

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
February 15, 2022**

The February 15, 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 [ABSENT]
Roland Mason, Vice-Chairperson / Acting Chair
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: Acting Chair Roland Mason called the meeting to order at 8:32 am. He noted that Chairperson Houck was out of town at a NACo (National Association of Counties) conference that day.

SPECIAL EVENT LIQUOR PERMIT 01-2022; CB MOUNTAIN EDUCATIONAL RADIO; 3/17/2022 AND 3/18/2022 FROM 3-11:30 PM: With no questions from the Board, Commissioner Smith **moved** to approve the Special Event Liquor Permit 01-2022 for CB Mountain Educational Radio. Commissioner Mason seconded. Motion carried.

ALCOHOL BEVERAGE LICENSE #05-07972-0000; GUNNISON GOLF CLUB INC DBA DOS RIOS GOLF & COUNTRY CLUB; EFFECTIVE 12/31/2021 - 12/31/2022: **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the Alcohol Beverage License #05-07972-0000 for Gunnison Golf Club Inc dba Dos Rios Gold & Country Club. Motion carried.

ADJOURN: Commissioner Roland Mason adjourned the Gunnison County Local Liquor Licensing Authority meeting at 8:34 am.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

CALL TO ORDER: Acting Chair Roland Mason called the meeting to order at 8:34 am.

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

1. Ratification of County Manager's Signature; Memorandum of Agreement; Crystal River Chamber of Commerce; 1/01/2022 to 12/31/2022; \$45,390

ADJOURN: Acting Chair Roland Mason adjourned the Gunnison River Valley Local Marketing District meeting at 8:35 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Acting Chair Roland Mason called the Gunnison County Board of County Commissioners Regular Meeting to order at 8:35 am.

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

SCHEDULING: There were no changes needed to the schedule. Commissioner Smith, Commissioner Mason, and County Manager Matthew Birnie all noted the possibility that they might be gone for Gunnison or Crested Butte spring breaks.

MINUTES APPROVAL: With no questions or concerns by the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the minutes for November 16, 2021. Motion carried.

1. November 16, 2021 Regular Meeting

CONSENT AGENDA: Commissioner Mason noted the consent item no. 14 – a resolution – and stated that he understood it would be assigned a number automatically, once it was approved. County Manager Birnie affirmed this, and added that the resolution would be no. 2022-14. With no further questions or concerns by the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to approve the Consent Agenda as presented. Motion carried.

1. Letter of Support to Recycling Resources Economic Opportunity (RREO) Program; Sustainable Crested Butte Grant Application
2. Memorandum of Agreement to Provide County Financial Assistance to the Gunnison Conservation District; 1/01/2022 to 12/31/2022; \$6,000
3. Contractor Agreement; Dr. Anna Meeuwsen; For Family Planning Program Services; 1/01/2022 to 12/31/2022; \$1,200

