The Board met in regular session on Tuesday, January 28, 2020 at 9:00 A.M.

Present were:

Garrison Ortiz, Chair
Terry Hart, County Commissioner
Chris Wiseman, County Commissioner
Sabina Genesio, County Manager
Cynthia Mitchell, County Attorney
Debra Lacas, Clerk to the Board

Debra Lacas: Led the Pledge of Allegiance.

The minutes for November 7, 12, 19, and 21, 2019 were approved.

Commissioner Hart: Moved to approve the minutes for November 7, 12, 19, and 21, 2019.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN-AYE* *ORTIZ-AYE*

The motion passed unanimously.

The Agenda for Tuesday, January 28, 2020, was approved.

Commissioner Hart: Moved to approve the Agenda for Tuesday, January 28, 2020.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN-AYE* *ORTIZ-AYE*

The motion passed unanimously.

PUBLIC COMMENTS

1. CITIZEN COMMENTS

Wendi Kern, Avondale Citizen: Passed out packets to the BOCC pointing out errors in the State calculations from the Division of Mining and Reclamation at the State Pit. The current calculations were off by more than 200 acres. She took those numbers from the Division of Mining and Reclamation and applied them to some of the land that is currently approved for gravel mining. At the State Pit, there are 514 acres left. Two years ago, an occupant of that land came to the County and said that in the next two years they would be out of gravel. The 514 acres that have not been mined accounts for an additional 39 years of mining. Also, on April 2, 2017 they requested from the State Land Board an additional 160 acres adjacent to and directly East of the State Pit which they are going to mine which will tack on another 12 years of those trucks running up and down those roads. The Cesar Pit, located just past the Cesar area, just hit a new vein which they believe they can mine for another 20 years. The big one is the gravel operations happening at Nyberg Road and Highway 96. They have approximately 2350 acres there either currently being used or will be used for gravel mining. That will be another 176 years of mining. Right now, between the three pits, there are 247 years of gravel left in the County. When Commissioner Wiseman chose to approve the Badger Hills pit you said that you were really worried about a loss of gravel in the County, the numbers that have been reported are very inaccurate.

There was a brief conversation between Commissioner Wiseman and Ms. Kern. Ms. Kern explained how she came up with the numbers. She also explained that the Badgers Hills applicant said it would only take 10 to 15 years to mine that acreage and it is actually going to take 53 years. There is one mining company monopolizing the market here in town which is going to increase building costs. Ms. Kern suggests that these numbers should be confirmed when they are brought to the Commissioners for approval. It is not the citizen's responsibility to verify them. There needs to be something done internally with the Planning Department. Another thing that was brought to her attention a month ago is, one of the largest marijuana growers said that for every one pound of marijuana that is grown, they lose $200. For every pound that is produced at an indoor grow, loses $200. A large grow facility just went in a half mile from her house. If we are approving indoor grows and they are losing $200 per pound grown, why are we approving these indoor grows? You need to start looking at calculations and verifying some of the numbers brought to you.

Commissioner Ortiz: Could you please get me more information about the grow you are talking about?

Emily Price: Asked for clarification on the matter from the Board.

2. COMMISSIONER COMMENTS

Commissioner Wiseman: Has been working on trying to expand the number of farmers on the mesa that would be a part of the Double Up Program, a federal program run by the USDA. Wanted to commend Bernadette O'Keefe and Tim Hart for trying to solve the paperwork problem that it creates for many farmers. In addition, we are coordinating with the people at Live Well, in Denver who will provide the machinery used to process for that. The way the program works is if you are a part of the program and you buy vegetables, you get double the amount and the USDA will pay the farmer for it. It leads to healthier food access. There are meetings with farmers coming up to try to make it as simple a program as possible.

There was a brief conversation between the Board.

Commissioner Ortiz: Briefly spoke about Commissioner Hart and his work regarding the Southwest Chief, there is a big local meeting today regarding that. It is one of the 1A ballot measures. Staff will be working there today as well. Also, at the Coffee with the Commissioner at the Lucero Library, there were a number of good questions. One in particular I would like to address is 'Do the Commissioners only take issues that have to do with their particular district?' The answer is no. We must live in a specific district, but we are elected County wide.

SPECIAL ISSUES OF PUBLIC INTEREST

3. Reports – Pueblo County Clerk and Recorder Statement of Fees Collected – December 2019

Commissioner Hart: Moved to approve the Statement of Fees collected for December 2019.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN-AYE* *ORTIZ-AYE*

The motion passed unanimously.

