

WORK SESSION AGENDA
Plaza One Meeting Room

TUESDAY, FEBRUARY 24, 2009

(Commissioner Clapper not present)

10:00-11:30	Solid Waste Center Site Visit (Transportation Leaving from Courthouse Plaza at 9:30)	Chris Hoofnagle
11:30-1:00	LUNCH BREAK	
1:00	Healthy Rivers and Streams Fund	C Houben, J Ely
2:00	Memos of Interest Future Agendas /Agenda Requests/Monthly Calendar BOCC Open Discussion	
3:30	BREAK	
3:45	Prep for Meeting with US Forest Service	
4:00	Aspen Valley Hospital Master Plan, Dave Ressler	
4:30	Basalt High School Presentation on Inaugural Trip	Seann Goodman Basalt High Students
5:00 PM	ADJOURN	

AGENDA ITEM SUMMARY

WORK SESSION DATE: February 24, 2009

AGENDA ITEM TITLE: Healthy Rivers and Streams Fund

STAFF RESPONSIBLE: John Ely, Cindy Houben, Dale Will

ISSUE STATEMENT

The purpose of this Work Session is to continue the discussion on the implementation and administration of the Healthy Rivers and Streams Fund.

BACKGROUND

Background set forth in February 17, 2009 Work Session Agenda Item Summary.

DISCUSSION ITEMS:

The staff continues to feel that the direction of the BOCC should be to establish a working set of bylaws or guidelines for the citizens advisory board assisting in the review of expenditures from the Healthy Rivers and Streams fund. The citizens advisory board is a necessary component of the fund program as authorized and directed by County electors. Staff continues to feel that the establishment of these bylaws as an initial step is appropriate to give the citizens board, County staff and the BOCC a continuing framework within which to evaluate proposals and possibilities that would implicate the use of these funds. The essential components of a system of priorities and goals for the fund are already contained within the language of Referendum 1A as approved by the voters in November.

The ballot question outlined four specific objectives for the fund:

- Maintaining and improving water quality and quantity within the Roaring Fork watershed;
- Purchasing, adjudicating changes of, leasing, using, banking, selling, and protecting water rights for the benefit of the Roaring Fork watershed;
- Working to secure, create and augment minimum stream flows in conjunction with non-profits, grant agencies, and appropriate State and Federal agencies to ensure ecological health, recreational opportunities, and wildlife and riparian habitat; promoting water conservation; and

- Improving and constructing capital facilities that contribute to the objectives listed above.

Prioritizing the goals of the fund should involve an exercise of evaluating the goals contained within the ballot question above, and prioritizing the Board's intent for expenditures of money from the fund to address these various goals.

The Board may wish to simply leave the goals unprioritized and allow them to be applied with equal weight by the citizens advisory board, staff and BOCC.

The BOCC may also wish to consider whether or not it is appropriate to establish a guideline for a percentage of allocation of the funds for particular goals listed within the ballot measure. For example, the board may wish to identify securing and augmenting minimum stream flows as having a higher priority than water conservation.

Staff continues to support the concept of using the bylaws for the Open Space and Trails Board of Trustees as a guideline with particular changes unique to the citizens advisory board for the Healthy Rivers and Streams Fund. Staff continues to believe that the bylaws should be in place prior to establishment of the citizens advisory board. However, it is certainly possible to continue the BOCC's discussion of these bylaws or guidelines for the citizens advisory board at the same time solicitations are extended for applications for the board.

Staff continues to feel it is possible to give these measures adequate consideration and still have a functioning citizens advisory board by June 2009.

ATTACHMENTS

Ballot Question Referendum 1A
Bylaws of the Open Space and Trails Board of Trustees

Amendment 56

Shall there be an amendment to the Colorado Constitution concerning health care coverage for employees, and, in connection therewith, requiring employers that regularly employ twenty or more employees to provide major medical health care coverage to their employees; excluding the state and its political subdivisions from the definition of "employer"; allowing an employer to provide such health care coverage either directly through a carrier, company, or organization or acting as a self-insurer, or indirectly by paying premiums to a health insurance authority to be created pursuant to this measure that will contract with health insurance carriers, companies, and organizations to provide coverage to employees; providing that employees shall not be required to pay more than twenty percent of the premium for such coverage for themselves and more than thirty percent of such coverage for the employees' dependents; financing the costs of administering the health insurance authority and health care coverage provided through the authority with premiums paid by employers to the authority and, if necessary, such revenue sources other than the state general fund as determined by the general assembly; directing the general assembly to enact such laws as are necessary to implement the measure; and setting the effective date of the measure to be no later than November 1, 2009?

YES
 NO

Amendment 57

Shall there be an amendment to the Colorado Revised Statutes concerning a safe workplace for employees, and, in connection therewith, requiring employers to provide safe and healthy workplaces for their employees; restricting such requirement to employers regularly employing ten or more employees in the state; and enabling employees who are injured because of an employer's violation of this requirement to file suit in district court, with the right to a jury trial, to recover compensatory and exemplary damages, actual past or future pecuniary losses, and noneconomic losses including pain and suffering, emotional distress, inconvenience, mental anguish, and loss of enjoyment of life, but prohibiting injured employees from recovering any damages for which the employee already received compensation pursuant to the "Workers' Compensation Act of Colorado"?

