

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 7, 2022**

The June 7, 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 #05-32593-0002; JOHN FERRO LLC DBA FERROS LIQUORS; EFFECTIVE DATE 4/30/2022 - 4/30/2023

ALCOHOL BEVERAGE LICENSE #03-11784; BIRDSEY ENTERPRISES LLC DBA TAYLOR PARK MARINA; EFFECTIVE DATE 6/11/2022 – 6/11/2023

ALCOHOL BEVERAGE LICENSE #03-01378; ELK CREEK MARINA LLC DBA PAPPY’S RESTAURANT; EFFECTIVE DATE 6/03/2022 – 6/03/2023

ALCOHOL BEVERAGE LICENSE #04-00106; ELK CREEK MARINA LLC DBA LAKE FORK MARINA; EFFECTIVE DATE 6/03/2022 – 6/03/2023

FERMENTED MALT BEVERAGE, ALCOHOL BEVERAGE LICENSE #04-00107; ELK CREEK MARINA LLC DBA ELK CREEK MARINA; EFFECTIVE DATE 6/03/2022 - 6/03/2023

FERMENTED MALT BEVERAGE, ALCOHOL BEVERAGE LICENSE #04-01232; SKYHIGH COLORADO LLC DBA TAYLOR PARK TRADING POST; EFFECTIVE DATE 7/01/2022 - 7/01/2023

Moved by Commissioner Smith, seconded by Commissioner Mason to approve the following alcohol beverage licenses: John Ferro LLC dba Ferros Liquors; Birdsey Enterprises LLC dba Taylor Park Marina; Elk Creek Marina LLC dba Pappy’s Restaurant; Elk Creek Marina LLC dba Lake Fork Marina; Elk Creek Marina LLC dba Elk Creek Marina; and for the Fermented Malt Beverage Alcohol Beverage License, SkyHigh Colorado LLC dba Taylor Park Trading Post. Motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 8:32 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 8:32 am.

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

SCHEDULING:

- 1. Calendar Approval.** There were no changes needed to the calendar schedule.
- 2. Colorado Counties Inc (CCI) Winter Conference December 12-14, 2022; BOCC Work Session scheduled for December 13, 2022.** Chairperson Houck explained that this new date for the CCI Winter Conference would interfere with the County’s need to approve the budget by the 15th of December. The Board and County Manager Birnie discussed how they might best work around this conference date change, and entertained suggestions such as adding a BOCC special meeting on December 15th, moving the Public Hearing to a week earlier than in the past, and canceling the work session on December 13th. Chairperson Houck concluded that they did not need to make a decision that day, but would be working on the schedule to make sure Finance would be able to submit the budget to the State by December 15th, as required.

CONSENT AGENDA: Commissioner Smith asked to pull consent agenda Item #7 - Professional Services Agreement; Brodsky Research and Consulting; Consultation and Cost Analysis for Gunnison-Hinsdale Early Childhood Council – for further discussion.

Chairperson Houck **moved** to approve the consent agenda with the exception of Item #7, which they would pull and discuss further. Seconded by Commissioner Smith. Motion carried unanimously.

1. Memorandum of Agreement; West Region Wildfire Council; Regarding Title III Awards for 2013-2021 Associated with Wildfire Mitigation Activities in Gunnison County, Colorado; Transfer Amount \$50,524.66
2. Ratification of a Proclamation declaring Marlene Crosby Day in the County of Gunnison, Colorado; May 18, 2022
3. Approval for new Research and Education At-Large Appointments to the Gunnison Basin Sage-grouse Strategic Committee; Jessica Young (Regular) and Pat Magee (Alternate)
4. Option Letter #4, Contract No. 2023*0069; Colorado Department of Public Health and Environment (CDPHE); Gunnison County Family Planning, Women’s Wellness Connection; for Early Detection of Cervical and Breast Cancer; 6/30/2022 to 12/31/2022; \$8,268
5. Intergovernmental Agreement to Disburse HRSA Grant Monies to Increase COVID-19 Vaccine Access; Hinsdale County School District; 5/03/2022 to 7/30/2022; \$85,056
6. Acknowledgment of County Manager’s Signature; Contract Amendment #1, No. 22 IHGA 175876; Colorado Department of Human Services, Division of Child Support Services; for Equifax “The Work Number” income verification service; 6/01/2022 to 5/31/2023; \$1,293.03
7. Professional Services Agreement; Brodsky Research and Consulting; Consultation and Cost Analysis for Gunnison-Hinsdale Early Childhood Council; 2/23/2022 to 9/01/2022; not to exceed \$19,500
8. Intergovernmental Contract Amendment #4, IHIA 23 QAAA 175642; Colorado Department of Early Childhood; Gunnison County Health and Human Services; for the Early Childhood Council Systems Building and Quality Improvement work; extension to Fiscal Year 2023; \$108,040
9. Professional Services Agreement; RT Welter and Associates, Inc; for billing/coding systems training; effective on of signing to January 1, 2023; not to exceed \$10,080
10. Educational Affiliation Agreement; Colorado School of Public Health; Gunnison County Health and Human Services; for a Summer intern; Effective date 6/7/2022
11. Commercial Lease Agreement; Crystal River Civic Commission dba The Marble Hub; for lease of ground floor and part of second floor of the former Marble City State Bank Building, Marble, Colorado; effective on date of signing, to one year automatically renewable in 2023; Services and Maintenance in lieu of rent

DISCUSSION OF ITEM #7: Professional Services Agreement; Brodsky Research and Consulting; Consultation and Cost Analysis for Gunnison-Hinsdale Early Childhood Council; 2/23/2022 to 9/01/2022; not to exceed \$19,500: Commissioner Smith wondered if this might be duplicative of funding being proposed at the state level. Assistant County Manager for Human, Health & Safety Services Joni Reynolds joined via Zoom and explained that this agreement was concerned more specifically around development of video vignettes to emphasize positive aspects and experiences in the early childhood arena. Commissioner Smith commented that the scope of work did not lay this out as she had been expecting it to, and ACM Reynolds noted that this was the preliminary laying of groundwork for the videos. With that, Commissioner Smith **moved** to approve Item #7, Professional Services Agreement for Brodsky Research and Consulting. Commissioner Mason seconded. Motion carried unanimously.

