

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
May 7, 2024**

The May 7, 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
Matt Hoyt, County Attorney

Matthew Birnie, County Manager
Holly Perry, Deputy County Clerk
Others Present as Listed in Text

GUNNISON COUNTY LOCAL LIQUOR LICENSING AUTHORITY:

CALL TO ORDER: Commissioner Houck called the meeting to order at 8:30 am.

CONSENT AGENDA: Moved by Commissioner Smith, seconded Commissioner Puckett Daniels to approve the consent agenda. Motion carried unanimously.

1. Alcohol Beverage License #03-04714; Irwin Backcountry Guides LLC dba Taylor River Lodge; 7/6/2024 to 7/6/2025
2. Alcohol Beverage License #07-74205-0002; Crested Butte LLC dba Ice Bar/ Rest Twister Warming Hse; 7/15/2024 to 7/15/2025
3. Alcohol Beverage License #03-19226; Powder Monarch LLC dba Monarch Ski and Snowboard Area; 7/12/2024 to 7/12/2025
4. Special Event Liquor Permit 2-2024; Adaptive Sports Center of Crested Butte; 8/4/2024 from 4:00 pm to 11:30 pm

ADJOURN: Commissioner Houck adjourned the meeting of the Gunnison County Local Liquor Licensing Authority at 8:31 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

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

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

MINUTES APPROVAL: Moved by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the April 16, 2024 regular meeting minutes as amended, and the April 23, 2024 special meeting minutes as presented. Motion carried unanimously.

1. April 16, 2024 Regular Meeting
 - Under Commissioner Smith items #5 the bills should read 24-1379 & 24-1366.
 - In the last sentence of the first paragraph under A Resolution Further Extending Resolution No. 21-12, number on needs to change to number one.
2. April 23, 2024 Special Meeting

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

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

1. Acknowledgement of County Manager's Signature; Professional Service Agreement; SGM; 4/4/2024 to 12/31/2024; \$6,000
2. Acknowledgement of Appointment; Sustainable Tourism and Outdoor Recreation Committee; U.S. Forest Service; Dayle Funka
3. Contract Amendment #1; Colorado Department of Human Services Behavioral Health Administration; CMS # 24 IBEH 183800; \$552,624
4. Amendment #3; Gunnison-Crested Butte Regional Airport; Jviation Project No. 110015580; \$526,850
5. Acknowledgement of County Manager's Signature; Gunnison County Substance Abuse Prevention Project; Colorado Department of Transportation Grant; \$134,405.30
6. Acknowledgment; Option Letter #2; Department of Local Affairs; DLG # CSBG-24-026; 3/28/2024 to 9/30/2027; \$33,264
7. Grant Agreement; Gunnison-Crested Butte Regional Airport; Bipartisan Infrastructure Law – Airport Infrastructure Grant Project No. 3-08-0030-064-2024; \$2,058,666
8. Grant Application; Gunnison-Crested Butte Regional Airport; Federal Award Identifier 3-08-0030-065-2024; Gunnison County Fiscal Impact \$168,638
9. Professional Service Agreement; PanTerra Energy; 5/7/2024 to 12/31/2024; \$375,747

10. Intergovernmental Agreement; Share Cost of License Plate Reader Services; City of Gunnison; 50% of cost; \$7,875
11. Master Service Agreement; Gunnison County Sheriff's Office; Lexipol; \$18,990
12. Memorandum of Agreement; Non-Federal Observation Program; FAA Air Traffic Services; 5/2024 to 5/2027
13. Service Agreement Renewal; TransUnion Risk and Alternative Data Solutions, Inc.; 5/1/2024 to 6/1/2024; \$2,100
14. Acknowledgement of County Manager's Signature; CRS Annual Recertification; Department of Homeland Security
15. Support Letter; Safe Streets and Roads for All Action Plan Improvement Funding Application
16. Department of Health Care Policy and Financing Contract; Gunnison County Department of Health and Human Services; Colorado Dental Health Care Program for Low-Income Seniors; 7/1/2024 to 6/30/2025; \$15,000

COUNTY MANAGER'S REPORTS:

1. Sawtooth Phase II – CM Birnie stated that production will be starting as early as next week. The apartment building will have 32 units.
2. Pesnell parcel – CM Birnie noted that they are closing on the 14-acre parcel next Wednesday.
3. Strategic Plan – CM Birnie commented that he is hoping to get the strategic plan for next week's work session but waiting on additional comments.

Commissioner Smith requested that they have a work session with Juvenile Services to get an update on everything occurring.

A RESOLUTION APPROVING LUC-23-00015, A LAND USE CHANGE PERMIT APPLICATION FOR A MINOR IMPACT LAND USE CHANGE FOR THE SPEZZE SUBDIVISION FOR A TWO LOT SUBDIVISION ON THE PARCEL OF LAND COMMONLY KNOWN AS PARCEL NO. 3791-000-00-040, 3529 STATE HIGHWAY 114, GUNNISON, COLORADO; AND A LAND CONSERVATION COVENANT FOR PARCEL NO. 3791-000-00-039; BOTH PARCELS ARE LEGALLY DESCRIBED AS A SINGLE PARCEL WITHIN THE WARRANTY DEED RECORDED AT RECEPTION NO. 599837 AS THE NW 1/4 SW 1/4 OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, GUNNISON COUNTY, COLORADO Planning Director Hillary Seminick was present for discussion.

