Minutes of the Board of County Commissioners Meeting, held on June 27, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 Independence Way, Alamosa, CO 81101.

Members Present: George Wilkinson, Chair  
Mike Yohn, Vice-Chair  
Darius Allen, Commissioner  
Jason Kelly, County Attorney  
Mark Garcia, Interim Administrator  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Administrative Secretary

Call the Meeting to Order

Pledge of Allegiance

Additions/Deletions to the Agenda

Approval of the Agenda

The addition of David Osborn Wheels in Motion Motorcycle Training to agenda.

M/S Yohn/Wilkinson motion to approve the agenda of June 27, 2012 with addition.  
Motion was passed with Allen absent.

Consent agenda Items:

Approval of General Business/Minutes

The Following Minutes were presented:
  Regular Minutes-June 13, 2012  
  Public Hearing-Paul/Tammy Thompson  
  Public Hearing-Brandon Lucero  
  Public Hearing-Robert Hamilton  
  Public Hearing-Medical Marijuana 1st Reading Ordinance

M/S Yohn/Wilkinson motion to approve the Minutes of June 13, 2012.  
Motion was passed with Allen absent.

Approval of Bills/Obligations

M/S Yohn/Wilkinson motion to approve the Bills/Obligations  
Motion was passed with Allen absent.

Public Comment
Approval of Consent Agenda
Employment Agreement for Legal Services
MOU regarding Legal Services-DHS
Clerk & Recorder May 2012 Monthly Report
Treasurer May 2012 Monthly Report

M/S Yohn/Wilkinson motion to approve Consent Agenda
Motion was approved with Allen absent.

Public Hearings
Medical Marijuana Ordinance

Commissioner Allen asked about the signage if they need to critic where the sign needs to be attached. He has a question of Sensativa because the biggest objection they have is the distance to residential what is their distance. They are not picking on anyone. They are 800 feet from residential area stated Brian Bustos. With the church they were 17 feet difference and in state code. Commissioner Allen asked Mr. Kelly when talking about growing operations from rural to residence areas is there a problem using water agriculture. Mr. Kelly stated Dispensaries couldn’t claim they were agriculture for tax purposes. They thought they would put agriculture rather than putting in residence or commercial areas. You do have to notify state when transporting Marijuana. There is no allowable water for growing agriculture for hemp stated Mr. Bustos. Commissioner Allen asked if they had to apply for special use from East Alamosa using commercial water. They use less than a person that uses water for their lawn. It doesn’t make any sense to put them in agriculture when they cannot use that.

Commissioner Yohn asked about the distance how does that compare to state restrictions which is more restrictive. Counties are more restrictive. Adrian Maestas stated the law states 1000 ft from church. Personal property lines shouldn’t be crossed by any manner. Mr. Kelly stated state statute does say 1000 feet. They determine the distance using a route of direct pedestrian access. Commissioner Yohn asked Mr. Altamirano how they measure. They don’t use the pedestrian model they use center of the property line out to the outside radius within the 1500 feet. This is for notification. They would have a buffer. This radius is a lot more lenient than typical requirements. Is there way you could grandfather them in asked Mark Bustos. Commissioner Allen asked if they own the property. They are in a lease purchase.

Commissioner Allen stated they are not trying to put anyone out of business. They can come in and look at their facilities stated Mr. Bustos. They have to have regulations just like everything such as liquor license stated Commissioner Allen. The voters yes did pass this but there are a lot of voters who voted against it. There was a vote five years prior to total decriminalization of Marijuana in Alamosa County stated Mr. Bustos. The Commissioners stated they don’t remember anything like that. They are not having an emergency meeting it is all because of the moratorium the state puts. Two weeks ago they went through their final meeting and once Alamosa allows them they can get their license. They have passed the most restrictive background check in the United States. Commissioner Wilkinson asked if they do not have a license then. They have a temporary license until the County passes this then they could get their license.
When you adopt an ordinance generally it doesn’t take effect until 30 days after adoption but due to the nature of the Ordinance that the County is issuing and addition the moratorium is expiring July 1st. Commissioner Allen asked if they have the opportunity to amend it. Mr. Kelly stated they always can amend it later. Once you adopt it, it is the law of the county and it is not in effect until formally amended. Commissioner Wilkinson asked about grandfathering this business in. You may run into issues because they way the code lists now you are requiring local licensing for a special use permit. Then you could grandfather them in. They can apply for an application then they could continue business until the Board’s decision. The license is for a fixed location so if you want to move locations you would have to reapply again for that location.

Commissioner Allen stated anyone that applies still has to come before the board to request a Special Use. This gives the opportunity for anyone against to voice their concerns and also for the applicant to defend themselves. Commissioner Allen asked if they have edibles and if they make their own edible products. Mr. Bustos stated they do not make their own they purchase them. Mr. Adrian Maestas stated the edibles they purchase are from certified kitchens and are monitored by the state.

M/S Allen/Yohn motion to pass ordinance regarding the Medical Marijuana with Alamosa County with the addition of adding government facilities in section F of Prohibited Locations, under the signage to disclose where the sign needs to be placed as far as designation, and Section J–b to clarify wording as amended and any textual changes to make consistencies.

Motion was approved unanimously.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

ORDINANCE NO: 16

RE: ORDINANCE REGARDING MEDICAL MARIJUANA CENTERS, MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER AND OPTIONAL PREMISES CULTIVATION OPERATIONS LOCATED IN ALAMOSA COUNTY, COLORADO.

