

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
May 17, 2022**

The May 17, 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 LOCAL LIQUOR LICENSING AUTHORITY:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:30 am.

ALCOHOL BEVERAGE LICENSE #03-13185; SKYHIGHCOLORADO LLC DBA NUGGET CAFE; EFFECTIVE DATE 4/06/2022 - 4/06/2023

ALCOHOL BEVERAGE LICENSE #03-06291; THREE RIVERS SMOKEHOUSE DBA THREE RIVERS SMOKEHOUSE; EFFECTIVE DATE 4/17/2022 - 4/17/2023

ALCOHOL BEVERAGE LICENSE #03-02907; IRWIN BACKCOUNTRY GUIDES LLC DBA PARKING BARN; EFFECTIVE DATE 5/20/2022 - 5/20/2023

ALCOHOL BEVERAGE LICENSE #03-04714; IRWIN BACKCOUNTRY GUIDES LLC DBA TAYLOR RIVER LODGE; EFFECTIVE DATE 7/06/2022 - 7/06/2023

SPECIAL EVENT LIQUOR PERMIT 2-2022; ADAPTIVE SPORTS CENTER OF CRESTED BUTTE, INC; EFFECTIVE DATE 8/07/2022 FROM 5-11:30 PM

Moved by Commissioner Smith, seconded by Commissioner Mason to approve the following alcohol beverage licenses: SkyHighColorado LLC dba Nugget Café, Three Rivers Smokehouse dba Three Rivers Smokehouse, Irwin Backcountry Guides LLC dba Parking Barn, Irwin Backcountry Guides LLC dba Taylor River Lodge, and Adaptive Sports Center of Crested Butte, Inc. Special Event Liquor Permit. Motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 8:31 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the Gunnison County Board of County Commissioners regular meeting to order at 8:31 am.

AGENDA REVIEW: There were no questions or changes needed to the agenda.

SCHEDULING: There were no changes needed to the schedule; however, Chairperson Houck pointed out that, as May 31st was a 5th Tuesday in the month, there would be no meeting on May 31st.

CONSENT AGENDA: With no concerns or questions by the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the Consent Agenda as presented. Motion carried unanimously.

1. Acknowledgement of County Manager's Signature; Professional Services Agreement; MGT of America Consulting, LLC; for Cost Allocation Services; 5/03/2022 – 8/31/2022; \$5,600
2. Acknowledgement of County Manager's Signature; Letter of Engagement; Employers Council; for Compensation Consulting Services – providing a market-based compensation study for 150 job titles; Effective 5/02/2022; \$24,840 total estimate
3. Approval for Colorado Department of Public Health and Environment (CDPHE) Contract 2022*3186 Amendment #5; Gunnison County Health and Human Services; Additional funds for Core Immunization Services; 7/1/2022 to 6/30/2023; \$31,195
4. Approval for Colorado Department of Public Health and Environment (CDPHE) Task Order and Statement of Work; for improving local capacity to provide Core Public Health services as established by the State Board of Health; Expiration Date 6/30/2023; \$142,835.00
5. Lease Agreement Approval; Banx LLC; for Crested Butte office lease, Gunnison County Substance Abuse Prevention Project; 6/01/2022 – 5/31/2023; \$800 per month
6. Approval of Colorado Department of Public Health & Environment (CDPHE) Contract 2022*2745 Amendment #1; Expand Program for Harm Reduction Services in Gunnison County; 7/01/22 – 6/30/2023; \$388,535

7. Approval for Colorado Department of Public Health and Environment (CDPHE); Contract 2023*0196 Amendment #5; Gunnison County Health and Human Services; Additional funding for Emergency Preparedness; 7/01/2022 - 6/30/2023; \$112,429
8. Approval for 2022 CFGV Community Grants Application; Gunnison County Veteran Services; partial funding for the paid internship salary of a Hydroponic Vegetable Production Assistant (veteran to be selected); \$5,000
9. Approval for Written Comments; Public Hearing, Colorado Department of Revenue (CDOR), Office of Tax Policy; for Proposed Rulemaking Change, Room and Accommodation Tax

COUNTY MANAGER'S REPORT AND PROJECT UPDATES: County Manager Matthew Birnie was present to give the Board his updates.