PD Seminick stated that Tom Spezze would like to subdivide a 7.8-acres parcel into a 3-acre and 4.5-acre lot. Mr. Spezze would like to conserve a 30-acre parcel with Perpetual Protected Covenants. PD Seminick noted that they have not received any public comment. Commissioner Houck explained that there was no need for an additional public hearing. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Resolution 24-19 A Resolution Approving LUC-23-00015. Commissioner Houck then added as presented this morning and authorize the Chair's signature on the plat to the motion. Motion carried unanimously.

Mr. Spezze commented that he wanted to be an example of wildlife conservation and advocacy, and he thanked the County for the help in navigating and understanding the process.

LUC-23-00044; BOUNDARY LINE ADJUSTMENT; KNIGHT AND DURMAS PROPERTIES LLC Planning Director Hillary Seminick was present for discussion.

PD Seminick stated that this is a straightforward application for a boundary line adjustment for two 48-acre parcels located off State Highway 94. She noted the applicant constructed a cistern in a location that made sense and inadvertently constructed it on the wrong parcel, and the boundary line adjustment will be to correct that. PD Seminick stated that the application meets all the standards for approval of administrative review projects and those applicable to boundary line adjustments. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve Land Use Change 23-00044 Boundary Line Adjustment for the Knight and Durman Properties LLC and authorize the Chair's signature on the plat. Motion carried unanimously.

A RESOLUTION AMENDING GUNNISON COUNTY EMERGENCY AND DISASTER MANAGEMENT AND PROCEDURES

CA Hoyt stated that in regard to dealing with the latest emergency with the bridge it became apparent that there are many County Regulations that were not nimble enough to allow an emergency to be addressed and this will allow the temporary suspension of procedure requirements to immediately address emergency situations. CA Hoyt and CM Birnie commented on a couple examples and stated that this resolution is also an attempt to clarify who is in charge during an emergency situation. Commissioner Houck emphasized how their number one goal is to be nimble, quick, and responsive to the community.

Commissioner Smith asked for clarification on if this would cover scenarios that may not be thought of and CA Hoyt and CM Birnie responded that it does concern those as well. **Moved** by Commissioner Smith,

seconded by Commissioner Puckett Daniels Resolution 2024-20 A Resolution Amending Gunnison County Emergency and Disaster Management and Procedures. Motion carried unanimously.

A RESOLUTION AMENDING AND SUPPLEMENTING THE SCHEDULE OF FEES FOR THE SHADY ISLAND RIVER PARK AND REPEALING AND REPLACING RESOLUTION NOS. 2021-18 AND 24-14 Assistant County Manager for Operations and Sustainability John Cattles was present for discussion.

ACM John Cattles noted that after he brought the fees to the Board, the feedback given was that there were misunderstandings on how the businesses work. It was conveyed that moving around a pass would be difficult to manage with some loose collaboration and the solution would be to buy multiple passes which would be costly. ACM John Cattles stated that he met with about eight different users last Friday on site and with feedback he concluded he would like to reduce the fee from \$500 to \$75 and eliminate the parking space that goes with the pass. Commissioner Puckett Daniels asked for clarification that the guide business could be considered as a bunch of independent contractors over a big outfitter that employs guides, and ACM John Cattles responded that is correct in regard to the fishing outfitters and with everyone having their own pass they would have the flexibility needed. ACM John Cattles stated that this is the best compromise that can be achieved between the raft guides and the fishing guides whereas the first draft was made with the rafter model in mind. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve Resolution number 2024-21 A Resolution Amending and Supplementing the Schedule of Fees for the Shady Island River Park. Motion carried unanimously.

UNSCHEDULED PUBLIC COMMENT: There were no persons present for discussion.

COMMISSIONER ITEMS:

Commissioner Smith:

1. Child Welfare Allocation Committee – Commissioner Smith stated that they are figuring out an allocation formula for FY 24-25 and were able to adopt the newer model allocation recommendations with a 0% reduction factor and a one-year approval. She commented that this did the least harm to every county, and they are moving forward with a small group to determine allocation formulas going forward. Commissioner Smith also noted that they are planning on meeting early at the CCI Summer Conference to start working through how they plan to discuss those items. She emphasized that her advocacy piece will be how to move counties up into greater alignment and not reset at zero.
2. Colorado Counties, Inc. Steering Committees (CCI) – Commissioner Smith stated that they had their final meeting on Thursday April 25th, but did plan for some emergency meetings such as the Emergency Property Tax meeting yesterday. Commissioner Smith commended Commissioner Houck for stepping in with the official vote while she was commuting and lost signal.
3. Highway 50 Closure – Commissioner Smith confirmed that the Board attended the Agricultural Stakeholder Community Meeting about the Highway 50 closure and stated it was helpful to share the trajectory of what they’ve been planning.
4. Governor Polis – Commissioner Smith noted she met with Governor Polis on April 30 with a small group of stakeholders. She stated there was a potential for a Ballot Initiative put out by the Colorado Trial Attorneys Association (Commissioner Smith amended it was Colorado Trial Lawyer’s Association during the May 21, 2024 Meeting) that would have significantly raised the claim cap in medical malpractice claim which would cause significant impacts on the county owned hospital including potentially having to scale back on services offered through the hospital. Commissioner Smith explained that Governor Polis did engage with negotiations and was able to negotiate a bill to stop that one initiative. Senate Bill 24-130 will raise the cap from \$300,000 to \$500,000 over 5 years.
5. Senate Bill 24-213 – Commissioner Smith stated this bill is for exempting certain structures from County Regulation and it was a difficult and rapid response to help people understand potential impacts. Commissioner Smith explained that it would allow almost every short-term rental in the unincorporated county could argue that it is recreational in nature, which would avoid the Board’s ability to apply short term rental regulations and potentially the Land Use Resolution. Commissioner Smith stated that after talking to Senator Perry Will he voted no, and Representative Marc Catlin took his name off the bill and tried to get others to oppose it (Commissioner Smith amended that he did not take his name off the bill in the May 21, 2024 meeting). She then explained that they were able to get the House to sponsor a bill to postpone this bill indefinitely and at the Committee Hearing, 27 were signed up to testify for opposition, and none for support.

