

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
June 21, 2022**

The June 21, 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	Marlene Crosby, Deputy County Manager
Roland Mason, Vice-Chairperson	Melanie Bollig, Deputy County Clerk
Liz Smith, Commissioner	Others Present as Listed in Text

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:42 am. He noted that the late start was due to technical issues with Zoom's online website.

ALCOHOL BEVERAGE LICENSE #03-02906; IRWIN BACKCOUNTRY GUIDES LLC DBA MOVIE CABIN; EFFECTIVE DATE 5/20/2022 – 5/20/2023

SPECIAL EVENT LIQUOR PERMIT #3-2022; TAYLOR CANYON FIRE STATION INC; 7/03/2022 FROM 12:00 PM TO 4:00 PM

Moved by Commissioner Mason to approve the Alcohol Beverage License for Irwin Backcountry Guides LLC dba Movie Cabin, and also the Special Event Liquor Permit for Taylor Canyon Fire Station Inc. Commissioner Smith seconded, and the motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Local Liquor Licensing Authority at 8:43 am.

GUNNISON / HINSDALE BOARD OF HUMAN SERVICES REGULAR MEETING: This separate meeting was held from 8:43 AM am to 9:04 am. Please refer to separate meeting minutes on record for the Gunnison/ Hinsdale Board of Human Services.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 9:04 am.

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

SCHEDULING: There were no changes needed to the schedule. Commissioner Smith stated that she might not be able to make it to the Mayors and Managers meeting in Pitkin; also, she would be out of the office for the June 28th work session.

MINUTES APPROVAL:

1. **April 19, 2022 Regular Meeting. Moved** by Commissioner Smith, seconded by Chairperson Houck, to approve the April 19, 2022 regular meeting minutes, as presented. Motion carried unanimously.

CONSENT AGENDA: Moved by Commissioner Smith, seconded by Chairperson Mason, to approve the Consent Agenda, as presented. Motion carried unanimously.

1. Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant Agreement; for the Terminal Rehabilitation Construction Project; effective the date of last signatory, for 4 years; \$1 million
2. Healthy Kids Colorado Survey (HKCS) & Smart Source Data Use Agreement; Gunnison Watershed RE1J School District; Gunnison County Juvenile Services; agreement for usage of data gleaned from HKCS's statewide youth survey reports
3. Intergovernmental Agreement Re: Nurse Home Visitor Program; between Gunnison County and Montrose County; for NFP visits in Gunnison County; 7/01/22 – 6/30/2023; up to \$91,340
4. Application and Schedule for Excess Loss Insurance; Gerber Life Insurance Company; 1/01/2022 – 12/31/2022; Specific Deductible (per person), \$60,000
5. 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 804 College Avenue, Unit 30 in Gunnison, Colorado for the Use of the Gunnison Valley Hospital
6. Ratification of the County Manager's Signature; Employment Agreement; Assistant County Manager of Public Works, Martin Schmidt

7. Professional Services Agreement; 970 Design; to execute a communications strategy to improve vaccination awareness among residents of the counties served by WCPHP; 6/01/2022 - 7/31/2022; \$95,000

BREAK: As Deputy County Manager had stepped out of the room for a moment, Chairperson Houck called for a small break from 9:09 am to 9:11 am, until DCM Crosby could be present to give her report.

DEPUTY COUNTY MANAGER'S REPORTS AND PROJECT UPDATES:

1. **Temporary Road Use Agreement; Closure of a Portion of County Road #49; for Setup and Launching of Fireworks on Monday, July 4, 2022; from 7:00 am to 8:00 am on Tuesday, July 5, 2022.** DCM Crosby explained that this agreement was an annual request to close County Rd #49 for the fireworks. She asked for the Chair's signature so that she could take it to the City of Gunnison that day and get it finalized. Chairperson Houck agreed to this and then noted for the record that CR #49 was an airport road which the County closed in order to launch the fireworks from. He wished to clarify that the Board approves the closure of the road, and the City puts on the fireworks and still has to clear, especially during high-fire danger, all the permitting around whether fire conditions will allow fireworks. This agreement was only for the County's approval to close the road.
Moved by Commissioner Mason, seconded by Commissioner Smith to approve the Temporary Road Use Agreement and Closure of a Portion of County Road #49, for the setup and launching of fireworks on Monday, July 4, 2022 from 7:00 am and to authorize the chair's signature. Seconded by Smith. Motion carried unanimously.
2. **Status of mag chloride application.** DCM Crosby reported that Public Works would be working to apply mag chloride on Kebler that week – going east one day and west the next day, trying to shuffle crews. She added, as well, that the County was going to apply mag chloride in the Big and Little Cimarron areas themselves this year.

