

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
February 6, 2024**

The February 6, 2024 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
Elizabeth Smith, Vice-Chairperson
Laura Puckett Daniels, Commissioner
Matthew Hoyt, County Attorney

John Cattles, Assistant County Manager
Katherine Haase, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY LOCAL MARKETING DISTRICT SPECIAL MEETING:

CALL TO ORDER: Commissioner Houck called the Gunnison County Local Marketing District meeting to order at 8:30 am. Western Colorado University Dean of Students Gary Pierson and Crested Butte Mountain Resort Sr. Director of Lodging Bill MacFarlane were present for discussion.

TOURISM AND PROSPERITY PARTNERSHIP APPOINTMENTS; FILL TWO VACANCIES FOR THREE-YEAR TERMS (2/1/2024 - 2/1/2027), AND FILL ONE VACANCY FOR A PARTIAL TERM (2/6/2024 – 2/1/2026): The Board, Mr. Pierson and Mr. MacFarlane each provided their preferences for these appointments, and they were able to achieve consensus. **Moved** by Commissioner Puckett Daniels, seconded by Mr. MacFarlane to appoint Bill Ronai and Chris Miller to terms beginning February 1, 2024 and ending February 1, 2027, and Kendal Rota to a partial term beginning February 6, 2024 and ending February 1, 2026. Motion carried unanimously.

- Applicants: Bill Ronai, Chris Miller, Kendal Rota

ADJOURN: Commissioner Houck adjourned the Gunnison County Local Marketing District meeting at 8:39 am.

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:39 am.

ALCOHOL BEVERAGE LICENSE; THREE RIVERS SMOKEHOUSE, DBA THREE RIVERS SMOKEHOUSE; LIQUOR LICENSE NUMBER 03-06291; 4/17/2024 THRU 4/17/2025: **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the Alcohol Beverage License for Three Rivers Smokehouse, dba Three Rivers Smokehouse. Motion carried unanimously.

SPECIAL EVENT LIQUOR PERMIT 1-2024; KBUT RADIO; 3:00-11:00 PM, 3/7/2024 THRU 3/7/2024: **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Special Event Liquor Permit 1-2024 for KBUT for a special event on March 7th. Motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 8:40 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:40 am.

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

MINUTES APPROVAL: Commissioner Houck wasn't present for the January 23, 2024 meeting, but he noted that he was able to listen to the recording of the meeting and had no issue with voting to approve the minutes. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the minutes for September 5, 2023, October 3, 2023 and January 23, 2024. Motion carried unanimously.

- September 5, 2023 Regular Meeting
- October 3, 2023 Regular Meeting
- January 23, 2024 Special Meeting

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

- Lease Agreement; Bishop of Pueblo; Queen of All Saints Parish Hall, located at 401 Sopris Avenue, Crested Butte, CO 81224; Voter Service Polling Center during 2024 Election; 2/29/2024 thru 3/5/2024, 6/20/2024 thru 6/25/2024, and 10/31/2024 thru 11/5/2024; \$1,300
- Amendment #1 to Sale and Purchase Agreement by and between Gunnison County and Runbeck Election Services, LLC; Extension of Contract from 11/25/2023 to 11/24/2027, and Replacement of Exhibit A

- Professional Services Agreement; Crested Butte State of Mind; Behavioral Health Counseling and Navigation Services; 2/6/2024 thru 12/31/2024; Not to Exceed \$35,000
- Sales Quotation; Tyler Technologies; Document Alert for IDM – Document Pro; \$7,500
- Public Service Grant Agreement; City of Gunnison; Gunnison Hinsdale Early Childhood Council; \$14,000
- Public Service Grant Agreement; City of Gunnison; Behind the Wheel; \$8,000
- Acknowledgment of Appointment; Gunnison Basin Sage-grouse Strategic Committee; High Country Conservation Advocates (HCCA) Representative Sue Navy
- Colorado Department of Transportation Highway Users Tax Fund Signature Page
- 2024-2025 Benefits Enrollment Center Agreement; National Council on Aging, Inc.; \$25,000
- Acknowledgment of County Manager Signature; Berkley Life and Health Insurance Company Stop Loss Insurance Application
- Request for Approval for Submission; Office of Health Equity, Health Disparities and Community Grant Program (HDCGP), Western Slope Communities Unite for Better Mental Health Project; \$199,722.80
- Amendment #5 to Plan Document Dated September 1, 2017 and Restated January 1, 2020; Gunnison County, Colorado Employee Medical Benefit Plan, Cost Plus Plan
- Professional Services Agreement; KSL Research, Training & Consultation, LLC; Secondary Trauma Train-the-Trainer; 2/28/20204 – 3/3/3027; \$13,971.20
- Participating Agreement between Gunnison County Colorado Government and the USDA, Forest Service Grand Mesa, Uncompahgre, and Gunnison National Forests; Noxious Weed Management
- Rocky Mountain Health Foundation Simple Gifts Grant Application; Gunnison County Health Coalition; \$10,000