CONSENT AGENDA

4. CONTRACTS RESOLUTIONS

RESOLUTION NO. 20-025

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

ACCEPTING THE DEDICATION OF EASEMENT AND RIGHT-OF-WAY FOR A DRAINAGE DETENTION POND AND DISCHARGE PIPE BETWEEN PUEBLO COUNTY AND S & T PROPERTIES, LLC, FOR DRAINAGE IMPROVEMENTS AT PARCEL A OF SUBDIVISION VARIANCE NO. 328

WHEREAS, Pueblo County has the lawful authority and jurisdiction to provide for the acceptance and maintenance of real property for public right-of-way and easement purposes in Pueblo County, Colorado, and

WHEREAS, S& T Properties, LLC (Grantor) has executed a Drainage Easement and Right-of-way document dedicating real property for a detention pond and discharge pipe to Pueblo County for a commercial facility located on Parcel A of Subdivision Variance No. 328 in Pueblo County, Colorado, and

WHEREAS, it is the custom and practice of the Board of County Commissioners to enter a resolution formally accepting such conveyance and it is the recommendation of the Pueblo County Engineering and Public Works Department that this Board accept the conveyance of the real property already conveyed by easement document; and

WHEREAS, This Board, having determined that such property is necessary for the needs of Pueblo County, concurs with such recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the conveyance of an easement for a Storm Water Detention Right-of-Way and easement for Drainage and Utilities, a copy attached hereto and incorporated herein by this reference, is hereby accepted by Pueblo County and nothing in this resolution shall limit or restrict the right of Pueblo County to vacate the same according to law when such action is deemed by the Board of County Commissioners to be in the public interest.

PASSED AND ADOPTED this 28th day of January 2020, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Garrison Ortiz, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. 20-026

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

REAPPOINTING MEMBERS TO THE PUEBLO HUMAN RELATIONS COMMISSION

WHEREAS, the Board of County Commissioners of Pueblo County, Colorado, by Resolution No. 19-298, dated October 24, 2019, amended and restated the Intergovernmental Agreement with the City of Pueblo to create a separate legal entity to develop, implement, and administer a human relations commission within the jurisdictional boundaries of the City and the County, known as the Pueblo Human Relations Commission; and

WHEREAS, Article I, Section 1.2, of the Intergovernmental Agreement, dated October 24, 2019, establishes the membership of the Pueblo Human Relations Commission to consist of fifteen (15) members, which five (5) members, including the youth member, are jointly appointed by the City and the County, five (5) members are appointed by the City, and five (5) members are appointed by the County; and

WHEREAS, there are currently three (3) vacancies on the Pueblo Human Relations Commission due to the expiration of their terms; and

WHEREAS, Public Notices soliciting applications from persons interested in serving on the Pueblo Human Relations Commission to fill these vacancies were published in *The Pueblo Chieftain*, on the Government Channel, Pueblo County Website and Social Media, and two (2) applications were submitted; and

WHEREAS, this Board desires to reappoint Emily Price and Cody Rasmussen as County members to the Pueblo Human Relations Commission for terms expiring on December 31, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Emily Price and Cody Rasmussen are reappointed as County members to the Pueblo Human Relations Commission for terms expiring on December 31, 2022 and that the staff to the Board is authorized and directed to notify the aforementioned of their appointments by providing them with a copy of this Resolution.

PASSED AND ADOPTED this 28th day of January 2020, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Garrison Ortiz, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. 20-027

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

REAPPOINTING MEMBERS TO THE BOARD OF TRUSTEES OF THE SANGRE DE CRISTO ARTS AND CONFERENCE CENTER

WHEREAS, by Resolution No. 17-268, dated November 8, 2017, this Board appointed Kathy Bacino as a County member to the Board of Trustees of the Sangre de Cristo Arts and Conference Center, which term will expire on December 31, 2019; and

WHEREAS, by Resolution No. 19-114, dated April 30, 2019, this Board appointed Alex Degler as a County member to the Board of Trustees of the Sangre de Cristo Arts and Conference Center, which term will expire on December 31, 2019; and

WHEREAS, Public Notice soliciting applications from persons interested in serving as County appointees on the Board of Trustees of the Sangre de Cristo Arts and Conference Center was published in *The Pueblo Chieftain*, on the Government Channel, Pueblo County Website and Social Media and the Board received two (2) applications in response to such Public Notice; and

WHEREAS, this Board, having reviewed the aforementioned applications, desires to reappoint Kathy Bacino and Alex Degler as County members to the Board of Trustees of the Sangre de Cristo Arts and Conference Center.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that:

1. Kathy Bacino is hereby appointed as a County member of the Board of Trustees of the Sangre de Cristo Arts and Conference Center, which term expiring on December 31, 2022; and

2. Alex Degler is hereby appointed as a County member of the Board of Trustees of the Sangre de Cristo Arts and Conference Center, which term expiring on December 31, 2022; and

3. Said appointed members will serve at the pleasure of the Board of County Commissioners of Pueblo County, Colorado.

4. Staff to the Board is authorized and directed to notify the aforementioned of their appointments by providing them with a

copy of this Resolution.

