



MINUTES OF THE BOARD OF COUNTY COMMISSIONERS

MONDAY, JANUARY 3, 2022

LAND USE HEARING

The Board did not hold a Land Use Hearing on January 3, 2022.

TUESDAY, JANUARY 4, 2022

ADMINISTRATIVE MATTERS MEETING

The Board of County Commissioners met at 9:00 a.m. with Linda Hoffmann, County Manager. Chair Kefalas presided, and Commissioner Stephens were present. Commissioner Shadduck-McNally was excused. Also present: Kelly Bryant, Deputy Clerk.

Chair Kefalas opened the meeting with the Pledge of Allegiance.

1. PUBLIC COMMENT: Jessica Madden, Reverend Chris Ekenberg, Jim Winebrener, Nancy Eason, Tasha Carr, Kerri Park, Don O'Connell, Nick Lance, Katie Cassis, Lisa Hecker, Lisa Maclean, and Brenda Lipes, and Heather Lahdenpera, each spoke to the Board about mask mandates, ordinances, testing, medical freedom, Holocaust referencing, Health Department appeal process rewording issues, children and the effects of the masking policies within Larimer County, and the effectiveness monoclonal antibody treatments.

Chair Kefalas closed Public Comment.

Lisa Hecker spoke to the Board. As she finished, she mentioned attending a funeral for a loved one that recently committed suicide. In acknowledgment, Chair Kefalas asked for a moment of silence for all lives lost due to suicide. Commissioner Stephens thought the El Salvador video messaging was positive. She continued with stating that the by-laws, mentioned in the public comment section, had implied that the Health Department had the expertise and ability to change content, however, only the courts can make determinations based on constitutionality. She encouraged the constituent who had raised the by-law matter to send an email to the Commissioners to allow the county legal team to address the policy change intentions. She mentioned that the holocaust referencing is offensive to her but emphasized that she has not stopped the ability of any citizen to openly speak their opinion. She stated that they are working closely with the Health Department but did not determine their

policies. Chair Kefalas then added that the changes to the by-laws have been reviewed by the Commissioners as well as the legal team for final versions. Only courts will determine constitutionality. He stated that the masks are effective but that the use of masks is a matter of conscience. In addition, he mentioned that since the mask ordinance went into effect in October 2021, more people are wearing masks. He said that it was never the intention to task and punish the local business owners for managing the mask mandates on the front lines. Lastly, he responded to the references on the effects of masking children by mentioning the Panel Discussions planned to provide a roundtable of discussions about these concerns from parents, educators, and the Commissioners. He had also met with Tom Gonzales, Director of Public Health and has had some positive discussions.

2. BOARD REORGANIZATION FOR 2022:

APPOINTMENT OF CHAIR:

MOTION

Commissioner Kefalas moved to appoint Commissioner Kristin Stephens as the Chair for 2022 and authorize her to buy and sell real estate upon approval of the Board. Commissioner Stephens thanked Chair Kefalas for his leadership.

Motion carried 2-0

Chair Stephens proceeded to preside over the meeting

3. APPOINTMENT OF CHAIR PRO-TEM:

MOTION

Commissioner Kefalas moved to appoint Commissioner Shadduck-McNally as the Chair Pro-Tem for 2022 and authorize her to buy and sell real estate in the absence of the Chair upon approval of the Board.

Motion carried 2-0

4. POSTING OF MEETINGS:

MOTION

Commissioner Kefalas moved to approve a resolution designating the public place in which notice is posted of meetings of the Board of County Commissioners.

Motion carried 2-0

5. RESPONSIBIITY FOR RECEIVING PROBLEM SOLVING REQUESTS:

MOTION

Commissioner Kefalas moved to appoint Board Chair Stephens as the person responsible for receiving and reviewing any formal problem-solving requests filed by the direct reports to the County Manager or County Attorney.

Motion carried 2-0

3. APPROVAL OF THE MINUTES FOR THE WEEKS OF DECEMBER 27, 2021:

M O T I O N

Commissioner Kefalas moved that the Board of County Commissioners approve the minutes for the week of December 27, 2021.

