

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
March 1, 2022**

The March 1, 2022 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

Jonathan Houck, Chairperson
Roland Mason, Vice-Chairperson
Liz Smith, Commissioner

Matthew Birnie, County Manager
Melanie Bollig, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 9:55 am.

AGENDA REVIEW: There were no changes made to the agenda.

SCHEDULING: The upcoming meetings schedule was discussed. Commissioner Smith noted that she would be absent for the March 15th regular meeting.

CONSENT AGENDA: **Moved** by Commissioner Mason, seconded by Commissioner Smith to approve the Consent Agenda, as presented. Motion carried unanimously.

1. Federal Aviation Administration Grant Application; Gunnison-Crested Butte Regional Airport; for Airport Terminal Renovation; Fiscal Year 2022; \$1,000,000
2. Agreement for Consulting Services; Gunnison Conservation District (GCD); Wildlife Biologist; 1/1/2022 to 12/31/2022; not to exceed \$12,000
3. Acknowledgment of County Manager's Signature; Statement of Work; Office of Public Health Practice, Planning, and Local Partnerships (OPHP); Department of Health and Human Services on behalf of the West Central Public Health Partnership; for Health Assessment and Planning; \$50,000
4. Acknowledgment of County Manager's Signature; Community Integration Agreement, Amendment No. 4; United HealthCare Services Inc; Health and Human Services; Effective Date 1/1/2022; Amended Date Continuing in Effect until 12/31/2022
5. Acknowledgment of County Manager's Signature; Site Use Agreement; The Vail Corporation /Crested Butte Ski Resort; For a COVID-19 Vaccine Clinic; Permitted Use Date February 24, 2022; Site Use Fee \$0.00
6. Acknowledgment of Deputy County Manager's Signature; Letter of Support; Marble Crystal River Chamber; for Tourism Management Grant Application

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was present for discussion.

DCM Crosby stated that she had nothing particular to bring before the Board that day, but she would be happy to entertain questions, should they have any.

1. Commissioner Mason asked about the status of plowing roads this winter. DCM Crosby replied that the large hit to the budget came with the bad storm at the end of last year, but this year's plowing expenses were at the expected level.
2. Tire Grinder moving into the landfill that day. DCM Crosby added one item to report to the Board, stating the tire grinder being rented for the landfill would aid in grinding large tires and would help bring them back to within compliance for the maximum allowable tires in the landfill. She noted that in the spring, she was hoping to coordinate with Hinsdale County for a different tire grinder, and added that the ground up tires would be used for ground cover, which the State will then give them a rebate on.
3. Commissioner Mason asked about the problems with people driving up Daniel's Hill near Marble. DCM Crosby noted that they cannot block the access for property owners. She added that there is also a 4' x 8' black and orange sign already posted there.

TOWNHOME PLAT APPROVAL; MOUNTAIN SHELTERS TOWNHOMES PLAT; LOT 29, BLOCK 2, CRESTED BUTTE SOUTH – SECOND FILING; LUC-22-00001: Community Development Administrative Services Manager Beth Baker was present in the room for discussion. Commissioner Mason recused himself from the discussion, as this dealt with a relative of his working on the project. He removed himself from the room for this item.

Admin Services Manager Beth Baker explained that the applicants were seeking to reclassify their building as a townhome for easier financing. She stated that there would be no change in the manner of useage; the HOA and lender had given consent, taxes were current, and the County Attorney had reviewed the application and plat, and found all to be legally sufficient.

With no questions from the Board, it was **moved** by Chairperson Houck, seconded by Commissioner Smith, to approve the application for Mountain Shelters Townhomes plat, Lot 29, Block 2 in Crested Butte South, second filing #LUC-22-00001, as presented, and to authorize the chair's signature. Motion carried.

At this point in the meeting, Commissioner Mason was invited back into the room.

ADOPTION OF ORDINANCE NO. 18; AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE COUNTY OF GUNNISON, COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF: Present for discussion were Gunnison County Sheriff John Gallowich and Assistant County Attorney Alex San Filippo-Rosser.