1. **Resolution; Delegating to the County Manager Authority to Negotiate and Execute Contracts Related to Real Property on Behalf of the County.** CM Birnie explained this resolution was a follow-up on direction from the Board at an earlier meeting. Chairperson Houck expressed his approval for the delegation of authority to CM Birnie for anything needing quick action, and also noted that any actions would still come back to the Board for final authorization within 30 days.
 Commissioner Smith **moved** to approve Resolution 2022-22, A Resolution Delegating to the County Manager Authority to Negotiate and Execute Contracts Related to Real Property on Behalf of the County. Commissioner Mason seconded. Motion carried unanimously.
2. **Boards & Commissions: Applicants to the Gunnison Basin Sage-grouse Strategic Committee (GBSGSC).** CM Birnie let the Board know that they had received two applications – for the Research and Education at-large regular and alternate positions. He asked the Board if they were comfortable with not interviewing the two applicants, or if they wished to schedule interviews. Commissioner Smith noted that she would be comfortable with no interviews. With the approval of all the Board members, CM Birnie stated that the applicants' appointments would be added to the next regular meeting agenda.
3. **Boards & Commissions: Applicants to the 7th Judicial Community Corrections Board.** CM Birnie confirmed with Commissioner Smith that there were two people who had expressed interest in this Board vacancy. The Board discussed the opportunity and instructed staff to advertise an out-of-cycle vacancy, and to set up interview times with any applicants. Deputy County Manager Marlene Crosby asked and was granted permission to add one out-of-cycle vacancy for the Weed Commission to the newspaper and online advertisements.
4. **CM Matthew Birnie to be out of office June 13-24, 2022.** CM Birnie informed the Board of the days he would be gone in June 2022.
5. **Martin Schmidt announced as the new Assistant County Manager for Public Works.** CM Birnie explained to the Board that Martin would need to move his family, and so he would be starting part-time in July, transitioning to full-time sometime in August 2022.
6. **Airport update.** CM Birnie reported that the upstairs flooring was going in at the moment, so they were not yet able to use the jet bridge and all that is located upstairs. Overall, there was good progress being made, though a few supply chain issues may yet push the final deadline back a bit.
7. **Library update.** CM Birnie reported that the building's siding had just been completed, and they were scheduled to move into the new library in August.

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

1. **Approval of [correction from agenda] Central Federal Lands Highway Division Colorado Department of Transportation's Highway Easement Deed for County Road #209, also known as Cottonwood Pass Road** – DCM Marlene Crosby informed the Board that there was a revision needed to the title of this document – changing it from a Colorado Department of Transportation document to a Central Federal Lands Highway Division Easement Deed. She then explained that the easement deed needed to be accepted for the County to perform road maintenance on Cottonwood Pass.
Moved by Commissioner Mason to approve the Central Federal Lands Highway Division Highway Easement Deed for County Road #209 also known as Cottonwood Pass, and to authorize the chair's notarized signature on it. Commissioner Smith seconded. Motion carried unanimously.
2. **Request from Colorado Parks and Wildlife (CPW); for Extension of Carcass Disposal Discounted Rates at the County Landfill to Agricultural Producers** – DCM Crosby stated that the Board had approved something like this before, only the first time had been for roadkill. She explained that her email regarding this first agreement, written right after a 12/22/2020 BOCC meeting, showed that she had understood it was approved. However, the minutes for that date say the item was continued to the next meeting, but there is no mention of this in the next meeting's minutes, either. She highlighted that the prices from this email are what the landfill has been using, from 12/23/2020 forward.
 DCM Crosby then outlined that this new request from CPW was an attempt to reduce the number of animal carcasses which, in turn, would help keep down the quantity of predators in the area which were a threat to the Gunnison Basin Sage-grouse. She also noted that the CPW would be footing the bill for the carcass disposal. After a brief discussion, the Board expressed its support for the initial eligibility to be ag producers enrolled in the CCAA program, to be effective from May

17, 2022 until June 1, 2023, when the Board could re-evaluate the agreement and carcass quantities at its first regular meeting in June of 2023.

