Minutes of the Board of County Commissioners Meeting, held on January 23, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Darius Allen, Chair
Mike Yohn, Vice-Chair
Marianne Dunne, Commissioner
Jason Kelly, County Attorney
Brittney DeHerrera, Chief Financial Officer
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

M/S Yohn/Dunne motion to approve the agenda of January 23, 2013.
Motion was passed unanimously.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
Regular Minutes-January 8, 2013
Public Hearing-Dune View Spirits

One place needed correction where the “e” was left out on her last name stated Commissioner Dunne.

M/S Yohn/Dunne motion to approve the Minutes of January 8, 2013 with corrections.
Motion was passed unanimously.

Approval of Bills/Obligations

M/S Dunne/Yohn motion to approve the Bills/Obligations
Motion was passed unanimously.

Public Comment
Approval of Consent Agenda
Application for Federal Assistance 3-08-0002-19
Application for Federal Assistance 3-08-0002-18
Emergency Plan –SLV Regional Airport

M/S Yohn/Dunne motion to approve Consent Agenda
Motion was approved unanimously.

Public Hearings

Minor Subdivision –Teddy Archuleta

SEE PUBLIC HEARING MINUTES FOR FURTHER INFORMATION

Commissioner Yohn asked regarding Jerry’s letter with signature if this is legally acceptable at this point. As long as the conditions are met which include the letter stated Mr. Kelly.

Commissioner Allen asked about the access of County Rd 12 if it will be open to the other buildings. Yes stated Mr. Altamirano to both tracts, it is a common easement. Also what about the well usage asked Commissioner Allen. For any future development stated Mr. Altamirano they would have to go through the Division of Water Resources but after talking to them it doesn’t seem to be a problem to facilitate another well on that property.

Commissioner Allen stated they have done a lot of these. A lot of times it is for the Mortgage Companies because they don’t want to accept anything over an acre.

List of Exhibits
1. Minor Subdivision Application Checklist
2. Staff Report
3. Application
4. Receipt of Payment
5. Ownership and Encumbrance Report
6. Deed
7. Assessor Record
8. Receipt of Taxes Paid
9. Letter of Authorization from SLVFED
10. Well Permit
11. Survey
12. GIS Aerial View
13. List of Adjoining Property Owners
14. Letter to Neighbors
15. Public Notice for the Planning Commission
16. Public Notice for the BOCC
17. Notice to Applicant
18. Letter of Authorization
19. Letter of Authorization regarding Jerry Archuleta
M/S Dunne/Yohn motion to approve the Minor Subdivision for Teddy Archuleta with stipulation of letter from Jerry Archuleta’s approval.

Motion was approved unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

RESOLUTION NO: 2013 - S - 1

RE: APPLICATION FOR MINOR SUBDIVISION FILED BY TEDDY ARCHULETA, COVERING PROPERTY LOCATED IN TRACT 4 OF THE MANUEL AND ERMINIA MARTINEZ DIVISION OF LAND, EXCEPTING THAT PORTION CONVEYED TO DALE DEAN AND C.L. DEAN BY QUIT CLAIM DEED RECORDED IN BOOK 168 AT PAGE 253 OF THE ALAMOSA COUNTY RECORDS, IN ALAMOSA COUNTY, COLORADO. LAND LOCATED AT RECEPTION # 271890 AND PARCEL # 555718001004.

Commissioner_Dunne______ moved for the adoption of the following resolution. Commissioner___Yohn______ seconded the motion.

