

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
July 5, 2022**

The July 5, 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 [REMOTE]                      Matthew Birnie, County Manager  
Roland Mason, Vice-Chairperson [REMOTE]                Melanie Bollig, Deputy County Clerk  
Liz Smith, Commissioner                                        Others Present as Listed in Text

**GUNNISON / HINSDALE BOARD OF HUMAN SERVICES:**

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:30 am. He noted that the Board of Human Services needed to convene in order to approve this one contract only.

Assistant County Manager for Human, Health & Safety Services Joni Reynolds and Hinsdale County Commissioner Levine were not able to be present.

CA Hoyt confirmed that the contract was legally sufficient.

**CONSENT AGENDA:** **Moved** by Commissioner Smith, seconded by Chairperson Mason, to approve the Consent Agenda, as presented. Motion carried by the three Gunnison County Commissioners present.

- 1. Extension of Term; Option Letter #1, Department of Health Care Policy and Financing; for Hinsdale County incentives, Health Care Policy and Financing (HCPF), Medicaid; State Fiscal Year 2023; \$6,072.29

**ADJOURN:** Chairperson Houck adjourned the meeting of the Gunnison/Hinsdale Board of Human Services at 8:31 am.

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:**

**CALL TO ORDER:** Chairperson Houck called the meeting to order at 8:31 am.

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

**SCHEDULING:** There were no changes needed to the schedule. Commissioner Smith informed the Board that she would not be able go to next Thursday’s Mayors & Managers meeting in Pitkin, as she would be attending the Southwest Colorado Opioid Regional Council meeting at the same time. Commissioner Houck stated that he had already let the Mayor of Pitkin know that he would be at a meeting in Montrose for the GMUG Forest Plan Revision. Commissioner Mason stated that he might be able to attend, if he passes COVID protocols by then. County Manager Birnie confirmed that he would be attending.

**CONSENT AGENDA:** Commissioner Smith requested to remove Item #9 from the consent agenda for further discussion. Chairperson Houck **moved** to approve the Consent Agenda with Items #1 through #8, as presented that morning. Commissioner Smith seconded. Motion carried unanimously.

- 1. Colorado Department of Public Health and Environment (CDPHE); Option Letter #1, 2022\* 0237; Extension Term, providing uniform, statewide administration of environmental health services, for retail food establishments, child care facilities, and schools; 7/01/2022 - 6/30/2023; \$15,000
- 2. Funding Agreement; Parent Possible; Gunnison County Health and Human Services; Startup costs for the Parents as Teachers (PAT) program in Gunnison and Hinsdale Counties; 6/23/2022 - 9/30/2022; \$7,500 from The Daniels Fund
- 3. Provider Agreement; RE1J School District; Juvenile Services Department; to assist the District in promoting Social Emotional Learning and mental health; 7/01/2022 - 5/30/2023; \$50,000
- 4. Letter of Support request; Bureau of Reclamation Grant Application; Gunnison County Electric Association; for funding and development of the proposed Taylor River hydroelectric facility
- 5. Professional Services Agreement; Houseal Lavigne Associates; City and County of Gunnison; for creation of North Gunnison area Master Plan; effective 7/5/2022 - 10/15/2023, unless sooner terminated; County portion up to \$73,410
- 6. Extension of Term; Option Letter #1, Department of Health Care Policy and Financing; for Gunnison County incentives, Health Care Policy and Financing (HCPF), Medicaid; State Fiscal Year 2023; \$18,509.67
- 7. USDA, Forest Service Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests; Cooperative Law Enforcement Annual Operating Plan & Financial Plan; Gunnison County Sheriff’s Office; effective upon last date signed until 12/31/2022; up to \$5,500
- 8. Colorado Department of Military and Veterans Affairs Grant Award; Gunnison County Veterans Services; for qualifying veteran services, including dental care and treatment reimbursement; 7/01/2022 - 6/15/2023; \$35,000

**PULLED FOR FURTHER REVIEW, CONSENT ITEM #9:****9. Intergovernmental Weed Agreement regarding Undesirable Plant Management 2022; Gunnison County, Saguache County, Hinsdale County, Town of Crested Butte, Town of Mt. Crested Butte, Town of Pitkin, City of Gunnison; to govern the relationship for the management of undesirable plants; 1/01/2022 - 12/31/2022**

Commissioner Smith invited Deputy County Manager Marlene Crosby to speak regarding this IGA for weed management. DCM Crosby explained that all parties have signed the agreement, noting that the Town of Mt. Crested Butte would not be signing this year, as they had arranged a private agreement with someone licensed for landscape weed management. She then listed the rest who had signed the agreement with Gunnison County, as: Saguache County, Hinsdale County, Town of Crested Butte, Town of Pitkin, and the City of Gunnison.

County Attorney Matt Hoyt advised that the IGA needed to have the Town of Mt. Crested Butte removed from the agreement for 2022.

Upon CA Hoyt's advice, Commissioner Smith **moved** to approve No. 9 in the consent agenda – Intergovernmental Weed Agreement regarding Undesirable Plant Management in 2022, contingent on an amendment that is going to remove the Town of Mt. Crested Butte from that agreement, and to authorize the County's Manager to sign the amended agreement on behalf of the Board. Commissioner Mason seconded. Motion carried unanimously.