DRAFT GUNNISON COUNTY COMMENTS: The draft comments were developed by the County Attorney’s Office, in conjunction with Commissioner Houck, Wildlife Consultant Jim Cochran, and other organizations. The drafts were discussed, and no changes were requested.

- Resource Management Plan Amendment (RMPA) for Big Game Habitat. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the Resource Management Plan Amendment for Big Game Habitat from Gunnison County and authorize either the Vice-Chair or Chairperson’s signature. Motion carried unanimously.
- Gunnison Sage-grouse Resource Management Plan Amendment, Draft Environmental Impact Statement, 87 Fed. Reg. 40262 (Jul. 6, 2022) [DOI-BLM-CO-0000-2022-0004-RMP-EIS]. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Gunnison County’s comments on Sage-Grouse Resource Management. Motion carried unanimously.

GUNNISON COUNTY SHERIFF’S AWARDS: Sheriff Adam Murdie presented awards to the below members of his staff. Afterward, Commissioner Houck thanked the Sheriff’s Office staff for their commitment to public safety and the incredible service that they provide. Photos were taken.

- Deputy Ross Downs. Deputy Downs was presented with a Life-saving Award, a medal and a uniform pin for administering the Heimlich maneuver while off duty at a local restaurant. In addition, Deputy Downs received a Meritorious Service Award for his excellent investigative skills during a plane crash and for apprehending a suspect in a double-homicide case.
- Investigator Skye Wells. Investigator Wells received a Meritorious service award for successfully conducting many cases simultaneously.
- Sergeant Wes Hersberger and Deputy Mitchell Parker. Sergeant Hersberger and Deputy Parker both received a Valor Award, which is the highest recognition that a Sheriff can give a Deputy. These officers experienced a life-saving event during apprehension of a suspect who was known to carry a large knife. During the arrest, a large german shepherd dog was present, and the suspect brandished a firearm. The suspect was apprehended without injury, the officers’ performance was exceptional.

BREAK: The meeting recessed from 9:15 until 9:33 am to enable the Board to mingle and personally thank the members of the Sheriff’s Office and their family members who were present at the awards ceremony.

RESOLUTION DELEGATING TO THE COUNTY MANAGER AUTHORITY TO NEGOTIATE AND EXECUTE ALL CONTRACTS, AGREEMENTS, APPLICATIONS AND OTHER DOCUMENTS AND TAKE ALL ACTIONS ON BEHALF OF GUNNISON COUNTY RELATED TO THE WHETSTONE PROPERTY AND THE WHETSTONE COMMUNITY HOUSING DEVELOPMENT PROJECT AND RATIFYING ALL PREVIOUS ACTIONS THERETO: Commissioner Houck noted that authorizations have been given over time, and this resolution would consolidate all authorities where CM Birnie is acting on behalf of the Board. CA Hoyt agreed that this resolution would memorialize and ratify all previous authorizations, and that this step is important in that it may be needed for financial companies in case there is ever a question of CM Birnie’s authority. Commissioner Houck noted that the Board can always rescind authority at any time if concerns arise. The Board expressed trust in CM Birnie and appreciation for transparency. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve Resolution #2024-6, A Resolution Delegating to the County Manager Authority to Negotiate and Execute All Contracts, Agreements, Applications and Other Documents and Take All Actions on Behalf of Gunnison County Related

to the Whetstone Property and the Whetstone Community Housing Development Project and Ratifying All Previous Actions Thereto. Motion carried unanimously.

REVOCATION OF DECLARATION OF PROTECTIVE COVENANTS AND VACATION OF PLAT FOR SNOWBOUND SUBDIVISION, LUC-22-00047: Planning Director Hillary Seminick and Attorney Kendall Burgemeister were present for discussion. PD Seminick explained that this property is near Marble, and that this action would reapprove the authorization and Chairperson's signature for the expired action that was taken last year. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Revocation of Declaration of Protective Covenants and Vacation of Plat for Snowbound Subdivision, LUC-22-00047. Commissioner Smith added the authorization for the Chair's signature, and Commissioner Puckett Daniels agreed to add this to the motion. Motion carried unanimously.