WHEREAS: Teddy Archuleta has submitted an application for a minor subdivision covering the following described property:

TRACT 4 OF THE MANUEL AND ERMINIA MARTINEZ DIVISION OF LAND, EXCEPTING THAT PORTION CONVEYED TO DALE DEAN AND C.L. DEAN BY QUIT CLAIM DEED RECORDED IN BOOK 168 AT PAGE 253 OF THE ALAMOSA COUNTY RECORDS, IN ALAMOSA COUNTY, COLORADO. LAND LOCATED AT RECEPTION # 271890 AND PARCEL # 555718001004.

said property being zoned Rural; and

WHEREAS, Said applicant seeks to subdivide the above described property into two (2) tracts as follows:

Tract 1 = 21.94 acres more or less  Tract 2 = 1.0 acres more or less

WHEREAS, The Alamosa County Planning Commission reviewed the application for a minor subdivision on December 12, 2012, following proper notice to the public and recommended approval of the application; and

WHEREAS, A public hearing was held on the proposed minor subdivision on January 23, 2013, before the Board of County Commissioners of Alamosa County, following proper notice to the public, and where no adverse testimony was given or received; and
WHEREAS, the Board of County Commissioners has considered the application, finds the application meets all requirements of the Alamosa County Land Development Code pertaining thereto and that the minor subdivision is appropriate; and

WHEREAS, the proposed minor subdivision is consistent with the objectives and purposes of the Alamosa County Land Development Code.

IT IS THEREFORE RESOLVED AND ORDERED that the minor subdivision is hereby granted upon the above-described property pursuant to Alamosa County Land Development Code, Article 7 Section 7.6.6, as adopted on July 15, 2009 subject to the following conditions.

1. The Final Plat map shall be in substantial compliance with Alamosa County Subdivision Regulations, including, but not limited to: Lot Size and Road Frontage etc.

2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place prior to any physical disturbance on the subject property associated with the proposed subdivision;

3. Prior to the issuance of a building permit, an individual sewage disposal system permit shall be required, if an individual sewage disposal system is not currently present; and

4. Prior to the certification of the final plat map, the applicant shall pay the necessary fees associated mapping and recording fee to the Alamosa County Land Use Department;

5. Prior to the Certification of the final plat map, the applicant shall pay the Alamosa County Treasurer necessary property taxes due;

6. Any existing and/or proposed parcel(s) shall have permanent road access to a legally dedicated public/private road or highway. Access shall be built to county road standards;

7. The applicant shall record the approved final plat in the office of the County Clerk and Recorder for recording within 60 days after the date of approval. The administrator, upon receipt of a written request, may extend this date an additional 30 days, if the request is received prior to the original expiration date and the final plat meets all applicable provisions of this LDC

8. The approval of a final plat shall not be deemed to constitute or affect the acceptance or affect the acceptance by the County of the dedication of any street or other ground, public utility line, or other public facility shown
on the plat. However, the board of county commissioners may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within the County.

9. Approval of this permit is contingent upon compliance with the above conditions. In the event that the conditions set forth here are not met, the land use office reserves the right to revoke the approved permit until the applicant becomes compliant with said conditions.

10. In addition, the County must receive a Letter of Authorization from Jeri Archuleta regarding her desire to have the application approved. The County Land Use Office failed to notice that the property was owned in joint tenancy and the other property owner was not in attendance at the Public Meeting of the Board of County Commissioners and the Land Use Office has no record on file that stipulates that Jeri Archuleta is in agreement with the proposed Subdivision.

Roll call vote resulting in approval: Commissioner Yohn, Commissioner Dunne, and Commissioner Allen all in favor. None opposed


(S E A L)

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY
By [Signature]
Darius Allen, Chairman

ATTEST:
Melanie Woodward, Clerk of the Board

San Luis Solar

SEE PUBLIC HEARING MINUTES FOR FURTHER INFORMATION

M/S Dunne/Yohn motion to accept the transfer of the application of the permit to the owner/leasors either jointly or each owner/leasor and that the applicants continue operation of the Solar Project as described in application

Motion was approved unanimously.