Asst CA Filippo-Rosser explained to the Board that this ordinance was first introduced and read to the Board at the February 15th regular meeting, and published in the Gunnison Country Times on February 17th. He noted that the ordinance did two main things: 1) it adopted by reference the 2020 edition of the "Model Traffic Code," and 2) it adopted a parking ordinance, specific to Gunnison County, which allowed the Sheriff to enforce parking regulations in the County. Asst CA Filippo-Rosser added that, should the Board approve the ordinance that day, it would need to be published one more time in the Gunnison Country Times on March 3rd, and would become effective 30 days after this final publication – on April 3, 2022.

Sheriff Gallowich then added his support and thanks for the work put into this "much-needed" amendment to the traffic code for Gunnison County.

It was suggested by CA Matt Hoyt to open the item for public comment. The meeting was so opened, with no comments being offered. Commissioner Mason did note that he had received favorable verbal comment from some of the residents over by the Marble area, when he had mentioned the proposed ordinance.

Chairperson Houck confirmed that no ex parte communication had been received by anyone in the County Attorney's Office, Administration Office, or on the Board.

With no questions by the Board, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to adopt Ordinance No. 18, an Ordinance for the Regulation of Traffic by the County of Gunnison, Colorado; Adopting by Reference the 2020 Edition of the "Model Traffic Code," Repealing all Ordinances in Conflict Therewith, and providing Penalties for Violation Thereof. Motion carried unanimously.

Chairperson Houck then directed Asst CA Alex San Filippo-Rosser to publish the ordinance in the Gunnison Country Times that week, March 3rd, referencing the previous publication in the paper, and putting a reference to the availability of the ordinance and "Model Traffic Code" on the County website.

RESOLUTION; A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO PERTAINING TO OPEN FIRE BANS AND THE IMPOSITION OF FIRE RESTRICTION STAGES AND EXEMPTIONS: Present for discussion were Gunnison County Sheriff John Gallowich and Emergency Management Manager Scott Morrill.

Sheriff Gallowich briefly outlined that last year's resolution had given his office of Sheriff the ability to make a quick decision in case of the need to impose or change fire restriction stages, and then to inform the Board of his decision. Sheriff Gallowich felt he had gained valuable experience from last year, and had appreciated the ability to respond right away in conjunction with other agencies. He then asked the Board if they felt they had received timely enough information on the fire ban updates. Chairperson Houck affirmed the timeliness and the rest of the Board also added their appreciation for the lessening of a time gap in response. Commissioner Mason also noted that this was a resolution that needed confirmation every year.

Commissioner Smith then **moved** to approve Resolution 2022-13, a Resolution of the Board of County Commissioners of Gunnison County, Colorado, Pertaining to Open Fire Bans and the Imposition of Fire Restriction Stages and Exemptions. Commissioner Mason seconded. Motion carried unanimously.

ENERGY IMPACT ASSISTANCE FUND (EIAF) GRANT APPLICATION APPROVAL; FOR HIGH-EFFICIENCY AIR SOURCE HEAT PUMP HVAC SYSTEMS; SOUTH 14TH STREET HOUSING UNITS; \$200,000: Assistant County Manager for Operations and Sustainability, John Cattles, was present for discussion.

Asst CM Cattles outlined for the Board that he was requesting a Tier I grant, with an increased hope of success for the grant going through. He noted the cost of units is not much more than putting in a boiler or furnace, but offers a system upgrade which keeps the costs for housing down with the grant assistance. Asst CM Cattles also indicated that there was a very good possibility of net zero efficiency or very close to it, adding that these units should last 20 years, or similar to a regular furnace's life expectancy.

After a brief discussion on the unit's possible performance in colder temperatures and the warranty, it was **moved** by Chairperson Houck, seconded by Commissioner Smith to acknowledge and approve the application for the Energy Impact Assistance Fund for High-Efficiency Air Source Heat Pump HVAC systems at the affordable housing project – soon to be named – located at South 14th Street. Motion carried unanimously.

