# AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

**Agenda Item:** Intergovernmental Agreement; Regarding Undesirable

**Action Requested:** Board of County Commissioners' Signature

**Parties to the Agreement:** 2018 IGA for Undesirable Plant Management

**Term Begins:** May 1, 2018 **Term Ends:** 12/31/2018 **Grant Contract #:**

**Summary:**

Letter to partners sent April 3, Agreement, and signed signature pages are attached.

**Fiscal Impact:** $9900 Income

**Submitted by:** Jon Mugglestone **Submitter's Email Address:** jmugglestone@gunnisoncounty.org

**Finance Review:** (●) Required ( ) Not Required

Comments:
No concerns, this total included in 2018 adopted budget. ln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 6/22/2018

**County Attorney Review:** (●) Required ( ) Not Required

Comments:

Reveiwed by: GUNCOUNTY1\mhoyt Discharge Date: 6/28/2018 Certificate of Insurance Required Yes ( ) No (●)

**County Manager Review:**

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 6/29/2018

(●) Consent Agenda ( ) Regular Agenda ( ) Worksession Time Allotted: 0

Agenda Date: 7/3/2018

*Revised April 2015*

April 3, 2018

Board of County Commissioners
Hinsdale County
PO Box 277
Lake City, CO 81235

Board of County Commissioners Saguache County
PO Box 655
Saguache, CO 81149

Town Manager
Town of Crested Butte
PO Box 39
Crested Butte, CO 81224

Town Manager
Town of Mt Crested Butte
PO Box 5800
Mt. Crested Butte, CO 81225

Town Mayor
Town of Pitkin
810 Main
Pitkin, CO 81241

City of Gunnison
201 West Virginia
Gunnison, CO 81230

RE: Intergovernmental Agreement Regarding Undesirable Plant Management

To: Participants in the 2018 Intergovernmental Agreement (IGA)

Please find two copies of the 2018

Intergovernmental Agreement attached for your review and signature. Please sign and date both copies, have the agreements attested by your Clerk/Deputy Clerk, and retain one copy for your records and return one to the Gunnison County Weed Management Program at the above address, as soon as possible.

Please call 970-641-4393 if you have any questions or comments regarding the agreements.

Thank you,

Jon Mugglestone & Bradley Wigginton
Gunnison County Weed Coordinator

Attached: 2018 IGA

**INTERGOVERNMENTAL AGREEMENT**
**REGARDING UNDESIRABLE PLANT MANAGEMENT**
**2018**

THIS AGREEMENT, made and entered this ____ day of _____, 2018, by and among the Board of County Commissioners of Gunnison County ("Gunnison County"), the Board of County Commissioners of Saguache County ("Saguache County"), the Board of County Commissioners of Hinsdale County ("Hinsdale County"), the Town of Crested Butte, the Town of Mt. Crested Butte, City of Gunnison, and the Town of Pitkin all of which are either a County, or a statutory or home rule city, or a statutory town or home rule town, or a territorial charter municipality, and all of which are organized under and by virtue of the laws of the State of Colorado,

WITNESSETH:

WHEREAS, each of the party counties is obligated pursuant to C.R.S. 35-5.5-101 *et seq.* (hereinafter referred to as the "Act") to adopt no later than January 1, 1992, an undesirable plant management plan for all of the unincorporated lands within the respective counties; and

WHEREAS, each of the party cities and towns is obligated pursuant to the Act to adopt no later than January 1, 1992, an undesirable plant management plan for all lands within the territorial limits of the respective municipalities; and

WHEREAS, each of the parties has other specified powers, authorities and obligations pursuant to the Act including but not limited to formation of undesirable plant management advisory commissions; and

WHEREAS, pursuant to C.R.S. 29-1-201 *et seq.*, and C.R.S. 29-20-101 *et seq.*, C.R.S. 35-5.5-105(3) and C.R.S. 35-5.5-106(3), each of the parties herein may cooperate with another party herein or other parties herein for the exercise or satisfaction of any or all of the powers, authorities and obligations granted or imposed by C.R.S. 35-5.5-101 *et seq.*; and