Amendment of Alamosa County Land Use & Development Code

Are we going to have any more changes coming up asked Commissioner Allen? No stated Mr. Altamirano this is the final in 6 months they will see how things are going. It is a living document. If they need to they will come before the board. There will be constant changes but
not as much in the past. The Landscaping is the one that really concerned him stated Commissioner Allen.
Mr. Kelly asked about Use Table for Medical Marijuana and the solar generating facilities you have it listed under Special Use Permits under Rural and he knows in the Ordinance for the Medical Marijuana they do not allow it in rural. He knows he has the asterisk there but to him by doing this they are creating an inconsistency. They allow the grow operations for Medical Marijuana Facilities. The 1041 permit states it will be subject to also the Land Development. He didn’t want a Special Use also to be required unless it is applicable.

M/S Yohn/Dunne motion to accept the Amendment to the County Land Use Development Code

Motion was approved unanimously.

Alamosa County Treasurer

July-December Treasurer’s Fund Report
December 2012 Treasurer’s Fund Report

M/S Dunne/Yohn motion to approve the Treasurer’s Fund Reports

Motion was approved unanimously.

This year they will be transferring Treasurer’s Fees monthly so this will change the report.

Oct-December Quarterly Report –Public Trustee’s

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Public Trustee Account</td>
<td>$41,883.72</td>
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<tr>
<td>Foreclosure Processing</td>
<td>$133,985.89</td>
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<tr>
<td>And Misc Fees Collected</td>
<td></td>
</tr>
<tr>
<td>PT Fees Foreclosures/Released</td>
<td>$6,851.62</td>
</tr>
<tr>
<td></td>
<td>$140,837.51</td>
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Total Receipts

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foreclosure Disbursement</td>
<td>$134,197.08</td>
</tr>
<tr>
<td>Release Disbursement</td>
<td>1,659.00</td>
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<tr>
<td>Disbursement for PT</td>
<td>5,000.00</td>
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<tr>
<td></td>
<td>$140,856.08</td>
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</tbody>
</table>

Total Disbursements

Fund Balance                               | $41,865.15 |
Encumbranced Expenses                      | 27,200.00 |
Actual PT Fund Balance                     | $14,665.15 |

M/S Yohn/Dunne motion to accept Public Trustee Report

Motion was approved unanimously.
Tax Warrant Modifications

When they certify the Mill Levy's every year they work to be in balance but they have an obligation to be prepared for any audit report showing if they were unable to collect funds it was either because it was a noncollectable deficient delinquent tax or it was removed from the tax warrant. So she has placed a procedure now where she will be giving them this kind of report. It will show you anything where they had to remove actual taxes.

M/S Yohn/Dunne motion to accept the Tax Warrant Modifications
Motion was approved unanimously.

Alamosa County Land Use

Ken Vanlwarden and Juan Altamirano were present.

Activities Report for December 2012 was presented as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Year 2012</th>
<th>Year 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total CNT YTD</td>
<td>229</td>
<td>235</td>
</tr>
<tr>
<td>Total Fees YTD</td>
<td>54,513</td>
<td>76,967</td>
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<tr>
<td>Total Values YTD</td>
<td>4,058,475</td>
<td>9,654,581</td>
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<tr>
<td>Licenses</td>
<td></td>
<td></td>
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<tr>
<td>Total CNT YTD</td>
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<td>26</td>
</tr>
<tr>
<td>Total Fees YTD</td>
<td>3,051</td>
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<td>Permits &amp; Licenses</td>
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<td>Total CNT YTD</td>
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<td>261</td>
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<tr>
<td>Total Fees YTD</td>
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<td>79,367</td>
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<tr>
<td>Values</td>
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<td></td>
</tr>
<tr>
<td>Total Values YTD</td>
<td>4,058,475</td>
<td>9,654,581</td>
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<td>Office Visitors</td>
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<td></td>
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<td>Total CNT YTD</td>
<td>1390</td>
<td>1157</td>
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<tr>
<td>Inspection Requests</td>
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<td></td>
</tr>
<tr>
<td>Total CNT YTD</td>
<td>444</td>
<td></td>
</tr>
</tbody>
</table>

They hired a part time employee for Code Violation Enforcement.