TREASURER'S REPORT: County Treasurer Debbie Dunbar was present via Zoom, for discussion and to answer any questions from the Board. When asked if she had anything extra to report by Chairperson Houck, she reported that this report was "business as usual."

With no questions from the Board, it was **moved** by Commissioner Smith, seconded by Commissioner Mason, to accept the Treasurer's Report and authorize the Chair's signature. Motion carried unanimously.

VOUCHERS AND TRANSFERS: Senior Accountant Agnes Kroneraff and Accountant John Nehls were present in the room to answer any questions the Board might have.

1. **June 2022 Accounts Payable Report.** **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the June 2022 vouchers in the amount of \$4,013,759.32. Motion carried unanimously.
2. **March 2022 Purchase Card Report.**
3. **May 2022 Cash Transfer Report.** **Moved** by Commissioner Smith, seconded by Commissioner Mason to approve the May 2022 cash transfer in the amount of \$4,285,201.40. Motion carried unanimously.
4. **Sales Tax - LMD Reports.** Commissioner Mason stated that he had been curious to see how the sales taxes would look for April, May, and June this year in light of an LMD report which has predicted some slowing of visitors to the valley. Instead, he noted that the sales taxes were staying strong. Commissioner Smith reported that she would be going to do some traveling and visiting with various lodging establishments that next day with Chamber Director Celeste Helminski. They wished to get a better idea of how lodging was being impacted locally. Chairperson Houck asked if she would also look into the effects of some lodging businesses moving into long-term rental. Commissioner Mason added that he would like to see what percentage of these long-term rentals are occupied by workers vs traditional recreation.

CERTIFICATION OF DELINQUENT TAXES AND AUTHORIZATION FOR COUNTY TREASURER DEBBIE DUNBAR TO COLLECT THOSE TAXES PURSUANT TO C.R.S. 30-20-420; DOS RIOS, ANTELOPE HILLS, SOMERSET AND NORTH GUNNISON DIVISIONS OF THE GUNNISON COUNTY SEWER AND WATER DISTRICT: Chairperson Houck noted that this is the process set forth by State statute in which to notify those who are delinquent with their taxes. Action must be taken to start the collection process.

Commissioner Mason **moved** to accept the certification of delinquent taxes and to authorize the County Treasurer to collect those taxes pursuant to C.R.S. 30-20-420. Seconded by Commissioner Smith.

The Board discussed for several minutes what kind of assistance was available for those with increasing utility bills and what steps were taken to help them with payment. CA Hoyt then added that state statute stipulated that government entities did not have authorization to turn off utilities due to non-payment. Chairperson Houck then repeated the motion before them and called for a vote. Motion carried unanimously.

HIGHPOINT TOWNHOME PLAT; LOTS 15 & 16; CRESTED BUTTE SOUTH – FIRST FILING; LUC-22-00014: Community Development Administrative Services Manager Beth Baker was present in the room for discussion.

She briefly let the Board know that the County Attorney's Office had reviewed and deemed this to be legally sufficient; the HOA had approved the plat; there were no liens on the property, and the taxes were current.

With no questions from the Board, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve the Highpoint Townhome Plat, Lots 15 & 16, in Crested Butte South – First Filing and authorize the Chair's signature. Motion carried unanimously. Chairperson Houck then signed the plat.

BUCKLEY DRIVE CONDOMINIUM NO. 2 SUPPLEMENTAL MAP; LOT 1; RIVERLAND AN INDUSTRIAL PARK, LUC-22-00023: Community Development Administrative Services Manager Beth Baker presented this item to the Board. She outlined that the County Attorney's Office had reviewed and approved this plat as legally sufficient, the HOA and lender had approved it, and the taxes were current.

With no questions from the Board, it was **moved** by Commissioner Smith to approve the Buckley Drive Condominium No. 2 supplemental map for Lot 1, Riverland AN Industrial Park. Seconded by Commissioner Mason. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT PLAT AND PROPOSED AMENDED COVENANT LOT DESIGNATION; LOTS 5, 6, & 7; WHETSTONE INDUSTRIAL PARK, LUC-21-00042: Community Development Administrative Services Manager Beth Baker also presented this item to the Board. She explained that the purpose was to adjust boundary lines between Lots 5, 6, and 7 with the intention of vacating the three existing lots and building envelopes into two new lots. Everything would remain at least an acre in size and a lot would be re-designated to residential. Admin Svc Mgr Baker noted that this would be the last of the re-designations discussed by Attorney Jacob With at a previous Board meeting. The adjustment had been reviewed and approved by the County Attorney's Office and the Owner's Association.