Commissioner Puckett Daniels:

1. Senate Bill 24-091 – Commissioner Puckett Daniels commented that she did her first testimony at the State Capitol for this bill which allowed broadband in CDOT right ways without annual recurring fees. She relayed that it did fail but it was a very close vote. Commissioner Puckett Daniels noted that CCI will circle back and try to determine the next steps, but she was disappointed to see it didn’t pass.

2. Gunnison Valley Regional Housing Authority – Commissioner Puckett Daniels announced that they have hired Melissa LaMonica as the new Executive Director, and that she is starting this week and is working with Interim Executive Director Julie Baca.
3. Housing Needs Assessment – Commissioner Puckett Daniels relayed that they have received their first draft of the housing needs assessment, and that an executive summary should be coming their way. Commissioner Puckett Daniels noted that it was not full of surprises and the major takeaway was while income as grown, housing costs have risen faster. Commissioner Puckett Daniels also reminded the Board that they approved an additional expenditure for a household and employee survey which will take place next month and will give additional data that’s incorporated into the final draft commission.
4. One Valley Leadership Council (OVLC) – Commissioner Puckett Daniels stated she has been working with OVLC on a brand task force which will focus on identifying who, what, and the mission of OVLC. Commissioner Puckett Daniels also noted that at the Mayors and Managers Meeting on Thursday, Mayor Ian Billick brought up a question of do we want to have a structure for having robust collaborative work and one of the possible solutions was to formalize OVLC in way that it becomes the place to have these robust conversations. CM Birnie cautioned on creating more government. Commissioners agreed on thinking on it.
5. Agricultural Stakeholders Meeting – Commissioner Puckett Daniels commented on the successful outreach on the County’s side for this meeting, but inquired if there is interest or need for the business community to have something like that. Commissioner Houck noted Montrose County Commissioner Sue Hansen, and Delta County Administrator Robbie Levalley saying that it was helpful. He also stated that the main question he has been hearing is how long it will last, and that they are still waiting on CDOT and the Federal Highway Administration for information for potential long-term impacts. CM Birnie noted that they are hoping to finish construction on the bypass on CR 26 and moving into maintenance mode which will allow contemplation on increasing the weight limit and types of vehicles on the road.

Commissioner Houck:

1. Colorado Counties, Inc. Steering Committees (CCI) & Counties & Commissioners Acting Together (CCAT) – Commissioner Houck stated he has spent most of the last two weeks on CCI and CCAT calls as well as monitoring the legislative work.
2. BLM Forest Service – CA Hoyt and Commissioner Houck are waiting on resolutions and response from the Forest Service on their inquiries.
3. Uncompahgre Field Office – Commissioner Houck noted they did receive items that he and CA Hoyt are looking through.
4. Gunnison Sage-grouse – Commissioner Houck stated that they should be releasing the next steps in their final planning and have been responsive to County concerns.

EXECUTIVE SESSION, PURSUANT TO C.R.S. § 24-6-402(4)(B): CONFERENCES WITH THE COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO IN RE MCCLLOUD PLACER, LLC, GUNN. CNTY. DIST. CT. CAUSE NO. 2024CV030004 AND MCCLLOUD PLACER LLC V. GUNNISON CNTY. BD. OF CNTY. CMRS., GUNN. CNTY. DIST. CT. CAUSE NO. 2024CV30002. Moved by Commissioner Houck seconded by Commissioner Puckett Daniels to enter into executive session pursuant to Colorado Revised Statute 24-6-402(4)(b): Conferences with County Attorney and Deputy County Attorney for Gunnison County for the purpose of receiving legal advice related to McCloud Placer, LLC, Gunnison County District Court Cause Number 2024CV030004 McCloud Placer LLC versus Gunnison County Board of County Commissioners, Gunnison County District Court Cause Number 2024CV30002. Because this is directly receiving advice there will be no contemporaneous record kept of the meeting. The participants include the full Board of County Commissioners, the County Manager, the County Attorney, and the Deputy County Attorney, and Cathie Pagano, Assistant County Manager for Community and Economic Development. Motion carried unanimously.

The board went into executive session at 9:51 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

The Board came out of executive session at 11:49 am. Commissioner Houck confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made. **Moved** by Commissioner Houck, seconded by Commissioner Smith to come out of executive session. The participants were consistent with those read into the original motion. We stayed on topic, and we received advice from the attorneys.