PASSED AND ADOPTED this 28th day of January 2020, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

BY: _____
Garrison Ortiz, Chair

ATTEST:

BY: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. 20-028

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

DESIGNATING A MEMBER TO THE PUEBLO MEMORIAL AIRPORT ADVISORY COMMITTEE AS A COUNTY REPRESENTATIVE

WHEREAS, by Resolution No. 8793, dated September 13, 1999, the City Council of the City of Pueblo established and created the Pueblo Memorial Airport Advisory Committee ("Committee"); and

WHEREAS, by the same Resolution, the City Council agreed with respect to committee membership "at least two (2) members shall be designated by the Board of County Commissioners of Pueblo County, Colorado"; and

WHEREAS, this Board by Resolution No. 16-266, dated November 23, 2016, appointed Terrance Terrill to the Pueblo Memorial Airport Advisory Committee, as a County Representative, to serve three (3) year term expiring on September 30, 2019; and

WHEREAS, due to the expiration of that term, Public Notice soliciting applications from persons interested in serving on the Airport Advisory Committee to fill that vacancy was published in The *Pueblo Chieftain*, on the Government Channel, Pueblo County Website and Social Media and one (1) application was received; and

WHEREAS, this Board has reviewed said application and desires to designate Terrance Terrill as a member to the Pueblo Memorial Airport Advisory Committee as a County Representative, to serve three (3) year terms commencing on October 1, 2019, and expiring on September 30, 2022, serving at the pleasure of the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Terrance Terrill is hereby designated as a member to the Pueblo Memorial Airport Advisory Committee, as a County representative, to serve three (3) year terms commencing on October 1, 2019, and expiring on September 30, 2022, and that the Clerk to the Board is authorized to notify the City Council of Pueblo, Colorado, of the aforementioned appointment of a County Representative to the Pueblo Memorial Airport Advisory Committee.

PASSED AND ADOPTED this 28th day of January 2020, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

BY: _____
Garrison Ortiz, Chairman

ATTEST:

BY: _____
Gilbert Ortiz, County Clerk

Terrence Terrell, former Transportation technology Center employee: Spoke briefly regarding the Resolution.

There was a brief discussion between the Board and Mr. Terrell.

Commissioner Hart: Moved to approve the Consent Agenda.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN-AYE* *ORTIZ-AYE*

The motion passed unanimously.

REGULAR AGENDA

5. **CONTRACTS/RESOLUTIONS**

RESOLUTION NO. 20-029

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

APPROVING CONTRACT AMENDMENT #3 TO THE GRANT CONTRACT BETWEEN THE STATE OF COLORADO, DEPARTMENT OF HUMAN SERVICES, OFFICE OF BEHAVIORAL HEALTH AND PUEBLO COUNTY, ON BEHALF OF THE PUEBLO COUNTY SHERIFF'S OFFICE, FOR JAIL-BASED BEHAVIORAL HEALTH SERVICES (JBBS) GRANT FUNDING

WHEREAS, this Board, by Resolution No. 16-102, dated April 12, 2016, approved the Grant Contact between Pueblo County Sheriff's Office and the State of Colorado, Department of Human Services, Office of Behavioral Health for Jail-Based Behavioral Health Services (JBBS) Grant funding in the amount of $234,121.00 to provide treatment for substance abuse and co-occurring substance abuse and mental health disorders to offenders who need such services while they are in the Pueblo County Jail and to arrange for continued treatment upon their release; and

WHEREAS, this Board by Resolution No. 17-213 approved Contract Amendment #1 to the Grant Contract awarding additional funding in the amount of $202,804.00 for State Fiscal Year 2018 and outlining the Parties' respective responsibilities under this Amendment to the Grant Contract; and

WHEREAS, this Board by Resolution 19-205 approved Contract Amendment #2 to the Grant Contract awarding additional funding in the amount of $220,349 for State Fiscal Year 2019 and $222,701.00 for State Fiscal Year 2020 and outlining the Parties' respective responsibilities under this amendment to the Grant Contract; and

