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Minutes of the Board of County Commissioners Special Meeting held on September 20, 2023, 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

Citizens Present: Walter Perea, Cleatus Perea, Leslie Salazar, Delfino and Daisy Garcia, Virgil Ruybal, Sharlene Farmer, Felix Gallegos, James Sowards, Brad Quinlan.

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

Prayer: Comm. Jarvies gave the opening prayer.

Approval of Agenda:

Motion to approve agenda as presented.
Comm. Garcia First Motion
Comm. Baroz Second Motion
Motion Carries 3-0


- Comm. Jarvies opens the Public Hearing for Off-Highway Vehicle Recreational Use in Conejos County.
- Comm. Jarvies invites Attorney Sarmiento to present the resolution
- Attorney Sarmiento details that statute allows BOCC to adopt by resolution and not by ordinance.
- Attorney Sarmiento highlights section of resolution that discusses the designation of agricultural use and recreations use.
- Conejos County has no jurisdiction on agricultural use, this resolution is to allow use of OHV on county roads for recreational use only.
- Walter Perea asks how will the County differentiate between Ag and recreational use?
- Attorney Sarmiento cleverly answers one will have a shovel and one will not, however Attorney Sarmiento discusses this resolution is only for recreational use and veers away from agriculture use.
- Resolution allows use of OHV from sunrise to one hour after sunset.

- Mrs. Connie Ricci asks Attorney Sarmiento to discuss that resolution is for only unincorporated Conejos County.
- Attorney Sarmiento points out that this does not cover use in the Town of Antonito, Manassa, La Jara, Romeo, Sanford and Richfield.
- Resolution is for only unincorporated Conejos County.
- Driver must have a valid driver's license or must be accompanied by a passenger with a valid driver's license.
- Driver must be 16 years of age or older per OHV manufacturer recommendation.
- OHV must not exceed more than 35 miles per hour.
- Driver must also carry insurance on OHV.
- Mr. Robert Chavez comments about insurance and the high costs of modern day from groceries to property tax and how many families are already at a breaking point financially.
- Mr. Leslie Salazar mentions that the county and everyone else is nitpicking and charging for everything and is against the county regulating the need to carry of insurance on the OHV.
- Comm. Jarvies discusses that the BOCC needs to look out for everyone in the county, including those that are not on OHV's.
- Comm. Jarvies explains that the county is not looking to make any money from this restriction for insurance, however, is a way to protect citizens in case of an accident.
- Mr. Felix Gallegos explains that he is also against the need for insurance of the OHV.
- Mr. Delfino Garcia asks out of the 64 counties in Colorado, how many require insurance on OHV?
- Comm. Jarvies answers that for those counties that allow OHV use all required insurance on OHV, and that Conejos County borrowed a lot of these terms from other county resolutions.
- Mr. Robert Chavez from his professional experience at the Credit Union discusses that the county will have a hard time keeping citizens honest about having insurance, Mr. Chavez believes that many will remove the insurance after the first month.
- Comm. Jarvies explains that the BOCC understands that, but as away to protect the County as well, we need to add the insurance to the resolution.
- Mr. Chavez explains that this resolution only covers a small percentage of the roads, since more of the citizens live in municipal areas this resolution. This will not change the noise and safety hazards in the towns.
- Comm. Jarvies explains that the BOCC invited all the towns to be part of this and none of the town boards accepted the invitation.
- Comm. Jarvies tries again to move forward with the resolution presentation but exclaims that the insurance is a stickler for this attending.
- Felix Gallegos asks if this allows the use of Snowmobiles on County Roads.
- Comm. Jarvies asks Attorney Sarmiento to remove the portion that allows OHV with tracks, BOCC does not want to allow snowmobiles use.
- Attorney Sarmiento moves on to Seat Belts and restraints, use of such is only allowed if OHV already has seat belts already installed.
- Eye protection is required by drivers, windshield is considered eye protection.
- OHV cannot carry more passengers than they are designed for.
- OHV driver and passengers are required to wear helmets,
- OHV must have one powered head and taillight.
- OHV must have brakes in good working condition.
- Exempt from model traffic code.
- Penalties outlined and enforced by Sherif deputies.
- Cannot allow for use of OHV to be used illegally.
- \$1000 limit of penalty or citation.

- Attorney Sarmiento outlines the schedule for penalty and fines assessment.
- Attorney Sarmiento completes the presentation of the Resolution.
- Comm. Jarvies explains that the reason the BOCC is considering this resolution is to allow Conejos County to become a OHV friendly county, to hopefully encourage more tourists and locals to use OHV recreationally in Conejos.
- Comm. Jarvies explains that the BOCC will only adopt if they feel that the community is behind the resolution.
- Mr. Robert Chavez asks that the BOCC try better to inform the County citizens regarding the BOCC meetings. Mr. Chavez states that the BOCC needs to have a better outreach to the community.
- Citizens attending the meeting are in favor of recreational use but do not like the regulations that have been outlined in the resolution.
- Comm. Garcia states that in the previous public hearings, citizens were all for the resolution and were happy to see the regulations for insurance and safety provisions. Garcia moves on stating that in tonight's meeting the citizens are against most all regulations inside the resolution, which makes it hard to decide either for or against. Garcia states that the BOCC can table this decision and have more listening sessions to get more citizen input regarding the resolution.
- BOCC agrees to table decision regarding adoption of the OHV resolution and plan to advertise two more public listening sessions to have better citizen participation.
- Comm. Garcia thanks all the citizens for attending the meeting.
- BOCC agree to hold another two listening sessions, by possibly advertising on Everbridge.
- BOCC hopes to have Sheriff Crowther at the next listening session to better inform the citizens regarding the Sheriff's Office.
- BOCC doesn't believe that removing the insurance restriction from the resolution is a good idea.

MEETING ADJOURNED AT 07:15 p.m.

ATTEST:


Nathan Ruybal
Clerk of the Board


Mitchell Jarvies
Chair of BOCC