**COUNTY MANAGER'S REPORTS:** County Manager Matthew Birnie was present in the room to give his report.

1. **Ratification of County Manager's Signature; First Amendment to Site and Improvement Lease Agreement; Site Lease Instrument No. 658635; Dated 6/30/2022.**
2. **Ratification of County Manager's Signature; First Amendment to Lease Purchase Agreement; Site Lease Instrument No. 658636; Dated 6/30/2022.** County Manager Birnie explained that the first two items on his report were pursuant to the County's purchase of property adjacent to the Whetstone parcel, which the County has been developing plans for. CM Birnie explained the background for these two documents as a purchase of adjacent land, wherein the new property would be clustered with the County's existing Whetstone property, and then they would carve out a lot for the seller, who wished to retain a portion of his land. For this to work, the County needed to give a few hundred square feet of the Whetstone parcel to the seller for his lot. By doing so, however, it changed the collateral on financing for the Whetstone parcel; the two documents before the Board were instruments which reflected that change. Since this had not come to the Board beforehand, CM Birnie added that he had brought this before them to make sure that they were aware of the circumstances and to go ahead and ratify his signature. He also stated that the closing should be sometime that week. Chairperson Houck noted that this was within the scope of the County Manager's authority, but appreciated him bringing the purchase to their attention. With no questions from the Board, Chairperson Houck then **moved** to ratify the County Manager's signature on both documents presented that day under the County Manager's report. Seconded by Commissioner Smith. Motion carried unanimously.
3. **Offered the CFO position to Perry Solheim.** CM Birnie let the Board know that Perry Solheim had accepted the position of Chief Financial Officer, and they would be putting out a formal announcement right away. He highlighted that Perry was currently the Finance Director for the Mt. Crested Butte Water and Sanitation District, a former professor at Western Colorado University, and had supervised the funds for the Southern Utes Investment Fund; CM Birnie felt that this would be a very good fit and was excited to have Perry on board.
4. **Martin Schmidt to start on a part-time basis next week as Assistant County Manager for Public Works.** CM Birnie noted that Martin would be part-time in July and transitioning to full-time in August. He added that Perry would also be starting part-time in a similar way this month, and then transitioning to full-time in August.
5. **Contacted by the Colorado Aeronautics Board.** CM Birnie stated that the Board had reached out to him, saying they had heard good things about the County's airport project and in general, and had asked to host their next meeting in Gunnison on August 30-31. He noted that the Board was particularly interested in the fact that an airport as small as ours was able to do so much with sustainability, ground source heat exchange, and the solar – ahead of other airports statewide.
6. **Contacted by the International City/County Management Association (ICMA).** CM Birnie explained that they wished to produce a 5-minute vignette on Gunnison County. He noted that there would be a cost to this high-quality production, but that he did not know all the particulars and would be getting back to the Board as soon as he had more information.
7. **Received the June 2022 Building Permits report.** CM Birnie informed the Board that the report showed \$14.3 million in permitted valuations for the month of June, which included some very large projects. He noted this was equal to what had been seen annually before.
8. **Library progress.** After a brief observation by Chairperson Houck on the visual progress at the new library, CM Birnie noted that the opening would probably be in early September; however, there were supply issues slowing progress down so that the date could not be released yet. He added that he would send an email out to the Board when the date was set.

**DEPUTY COUNTY MANAGER’S REPORTS AND PROJECT UPDATES:** Deputy County Manager Marlene Crosby was present in the room to give her report.

1. **Contractor Agreement; Steincrusher, LLC; for crushing services for Gunnison County; 6/08/2022 – 12/31/2022; \$6 per ton, plus \$10,000 mobilization fee for Watson Flats pit, and \$5.35 per ton, plus \$10,000 mobilization fee for Tamarcaz pit.** DCM Crosby explained that it would be good to have this crusher at the Watson Flats pit, as this pit had very hard rock. She also noted that it would be considerably cheaper to do the crushing in place rather than have the County buy materials and then haul it.

With approval from the Board, Commissioner Smith **moved** to approve the Contractor Agreement with Steincrusher LLC, for crushing services for Gunnison County, and to authorize the Chair’s signature stamp on the agreement. Chairperson Houck seconded the motion. Motion carried unanimously.

2. **USFS Contract for the Sale of Mineral Materials; for Sand and Gravel at Watson Flats Pit; June 29, 2022 - 6/29/2032; estimate, less than \$10 per ton.** DCM Crosby introduced this contract by giving “kudos” to the Paonia Ranger District. She stated that it would usually take months to get a contract like this through, and instead, they were able to deliver it to the County in two weeks’ time. DCM Crosby also clarified that this free use permit would not be totally free. She explained that the Forest Service had the right to ask for up to 10% of what is crushed to be for the Forest Service. She advised that they would be asking for it, because the FS was planning to work on the cliff trail at Horse Ranch Park, as well as put gravel on the Lost Lake road.

With no questions from the Board, it was **moved** by Commissioner Smith to approve the United States Forest Service Contract for the Sale of Mineral Materials for Sand and Gravel at Watson Flats Pit. Seconded by Commissioner Houck. Motion carried unanimously.