Moved by Commissioner Smith, seconded by Commissioner Mason, to approve the Boundary Line Adjustment Plat and proposed Amended Covenant Lot Designation for Lots 5, 6 and 7 in Whetstone Industrial Park, and to authorize the chair's signature. Motion carried unanimously.

CHANGE OF AGENDA: As the meeting was ahead of schedule, Chairperson Houck elected to begin Commissioners Items until it was time for the next agenda item at 9:45 am.

COMMISSIONER ITEMS:

Commissioner Mason

1. Attended a Gunnison Valley Regional Housing Authority (GVRHA) meeting. Commissioner Mason reported that the GVRHA needed someone in the summer months to handle the office, and they had posted the position opening for an office assistant at \$17 per hour; no one had responded. They had now raised the rate and re-listed the job.

Commissioner Mason also reported that they had a meeting with Archway – a non-profit, affordable housing organization that had just purchased the Palisades Apartments buildings and were working on renovating this complex. Archway wished to partner with the Housing Authority, as the HA could provide a great tax incentive; the partnership would be similar to what was done with Garden Walk. Commissioner Mason reported that they would be hiring counsel as they enter negotiations for this partnership.

The Executive Director's job opening had gone live. Commissioner Mason let the Board know a timeline for hiring, with interviews to be done by mid-August hopefully. He stated that earlier stakeholder meetings had yielded good input on what they wanted to see in a director, and that most importantly, they wanted someone who could engage well with the county and each municipality. The salary offered would be \$145,000 to \$200,000 depending on experience.

Commissioner Mason noted that they had received an inquiry from Hinsdale County, who would like to enter into an IGA with the GVRHA for housing. Hinsdale County was really in need for the housing but did not have the support that Gunnison County had. As a result, GVRHA was discussing just how regional they should become.

2. Attending the final two-day workshop in Marble, CO that afternoon. Commissioner Mason explained that this was for the final workshop, with final recommendations from the stakeholders. Chairperson Houck noted that the Board had allowed use still on County Road #3 while stakeholders continue to address this issue. He felt that the Forest Service needs to provide a parking and unloading area that matches the type of use there. The County will not hold that road open indefinitely. Commissioner Mason added that they were giving parameters to what the County can actually do. For example, the County could put up signage, but they cannot monitor it every day, and that was where the Forest Service needed to step in and be active in this. He concluded by saying that this final meeting will be for recommendations which the Forest Service, County and the Town of Marble can then look at together to see how much of it could be addressed and achieved.
3. Mt Emmons Mining Company progress (MEMC). Commissioner Mason let the Board know that he and CA Matt Hoyt had been working very diligently lately on recent developments in the conservation easement, water court proceedings, and land exchange between MEMC, the Town of Crested Butte, and Gunnison County.

BOUNDARY LINE ADJUSTMENT PLAT AND RELATED DEEDS; BRUSH CREEK PARCELS SITUATED WITHIN SECTION 12, TOWNSHIP 14 SOUTH, RANGE 86 WEST OF THE 6TH PRINCIPAL MERIDIAN (GUNNISON COUNTY WHETSTONE PARCEL AND GEORGE GERS ADJACENT PARCEL); LUC-22-00038: Assistant County Manager for Operations and Sustainability John Cattles and Assistant County Manager for Community & Economic Development Cathie Pagano were both present in the room for discussion. Also present was Law of the Rockies Attorney Jacob With.

ACM Pagano began by explaining that the County owns a 13-acre parcel called Whetstone Parcel, located just to the north of Riverland Industrial Park. George Gers owns two parcels adjacent just to the north of the Whetstone Parcel; one lot had his own house on it which burned down two winters ago.

As the County has worked on the Whetstone housing project and an intersection for it, they became aware that the intersection would greatly benefit from obtaining a portion of the Gers parcels. In working with George Gers on this boundary line adjustment, he had agreed to give up part of his parcels, while retaining approximately $\frac{3}{4}$ -acre for a future home for himself and his family.

ACM Cattles further stated that the adjustment will actually involve three lots and creates two out of the three, and it will not be recorded until closing, which was scheduled for June 30th. ACM Cattles requested that the Board approve and sign the plat at that time, and then it would be recorded until closing. CA Hoyt directed that the Board should include this in the motion. Attny With also explained that they would need a deed from the BOCC because there is a tiny piece of County parcel that will go to the Gers in the transaction. ACM Cattles also requested that, because the deed needs a reception number to be assigned later, the Board would need to sign with that reception number blank.

