

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING MINUTES  
August 16, 2011**

The August 16, 2011 meeting was held in the Commissioners' boardroom in the Courthouse located at 200 E. Virginia, Gunnison, Colorado. Present were:

Hap Channell, Chairperson  
Paula Swenson, Vice-Chairperson  
Phil Chamberland, Commissioner

Matthew Birnie, County Manager  
Katherine Haase, Clerk to the Board  
Others Present as Listed in Text

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

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

**MINUTES APPROVAL:** **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Special Meeting minutes for July 12, 2011, the Regular Meeting minutes for July 19, 2011 and the Regular Meeting minutes for August 2, 2011. Motion carried unanimously.

**SCHEDULING:** The Upcoming Meetings Schedule was discussed and updated.

1. Mather Hike; Curecanti National Recreation Area; 9/8/11 – 9/9/11. Commissioner Chamberland will attend this event as a representative of the Board.

**COUNTY MANAGER'S REPORT:** County Manager Birnie was present for discussion.

1. Joint Meeting with Pitkin County Board of County Commissioners. County Manager Birnie informed the Board that he has been working with the Pitkin County Manager to schedule this meeting in Gunnison, possibly on 9/20/11. Topics for discussion include oil and gas regulations, the Bogan Flats Reservoir, a debrief on the Pro Challenge bike race, and the Crested Butte to Carbondale trail.
2. Capital Projects Update. County Manager Birnie informed the Board that curb, gutter and pavement have been added to the Public Works facility plan for an approximate cost of \$36,000. He confirmed that the County is well within its contingencies for the project and that the building is ready for occupancy, though it might not be open for business until the end of August. The Public Safety Center is on schedule as most issues have been solved. Commissioner Swenson noted that Mary Burt, neighbor to the center, is pleased with the building's appearance. Assistant County Manager Marlene Crosby added that the Cattlemen's Days representatives did not have any complaints, but that they may rework the parking next year.

**ASSISTANT COUNTY MANAGER'S REPORT AND PROJECT UPDATES:** Assistant County Manager Crosby was present for discussion.

1. Gunnison-Crested Butte Regional Airport Construction Update. Assistant County Manager Crosby informed the Board that her office has experienced phone and computer issues during the last two weeks due to the airport project. She noted that there is quite a bit of airborne dust, so she will discuss the issue with Airport Manager John DeVore.
2. North Gunnison Sewer Line Extension Easements. Assistant County Manager Crosby requested permission for County Manager Birnie's signature on the easements once the documentation is available. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Grant of Perpetual Easements for the North Gunnison Sewer Line Extension and authorize either the Chairperson's or the County Manager's signature on them, depending on when they come in. Motion carried unanimously.
3. USA Pro Cycling Challenge Update. Assistant County Manager Crosby informed the Board that some places on Cottonwood Pass are receiving magnesium chloride applications. She confirmed that Chaffee County will perform the same gate closures as we do. Yesterday, some of the race's participants expressed their delight with the road conditions. She will meet with the State Patrol later in the day to discuss the Taylor River Road closure. Spectators will be able to get to Cottonwood Pass before the road closes at 8:00 am. Western State College will also be providing shuttle service.
4. Somerset Sewer System Update. Assistant County Manager Crosby stated that she had spoken with the Colorado Department of Public Health and Environment (CDPHE) in July 2010 about the sewer system. Recently, she received a notice from CDPHE that stated that the County must get a discharge permit. She had the right-of-way surveyed and determined that it is wide enough to get from the leach field to the river. The County must submit a Groundwater Discharge Permit Application by 9/16/11.
5. Pitkin Trailer Update. Assistant County Manager Crosby informed the Board that most of the asbestos in the trailer is non-friable. Our staff will be able to handle this and we won't need to enlist the help of outside contractors. The costs to dispose the trailer are not yet known. Chairperson Channell stated that he had talked to Town of Pitkin Mayor Steve Pinkston to determine whether any citizens or the Town may be able to financially contribute to the project,

but he couldn't answer without first speaking with the Town Council. Assistant County Manager Crosby will continue to work on the details.

**BREAKS:** The meeting recessed from 9:25 until 9:46 am in order to call to order as the Gunnison/Hinsdale Board of Human Services (see separate minutes). After the meeting adjourned, Chairperson Channell immediately reconvened the Gunnison County Board of County Commissioners meeting and then recessed the meeting from 9:48 until 10:07 am for a short break.