Department of Human Services

Employee Vacancy Request

Joe Carrica was present. He is requesting two vacancies. One is an intake and the other is a Therapist position which is a higher caseworker position.

M/S Yohn/Dunne motion to fill the two employee vacancies.
Motion was approved unanimously.
They have a strong management team. Commissioner Allen asked about if he has heard anything about the Tax Base Relief. At one time the poor counties were having trouble raising revenue to meet their match to do child welfare services. The legislature decided to make a threshold and any counties that made that threshold they will give them an additional 50% for their match. Over the years it has diminished. It has come down to $1 million. They are trying to get that fund increase. They have asked for an increase to that.

**Alamosa County Public Health**

Julie Geiser was present. She is requesting an Environmental Health Specialist for Alamosa County. She feels they should talk to the other Counties on how they want to do this. Chris Heffernan is retiring. Jeff Lawrence with the state came up with a funding proposal. Part will be funded with the license fees for the inspections. She believes it should be for Alamosa County and then discuss with the other County Commissioners about shared costs.

Commissioner Allen asked how she will advertise this position. She can advertise through Planning & Partnership, she belongs to Environment Health List, and can advertise locally. Jeff Lawrence stated he would come and help them as well as Sharon Adams with Planning & Partnership. Commissioner Allen asked if Mr. Heffernan can participate.

It is the funding and the way the state presenting it makes him uncomfortable stated Commissioner Yohn. He wants Alamosa County to step up and accept all the responsibility for Environmental Health person. He suggested it should come up with the SLV Commissioner Association. Even if there is not an interest among the counties a need is here in Alamosa County.

Commissioner Allen stated he is concerned with where the money is coming from for the whole valley. They need MOU’s and how they could calculate the amounts. When they talk about mining, gas and oil it is controlled by the state so he is not sure how the county will be involved. Ms. Geiser stated she thought this person would do 50% of time for inspections and the rest for program planning. Ms. DeHerrera asked how they are planning the salary for this person.

**M/S Yohn/Dunne motion for Alamosa County to take lead and hire a full time person for Public Health for Environment Health**

- Motions were withdrawn.

**M/S Yohn/Dunne motion to table until they get more information how they could fund this position.**

- Motion was approved unanimously.

Home Health is struggling with all the paperwork. She would like another clerical position. When they advertised previously there were others they would like to look at.

**M/S Yohn/Dunne motion to fill a position for Home Health**

- Motion was approved unanimously.
Board/Staff Updates

Adjourn

There being no further business, the Regular Meeting of the Board of Alamosa County Commissioners was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chairman

Mike Yohn, Vice-Chair

Marianne Dunne, County Commissioner
Minutes of the Public Hearing for San Luis Solar was held on January 23, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: Darius Allen, Chair
Mike Yohn, Vice-Chair
Marianne Dunne, Commissioner
Jason Kelly, County Attorney
Brittney DeHerrera, Chief Financial Officer
Carol Osborn, Assistant Administrator
Belina Ramirez, Office Manager

Juan Altamirano was present.

They are asking the Board to consider a transfer of permit from Aurora Solar/San Luis Solar LLC (also known as Iberdrola Renewables) to BTMU Capital Leasing & Financing Inc. They are requesting the Board for 1041 Permit approve and designate transfer of permit for the 1041 to BTMU Capital Leasing and Financing Inc, a Connecticut statutory trust, and other yet undetermined statutory trusts or investors of the permit. The purpose of this transfer is because the company felt they needed a financing mechanism to have more capital for their company. Mr. Kelly has reviewed this request with back and forth communication with the company. They agree to continue to operate the solar project as they are and have upon transfer of permit they will continue abiding by all the requirements as set forth previously by the 1041 permit as well as other promises that they have made to the county. In other words nothing will change other than the name of the company that holds the permit. They have agreed to continue to abide by everything. Iberdrola Renewables will continue to operate the facility so there will be no change in personnel at the facility. This is strictly just for a financial issue within the company.

