

**SAN JUAN COUNTY, COLORADO**  
**BOARD OF COMMISSIONERS MEETING AGENDA**

May 27, 2020

**DUE TO THE COVID 19 EMERGENCY SAN JUAN COUNTY WILL CONDUCT ALL OF ITS PUBLIC MEETING VIRTUALLY UNTIL FURTHER NOTICE. THE INFORMATION NECESSARY TO CONNECT TO THIS PUBLIC MEETING IS LISTED BELOW**

**CALL TO ORDER:** 6:30 P.M.

BOCC Meeting Minutes for May 13, 2020

**APPOINTMENTS:**

- 6:40 P.M. Becky Joyce, Public Health Director, Jim Donovan, OEM and Sheriff Bruce Conrad - COVID 19 Update
- 7:00 P.M. James Simino, San Juan National Forest District Ranger
- 7:15 P.M. Elijah Waters, BLM Gunnison Field Manager
- 7:30 P.M. Louis Girodo, County Road Supervisor – Update Country Roads
- 7:45 P.M. Undersheriff Steve Lowrance – Alpine Ranger
- 8:00 P.M. San Juan County Board of Health – Variance to Public Health Order
- 8:15 P.M. **Public Hearing- George Riley, Plat Amendment Lot 4 Cole Ranch Postponed at Request of Applicant Until June 10<sup>th</sup>.**

**CORRESPONDENCE**

- Darlene Watson
- DeAnne Gallegos, Silverton Chamber
- Gina Myers-Sunnyside Gold
- CCI Gallagher Amendment
- DOLA – Coronavirus Relief Fund
- OSPB – Colorado Economic and Fiscal Outlook

**OLD BUSINESS**

**NEW BUSINESS**

- Saul’s Creek – Computerized Maintenance Agreement
- Public Comment
- Commissioner and Staff Reports
- Possible Executive Session – To Receive Legal Advice From Counsel Regarding Potential Litigation

**Next Regular Meeting – June 10, 2020 8:30 A.M.**

Join Zoom Meeting  
<https://zoom.us/j/92136473203>

Meeting ID: 921 3647 3203  
One tap mobile  
+16699006833,,92136473203# US (San Jose)  
+12532158782,,92136473203# US (Tacoma)

Dial by your location  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
+1 646 876 9923 US (New York)  
+1 301 715 8592 US (Germantown)  
+1 312 626 6799 US (Chicago)

Meeting ID: 921 3647 3203

SAN JUAN COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING WEDNESDAY, MAY 13, 2020  
AT 8:30 A.M.

Call to Order: The meeting was called to order by Chairman Peter McKay. Present were Commissioners Scott Fetchenhier, Ernie Kuhlman, and Administrator William Tookey. The meeting was held via Zoom video conferencing.

Payment of Bills: Commissioner Fetchenhier moved to authorize payment of the warrants as presented. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Minutes: Commissioner Fetchenhier moved to approve the minutes of April 22, 2020 as presented. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

County Road Supervisor Louis Girodo was present to discuss opening the backcountry roads. Commissioner Fetchenhier moved to allow the road department to begin snow removal on the backcountry roads and to allow the road to Animas Forks be opened to the public but to keep the backcountry passes closed. Commissioner Kuhlman seconded the motion. The motion passed unanimous. The Commissioners will reconsider road openings during their May 27<sup>th</sup> meeting.

Also present were Ouray County Commissioner Ben Tisdell and Hinsdale County Commissioner Kristine Borchers to provide an update on what their counties are doing concerning the reopening of their communities and their plans for opening their backcountry passes.

Elijah Waters of the BLM was present to provide the Commissioners with an update. The BLM will work with the counties to provide Covid 19 signage on the Alpine Loop and other heavily used areas.

James Simino, San Juan National Forest District Ranger, was present to discuss the Forest Service restrictions on developed camping areas.

Jim Donovan OEM, Becky Joyce Public Health Director, Sheriff Bruce Conrad and Public Information Officer DeAnne Gallegos were present to provide the Commissioners with an update on the COVID 19 and to discuss the Public Health Order and Economic Recovery. Public Health Director Joyce discussed submitting a variance to the Governor's public health order for lodging and restaurants. It was the consensus of the Commissioners to support a Variance Application.

Social Services Director Martha Johnson was present to provide the Commissioners with a monthly update. Commissioner Fetchenhier moved to approve Transmittal #3 in the amount of \$6,174.88 as submitted. Commissioner Kuhlman seconded the motion. The motion passed unanimous.

Along with Director Johnson was Sara Mordecai of the Silverton Family Learning Center to provide the Commissioners with an update on the preschool program supported by TANF monies.

Commissioner Fetchenhier moved to approve the TANF contract in the amount of \$22,000 for the Silverton Public School and \$14,000 for the Silverton Family Learning Center. Commissioner Kuhlman seconded the motion. The motion passed unanimous.



Willy Tookey &lt;admin@sanjuancolorado.us&gt;

**Covid-19**

2 messages

**Darlene Watson** <dwatsonthebentelbow@gmail.com>

Mon, May 25, 2020 at 6:30 PM

To: admin@sanjuancolorado.us, pio@sanjuancolorado.us, jimd@avyschool.org, sjcsheriff@frontier.net, administrator@sanjuancolorado.us, Becky Joyce &lt;director@sjcph.org&gt;

Dear County Commissioners, and Silverton OEM Team

First, let me Thank All of you for the hard work that you are doing for our Community! Thank You, I know your jobs and decision making is very difficult. Unfortunately, a pandemic does not come with instructions. This situation has been very difficult for the entire world! I appreciate all that you have done, your critical thinking and you long hours that your jobs require. Much gratitude!

My reason for contacting you all besides Thanking You is to ask that we come up with a plan to get the back country open. I think emergency services is a critical point, and it does need to be addressed. After this holiday weekend people clearly are going to go into the back country whether they are allowed or not! I am not saying this is ok, it is just clearly a reality. Although I think that we can overcome this huge problem. We need to think outside the box! We often use Durango Sheriff department and Durango fire as a resource to help us out in a time of need. Is it possible to come up with a plan to contract with them over the summer months? The fact that we have such a small Sheriff department and emergency service is not going to change, but the fact that people are coming anyway is going to happen. If this were possible it could give Mr Conrad the resources needed to patrol, and it would relieve officers or emergency staff if they were to need quarantined. Please consider this or other avenues to get our back country open.

Best Regards

Darlene Watson

[dwatsonthebentelbow@gmail.com](mailto:dwatsonthebentelbow@gmail.com)

970-799-5710

**Jim Donovan** <oem@sanjuancolorado.us>

Tue, May 26, 2020 at 8:16 AM

To: dwatsonthebentelbow@gmail.com, bruce &lt;sjcsoconrad@yahoo.com&gt;, Willy Tookey &lt;admin@sanjuancolorado.us&gt;, Becky Joyce &lt;director@sjcph.org&gt;, Kimmet Holland &lt;kholland@ssjcaa.org&gt;

Hello Darlene

Thanks for your kind words and email. We are operating under a plan and that is guiding us in our opening and easing restrictions. As you know our resources operate with minimal back up. In the event that a law enforcement officer or first responder are taken out of the rotation we will put in a request for what is called Mutual Aid. This would be either La Plata County Sheriff's Deputies or Durango Fire medics. This is what we do during the 4th of July and are very well practiced with it. The pandemic adds challenges as all services may be experiencing shortages in personnel and may not be able to provide any personnel.

Since we are under a State disaster declaration we can request the Colorado National Guard to assist and that is a very real possibility.

I want to assure you that we are committed to easing restrictions as long as we can keep the citizens of San Juan County safe.

thanks

Jim

On Mon, May 25, 2020 at 6:33 PM Jim Donovan &lt;jimd@avyschool.org&gt; wrote:

[Quoted text hidden]

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Jim Donovan

Executive Director

PO Box 4



Willy Tookey &lt;admin@sanjuancolorado.us&gt;

## An "Essential Services Train" is coming to Silverton this Thursday!

1 message

**chamber@silvertoncolorado.com** <chamber@silvertoncolorado.com> Tue, May 26, 2020 at 10:44 AM  
To: Fetch's Merchantile <sfetchenhier@aol.com>, Judy Kuhlman <jrkuhlman@msn.com>, Peter McKay <commckay@hotmail.com>  
Cc: Willy Tookey <admin@sanjuancolorado.us>, Jim Donovan <oem@sanjuancolorado.us>, James Harper <jimharper@grandimperialhotel.com>

Dear San Juan County Commissioners,

There is a team of locals working with the Durango Silverton Narrow Gauge Railroad leadership to encourage and help structure the safe and protective return of Durango Silverton Narrow Gauge Rail Road services to Silverton. The COVID 19 pandemic has taken its toll economically, spiritually and physically on both communities that the DSNRRR connects. It is time to make move to re-start our local economy and pivot to "hope". When the time is appropriate, getting the DSNRRR running with paying passengers is an integral part of this re-start for all of us, it is essential to our summer economy especially Blair Street merchants and restaurants.

[This Thursday May 28<sup>th</sup>](#) the DSNRRR will be running a special "Essential Services Train" to Silverton. This Diesel Electric powered train will be hauling a flatbed with Emergency Services equipment, food and medical supplies will be loaded onto open air gondola's and an enclosed car. Members of the Harper Family will also be riding up to meet with ICM team and local leadership to discuss potential Silverton based excursions to Elk Part and back and other excursion options.

The "Essential Services Train" will arrive in Silverton at just about high [noon on Thursday](#). The single biggest challenge for this project is the appropriate social distancing of the people in Silverton on the trains arrival and knowing what the current group gathering rule will be on Thursday. It is essential that social distancing be adhered for everyone's safety and for the inevitable photographic coverage in the press and on social media.

Using "best practice" for COVID 19 mitigation on open air gondola cars pulled by Diesel Electric engines, the D&SNRRR can run this summer with 2 hour excursion trips. Rockwood to Cascade is being considered as a route as well as Silverton to Elk Park and back. At the risk or stating the obvious, Silverton based excursion rides would be a major boost to this summer's economy. To quote John Harper "The customers will come to where the train is based out of".

Silverton and San Juan County need to show support for the DSNRRR, to send a message to the people and the Governor of Colorado, "we are ready to re-open as we must, and we are ready to do it responsibly when the appropriate time is right".

There will be spots marked on the ground 8 foot apart 16 foot away from centerline from the Depot to 12th and Blair to show the public appropriate social distancing. We will have community volunteers "proctoring" social distancing, encouraging people to cheer on the trains arrival while being spaced appropriately.

This "Essential Services Train" trip loaded with donations of food and PPE will give our community the boost and "HOPE" that we all need right now!

If you have any questions or comments please feel free to reach out directly to me at [970 403-9951](tel:9704039951).

*Thank you,*

DeAnne Gallegos

Executive Director



Willy Tookey &lt;admin@sanjuancolorado.us&gt;

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**Expert analysis of Mayflower area water quality**

1 message

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**Gina Myers** <Gina.Myers@kinross.com>

Thu, May 21, 2020 at 10:05 AM

To: "SJCC (sanjuancounty@frontier.net)" &lt;sanjuancounty@frontier.net&gt;

San Juan County Commissioner,

I hope that you and your family are keeping well during these challenging times.

Thought you might be interested in this scientific analysis of the results of investigations by David Bird of Knight Piésold that has confirmed “there is no evidence indicating that the Mayflower Facilities are the source of anything but negligible metals loading to the Animas River, if any”. The Knight Piésold Report is attached.

This report further corroborates SGC’s successful reclamation of the Mayflower Area contributed to SGC’s success in improving Animas River water quality.

Thank you.

Gina

Gina Myers

Director, Reclamation Operations

**Sunnyside Gold Corporation**

*“Successful in improving Animas River water quality”*

[www.sgcreeclamation.com](http://www.sgcreeclamation.com)

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 **Bird Expert Letter.pdf**  
3012K



April 1, 2020

Gina Myers, Director, Reclamation Operations  
Sunnyside Gold Corporation  
P.O. Box 177  
Silverton, CO 81433

**Knight Piésold and Co.**  
1999 Broadway, Suite 900  
Denver, CO 80202-5706  
T +1 303 629 8788  
E denver@knightpiesold.com  
www.knightpiesold.com

Project No.: DV201-00493/01  
Doc. No.: DV-20-0368

Re: Review of Data Relating to Mayflower Area Water Quality

Dear Ms Myers,

Knight Piésold has conducted an independent peer review of the data and materials relating to Mayflower Impoundment Nos. 1 - 4 and the Mayflower Mill ("Mayflower Facilities") listed in the "Sources of Information" section of my Memorandum: Review of Data Relating to Mayflower Area Water Quality. A copy of my Memorandum is included with this letter. A description of the Mayflower Facilities is provided in the Introduction to my Memorandum, and the Mayflower Facilities' surficial extent is shown in the Map of the Mayflower Facilities, which is set forth in Appendix A of my Memorandum. The Sources of Information includes data generated from investigatory work completed by Formation Environmental on behalf of Sunnyside Gold Corporation ("SGC") during calendar years 2015 - 2019. It is my understanding that SGC expended more than \$10 million on these investigations. I have no reason to doubt the accuracy of the data generated by these investigations.