Motion carried 2-0

4. REVIEW OF THE SCHEDULE FOR THE WEEK OF JANUARY 10 - 14, 2022: Mr. Harvill reviewed the upcoming schedule with the Board. Commissioner Kefalas mentioned that the Joint Planning and Commissioner holiday party has been postponed until March or April 2022. County Manager Hoffmann mentioned hosting a Cameron Peak Fire Commemoration event. Commissioner Kefalas asked if there were options to hold the event remotely and, if needed, postpone if it needs to be an in-person event. Chair Stephens requested that the event should be postponed as it should be a live event. County Manager Hoffmann then confirmed with the two present Commissioners that this event would be postponed, and specifics would be discussed at a later date.

5. CONSENT AGENDA:

AGREEMENTS:

- 1. LEASE AGREEMENT FOR 2643 MIDPOINT DR**
- 2. HSCONNECTS SERVICES AGREEMENT**
- 3. INTERGOVERNMENTAL AGREEMENT FOR GOVPRIME**
- 4. HUMANE SOCIETY AGREEMENT (2022)**

APPOINTMENTS:

- 1. RECOMMENDED REAPPOINTMENT TO THE FAIR BOARD – STEPHANIE FANCHER-ENGLISH**

2. RECOMMENDED REAPPOINTMENT TO THE RODEO BOARD – RICK HARRIS
3. RECOMMENDED APPOINTMENT TO THE RODEO BOARD – RAYNE RULE
4. RECOMMENDED APPOINTMENT TO THE LITTLE THOMPSON PUBLIC IMPROVEMENT DISTRICT # 61 – MICHAEL NUNEZ

DEEDS

1. DEED OF DEDICATION, STEVE OLANDER

LIQUOR LICENSES

JJ'S LIQUOR LLC DBA JJ'S LIQUOR JJ'S LIQUOR STORE, RETAIL LIQUOR STORE, FORT COLLINS; ARCHER AND ARCHER LLC DBA POUDRE SPIRITS AND WINE POUDRE SPIRITS AND WINE, RETAIL LIQUOR STORES, BELLVUE; FORKS AND BEANS LLC DBA THE FORKS MERCANTILE AND SALOON, THE FORKS MERCANTILE AND SALOON, FERMENTED MALT, LIVERMORE; FORKS AND BEANS LLC DBA THE FORKS MERCANTILE AND SALOON, THE FORKS MERCANTILE AND SALOON, TAVERN, LIVERMORE.

RESOLUTIONS

1. RESOLUTION DESIGNATING THE PUBLIC PLACE IN WHICH NOTICE IS POSTED OF MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS
2. RESOLUTION ADOPTING AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE REGARDING HOUSING TYPES AND AFFORDABILITY
3. RESOLUTION ADOPTING AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE REGARDING RECREATIONAL VEHICLE PARK AND CAMPGROUND REGULATIONS
4. RESOLUTION ADOPTING AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE REGARDING URBAN AGRICULTURE AND KEEPING OF LIVESTOCK
5. RESOLUTION ADOPTING AMENDMENTS TO THE LARIMER COUNTY LAND USE CODE REGARDING DEVELOPMENT STANDARDS
6. RESOLUTION ADOPTING AMENDMENTS TO ARTICLE 13 OF THE LAND USE CODE REGARDING ESTES VALLEY SUPPLEMENTAL REGULATIONS

MOTION

Commissioner Kefalas moved to approve the consent Agenda for January 4, 2022.