MEMORANDUM OF UNDERSTANDING; TOWN OF CRESTED BUTTE AND GUNNISON COUNTY; FOR AN ASSESSMENT OF TOWN WATER AND SANITARY SEWER INFRASTRUCTURE CAPABILITIES; WHETSTONE WORKFORCE HOUSING DEVELOPMENT: Present in the room were Assistant County Manager for Community & Economic Development Cathie Pagano, Assistant County Manager for Operations and Sustainability John Cattles, along with Danica Powell of Trestle Strategy Group, present remotely via Zoom.

Asst CM Pagano introduced Danica Powell to the Board and asked that she give a brief update of the Whetstone Workforce Housing Project.

Danica updated the Board on the progress with the Whetstone Projects, highlighting these areas: 1) project status at the final stage of Sketch Plan Submittal; 2) an overview of the current tasks, which included

ongoing public engagement, conversation with CDOT regarding access to the site, and working with the Town of Crested Butte on a Utilities Agreement; and 3) engagement with the community – including site walks, youth and online engagement, and numerous stakeholder meetings.

Asst CM John Cattles then went over the cost options for water and sewer connection, outlining three options: 1) connecting to existing Skyland water and the East River sanitary sewer systems; 2) connecting to the Town of Crested Butte water and sewer systems; and 3) using an existing well for the water system and building a wastewater treatment plant on site. He noted all three options were costly and all came with issues. Currently they were looking at tying into the town of Crested Butte's water and sewer systems, as it looked like Crested Butte had the capacity to add both systems. He noted the County would cover the cost of the engineering analysis if the MOU was approved, outlining that the MOU was drafted in collaboration with the Town of CB staff to manage expectations and have a better understanding by all of what is expected, as they moved forward with an engineering firm analysis of the capacity for both water and sewer treatment systems.

Chairperson Houck added that the MOU was not a binding contract, but was an understanding of what was needed to explore the costs and logistics between the involved parties. Asst CM Pagano also noted that the Town of Crested Butte staff had been very helpful in thinking outside the box in their collaboration.

The Board discussed for several minutes the issues involving costs and logistics, and then went over the sketch plan process and schedule with Asst CM Pagano.

CHANGE OF AGENDA: Chairperson Houck elected to bring forward two people present in the room – Terri and Tod Colvin, neighbors next to the Whetstone site - as they were waiting to comment regarding the MOU.

Tod Colvin let the Board know that they were there to express support for this MOU, explaining that they felt this was the best way to pursue a water and sewer treatment system, with the capital expenses in mind and looking forward to the capacity for future expansion by the Town of Crested Butte. The Board thanked them for their helpfulness and solution-oriented stance throughout the process.

The Board then elected to approve the MOU, with a redraft of the signature page to include all three of the commissioners' signatures, rather than only the Chair's signature. It was **moved** by Chairperson Houck, seconded by Commissioner Smith, to approve the Memorandum of Understanding, as presented that day, between Gunnison County and the Town of Crested Butte, and to authorize the signatures of the full Board. Motion carried unanimously

CHANGE OF AGENDA: Chairperson Houck elected to move the scheduled break to after Commissioner Items.

UNSCHEDULED CITIZENS:

1. Andy Sovick, on behalf of Gunnison Waves – Andy wanted to remind the Commissioners of the big asset they had with the Whitewater Park, as well as its present structural erosion. He felt the upcoming Spring runoff and storms could cause the Park to become unusable, and wished to remind them that it was still a big concern.

Chairperson Houck let Andy know that the Park was being worked on, and then asked Deputy County Manager Marlene Crosby to remark on the progress status. DCM Crosby informed Andy and the Board that when the contracted engineering firm, McLaughlin Whitewater Design Group, investigated the structure, they did not see a safety hazard which needed to be addressed immediately; instead, they saw the need for long-term improvements to Structure #2. McLaughlin was currently working on a proposal for improvements to Structure #2, which were to be submitted by the end of April. DCM Crosby added that the goal was to take Gunnison County's monies budgeted toward this, and match to a Great Outdoors Colorado (GOCO) grant in order to address the issues with Structure #2.

