AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Resolution; Repealing Previously Adopted Gunnison

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Please see the attached.

Fiscal Impact: N/A

Submitted by: Katherine Haase **Submitter's Email Address:** khaase@gunnisoncounty.org

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns, ln.

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 9/28/2018

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok db 9/28/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 9/28/2018 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 9/28/2018

(●) Consent Agenda ( ) Regular Agenda ( ) Worksession Time Allotted: 0

Agenda Date: 10/2/2018

Revised April 2015

BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
RESOLUTION NO. 2018-___

A RESOLUTION REPEALING/RESCINDING PREVIOUSLY ADOPTED GUNNISON COUNTY POLICIES

WHEREAS, Gunnison County has established a uniform policy format and an adoption and periodic review process to promote consistency and uniformity throughout the organization; and

WHEREAS, during a review of previously adopted policies, Gunnison County has determined that some of those policies should be rescinded/repealed due to the inclusion of language that is in conflict with other adopted policies, or because of their general obsolete nature; and

WHEREAS, rescission/repeal of these policies, due to their nature, might inadvertently not occur via the adoption of current and related policies in the future; and

WHEREAS, the rescission/repeal of these policies does not create any lapses in guidance for the organization's employees or the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners (BOCC) of Gunnison County, Colorado that rescission/repeal of the following policies is effective with the passage of this resolution:

1. Resolution #1988-18; *A Resolution Concerning the Use of Seat Belts by County Employees* (Exhibit A).
   Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".

2. Resolution #1988-19; *A Resolution Affirming Employee Safety as a Policy of Gunnison County* (Exhibit B).
   Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".

3. Resolution #1989-16; *A Resolution Adopting a Drug-Free Workplace Policy for Gunnison Count Employees* (Exhibit C).
   Reasoning: In 2010, the Department of Labor ended the Drug-Free Workplace Program, which was used as the basis for the original policy. Relevant portions of the policy were updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".

4. Resolution #1989-18; *A Resolution Concerning the Operation of Aircraft by County Employees.* (Exhibit D).
   Reasoning: This policy has been verified with Gunnison County's insurance carrier and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".

5. Resolution #1990-43; *A Resolution Designating Certain Activities as Special Development Projects and Adopting Regulations to Regulate and Govern Such Projects* (Exhibit E).
   Reasoning: County Attorney David Baumgarten confirmed that this resolution was rendered moot via the adoption of the 1041 regulations.

6. Resolution #1991-8; *A Resolution Authorizing the Treasurer to Segregate Interests from Investments of Certain Monies and Revoking Certain Previous Resolutions* (Exhibit F) and Resolution #1991-24; *A Resolution Amending Resolution No. 91-8* (Exhibit G).
   Reasoning: County Treasurer Debbie Dunbar confirmed that this fund no longer exists and there is no need to reestablish it, thus the County Attorney suggested that the resolution be rescinded.

7. Resolution #1991-26; *A Resolution Setting Forth a Procedure for Payment of Refund of Interest* (Exhibit H).
   Reasoning: County Treasurer Debbie Dunbar confirmed that this process has changed substantially, and County Attorney David Baumgarten confirmed that the process need not be formalized by resolution, thus he suggested that the resolution be rescinded.

8. Resolution #1994-18; *(No Title on Document)* (Exhibit I) and Resolution #1994-24; *Approving the Amendment of the Gunnison County Special Development Project Regulations to Include Projects of Recreational Development* (Exhibit J).
   Reasoning: County Attorney David Baumgarten confirmed that these regulations were rendered moot via the adoption of the 1041 regulations.

9. Resolution #1995-9; *A Resolution Regarding Payment of Share of Costs of Health and Life Insurance Premiums of Elected Officials* (Exhibit K).
   Reasoning: In January 2017, concurrent with a legislative increase in pay for elected officials, all newly elected Gunnison County officials began paying the same share as other benefit-eligible employees for their health and life insurance benefits.

10. Policy #1998-1; *Gunnison County Electronic Communications Policy* (Exhibit L).
    Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled “Gunnison County Employee Handbook”.

11. Policy #2004-1; *Computer Policy* (Exhibit M).
    Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled “Gunnison County Employee Handbook”.

12. Resolution #2004-23; *A Resolution Establishing a Policy Regarding Smoking on County Property* (Exhibit N).
    Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled “Gunnison County Employee Handbook”.