GUNNISON COUNTY BOARDS AND COMMISSIONS APPOINTMENTS: Commissioner Houck was not present for the interview associated with the below appointments, but he was able to listen to the meeting recording to fully prepare to participate in making the appointments.

- Resolution Establishing the Policy for Appointments to Boards and Commissions Managed by Gunnison County and Other Organizations, This Resolution Supersedes Resolution No: 2019-17. The resolution was discussed, and amendments were agreed upon. The Board noted that they may alter the schedule in the future to allow for increased staggering of term expirations. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Resolution #2024-7, a Resolution Establishing the Policy for Appointments to Boards and Commissions Managed by Gunnison County and Other Organizations, This Resolution Supersedes Resolution No: 2019-17 with the amendments that were discussed. Motion carried unanimously.
- Cemetery District Board; Fill One Vacancy for a Six-Year Term (2/1/2024 – 2/1/2031). **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to appoint Shary Templeton to fill one vacancy on the Cemetery District Board from 2/1/2024 to 2/1/2031. Motion carried unanimously.
 - Applicant: Shary Templeton
- County Medical Health Officer. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to appoint Dr Tarr as the County Medical Health Officer. Motion carried unanimously.
 - Applicant: Dr. John Tarr
 - Professional Services Agreement; Dr. John Tarr; County Medical Officer; \$100/month. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Professional Services Agreement with Dr. Tarr as the County Medical Officer at the booming rate of \$100/month. Motion carried unanimously.
- Environmental Health Board; Fill One Regular Vacancies for a Partial Term (2/6/2024 – 2/1/2025) and Fill Two Alternate Vacancies for One-Year Terms (2/1/2024 – 2/1/2025). **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to appoint Brooke Ann Zanetell to the regular vacancy for a partial term, February 6, 2024 to February 1, 2025. Motion carried unanimously.
 - Applicants: Brooke Ann Zanetell
- Extension Advisory Committee; Fill Three Vacancies for Three-Year Terms (2/1/2024 – 2/1/2027). **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to appoint Melody Roper and Susan Wyman for three-year terms from 2/1/2024 to 2/1/2027. Motion carried unanimously.
 - Applicants: Melody Roper, Susan Wyman
- Gunnison Basin Sage-grouse Strategic Committee; Fill Two Vacancies for Two-Year Terms (Public At-Large, Regular and Alternate, 2/1/2024 – 2/1/2026), Fill Two Vacancies for Two-Year Terms (Development At-Large, Regular and Alternate, 2/1/2024 – 2/1/2026), Fill One Vacancy for a Two-Year Term (Recreation At-Large, Regular, 2/1/2024 – 2/1/2026), Fill One Vacancy for a Partial Term (Recreation At-Large Alternate, 2/6/2024 – 2/1/2025), Fill Two Vacancies for Two-Year Terms (Research & Education At-Large Regular, Alternate, 2/1/2024 – 2/1/2026). **Moved** by Commissioner Houck, seconded by Commissioner Smith to appoint Peter Caloger as the at-large regular member of the Gunnison Basin Sage-grouse Strategic Committee. Motion carried unanimously.
 - Applicants: Peter Caloger
- Gunnison Valley Land Preservation Board; Fill One Vacancy for a Four-Year Term (2/1/2024 – 2/1/2028). **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to reappoint Sandy Guerrieri to this Board today. Motion carried unanimously.
 - Applicants: Beverly Troxtell, Sandra Guerrieri, Ericka Bremer
- Library Board of Trustees; Fill Two Vacancies for Five-Year Terms (2/1/2024 – 2/1/2029). **Moved** by Commissioner Houck, seconded by Commissioner Smith to appoint to the Library Board of Trustees for five-year terms, Kerry and Heather. Motion carried unanimously.
 - Applicants: Kerry Lefebvre, Paul Edwards; Heather Thiessen Reily
- Planning Commission: Fill One Vacancy for a Three-Year Term (Regular, 2/1/2024 – 2/1/2027), Fill Two Vacancies for One-Year Terms (Alternates, 2/1/2024 – 2/1/2025). **Moved** by Commissioner Smith, seconded by Commissioner Smith to appoint Eric Phillips to a three-year term as a regular Planning Commission member from 2/1/2024 to 2/1/2025. Motion carried unanimously. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to appoint both Bill Barvitski

and Catherine McBreen to one-year alternate positions as alternates on the Planning Commission. Motion carried unanimously.

- Applicants: Catherine McBreen, Bill Barvitski, Eric Phillips
- Region 10; Fill Two Vacancies for One-Year Terms (Transportation, 2/1/2024 – 2/1/2025). Colleen was present for discussion. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to appoint Colleen to a one-year term on the Region 10 Transportation Board from 2/1/2024 – 2/1/2025. Motion carried unanimously.
 - Applicants: Colleen Hannon
- Sustainable Tourism & Outdoor Recreation (STOR) Committee; Fill Four Vacancies for Two-Year Terms (At-Large, 2/1/2024 – 2/1/2026). Commissioner Smith noted that Andrew Sandstrom is actually filling the Tourism and Prosperity Partnership (TAPP) vacancy, so he is not up for consideration of one of these Board-appointed vacancies. Commissioner Puckett Daniels urged Kim Eastman to consider joining subcommittees. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to affirm Andrew’s appointment on behalf of TAPP. Motion carried unanimously. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to appoint Hedda Peterson, Kimberly Schappert, Dave Ochs and LB Mullin to the STOR Committee. Motion carried unanimously.
 - Frank Stern, Andrew Sandstrom, Hedda Peterson, Kim Eastman, Kimberly Schappert, Dave Ochs, LB Mullin
- Western Regional EMS Council; Fill One Vacancy for a Four-Year Term (2/1/2024 – 2/1/2028). **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to appoint Christian Malcolm to a four-year term on the Western Regional EMS Council for 2/1/2024 to 2/1/2028. Motion carried unanimously.
 - Applicant: Christian Malcolm

UNSCHEDULED PUBLIC COMMENT: There wasn’t anyone present for comment.

COMMISSIONER ITEMS:

Commissioner Smith:

1. Crystal River Steering Committee. Commissioner Smith stated that the group will be meeting again this month, and that it will be the final meeting with the facilitator. It may be beneficial to extend the contract for one more meeting with the facilitator, so there may be a future request for funding to continue this work.
2. Southwestern Colorado Opioid Regional Council (SWCORC). Commissioner Smith informed the Board that SWCORC conducted a series of follow-up questions with the grant applicants, and that funding will begin to be allocated next week.
3. Senate Bill 24-24. Commissioner Smith testified on this bill regarding lodging taxes, and her comments focused on specific issues seen in Crested Butte. She also noted that amendments to the bill have minimized her previous concerns.
4. Counties & Commissioners Acting Together (CCAT) and Colorado Counties, Inc. (CCI) Steering Committees. Commissioner Smith attended these meetings, and the conversations were very productive. She will continue to update the Board on issues as they arise.

Commissioner Puckett Daniels:

1. Gunnison Valley Regional Housing Authority (GVRHA) Executive Director Search. Commissioner Puckett Daniels informed the Board that Julie Baca has been hired as the interim Executive Director. There will be a meeting this week to work on operations planning and other regular items. There have been 16 applications submitted for the position, and 6-7 will be considered for interviews as they meet qualifications.
2. Colorado Association of Ski Towns (CAST). Commissioner Puckett Daniels attended last week’s CAST meeting, and she stated that it was interesting. The members discussed topics such as geothermal applications and the work that Gunnison County has done in that respect.
3. Sustainable Tourism & Outdoor Recreation (STOR) Committee. Commissioner Puckett Daniels attended a recent meeting, during which four applications for Gunnison stewardship funding were discussed. STOR recommended forwarding all of the applications through the full-funding process. The Communications Subcommittee is meeting to discuss bilingual communications and other relevant matters. Some STOR members met with representatives from the US Forest Service to discuss infrastructure in high-use areas.

Commissioner Houck:

1. Draft Comments for Resource Management Plan Amendment for Big Game Habitat and Gunnison Sage-grouse Resource Management Plan Amendment. Commissioner Houck participated in meetings with Wildlife Consultant Jim Cochran and representatives from the BLM to create the comments that were approved earlier in the meeting.
2. Region 10 Executive Director Michelle Haynes. Commissioner Houck reached out to Ms. Hayes to discuss his appointed role with Region 10.
3. Upcoming Meetings. Commissioner Houck will participate in annual meetings scheduled to take place at the end of the month regarding Taylor Park and the Spruce Beetle Epidemic and Aspen Decline Management Response (SBEADMR).