WHEREAS, the State has now submitted Contract Amendment #3 to the Grant Contract awarding additional funding in the amount of $417,935.00 for State Fiscal Year 2020 and outlining the Parties' respective responsibilities under this Amendment to the Grant Contract; and

WHEREAS, the reason for the increase in funding and change to the Parties' respective responsibilities is to provide for expansion of the program to include a Pre-Sentence Coordinator FTE position and a Behavioral Health Enhancement Coordinator FTE Position, to better implement services; and

WHEREAS, this Board supports efforts to decrease recidivism by providing treatment services to offenders with mental illness and substance abuse disorders and desires to approve Amendment #3 to the Grant Contract and accept the aforementioned funding.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Amendment #3 to the Grant Contract between the State of Colorado, Department of Human Services, Office of Behavioral Health, and Pueblo County, the terms and conditions of which are incorporated herein by this reference, is approved and the Pueblo County Sheriff is hereby authorized to execute said Amendment on behalf of Pueblo County.

RESOLUTION NO. 20-029 (CONTINUED)

PASSED AND ADOPTED this 28th day of January 2020, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Garrison Ortiz, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Chief Jeff Teschner, Pueblo County Sheriff's Office: Presented information regarding the Resolution.
Marco Macaluso, Pueblo County Jail: Presented information regarding the Resolution.

Commissioner Hart: Moved to approve the Resolution.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN-AYE* *ORTIZ-AYE*

The motion passed unanimously.

RESOLUTION NO. 20-030

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

APPROVING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN PUEBLO COUNTY, COLORADO AND THE CITY OF PUEBLO FOR THE SHARING OF REVENUE GENERATED BY PUEBLO COUNTY'S SPECIAL RETAIL MARIJUANA SALES TAX

WHEREAS, Colorado Constitution Article XIV, Section 18 (2)(a), and C.R.S. § 29-1-203, as amended, authorize Pueblo County and the City of Pueblo to cooperate or contract with each other to provide any function, service, or facility lawfully authorized to each, and any such contract may provide for the sharing of costs; and

WHEREAS, the Parties entered into an intergovernmental agreement dated March 27, 2017 (the "Agreement") to share revenue collected by the County through its special retail marijuana sales tax approved by Pueblo County Resolution No. 13-186 (the "Tax"); and

WHEREAS, under the terms of the Agreement the City of Pueblo is entitled to receive eighty-five percent (85%) of that revenue of the Tax generated from within city limits; and

WHEREAS, at the time the Agreement was entered into, the Tax was set at a rate of three and one-half percent (3.5%) of the gross receipts from the sale of retail marijuana and retail marijuana products; and

WHEREAS, on January 1, 2020, the rate of the Tax increased to six percent (6%) of the gross receipts from the sale of retail marijuana and retail marijuana products; and

WHEREAS, the Parties agree that the Pueblo County Detention Center is in need of repair and possibly eventual replacement and that the citizen of Pueblo County, including those residing within the City of Pueblo, would benefit from increased spending on the jail, law enforcement, and public safety in general; and

WHEREAS, to further the goal of adequately funding public safety in Pueblo County, the Parties have agreed to amend the Intergovernmental Agreement to allow Pueblo County to retain all city-generated revenue attributable to the 2020 Tax increase and to use such revenue for public safety purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that:

1. The First Amendment to the Intergovernmental Agreement between Pueblo County, Colorado and the City of Pueblo, which is incorporated herein by this reference, is hereby approved and that the Chair is authorized to execute the Amendment on behalf of the County.

2. The officers, employees and agents of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this Resolution.

RESOLUTION NO. 20-030 (CONTINUED)

PASSED AND ADOPTED this 28th day of January 2020, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

By: _____
Garrison Ortiz, Chair

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Ms. Mitchell: Presented information regarding the Resolution.

There was a brief conversation between the members of the Board.

Commissioner Hart: Moved to approve the Resolution.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN-AYE* *ORTIZ-AYE*

The motion passed unanimously.

c. APPOINTING MEMBERS TO THE PUEBLO COUNTY LIQUOR AND MARIJUANA AND LICENSING BOARD

Ms. Mitchell presented information regarding the Resolution.

The Board voted and there was a three-way tie. Item 5c was table to the January 29, 2020 meeting.

Commissioner Hart: Moved to table item 5c to the January 29, 2020 meeting.

Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN-AYE* *ORTIZ-AYE*

The motion passed unanimously.

The next BOCC Meeting will be held on January 30th, 2020 at 9:00 AM

Commissioner Hart: Moved to adjourn.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN-AYE* *ORTIZ-AYE*

The motion passed unanimously

Attest: _____
Pueblo County Clerk and Recorder

By: _____