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

1. **Gunnison Valley Health Real Estate Purchase; 115 Mountaineer Drive, Gunnison, Colorado.**
 - a) **Resolution; Delegating to the Vice President of Gunnison Valley Health for Administrative Services the Authority to Negotiate and Execute Contracts and Agreements to Purchase County Real Property Located at 115 Mountaineer Drive in Gunnison, Colorado for the Use of the Gunnison Valley Hospital.** CM Birnie stated that the Board had already delegated authority to himself for aid in acquiring property on behalf of GVH, and this resolution would aid GVH in being able to sign for the purchase while CM Birnie was out of the office next week. He asked the Board for approval of this resolution. Commissioner Smith **moved** to approve Resolution 2022-23, A Resolution Delegating to the Vice President of Gunnison Valley Health for Administrative Services the Authority to Negotiate and Execute Contracts and Agreements to Purchase County Real Property Located at 115 Mountaineer Drive in Gunnison, Colorado for the Use of the Gunnison Valley Hospital. Commissioner Mason seconded. Motion carried unanimously.
2. **Gunnison Valley Health Real Estate Purchase; 804 College Avenue, Gunnison, Colorado.** CM Birnie explained this second purchase was before the Board for their review, a necessary step in the purchase process for GVH. Chairperson Houck approved this set up of structure to aid in nimble GVH property transactions which needed to be run through the Board. CM Birnie further noted that during the next consent agenda meeting, he would bring a resolution to delegate authority to GVH for this purchase, similar to the 115 Mountaineer Drive purchase. The Board approved this process.
3. **Real Estate Purchase; 25125 State Highway 135, Crested Butte, Colorado.** CM Birnie stated that this was for property adjacent to the Whetstone parcel. He had put this item on the agenda originally because the title company indicated they might not accept the general delegation, but they had since accepted. However, CM Birnie asked to the Board to please make a motion affirming the county manager’s authority to make the purchase, just in case. He added that he planned to close when he returned from vacation on the 30th of June.

With no questions from the Board, Commissioner Mason **moved** to authorize the Real Estate Purchase at 25125 State Highway 135 in Crested Butte Colorado, to delegate the authority to execute all documents for the purchase to the County Manager, and for the minutes of the Board to reflect the approval of the Board to that purchase. Seconded by Commissioner Smith. Motion carried unanimously.

4. Bureau of Justice Assistance (BJA) Grant Application Opportunity; increase to substance abuse services through the GRASP consortium; \$1 million over three years.

CM Birnie informed the Board that Gunnison County Substance Prevention Project Program Manager Kari Commerford had just found out about a \$1 million grant she wished to apply for. CM Birnie added that it needed to go before Board now, as the deadline was before the Board's next regular meeting. Commissioner Smith stated that she had seen how much GCSAPP Program Manager Commerford does and wanted to fully support Kari's efforts in getting this grant to supplement her efforts.

Moved by Chairperson Houck to approve the process to apply to the Bureau of Justice Assistance Grant Application, to increase substance abuse services through the GRASP consortium, and to authorize Kari Commerford's signature on the application [as CM Birnie will be out]. Seconded by Commissioner Smith. Motion carried unanimously

5. Update; Katherine Haase, Assistant to the County Manager, attended a performance management conference in Denver last week.

CM Birnie reported that the meeting included a lot of the State's larger counties. He reported that he and Katherine were surprised to see how much further along Gunnison County was in the process of data management collection than many of these larger counties.

6. Library update.

Chairperson Houck commented that he had gone by the site of the new library and was surprised to see all the siding up. However, he noted what looked like huge crates of possibly solar that had just come in and wished to know if that was what it was. CM affirmed this guess as being correct.

DEPUTY COUNTY MANAGER'S REPORT AND PROJECT UPDATES: Deputy County Manager Marlene Crosby was present for discussion, along with Public Works Operation Manager Sparky Casebolt and USDA Forest Service Deputy District Ranger Garth Smelser.

1. Approval and Request for Use of Chair's signature stamp; Schedule A Agreements, [correction] 83 85 total; from the USDA Forest Service's Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forest Cooperative Forest Road Agreement, signed by the BOCC on 4/05/2022.

DCM Crosby reminded the Board that they had signed the master list of this agreement and now they were putting together all the pieces of that agreement. This comprised of the master list and the Schedule A agreement, for which each district in the GMUG group would need a required two copies each, for a total of 85 signatures. Therefore, she was asking to be able to use the Chair's stamp on all the required copies.

Further, DCM Crosby brought to the Board's attention one road, White Pine, as a possible addition to the maintenance schedule. She explained that, in the past, White Pine Road had been considered a county road from Highway 50 to Snowblind Campground; from that point to the Town of White Pine, the road was under the GMUG Schedule A. Because White Pine was a summer-only community, the county did not blade it for fear of damage to above-ground water lines there. She then showed a map to the Commissioners of the area just above White Pine that is both Forest and County, and let them know that the Town of White Pine was asking for this portion to be added to the Schedule A agreement. DCM Crosby then invited Deputy District Ranger Smelser to explain why the Forest Service would like to see this area added to the Schedule A for maintenance.

Ranger Smelser outlined that the vast portion of Forest Service roads do fall in Gunnison County. From the Forest Service point of view, they have only one maintenance operator and are incredibly limited as to what they can do for maintenance. Because of this, the Forest Service relied on the County to help with the routine maintenance for both funded and unfunded project agreements. Ranger Smelser then showed a map of Tomichi Park subdivision which designated the road through the subdivision as a county road, rather than private. He noted that the Forest Service felt it would be better for both the public and private landowners for access up there, if the road above White Pine were added to a Schedule A with the added wording, "maintenance above White Pine will be limited to drainage improvements and repairs related to safety; user comfort is not a factor for maintenance level to high clearance roads." He expressed the desire to spell out expectations to the private landowners for this maintenance, as he was worried that people would expect it to become a really good road under the county maintenance and he understood that the county does not have the funds for that level of maintenance.