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 LOTS 24 AND 25, WILDER ON THE TAYLOR. Moved by Commissioner Houck, seconded Commissioner Smith to go into executive session pursuant to Colorado Revised Statute 24-6-402(4)(b): Conferences with the County Attorney, Deputy County Attorney for Gunnison County for the purpose of receiving legal advice related to legal issues surrounding Lots 24 and 25, Wilder on the Taylor. The participants in this executive session will be the full Board of County Commissioners, the County Manager, the Assistant County Manager for Economic and Community Development as well as the County Attorney and Deputy County Attorney. Motion carried unanimously.

The board went into executive session at 11:50 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

The Board came out of executive session at 12:59 pm. Commissioner Houck confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance and that no decisions were made. **Moved** by Commissioner Houck, seconded by Commissioner Puckett Daniels to come out of executive session and participants were consistent with those read into the record and we stayed on the topic.

ADJOURN: Commissioner Houck adjourned the meeting at 12:59 pm.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Holly Perry, 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. 24 - 19**

A RESOLUTION APPROVING LUC-23-00015, A LAND USE CHANGE PERMIT APPLICATION FOR A MINOR IMPACT LAND USE CHANGE FOR THE SPEZZE SUBDIVISION FOR A TWO LOT SUBDIVISION ON THE PARCEL OF LAND COMMONLY KNOWN AS PARCEL NO. 3791-000-00-040, 3529 STATE HIGHWAY 114, GUNNISON, COLORADO; AND A LAND CONSERVATION COVENANT FOR PARCEL NO. 3791-000-00-039; BOTH PARCELS ARE LEGALLY DESCRIBED AS A SINGLE PARCEL WITHIN THE WARRANTY DEED RECORDED AT RECEPTION NO. 599837 AS THE NW 1/4 SW 1/4 OF SECTION 28, TOWNSHIP 49 NORTH, RANGE 2 EAST, NEW MEXICO PRINCIPAL MERIDIAN, GUNNISON COUNTY, COLORADO.

WHEREAS, the Applicant, Thomas J. Spezze and Tamara M. Spezze, proposes to subdivide a 7.84-acre parcel at 3528 CO-114 (Parcel No. 3791-000-00-040) into two lots, 3-acre Lot 1 and 4.84-acre Lot 2, on the west side of CO-114. The Applicant proposes to conserve a 29.72-acre parcel (Parcel No. 3791-000-00-039) located on the east side of CO-114 and opposite of the subdivision parcel along the Cochetopa Creek, with perpetual protective covenants, severing residential development rights and any potential future subdivision; and,

WHEREAS, the Gunnison County Planning Commission, in a continued joint public hearing with the Gunnison County Board of County Commissioners on March 21, 2024, unanimously approved recommendation of the subdivision application to the Gunnison County Board of County Commissioners with certain findings and conditions; and

WHEREAS, the Board of Commissioners did, on May 7, 2024, receive and review the Planning Commission's Recommendation and considered the Recommendation in evaluating the request and intends to approve the request by the adoption in full of the Planning Commission's March 21, 2024 recommendation, with the following Findings and Conditions of Approval:

FINDINGS:

The Board finds that:

1. The Planning Commission classified the application as a Minor Impact Project, based upon the impact classification found in Section 6-102: Projects Classified as Minor Impact Projects A, 2-4 Units.
2. The land use change complies with all applicable requirements of the Gunnison County and Use Resolution and Section 6-10: Standards of Approval for Minor Impact Projects.
3. This application is consistent with the standards and requirements of this Resolution.
4. A Sage-grouse report dated September 1, 2023 has been completed. This proposal will not adversely impact the Gunnison Sage-grouse or their habitats.
5. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Community Development file relative to this application; including all exhibits, references and documents as included therein.

Conditions of Approval:

1. A mylar subdivision plat, in compliance with Section 6-105, Gunnison County Land Use Resolution, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.
2. Recordation of the protective covenant to conserve a 29.72-acre parcel (Parcel No. 3791-000-00-039) located on the east side of CO-114 and opposite of the subdivision parcel along Cochetopa Creek.
3. Future development of Lot 1 will include the following recommendations from the November 20, 2023 CMT Technical Services Geologic Hazards Assessment:
 - a) A deflection berm should be designed by a geological engineer so it does not impinge on existing structures and infrastructure or future structures.
 - b) CGS recommends that the catchment ditch and deflection berm be designed based on site-specific drainage/hydraulic studies that analyze flow dynamics associated with hyper-concentrated flooding emanating from the channel west of the site.
 - c) Any mitigation measures must be shown on the plans.
 - d) Prior to building permit approval, a lot-specific geotechnical investigation consisting of drilling, sampling, lab testing, and analysis will be needed to characterize soil and bedrock engineering properties and evaluate the collapse potential of the fan deposits.
4. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.
5. This permit is limited to activities described within the "Project Description" of this application, and as depicted on the Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the Gunnison County Land Use Resolution.
6. This approval is founded on each individual requirement. Should the applicant successfully challenge any such finding or requirement, this approval is null and void.
7. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.
8. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.
9. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that Land Use Change Permit No. LUC-23-00015 Spezze Subdivision is approved as a Minor Impact Project, subject to each and all conditions, as identified above.

THIS RESOLUTION AND THE APPROVAL GRANTED HEREBY shall not be effective unless and until a copy is recorded in the Office of the Clerk and Recorder of Gunnison County.

INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Smith, and adopted this 7th day of May 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2024-20
A RESOLUTION AMENDING GUNNISON COUNTY EMERGENCY AND DISASTER MANAGEMENT
AND PROCEDURES**

This resolution supersedes Resolution Nos. 2015-2, 2017-19, 2020-11 and 2022-32.

WHEREAS, on May 8, 2008, the Board of County Commissioners of the County of Gunnison, Colorado ("Board") approved and adopted Resolution 2008-15, A Resolution Establishing Gunnison County

Emergency and Disaster Management and Procedures, to provide for the effective direction, control and coordination of Gunnison County government during an emergency or disaster; and

WHEREAS, on June 4, 2013, the Board approved and amended Section D.1.b. of Resolution 2008-15 by Resolution No: 2013-10; and

WHEREAS, on May 2, 2017, the Board approved and amended Resolution 2008-15 to add a new paragraph 5 to Section C. Direction and Control, to include the Delegation of Authority; and

WHEREAS, on March 19, 2020, the Board repealed and superseded Resolutions 2008- 15, 2015-2 and 2017-19 with the adoption of Resolution 2020-11, which included a new section regarding Emergency Meetings; and

WHEREAS, on August 16, 2022, the Board repealed and superseded the foregoing Resolutions through adoption of Resolution 2022-32; and

WHEREAS, the Colorado Open Meetings Law applies to any meeting convened in person, by phone or electronically to discuss public business relating to the policy-making function of the Board; and

WHEREAS, when a meeting is convened to discuss public business and is a meeting at which any formal action occurs or at which a majority or quorum of the Board is expected to be in attendance, then such meetings are open to the public and public notice shall be given and minutes taken; and

WHEREAS, the Colorado Open Meetings Law contains no reference to emergency meetings; however, C.R.S. §30-10-303(2) allows the Board to call an emergency meeting provided it has adopted procedures therefor; and

WHEREAS, experience with recent emergencies counsels in favor of authorizing County officials to temporarily suspend the mandates and requirements of County resolutions and regulations not expressly required by the laws or the State of Colorado during an emergency, so long as such suspension would not have a material and immediate effect on public health, safety or welfare;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that this Resolution, including the authorities and requirements set forth herein regarding emergency and disaster management and procedures, shall be in full force and effect upon the adoption of the instant Resolution, shall thereafter govern the management and procedures during an emergency or disaster within Gunnison County, repealing and superseding Resolution Nos. 2008-15, 2015-2, 2017-19, 2020-11, and 2022-32.

A. GENERAL OPERATIONS.

This plan is based on the concept that emergency functions for various groups involved in Gunnison County government will generally parallel their normal day-to-day functions. To the extent possible, the same personnel and material resources will be employed in both non- emergency and emergency circumstances. In an emergency circumstance, it is desirable, and always attempted, to maintain organizational continuity and to assign familiar tasks to personnel. In large scale disasters, it may be necessary to draw on people’s basic capacities and use them in areas of greatest need. Day- to-day functions that do not contribute directly to the emergency operation may be suspended for the duration of any emergency. Personnel and resources that would normally be required of those day-to-day functions may be redirected to accomplish the emergency task.

1. In keeping with the current strategy of integrated emergency management, this Resolution is concerned with all types of emergency situations that may develop. It also accounts for activities before, during, and after emergency operations.
2. Each department and office has emergency functions in addition to its normal duties. Each department is responsible for developing and maintaining its own procedures and continuity of operations plans. Each department is responsible for understanding their roles and responsibilities during an emergency, as defined in the Gunnison County Emergency Operations Plan. In addition, each department is responsible for maintaining the appropriate level of National Incident Management System/Incident Command System competencies.

B. PHASES OF EMERGENCY MANAGEMENT.

1. Preparedness. Preparedness activities, programs and systems are those that exist prior to an emergency, and are used to support and enhance response to an emergency or disaster. Planning, training, and exercising are among the activities conducted under this phase.
2. Response. Response is comprised of activities and programs designed to address immediate and short-term effects at the onset of an emergency or disaster. It helps to reduce

casualties and damage and to speed recovery. Response activities include direction and control, warning, evacuation and other similar operations.

3. Recovery. Recovery is the phase that involves restoring systems to normal. Short-term recovery actions are taken to assess damage and return vital public health, safety and welfare systems to at least minimum operating standards; long-term recovery actions may continue for many years.

4. Mitigation. Mitigation activities are those designed to either prevent the occurrence of an emergency, or long-term activities instituted to minimize the potentially adverse effects of an emergency from happening again.

C. DIRECTION AND CONTROL.

1. The Board, pursuant to C.R.S. § 24-33.5-709(1), identifies the County Manager the principal executive officer of Gunnison County, and therefore the person with authority to declare a Gunnison County emergency. That declaration shall not be continued or renewed for a period in excess of seven (7) days except by or with the consent of the Board of County Commissioners by duly adopted resolution, or other method, such as a majority vote of the Board, depending upon the scope and severity of the declared emergency.

Notwithstanding the foregoing, the County Manager shall make all reasonable efforts to convene, by any reasonable method, a quorum of the Board within seventy-two (72) hours of the initial declaration of emergency; and shall continue those efforts until a quorum is convened. Any order or proclamation declaring, continuing, or terminating a Gunnison County emergency or disaster shall be given prompt and general publicity and shall be filed promptly with the Gunnison County Clerk and Recorder and with the State of Colorado Division of Emergency Management. Gunnison County staff shall provide support to and cooperation with the County Manager.