3. **Working with White River National Forest District Ranger Kevin Warner.** DCM Crosby informed that Board that they were getting ready to sign an approval for Marble quarry to move ahead with the replacement of concrete culverts at Mud Gulch, which had washed out last year; North Star Surveying out of Gunnison would be doing the survey work for the quarry. DCM Crosby hoped to be able to sign the letter of approval that week so they could get started on the project.
4. **Update on the Whitewater Park.** DCM Crosby wished to report that she had visited the park mid-afternoon on Monday, July 4<sup>th</sup>, and noted 77 cars parked at the whitewater park, as well trailers parked all along the road. She further noted a diverse group of people at the features no. 1, 2, and 3: 15 surfers at feature 1, and over 100 rafters, paddleboarders, fishermen, and people picnicking at features 2 and 3.

**TOWN OF CRESTED BUTTE; UNITED STATES POSTAL SERVICE FACILITY LOCATION:** Assistant County Manager for Community & Economic Development Cathie Pagano was not able to be present at this meeting.

Chairperson Houck introduced this item by briefly noting that there was a letter of input that Crested Butte and Mt. Crested Butte wished to submit to the USPS, offering possible solutions for a facility location. This would be signed by the BOCC Chairperson, as well as by both Mayors of Mt. Crested Butte and Crested Butte.

Commissioner Mason informed the Board that he had done some outreach to a Crested Butte councilperson and found that the council would be deciding on the letter that night. Commissioner Mason had wished to reach out because he was interested in the open area at Sixth Street and Gothic Avenue noted in the letter. He found that the area is a vacant lot east of the softball field. He added that he felt that it made sense for the post office to move off of Elk Avenue.

With all the Board expressing support for the letter, Chairperson Houck then **moved** to authorize the use of the Chair’s stamp on the letter and support the endeavor for the relocation of the post office in Crested Butte. Commissioner Smith seconded. Motion carried unanimously.

**CHANGE OF AGENDA:** Houck elected to begin Commissioner Items until the next item scheduled for 9:10 am, in order for staff to be present.

**COMMISSIONER ITEMS:**

**Commissioner Smith**

1. **Attended a State Noxious Weed Advisory Committee meeting in Boulder on Tuesday last week.** Commissioner Smith explained that the committee has discussed the potential for developing a state-wide position for a coordinator for weed management, to be supported by multi-agencies in weed mitigation. She noted the Department of Agriculture was interested in this idea and wanted to look into whether they could add this position and reduce duplication of this type of effort across the state.

Commissioner Smith added that she had also talked with another person she had met through Colorado Counties Inc (CCI) – Kathay Rennels from CSU – to see if the University might be able to have a coordinator/facilitator position. Commissioner Smith noted that there was some enthusiasm from that quarter as well, so she was hopeful that a connection like this for the coordinator position might be possible.

2. Counties and Commissioners Acting Together (CCAT) and Colorado Counties Inc (CCI) conversations. Commissioner Smith highlighted that these two agencies were now discussing the need for data management coordination for opioid regional councils statewide. She noted that, earlier in the year, she had brought up her concerns regarding duplication in data collection among the different opioid regional councils, and the need to consolidate efforts in order to be more efficient and cost effective. She added that she had also spoken with Cristen Bates from the Colorado Department of Health Care Policy and Financing (HCPF), who would be a liaison and talk to the other state departments about this need. Commissioner Smith noted that they were hoping to get a webinar meeting together through CCI to consolidate discussion and make sure all are on the same page, and stated that she felt they were moving closer to solutions on this issue.
3. Toured lodging establishments around Blue Mesa and the City of Gunnison. Commissioner Smith reported that the week before last, she had spent over six hours touring the area lodging establishments. She stated that the south end of the valley was definitely seeing some of the trends forecast earlier by TAPP, and she believed that most of her questions/observations would be best suited for conversation with the local marketing district (LMD).
4. Welcoming America Initiative moving forward. Commissioner Smith stated that she would be helping to connect the business community into this initiative at that week's Chamber of Commerce meeting.

**Commissioner Mason**

1. Attended the last Lead King Loop stakeholder meeting. Commissioner Mason outlined that this meeting had been a two-day work session, of which he was only able to attend on the second day. He stated that he had given input to the group, letting them know that the County was not interested in keeping the road open in perpetuity without any kind of changes. Recommendations were made by several different user groups, with some of the recommendations including: a) option for installing a "gatekeeper" at the base of Daniel's Hill, letting visitors know that if their vehicle could not clear this gatekeeper feature, then they should not be travelling on the road any further; b) creating a separate hiking trail specifically over the Daniel's Hill section to limit user impact somewhat; c) adding a noise ordinance to the area, that would include education and enforcement, and; d) creating better parking and management. To the issue of parking, Commissioner Mason noted that the Forest Service had stated there was not enough use to warrant a full-on reservation system; they felt that the reduction could be done through parking.  
 Commissioner Mason also added that he had gone again with District Ranger Keven Warner to look at the parking. After reviewing several areas, Commissioner Mason stated that he felt there was an opportunity to create better parking within the County right-of-ways, and possibly for the Forest Service to create a turn-around area. He also noted that the Town of Marble was limiting their parking for trailers to only eight to twelve spots, plus they would be putting up physical barriers to keep this limitation. The Town was also looking into getting their own constable.
2. Attended by phone, last week's Region 10 meeting. Commissioner Mason outlined the topics during the meeting as: celebration plans for Region 10's 50-year anniversary, and; Region 10 now part of the Front Range GigaPop research and education network. Commissioner Mason added that this was a network which Western Colorado University is also a part of, and the Front Range GigaPop network is seeking to add all Western Slope colleges and universities to this network for much faster data transfer between its members.
3. Wild & Scenic designation discussions are coming back. Commissioner Mason wished the Board to know of renewed talks and added that they were spearheaded through Pitkin County. He planned to participate in these conversations.