WHEREAS, it is to the mutual advantage and benefit of the parties hereto that the parties agree to cooperate among themselves for the exercise or satisfaction of any or all of the powers, authorities and obligations imposed by the Act;

NOW, THEREFORE, in consideration of their mutual covenants, the parties agree as follows:

1. This Intergovernmental Agreement shall be applied by the parties to and shall be used by the parties for the management of undesirable plants within the entirety of the Gunnison River Basin Watershed as follows:

2. a. Each of the parties hereby jointly and severally appoints the Gunnison Watershed Weed Commission, aka Gunnison Basin Weed Commission (hereinafter referred to as the "Commission") as the Commission required by the Act for the Gunnison River Basin Watershed.

b. Each of the parties hereby jointly and severally appoints the Board of County Commissioners of Gunnison County as the local authority required by the Act for the Gunnison River Basin Watershed.

c. The membership of the Commission shall be:

(i) Lorraine Rup (Gunnison County Representative);
(ii) Tom Grant (Gunnison County Representative);
(iii) Tom Walker (Appointed by Gunnison County);
(iv) _____(Vacancy, appointed by Gunnison County);
(v) Alice Attaway (Hinsdale County Representative);
(vi) Randy Arredondo (Saguache County Representative);
(vii) Ex-officio Representatives from:
Bureau of Land Management, US Forest Service, Natural Resource Conservation Service, National Park Service, City of Gunnison, Colorado Department of Parks & Wildlife, Town of Mt. Crested Butte, Town of Crested Butte, CSU Extension, CB Land Trust, Rocky Mountain Biological Lab, Gunnison Conservation District, and Colorado Department of Transportation.

Each Gunnison County representative may be succeeded by a Gunnison County representative; the Saguache County representative and the Hinsdale County representative may be succeeded by a representative from their respective county.

In the case of a tie vote, the issue shall be decided by the Board of County Commissioners of Gunnison County.

d. The Commission shall elect a Chairman and Secretary. A majority of the members of the Commission shall constitute a quorum for the conduct of business.

e. The Commission shall have all of the powers and duties specified in C.R.S. 35-5.5-107(4)(a), (b) and (c).

f. The Commission shall consult with and report to each of the parties regarding the annual budget required to perform this Intergovernmental Agreement, the management plan, management criteria, management practice and any other major decision or recommendation of the Commission. Such consultation and reporting shall not necessarily be in person but may be in writing or by telephone.

3. The parties hereto authorize Gunnison County to be the sole and final authority to approve, modify and supervise the day-to-day conduct and provision of services required by this Intergovernmental Agreement including, but not limited to, the authority to select, contract with, and compensate the personnel, including administrative personnel, public or private, who shall perform the work necessary to accomplish the ends of the Act. Each of the parties expressly authorizes Gunnison County to enter into such contracts and

provide such compensation on behalf of that respective party providing that such actions do not require expenditures exceeding the annual budget.

4. Gunnison County will furnish to each of the parties an annual report of activities, costs and expenses of personnel, including administrative personnel, who perform the work necessary to accomplish the ends of the Act.

5. Gunnison County will charge a rate of $100/hour for noxious weed management, including all associated labor, equipment, materials, and administration. Each of the parties agrees to pay or to reimburse Gunnison County, no later than December 31, 2018, for a share of such activities, costs and expenses as follows:

| | | |
|---|---|---|
| Hinsdale County - | $ | 1,600.00 (16 hours) |
| Saguache County - | $ | 2,000.00 (20 hours) |
| Town of Crested Butte - | $ | 1,800.00 (18 hours) |
| Town of Mt. Crested Butte - | $ | 2,400.00 (24 hours) |
| City of Gunnison - | $ | 1,200.00 (12 hours) |
| Town of Pitkin - | $ | 300.00 (3 hours) |

(Note: Grant funding provided by Colorado Department of Agriculture will allow for additional hours worked in the City of Gunnison, Town of Crested Butte and Town of Mt. Crested Butte in 2018.)