Commissioner Allen moved for the adoption of the following resolution. Commissioner Yohn seconded the motion.

WHEREAS, a public hearing and first reading of the proposed ordinance was held on June 13, 2012 in which testimony was received; and

WHEREAS, a second public hearing was held on the proposed ordinance on June 27, 2012, in which additional testimony was provided and which amendments were made.

THEREFORE BE IT RESOLVED AND ORDERED AS FOLLOWS:
ORDINANCE REGARDING MEDICAL MARIJUANA WITHIN ALAMOSA COUNTY

ORDINANCE NO 16

ARTICLE I

A. Purpose

Although the possession and use of marijuana is unlawful under Federal law, Section 14 of Article XVIII of the Colorado Constitution (Amendment 20) provides an exception to prosecution under state criminal laws when marijuana is possessed and used for medicinal purposes by a patient who has been diagnosed with a debilitating medical condition and by the patient’s primary caregiver. Amendment 20 does not, however, contain any provision for the lawful sale or distribution of marijuana to patients and, therefore the State of Colorado has adopted C.R.S. §12-43.3-101, et seq. to explain how and where marijuana may be lawfully sold, cultivated, manufactured or otherwise distributed to patients. The purpose of this Ordinance is to license and regulate medical marijuana dispensaries in the interest of public health, safety and general welfare. In particular, this Ordinance is intended to regulate the sale and distribution of marijuana in the interest of patients who qualify to obtain, possess and use marijuana for medical purposes under Amendment 20, while promoting compliance with other state and local laws that prohibit trafficking in marijuana for non-medical purposes. Nothing in this Ordinance is intended to promote or condone the sale, distribution, possession or use of marijuana in violation of any applicable law, including Federal law. The Alamosa Board of County Commissioners hereby determines that it is necessary to the immediate preservation of the public health and safety that this ordinance take effect immediately upon adoption pursuant to C.R.S. §30-15-405.

B. Definitions

(1) C.R.S. § 12-43.3-104 is incorporated herein by reference as if fully set forth below:

(2) Director means the Land Use Administrator, or the Land Use Administrator’s duly authorized representative.

C. License Required

(1). On and after July 1, 2012, it shall be unlawful for any person to sell, cultivate, manufacture or otherwise distribute any marijuana in Alamosa County without obtaining a local license to operate as a medical marijuana center (“MMC”), a medical marijuana-infused product manufacturer (“MMIPM”), or an optional premises cultivation operation (“OPCO”) pursuant to the requirements of this Ordinance. This licensing requirement shall apply regardless of whether the MMC, MMIPM or OPCO has commenced operations prior to July 1, 2012. Any MMC, MMIPM or OPCO that has commenced operation prior to July 1, 2012 and for which a license application has been filed pursuant to this article prior to that date may continue in operation pending final action by the Board of County Commissioners on the application. Any such preexisting MMC, MMIPM or OPCO that does not or cannot meet the licensing requirements set
forth in this Ordinance and therefore fails to obtain a license shall cease operations immediately upon such denial.

(2). The license requirement set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or city law including, by way of example, a retail sales tax license, a retail food establishment license if applicable, and any applicable zoning or building permit.

D. General Licensing Procedures

(1). The Alamosa Board of County Commissioners shall serve as the Local Licensing Authority.

(2) Except as otherwise specifically provided in this Ordinance, the general procedures of the Alamosa County Land Use Development Code for the issuance of a Special Use Permit operate and administer any MMC, MMIPM or OPCO shall be required for the issuance of a local license. To the extent there is any conflict between this Ordinance and the Alamosa County Land Use Code, the more restrictive shall control.

(3). Any license (including special use permit) issued for the purpose of owning, operating, or managing a MMC, MMIPM or OPCO is non-transferable.

(4). If all requirements are met and the license is granted, said license shall be provisional subject to the issuance of a State License within one-hundred and eighty (180) days.

(5). Nothing in this Ordinance shall be deemed to waive any requirements for the issuance of a State License to operate or administer any MMC, MMIPM or OPCO, including but not limited to, building requirements, background checks, etc.
E. Application

(1) Application for a MMC, MMIPM or OPCO shall be made to the director by applying for a Special Use Permit pursuant to the Alamosa County Land Use Development Code with the required fee AND by submitting a copy of ALL completed forms and documentation that will be submitted to the State for the issuance of a State License.

F. Prohibited Locations

(1) All MMC, MMIPM or OPCO licenses shall be issued for a specific fixed location which shall be considered the licensed premises. If applicable, all sales or distribution of medical marijuana shall be made directly by a primary care-giver to a patient upon the licensed premises, or via personal delivery of the medical marijuana by the primary care-giver from the licensed premises to the patient at the patient’s residence.

(2) MMC’s, MMIPM’s or OPCO’s licenses shall only be issued in the following locations and in accordance with the following restrictions:

(a) For purposes of MMC’s and MMIPM’s in any zoned area of Alamosa County designated as Commercial. For purposes of OPCO’s in any zoned area of Alamosa County designated as Agriculture.