YES
 NO

Amendment 58

SHALL STATE TAXES BE INCREASED \$321.4 MILLION ANNUALLY BY AN AMENDMENT TO THE COLORADO REVISED STATUTES CONCERNING THE SEVERANCE TAX ON OIL AND GAS EXTRACTED IN THE STATE, AND, IN CONNECTION THEREWITH, FOR TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2009, CHANGING THE TAX TO 5% OF TOTAL GROSS INCOME FROM THE SALE OF OIL AND GAS EXTRACTED IN THE STATE WHEN THE AMOUNT OF ANNUAL GROSS INCOME IS AT LEAST \$300,000; ELIMINATING A CREDIT AGAINST THE SEVERANCE TAX FOR PROPERTY TAXES PAID BY OIL AND GAS PRODUCERS AND INTEREST OWNERS; REDUCING THE LEVEL OF PRODUCTION THAT QUALIFIES WELLS FOR AN EXEMPTION FROM THE TAX; EXEMPTING REVENUES FROM THE TAX AND RELATED INVESTMENT INCOME FROM STATE AND LOCAL GOVERNMENT SPENDING LIMITS; AND REQUIRING THE TAX REVENUES TO BE CREDITED AS FOLLOWS: (A) 22% TO THE SEVERANCE TAX TRUST FUND, (B) 22% TO THE LOCAL GOVERNMENT SEVERANCE TAX FUND, AND (C) 56% TO A NEW SEVERANCE TAX STABILIZATION TRUST FUND, OF WHICH 60% IS USED TO FUND SCHOLARSHIPS FOR COLORADO RESIDENTS ATTENDING STATE COLLEGES AND UNIVERSITIES, 15% TO FUND THE PRESERVATION OF NATIVE WILDLIFE HABITAT, 10% TO FUND RENEWABLE ENERGY

Amendment 59

SHALL THERE BE AN AMENDMENT TO THE COLORADO CONSTITUTION CONCERNING THE MANNER IN WHICH THE STATE FUNDS PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE, AND, IN CONNECTION THEREWITH, FOR THE 2010-11 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, REQUIRING THAT ANY REVENUE THAT THE STATE WOULD OTHERWISE BE REQUIRED TO REFUND PURSUANT TO THE CONSTITUTIONAL LIMIT ON STATE FISCAL YEAR SPENDING BE TRANSFERRED INSTEAD TO THE STATE EDUCATION FUND; ELIMINATING THE REQUIREMENT THAT, FOR THE 2011-12 STATE FISCAL YEAR AND EACH STATE FISCAL YEAR THEREAFTER, THE STATEWIDE BASE PER PUPIL FUNDING FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH THE TWELFTH GRADE AND THE TOTAL STATE FUNDING FOR ALL CATEGORICAL PROGRAMS INCREASE ANNUALLY BY AT LEAST THE RATE OF INFLATION; CREATING A SAVINGS ACCOUNT IN THE STATE EDUCATION FUND; REQUIRING THAT A PORTION OF THE STATE INCOME TAX REVENUE THAT IS DEPOSITED IN THE STATE EDUCATION FUND BE CREDITED TO THE SAVINGS ACCOUNT IN CERTAIN CIRCUMSTANCES; REQUIRING EITHER A TWO-THIRDS MAJORITY VOTE OF EACH HOUSE OF THE GENERAL ASSEMBLY OR, IN ANY STATE FISCAL YEAR IN WHICH COLORADO PERSONAL INCOME GROWS LESS THAN SIX PERCENT BETWEEN THE TWO PREVIOUS CALENDAR YEARS, A SIMPLE MAJORITY VOTE OF THE GENERAL ASSEMBLY TO USE THE MONEYS IN THE SAVINGS ACCOUNT; ESTABLISHING THE PURPOSES FOR WHICH MONEYS IN THE SAVINGS ACCOUNT MAY BE SPENT; ESTABLISHING A MAXIMUM AMOUNT THAT MAY BE IN THE SAVINGS ACCOUNT IN ANY STATE FISCAL YEAR; AND ALLOWING THE GENERAL ASSEMBLY TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE STATE EDUCATION FUND, SO LONG AS CERTAIN OBLIGATIONS FOR TRANSPORTATION FUNDING ARE MET?

YES
 NO

Referendum L

An amendment to section 4 of article V of the constitution of the state of Colorado, concerning the ability of an elector of the state of Colorado who has attained the age of twenty-one years to serve as a member of the Colorado general assembly.

YES
 NO

Referendum M

Shall section 7 of article XVIII of the state constitution concerning outdated, obsolete provisions regarding land value increase be repealed?

YES
 NO

Referendum N

Shall there be a repeal of section 5 of article XVIII and article XXII of the state constitution, concerning the elimination of outdated obsolete provisions of the state constitution?

YES
 NO

Referendum O

Shall there be an amendment to the Colorado constitution concerning ballot initiatives, and, in connection therewith, increasing the number of signatures required for a proposed initiative to amend the state constitution; reducing the number of signatures required for a proposed statutory initiative; requiring a minimum number of signatures for a proposed initiative to amend the state constitution to be gathered from residents of each congressional district in the state; increasing the time allowed to

PITKIN COUNTY

Referendum 1A

DEDICATED SALES TAX FOR HEALTHY RIVERS AND STREAMS FUND

SHALL PITKIN COUNTY TAXES BE INCREASED UP TO \$1,000,000 ANNUALLY FOR THE FIRST FISCAL YEAR (2009) AND BY SUCH AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF A NEW 0.1% SALES TAX (THAT EQUALS 10 CENTS ON EVERY ONE HUNDRED DOLLAR PURCHASE), DEDICATED FOR THE SOLE PURPOSE OF ESTABLISHING A HEALTHY RIVERS AND STREAMS FUND ADMINISTERED BY THE BOARD OF COUNTY COMMISSIONERS WITH THE ADVICE OF A CITIZENS BOARD AND TO BE USED FOR THE FOLLOWING OBJECTIVES:

- MAINTAINING AND IMPROVING WATER QUALITY AND QUANTITY WITHIN THE ROARING FORK WATERSHED;
- PURCHASING, ADJUDICATING CHANGES OF, LEASING, USING, BANKING, SELLING, AND PROTECTING WATER RIGHTS FOR THE BENEFIT OF THE ROARING FORK WATERSHED;
- WORKING TO SECURE, CREATE, AND AUGMENT MINIMUM STREAM FLOWS IN CONJUNCTION WITH NON-PROFITS, GRANT AGENCIES, AND APPROPRIATE STATE AND FEDERAL AGENCIES TO ENSURE ECOLOGICAL HEALTH, RECREATIONAL OPPORTUNITIES, AND WILDLIFE AND RIPARIAN HABITAT; PROMOTING WATER CONSERVATION; AND
- IMPROVING AND CONSTRUCTING CAPITAL FACILITIES THAT CONTRIBUTE TO THE OBJECTIVES LISTED ABOVE;

