is that it will last a lot longer, it can be out to bid to 20 people and it makes it fair to the contractor and the home owner.

There was a short discussion on responding to the alarm systems, they should have a set fee after responding one or two times, then after that they will have to pay a fee.

Chrmn. Jarvies stated that they should look at what they are doing, implement a UBC Code, have a meeting with all the builders, present what they will be doing and present the fee schedule, wanted to know what liabilities that would put on them by being inspectors we are putting ourselves in that role as approving a building to be built.

Nick Sarmiento stated that they should discuss that statute; he doesn’t think the county would be liable.

Connie-HR asked if they have thought about how it would impact staff.

Linda said she has, it could grow and I would be knocking at your door saying we need another staff person, Chris is the one that is experienced with it, he says right now he could handle it, he is already doing that, you incorporate it and schedule it, you run a tight schedule; but we would need office staff.

The question was asked if Chris would need certification to be able to do that.

Chris stated that right now he is approved by the state to approve, design, and inspect building wise.
Chrlmn. Jarvies stated that they can have it in a form of a work session and let them know what they are getting for that fee, will talk about equality in bidding a project and all the selling points.

Linda said it's good for our people because when we go borrow money on our homes and we have an inspection report of certificate of occupancy it makes a difference, it makes a difference on insurance premiums, and with the banks, as Land Use Administrator she would recommend to explore it further and go from there.

The board decided to have a work session before they get together with the contractors or public comment.

Linda talked about the fee schedule that she presented to the board which includes what the current rates are and the proposed rates for changes, this includes subdivision exemptions, minor exemptions, PUD's, types of Land Use Process or Permits, County Road and Bridge Permits- asked Donnie to look at that and come up with some recommendations as well, tried to tier on construction permits, penalty fees, car ports, hay sheds, additions, etc. she presented it to Planning Commission; would like to get the Board of County Commissioner's blessings to at least review our current Land Use Fee schedule, this would take at least a year, they will have to publish and have a public hearing with County Commissioners.

Donnie talked about fees for business licenses.

Linda stated that Planning Commission was in favor of the increase; in regards to the building code they were a little reluctant.

Tresesssa-County Admn. stated that she presented the budget in detail to the Planning Commission.

Chrlmn. Jarvies asked Linda if she needs an answer on supporting her concerning the fees.

Linda said she wants to know if they support her on increasing the fees, building code is still a ways, that is not going to be a solve all for Conejos County.

Comm. McCarroll stated he is okay with the Land Use Fee changes.

**Linda-Land Use-Moratorium on Kennels**

Linda stated that the moratorium on kennels expired on February 02, 2019.

Nick Sarmiento-County Attorney asked if we had asked for an extension.
Linda said she didn't; wanted to know if she has to re-advertise, mentioned that she got an animal activist call her and wanted all the details on the fire.

Nick asked what is required to extend it because there was a built in 6 month extension, we can also go and amend our Land Use Code.

Nick mentioned to Linda that they will be proposing a Burglar Fire Alarm Ordinance, Traffic Model Code which just needs updating, will be presenting the rubbish issue to the Planning Commission in March, that will allow the sheriff to start ticketing people, they will have a fire ban also, the rubbish is mostly to clean up their property.

**Tressesa- County Admn- Discussion on 2020 Budget**

Tressesa, stated that they need to seriously start thinking about what they are going to do in 2020, first of all they need to get out to the communities to see if they can get people to help with the sales tax, they got a couple of volunteers at the Planning Commission Meeting, wants to know what their thoughts are, she had thought of having a meeting with the elected officials and department heads, she wants to start right now and not wait until the end of the year, she wants to know their thoughts, do they let the elected officials know the severity, do they let employees know, wants to know how do they move forward with this; will they have to start cutting, do we tell each department head where can they cut, do they cut hours to 32 or what can they do?

Connie- HR stated that they could educate the staff and go from there.

Comm. Sandoval suggested have the department heads come with two budget proposals, one if the sales tax passes and the other if it doesn't pass, that will tell them where the severity is, it has to be educational.

Tressesa, County Admn. stated that if the sales tax passes it will not be for 2020 it will not come in until the end of the year, they will have to cut for 2020 no matter what, even if the sales tax passes you can't count on that revenue until 2021, at that point you are still in danger, mentioned what they receive in taxes in the General Fund and what they get form PILT, she will hold off as long as she can on those requests of $500.00 or $1000.00 such as for the weed district, this is because the cash flow is not coming in; do they go from 4% retirement to 1% retirement, those are just some thoughts; we need to start community meetings as soon as we can concerning the sales tax.

There was a short discussion on a use tax for Conejos County.
Comm. Sandoval stated that they should have some kind of appreciation for those county employees that retire.

There being no further business that came before the board, Chrmn. Jarvies declared the meeting adjourned.

ATTEST:  
NATHAN RUYBAL  
CLERK AND RECORDER

MITCHELL JARVIES  
CHRMN. BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Payroll Meeting held on February 15, 2019 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

Call the meeting to order:

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvies- Chrmn.- Present
Steve McCarroll- Vice Chair- Present
John Sandoval- Vice Chair- Present
Tressesa Martinez- County Admn.- Present

Also present were: Nick Sarmiento- County Attorney, Connie Ricci- HR, and AnnaBelle Gomez- Deputy Clerk and Recorder.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the Pledge of Allegiance.


Approval of Agenda

Motion to approve the agenda as presented: Comm. McCarroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of the February 07, 2019 Regular Meeting: Comm. McCarroll/Second: Comm. Sandoval- All in favor

3-0 Motion carried unanimously.

Approval of Payroll and Accounts Payables


3-0 Motion carried unanimously.

Public Comment: None
County Administrator- Correspondence- None

Chrmn. Jarvies stated that Jack Gylling is leaving and he is the secretary of the Manassa Cemetery, asked Tressesa, County Admn. if she can send Marlo Anderson a letter stating that Jack is stepping down, if he can send her a name of someone that is thinking of serving.

Nick Sarmiento-County Attorney-CDPHE

Nick stated that La Plata County has indicated that if they win they will pay us back the money that we put in; it’s been awhile since they entered into a common interest agreement.

Tressesa-County Admn. stated she will run a ledger so they know what that amount is.

Samantha - Public Health/Board of Health Reports

Samantha stated that she does not have a Board of Health Report today; presented her Public Health Report as follows:

A. Administration and Governance
   1. Personnel- current
      a. Interviewed for a part time nurse
      b. Filled supervisory assistant for PCP part time to replace the full time PCP co-supervisor-start date 2/11/2019
      c. Facilities/Technology- Blinds, office reorganization
      d. Time Clock System- Waiving activation fee, approximately $55 per month for all staff-talked about the different programs for OLTC; service agreement coming soon which Nick will review.

B. Assessment Planning and Communication
   a. Continued work on objectives and goals- Health Equity, building a public health capacity.
   b. Regional Assessment Book-distributed at basketball game.

C. Communicable Disease Prevention, Investigation and Control-
   a. Animal Bites- will do annual outreach to law enforcement agencies, immunizations- completed the provider agreement, setting up site visit with VFC program, nurse position will held with the contract.

D. Emergency Preparedness and Response
   1. Sent Nick the MOU with what they have to do for the SNS and the POD, will be contracting with EMS.
2. Will be doing staff ALICE training with emergency in February
3. Have registered for EOC training in May.

E. Environmental Health

1. RFE that have not paid their licensing fee will be receiving final notice from EH in mail.
2. 9 total in Conejos County - require payment by Feb 27th or possibility of $250 fine.

F. Prevention and Population Health

1. Tobacco Grant - Continued work on community assessment.
2. Office of Behavioral Health Grant - Prevention coalition - Youth Mental Health training January 18th - Capped out had to turn people away, last meeting on Feb. 6th.
3. Completed youth ambassador protocols and application.
4. Shared risk and protective factors conference end of May.
5. Child Fatality - Supplemental funding for CDOT YAPP program to pay youth stipends, Marietta has been out to the schools recruiting our ambassadors, will be holding adult meetings; should be doing interviews with Connie in February; wrote a grant to take them to a conference in Keystone.
6. Child Fatality Meeting for March 14th.
7. Baby and Me Tobacco Free - support smoking cessation for prenatal and postpartum mothers, continued recruitment of participants, they may be doing tobacco cuts.

G. Vital Records and Statistics

1. Most small counties use other entities for this service, with public health to be notified/monitor for any significantly abnormal trends.
2. Was able to locate copy of Current MOU with Alamosa.

H. Personal Care Provider (PCP) Program

A. January - 2886.25 field hours worked, currently hiring providers.

I. Commodity Supplemental Food Program

1. 332 total participation
2. 61 deliveries

J. Options for Long Term Care Program
1. 339 Clients in January, 189 Conejos
Conflict Free Case Management - Feb. 14, 2019 Call with HCPE, discussed the extension that they put in, they are letting them go into June of 2022 to have it finalized.

Nick Sarmiento stated that would be the end date but within that time we would be working to divest.

Comm. Sandoval asked Samantha if that is her recommendation.

Samantha stated that is here proposal but it’s their choice, that gives them time to assess the programs, gives staff security; they are talking about re-designing the whole program.

Comm. Sandoval made a motion to rescind their earlier decision for divesting by June 2019 based upon a conversation with Brittney, Heather, Yasmin Gardner, and Joshua Montoya and change it to June 2022: Second: Chrmn. Jarvies. Motion carried.

2-0 Motion carried.

Comm. McCarroll did not vote due to conflict of interest.

Samantha stated that she still has to submit the business continuity plan; they will have to choose one of those plans with the disclaimer.

Chrmn. Jarvies asked Samantha to work with Nick on the wording.

Nick Sarmiento stated that they are still divesting of Case Management they will continue on the same plan.

K. Upcoming Travel -SAPTS- Feb. 19-22 (OBH requirement and funded), Public Health Law-March 5th- (EPR)

Nick Barela-DSS Report

Nick requested approval for Program Admin Costs (EBT) in the amount of $329,217.55 and accounts payables in the mount of $30,515.32.

Motion to approve EBT expenditures and Accounts Payables as presented by Nick: Comm. Sandoval/Second: Comm. McCarroll- All in favor.

3-0 Motion carried unanimously.

Nick then presented the 2019 Child Support Plan which is broken down into 5 categories which illustrates practices in our CSE Unit, these section include: 2019 Budget, program information-referrals, child support debt and retroactive polices, safeguarding client information, compliance and performance improvement (general approach, contingency plan and personnel involved.

Nick presented the multi-agency MOU regarding the collaborative agreement between CCDSS and Tu Casa regarding domestic violence referrals, MOU with SLV-CAC, and MOU with Law Enforcement which contracts with Family Foundations, the invoice for January was $7,453.15, talked about the CW STEP incentive policy- Rio Grande is the fiscal agent, and the Child Care Policy.

Nick stated he requested approval to enter into a contract with the youth program and BLM in the amount of $36,000 which are TANF Funds, they will be reaching out to all the school districts, they will screen the applications, they do have to be TANF eligible.

Motion to approve the contract between DSS and Conservation Legacy in the amount of $36,000 for the summer youth program: Comm. McCarroll/Second: Comm. Sandoval- All in favor.

3-0 Motion carried unanimously.

Executive Session

Motion to go into executive session conference with the attorney as per 24-6-402 (b): Comm. Sandoval-Second, Comm. McCarroll. All in favor.

3-0 Motion carried unanimously.

The board came out of executive session at 10:12 AM and no decisions were made.

Nick Sarmiento: It is the opinion of the county attorney that the discussion held had an executive attorney/client privilege therefore no record was kept.

Rodney King-EMS
Rodney presented some brochures on Local Emergency Planning Committee and an Emergency Management Reference Guide; mentioned that he sent his report on the monthly highlights for January, presented the Conejos County Fire Operating Plan for local, state and federal agencies in the prevention and suppression of wild land fire, Conejos County intergovernmental agreement for participation in the Colorado Emergency Fired Fund, CSFS # 108, and the agreement for Cooperative Wildfire Protection in Conejos County, CSFS# 109 for signature, talked about red wing warning, last year they did a fire ban on those days, they are asking if they are going to do that again this year.

Chrmn. Jarvies stated that Nick-County Attorney is working on that, they will have an ordinance so they will have those in place; and enforce some fees.

Rodney stated that they would like a copy of that ordinance; the state in interested in that.

Rodney asked Tressesa-County Attorney if she has had a chance to look at the grant monitoring site visit, it is not an audit, they want to do it on April 17th, they want a general entry level, activities, equipment, policies and procedures, etc.

Tressesa said yes.

Rodney stated that on South Conejos School District they want to do a full scale evacuation exercise; they have done a very good job, they have been the most active school, both North Conejos and Sanford would like to do another tabletop, they will do a full scale exercise, all the children will be evacuated and taken to the Opera house in Manassa, they will make sure law enforcement will be there, maybe Road and Bridge they might want to block off some roads, Excel would like to be part of it too.

Rodney stated he registered for the Colorado Emergency Management Association which will take place next week, also mentioned that they have not done an exercise for 7 or 8 years and would like to do a tabletop in May, a functional in July and a full scale in September, probably do an evacuation on a fire up the canyon, the future trainings will be the SLV credential trainings for Capulin Fire Department and La Jara wants to do it also, he will just get all their information, ambulance has talked about doing that also; he will be attending the retreat.
Jennifer Thurstan - Responsible Mining (970-859-7456)

Chrmn. Jarvies called Ms. Thurstan, mentioned that they are in session, stated who is in attendance; mentioned that they are in favor of HB113 they understand the importance of it; asked Ms. Thurstan if she had anything to say.

Ms. Thurstan said she appreciates their support, there are a lot of people working on that bill, have been concentrating on Southwest Colorado and trying to work with their state agency about what was realistically possible under state law, glad to have their support, your communities have memories of Summitville, after Summitville happened the bonding law was revamped and improved but not since then, this will be the first change to the state bonding authorities, it is important that we keep up with the times, she was asking for their support on this bill, they are hoping that Senator Crowder will support it, Senator Valdez already supported the bill, it is now going to the Senate, she can send a draft, there will be remote testimony at the meeting in Alamosa if they have an interest they can testify.

Chrmn. Jarvies asked Ms. Thurstan if she can send Tressesa-County Admin. a template then it can be sent to the right people.

Cindy Medina stated that she assumed the county would support this because if any county has been affected by Summitville it has been Conejos County, Comm. McCarroll has been with them through this journey, when this was signed in the early 1900’s there was a superfund trust, the 250 million came from that trust, in 1995 congress failed to approve that trust which taxed the mining oil and gas companies, if that would happen today it would have to be congressional approved and they would probably not approve the 250 million dollars for Summitville, I know the State of Colorado cannot afford that amount of money, the county can’t afford to pay that, it’s good to be pro-active, felt they would be on board, she has given testimony to legislature, it is going to the Senate now.

Ms. Thurstan stated that she will be in touch with Ms. Martinez, thanked the board for their support.

Ernest Abeyta - Ambulance Report

Ernest presented the following updates:

- Had 100 calls for the month of January.
Brought in $31,337.87 thru the billing company, checked with Gary seems like they are down about $30,000 which includes Workman’s Comp and some unforeseen expenditures.

Had 8 secondary.

Have come across some issues on MARS and A&B billing primary insurance but not secondary insurance, those are private pay; those numbers are 20-25.

Hoping to increase revenues for next month.

Connie- HR asked Ernest if he had any idea what they are paying MARS.

Ernest stated that last month they paid them around $2300.00; stated that they are in contract with them for 5 years but has not seen the contract.

Chrmn. Jarvies asked Ernest to get ahold of the contract and get together with Nick Sarmiento-County Attorney.

Ernest wanted to know if they could get an ID maker, they have been making ID’s through the ambulance service, Debra has been using her phone as a camera, the ink that she is using and the laminator is running about $50.00 a month.

Connie-HR stated that the ID maker is around $2500.00.

Ernest stated that they found one for $705.00.

Rodney King showed the ID’s that they have and mentioned that he will be reviewing the contract with Salamander.

Connie-HR stated that O&V in Alamosa is charging $17.00 that’s why Nick Barela-DSS was asking Debra to do them.

Rodney will check with all department heads to see who needs ID’s.

Mentioned that they are in need of some new manikins for training, the AHA is requiring trainings, if they don’t get those they will not allow them to do CPR trainings, suggested to the crew to do some fund raising events, CPR manikins are 1200 for 1 set, those are family manikins.

Chrmn. Jarvies stated that a fund raiser would be okay.

**Tressesa Martinez- County Admin.- Updates**

Tressesa stated that the heating system is down at the old jail, she had checked with Vendola they wanted $32,000, she put Donnie to contact someone from Pueblo they will have it done for about $18,000.00C, they will upgrade it and put some new thermostats.

Tressesa mentioned that they will be testing all the panic buttons, they will be working with Garth-Sheriff, will be working with Valley
Lock and Key so when they do go off they are going to know if they are at the courts, or Treasurer’s etc.; will also be doing a reverse 911 for the courthouse.

Chrmn. Jarvies stated that they did meet and are moving forward with the courtroom or courthouse remodeling.

Judge Martin Gonzales stated that things are not getting easier; they had called over 200 people for the jury selection on the big trial they had; 135 showed up.

Tressesa; County Admn. mentioned that they had been charged $500.00 for the use of the Parish Hall which was used for jury selection; that was for one day.

Chrmn. Jarvies stated that concerning the courtroom they want a working group to set things up; asked Judge Gonzales if he wanted to be part of that group because they could use his input to see what is needed and what needs to be done.

Judge Gonzales said yes he would be part of that group.

Nick Sarmiento-County Attorney asked Judge Gonzales if he asks for example “5 deputies” to be on duty at the courthouse or does it depend on the type of case.

Tressesa-County Admn. mentioned that there was a lot of security; they paid too much over time in that week and a half.

Judge Gonzales stated that it depends but this last case was pretty rough, those are judgment calls that have to be done by the sheriff; they do need to have that protection because you never know what’s going to go down, mentioned that in regards to renting the Parish Hall they will have to be forced to finding another place.

There being no further business to come before the Board, Chrmn. Jarvies declared the meeting adjourned.

ATTEST: 

NATHAN RUYBAL 
CLERK OF THE BOARD

MITCHELL JARVIES 
CHRMN., BD OF COUNTY COMM.
Minutes of the Board of County Commissioners Payroll Meeting held on March 07, 2019 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

Call the meeting to order:

Chrmn. Jarvies called the meeting to order at 9:00 AM.

Roll Call: Mitchell Jarvies- Chrmn. Present
Steve McCarroll-Vice Chair- Present
John Sandoval-Vice Chair-Present
Tressesa Martinez- County Admn.- Absent

Also present were: Nick Sarmiento-County Attorney, Connie Ricci- HR, and AnnaBelle R Gomez, Deputy Clerk and Recorder.

Pledge of Allegiance: Chrmn. Jarvies led everyone in the Pledge of Allegiance.

Prayer: Comm. Sandoval gave the opening prayer.

Approval of Agenda

Motion to approve the agenda with the addition of the discussion of the Second Amendment County Sanctuary Resolution under County Attorney Correspondence: Comm. McCarroll/Second: Comm. Sandoval : All in favor.

3-0 Motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of the February 15, 2019 Payroll Meeting: Comm. Sandoval/ Second: Comm. McCarroll. All in favor.

3-0 Motion carried.

Approval of Payroll and Accounts Payables

Motion to approve payroll and accounts payables as presented: Comm. Sandoval/Second: Comm. McCarroll. All in Favor.

3-0 Motion carried unanimously.
Public Comment: None
County Administrator- Correspondence: None

County Attorney - Correspondence

Nick Sarmiento-County Attorney stated that there is a discussion about a Second Amendment Sanctuary being proposed in Conejos County, he has drafted a resolution, asked that they go into executive session, they have other matters that will have to be discussed with the sheriff.

Motion to go into executive session as per 24-6-402 (f) conference with the attorney: Comm. Sandoval/Second: Comm. McCarroll. All in favor.

3-0 Motion carried unanimously.

The Board came out of executive session conference with the attorney at 9:40 AM and no decisions were made.

Nick Sarmiento: It is the opinion of the county attorney that the discussion had an executive attorney/client privilege therefore no record was kept.

Garth Crowther- Sheriff’s Report

Sheriff Crowther gave his report as follows:

- Stated that things are going smooth.
- They are down a couple of people due to medical.
- Jail average is around 50.
- Down a couple of vehicles they are nickel and diming them
- Things are starting to pick up.
- Stated that Nick-Attorney is moving along with the fire ban and traffic model code.

Chrmn. Jarvies asked what his feeling is on the Second Amendment Sanctuary County.

Sheriff Crowther stated that he is in support of the Second Amendment Sanctuary Resolution County, some of his reasoning is he does not feel a person has due process in the way the bill is written, he feels that they should have due process before you go in and start violating their second amendment and also doesn’t think the way it’s written that they are protected for unreasonable search and seizure so he would be 100% in favor of a Sanctuary Second Amendment County.
Chrmn. Jarvies stated that he has been getting a lot of phone calls and the citizens are really concerned with this, they have seen other counties doing this and are very adamant about us doing something, unless there is a proper procedure going through this then it is not good; he would be in favor of it.

Comm. Sandoval stated that some states have it to where after a report is done, the sheriff is required to go and remove the gun, then within certain amount of days they go in front of a judge and if they decide to get their gun back he would 100% fine with it; if it was a process where they gave a report to the sheriff, he filed a complaint with the judge and the judge were to decide that if they would be responsible to keep weapons, they would keep it for a year, this would leave it open to abuse of the system.

Sheriff Crowther stated that he would agree 100% if they have the process and it is proven that they shouldn’t have the weapons if they are a danger to themselves or others.

Comm. McCarrol stated that they need to go forward with this, down the road they might see more challenges against the Second Amendment if they don’t take a stand now, if the judge says you go get them you go, if you don’t then it’s an attack on their rights.

Nick Sarmiento proceeded to read the resolution as follows:

CONEJOS COUNTY RESOLUTION 2019-05 OF THE BOARD OF COMMISSIONERS OF CONEJOS COUNTY

RE:

CONEJOS COUNTY TO BE A SECOND AMENDMENT SANCTUARY COUNTY

WHEREAS, Section 30-11-101, C.R.S. provides that Counties have the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues; and

WHEREAS, Section 30-11-103, C.R.S. provides that the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and

WHEREAS, the Second Amendment to the United States Constitution adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual right of the people to keep and bear arms, and

WHEREAS, the Supreme Court in the District of Columbia v Heller, 554 U.S. 570 (2008), decision affirmed an individual’s right to possess
firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense with the home; and,

WHEREAS, the Supreme Court in McDonald v. Chicago, 561 U.S. 742 (2010), affirmed that the right of an individual to "keep and bear arms," as protected under the Second Amendment, is incorporated by the Due Process Clause of the Fourteenth Amendment against the states; and,

WHEREAS, the Supreme Court in the United States v. Miller, 307 U.S. 174 (1939), Opined that firearms that are part of ordinary military equipment, or with use that could contribute to the common defense are protected by the Second Amendment; and,

WHEREAS, Article II, Section 3 of the Constitution of Colorado provides that all "persons have certain inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties, of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness;" and

WHEREAS, Article II, Section 13 of the Constitution of Colorado provides that the "right of no person to keep and bear arms in defense of his home, person and property or in aid of the civil power when thereto legally summoned, shall be called in question;" and

WHEREAS, Article II, Section 11 of the Constitution of Colorado provides that no "ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation... shall be passed by the general assembly;" and

WHEREAS, Article II, Section 7 of the Constitution of Colorado provides that the "people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures;" and

WHEREAS, Article II, Section 15 of the Constitution of Colorado provides that "[P]rivate property shall not be taken or damaged, for public or private use; without just compensation." which the Colorado Supreme Court has indicated includes a legal interference with the physical use, possession, disposition, or enjoyment of the property, including temporarily;" and

WHEREAS, it is the desire of the Board to declare its support and defend the United States Constitution, the Constitution of the State of Colorado and the laws of the State of Colorado, insofar as they are constitutional.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Conejos by the authority granted the Board by the laws
of the State of Colorado and people of Conejos County, Colorado to stand and defend their rights and liberties, which are guaranteed by the United States and Colorado Constitutions, we hereby declare this Resolution to be a Second Amendment Preservation Resolution Designating Conejos County a Second Amendment "Sanctuary County."

BE IT FURTHER RESOLVED that the Board affirms its support for the duly elected Sheriff of Conejos County, Colorado in the exercise of his sound discretion and affirms its resolve to support decisions by our Sheriff to not enforce any unconstitutional firearms law against any citizen.

BE IT FURTHER RESOLVED that this Board will not authorize or appropriate government funds, resources, employees, agencies, contractors, buildings, detention centers or offices for the purpose of enforcing law that unconstitutionally infringes on the right of people to keep and bear arms.

The above and foregoing Resolution was, on motion duly made and seconded, Adopted this 7th day of March 2019, at Conejos Colorado.

BOARD OF COUNTY COMMISSIONERS OF CONEJOS COUNTY, COLORADO.

Motion to adopt Conejos County Resolution 2019-05 of the Board of Conejos County Commissioners of Conejos County Re: Conejos County to be a Second Amendment Sanctuary County: Comm. McCarroll/Second: Comm. Sandoval. All in favor.

3-0 Motion carried.

Naomi Keys-Assessor- Abatements

Naomi County Assessor presented several abatements to the board.

Motion to approve the following abatements: Comm. Sandoval/Second Comm. McCarroll -All in favor

3-0 Motion carried.

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Christine- CTSI Report

Christine presented the following report.
- Conejos County CAPP Loss Ratio as of December 31, 2018.
- Loss Analysis by County by Division- which includes the top five in frequency and top five in severity.
- Loss Analysis by County by Accident- which includes the top five in frequency and top five in severity.
- Loss Analysis by County and Division, Department and Accident- 5 year.
- County Worker’s Compensation Pool Loss Ratio Report as of December 31, 2018- CWCP Loss Ratio.
- County Worker’s Compensation Pool Loss by frequency and severity of claims from 2014 through 2018 as of 12/31/2018.
- Talked about the exposure and loss, 2018 was a good year, sometimes training will help on how to reduce claims, there are two departments that have a high frequency and that is what they see across the board, that helps them when they look at 3rd party insurance, recommends focusing on classes on body mechanics, slips, trips, and falls.

Chrmn. Jarvies asked Christine to leave her information so that Connie-HR can contact her concerning some of those trainings.

Connie mentioned that they have already scheduled a couple of classes.

Comm. Sandoval asked why the inmate and arrest related is so high.

Christine stated that in the pursuit or arrest of someone you may experience slips and falls, inmate related is someone that is in custody- there could be exposure or violence, or attacking one of the deputies, as far as a class they don’t want to encroach on how to do the job, they just want it to be done safer.

**Linda- Land Use**

Linda stated that they had a Planning Commission Meeting last night, they reviewed the burn ban, they are supportive of that, they had a couple of questions in regards to the time frame for multiple offenses such as 60 day and 180 days, also wanted to know about firework displays not necessarily in a fire ban, they don’t know if they would have to get a state permit unless it is an organization, they also talked about the nuisance that it may cause such as it gets the dogs barking, etc.

Nick Sarmiento-County Attorney stated that the fire ban is separate; it would have to be an ordinance.
Comm. Sandoval stated that if they have a fire ban they need to have stages; if you would want to do fireworks then you would have to get written permission from the sheriff, make sure that the fire department would be on call, because last year there was the question as to what is the difference between stage one and stage two.

Nick stated that on stage one or stage two fireworks would not be allowed unless properly permitted; he will add a permit procedure.

Linda talked about the penalties under section 12.4 for the 1st and 2nd offense whether it's the 60 or 180 days.

Nick-County Attorney used the example if you have a first offense on the first fire ban, then in a week they do it again and the fire ban is still in effect then there should be more sanctions to that person, then what happens if they commit the same offense next year and it's a new fire ban, would they be in favor of the 180 days.

Chrmn. Jarvies asked how would they communicate it to the overall public; that is a problem.

Nick Sarmiento-County Attorney stated he doesn't know how they can base it off severity, also stated that they have to include standards during stage one and stage two fire ban.

There was a short discussion as to who picks up fireworks and who can set them up; sometimes they are required to take some kind of class.

Nick stated that they need to look at a state regulation.

Comm. Sandoval stated that it should be in writing that the local fire department is going to be on hand.

The board decided to go with the 180 days.

Linda then discussed the kennel permitting they had issued a moratorium last summer that there is an automatic renewal, they reviewed some of the information, she will have a draft proposal by the April meeting and would like to go for a public hearing in May.

The next item that was discussed was the Land Use Fee Schedule, the Planning Commission approved what was proposed, there were a few corrections, they would like an annual renewal process for Special Use Permits, would like to make that electronic like the state, will send a draft for the April Meeting and for approval in May.

Linda talked about the Antonito Trails Program- she attended their meeting, they have trails proposed that are on County Rd 13, she
expressed that they are narrow roads, they would like to do a
presentation to the Board of County Commissioners, she feels that the
adjacent landowners should be noticed, they also have some trails that
are close to the Railroad, Red Rock, and Robins Construction those
folks should be aware and on board as to what is taking place.

Linda mentioned that another thing that was brought up was the
Reservoir in Ortíz; she had a landowner come to her and ask if the
county is going to allow this and what role is the county going to
take on this.

Chrmn. Jarvie stated that he attended a meeting and they plan on
buying the land but it’s a ways down the road.

Nick Sarmiento-County Attorney stated that there is not an application
for water court; doesn’t know if they have started buying any property
yet or if they are in the discussion phase.

Linda stated that one of their Planning Commission members asked if
they should be in the loop, and she don’t know how much we would be
involved.

Chrmn. Jarvie stated that the board has been invited to their
meetings; they have been included informational wise.

Nick Sarmiento stated that once they apply for a Special Use Permit we
cannot be involved anymore; they have to present evidence that they
meet qualifications for the Special Use Permit, we are a political
subdivision we should be entitled to know what’s going on in the
county and what is being proposed.

Chrmn. Jarvie stated that they can contact the Water Conservancy to
get any information or Nathan Coombs.

Linda stated that the Planning Commission is in favor of a sales tax
and would like to be included in the process.

**Wagon Wheel Saloon-LLC - Liquor License Renewal**

AnnaBelle-Deputy Clerk presented the Wagon Wheel Saloon LLC liquor
license renewal for approval, stated that there have not been any
violations; the poster was posted on site.

Motion to approve the Liquor License for the Wagon Wheel Saloon LLC:

3-0 Motion carried unanimously.
Ernest Abeyta-Ambulance

Ernest presented some brochures on Conejos County EMS that says who they are, etc., they have 3 or 4 events planned, got some prices from O&V Printing for the brochures, those will be handed out at the Pioneer Days and the Health Fair.

Ernest stated that he is changing the schedule, talked about the training in Pueblo which he and Deborah attended, they are going to be doing a supplement program that will pick up 50% of what Medicaid did not cover, it is a new program that took effect in January, they will allow them to file for last year, there is no CAP for what they will reimburse, they will have to get everything submitted by the April.

Ernest stated that there are two full time positions open.

Connie -HR stated that two people resigned, he might have to change his schedule, they are on 24 hour shifts right now; he might have to change them to 12 hour shifts.

Ernest talked about possibly contracting with the hospital, if they are a patient that they brought in or are transporting out they can assist; the hospital wants to contract about $15,000 a month that would make up for their loss, this month they brought in around $25,000 and spent about $40,000.00.

Nick Sarmiento stated that they can figure out how to structure it.

Dept. of Revenue-Sales and Use Tax Discussion

Lou Ann Pyatt from Dept. of Revenue stated that she manages all sales tax for every county and every city that they collect for and also the special districts.

Chrmn. Jarvies stated that they had a discussion with the elected officials and they talked about sales tax and use tax, asked if anyone had any questions since the last meeting.

Naomi County Assessor stated that there was a question between sales tax and the use tax.

Lou Ann stated that counties can only level a use tax on motor vehicles and building materials, the State of Colorado has a comparable use tax to its sales tax on tangible personal property-there are some guidelines on that, use tax they consider it on motor vehicles, probably don't have many dealerships in the county if any, if you wanted a use tax on motor vehicles you could not do that, for
today's purposes since we got into the DRIVES System in August she brought the State's Use Tax collection for Conejos County so you can get some kind of figure, that amount is $48,000 since August, sales tax collected since August is $33,000 at 2.9%, didn't try to figure those figures before DRIVES, this is on vehicles only.

Lou Ann stated that that they are now collecting sales tax for local governments on out of state retailers shipping to the State of Colorado, that is hard to tell what that number is, the State of Colorado has always received that but the counties and cities have not, that is on something like Amazon anyone doing more than 100,000 gross shipment into the state of Colorado will be required to collect all local taxes at the point of delivery.

Nick Sarmiento-County Attorney stated that is a significant change from point of sale in the theory of sales tax now we are going to point of delivery at least for these people.

Lou Ann stated that point on delivery everywhere in the state as well there is a little bit of push back on that because the small vendor that is quite elite to do that, that was inactive at the same time so point of delivery inside the state and collection for out of state retailers, for counties that don't have a lot of retail but have a lot of things shipped in that is a big change, don't know what the change would be for this county, when she checked they had opened up 800,000 sites across the State of Colorado.

Chrmn. Jarvies stated that one thing that was confusing and maybe still is would be if they pass a sales tax and a use tax, if he buys a vehicle in Denver how does that work.

Lou Ann stated that the dealer will collect the 2.9% sales tax up front at the dealership, when you come back and you register your vehicle the County Clerk will collect the use tax, the other thing to consider too with the new regulations we changed leases, if someone is leasing a car that is now a sales tax transaction, mentioned that vehicles fall into 39-26-113, leases are sales tax transactions.

Comm. Sandoval asked if he were to purchase a car in Denver would they collect the sales tax and use tax because they always asked what county do you reside in.

Lou Ann said they would collect the sales tax and the county would collect the use tax when you register your vehicle, they have to know what they have in common with you before they let you walk out the door.
Nick Sarmiento County attorney asked how about farm equipment or machinery.

Lou Ann stated that it depends if you have the special forms exemption or not, you would present that form to the retailer when you buy it.

Comm. Sandoval asked about hay.

Lou Ann stated she thinks that falls under agricultural she would have to look at that.

Mack-County Treasurer asked why the difference on the sales tax and use tax collected.

Lou Ann stated that if you buy a vehicle out of state that would be state use tax, sales tax would include private party sales.

Chrmn. Jarvies asked if the state has a use tax and we put a use tax are those stacked on each other.

Lou Ann said yes that would be an additional rate.

Chrmn. Jarvies asked if we have a use tax and the Town of La Jara has a use tax would we get the difference.

Lou Ann stated yours would be in addition to theirs.

Connie-HR asked if you live in La Jara and they already have a use tax would you pay two use taxes.

Lou Ann said yes plus the state tax there is no longer a max rate in the State of Colorado that was ruled out in 2008.

Nick stated that when he was thinking of use tax he always thought it was on the consumption; La Jara has a 3% use tax they are captioning their use tax because technically it is being used in their incorporated area and being used in the incorporated area, in the diagram I thought Conejos County is a bigger diagram, we have a use tax as well, he thought is his mind that their use tax would supplant our use tax because it is being consumed in La Jara but they are only subject to one use tax.

Lou Ann stated there is a consumer’s use tax.

Nick Sarmiento asked Lou Ann how much sales tax was collected in Conejos County in 2018 because that is the number they would need to start fine tuning 2.5% or 1.5%, he received the last figure but it was for 2017, they would generate almost a million; doesn’t seem that they would get that much from a use tax.
Lou Ann stated that she could get that; it would be hard to get a use tax after you get a sales tax; it’s a hard lift for people; people know what they have to write a check for at the County Clerk’s Office, that gets their full attention.

Chrmn. Jarvies asked if a use tax is on new vehicles only.

Lou Ann said it would be on new and used vehicles, on building materials it would probably be collected by permit.

Mack-County Treasurer had a question on mobile homes that are titled.

Lou Ann stated that the state is going through a change on manufactured homes they are going to exempt in July.

AnnaBelle Gomez-Deputy Clerk explained that on manufactured homes the state sales tax is collected on 52% of the purchase price or MSRP.

Lou Ann stated that is only on the first transaction, there is no sales tax on a used manufactured home.

Nick stated that if 2.5% would be collected it would be pretty accurate, they would have to provide an estimate per tabor, he doesn’t know what the estimate would be for a use tax only right now but they can get that later.

There was a short discussion on to what taxes the neighboring counties collect, Lou Ann stated that a lot are 1 or 2 % some are 2.7%; some of those counties have a lot of tourists, some have a sales tax but no use tax; Mineral County has a use tax on building materials.

Lou Ann stated that some counties have gone to Public Safety Improvement taxes but those are Special Districts.

Chrmn. Jarvies stated that they need to understand it before they can go out to the public and explain it.

Nick Sarmiento stated that the amount on the sales tax seems low; he doesn’t know what to do with that number.

Lou Ann stated that it could be significantly more, thought maybe the Colorado Dealers Association could be of some value.

Comm. Sandoval stated that they would like clarification on the agricultural part of it because there are a ton of folks that sell hay, that way they know if it is going to affect them or not.
Lou Ann stated that they have to consider it is point of delivery now, where are they taking it to; there is a difference if it is being picked up here or it is being delivered.

Nick Sarmiento stated that if they decide to make machinery exempt that has to be in the ordinance if they do a use tax.

Lou Ann stated that they can exempt machinery, gas and electricity, farm equipment, food sold through vending machines, renewable energy, SMM, wood products, etc.

Lou Ann stated that she would leave a document which is new on the website, it took over “for your information on sales tax” which includes the statute references behind it; this is under taxation which contains all the new regulations.

Mack Crowther, County Treasurer ask Lou Ann on the use tax has she seen throughout the state on how hard it is to get, it gets real complicated is it worth going after.

Lou Ann stated that she hasn’t seen where it’s a heavy lift when you are doing your sales tax ballot; it is harder to go back at a later date, when people have to write that check is when it really hits them; they don’t pay attention to what they don’t see.

Nick Sarmiento asked how could we impose a tax to pay for a District Attorney, this would be all six counties.

Lou Ann stated that she would have to look at the statutes on that but Public Safety Improvements would probably be the way to go for multiple counties.

Chrmn. Jarvies thanked Lou Ann for being here today to answer their questions, asked if she would be able to come and answer more questions.

Lou Ann said yes.

There being no further business to come before the board, Chrmn. Jarvies declared the meeting adjourned.

ATTEST: 

NATHAN RUYBAL
CLERK OF THE BOARD

MELVIN JARVIES
CHRMN. BD OF COUNTY COMM.