**STAFF/COUNSEL REPORT ON POTENTIAL FOR MORATORIUM, OR POTENTIAL USE OF THE PENDING ORDINANCE DOCTRINE, REGARDING OIL AND GAS OPERATIONS; POSSIBLE EXECUTIVE SESSION; NO FORMAL ACTION CONTEMPLATED:** County Attorney David Baumgarten was present for discussion. Special counselor Barbara Green was available via telephone for discussion.

Chairperson Channell thanked the attendees for coming to hear the discussion. He informed the attendees that the County has the authority under State statute to go into executive sessions in some instances. Since this regular agenda item was not a Public Hearing, the County did not have to ask for public input. Time permitting, the Board agreed to take public comment.

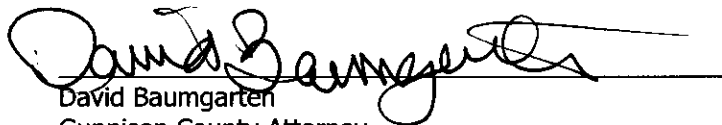
County Attorney Baumgarten suggested that he and the Board go into a short executive session to discuss the moratorium with Ms. Green in an attorney/client privileged communication. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to go into executive session for the reasons outlined by the County Attorney, and the participants would be the Board of County Commissioners, the County Attorney, the County Manager, and special counselor Barbara Green joining by telephone. Motion carried unanimously. Board left the room for the session.

The board went into executive session at 10:12 pm. *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: 11/15/11

  
 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).

Date: 11/15/2011

  
 Hap Channell, Chairperson  
 Gunnison County Board of Commissioners

The Board came out of executive session at 10:45 am. Chairperson Channell 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.

Chairperson Channell informed the audience that the Board received legal counsel that is available to Boards of County Commissioners on these types of issues. He then opened the floor to public comment and reminded the audience that this invitation to speak was traditional of this Board, while not a requirement. He asked that people limit their comments to new material only, and he encouraged the submission of written comments through the County Manager's office.

SG Interests representative Eric Sanford stated that another perspective related to this issue is the citizens that would be directly affected by a moratorium. He brought 14 of these persons with him to the meeting, and he stated that other farmers and ranchers were unable to be present. He also indicated that some of the SG Interests employees live in the local area.

Gunnison Energy Corporation President Brad Robinson agreed with Mr. Sanford's statements. He requested that Gunnison Energy representatives and guests stand, and approximately 30 people then stood up.

David Ludlum, Executive Director of the West Slope Colorado Oil & Gas Association, provided written comments to the Board. He stated that a moratorium would increase uncertainty because drilling plans are made at least a year in advance. He noted that oil and gas funding comes to the local community; Chairperson Channell agreed and requested that Mr. Ludlum ask the State to resume releasing severance tax funds to the County. Mr. Ludlum stated his organization's opposition to a moratorium. He also explained that his office works in Moffat, Rio Blanco, Mesa, Gunnison, Pitkin, Delta, Montrose and San Miguel Counties.

Kevin Swisher, Gunnison Energy Operations Superintendent, stated that his office in Delta employs 15 full-time people and as many as 30 temporary people during the summertime. His office works with WSC on an internship related to storm water and field operations for prospective geologists. He has lived in Delta for 16 years.

SG Interests Vice President Robbie Guinn stated his opinion that it would be abusive of the County to refuse to process any oil and gas permit applications.

Mr. Alma Roberts stated that those people supporting the natural gas industry do so for family revenue concerns. At the same time, he stated that he is an organic farmer that appreciates clean water to drink and to grow crops. He feels that the industry often experiences accidents, which will have long-lasting negative impacts on subsequent generations. Since his industry relies on clean water and air, he feels the urgency to minimize the environmental impacts. He asked the Board to consider technologies that rapidly breakdown materials via bacteria.

Ms. Dixie Jacobs Luke, a rancher with property at the bottom of McClure Pass, requested that the Board not impose a moratorium. She acknowledged that children and livestock depend on adults to be good stewards of the land, and that cattle raised at this elevation are sold at premiums because of the clean living environment. On the other hand, she stated that natural gas development provides ranchers with a source of income. She stated that risks are involved, but that landowners can work with the operators to ensure that the operators work within stated parameters.