Motion carried 2-0

6. COMMISSIONERS GUESTS: None

7. DISCUSSION ITEMS:

- 1. 2021 Ranger Brendan Unitt Community Service Award Winner** Bill Wilson was selected as the winner of the 2021 Ranger Brendan Unitt Community Service Award. Jill Maasch, Community Relations Supervisor in Human Services and the Chair of the Guiding Principles Committee, spoke to the Board of Commissioners about the winner. She stated that Mr. Wilson, who is currently serving in the Department of Natural Resources, was selected because of his extraordinary community service. The money awarded is split between the recipient and a charity of the winner's choice. Mr. Wilson selected A Little Help. A Little Help is a charity organization that focuses on older adults to stay in their homes and works with volunteers to ensure they remain socially active. He served 14 years with the City of Fort Collins, a small business owner, a Vietnam veteran, and has served the Larimer County Department of Natural Resources for the past 10 years. In addition, Mr. Wilson has volunteered over 25 years more than 800 hours at Veterans Day Breakfasts and the City of Fort Collins Senior Center, 3000 hours of service for the Larimer County's "Catch a Special Thrill" event to enhance those with special needs through fishing. He has played "The Santa" at the Farm at Lee Martinez Park for the last 10 years and he has given his time to numerous other community organizations and schools. Mr. Wilson then gave special recognition to the Poudre Golden K Kawanis Club who has helped the community in many ways. He stated that Ranger Unitt was an inspiration to all and he especially wanted to help carry on the legacy to ensure he is not forgotten. He was thankful for to Larimer County for awarding volunteers like him and thanked the Commissioners for their efforts as well. Commissioner Kefalas was very happy to participate in the award ceremony held earlier and thanked Mr. Wilson for his work. Commissioner Kefalas also thanked Ms. Maasch for her work on the committee. County Manager Hoffmann stated that she was pleased to make a lasting legacy for Brendan and congratulated Mr. Wilson for his 11,000 hours of volunteer service in the community. She thanked the Guiding Principles Committee, Ms. Maasch and the Commissioners for their work. She gave special thanks to the Department of Natural Resources for their support in keeping the legacy of Branden Unitt at the forefront and for being thoughtful and sensitive to this project. Chair Stephens thanked Mr. Wilson and stated he was an "expert" at community service. At the request of Chair Stephens, Mr. Wilson "ho ho ho'd" for Commissioner Kefalas. Lastly, Mr. Wilson wanted to provide a final word of thanks to Brendan Unitt's family for their cooperation and support. He stated that the A Little Help organization will much appreciate the award check as well. He again thanked the Commissioners for helping out the A Little Help organization.
- 2. Creating 1.0 FTE Deputy District Attorney III Position in the Office of the District Attorney** Mr. Josh Fudge, County Budget Director and District Attorney Gordon McLaughlin, spoke to the Board. They provided in-depth information about the issues effecting the community and the need to create an additional position for his division. The

objective is to create a complex case attorney (title code Deputy District Attorney III) through ARPA funding for the next 3 years to handle certain high-level, time-intensive case types that have increased as a result of, or during, the COVID-19 pandemic.

In analysis of their case data, discussions with our attorneys, conversations with law enforcement, and other study of state and national trends, it has become apparent to the District Attorney's Office that four case types have grown or been substantially impacted during the COVID-19 pandemic (March 2020-present): Drug Task Force (fentanyl distribution) cases, Domestic Violence cases, Economic Crimes, and Violent Crimes.

- a. Drug Task Force and Fentanyl Distribution cases: Fentanyl is a powerful synthetic opioid which are now the most common drugs involved in drug overdose deaths in the United States. Studies show that over the last decade fentanyl-related overdose deaths have, at minimum, quadrupled, with the Center for Disease Control recently reporting overdose deaths in the United States topping 100,000 annually, and specifically noting fentanyl's contribution. Locally, there has been an incredible uptick in fentanyl quantities over the last 20 months of the pandemic. In the first three quarters of 2021 alone, the Northern Colorado Drug Task Force (NCDTF), of which the District Attorney's office is a member, seized more than 123,000 fentanyl pills. While accurate data is not available to compare previous years, by all accounts this is a dramatic and exponential rise over pre-pandemic conditions. Our fentanyl investigations are concurrently becoming much larger and more complex. For example, where a defendant may have possessed 15 pills for distribution previously, we are now seeing individuals with 1,000 pills. Each arrest for distribution may now represent hundreds, if not thousands, of lethal doses of fentanyl. This new reality necessitates increased District Attorney investigation and prosecution resources to make appropriately serious offers in these large-scale distribution cases and to then handle the increased trial load that these stiff offers will generate. The NCDTF has also seen an increase in firearms associated with drug distribution – these more complex cases which can carry lengthy prison sentences, necessitate similar time and attention for successful prosecution. Lastly, the NCDTF has noted a significant increase in drug overdoses in 2021 based on internal tracking. National trends support the link between the pandemic and the significant fentanyl increases, driven by factors involving the closure of the southern border and spiking addiction issues due to economic hardship, isolation, and separation from resources during the pandemic. Our office currently has one attorney assigned to the NCDTF to advise, review warrants, and try cases generated by a dozen full-time detectives. NCDTF cases are often extremely complex, with one wiretap case potentially yielding more than a dozen defendants, thousands of pages of discovery, and hundreds of hours of media. Defense attorneys know that current resources do not permit us to try enough of the serious fentanyl and gun cases initiated by NCDTF, and this negatively impacts our ability to hold these large-scale distribution networks accountable. While we continue to prioritize treatment of drug users, prosecuting high-level dealers is essential, especially during the pandemic fueled fentanyl spike we are currently experiencing.

- b. Domestic violence: Our office is already well beyond 2020 annual numbers for domestic violence victims. In 2020, we had 3,735 domestic violence victims in our system, as of October 30th, our 2021 total was already 3,878. The rise in domestic violence has been correlated to pandemic factors nationwide, with victims having to isolate with their abusers, stresses caused by economic and health issues, and the lack of normal outside intervention. While many of our domestic violence cases originate at the misdemeanor level, having a skilled felony-level prosecutor who can assist with the most serious cases will contribute to holding repeat and violent domestic violence offenders accountable.
- c. Economic Crimes: In 2021, the District Attorney's office formed the Northern Colorado Economic Crimes Task Force (NCECTF) with agency partners across Larimer County, Northern Colorado, and at the state level. This effort has already seen success with convictions on significant cases which would have been difficult to piece together without this collaboration. These large financial cases are incredibly document and time intensive, often with thousands of pages of discovery and complex financial documents to analyze. Pandemic-spurred unemployment has led to an increase in the formation of criminal organizations perpetrating such crimes on a larger and more organized scale. Currently our office has two prosecutors contributing to the NCECTF, however each also maintains their full division docket responsibilities. Combined, they have contributed 468 hours to NCECTF specific work so far in 2021, and report much more could be done. Their work spans 27 NCECTF filed cases in 2021. A more dedicated point person for the NCECTF would allow further development of these high-impact felony cases.
- d. Violent crimes: While multiple factors are likely to have contributed to the violent crime increase, the national trend has clearly manifested a correlation to the pandemic. Above mentioned factors, such as unemployment, financial and health stresses, and increasing access to firearms are certainly contributors. In Larimer County we have seen an increase in crimes involving firearms, gang violence, and the formation of other organized criminal enterprises necessitating prosecution under the Colorado Organized Crime and Conspiracy Act (COCCA). Prosecuting and dismantling these organizations requires a prosecutor to work meticulously through the case, often working from one defendant to the next, to obtain necessary evidence to hold the worst actors accountable. Currently, we have four prosecutors assisting with our Criminal Impact Unit (CIU, high-impact investigations of violent crime) cases, however all retain their full caseloads in other divisions. The combined time they have devoted to CIU specific work so far in 2021 is at least 630 hours. CIU work has resulted in 34 current prosecutions in 2021 (compared with 8 cases classified as CIU efforts in 2020). A more dedicated point person will provide keener oversight to some of the most serious cases involving guns, violence, and COCCA, and foster better collaboration with law enforcement partners, and therefore provide a greater opportunity to disrupt these networks earlier to reduce violent crime.

The District Attorney's Office is requesting funding to hire an additional experienced attorney to focus on these types of complex felony crimes. This will enable our office to continue handling the other cases we are seeing that are more routine through normal dockets while consolidating some of the complex work to a single experienced point-person. Of note, the cases noted above can take several years to resolve. Wiretap cases, COCCA charges, and financial crimes are burdensome to review for both the prosecution and defense. Thorough analysis and negotiation can take years to resolve even without a trial, therefore an attorney hired to handle these cases would ideally have 3 years to complete the work. The trends in the above-mentioned types of crime are also unlikely to abate without serious intervention by the criminal justice system and other entities, work which is just beginning and is not expected to be completed in the near term. The regular, full-time position is envisioned to be funded with American Rescue Plan Act – Fiscal Recovery Fund resources. The total allocation would be \$391,950 over a three-year period, and the impact in 2022 would be \$130,650.

Commissioner Kefalas thanked the District Attorney McLaughlin and Mr. Fudge, Budget Director for their presentation. He asked that Mr. Fudge explain the funding in relation of the 2022 Budget. He estimated the initial allocation would be \$150,000 – \$450,000 for a total of 3 years from the fiscal recovery fund. Chair Stephens thanked District Attorney McLaughlin for working with the Budget Director on finding new sources. District Attorney McLaughlin thanked Mr. Fudge for his assistance and vowed to continue to look at other avenues.

