

**GUNNISON COUNTY BOARD OF COMMISSIONERS  
SPECIAL MEETING MINUTES  
June 8, 2010**

The June 8, 2010 meetings were held in the Commissioners' Meeting Room at the Courthouse. Present were:

Jim Starr, Chairperson  
Hap Channell, Vice-Chairperson  
Paula Swenson, Commissioner

David Baumgarten, County Attorney  
Ruth Dukeman, Clerk to the Board  
Others Present as Listed in Text

**CALL TO ORDER:** Chairperson Starr called the Board of County Commissioners of Gunnison County, Colorado Special Meeting to order at 4:04 pm.

**AGENDA REVIEW:** The agenda was approved as circulated.

**MEDICAL MARIJUANA LEGISLATION; POSSIBLE EXTENSION OF MORATORIUM; POSSIBLE EXECUTIVE SESSION:**

Moved by Commissioner Starr, seconded by Commissioner Channell to go into executive session for the purpose of receiving legal advice on medical marijuana legislation, the possible extension of a moratorium and potential liabilities related to accepting applications for permits at this time (in the County Attorney's Office so that the audience would not need to be displaced) with County Attorney Baumgarten and the three members of the Board. Motion carried unanimously.

The board went into executive session at 4:06 pm. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. 24-6-402(4)(b). This specific session was conducted as per C.R.S. 24-6-402(4)(b).*

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**Attorney Statement Regarding Executive Session**

Pursuant to C.R.S. 24-6-402(2)(d.5)(11)(B), I attest that I am the Gunnison County Attorney, that I represent the Gunnison County Board of County Commissioners, that I attended all of the above referenced executive session, that all of the executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b) and that, because in my opinion all of the discussion during the executive session constituted a privileged attorney-client communication, no record of the executive session was required to be kept and no such record was kept.

Date: \_\_\_\_\_

\_\_\_\_\_  
David Baumgarten  
Gunnison County Attorney

**Chairperson Statement Regarding Executive Session**

Pursuant to C.R.S. 24-6-402(4), I attest that I am the Chairperson of the Gunnison County Board of Commissioners, that I attended all of the above referenced executive session, and that all of that executive session was confined to the topic authorized for discussion pursuant to C.R.S. 24-6-402(4)(b).

Date: \_\_\_\_\_

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Jim Starr, Chairperson  
Gunnison County Board of Commissioners

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The Board came out of executive session at 4:34 pm. Chairperson Starr 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. County Attorney Baumgarten stated that the subject matter included discussion about the potential liabilities related to accepting applications for permits for medical marijuana distribution facilities this early in the regulatory development process.

Commissioners Channell and Swenson explained how they felt additional information was needed to develop policy and procedure before attempting to accept applications for medical marijuana dispensary facilities. Extension of a moratorium was proposed to allow adequate time for consideration of the logistics related to this topic. Specific instructions to staff included:

1. Development of a recommendation to include consideration of the 2004 vote related to legalization, a need for a current ballot item, or performance of a scientific survey to better understand the opinions of the Counties citizens.
2. Develop rules and regulations pertinent to the local situation.
3. Work in coordination with other municipalities to strengthen cooperative efforts to assure that regulations are meeting the community's needs.

County Attorney Baumgarten explained that statute allowed for local governments to extend an existing moratorium until the effective date of rules adopted by the State of Colorado Department of Revenue (DOR) or sooner if determined by the Board. The Board expressed a desire to expedite the process in as timely a manner as realistic for staff to complete the assigned tasks.

**Moved** by Commissioner Channell for adoption of Resolution 2010-18 A Resolution Extending A Temporary Prohibition on the Construction, Alteration, or Use of Any Building, Structure, or Property for Medical Marijuana Dispensaries, Medical Marijuana Centers, Optional Premises Cultivation Operations, Medical Marijuana Production Cultivation Operations, Medical Marijuana – Infused Production and/or Growing Operations in Unincorporated Gunnison County as amended to include:

“WHEREAS, the Board believes it is appropriate to temporarily prohibit the construction, alteration or use of any building, structure, or property for a) medical marijuana dispensaries; b) medical marijuana centers; c) optional premises cultivation operations; d) medicinal marijuana cultivation operations; e) medicinal marijuana infused production and/or growing operations; and f) all other land uses associated with the dispensing of medical marijuana (collectively “Medical Marijuana Land Uses”) until the effective date of rules adopted by the Department of Revenue in accordance with H.B. 10-1284 UNLESS sooner terminated by the Board; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that there shall be an extension of the existing temporary prohibition on the construction, alteration, or use of any building, structure, or property within the unincorporated territory of Gunnison County for Medical Marijuana Land Uses until the effective date of rules adopted by the Department of Revenue in accordance with H.B. 10-1284 UNLESS sooner terminated by the Board.”

And to instruct staff to work on a mechanism for consideration of legalization and for developing Gunnison County rules and regulations and to work with municipalities in cooperation. This motion is not intended to prohibit personal or caregivers growth of medical marijuana. A report from staff was requested to the Board by the September 7, 2010 meeting or sooner for the tasks assigned.

Seconded by Commissioner Swenson. The meeting was opened to discussion.

Commissioner Starr expressed his concern about the increasing demand for services and lack of facilities to meet that need in the area. He further explained the economic impacts this industry demonstrated and how he felt that the State requirements were adequate for monitoring operations and that there was a need to minimize the risk of proliferation of unlicensed, unmonitored grow operations within Gunnison County.

Motion carried 2 votes to 1.

Commissioner Starr explained the difficulties related to the timing of the State legislation relative to the local jurisdictions and the need for adequate time to develop local guidelines and regulations. Citizens expressed their disappointment about the Resolution extending the moratorium and the potential impacts to their proposed business. Commissioner Starr encouraged interested parties to provide all applicable information related to this issue to be submitted to county staff members for consideration.

**DISCUSSION OF CORRESPONDENCE TO CONGRESSIONAL DELEGATION CONCERNING PROPERTY ASSESSED CLEAN ENERGY PROGRAM:**

Edits to the correspondence were reviewed. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to send an original modified letter to each of the members of the congressional delegation with a copy to Senator Gail Schwartz and Representative Kathleen Curry and to authorize signatures. Motion passed unanimously.

**RATIFICATION OF CHAIRPERSON SIGNATURE GUNNISON COUNTY HOUSING AUTHORITY OCCUPANCY AND RESALE DEED RESTRICTION AND ESSENTIAL HOUSING COVENANT;**

**STRUBLE:** Housing Director K.T. Gazuniz and Administrative Assistant II Bobbie Lucero were present for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to ratify of Chairperson Starr’s signature on the Gunnison County Housing Authority Occupancy and Resale Deed Restriction and Essential Housing Covenant document. Motion carried unanimously.

County Attorney Baumgarten explained that the original document needed to be modified for ministerial changes for the continued generations of owners. Housing Director Gazunis advised that additional review of the document was proposed and any recommended revisions would be made to the document at a future time.

**ADJOURN:** **Moved** by Commissioner Channell, seconded by Commissioner Swenson to adjourn the meeting. Motion carried unanimously. The Special Meeting of the Board of County Commissioners of Gunnison County, Colorado adjourned at 5:10 pm.

**GUNNISON COUNTY HOUSING AUTHORITY**

**MEETING MINUTES**

June 8, 2010

**CALL TO ORDER:** Chairperson Starr called the meeting of the Gunnison County Housing Authority to order at 5:10 pm.

**AGENDA REVIEW:** The agenda was approved as circulated.

**RATIFICATION OF CHAIRPERSON SIGNATURE GUNNISON COUNTY HOUSING AUTHORITY OCCUPANCY AND RESALE DEED RESTRICTION AND ESSENTIAL HOUSING COVENANT;**  
**STRUBLE:** Housing Director K.T. Gazuniz and Administrative Assistant II Bobbie Lucero were present for discussion. **Moved** by Commissioner Channell, seconded by Commissioner Swenson to ratify of Chairperson Starr’s signature on the Gunnison County Housing Authority Occupancy and Resale Deed Restriction and Essential Housing Covenant document. Motion carried unanimously.

**ADJOURN:** **Moved** by Commissioner Swenson, seconded by Commissioner Channell to adjourn the meeting. Motion carried unanimously. The meeting of the Gunnison County Housing Authority adjourned at 5:11 pm.

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Jim Starr, Chairperson

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Hap Channell, Vice-Chairperson

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Paula Swenson, Commissioner

Minutes Prepared By:

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Ruth Dukeman, Deputy County Clerk

Attest:

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Stella Dominguez, County Clerk

**GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES**

**BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF GUNNISON, COLORADO  
RESOLUTION NO: 2010-18**

**A RESOLUTION EXTENDING A TEMPORARY PROHIBITION ON THE CONSTRUCTION, ALTERATION, OR USE OF ANY BUILDING, STRUCTURE, OR PROPERTY FOR MEDICAL MARIJUANA DISPENSARIES, MEDICINAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, MEDICINAL MARIJUANA PRODUCTION CULTIVATION OPERATIONS, MEDICINAL MARIJUANA – INFUSED PRODUCTION AND/OR GROWING OPERATIONS IN UNINCORPORATED GUNNISON COUNTY**

WHEREAS, S.B. 10-109, Concerning Regulation of the Physician – Patient Relationship for Medical Marijuana Patients, and H.B. 10-1284, Concerning Regulation of Medicinal Marijuana have been signed into law by Governor Ritter; and

WHEREAS, the Board previously adopted Resolution 2009-63, A Resolution Placing Prohibition on the Construction, Alteration, or Use of Any Building, Structure, or Property for Medical Marijuana Dispensaries and/or Growing Operations in Unincorporated Gunnison County for a Period Not to Exceed Six (6) Months and Further Instructing County Staff to Establish Regulations for Medical Marijuana Dispensary and/or Growing Operations; and

WHEREAS, S.B. 10-109 and H.B. 10-1284 authorize Gunnison County to determine whether to prohibit, in unincorporated Gunnison County, the operation of medical marijuana centers, optional premises cultivation operations and medical marijuana – infused products manufacturing; and

WHEREAS, the Board believes that current County regulations are inadequate to address the unique impacts of medical marijuana land uses, and further believes that conditions require that the Board take immediate action to ensure that, if such land uses were to be allowed, local regulatory requirements would be sufficient to address and mitigate the impacts; and

WHEREAS, H.B.10-1284 expressly authorizes a county that has adopted a temporary moratorium regarding medical marijuana to extend the moratorium until the effective date of the rules adopted by the Department of Revenue in accordance with H.B. 10-1284; and

WHEREAS, the Board believes it is appropriate to temporarily prohibit the construction, alteration or use of any building, structure, or property for a) medical marijuana dispensaries; b) medical marijuana centers; c) optional premises cultivation operations; d) medicinal marijuana cultivation operations; e) medicinal marijuana infused production and/or growing operations; and f) all other land uses associated with the dispensing of medical marijuana (collectively “Medical Marijuana Land Uses”) until the effective date of rules adopted by the Department of Revenue in accordance with H.B. 10-1284 UNLESS sooner terminated by the Board; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that there shall be an extension of the existing temporary prohibition on the construction, alteration, or use of any building, structure, or property within the unincorporated territory of Gunnison County for Medical Marijuana Land Uses until the effective date of rules adopted by the Department of Revenue in accordance with H.B. 10-1284 UNLESS sooner terminated by the Board; and

IT IS FURTHER RESOLVED that, while the Board analyzes whether Medical Marijuana Land Uses should be allowed in unincorporated Gunnison County, County staff shall conduct studies and prepare potential regulations for Medical Marijuana Land Uses within the time the moratorium is in effect.

Nothing in this Resolution is/ or shall be construed to be a final determination by the Board whether or not to exercise its authority to prohibit, in whole or part, Medical Marijuana Land Uses in unincorporated Gunnison County.

INTRODUCED by Commissioner Channell, seconded by Commissioner Swenson, and adopted this 8th day of June, 2010.

BOARD OF COUNTY COMMISSIONERS  
OF GUNNISON COUNTY, COLORADO