When asked by the Board about the condition of the road, DCM Crosby stated that for this new section, the homeowners there had done some work, but they could not cover all the rocks. CM Birnie explained that he was concerned about taking this road on for maintenance if the Forest Service did not have the resources to help bring this road up to a maintainable standard. He advised against adding this road to the Schedule A without adequate funding resources, and further noted that, just because the subdivision deeded the right of way, it did not obligate the Forest Service or the County to maintain the road.

CA Hoyt added that he wondered if the County might be taking on some sort of liability with this section of road, and he would need to take a look at what the county would be accepting.

The full Board, DCM Crosby, Public Works Operations Mgr Sparky Casebolt, FS Deputy District Ranger Smelser, CM Birnie, and CA Hoyt then discussed for several minutes the issues regarding lack of funds for adding over two miles to what was already maintenance, and the difficulty in initial work and maintaining this area to an acceptable standard.

DCM Crosby concluded that, if the Board did not wish to support the White Pine road addition for maintenance at this time, a Schedule A could come back for revision at any time. She suggested that they pull the additional part of White Pine out of the Schedule A, and if the budget changes, then Ranger Smelser could always bring it back for reconsideration. Ranger Smelser supported this suggestion, and noted that they could just change the mileage back down in ink on the master agreement, and initial it. DCM Crosby added that they would remove the proposed part of White Pine road and its mileage from Schedule A before printing and stamping Chairperson Houck's signature on all.

Chairperson Houck then **moved** for the Board to approve utilizing the chair's signature stamp for the Schedule A agreements – 85 in total – from the USDA Forest Service Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forest Cooperative Forest Road Agreement, signed by the BOCC on 4/05/2022, and to make the adjustments and accommodations that were captured in the discussion on the record, for the sake of executing this agreement. Commissioner Smith seconded. Motion carried unanimously.

2. Insurance Liability Variance Request; Uncompahgre Valley Trail Riders (UVTR) and Gunnison County Sno Trackers Snowmobile Club, Inc.

DCM Crosby asked the Board to please call former County Commissioner Phil Chamberland on the phone, as he was not able to join the meeting via Zoom that day; she wished to have him speak about the insurance liability variance request on behalf of the Gunnison County Sno Trackers. Present in the room was Rich Jakino, representing the Uncompahgre Valley Trail Riders.

DCM Crosby reminded the Board that they had had this same discussion last November regarding insurance these two snowmobile clubs. She explained that there is one insurance company in Colorado that insures all these clubs, and she had spoken to the insurance company. The company let her know that Gunnison County was the only one who had raised an issue about the insurance coverage needing to cover the state specified liability minimum of over \$1,195,000. Further, they let her know that they will not change by changing their insurance this year.

Rich Jakino with UVTR added that the next step up to \$2 million coverage was prohibitive for their club to pay, and they were asking for a variance to accept the \$1 million of insurance rather than \$2 million.

Phil Chamberland stated that they had found it hard to find one carrier who would insure their snowmobile club for grooming roads, and that carrier also will not provide insurance between the \$1 million and \$2 million insurance liability levels.

Commissioner Mason noted the liability minimum set by the State had increased from \$1,093,000 in 2021 to \$1,195,000 for 2022, adding that at some point the County would have to require a higher amount of insurance, as their liability over \$1 million continues to grow every year. For now, he felt comfortable with allowing the variance for this year.

The rest of the Board expressed their support, and it was **moved** by Commissioner Mason, seconded by Commissioner Smith to grant the insurance liability variance to the Uncompahgre Valley Trail Riders and the Gunnison County Sno Trackers Snowmobile Club, accepting the \$1 million insurance policy and also contingent upon the receipt of the renewal of this policy. Motion carried.

UVTR representative Rich Jakino also requested that DCM Crosby send the meetings official minutes to his snowmobile organization, in order for them to give to their insurer, CSA, so that they might better understand the issue.

3. **Reminder: River Festival to be held June 10 - 12.** DCM Crosby wished to remind the Board that the River Festival would be that weekend. She highlighted that the pond given to the County by the area Lion's Club would have a dedication at 9:30 am.
4. **Traffic Counts Update.** DCM Crosby reminded the Board that in 2021, Public Works was not able to do traffic counts at all because the person who had done previous traffic counts for the County had retained all the equipment, and the County had been unable to contact him. She explained that this person had passed away in February of 2022, and the son had since found the County's requests in his father's mail, then located and returned the equipment. DCM Crosby expressed her thanks to the son for getting the equipment back so that could traffic counts could resume.
5. **IGA for spraying of weeds to be included at the Mt CB Town Council meeting tonight.** DCM Crosby informed the Board that there was an agenda memo which stated that she had refused to spray. DCM Crosby explained that the Town of Mt CB had wanted her to flag 50 feet before wherever they sprayed, as well as to remove the flags later. She highlighted that this flagging is usually used for ornamental landscapes or for using chemicals that would have negative impact on pets or children. Her answer to the Town of Mt CB had been that the County does not have that type of license (they use a roadside spraying license); they also do not use chemicals that require flagging; and they also did not have time to flag because of limited staff. She had suggested that if the Town could put out the flags and take them down, the County would spray. From there, the Town had decided to use a private company to spray, with a \$15,000 impact on the County's budget. DCM Crosby closed by saying she just wanted the Board to know how this had transpired, and that she

had definitely not refused to do the spraying; instead, it was that she could not accept the conditions.