4. Contractor Agreement; Dr. John Tarr; For Medical Oversight of Immunization Clinics; 1/01/2022 to 12/31/2022; \$1,200
5. Intergovernmental Agreement; Hinsdale County; For Housing Hinsdale County Inmates; Upon final execution date through 12/31/2022; \$65 per offender per day
6. Acknowledgment of the County Manager's Signature; Memorandum of Understanding; Gunnison County, Gunnison Valley Hospital; For Substance Abuse Disorder in the County and to Work on Treatment and Recovery Options; Eff. 12/21/2021 – renewed at the beginning of each federal fiscal year 2022-2023 and 2023-2024; One Crisis Clinician - not to exceed \$50,000 per year, One Peer Support Specialist - not to exceed \$32,000 per year, GVH Staff becoming MAT certified - not to exceed \$15,000 for 2021-2022
7. Acknowledgment of the County Manager's Signature; Memorandum of Understanding; Gunnison County, Western Colorado University; For Support for Peer Health Educators to Serve on the Gunnison Consortium; Eff. 12/21/2021 – renewed at the beginning of each federal fiscal year 2022-2023 and 2023-2024; not to exceed \$15,000 per year
8. Acknowledgment of the County Manager's Signature; Memorandum of Understanding; Gunnison County, Gunnison Watershed School District, Gunnison Valley Health; For School-Based Clinical Mental Health Therapy; Eff. 12/21/2021 – renewed at beginning of each school year 2022-2023 and 2023-2024; not to exceed \$75,000 per year per therapist
9. Thank You Letter to Nation Forest Foundation; For partnering with Gunnison County to develop the Gunnison Stewardship Fund
10. Professional Services Agreement; McLaughlin Whitewater Design Group; For Preliminary Engineering, Structure #2 at the Whitewater Park; Effective the Date of Signing; Not to exceed \$55,441
11. Colorado Parks & Wildlife Impact Assistance Grant Application; Gunnison County Assessor's Office; For Payment in Lieu of Taxes; \$21,924.38
12. Ratification of Submission; Rocky Mountain Health Foundation's Simple Gift Grant Application; for Rural Veterans Health Scholarships through the Gunnison County Veterans Services Office (GCVSO); \$10,000
13. Department of Military and Veterans Affairs, 2022-2023 VAG Grant Application; For Enhancing Health System Care Intervention for Vets; \$30,000
14. Great Outdoors Colorado Fellowship Grant; Resolution of Support; Requirement for grant already awarded; to Gunnison County; \$150,000 to be item 2022-12
15. Solar Power Facility Site License Agreement; Pivot Energy Commercial Solar LLC; To Allow the Lease of the Roof Space on the Gunnison-Crested Butte Regional Airport Covered Parking for a Solar Array; Effective Upon Date of Signing; \$100 per year
16. Department of Healthcare Policy and Finance Grant Application; Health & Human Services; Provides funding for low income Seniors to receive dental care if they are not eligible for Medicaid; \$42,800
17. Department of Local Affairs (DOLA), Option Letter #2; Increase in Community Services Block Grant Award; \$16,719

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

1. Projects are all making good progress. County Manager Birnie noted that he did not have lot to report; the projects were all moving along well. Currently, he noted he was working on the next South 14th Street housing project, working on both funding and details for getting the project on the ground.

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

1. Crack Sealing and Tree Trimming update. DCM Marlene Crosby stated that these projects were now being performed in their "down time" when there was presently no snow.
2. Sustainable CB Letter of Support. DCM Cosby reminded the Board that she had, earlier in the year, requested a letter of support for a Sustainable CB grant application; she then requested work session time – to go over some of the items which she believed the County and Sustainable CB could collaborate on, feeling it would be mutually beneficial to their recycling efforts.
3. Weed Commissioner request. Commissioner Smith explained that there was a very good chance she would soon be appointed to a State noxious weed advisory, and asked if DCM Crosby would be able to set up a meeting with the Gunnison Watershed Weed Commission, as she wished to be more in touch with what is going on in the weed commission. DCM Crosby asserted that this was a good time to get involved, as the local weed commission was currently doing some restructuring in order to be eligible for more grant funding. She affirmed that an introduction would be arranged.

CHANGE OF AGENDA: As the meeting was ahead of time, Acting Chair Mason elected to go to Commissioner Items until time for the public hearing at 9:00 am.

COMMISSIONER ITEMS:

Commissioner Mason

1. Gunnison Valley Regional Housing Authority (GVRHA) search for a new executive director. Commissioner Mason informed those present that the current Executive Director, Jennifer Kermode, would be retiring at the end of April 2022, and highlighted that they would be putting

together a stakeholder meeting to address what all participants would like to see for the future of the GVRHA. He noted that much had changed since this housing authority was put together in 2015-16, and it was very important for their stakeholders to be able to contribute their input. Commissioner Mason further reported that, in the meantime, they would be getting a job opening together with current job requirements, in order to make sure there would be no interruption for those needing housing assistance. He added that Exec Director Jennifer Kermode had also been acting as a broker in her capacity at the housing authority, and they would not be able to do this any longer; instead, they would seek to work with local realtors to obtain a lower realtor fee for deed restriction clients.