**BOUNDARY LINE ADJUSTMENT; SECTION 7, TOWNSHIP 11 SOUTH, RANGE 88 WEST OF THE 6TH PM; ELK HORN RANCH, LLC AND SUSAN AND JERRY ANDERSON; LUC-22-00011:** Community Development Administrative Services Manager Beth Baker was not available to present this to the Board, and the plat was not available for signature at this meeting. Upon advice from County Attorney Hoyt, Chairperson Houck noted that this could be brought to the Board again at the next meeting.

**ADOPTION OF GUNNISON COUNTY ORDINANCE NO. 20, AN ORDINANCE AMENDING THE PENALTIES SET FORTH IN ORDINANCE NOS. 14 AND 16 REGARDING PROCESS TO PERIODICALLY BAN OPEN FIRES AND IDENTIFICATION OF "RED FLAG" FIRE DAYS:** County Attorney Matt Hoyt was present in the room for discussion and any questions from the Board.

CA Hoyt reviewed for the Board that Ordinance No. 20 had been read into the record at a previous meeting as required by state statute, and this last step would be to adopt the ordinance by motion. He highlighted that Ordinance No. 20 modified the penalties for open fires and burns during "red flag" fire days; the Board had approved the increase in penalty amounts to the maximum allowed by law, i.e. to \$1,000 for multiple violations, as well as the publication of the ordinance by title.

With no changes desired by the Board, it was **moved** by Commissioner Smith to adopt Gunnison County Ordinance No. 20, An Ordinance Amending the Penalties Set Forth in Ordinance Nos. 14 and 16 Regarding Process to Periodically Ban Open Fires and Identification of "Red Flag" Fire Days. Commissioner Mason seconded. Motion carried unanimously.

CA Hoyt then informed the Board that this should be the last of the ordinances needing adjustment to comply with state statute.

[Refer to the adopted Ordinance No. 20 text at the end of these minutes, under "GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES."]

**2023 LEGISLATIVE PRIORITIES:** Chairperson Houck asked Commissioner Smith to introduce this discussion.

Commissioner Smith explained that she had asked CM Birnie to add this to the agenda, noting that CCI's legislative deadline was coming up that Friday, July 8<sup>th</sup>, so that this would be the only opportunity to have a conversation before the deadline. She then outlined that she had met with Gini Pingnot from CCI and Executive Director Mark Ferrandino from the Colorado Department of Revenue, regarding Gunnison County's letter submitted to the Division of Taxation rulemaking hearings. She stated that the letter requested that campgrounds continued to be taxed because of the need for local marketing district and lodging tax revenues to aid in mitigation of the impact from visitors that the County was currently experiencing. After talking with ED Ferrandino, she found that the issue for this possible change in taxation had arisen through sales taxes. Commissioner Smith also stated that she felt it would be worthwhile for Gunnison County to continue leading on this issue and putting forth legislation through CCI, for taxation through lodging and local marketing district taxation.

The Board then discussed keeping private campgrounds in the lodging and LMD taxable category. Commissioner Mason stated that he also felt Gunnison County should put this request forward with CCI. Chairperson Houck added that short-term rentals being run solely as a commercial operation should also be tax-assessed, and he noted that this will surely be another legislative issue coming in 2023.

Commissioner Smith concluded by saying she would be happy to put together the submittal to CCI and she would also send it to the Board and CM Birnie for review, comments, and signatures before sending it off. The Board gave approval for her to continue with the submittal.

**BLM INVITATION TO PARTICIPATE AS A COOPERATING AGENCY IN PREPARATION FOR A RESOURCE MANAGEMENT PLAN AMENDMENT (RMPA) AND ENVIRONMENTAL IMPACT STATEMENT (EIS); TO CONSIDER AMENDING LAND USE PLANS FOR THE CONSERVATION OF BIG GAME CORRIDOR AND IMPORTANT HABITAT AREAS:** Chairperson Houck introduced this to the Board and then asked when the response deadline would be. CA Hoyt replied that it was set for July 10<sup>th</sup>.

The Board discussed whether they should take on the role of cooperating agency and the Board all approved Gunnison County's participation.

Chairperson Houck **moved** to instruct the County Attorney's Office to respond back to the BLM and confirm Gunnison County's desire to participate as a cooperating agency in the RMPA and EIS land use plans for the conservation of big game corridor and important habitat areas. Commissioner Smith seconded. Motion carried unanimously.

CM Birnie then stated that the County does not have a wildlife biologist on retainer, as they used to have for things like this, so he wished to note that change. CA Hoyt replied that they could certainly make sure the County is not committing resources that they do not currently have; instead, a Colorado Parks and Wildlife expert could be conferred with, and they could rely on their expert opinion to make land use decisions for big game corridor and habitat conservation.