High County Citizens' Alliance Executive Director Dan Morse agreed that all citizens need to work and to protect the environment. He noted that this is just one industry affecting our local economy and that all industries are subject to common sense regulations. He requested that the Board enact a moratorium on accepting new applications, and that the County process future applications under new regulations.

Gunnison County United representative Bert Phillips agreed that everyone needs money, but stated his disbelief that we have the right to allow companies to maximize profits at the expense of possible contamination. Per Earthworks, 93% of gas and oil operations deep inject waste, so he questioned why the County would opt for the inexpensive option of holding pits. He stated that the County needs to pay attention to the industry's negative impacts nationwide.

Ms. Indra Leu stated her concern that, if an industry above the Northfork Valley contaminates the valley, a situation would be created in which one industry destroys another industry.

Gary Volk, Volk Family Ranch owner, stated that his homestead family is celebrating 100 years. He feels that gas development is a positive influence on our area.

Mr. Michael Ward stated that he previously worked for the Forest Service for 32 years, 20 of which were spent in the Paonia area. He now earns a living as a natural resource specialist contractor. He stated that the industry has been working in the area for many years and that a good job has been done, so he is opposed to a moratorium.

Richard Karas, former member of the Gunnison County Planning Commission, reminded the audience that the agenda discussion was intended to serve as a discussion of a possible moratorium, not to debate the merits of the industry. He stated his hope that the Board will discuss the strategies available as the County works with the State to synchronize goals. He stated that a moratorium is a possibility, but that there may be other options.

Cedaredge resident Mike Folkerth, an author on American economics, stated that unemployment is one of the base issues affecting our nation. He stated his opposition to a moratorium because of the impact to employment.

Crested Butte Farmers' Market Association President Kevin McGruther acknowledged that the economy is an important consideration, but that choosing an industry that comes at the expense of the community is a crime. He asked the Board to be as conservative as possible with the regulations.

Ms. Sue Navy reiterated what Mr. Karas said earlier, and she stated her support of a moratorium. She felt that the industry should be able to take a hiatus from new applications for the next five months. She also stated her hope that the ongoing discussions with the State will result in better regulations.

Landowner Bill Roberts stated that the minerals were held by a federal unit when he bought his land. He expressed his dismay that these discussions did not begin much earlier as a moratorium could impact him negatively.

Chairperson Channell stated that nothing is etched in stone and that the COGCC has a set of rules that don't necessarily apply to Board's authority. Amendments to regulations may always be needed to keep up with technological and industrial changes.

David Clinger, an environmental planner, Muddy Creek area rancher, and landscape architect for over 40 years, explained that he works with people to ensure that surface conditions are protected. Prior to entering into a lease with SG Interests, he spent two years studying the possible impacts to his land. He noted that accidents on Muddy Creek Road have decreased because of the funding that has been spent on roads and bridges. Every landowner in the valley that he's spoken to is happy with SG Interest's performance. He stated his opposition to a moratorium.

Joe Sperry asked, if a moratorium is put into place until January 2012, when issuance of permits could resume. Chairperson Channell explained that it would depend on the permit details, but that it would minimally be a few weeks. Mr. Sperry wondered whether or not applications could proceed under the proposed rules to help speed the process.

Chairperson Channell thanked the audience members for attending because public input is impactful. He stated that the Board needed to focus on the purpose of the discussion. He explained that, while in the executive session, the Board received a very brief synopsis of what options are available. He stated that he would like a more in-depth analysis. He asked staff to return with an analysis of the pending ordinance doctrine and an analysis of selected portions of the recommended amendments and retrospective legislation clauses in the permitting process. Commissioner Chamberland and Commissioner Swenson agreed.

The Board stated that it could not vote on a moratorium without a Public Hearing. Chairperson Channell also noted that there are variations of moratoriums to consider as well. County Attorney Baumgarten agreed with the Board and he requested that a work session be scheduled to occur in approximately one month.

**BREAK:** The meeting recessed from 11:47 until 11:54 am for a short break and then from 11:54 until 11:56 am in order to hold the below Public Hearing.

**PUBLIC HEARING; LIQUOR LICENSE; BLACK MESA LODGE, LLC:** Gunnison County Clerk and Recorder Stella Dominguez and applicants Tom and Levi McLeod were present for discussion.