13. Policy; *Recording of Work Sessions* (Exhibit O).

Reasoning: The BOCC discussed this policy on 1/25/2005 and later approved it on 2/1/2005, but an actual policy document has not been located. The County Attorney's Office determined that the policy is not statutorily required. Further, the process outlined in the BOCC meeting minutes does not align with current practices.

14. Policy; *County's Drug Testing Policy for CDL Drivers* (Exhibit P).
    Reasoning: The BOCC approved this policy on 1/17/2006, but an actual policy document has not been located. Public Works Director Marlene Crosby confirmed that a separate policy is not necessary because those of her employees who maintain commercial driver licenses already adhere to a federally mandated drug-testing policy and a separate set of procedures.

15. Resolution #2007-13; *A Resolution Adopting a Policy and Procedure for Insurance Coverage of Personal Tools Used for County Business* (Exhibit Q).
    Reasoning: This policy has been updated and incorporated into the aggregate set of policies entitled "Gunnison County Employee Handbook".

INTRODUCED by Commissioner _____, seconded by Commissioner _____, and adopted this 2nd day of October, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Commissioner

_____
John Messner, Commissioner

Attest:

_____
Deputy County Clerk

Exhibit A

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 88-18

A RESOLUTION CONCERNING THE USE OF SEAT BELTS BY COUNTY EMPLOYEES.

BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that effective immediately all operators, drivers and passengers of Gunnison County motorized equipment and vehicles, and all operators of personal vehicles used for Gunnison County business are hereby required to use safety belts as equipped for that particular vehicle in accordance with state or federal law. This resolution shall not apply to heavy equipment being operated in situations where use of seatbelts are not required or may, in fact, interfere with the safe operation of the vehicle.

INTRODUCED by Commissioner Field, seconded by Commissioner Simsdorf, and passed this 19th day of July, 1988.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Dave Simsdorf
Chairman

Attest:

Joanne M. Rentiger
Clerk

Exhibit B

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 88-19

A RESOLUTION AFFIRMING EMPLOYEE SAFETY AS A POLICY OF GUNNISON COUNTY.

WHEREAS, employees are the most important asset of any organization including Gunnison County government; and

WHEREAS, this Board wants to provide its employees with a workplace free of recognized hazards which may cause injury, illness or death; and

WHEREAS, everyone has a vital role in the provision of a safe workplace;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that all employees and elected officials are required to make safety a vital part of every work effort. Each person is equally responsible for following this policy, for carrying out his or her work in a safe and proper manner that will protect him or herself and co-workers. Each employee is directed to care for and conserve other County resources including equipment, vehicles, buildings and supplies. Each employee is directed to call to the attention of his or her supervisor any job condition or job procedure which may be unsafe and a hazard to life, health or property.

INTRODUCED by Commissioner Field, seconded by Commissioner Leinsdorf, and adopted this 19th day of July, 1988.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Dave Leinsdorf
Chairman

Attest:

Joanne M Rentzer
Clerk

Exhibit C

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 89-16

A RESOLUTION ADOPTING A DRUG-FREE WORKPLACE POLICY FOR GUNNISON COUNTY EMPLOYEES.

WHEREAS, Congress has enacted the Drug-Free Workplace Act of 1988 which requires that all federal grant recipients certify to the granting agency that they will ensure a drug-free workplace in order to maintain their grants and eligibility; and

WHEREAS, this Board recognizes the dangers and problems resulting from drug abuse and their affect upon all employees, not just abusers, and upon County operations; and

WHEREAS, this Board has received and reviewed the recommendation of the Gunnison County Personnel Board;

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

1. The attached Drug-Free Workplace Policy is hereby adopted, effective immediately, and incorporated as part of the Gunnison County Personnel Rules.

2. Each employee shall be required to sign an acknowledgement of receipt and understanding of said Policy.

3. The administrative staff is hereby directed to take such steps as are necessary to implement and maintain an effective drug awareness program to educate County employees on the dangers of drug use in the workplace and arrange for counseling for employees who have a substance dependency problem.

4. The County Manager is hereby designated as the County's representative responsible for reporting to the federal agency of violations. All convictions pursuant to said Policy/Acknowledgement must be reported to the County Manager.

5. The "Gunnison County Personnel Rules", adopted by this Board on February 21, 1989 by Resolution No. 89-10, are hereby amended by the addition of the following language:

Original

RESOLUTION NO. 89-16
page 2

10-5 Drug-Free Workplace Policy. Gunnison County has adopted a drug-free workplace policy. Each employee shall be required to sign an acknowledgement of receipt and understanding of said policy. All convictions pursuant to said policy must be reported to the County Manager within 5 days.

