



SPECIAL MEETING AGENDA

Wednesday, May 29, 2019

Second Floor, Miramonte Building, 333 W Colorado Ave
Telluride, Colorado

1. **9:30 am Call to order.**
2. **9:30 am ADMINISTRATIVE MATTERS:**
 - a. Executive Session: Review and give direction to the recruitment agency on final candidates for the County Manager position.(4)(f)
60 mins Andrew Gorgey, Peckham and McKenney
 - b. Other, as needed.
3. **10:30 am PARKS AND OPEN SPACE MATTERS**
 - a. 10:30 a.m. Discussion and Long Range Planning concerning the East End of the Canyon with Cooperative Entities.
90 mins
 - b. 12:00 p.m. to 12:30 p.m. Lunch
 - c. Other, as needed.
4. **12:30 pm ADMINISTRATIVE MATTERS - Continued.**
 - a. 12:30 p.m. Approval by the Board of Commissioners to adopt the San Miguel County Leadership Policies and Practices./MOTION
15 mins Lynn Black, County Administrator
 - b. 12:45 a.m. Discussion of reconstituting the San Miguel Daycare and Preschool Association Board.
10 mins Amy Markwell, County Attorney
 - c. Other, as needed.
5. **1:00 pm PARKS AND OPEN SPACE MATTERS - Continued.**
 - a. 1:00 p.m. Discussion of potential acquisition of the Ames

Structures./MOTION

45 mins Janet Kask, County Parks and Open Space Director

b. Other, as needed.

6. **1:45 pm Adjournment.**

NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded, and ACTION MAY BE TAKEN ON ANY ITEM. Formal Action cannot be taken at Work Sessions. For further information, contact the County Administration office at 970-728-3174. If special accommodations are necessary per ADA, contact 970-728-3174 prior to the meeting.

Packet materials will be available on the San Miguel County website at www.sanmiguelcountyco.gov no later than 5:00 pm on the Friday before the meeting.

Changes to the meeting and work session schedule will be officially posted at the **designated posting place** for BOCC notices located at the front entrance to the County Offices, located in the Miramonte Building First Floor, 333 West Colorado Avenue, Telluride CO.

Agenda Distribution:

Miramonte Bldg.	Egnar Post Office	KOTO News
Courthouse Bldg.	Norwood Post Office	Norwood Post
Glockson Bldg.	Ophir Post Office	Telluride Daily Planet
Town of Telluride	Placerville Post Office	The Watch
Town of Mountain Village	Town of Norwood	



AGENDA ITEM - 2.a.

TITLE:

Executive Session: Review and give direction to the recruitment agency on final candidates for the County Manager position.(4)(f)

Presented by: Andrew Gorgey, Peckham and McKenney

Time needed: 60 mins

PREPARED BY:

Drew Gorgey

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

Present written recommendation of finalists to San Miguel County.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 3.a.

TITLE:

10:30 a.m. Discussion and Long Range Planning concerning the East End of the Canyon with Cooperative Entities.

Presented by:

Time needed: 90 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

Overview and discussion related to the East End of the Canyon including Via Ferrata, Roads, trails, Bridal Veil falls etc.

Collaborative Partners:

Ryan Righetti

Janet Kask

Mathew Zumstien

Scott Spielman

David Swanson

Kaye Simonson

Amy Markwell

Town of Telluride

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
			Board of County

YYYY-###			Commissioner Staff
Description:			



AGENDA ITEM - 3.b.

TITLE:

12:00 p.m. to 12:30 p.m. Lunch

Presented by:

Time needed:

PREPARED BY:

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 4.a.

TITLE:

12:30 p.m. Approval by the Board of Commissioners to adopt the San Miguel County Leadership Policies and Practices./MOTION

Presented by: Lynn Black, County Administrator

Time needed: 15 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

Approval of the San Miguel County Leadership Policies and Practices

INTRODUCTION/BACKGROUND:

See attached document.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Attorney
Description:			

ATTACHMENTS:

Description
SMC Leadership Policies and Practices

Upload Date
5/23/2019

San Miguel County Leadership Policies and Practices

Board of County Commissioners of San Miguel County, Colorado

Our Mission

The San Miguel County Board of Commissioners works to ensure that our residents are healthy and flourishing and that our communities are safe and vibrant by:

- Providing essential community services;
- Practicing responsible stewardship of our environment;
- Prioritizing long-term fiscal stability; and
- Partnering with others to enhance the quality of life in San Miguel County and the region.

Governing Statement

In Colorado, counties are a constitutional subdivision of state government and are mandated to perform certain functions and provide certain services in accordance with state law. Title 30 of the Colorado Revised Statutes speaks to the powers, duties and responsibilities of county government, which are exercised by the Board of County Commissioners (the “Board”). Those include, but are not limited to:

- Adopting an annual county budget;
- Managing the business concerns of the County;
- Representing the county and having the care of county property;
- Administering public assistance programs;
- Providing services for the aged and veterans;
- Providing and maintaining adequate courtrooms and other court facilities for its state judicial district;
- Maintaining and operating a county jail;
- Maintaining county roads and bridges;
- Negotiating and entering into intergovernmental agreements with other governmental entities; and
- Adopting and enforcing resolutions and ordinances regarding health, safety and welfare issues.