1. Open Public Hearing. Chairperson Channell opened the Public Hearing at 11:54 am.
2. Public Notice Confirmation. Gunnison County Clerk and Recorder Dominguez confirmed that the Public Hearing had been properly public noticed.
3. Identify Ex Parte Communications. There were no ex parte communications identified.
4. Staff Presentation. Gunnison County Clerk and Recorder Dominguez explained that Mr. McLeod has had the license for a long time. The change requested would add his children to the license.
5. Applicant Presentation. N/A.
6. Board Questions. Chairperson Channell asked whether or not the license had lapsed. Gunnison County Clerk and Recorder Dominguez confirmed that it had, which is why a new application was submitted. The associated fee would be for a new license, not a renewal.
7. Public Comments. Chairperson Channell opened the Public Hearing to comments at 11:56 am, but there were no comments received.
8. Acknowledge Correspondence Received. No additional correspondence was identified.
9. Applicant Response. N/A.
10. Close Public Hearing. Chairperson Channell closed the Public Hearing at 11:57 am and immediately reconvened the Gunnison County Board of County Commissioners Meeting.

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to approve the Liquor License Application for Black Mesa lodge, LLC and authorize any and all signatures. Motion carried unanimously.

**NOTICE FROM SG INTERESTS I, LTD. PURSUANT TO C.R.S. 29-20-203; AUTHORIZATION OF RESPONSE PURSUANT TO C.R.S. 29-20-204; POSSIBLE EXECUTIVE SESSION; POSSIBLE ACTION:** County Attorney Baumgarten was present for discussion. Special counselor Barbara Green was available for discussion via telephone.

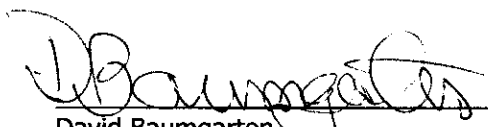
County Attorney Baumgarten requested that he and the Board enter into an executive session with the County Manager and Ms. Green so that he and Ms. Green could explain the statutes within the notice, along with what the Board's response ought to be. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to go into an executive session for the reasons outlined by the County Attorney with those present. Motion carried unanimously.

The board went into executive session at 11:59 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: 11/2/11

  
 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).

Date: 11/15/2011

  
 Hap Channell, Chairperson  
 Gunnison County Board of Commissioners

The Board came out of executive session at 12:10 pm. Chairperson Channell 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 confirmed that no contemporaneous recording was kept since the communication was protected by attorney-client privilege.

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland, pursuant to C.R.S. 29-20-204-1-b, to direct our staff and attorneys to inform the property owner that the conditions imposed are required. Motion carried unanimously.

**COLORADO COUNTIES, INC. (CCI) 2011 LEGISLATIVE COMMITTEE MEMBER APPOINTMENT:**

**Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to appoint Chairperson Channell (to the CCI 2011 Legislative Committee). Motion carried unanimously.

**ANNUAL PERSONNEL REVIEW; COUNTY ATTORNEY DAVID BAUMGARTEN; POSSIBLE EXECUTIVE SESSION:**

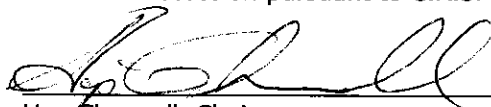
County Attorney Baumgarten was present for discussion and requested an executive session with the Board. **Moved** by Commissioner Chamberland, seconded by Commissioner Swenson to go into executive session. Motion carried unanimously.

The board went into executive session at 12:13 pm. *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)(f).*

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: 11/15/2011

  
 Hap Channell, Chairperson  
 Gunnison County Board of Commissioners

The Board came out of executive session at 12:30 pm. Chairperson Channell confirmed that the discussion remained on-topic, that all parties stated to be in attendance were, in fact, in attendance, that no decisions were made, and that a contemporaneous electronic recording of the session was kept.

**BREAK:** The meeting recessed from 12:31 until 1:00 pm.

**VISITORS; GUNNISON VALLEY HEALTH (GVH) BOARD OF TRUSTEES (BOT); TOPICS OF MUTUAL INTEREST:** GVH CEO Randy Phelps, GVH Senior Care Center Administrator Wade Baker and GVH Interim Chief Financial Officer Paul Zuidema were present for discussion along with GVH BOT Chairperson Dr. Bob Brickman and BOT members Terry Bonney, Ronda Conaway, Cathie Elliot and Fred Haverly. Local physicians Dr. Jay Wolcov and Dr. Loretta Garren were also in attendance. BOT member Jim Valenzuela arrived during the discussion.