EXECUTIVE SESSION, PURSUANT TO C.R.S. § 24-6-402(4)(B): CONFERENCES WITH THE COUNTY ATTORNEY, DEPUTY COUNTY ATTORNEY OR ASSISTANT COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO LEGAL ISSUES SURROUNDING REQUESTS FOR PUBLIC RECORDS UNDER THE COLORADO OPEN RECORDS ACT, C.R.S. § 24-72-200.1 ET SEQ: Moved by Commissioner Houck, seconded by Commissioner Puckett Daniels to go into executive session pursuant to Colorado Revised Statute 24-6-402(4)(b), Conference with the County Attorney, Deputy County Attorney or Assistant County Attorney for Gunnison County for the Purpose of Receiving Legal Advice Related to Legal Issues Surrounding Requests for Public Records Under the Colorado Open Records Act, Colorado Revised Statute 24-72-200.1; the participants will include the full Board, the County Attorney, the Deputy County Attorney, Assistant County Managers John Cattles and Assistant County Manager for Community and Economic Development Cathie Pagano; and because we will be receiving direct input from legal counsel, there will be no contemporaneous record kept of the meeting. Motion carried unanimously.

The board went into executive session at 10:36 am. *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 C.R.S. 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) 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).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

Moved by Commissioner Houck, seconded by Commissioner Puckett Daniels to come out of executive session, the reason that was identified in the motion was the reason we went into executive session, the participants were consistent with those that were read into the record, and we stayed on topic. Motion carried unanimously. The Board came out of executive session at 11:00 am. Commissioner Puckett Daniels directed the County Attorney’s Office to engage in those steps necessary under State Statute to address the issues that we discussed in the executive session.

ADJOURN: Commissioner Houck adjourned the meeting at 11:01 am.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Katherine Haase, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY
RESOLUTION NO. 2024-6**

**A RESOLUTION DELEGATING TO THE COUNTY MANAGER AUTHORITY
TO NEGOTIATE AND EXECUTE ALL CONTRACTS, AGREEMENTS, APPLICATIONS AND OTHER
DOCUMENTS AND TAKE ALL ACTIONS ON BEHALF OF GUNNISON COUNTY RELATED TO THE
WHETSTONE PROPERTY AND THE WHETSTONE COMMUNITY HOUSING DEVELOPMENT
PROJECT AND RATIFYING ALL PREVIOUS ACTIONS THERETO**

WHEREAS, Gunnison County, Colorado (the "County"), is a duly organized and existing county, existing as such under and by virtue of the Constitution and laws of the State of Colorado;

WHEREAS, the Gunnison County Board of County Commissioners (the "Board") 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 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, the Board is authorized pursuant to C.R.S. § 30-11-101(c) to sell, convey or exchange any real property owned by the County and to make such order respecting the same as may be deemed conducive to the interests of the inhabitants; and

WHEREAS, the Board is authorized pursuant to C.R.S. § 30-11-107(1)(a) to make such order concerning the property belonging to the County as it deems expedient; and

WHEREAS, the Board is authorized pursuant to C.R.S. § 30-11-107(aa) to establish policies and procedures regarding entering into contracts that bind the County and delegate its power to enter into such contracts where amounts and requirements comply with such policies; and

WHEREAS, pursuant but not limited to the foregoing authorities, the Board is authorized and empowered by the laws of the State of Colorado to ratify and confirm past acts and decisions of the County Manager and other officers and employees of the County; and

WHEREAS, the Board affirms its authority to retroactively approve and ratify actions taken by the County Manager in the best interest of the County as well as to further formalize all past delegations of authority to the County Manager and other County officers and employees by motion of the Board of County Commissioners; and

WHEREAS, by motion on November 20, 2018, the Board authorized the County Manager to execute all documents related to the purchase by the County of that parcel of real property located at 25315 Hwy 135 and legally described as a tract of land in the NW1/4 SE1/4, Section 12, Township 14 South, Range 86 West ("Whetstone Property"); and

WHEREAS, on February 5, 2019, the Board adopted Resolution 2019-4, titled "A Resolution Authorizing the Financing of a Portion of the Acquisition Price of Certain Real Property and, in Connection Therewith, Authorizing the Leasing of Certain Real Property and the Execution and Delivery by the County of a Site Lease, a Lease Purchase Agreement, and Other Documents and Matters Relating to Certain Certificates of Participation, Series 2019; Setting Forth Certain Parameters and Restrictions with Respect to the Financing; Authorizing Officials of the County to Take All Actions Necessary to Carry Out the Transactions Contemplated Hereby; Ratifying Action Previously Taken; and Providing for Other Matters Related Thereto", which ratified previous actions by the County Manager and further authorized the County Manager and other County staff to execute documents related to financing of the purchase of the Whetstone property; and