The Board may exercise only those powers granted to counties that are specifically authorized in either state statute or the Colorado Constitution.

Within their mandated authority, the Board can make decisions and take actions that have the effect of law (i.e. establish regulations) as well as create policy that is ultimately implemented by county staff. The Board is also authorized to take administrative actions to manage the business affairs of the County and to establish such offices as are necessary for the efficient management of the business and concerns of the County.

To effectively fulfill its obligations and responsibilities, the Board recognizes the need to delegate with clarity to its two sole employees, the County Manager and the County Attorney. However, the Board, as the governing body of the county, is ultimately responsible and accountable to the citizens of San Miguel County. The complexities of issues facing the county and the competing interests among community stakeholders, make a strict delegation of policy and day-to-day operations impractical. Rather, this Board's governance policy shall be rooted in a clear delineation of task responsibility and an expectation that the Board is adequately and routinely informed of the performance of the various assigned tasks.

It is the intent of the Board to focus on providing high-level organizational leadership rather than focusing on day-to-day operational tasks. The Board will maintain meaningful control of the organization while allowing others to perform the day-to-day operations. Maintaining meaningful control requires that the County Manager and County Attorney routinely advise the Board on day-to-day operational tasks. The Board will be informed of, but not dictate, the handling of such tasks. Through such active and routine communication, the Board can provide appropriate input to ensure that assigned tasks are consistent with the Board's overall vision and strategic direction. The Board can jointly determine with the County Manager and County Attorney what operational tasks may overlap or otherwise impact policy and require more active Board involvement.

It is the Board's intent to delegate to the County Manager and County Attorney with great clarity by completing three steps:

1. Expressing the expectations of the tasks being delegated and the level of input and communication expected from the Board;
2. Assigning the expectations with no ambiguity to the person who is to be held accountable for meeting them; and
3. Regularly checking that expectations are being met.

These policies shall be the primary vehicle for delegating tasks, recording the Board's expectations, and monitoring on a regular basis. These policies are not intended to form any type of contractual employment arrangement with any employee or person. Rather, these are guidelines intended to clarify task responsibility. They are purposefully written to allow flexibility in interpretation, and it is expected that the Board, County Manager, and County Attorney will continually and jointly communicate on the need for refinement or more specificity as particular circumstances may warrant.

FOUR DIMENSIONS OF THE GOVERNMENTAL PROCESS: Mission, policy, administration, and management are the four dimensions of the governmental process.

1. **Mission** refers to the organization's goal setting, purpose and direction and its scope of service programs.
2. **Policy** can be understood as establishing the actual programs, regulating the implementation of programs through policies, setting levels of service through approval of the budget, and for devising and changing plans for land use, infrastructure needs and developing special projects.
3. **Administration** is the implementation of policies by creating written procedures, developing program regulations, delivering services to the public and undertaking special projects.
4. **Management** is the operations and systems for control and coordination of staff, service system, and procedures for personnel, finance, purchasing, and information processing.

The four dimensions should be seen as a continuum of responsibilities between the governing body and the County Manager that provides the structure to lead appointed and elected department heads.

IMPORTANT NOTICE: This Policy and Practices Statement does not, nor should it be construed to, constitute a contract between San Miguel County and any one or all of its employees.

I. **Commissioner APPOINTMENTS**

A. **PURPOSE:** The Board has many varied responsibilities, and in order to effectively use their time, the Board finds it necessary to divide duties and responsibilities among Board members to represent the full Board.

B. **ASSIGNMENTS:** At the first meeting each year, the Board determines each Board member's assignments and responsibilities for the year. These assignments include:

1. The positions of Chair and Vice Chair are determined by a vote of the Board;
2. Appointed boards, commissions and/or committees that will have a primary liaison from the Board, with the exception of quasi-judicial boards. The primary liaison serves as the main contact between the appointed boards, commissions and/or committees and the Board. This allows for county representation and the ability to inform the other Commissioners and the organizations regarding important issues. The primary liaison may attend appointed board, commission and/or committee meetings as requested or at his/her discretion. The primary liaison is not expected to attend all the meetings of any board, commission and/or committee to which they are assigned.
3. 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. The purpose of a primary liaison is to simplify communication and to effectively use the time of the Commissioners. Appointed board, commission and/or committee members are free to contact any Commissioner to discuss county issues at any time for any reason.

EXCEPTION: When an application is actively pending or under consideration or the issue has the potential to be addressed in a quasi-judicial procedure then such contact shall be disclosed and reported back to the Board.

4. State organization committee assignments will be made annually. At their discretion, Commissioners may assign their committee votes and responsibilities to a staff proxy.
 5. Other board, commission and or/committee assignments will be made as needed by the Board of County Commissioners.
- C. CHAIR'S RESPONSIBILITIES:
1. The responsibility of the Chair is to maintain procedural integrity of Board meetings. The Chair shall also represent the Board, as delegated by the full Board or when necessary, to deal with exigent circumstances.
 2. The Chair will attempt to ensure that the full Board conducts itself openly, orderly, efficiently, with dignity and will facilitate an orderly meeting. The Chair shall keep the discussion content consistent with the agenda and allocated time to the extent reasonably possible.
 3. The Chair will work cooperatively with the County Manager to prepare the agenda for full Board meetings. The Chair will, either alone or through the County Manager, inform and seek the guidance of the full Board on items to be placed on the agenda or items that may be of a politically sensitive nature.
 4. The Chair will act on behalf of the full Board when so delegated by the Board or when absolutely necessary to protect the County in a situation requiring immediate action when full Board participation cannot be obtained. When such actions are taken, it is the responsibility of the Chair, acting either alone or through the County Manager, to communicate and obtain guidance from the full Board at the earliest opportunity. Except as set forth in this section, the Chair will obtain all Board members' input on applicable decision making items. The Chair represents the Board only when such authority has been delegated by the full Board.

