



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, MARCH 1, 2021

LAND USE HEARING

The Board did not hold a Land Use Hearing on March 1, 2021.

TUESDAY, MARCH 2, 2020

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided. Commissioner Stephens and Commissioner Shadduck-McNally were present. Also present were Alisha Jeffers, Commissioners' Office, and Deirdre O'Neill Deputy Clerk.

1. **PUBLIC COMMENT:** Callie Bliss and Ed Behan commented in person and Deb Bjork commented via teleconference.
2. **APPROVAL OF THE MINUTES FOR THE WEEK OF FEBRUARY 22, 2021:**

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners approve the minutes for the week of February 22, 2021.

Motion carried 3-0

3. **REVIEW OF THE SCHEDULE FOR THE WEEK OF MARCH 8, 2021:** Ms. Jeffers reviewed the upcoming schedule with the Board.
4. **CONSENT AGENDA:**

ABATEMENTS:

1. **PETITION FOR ABATEMENT OF REFUND OF TAXES:** Larimer County and MPT of Johnstown LLC, R1634562

2. **RECOMMENDED DENIAL OF PETITION FOR ABATEMENT OR REFUND OF TAXES:** Grem Armstrong; Malachi LLC, R1634165
3. **RECOMMENDED DENIAL OF PETITION FOR ABATEMENT OR REFUND OF TAXES:** Grem Armstrong; Blest LLC; R0228940

AGREEMENTS:

1. **LARIMER COUNTY, COLORADO PROFESSIONAL SERVICES AGREEMENT (P19-29).**
2. **FIRST AMENDMENT TO RIGHT-OF-WAY CONTRACT NO 2487 BOOK 24(104996).**
3. **AMENDMENT #1 TO AGREEMENT FOR JAIL SERVICES (LOVELAND/LARIMER COUNTY).**
4. **AGREEMENT FOR SALE AND PURCHASE OF UNIT OF COLORADO BIG THOMPSON PROJECT WATER.**

APPOINTMENTS

1. **APPOINTMENT DESIGNATION FOR THE NORTHERN COLORADO REGIONAL TOURISM AUTHORITY BOARD:** Commissioner Shaddock-McNally, Linda Hoffmann, and Northern Colorado Regional Tourism and Authority Board.
2. **RECOMMENDED MID-TERM APPOINTMENT TO THE RIDGEWOOD MEADOWS PUBLIC IMPROVEMENT DISTRICT ADVISORY BOARD:** Shirley Pedersen
3. **RECOMMENDED MID-TERM APPOINTMENTS TO THE RED FEATHER LAKES COMMUNITY LIBRARY BOARD OF TRUSTEES:** Sumukh Torgalkar and Leonard Tipton

DEEDS:

1. **DEED OF DEDICATION**

POLICIES:

1. **ADMINISTRATIVE POLICY AND PROCEDURE 380-11C: DISASTER POLICY**

RESOLUTION:

1. **ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY III.**
2. **ESTABLISHING COMPENSATION FOR DEPUTY DISTRICT ATTORNEY I**

MISCELLANEOUS:

1. **STATE WILDFIRE IMPACT ASSISTANCE GRANT APPLICATION**
2. **BYLAWS FOR LARIMER COUNTY CRYSTAL VIEW PUBLIC IMPROVEMENT DISTRICT**
3. **BYLAWS FOR LARIMER COUNTY TRAPPERS POINT PUBLIC IMPROVEMENT DISTRICT**
4. **BYLAWS FOR LARIMER COUNTY ROCKVIEW WILDFLOWER RIDGE PUBLIC IMPROVEMENT DISTRICT**
5. **BYLAWS FOR LARIMER COUNTY MEADOWS AT ROLLING HILLS PUBLIC IMPROVEMENT DISTRICT**
6. **ROTH LETTER**

LIQUOR LICENSES: The following liquor licenses were approved/issued: The Sheila Tom Corp-Glen Haven Inn-Hotel and Restaurant with Optional Premise-Glenhaven

MOTION

Commissioner Stephens moved that the Board of County Commissioners approve the Consent Agenda for Tuesday, March 2, 2021.

Motion carried 3-0.

5. **COMMISSIONERS GUESTS:** The Commissioner's invited Dr. Janina Farinas, Chief Executive Officer of La Cocina, to address the Board. Dr. Farinas gave a brief presentation on her organization. Dr. Farinas mentioned that La Cocina- which means "The Kitchen"- in Spanish is a one-of-a-kind, purpose-driven, affinity-based organization that meets the mental-health needs of 600 plus Latinx families. La Cucina began in 2017 with four volunteer mental health professionals seeing the need for Spanish-speaking mental-health services. Dr. Farinas presented some of the services that her organization provides: recovery from trauma, forensic assessments for immigrants in detention, individual and family therapy, parent coaching, and healthy-childhood development. Dr. Farinas also spoke about the need for mobilizing vaccine efforts in the Spanish-speaking community.

The Board of County Commissioners each thanked Dr. Farinas for her presentation and the hard work she and her team are doing for the community. There were some questions on vaccinations as well as community outreach and collaboration especially on the hard-to-reach groups. The Commissioners would like to see Dr. Farinas connect with the Larimer County Health Department to address vaccine issues and misconceptions within the Latinx community.

6. **DIXON STATION CONSERVATION EASEMENT PROJECT:** This 73-acre agricultural property is located north of Wellington and adjacent and west of I-25. The property was purchased by the Poudre Valley Community Farms (PVCF). Colorado Open Lands. They are seeking to place a conservation easement on the farm and asking Larimer County to be a financial partner.

Poudre Valley Community Farms, a Land Cooperative, was born from the challenges faced by young farmers in the northern front range in finding affordable farmland. PVCF is an incorporated Colorado cooperative entity that which offers shares of farmland ownership to its prospective members. Under PVCF's model, members cooperatively own farmland, thereby allowing them to offer secure, long-term leases to producers. This conservation project will help further this innovative model whereby community-owned farmland can provide secure tenure for the next generation of willing and capable farmers who would not otherwise have access to land. In this case, PVCF is leasing the property to Jodar Farms which raises meat, chickens, laying hens and hogs for sale to local restaurants, area farmers markets, and through the farm's own CSA and farm store.

Dixon Station Farm includes prime soil and reliable water delivery systems and is adjacent to I-25, protects the visual and scenic rural character of this area. All residential development rights will be extinguished. PVCF plans to include a two-acre Agricultural Building Envelope to house future-agriculture-related infrastructure such as a barn, packing house, or other similar structures. One NPIC share and two wells will be encumbered by the conservation easement and enable PVCF to lease additional NPIC water as needed. This partnership consisting of Colorado Open Lands, Larimer County Natural Resources, and Poudre Valley Community Farms is precedence setting in terms of a unique partnership for the conservation of irrigated agricultural lands and promotion of local food for the community.

Funding:

PVCF Donation \$470,000 (Land)
Larimer County \$150,000 (Land)
PVCF \$ 57,200 (due diligence costs)
Grant Family Foundation \$ 10,000 (appraisal)

Daylon Figgs, Director of Department of Natural Resources, and Meegan Flenniken, Natural Resources, gave a brief background on the Conservation Easement Project and funding. Mr. Figgs explained that through the hard work of Colorado Open Lands, the Poudre Valley Community Farms, and The Department of Natural Resources, a conservation package was put together for this farm which protects the farm and water for Larimer County residents.

Meegan Flenniken, Natural Resources, explained that this project is located in the Buckeye-Wellington priority area which is part of our Open Lands Master Plan and north of the Town of Wellington. Approximately 11,000-acres of land have been conserved which has a high cultural value such as prime soils and irrigation. This specific project contains 73-acres and will be held by Colorado Open Lands. Larimer County is simply being requested as a financial partner to acquire the conservation and easement.

The Commissioners thanked everyone for all their hard work and innovation projects. The Commissioners stated that they are very supportive of this project.

MOTION

Commissioner Shadduck-McNally moved that the Board approve the expenditure of \$150,000 for the Dixon Station Conservation Project.

Motion carried 3-0

7. 2021 LEGISLATIVE SESSION UPDATE: The 2021 State of Colorado Legislative session began in mid-February. We would like to update the Board of County Commissioners on several legislative issues including legislation that would impact the Office of Emergency Management and Community Corrections.

Chair Kefalas announced that the following people are in attendance for any questions: Lori Hodges, Emergency Management Director; County Clerk Angela Myers, Emily Humphrey, Criminal Justice Director; Tim Hand, Community Corrections Director; Laura Walker, Human and Economic Health Director; and Eric Freid, Chief Building Official.