Commissioner Allen asked all the stipulations and agreements they made will go with this new carrier. Yes stated Mr. Altamirano they will continue.

Mr. Kelly stated they had some discussion and modification but everything is fine.

Commissioner Allen asked as far as post closures they have in the future everything is the same. The Community Development Fund promise to them and the Decommissioning Fund will also be there. At anytime they feel like they are walking away they can call an irrevocable letter to clean up the project. They are in their first full year into operation, in the next couple of years they would have a report given to them.

They can’t transfer ownership without the County accepting it stated Mr. Kelly. If the lease falls through the owners are still on the hook and if they want to sell ownership than they have to come in and make a request.

There being no further business, the Public Hearing for San Luis Solar was adjourned.
ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice-Chairman

Marianne Dunne, County Commissioner
Minutes of the Public Hearing for Amendment of Alamosa County Land Use & Development Code was held on January 23, 2013 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present:  
Darius Allen, Chair  
Mike Yohn, Vice-Chair  
Marianne Dunne, Commissioner  
Jason Kelly, County Attorney  
Brittney DeHerrera, Chief Financial Officer  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Office Manager

They have had several amendments to the Zoning Districts. They consolidated especially within the nonresidential districts; Commercial light and Commercial business to a single zone district which is commercial. They have maintained Industrial designation. For all the other residential districts they have maintained the same residential estate, residential high, residential low, residential medium, residential manufactured home and they separated that residential district to also allow agricultural district. A person can live a rural resident to develop a single unit dwelling but they took a step further to make agricultural. To him a residential area is a dense area and a rural area is primarily used for agricultural practices so he wanted that differentiated in this new code. They simplified the permit use table where it list the permitted uses before they had permitted use and special use and they really didn’t define temporary use. They have defined temporary use which allowed for RV, recreational vehicles be stationed and lived in at any one point during the year for more than 14 days. They will be allowed pursuant that they apply for a temporary use permit. They have had incidences in the past where people were living in an RV where they were living in very inhumane, unsanitary, with trash and junk piled up outside. The board wanted this cleaned up. They also changed the grouping of uses because before it was difficult to use. There are certain uses that are group together based on common function no physical characteristics that are outlined in the Use Table. For example for banks, group home, or retail general it doesn’t necessary include a boutique warehouse or grocery store so when someone comes into the Land Use Office and they want to build this and operate this in the county. They go to the use table they look where it would be listed or grouped in this table. Sometimes in the use table you cannot foresee everything that will come before them they use that group table to allow them to have a more condensed version of what could be allowed under that section.

Commissioner Allen asked under that table you can pick and chose, so if someone wants a RV Park you go to Special Use and it will show it under there and under only rural and commercial areas.

They changed under Article 3 Specific Use standards the last table was confusing because they had a lot of units such as density that caused interpretation difficulty. For example a rural area based on 35 acres what is allowed on a typical well they allow 3 residential units per 35 acres so the previous allowed only two units so if they want a third home they would have to come before the board. It was placing too much burden on the applicant because the Division of Water Resources would allow them to do it.
What has changed a little bit in the 1041 powers is in the renewable facilities they specifically stated that all renewable energy or solar energy facilities as defined in the 1041 permit would go under the 1041 permit. Previously they saw minor conflict that a company would have to go through a Special Use Permit also. That has been eliminated in this section it only has to go through a 1041 process so there is no duplicates in paperwork or fees. They left in the “Right to farm” policy. Now the specifically outlined what a Minor Subdivision has been. Replots and plat vacations they have allowed for not having them reviewed because it was unnecessary review. They have allowed the staff to make that recommendation should the staff need further guidance they can meet with the Board of County Commissioners for approval or the Planning Commission. They eliminated requirements on Landscaping by doing so they have eliminated the cost. Those provisions are implied. Medical Marijuana they have allowed for in the order for it to be consistent they have allowed a Specific Use under a Conditional Use set by the Board of County Commissioners. You can operate under a Special Use but you will be subject to any regulations under the County Ordinance.