5. The Chair will preside over meetings and sign documents on behalf of the Board except where signatures of all Commissioners are necessary or desired.
6. The Chair will initiate the annual evaluation process for the County Manager and the County Attorney, and when operating as the Board of Health, the Head of Department of Public Health. Evaluations will be conducted by the entire BOCC.
7. As the liaison to the Board, the Chair will be accessible to the County Manager and the County Attorney, as necessary.

I. BOARD OF COUNTY CommissionerS GOVERNANCE COMMITMENT:

A. GOVERNANCE STYLE: The Board will approach its governance with a style that emphasizes outward vision rather than an internal preoccupation; strategic leadership more than administrative detail; clear distinction of Board and staff roles; collective rather than individual decisions; future vision rather than the past or present view; and pro-activity rather than reactivity. Decisions made by the Board will be made from informed positions and will be made in a public forum consistent with board policy.

1. The Board will operate fully aware of its trusteeship and stewardship obligation to its constituents.
2. The Board will conduct itself individually and collectively with whatever discipline is needed to govern with excellence through:
 - a. Attention to matters such as policy-making principles, role clarification, speaking with one voice, and self-policing of any tendency to stray from adopted board policies;
 - b. Preparation by individual board members for meetings and striving for full attendance at board work session and action agenda meetings;
 - c. Dedication to respectful and active listening.
3. The Board will direct and control the organization through the careful establishment of broad written policies and routine decision making that reflects the Board's perspectives. The Board's emphasis will be on identifying and addressing impacts to the County from outside the organization and not on the administrative means to meet the board's policies.
4. The Board will be the primary initiator of policy and it will also be receptive to other policy initiatives from citizens, other elected officials and staff.

5. A member of the Board who votes in the minority is free to express his/her dissent but must respect the legitimacy of the majority decision and support the decision as the official action of the Board.
6. Where there is disagreement among the Board members, each member will respectfully consider all points of view.

B. **OPERATING PRINCIPLES:** The operating principles and commitments of the Board, as they relate to the working relationship between Commissioners, other elected officials, staff and citizens of San Miguel County, are to emphasize the following:

1. **Fairness.** We are committed to fairness in our day-to-day activities.
 - a. We will respectfully listen to all sides of an issue.
 - b. We will be fair with each other.
 - c. Citizens will have the opportunity to access the Board.
 - d. We have an obligation to listen to each other, citizens and staff with the understanding that an obligation to listen does not necessarily equate to an obligation to agree or to act as requested.
 - e. We will take others' concerns seriously.
2. **Duty:** We understand and agree that as elected officials, we have certain responsibilities to the public and community beyond those simply articulated in law.
 - a. We believe we are each responsible for our own actions as Commissioners, and we will take responsibility for our own actions.
 - b. We agree to address issues and respond to each other's requests in a timely and open manner.
 - c. We agree to respond to each other in a timely manner, by agreeing on a time for response, when possible.
 - d. We will give consideration to the rights of others and our responsibilities when making decisions.
 - e. When giving staff responsibility we will allow the appropriate authority to carry out that responsibility.

3. **Respect:** Citizens' trust in government is critically important. As public officials, the key to building and maintaining this trust is placing a high value on respecting each other and those we work with and serve.
 - a. We understand that respect comes in many forms, and we will make every effort to show respect for others, both in our verbal and non-verbal actions.
 - b. We agree to accept and respect each other's individuality, supporting each other by capitalizing on our individual strengths, working together as a team, utilizing each other's areas of expertise and to accomplish our goals and the goals of San Miguel County.
 - c. We believe that information flow within the organization is important and that all affected parties should have all of the information that is important to them, whenever possible.
 - d. We will make every effort to not just listen but to understand the perspective of others.
4. **Honesty and Integrity:** As public officials, we will hold ourselves to a high standard of honesty and integrity in our position and in the community.
 - a. We will deal with each other honestly.
 - b. We are committed to high standards of ethics in our dealings with each other, employees and citizens.
 - c. If an interpersonal conflict or problem develops, we will work with only the people involved and strive to settle the conflict or problem in a constructive one-to-one basis.
5. **Communication:** We believe that to be effective as elected officials, we must communicate clearly and completely at all times.
 - a. We believe in full transparency and "no surprises" in our internal operations and in working together as a Board. We will strive for open and candid communication among citizens, other elected officials, staff members and each other. To these principles, projects initiated by an individual Commissioner will be fully discussed by the Board in either a work session or action agenda meeting.
 - b. We are committed to providing our citizens with relevant, accurate and timely information about the county fiscal policies, goals, services provided, and the decisions that will affect the public.
 - c. We believe it is important to keep each other informed of our activities and of issues facing us as a Board. To ensure that all Commissioners are informed of issues, every Commissioner will

inform other Commissioners within 3 business days of any meeting with a citizen to discuss an issue. The notification may occur at either the next regular business meeting of the Board or through the County Manager, whichever will occur within 3 business days. There are times when citizens request confidentiality. In situations where confidentiality is warranted, the Commissioner will disclose the general nature of the meeting to fellow Commissioners within limits that respect the request or necessity for confidentiality. We also agree to respect the judgment of our fellow Commissioners of the need for confidentiality on any given issue.