(b) No closer than one thousand (1,000) feet of any church, school or child care establishment, dormitory, health services center or hospital, licensed MMC, MMIPM or OPCO, detention facility, government building, public park or other residential property, (“protected purposes”). The distance shall be computed by direct measurement from the nearest property line of the land used for the protected purposes to the nearest property line in which the MMC, MMIPM or OPCO is located. For purposes of this section the distance shall be measured in a straight line, without regard to intervening structures or objects.

G. Requirements Related to Licensed Premises

(1) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the licensed premises.

(2) No person under eighteen years of age shall be permitted on the licensed premises, unless the person has been qualified to possess marijuana for medical use in accordance with Article XVIII, Section 14 (6) of the Colorado Constitution and the person is accompanied by a parent.

H. Signs

All signs shall conform to the requirements of the Alamosa County Land Use Development Code:
(1) All MMC’s, MMIPM’s or OPCO’s premises shall have a sign located at the main entrance of the premises measuring not less than 36” x 36” that states as follows:
WARNING: Marijuana is classified under Schedule I of the Controlled Substances Act. The use, sell, manufacture, or distribution of marijuana is a violation of federal law and is subject to prosecution.”

(a). The text of said sign shall cover at least 75% of the sign

I. Labeling

In addition to any labeling requirements set forth by the State Licensing Authority, all marijuana sold or otherwise distributed by the local licensee shall be packaged and labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person is a criminal violation.

J. Compliance Review

(1). All licensed MMC’s, MMIPM’s, and OPCO’s located within Alamosa county may be reviewed annually to ensure compliance with all local and state laws, including but not limited to any applicable rules and regulations promulgated by the State Licensing Authority.

(2). Non-compliance with any provision set forth herein, or the violation of any provision of any local or state law regarding MMC’s, MMIPM’s or OPCO’s shall be grounds for the immediate revocation of the local license. In addition, Alamosa County may seek additional remedies as set forth in Article 9 of the Alamosa County Land Use Development Code, or as amended.

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

DATED: June 27, 2012.

(Seal)

By

George Wilkinson, Chairman

ATTEST:

Melanie Woodward, Clerk of the Board
SLV Housing Coalition

Rachel Willis was present. She is the Executive Director. They are asking for the County to sponsor their application for Home Rehabilitation Program to the Division of Housing. They are requesting $196,450 to Division of Housing where they are requesting the County to sponsor application since it is a CDBG funding. This is a lot more than the past since their revolving Loan Fund has built up to point where they are not asking for much for program income from the state. She is still asking for admin income because out of their funding 100% is used for Home Rehab Program goes right back out to the community. They are still supporting them in their admin fund. The total requesting is $144,000 for home rehab, $31,600 for project administration, and $20,850 for program administration for a total of $196,450 and total admin is $52,450.

Commissioner Allen stated he sits on this board so he will abstain from discussion.

M/S Yohn/Wilkinson motion to approve sponsoring their application to Division of Housing.

Motion passed with Allen abstaining.

She never had to de-obligate money. They don’t need it they have a lot of program money. Commissioner Yohn asked if they cannot use those funds somewhere else. No they can only use them for that program. With Division of Housing you have to have a maximum of $25,000 in the revolving loan fund in order to draw down more funds from the state. Between the reimbursements they get from the state and two payoffs from families they are at $85,000. They have not been eligible to draw program funds from the state.

M/S Yohn/Wilkinson motion to approve de-obligating funds.

Motion was passed with Allen abstaining.

SLV Housing Coalition owns and operates two different apartment complexes. One is for elderly and disabled Casita de Luna apartments of 28 units here in Alamosa. They took over management by the request of Rural Development for an elderly apartment complex of 33 units. All units are subsidized so no one there pays full rent. Because the owners already owned another elderly complex and their one stipulation when taking it over was designating it from elderly to multifamily. They took this building with astronomical vacancy rates and now they have only three vacancy units. With HDT funding from Division of Housing rehabilitate 14 units on Adams Lane. They are helping the owners with Property Management. They are trying to learn that skill. Between the aesthetics and the quality of the living environment has changed dramatically. It was a successful project. With selection criteria, running background checks, and credit reports if they fail they are denied occupancy.

Children’s Advocacy Center

Ashley Lopes was present. Their newest project is the Children’s Advocacy Center. It is a multi disciplinary approach to Child Abuse especially Child Sexual Abuse. They are trying to bring a center here. Currently children are interviewed at the Social Service Building or the Police
Department. Alamosa County has the highest child abuse rate in the entire state. They had 44 child sexual abuse reports where 22 were founded. The reason Tu Casa is involved is because 80% of their clients were victimized when they were children or witnessed these types. Their current building is next to the hospital and the college. They want to renovate their facilities. This will be onsite forensic interviewing where a trained forensic person interviews in an appropriate manner. It would have a Medical exam room where children who need to have physical exams can have those done in the center. Also would have a monitoring room where law enforcement, DHS, and DA’s office can assist the interviews and the children never have to have that interaction. The center will be decorated in a child environment. Not only supporting their child but also the non-offending child care giver. They want to do more such as how do you know or how do you report. Talk to your children about body safety some ideas such as reading “My body belongs to me” books. They are already coordinated services until the building is built.

Commissioner Allen asked about the figures. They hope to have the center built by June 2013. They have been working on some grants. They are asking $5-10,000 from each. They will be requesting DOLA funds.