MOTION

Commissioner Kefalas moved to approve the Resolution creating one full time Deputy District Attorney III position funded through the American Rescue Act – Fiscal Recovery Fund

Motion carried 2-0

3. **Board of County Commissioners Division of Responsibilities** is submitted by Michelle Bird, Public Affairs Director. County Manager, Linda Hoffmann, spoke to the Board on behalf of Michelle Bird. Ms. Hoffmann stated that there are documents that align the Commissioners as liaisons with various Boards and Commissions. She said that it also assigns the Commissioners duties in relation to the Colorado Counties Inc. (CCI) and sets up some proxies in keeping with the policies of Colorado Counties Inc. (CCI) as well as which specific Commissioner will serve on any respective committee. This agenda item is intended to update the Board of County Commissioners Division of Responsibilities policy for 2022. The Board of County Commissioners has many varied responsibilities. To effectively use their time, the Board finds it necessary to divide duties and responsibilities among the Board members. Ms. Hoffmann thanked those individuals who volunteer on these boards and emphasized the importance of communication. Each board can serve as an advisory board with the Commissioners having full responsibility.

POLICY:

I. ASSIGNMENTS: At their first annual meeting each year, the Board of County Commissioners determine each Board member's assignments and responsibilities for the year. These assignments include:

- A. Chair and Chair Pro-tem
- B. Boards and Commissions Primary Liaison Assignments (reference A)
- C. Colorado Counties Inc. (CCI) and Counties & Commissioners Acting Together (CCAT) Committee Assignments
- D. Other special task force or committee assignments

II. Chair and Chair Pro-tem:

The positions of Chair and Chair Pro-tem are determined by a vote of the Board. 01042022;
page 2

III. Board and Commission Primary Liaisons:

A. Each County Board and/or Commission will have a Primary Liaison from the Board of County Commissioners, with the exception of quasi-judicial boards. The Primary Liaison serves as the main contact between the Board or Commission and the Board of County Commissioners. The Primary Liaison may attend Board or Commission meetings as requested or at the discretion of the Primary Liaison. The Primary Liaison is not expected to attend all the meetings of any Board or Commission to which they are assigned.

B. Nothing in this policy should be interpreted as limiting access to any Commissioner at any time or interpreted that the Primary Liaison is the only communication point with the Board of County Commissioners. The purpose of a Primary Liaison is to simplify communication and to effectively use the time of the Commissioners. Board or Commission Members are free to contact any Commissioner to discuss county issues at any time, if communication with the Primary Liaison is not possible or desirable, for any reason whatsoever.

IV. CCI & CCAT Committees: CCI & CCAT Committee assignments will be made annually. Commissioners may assign their CCI committee vote and responsibility to a staff proxy, at their discretion.

V. Other special task force or committee assignments: Note: Other special task force or committee assignments will be made by the Board as needed.

Chair Stephens asked County Manager Hoffmann if the list of the different Committees were available to the public. Ms. Hoffmann directed the public to the website for specific information. She also mentioned that she was thankful for the work of the Commissioners for serving on the many committees and the work they've done on any week of the year.

MOTION

Commissioner Kefalas moved to approve the Board of County Commissioners' Division of Responsibilities Policy and Colorado Counties, Inc., 2022 Steering Committee Designation of Proxy forms allowing Michelle Bird, Public Affairs Director and Laura Walker, Human & Economic Health Director to vote and sign on behalf of a Larimer County Commissioner.

Chair Stephens thanked her fellow Commissioners: Kefalas and Shadduck-McNally. She said that she appreciated the work each of the Commissioners do for each of the many boards they serve on.

Motion carried 2-0

8. **COUNTY MANAGER UPDATE:** County Manager Linda Hoffmann offered an update on her activities. Chair Stephens stated she was very grateful for all of Ms. Hoffmann's work this past year.
9. **COMMISSIONER ACTIVITY REPORTS:** The Board detailed their attendance at events during the previous week. Commissioner Kefalas mentioned the Boulder County fires and acknowledged the successful collaboration between Boulder and Larimer Counties. Chair Stephens mentioned that even some of the smaller communities were able to provide support for those effected by the fires.
10. **LEGAL MATTERS**
None requested

With there being no further business, the Board adjourned at 10:53 a.m.

Kristin Stephens

KRISTIN STEPHENS
BOARD OF COUNTY COMMISSIONERS

ANGELA MYERS

CLERK AND RECORDER

ATTEST:

Kelly Bryant

Kelly Bryant, Deputy Clerk