- d. We are committed to transparency in governance. In order to maintain the confidence of constituents and to avoid even the perception of violations of the Open Meetings Law, all decision-making will be undertaken during a properly noticed meeting of the Board. When outside of an Open Meeting, no communications among Commissioners will include comments that indicate opinions or positions. Email will only be used to share information to the other two Commissioners with no narrative that would imply the beginning of dialogue among Commissioners or of individual opinions. When collaboratively drafting letters for the signature of the Chair or all three Commissioners, the discussion will only occur during appropriately noticed work session meetings of the Board, which may be administered by the County Manager.
- e. If at any time a Commissioner attends a meeting on behalf of the Board, the meeting agenda, notes, and other meeting materials will be forwarded to the County Manager and other Commissioners for review. The County Manager and other Commissioners will acknowledge their review as soon as practicable and any questions or discussion will occur during work session or action agenda meetings.

D. The job of the Board is to lead the County government toward the performance desired by the citizens and to assume a good faith effort toward this objective. The Board's leadership is unique to its fiduciary role and necessary for proper governance and management.

- 1. The products of the Board shall be:
 - a. Accountability: The San Miguel County Board of County Commissioners places a high value on open, participatory government, and the board will provide the linkage between the government and the citizens of San Miguel County.
 - b. Governance: The Board will provide governing statements of policy. Routine organizational direction will be provided by staff.

- c. Outcome: Organizational products, effects and benefits that answer questions of what benefit, for which recipients and at what cost.
- d. Staff Limitations: Limits on staff authority that establish the discretionary and ethical boundaries within which the County Manager and staff activity and decisions must take place.
- e. Governance Process: Specification of how the Board conceives, carries out and monitors its own tasks.
- f. Board/Staff Linkage: How authority is delegated and its proper use monitored; the role, authority and accountability of the County Manager and the County Attorney.
- g. The Board will produce assurance of performance by the County Manager and the County Attorney.
- h. Regulations, resolutions, ordinances and consideration of legislative impacts of the Board actions on other entities.
- i. Attention to regulations, resolutions, ordinances and impacts on San Miguel County of legislative actions of other governing entities.

III. Board/Staff Relationships and Expectations

The Board oversees the County Manager and the County Attorney. When acting as the Board of Public Health, the Board oversees the Public Health Director.

A. County Manager Delegation

1. The Board's link to the day-to-day operations of county departments, including elected offices, is the County Manager. Implementation and subsidiary decision making regarding these tasks is hereby delegated to the County Manager pursuant to the guidelines, requirements, and constraints set forth herein.
2. With the exception of legal issues, the County Manager shall have supervisory and operational control over the day-to-day functions required to carry out the policies and objectives of the Board. A Board member may communicate directly with staff to obtain information to assist in its policy-making functions. When this occurs, other than in casual conversations, the Board member will notify the County Manager as a courtesy. Significant staff requests by individual board members will be redirected to the County Manager. The County Manager will make every reasonable effort to accommodate requests for information but, if in the opinion of the County Manager, such requests will require an amount of staff time or resources that would be detrimental to other necessities, the County Manager may ask the entire Board, for guidance. (As a general rule, any

request by an individual board member that may consume more than 8 hours of staff time will be brought to the Board for guidance.) The Board will avoid giving direction to persons who report directly or indirectly to the County Manager.

3. Only decisions of the Board acting as a Board are binding on the County Manager. Decisions or instructions of individual board members are not binding on the County Manager, except in instances when the Board has specifically authorized such exercise of power. However, it is the responsibility of the County Manager to discuss individual board member's decisions or instructions at the next available opportunity with the full Board to ensure consistency and compliance with board policies and objectives. It is the responsibility of the County Manager and not the individual board members to communicate with the Board entire, to obtain consensus on decisions, instructions, or requests of individual board members.
4. The Board may change its policies or vision, thereby shifting the boundary between Board and County Manager responsibilities. The boundaries between policy and day-to-day operations may, at times, not be clearly delineated and may overlap. The Board may change the latitude of choice given to the County Manager to accommodate changes in policy or vision. However, the Board will respect the authority given to the County Manager herein and pursuant to San Miguel County Code, Section 2-706 et seq. until such time as a modification or reduction in task authority is clearly identified. The Board's delegation remains contingent upon a clear communication channel between the Board and County Manager. It is the County Manager's responsibility to discuss with the entire Board at the next available opportunity any tasks that he/she feels are not clearly delineated or may overlap with policy issues and to obtain consensus on such tasks.
5. Contract negotiation may be handled by either the County Manager (or his/her designee) or the County Attorney, depending on the nature of the issue, as may be agreed upon by the County Manager and the County Attorney or as directed by the Board.
6. Any deviation from Board policies should be by approval of the Board. All deviations should be communicated to the Board at the next available opportunity by the County Manager.