6. Cottonwood Pass traffic counts at the opening of the pass. DCM Crosby let the Commissioners know that for the Memorial Day Weekend – from 4:00 pm on Thursday, 5/26, until Tuesday morning, 5/31 – there had been 3,000 vehicles counted on the pass.

VOUCHERS AND TRANSFERS:

1. March 2022 Sales Tax – LMD Reports

No one was present in the room or on Zoom to go over this report; however, CM Birnie stated that this report was for the Board's information, updated from what they had been given at the last meeting. He explained that, since the State had stopped the coding of online sales, this was an updated report trying to capture the bulk of online sale. He further noted that the County would be working with the State regarding a better solution to capture sales. Commissioner Smith added that this would be good issue to pass on to Colorado Counties Inc (CCI) for an agenda item at their next sales tax quarterly meeting.

RESOLUTION; CHANGING THE DESIGNATION OF LOT RNQ-1 (FORMALLY RNQ-1 SINGLE FAMILY LOT) SKYLAND RIVER NEIGHBORHOOD TO ITS ORIGINAL DESIGNATION OF RNQ-1 (QUADRAPLEX LOT): Community Development Admin Services Manager and Planner Beth Baker was present in the room to answer any questions the Board might have.

Svcs Mngr Baker began by explaining that in 2016 former owner asked to re-designate the use of his lot from a quadraplex lot to a single-family lot in order to avoid having to pay the water availability charges. Since then it had changed ownership, and the new owner wished to change it back. The HOA had worked with the new owner to collect those fees from 2016 to 2022, and they were now supporting the change back, noting that this would be a permanent change. CA Hoyt then added that this was technically not permanent should anyone in the future wish to change the designation.

Moved by Commissioner Smith, seconded by Commissioner Mason to Resolution 2022-24, A Resolution Changing the Designation of Lot RNQ-1 (Formally RNQ-1 Single Family Lot) Skyland River Neighborhood to Its Original Designation of RNQ-1 (Quadraplex Lot). Motion carried unanimously.

RESOLUTION; AMENDING RESOLUTION NO. 22-21 SCHEDULE OF FEES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT PERMIT APPLICATIONS: Assistant County Manager for Community and Economic Development Cathie Pagano was present in the room to introduce this resolution to the Board. She explained that this was a clean-up amendment of the fee schedule resolution done earlier in May 2022. She very briefly pointed out the amendments made and then noted that she also need to take out the verbiage "in Gunnison" in #2 of the resolution, stating that she would provide a new copy by the end of the meeting for the Board to sign.

With no questions from the Board, it was moved by Chairperson Houck, seconded by Commissioner Smith to approve Resolution No. 2022-25, A Resolution Amending Resolution No. 22-21 Schedule of Fees for the Community Development Department Permit Applications, as presented this morning and with changes discussed here in session. Motion carried unanimously.

APPROVAL OF GUNNISON RANCLAND CONSERVATION LEGACY GRANT AGREEMENT; C BRANDS LAND & CATTLE RANCH CONSERVATION EASEMENT PROJECT; 333 ACRES IN THE TOMICHI CREEK AREA OF GUNNISON COUNTY; \$105,400: Present in the room for discussion were Gunnison County Geographic Information (GIS) Manager Mike Pelletier, and Gunnison Ranchland Conservation Legacy (GRCL) Executive Director Stacey McPhail.

Exec Dir Stacey McPhail explained to the Board that this family inherited the property along with other encumbered ground, and they wanted to encumber the unencumbered ground in order to expand their operation. They have brought all their children back into the valley and have expanded to have a fifth generation operating in the valley.

With no questions and the full support of the Board, it was **moved** by Chairperson Houck, seconded by Commissioner Smith, to approve the Gunnison Ranchland Conservation Legacy Grant Agreement for the C Brands Land & Cattle Rach Conservation Easement Project, which is 333 Acres in the Tomichi Creek Area of Gunnison County in the amount of \$105,400. Motion carried unanimously.

GUNNISON COUNTRY FOOD PANTRY SUPPORT REQUEST; FOOD FOR LIFE EXPANSION PROJECT: Gunnison Country Food Pantry (GCFP) Board of Directors Vice President Katie Dix was present in the room for discussion and to answer any questions.

VP Katie Dix began by giving the Board a brochure (which was included in her portfolio presentation), and asked the Board what they would like to hear first. Upon direction from Chairperson Houck, VP Dix outlined that they had begun the relocation project with \$3,500 that had been saved, and since January 2022 they had raised \$300,000 in pledges and gifts. GCFP was now seeking a second \$300,000 to cover the renovation for this year. VP Dix added that, if all goes smoothly with the monies coming in and the construction going well, then the plan was to open on Labor Day; they would keep the food pantry part open until the Friday before, then close for the weekend and move in, opening on Tuesday after Labor Day. Their goal for the second year would be to add on solar and landscaping. If all continued to go well and they continue to receive funding, then in the third year their goal would be to pay off their mortgage. VP Dix went on to explain that the building they wished to move into was 7,000 sq ft, with 4,000 sq ft of that going to the food pantry; 2,500 square feet will be dedicated to becoming a non-profit service hub; and the last 500 sq ft is already leased to a for-profit healthcare business, which will them in staying

financially stable. VP Dix then went over with the Board the needs that they have identified in the community and how they are developing plans to help meet the needs. She also highlighted that over 6,000 people in the community engage with the food pantry in donating, volunteering, receiving food – roughly 1/3 of the county.

After some discussion on the needs in Gunnison County, Chairperson Houck summarized by saying that this project was important because of the need and want in the County, and that it was important for Gunnison County to contribute, as it would hopefully lead other governmental agencies to get involved by making like contributions. The Board then discussed their monies available and, upon advice from CM Birnie, decided to commit to \$30,000 that day from the County Commissioners' discretionary fund, with plans to take a look at the end of the year for longer term support.

