AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Repealing/Rescinding Previously Adopte

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Please see the attached resolution. As discussed in previous meetings, the process of repealing/rescinding/replacing/updating current policies will take some time, and progress will need to happen in chunks. This resolution, if approved, will eliminate five defunct policies, statements or

Fiscal Impact: None

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 7/7/17

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 7/7/2017 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 7/7/2017

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 7/11/2017

Revised April 2015

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2017-___

A RESOLUTION REPEALING/RESCINDING PREVIOUSLY ADOPTED GUNNISON COUNTY POLICIES

WHEREAS, Gunnison County has established a uniform policy format and an adoption and periodic review process to promote consistency and uniformity throughout the organization; and

WHEREAS, during a review of previously adopted policies, Gunnison County has determined that some of those policies should be rescinded/repealed due to the inclusion of language that is in conflict with other adopted policies, or because of their general obsolete nature; and

WHEREAS, rescission/repeal of these policies, due to their nature, may not occur via the adoption of current and related policies in the future; and

WHEREAS, the rescission/repeal of these policies does not create any lapses in guidance for the organization's employees or the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that rescission/repeal of the following policies is effective with the passage of this resolution:

1. Policy; *Denying Assistance for Any Applicant Convicted of a Felony in the Ten Years Prior to the Application for Assistance and Refer to the Now Being Formed Housing Advisory Committee the Question of More Detailed Policies Relating to Admission and Occupancy for People Engaged in or Convicted of Criminal Activity*; adopted July 7, 1998. (Exhibit A)
   Reasoning: This policy was adopted on a temporary, interim basis without a term date, and the Housing Advisory Committee is defunct. As well, the responsibility for processing and managing of assistance applications has been transferred to the Gunnison Valley Regional Housing Authority.

2. Policy; *Regarding Use of Copyright, Trademark, or other Advertising Material*; adopted October 6, 1998 (Exhibit B).
   Reasoning: This policy document cannot be located. It was discovered during a review of Board of County Commissioner meeting minutes, and it has likely not been utilized since its adoption. As well, responsibility for marketing of the Gunnison Valley is annually contracted to the Gunnison-Crested Butte Tourism Association.

3. Resolution #2002-21; *A Resolution Concerning Designation of a Representative to the County Health Pool*; adopted April 23, 2002 (Exhibit C).

Reasoning: Gunnison County no longer participates in the County Health Pool, therefore a representative need not be designated.

4. Resolution #2003-31; *A Resolution Changing the Title of County Manager to Chief Executive Officer and Modifying the Duties Thereof*; adopted May 20, 2003 (Exhibit D).
   Reasoning: The title of Chief Executive Officer is not in use, and the duties of the County Manager are much too varied to exist in an all-inclusive list. Resolution #1983-20, adopted on June 21, 1983, states the correct title and appropriately states the County Manager's overall responsibilities. The County Manager is employed by the Board of County Commissioners via an employment contract.

5. Policy Statement #004; *Land Acquisition Policy for Essential Housing*; adopted April 4, 2006 (Exhibit E).
   Reasoning: This policy document cannot be located. It was discovered during a review of Board of County Commissioner meeting minutes, and it has likely not been utilized since its adoption. The County considers the individual merits and potential benefits of land acquisition opportunities as they are presented.

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this 11th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Commissioner

_____
John Messner, Commissioner

Attest:

_____
Deputy County Clerk

EXHIBIT A

LEROY KLEINHOLZ RECYCLING DISCUSSION: Leroy Kleinholz met with the Board to discuss his concerns regarding the County soliciting recycling business from the college, and other recycling practices. He feels that it is illegal for the government to be involved in businesses that are provided by private enterprise. County Manager DeVore stated that the purpose of County recycling efforts is to preserve the life of the landfill. Commissioner Santarelli said that Mr. Kleinholz's private recycling operation may be illegal due to there not being a proper land use permit.

Mr. Kleinholz also addressed other issues of concern regarding public works operations.

GUNNISON COUNTY HOUSING AUTHORITY: Chairperson Field called to order a meeting of the Gunnison County Housing Authority at 4:50 p.m. Director Chadrick Martinez and Assistant Director Shary Templeton were present, as were Finance Director McBride and Public Works Director Crosby.

Mr. Martinez distributed a draft policy regarding the occupancy and admission into housing projects of persons convicted of certain drug-related or violent crimes. He stated that this policy meets the requirements of HUD. The proposed policy states: "In determining whether to deny or terminate assistance based on drug-related activity or violent criminal activity the Gunnison County Housing Authority shall have discretion to consider all of the circumstances in each case, including the seriousness of the offense, the extent of participation by family members, and the affects that denial or termination would have on family members not involved in the prescribed activity". Mr. Martinez said that this policy is being requested for all current and upcoming Housing Authority projects. Ms. Templeton reported that the Section 8 program already requires a CBI check of applicants. County Manager DeVore stated that certain regulations must be in place when the County agrees to accept HUD funding.

Mr. Martinez reported that there is currently an applicant for a Mountain View Apartment that is on probation following his conviction for a felony. Discussion followed regarding that specific issue, and how applicants are prioritized. Chairperson Field stated that he wants a policy to be adopted to protect the residents of the Mountain View Apartments. Commissioner Santarelli agreed. Commissioner Zanetell stated her concern with prohibiting persons from the facility due to their past activities. County Attorney Baumgarten spoke regarding the requirement for convicted sex offenders to register with the local law enforcement agency, but there being no requirement for public notification of that person's conviction. There was also discussion regarding difficulties in terminating a lease once a person moves into a facility, even if that person performs inappropriate acts during that residency.

Discussion continued regarding the draft policy. It was reiterated that this policy is for felony or drug convictions, and is to be considered regarding both admission into and continued participation in Gunnison County Housing Authority programs.

Moved by Commissioner Santarelli, seconded by Commissioner Zanetell that the Gunnison County Housing Authority adopt a policy on a temporary, interim basis of denying assistance for any applicant convicted of a felony in the ten years prior to the application for assistance; and refer to the now being formed Housing Advisory Committee the question of more detailed policies relating to admission and occupancy for people engaged in or convicted of criminal activity. Motion passed unanimously.

Chadrick Martinez distributed a checklist used annually by the Housing Authority during the client re-certification process. Recent re-certifications at the Mountain View Apartments have revealed that several tenants have not had all of their annual income counted towards rental assistance. In these cases, the tenant rental

occupancy for people engaged in or convicted of criminal activity. Motion passed unanimously.

Chadrick Martinez distributed a checklist used annually by the Housing Authority during the client re-certification process. Recent re-certifications at the Mountain View Apartments have revealed that several tenants have not had all of their annual income counted towards rental assistance. In these cases, the tenant rental payments have increased over $200 per month each. Mr. Martinez has spoken with HUD and CHAFA regarding these errors and how to mitigate them. He said that HUD stated it would be appropriate to document the issues and move forward; while CHAFA wants to do a more in-depth analysis of the files since their staff previously audited the Mountain View Apartments records.

Mr. Martinez and Ms. Templeton reported on various resident concerns at the Mountain View Apartments, and upcoming tenant meetings, events, and the election of a residents council.

The meeting of the Gunnison County Housing Authority adjourned at 5:50 p.m.

COUNTY ATTORNEY REPORTS:

MARBLE METRO DISTRICT: County Attorney Baumgarten reported that there is an upcoming meeting with the attorney for the Marble Metro District to discuss the dissolution of that District. It appears that the District is trying to dissolve themselves rather than having the State Department of Local Affairs proceed. Discussions will need to include water rights, including Pitkin County's first right of refusal on some water. The Court will need to approve the disposal of the Marble Metro District's assets. County Manager DeVore said he will discuss the water rights with the Pitkin County Manager when he is in Aspen on other business.

ADJOURN: The July 7, 1998 Board of Commissioners meeting was adjourned at 6:00 p.m.

****

_____
Fred R. Field, Chairperson

_____
R.A. Santarelli, Vice-Chairperson

_____
Marlene Zanetell, Commissioner

Attest:

_____
Joanne Reitinger, County Clerk

EXHIBIT B

GUNNISON BEAUTIFICATION COMMITTEE: Hugh McGee spoke to the Board regarding possible funding of the Gunnison Beautification Committee's proposal for a clean up day. Numerous citizens were also present for this discussion. Discussion followed regarding landfill fees, the County's concern regarding persons saving large amounts of trash for free or reduced landfill fees, public education programs regarding cleanup, hazardous materials cleanup, and the possibility of having a group obtain special colored trash bags for cleanup days at a reduced cost. The Board suggested that the group work with Marlene Crosby on a more defined plan.

LODGING TAX PANEL: Tammy Scott, Martin Catmur, and Jay Miller were present to discuss an issue that has arisen regarding persons using maps or other products commissioned by the Lodging Tax Panel, without permission. County Attorney Baumgarten met with the Lodging Tax Panel to discuss legalities regarding copyright material, and to assist in the development of a policy regarding use of such materials. All property rights will belong to Gunnison County.

Moved by Commissioner Zanetell, seconded by Chairperson Field that the Board approve the "Policy Regarding Use of Copyright, Trademark, or other Advertising Material" as adopted by the Gunnison County Lodging Tax Panel. Motion passed.

GUERRIERI PROPERTY PURCHASE: Marlene Crosby presented a recommendation to purchase property owned by the Guerrieri family along Gothic Road. This is another purchase in the series of Gothic Road right-of-way acquisitions that began with the Barkman/Heal purchase previously. Some property will be purchased from the Guerrieris, with some County property not needed being returned to them. There will also be fence construction and maintenance agreements.

Moved by Commissioner Zanetell, seconded by Chairperson Field that the Board direct staff to proceed with a proposed purchase contract with Burt Guerrieri for the purchase of property on Gothic Road as proposed by the Public Works Director. Motion passed.

TRAILS COMMISSION: Joellen Fonken and Nancy Ruehle of the Trails Commission were present to discuss the Trails Commission findings regarding trails access identified throughout the County, noting that they have not attempted to prioritize the accesses. It was noted that many of the trails issues identified are those that are no longer open to the public, with a few requests for new accesses. The Trails Commission requests that the Board develop criteria to prioritize the issues, as well as provide direction on whether to hold a public meeting.

Chairperson Field discussed the need to notify property owners who have any identified trail access on their property before making the information available to the public, and mapping areas of general priority for the Planning Commission to use

EXHIBIT C

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2002-21

A RESOLUTION CONCERNING DESIGNATION OF A REPRESENTATIVE TO THE COUNTY HEALTH POOL.

WHEREAS, the governing body of Gunnison County, Colorado is advised that the business to be conducted at Members' Meetings of the County Health Pool must be transacted by the Official Representative of each Member.

NOW, THEREFORE, BE IT RESOLVED that the governing body of Gunnison County, Colorado hereby and herewith:

designates **John DeVore**, County Manager as its Official Representative to all County Health Pool Members' meetings;

reserves the right to replace and, if there is a provision in the County Health Pool Agreement pertinent to this Public Entity, designates another Representative to serve with the person named herein above. If applicable, the Designated Alternate Representative is **Debbie Moore**, Personnel Analysist;

requests all communications, in any way affecting the participation of the Public Entity in the Pool be addressed to:

John DeVore, County Manager
200 East Virginia Avenue
Gunnison, CO 81230
(970) 641-0248

INTRODUCED by Commissioner Starr, seconded by Commissioner Anderson, and adopted this 23rd day of April, 2002.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

By _____
Fred Field, Chairperson

By _____
Jim Starr, Commissioner

By _____
Perry Anderson, Commissioner

Attest:

_____
Deputy County Clerk

EXHIBIT D

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2003-31

A RESOLUTUION CHANGING THE TITLE OF COUNTY MANAGER TO CHIEF EXECUTIVE OFFICER AND MODIFYING THE DUTIES THEREOF

WHEREAS, the Board of County Commissioners of Gunnison County is authorized by Section 30-11-107 to create the office of county manager and any other office required for the efficient management of county business; and

WHEREAS, the Board of County Commissioners of Gunnison County adopted Resolution Number 20 Series 1983 establishing the position of County Manager; and

WHEREAS, the Board of County Commissioners of Gunnison County has determined it to be in the best interest of the County to temporarily re-align job duties and change the position title to more adequately identify the responsibilities of the position to include managing the airport and managing special projects.

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

a) The office of "County Manager" is hereby changed to the office of "Chief Executive Officer.
b) The Chief Executive Officer shall be appointed by the Board of County Commissioners at such compensation as may be appropriate. The Chief Executive Officer shall serve at the pleasure of the Board and may be removed at any time by resolution.
c) The Chief Executive Officer shall be the chief administrative officer of the County and shall be directly responsible to the Board of County Commissioners in that capacity.
d) The Chief Executive Officer shall hire, supervise and, where necessary, terminate the employment of those employees placed under his/her jurisdiction by the Board. The hiring and termination of Department Heads or Program Directors under the Chief Executive Officer's jurisdiction will require review by the Board of County Commissioners prior to any action.
e) The Chief Executive Officer shall, on behalf of the Board of County Commissioners coordinate and direct the activities of all executive and administrative departments and agencies of the County placed under his/her jurisdiction by the Board. The Chief Executive Officer shall be responsible to the Board for the proper execution and administration of the affairs of the County, including the performance by the Chief Operations Officer, the respective departments, agencies and officers of the County and their functions, duties and services as permitted or required by law.

f) The Chief Executive Officer shall, in regards to the policies adopted or otherwise approved by the Board of County Commissioners, cause those policies to be implemented and insure that the activities of all executives and administrative departments are consistent therewith.

g) The Chief Executive Officer shall prepare a recommended budget for each fiscal year and submit it to the Board on or before the 15th day of October of each year. Such budget shall include the recommended staffing, operating expenses, capital expenditures and revenue sources for all departments, agencies of the County government and any other information deemed necessary.

h) Exhibit A to this Resolution is intended to identify the specific responsibilities of the position of Chief Executive Officer and these duties may change from time to time at the discretion of the Board of County Commissioners.

INTRODUCED by Commissioner Starr, seconded by Commissioner Anderson, and passed this 20th day of May 2003.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Fred R. Field, Chairperson

Jim Starr, Commissioner

Perry Anderson, Commissioner

Attest:

Kelly Balch, Deputy Clerk

EXHIBIT A

Job Duties – Chief Executive Officer

Serves as the CEO and Special Projects Coordinator of Gunnison County

Overall administrative responsibility for Airport, MIS, Long Range Planning, Housing Authority, Finance, Public Health, Human Services, Juvenile Diversion, Personnel-Insurance Program

Serves as the Gunnison County Airport Manager

Serves as staff to the Gunnison Valley Land Preservation Board

Serves as the Interim Director for the Gunnison Valley Rural Transportation Authority

Serves as the liaison between the Gunnison River Valley Local Marketing District and the Tourism Association

Acts as a public information coordinator for the Board of County Commissioners on administrative matters and specific projects as determined by the Board

Responds to inquiries from citizens and community organizations

Recommends and advises the Board of County Commissioners on administrative matters

Coordinates the development of the annual budget

Develops and monitors the Capital Improvements Program, including debt management and coordination of tax-exempt bond issues

Coordinates efforts and joint; programs with City and Town governments and various other governmental agencies as specified by the Board of County Commissioners

Represents the Board of County Commissioners, as directed, before the State Legislature and other government and private entities

Coordinates the Legislative Agenda of the Board of County Commissioners, as directed

Current Special Projects:

Responsible for the development and coordination of the Gunnison County Airport Business Park

Responsible for the development and coordination of the Gunnison Telescope Project

Responsible for the development and coordination of the Science and Technology Center

Coordination with Tenderfoot Child Care Center for a new day care facility

Responsible for the coordination and development of the Airport Master Plan

Responsible working with the City and County Planning Commissioners to develop a recommended Airport Influence Zone for consideration by the Gunnison City Council and the Board of County Commissioners

Represents the County on the Main Street Program

Responsible for the coordination and development of the New Detention Center including exploration of different alternatives to incarceration

Responsible for the coordination of the discussions with the DOE regarding institutional controls

Responsible for the coordination of the Cloud Seeding Program

PRESS RELEASE

The Board of County Commissioners has informed the public in two previous letters about what your county government has achieved in the past couple of years, and about the financial and budgetary challenges which we now face. We have discussed our efforts to continue providing the essential basic services upon which our citizens rely, our attempts to help stimulate the local economy, and the reality of these lean economic times. Today we want to inform you of a county staff reorganization which has just been adopted.

The reorganization is designed to better serve the citizens of the county with the fewer financial resources we now have. In consultation with the County Manager and Assistant County Manager, the Board has made the decision to postpone the recruitment of a new Airport Manager until the end of 2004 when the Airport Master Plan has been completed, the major construction projects at the airport have been accomplished and the future of commercial air service has been stabilized. In order to address the needs of the airport and manage the various special projects that have evolved over the past two years, the Board of County Commissioners has adopted a reorganization plan that re-aligns the job duties between John DeVore, the County Manager and Marlene Crosby, the Assistant County Manager. The Board has also changed their job titles to more closely follow the new assigned responsibilities.

The Manager's title has been changed to Chief Executive Officer and the Assistant Manager's title is now Chief Operations Officer. As Chief Executive Officer, John will have overall administrative responsibility for Long Range Planning, Management Information Services, the Housing Authority, Finance, Public Health, Human Services, Juvenile Diversion, and the county's Self Insurance Program. John will also serve as the Interim Airport Manager, and continue as Interim Director of the Gunnison valley Rural Transportation Authority as well the coordinator for several other special projects. The Chief Operations Officer, Marlene Crosby, will have overall administrative responsibility for Public Works, the Planning Department, Personnel, Building Maintenance, the Rodeo Grounds, Emergency Services, as well as other special projects.

At our retreat this spring, the Board discussed at length the need to continue to improve the efficiencies of our County team even while our financial resources have been diminished. We are very excited about this change and are confident that it is the most responsible way we can effectively utilize the taxpayer's dollars. We also believe that changing these job titles and clarifying these job descriptions which have evolved will help increase the contact points between the public and county staff, resulting in better service to our citizens. We will be evaluating these changes in September and welcome comments from the public about them.

found out that CCI is moving forward to work on implementation plans rather than supporting a delay. He also obtained information regarding the audit of the new machines during the first election.

Chairperson Starr expressed continued concern with the security of the new machines required for ADA access according to federal HAVA requirements. He suggested the County place advisories on those machines to alert the users that the machines have not yet demonstrated accuracy, or to have machines used in other states available to comply with ADA needs. Commissioner Channell responded he did not think the County could use those machines here which have not been certified by the State of Colorado. County Manager Devore and Commissioner Swenson expressed opposition to placing advisories on machines regarding their demonstrated accuracy. County Manager DeVore will check further into available machines and the posting of advisories on machines.

PUBLIC HEALTH TRAVEL REQUEST: Public Health staff member Kim Bemis submitted a request for travel to a conference in Jackson Hole Wyoming.

Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the request for travel to Jackson Hole Wyoming for Kim Bemis April 19-22 at a cost not to exceed $858. Motion passed unanimously.

TENDERFOOT CHILD CARE CENTER: County Manager DeVore reported that bid openings for the Tenderfoot Child Care Center construction were postponed from April 3 to April 10 due to tight bidding conditions.

LAND ACQUISITION POLICY FOR ESSENTIAL HOUSING: County Manager DeVore presented the revised draft land acquisition policy based on the Board's discussion at the March 21 meeting. Commissioner Channell wondered if this policy should be adopted by the Housing Authority instead of the Board of Commissioners. After discussion it was suggested that the policy be adopted today by the Board of Commissioners and at the April 18 meeting by the Gunnison County Housing Authority. Several minor language amendments were made during discussion today.

Moved by Commissioner Swenson, seconded by Commissioner Channell to adopt Policy Statement #004 regarding a land acquisition policy for essential housing, as further amended today. Motion passed unanimously.

AIRPORT TRAVEL REQUEST: Airport Administrative Director Kathie Lucas presented a summary of required Airport Rescue and Fire Fighter trainings for Airport staff to attend this year. All are out of state. Although the Board decided last year that required travel did not need their approval, Lucas stated she would prefer to provide a summary to the Board due to the cost and also for the Board to be aware of what training is required of ARFF staff. The memo summarizing the ARFF training also referenced other staff travel expected in 2006.

Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the ARFF training expenditures for out of state travel in the amount of approximately $18,000 which is included in the budget. Motion passed unanimously.

AIRPORT TAXIWAY PROJECT BIDS: County Manager DeVore reported that the bids for the taxiway and general aviation ramp came in about one million dollars higher than anticipated. Sufficient funding is not available. DeVore and Kathie Lucas will meet with the FAA in Denver this Thursday to discuss more funding and/or what can be reduced or eliminated from this project. The project still needs to occur this summer, it's just a matter of arranging or rearranging funding and details to accomplish the project.

AIRPORT BROOM TRUCK: Financing has been secured for this acquisition, and the truck is being constructed at this time.

AIRPORT ENGINEER CONTRACT: Airport Administrative Director Kathie Lucas submitted two contract amendments with Carter Burgess, the County's airport engineering consultant. These contract amendments cover the work done by Carter Burgess for the airport taxiway and general aviation ramp project. An independent review has been conducted on the contract costs, and the FAA has approved them. Lucas said these will be the last amendments to the Carter Burgess contract as the County is required to advertise a Request for Proposals from airport engineering consultants.

Moved by Commissioner Swenson, seconded by Commissioner Channell to approve and execute contract amendments #5 and #6 between Carter Burgess Inc. and Gunnison County as presented. Motion passed unanimously.