WHEREAS, on February 16, 2021, the Board adopted Resolution 2021-1, titled "A Resolution Delegating Signatory Authority to County Manager for Affordable Housing Deed Restrictions", which authorized the Gunnison County Manager, on behalf of the Board, "to sign all documents [and] to enter into contracts that bind the County in the transfer of affordable housing units" and further ratified all prior actions of the County Manager related to the transfer of affordable housing units; and

WHEREAS, in May 2021, the County, through its Community and Economic Development and Sustainability and Operations Departments initiated the Whetstone Community Housing Project LUC-22-000049 ("Whetstone Project"); and

WHEREAS, on March 1 2022, the County Manager, pursuant to the authority delegated to him by the Board and on behalf of the County, executed a Memorandum of Understanding for an Assessment of Town Water and Sanitary Sewer Infrastructures Capabilities to serve the Whetstone Workforce Housing Development between the Town of Crested Butte and Gunnison County; and

WHEREAS, the County submitted its Whetstone Community Housing Land Use Change application on September 9, 2022 pursuant to the *Gunnison County Land Use Resolution*, as amended ("LUR"); and

WHEREAS, on February 7, 2023, the Board adopted Resolution No. 2023-2, approving the County's application for sketch plan approval of the Whetstone Project; and

WHEREAS, on April 18, 2023, the Board adopted Resolution 2023-11, authorizing the County Manager, on behalf of the Board to purchase real property located at 25476 State Highway 135 near Crested Butte, Colorado and proximate to the Whetstone property for the purpose of securing land that would permit further development of the traffic intersection intended to serve the Whetstone Project; and

WHEREAS, on September 18, 2023, the County Manager, pursuant to the authority delegated to him by the Board and on behalf of the County, executed an Intergovernmental Agreement between the Town of Crested Butte and Gunnison County for the extension of utilities to the Whetstone Project; and

WHEREAS, on November 16, 2023, the County Manager, pursuant to the authority delegated to him by the Board and on behalf of the County, executed a Development and Construction Management Agreement with Servitas, LLC for the Whetstone Project; and

WHEREAS, on January 4, 2023, the County submitted a request for extension of submittal deadline pursuant to Section 7-202 of the LUR, and on January 16, 2024 the Board approved the extension request; and

WHEREAS, the County Manager and the Board anticipate that the County Manager will be required to execute additional agreements and contracts and take such additional and appropriate steps to further develop, finance and complete the Whetstone Project in order to provide attainable housing in Gunnison County; and

WHEREAS, because the LUR requires the Board to decide whether to approve the Whetstone project pursuant to the LUR, the Board finds it in the best interest of the County to delegate to the County Manager and to the staff of the County the authority to both administer the Whetstone Property and pursue regulatory approval of the Whetstone project; and

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

1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board.

2. The Board hereby delegates to the County Manager or his or her designee the authority to take all acts and negotiate and execute all contracts, agreements, applications, and other such documents necessary and appropriate relating to the Whetstone Property and the Whetstone Project, including but not limited to:

- a. All acts, agreements or documents necessary to acquire, purchase, lease, assignment, exchange or sale of the Whetstone Property and surrounding properties;
- b. All acts, agreements, or documents necessary for the sale, lease, assignment, transfer or dedication of any property interest held or acquired by the County with regard to the Whetstone property, including but not limited to the assignment, transfer or lease of water rights, easements, rights of way and the dedication, assignment or transfer of roads, utility infrastructure or improvements to the Whetstone Property;
- c. All acts, agreements, or documents necessary for continued pursuit of the application for a land use change permit for the Whetstone Project under the LUR;
- d. All acts, agreements, or documents necessary to secure utility services to the Whetstone Project including but not limited to any agreements necessary for potential municipal annexation of the Whetstone Property;

- e. All acts, agreements, or documents necessary to lease residential units to prospective residents or tenants of the Whetstone Property; and
- f. All acts, agreements, or documents necessary for the development, construction, and financing of the Whetstone Project, including but not limited to all contracts or agreements with any other governmental entity, financial institution, broker, lender, developer, designer, builder, attorney, accountant or other such contractor or good or service provider for the development, construction, and financing of the Whetstone Project;