With full support of the plan by the Board, it was **moved** by Chairperson Houck, seconded by Commissioner Smith, that the Board of County Commissioners in Gunnison County contribute \$30,000 to the Food for Life Expansion Project with the Gunnison Country Food Pantry, and that money will come from the Board's discretionary funding; the motion will also reflect that the Board will pursue additional opportunities to support these efforts and endeavors that are so important to our entire community. Motion carried unanimously.

APPROVAL FOR COLORADO DEPARTMENT OF EARLY CHILDHOOD UNIVERSAL PRE-K APPLICATION; FOR FUNDING OF A LOCAL COORDINATING ORGANIZATION (LCO) WITH GUNNISON-HINSDALE EARLY CHILDHOOD COUNCIL (GHECC): Early Childhood Council Program Coordinator Margaret Wacker was present in the room for discussion, and Assistant County Manager for Human, Health & Safety Services Joni Reynolds joined remotely via Zoom.

Program Coordinator Margaret Wacker outlined for the Board that this year, the LCO is starting off implementing the new State universal preschool, to start in the fall. She noted that a lot of the duties for this program aligned with what the Early Childhood Council was already doing. One community meeting was held by the ECC to hear community input about strengths and weaknesses and about who should be the LCO. Consensus at that meeting sounded like the ECC should be the new LCO, but also a partnership with other organizations was also discussed. For now, they were proposing that it be Gunnison County, with the ECC being the LCO. Commissioner Smith added that she had learned from other county commissioners that most councils were using this type of set up.

ACM Joni Reynolds stated that the funding to support this effort is not clear yet – the State is has indicated that the amount of funding will be contingent on how many LCOs apply, and what each LCO's capacity is like. She added that the ECC would be applying with the option to coordinate / communicate at a local level, but have the State still maintain responsibility for directing the funds to those entities who would do the universal Pre-K services.

As the Board had no concerns with the application moving forward, it was **moved** by Commissioner Mason to approve the Colorado Department of Early Childhood Universal Pre-K Application for funding of a Local Coordinating Organization with Gunnison-Hinsdale Early Childhood Council. Commissioner Smith seconded. The motion carried unanimously.

CHANGE OF AGENDA: Chairperson Houck elected to call a short break from 10:19 am to 10:24 am.

ADOPTION 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 room for discussion and any questions from the Board.

CA Hoyt explained that this ordinance was an administrative clean-up for an old ordinance that was subsumed by the Land Use Resolution. He noted that the ordinance had been read into the BOCC record at the last meeting and published pursuant to Colorado statute, so that all that remained for adoption of the ordinance were two steps: 1) a motion by the Board that day to adopt it; and 2) publication by title, which had already been approved in a previous motion by the Board. He advised that, if there was any revision needed by the Board at this point, they would then go back and re-publish the amended ordinance.

With no changes desired by the Board, it was **moved** by Commissioner Smith to adopt Gunnison County Ordinance No. 19, An Ordinance Repealing Ordinance No. 11 Regarding Pollution Caused by Wood Smoke. Commissioner Mason seconded, and the motion carried unanimously. Chairperson Houck also confirmed for CA Hoyt that they would not change the prior decision for publication by title.

[Refer to the adopted Ordinance No. 19 text at the end of these minutes, under "GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES."]

INTRODUCTION, READING AND INSTRUCTIONS REGARDING PUBLICATION OF GUNNISON COUNTY ORDINANCE NO. 20; AN ORDINANCE AMENDING THE PENALTIES SET FORTH IN ORDINANCE NOS. 14 AND 16 REGARDING PROCESS TO PERIODICALLY BAN OPEN FIRES AND IDENTIFICATION OF "RED FLAG" FIRE DAYS: County Attorned Hoyt was also present in the room for discussion and introduction of the ordinance.

CA Hoyt introduced the ordinance by explaining that this would be the only reading of Ordinance No. 20, as required by state statute, and that it addressed the penalties for open fires and burns during "red flag" fire days. He further noted that the new ordinance, discussed in an earlier work session, increased the penalties for failure to notify Dispatch on the same day of the intent to initiate a ditch, field, trash or slash fire to \$100 dollars for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation.

CA Hoyt then read, in full, the proposed ordinance to the Board. [Refer to the proposed Ordinance No. 20 text at the end of these minutes, under "GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES."]

At the end of the reading, CA Hoyt asked the Board how they wished to publish the proposed Ordinance No. 20. The Board gave consent to publish the ordinance as had been done on an earlier ordinance – initially in full, publish in title once adopted, and to go online once adopted.

APPOINTMENT OF VOTING DELEGATE TO THE 2022-23 NATIONAL ASSOCIATION OF COUNTIES (NaCO) ANNUAL CONFERENCE; HELD JULY 21-24, 2022: Chairperson Houck noted that this year was in Denver and, as he would already be present as part of the NaCO Public Lands Steering Committee, he would be happy to be the voting delegate.

Moved by Commissioner Smith, seconded by Commissioner Mason to appoint Jonathan Houck the voting delegate to the 2022-23 National Association Counties (NaCO) annual conference, to be held on July 21-24, 2022. Motion carried unanimously.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS STRATEGIC PLAN: Chairperson Houck stated that the strategic plan had already been reviewed, so there was no need for a presentation that day.

County Manager Birnie added that there were updates since the work session where Commissioner Smith provided new language for the equity work in Section C1. The Board and CM Birnie then went over several minor changes that were needed as a result of the latest language amendments. The list of changes noted for the record were:

1. Language change under Section C, 1a: use word "culture" instead of "structure."
2. Update Section C - 1 in the Table of Contents to reflect new, matching language
3. Add the "Introduction from the BOCC"
4. Indicate the One Valley Prosperity Project (OVPP) connected items consistently throughout the plan
5. Housing goal should be moved from the "High Quality Services" section to the "Promote Prosperous, Collaborative and Healthy Communities" section

Chairperson Houck then **moved** to adopt the "Gunnison County Board of County Commissioners Strategic Plan" as presented that morning, with the few slight changes mentioned on the record, and to put it into its final format for presentation to the public. Commissioner Smith seconded, and the motion carried unanimously.