IV. County Manager Communication

The County Manager is responsible for ensuring that the Board is informed and supported in its work. It is the desire of the Board to delegate the day-to-day functions to the County Manager, while recognizing that the quality of county government depends upon the partnership and team concept among the Board, County Manager, County Attorney, and staff.

Accordingly, the County Manager will:

- A. Inform and seek the guidance of the Board on issues that may have an impact on the policy-making functions of the Board;
- B. Make the Board aware of all relevant and changing trends, conditions, public reactions, or events that may affect the assumptions upon which the board policy has been previously based;
- C. Inform the Board of internal and external communications or actions that are, in the County Manager's judgment, salient and important;
- D. Routinely inform and seek the guidance of the Board on both policy and operational tasks or issues that may have an impact on public relations or the public perception regarding how the County is operating;
- E. Routinely inform the Board of operational issues, strategies, objectives and accomplishments. The Board does not desire to dictate these functions, but rather to be informed and provide input on operational functions that may have unintended effects on Board policy or public perception;
- F. Provide the Board with as many staff and external (including unpopular or politically charged) points of view, issues and a range of options as needed, including fiscal ramifications, for fully informed board discussions, input, and choices. The information provided to the Board will be concise and complete in a user-friendly format;
- G. Ensure that the Board receives materials on a timely basis to allow for adequate review;
- H. Communicate with an individual board member at the earliest opportunity if, in the County Manager's opinion, the board member is not in compliance with the Board's own leadership policies and board/staff relationships and expectations. If this approach is unsuccessful in remedying the situation, the County Manager will communicate with the Board as a whole;
- I. Foster open communication and strive to create a coordinated approach to the functions of county government.

The Board recognizes that the County Manager's duty of loyalty is to the entire Board rather than individual Commissioners. Balancing this loyalty requires the County Manager to exercise discretion as to the sharing of information among board members about the acts of or the opinions and beliefs held by individual board members.

V. County Manager Limitations:

Within the scope of authority delegated by the Board, the County Manager shall neither cause nor allow any circumstance that is either unlawful, imprudent or in violation of commonly accepted business and professional ethics.

A. The quality of life in San Miguel County depends upon the partnership citizens, elected officials and county employees. Therefore, within the scope of his/her authority, the County Manager shall ensure high standards regarding the treatment of citizens.

B. With respect to the treatment of paid and volunteer staff, the County Manager may not cause or allow conditions that are unsafe, unfair or undignified.

C. With respect for strategic planning for projects, services and activities with a fiscal impact, the County Manager may not jeopardize either the programmatic or the fiscal integrity of San Miguel County Government.

D. With respect to the actual, ongoing condition of the county government's fiscal health, the County Manager may not cause or allow the development of fiscal jeopardy or loss of allocation integrity in accordance with the Board's policies.

E. Within the scope of his/her authority in the County and given available resources, the County Manager shall not allow the county's assets to be unprotected, inadequately maintained or unnecessarily risked.

F. In order to protect the Board from sudden loss of the County Manager services, the County Manager will provide for continuity of government through the delegation of responsibilities to a member of the county management team.

G. In order to protect San Miguel County, its citizens and its property, the County Manager shall not fail to have in place adequate plans to prevent and/or respond to emergencies and/or disasters.

H. With respect to employment, compensation and benefits to employees, consultants, contract workers and volunteers, the County Manager shall not cause or allow jeopardy to fiscal integrity.

I. The County Manager shall not permit the Board to be uninformed or unsupported in its work.

J. With respect to planning for and reporting on capital equipment and improvements programs, the County Manager may not jeopardize either programmatic or fiscal integrity of the organization.

K. With respect to internal operating procedures, the County Manager will ensure that the County has internal procedures for the well-being of the County to promote effective and efficient County operations.

L. With respect to the quality of life for the community, the County Manager will plan for implementation of policies of the Board regarding economic health, environmental and community interests.

M. With respect to internal operating procedures, the County Manager will ensure that the County will have administrative procedures to promote effective and efficient County operations.

VI. County Manager Relations with Other Elected Officials

The County Manager is responsible for ensuring that the other elected officials (Assessor, Coroner, Clerk & Recorder, Surveyor, Sheriff, Treasurer/Public Trustee) are supported in their work. The County Manager is responsible for coordinating and working with the other elected officials to ensure the Board's priorities are accomplished while respecting the autonomous nature of the other elected officials.

Accordingly, the County Manager will:

A. Inform and discuss with the other elected officials when taking action that may impact employees in their respective offices;

B. Routinely inform the other elected officials of the Board's priorities, policies, mission, and goals and any modifications or shifts in these areas that may impact the functions of their respective offices;

C. Inform, discuss, and seek input from the other elected officials on the preparation of their budget and strive to amicably develop a budget that reflects fiscal integrity, the Board's priorities, and other elected officials priorities to the extent possible;

D. Work cooperatively with the other elected officials and maintain healthy working relationships in carrying out the functions of the County.

However, it is noted that the County Manager may not exercise control over any matters that are delegated by state statute to any elected county official.