Michele Bird, Public Affairs Director, stated that she will give an update on several bills that could possibly impact the county. Ms. Bird introduced Emily Humphrey, Criminal Justice Director

Ms. Humphrey stated that in late 2020 the Criminal Justice Department received some disturbing news about a possible decrease in funding of \$22 million dollars in community corrections. In addition, there were changes proposed to their per diem model. With the assistance of Michele Bird and County Manager, Linda Hoffmann, two informative meetings were held with local legislators. Ms. Humphrey introduced Tim Hand, Community Corrections Director to give an update on the meetings.

Tim Hand announced that he is pleased that the proposed reduction of \$22 million dollars did not happen. The only thing that was cut from the corrections budget is a negative supplemental that was anticipated based on bed capacity due to COVID-19. The per diem rate was increased by 2.5%. In closing, Mr. Hand did let the Board know that in the future if there are Community Corrections reversions, the recommendation from the Joint Budget Committee is that they will turn into cash funds to be used for performance-based contracting.

Chair Kefalas thanked them both and was pleased with the outcome. We have a model community corrections program and that this is a great example of informed advocacy. This ensures that those making decisions in Denver have solid information while making those decisions that can affect Larimer County.

Lori Hodges, Director of Emergency Management, explained that anytime Colorado has an extensive disaster year, the next legislative session has many bills from lawmakers regarding those disasters. Many times, these bills may have unintended consequences that can be harmful to emergency management efforts. Today, there are two bills of concern:

HB 1032, Local Government Authority Statewide Disaster Declarations. This bill permits the majority of the governing body of any county or municipality by the adoption of a resolution, ordinance, law, or rule to abrogate all or any portion of a disaster emergency order applying to the county or municipality that has been issued by the Governor under the Governor's Emergency Management powers when the disaster emergency last longer than 30-days. The Bill prohibits the state and any institution from taking any action against a county or municipality including any action resulting in a denial of a monetary payment.

HB 1081, Disaster Emergency Duration Limits. This bill extends the duration of a state of disaster emergency declared by the Governor from 30-60-days but prohibits the Governor from renewing a state of disaster emergency declared beyond 60-days.

Both bills limit the Governor's ability to manage during a disaster or an emergency. Any limitations could have dire consequences. Michele Bird did let the Board know that CCI (Colorado Counties Inc) did not take a stance on either of these proposed bills.

Ms. Bird briefly went over HB21-1095, Locater Exemption for County Road Maintenance, and SB-21-118, Alternative Response Mistreatment of At-Risk Adults.

Michele Bird introduced County Clerk and Recorder, Angela Myers, to speak about HB21-1011, Multilingual Ballot Access for Voters. The bill requires minority language ballots for counties that have 2,000 or more persons or 2.5 percent of the population 18 years or older, "who do not speak English very well". Clerk Myers noted that the bill does not provide any state financial assistance to counties to achieve this requirement. The fiscal note on a bill estimates that annual compliance with the mandates in the bill will cost \$46,000 for a small county, \$61,000 for a medium sized county, and \$360,000 for a large county. While CCI supports ensuring access to the ballot for all citizens, the unfunded mandates in the bill are problematic. Clerk Myers agrees with CCI's assessment due to the fiscal note. In Larimer County, we have approximately 2,063 residents who fall within this category.

The Commissioners thanked Clerk Myers for her update.

Michele Bird introduced Eric Freid, Chief Building Official, to discuss bill SB21-070, County Authority to Register Business. SB70 would authorize counties to institute registration for all businesses in the unincorporated area of the county. As amended in the Senate, the bill limits the use of any data collected on business, and there is no penalty or fine for failure to register with the county. The bill did pass the Senate last week and has now been assigned to the House Transportation and Local Government Committee where it awaits a hearing.

Ms. Bird did let the Board know that CCI is in support of this bill.

The final bill is HB21-1047, County Commissioner District Gerrymandering. Ms. Bird explained that this bill would take the political gerrymandering protections established in the state constitution by Amendments Y and Z and attempt to apply them to County Commissioner districts in those counties where at least one Commissioner is not elected by the voters of the whole county. The bill would only apply to counties with populations greater than 70,000 that elect to move to a five-member commission or ones that have a home-rule charter. The affected counties are working with the bill sponsor on possible amendments to the bill. CCI is opposed to this bill unless amended. This bill does not necessarily apply to Larimer County.