2. Until a quorum of the Board has been convened, pursuant to a declaration of emergency by the Gunnison County Manager, the Manager shall have the full legal authority of the Board of County Commissioners to the maximum extent permitted by law and this Resolution. In addition, the County Manager shall have the authority to activate the Gunnison County Emergency Operations Plan and to request assistance from each appropriate entity through the activation of their respective plans.

(a) After seventy-two hours has elapsed from the initial declaration of emergency, and in case where the majority of the Board is incapable of taking action, the succession of authority to act for the Board shall be the following in order:

- i. The chairperson;
- ii. The vice chairperson;
- iii. The third commissioner;
- iv. County Manager;
- v. Assistant County Manager for Operations and Sustainability;
- vi. Assistant County Manager for Health, Human and Safety Services;
- vii. Assistant County Manager for Community and Economic Development;
- viii. Assistant County Manager for Public Works;
- ix. Chief Financial Officer

3. A template for a Declaration of Emergency by the County Manager is attached hereto and incorporated herein as Appendix A.

4. A template for an Order, by the Board of County Commissioners, continuing or renewing the Emergency Declaration in excess of seven days is attached hereto and incorporated herein as Appendix B.

5. In the event that the incident has exceeded (or is expected to exceed) Gunnison County's capacity and capability to effectively respond to and manage the incident, it may be necessary to delegate the management of the incident, or a portion of an incident, to an incident management team (IMT) or State Agency. The request for an IMT may be directly related to operational management of the incident, or for assistance with community stabilization issues related to the incident, i.e. shelters, public information etc. Requests for an IMT should be initiated through the Colorado Division of Homeland Security and Emergency Management, and will require a written "Delegation of Authority", to be signed by the IMT Incident Commander and the appropriate Gunnison County representative as designated in section D.1 "Succession of Operational Command" in this Resolution. In some cases it may be advisable to have jurisdictions with overlapping operational responsibility (i.e. a fire district) also sign the delegation.

The Delegation of Authority assigns incident related operational and tactical activities and responsibility for those activities to the delegated agency or an IMT. The Delegation of Authority should reflect all issues and objectives County leadership determines to be in its best interests, as

determined by the County Policy Group, which may consist of, but is not necessarily limited to; Commissioner(s), County Manager, Finance, Department having operational control etc. The delegation should specifically identify date and time of transfer/delegation. The Incident Commanders (outgoing and incoming) are responsible for ensuring that all involved agencies and personnel are notified of the Delegation of Authority. The Delegation of Authority does not preclude the County from participating in incident planning, nor does it absolve the County of its responsibilities during the incident. Typically, the Delegation of Authority will not include the delegated agency or IMT management of peripheral incident activities such as management of shelters, evacuations, road closures, donations and volunteers, as these activities usually remain the responsibility of the County.

The Delegation of Authority is amendable, as incident conditions and strategies change. The Delegation of Authority is revocable, should the delegated agency or IMT not perform to the County’s expectations. At the conclusion of the incident, or at which time the County determines it has sufficient capacity and capabilities to manage the incident, the delegated agency or IMT shall be released by termination of the Delegation of Authority.

A template for a Delegation of Authority is attached hereto and incorporated herein as Appendix C.

6. The failure of the County to use either of the foregoing templates shall have no legal effect on any declaration or order issued pursuant to this Resolution or other applicable law.

D. CONTINUITY OF OPERATIONS.

1. Succession of Operational Command.

(a) All authority vested in the County Manager by Resolution No. 1988-10, Resolution No. 2007-26, and any other then-current delegation of authority to the County Manager by Ordinance, Resolution, County Policy or otherwise shall be exercised, first, by the County Manager.

(b) The emergency, interim line of succession, in the event the County Manager is completely unavailable by any means (“Chain of Command”), shall be:

- i. Assistant County Manager for Operations and Sustainability;
- ii. Assistant County Manager for Health, Human and Safety Services;
- iii. Assistant County Manager for Community and Economic Development;
- iv. Assistant County Manager for Public Works;
- v. Chief Financial Officer

Each of those persons shall have the full authority, in succession, as the County Manager. These emergency, interim successors shall relinquish such authority as directed by a person higher in the Chain of Command when such person becomes available.

(c) The line of succession in each department is according to the written continuity of operations procedures established by that department.

E. EFFECTS OF DECLARATION OF EMERGENCY.

The effects of an Emergency Declaration shall include but not be limited to:

1. Enhanced County Manager Authority.

(a) Authority to redeploy Gunnison County personnel or equipment from normal job duties to assist in emergency response;

(b) Authority to repurpose Gunnison County facilities to support the emergency;

(c) Authority to suspend or temporarily alter Personnel Policies to the fullest extent permitted by law;

(d) Increase in contracting authority to \$350,000 (this authority will be automatically adjusted according to the US Bureau of Labor Statistics Consumer Price Index at <https://cdola.colorado.gov/inflation-denver-aurora-lakewood-consumer-price-index> and rounded to the nearest one- thousand (\$1,000) dollars in January of each calendar year);

(e) Authority to delegate all or a portion of operational management of the incident to an Incident Management Team or State agency;

(f) Authority to suspend or stay any County Resolution, policy or rule, including but not limited to the substantive and procedural requirements of the Gunnison County Road

and Bridge Standards and the Gunnison County Land Use Resolution, during the pendency of any declared emergency, so long as:

- (i) such Resolution, policy or rule is not otherwise expressly required by applicable State or Federal law, as determined by the County Attorney;
 - (ii) the suspension of such Resolution, policy or rule will not adversely, materially and immediately effect public health, safety and welfare, as determined by the County Manager in his or her sole discretion after consultation with the County Attorney; and
 - (iii) the need to fully, properly or timely respond to an emergency outweighs any adverse, material and immediate effect on public health, safety, or welfare, as determined by the County Manager in his or her sole discretion after consultation with the County Attorney.
2. Ability to request and authorize assistance from all appropriate entities and individuals (e.g., local elected officials, other local governments, State of Colorado, federal government).

F. PUBLIC INFORMATION OFFICER.

1. The Incident Commander shall designate a Public Information Officer (PIO).
2. The Gunnison County Manager or next in chain of command may appoint a County PIO to coordinate with the Incident(s) PIO.
3. Only the designated Public Information Officer is authorized to speak on behalf of Gunnison County.
4. Each Commissioner shall defer to the designated PIO relative to public announcements.
5. All Gunnison County staff shall defer to the designated Public Information Officer relative to public announcements.

G. EMERGENCY MEETINGS

Pursuant to C.R.S. § 30-10-303(2), should the Board, the County Manager or the County Attorney decide, in their respective sole discretion, that an emergency meeting is required, the following procedures shall apply:

1. The County Attorney or the County Manager shall call or be contacted to call the emergency meeting, which can be held even in the event that proper public notification is not attainable.
2. The meeting may be held in person, via telephone, by video conference or other electronic means, or a combination thereof.
3. At the onset of the meeting, the Chair, or a member of the Board, shall describe the circumstances constituting the emergency under which the meeting is taking place, and acknowledge that the notice requirement may be affected by the type of meeting involved. For purposes of these procedures, "emergency" is defined as "an unforeseen combination of circumstances or the resulting state that calls for immediate action."
4. When the meeting is held in person, electronically or via telephone, the Board and Administration staff shall take the necessary steps to create an audio recording of the meeting. In addition, to the extent practicable, the Clerk and Recorder or a Deputy Clerk shall attend and take minutes of the meeting.
5. When the meeting is held electronically, the Board and Administration staff shall take all reasonable steps to ensure that the Clerk or a Deputy Clerk receives copies of all communications so that minutes may be prepared. E-mail between elected officials to discuss public business is normally open to the public unless otherwise exempt from disclosure under the Colorado Open Records Act.
6. Any action taken at the emergency meeting must be scheduled for ratification as a consent calendar or regular agenda item on the Board's next regular meeting for which the agenda has not already been posted.
7. County Administration staff will undertake all reasonable efforts to notify the general public and press of the emergency meeting, including the use of existing electronic distribution lists.

8. 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.

9. All orders, instructions, motions and resolutions, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This Resolution 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.

10. 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.

11. 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 Smith, seconded by Commissioner Puckett Daniels, and adopted this 7th day of May 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

Appendix A

DECLARATION OF EMERGENCY GUNNISON COUNTY, COLORADO

WHEREAS, has reported to the Gunnison County Manager, or the next person in the Gunnison County chain-of-command pursuant to Gunnison County Resolution 2024- , the following:

- 1.
- 2.
- 3.
- 4. ; and

WHEREAS, has confirmed to a reasonable degree the accuracy of the reports identified above; and

WHEREAS, the public health, safety and welfare of Gunnison County citizens and the public at large in Gunnison County currently is in danger; and

WHEREAS, persons and/or property are or will be damaged unless immediate efforts are undertaken to reduce the threat to life and/or property; and

WHEREAS, there is an emergency present which necessitates activation of the use of emergency powers granted by C.R.S. § 24-33.5-709, Local Disaster Emergencies, and Board of County Commissioners, Gunnison County, Colorado, Resolution No. 2024- .

NOW, THEREFORE, IT IS DIRECTED:

That it is hereby declared that there is an emergency/disaster due to the following conditions:

- a.
- b.
- c.

Dated this day of , .

Gunnison County Manager (or next in chain-of- command)

Attest: Deputy Clerk

- Documentation requirements
- Direction for media relations
- Direction for incident management reporting
- Termination conditions
- Other terms and conditions established by the local jurisdiction administrator

A Delegation of Authority may only be granted by action of the political governing body of the local jurisdiction. However, it may, by appropriate resolution, entrust the power to make that delegation to a specified jurisdiction official (e.g., a city manager, mayor, or fire chief) upon certain conditions, thus assuring timeliness and continuity of effective management and control. For maximum effectiveness, a procedure for the timely granting of a Delegation of Authority should be in place as an emergency planning measure.

It is important to understand that a Delegation of Authority is not an abdication of responsibility or authority, but rather a means of assuring them in an unusual emergency setting by providing for an assignment with prescribed conditions and limitations. The authority granted must be broad enough to ensure that local policy and priorities can be effectively implemented, accountability must be provided for, limitations as to scope, time, and/or incident may be included, and the power of review and termination retained.

INCIDENT COMMANDER

Incident Commander Name

As IC, you are hereby delegated full responsibility and authority to manage:

Incident Name

under the following terms and conditions.

1. Incident Priorities

Incident management and strategies shall be pursuant to the primary incident priorities established by (any attached documents):

2. Incident Management

Incident management and operations shall be conducted as efficiently and effectively as possible, given the prevailing conditions and circumstances.

3. Unified Command

As IC, you shall operate in unified command with the designated command personnel of other authorities with jurisdiction.

4. Local Personnel

When possible, local personnel shall be utilized within the incident management organization.

5. Documentation

Complete and comprehensive incident documentation shall be maintained, including initial damage claims investigations.

6. Media Relations

The incident management team will handle media relations through:

7. Reporting

Incident management reports shall be directed to:

8. Other Terms and Conditions

9. Termination

This Delegation of Authority shall terminate upon notice from the undersigned granting authority.

This transfer becomes effective at _____ time on the date of _____, _____, and may be changed or updated as conditions change.

Gunnison County Representative

Incident Commander

Attest: Deputy Clerk

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

RESOLUTION NO. 24-21

A RESOLUTION AMENDING AND SUPPLEMENTING THE SCHEDULE OF FEES FOR THE SHADY ISLAND RIVER PARK AND REPEALING AND REPLACING RESOLUTION NOS. 2021-18 AND 24-14

WHEREAS, the Gunnison County Board of Commissioners owns and operates the Shady Island River Park;

WHEREAS, the Gunnison County Board of Commissioners is authorized by law, including but not limited to C.R.S. §§ 30-11-102 and 30-11-107, to impose fees on persons who use the Park;

WHEREAS, the Gunnison County Board of County Commissioners has reviewed and discussed in a public meeting the fee schedule and operations at Shady Island River Park;

WHEREAS, the purpose of collecting fees for use of the Shady Island River Park is to defray the costs and expenses of administration, operation and maintenance of the Park;

WHEREAS, such fees are imposed only upon persons who use the Shady Island River Park;

WHEREAS, the Gunnison County Board of County Commissioners finds that the fee amounts adopted by this Resolution bear a reasonable relationship to the costs of administration, operation and maintenance of the Park;

WHEREAS, the Gunnison County Board of County Commissioners has determined that the Shady Island River Park affords a public benefit to the residents of and visitors to Gunnison County;

WHEREAS, the Gunnison County Board of County Commissioners previously adopted Resolution 2021-18, A Resolution Adopting a Schedule of Fees for the Shady Island River Park;

WHEREAS, for purposes of regulating and licensing commercial outfitters, the State of Colorado has adopted the following definitions:

(5) "Outfitter" means a person soliciting to provide or providing, for compensation, outfitting services for the purpose of hunting or fishing on land that the person does not own.

(6) "Outfitting services" means providing transportation of individuals, equipment, supplies, or wildlife by means of vehicle, vessel, or pack animal, facilities including but not limited to tents, cabins, camp gear, food, or similar supplies, equipment, or accommodations, and guiding, leading, packing, protecting, supervising, instructing, or training persons or groups of persons in the take or attempted take of wildlife.

C.R.S. § 12-145-103(5), (6) (2024); and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado deems it appropriate to adopt substantially similar definitions for purposes of this Resolution;

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

1. Resolution Nos. 2021-18 and 24-14 are hereby repealed and replaced with this Resolution;
2. For purposes of this Resolution, the following definitions shall apply:
 - a. "Commercial Outfitter" means a person or business entity soliciting to provide or providing, for compensation, outfitting services for in relation to use of the Shady Island River Park;
 - b. "Outfitting Services" means providing transportation of individuals, equipment, supplies, or wildlife by means of vehicle, vessel, boat, paddle board, water craft, or similar equipment, and/or guiding, leading, supervising, instructing, or training persons or groups of persons in relation to use of the Shady Island River Park, including but not limited to raft, fly fishing, or stand up paddle boarding guide or equipment rental services.
3. The amended and supplemental schedule of fees for Shady Island River Park attached as Exhibit A to this Resolution is hereby adopted to support the ongoing administration, maintenance

and operation of the Park. Such fees shall be reviewed and amended as needed by subsequent Resolution of the Board.

This Resolution shall remain in effect until amended or superseded by subsequent Resolution.

INTRODUCED by Commissioner Puckett Daniels, seconded by Commissioner Smith, and adopted this 7th day of May 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

EXHIBIT A

GUNNISON COUNTY SHADY ISLAND RIVER PARK FEE SCHEDULE
Adopted by the Gunnison County Board of Commissioners

ACTIVITY	FEE
DAY PASS: Valid for one day of parking to access River Park	\$5
WEEKLY PASS: Valid for seven (7) consecutive days for use as a parking pass to access the River Park	\$15
ANNUAL PASS: Valid for use during one calendar year as a parking pass to access the River Park	\$40
OVERNIGHT CAMPING PASS: Valid for one night of camping; a parking pass is also required for each vehicle	\$20
GROUP CAMPSITE: Valid for one night of camping; a parking pass is also required for each vehicle. Group site can accommodate up to sixteen (16) people and four (4) vehicles.	\$40
COMMERCIAL ANNUAL PASS: Valid for one motor vehicle and trailer parking space for 12 months from the date of issuance.. Applicable to commercial outfitters (as defined by this Resolution).	\$75