Commissioner Yohn asked if this is duplicating services. It is not duplicating but minimizing the amount of time being interviewed. Forensic interviewing services will still be provided by law enforcement at times and also Sexual Assault Nurse’s Program from the hospital will come to provide exams. Monitoring and case review is done by DA’s office, DHS, Mental Health and Tu Casa. It will be done all in one place because what they see now is the family doesn’t go through or there are monetary issues so Tu Casa can help. Commissioner Allen asked who owns the building. They do. It might be more effective to build a new one than remodel suggested Commissioner Allen. They are going to do a cost comparison.

**Alamosa County Assessor**

Sandra Hostetter was present.

**Petition for Abatement –Ron & Marilyn Loser**

He had 4-5 parcels one with residence and others none. He asked for all to be classified as residential. They could not do this because the deeds names are all different. They have to be alike to combine them. They have been combined the lots so now in the future they will be classified residential. She asks for denial. He had stated he asked this to be done a few years ago. Ms. Hostetter stated he had not asked their office since she has been there.

Commissioner Yohn asked if he owned all the lots was it just the initials that were different. One was under Ronald E & Marilyn M Loser, another Ronald Earl Loser & Marilyn McGuire Loser, and another Ronald Earl & Marilyn M Loser.

**M/S Allen/Yohn motion to deny abatement for Ron & Marilyn Loser**

Motion was approved unanimously.
Alamosa County Department of Human Services

Joe Carrica was present.

They are having difficulty sending items electronically between DHS and the County because the state has changed its outlook. He has gotten a preliminary allocation from the State Department of Human Services beginning in July for Admin. This includes dollars they get from Human Services & Health Care Policy. Medicaid activities they do come from Health Care Policy. The amount they are telling them they will get is $822,833.78 which is a cut from last year. They had a program of Adults without children. The state said there were 120,000 people in the state that could be eligible. The total number of individuals that were put on was 6,000 with statewide and 1900 pending so they missed those numbers. They are terminating this program and those temporary employees will be let go at the end of the month.

The TANF expenditures they are going to be left with $70,000 over. They do have reserves. There are caps that a county can use from year to year so maybe they could utilize those funds. In Child Welfare he figures they will $175-250,000 overspent so he is asking for any Child Welfare money left from other counties if they could get it. It goes by the percentage of your overspent. If this is denied they can use their TANF reserves. They have made changes since April. They have not filled two child protection positions. They are going to be $80-90,000 under spent by moving people who were in admin and moving them into the program they are actually working in. They have had three positions open now and he hasn’t asked for the other two but he is asking now for one. The problem is a new hire cannot take on any caseloads until they have completed State’s Training Academy. This takes from 3-6 months.

Chaffee Foster Care Independent Plan

This program is for foster children that turn 16 or 17 and are not going to be able to go home will teach them to be independent. They will be taught how to have a checkbook, pay bills, do a budget, and get an apartment. They do this for all the six counties.

He has two TANF revision plans that they have to do every year. The first is to establish the amount of State Diversion. This is for temporary assistance not long term. He would like to lower the maximum amount from $2500 to $2000. The second is Supportive Services and it is the same thing he would like to lower the maximum amount from $2500 to $2000. Child Care he would like to lower from $1500 to $1250. They have a program called Employment First where they help seek employment and get hours of activities. This program has been historically underfunded. When he got here in April all the money had been spent between July and April. He told them this inadequate. They have used a full time person for this and he has told them they will cut this down to half time. It has to be fully funded or tone down the program to meet the dollars they give us, or they will ask them to excuse us from the program.

Ongoing workload summary was presented. They are 28 cases down in total. In March they had 4610, April 4636, and now in May they have 4608. Mr. Garcia asked if they could put the numbers for the previous months on this report. Yes stated Mr. Carrica. The Food Stamp Issuance showed Alamosa County issued 523,170 with 1913 cases for the month of May.
M/S Allen/Yohn motion to approve the Caseworker employee request
Motion was approved unanimously.

M/S Yohn/Allen motion to approve the Chaffee Foster Care Plan, TANF State Diversion
Policy Funds, and Support Services Assistance.

Wheels in Motion Inc

Recently he became certified with the National Motorcycle Safety Foundation and State
Colorado Motorcycle Operator Safety and Training (MOST) Program as a motorcycle Rider-
Coach Instructor. This extensive training provided the instruction, foundation, legal
requirements and skills to conduct both basic and experienced rider courses of motorcycle
instruction.

One in five traffic fatalities in Colorado include a motorcyclist. Lack of training is a contributing
factor in motorcycle crashes as operators were found to be a fault in seven out of ten fatal
crashes. It is estimated that between 30-50% of SLV motorcyclists do not have a valid
motorcycle endorsement or no license at all. Alamosa and the SLV region have never had
motorcycle training available.

The Colorado MOST program began in 1990. It is estimated that this program provides needed
training to over 9000 motorcyclists each year. The purpose of this program and approved
providers is to bring much needed training to both beginner and experienced motorcycle
operators. In doing so, participants who successfully complete the classes may then easily obtain
their motorcycle license. We would like to bring this valuable training to the Alamosa and SLV
area.