After some discussion on the Gers parcel size and their protected septic easement and wells for future access, Commissioner Mason **moved** to approve the Boundary Line Adjustment Plat and Related Bargain and Sale Deed, and the Brush Creek Parcels situated with Section 12, Township 14 South, Range 86 West of the 6th Principal Meridian, aka Gunnison County Whetstone Parcel and George Gers Adjacent Parcel, contingent upon the closing of the transaction as explained. Commissioner Smith seconded. Motion carried unanimously.

Chairperson Houck then signed the plat and related documents needed.

BLM INVITE TO PARTICIPATE AS A COOPERATING AGENCY IN PREPARATION OF THE GUNNISON SAGE-GROUSE RESOURCE MANAGEMENT PLAN (RMP) AMENDMENT/DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS): Chairperson Houck introduced the invitation by stating that it was not uncommon for the County to be a part of this type of process; in this case, a two-year process. Commissioner Houck then added that he would be willing to represent the County for this RMP, as Commissioner Smith was already working on the Gunnison Basin Sage-grouse Strategic Committee and all the cheatgrass mitigation.

CA Hoyt further noted that being a cooperating agency allowed the County to be part of the process from beginning to end; otherwise, they could not have this opportunity for participation.

Commissioner Smith affirmed that, knowing Commissioner Houck had taken on the Sage-grouse mitigation from the beginning as a commissioner, she would be happy to see him as the representative.

Moved by Chairperson Houck for Gunnison County to accept the invitation to participate in a cooperating agency status with the Gunnison Sage-grouse RMP / Draft EIS as presented that morning. Commissioner Smith seconded. Motion carried unanimously.

Chairperson Houck then asked CA Hoyt to follow-up with the BLM and inform them of their decision.

CHANGE OF AGENDA: Chairperson Houck elected not to take a break in the meeting at this point, but to continue with Commissioner Items, with Unscheduled Citizens after that.

COMMISSIONER ITEMS (CONT'D):

Commissioner Smith

1. Progress with the Southwest Colorado Opioid Regional Council. Commissioner Smith reported that the regional council was moving forward with a two-year plan. They had completed their facilitation process and had the facilitator deliver that plan to the State Attorney General's Office, as required. She added that there would be opportunities for the council to amend the plan, as the AG office was being fairly flexible as long as the program objectives were being met. Commissioner Smith also informed the Board that they would be reaching out to local municipalities to ask them to opt in, and to help them understand what that will mean.

Commissioner Smith highlighted that she had an information exchange with Adams County Commissioner O'Doriso. He had shared her concerns (mentioned in her CCI report at the last BOCC regular meeting), regarding data information coordination needed for opioid regional councils across the state, and had worked with Rocky Mountain Partnership to erect a fantastic data platform for a great portion of the front range regional councils. Commissioner Smith felt this could be an opportunity to put some more pressure on the State to help regional councils organize and plan in a meaningful way so that there will not be an abundance of home-grown data solutions across the state.

2. Attended a quarterly sales tax meeting with the Colorado Department of Revenue, hosted by Colorado County Inc (CCI). Commissioner Smith stated that she had talked with Dept of Revenue staff regarding recent local challenges in aggregating online sales tax. The 1% sales tax which the County has, with 50% share back to its municipalities passed way back in 1979, well before online

was any part of the equation. She elaborated that the online collection process was not clear, and there was too much guesswork involved in the collections of taxes; she hoped to find contacts within CCI, CCAT and NaCO for collaboration on identifying better solutions to this problem.

3. Reconnected with the Country Meadows homeowners' organization, de Nuevas Esperanzas (ONE). Commissioner Smith stated that the group was still struggling with serious issues. She helped them connect with DOLA and CDPHE regarding water quality / potability issues. In talking with DOLA, Commissioner Smith reported that they had told her to encourage ONE to continue to file complaints. For the immediate problems regarding water, she connected them to CDPHE. Presently, the ONE group was trying to negotiate with the new owner, asking them to perhaps delay the rent increase until the infrastructure / water issues were addressed. Commissioner Smith
4. Attended a Rural Physicians Burnout Session, held at 7am on the Western Colorado University campus last week. Commissioner Smith noted the irony between the "Burnout" title of the session and its 7am meeting time. She stated that the session was very productive and insightful; it had helped her to see how much stress this industry has experienced, and to learn how they are coming together to address the issues in the Valley. She added that people expressed their appreciation for having a space to talk it through, and for help in discovering resources / tools to aid in moving forward through the issues.
5. Attended a Gunnison Basin Sage-grouse Strategic Committee meeting. Commissioner Smith reported that the high female and male counts were looking fantastic for 2022 – the highest female numbers since 1986, in fact.