A detailed report was provided by GVH to the Board prior to the meeting. The report was included within the meeting packet of materials.

Gunnison Valley Health Financial Issues:

1. Current Financials. Mr. Zuidema stated that the hospital is in good financial shape with a fund balance of \$257,376 compared to the budgeted fund balance of \$19,950. The Gunnison Living Community is also doing fine, but the income is down approximately \$3,000 from what was budgeted. The Assisted Living facility is full and six people are on the waiting list. 2011 projections indicate a \$424,583 profit for the hospital.
2. Projected Future Outlook Per New Health Care Laws.
  - a. Physician Recruitment. Mr. Phelps explained that the community is currently short at least two full-time primary care physicians. In May, he started the recruiting process as authorized by the BOT with a \$30,000 allowance. He contracted with a recruitment firm, which resulted in candidates to consider. However, GVH will need to augment each physician's income by about \$100,000 annually. Chairperson Channell asked if the augmentation figure can be customized for our local area. Dr. Brickman indicated that it could, but that it is more expensive to live here than in a metropolitan area. Dr. Garren and Dr. Wolcov agreed that Emergency Room revenue is needed to sustain private practices, especially considering the additional mandates that cost money, and that the area may need only one family practice clinic so that overhead can be shared. Ms. Bonney stated that GVH could provide the space for all local physicians to combine into one clinic. She also believes that part-time physicians could be employed in this manner. Dr. Brickman informed the Board that the BOT will hold a strategic retreat sometime in September with a facilitator that specializes in hospital/physician relationships.
  - b. Senior Care Center Master Plan. Mr. Phelps informed the Board that it will cost approximately \$12,000,000 to replace the existing senior care center and operate the new facility.
  - c. Information Technology Mandates. Mr. Phelps informed the Board that the necessary infrastructure will cost approximately \$2,000,000. The work will begin in 2012 so that GVH will be in compliance with electronic medical information mandates.
  - d. Medicare and Medicaid Payments and Reimbursement Reductions. Mr. Phelps informed the Board that GVH is facing many financial threats due to changes in Medicare and Medicaid.
3. Contract Obligations in Excess of Revenues. Mr. Phelps informed the Board that the Emergency Room is losing money on ER physician coverage (\$260,000), Orthopedic Surgeon emergency calls (\$540,000), and to have an Anesthesiologist available (\$114,000). Additionally, the ambulance service costs GVH \$620,000 more than what is collected for the service. He noted that ambulance service is normally handled by a district such as the fire department, not a hospital. The audit has flagged ER costs as a major issue.
4. Primary Care Physicians. Mr. Phelps stated his belief that the area may be short four or five physicians by 2015, so they are recruiting on a national scale. Ms. Bonney stated that a lot of areas will contract ER services and management to an ER group. Dr. Wolcov reiterated his earlier statement that local family practice physicians need the income provided by ER coverage. GVH evaluated the idea of contracting ER services and management, but found that it would cost almost double what is currently paid to local physicians. Dr. Garren stated her hope that the new plan will include the physicians that have lived and worked here for many years, and Mr. Phelps confirmed that any plans would integrate existing physicians. Mr. Phelps stated that the compensation paid to ER physicians is per the fair market value. Ms. Bonney indicated that Dr. John Bishop has worked without payment by GVH since 2004.
5. Assisted Living Facility Financials. Mr. Baker stated that this year's revenue should increase due to the addition of two more residents.
  - a. Assisted Living Facility Management. Mr. Baker confirmed the BOT's intent to continue to manage the facility in light of the improved financial performance. The BOT hopes to be able to construct a replacement building. Dr. Brickman indicated that consultants foresee a change in the criteria for accepting clients.
  - b. Senior Care Center/Assisted Living Facility "Master Plan". Mr. Baker stated that GVH has been working with the Buckley Group, a consultant firm, and is anticipating almost full occupancy in the new building. Prior to April 2012, GVH will need to update census projections, work with an architect to update construction costs, develop new financials, begin a community education campaign, perform another community-wide survey, and secure financing before placing the item on the 2012 ballot. Mr. Baker asked the Board if the County would like additional measures. Dr. Brickman stated his belief that the public doesn't fully understand the medical limits of the current facility, and that he would like

to initiate a discussion between the BOT and the Gunnison Home Association. Chairperson Channell agreed and asked that this meeting be listed among the action items. Commissioner Swenson requested that the Housing Authority be included in any discussions and that the community survey be accomplished well before the plan is completed.