He is requesting their support and assistance to utilize the south parking area of the Alamosa
County Services Building on some Saturday’s and Sunday’s during the warmer months of the
year to conduct classes. Additionally I would respectfully request to use the EOC for classroom
portions of the training. Alamosa County will be placed as a “rider” on Wheels in Motion Inc
Liability Insurance

To conduct the aforementioned training, some dots, lines and slashes would be painted on the
surface of the parking lot in one isolated location. These training markers do not last long, wear
quickly or are easily painted over. Additionally, WIM would pay for lot cleaning to remove any
small rocks and other debris. WIM will also pay routine classroom costs to conduct the training.
I will be present, on scene for all training classes. Wheels in Motion shares Alamosa County’s
commitment to community and will assist the La Puente Homeless Shelter providing donations
of canned goods as part of the class registration process.

I believe this partnership will be a win for all participants and the community. With the ability to
provide motorcycle training here, Alamosa and SLV residents will be encouraged to obtain their
valid motorcycle license and save much money doing so.
Commissioner Allen asked where the stats came from. They came from the MOST program and this was done to reduce traffic accidents and increase trainings across the state. Commissioner Allen asked if they give reduction in insurance if they have this class. Most Insurance Companies do.

Commissioner Yohn stated he appreciated him taking this on but asked what months is he considering this. Probably May-September stated Mr. Osborn. It is at the usual rate they charge for use of the building stated Commissioner Allen. Mr. Kelly stated they need a MOU and indicate they are named as Additional Insured.

**M/S Allen/Yohn motion to approve use of parking lot and Facilities with Wheels in Motion and in addition an MOU.**

Motion was approved unanimously.

**Break**

**12th Judicial District Attorney**

David Mahonee was present. Their grant that they ask for every year has been approved again which covers the costs for one deputy DA and one supporting staff. The first year is fully funded and the second year they need to contribute 10%. They are being outnumbered by the Public Defenders. This puts a burden on them. It gives them more time to go to trial so this forces them to make a deal if they are unmanned. Last year they took 22 cases to trial. This year they are on the same track. Their office is state of the art when it comes to their computers, hardware, and software. They all have the ability to pull up dockets and print them out. He lost some of his employees at the beginning but now he is looking for people who are used to the rural area. He believes he has people now that will stay for long term.

They had a storage locker in Alamosa and Del Norte. They take the documents and scan them into a disk and shred them. They have emptied the Del Norte locker, almost all of Alamosa Locker and their office. The person that did all this work is the supporting staff they got with that annual grant. This position has been approved for three years but not sure if they are going to need him for the third year.

**E911 Telephone Authority**

Pam Stewart and Walt Paulson were present. Mr. Poulson stated that Alamosa has always had a commissioner on the board. The Com Center has expanded. Cell Phones are taking over everything. They had Homeland Security monies that created funding sources. The SLV 911 group has maintained a minimum charge for telephone use. This is how they finance their things. They have a state of the art facility. Originally they were encouraged to invest $40,000 into the Homeland Security grant for the EOC. There was a misunderstanding with the monies they put out and the equipment they put upstairs. 911 has no control over the equipment for the amount of money they have put into it. They want to facilitate the MOU but the equipment originally purchased E911 has no control over it. It is all the EOC Committee. They brought a copy of the minutes that show where they discussed this match.
Commissioner Wilkinson stated the question came up of whose responsibility is it of maintaining of the equipment. It was not addressed because the E911 Board has purchased all kinds of equipment but the maintenance, repair, and replacement is their problem. This was assumed it would be the EOC Committee. There are two pieces of equipment stated Ms. Stewart. One set that is funded, maintained, and fully funded by the E911 board. This causes a problem because they have to have two sets of equipment for an MOU. Under the Intergovernmental Agreement all the six counties should participate being it was set up for a Regional Center. With Homeland Security their funds could be cut one year from another. The one that is completely E911 came by for an emergency backup. Commissioner Allen stated they got DOLA funds that they remodeled the top floor of this building. They decided to have an EOC room. Mr. Poulson stated maybe they need to pay for some kind of rent. They can do a MOU for the equipment they own fully.

53000 calls came from Alamosa. They have the reverse 911 in place. Code Red and Delta Alert are they two they are on right now. They will be doing media release to go online or call 911 to put their landlines on their system. There are a lot of addresses that are incorrect so they are asking for people to call in to verify their homeowners address. The homeowners don’t realize that when their address changes 911 needs to know. E911 collects 50 cents currently off of phone companies per phone. They have the ability to raise their scale. They can go as high as $1.75. How do you raise it asked Commissioner Yohn? By vote of the Board and they report it to the state.

**Alamosa County Surveyor**

Dan Russell was present. He is now working more with the Assessor’s staff in helping them work through with parcel descriptions when they are coming up with a mapping problem. He did appoint a Deputy Surveyor Pat Steinberg. Douglas County Commissioners are suing the County Surveyor. The State County Surveyor Association does not support the Surveyor. He has in the past has talked about getting on the health insurance plan but opted not to. Now he would like to get on the plan. Yes he can and does not have to wait for Open Enrollment it is up to the Board stated Commissioner Allen. They have Open Enrollments to set the budget so this wasn’t budgeted for but they have the money to do this. They just have to make a recommendation.