SHALL PITKIN COUNTY DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$12 MILLION WITH A MAXIMUM REPAYMENT COST OF \$21 MILLION TO ACCOMPLISH THE PURPOSES STATED ABOVE, SUCH DEBT TO CONSIST OF REVENUE BONDS WHICH SHALL BEAR INTEREST, MATURE, BE SUBJECT TO REDEMPTION, WITH OR WITHOUT PREMIUM, AND BE ISSUED, DATED AND SOLD (AT, ABOVE OR BELOW PAR) IN SUCH MANNER AND CONTAINING SUCH OTHER TERMS, NOT INCONSISTENT HEREWITH, AS THE BOARD OF COUNTY COMMISSIONERS MAY DETERMINE;

SHALL PITKIN COUNTY BE AUTHORIZED TO PAY SUCH BONDS FROM AND TO SECURE SUCH PAYMENT BY A PLEDGE OF THE NEW 0.1% SALES TAX AND OTHER LEGALLY AVAILABLE FUNDS;

SHALL A CAPITAL IMPROVEMENT FUND BE CREATED FOR SUCH PROJECTS;

AND SHALL PITKIN COUNTY BE ENTITLED TO COLLECT, RETAIN, AND SPEND THE FULL REVENUES FROM SUCH TAX INCREASE NOTWITHSTANDING ANY LIMITATION IN THE STATE CONSTITUTION, STATE LAW OR THE COUNTY HOME RULE CHARTER?

YES
 NO

BYLAWS OF THE OPEN SPACE/TRAILS BOARD OF TRUSTEES

Adopted September 6, 2001

ARTICLE I Name

Section 1. Name. The name of this board shall be the Open Space and Trails Board of Trustees ("Board").

ARTICLE II Purpose and Policy

Section 1. Purpose. The purpose of the Board is to perform those duties set out in Article XIII of the Charter and to acquire, preserve, maintain and manage open space properties for multiple purposes including, but not limited to, recreational, wildlife, agricultural, scenic and access purposes; and to acquire, preserve, develop, maintain and manage trails for similar purposes.

Section 2. Policy. The policy of the Board is to further the purposes of the program as set out in Section 13.5.1. of the Pitkin County Home Rule Charter ("Charter"), as follows:

- (1) Incorporating or protecting significant wildlife habitat and corridors.
- (2) Preventing encroachment on flood plain and riparian areas.
- (3) Preserving historic agricultural and ranching activities.
- (4) Protecting other public lands from the impacts of development.
- (5) Preserving historic routes of ingress and egress to public lands and waterways.
- (6) Providing access to and from recreational or urban destinations
- (7) Providing recreational opportunities throughout Pitkin County which are directly related to and not inconsistent with the foregoing purposes.
- (8) Shaping development (greenbelt and viewplanes.)

Section 3. Additional Policies. The Board may from time to time adopt additional policies to guide the activities of the Open Space and Trails Program. Such policies will be adopted by Board resolution and shall remain in effect for no longer than five years unless readopted by a subsequent resolution.

ARTICLE III Responsibilities

Section 1. Functions. The Board's functions, as set forth in Section 13.3.3. of the Home Rule Charter, are as follows:

- (1) Establish priorities and criteria for the acquisition of Open Space and of Trails and for the management and maintenance of all properties acquired with expenditures from the Open Space/Trails Fund.
- (2) Review Open Space/Trails elements of Comprehensive and Area plans and make recommendations concerning any open space-related changes to plans.
- (3) Make recommendations to the Planning & Zoning commission as warranted regarding open space/trails impacts of applications filed under the Pitkin County Land Use Code and regarding exactions or dedications required to fulfill the goals of the Open Space and Trails Program, as established in the Article XIII.
- (4) Make recommendations to the Board of County Commissioners for the acquisition of specific fee interests, options, easements, or other interests in real property from expenditures from the Open Space/Trails fund.
- (5) Establish relationships with local and regional land trusts to more effectively discharge Board responsibilities.
- (6) Make recommendations the Board of County Commissioners in the hiring of a Director and such other Open Space/Trails Program staff as is necessary to accomplish the purposes of [Article XIII] and participate in performance reviews of Open Space/Trails Director.

ARTICLE IV Membership

Section 1. Appointments. Appointments to the Board shall be made by the Board of County Commissioners ("BOCC"), as set forth in Section 13.3. of the Charter. There shall be five trustees.

Section 2. Term. Each Trustee shall be appointed for a five year term, staggered so that one term expires each year, as set forth in, Charter Section 13.3.2.

Section 3. Qualifications. One Trustee shall be appointed from each commissioner district and shall reside in that district throughout the Term. A Trustee shall hold no other county office or be employed by the county or any municipality, as set forth inn Charter Section 13.3.1.

Section 4. Compensation. Each Trustee shall serve without pay, as set forth in Charter Section 13.3.1.

Section 5. Removal. A Trustee may be removed from the Board for good cause only, by vote of the BOCC, after recommendation (for or against) is made by the Board. The Chair shall request the commissioners to remove a Trustee who is absent from more than six regularly scheduled meetings within a calendar year. (In the case of extenuating circumstances, the Board may choose to make an exception to this rule). Good cause for removal shall also include violation of the conflict of interest policy.

ARTICLE V Officers

Section 1. Officers. The officers of the Board shall be a Chair and Vice-Chair, and may include such other officers as the Board may from time to time appoint. The Chair and Vice-Chair shall be selected from the members of the Board.

Section 2. Elections and Term of Office. The Chair and Vice-Chair shall be appointed by the Board at the first regular meeting in May. Subject to earlier termination, each officer shall hold office for up to two years and until his/her successor shall have been duly appointed. These offices shall rotate by district. A member appointed to the office of chair or vice-chair shall have the option of declining the office. Any other officers shall be appointed by the Board at any meeting and will serve at the pleasure of the Board.

Section 3. Vacancies. Should the office of the Chair or Vice-Chair become vacant, the Board shall appoint the successor according to the rotation schedule at a regular or special meeting of the Board, and such appointment shall be for the unexpired portion of the term.

Section 4. Duties.

- (1) Chair. The Chair shall preside at all meetings of the Board and shall perform all duties usually incident to the office of Chair and such other duties as may be assigned to him/her from time to time by the Board. She/he shall sign, execute and acknowledge, in the name of the Board, deeds, mortgages, contracts and others instruments and communications authorized by the Board. The Chair shall see to the execution of resolutions, procedures and policies approved by the Board.
- (2) Vice Chair. In the absence or disability of the Chair, the Vice Chair shall have all powers of and shall be subject to all restrictions upon the Chair. The Vice Chair shall perform such other duties as shall from time to time be assigned by the Board.

ARTICLE VI Meetings

Section 1. Regular Meetings. Regular meetings shall be held on the first and third Thursdays of each month, provided that the board may from time to time resolve not to hold a regular meeting or to hold the meeting on a different day or time other than the regularly scheduled day or time.

Section 2. Special Meetings. A special meeting may be called at any time by the chairperson or by written request of two members of the Board. A minimum notice of twenty-four hours is required, unless said notice is waived with a written agreement of a quorum of Board members or by all members in attendance.

Section 3. Order of Business. At regular meetings of the Board, the following shall be the recommended order of business:

1. roll call
2. reading and approval of minutes of last meeting
3. public comment
4. report of director
5. old business
6. new business
7. executive session
8. adjourn

Section 4. Voting. Voting shall be either by voice or roll call vote. A roll call vote shall be conducted upon the request of a member of the Board or at the discretion of the presiding officer. Any action requiring a vote shall be decided by a simple majority, except an approval of any use of Open Space Funds toward the acquisition of a property interest through condemnation, which shall acquire an affirmative vote of at least four members.

Section 5. Quorum. A majority of members of the Board shall be necessary to constitute a quorum for the transaction of business. Once a quorum is made, it cannot be broken until the meeting is adjourned.

Section 6. Parliamentary Procedure. The rules contained in Robert's Rules of Order shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and the Charter.

Section 7. Meeting Notices and Study Materials. The Director shall furnish the Trustees advance notice of all meetings. The Director shall deliver, in advance, minutes of the previous meetings and copies of material to be studied or acted upon, including an agenda and a monthly report of the Director, covering items that might otherwise complicate the agenda.

Section 8. Agenda. The agenda shall be prepared by the Chair and Director and copies distributed in advance of the meeting. Other items of the agenda shall include but not be limited to disposition of minutes of the previous meeting and of intervening special meetings, committee reports, as well as old and new business. (The minutes and agenda shall be delivered 48 hours or two business days in advance of the meeting, to each board member).

Section 9. Open to the Public. All meetings shall be open to the public, except for executive session as authorized in the Colorado Open Meetings law, C.R.S. 24-6-402.

ARTICLE VII Conflict of Interest

I. Policy.

- A. In order to ensure the impartiality and integrity of their local government decision makers, as provided in section 8.6.1 of the County Charter, the people of Pitkin County intend to prohibit County policy-makers from participating in matters in which they have a conflict of interest. This prohibition applies to County policy-makers serving their elected or appointed terms and those who have concluded their terms of office.
- B. A conflict of interest is a disparity between the private interest and the official responsibilities of an individual in a position of trust in government. This code is intended to prevent conflicts of interest without obstructing fair and speedy resolution of issues that come before the County.


II. Prohibition on Conduct

- A. No Trustee shall vote or otherwise participate in a decision making process which affects any entity or property interest in which he/she has a financial interest or which any member of his/her family has a financial interest. Family is defined as spouse, parent, brother, sister, grandparent, child, grandchild, step-child, step-parent, step-grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any individual who is a part of the County policy maker's immediate household. A Trustee otherwise barred from participating in a discussion pursuant to this section, may, if requested by the Board, give information about the issue or transaction in which he/she has a financial interest.
- B. If an issue arises in which a Trustee believes he/she may have a conflict of interest, he/she must divulge that potential conflict of interest to the County Attorney for an opinion on the validity of the conflict, and inform the Board. If determined to be in conflict regarding the issue before him/her, he/she will refrain from participation in discussion or vote on that issue.
- C. Failure to comply with the terms of this section may be deemed adequate cause for removal under Article IV section 5.

Memos of Interest

Request to BOCC for Legislative Action

Please email to Lang.Ingram@co.pitkin.co.us
 Call Susan Murphy, 920-5213 if you have questions.

 Legislative Action Request SB09-1255.c Date:	2/16/09
Deadline for action, if any:	ASAP
Your Name and Dept:	Rose Ann Sullivan, Environmental Health & Natural Resources Dept
State or Federal Legislation (check one)	<input checked="" type="checkbox"/> state <input type="checkbox"/> federal
Bill Number:	HB 09-1255
Bill Sponsor(s), if known:	(H) Gardner C., McKinley, Baumgardner, Bradford, Looper, McNulty, Sonnenberg, Tipton (S) Kopp, Brophy
Bill Status, if known:	Introduced; Assigned to Ag, Livestock & NR Committee
Bill Title:	<i>Concerning Limitations on the Conditions Imposed by the Colorado Oil and Gas Conservation Commission on Oil and Gas Operations to Implement Recommendations Made by State Entities Other Than the Commission</i>
<p>Brief Summary of Bill: Specifies that an oil and gas operator is not required to consult with the Division of Wildlife to determine whether wildlife mitigation requirements are reasonably practicable; requires COGCC to make that determination. Includes technical and economic feasibility under the term "reasonably practicable". Prohibits COGCC from proposing restricted surface occupancy for oil and gas operations on private lands without the consent of the surface owner and prohibits COGCC from denying an application because the surface owner did not consent to a wildlife mitigation requirement. Requires that wildlife habitat mitigation BMPs are presumptive conditions for operations in the units for which they are established, and prohibits the COGCC from requiring a BMP that has not been so established unless the COGCC demonstrates the need for the BMP. Requires COGCC to conduct a cost-benefit analysis of a mitigation measure proposed by the Division of Wildlife in an appeal of a permit, rule, or order, and prohibits the COGCC from upholding such measure unless the COGCC demonstrates that the benefits outweigh costs.</p>	
BOCC position desired: (check one)	<input checked="" type="checkbox"/> oppose <input type="checkbox"/> support <input type="checkbox"/> amend
Specific action requested: (Check appropriate box) Please attach suggested language for letter or email.	<input type="checkbox"/> phone call <input checked="" type="checkbox"/> email, <input checked="" type="checkbox"/> letter <input type="checkbox"/> other _____ (specify) DRAFT LETTER ATTACHED

Reasons why the County should take the requested position:

Bill is attempting to gut wildlife protections included in COGCC's recently amended rules re oil and gas operations.

BOCC action:

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[FOR BOCC LETTERHEAD]

February ____, 2009

VIA E-MAIL

The Honorable Kathleen E. Curry
Speaker Pro Tempore of the House
Colorado General Assembly
200 E. Colfax
Denver, CO 80203

Re: Opposition to HB 09-1255 – Concerning Limitations on the Conditions Imposed by the Colorado Oil and Gas Conservation Commission on Oil and Gas Operations to Implement Recommendations Made by State Entities Other Than the Commission; Endorsement of the Updated Colorado Oil and Gas Conservation Commission Regulations

Dear Representative Curry:

Pitkin County encourages you to take a strong stand against HB 09-1255 – *Concerning Limitations on the Conditions Imposed by the Colorado Oil and Gas Conservation Commission on Oil and Gas Operations to Implement Recommendations Made by State Entities Other Than the Commission.*

As you know, when HB 07-1298 - *Concerning the Conservation of Wildlife Habitat in Connection With the Development of Oil and Gas, and Making an Appropriation Therefor* – was adopted, the Colorado General Assembly directed that the planning and management of oil and gas operations was to be conducted in a manner that balances development with wildlife conservation. In doing so, the legislature recognized Colorado's obligation to protect its wildlife resources and the hunting, fishing, and recreation traditions they support, for both Colorado's economy and culture. As a sponsor of HB 07-1298, you must be particularly dismayed by the introduction of HB 09-1255, which is attempting to reverse that prior legislative directive.

The Colorado Oil and Gas Conservation Commission's recently amended rules respond to the legislative direction provided by HB 07-1298. The amended rules also offer additional public health and environmental protections. They are the product of months of public process, expert testimony and negotiation. Pitkin County supports these recent regulatory amendments and is strongly opposed to any legislative initiative that seeks to delay their implementation, or that attempts to diminish their public health and environmental safeguards.

We know you share our strong commitment to public health and the environment and we look forward to continuing to work with you and your staff on Colorado's important

energy and environmental issues during this Legislative Session.

Sincerely,

PITKIN COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Patti Kay-Clapper
Chair

Bcc: Rose Ann Sullivan, EH/NR
Kurt Kunkle, Colorado Environmental Coalition
(via email: Kurt@cecenviro.org)



MOI

February 11, 2009

Pitkin County Board of Commissioners
506 E. Main, #201
Aspen, CO 81611

RECEIVED

FEB 17 2009

BOCC OFFICE

Dear Commissioners,

Thank you for your generous donation of \$1,500.00 to the Aspen Homeless Shelter, for operations and to install carbon monoxide detectors in sleeping areas of the Shelter. Father Michael O'Brien of St. Mary's Church recently shared the news of your gift with the Board of Directors. Aspen Valley Medical Foundation is administering funds and providing support for the Shelter, and Father Michael transferred your gift to us.

Your support is saving lives and providing compassionate care to people in need.

Once again this year, Father Michael opens his heart and home nightly to the community. The faith community continues to provide tremendous support for the Aspen Homeless Shelter, making significant financial and volunteer contributions. Father Michael O'Brien of St. Mary's Church shared, "We are thrilled to have the full participation of congregations in supporting this effort to save lives and relieve suffering. The Shelter helps meet the most basic human needs everyone deserves to have met."

Shelter Manager Susan Johnson oversees the operations of the Shelter at St. Mary's. The Shelter is open from 9pm – 7am, servicing fifteen to twenty homeless people per night, a notable increase over previous years. Volunteers and case managers assist staff and help guests access the help they need.

Aspen Homeless Shelter is in the process of becoming an independent non-profit organization. The Board of Directors was officially formed in January. Board Members are Kris Marsh, Chair; Reverend Jane Keener-Quiat, Vice-Chair; Father Michael O'Brien, Treasurer; Liz Lasko, Secretary; Helen Klanderud; Joe Myers; and Vince Savage. Previously the Board was coordinating shelter operations as a sub-committee of the Aspen Homeless Coalition. The Aspen Homeless Coalition will continue to meet several times per year to provide the shelter with support and guidance from the community.

I am thrilled that the Foundation is involved in such an important project – keeping people alive, safe and fed, while offering them dignity and compassion.

Thank you again for your support.

Sincerely,

Kris Marsh
President/CEO



**friends of the
aspen animal shelter**

P.O. Box 985 · Aspen, CO 81612

ph: 970.544.0206

email@dogsaspen.com

www.dogsaspen.com



Board of Directors

Seth Sachson, *President*

Georgeann Waggaman, *Chair*

Krista Eddy, *Treasurer*

Bland Nesbit, *Secretary*

Gesine Crandall

Scott Dolginow, *DVM*

Amy Feldman

Melinda Goldrich

Adam Goldsmith

Anne Gurchick

Carol Hawk

Mary Bucksbaum Scanlan

Mimi Teschner

Cheryl Wyly

February 10, 2009

Board of County Commissioners
Pitkin County
530 E. Main Street, Suite 201
Aspen, CO 81611

Dear Honorable Commissioners,

We want to thank you for recommending the Friends of the Aspen/Pitkin Animal Shelter for a grant of \$1,400 from Pitkin County.

These funds are specifically earmarked for our spay/neuter program. This program was very successful last year and will result in the spaying and neutering of many more animals in 2009.

Thank you for your continuing and generous support of our ongoing efforts to improve the life of the shelter animals and to hopefully decrease the number of animals in the shelter through the spay/neuter program.

Sincerely,

Bland

Bland Nesbit, *Board member*

*Thank you so much.
We have castrated
a lot of cats & dogs.*

It's All About The Animals

The Internal Revenue Service has determined that Friends of the Aspen Animal Shelter is a 501(c)(3) non-profit organization. Our tax ID number is 84-1564816. Your gift is tax-deductible to the extent allowed by law.

The Internal Revenue Service has determined that Friends of the Aspen Animal Shelter is a 501(c)(3) non-profit organization. Our EIN is 84-1564816. Your gift is tax-deductible to the extent allowed by law.

MDI

RECEIVED

FEB 13 2009

BOCC OFFICE

MEMO OF INTEREST

WORK SESSION DATE: February 24, 2009

TOPIC: County Noxious Weed Control Methods

STAFF RESPONSIBLE: Crystal Yates-White; Gary Tennenbaum

ISSUE STATEMENT: A citizen has requested information on all pesticides used by the County. The purpose of this Memorandum of Interest is to provide basic information on herbicide use by the Land Management and Open Space departments.

BACKGROUND: The health of our environment is clearly a high priority for residents of Pitkin County and the Roaring Fork Valley. Yet, the health and productivity of our natural plant communities are being threatened by the introduction of numerous invasive noxious weeds. Without a major integrated weed management program, these aggressive nonnative plants will continue to infest and degrade valuable native landscapes. In an effort to address this issue, the State Legislature passed The "*Colorado Noxious Weed Act*" §§35-5.5-101-119 C.R.S. (2003) ("The Act") and the "*Permanent Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act*" 8 CCR 1203-19 ("The Rules"). The Act requires the local governing authority to adopt and administer a noxious weed management program to prevent further damage by state-designated noxious weed species. The Rules designate specific plants as noxious and dictate the management strategy (i.e. eradication, containment, or suppression) to be followed for the control of each weed in each County in Colorado.

In accordance with these statutes, and among other activities, Pitkin County Land Management and Open Space & Trails (OST) departments work to control noxious weeds on 187 miles of County and Forest Service rights-of-way, 15,500 acres of County open space, 40 miles of recreational trails, the airport, landfill, and 72 miles of CDOT right-of-way. An Integrated Pest Management (IPM) approach is employed and includes a combination of chemical, mechanical, biological, and control methods to achieve effective, long-term weed control and ecosystem health.

Chemical Control: Herbicide is the most time- and cost- effective method of treatment when used when plants are small (less chemical is required) and actively growing (greater uptake). To avoid harming desirable native vegetation, applications are delivered as a spot-treatment of individual plants/patches via handgun. Special attention is paid near wetland areas or waterways to avoid water contamination. Herbicide is not applied in areas where surface water contamination would be unavoidable. In all cases, herbicide label requirements are strictly followed.

Pitkin County is a registered Public Applicator with the Colorado Department of Agriculture (CDA). The Land Management and OST departments each have at least one CDA-licensed Qualified Supervisor. Licenses are kept up to date via continuing education and license renewal requirements. Application records are kept in accordance with State law.

Herbicides employed by Staff are *systemic*, meaning they are taken up via specific biochemical pathways and then trans-located throughout the plant. Such activity makes systemic herbicides very effective against the tenacious root systems of perennial weeds. Moreover, such pathway-specific, system-wide activity makes these herbicides highly effective at low application rates (for example: County herbicide tank mixes typically include less than 6 ounces of active herbicide ingredient per 200 gallons of water).

Herbicide applications in Pitkin County typically include a mix of the following:

- Milestone Specialty Herbicide (aminopyralid)
- Escort XP (Metsulfuron methyl)
- SilEnergy (a non-ionic surfactant, which helps herbicide “stick” to leaves)
- Hi-Light (blue dye)

Occasionally any the following herbicides may be employed by the County

- Plateau (imazapic) -- cheatgrass control
- Vanquish (dicamba) – occasional spot treatments of yellow/Dalmatian toadflax
- Telar (chlorsulfuron) – sometimes used in place of Escort XP
- Transline (clopyralid) – sometimes used in place of Milestone Specialty Herbicide
- Tordon 22K (picloram) – occasional spot treatments of very difficult weeds
- Garlon (triclopyr) – cut-stump applications for Tamarisk and Russian Olive
- Sahara (imazapyr and diuron) – bare-ground applications at the airport
- Roundup (glyphosate) – occasionally mixed with any of the above

When used appropriately in an Integrated Pest Management system, herbicide use is expected to decrease over time as infestations and disturbance areas are controlled and native populations again become competitive, allowing a gradual shift toward other methods for maintenance of healthy population. In fact, in 2008, the Land Management department used a third less herbicide compared to 2007 while increasing biological and mechanical control efforts.

Mechanical Control: Because systemic herbicides are only effective in killing actively growing plants, once plants have produced seed, herbicide treatments are no longer effective. In these cases, Staff employs mechanical methods of weed control. Typically this includes hand-chopping and bagging weeds. Mechanical control is most effective at controlling annual and biennial plants. Due to their extensive root systems, perennial weeds are poorly controlled by mechanical methods, unless such methods are applied frequently (e.g. every 2 weeks) for several seasons. Nevertheless, removal of perennial weeds in seed does effectively reduce reproduction by seed. Staff typically spends a great deal of time during peak summer on mechanical removal of weeds in seed.

Biological Control: Some herbivorous insects are available for the control of noxious weeds. They are most effective at reducing the extent of large weed monocultures and do not result in eradication. Each year, Staff releases thousands of insects to aid in noxious weed control efforts. Some species have great success; others have difficulty establishing over-wintering populations at our altitude. Recent releases include the field bindweed mite, leafy spurge flea beetles, and poison hemlock moth.

Cultural Control: Establishment of healthy native vegetation is the most effective long-term weed control strategy. Staff has completed numerous successful revegetation projects on public lands throughout the county. In addition, all earthmoving, building, right-of-way, and access permit applications must include a native revegetation plan.

LINK TO STRATEGIC PLAN: Environmental Protection

BUDGETARY IMPACT: No Change.

STAFF ACTION: None. Informational only.

Future Agendas

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, MARCH 3, 2009

10:00	Project List, Temple Glassier	
11:00	Pitkin County Employee Housing, Phylis Mattice Impact Fee, John Ely	
12 NOON	LUNCH BREAK	
1:00	Quarterly Meeting with US Forest Service	
2:00	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • Board Membership Reports –NWCCOG, RRR, CORE, QQ, CCI, PEIS I-70, Club 20, CRRTB, RWPA, ACRA, RFTA, NC, BLM • BOCC Open Discussion 	
3:30	BREAK	
4:00	Joint Meeting with P&Z –Draft Community Vision Plan	
5:30 PM	ADJOURN	

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, MARCH 10, 2009

10:00	SPECIAL MEETING – EXECUTIVE SESSION ADJOURN EXECUTIVE SESSION	
12 NOON	Memos of Interest (lunch provided) Future Agendas/Agenda Requests/Monthly Calendar BOCC Open Discussion Contingency Fund Policy, Tom Oken	
1:30	Prep for Meeting with Garfield County	
1:45	BREAK	
2:00	Airport	
3:30	BREAK	
4:00	Joint Meeting with P&Z –Draft Community Vision Plan	
5:30 PM	ADJOURN	

**PITKIN COUNTY COMMISSIONERS
REGULAR MEETING AGENDA
Plaza One Meeting Room**

WEDNESDAY, MARCH 11, 2009

12:00 NOON

Presentation of APWA Project Award to Melissa Sever
Magnuson/Dalessandri Proclamation
Celebrate Colorado Non Profit Week Proclamation, Mitzi Ledingham

ADDITIONS/DELETIONS TO AGENDA
PUBLIC COMMENT, COMMISSIONER COMMENTS

CONSENT ACTIONS

1.

CONSENT ACTIONS- 1st Readings, Set for Public Hearing on March 25, 2009

2. 2009 IGA with Garfield County, Dale Will
3. Ordinance Authorizing Amendment of the Nieslanik Conservation Easement, Dale Will
4. Ordinance Granting a Sewer Line Easement to R. Lehrman, Dale Will
- 5.

CONSENT PUBLIC HEARING, 2nd Reading

6. Ordinance Accepting Greenway "Little Annie" Public Trail Easement, Dale Will
7. Resolution Authorizing the Submission of a Grant Application to the State Board of the Great Outdoors Colorado Trust Fund to Fund the Construction of Whitewater Park, Barb D'Autrechy
8. Ordinance Appropriating Additional Funds for the Sawmill Hill Acquisition, Barb D'Autrechy
- 9.
- 10.

LAND USE CONSENT PUBLIC HEARINGS

1.

LAND USE CONSENT ACTIONS

2.

LAND USE PUBLIC HEARINGS

3.

LAND USE ACTIONS

4.

BOCC OPEN DISCUSSION

ADJOURN

FRIDAY, MARCH 13, 2009 – CCI Steering Committee

Tourism, Resorts & Economic Development
General Government
Taxation & Finance
Transportation & Telecommunications

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, MARCH 17, 2009

10:00 AM	SPECIAL MEETING – EXECUTIVE SESSION ADJOURN SPECIAL MEETING	
12 NOON	LUNCH BREAK	
1:00	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • BOCC Open Discussion 	
2:30	BREAK	
2:45	Landfill Facility Planning, Chris Hoofnagle	
3:00	Strategic Plan Action Plans	
5:00 PM	ADJOURN	

THURSDAY, MARCH 19, 2009

12 NOON LUNCH MEETING WITH GARFIELD COUNTY COMMISSIONERS
Garfield County Courthouse

FRIDAY, MARCH 20, 2009 – CCI Steering Committee

Public Lands
Agriculture, Wildlife & Rural Affairs
Land Use & Natural Resources
Health & Human Services

**WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, MARCH 24, 2009

11:00 AM	<i>BOCC Convenes As Board of Health</i> Community Health Services Quarterly Update with the Board of Health <i>BOCC Adjourns as Board of Health</i>	Mitzi Ledingham Liz Stark
12 NOON	LUNCH BREAK	
1:00	Prep for Joint meeting with Aspen City Council on April 7, 2009	
1:30	Implementing Liquor Server Training	
2:00	Land Use Code Amendment	Cindy Houben
3:15	BREAK	
3:30	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • BOCC Open Discussion Prep for Meeting with Snowmass Village	
5:00 PM	ADJOURN	

THURSDAY, MARCH 26, 2009 – NWCCOG COUNCIL & RRR MEETING

Full Council

Extension Building at the Fairgrounds, Kremlin / 9:30 a.m. – 12:00 p.m.

Rural Resort Region: 12:30 – 3:00 p.m.

**PITKIN COUNTY COMMISSIONERS
REGULAR MEETING AGENDA
Plaza One Meeting Room**

WEDNESDAY, MARCH 25, 2009

12:00 NOON ADDITIONS/DELETIONS TO AGENDA

PUBLIC COMMENT, COMMISSIONER COMMENTS

CONSENT ACTIONS

1.

CONSENT ACTIONS- 1st Readings, Set for Public Hearing on April 8

2.

CONSENT PUBLIC HEARING, 2nd Reading

3. 2009 IGA with Garfield County, Dale Will
4. Ordinance Granting a Sewer Line Easement to R. Lehrman, Dale Will
5. Ordinance Authorizing Amendment of the Nieslanik Conservation Easement, Dale Will

LAND USE CONSENT PUBLIC HEARINGS

1. Elam/Vagneur Gravel Permit Annual Review (2009), PH (PN), L. Clarke

LAND USE CONSENT ACTIONS

2. Elam/Vagneur Gravel Pit Minor Amendment to Development Permit, L. Clarke

LAND USE PUBLIC HEARINGS

3.

LAND USE ACTIONS

4.