After a review of the Sources of Information, it is my conclusion that there is no evidence indicating that the Mayflower Facilities are the source of anything but negligible metals loading to the Animas River, if any, and there is no evidence identifying any pathway from the Mayflower Facilities to the Animas River. Groundwater in the Mayflower Mill area is releasing negligible solutes, if any, to the Animas River. In the area of Impoundment Nos. 1 and 2, although seep sample 5000 appears to be a source of solutes to the Animas River, this seep likely originates from a source other than the Mayflower Impoundments. There is no noteworthy increase in cadmium, copper, or zinc concentrations in the Animas River adjacent to Impoundment No. 3, suggesting negligible right bank discharge of solutes to the Animas River along this reach. Metals increases in the Animas River along the reach roughly adjacent to Impoundment No. 4 are likely sourced from seep 6150. The discharge from seep 6150 does not originate from Impoundment No. 4 or the Mayflower Facilities.

Yours truly,  
**Knight Piésold and Co.**

David Bird  
Senior Geotech /Geological Engineer

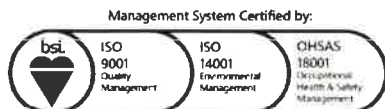
Reviewed by\*  
Paul W. Ridlen, P.E.  
President

\*Reviewed for Conformance to Knight Piésold Quality Procedures

**Attachments**

Technical Memorandum DV-20-0368  
Appendix A Surficial extent of the Mayflower

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## TECHNICAL MEMORANDUM

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**Date:** April 1, 2020 Project No.: DV102-00493/01  
KP Doc. No.: DV-20-0368

**To:** Sunnyside Gold Corporation

**From:** David Bird, Knight Piésold and Co.

**Re:** **Review of Data Relating to Mayflower Area Water Quality**

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### 1.0 INTRODUCTION

At the request of Sunnyside Gold Corporation (SGC), Knight Piésold and Co. was retained to provide an independent peer review of the Mayflower Area geochemistry. A map depicting the surficial extent of Mayflower Impoundment Nos. 1 – 4 and the Mayflower Mill (collectively referred to as the “Mayflower Facilities”) is set forth in Appendix A. The Study Area (shown on Figure 1-2 in Formation, 2020) is located in the Animas River valley and extends from just upstream of the confluence of the Animas River and Arrastra Creek downstream to the 14th Street bridge crossing in Silverton. The review consisted of analyzing data and information and providing an opinion regarding the extent to which tailings or other potential source materials within the Mayflower Facilities contribute to metal loadings to the Animas River. David Bird, a geochemist with extensive experience (+30 years) in mining geochemistry, but no prior experience working specifically on the Mayflower Facilities, conducted the review. A copy of Mr. Bird’s CV is attached as Appendix B.

Knight Piésold’s ISO-9001 quality program provides for the use of Technical Memoranda to transmit preliminary versions of data, conclusions, and recommendations. At Client’s request, this format has been used to convey a final version of the deliverable, which represents a variance to Knight Piésold’s quality procedures. The variance was approved on March 20, 2020 by Paul W. Ridlen, President, Knight Piésold and Co.

### 2.0 HISTORICAL ENVIRONMENTAL IMPACTS

The history of mining in San Juan County spans a period of 120 years from 1871 to 1991, and mining throughout this period caused adverse environmental impacts to the Animas River watershed. The historical environmental impacts to the Animas watershed since 1871 are still visible today and are key to understanding adverse impacts to the Animas watershed.

Historical impacts to the watershed were somewhat unique to the time frame in which the mining occurred. The mining eras are categorized as follows (Jones, 2008), and each carried a specific environmental signature:

1. **Smelting Era (1871-1889).** The first era of mining from 1871-1889, known as the Smelting Era, targeted only higher grade silver-lead ores. The crude mining methods of the time resulted in highly mineralized lead-silver waste rock left on surface dumps, which were likely sources of metals dissolved and mobilized by surface water and groundwater with eventual deposition to the Animas River fluvial system. Mill tailings produced during this era were discharged directly into the closest stream, where

facility in the area of TP-4. Although the metals content of the fluvial materials has not been characterized, it is reasonable to assume that the combined sediment-tailings deposit contains masses of metals similar to other fluvial tailings in the watershed.

Yearly investigations conducted by Formation Environmental (“Formation”) since 2015 document a minimum of 12 right bank discharges to the Animas River in the Study Area, some of which discharge elevated solute concentrations, including 4353A, 4353C, 5000, 6150, and 7690. Formation has also documented a minimum of 3 left bank discharges in the Study Area. However, due to access restrictions the characterization of left bank discharges is not complete. It is significant to this study that there are more documented workings and mineralization on the south side of the river (left bank) than on the north side (right bank), as shown on Figure 2.

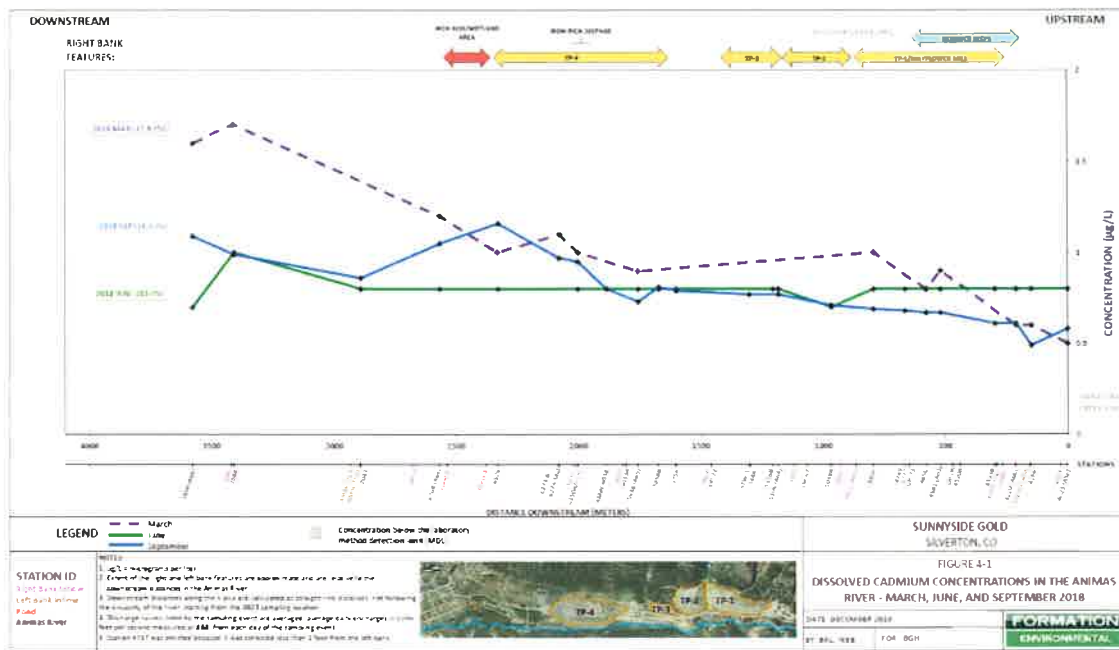
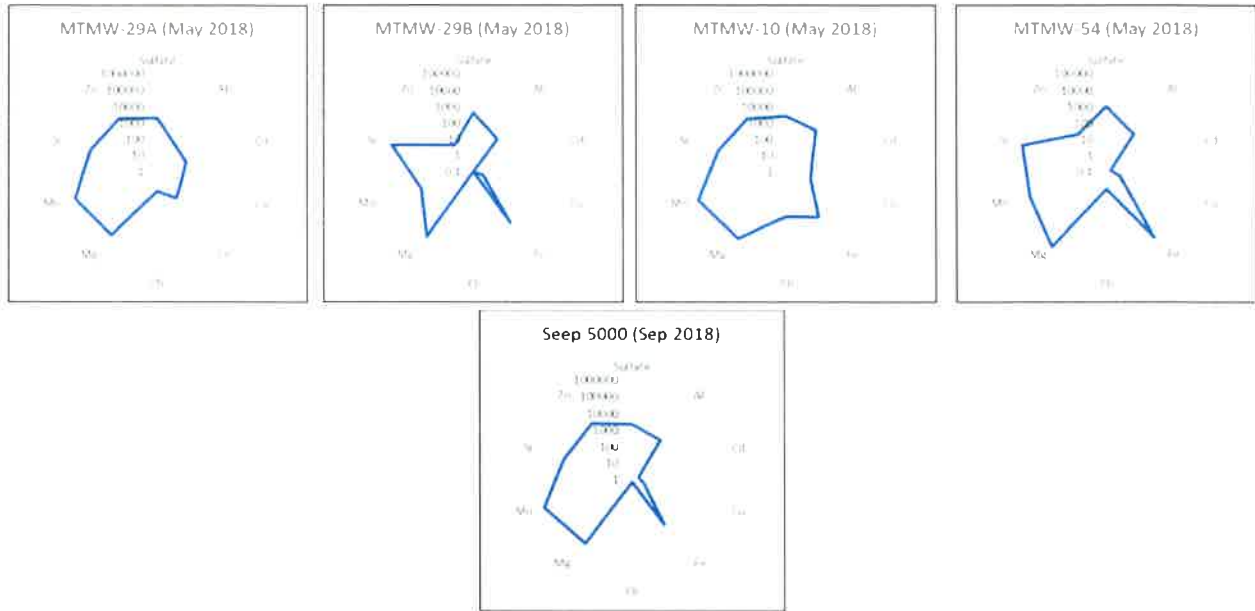


Figure 1 - Dissolved cadmium concentration profile in Animas River within Study Area (from Formation, 2019).

The enclosed information is preliminary and issued for review and discussion only.

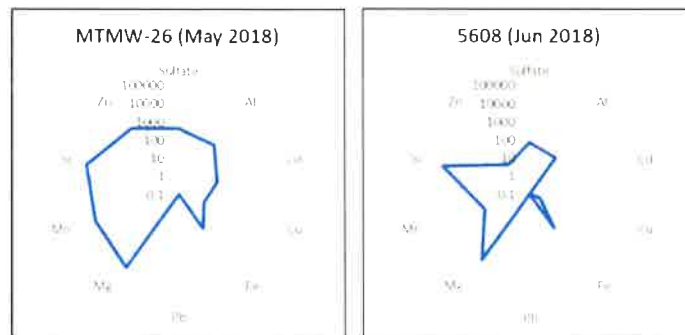




**Figure 3 - Radar diagrams for monitoring wells and Seep 5000 in the TP-1/TP-2 area.**

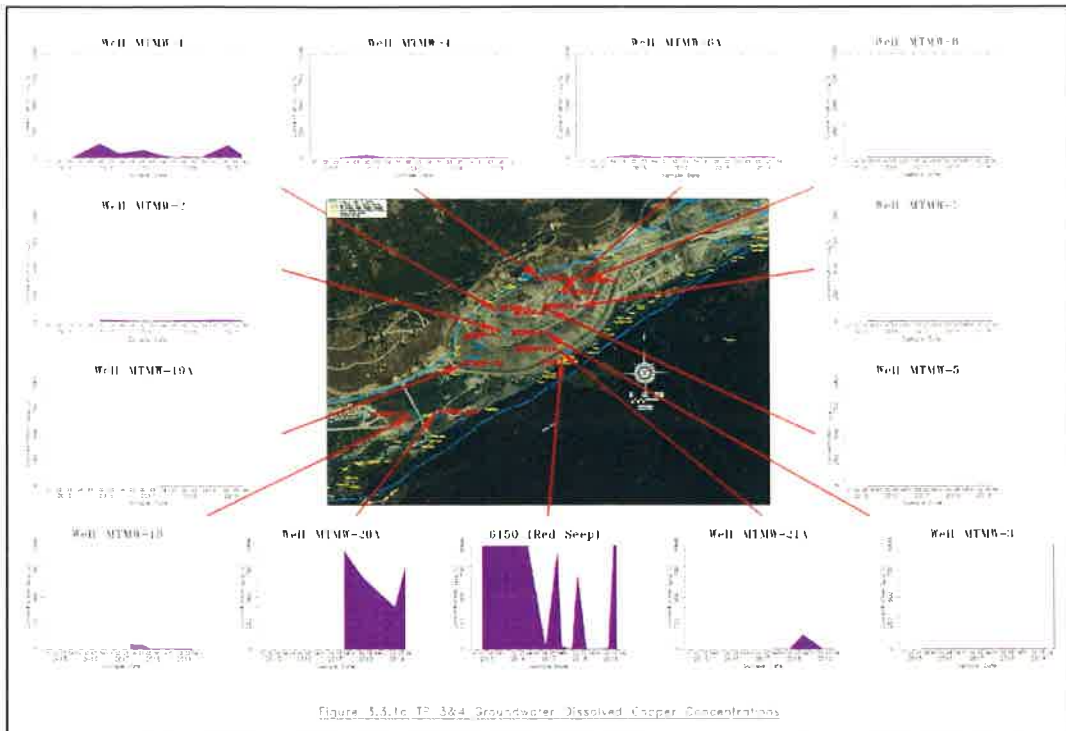
## 4.2 TP-3

There are limited data in this area from which to draw conclusions, and this is likely reflective of the absence of measurable discharges from which samples can be collected. There is no noteworthy increase in cadmium, copper, or zinc concentrations along this reach of the Animas River according to the data in Formation (2019). In fact, copper decreased along this reach in all three samples (March, June, September), while cadmium decreased in March and held steady in June. Zinc showed an increase in March and September, but the increase was slight. Only one right bank seep is documented, sample 5608, but this site is a drainage ditch and more likely representative of surface water than groundwater. The one groundwater sample collected in 2018 from the tailings (MW-26) carries higher solute concentrations and lower pH than seep 5608. However, radar diagrams for the two samples show no similarity (Figure 4), indicating that the source of solutes to seep 5608 is not the Mayflower Facilities tailings in the vicinity of MW-26.