**M/S Allen/Yohn motion to accept County Surveyor Dan Russell onto County Health Pool Plan.**

**Motion was approved unanimously.**

**Alamosa County Administration**

They are meeting with the Planning Commission for final draft on the Land Development Code. One area particular is the formation of the Board of Adjustments. One area they need to discuss is the formation of the Board of Adjustment. Currently it has the Board and the some of the Planning Commission members. It might cause some issues because it goes through the Board of Commissioners and then if not approved can go through Board of Adjustment which is you again which is kind of repetitive. Some of the zoning districts were reduced as well.
Alamosa County Veterans Office

Frank Muniz was present. They had 4,711 calls, 484 public contacts, 16 at home/nursing homes, 31 POA, medical cases 4, loan guarantees 2, medical benefit claims 24, military records request 31, 71 compensation claims, 10 pension, 13 death pensions, 8 insurance, burial allowances, 3 voc rehab, and 310 miscellaneous.

They are getting more attendance probably because veterans are getting older. Transportation they get grant funds and vehicles but if they don’t have volunteer drivers than it gets difficult. They had a driver out for a week for a funeral so the clients had to wait sometimes the whole day for other appointments. There is another program where grant funds are available that have to go through county. This is for Veterans who need their homes clean, care for them, or take to appointments. It also can be used for the homeless. He thought maybe another county would want to do this but they didn’t so he would like to do this. He would like an office to write this grant and have a driver take his calls while he does this.

They got a doctor but now the veterans have a long wait for an appointment. One told him they couldn’t get him in until September.

A few years ago claims took two years but now it is taking two and half to three years.

He is going to increase him transportation costs for next year.

Board/Staff Updates

Adjourn

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

ATTEST:

Belinda Ramirez, Administrative Secretary
Carol Osborn, Assistant Administrator

George Wilkinson, Chairman
Mike Yohn, Vice-Chair
Darius Allen, County Commissioner
Minutes of the Public Hearing for Medical Marijuana Ordinance was held on June 27, 2012 at 8:30 a.m. in the Commissioners Chambers, Alamosa County Services Center, 8900 independence Way, Alamosa, CO 81101.

Members Present: 

George Wilkinson, Chair  
Mike Yohn, Vice-Chair  
Darius Allen, Commissioner  
Jason Kelly, County Attorney  
Mark Garcia, Interim Administrator  
Carol Osborn, Assistant Administrator  
Belina Ramirez, Administrative Secretary 

Juan Altamirano was present.

The Medical Marijuana Ordinance was read.

Mr. Kelly stated some changes needed are textual things that need to be consistent such as the lettering of paragraphs such as in Paragraph E it is labeled “1” but in Paragraph F it is labeled “a”. Then in terms of the signs the state also has some requirements or limitations so need a reference to the state requirements. In addition Paragraph J they are in the process of amending the Land Use Development Code so by adding the word as amended in Paragraph J. From the first reading there are mostly language changes such as the word permit has been changed to license, licensing authority changed to local licensing authority, and additionally designating the County Board of Commissioners as the local licensing in the county. In Paragraph D-5 nothing in the Ordinance is deemed as a waiver yet the state requirements that any dispensary or any operator would have to meet in terms of the building security, cameras they are still going to have to meet those.

Mr. Altamirano stated another addition to Section F Prohibited Locations under article 2 should include government buildings in the list of prohibited locations.

Commissioner Wilkinson asked if anyone is in opposition to or in favor of this Ordinance.

Mark Bustos who resides at 7227 Flamingo Rd spoke. He is not in favor of some of these laws. One thing he would like to the Board of County Commissioners views on some of these laws by separating some of these buildings; He owns and runs Sensativa here in Alamosa if you separate some of these from agriculture to commercial zone you are opening a great big window of strong arm robbery. This puts everyone at risk when you are transporting marijuana. It would have to travel not once a month but 3, 4, 6, or 10 times a day. At this point we are going to have to ask police to escort them on these movements of Marijuana. Everything can be contained like it is in their establishment. Sensativa has gone through strenuous with an open door policy to work with the Police Department. They have run with no risk to the restrictions of residential area. In the area they are at is blocked by a block wall. In the line of sight people are going to jumping into people’s back yards to access this Marijuana. He would like to see the change of in line of sight to state walking or driving to these areas. With Sensativa they have gone through with the law enforcement and the open door policy that they are working in good faith. They did this by
abiding by state law. If you move the grow operations into an agriculture zone they only allow you to grow from April to August which puts them in risk because at State law they are required to produce at least 70% of their Marijuana which puts them in violation because they cannot grow outside.

He would like to apply for a Marijuana Center to grow on their property because they are restricted by the State of Colorado to have everything under camera and alarms. They can buy municipality water so they won’t be at risk but if you put them in agriculture they are then limited to their grow. They are at risk for six months of grow to meet the states requirements. If you put this in you are going against the voters last year to allow Medical Marijuana in Alamosa County. He feels they should have addressed these laws then not these emergency meetings at this point. He agrees with the addition of government buildings. He has seen patients come traveling from Conejos County but if you put these in these restrictions there are only one or two buildings available which limits other businesses to come in. He wishes the County Commissioners would start listening to the people. He thought the state went through a lot of thought and lengths to put these laws in place. They contained it all in one facility and it puts only one place at risk. He has been in business in 2 1/2 years and have not had one police call to their facility. Only one where there was a cell phone stolen from an employee at their store.