The Commissions thanked Michele Bird for presenting these bills to the Board.

8. COVID-19 UPDATES AND DECISIONS: Linda Hoffmann introduced Tom Gonzales, Public Health Director, via tele-conference. Director Gonzales announced that close to 100,000 residents have been vaccinated and that we have met the Governor's goal of 70% of those individuals 70 years of age and older have received at least one dose of the vaccine. In the 65-69 age group, 45% of those have received one dose as well. He reminded everyone that if you are eligible and have not

signed up for the vaccine to please do so at larimer.org or you may call 970-498-5500 during the hours of 8:30 a.m. until 4:30 p.m.

Director Gonzales stated that 75% of our educators have received their first dose. Director Gonzalez reported to the Board that the Johnson and Johnson vaccine has been approved and this is a one-dose vaccine.

Currently, there are 13 people in the hospital and, for the first time in a long-time, there is no report of deaths for the last week. Long-term-care facilities are seeing a significant drop in cases. There is a concern is among the 18–24-year age group. The Health Department is working closely with Colorado State University as well as Front Range Community College to continue to make sure protective measures are put in place. The Director urged everyone to continue to wear face-coverings as well as avoid large gatherings.

Larimer County is currently vaccinating those eligible for the vaccine in three phases:

- Phase 1A includes frontline healthcare workers, staff, and patients in long-term care facilities.
- Phase 1B.1 includes moderate-risk healthcare workers, first responders and those 70 years of age and older.
- Phase 1B-2 includes those 65-69, pre-K-12 educators and staff, and licensed childcare workers.

Phase 1B-3 will begin on March 5, 2021, which will include ages 60 and older, frontline essential agriculture and grocery store workers, and people 16-59 years of age with two or more high-risk conditions. These conditions are listed on the vaccine distribution phases page on larimer.org.

The Commissioners each wanted to thank the Public Health Director for all his hard work. Chair Kefalas informed the Director that he did receive an email to sign up for the vaccine but when trying to log on it stated that the slots were full. The Chair was able to see the slots that were available as he continued to navigate the website. Director Gonzales explained that he will have the IT department investigate this.

Linda Hoffman, County Manager announced that per the Governor's request there will be a moment of silence on Friday, March 5, 2021, at 6 p.m. to mark the first case of COVID-19 in Colorado.

9. COUNTY MANAGER UPDATE: Linda Hoffmann, County Manager updated the Board on administrative matters and community meetings that she has been involved with over the past week.

10. COMMISSIONER ACTIVITY REPORTS: The Board of County Commissioners represent the County on various committees and task forces and serve as liaisons to the County's boards and commissions. Commissioners report the activities they have been involved in over the past week.

11. LEGAL MATTERS

No decision expected.

Executive Session pursuant to C.R.S. 24-6-402(4)(b): conference with attorneys for the purpose of receiving legal advice regarding the court order issued by Larimer County District Court in the City of Thornton vs. Larimer County Commissioners, Case #19CV30339.

Executive Session pursuant to C.R.S. 24-6-402(4)(b): conference with attorneys for the purpose of receiving legal advice regarding the Colorado Department of Public Health & Environment surface water discharge permit and solid waste compliance order for the Landfill.

MOTION

Commissioners Stephens moved that the Board of County Commissioners enter into Executive Session pursuant to C.R.S. 24-6-402(4)(b): conferences with an attorney for the purpose of receiving legal advice regarding the court order issued by Larimer County District Court in the City of Thornton vs. Larimer County Commissioners, Case #19CV30339.

Motion carried 3-0

MOTION

Commissioner Shadduck-McNally moved that the Board of County Commissioners enter into Executive Session pursuant to C.R.S. 24-6-402(4)(b): conferences with an attorney for the purpose of receiving legal advice regarding the Colorado Department of Public Health and Environment surface water discharge permit and solid waste compliance order for the Landfill.

Motion Carried 3-0

Linda Hoffmann, County Manager, did advise the Board that the Landfill Legal matter would be heard first.

With there being no further business, the Board adjourned at 9:50 a.m.


JOHN KEFALAS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS
CLERK AND RECORDER

ATTEST:


Deirdre O'Neill, Deputy Clerk