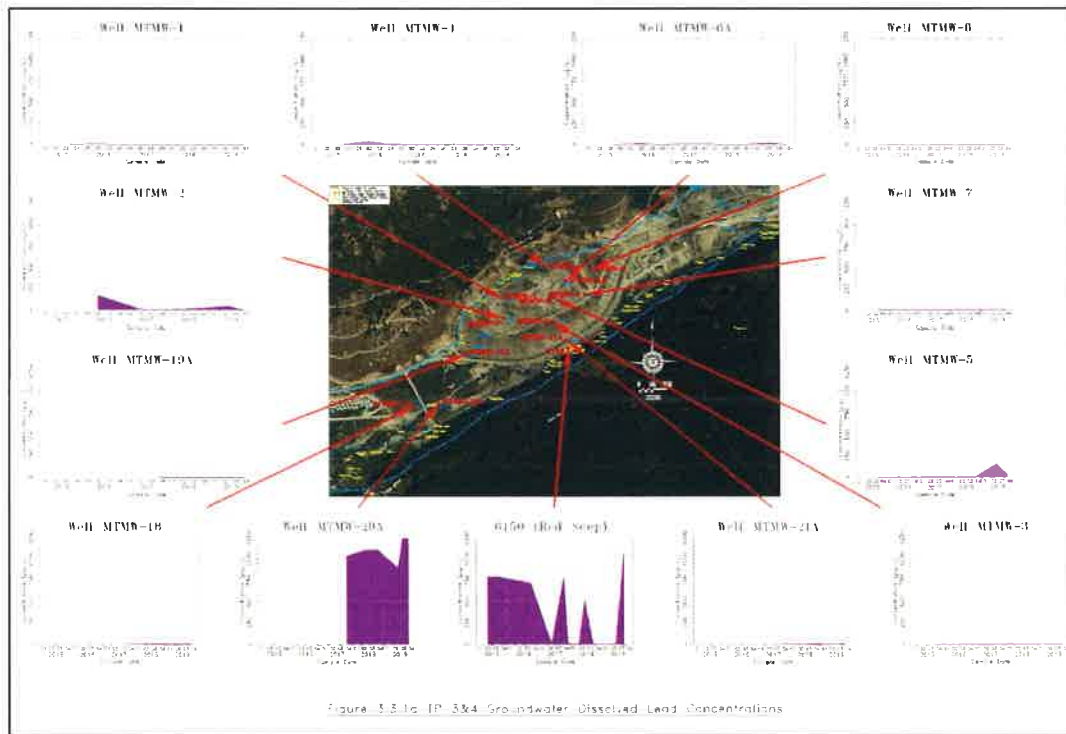


**Figure 4 - Radar diagrams for MTMW-26 and Seep 5608 in the vicinity of TP-3**

*The enclosed information is preliminary and issued for review and discussion only.*



**Figure 5b - Plot of copper in seep 6150 and groundwaters in and around TP-4**



**Figure 5c - Plot of lead in seep 6150 and groundwaters in and around TP-4**

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Additional evidence for the unique signature of 6150 is seen in sample OP-37 and the accompanying photograph in Formation (2019). The photograph (Figure 7) demonstrates an example of the metal-laden fluvial tailings that were deposited in the watershed in the period 1871-1935. Elevated metals concentrations in sample OP-37 relative to background are reported in Formation (2019). The fluvial tailings are distributed in the watershed and outcrop in the Study Area near seep sample 6150. It makes sense that this same material is present at seep sample 6150 and is responsible for the elevated solute concentrations in 6150.



**Figure 7 - Historical fluvial tailings outcropping near seep sample 6150**

Finally, isotopic data suggests different origins for 6150 and the groundwater samples, specifically the tritium signature. Tritium data suggest that 6150 is more reminiscent of surface water than groundwater (Table 1). It is not straightforward to resolve how this could occur, but perhaps river water occasionally infiltrates the riverbank during periods when the reach is losing, then re-emerges at sample site 6150, picking up solutes.

**Table 1. Isotopic data for monitoring wells and groundwater in TP-4**

	$\delta^{18}O$	$\delta^2H$	Tritium
MTMW-21A	-17.22	-122.8	0.8
MTMW-21B	-17.26	-123.4	0.8
MTMW-20A	-16.22	-115.7	3.4
6150	-16.1	-113.2	6.2

*The enclosed information is preliminary and issued for review and discussion only.*

this analysis that Pond-3 is probably the source of elevated metals to the other seep sample sites. However, the discharge from the seeps is relatively small, so the impact to the Animas River is likely negligible.

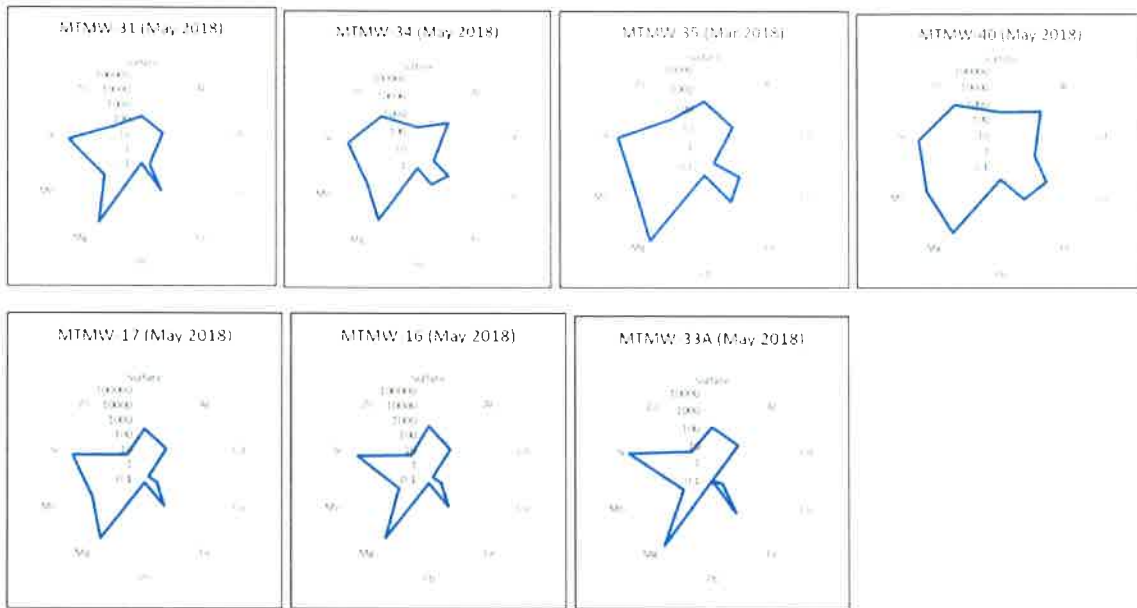


Figure 9 - Radar diagrams for monitoring wells in the Mill area.

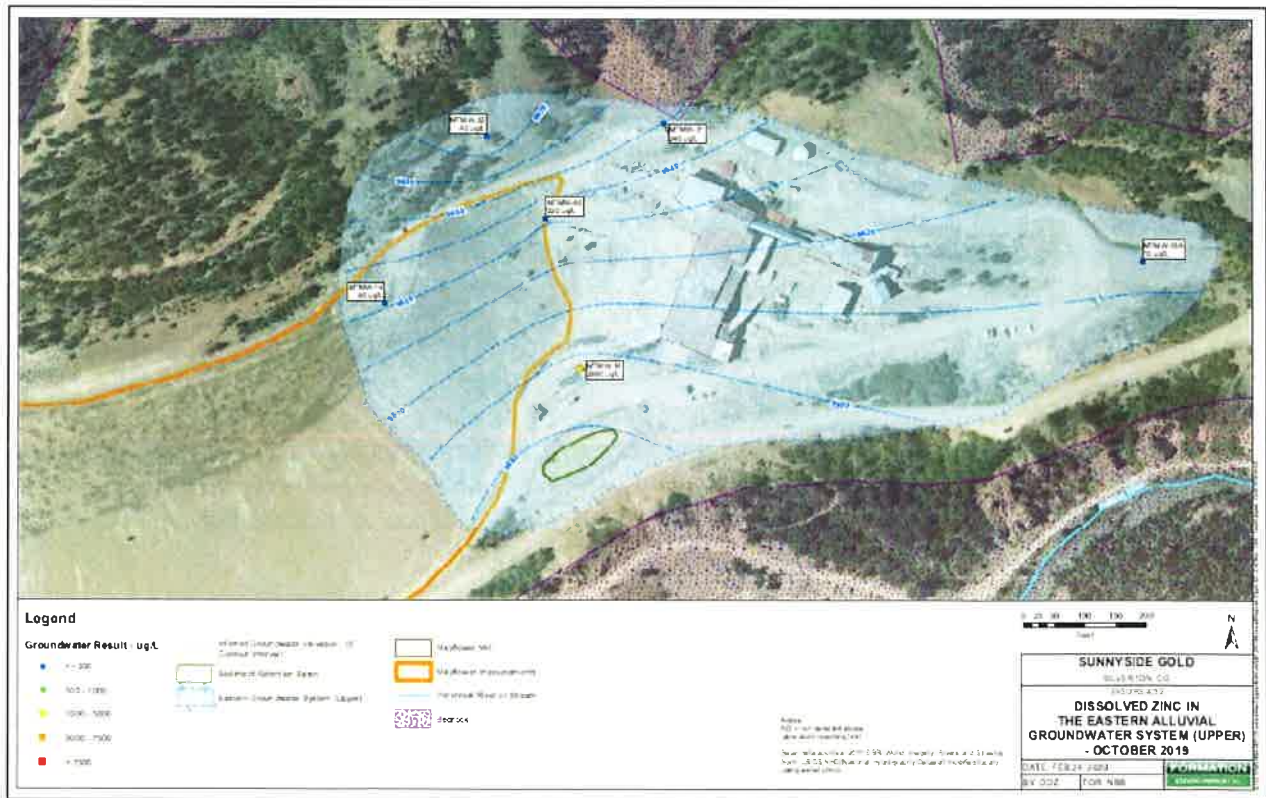


Figure 10 - Zinc concentrations in Mill area groundwater.

*The enclosed information is preliminary and issued for review and discussion only.*

## 6.0 REFERENCES

The primary sources of information researched for this task are identified below. The investigations of the Mayflower Study Area conducted by Formation from 2015 to 2019, and reflected in the Investigation Summary and Data Interpretation Reports identified below, have been extensive and of high quality, and there is no reason to doubt the accuracy of the data generated by those investigations.

Formation Environmental, 2016, 2015 Investigation Summary Report – Mayflower Mill and Tailings Impoundments Area.

Formation Environmental, 2017, 2016 Investigation Summary and Data Interpretation Report – Mayflower Mill and Tailings Impoundments Area.

Formation Environmental, 2018, 2017 Investigation Summary and Data Interpretation Report – Mayflower Mill and Tailings Impoundments Area.

Formation Environmental, 2019, DRAFT 2018 Investigation Summary and Data Interpretation Report – Mayflower Impoundments Area.

Formation Environmental, 2020, DRAFT 2019 Investigation Summary and Data Interpretation Report – Mayflower Impoundments Area.

Jones, W.R., 2008, History of Mining and Milling Practices and Production in San Juan County, Colorado 1871-1991, Chapter C of Integrated Investigations of Environmental Effects of Historical Mining in the Animas River Watershed, San Juan County, Colorado; edited by Church, S.E., von Guerard, P., Finger, S.E.

Kimball, B.A., Runkel, R.L., and Walton-Day, 2010, An approach to quantify sources, seasonal change, and biogeochemical processes affecting metal loading in streams: Facilitating decisions for remediation of mine drainage, Applied Geochemistry, 25, p728-740.

Perino, L., 2019, Mayflower Mill: An iconic National Historic Landmark.

Additional information included a variety of unpublished data and analyses by Knight Piésold and Formation.

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*The enclosed information is preliminary and issued for review and discussion only.*

## Consultant Profile

**David Bird**  
Geochemist

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### Education

M.S. Aqueous Geochemistry, University of Nevada Reno  
B.S. Geology, Oregon State University  
B.S. Management, Oregon State University

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### Registrations & Affiliations

Registered Professional Geologist, Oregon (#1438)  
NI43101 Qualified Person and Registered Member, Society for Mining, Metallurgy & Exploration (#4186987RM)  
Registered Professional Hydrogeologist in Water Quality, American Institute of Hydrology (2006-2011)  
Board of Examiners, American Institute of Hydrology (2006-08)  
MSHA surface and underground certified  
OSHA HAZWOPER certified

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### Expertise

Over 30 years' experience in surface and underground mining hydrogeochemistry, exploration geology-geochemistry, feasibility-due diligence studies, and regulatory compliance. Design, execution, and interpretation of mine waste geochemical characterization programs, mine waste management, design and supervision of water quality sampling and monitoring programs, mine drainage impact assessments, contaminant source delineation, permitting, and bonding. Proficient with PHREEQC, and other geochemical modeling applications including forward and inverse modeling for pit lake water quality predictions, reaction transport modeling of groundwater solutes to predict impacts from mining waste facilities, predictions of tailings and leach pad drain down chemistry, waste rock leachate impact assessments, source term derivations, and contaminant source tracking.