2. Attended a Rural Transportation Authority (RTA) meeting. Commissioner Mason stated that RTA was working to obtain a grant for the Gunnison-Crested Butte Regional Airport, in order to entice American Airlines to fly from Dallas in the summer season. He noted that American Airlines did not seem to be interested for 2022, but the grant allows for three years to get this accomplished. He reported, however, that United Airlines will be staying through Summer 2022, with up to three flights daily from Denver, and added that latest counts have reported more people coming through the airport than ever in recent history, noting there might have been more in the 1990s.

PUBLIC HEARING; STREET AND ALLEY VACATION REQUEST IN OHIO CITY; JERRY STALLARD AND TERRY SMITH-STALLARD: Deputy County Manager Marlene Crosby was present in the room for discussion, along with Law of the Rockies Attorney Kendall Burgemeister, representing the applicants Jerry Stallard and Terry Smith-Stallard. Jerry and Terry Stallard were also present remotely, via Zoom.

1. Open of Public Hearing: Acting Chair Roland Mason opened the public hearing at 9:00 am.
2. Public Notice Confirmation: DCM Marlene Crosby confirmed that public notice had been advertised for two weeks in the Gunnison Country Times, and the proper mailings had been sent from their office.
3. Identify Ex Parte Communications: No ex parte communication was received by the Commissioners.
4. Staff Presentation: DCM Marlene Crosby began by explaining the vacation of Ohio City streets and alleys involved in the request, located at the intersection of Gold Creek Rd, known as Broadway, and CR 76. She stated that a survey and all necessary documents had been provided. However, DCM Crosby noted that there were two issues surrounding the vacation:
 - a. access – both adjacent owners, the Browns and the Dolezals, have an existing access or easement that would be eliminated. The Browns indicated that they are supportive of the street vacation. Also, another neighbor, Mr. Crowder, emailed DCM Crosby, to express concern over the domino effect that 30 feet might have to his 30+ acre parcel. DCM Crosby noted that a survey over 30 years ago had been started in hopes of cleaning up the right of way on Broadway; however, they were unable to get the past surveyors to agree on the same starting point for the survey. As a result, they were never able to resolve that issue.
 - b. the volume of public property that would be conveyed. DCM Crosby explained that a common street vacation would give a much smaller amount of easement when vacating a typical street and/or alley. This vacation would be giving approximately 8/10 of an acre, which she felt would be more of a policy decision for the Board.
5. Applicant Comments: Representative for the applicants, Atty Burgemeister, gave a background of a 2002 survey which showed the Stallard’s property as configured essentially like it would be with the vacation and cluster process. Warranty deeds for his clients indicated that everyone there already thought that this area had been vacated and clustered already, with no evidence that these platted areas had been used by the public for 140 years – since the time they were originally platted. He stated that the Stallards were not changing the boundary line, and that there should be zero impacts. Atty Burgemeister also stated that he had reached out to Mr. Crowder with these facts and that Mr. Crowder had seemed content with this; he noted that it may be part of the reason why Mr. Crowder was not in attendance.

DCM Crosby suggested that, in areas where there are mining claims, the assessor’s map may be off; however, she did agree with Atty Burgemeister that the 2022 survey was the most reliable they have to go by. Atty Burgemeister also added that a 1970s survey of the entire plat matched pretty closely to this.

Assistant County Manager for Community & Economic Development Cathie Pagano cautioned that the larger focus should be brought back to concerns over the amount of public land that would be given up to a private property owner, along with the County’s right of easement for any future access needed there; they needed to consider the public benefit.