VII. County Attorney Delegation

The Board's link to the legality of operations is the County Attorney. Implementation and subsidiary decision making regarding the legal representation of the County is hereby delegated to this individual pursuant to the guidelines, requirements, and constraints set forth herein. The County Attorney's Office is subject to the same personnel policies and procedures as all other County departments.

A. The County Attorney shall have supervisory and operational control over the legal representation of the County. The County Attorney shall provide legal services to the Board as well as county elected officials (unless a conflict of interest exists between the Board and the elected official), county departments, and county appointed boards. The County Attorney shall oversee the legal representation of the County on all legal matters including the preparation, the prosecution and defense of lawsuits, the settlement of all outstanding claims and the general representation of county government.

B. The negotiation of contracts may be handled by either the County Manager (or his/her designee) or the County Attorney, depending on the nature of the

issue, as agreed upon by the County Manager and the County Attorney or as directed by the Board.

C. Only decisions of the Board acting as a Board are binding on the County Attorney. Decisions or instructions of individual board members are not binding on the County Attorney except in instances when the Board has specifically authorized such exercise of power. However, it is the responsibility of the County Attorney to discuss individual board member's decisions or instructions at the next available opportunity with the entire Board to ensure consistency and compliance with the Board's policies and objectives. It is the responsibility of the County Attorney and not the individual board members to communicate with the entire Board, to obtain consensus on decisions, instructions, or requests of individual board members.

D. The boundaries between policy and day-to-day legal operations may, at times, not be clearly delineated and may overlap. The Board may change the latitude of choice given to the County Attorney to accommodate changes in policy or vision. However, the Board will respect the authority given to the County Attorney herein until such time as a modification or reduction in task authority is clearly identified. The Board's delegation remains contingent upon a clear communication channel between the Board and County Attorney. It is the County Attorney's responsibility to discuss with the entire Board at the next available opportunity any tasks that he/she feels are not clearly delineated or may overlap with policy issues to obtain consensus on such task.

E. Any deviation from the Board's policies should be by approval of the Board. All deviations should be communicated to the Board at the next available opportunity by the County Attorney.

VII. County Attorney Communication

The County Attorney is responsible for ensuring that the Board is informed and supported in all legal matters. It is the desire of the Board to delegate the legal representation to the County Attorney while recognizing that the quality of County government depends upon the partnership and team concept between the Board, County Manager, County Attorney, and county staff. Accordingly, the County Attorney will:

A. Inform and seek the guidance of the Board on all significant legal issues that may expose the County to detrimental liability;

B. Educate the board on legal issues and liabilities in performing their duties;

C. Make the Board aware of all threatened or possible claims of action, all applicable changes in the law, or any other event that may expose the County to liability or otherwise affect the effective implementation of the Board's policies, missions, and goals;

D. Inform the Board of internal and external communications or actions that, in the County Attorney's judgment, are salient and important;

E. Inform and seek the guidance of the Board on legal issues and actions that may have an impact on public relations or the public perception regarding how the County is operating;

F. Routinely inform and seek the guidance of the Board on day-to-day negotiations, prosecution, or defense of issues that may have a detrimental impact on public relations or the public perception regarding how the County is operating;

G. Routinely inform the Board of legal issues and accomplishments and routine periodic updates from attorneys. The Board does not desire to dictate these functions, but rather to be informed and provide input on legal issues that may have unintended effects on board policy or public perception;

H. Provide the Board with as many staff and external points of view, issues and a range of options as needed for fully informed Board choices. The information provided to the Board will be concise and complete in a user-friendly format;

I. Ensure that the Board receives materials on a timely basis to allow for adequate review;

J. Communicate individually with Board members but strive to deal with the Board as a whole;

K. When practical, obtain all Board members' input on applicable decision making items;

L. Communicate with an individual board member at the earliest opportunity if, in the County Attorney's opinion, the Board member is not in compliance with the Board's own leadership policies and board/staff relationships and expectations. If this approach is unsuccessful in remedying the situation, the County Attorney will communicate with the Board as a whole;

M. Foster open communication and strive to create a coordinated approach to the representation of county government.

The Board recognizes that the County Attorney's duty of loyalty is to the entire Board rather than individual Commissioners. The balancing of this loyalty requires the County Attorney to exercise discretion as to the sharing of information amongst Board members about the acts of or the opinions and beliefs held by individual Board members.

VIII. Board of County Commissioners and Administration Protocols

Within the governance process of decision making, the Board must be informed and supported in its efforts to be accountable to the citizens.

A. The Board will meet for weekly board discussions on Tuesdays and will hold regular meetings on the first, third and fourth Wednesdays of each month or as otherwise scheduled. These public meeting dates are initially established by resolution approved by the Board. Submission of agenda items must follow the guidelines set within the online agenda program or as agreed upon.

1. Except for matters that meet the terms of the laws established for executive sessions, normally items requiring Board actions will be discussed during the Wednesday Regular Board Meetings. The Board Chair or County Manager may provide an exception to this protocol for routine actions.
2. The online regular meeting packets are to be completed with all the information that the Commissioners will need for their decision making and made available to the public. Once the agenda is approved by the Chair, materials will be posted online by staff.
3. Attachments to the online agenda should include: recommendations/motions, introduction/background and fiscal notes. Contracts shall be attached to the online agenda to provide a legal record for the Commissioners and the public.
4. An individual Commissioner may need information that is not provided in the online Agenda and Board Packets and may ask for this information during the Tuesday discussions. To allow an opportunity for review of the additional information, departments will make every effort to provide the information prior to the Wednesday's regular board meeting. The additional information will be provided to the Commissioners and County Manager, with a copy provided for the minutes of the meeting.