They do check their licenses at their door otherwise they do not enter their store. The addition of anyone not under 18 is a problem because there are 8 or 9 year olds that come in to pick the product because it is the child who has the license not the parent but he does not allow a child in without their parent present. If Sensativa is shut down because of this Lori Garrison from Mesa County who approved them stated that Mesa County has one dispensary for one entire county. What has happened there is with the one dispensary which had 1100 patients where a caregiver is only allowed only 5 patients. If this happens in Alamosa County this would allow 500 caregivers to grow. The State is not going to enforce caregivers it is the local government that will have to enforce. Local will have to enforce that caregivers are not going to give illegally and grow illegally. You are putting more weight on other surrounding counties that cannot afford to enforce the grow operations.

Adrian Maestas who represents La Casa Cannabis in Costilla County spoke. He refers to the change into commercial as far as the growing area if there is going to be a change that they would include agricultural. They do not want to grow in Alamosa County but he asks for agriculture to remain because they would like a marijuana site here. In getting product here they have to notify the state 24hours ahead of time and the amount. In their business they do this and they have never had any problems and never required any police escorts. This way they are not required to grow their product in Alamosa.

Brian Bustos who resides at 124 12th St spoke. He would like to address the 1000 ft from schools and churches he believes it should be by pedestrian traffic not by the line of sight. If they put this in and his facility closes each patient will be growing next to churches and schools, in residential areas. This would be around 500 plants. He is controlling this by having it in his facility. He went to Grand Junction and you can smell marijuana everywhere you go. He feels like you are personally attacking Sensativa. You had Police Officers out there measuring the area. They met state and federal requirements. The Feds sent our requests of places to be shut
down and they were not shut down. It feels like a personal attack on him and his facility. You will putting his seven employees out of a job and be put on unemployment. You will also lose out on his $35000 of taxes he has paid. He would ask them to reconsider. He hasn’t had any problems. Was there a complaint or a petition by the residence why would you put this residence into it? Denver or Colorado Springs didn’t add this only in Alamosa that this has been added.

Michael Medina 5101 County Rd S spoke. He is an employee of Sensativa he doesn’t have a driver’s license due to being in arrears of paying child support. He pays regularly on his child support now more than any other job. He is also a Medical Marijuana patient. If they move farther he will not be able to get to work. He believes if you pass this, neighbors will grow and this will be near children. It is concern for him because he is not around them when he takes his Marijuana. Having it here is a good thing where they don’t have to drive to Denver or Colorado Springs to get it. His mother has gotten breast cancer and the medications they prescribed her make her sick and cannot work. When cancer patients take marijuana it helps them not to be nauseated and allow them to continue working. His job has allowed him to stay in the same house for two years unlike agriculture jobs where they are only around for a few months of the year. This is the longest job that he has had in his entire life.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

ORDINANCE NO: 16

RE: ORDINANCE REGARDING MEDICAL MARIJUANA CENTERS, MEDICAL MARIJUANA-INFUSED PRODUCT MANUFACTURER AND OPTIONAL PREMISES CULTIVATION OPERATIONS LOCATED IN ALAMOSA COUNTY, COLORADO.

Commissioner Allen moved for the adoption of the following resolution. Commissioner Yohn seconded the motion.

WHEREAS, a public hearing and first reading of the proposed ordinance was held on June 13, 2012 in which testimony was received; and

WHEREAS, a second public hearing was held on the proposed ordinance on June 27, 2012, in which additional testimony was provided and which amendments were made.

THEREFORE BE IT RESOLVED AND ORDERED AS FOLLOWS:

ORDINANCE REGARDING MEDICAL MARIJUANA WITHIN ALAMOSA COUNTY

ORDINANCE NO 16

ARTICLE I

A. Purpose
Although the possession and use of marijuana IS and REMAINS unlawful under Federal law, Section 14 of Article XVIII of the Colorado Constitution (Amendment 20) provides an exception to prosecution under state criminal laws when marijuana is possessed and used for medicinal purposes by a patient who has been diagnosed with a debilitating medical condition and by the patient’s primary caregiver. Amendment 20 does not, however, contain any provision for the lawful sale or distribution of marijuana to patients and, therefore the State of Colorado has adopted C.R.S. §12-43.3-101, et seq. to explain how and where marijuana may be lawfully sold, cultivated, manufactured or otherwise distributed to patients. The purpose of this Ordinance is to license and regulate medical marijuana dispensaries in the interest of public health, safety and general welfare. In particular, this Ordinance is intended to regulate the sale and distribution of marijuana in the interest of patients who qualify to obtain, possess and use marijuana for medical purposes under Amendment 20, while promoting compliance with other state and local laws that prohibit trafficking in marijuana for non-medical purposes. Nothing in this Ordinance is intended to promote or condone the sale, distribution, possession or use of marijuana in violation of any applicable law, including Federal law. The Alamosa Board of County Commissioners hereby determines that it is necessary to the immediate preservation of the public health and safety that this ordinance take effect immediately upon adoption pursuant to C.R.S. §30-15-405.

B. Definitions

(1) C.R.S. § 12-43.3-104 is incorporated herein by reference as if fully set forth below:

(2) Director means the Land Use Administrator, or the Land Use Administrator’s duly authorized representative.