**UNSCHEDULED CITIZENS: There was no one present in the room to offer comments; one citizen was available remotely via Zoom.**

1. Adam Maestle – Adam stated he was 36 years old and had lived in Gunnison for the last ten years, most of his adult life, and had no other place that he called home. He wanted to know why disabled workers were not welcome at Paintbrush apartments and in the Valley, by his perspective; as a disabled worker who has lived in this car for the past three months, why was it he did not qualify for this newest and biggest development here? Further, he wished to know why there were not more resources for where he could live. He noted that he could pay the market rate for rent, he had references and good credit but because he was a disabled person who could not work full-time, he did not qualify for housing at Paintbrush. If it was illegal here to sleep in your car in the local town jurisdictions and non-county properties, why were there not more homeless shelters here to help. He added that he did not know where he would sleep that night without risking a fine or being harassed by police. He wanted to know, why as a local worker, he was being forgotten and left on the streets.

Chairperson Houck expressed to Adam that the issue he brought up was very important – it was at the forefront of the County's priorities. He touched briefly on all the Gunnison County towns with jurisdictions of their own not under the County's jurisdiction. Chairperson Houck noted also that the Paintbrush project had been spearheaded by the County, and highlighted that when Adam had previously reached out before for answers, the reply from the County had addressed the issue of Paintbrush specifically; the policies had been developed with the GVRHA and a legal team.

Chairperson Houck went on to discuss some of the other projects for workers in the Crested Butte area as well, and mentioned that the Gunnison Valley Regional Housing Authority (GVRHA)

did a lot of the initial qualifying for these; he stated that they would be happy to look into the difficulties and barriers which Adam was experiencing for qualification.

Commissioner Mason let Adam know that he was currently Board Chair for the Housing Authority, and he personally knew of people who had been homeless being placed in housing at GardenWalk recently. He also mentioned a new group called Archway, who had just purchased Palisades apartment buildings near the Western campus and they were looking to convert these into affordable housing at 30% - 50% AMI qualifications. He also asked him to contact GVRHA's interim director, Chris Peterson, to work on his qualifying for housing.

Adam let the Commissioners know that most of the affordable housing he had already looked into, and other than Paintbrush, he made too much money to qualify for – even at part time. He stated that there was a pretty big gap in the housing that was offered for people like himself. He listed his barriers as too much income and having a disability, and stated that he was on wait lists for housing all over town, but working disabled with a decent income put him in a large gap area with zero resources.

Commissioner Smith explained that she did note this "no man's land of assistance," and that it was something the collective impact group she was with was currently trying to work on. She emphasized that the AMI issue was difficult, as this is federal funding that they cannot get around. However, she noted that with state funding, they are able to get significantly higher thresholds for qualifying. She emphasized to Adam that she heard him on an emotional level and wanted to tell him, knowing that it didn't help him that day, but she wanted him to know they were working on this gap.

Adam then concluded his comments by stating that secure housing was the ultimate goal, and he recognized that they had all agreed there is a crisis here. He asked if, under these conditions, shouldn't there be an emergency place for homeless persons to be able to park their car without risking fines? He noted that people were doing this anyway and they had to do so illegally; he would love a safe place to park if it was offered.

CM Birnie added that, while the deed restrictions were not perfect, they were put in place to make sure that the workforce was served at the latest Paintbrush property. He then suggested to Adam that his situation put him in a good position to apply for a deed restriction waiver, and he urged him to try this route at various properties and with the GVRHA. Chairperson Houck also encouraged Adam to explore the waiver opportunity and possibly other options available to him with the Housing Authority.

#### **COMMISSIONER ITEMS (cont'd):**

##### **Commissioner Houck**

1. Met with the Upper Gunnison River Water Conservancy District last Monday evening. Chairperson Houck stated that the meeting was in reference to the Gunnison Public Lands Initiative and the Gunnison Outdoor Resources Protection (GORP) Act.
2. Attended a surprise "Goodbye" send-off for Nancy Chisolm, interim President at Western Colorado University. Chairperson Houck noted he and Commissioner Mason had attended, representing Gunnison County. Nancy was just leaving, as new President Brad Baca assumed his new role last Friday as the 14<sup>th</sup> President of WCU. Chairperson Houck noted that he looked forward to partnership with President Baca for the benefit of both students and the community. Commissioner Mason added that he would love to see Western's participation with Air Command, and this might be a good opportunity to re-engage with a new president. Chairperson Houck affirmed that he would be adding this to his next conversation with President Baca.
3. Participated remotely on a Counties and Commissioners Acting Together (CCAT) meeting.

**ADJOURN:** Chairperson Houck adjourned the Gunnison County Board of County Commissioners regular meeting at 9:58 am.

**BREAK:** Chairperson Houck called for a brief break from 9:58 am until 10:05 am.

#### **GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:**

**CALL TO ORDER:** Chairperson Houck called the meeting of the Gunnison River Valley Local Marketing District to order at 10:05 am.

Chairperson Houck asked CA Matt Hoyt if they would still need to hold an executive session regarding election ballot language, and CA Hoyt replied that he did recommend the 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 SUBMISSION OF BALLOT ISSUES TO VOTERS IN GUNNISON COUNTY RELATED TO TAXATION AND REVENUES UNDER COLORADO LAW:** Chairperson Houck moved to go into Executive Session Pursuant to Colo. Rev. Stat. § 24-6-402(4)(b), conference with the County Attorney or

Deputy County Attorney to receive legal advice in relation to submission of ballot issues to voters in Gunnison County related to taxation and revenues under Colorado Law. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, County Attorney Matthew Hoyt, and Deputy County Attorney Alex San Filippo-Rosser. 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 10:08 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 11:10 am, it was **moved** by Commissioner Smith 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. Chairperson Houck seconded the motion. Motion carried unanimously.

Chairperson Houck thanked the County Attorney’s Office for the time that they had put in to making sure the ballot language was correct; he then noted that he wished to talk about the background for the resolution that reflected the correct ballot language.

Chairperson Houck then explained that House Bill 1117 was the result of numerous legislative years of work under the leadership of Gunnison County, expanding the language around LMD usage and lodging tax. What they wished to go to the voters with in the Fall was the ability to not only continue with marketing and development as before, but to expand those uses into support for their workforce with housing, childcare, and recreational infrastructure. He then asked CA Hoyt to give highlights of the provisions in what they were going to take to the voters.

CA Hoyt outlined that the resolution initiates the process to coordinate with the County Clerk to submit the ballot question to the voters and to allow the County Clerk to administer the election in its special districts. The resolutions states that 60% of marketing and promotions tax revenues would continue to be spent as before; with 40% used to support housing or childcare for the tourism-related workforce and other workers in the community, including season workers, as well as to support recreation infrastructure in order to facilitate and enhance visitor experiences.

Commissioner Smith added that she felt it was important to note that 60% was the floor of what could be utilized as before, with a maximum of 40% being earmarked for these expanded uses, if approved by voters. CA Hoyt confirmed this.

Chairperson Houck agreed as well and noted that it was the marketing and promotions that drives the revenues to the LMD.

The commissioners all agreed that the increase in visitors had necessitated the need to expand the infrastructure in housing and childcare, and other related issues. They noted that this provision allows the county to leverage opportunities as they are available. CA Hoyt emphasized this would not be a change to the tax itself; it would not be a tax increase. Instead, it reallocated the usage of the funds collected.

**RESOLUTION; SUBMITTING TO THE ELIGIBLE ELECTORS OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022**

**A BALLOT ISSUE AND TITLE TO ALLOW THE DISTRICT'S MARKETING AND PROMOTION TAX REVENUES TO BE USED FOR THE ADDITIONAL PURPOSES OF HOUSING AND CHILDCARE FOR THE TOURISM-RELATED WORKFORCE AND OTHER WORKERS IN THE COMMUNITY, AND FOR FACILITATING AND ENHANCING VISITOR EXPERIENCES; AND AUTHORIZING ACTIONS REGARDING THE CONDUCT OF SUCH ELECTION:** With no further discussion needed, Commissioner Smith **moved** to approve Resolution 2022-1 for the Gunnison River Valley Local Marketing District, a Resolution Submitting to the Eligible Electors of the Gunnison River Valley Local Marketing District at the General Election to be Held on November 8, 2022 a Ballot Issue and Title to Allow the District’s Marketing and Promotion Tax Revenues to be Used for the Additional Purposes of Housing and Childcare for the Tourism-Related Workforce and Other Workers in the Community, and for Facilitating and Enhancing Visitor Experiences; And Authorizing Actions Regarding the Conduct of Such Election. Chairperson Houck seconded. Motion carried unanimously.

Chairperson Houck **moved** to allow the chair’s signature stamp to be used in the recording of the document. Commissioner Mason seconded. Motion carried unanimously.

Chairperson Houck then gave direction to staff, asking them to please get the official notice to the local newspapers right away.

**ADJOURN:** Chairperson Houck adjourned the Gunnison River Valley Local Marketing District meeting at 11:26 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**

**GUNNISON RIVER VALLE LOCAL MARKETING DISTRICT  
RESOLUTION NO: 2022-1**

A RESOLUTION SUBMITTING TO THE ELIGIBLE ELECTORS OF THE  
GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT AT THE GENERAL ELECTION  
TO BE HELD ON NOVEMBER 8, 2022

A BALLOT ISSUE AND TITLE TO ALLOW THE DISTRICT'S MARKETING AND PROMOTION TAX  
REVENUES TO BE USED FOR THE ADDITIONAL PURPOSES OF HOUSING AND CHILDCARE FOR THE  
TOURISM-RELATED WORKFORCE AND OTHER WORKERS IN THE COMMUNITY,  
AND FOR FACILITATING AND ENHANCING VISITOR EXPERIENCES; AND AUTHORIZING ACTIONS  
REGARDING THE CONDUCT OF SUCH ELECTION

WHEREAS, Gunnison County, Colorado, is a Colorado county created by the Constitution and laws of the State of Colorado and is a political subdivision of the State of Colorado;

WHEREAS, the Gunnison River Valley Local Marketing District (the "District"), in Gunnison County, Colorado, is a political subdivision and body corporate duly organized and existing under the Constitution

and laws of the State of Colorado, including particularly the Local Marketing District Act, Title 29, Article 25, of the Colorado Revised Statutes (the "Act");

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado serves as the Board of Directors of the District (the "Board"), and each member of the Board has been duly elected and qualified;

WHEREAS, pursuant to Resolution 2002-47, Gunnison River Valley Local Marketing District Ballot Question 1B, November 5, 2002, Gunnison River Valley Local Marketing District Ballot Issue 5A, November 3, 2009, and other applicable authorities, the District may currently provide the following services: (a) Organization, promotion, marketing, and management of public events; (b) activities in support of business recruitment, management, and development; and (c) coordinating tourism promotion activities;

WHEREAS, in March 2022 the Colorado General Assembly passed and the Governor signed into law House Bill 22-1117, which amends Colo. Rev. Stat. § 29-25-111 and -112 to authorize local marketing districts to refer to their voter's proposals to allow up to 90 percent of county marketing and promotion tax revenues to be used for housing and childcare for the tourism-related workforce, including seasonal workers, and for other workers in the community, and for facilitating and enhancing visitor experiences;

WHEREAS, in passing HB 22-1117, the General Assembly found and declared that:

In recent years, the role of destination marketing and management organizations in Colorado has evolved to not only support economic growth through tourism, but also to address the social, cultural, and environmental issues related to tourism. In addition to inspiring travel to and within a destination and enhancing a visitor's experience, destination marketing, and management organizations now use their expertise to protect our destinations' cultural and natural assets and improve our residents' quality of life;

WHEREAS, in passing HB 22-1117, the General Assembly also found and declared that:

Destination marketing and management organizations across the state are increasingly using their marketing budgets and robust communication channels to disperse travelers and educate visitors on how to travel responsibly and lessen their impact;

WHEREAS, in passing HB 22-1117, the General Assembly also found and declared that:

A visitor's experience is also heavily influenced by the host community's ability to support their residents and local workforce with housing and other essential services, as well as a strong quality of life that comes with our amazing natural and cultural assets. A thriving community ensures more positive visitor interactions and experiences in our restaurants, on our trails, and throughout our main streets. This, in turn, increases the likelihood that a visitor will return and continue to support our local businesses. Robust support for our residents' needs is essential to the long-term health of both our communities and our economy;

WHEREAS, since the early 2000s the costs of housing and childcare has skyrocketed and availability has plummeted for the tourism-related workforce, including seasonal workers, and for other workers in the community, such that marketing and promotion tax revenues are needed to, for example, support and facilitate the opening of new child care facilities or the training and licensing of child care workers, as well as to, for example, to support additional affordable housing opportunities or projects;

WHEREAS, since the early 2000s the increased number of visitors has dramatically increased the need for new and improved recreation infrastructure with regard to public lands, public waters, and associated recreational opportunities, such as: Access to trails and trail maintenance; trailhead parking areas; boat ramps; hunting, wildlife viewing and fishing areas; signage; and bathrooms and kiosks;

WHEREAS, there remains a continuing need to properly fund the organization, promotion, marketing, and management of public events; activities in support of business recruitment, management, and development; and coordinating tourism promotion activities in order to maintain the economic health and viability of Gunnison County;

WHEREAS, Article X, Section 20 of the Colorado Constitution, known as the Tax Payer's Bill of Rights ("TABOR"), requires voter approval for tax policy change directly causing a net tax revenue gain to any district;

WHEREAS, there exists no evidence that the ballot issue that is the subject of this Resolution, if passed by the voters, will directly cause a net tax revenue gain to the District; therefore, the Board hereby determines that TABOR is not applicable to the ballot issue that is the subject of this Resolution;

WHEREAS, the County and the District hereby determine that it is in the public interest and necessary to seek voter approval to allow up to 90 percent of county lodging tax revenues to be used for housing and childcare for the tourism-related workforce, including seasonal workers, and for other workers in the community, and for facilitating and enhancing visitor experiences;

WHEREAS, the Gunnison County Clerk and Recorder will conduct the 2022 General Election on November 8, 2022, and the District, pursuant to Colo. Rev. Stat. § 1-7-116, intends to and shall notify the County Clerk and Recorder of its intent to participate in the 2022 General Election as a coordinated mail ballot election pursuant to the Uniform Election Code of 1992, Title 1, Articles 1 through 13, inclusive, of the Colorado Revised Statutes (the "Code"); and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of such election.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT:

Section 1. All actions heretofore taken by the District and its directors and officers, directed toward the Election and the objects and purposes of this Resolution, and consistent with this Resolution and applicable law, are ratified, approved, and confirmed. Unless otherwise expressly defined in this Resolution, all terms used in this Resolution shall have the meanings specified in the Code.

Section 2. Pursuant to the Code and other applicable laws of the State of Colorado, the Board hereby determines that the District shall participate in and that a coordinated mail ballot election shall be held on November 8, 2022 (the "Election"), at which time there shall be submitted to the eligible electors of the District the question set forth in Section 4 hereof. The Election shall also be conducted pursuant to the provisions of an intergovernmental agreement (the "Agreement") between the Board and the County Clerk of Gunnison, County, Colorado (the "County Clerk"), who shall conduct the Election on behalf of the District. The Board hereby authorizes the District, through either its Chair or the Gunnison County Manager as its designated agent, to enter into the Agreement with the County Clerk pursuant to Section 1-7-116 of the Colorado Revised Statutes.

Section 3. The Board hereby designates the County Clerk as the Designated Election Official for purposes of performing acts required or permitted by law in connection with the Election.

Section 4. The following ballot language, title and issue, in substantially the form set forth below, are hereby referred to the eligible voters of the District at the Election:

WITHOUT RAISING TAXES, SHALL THE GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT BE AUTHORIZED TO USE UP TO 40 PERCENT OF REVENUE FROM THE MARKETING AND PROMOTION TAX ON THE PURCHASE PRICE FOR ROOMS OR ACCOMMODATIONS PURSUANT TO C.R.S. SECTION 29-25-112 TO SUPPORT HOUSING OR CHILDCARE FOR THE TOURISM-RELATED WORKFORCE AND OTHER WORKERS IN THE COMMUNITY, INCLUDING SEASONAL WORKERS, OR TO SUPPORT RECREATION INFRASTRUCTURE IN ORDER TO FACILITATE AND ENHANCE VISITOR EXPERIENCES, AND FOR ALL OTHER PURPOSES PERMITTED BY LAW, WITH AT LEAST 60 PERCENT OF MARKETING AND PROMOTION TAX REVENUE TO CONTINUE TO BE SPENT FOR ORGANIZATION, PROMOTION, MARKETING AND MANAGEMENT OF PUBLIC EVENTS; ACTIVITIES IN SUPPORT OF BUSINESS RECRUITMENT, MANAGEMENT AND DEVELOPMENT; AND COORDINATING TOURISM PROMOTION ACTIVITIES?

Section 5. The Designated Election Official (the Gunnison County Clerk and Recorder) is authorized and directed to take all action necessary or appropriate to conduct the Election and effectuate the provisions of this Resolution consistent with the Code and Article X, Section 20 of the Colorado Constitution, including but not limited to mailing, posting and publishing notices of the Election, including any required TABOR notice, mailing the mail ballot packets, certification of ballot order and content pursuant Colo. Rev. Stat. § 1-5-203, receipt of comments regarding the ballot issue pursuant to Colo. Rev. Stat. § 1-7-091. Pursuant to Colo. Rev. Stat. § 29-25-112, the District shall pay the costs incurred to conduct the Election.

Section 6. If a majority of the votes cast on the question set forth in Section 4 in favor of authoring the additional uses of revenue from the tax as provided in the ballot question, then the District, acting through the Board, or as authorized by, delegated to or pursuant to agreement with the Gunnison County Board of County Commissioners, shall be authorized to the fullest extent permitted by law to proceed with the necessary actions to use tax revenues for additional purposes in accordance with the ballot question.

Any authority for additional uses of marketing and promotion tax revenue, if conferred by the results of the Election, shall be deemed and considered a continuing authority for such uses so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

Section 7. Any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be governed by Colo. Rev. Stat. § 1-11-203.5 and other applicable law, as if fully set forth herein.

Section 8. The officers and employees of the District are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 9. All orders, bylaws and resolutions, or parts thereof, in conflict with this Resolution, are hereby repealed.

Section 10. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 11. This Resolution shall be delivered to the Gunnison County Clerk and Recorder and shall constitute the notice required by Colo. Rev. Stat. §§ 1-1-106 and 1-7-116.

Section 12. This Resolution shall be effective immediately upon its adoption by the Board.

ADOPTED AND APPROVED this 5<sup>th</sup> day of July, 2022.

GUNNISON RIVER VALLEY LOCAL MARKETING DISTRICT

Houck – yes, Mason – yes, Smith – yes

[ADOPTED ORDINANCE]  
**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO**

**ORDINANCE NO. 20**

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

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

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

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

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

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

**Section 1. Amendment of Ordinance No. 14.**

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

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

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

**Section 2. Amendment of Ordinance No. 16.**

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

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

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

Any person who initiates in unincorporated Gunnison County an open fire, as that term is defined in Section 1 of Gunnison County Ordinance No. 14, on a day identified by the National Weather Service as

a "red flag" fire day in any part of unincorporated Gunnison County commits a civil infraction and, upon conviction thereof, shall be punished by a fine of five hundred dollars (\$500.00) for the first violation and one thousand dollars (\$1,000.00) for each subsequent violation, and for each violation shall pay the penalties and surcharges identified in C.R.S. § 30-15-402, as amended. The penalty assessment procedure provided in C.R.S. § 16-2-201, as amended, is authorized to be followed by any arresting law enforcement officer for any such violation. Pursuant to C.R.S. § 30-15-402(2)(a), in addition to the foregoing penalties, persons convicted of a violation of this Ordinance, or any resolution passed or ratified pursuant to this Ordinance, are subject to a surcharge of ten dollars (\$10) to be paid to the clerk of the Gunnison County Court by the defendant, as well as any other penalties or surcharges set forth in C.R.S. § 30-15-402, as amended, or otherwise permitted by law.

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

**Section 3. Certification.**

The County Clerk shall certify the passage of this Ordinance and make not less than three (3) copies of this Ordinance available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS AFTER A PUBLIC HEARING AND SIGNED THIS 5TH DAY OF JULY, 2022.

BOARD OF COUNTY COMMISSIONERS  
GUNNISON COUNTY