B. In their roles as the elected officials and as primary liaison to other appointed boards, commissions or committees, individual Commissioners may have the need for background information from county departments. A Commissioner will make requests for information to the County Manager who will then request the information from the appropriate department head. The department head will provide the requested information in an agreed upon time, and the information will be provided to all Commissioners and the County Manager.

C. In their roles as elected officials, the Commissioners will receive communications from citizens, which may come in the form of written comments. When an individual Commissioner or all Commissioners receive citizen comments that should be included in the public record, the Commissioners will be responsible to forward all comments to the other Commissioners, the department(s) involved and the County Manager for an appropriate response.

These policies will be reviewed annually by the Board with any updates adopted as needed.

NOTE - Amy to add a common sense decision making statement.



AGENDA ITEM - 4.b.

TITLE:

12:45 a.m. Discussion of reconstituting the San Miguel Daycare and Preschool Association Board.

Presented by: Amy Markwell, County Attorney

Time needed: 10 mins

PREPARED BY:

RECOMMENDED ACTION/MOTION:

Staff Direction requested.

INTRODUCTION/BACKGROUND:

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			



AGENDA ITEM - 5.a.

TITLE:

1:00 p.m. Discussion of potential acquisition of the Ames Structures./MOTION

Presented by: Janet Kask, County Parks and Open Space Director

Time needed: 45 mins

PREPARED BY:

Janet Kask, County Parks and Open Space Director

RECOMMENDED ACTION/MOTION:

INTRODUCTION/BACKGROUND:

Please see attached memo.

FISCAL IMPACT:

Contract Number:	Date Executed	End Date	Department(s)
YYYY-###			Board of County Commissioner Staff
Description:			

ATTACHMENTS:

Description

BOCC memo on the Ames Structures

Upload Date

5/24/2019

DATE: May 23, 2019
TO: BOCC
FROM: Janet Kask, Director, Parks & Open Space
RE: Potential Acquisition of Ames Structures

As previously discussed, the County has the opportunity to acquire structures affiliated with the historic Ames Power Plant. The 3 main structures are the Penstock, Diversion Dam and Surge Tank and are located in Ophir. The structures are owned by Xcel Energy, but are located on land owned by the USFS. Xcel Energy/PSCo is decommissioning the Howards Fork, which ties into these structures and they've planned the removal of the Penstock and the Surge Tank in 2021. Xcel has proposed keeping the Diversion Dam structure in place and modifying it to allow water to more freely flow through it.

There are also 2 outlying structures – one small wood shed-like structure along the upper portion of the Penstock (downstream from the Diversion Dam), which is padlocked. The other structure is also a wood shed-like structure at the Surge Tank and is unlocked. PSCo doesn't use these structures currently and has not known to have used them in the past. The USFS had asked PSCo about ownership and it was found that they are outside their ROW. Therefore, PSCo requested the USFS check their records to determine ownership. We are waiting for the USFS to verify ownership. However, PSCo could remove these structures in the course of the decommissioning or convey them to the County, but would first want to make sure they're not owned by someone else.

Public Service Company of CO (PSCo) submitted their final application to the Federal Energy Regulatory Commission (FERC) for a non-capacity amendment of license for its Ames Hydroelectric Project on March 21st. In their February 12th letter to Xcel Energy/PSCo, the BOCC specified the County's intent to acquire the Penstock, but wanted additional time to consider the Diversion Dam and Surge Tank structures.

The BOCC has expressed concern about the Diversion Dam structure and its impact on the environment. Therefore, it has been requested that an environmental analysis be performed on this structure, which would include, but not be limited to, evaluating the wetlands that would be impacted by modifications; requirements to make the diversion passable for aquatic species; impacts of release of sediment from behind the current structure; and cultural and historical constraints.

The County's Historical Commission fully supports the acquisition of all 3 main structures and potential outlying structures and stated their position in an email dated November 13, 2017. The Historical Commission reiterated their support and intent for conveyance at their May 14, 2019 meeting in which all members voted in favor for 'the County to continue to work to acquire all 3 main structures – the Diversion Dam, the entire Penstock and the Surge Tank, and that further analysis be conducted on the potential ecological impacts of the Diversion Dam structure in various forms'.

The County's Historical Commission has certain criteria for the designation of historic structures and all 3 main structures adhere to their specific qualifications with the Penstock dating back to 1956 (replaced with welded steel pipe), the Diversion Dam to 1916 and the Surge Tank to 1916. These dates were detailed and confirmed in the 'Cultural Resource Inventory Report of the Howards Fork Structures' prepared for PSCo by Alpine Archaeological Consultants in September 2016.