County Attorney Matt Hoyt asked if the Board would want a formal agreement clarifying cost, eligibility, and duration of the agreement. The Board approved this suggestion and asked DCM Crosby to work with CA Hoyt on the proposed agreement.

3. Notifying Board of a three-year agreement currently being worked on with the Bureau of Land Management (BLM). DCM Crosby notified the Board that this agreement will encompass the BLM's contribution towards the spraying of noxious weeds, as well as their portion of funding for the Gunnison Basin Sage-grouse coordinator, in regards to the upcoming cheatgrass mitigation. CM Birnie noted that this finalized agreement could then be referenced in the IGA that had yet to be drawn up between parties regarding support for the cheatgrass mitigation coordinator.
4. Plowing to the townsite of Irwin. DCM explained that they had not plowed to the Irwin townsite in years past, but that plowing through and breaking up a few of the larger snowdrifts has morphed into the expectation that the County would prioritize plowing into the townsite. She reported that her firm response to this expectation is that Kebler Pass is the priority for the County, and when it is plowed and ready to be open, they would then be able to plow into the townsite. DCM Crosby asked the Board if they had any questions or concerns about this, and the Board agreed that with the limited staffing, this stance was appropriate.

TREASURER'S REPORTS: County Treasurer Debbie Dunbar had let the Board know beforehand that she would be unable to attend this meeting. With no concerns or questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioners Mason to accept the Treasurer's Report as presented, and to authorize the Chair's signature. Motion carried unanimously.

VOUCHERS AND TRANSFERS: Chief Financial Officer Juan Guerra, Senior Accountant Kelly Weak, and Accountant Allison Jones were present to answer any questions the Board might have.

1. May 2022 Accounts Payable Report. **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the vouchers in the amount of \$3,320,355.69. Motion carried unanimously.
2. February 2022 Purchase Card Report
3. April 2022 Cash Transfer Report. **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the cash transfer in the amount of \$5,839,107.71. Motion carried unanimously.

CFO Guerra asked the Board's recognition of the excellent job Allison Jones had done in serving the citizens of Gunnison County for the past two years, and noted that she, unfortunately, would be leaving the County soon. Sr Accountant Kelly Weak also let the Board know that the sales tax report had been delayed.

ELK VALLEY TOWNHOMES PLAT; RE-SUBDIVISION OF LOT M1-1; BUCKHORN RANCH, FILING 2B; LUC-22-00024: Community Development Administrative Services Manager Beth Baker was present in the room for discussion. She stated that the plat had approvals from the lender, HOA, and County Attorney's Office, and the taxes were current. They had also obtained all the required signatures and notaries, except for the chair's signature being requested at that time.

With no questions or concerns from the Board, it was **moved** by Commissioner Mason, seconded by Commissioner Smith to approve the Elk Valley Townhomes Plat, Re-subdivision of Lot M1-1 in Buckhorn Ranch Filing 2B, LUC-22-00024, and to authorize the chair's signature. Motion carried unanimously.

LOT CLUSTER IN BLUE MESA SUBDIVISION, UNIT 1; ADJACENT LOTS 186, 187, 188 & 189; AGREEMENT AND DECLARATION; DANIEL AND KELLY HANKAMER; LUC-22-00007: Community Development Administrative Services Manager Beth Baker was also present for discussion regarding the lot cluster in Blue Mesa Subdivision, Unit 1. She outlined that applicants Danny and Kelly Hankamer had applied to cluster four adjacent lots in order to make one large lot in the subdivision. Further, the County Attorney's Office had determined the application was legally sufficient, the taxes were current, there were no liens on the property, and the utility companies had agreed to the lot cluster.