Each party shall be solely responsible for all additional costs required for control of undesirable plants pursuant to C.R.S. 35-5.5-109 within the jurisdiction of that party. If scheduling allows, Gunnison County may be available for weed management work, in addition to the hours listed above, at the same hourly rate.

Payments to Gunnison County shall be in the form acceptable to Gunnison County.

6. No provision of this Agreement is or shall be construed to be a waiver of sovereign immunity pursuant to C.R.S. 24-10-104. Each party hereto shall be responsible to defend itself, at its sole cost, in any action or claim arising from or under any activity pursuant to this Agreement. Neither Gunnison County nor any of its officers, employees or agents shall have any liability whatsoever under this Agreement different in any kind or nature whatsoever than any other party or officer, employee or agent of any other party.

7. The term of this Agreement shall be from January 1, 2018 through December 31, 2018, with work performed during May 1 through September 30, 2018. Any party may terminate its participation in this Agreement upon ninety (90) days written notice, by certified mail, to each of the other participating parties. Such termination shall require a cessation of activity under this Agreement within the jurisdiction of the terminating party but shall not require, in any circumstance, a return or reimbursement to the terminating party of moneys already paid pursuant to paragraph 5 above.

8. This Agreement may be signed in a series of originals; that is, not all of the parties are required to sign a single original. This Agreement becomes effective to a particular party upon its signature to an original.

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF MT. CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**CITY OF GUNNISON**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF PITKIN**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF MT. CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**CITY OF GUNNISON**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF PITKIN**

Rachel Dew
_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: 6/11/18

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

Chairperson

ATTEST:

Deputy Clerk

Date:

**BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY**

Chairperson

ATTEST:

Deputy Clerk

Date:

**TOWN OF MT. CRESTED BUTTE**

Chairperson

ATTEST:

Deputy Clerk

Date: 5-1-18

**TOWN OF PITKIN**

Chairperson

ATTEST:

Deputy Clerk

Date:

**BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY**

Chairperson

ATTEST:

Deputy Clerk

Date:

**TOWN OF CRESTED BUTTE**

Chairperson

ATTEST:

Deputy Clerk

Date:

**CITY OF GUNNISON**

Chairperson

ATTEST:

Deputy Clerk

Date:

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF MT. CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**CITY OF GUNNISON**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF PITKIN**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**F COUNTY COMMISSIONERS**
**NISON COUNTY**

_____
airperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS**
**OF SAGUACHE COUNTY**

Jason Andersson
_____
Chairperson

ATTEST:

Jane Whitten
_____
Deputy Clerk

Date: 4-17-18

SAGUACHE COUNTY BOARD OF COUNTY COMMISSIONERS SAGUACHE, COLORADO

**TOWN OF MT. CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF PITKIN**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS**
**OF HINSDALE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**CITY OF GUNNISON**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

Chairperson

ATTEST:

Deputy Clerk

Date:

**BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY**

Chairperson

ATTEST:

Deputy Clerk

Date: 4-25-18

**BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY**

Chairperson

ATTEST:

Deputy Clerk

Date:

**TOWN OF CRESTED BUTTE**

Chairperson

ATTEST:

Deputy Clerk

Date:

**TOWN OF MT. CRESTED BUTTE**

Chairperson

ATTEST:

Deputy Clerk

Date:

**CITY OF GUNNISON**

Chairperson

ATTEST:

Deputy Clerk

Date:

**TOWN OF PITKIN**

Chairperson

ATTEST:

Deputy Clerk

Date:

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**TOWN OF MT. CRESTED BUTTE**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____

**CITY OF GUNNISON**

Jim Schneider
~~Chairperson~~ MAYOR

ATTEST:

E Boucher
~~Deputy~~ Clerk

Date: 5·1·2018

CITY OF GUNNISON, COLORADO
CITY SEAL
INCORPORATED

**TOWN OF PITKIN**

_____
Chairperson

ATTEST:

_____
Deputy Clerk

Date: _____