BOCC OPEN DISCUSSION

ADJOURN

PITKIN COUNTY COMMISSIONERS AGENDA

MONDAY, APRIL 6, 2009

3:00 PM JOINT MEETING WITH SNOWMASS VILLAGE TOWN COUNCIL
 Snowmass Council Chambers

TUESDAY, APRIL 7, 2009 **WORK SESSION AGENDA** **Plaza One Meeting Room**

11:00	JOINT MEETING WITH OPEN SPACE & TRAILS (OST buys lunch)	
12:30	Prep for Joint Meeting with Garfield County	
1:00	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • Board Membership Reports - NWCCOG, RRR, CORE, QQ, CCI, PEIS I-70, Club 20, CRRTB, RWPA, ACRA, RFTA, NC, BLM, • BOCC Open Discussion 	
3:30		
3:45	BREAK	
4-6:00 PM	Joint meeting with Aspen City Council at City Hall 1. <u>Special Meeting</u> Community Vision Plan Adoption, Ellen Sassano	

**PITKIN COUNTY COMMISSIONERS
REGULAR MEETING AGENDA
Plaza One Meeting Room**

WEDNESDAY, APRIL 8, 2009

12:00 NOON ADDITIONS/DELETIONS TO AGENDA
PUBLIC COMMENT, COMMISSIONER COMMENTS

CONSENT ACTIONS

2.

CONSENT ACTIONS- 1st Readings, Set for Public Hearing on April 22

3. Liquor Server Training Reso

CONSENT PUBLIC HEARING

4.

LAND USE CONSENT PUBLIC HEARINGS

1.

LAND USE CONSENT ACTIONS

2.

LAND USE PUBLIC HEARINGS

3.

LAND USE ACTIONS

4.

BOCC OPEN DISCUSSION

ADJOURN

**PITKIN COUNTY COMMISSIONERS
WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, APRIL 14, 2009

10:30 am	SPECIAL MEETING – EXECUTIVE SESSION ADJOURN SPECIAL MEETING	
12:00 NOON	LUNCH BREAK	
1:00	<ul style="list-style-type: none"> • Memos of Interest • Future Agendas/Agenda Requests/Monthly Calendar • BOCC Open Discussion 	
2:30		
3:30	BREAK	
4:00	Joint Meeting with City of Aspen – Housing Frontiers	
5:30 PM	ADJOURN	

THURSDAY, APRIL 16, 2009

4:00 PM Elected Officials Transportation Committee
City Hall

FRIDAY, APRIL 17, 2009 – CCI Steering Committee

Tourism, Resorts & Economic Development
General Government
Taxation & Finance
Transportation & Telecommunications

WORK SESSION AGENDA
Plaza One Meeting Room

TUESDAY, APRIL 21, 2009

10:00 AM	SPECIAL MEETING – EXECUTIVE SESSION ADJOURN SPECIAL MEETING	
12 NOON	LUNCH BREAK	
1:00	Prep for Meeting with Eagle County	
1:30		
3:15	BREAK	
3:30	<ul style="list-style-type: none">• Memos of Interest• Future Agendas/Agenda Requests/Monthly Calendar• BOCC Open Discussion	
5:00 PM	ADJOURN	

**PITKIN COUNTY COMMISSIONERS
REGULAR MEETING AGENDA
Plaza One Meeting Room**

WEDNESDAY, APRIL 22, 2009

12:00 NOON ADDITIONS/DELETIONS TO AGENDA

PUBLIC COMMENT, COMMISSIONER COMMENTS

CONSENT ACTIONS

1.

CONSENT ACTIONS- 1st Readings, Set for Public Hearing on

2.

CONSENT PUBLIC HEARING

3. Liquor Server Training Reso

LAND USE CONSENT PUBLIC HEARINGS

1.

LAND USE CONSENT ACTIONS

2.

LAND USE PUBLIC HEARINGS

3.

LAND USE ACTIONS

4.

BOCC OPEN DISCUSSION

ADJOURN

THURSDAY, JANUARY 22, 2009 – NWCCOG COUNCIL

Executive Committee

Mt. Royal Room, Summit County Commons, Frisco / 10:00 a.m. – 1:00 p.m.

FRIDAY, APRIL 24, 2009 – CCI Steering Committee

Public Lands

Agriculture, Wildlife & Rural Affairs

Land Use & Natural Resources

Health & Human Services

**WORK SESSION AGENDA
Plaza One Meeting Room**

TUESDAY, APRIL 28, 2009

(Commissioner Richards not present)

10:30 am	SPECIAL MEETING – EXECUTIVE SESSION ADJOURN SPECIAL MEETING	
12 NOON	LUNCH BREAK	
1:00	Airport Existing Environmental Conditions	Jim Elwood
2:00		
3:15	BREAK	
3:30	<ul style="list-style-type: none">• Memos of Interest• Future Agendas/Agenda Requests/Monthly Calendar• BOCC Open Discussion	
5:00 PM	ADJOURN	

THURSDAY, APRIL 29, 2009

1:00-2:30 JOINT MEETING WITH EAGLE COUNTY COMMISSIONERS
Eagle County Building in El Jebel

AGENDA ITEM SUMMARY

WORK SESSION DATE: February 24, 2009

AGENDA ITEM TITLE: Preparation for Joint Meeting with the Forest Service

DESCRIPTION OF ISSUE:

Staff will be present at your work session to prepare for the Joint Meeting with the Forest Service on March 3rd. Robert Oxenberg has indicated that he will provide packet material for this meeting regarding East Aspen Caucus issues.

RECOMMENDED BOCC ACTION: Please advise staff of any further topics you wish placed on the agenda for discussion at the March 3rd meeting.

AGENDA ITEM SUMMARY

WORK SESSION DATE: February 24, 2009

AGENDA ITEM TITLE: Aspen Valley Hospital Master Plan

DESCRIPTION OF ISSUE:

At the Board's request, Dave Ressler and Aspen Valley Hospital staff will attend today's work session to do an update on the Aspen Valley Hospital Master Plan

RECOMMENDED BOCC ACTION: None, informational only.

AGENDA ITEM SUMMARY

WORK SESSION DATE: February 24, 2009

AGENDA ITEM TITLE: Basalt High School Presentation on Inaugural Trip

DESCRIPTION OF ISSUE:

At the Board's request, teacher Seann Goodman and Basalt High School students will attend today's work session to do a presentation on their trip to Washington DC to attend the Presidential Inauguration. The Board gave the students \$1600 from its discretionary fund in 2008 to help pay the costs of this trip.

RECOMMENDED BOCC ACTION: None, informational only.