COMMISSIONER ITEMS:

Commissioner Smith

1. Attended a history lesson with John Cattles and Mike Pelletier at the County Assessor's Office. Commissioner Smith let the Board know that she had attended a meeting regarding the Gunnison-Hinsdale boundary lines. She described listening to a fascinating historical account of the boundary and its discrepancies, with currently three possible southern boundaries adopted by different agencies for various reasons. She let CA Matt Hoyt know that this was something the Assessor's Office may be contacting him about, in an effort to coordinate and consolidate these different boundary lines. CA Hoyt let her know that there was not really anything that the County could fix; most of the errors lay with USGS data and not the County's data, which had been heavily researched. The USGS does not control anything but its own data, and the important fact was that no property was being inaccurately assessed for Gunnison County.
2. Outreach to Early Childhood Education directors in the valley, in preparation for the upcoming strategic planning meetings. Commissioner Smith explained that she was reaching out to directors of Early Childhood centers as a start to understanding the critical nature of childcare to the infrastructure in this valley; she wanted to better ascertain what is most helpful to keeping these centers viable.
3. Attended a meeting with the City of Gunnison and students with Western Colorado University's Master of Environmental Management (MEM) program. Commissioner Smith explained that the students are also

doing sustainability work for Gunnison County, and they were looking at adding more sustainability work through Western. She added that Western's part in this is centered around a manufacturing innovation center they are launching, which has capabilities to tie into recycling efforts. There was interest at the meeting about initiating a county-wide system, and the role that each of the entities would take to increase cost effectiveness and efficiency.

4. Attended Club 20 in Grand Junction on February 17-18. Commissioner Smith reported that the was able to make several good connections, and noted the policies were very similar to Colorado County Inc (CCI) stances, with good moderation taking place.

Commissioner Mason

1. Attended a full-day workshop for the Lead King Loop stakeholders group on February 16th. Commissioner Mason noted that they looked at Marble community concerns surrounding County Road #3, adding that conversations have been going well, with another work session scheduled for the end of March.
2. Working with CA Matt Hoyt on the Memorandum of Understanding (MOU) between the Town of Crested Butte and Mt. Emmons Mining Company (MEMC). Commissioner Mason outlined that they were working together – within the parameters of the MOU – to cover four main issues: 1) the land exchange between the Forest Service and MEMC; 2) ensuring Conservation Easements on MEMC land; 3) Water Rights – remediation and analysis; and 4) Permanent removal (mining) of the minerals. CA Matt Hoyt added that MEMC had begun an outreach for public information and feedback with a public website and open house at the Town of Crested Butte Council Chambers from 4:00-6:00 pm on March 2nd.
3. Attended a Region 10 meeting. Commissioner Mason briefly reported on the meeting, noting that a small business development center will be opening for business on Main Street, in the Main Place Plaza building in Gunnison. Also, he reported that Lake City's plans for connection to broadband were moving forward; they plan to have service available for Summer 2022.

Commissioner Houck

1. Attended Colorado Counties Inc (CCI) meetings on February 24-25. Chairperson Houck noted that a lot of bills were floating around, with another batch due in another week. He currently was looking at the water speculation bill sponsored by State Senators Don Coram and Kerry Donovan, trying to find out where it was at in the process.
2. Attended the National Association of Counties (NACo) Legislative Conference in Washington DC, from February 12-16th. Chairperson Houck noted that there were good public land topics at the conference. He highlighted, in particular, the topic of using the Public Lands Steering Committee to work on inclusion of the recreation industry – alongside the established industries of mining, oil, gas, timber and agriculture – as a resource also needing to be supported in economic and policy considerations. Chairperson Houck was also able to meet with Senators Bennet and Hickenlooper before he left Washington DC. They discussed issues around public land, and post office issues regarding COVID individual testing for rural communities.

CHANGE OF AGENDA: Chairperson Houck elected to postpone the re-scheduled break until they were ready to go into executive session.

RECESS: Chairperson Houck recessed the regular meeting at 11:33 am, in order to go into an executive session.