With no questions from the Board, Commissioner Mason **moved** to approve the Lot Cluster in Blue Mesa Subdivision, Unit 1, Adjacent Lots 186, 187, 188 and 189, its agreement and declaration, LUC-22-00007, and to authorize the Board's signatures. Commissioner Smith seconded and the motion carried unanimously.

APPLICATION FOR MEMBERSHIP AND FUNDING IN COLORADO PARKS & WILDLIFE REGIONAL PARTNERSHIP INITIATIVE: Assistant County Manager for Community & Economic Development Cathie Pagano was present in the room, and National Forest Foundation's Southwest Colorado Program Manager and Stewardship Coordinator, Joe Lavorini, was also present via Zoom, for discussion and to answer any questions the Board might have.

NFF Program Manager Joe Lavorini outlined for the Board that this was a grant opportunity involving a tri-county approach to funding. The counties involved would be Gunnison, Chaffee, and Lake counties, with the National Forest Foundation as the applicant to the Colorado Parks and Wildlife Regional Partnership Initiative. This program launched last year for new and existing coalitions to join a statewide initiative seeking to find balanced approaches to public lands management. The request would be two-fold: a) an application to become a recognized member of the regional partnership initiative, and b) a request for \$125,000 funding towards wildlife modeling, plus Gunnison County's part in matching funds which had already been budgeted. The decision for funding would be known by the end of June.

ACM Pagano added that her department has been working with the CPW on identifying wildlife habitat and migration corridors and she felt this would tie in nicely with Sustainable Tourism and Outdoor Recreation (STOR) objectives.

After discussion involving what type of future projects might be funded under this initiative and what species might be included in the modeling, the Board added its support for the project and application.

UPPER GUNNISON RIVER WATER CONSERVANCY DISTRICT (UGRWCD); LETTER OF SUPPORT AND FUNDS REQUEST; TO SUPPORT THE U.S. GEOLOGICAL SURVEY'S (USGS) "HIGH-FREQUENCY WATER-QUALITY SAMPLING TO SUPPORT HARMFUL ALGAL BLOOM STUDIES IN BLUE MESA RESERVOIR PROJECT": UGRWCD's General Manager Sonja Chavez and Water Resource Specialist Beverly Richards were present via Zoom, as were Deputy Director Suzanne Paschke and Hydrologist Tyler King of the USGS.

Gen Mgr Sonja Chavez briefly introduced USGS Deputy Director Suzanne Paschke and Hydrologist Tyler King to the Board. Chairperson Houck asked the Board if there were any specific questions they had, after having reviewed all the information in their agenda packet. As there were no specific questions from the Board, Chairperson Houck then asked for a brief presentation of the harmful algal bloom studies in Blue Mesa Reservoir.

USGS Hydrologist Tyler King, as lead scientist for the project, then presented the project background, explaining that the worst algal blooms had occurred in 2018. He then posed the science question, "Can we develop remote-sensing methods to improve detection and monitoring?" and shared illustrations of proposed satellite maps that could outline algal bloom. The maps illustrated years 2016 through 2021, revealing the bloom started in Iola Basin and continued to expand into further identified areas, with the bloom disappearing by October. For the proposed project, they wish to increase sampling frequency from a greater amount of depths at more locations., which could help with answers in how to constrain conditions before, during, and after algal blooms. They would also want to install automated sampling devices in the basin and its major tributaries, as well as a sampling buoy at Iola.

After the presentation, Commissioners Smith and Mason asked about public messaging and warning systems planned for public education. UGRWCD Gen Mgr Chavez offered to take on coordination with the USGS to make sure that this public education would happen. After some discussion involving the agencies that had been informed of the study and were supportive, the Board elected to donate \$2,000 out of their discretionary funds. USGS Deputy Director Paschke noted that this would be part of a special allocation to the USGS proposal process, and that they were looking for state and other local entities to add to the match, as well. She expressed appreciation for the willingness of the Board to...