Commissioner Allen asked if this was presented to the Planning Commission and they agreed. When someone parks their RV on their property they can apply for a Temporary Use permit but can they look at them each separately. Yes stated Mr. Altamirano but they want them to come in prior to them living there because it allows them to track the number of days they are there. Could they issue the permit 30 days at a time asked Commissioner Allen? They would issue a permit for 14 days to live there but thereafter the permit expires and then they would be in violation of the code.

Commissioner Dunne stated people buy lots and come on their RV and stay for a month or through the summer so she believes the 14 days are limited. Mr. Altamirano stated the reason they did this is because in the past they have had issues with individuals living in conditions that are inhabitable. They have had a situation where he was called by a number of different offices where an individual was living what seemed like a 5x9 RV with a gas propane tank without the proper resters associated with it to allow for the proper fluxiation of gas. They had barrels of haystacks all around the RV which was such a potential hazard. This is a safety and health concern more than anything. They are not properly insulated or heated. They are trying to mitigate future blight issues.

What are the fees for that asked Commissioner Allen. Commissioner Allen stated older people come in here for 60 days but they have people who try to make their residence here. The people that come in they can say they are going to stay 3 months. They just want a way to track their stay.

Mr. Vanlwarden stated if they let them stay longer than 14 days than they have a problem with dumping their septic. Their holding tank only holds for certain number of days. Other counties where someone has property where someone wants to park their RV than they require them to put in a septic system. They have considered that but accommodating that would be difficult. They have a lot of unusable lots in Deer Meadows and since they don’t have water there they could put in a holding tank or they would allow them to put in a septic system. This way they could make use of those properties and then they could extend more than 14 days. 14 days is the capacity of a holding tank for more RV’s. They only problem with that is the water stated Mr.
Vanlwarden. They haven’t detailed how they want to develop this is just an idea. They had a construction batch plant that required a temporary use permit. They had issued some permits for the bike races. There is some confusion between temporary use and special use so they combined them.

Commissioner Yohn asked regarding the solar panels for residential home if there was another permit. This is for large solar installations stated Mr. Altamirano. Right now they have allowed residential use for $50 permit. No inspections required other than meeting the setbacks unless the Board wants to address this or limit the amount. Mr. Vanlwarden stated right now currently state statutes lets you charge up to $1000 for commercial solar installation fee and $500 for a residential solar installation. He stated the duplication was for large scale solar projects. Two reasons they do this because they have to consider a ground mount or a roof mount. If you consider the roof mount they supply us with information such as on structural capabilities of that mount if it would sustain a 90 mph wind and what are the penetrations going to be through the roof, and how is that going to affect the roof. On a ground mount they are concerned with the setbacks. The commercial side the Assessor Office has to keep track of anything less than 2 mgw so they have two commercial applications where they failed to get the permits.

Commissioner Yohn stated when Mr. Altamirano was mentioning about a permit that he would not double charge for a permit and if they incorporate that with their structure. Mr. Altamirano stated what he was talking about that they wouldn’t duplicate paperwork or the charge to an application strictly for large scale development defined under the 1041. It would follow under a normal building permit as long as it doesn’t go over 5-10 acres. Mr. Vanlwarden stated they have a case right now for a structure as a residential unit so the permit was issued for the house and a separate permit for the solar installation because in this case they have a pv for the electricity and have put in solar collectors for hot water.

Commissioner Allen asked if anyone has comment in favor of or opposition to this.

There being no further business, the Public Hearing for Amendment of Alamosa County Land Use & Development Code was adjourned.

ATTEST:

Belina Ramirez, Office Manager

Carol Osborn, Assistant Administrator

Darius Allen, Chair

Mike Yohn, Vice-Chairman

Marianne Dunne, County Commissioner