The Penstock is 6500' in length and PSCo initially proposed to remove 4,035' of it with 2465' to remain. However, the decommissioned total of 2465' isn't contiguous and would be divided into various sections - 20', 375', 40', etc. Some sections would be elevated while others would be level with the ground. The Penstock is constructed of welded steel and ranges in size from 18"-36" in diameter. The first 4500' is constructed of 36" diameter welded-steel pipe and transitions to a 2000' long 18" diameter steel pipe. The Penstock has been previously determined to be eligible for inclusion on the National Register of Historic Places and is a historical element of the Ames Power Plant.

As mentioned, PSCo also proposed to decommission the Diversion Dam structure in place, and to modify the structure to ensure water can flow freely and safely through it. PSCo proposed to remove the gate and the bridge over the stream and the ladder to the Penstock and focus on re-vegetation in this area.

PSCo also proposed to remove the entire welded-steel Surge Tank (30' tall). According to PSCo's FERC report (Environmental Effects), "both removal and abandonment of the Penstock and Surge Tank would be an adverse impact on historic and cultural resources. Abandonment of the Penstock would adversely affect historic and cultural resources because the diversion and Penstock would no longer be functioning elements of the historic Ames hydro-power facility." If PSCo removes any structures, those areas would be regraded and re-vegetated.

As mentioned, the County's Historical Commission is requesting all of the Penstock remain in addition to the Surge Tank and the Diversion Dam. Whatever remains of these structures will revert to County ownership. The structure(s) will remain on USFS property and they'll grant the County a special-use permit, which will indemnify the USFS. The USFS will also require the County to provide them with an Operation & Maintenance plan for review and approval.

PSCo has a proposed preliminary decommissioning schedule for the Ames-Howard's Fork facilities, which is attached. Based on this timeline, they require the County to make a decision on potential conveyance of the structures by mid-June in order to adhere to their deadlines with FERC.

As far as the conditions of transfer of said structure(s), Xcel Energy/PSCo would transfer the structures "as is, where is", which means there wouldn't be any warranty or guarantees. Timing for conveyance would be associated with the County's acquisition of a special-use permit from the USFS. However, transfer and/or removal of said structures is contingent upon FERC's approval of the removal of the Howard Fork facilities from the license and receipt of permits and other approvals for construction.

If the County assumes ownership of the Penstock, Surge Tank and Diversion Dam, the department of Parks & Open Space would oversee and handle the maintenance. County staff have conducted several site visits and have walked the length of the Penstock and aren't concerned with upkeep, as it's constructed of steel. The Penstock has areas of welded patches, but appears to be structurally sound. The same holds true for the Diversion Dam and Surge Tank structures. However, the County's POS department has requested Xcel Energy/PSCo provide checks/inspection reports and maintenance records for all 3 structures.

CTSI is the County's insurance provider and has stated they will provide liability insurance and property damage coverage for all 3 structures and won't require fencing or railing. The Penstock, which ties in with the Ames Power Plant, is historic and has been in place for many years and to my knowledge, there have never been any incidents and/or injuries tied in with accessing it.

The Penstock itself is far off the main road and tucked away in a forested area. Yes, it is accessible, but not too well known, and runs parallel to a utility-access path. The plan is for the County to partner with the USFS to construct a trail, which would run parallel to the Penstock, which the Historical Commission would highlight with interpretive signage. Once the trail is constructed, it would be added to the trail maps and we'd encourage the public to utilize it, hence calling attention to this area and observation of the historic Penstock, Surge Tank and Diversion Dam.

If all 3 main structures are conveyed to the County, the County's Historical Commission has proposed a potential financial partnership with Xcel Energy/PSCo to guarantee historic preservation of the structures. PSCo is open to continuing this conversation, but has yet to commit to a monetary figure to confirm their financial partnership. Their contractor provided them with a breakdown of the costs for each portion of the project; however, they're reluctant to release the details of their \$1.5-\$2M budget since they still have to go out to bid and the cost may look different once it goes to bid.

The general consensus is for the County to acquire the 3 main structures, obtain funding from Xcel Energy/PSCo and then partner with the USFS on the river restoration, trail building, and interpretive signage aspect.

Please let me know if you have any questions or require additional information. Thanks.

Att.

EXHIBIT C – SCHEDULE

C.1 Proposed Preliminary Decommissioning Schedule for Ames-Howard Fork

Table C-1: Proposed Preliminary Decommissioning Schedule for Ames-Howard Fork

DATE	ACTIVITY
March 21, 2019	Submit non-capacity amendment application to FERC
April – September 2019	Continuation of discussions with San Miguel County and USFS to finalize the list of facilities to transfer to the County; including discussion of mitigation for historic properties
January – December 2020	Acquire permits and other approvals to proceed with removal of designated facilities
June – October 2021	Removal of designated facilities; perform mitigation of historic properties adverse effects
June 2022 – 2025	Revegetation Monitoring and Maintenance

Notes:

1. Transfer and/or removal of facilities are contingent on FERC's approval of the removal of the Howard Fork facilities from the license and receipt of permits and other approvals for construction.
2. The schedule assumes that the decommissioning plan as presented in the non-capacity amendment application will be followed (i.e., some modification to the diversion dam, removal of some portions of the penstock, and removal of the surge tank). The schedule will be revised upon resolution of the transfer of facilities.
3. Revegetation monitoring is proposed for three years following completion of construction; however, the date will be adjusted based on permit conditions or other approvals.