EXECUTIVE SESSION, PURSUANT TO C.R.S. § 24-6-402(4)(E)(I), FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS RELATED TO PROPERTY INTEREST(S) LOCATED IN GUNNISON COUNTY, COLORADO, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS, AND PURSUANT TO C.R.S. 24-6-402(4)(B) CONFERENCES WITH THE COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO PROPERTY INTEREST(S) LOCATED IN GUNNISON COUNTY, COLORADO:

Commissioner Houck **moved** to go into Executive Session, pursuant to C.R.S. § 24-6-402 (4) (b), for determining positions relative to matters that may be subject to negotiations related to property interest(s) located in Gunnison County, Colorado, developing strategy for negotiations, and instructing negotiators, and pursuant to C.R.S. § 24-6-402(4)(b) conferences with the County Attorney or Assistant County Attorney for Gunnison County for the purpose of receiving legal advice related to property interest(s) located in Gunnison County, Colorado. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, County Attorney Matthew Hoyt, Deputy County Manager Marlene Crosby, Assistant County Manager for Operations and Sustainability John Cattles, and Assistant County Manager for Community & Economic Development Cathie Pagano. No contemporaneous record of the meeting would be kept. Commissioner Mason seconded the motion, and the motion carried.

BREAK: The meeting took a break from 11:34 am to 11:37 am.

The Board went into executive session at 11:37 am. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4) (e) (I) and §24-6-402 (4) (b).*

Attorney Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. § 24-6-402(4)(e)(I) and 24-6-402(4)(b) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: _____

Matthew Hoyt
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. § 24-6-402(4)(e)(I) and 24-6-402(4)(b).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 12:16 pm, it was **moved** by Chairperson Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on topic. Commissioner Smith seconded the motion. Motion carried unanimously.

Chairperson Houck let those present know that they had appreciated the ability to get some legal advice, and there would be no direction from the Board of County Commissioners at that time.

ADJOURN: **Moved** by Chairperson Houck, seconded by Commissioner Mason, to adjourn the Regular Meeting of the Gunnison County Board of County Commissioners. Motion carried unanimously. The meeting was adjourned at 12:17 pm.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF GUNNISON, COLORADO RESOLUTION NO: 2022-13**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY,
COLORADO PERTAINING TO OPEN FIRE BANS AND
THE IMPOSITION OF FIRE RESTRICTION STAGES AND EXEMPTIONS**

WHEREAS, the Board of County Commissioners of Gunnison County ("Board"), pursuant to C.R.S. §§ 30-11-101(2) and 30-15-401, *et seq.* has the general enabling power to adopt ordinances, resolutions, rules and other regulations as may be necessary for the control or licensing of those matters of purely local concern, and to do all acts which may be necessary or expedient to promote the health and welfare of the citizens and residents of Gunnison County ("County"); and

WHEREAS, the Board may adopt ordinances to ban open fires and impose fire restriction stages within those portions of the unincorporated areas of the County where the danger of forest or grass fires is found to be high, pursuant to C.R.S. § 30-15-401(1)(n.5); and

WHEREAS, the Board is authorized to prohibit the sale, use, and possession of fireworks, including permissible fireworks, within those portions of the unincorporated areas of the County, pursuant to C.R.S. § 30-15-401(1)(n.7); and

WHEREAS, the Board acknowledges that from time-to-time fire conditions resulting from extended hot, dry and windy weather in the area make it prudent to impose restrictions on open fires, open burning and sale, use and possession of fireworks in order to reduce the danger of wildfire in the unincorporated areas of the County; and

WHEREAS, the Board specifically finds that in certain high fire-danger conditions such restrictions are in the best interests of the citizens and residents of the County in order to preserve the health, safety and welfare of the citizens and residents; and

WHEREAS, the Gunnison County Sheriff ("Sheriff") is authorized pursuant to C.R.S. §§ 30-10-512 and 30-10-513, to act as fire warden of the County and is responsible for coordination of fire suppression efforts in case of prairie, forest or wildland fires or wildfires occurring in unincorporated areas of the County outside the boundaries of a fire protection district or that exceeds the capabilities of the fire protection district to control; and

WHEREAS, the Board believes that the Sheriff, as fire warden, is the appropriate person, , using their expertise and discretion along with established fire restriction evaluation guidelines, and in consultation with local Fire Chiefs, State and Federal land management agencies, State and Federal fire suppression authorities, to determine whether a restriction of open fires, open burning and use of fireworks should be implemented or elevated in times of extreme fire danger or suspended during times of decreased fire danger; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison Colorado, that:

1. The Sheriff or their designee shall have the authority, in collaboration with local Fire Chiefs, State and Federal land management agencies, and State and Federal fire suppression authorities to declare Stage I or Stage II Restrictions regarding open fire, open burning or the sale, use or possession of fireworks, whenever the danger of forest or grass fires is found to be high and without the need for further proceedings or resolution ("Restrictions"). The Sheriff or their designee shall also have the authority to rescind those Restrictions when he or she determines it is appropriate considering the current fire danger.
 - a. Stage I Restrictions shall allow the Sheriff to impose the following prohibitions:
 - i. Building, maintaining, attending or using a fire, campfire or stove fire, including but not limited to agricultural and the burning of trash or debris, except:
 - 1) Building, maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites;
 - 2) Fires fueled by gas, jellied petroleum, or pressurized liquid fuel; or
 - 3) Fires burned in portable chimineas, fire pits and tiki torches wholly on or within private property.
 - ii. Smoking, except:
 - 1) within an enclosed vehicle or building; or
 - 2) a developed recreation site or while stopped in an area at least three feet (3') in diameter that is barren or clear of all flammable materials.
 - iii. Restrictions or prohibitions on the sale, use and possession of fireworks pursuant to C.R.S. § 30-15-401(1)(n.7).
 - iv. Using explosives, including but not limited to fuses or blasting caps, model rockets, exploding targets, tracer bullets or incendiary rounds.
 - v. Welding or operating acetylene or other torch with open flame except in cleared areas of at least 10 feet (10') in diameter and in possession of a chemical pressurized fire extinguisher with a minimum rating of 2A.
 - vi. Operating or using internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
 - b. Stage II Restrictions shall allow the Sheriff to impose the following prohibitions:
 - i. Building, maintaining, attending or using a fire, campfire or stove fire including but not limited to:
 - 1) Agricultural burning and the burning of trash or debris
 - 2) Maintaining, attending or using a fire in constructed, permanent fire pits or fire grates within developed recreation sites;
 - 3) Fires fueled by gas, jellied petroleum, or pressurized liquid fuel, except that devices using pressurized liquid fuel or gas (e.g., stoves, grills or lanterns and shut-off valves are allowed when used at least three (3') or more from flammable material such as grasses or pine needles; and

- 4) Fires burned in portable chimineas, fire pits and tiki torches
 - ii. Smoking, except within an enclosed vehicle or building
 - iii. Restrictions or prohibitions on the sale, use and possession of fireworks pursuant to C.R.S. § 30-15-401(1)(n.7).
 - iv. Operating a chainsaw or other equipment powered by an internal combustion engine without a USDA or SAE approved spark arrester properly installed and in effective working order, a chemical pressurized fire extinguisher with a minimum rating of 2A kept with the operator, and round point shovel with an overall length of at least 35 inches (35") readily available for use.
 - v. Welding, operating a torch with open flame, or any activities which generate flame or flammable material.
 - vi. Using explosives, including but not limited to fuses or blasting caps, model rockets, exploding targets, tracer bullets or incendiary rounds.
 - vii. Operating or using internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order.
 - viii. Possessing or using a motor vehicle off established roads, motorized trails or established paring areas is prohibited, except when parking in an area devoid of vegetation within ten feet (10') of the vehicle.
 - c. Stage III Restrictions may only be imposed by the Board by duly adopted Resolution or Ordinance.
2. Any declaration by the Sheriff or their designee of Restrictions shall specify the Stage level, parameters, and the duration of the Restrictions as deemed necessary and appropriate. The Sheriff or their designee shall promptly coordinate notification to the public through press release(s) to local radio and print media, as well as posting on the County Internet Website and County Sheriff's Office Facebook page. Likewise, when conditions indicate a reduction or the suspension of Restrictions, the same notification to the public shall occur.
 3. No less than three (3) business days of imposing or suspending any Restriction pursuant to this Resolution the Sheriff shall present, for ratification by the Board, a written summary of the competent evidence and recommendations that are or were the basis of the decision to impose or suspend the Restriction. Notwithstanding the above, the Sheriff will engage in all reasonable efforts to immediately notify the members of the Board, the County Manager and the County Attorney regarding the imposition, modification or lifting of any Restrictions.
 4. Nothing in this Resolution shall be construed to allow the burning or combustion of any material or any burning or fire activity otherwise prohibited by law.
 5. No person shall initiate any open fire or open burning without first notifying the Sheriff by calling Gunnison Dispatch at 970-641-8201; such notice must inform the Sheriff (Dispatch) no later than the day of the open fire or open burning, of the intent to initiate a fire and its estimated duration. The Sheriff (Dispatch) shall keep a log of each notification it receives regarding an intent to initiate an open fire or open burn. The Sheriff (Dispatch) will inform each person making such notification whether on that day there are any Restrictions or Red Flag Warnings. In the event the Sheriff (Dispatch) receives notice of a plan to initiate an open fire or open burn in violation of this Resolution or during a Red Flag Warning, the Sheriff (Dispatch) shall immediately notify appropriate personnel of such activity.
 6. The following shall be exempt from the notice required in Section 5:
 - a. Commercial or community firework displays that are properly permitted.
 - b. Fires contained in indoor or outdoor stoves, indoor fireplaces and grills provided they are at private residences and in an area at least three feet (3') in diameter that is barren or clear of all flammable materials but only during Stage I Restrictions.
 - c. Persons with a permit or written authorization from the Sheriff that specifically allows for an open fire or open burn otherwise prohibited. Any such permit shall only be issued upon written concurrence by any special district or local, state or federal agency with fire jurisdiction.
 - d. Any local, state or federal agency or member of an organized rescue or firefighting force in the performance of an official duty.
 7. The Sheriff or their designee shall consult with various state and federal land management agencies and obtain their recommendation prior to the Sheriff imposing or suspending any Restrictions. Recommendations shall be made pursuant to Fire Restriction Evaluation Guidelines as currently used by such agencies to evaluate the indicators that predict fire danger. Upon any implementation or suspension of Restrictions, the Sheriff or their designee shall coordinate and cooperate with these agencies to enforce the Restrictions.
 8. This Resolution shall be enforced by the Sheriff or their designee, through his Deputies, the Fire Chief or their designee of any fire protection district or administering agencies of the state and federal lands located therein, and they shall have authority to order any person to immediately cease any violation of this Resolution. This shall include the right to issue a penalty assessment notice and the right to take such person or persons violating this Resolution into temporary custody.
 9. Any violation of this Resolution shall be a class 2 petty offense, pursuant to C.R.S. § 30-15-402. Each violation of this Resolution shall be deemed separate and distinct from any other violation of this Resolution or any other local, state or federal law, rule, order or regulation, and punishable as a separate offense. The following fines for each separate offense shall be imposed:

First Violation	Five hundred dollars (\$500.00)
Second Violation	One thousand dollars (\$1,000.00)
Subsequent Violations	One thousand dollars (\$1,000.00)

Any person who violates this Resolution shall be issued a penalty assessment notice, in the form of a summons and complaint, directing the offender to either pay the fine to the County Treasurer of Gunnison County, Colorado within twenty (20) days of the penalty assessment notice or answer to the charge before the Gunnison County Court, at the County Courthouse located at 200 E. Virginia Ave., Gunnison, CO on the date and time specified in the penalty assessment notice.

- 10. If any section, subsection, clause or sentence of this Resolution is judged by a court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate any other provisions of this Resolution which can be given effect without the invalid provision.
- 11. The Board hereby finds, determines and declares that this Resolution is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of Gunnison County, Colorado because of the high danger of forest or wildland fires occurring in all unincorporated areas of the County. This Resolution shall take effect immediately upon adoption and remain in full force and effect until midnight Mountain Time, December 31, 2022 at which point this ordinance shall expire and no longer remain in effect, or until rescinded by subsequent Resolution or Ordinance adopted by the Board, whichever first occurs.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 1st day of March, 2022.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS

Houck – yes, Mason – yes, Smith – yes.

March 1, 2022