C. License Required

(1). On and after July 1, 2012, it shall be unlawful for any person to sell, cultivate, manufacture or otherwise distribute any marijuana in Alamosa County without obtaining a local license to operate as a medical marijuana center (“MMC”), a medical marijuana-infused product manufacturer (“MMIPM”), or an optional premises cultivation operation (“OPCO”) pursuant to the requirements of this Ordinance. This licensing requirement shall apply regardless of whether the MMC, MMIPM or OPCO has commenced operations prior to July 1, 2012. Any MMC, MMIPM or OPCO that has commenced operation prior to July 1, 2012 and for which a license application has been filed pursuant to this article prior to that date may continue in operation pending final action by the Board of County Commissioners on the application. Any such preexisting MMC, MMIPM or OPCO that does not or cannot meet the licensing requirements set forth in this Ordinance and therefore fails to obtain a license shall cease operations immediately upon such denial.

(2). The license requirement set forth in this article shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or city law including, by way of example, a retail sales tax license, a retail food establishment license if applicable, and any applicable zoning or building permit.
D. General Licensing Procedures

(1). The Alamosa Board of County Commissioners shall serve as the Local Licensing Authority.

(2) Except as otherwise specifically provided in this Ordinance, the general procedures of the Alamosa County Land Use Development Code for the issuance of a Special Use Permit operate and administer any MMC, MMIPM or OPCO shall be required for the issuance of a local license. To the extent there is any conflict between this Ordinance and the Alamosa County Land Use Code, the more restrictive shall control.

(3). Any license (including special use permit) issued for the purpose of owning, operating, or managing a MMC, MMIPM or OPCO is non-transferable.

(4). If all requirements are met and the license is granted, said license shall be provisional subject to the issuance of a State License within one-hundred and eighty (180) days.

(5) Nothing in this Ordinance shall be deemed to waive any requirements for the issuance of a State License to operate or administer any MMC, MMIPM or OPCO, including but not limited to, building requirements, background checks, etc.

E. Application

(1) Application for a MMC, MMIPM or OPCO shall be made to the director by applying for a Special Use Permit pursuant to the Alamosa County Land Use Development Code with the required fee AND by submitting a copy of ALL completed forms and documentation that will be submitted to the State for the issuance of a State License.

F. Prohibited Locations

(1) All MMC, MMIPM or OPCO licenses shall be issued for a specific fixed location which shall be considered the licensed premises. If applicable, all sales or distribution of medical marijuana shall be made directly by a primary care-giver to a patient upon the licensed premises, or via personal delivery of the medical marijuana by the primary care-giver from the licensed premises to the patient at the patient’s residence.

(2) MMC’s, MMIPM’s or OPCO’s licenses shall only be issued in the following locations and in accordance with the following restrictions:

(a) For purposes of MMC’s and MMIPM’s in any zoned area of Alamosa County designated as Commercial. For purposes of OPCO’s in any zoned area of Alamosa County designated as Agriculture.
(b) No closer than one thousand (1,000) feet of any church, school or child care establishment, dormitory, health services center or hospital, licensed MMC, MMIPM or OPCO, detention facility, government building, public park or other residential property, (“protected purposes”). The distance shall be computed by direct measurement from the nearest property line of the land used for the protected purposes to the nearest property line in which the MMC, MMIPM or OPCO is located. For purposes of this section the distance shall be measured in a straight line, without regard to intervening structures or objects.

G. Requirements Related to Licensed Premises

(1) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the licensed premises.

(2) No person under eighteen years of age shall be permitted on the licensed premises, unless the person has been qualified to possess marijuana for medical use in accordance with Article XVIII, Section 14 (6) of the Colorado Constitution and the person is accompanied by a parent.

H. Signs

All signs shall conform to the requirements of the Alamosa County Land Use Development Code:

(1) All MMC’s, MMIPM’s or OPCO’s premises shall have a sign located at the main entrance of the premises measuring not less than 36” x 36” that states as follows: WARNING: Marijuana is classified under Schedule I of the Controlled Substances Act. The use, sell, manufacture, or distribution of marijuana is a violation of federal law and is subject to prosecution.”

(a) The text of said sign shall cover at least 75% of the sign

I. Labeling

In addition to any labeling requirements set forth by the State Licensing Authority, all marijuana sold or otherwise distributed by the local licensee shall be packaged and labeled in a manner that advises the purchaser that the marijuana is intended for use solely by the patient to whom it is sold, and that any re-sale or redistribution of the marijuana to any third person is a criminal violation.

J. Compliance Review
(1). All licensed MMC’s, MMIPM’s, and OPCO’s located within Alamosa county may be reviewed annually to ensure compliance with all local and state laws, including but not limited to any applicable rules and regulations promulgated by the State Licensing Authority.

(2). Non-compliance with any provision set forth herein, or the violation of any provision of any local or state law regarding MMC’s, MMIPM’s or OPCO’s shall be grounds for the immediate revocation of the local license. In addition, Alamosa County may seek additional remedies as set forth in Article 9 of the Alamosa County Land Use Development Code, or as amended.

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

DATED: June 27, 2012.

BOARD OF COUNTY COMMISSIONERS OF ALAMOSA COUNTY

By, ________________________________
George Wilkinson, Chairman

(SEAL)

ATTEST:

Melanie Woodward, Clerk of the Board

There being no further business, the Public Hearing for Medical Marijuana Ordinance was adjourned.

ATTEST:

Belinda Ramirez, Administrative Secretary

Carol Osborn, Assistant Administrator

George Wilkinson, Chair

Mike Yohn, Vice-Chairman

Darius Allen, County Commissioner