CHANGE OF AGENDA: As a break had been taken already in the meeting, Chairperson Houck elected to omit the break here.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present in the room or via Zoom for comment.

COMMISSIONER ITEMS:

Commissioner Mason

1. Attended the Reg 10 meeting. Commissioner Mason reported that Region 10, as a result of growth, had increased their staff and reconfigured management's structure. He noted that Region 10 would also be working to remodel the building they were currently in - to make it more functional.
2. Attended the Gunnison Valley Rural Transportation Authority (RTA) meeting. Commissioner Mason reported good news regarding the JSX jet service which the County had contributed \$90,000 towards bringing to the Gunnison-Crested Butte Regional Airport. JSC reported that tickets were now over 50% sold and they were potentially looking at adding on winter service. Commissioner Mason said he was particularly interested in their Austin, TX connection, and Commissioner Smith added that several local citizens had attended the meeting to express their thanks for this new connection as a positive benefit to the community.

Commissioner Mason went on to report that RTA would be bringing a robust bus schedule of 35 round trips per day for the Winter of 2022-23, and RTA had recently approved over \$2 million for the purchase of five housing units from Fading West for workforce housing, making a total of 10 units in Gunnison.

3. Attended the Colorado Counties Inc (CCI) Summer Conference, along with Commissioner Smith. Commissioner Mason stated that Commissioner Smith had been elected as the new vice-chair to the Western Section. He noted further that the western district has gradually been adding some equity in the last few years to the way in which their elections occur, and explained that new policy would have the vice-chair automatically move to the chair position, which added greater continuity.

Commissioner Smith

1. Journalist Sarah Tory from Carbondale, CO contacted Commissioner Smith regarding Country Meadows and the statewide conversation on housing. Commissioner Smith observed that even though this situation did not have the outcome they would have wished for, the story is still resonating with people around the state. An article should be coming from Ms. Tory in late June/early July.

2. Whit Blair, US Fish & Wildlife Biologist, received a grant award which would contribute an additional \$75,000 towards the cheatgrass and habitat restoration coordinator position. Commissioner Smith reported that, to date, they had at least eight applicants, and the hiring committee would be meeting on June 15th. She further noted that, from other stakeholder contributors, they had raised approximately half of what the coordinator salary was expected to cost over a three-year period, with opportunities for additional grant funding still out there.
3. Attended a Collective Impact Follow-up Workshop with the Health Coalition at Fred R Field Western Heritage Center. Commissioner Smith defined "collective impact" as a "long-term structured cross-sector collaboration committed to a common agenda to address specific, complex community problems that result in population-level outcomes and social change." She reported that Kyle Tibbett, Kari Commerford and others in the group have shown great leadership in helping organizations across the community to get involved with various initiatives.
4. Attended the valley-wide Economic Forecast at the ICELAB on May 26th. Commissioner Smith stated that the consensus there had been that numbers were down in terms of how many people are booking, but the cost was quite a bit up.
5. While at CCI Western District meeting, spoke with Tim Wolfe, Colorado Director of Tourism. Commissioner Smith reported that her concerns to him centered around the impacts experienced in communities with rapid growth in tourism, wherein many earning a paycheck were struggling more than ever with skyrocketing costs. She asked him to consider socio-economic impacts and ways for communities to stay diversified so they need not be so reliant on tourism. Commissioner Smith noted that Director Wolfe was very surprised at these issues, while she had seen them as state-wide problems. Her hope was that Colorado would be able to consider a more balanced approach to tourism.
6. Testified on the Colorado Department of Revenue's Taxation Hearing, regarding taxation of campgrounds. Commissioner Smith noted that she had been the only one who gave oral comments summarizing what they had submitted collectively in their letter as a county. After this, several had reached out to her to request the comments which Gunnison County had submitted. She also reported that they discussed what should be included in the taxation – camping in campgrounds vs backcountry camping, and auto camping – were among the topics being considered. Commissioner Smith emphasized that there were significant impacts with tourism and camping, and there should be tax monies to utilize in addressing those impacts.
7. While at CCI, discussed coordination of data collection with several of the newly formed opioid regional councils' representatives and state agencies. Commissioner Smith stated that she was concerned about all the plans that the opioid councils were developing which might overlap those of state agencies. She stressed that, while interfacing was talked about on these councils, it had not yet been actually addressed. As Commissioner Smith wished to make sure the monies received weren't spent in ways that just duplicated other efforts, she had reached out to the state's Attorney General, to inform them of the issue and see if they would be willing to coordinate the process among councils statewide. She stated that she would be following up on this as she learned more.
8. Attended a Rural Leaders collaborative meeting. Commissioner Smith reported that this meeting had been on Early Childhood Education, and there had been very helpful information which would be good to bring back to ACM for Health & Human Services Joni Reynolds and the Early Childhood Council. Some of the information centered on recruitment and retention, career development and wage development, and creating career pathways while addressing cultural needs.

Commissioner Houck

1. Attended a Sage-grouse county coalition group meeting in Delores County. Chairperson Houck stated that he had represented the Gunnison Basing Sage-grouse Strategic Committee, and also co-chaired the coalition group meeting with Julie Kibel from Delores County. Consisting of ten southwestern counties in Colorado and one county in Utah, Commissioners Houck and Kibel are working to get this collaborative group back together after the pandemic.
2. Asked to representative Gunnison County for the groundbreaking at Western Colorado University's new sports facility, to be located at Mountaineer Bowl. Chairperson Houck highlighted the generous donation of \$15 million by Paul and Katy Rady in making this possible, and added that the project would begin in earnest within a couple of weeks.
3. Working with Saguache County on the Gunnison Public Lands initiative. Chairperson Houck noted this work and added that he would skip his other items for a later date, in the interest of time and moving to the last agenda items.

RECESS: Chairperson Houck recessed the regular meeting at 11:17 am, in order to go into an executive session.

POSSIBLE EXECUTIVE SESSION PURSUANT TO COLO. REV. STAT. § 24-6-402(4)(b): CONFERENCE WITH THE COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY TO RECEIVE LEGAL ADVICE IN RELATION TO SUBMISSION OF BALLOT ISSUES TO VOTERS IN GUNNISON COUNTY RELATED TO TAXATION AND REVENUES UNDER COLORADO LAW, INCLUDING BUT NOT LIMITED TO TABOR: Chairperson Houck **moved** to go into Executive Session, pursuant to C.R.S. § 24-6-402 (4)(b), conference with the County Attorney or Deputy County Attorney to receive legal advice in relation to submission of ballot issues to voters in Gunnison County related to taxation and revenues under Colorado Law, including but not limited to TABOR. The participants in the Executive Session would

be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, Deputy County Manager Marlene Crosby, and County Attorney Matthew Hoyt. 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 11:18 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)(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)(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)(b).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 12:46 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 Mason seconded the motion. Motion carried unanimously.

Chairperson Houck thanked CA Hoyt for the opportunity to receive legal advice in relation to ballot issues, and then gave direction, for the record, that the Board would like to convene as the Local Marketing District (LMD) Board at their next regular meeting of the BOCC, and bring forth draft ballot language provided by the County Attorney’s Office, in the form of a resolution. This would be an open meeting where they will discuss all of the issues around the proposed ballot language for the LMD.

RECESS: Chairperson Houck recessed the regular meeting at 12:47 pm, in order to go into a second executive session.

POSSIBLE EXECUTIVE SESSION PURSUANT TO C.R.S. § 24-6-402(4)(f), FOR PERSONNEL MATTERS: Chairperson Houck moved to go into Executive Session, pursuant to C.R.S. § 24-6-402 (4)(f), for personnel matters. Additionally, pursuant to C.R.S. §24-6-402 (4)(f), the employee who was the subject of this executive session had been informed of the employee’s right to have this session conducted in public, and the employee had waived this right. Commissioners Smith seconded. Motion carried unanimously. It was further noted at this point that a contemporaneous record of the meeting would be kept.

The Board went into executive session at 12:48 pm. The executive session was held in the BOCC Boardroom, and a contemporaneous record of the meeting was 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) (f).*

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)(f).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 2:12 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 then let those present know that no direction or guidance was needed.

ADJOURN: Chairperson Houck adjourned the Gunnison County Board of County Commissioners regular meeting at 2:13 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: 2022-23

A RESOLUTION DELEGATING TO THE VICE PRESIDENT OF GUNNISON VALLEY HEALTH FOR ADMINISTRATIVE SERVICES THE AUTHORITY TO NEGOTIATE AND EXECUTE CONTRACTS AND AGREEMENTS TO PURCHASE COUNTY REAL PROPERTY LOCATED AT 115 MOUNTAINEER DRIVE IN GUNNISON, COLORADO FOR THE USE OF THE GUNNISON VALLEY HOSPITAL

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, the Board of County Commissioners finds it necessary and appropriate to delegate authority to the Gunnison Valley Health Vice President for Administrative Services to act as its agent and negotiate and execute all necessary contracts and agreements for the purchase of real property located at 115 Mountaineer Drive, Gunnison, Colorado, to be used by Gunnison Valley Health;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that Wade Baker, the Vice President for Administrative Services at Gunnison Valley Health, is hereby authorized and delegated the power to negotiate and execute contracts and agreements for the purchase of the following real property on behalf of the County for County purposes, including for use by Gunnison Valley Health:

Unit 12, Mountaineer Townhomes, according to the Plat Recorded May 4, 2004 at Reception No. 541693, and the Declaration of Mountaineer Townhomes Recorded May 4, 2004 Under Reception No. 541694, County of Gunnison, State of Colorado Also Known by Street and Number As: 115 Mountaineer Drive, Gunnison, Colorado 81230.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted on this 7th day of June 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO: 2022-24

A RESOLUTION CHANGING THE DESIGNATION OF LOT RNQ-1
(FORMALLY RNQ-1 SINGLE FAMILY LOT) SKYLAND RIVER NEIGHBORHOOD TO
ITS ORIGINAL DESIGNATION OF RNQ-1 (QUADRAPLEX LOT)

WHEREAS, Stephen Bruno the owner of Lot RNQ-1, aka 38 Alpine Ct, Skyland River Neighborhood, proposes a change in the designation of the lot from RNQ-1 "Single- Family Lot "to its original designation of Lot RNQ-1 "Quadrplex Lot;" and

WHEREAS, the Board of County Commissioners of Gunnison County Commissioners finds the following:

1. The Amended Plat of Portions of Skyland was approved by the Board of County Commissioners on December 24, 1996, recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 473132, January 3, 1997.
2. The Board of County Commissioners approved the Special Covenants of Skyland River Neighborhood, recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 473134, January 3, 1997. The Covenants designated uses on each individual Lot, including RNQ-1, as a "Quadrplex Lot", which shall be used solely for the development of four single-family units.
3. The Board of County Commissioners approved the "Amendments to Special Covenants of Skyland River Neighborhood", Board Resolution # 2002-33, June 18, 2002. Part of the amended covenants modified the definition of "Quadrplex Lot" to be used solely for two, three or four single-family units. The amended Covenants are recorded in the Office of the Gunnison County Clerk and Recorder, at Reception No. 521552, June 28, 2002.
4. The owner of Lot RNQ-1 in July, 2016 requested the lots designation be changed to single family. At that time the former owner did not wish to construct any residential units on the property. The owner had indicated that he was required to pay water availability for four units due to the "Quadrplex Lot" designation and the designation to RNSF provided relief.
5. The request was supported by the Homeowners Association.
6. The Board of County Commissioners approved the request in Resolution No. 16- 30, dated July 19, 2016, recorded at reception number 640664, in the Office of the Gunnison County Clerk and Recorder.
7. The ownership of the lot has changed and the current owner, Stephen Bruno, has requested the lot designation be changed back to its original designation of RNQ- 1 "Quadrplex Lot."
8. The request is supported by The Skyland River Neighborhood Association, in a letter dated May 14, 2022, noting they had "no conflict with the request to convert 38 Alpine Court-which was ordinally designated Skyland Lot RNQ-1, then changed to RNSF (Single Family) as per Board of County Commissioners of Gunnison County Resolution No. 16-30 (recorded July 19, 2016)-back to RNQ designation which allows any of the following: Quadrplex, Triplex, Duplex, or Single Family. The RNQ designation change shall be permanent."

NOW, THEREFORE, BASED ON THE FINDINGS SET FORTH ABOVE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the request for a change in the designation of Lot RNQ-1 to its original designation of "quadrplex lot", is approved.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted on this 7th day of June 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO**

RESOLUTION NO: 2022-25

A RESOLUTION AMENDING RESOLUTION NO. 22-21 SCHEDULE OF FEES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT PERMIT APPLICATIONS

WHEREAS, pursuant to the Gunnison County *Land Use Resolution*, the *International Building Code*, and the Gunnison County *Onsite Wastewater Treatment System Regulations*, the Board of County Commissioners is authorized to set and amend the Community Development Department’s permit application fees in order to compensate the County for the cost of review and processing of permit applications;

WHEREAS, Community Development staff has provided the Board of County Commissioners a cost and revenue analysis in a report dated March 7, 2022 titled “Community Development Fees.” The report includes analysis of the fees for land use change permits, building permits, and onsite wastewater treatment system permits. The report and discussion with the Board of County Commissioners in regularly scheduled meetings contemplated the requirement of submittal of a project budget for buildings greater than 5,000 square feet;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Gunnison County Board of Commissioners Resolution No. 22-21 shall be amended as follows:

1. For residential structures greater than 5,000 square feet it is the applicant’s responsibility to provide the Building Permit valuation according to sections R108 of the International Residential Code and 109 of the International Building Code.
2. For all building permit applications in Gunnison less than 5,000 square feet the applicant may choose to provide the Building Permit valuation according to section R108 of the International Residential Code and 109 of the International Building Code or a permit valuation established according to the Building Valuation Data schedule as set forth in the most recent issue, at the time of issuance of the building permit, of the Building Safety Journal, published by the International Code Council using the regional cost modifier as adopted in Resolution 22-21.
3. All other provisions of Resolution No. 22-21 shall remain the same unless modified or repealed by subsequent resolution of this Board.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Houck, seconded by Commissioner Smith, and passed on this 7th day of June 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

[ADOPTED ORDINANCE]

**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 7th DAY OF June, 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

Houck – yes, Mason – yes, Smith – yes

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

ORDINANCE NO. 20

AN ORDINANCE AMENDING THE PENALTIES SET FORTH IN ORDINANCE NOS. 14 AND 16 REGARDING PROCESS TO PERIODICALLY BAN OPEN FIRES AND IDENTIFICATION OF "RED FLAG" FIRE DAYS

WHEREAS, on June 18, 2002, the Gunnison County Board of County Commissioners adopted Ordinance No. 14, amending Ordinance No. 8[a] and establishing a permanent process to periodically ban open fires and imposing associated penalties;

WHEREAS, on April 20, 2004, the Gunnison County Board of County Commissioners adopted Ordinance No. 16, authorizing the identification of "red flag" fire days and imposing certain related requirements and penalties;

WHEREAS, the Colorado Legislature, through passage of Senate Bill 21-271, amended the penalties associated with violation of certain types of county ordinances, effective March 1, 2022; and

WHEREAS, because of this change in the law, the Gunnison County Board of County Commissioners has determined the need to amend Ordinance Nos. 14 and 16 to conform the penalties with the changes to C.R.S. § 30-15-402 made as a result of Senate Bill 21-271, and, where appropriate, to increase same in order to modernize the penalties associated with violations of the aforementioned ordinances;

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

Section 1. Amendment of Ordinance No. 14.

Paragraph 3, which in turn amends Section 3 of Ordinance 8[a], is hereby amended as follows:

Any person who violates this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, commits a civil infraction and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate offense. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, may be followed by any arresting law enforcement officer for any such violation. That penalty assessment procedure shall provide for a fine of five hundred dollars (\$500.00) for each separate offense and a fine of one thousand dollars (\$1000.00) for any repeat offense by the same individual. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or as otherwise provided by law.

All other provisions of Ordinance No. 14 shall remain in full force and effect as if fully set forth in this Ordinance.

Section 2. Amendment of Ordinance No. 16.

Paragraph 4 of Ordinance No. 16 is hereby amended as follows:

Any person who initiates in unincorporated Gunnison County a ditch, field, trash or slash fire without having first, on the same day, notified Gunnison Regional Communications Center of the intent to initiate such a fire commits a civil infraction and, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100.00) for the first violation, five hundred dollars (\$500.00) for the second violation, and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. § 30-15-402, as amended. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, is authorized to be followed by any arresting law enforcement officer for any such violation. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or otherwise permitted by law.

Paragraph 5 of Ordinance No. 16 is hereby amended as follows:

Any person who initiates in unincorporated Gunnison County an open fire, as that term is defined in Section 1 of Gunnison County Ordinance No. 14, on a day identified by the National Weather Service as a "red flag" fire day in any part of unincorporated Gunnison County commits a civil infraction and, upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500.00) for the first violation and

one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. § 30-15-402, as amended. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, is authorized to be followed by any arresting law enforcement officer for any such violation. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or otherwise permitted by law.

All other provisions of Ordinance No. 16 shall remain in full force and effect as if fully set forth in this Ordinance.

Section 3. Certification.

The County Clerk shall certify the passage of this Ordinance and make not less than three (3) copies of this Ordinance 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