



Nathan Ruybal
CONEJOS COUNTY CLERK & RECORDER
6683 COUNTY ROAD 13 PO BOX 127
CONEJOS, COLORADO 81129
TELEPHONE: 719 376 5422 FAX 719 376 5997
nruybal@co.conejos.co.us

Minutes of the Board of County Commissioners Special Meeting held on May 9, 2024, at 6:00 pm in the Commissioners Board Room, 6693 County Road 13, Conejos, CO 81129

Comm. Garcia called the meeting to order at 6:00 pm
Mitchell Jarvies – Chairperson – Present
Carlos Garcia - Vice Chair – Present
Joseph Baroz – Vice Chair – Present

Present: Nathan Ruybal -Clerk and Recorder, Nick Sarmiento-County Attorney, Tressesa Martinez-County Administrator

Pledge of Allegiance: Comm. Jarvies led everyone on the Pledge of Allegiance.

Prayer: Comm. Jarvies gave the opening prayer.

Approval of Agenda:

- Comm. Baroz makes motion to approve agenda as presented.
- Comm. Garcia seconds that motion.
- Motion Carries 3-0

Public Comment: No Public Comment

Comm. Jarvies explains why the County is implementing the 1041 Regulations with the purpose of protecting the citizens as well as our resources. Land, Water and our citizens are the main reasons why the County is needing to implement the 1041 regulations. The discussion is not regarding any specific utility application from Excel or any other utility company.

Attorney Sarmiento first discussed that we will first discuss water exportation outside of Conejos and the 1041 regulations that will be adopted. The water regulations are proposed in collaboration with the other SLV Board of County Commissioners. 1041 stipulates that if any county were to receive an application to export water outside the county the mechanisms within the 1041 regulations would allow review by all other counties after initial review from primary county.

Martel Faltz asks the BOCC if these 1041 regulations protect citizens from State or Municipal condemnation of water. Attorney Sarmiento states that State or Municipal condemnation of water is a different matter. However, it is the power of the State or Municipal agent to condemn if they so rule, however these regulations will confront any private citizen or entity for selling and exporting water outside the county.

Comm. Jarvies explains that the 1041 is a lengthy document and the BOCC decide to move to the Standards of approval for water exportation. Linda DeHerrera states that the collaboration of counties have outlined everything pertinent regulating the exportation of water. Linda also mentions that the initial application process for any water exportation application would be reviewed by a third party, this third-party agency would then provide Conejos County Land Use with their review. Linda explains that the application fee would pay for the time and expertise of the third part application review agency and that no expense will be paid by Conejos County.

Comm. Jarvies moves the meeting along to the Public Utility portion of the public hearing, Comm. Jarvies asks the public attending if there are any specific questions that they have regarding public utility 1041 regulations.

Brianna Crowther from Sanford asks the BOCC when a public utility company decides to run a transmission line through private land, what in the 1041 regulations protect the landowner? Brianna reads from page 36 from the 1041 regulations regarding the process of having an analysis done of any impacts to agricultural productivity.

Who does the analysis, the public utility company, the county?

BOCC answers that the review process would be the same as the water regulations, a third-party engineering company would be hired to review the initial application and they would provide the county with their recommendation to move forward with the final application.

Attorney Sarmiento starts by reviewing the application and review process for Public Utility 1041 regulations.

BOCC and Attorney Sarmiento discuss regulations pertaining to site selection of Solar Farms in Conejos County. Martel Faltz asks if there could be a maintenance bond added to the regulations to avoid wildfires due to unmaintained transmission lines from the Public Utilities Companies.

Socio-Economic provisions will be added to protect the natural resources and economy of the farmers and ranchers that may be impacted by a Public Utility Project.

Discussion on public utility companies using the currently existing right of ways, the public and BOCC discuss possibly using a third party to determine why public utility companies could not use the existing utility lines easement also including a maintenance bond is in the 1041 regulations.

Brianna Crowther is adamant that any public utility company should always use existing lines and easements, Mrs. Crowther does not want to see new power poles and lines to go through her and any other landowner's property. Attorney Sarmiento begins to artfully draft a statement to add to 1041 regulations to have public utilities use existing easements and right aways when applicable.

Attorney Sarmiento reads through the rest of the 1041 Regulations without any pushback, the regulations are well crafted and cover regulations that are clear and protective to our wildlife, land and resources.

Martel Faltz asks questions regarding voltage lines that create a large hum when in operation, Attorney Sarmiento agrees that we need to add a provision to mediate the loud hum.

BOCC discusses regulations to prohibit a public utility company obstructing views of the mountain vistas. BOCC does not want to create a condition that allows power utilities companies to erect powerlines all over the county.

BOCC and Attorney Sarmiento discuss the next several meetings and below is the dates and times for all future meetings regarding 1041 regulations.

Meeting dates important for adopting the 1041 regulations.

July 18th BOCC meeting to adopt – Final Adoption Date.

June 20th Public Hearing at 6pm

May 23rd and June 6th Work Sessions at 5pm

Meeting Adjourned at 8:30 pm

ATTEST:


Nathan Ruybal
Clerk of the Board


Mitchell Jarvis
Chair of BOCC