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### Employment

**2019 – present** Knight Piésold and Co., Senior Geochemist, Denver, Colorado  
**2011 – 2019** SRK Consulting (U.S.), Inc., Principal Geochemist, Denver, Colorado  
**2006 – 2011** Colorado Division of Reclamation, Mining & Safety, Principal Scientist / Geochemist, Denver, Colorado  
**2001 – 2006** Colorado Geological Survey, Senior Geochemist, Denver, Colorado  
**2001 - 2001** URS Corporation, Geochemist, Denver, Colorado  
**1993 – 2001** Hydrologic Consultants, Inc., Senior Project Geochemist, Lakewood, Colorado  
**1992 – 1993** Research Associate in Aqueous Geochemistry, University of Nevada, Reno  
**1989 – 1991** Carr Boyd Minerals / Ashton Mining, Exploration Geologist, Reno, Nevada  
**1983 – 1989** Freeport McMoRan, Inc., Exploration Geologist, Reno, Nevada and Republic of Panama

## Consultant Profile

### David Bird

#### Geochemist

- **Mineral Park Mine, Arizona, Elko Mining Group.** Review and gap analysis of historical mining activities and environmental conditions.
- **Miraflores gold project, Colombia.** Site wide impact assessment including tailings, waste rock, and pit lake; detailed geochemical characterization of tailings and waste rock and comprehensive hydrogeochemical model. Direction of sampling and analytical programs.
- **Montagne d'Or project, French Guiana, Nordgold / Columbus Gold.** Multidisciplinary investigation including waste rock and tailings geochemical characterization and pit lake predictive geochemical model in support of bankable feasibility study.
- **Morelos exploration project, Mexico, Torex Gold.** Supervised installation of deep ground water monitoring wells in core holes under complex hydrogeologic conditions and in geologically unstable ground).
- **Oshkosh Quarry, Wisconsin, Vulcan Materials.** Active limestone quarry. Hydrogeological investigation to evaluate existing and potential ground water inflows to quarry.
- **Pangea, El Gallo Mine Complex, Mexico, McEwen Mining.** Evaluation of heap leach pad rinsing requirements.
- **Pinto Valley Copper Mine, Arizona, Capstone Mining.** Multidisciplinary investigation involving waste rock and tailings geochemical characterization, pit lake predictive model, and heap leach pad predictive geochemical draindown model for closure and regulatory compliance.
- **Rincon Lithium Evaporite Mine, Argentina.** Application of geochemical thermodynamics and mass balance of brine chemistry for the purpose of estimating brine cycling and ore reserves.
- **San Dimas Silver Mine, Tayoltita, Mexico.** Evaluation of previous geochemical investigation, and recommendations for program advancement.
- **San Manuel Mine, Arizona.** Update of pit lake predictive geochemical model and aquifer impact assessment by reaction transport model.
- **Sanford Underground Research Facility, South Dakota.** Sampling, analytical oversight, interpretation and reporting; cooperative investigation with Geochimica, Aptos, CA.
- **Santa Maria de La Paz (NEMISA) copper mine, Mexico.** Site wide impact assessment including development and execution of waste rock and tailings sampling and analytical programs, coordination of analytical testing, interpretation of metal-leaching / acid-rock drainage potential.
- **Segovia gold project, Colombia, Gran Colombia Gold.** Evaluation of mine waste characterization data and practices, with recommendations to bring project to feasibility study level.
- **Stillwater underground platinum mine, Montana, Stillwater Mining.** Active underground platinum-palladium mine. Hydrogeologic investigation to characterize and reduce ground water inflows to active underground mining areas.
- **Tonkin Springs gold exploration project, Nevada, US Gold Corp.** Hydrogeochemical investigation, water quality sampling, airlift recovery testing, formulation of conceptual hydrogeochemical model and implementation of predictive geochemical pit lake model for a NEPA Environmental Assessment.
- **Twin Creeks gold mine, Nevada, Newmont Mining.** Open pit gold mine. Hydrogeochemical investigation and formulation of conceptual hydrogeochemical model for a NEPA EIS. Airlift testing of deep monitoring wells.
- **Rosemont Copper Project EIS.** Member of independent review team for pit lake water quality predictive investigation.
- **Confidential client, proposed copper mine, Brazil.** Geochemical modeling to provide preliminary estimate of reagent requirements, effluent concentrations, and sludge generation for proposed water treatment facility for copper mine feasibility study.
- **Confidential client, gold heap leach project, Turkey.** Evaluation of gold heap leach draindown chemistry and heap closure rinsing requirements for feasibility study.

## Project Experience: Colorado Geological Survey

- **Abandonment Mine Lands Program.** Assessments of water quality and chemical loading impacts from abandoned mines on US Forest Service lands in Colorado.

## Consultant Profile

**David Bird**

Geochemist

---

as baseline for future activities. Review and critique of sampling and analysis plan, mining plan, milling process and reagents, mine waste characterization for tailings disposal.





Willy Tookey &lt;admin@sanjuancolorado.us&gt;

---

**Repeal Gallagher Amendment - will be introduced next week**

1 message

**Gini Pingnot** <gpingenot@ccionline.org>

Thu, May 21, 2020 at 12:38 PM

To: Gini Pingnot &lt;gpingenot@ccionline.org&gt;

Cc: John Swartout &lt;JSwartout@ccionline.org&gt;, Kristin Dunn &lt;kdunn@ccionline.org&gt;, Eric Bergman &lt;ebergman@ccionline.org&gt;, Daphne Gervais &lt;DGervais@ccionline.org&gt;, Kyley Burress &lt;KBurress@ccionline.org&gt;, Annie Olson &lt;aolson@ccionline.org&gt;

Commissioners, Councilmembers and Mayors,

Good afternoon!

Attached is a referred measure to **repeal the Gallagher Amendment**. This will be introduced during the session that begins Tuesday, May 26<sup>th</sup>.

This Sen. Tate, Hansen and Rankin & Rep. Esgar bill – as the draft indicates – will:

1. Strike the 45/55% ratio in the constitution (p. 3, lines 9-27)
2. Strike the 29% assessment for all non-residential properties (p. 4, lines 4-6)

If this passes (2/3 vote approval by each chamber and simple majority vote by the public in November 2020), this means:

1. The 29% assessment rate for all non-residential properties can be changed by the legislature (by a simple majority vote)
2. The 7.15% assessment rate for residential properties can be changed by the legislature (by a simple majority vote)
3. New tax classes can be created (for example, rather than just have two – residential and non-residential – new classes could be created for short term rentals, main street businesses, businesses engaged in the development or natural resources or renewable energy, etc.)

Last Tuesday, we all learned that the projections indicated the RAR would drop to 5.88%. This would – based on DPT's analysis - result in \$203m in lost tax revenues for counties beginning in calendar year 2022. However, as a friend of mine likes to say: "All models are wrong. Some are useful but they are all wrong." This is not intended to minimize this potential risk but I share that quote recognizing that actions/non-actions are reliant on many unknowns and many assumptions (which I know is how you all have to make decisions every day!).

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**DRAFT**

LLS NO. R20-0117.01 Ed DeCecco x4216

**SENATE Concurrent Resolution**

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**SENATE SPONSORSHIP**

**Tate and Hansen, Rankin**

**HOUSE SPONSORSHIP**

**Esgar,**

---

**Senate Committees**

**House Committees**

---

**SENATE CONCURRENT RESOLUTION**

101     **SUBMITTING TO THE REGISTERED ELECTORS OF THE STATE OF**  
102             **COLORADO AN AMENDMENT TO THE COLORADO CONSTITUTION**  
103             **CONCERNING THE REPEAL OF PROVISIONS RELATED TO**  
104             **PROPERTY TAX ASSESSMENT RATES, AND, IN CONNECTION**  
105             **THEREWITH, REPEALING THE REQUIREMENT THAT THE GENERAL**  
106             **ASSEMBLY ADJUST THE RESIDENTIAL ASSESSMENT RATE IN**  
107             **ACCORDANCE WITH A FORMULA DESIGNED TO MAINTAIN THE**  
108             **PERCENTAGE OF THE AGGREGATE STATEWIDE VALUATION THAT**  
109             **IS ATTRIBUTABLE TO RESIDENTIAL PROPERTY; REPEALING THE**  
110             **HISTORICAL RESIDENTIAL ASSESSMENT RATE OF TWENTY-ONE**  
111             **PERCENT; AND REPEALING THE NONRESIDENTIAL ASSESSMENT**  
112             **RATE OF TWENTY-NINE PERCENT.**

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Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

1 ballot title set forth in section 2 for the following amendment to the state  
2 constitution:

3 In the constitution of the state of Colorado, section 3 of article X,  
4 **amend** (1)(b) as follows:

5 **Section 3. Uniform taxation - exemptions.** (1) (b) Residential  
6 real property ~~which~~ shall include all residential dwelling units and the  
7 land, as defined by law, on which such units are located, and mobile  
8 home parks, but shall not include hotels and motels. ~~shall be valued for~~  
9 ~~assessment at twenty-one percent of its actual value. For the property tax~~  
10 ~~year commencing January 1, 1985, the general assembly shall determine~~  
11 ~~the percentage of the aggregate statewide valuation for assessment which~~  
12 ~~is attributable to residential real property. For each subsequent year, the~~  
13 ~~general assembly shall again determine the percentage of the aggregate~~  
14 ~~statewide valuation for assessment which is attributable to each class of~~  
15 ~~taxable property, after adding in the increased valuation for assessment~~  
16 ~~attributable to new construction and to increased volume of mineral and~~  
17 ~~oil and gas production. For each year in which there is a change in the~~  
18 ~~level of value used in determining actual value, the general assembly shall~~  
19 ~~adjust the ratio of valuation for assessment for residential real property~~  
20 ~~which is set forth in this paragraph (b) as is necessary to insure that the~~  
21 ~~percentage of the aggregate statewide valuation for assessment which is~~  
22 ~~attributable to residential real property shall remain the same as it was in~~  
23 ~~the year immediately preceding the year in which such change occurs.~~  
24 ~~Such adjusted ratio shall be the ratio of valuation for assessment for~~  
25 ~~residential real property for those years for which such new level of value~~  
26 ~~is used. In determining the adjustment to be made in the ratio of valuation~~  
27 ~~for assessment for residential real property, the aggregate statewide~~



## Coronavirus Relief Fund (CRF) Local Government Distribution Process

### Distribution Available: \$272,250,000

\$217,800,000 - Counties and Municipalities

\$ 27,225,000 - Special Districts

\$ 27,225,000 - Reserve - method of use pending collaboration with Fiscal Impact Funding working group

### Purpose

Title V, Section 5001(d) of the CARES Act provides the eligible purposes for which Coronavirus Relief Fund payments may be used. Specifically, it allows local governments to request reimbursement for program payments that:

- 1) are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);
- 2) were not accounted for in the budget most recently approved as of the date of enactment [March 27, 2020] of this section for the local government; and
- 3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020

Eligible expenditure guidance is provided by the U.S. Treasury [Guidance](#) and further information shared in U.S. Treasury's [Frequently Asked Questions](#)

### Eligible Entities

Colorado Counties, Municipalities, and Special Districts EXCEPT the 5 counties that received a direct distribution from the US Treasury and the municipalities within those counties.

### Process for Counties/Municipalities/Special Districts Funds

All local governments that choose to participate are invited to:

- Complete a one time opt-in web-based form open for 30 days. This form requires affirmations of spending, reporting, monitoring, and certain federal requirements of local government participants for the Coronavirus Relief Funds.
  - a. Counties and Municipalities: Encouraged to collaborate on requested funding. Requests will be capped at the per capita share/population to establish a *place marker* for funds. 2019 US Census Bureau population figures will be used for this purpose.
  - b. Special Districts: Because Special Districts do not have a population established and often cross jurisdiction boundaries, *requests will be capped at \$500,000* per request to establish a *place marker* amount per special district.
- All participating local governments will receive an award to proceed with reimbursement requests.
- All eligible reimbursement requests must be accompanied by the Request for Reimbursement (RF) form provided by DOLA along with all supporting documentation and proof of payment.
- All award/next step agreements will expire by March 31, 2021.

### Process for Reserve Funds

Grand County	15,734	\$1,341,324
Gunnison County	17,462	\$1,488,636
Hinsdale County	820	\$69,905
Huerfano County	6,897	\$587,969
Jackson County	1,392	\$118,668
Kiowa County	1,406	\$119,862
Kit Carson County	7,097	\$605,019
Lake County	8,127	\$692,827
La Plata County	56,221	\$4,792,840
Larimer County	356,899	\$30,425,640
Las Animas County	14,506	\$1,236,637
Lincoln County	5,701	\$486,010
Logan County	22,409	\$1,910,367
Mesa County	154,210	\$13,146,403
Mineral County	769	\$65,557
Moffat County	13,283	\$1,132,376
Montezuma County	26,183	\$2,232,101
Montrose County	42,758	\$3,645,120
Morgan County	29,068	\$2,478,047
Otero County	18,278	\$1,558,200
Ouray County	4,952	\$422,158
Park County	18,845	\$1,606,536
Phillips County	4,265	\$363,591
Pitkin County	17,767	\$1,514,637
Prowers County	12,172	\$1,037,663
Pueblo County	168,424	\$14,358,146
Rio Blanco County	6,324	\$539,121
Rio Grande County	11,267	\$960,512
Routt County	25,638	\$2,185,640
Saguache County	6,824	\$581,746
San Juan County	728	\$62,062
San Miguel County	8,179	\$697,260
Sedgwick County	2,248	\$191,642
Summit County	31,011	\$2,643,688
Teller County	25,388	\$2,164,327
Washington County	4,908	\$418,407
Weld County	324,492	\$27,662,943
Yuma County	10,019	\$854,120
	<b>2,554,230</b>	<b>\$217,748,108</b>



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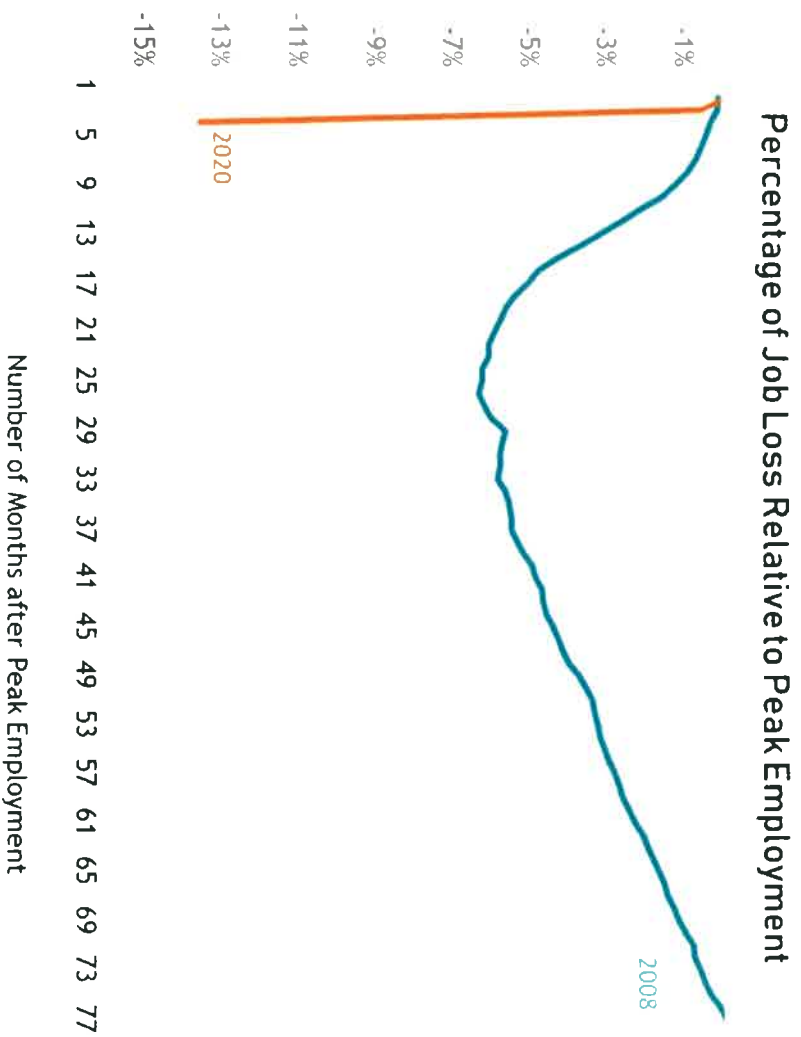
## Colorado Economic and Fiscal Outlook

**Lauren Larson - Director**

**Luke Teater - Deputy Director**

May 12, 2020

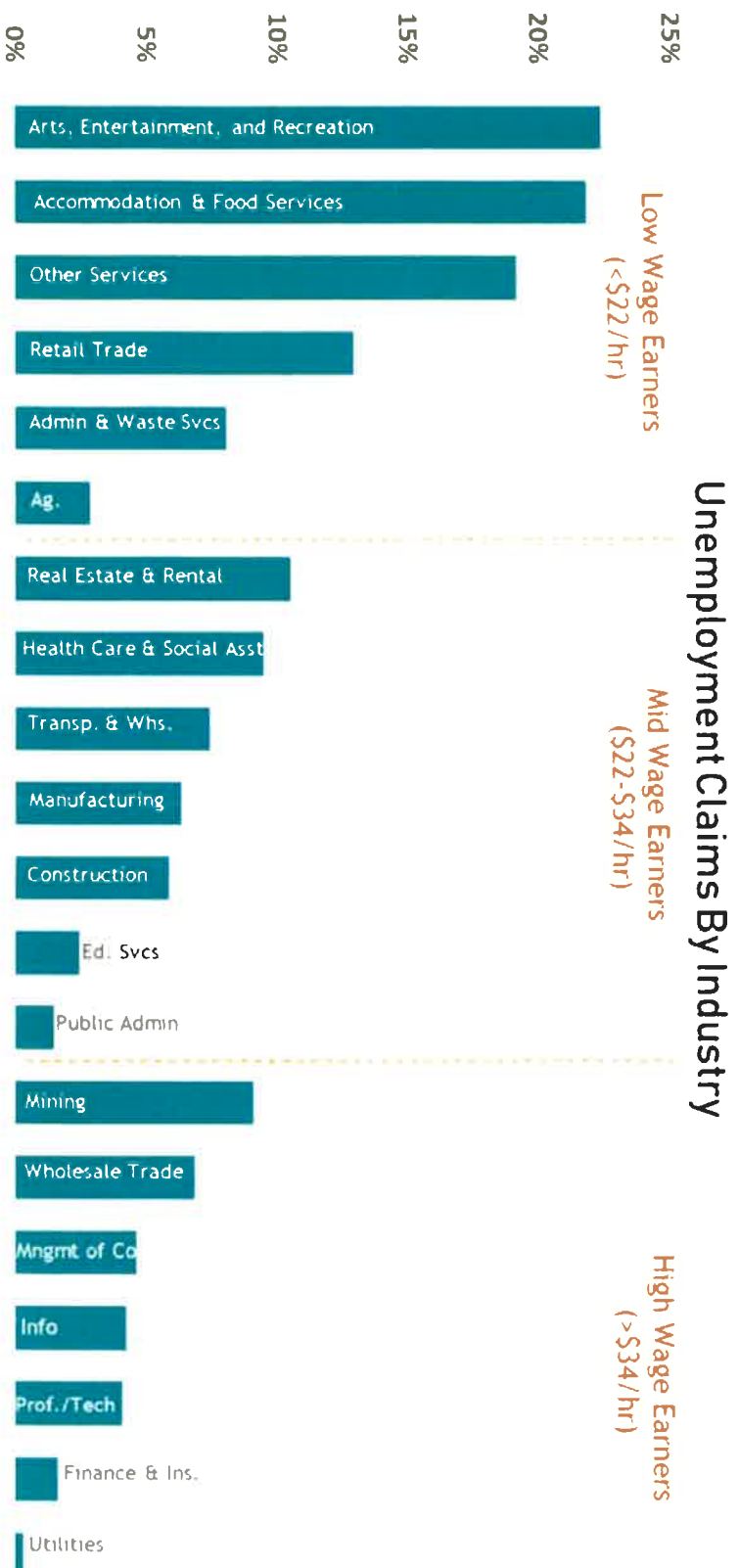
# Job Loss Relative to Peak Employment



Source: U.S. Bureau of Labor Statistics



# Unemployment hits industries with lower wage earners



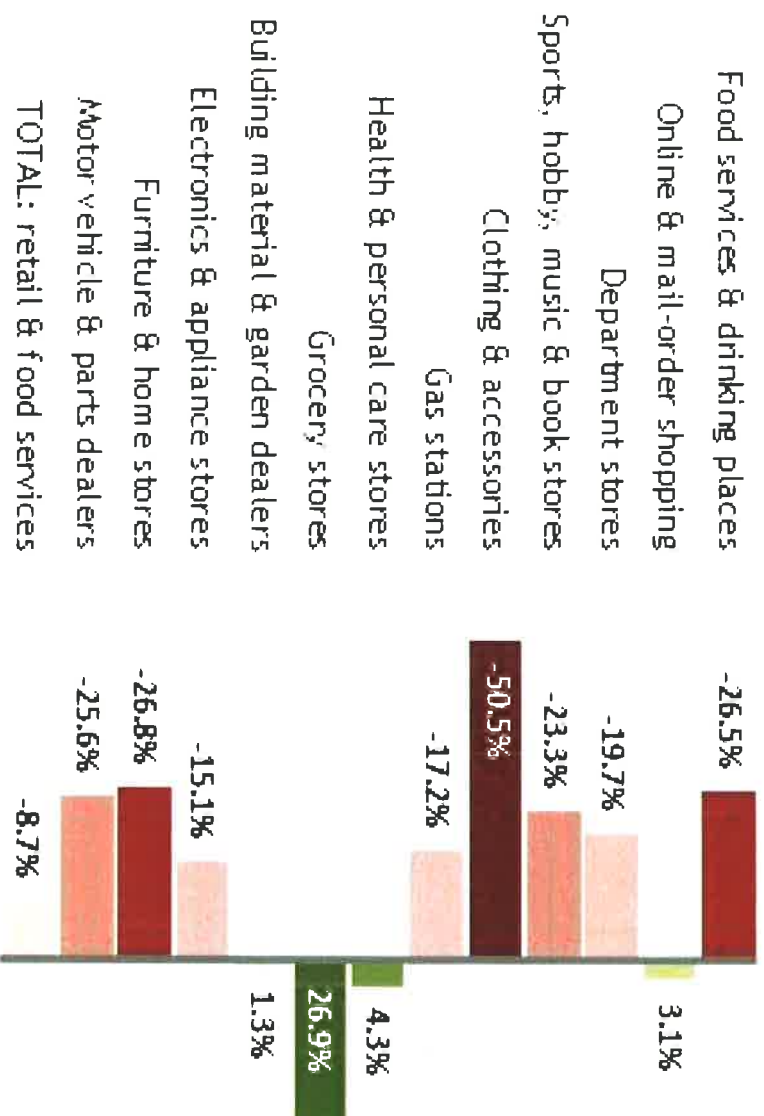
Source: CDLE (unemployment claims filed from March 21st through April 25th, 2020)



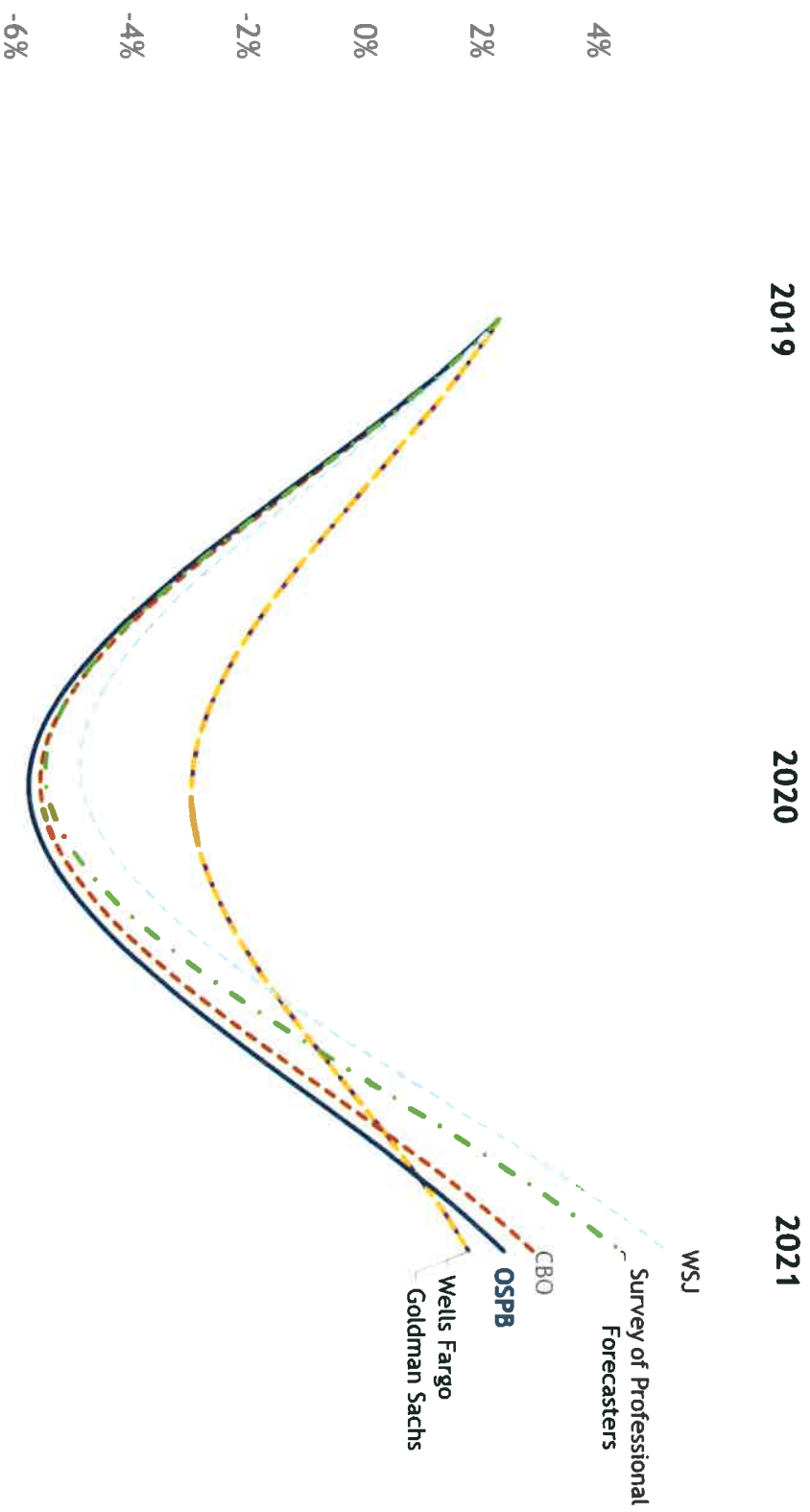


# Consumer Activity

Changes in U.S. Retail Sales, March 2020

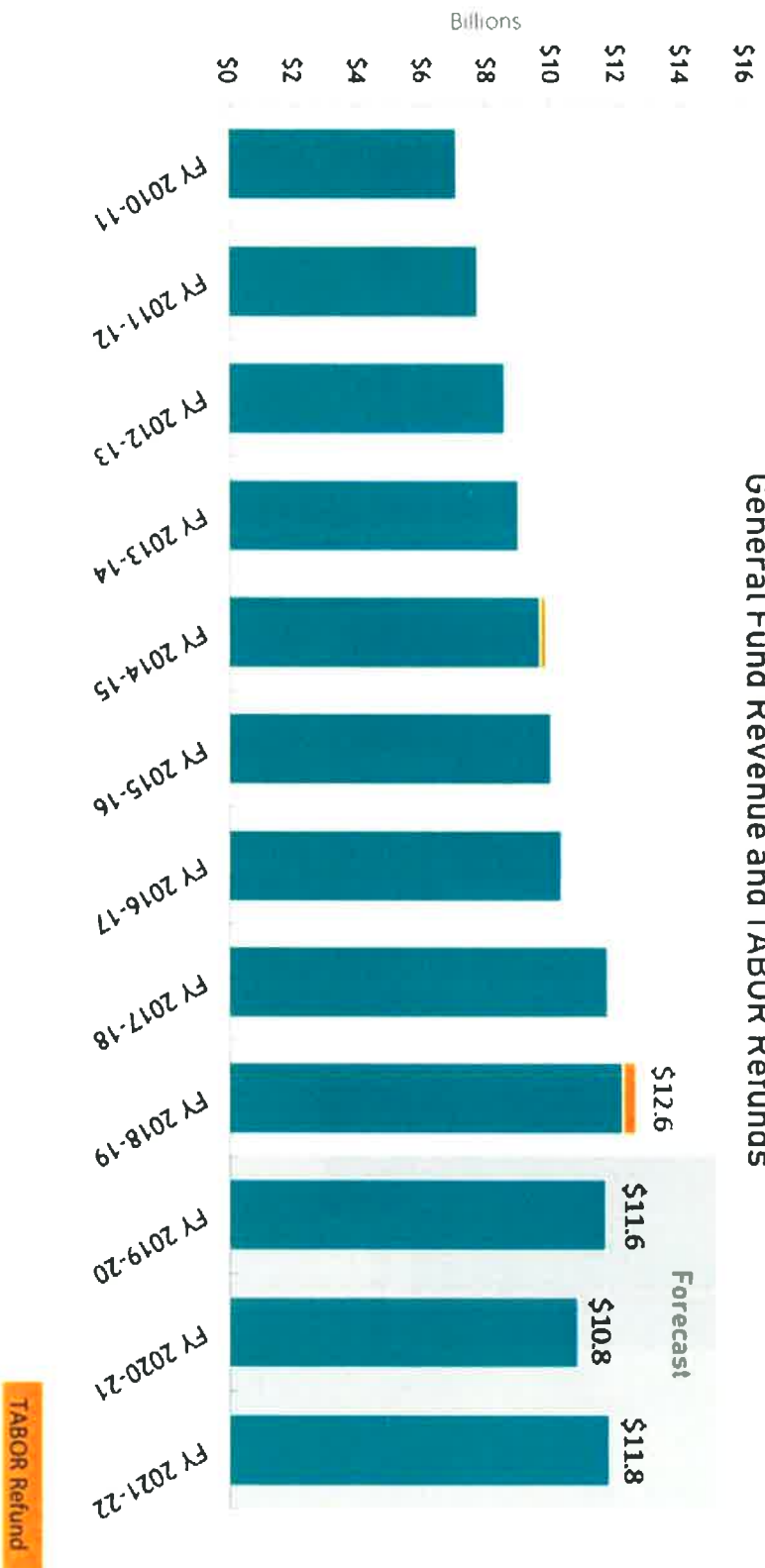


# GDP Benchmarks



# General Fund Revenue

General Fund Revenue and TABOR Refunds



# CARES Act Revenue Impacts

- Corporate & Income Tax Reduction Estimates

Estimated Revenue Impacts of CARES Act's Tax Provisions			
	FY 19-20	FY 20-21	FY 21-22
Individual Income Tax	\$75 million	\$222 million	\$41 million
Corporate Income Tax	\$11 million	\$50 million	\$27 million



# Budget Impacts

- FY21 budget will need to be \$3.4 billion less than Governor's request (including FY20 impacts carried over)
- That is equivalent to \$2.7 billion less than current year spending (as reduced by Executive Order D 2020 050)

# Appendix



## FORECAST TABLES & MISC.

# Table 2: National Economic Variables-History & Forecast

Line No.		Actual								May 2020 Forecast		
		2014	2015	2016	2017	2018	2019	2020	2021	2022		
<b>Inflation-Adjusted &amp; Current Dollar Income Accounts</b>												
1	Inflation-Adjusted Gross Domestic Product (Billions)/A	\$16,912.0	\$17,403.8	\$17,688.9	\$18,108.1	\$18,638.2	\$19,072.5	\$17,966.3	\$18,379.5	\$19,629.3		
2	Change	2.5%	2.9%	1.6%	2.4%	2.9%	2.3%	-5.8%	2.3%	6.8%		
3	Personal Income (Billions)/B	\$14,991.7	\$15,717.8	\$16,121.2	\$16,878.8	\$17,819.2	\$18,624.2	\$18,587.0	\$18,884.3	\$19,979.6		
4	Change	5.7%	4.8%	2.6%	4.7%	5.6%	4.5%	-0.2%	1.6%	5.8%		
5	Per-Capita Income (\$/person)	\$47,099	\$49,021	\$49,920	\$51,937	\$54,545	\$56,740	\$56,344	\$56,961	\$59,965		
6	Change	5.0%	4.1%	1.8%	4.0%	5.0%	4.0%	-0.7%	1.1%	5.3%		
7	Wage and Salary Income (Billions)/B	\$7,475.2	\$7,856.7	\$8,083.5	\$8,462.1	\$8,888.5	\$9,323.0	\$8,894.1	\$8,947.5	\$9,484.4		
8	Change	5.1%	5.1%	2.9%	4.7%	5.0%	4.9%	-4.6%	0.6%	6.0%		
<b>Population &amp; Employment</b>												
9	Population (Millions)	318.3	320.6	322.9	325.0	326.7	328.2	329.9	331.5	333.2		
10	Change	0.7%	0.7%	0.7%	0.6%	0.5%	0.5%	0.5%	0.5%	0.5%		
11	Unemployment Rate	6.2%	5.3%	4.9%	4.4%	3.9%	3.7%	10.9%	8.0%	6.0%		
12	Total Nonagricultural Employment (Millions)	138.9	141.8	144.3	146.6	148.9	150.9	143.1	143.8	148.7		
13	Change	1.9%	2.1%	1.8%	1.6%	1.6%	1.4%	-5.2%	0.5%	3.4%		
<b>Price Variables</b>												
14	Consumer Price Index (1982-84=100)	236.7	237.0	240.0	245.1	251.1	255.7	258.2	263.9	269.7		
15	Change	1.6%	0.1%	1.3%	2.1%	2.4%	1.8%	1.0%	2.2%	2.2%		
16	Producer Price Index - All Commodities (1982=100)	205.3	190.4	185.4	193.5	202.0	199.8	190.2	194.2	204.3		
17	Change	0.9%	-7.3%	-2.6%	4.4%	4.4%	-1.1%	-4.8%	2.1%	5.2%		
<b>Other Key Indicators</b>												
18	Pre-Tax Corporate Profits (Billions)	\$2,120.2	\$2,061.5	\$2,011.5	\$2,005.9	\$2,074.6	\$2,091.2	\$1,926.0	\$2,157.1	\$2,310.3		
19	Change	5.4%	-2.8%	-2.4%	-0.3%	3.4%	0.8%	-7.9%	12.0%	7.1%		
20	Housing Permits (Millions)	1,052	1,183	1,207	1,282	1,329	1,290	1,066	1,504	1,931		
21	Change	6.2%	12.4%	2.0%	6.2%	3.7%	3.1%	-22.2%	41.1%	28.4%		
22	Retail Trade (Billions)	\$5,215.7	\$5,349.5	\$5,509.3	\$5,740.6	\$6,021.1	\$6,235.7	\$5,867.8	\$6,167.1	\$6,654.3		
23	Change	4.3%	2.6%	3.0%	4.2%	4.9%	3.6%	-5.9%	5.1%	7.9%		



# Table 4: General Fund Overview

Line No.		May 2020 Estimate by Fiscal Year				
		Actual FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	
<b>Revenue</b>						
1	Beginning Reserve	\$1,366.0	\$1,262.5	\$220.8	-\$2,456.0	
2	Gross General Fund Revenue	\$12,564.0	\$11,630.1	\$10,755.0	\$11,750.8	
3	Transfers to the General Fund	\$17.2	\$53.8	\$0.8	\$0.8	
4	<b>TOTAL GENERAL FUND AVAILABLE</b>	<b>\$13,947</b>	<b>\$12,946</b>	<b>\$10,977</b>	<b>\$9,296</b>	
<b>Expenditures</b>						
5	Appropriation Subject to Limit	\$11,258.7	\$11,806.8	\$12,560.5	\$8,039.7	
6	Dollar Change (from prior year)	\$827.8	\$548.1	\$753.7	-\$4,520.9	
7	Percent Change (from prior year)	7.9%	4.9%	6.4%	-36.0%	
8	Spending Outside Limit	\$1,596.3	\$918.8	\$872.0	\$653.0	
9	TABOR Refund under Art. X, Section 20, (7) (d)	\$428.5	\$0.0	\$0.0	\$0.0	
10	Homestead Exemption (Net of TABOR Refund)	\$106.4	\$0.0	\$163.7	\$169.9	
11	Other Rebates and Expenditures	\$159.7	\$141.6	\$140.4	\$143.3	
12	Transfers for Capital Construction	\$180.5	\$222.6	\$175.7	\$30.0	
13	Transfers for Transportation	\$495.0	\$300.0	\$50.0	\$50.0	
14	Transfers to State Education Fund	\$25.0	\$40.3	\$24.0	\$0.0	
15	Transfers to Other Funds	\$201.1	\$214.2	\$318.2	\$259.8	
16	Other Expenditures Exempt from General Fund Appropriations Limit	\$0.0	\$0.0	\$0.0	\$0.0	
17	<b>TOTAL GENERAL FUND OBLIGATIONS</b>	<b>\$12,855</b>	<b>\$12,726</b>	<b>\$13,433</b>	<b>\$8,693</b>	
18	Percent Change (from prior year)	14.6%	-1.0%	5.6%	-35.3%	
19	Reversions and Accounting Adjustments	-\$170.3	\$0.0	\$0.0	\$0.0	
<b>Reserves</b>						
20	<b>Year-End General Fund Balance</b>	<b>\$1,262.5</b>	<b>\$220.8</b>	<b>-\$2,456.0</b>	<b>\$603.0</b>	
21	Year-End General Fund as a % of Appropriations	11.2%	1.9%	-19.6%	7.5%	
22	General Fund Statutory Reserve	\$814.2	\$856.0	\$942.0	\$603.0	
23	Above/Below Statutory Reserve	\$448.3	-\$635.2	-\$3,398.0	\$0.0	