Atty Burgemeister then presented Road & Bridge Standards 2.9.2.A to the Board – cannot “leave any land adjoining said roadway without an established public road or private-access easement connecting said land with another established public road.” He indicated on a map how he believed this standard was satisfied for the three neighbors – the Dolezals, Sportsman’s Resort, and the Browns – asserting that the previous owners, the Dolezals, thought that the area they sold to the Stallards had already been vacated when they sold it. He also showed another map which illustrated how the Stallard vacation was consistent with the history of vacation of unused streets and alleys in Ohio City. Atty Burgemeister added that the Board needed to treat the Stallard’s request for vacation fairly, in line with what had been done in the past.

County Attorney Matt Hoyt then asked to speak to the legal standards for the Board. He outlined that Road & Bridge Standards 2.9.2.A provided the wisdom of granting a vacation as a matter committed to the discretion of the Board and was not controlled by any one factor. He went on to

say that the standard then enumerated fourteen factors for the Board to consider, pointing out that the Public Works presentation – specifically on pages 321-322 of the meeting portfolio – provided these fourteen factors, along with a Public Works staff assessment of how those factors apply in this case, for the Board’s consideration. CA Hoyt reminded the Board that they were not bound by any prior decision or precedent, or anything that was done in the past or what they will do in the future; the Board has the ability to consider each of these on a case-by-case basis.

Atty Burgemeister stated that he was not arguing that there is legally binding precedence, but wanted to remind them that the Board was obligated to treat its constituents equally.

6. **Board Questions:** The Board then discussed the vacation issues for several minutes, questioning the public good for this vacation, as distinct from other requests for septic systems, or as an exception where a trail was retained for public access. They also looked at the access to 1st Street, and questioned where vacating this would be for the public benefit, and asked Atty Burgemeister if the clients would be willing to take another look at this. Atty Burgemeister asked for clarification on what would be needed, and for consideration in relocating the right-of-way. He added that reconsidering this might preserve what the County wanted in maintaining access to the Dolezal property. Asst CM Pagano inserted that, otherwise, she saw this vacation as vastly improving the sellable property of the owners with little to no benefit to the public, in view of the amount of access land which the County would be giving away.

With advice from CA Hoyt, the Board considered the option to continue the hearing to review a revised application and policy considerations from the County’s staff.

7. **Applicant Response:** Atty Burgemeister requested a continuation to review an amended application request. He agreed to April 19th as a date for the continued hearing.
8. **Close Public Hearing:** Acting Chair Roland Mason closed the public hearing at 10:16 am.

Commissioner Mason **moved** to continue the public hearing on the street and alley vacation request with Jerry and Terry Smith-Stallard until April 19th at 9:00 am. Commissioner Smith seconded. Motion carried.

TWO LOT CLUSTERS IN OHIO CITY; AGREEMENT AND DECLARATION; JERRY STALLARD AND TERRY SMITH-STALLARD; LUC-21-00056: Community Development Administrative Services Manager Beth Baker was present in the room for discussion. Services Manager Baker noted that the lot clusters will also need to be continued to the next public hearing. At this point, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to continue the lot clusters application in Ohio City to April 19th. Motion carried.

INTRODUCTION AND DISCUSSION; AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE COUNTY OF GUNNISON, COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE “MODEL TRAFFIC CODE”; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF: Assistant County Attorney Alex San Filippo-Rosser was present in the room for the reading and brief introduction to this ordinance.

Commissioner Mason began by explaining that this was the first reading of the ordinance, for the purpose of informing the Board. If the Board decided to move forward with the ordinance, it would then be published for public notice. Commissioner Mason also noted that this topic had been discussed at a prior work session, wherein the Board had talked about the parking fees necessary for deterring repeat offenses.

Asst CA Alex San Filippo-Rosser then read, in full, the proposed ordinance to the Board. [Refer to the proposed Ordinance text at the end of these minutes, under “GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES.”] At the end of the reading, he pointed out that the 2020 model traffic code – the most up-to-date version available – was also available for the Board’s review in the meeting portfolio. With no questions from the Board, they gave consent to publish the ordinance in full, online and in the paper.

