

Saguache County Board of Commissioners met in regular session Tuesday, November 09, 2010 with the following present:

Sam Pace, Chairman
Mike Spearman, Co-Vice Chair
Linda Joseph, Co-Vice Chair
Wendi Maez, Co-Administrator
Lyn Zimmer, Co-Administrator
Ben Gibbons, County Attorney
Melinda Myers, Secretary and Clerk to the Board

Meeting called to order by Chair Pace at 9:05A.M.

1. Addition: Election update by the Clerk at 1:30.

Additions or Deletions to the Agenda.

Joseph moved to approve the agenda as amended. Pace seconded the motion. The vote was three Ayes.

Reading and approval of minutes of November 2, 2010.

Spearman moved to approve the minutes of November 2, 2010. Joseph seconded motion. The vote was three Ayes.

Review of Mail and other correspondence:

1. **Daniel Johnson** brought in his October 2010 Monthly report for the Fire Mitigation Program. (11/2/10)
2. **Marty Mitchell** sent Linda Joseph an email, that Saguache Art Coop will be having their first group exhibition on Sunday, November 7, from 11am to 5pm at Fenton Studios 435 San Juan Ave. Saguache. (11/2/10)
3. **Colorado Counties, Inc** faxed the Memorandum for the Rule-making session on Friday, November 5, 2010. (11/5/10)
4. **SLV Small Business Development Center** sent a postcard inviting the BOCC to celebrate the graduation of several business people who completed a 12 week class. On November 17, 2010 at 6:00p.m. at the Saguache 4th Street Diner in Saguache. (11/8/10)

Introduction of Guests: Steve Carlson; Matie Bell Lakish – Crestone Eagle; Joe Lujan; Greg Lewis; Ed Nielsen; Joyce Smith; Mary Cross; Billy Cumby; Lisa Cyriacks, Judy Page, Jan Jensen, & Marge Hoglin – Yes to Libraries Committee; Ira Tubbs; Michael Lobato – Center Schools; Linda Stagner; Carla Gomez; Larry Ewing; Jackie Stephens – Assessor; Elvie Samora; Peter Peterson; Lynn Sutherland; June Savage; Rebie Hazard; Mike Cowan; Catherine Adkins; Richard Drake; and Tom Blunt – Saguache County Veteran’s Officer.

Commissioners Reports:

Sam Pace reported:

- Nov 5 - Attended State Board of Human Services meeting in Denver.
- Had calls on election results and Land Use issues and forwarded info from Vince Palermo to Nancy Lauro.

Linda Joseph reported:

- November 4 - Attended a Northern SLV Conservation Roundtable meeting, at Joyful Journey meeting room. A committee, (Suzanne Ewy, Ed Nielsen, Linda Stagner, Peggy Godfrey, and Matie Belle Lakish) was formed to develop a panel for an educational event in January, presenting water topics and issues and Q&A.
- November 8 - Attended the SLV County Commissioners Assoc. meeting in Alamosa, with Co-Administrators Zimmer and Maez. The budget was completed. There was lengthy discussion of the proposed changes in the GIS/GPS Authority. A resolution passed unanimously, for Pete Magee to continue developing the proposal, addressing aspects discussed.
- Received a request from a Department head for the general recommendations from CSTI.

Mike Spearman reported:

- Waiting to hear back from TEMC Construction for Social Services work.
- Attended Water Rules Committee meeting for well pumping is still being worked on.

Wendi Maez & Lyn Zimmer – Co-administrator report:

- Co Administrators have been meeting with health insurance committees as well as insurance agents and April Quintana to go over health insurance rates and issues.
- Employee leave will be discussed with notification already sent to the employee as well as their department heads on time that will need to be used or lost by year end.

Joseph moved to sign the contract with WSB Computer Services, for 2011 for computer services. Spearman seconded the motion. Motion was withdrawn until we receive a rate clarification per hour.

- WSB IT contract for next year needs signature. We have approximately \$270 left on the 2010 IT contract.
- CD course for exempt/non exempt personnel is from the Rockhurst Company and it is not for just Colorado. Attorney Gibbons will provide a write up on this topic for the Nov. 16 meeting.
- Attorney Gibbons will also review policies that were suggested by Cynthia Barnes and report on background check options on Nov. 16, as well.
- A memo to go to all department heads and elected officials needs to be written from the Board of Commissioners with a reminder that all personnel information must be given to the HR department for record keeping. Currently, very few offices are in compliance with this policy.

Spearman and Joseph moved to approve the October Veteran's report. Pace seconded the motion. The vote was three Ayes.

- Presented the October 2010 Veteran's report for signature.

Break

Wendi Maez - Land Use report:

Pace moved to approve the Conditional Use for William Cumby on Ewing Ranch, Lot 158 with the Planning Commission conditions that there is a legitimate water source and that a copy of the water well contract for the use of water is on file with the Land Use office. Joseph seconded the motion. The vote was one Aye and two Nays.

- William Cumby, CUP request – Lot 158 Ewing Ranch – Medical Marijuana Cultivation – Nursery/Greenhouse.
 1. Road Access – Co. Rd. AA
 2. Total Acreage to be used – 40 acres
 3. Utilities – will install for if approved
 4. Telephone – will install if needed
 5. Water supply – will be hauling water from another source
 6. Sewage – will apply for if approved

This request is to building a 2000 sq. ft. structure for the cultivation of Medical Marijuana for the production and manufacturing but no sales on property. The cultivation structure will have a residence in part of it for someone to reside on the property at all times. 5 letters of objection have been received concerning this request.

Mary Cross attended the meeting to express her concerns about security and safety issues and noise and light pollution issues – doesn't know if her employer would allow her to keep patients on property with this type of use in the neighborhood.

Joyce Smith also attended the meeting to express concerns about Chemicals used – storage of chemicals – not flammable just liquid regular fertilizer. Chemicals will be reabsorbed by the plants.

The Saguache County Planning Commission recommended unanimous approval of this request as presented with the conditions that there is a legitimate water source and that a copy of the water well contract for the use of water is on file with the Land Use office. It was suggested that Mr. Cumby work with neighbors to address their concerns.

- The mylar and resolution for the Lazy KV Estates Subdivision of Un-Consolidated lots that was approved this past summer was signed.

Ben Gibbons - County Attorney Report:

- Gave an overview of the process for setting up the Library District and the appointment of the Board of Trustees.
- Working on a proposed Solar contract for Housing.
- Received a filing on the Mel Garcia accident
- Hollenbeck road issue has been ordered to mediation by the judge.

- Needs to know if our health insurance policy covers elective abortions, which has been challenged.
- Working with the Clerk on election issues.
- Received a phone call from Ken Williams, who asked if he would be reappointed to the planning commission. Attorney Gibbons will review the issue and report back.
- Working on the personnel policy along with Administration.

Jim Felmlee - OEM Director

No report

Jail tour

Adjourned for Lunch and at 12:00 P. M.

Resumed meeting at 1:04 P. M.

Saguache County Land Use Title III Funding request

Joseph moved to approve the request from the Land Use Dept. for \$16,000 of old Title III funds to update the Crestone/Baca Master Plan. Spearman seconded the motion. The vote was three Ayes.

- Maez presented a request for \$16,000 of Title III Funds to rewrite the Crestone Baca Sub-Area Master Plan.

Saguache County Library District committee – Lisa Cyriacks

Joseph moved to appoint the slate of candidates presented by the Yes to Libraries Committee, as the provisional Library District Board of Trustees, with terms as follows: Ammi Kohn – 1 year, Kate Vasha -2 year, Kim Smoyer 3 year, Carla Quintana – 4 year, and Rosana Hart - 5 year terms. Spearman seconded the motion. The Vote was all Ayes.

- The BOCC will appoint the initial Library Board. This Board of Trustees will develop and present a budget to the State in December and establish by-laws. The Library Committee presented a slate of candidates for appointment to the Library Board and requested 5 members be appointed to serve at this time.

Melinda Myers - County Clerk & Recorder -Election Update:

- Going into 2010, Saguache County’s inventory of election equipment consisted of 6 Touch Screen voting machines and two Accuvote Ballot Scanner that were at least 16 years old and the programming cards are no longer being manufactured. One of the Accuvotes failed before the Primary and the election had to be scanned on the one machine. Saguache County also had \$33,000 in HAVA funds the Secretary of State was holding to be used to purchase electronic voting equipment, which had to be spent by December 31, 2010 or they would revert back to the Federal Government. Many counties

still had HAVA funds, but with election legislation changing every year, the election equipment manufacturing companies have struggled to develop hardware to meet these new criteria and get through the certification process, few counties were willing to choose hardware that may not meet regulations in a few years.

Faced with need to get new equipment before the General election, the Clerk's office did extensive research on what was available and reliable that would best suit Saguache County. To that end, we purchased a M650 from ES&S. They were able deliver and set up the machine before the November election and provide training and tech support. This machine would need to have ballots that were designed especially for it and printed by ES&S.

Our paper ballots arrived and the Clerk's office sent out the UOCAVA ballots by the Federal deadline. Then ES&S notified us that they has miscoded the ballots and made each ballot style its own precinct, which created 25 precincts instead of the actual 9. The only way to fix it would be to reprint the ballots, which was not possible due to the UOCAVA ballots already out. To fix this problem, ES&S agreed to lend us a laptop and a copy of their Unity, Elections Report Management software, which would enable us to create reports and group the ballot styles together to get the results by precinct.

ES&S sent a trainer on Oct. 12 and the four counting judges, two Canvass Board members, Christian Samora and Clerk Myers attended the morning training session. In the afternoon, the trainer went over the reporting software with Samora so he could run the reports during the counting. Each voting method would be counted separate and saved to its own zip disc, then loaded into the reports software to run the reports.

On election night, the early voting was counted, and then the mail ballots that had already been received were counted and saved to the disc. The polling place ballots were counted and saved. The mail ballot disc was reloaded and the remaining mail ballots were counted and saved. The totals were posted in the lobby and the counting ceased for the night with the promise that the total would be broken out by precinct the next day.

On Wednesday, Nov 3, 2010, Samora ran reports by precincts and when he got to the mail in ballots, the totals were more than the number of ballots received back by the Clerk's office; these reports were only viewed on the laptop screen and never printed. Samora worked all day by phone with both techs from ES&S and the Secretary of State's office to track down the flaw in the data. They were unsuccessful in determining where the error occurred and how it could be resolved.

Thursday, Nov 4, 2010, Clerk Myers conferred with the SOS office and it was decided that a retabulation of the ballots counted on Nov 2 would be the best way to determine the actual vote count. The counting judges were called and parties, candidates and issue committees contacted and the date for the retabulation was set for Nov 5th. This tally was

conducted by the 4 counting judges - 2 from each party in front of at least a dozen watchers. Everyone present agreed that the judges and the machine performed flawlessly.

Monday, Nov 8, 2010, Samora attempted to load the from the Nov 2, election night count onto the laptop software to print the erroneous reports. It was unsuccessful and the mail ballot disc would not load and sent an error message. We are attempting to seek technical assistance to see if the file can be recovered.

Our position is due to the corrupt file on the election night scanning of the ballots, it was necessary to scan the same ballots to ensure the will of the voters of Saguache County. The 2010 General Election was conducted within established protocols and procedures and the Canvass audit will bear this out.

There is some community skepticism with the retabulation. In conference with the SOS, ES&S and County Attorney Gibbons, the election materials will be sealed up and on Nov 15th, the SOS and ES&S will send representatives to review the entire election and report the findings.

Clerk Myers would like to recognize the efforts of our citizen judges and office staff for the excellent job they did in conducting the 2010 Saguache County General Election.

Spearman moved to approve the closure of the Clerk's office on Monday November 15, 2010 to conduct election review. Joseph seconded the motion. The vote was three Ayes.

- Clerk Myers requested closure of the Clerk's office on Monday, November 15, so the election could be reviewed.

Break

Sales Tax Grant discussion

Bill Paying

Joseph moved to adjourn at 2:00 P.M. Spearman seconded the motion. The vote was three Ayes.

Respectfully Submitted,

Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved November 16, 2010

Chairman of the Board

Attest

Commissioner

Commissioner