- c. Communication Issues and Response to Public. Mr. Phelps stated his commitment to meeting more frequently with the Board. Chairperson Channell agreed that the Board and the BOT need to meet for open discussions.
- d. Future Regular Meetings. Dr. Brickman recommended that the BOT meet with the Board on a quarterly basis and all present agreed. The meetings will begin in November.

**GUNNISON COUNTY LIBRARY DISTRICT; ELECTION RESOLUTION:** Library District Executive Director Larry Meredith and County Attorney Baumgarten were present for discussion.

Mr. Meredith stated that the District is asking for the ability to take up to 3.5 mills, while it only anticipates taking 1 mill in the first year, and 2 mills in the second year. The District passed a resolution that didn't include the mill issue. County Manager Birnie stated his concern about the potential long-term effects of eliminating the regulator.

Mr. Meredith stated that the District will likely try again in 2012 if the ballot measure doesn't pass in 2011. He acknowledged that the District is aware of various voter concerns.

Chairperson Channell acknowledged that the proposed resolution was not in the County's regular format since it was created by the District. County Attorney Baumgarten suggested that the Board take a vote on the resolution subject to his office formatting the document. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to adopt Resolution #2011-30, subject to reformatting to our (the County's) normal format and Library Board approval and authorize signatures. Motion carried unanimously.

**DEPUTY COUNTY ATTORNEY SELECTION:** County Attorney Baumgarten was present for discussion.

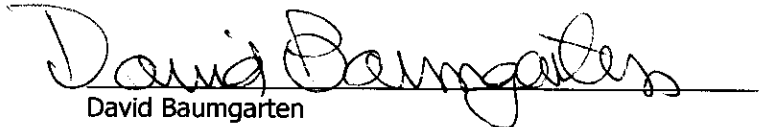
County Attorney Baumgarten requested an executive session with the Board and County Manager Birnie so that he could instruct negotiators on this selection. Since this discussion would not be subject to the attorney-client privilege, an audio recording would be kept. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to go into executive session for the reasons outlined by the County Attorney. Motion carried unanimously.

The board went into executive session at 2:56 pm. *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)(e).*

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: 11/21/11

  
 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).

Date: 11/15/2011

  
 Hap Channell, Chairperson  
 Gunnison County Board of Commissioners

The Board came out of executive session at 3:03 pm. Chairperson Channell 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 Swenson, seconded by Commissioner Chamberland to direct the County Attorney to negotiate into a contract for employment with Art Trezise for the Assistant (Deputy) County

Attorney position and authorize the Chairperson's signature if such contract is negotiated. Motion carried unanimously.


**CORRESPONDENCE:**


1. Request for Support; Saguache County Board of County Commissioners; Cochetopa Scenic Byway Project. **Moved** by Commissioner Swenson, seconded by Commissioner Chamberland to send the letter of support for the Cochetopa Scenic Byway Designation proposal. Motion carried unanimously.

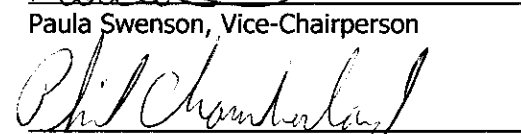
**UNSCHEDULED CITIZENS:**

1. Richard Karas. Mr. Karas requested that the Board consider placing meeting packets online for public access. He noted that the City of Gunnison has been handling electronic distribution of meeting packets for years. Clerk to the Board Haase, who also serves as the County's webmaster, indicated that this shouldn't be a problem, but that IT Director Mike Lee would need to be consulted before moving forward with the request to ensure that the County's website service is capable of the storage demands. The Board agreed with the assessment.

**ADJOURN:** **Moved** by Commissioner Swenson, seconded by Chairperson Channell to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 3:09 pm.

  
\_\_\_\_\_  
Hap Channell, Chairperson

  
\_\_\_\_\_  
Paula Swenson, Vice-Chairperson

  
\_\_\_\_\_  
Phil Chamberland, Commissioner

Minutes Prepared By:

  
\_\_\_\_\_  
Katherine Haase, Deputy County Clerk

Attest:

\_\_\_\_\_  
Stella Dominguez, County Clerk