BREAK: Acting Chair Mason called for a break from 10:29 am to 10:33 am.

CHANGE OF AGENDA: Commissioner Mason elected to go ahead with unscheduled citizens at this point before the Board of HS, as there was one person in the room waiting to comment.

UNSCHEDULED CITIZENS: There was one Unscheduled Citizen present in the room for comment.

1. **Rebecca White, past educator, retired to Crested Butte** – Ms. White wished to bring to the Board’s attention the Gunnison County Library’s collection for young adults. She felt that some of the books in the collection were objectionable and did not meet the criteria for not being pornography. In particular, she brought forward the book, Gender Queer by Maia Kobabe, and noted it was also available to the online school system through its online catalog. She gave the book to the Board to view, and stated that she had registered her objection to the book, and stated that she would like to see it in the adult section of the library, rather than on a shelf where children under the age of 18 have easy access. Ms. White explained that, so far, Library Director Drew Brookhart had not responded to her submitted form or phone messages. She gave examples of the objections by pointing out page numbers and examples of her objections, pointing out that it was in a graphic novel format. She asked if the Board could contact Director Brookhart. County Manager Birnie then let Ms. White know that the library is a special district, and not under the governance of Gunnison County; the library director is governed by the Library Board of Trustees. Ms. White then stated that she would take this to the Library Board of Trustees.

RECESS: Acting Chair Mason recessed the Gunnison Board of County Commissioners Regular Meeting at 10:43 am, in order to hold the Gunnison-Hinsdale Board of Human Services Regular Meeting.

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES REGULAR MEETING: This separate meeting was held from 10:43 am to 11:33 am. Please refer to separate meeting minutes on record for the Gunnison/Hinsdale Board of Human Services.

ADJOURN: Acting Chair Roland Mason adjourned the Board of Human Services meeting at 11:33 am.

RESUMED: Acting Chair Mason resumed the Gunnison County Board of County Commissioners Regular Meeting at 11:33 am.

GUNNISON BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

UNSCHEDULED CITIZENS: Acting Chair Mason elected to once again see if there were any Unscheduled Citizens in the room or online for comment. As there were none, he moved to the next item on the agenda.

COMMISSIONER UPDATES:

Commissioner Smith

1. Meeting with the City of Gunnison and the Community Foundation regarding the non-profit Welcoming America Rural Initiative. Commissioner Smith reported that they decided to focus on the City of Gunnison itself for the launch of this initiative, rather than entire valley. She added that they were looking at Welcoming Week in September 2022, which would coincide with the month-long celebration of Hispanic heritage and culture in the Gunnison Valley, and stated that they were setting goals with would include government access, community actions, economic development. Also checking to see about adding Spanish translations to area workshops offered online.
2. Will attend the Southwest Colorado Regional Opioid Council retreat next week. Commissioner Smith explained that this retreat would be where the council really starts to get into serious decision-making for crafting their two-year financial plan for the region. She noted that the council is hoping to be ahead in this plan, so that they might have an advantage when applying for extra funding set aside by the state.
3. Appointed to the State's Noxious Weed Commission. Commissioner Smith informed the Board of this appointment, adding that it would also fit in very well with work on the cheatgrass mitigation. She expressed excitement about being able to talk to landowners across the County see how that entry into the commission could best be utilized and represented.
4. County Strategic Planning process coming at the end of March. Commissioner Smith reminded those present that they were about to go into the strategic planning process, and highlighted a letter sent last fall from the City of Gunnison which requested an additional \$50,000 for the visitor center. She stated that she had spoken with Pam Williams, President of the Chamber and noted the increased needs for the visitor center. From this, she explained that she would really like to revisit this issue with TAPP and the Chamber through the strategic planning process. She believed that the Chamber could benefit from seeing the strategic planning process itself, which could then aid them in syncing goals more closely to Local Marketing District goals. Overall, Commissioner Smith wanted to ensure that they were adequately supporting the Gunnison end of the valley in terms of its business economy.
5. Continuing conversation with Western Colorado University (WCU) regarding their Phase I small-scale manufacturing goals. Commissioner Smith advised that WCU might appeal to the County at some point, because a large grant and match had not worked, and they were currently scaling back to re-approach.
6. Attending Club 20's Winter Policy Conference next Thursday and Friday, March 17th and 18th in Grand Junction. Commissioner Smith advised that she would be looking at the agenda and policy statements to see what is in line with the County's concerns.