# Table 6: Cash Fund Revenue Subject to TABOR

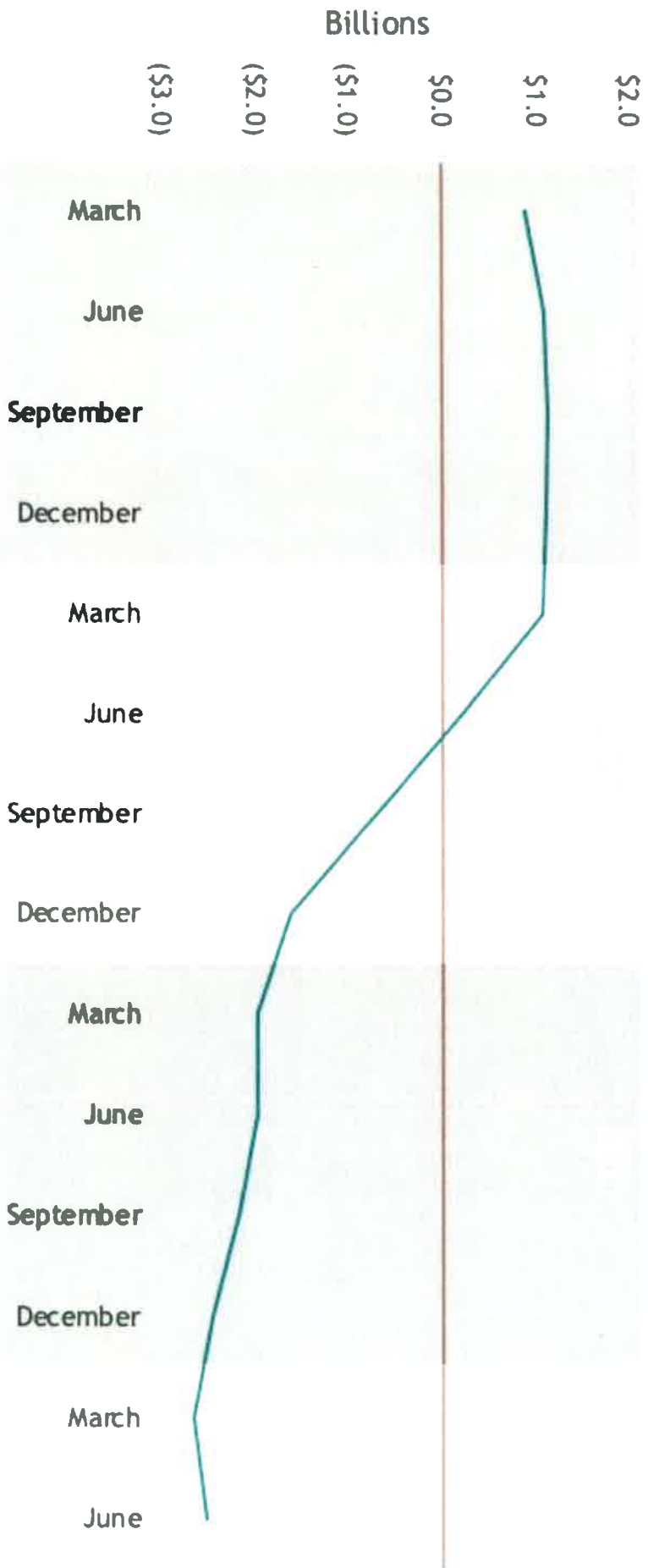
Line No.	Category	Actual FY 2018-19	May 2020 Estimate by Fiscal Year		
			FY 2019-20	FY 2020-21	FY 2021-22
1	Transportation-Related /A	\$1,275.9	\$1,215.8	\$1,234.0	\$1,296.4
2	Change	0.0%	-4.7%	1.5%	5.1%
3	Limited Gaming Fund /B	\$107.0	\$64.3	\$60.8	\$62.8
4	Change	0.2%	-39.9%	-5.5%	3.4%
5	Capital Construction - Interest	\$4.7	\$5.6	\$5.7	\$5.7
6	Change	1.6%	19.0%	0.4%	0.4%
7	Regulatory Agencies	\$78.8	\$84.8	\$88.5	\$90.2
8	Change	-2.1%	7.7%	4.4%	1.8%
9	Insurance-Related	\$22.6	\$25.7	\$20.8	\$21.3
10	Change	26.7%	13.8%	-18.9%	2.2%
11	Severance Tax	\$255.2	\$140.4	\$56.1	\$71.9
12	Change	78.4%	-45.0%	-60.0%	28.2%
13	Other Miscellaneous Cash Funds	\$693.8	\$803.4	\$806.4	\$833.6
14	Change	2.6%	15.8%	0.4%	3.4%
15	<b>TOTAL CASH FUND REVENUE</b>	<b>\$2,438</b>	<b>\$2,340</b>	<b>\$2,272</b>	<b>\$2,382</b>
16	Change	5.8%	-4.0%	-2.9%	4.8%



# UI Trust Fund



**Forecast of Quarterly Trust Fund Balance through 2022**  
(Updated May 2020)




**COVID-19 ALERT**

**MAINTAIN PHYSICAL DISTANCE  
AT TRAILHEADS AND ON TRAILS.**

**EMS RESPONSE MAY BE LIMITED!**

*Be Smart. Be Safe. Have Fun*

**THANK YOU.**





# NEWS RELEASE

## For Immediate Release

### Media Contacts:

#### DFPC:

Caley Fisher (720) 391-1565 [caley.fisher@state.co.us](mailto:caley.fisher@state.co.us)

#### BLM:

Eric Coulter (970) 244-3061 [ecoulter@blm.gov](mailto:ecoulter@blm.gov)

#### NPS:

Sandra Snell-Dobert 970-641-2337 [sandy\\_snell-dobert@nps.gov](mailto:sandy_snell-dobert@nps.gov)

#### GMUG NFs:

Kimberlee Phillips (970) 874-6717 [kim.phillips@usda.gov](mailto:kim.phillips@usda.gov)

## Public Land Agencies Offer Friendly Reminder Wildfire Safety is Everyone's Responsibility

---

**Montrose, Colorado, May 21, 2020** –As we celebrate Memorial Day and the start of summer, public land agencies encourage the public to be extra careful with all campfires and combustible materials to prevent human-caused fires.

The Bureau of Land Management (BLM) Gunnison, Uncompahgre and Tres Rios Field Offices; Colorado Division of Fire Prevention and Control (DFPC); National Park Service (NPS), Black Canyon of the Gunnison National Park and Curecanti National Recreation Area and the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests would like to provide a few helpful tips and reminders for best practices to help prevent an unintentional wildfire while recreating and hunting on public lands this Memorial Day weekend.

To reduce wildfire risk, please consider the following:

- Practicing proper vehicle maintenance; ensuring that tow chains are secured, and a vehicle has no dragging parts, check tire pressure, and properly maintaining your breaks. Even chains dragging along the ground, such as those on ATVs, can spark fires.
- When target shooting taking a few simple precautions can prevent devastating results: place your target on dirt or gravel, switch to paper targets, avoid incendiary targets and exploding ammunition, bring a shovel and fire extinguisher, and report any fires by calling 911.
- Fireworks are never permitted on public lands.
- If you are camping and build a fire outside a designated fire ring make sure you clear the area of debris including, grasses and small vegetation. Clear your fire site perimeter approximately 10 feet in diameter and use rocks or a fire pan to contain your fire. Keep a shovel and water nearby at all times to extinguish the fire.
- Never leave a fire unattended and make sure that you completely put out your campfire before leaving your campsite. Practice the drown, stir, feel method when extinguishing your campfire. Use water or dirt to douse the fire, stir the ashes and if necessary, continue to add water or dirt until the fire is smothered.
- When smoking, always dispose of cigarette debris in an ashtray.



PO Box 250  
Silverton, CO 81433

970-387-5522



**SAN JUAN COUNTY**

PO Box 466  
Silverton, CO 81433

970-387-5766

Date: May 19, 2020.

For: May 26 Town Board Meeting & May 27 County Commissioners Meeting.

From: Town/County Planning Director.

Regarding: Two Week Update on Town & County Planning Projects.

Some of the Town & County projects and applications in this office over the last two weeks are the following:

- Development of a Town Staff Infrastructure Consultation Request Form and Process, with Building Inspector and Public Works Director.
- Public Hearing at the May 13 County Commissioners meeting, where the Proposed Lime Creek Road “Tiny Home” RV Park was denied; extensive coordination with the adjacent land owners.
- Proposed revisions to the Town Accessory Dwelling Unit (ADU) regulations, to be reviewed by the Planning Commission tonight.
- Hidden Treasure Revised Lode, Proposed Bed & Breakfast Structure, List of Final Conditions of Approval; ongoing coordination with excavator, owner, and builder.
- Proposed revisions to the Town Vacation Rental regulations.
- Avalanche Brewery, façade changes to a historic structure, within the Town Historic Overlay District, to be reviewed by the Town Historic Review Committee tonight; extensive coordination with the adjacent land owners.
- Lashley Residence at 1350 Blair Street, proposed façade changes to a historic structure, within the Town Historic Overlay District, to be reviewed by the Town Historic Review Committee tonight.
- Town Code Committee meetings each Thursday, Town Staff meetings each Wednesday, County Commissioners meetings every other Wednesday, Town Board meetings every other Monday.
- Cascade Village Proposed Water Treatment Plant Building, to be reviewed by the Planning Commission tonight; extensive coordination with the adjacent land owners.
- Proposed Riley Residence, Outbuildings, & Building Envelope Revision, at Lot 4 Cole Ranch, to be reviewed by the County Commissioners in a May 27 Public Hearing; extensive coordination with the adjacent land owners.
- Assistance to the Assessor regarding avalanche/zoning restrictions on Schmidt’s Town lots.
- Assistance was provided to an in-Town landowner, regarding a Town Use Subject to Review Application, for a proposed mixed use building, in the avalanche blue zone.
- Coordination with Public Works, realtor, landowner, regarding an application for a proposed curb cut and driveway on Greene.
- Continued assistance regarding development of Town lots, along the Truck Bypass Road, the Bluff Street platted alleys, and along platted Animas Street.
- Several ongoing/upcoming projects within the Town Historic Overlay District, and evaluating the conflicting requirements for neighbor notification, to be discussed tonight at the Planning Commission meeting.
- County permitting for the Cascade Village proposed foundation drain and storm drain system repair project, including storm drain inlets and proposed retaining walls.
- Outdoor World, proposed façade changes to a historic structure, within the Town Historic Overlay District, to be reviewed by the Town Historic Review Committee in June.



Ladonna Jaramillo &lt;clerk@sanjuancolorado.us&gt;

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**Maintenance Renewal**

1 message

**Bruce Ellsworth** <bruce@saulscreek.com>

Mon, May 25, 2020 at 10:34 AM

To: "LaDonna L. Jaramillo (clerk@sanjuancolorado.us)" &lt;clerk@sanjuancolorado.us&gt;

Hi Ladonna,

Attached is a three year lease and maintenance renewal agreement beginning Jan 1, 2021.

If you wish to renew please review, sign and return the signature page. I will email back a fully executed pdf for your records.

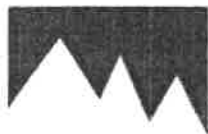
If changes are desired please mark the Word file and return to our office for review; change tracking is turned on.

I am getting organized earlier this year, yes this is a little early.

Please contact me if you have any questions.

Thank you

Bruce

**SAUL'S  
CREEK  
ENGINEERING**

**Bruce Ellsworth**  
**Saul's Creek Engineering, Inc.**  
**PO Box 63090**  
**Colorado Springs CO 80962**  
**888.608.8565**

**Maintenance Agreement - 2020May23.docx**

40K

# COMPUTERIZED SYSTEM MAINTENANCE AGREEMENT

This Computerized System Maintenance Agreement (the "Agreement") is entered into as of May 23, 2020, between Saul's Creek Engineering, Inc., of PO Box 63090, Colorado Springs CO 80962-3090 ("Saul's Creek Engineering"), and San Juan County Recorder's Office of PO Box 466, Silverton, CO 81433-0466 ("County").

WHEREAS, Saul's Creek Engineering has developed a certain proprietary software and computer hardware system known as **theCountyRecorder™** (the "System"); and

WHEREAS, County has purchased the System from Saul's Creek Engineering; and

WHEREAS, County desires maintenance, support and services of the System.

NOW, THEREFORE, the undersigned, by execution of this Agreement do hereby agree as follows:

**1. SERVICE ITEMIZATION.** Maintenance, support and services will be provided to the County for a period of three (3) years beginning on January 1, 2021. A summary of services provided under this agreement are shown in the following table:

<b>Maintenance Cost - Monthly</b>				
Qty	Description	Reference	Unit Price	Total
1	Support & Maintenance	Para. 4	\$505.00	\$505.00
1	Internet Services	Para. 3	\$180.00	\$180.00
<b>Total Monthly Recurring Costs</b>				<b>\$685.00</b>

**2. SOFTWARE LICENSE.** The County is granted a nonexclusive, non-transferable, limited license to install and use the System software on any computer located on the County LAN (local area network) or WAN (wide area network). This license is limited to sites and computers owned by the County. This license does not allow or provide for use of the System outside the County.

This software license is limited by the number of documents recorded per year. The County is allowed to record a maximum of 1,200 documents per year with this license.

This software license was granted in a Purchase Agreement dated May 12, 2005.

**3. SUPPORT AND MAINTAINANCE.** This Agreement includes a three (3) year System Maintenance, Support and Upgrade Warranty ("Maintenance") commencing on the date specified in the "Service Itemization" section. The Maintenance contract will be automatically renewed annually unless written notice is received 30 days prior to the expiration of each term.

The remote access support service will trouble shoot operator problems, correct database errors, should they occur, and keep the System operational and efficient.

The cost of the Maintenance is \$505.00 per month. Saul's Creek Engineering will bill the County in advance once every 6 months in the amount of \$3,030.00.

The Maintenance specifically does not cover legislative mandated changes.

Cost of programming changes beyond initial System installation and upgrades will be done at the County's expense on a time and materials basis to be negotiated at the time of service.

**4. INTERNET SERVICES.** Saul's Creek Engineering will provide internet services consisting of eRecording, a hosted Public search web site and off-site data backup. The Hosted Website will allow public access to search both index and image data. Data from the Recorder's Server will be replicated via the internet to the Hosted Website. The Hosted Website is owned by Saul's Creek Engineering, the data is owned by the County. Saul's Creek Engineering will be responsible for development, installation and maintenance of the Hosted Website.

The cost of the Hosted Website is \$180.00 per month commencing on the date specified in the "Service Itemization" section. Saul's Creek Engineering will bill the County in advance once every 6 months in the amount of \$1,080.00.

The hosting contract will be automatically renewed semi-annually (6 months) unless written notice is received 30 days prior to the expiration of each term.

**5. FUTURE SYSTEM UPDATES.** Future updates to the System may require software and/or hardware upgrades to the County's existing equipment at the County's expense. Future updates that include extended functionality to the System may also require payment of an upgrade fee to Saul's Creek Engineering. The amount of any upgrade fees will be negotiated at the time of upgrade.

**6. SYSTEM REQUIREMENTS.** Computer requirements for the Recorder's Server and Workstations are specified in System Requirements ("Attachment A"). It is the County's responsibility to insure all existing computers used with the System meet these requirements. Any computers that do not meet these requirements must be upgraded to meet the minimum requirements at the County's expense.

**7. HARDWARE MAINTENANCE.** It is the County's responsibility to maintain all hardware delivered as part of the System. Saul's Creek Engineering will provide guidance to assist the maintenance of this equipment. Changes made to the Recorder's Server, hardware and software must be coordinated with Saul's Creek Engineering prior to implementation to insure compatibility with the System.

**8. DATA BACKUP.** It is the County's responsibility to perform data backup of the System database and image store. The System will include software to aid County in performing this task. Saul's Creek Engineering will support the County in their data



backup effort but will not be held responsible for ongoing data scheduling and backup of the database and image store.

**9. REMOTE ACCESS.** The County will be responsible for providing remote access capability to the Recorder's Server as described in System Requirements ("Attachment A"). The Recorder's Server requires remote access by Saul's Creek Engineering to provide support and maintenance.

It would be desirable for both the County and Saul's Creek Engineering if remote access were available from the Recorder's Server to each individual Recorder's Workstation via a VNC connection.

**10. PAYMENT.** The County will be invoiced for all payments due under this contract. Saul's Creek Engineering will allow a 30-day payment period, within which the County must remit payment in full and in advance, payable by check to Saul's Creek Engineering, Inc., PO Box 63090, Colorado Springs CO 80962-3090.

**11. LATE PAYMENT OF MAINTENANCE FEE / HOSTING FEE.** Saul's Creek Engineering may terminate this contract if payments are past due. Written notice will be given to the County by Saul's Creek Engineering for intent to terminate this contract for late payment. If payment is not received by Saul's Creek Engineering after 30 days of the written notice this contract will be terminated.

**12. FUTURE FUNDING.** This Agreement is not intended to be, nor shall it constitute, a multiple-fiscal year financial obligation of County. While County hereby affirms its present intention to appropriate funds sufficient to pay all amounts specified herein in subsequent years, it shall be under no obligation to do so. County's funding obligation with regard to the Hosted Website and/or the System Maintenance, Support and Upgrade Warranty beyond the initial year of this agreement is expressly subject to the County Board appropriating sufficient funds for this specific contractual obligation through the County's annual budget appropriation process. Should the County Board fail or refuse to budget and appropriate funding for this contractual obligation for any subsequent fiscal year the contractual obligation shall terminate on last day of the fiscal year preceding the year for which funding of the contractual obligation has not been budgeted and appropriated.

The County may cancel the Hosted Website and/or the System Maintenance, Support and Upgrade Warranty at any time by providing Saul's Creek Engineering 30 day written notice. However, in no event shall the County's total financial obligation to Saul's Creek Engineering for these services exceed the funding lawfully budgeted and appropriated for the current fiscal year contractual obligation.

**13. MEDIATION.** If a dispute relating to this contract is not resolved, the parties shall first proceed in good faith to submit the matter to mediation. Mediation is a process in which the parties meet with an impartial person who helps to resolve the dispute informally and confidentially. Mediation cannot impose binding decisions. The parties

to the dispute must agree before and settlement is binding. The parties will jointly appoint an acceptable mediator and will share equally in the cost of such mediation. The mediation, unless otherwise agreed, shall terminate in the event the entire dispute is not resolved 30 calendar days from the date written notice is requesting mediation is sent by one part the other. This Section shall not alter any date in this contract, unless otherwise agreed. Mediation will be located in La Plata County, Colorado and will be managed by a Colorado mediator.

If any dispute arises between the parties from or concerning this Agreement or the subject matter hereof which cannot be resolved by mediation, any suit or proceeding at law or in equity shall be brought in the Colorado District Court in La Plata County of the State of Colorado. The parties hereby waive any objection to a suit or proceeding brought in the foregoing forum on the grounds that the suit or proceeding is brought in an improper or inconvenient forum or otherwise should be heard in any other forum for any reason.

**14. LIMITATIONS OF LIABILITY.** Saul's Creek Engineering shall not be liable to County for indirect, special, incidental, exemplary, or consequential damages (including, without limitation, lost profits) related to this Agreement or resulting from County's use or inability to use the System, arising from any cause of action whatsoever, including contract, warranty, or strict liability, even if Saul's Creek Engineering has been notified of the possibility of such damages.

**15. CONFIDENTIALITY.** Both parties acknowledge that during the course of this Agreement, each may obtain confidential information regarding the other party's business. Both parties agree to treat all such information and the terms of this Agreement as confidential and to take all reasonable precautions against disclosure of such information to unauthorized third parties during and after the term of this Agreement, to the extent permitted by Colorado law.

**16. NOTICES.** All notices required or permitted hereunder or under any related agreement or instrument will be deemed delivered when delivered personally in writing or mailed, by certified mail, return receipt requested, or registered mail, to the parties at the following addresses or to such addresses as the respective parties may in writing hereafter direct:

Saul's Creek Engineering, Inc.  
PO Box 63090  
Colorado Springs CO 80962-3090  
ATTN: Bruce Ellsworth

San Juan County Recorder's Office  
PO Box 466  
Silverton CO 81433-0466  
ATTN: Ladonna Jaramillo

**17. GENERAL PROVISIONS.**

This Agreement represents the entire and integrated agreement and understanding between the parties and supersedes all prior negotiations, statements, representations and agreements, whether written or oral. The terms of Attachment A are incorporated into the contract.

Neither this Agreement, nor any rights or obligations hereunder shall be assigned by a party without the prior written consent of the other party.

This Agreement shall be modified only by a written agreement duly executed by all parties hereto.

The parties mutually understand and agree that this Agreement shall be governed by and interpreted pursuant to the laws of the State of Colorado. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, or if County is advised of any such actual or potential invalidity or unenforceability, such holding or advice shall not invalidate or render unenforceable any provision hereof. It is the express intent of the parties that the provisions of this Agreement are fully severable.

County does not waive any governmental immunity by entering into this Agreement, and fully retains all immunities and defenses provided by law with regard to any action based on this Agreement.

All notices required and permitted under this Agreement shall be deemed to have been given, if and when deposited in the U.S. Mail, properly stamped and addressed to the party for whom intended at such party's address as listed herein, or personally to such other party. A party may change its address for notice hereunder by giving written notice to the other party of the new address.

The parties have executed this Agreement the day and year above written.

San Juan County Recorder's Office, Colorado

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chair, San Juan County Board of Commissioners

\_\_\_\_\_  
County Recorder Date: \_\_\_\_\_

Saul's Creek Engineering, Inc.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Bruce Ellsworth  
President

# ATTACHMENT A

## SYSTEM REQUIREMENTS

### Disclaimer

The requirements specified here are subject to change and should be used as a guideline for initial system installation. As **theCountyRecorder™**, operating systems, and other components evolve, system requirements will change to maintain compatibility with these improvements.

### Recorder's Server

The server must meet all hardware and software requirements imposed by .Net Framework 4.5.1.

The Recorder's Server requires network connections to all users of **theCountyRecorder™**.

An Internet connection by the Recorder's Server is required. No bandwidth requirements are imposed.

Access to the server with remote access software from Saul's Creek Engineering's offices is required. Also desired is the ability to remotely connect to Recorder's Workstation for training and support purposes.

Operating System	Windows 2012 x64 Windows 2012 R2 x64 Windows 2016 x64 Windows 2019
Hardware Requirements - Minimum	1G Hz processor 8G byte memory
Software Requirements	.Net Framework 4.5.1 Microsoft SQL Server – see notes below Remote access software
Hard Disk	100G byte OS partition 900G byte Data partition

### Recording Workstations

The Recorder software runs on workstations located in the Recorder's office. The software requires these workstations have a minimal hardware and software level of compatibility.

The workstations must meet all hardware and software requirements imposed by the .Net Framework 4.5.1.

RS-232 Port: an RS-232 port is necessary if a slipsheet / receipt printer is installed on the Recording Workstation

Operating System	Windows 7 Windows 8 Windows 8.1 Windows 10
Hardware Requirements - Minimum	1G Hz processor 4G byte memory
Software Requirements	.Net Framework 4.5.1
Hard Disk	500G byte
Video	A screen resolution of 1280 x 1024 or greater is required. We recommend a monitor screen size of 20 inches or larger.
Network Connection	A 1000M bit/sec network connection or greater is recommended.

## Public Search Workstations

Public Search workstations have the same requirements as Recorder's workstations.

## Database

**theCountyRecorder™** requires Microsoft's SQL Server 2012 or greater for its database.

## Scanners

Scanners used with **theCountyRecorder™** must be 32 bit TWAIN compatible.

## Labeling Devices

Support for slip sheet and label printers will be added on an as-needed basis. Printers that have not been qualified for use with **theCountyRecorder™** may need to be sent to Saul's Creek Engineering for integration.

Cognitive TPG slip sheet printers, including the A760, are supported. Please note that slip sheet printers require a RS-232 port on the associated workstation.

The Dymo LabelWriter series is supported.

Zebra G-series printers are supported; the GK420 is currently qualified. Other models may need to be tested in our office to insure compatibility with our recording system.

## MEMORANDUM

May 26, 2020

TO: Economic Recovery Team  
FR: William A. Tookey  
RE: Economic Recovery Plan

The County has currently adopted the Governor's Safer At Home health order. The addition of a health advisory for any new or returning resident or business operator to self-quarantine for 14 days will expire. The Safer At Home Executive Order has been amended to June 1, 2020.

Using the previous outline that I sent the committee I have provided an update based on the Safer At Home Health Order and other information. If I have missed something or if my information is incorrect, please let me know. The current status for business operations under based on the Safer AT Home health order is as follows:

- I. Construction  
The issuance of new permits is allowed. Both local and out of town contractors can work on construction site.  
Contractors must follow guidelines implemented by state order.  
Building Inspector/Code Enforcement Officer Bill MacDougall will monitor work sites to make sure best practices are being implemented.
- II. Tourist Economy
  - A. Railroad – The Railroad has delayed beginning services until early to mid-June. June trains will not run to Silverton. The Railroad needs to run at 75% capacity to break even. There is some discussion of running excursion trains originating in Silverton
  - B. Restaurants/Food service – The Governor has provided guidance to allow restaurants to provide on premise dining in addition to take out and curbside service. The Town has installed picnic tables in the business district to provide outdoor seating for restaurant customers.
  - C. Lodging
    1. Hotel/Motels – Hotels and Motels are currently allowed to operate to provide lodging for travelers doing essential business.
    2. RV Parks and Campgrounds – Effective May 25<sup>th</sup> private campsites are open.
    3. Vacation Rentals – Vacation rentals are not allowed to operate at this time.
  - D. Gift Shops – Retail businesses are allowed to operate provided they meet the Governor's Safer At Home guidelines.



- B. Motorized winter activities
- C. Non-Motorized winter activities

VI. Marketing

VII. Other Businesses

VIII. Long Term Economic Recovery

- A. Workforce Mobility
- B. Remote Workforce



## D 2020 079

### EXECUTIVE ORDER

#### Amending and Extending Executive Order D 2020 044 Safer at Home

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.*, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order to amend and extend Executive Order D 2020 044 concerning Safer at Home requirements due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

#### I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive coronavirus disease 2019 (COVID-19) test result in Colorado. Since then, the number of confirmed cases has continued to climb, and there is community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and on March 11, 2020, I issued the corresponding Executive Order D 2020 003, as amended by Executive Orders D 2020 018, D 2020 032, D 2020 058, and D 2020 076. On March 25, 2020, I requested that the President of the United States declare a Major Disaster for the State of Colorado, pursuant to the Stafford Act. The President approved that request on March 28, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. It can also be spread through contact with contaminated surfaces. Public health experts recommend we practice social distancing, or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19. This is especially important for vulnerable individuals as 90% of Colorado fatalities are individuals older than 60. Evidence shows that social distancing and the Stay at Home Executive Order D 2020 017, as amended, have helped to slow the increase of cases and rate of infection.

While we have seen indications that our efforts to "flatten the curve" are working, increased transmission of the virus continues to threaten Coloradans' way of life and livelihoods. As we take steps to return Coloradans to work, we must continue to practice social distancing at

**III. Duration**

Executive Order D 2020 044, as amended and extended by this Executive Order, shall expire on June 1, 2020, unless extended further by Executive Order. In all other respects, Executive Order D 2020 044 shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this twenty-fifth day of  
May, 2020



Jared Polis  
Governor