Moved by Chairperson Houck, seconded by Commissioner Smith, to approve the Board of County Commissioners signatures on the provided letter of support, and to allocate \$2,000 from the Board's discretionary spending funds to be applied as a financial contribution to this effort. Motion carried unanimously.

County Manager Birnie then asked UGRWCD Sonja Chavez to send an invoice for the funds to him, and he would make sure this was distributed to them right away.

APPROVAL FOR [correction from agenda] MEMORANDUM OF UNDERSTANDING AGREEMENT WITH WEST REGION WILDFIRE COUNCIL (WRWC); REGARDING COLORADO DEPARTMENT OF PUBLIC SAFETY, DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (DHSEM), SENATE BILL #21-054 FUNDING TO WEST REGION WILDFIRE COUNCIL: Emergency Management Manager Scott Morrill was present in the room for discussion. He explained to the Board that these funds were earmarked by the State for the West Region Wildfire Council; the State had asked the Council if they would apply for some of this funding to increase their systems and staffing. EMM Morrill noted that the funds would go a long way to expand the Council's capacity.

WRWC Executive Director Jamie Gomez, present remotely via Zoom, added that there had been less support lately for all that needed to be done with foresters in order to prescribe and lay out projects, and noted that these funds could be utilized very specifically to offset the shortfall. He further added that the funds were state-appropriated, coming through the County, and would be an excellent match to federal funding.

EMM Morrill outlined that Gunnison County was acting as fiscal agent for the funds, and pointed out that there were two agreements – one with state and one with federal for their portion of funding.

As there were no concerns or questions from the Board, Commissioner Smith **moved** to approve the Memorandum of Agreement with West Region Wildfire Council, and to approve the full board's signatures. Commissioner Mason seconded. Motion carried unanimously.

Commissioner Houck **moved** to acknowledge the letter of acceptance from the State and authorize the Chair's signature on that agreement with the State. Commissioner Smith seconded, and the motion carried unanimously.

BREAK: Chairperson Houck called for a short break from 10:08 am to 10:13 am.

INTRODUCTION, READING AND INSTRUCTIONS REGARDING PUBLICATION OF GUNNISON COUNTY ORDINANCE NO. 19, AN ORDINANCE REPEALING ORDINANCE NO. 11 REGARDING POLLUTION CAUSED BY WOOD SMOKE: County Attorney Matt Hoyt was present in the room for the brief introduction and reading of the ordinance.

CA Hoyt introduced briefly that state law changed the penalties which could be assessed for violation of county ordinances. He noted that Ordinance No. 11 was passed back in 2000, but was not being

employed operationally because it was duplicative of what was already in the Land Use Regulation, both as to substance and its remedies. Therefore, they were repealing Ordinance No. 11 to clean up this duplication, since it was superseded by the Land Use Resolution.

Commissioner Smith **moved** to approve County Attorney Matt Hoyt reading into the record Ordinance No. 19 Repealing Ordinance No. 11 Regarding Pollution Caused by Wood Smoke. Commissioner Mason seconded. Motion carried unanimously.

CA Hoyt then read in full the proposed Ordinance No. 19. [Refer to the proposed Ordinance text at the end of these minutes, under "GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES."] He noted that this ordinance would be published 10 days before its adoption, and then published afterward as well, at the Board's decision – in full or by title. CA Hoyt recommended that the second time it could be published by title.

UNSCHEDULED CITIZENS: There was one Unscheduled Citizen present via Zoom for comment.

1. Celeste Helminski, Director at the Gunnison Country Chamber of Commerce – Director Helminski wished to go on record and say how much the Chamber has appreciated retiring Deputy County Manager Marlene Crosby's leadership in Public Works, and how important it has been to have access to Public Work's information in order to share with their visitors.

COMMISSIONER UPDATES:

Commissioner Mason

1. Lead King Loop meetings. Commissioner Mason noted that there was one more group meeting scheduled, and they were getting close to wrapping up the information gathering and would be working on what short-, med-, and long-term solutions will look like. He added that the Town of Marble's council was really working on parking solutions; however, signage needed to be addressed as far as enforceability. The Sheriff's Department was working with the town to bring their signs into compliance, and were hoping to get another deputy as soon as possible.
2. Attended a Wild & Scenic meeting coordinated with commissioners from Pitkin Co. Commissioner Mason explained that Pitkin's commissioners were hoping to put together a similar working group for their own Wild & Scenic designation process. He advised that a request for funding would also be coming to Gunnison County for help with the work group.
3. Housing Authority meeting. Commissioner Mason let the Board know that the Gunnison Valley Regional Housing Authority had decided to accept an offer from Chris Peterson, currently working at the Housing Authority, to step in as interim director while they continued with their director search process. Commissioner Mason advised that they would also be trying to hire an office technician to help take the burden off the two staff members there.
4. RTA Meeting. Commissioner Mason announced that the new library bus stop was now in service, with a shelter coming in 2023. He also reported that winter air service had been the best ever in Winter 2022, elaborating that discussed costs were now competitive with Montrose; the airport was up to two flights per day with larger 70 seat planes, and there were less diversions. Currently the group was working on approving a new approach for the planes, in order to better avoid diversions. Steady bookings were forecast for the summer season, with a "semi-boutique" air service being added. Commissioner Mason outlined that the 30-seat airplane would come out of Love Field in Dallas. Rates were very competitive, with a highlight of allowing mountain bikes as baggage. He added that this airline did not wish to fly to any other Colorado resort community, and their demographic would match very well those travelers targeted in TAPP's marketing.

Commissioner Smith

1. Continuing work with the Southwest Colorado Opioid Regional Council. Commissioner Smith related that she had attended an inter-regional meeting a couple of weeks before, in order to see how other regions are progressing. She relayed that she felt their Southwest Colorado Region was ahead in terms of working things out and identifying all their resources to utilize.
2. Meeting with Eric McPhail, Gunnison County Director and SW Region Co-Director for Colorado State University Extension Service. Commissioner Smith explained that Eric had gone over virtual fencing and how it can be helpful in the migration corridors for wildlife. She noted that some local ranchers were interested in adding signal towers. CM Birnie stated that this topic will be coming before the Board as a budget request later in the year. They discussed the valuable uses in moving and keeping track of livestock, predation prevention, and better control of grazing areas.
3. Attended a meeting last week with the Chamber of Commerce and the City of Gunnison. Commissioner Smith briefly outlined that they had continued their discussion on mission and value at the meeting; comparing how each organizations' priorities aligned. She felt these discussions would be very useful for the local marketing district work sessions to come. Commissioner Smith felt that the City of Gunnison is close to where the County's stance is with economic development and she wanted to explore how the City and County could more effectively partner.

Commissioner Houck

1. Attended the legislative session last week. Chairperson Houck expressed his desire to possibly schedule a work session to go over pertinent bills for Gunnison County.
2. Colorado Outdoor Industry Leadership Summit (COILS). Chairperson Houck reminded those present that the summit, sponsored by Colorado Parks & Wildlife, would be taking place in Crested Butte on

May 19th and 20th. He added that he and ACM Cathie Pagano would be presenting at the summit, and the Sustainable Tourism and Outdoor Recreation (STOR) Committee would be highlighted as well.

- 3. Retirement Celebration reminder. Chairperson Houck also reminded everyone that on May 18th the County would celebrate DCM Marlene Crosby’s 37 years of outstanding contributions to the County. Her celebration would be held from 4:00 to 6:00 pm at the Fred R Field Center.

RECESS: Chairperson Houck recessed the regular meeting at 10:55 am, in order to go into an executive session.

EXECUTIVE SESSION, PURSUANT TO C.R.S. § 24-6-402 (4)(E)(I): DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS RELATED TO REAL PROPERTY LOCATED IN GUNNISON COUNTY, COLORADO: Chairperson Houck moved to go into 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, and developing strategy for negotiations related to real property located in Gunnison County, Colorado. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, and County Attorney Matthew Hoyt – for the facilitation of legal advice. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. Commissioner Mason seconded the motion, and the motion carried unanimously.

The Board went into executive session at 10:56 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) .*

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 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).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 11:04 am, 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 then let everyone know, in the room and remotely via Zoom, that there would be no direction given at that time.

ADJOURN: Chairperson Houck adjourned the Gunnison County Board of County Commissioners regular meeting at 11:05 am.

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: 2022-22

A RESOLUTION DELEGATING TO THE COUNTY MANAGER AUTHORITY TO
NEGOTIATE AND EXECUTE CONTRACTS RELATED TO REAL PROPERTY
ON BEHALF OF THE COUNTY

WHEREAS, the Board of County Commissioners is authorized pursuant to C.R.S. § 30- 11-101(1)(b) to purchase and hold real property for the use of the County; and

WHEREAS, the Board of County Commissioners is authorized pursuant to C.R.S. § 30- 11-101(1)(d) to make all contracts and do all other acts in relation to property; and

WHEREAS, C.R.S. § 25-3-304(1) requires that if a public hospital board of trustees acquires and holds real property by conveyance on transfer of title, then title to all lands must be in the name of the County; and

WHEREAS, on April 18, 2022 the Board of County Commissioners passed an oral motion delegating authority to the County Manager to negotiate and execute contracts for the purchase of real property, subject to Board review at the next reasonably available opportunity; and

WHEREAS, on May 3, 2022 the Board of County Commissioners passed on oral motion to delegate authority to the County Manager to negotiate and execute contracts for the purchase of real property to be used by Gunnison Valley Health, subject to Board review at the next reasonably available opportunity;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the County Manager is authorized and delegated the power to negotiate and execute contracts for the purchase of real property on behalf of the County for County purposes, including the purpose of use by Gunnison Valley Health, subject to Board review within thirty (30) days of either 1) the execution of a property purchase or sale agreement pursuant to this Resolution; or 2) the scheduled closing date of any real property transaction negotiated pursuant to this Resolution, whichever first occurs.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted on this 17th day of May 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

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

[PROPOSED ORDINANCE, READ ALOUD]
**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

ORDINANCE NO. 19

AN ORDINANCE REPEALING ORDINANCE NO. 11
REGARDING POLLUTION CAUSED BY WOOD SMOKE.

WHEREAS, on December 11, 2000, the Gunnison County Board of County Commissioners (Board) adopted Ordinance No. 11, concerning the regulation of pollution caused by wood smoke in unincorporated Gunnison County;

WHEREAS, as acknowledged by Ordinance No. 11, the Gunnison County Land Use Resolution (LUR) fully regulates and addresses pollution caused by wood smoke in the County, including the provision of remedies available to the County and penalties that may be assessed against violators of such provisions of the LUR;

WHEREAS, the Colorado Legislature, through passage of Senate Bill 21-271, amended the penalties associated with violation of county ordinances, such that Ordinance No. 11 no longer provides for a criminal penalty that is permitted by law; and

WHEREAS, due to the foregoing, the Board has determined that Ordinance No. 11 is no longer necessary or appropriate to remain in effect;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO:

Section 1. Repeal.

Ordinance No. 11, An Ordinance Establishing Regulations for Controlling Pollution Caused by Wood Smoke within Unincorporated Gunnison County, Colorado, is hereby repealed and is no longer in effect as of the effective date of this Ordinance.

Section 2. Certification.

The County Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS AFTER A PUBLIC HEARING AND SIGNED THIS _____ DAY OF _____, 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

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