Commissioner Mason (continued from earlier in the agenda)

3. Attending the second half of a workshop tomorrow in Marble. Commissioner Mason advised that he and DCM Crosby would be traveling that afternoon to Marble, as they wished to attend in person, due to limited internet service there. He further noted that this was the second part of a workshop they had been participating in, facilitated through WCU with graduate students; it would not be a public meeting, but would comprise of invited stakeholder representing several types of user groups – landowners, County, Forest Service, Town of Marble facilitators. Data gathered throughout the process would also be put next into a public listening session.

ADJOURN: Moved by Commissioner Smith, seconded by Commissioner Mason, to adjourn the Gunnison County Board of County Commissioners Regular Meeting. Motion carried. The meeting was adjourned at 11:47 am.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

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

RESOLUTION NO: 2022-12

A RESOLUTION SUPPORTING THE FELLOWSHIP PROGRAM WITH GREAT OUTDOORS COLORADO AND WESTERN COLORADO UNIVERSITY

WHEREAS, the Gunnison County Board of Commissioners supports the Great Outdoors Colorado Fellowship Program submitted on behalf of the Gunnison County Sustainable Tourism and Outdoor Recreation Committee and Western Colorado University. Gunnison County supports the completion of the project.

WHEREAS, Gunnison County has requested \$150,000 from Great Outdoors Colorado to support a 2-year Fellowship managed by Gunnison County and Western Colorado University staff.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE GUNNISON COUNTY BOARD OF COMMISSIONERS THAT:

1. The Gunnison County Board of Commissioners strongly supports the program with Great Outdoors Colorado.
2. The Gunnison County Board of Commissioners strongly supports the completion of the Fellowship.
3. The Gunnison County Board of Commissioners authorizes the expenditure of funds necessary to meet the terms and obligations of any Grant awarded.
4. The Gunnison County Board of Commissioners recognizes that as the recipient of a Great Outdoors Colorado Local Government grant the project site(s) must provide reasonable public access.
5. If the grant is awarded, the Gunnison County Board of Commissioners hereby authorizes the designated Official to sign the grant agreement with Great Outdoors Colorado.

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 Smith, seconded by Commissioner Mason, and adopted on this 15th day of February 2022.

BOARD OF COUNTY COMMISSIONERS
GUNNISON COUNTY

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

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

ORDINANCE NO. 18

TITLE: AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE COUNTY OF GUNNISON, COLORADO; ADOPTING BY REFERENCE THE 2020 EDITION OF THE "MODEL TRAFFIC CODE"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

Section 1. Adoption.

Pursuant to part 4 of article 15 of title 30, C.R.S., there is hereby adopted by reference the 2020 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Traffic Safety and Engineering Services, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the County. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the County of Gunnison, Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2020 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this county and are therefore expressly deleted: none.

Section 3. Additions or Modifications.

The said adopted Code is subject to the following additions or modifications:

A. Parking Violations. Pursuant to C.R.S. § 42-4-111(1)(a), (c), (v), and (w):

1. No Owner of a motor vehicle shall allow, or fail to prevent, the parking or standing of that motor vehicle on a public road or highway or in a public road or highway right-of-way which road, highway, or right-of-way is marked to indicate that parking is prohibited or restricted. The Owner of a motor vehicle is liable for any such violation, and it shall not be a defense that the Owner was not the person who placed the motor vehicle in the prohibited or restricted area.
2. For purposes of Section 3.A., "Owner" means a person, business, or corporation that holds legal title of a motor vehicle; or, if a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for purposes herein.