3. All action heretofore taken not expressly inconsistent with the provisions of this Resolution by the Board or the officers, agents or employees of the County, including but not limited to the County Manager relating to the Whetstone Property and the Whetstone Project, including but not limited to those actions set forth in the foregoing recitals, and also including but not limited to:

- a. The acquisition, purchase, lease, assignment, exchange or sale of the Whetstone Property and surrounding properties;
- b. The sale, lease, assignment, transfer or dedication of any property interest held or acquired by the County with regard to the Whetstone property, including but not limited to the assignment, transfer or lease of water rights, easements, rights of way and the dedication, assignment or transfer of roads, utility infrastructure or improvements to the Whetstone Property;
- c. The application for and pursuit of a land use change permit for the Whetstone Project under the LUR;
- d. All agreement(s) with the Town of Crested Butte, special districts and other service providers to provide utility services to the Whetstone Project, including but not limited to any agreement, application or other such paper or process related to potential annexation of the Whetstone Property by the Town of Crested Butte; and
- e. All agreement(s) with any other governmental entity, financial institution, broker, lender, developer, designer, builder, attorney, accountant or other such contractor or good or service provider for the development, construction, and financing of the Whetstone Project;

Are hereby ratified, approved and confirmed *nunc pro tunc*.

4. The Board hereby finds and determines pursuant to the Constitution and laws of the State of Colorado that the acquisition of the Site and the financing of a portion of the costs thereof, including the costs of executing and delivering the Certificates, pursuant to the terms set forth in the Site Lease and the Lease, is in the best interest of the County and serves a valid public purpose and the Board hereby authorizes and approves the same.

5. The County Manager, and other employees and officials of the County are hereby authorized and directed to execute and deliver for and on behalf of the County any and all additional certificates, documents and other papers, and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this Resolution. The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by the County Manager prior to the execution of the documents, except that all such documents shall be provided to the County Attorney or his or her designee for review for legal sufficiency prior to execution. The execution of any instrument by the appropriate officers of the County herein authorized shall be conclusive evidence of the approval by the County of such instrument in accordance with the terms hereof.

6. Nothing in the resolution shall be construed to afford any person or entity any cause of action against the County or any of its officials, officers, employees, agents or attorneys, nor create any intended or incident third-party beneficiaries.

7. All orders, instructions, motions and resolutions, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This paragraph shall not be construed to revive or revise any ordinance, motion, order, or resolution, or part thereof, heretofore repealed. To the extent any ambiguity exists between any ordinance, resolution, motion, order, statement or instruction by the Board, whether existing before or after passage of this Resolution, this Resolution shall control. No statement or writing by any Board member, whether in a meeting of the Board or not, shall purport to amend, alter, supplement or override the express terms of this Resolution, and no such statement or writing may be relied upon by any person in relation to this Resolution.

8. If any section, subsection, paragraph, clause or other provision of this Resolution for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

9. This Resolution shall be in full force and take effect immediately upon its passage and approval, and shall remain in effect unless and until repealed or amended by subsequent Resolution.

INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Smith, and adopted this 6th day of 2024.

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

Houck – yes; Puckett Daniels – yes; Smith – yes.

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2024-7**

**A RESOLUTION ESTABLISHING THE POLICY FOR APPOINTMENTS TO
BOARDS AND COMMISSIONS MANAGED BY GUNNISON COUNTY AND OTHER
ORGANIZATIONS**

THIS RESOLUTION SUPERSEDES RESOLUTION NO: 2019-17

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado (“Board”) has the authority to appoint members to various Gunnison County boards and commissions and to other boards and commissions that allow representation from Gunnison County; and

WHEREAS, the Board desires to establish a policy to ensure that the appointment process:

- o Will be timely;
- o Will foster applications for open positions;
- o Will be open to public scrutiny;
- o Will comply with applicable legal requirements; and
- o Will result in appointments that are in the best interests of Gunnison County;

WHEREAS, the appointment process established by this Resolution shall apply to appointments to the following boards and commissions:

- a. 7th Judicial Community Corrections Board
- b. Board of Adjustment
- c. Colorado River Water Conservation District Board
- d. Commissioner of Deeds
- e. Environmental Health Board
- f. Extension Advisory Committee
- g. Gunnison Basin Sage-grouse Strategic Committee
- h. Gunnison Cemetery District Board
- i. Gunnison Valley Hospital Board of Trustees
- j. Gunnison Valley Regional Housing Authority Board
- k. HB 1177 Roundtable
- l. Historic Preservation Commission
- m. Land Preservation Board
- n. Library Board of Trustees
- o. Medical Health Officer
- p. Planning Commission
- q. Region 10 Board
- r. Southwest Colorado Opioid Regional Council
- s. Sustainable Tourism and Outdoor Recreation Committee
- t. Tenderfoot Child & Family Development Center Board of Directors
- u. Tourism and Prosperity Partnership Board
- v. Veterans Service Officer
- w. Watershed Weed Commission
- x. Western Regional EMS Council
- y. Other boards and commissions as identified from time to time by the Board of County Commissioners

WHEREAS, the appointment process established by this Resolution shall be followed unless the process is in conflict with a specific requirement of an applicable ordinance, statute, established resolution of the Board, or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that the procedure for advertisement, interview, and appointment of persons to vacancies on

boards and commissions shall occur by the following process except in unusual circumstances, such as those dictated by statute or specific bylaws (see Section 7 below):

Annual Appointment Process:

1. Notification:
 - a. Prior to or at the time of issuance of the annual vacancy notice, County staff members and/or the chairperson involved with each board or commission will be advised of upcoming vacancies and asked to encourage citizens to apply who have the appropriate interest, commitment, and skills.
 - b. Prior to or at the time of issuance of the annual vacancy notice, persons whose terms are expiring will be informed of their term expiration, thanked for their service, and, at the discretion of the County, encouraged to reapply.
2. Vacancy Notices and Applications:
 - a. Annual Board requests for applications for appointment shall be made via newspaper, the County website, and/or the County's social media outlets; and
 - b. The vacancy notice shall be issued no later than November 1st with a response deadline of December 1st, or the first business day thereafter.
3. Scheduling/Conducting Interviews and Making Appointments:
 - a. Interviews shall be accomplished by the Board of County Commissioners prior to January 20th. Notification of interview date and time will be made by email to applicants.
 - b. Incumbent applicants will be advised that the interview is conducted for both an interview and opportunity for the applicant to update the Board on activities of that board or commission.
4. Re-notification:
 - a. After the first round of appointments are made, the Board may opt to pursue a second round of appointments by following the same process as stated above, but for only three weeks for any specific board or commission vacancies remaining.
5. Recruitment:
 - a. After two rounds of interviews and appointments, County staff members and/or the chairperson involved with each board or commission will be advised of remaining vacancies and asked to recruit applicants. If this process yields interested applicants, interviews and appointments will be scheduled.
6. Out-of-Cycle Applications and Vacancies; Removal of Appointees:
 - a. If a resignation and/or other creation of a vacancy occurs outside of the annual cycle outlined above, the Board may elect to create and follow an appropriate recruitment and appointment schedule to fill that vacancy.
 - b. All appointments pursuant to this Resolution are at will, and all appointees appointed pursuant to this Resolution shall serve at the pleasure of the Board. Accordingly, all appointees appointed pursuant to this Resolution are not considered employees of Gunnison County, and the Board may remove any appointee at any time for any reason, with or without cause, unless the law expressly provides otherwise.
 - c. The Board may, at its discretion, temporarily extend the term dates of any appointee if their term is set to expire prior to the conclusion of the interview and appointment schedule so that service on the board or commission is not disrupted. The Board may also, at its discretion, accept late letters of interest if the number of vacancies is greater than the number of letters of interest submitted by the deadline.
7. Special Circumstances Dictated by Bylaws and/or Statutes:
 - a. Colorado River Water Conservation District. Pursuant to CRS § 37-46-104, the Board shall make its regular appointment to the Colorado River Water Conservation District during its first meeting in January. The County Clerk or a Deputy County Clerk will administer the Oath of Office to the newly appointed (or reappointed) person, and that appointee shall take office beginning on the third Tuesday in January.
 - b. Gunnison Valley Hospital Board of Trustees. Pursuant to CRS § 25-3-303 and the Gunnison Valley Hospital Board of Trustees bylaws, the Board shall make regular appointments to the Gunnison Valley Hospital Board of Trustees on or before the second Tuesday of January. The County Clerk or a Deputy County Clerk will administer the Oath of Office to the newly appointed (or reappointed) person within 10 days of appointment. The appointee shall take office beginning on the first day of February.

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels and adopted this 6th day of February, 2024.

GUNNISON COUNTY BOARD OF
COUNTY COMMISSIONERS

Houck – yes; Puckett Daniels – yes; Smith – yes.