Building on the good news, she further reported that the hiring committee would be discussing that afternoon, the ten candidate applications they had received for the position of cheatgrass mitigation coordinator. Commissioner Smith felt that there were several very promising, qualified applicants in the group. She also thanked CA Matt Hoyt for his help in understanding the requirements of various government agencies for the cheatgrass mitigation process, and highlighted the fact that the US Fish and Wildlife had already secured significant resources for the effort.

Commissioner Houck

1. Met with the State Land Board last week at 7am. Commissioner Houck stated that there were representatives from Gunnison, Saguache, and Chaffee Counties at the meeting. While there, he discovered that the State Land Board leases out their land and uses the revenue to support schools. In the case of Gunnison County, he found it was more for ag leases and communication tower leases, and that our County did not receive near as much funding as neighboring counties had; for example, Saguache County received \$71 million, Chaffee County received \$41 million, while Gunnison received barely \$1 million. Commissioner Houck asserted that he would like to work to see if Gunnison County could achieve more income earmarked for the schools. He also noted that some counties, like Jefferson County, are using State Land Board Land to develop recreational facilities. This model would allow fees collected from the use of the facilities to come back to the county as funds for schools.

Commissioner Houck also looked into where the State Land Board is on statewide policies on affordable housing. He asked what the State Land Board land behind the Paintbrush development looked like in terms of possible long-term leasing, or leasing a small section to the County for developing more affordable, deed restricted housing. He added that he would be continuing these conversations with the State Land Board director in the near future.

2. Attended an all-day Wolf Reintroduction group meeting last Wednesday, June 15th. Commissioner Houck explained that the group was continuing to work on the technical aspects of reintroduction, i.e., what is the compensation for deprivations and loss to ranchers, the science behind reintroduction, consideration of management of a threatened species vs management of an endangered species. Commissioner Houck noted these as a "fairly steep learning curve." He further noted that they were utilizing the insights of experts from other states like Montana, Washington, Wyoming and Minnesota, who have this apex predator living within their borders. He concluded with a reminder that wolves have to be on the ground in Colorado by the end of 2023.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present for discussion.

RECESS: Chairperson Houck recessed the regular meeting at 10:31 am, in order to go into an executive session.

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 LAKE IRWIN COALITION, INC. V. SMITH, 1:19-CV-01056 (D. COLO.): Chairperson Houck **moved** to go into Executive Session Pursuant to Colorado Revised Statute 24-6-402(4)(b), Conference with the County Attorney or Deputy County Attorney to receive legal advice in relation to *Lake Irwin Coalition, Inc. v. Smith*, 1:19-cv-01056 (D. Colo.) The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, 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. Motion carried unanimously.

The Board went into executive session at 10:32 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 11:37 am, it was **moved** by Chairperson Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on topic. Commissioner Smith seconded the motion. Motion carried unanimously.

Chairperson Houck then directed CA Hoyt to continue working on this legal matter as he has been.

RECESS: Chairperson Houck recessed the regular meeting at 11:38 am, in order to go into a second executive session.

EXECUTIVE SESSION, PURSUANT TO C.R.S. 24-6-402(4)(E)(I), FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS RELATED TO THE MT. EMMONS/RED LADY MINE, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS, AND PURSUANT TO C.R.S. 24-6-402(4)(B) CONFERENCES WITH THE COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO THE MT. EMMONS/RED LADY MINE:

Chairperson Houck **moved** to go into Executive Session, pursuant to C.R.S. 24-6-402(4)(e)(I), for determining positions relative to matters that may be subject to negotiations related to the Mt. Emmons/Red Lady mine, developing strategy for negotiations, and instructing negotiators, and pursuant to C.R.S. 24-6-402(4)(b) conferences with the County Attorney or Deputy County Attorney for Gunnison County for the purpose of receiving legal advice related to the Mt. Emmons/Red Lady mine. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, 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 Smith seconded. Motion carried unanimously.

The Board went into executive session at 11:39 am. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4)(e)(I) and §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)(e)(I) and § 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)(e)(I) and § 24-6-402(4)(b).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 12:11 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. He thanked CA Hoyt for working through this with them.

ADJOURN: Chairperson Houck adjourned the Gunnison County Board of County Commissioners Regular Meeting at 12:11 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: 2022-26**

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 804 COLLEGE AVENUE, UNIT 30 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 804 College Avenue, Unit 30, 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 10, The Lofts Townhomes within Lot 2, Meldrum Subdivision, also known as: 804 College Avenue, Unit 30 Gunnison, CO 81230.

INTRODUCED by Commissioner Smith, seconded by Commissioner Mason, and adopted this 21st day of June 2022.

BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – yes, Smith – yes