Section 4. Penalties.

The following penalties, herewith set forth in full, shall apply to this Ordinance:

- A. It is unlawful for any person to violate any of the provisions adopted in this Ordinance. The penalty assessment procedure provided by C.R.S. § 16-2-201 may be followed by an arresting officer for any such violation of this Ordinance.
- B. Every person convicted of a violation of any provision adopted by this Ordinance commits a traffic infraction pursuant to C.R.S. § 30-15-402(1).
- C. Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a surcharge in accordance with C.R.S. § 42-4-1701(4)(e)(II).
- D. Pursuant to C.R.S. § 30-15-402, the county hereby adopts the schedule of fines, penalties, and surcharges set forth in C.R.S. § 42-4-1701 as those fines and penalties correspond to the sections of the Model Traffic Code adopted by this Ordinance for all cases wherein the alleged violator acknowledges guilt or liability, is found guilty by a court of competent jurisdiction, or has judgment entered against him/her. If the penalty for violation of a provision is not otherwise provided in C.R.S. § 42-4-1701 or this Ordinance, the penalty for class A and class B traffic infractions shall be fifteen dollars (\$15.00), and the surcharge shall be ten dollars (\$10.00).
- E. Parking violations pursuant to Section 3.A. shall constitute a traffic infraction punishable in accordance with C.R.S. § 30-15-402(1) by a fine of not more than one thousand dollars (\$1,000) for each violation. The penalty assessment procedure of C.R.S. § 16-2-201 may be followed by law enforcement officers for violations of this Section, in which case the penalty assessment shall be fifty dollars (\$50.00) for the first violation, one hundred fifty dollars (\$150.00) for the second violation, and three hundred dollars (\$300.00) for each subsequent violation. Each day the motor vehicle remains in violation of this subsection shall constitute a separate and distinct offense for which a separate penalty shall be imposed. Additionally, motor vehicles found to be parked in violation of Section 3.A. shall be subject to vehicle impoundment under C.R.S. § 42-4-1801 et seq., "Vehicles Abandoned on Public Property" of the Model Traffic Code for Colorado. Any vehicles parked in violation of Section 3.A. that are found standing on any portion of a highway right-of-way in such manner as to constitute an

obstruction to traffic, proper highway maintenance, or snowplowing may be immediately moved to eliminate any such obstruction pursuant to C.R.S. § 42-4-1803(2).

F. Unless otherwise provided by law, all fines and penalties, and surcharges thereon, for violations of this Ordinance shall be paid into the treasury of Gunnison County.

G. In addition to the fines, penalties and surcharges otherwise prescribed in this Ordinance, any person convicted of a violation of this Ordinance shall be subject to the statutory surcharges for: the Victims and Witnesses Assistance and Law Enforcement Fund established in the Seventh Judicial District pursuant to C.R.S. § 24-4.2-103; the Colorado Traumatic Brain Injury Trust Fund established pursuant to C.R.S. § 26-1-309; and the Offender Identification Fund established pursuant to C.R.S. § 24-33.5-415.6. These surcharges shall be paid to the clerk of the court by each person convicted of violating this Ordinance. The clerk shall transmit the monies to the respective funds in accordance with C.R.S. § 30-15-402(2).

Section 5. Application.

This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this County, the use of which this County has jurisdiction and authority to regulate.

Section 6. Validity.

If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of County Commissioners hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal.

Existing Ordinance No. 8 and Ordinance No. 9 covering the same matters as embraced in this Ordinance are hereby repealed, and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 8. Interpretation.

This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the Ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification.

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

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

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO