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Minutes of the Board of County Commissioners Regular Meeting held on June 04, 2020 at 9:00 AM in the Commissioners Board Room, 6683 County Rd 13, Conejos, CO. 81129

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**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  
Carlos Garcia-Vice Chair- Present  
Tressesa Martinez- County Admn- Present

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

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

**Prayer:** Comm. Garcia gave the opening prayer.

**Approval of Agenda**

Motion to approve the agenda with the addition of COVID 19 discussion and discussion/action of a variance and discussion of SB20-217: Comm. McCarroll/Second: Comm. Garcia, all in favor.

3-0 Motion carried.

**Approval of Minutes**

Motion to approve the minutes of the May 21, 2020 meeting: Comm. Garcia, second: Comm. McCarroll, all in favor.

3-0 Motion carried.

**Public Comment:** None

**County Administrator-Correspondence**

Tressesa, County Admn. presented a resolution for Transfer of Secure Rural Schools Money to Various School Districts.

WHEREAS, The Conejos County Finance Officer has asserted to the Members of the Board of Commissioners that 5% or 13,318.46 of the total \$266,369.224 Secure Rural Schools money received in 2019 will be left in the Road and Bridge Fund; and

WHEREAS, of the remaining \$25 3,050.78 locations will be as follows:

1.00% or 2,503.51 will be allocated to Alamosa RE-11J and  
64.93% or 164,305.87 will be allocated to North Conejos RE-1J,  
22.63% of 57,265.39 will be allocated to Sanford 6J; and  
11.44% of 28,949.02 will be allocated to South Conejos RE-10.

Motion to approve Resolution C-23-20 A RESOLUTION PROVIDING FOR THE TRANSFER OF SECURE RURAL SCHOOLS MONEY TO VARIOUS SCHOOL DISTRICTS: Comm. McCarroll, Second: Comm. Garcia, all in favor.

3-0 Motion carried.

Tressesa mentioned that they will be changing the June 18<sup>th</sup> meeting to the 23<sup>rd</sup> of June.

Tressesa stated that Comm. Garcia would like to discuss the COG membership discussion.

Comm. Garcia stated that Mike sent him an e-mail stating that Conejos County is not in the Council of Governments; he says that we are missing out on a lot of things. He thought it might concern some loans with the COVID 19-some businesses can apply for anything from 10,000 to 100,000 and they don't have to pay any of that money back for 6 months; also mentioned non-forgiving loans.

Chrmn. Jarvies stated that he has talked about this to Dee Kessler and she feels that we are not getting representation; one concern has always been the fee that we are paying.

Tressesa, County Admn. stated that the fee has been \$8,500 a year.

Chrmn. Jarvies stated that at one time we weren't getting a return on our investment but is willing to look at it; maybe they could go to a few meetings and see but at one time they wanted to use our demographics.

Tressesa stated that she was at a meeting with the CAA people. They are giving additional dollars through the CAA for the COVID and they want to dispense them to the counties and they did not include Conejos County. They use our demographics, at one time we all administered the

CSBG dollars and now they are going to Alamosa, they did include us on those additional dollars.

Chrmn. Jarvies stated that the argument that we are getting is that they are not sending anything here because we don't have representation; before we were having a hard time getting anything here for the amount of dues that we paid. We can take another look at it if someone goes to a few meetings and see what is being discussed.

Comm. McCarroll stated that it seems that now it is going to some good programs but it's the same thing with the COG they were charging all this money and they were wanting to use our numbers in their demographics but never included us in any projects.

Chrmn. Jarvies stated that at the time Comm. Sandoval was part of that and he was an active member; he had a hard time getting money back.

Comm. McCarroll stated that they can look at it; if Comm. Garcia wants to be on that board that is okay.

Comm. Garcia stated that he is willing to go to the next meeting; asked if the Council of Governments includes the 6 counties in the valley and asked if it includes municipalities.

Tressesa, County Admn. stated that yes they do have probably two municipalities that participate and pay dues.

### **Executive Session**

Nick Sarmiento, County Attorney stated that they need to go into executive session to discuss the executive order from Governor Polis.

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

3-0 Motion carried.

The board came out of executive session at 10:30 AM and no decisions were made.

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

**Garth- (Sheriff's Report)**

Sheriff Crowther stated that the board should have received the monthly report but would like to get their opinion on the fire ban stage 2 which pretty much limits everything. If they went to a stage 1 fire ban then people could cook in their pits, they cannot supersede the Forest Service or they could take the ban off or leave it where it's at.

Chrmn. Jarvies stated that he would like it lessened to stage 2; hopefully with the moisture we have gotten it will get better.

Tressesa County Admn. stated that they could write up an order.

Nick Sarmiento stated that they would have to amend the resolution, the Red Flag comes up automatically; they are going to a lower stage, it would be a declaration and then filed with the Clerk and Recorder. This will not affect the towns.

Nick Sarmiento proceeded to read Section 7; stated that it's how they declare it as long as it is published.

Tressesa, County Admn. will get a resolution together.

Nick went through stage 1 restrictions which are: 1- prohibits open burning excepting fires and camp fires, charcoal grills and wood burning stoves on private residences and is clear of all flammable materials. 2- use of fireworks, 3 outdoor smoking except within an enclosed vehicle or building, a developed recreation site or while stopped 3 feet in diameter that is clear of all flammable materials.

The board agreed to do a declaration.

Sheriff Crowther stated that they had two major search and rescues.

**Nick Barela-DSS**

Nick Barela-DSS Director and Hew Hallock- Census

Nick stated that he would like to emphasize on some of the work that has been done in Conejos. They started the year pretty strong, they were participating in Parent-Teacher Conference, they promoted information to local restaurants and then got halted a little bit. There has been a lot of work done by the complete committee which he would like Hew to high lite and also talk about their texting program.

Hew Hallock stated that he is with the SLV Complete Count Committee Development Resource Group. He stated that about a year they started the SLV Complete Committee Count to promote the participation in the 2020 census. He stated that he wants to compliment Nick Barela on the work that he has done, he has been a real leader in their efforts not only for Conejos County but for the region as well. They started with great intentions but things changed. Their plan on helping people with the computer shifted. They bought radio time, print media, Boys and Girls Club did outreach to families they have passed census activities bags to kids where they pass meals and have had census events where family could come and have pizza and fill out the census. He talked about the texting program that they now have. He and Nick have done some texts this week, they can do around 500 texts in an hour, they are using a company used by some other census in the state; also explained how the program works. People can respond back and say they have already done the census. They received funding from the Colorado Department of Local Affairs which expires in June. They will continue in some manner after June 30<sup>th</sup>, deadlines have changed they have till Oct. 31st to respond.

Nick Barela stated that they could use volunteers from the county. They have about 5-6 kids from Youth to Work that will help; would like to have a request to Conejos County Employees to help out with this.

Chrmn. Jarvies stated that he is welcome to send an e-mail to county employees.

#### **Coreen Williams-John Bush Cumbres and Toltec Variance Request**

Coreen-Task Force Coordinator for the COVID 19 for the Cumbres and Toltec and John Bush-President-General Manager were present before the board.

Coreen thanked the board for having them on the agenda.

Coreen stated that they brought the proposed procedural manual as well as the guidance for outdoor recreation which yesterday's was just a draft. It looks like they did approve it but they still need permission from the local board of County Commissioners to run. If Colorado has allowed trains to run they would like permission from Conejos County to start on June 13<sup>th</sup> or 14<sup>th</sup> depending on how things go.

Comm. McCarroll felt that they need to go forward.

Comm. Garcia stated that he reviewed it and it looks good such as the 50% capacity, and they follow with Denise, the email that he read addresses everything that they want to see. He would like to go on board if they like to open up on the 13<sup>th</sup> or 14<sup>th</sup> and support them on opening the train if we can approve it.

Chrmn. Jarvies asked about the Osier lunch; asked if it will open it up according to the restaurant guidelines.

Coreen said yes.

John Bush explained what train they will run from Chama to Osier and what days and then from Antonito, will be based on occupancy.

Chrmn. Jarvies asked if they will not run both trains out the same day.

John Bush stated that once they get to September this is a moving target so they would continue to update what they are allowed to do depending on what the virus does. If they can do that they will separate the people that come out of New Mexico and Colorado even at lunch time. This year they are not doing the motor coaches. In the fall if they are able to do it they would do 7 days a week but stagger arrivals and departures at Osier so we keep Colorado Departures separate.

Chrmn. Jarvies asked Denise -Public Health Director to state her feelings on this because they are saying they need an okay from public health as well.

Denise stated yes right now the governor and CDPHE have not come up with a clear guidance for trains/tourists. This is a draft; he will announce today what the final looks like. This does say 50% capacity as long as it is a 6 foot space. She stated that they have talked about what that looks like, talked about the disinfecting between meals on both sides. They have reviewed the plan. They talked about symptom tracking before they board because of exposure. Denise then talked about the order that business owners can deny admittance to those that are not wearing masks.

Chrmn. Jarvies stated that they are all good with it. The only hesitation is what they need from us. The state came up with guidelines and left it up to the counties.

Nick Sarmiento stated that right now the guidance issued by CDPHE is final which says effective June 04, 2020. The following outdoor recreation activities are permitted if authorized within the local jurisdiction and conducted in accordance with the jurisdictions policies (h) which applies to scenic trains- scenic trains if every local health agency in each jurisdiction in which through the train operates has approved the train's plans.

Nick Sarmiento stated that everyone believes that his 10 person limit for the railroads is going to be lifted to 50% capacity and to this point they just have to follow the regulation which is to follow any group limits that are in place at the time.

Chrmn. Jarvies opened up an emergency Board of Health Meeting and proceeded to call Dr. Vaughn Jackson-County Medical Director.

Nick Sarmiento stated that they will ratify their decision at the next board meeting by notifying in their next agenda that they are going to ratify this decision and let the public know that they had this meeting as an emergency basis and the decision will be ratified again.

Chrmn. Jarvies explained to Dr. Jackson that according to the governor's order in order for the railroad to open they will need approval from the local Board of Health. They are all okay with the plan, they can send you a copy of it but want him to be on the phone so when they make it official. Chrmn. Jarvies stated that the Cumbres and Toltec have a plan on how they are going to operate such as meeting the social distancing guidelines, limit 10 people per car till the order is changed, will run from Antonito to Osier and back 3 days a week, from Chama to Osier and back so that the passengers never meet each other, feed them at Osier following the restaurant guidelines following the social distancing guidelines there as well. New Mexico is still more strict than Colorado they might land up running their train from Antonito and back until New Mexico reduces their restrictions; asked Dr. Jackson if he has any concerns while they have him on the phone.

Dr. Jackson asked if they are going to monitor temperatures, if they are going to sanitize and asked if they are going to wear masks.

Chrmn. Jarvies said yes they will be monitoring and if there is one that has a temperature they will turn the whole group away. They have met with Denise and they have the proper sanitizing chemicals.

Dr. Jackson asked about cleaning of the restrooms.

John Bush stated that there will be janitorial staff on the train who will continuously move back and forth with the sanitizing of door knobs, restrooms, handles, etc.

Motion to approve the Cumbres and Toltec Scenic Railroad procedure manual as presented and discussed in this meeting: Comm. McCarroll/Second Comm. Garcia, all in favor.  
3-0 Motion carried.

John Bush stated that they appreciate their attention, thanked the board.

The board closed the Board of Health Meeting and came back to the regular meeting.

#### Linda DeHerrera-Land Use

Linda stated that North Conejos School is subject to state inspection. The schools need to have inspections done by the state and Chris was contacted by the project manager and the state to see if we would be interested in being the jurisdiction to do the plan reviews and the inspections. He submitted an application to the state to see if he could be certified to do that and he just got the call stating that he didn't have enough experience; the only thing he will be doing are Land Use Construction permits. If he had been certified we would have been asked to enter into a Memorandum of Understanding. She had a meeting earlier and he explained all the process. Chris has been in contact with Kurt Wilson. She will have to sign documents that they do not provide services.

Linda stated that she did receive the official request from the E Tech Tower Company for the tower which is used for the airport. That has been out there since around 1957 and they are modifying to make the unit 25 to 30 feet. They did submit for a waiver of that.

Linda mentioned Mr. Erich Schwiesow has requested for verification that we do not require permits for solar panels which is for a private civil matter. He has asked her to complete the affidavit and she did submit that to Mr. Sarmiento. They have agreed that it is okay for her to go ahead and sign that and send it to them. There is a possibility for her to get called in for testimony.

#### Pat Garcia



Pat Garcia stated that he would like to introduce his new community sports programs to restore the sports program for 4<sup>th</sup> through junior high school sports programs with the support of the business owners, farmers and school districts with a grant of restoring programs. The support of restorative programs and all other school districts have been waiting for him. This would be for uniforms and transportation so that all the kids have training and learn; the kids and the parents suffer. He is trying to do what he can.

Chrmn. Jarvies asked Pat to get a packet together and present it to Tressesa, County Admn. and they can look at it; also check the non-profit and let them know when those meetings will take place.

**Nick Sarmiento- County Attorney-CDPHE**

Nick stated that concerning CDPHE if we don't follow their guidelines they will pull any emergency preparedness funds from the county.

Tressesa, County Admn. stated that they did receive 23,000 at the Treasurer's that said stimulus and Denise received 33,000.

Nick stated that right now they want to open the gyms and under the governor's order it is open to 10 people and house of worship are at no more than 50 people; suggested going into executive session with Denise-Public Health Director.

Motion to go into executive session as per 24-6-402: Comm. Garcia/Second Comm. McCarroll, all in favor.

3-0 Motion carried.

The board came out of executive session conference with the attorney at 12:00 and no decisions were made.

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

**Denise Jiron-Public Health Director**

Denise stated that they worked with the judge on the court room. At this point they will not have any jury trials for July; however they are willing to collaborate on a plan because they want to use at least 50%. They will have more direction on how they will handle the

capacity by that point if not they will create one that works for both the county and the 12<sup>th</sup> Judicial District.

Chrmn. Jarvies stated that they want to discuss the exemption/variance. They had asked Mr. Sarmiento to look at what it would take to do an exemption from the COVID restrictions for our county or a variance.

Comm. McCarroll stated that his question would be that they would look at the exemption and say no way but the variance would work. If we go with the exemption it probably won't go through.

Nick Sarmiento stated that there is probably a very small change in the Public Health Order and the Executive Order they stated that on any county that doesn't follow the rules set out on both that they are liable in pulling the COVID 19 funding for that and wouldn't be able to receive Emergency Preparedness Funds. The exemption would assert certain control; would establish that Conejos County believes that it can handle this epidemic with their help.

Chrmn. Jarvies stated that he likes the local control. 99% we deal with it because we have to; Denver has no idea of what goes on here. He would like to do an exemption. They would allow us to be more strict but not less.

Nick stated that in these orders they still want everyone to get approved by local public health yet they won't allow us to relax the orders.

Denise stated that all the updates that are coming out say to collaborate with your local Public Health.

Chrmn. Jarvies stated that he is okay with sending it in and see what happens.

Comm. Garcia stated that he also believes in the local control part of it; if we were granted an exemption we can handle it. If we needed to we could be more restrictive.

Denise stated that she agrees with Comm. McCarroll we would probably be denied even though our numbers aren't high they will increase but would it be useful in other aspects in our community for them to know we tried.


Chrmn. Jarvies stated that they will need to send a copy to Dr. Jackson and he can put his input as well.

Motion to request for an exemption drafted by our attorney and reviewed by the Board of County Commissioners as well as by our Medical Director/Dr. Jackson and sent out as soon as all the edits have been made: Comm. McCarroll/Second: Comm. Garcia, all in favor.

3-0 Motion carried.

ATTEST:

  
NATHAN RUYBAL  
CLERK OF THE BOARD

  
MITCHELL JARVIES  
CHRMN. BD OF COUNTY COMM.