INTRODUCED by Commissioner Petri, seconded by Commissioner Field, and adopted this 2nd day of May, 1989.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Daniel Gunnsdorf
Chairman

Attest:

Joanne M Reutinger
Clerk

GUNNISON COUNTY, COLORADO

DRUG-FREE WORKPLACE POLICY

In accordance with the Drug-Free Workplace Act of 1988, the County of Gunnison, as a federal grant recipient, is required to certify to the granting agency that we will ensure a drug-free workplace. Failure to comply with this requirement could result in suspension of the grant payments or termination of the grant payments or both. This requirement presents both a necessity and an opportunity to take immediate action to eliminate drug abuse from the workplace. To that end, the following policy is effective immediately.

STATEMENT OF POLICY

It is the policy of the County of Gunnison to prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance during County time or on County property or other work sites where County employees may be assigned. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture or transfer of controlled substances during non-working time to the extent such use impairs an employee's ability to perform his or her job or where such use, sale, possession, distribution, manufacture or transfer affects the reputation of the County to the general public or threatens its integrity.

Any employee found in violation of the above-stated policy will be subject to disciplinary action, up to and including termination for a first offense.

Excluded are prescribed drugs when used in the manner, combination and quantity intended unless job performance could be affected. Employees who must use an over-the-counter or prescription drug that causes adverse side effects or may affect ability to

perform work in a safe and productive manner must notify his or her supervisor prior to starting work. The supervisor or manager, after proper inquiry, will decide if the employee can remain at work and what work restrictions, if any, are deemed necessary.

Compliance with the above-stated policy is a condition of employment for all employees of the County of Gunnison. Further, any employee who is convicted under a criminal drug statute for a violation occurring in the workplace or who pleads guilty or *nolo contendere* to such charges must notify the County Manager within five (5) days of such conviction or plea. Failure to do so will result in disciplinary action, which may include termination from employment for a first offense. Employees convicted or who plead guilty or *nolo contendere* to such drug-related violations are subject to termination and/or mandatory attendance and successful completion of a drug abuse assistance or similar program as a condition of continued employment.

ADOPTED MAY 2, 1989
BOARD OF COUNTY COMMISSIONERS OF
GUNNISON COUNTY, COLORADO

ACKNOWLEDGEMENT: I have received a copy of Gunnison County's Drug-Free Workplace Policy. I understand that in order to continue my employment with the County of Gunnison I must abide by the terms of that policy. I agree to notify the County of any criminal drug statute conviction or plea of guilty or *nolo contendere* for a violation occurring in the workplace no later than five (5) days after such conviction or plea.

Signed _____

Date _____

Exhibit D

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 89-18

A RESOLUTION CONCERNING THE OPERATION OF AIRCRAFT BY COUNTY EMPLOYEES.

WHEREAS, the insurors for Gunnison County have determined that Workmens Compensation insurance is not available for county employees operating aircraft in the course of their employment; and

WHEREAS, this Board has determined that the expense of obtaining special Workmens Compensation coverage for such employees is excessive;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that the operation of private aircraft by County employees in the course of their duties for the County is hereby prohibited. This resolution shall not be construed to prevent County employees from utilizing the services of commercial charter aircraft or commercial airlines nor shall it be construed to prohibit the use of private aircraft for private purposes.

INTRODUCED by Commissioner Field, seconded by Commissioner Petri, and adopted this 2nd day of May, 1989.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By _____
Chairman

Attest:

_____
Clerk

Exhibit E

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 43
SERIES 1990

A RESOLUTION DESIGNATING CERTAIN ACTIVITIES AS SPECIAL DEVELOPMENT PROJECTS AND ADOPTING REGULATIONS TO REGULATE AND GOVERN SUCH PROJECTS

WHEREAS, this Board is empowered to regulate the development and use of land by, inter alia, Sections 24-32-111, 24-65.1-101 et seq., 29-20-101 et seq., 30-11-101 et seq., 30-20-101 et seq., 30-28-101 et seq., and 30-30-101 et seq., C.R.S.; and

WHEREAS, this Board has held a public hearing upon notice as required by law; and

WHEREAS, this Board, in connection with such public hearing, has considered:

(a) the intensity of current and foreseeable development pressures within the County; and

(b) applicable guidelines designating matters of state interest issued by the Colorado Land Use Commission;

(c) reasons why special procedures are appropriate for the identification, designation, and regulation of special development projects within unincorporated areas of the County; and

(d) All testimony, exhibits, and other materials presented at the hearing.

NOW, THEREFORE, the Board of County Commissioners of Gunnison County, Colorado, finds as follows:

A. The Gunnison County Regulations for Special Development Projects ("Regulations"), attached as Exhibit A, are hereby incorporated by reference.

B. All applicable notice, hearing, and other legal requirements have been followed;

C. The general purpose of these Regulations is to facilitate the identification, designation, and regulation of special development projects consistent with applicable statutory requirements.

D. The specific purposes and intent of these Regulations are as follows:

(1) To promote the health, safety, and general welfare of the citizens of Gunnison County ("the County");

(2) To encourage and strengthen the established industries of agriculture, mining, tourism, recreation and education;

(3) To plan for adequate transportation, water, wastewater treatment, electricity, telephone, schools, parks and other similar facilities, and to provide for the phased development of such services and facilities;

(4) To protect the beauty of the landscape and the rural character of the County, to enhance recreational opportunities for residents and visitors, to preserve important archeological and historic sites and significant wildlife habitat, to protect air and water quality, and to conserve soil, water and forestry resources;

(5) To protect and enhance the economic strength of the private and governmental sectors of the County;

(6) To regulate projects that would otherwise cause excessive noise, water, and/or air pollution, or which would otherwise degrade or threaten the existing environmental quality within the County;

(7) To ensure, to the maximum extent practicable, that growth will pay for itself, and to ensure that the present residents do not have to subsidize new

growth and development through increased taxes and/or degradation of their existing quality of life;

(8) To plan for and regulate the site selection, construction, development, and operation of special development projects and to provide for the planned and orderly use of land and the protection of the environment; and

(9) To ensure that special development projects are sited, constructed, developed, and operated in a manner that is consistent with the land use policies set forth in Article 2, Part 1 of the Gunnison County Land Use Resolution.

E. These regulations are necessary because of the intensity of current and foreseeable development pressures on and within the County; for the health, welfare and safety of the people of the County and the State of Colorado; and for the protection of the environment of the County and the State of Colorado;

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

Section 1: Designation of Special Development Projects. The following activities are designated as special development projects when undertaken in unincorporated areas of the County:

a. A proposed development, including all of its components and assorted elements, that involves either:

(1) a municipal or industrial water project;

(2) a major new domestic water or wastewater treatment system;

(3) a major extension of an existing domestic water or wastewater treatment system;

(4) a major facility of a public utility;

(5) a private power project; or

(6) a mining operation;

b. and that will either:

(1) result in additional direct and indirect employment within the County, whether temporary or permanent, equal to at least two percent (2%) of the County's permanent population at the time of the application, or

(2) involve total capital expenditures of more than ten million dollars ($10,000,000) arising from the development of project components and associated elements within the County, or

(3) increase the population of the County, whether temporarily or permanently, by at least five percent (5%).

Section 2: Adoption of Regulations. The Regulations are adopted as County regulations and will hereafter apply to all unincorporated areas of the County effective immediately.

Section 3: Regulations Superseded. The Regulations supersede the regulations governing matters of state interest adopted by the Board through Resolution No. 88-30 (Oct. 4, 1988), amending Resolution No. 23, Series 1987.

Section 4: Permit Required. From and after the date of this Resolution, no person shall commence construction of a special development project within the unincorporated areas of the County without first having obtained a permit from this Board in accordance with the Regulations.

Introduced by Commissioner Mario Petri, seconded by Commissioner Fred Field, and adopted this 19 day of December, 1990

GUNNISON COUNTY, COLORADO
by and through its
BOARD OF COUNTY COMMISSIONERS

By: _____

Attest:

_____
Clerk

Further Edits to the Draft Regulations for Special Development Projects

1. Delete the word "DRAFT" from the title page and change the date from November 13, 1990, to December 19, 1990.

2. The definition of CLUC on page 5 should be revised as follows: The Colorado Land Use Commission or other agency subsequently designated by the Legislature to assume the duties of the Colorado Land Use Commission.

3. The following language should be inserted at the end of the definition of matters of state interest on page 8: as listed in Section 24-65.1-201(1), -(203)(1), C.R.S.

4. A new definition should be inserted as follows after the definition of net effect on page 8:

> PERMANENT POPULATION. The permanent population of the County as determined by the State of Colorado.

5. The words "water supply" should be inserted immediately before the word "standard" in the definition of recycling on page 9.

6. Subsection (a)(7) of the definition of special development project on page 10 should be revised as follows: any matter of state interest as hereafter designated by the Board pursuant to Part 2 of these regulations.

7. Subsection (b)(2) of the definition of special development project on page 10 should be revised as follows: involve total capital expenditures of more than ten million dollars ($10,000,000) arising from the development of project components and associated elements within the County, or.

8. A new Section 2-101 should be added on page 11, and the current Sections 2-101 through 2-110 should be renumbered as Sections 2-102 through 2-111. New Section 2-101 should read as follows:

> 2-101. <u>Scope</u>.
>
> This Part 2 sets forth the process for designating matters of state interest. It does not apply to the initial designation of municipal and industrial water projects, major new domestic water and wastewater treatment systems, major extensions of existing domestic water and wastewater treatment systems, major facilities of public utility, private power projects, and mining operations, all of which have previously been designated by the Board.

9. In Section 2-102 on page 11, the phrase "receipt by the County" should be inserted in place of the term "initiation".

10. Subsection 4-102 on page 16 should be substantially revised as follows:

4-102. Determination of Whether a Proposed Development Constitutes a Special Development Project.

If there is any uncertainty of disagreement, the Board will administratively determine whether a proposed development constitutes a special development project, after receiving a recommendation on the issue from the Commission.

(1) This determination may be initiated by the request of the Board, the Commission, the Department, or the developer.

(2) For the purpose of this determination, the Board may require the developer to provide the following information:

-- a description of the proposed development;

-- the additional employment within the County, direct and indirect, temporary and permanent, that is projected to result from the development;

-- the total capital expenditures that are expected to arise from that portion of the development that is within the County; and

-- the increase in County population, temporary and permanent, that is projected to result from the development.

(3) The Commission will recommend whether the proposed development constitutes a special development project, and within thirty (30) days after receiving this recommendation, the Board will make its determination. For this purpose, the developer will have a burden of proving that the proposed development does not constitute a special development project.

11. The word "and" should be inserted at the end of the last line on page 17.

12. The words "and designations" should be inserted after the word "classifications" in Section 4-403(5)(a)(1)(e) on page 27.

13. Section 4-403(5)(a)(1)(f) on page 27 should be redesignated as (g) and a new (f) should be inserted as follows:

(f) All instream flow requirements that apply to the surface waters, including all instream flow filings by the Colorado Water Conservation Board and all minimum bypass requirements of the U.S. Forest Service.

14. A new subsection 4-403(5)(j)(3) should be added on page 31 as follows:

(3) Description of the impact and net effect of the soil and geologic conditions in the development area on the proposed project, including the impact and net effect of earthquakes, floods, fires, snow slides, avalanches, rockslides, land slides, subsidence and expansive soils and rocks.

15. Subsection 4-403(5)(1)(3) on page 35 should be deleted and subsections 4-403(5)(1)(4)-(6) should be renumbered as subsections (3)-(5).

16. Subsection 4-403(5)(q) on page 37 should be redesignated as (p).

17. In Section 5-202(1) on page 52 the following language should be inserted after the term "for" in the third line: development of domestic water and.

18. Section 5-303(2)(a) on page 58 should read as follows: All of the events specified in subparts 5-303(1)(a)-(c) have occurred; or.

19. A new Section 6-106 should be added to the Table of Contents and on page 63 as follows:

6-106. <u>Failure to Provide Notice</u>.

The failure of the County to provide written notice to any person as required by these regulations shall not constitute a material violation of the regulations or invalidate any action taken at or in connection with the proceeding or event which was the subject of the notice; provided, that the Board has made a reasonable effort to provide written notice as required by the regulations and has published a notice of the pertinent proceeding or event as required by the regulations.

Exhibit F

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 91-6

A RESOLUTION AUTHORIZING THE TREASURER TO SEGREGATE INTERESTS FROM INVESTMENTS OF CERTAIN MONIES AND REVOKING CERTAIN PREVIOUS RESOLUTIONS

WHEREAS, Colorado Revised Statutes 30-10-710 provides, in part, that interest gained through the investment of county funds, regardless of the origin of such funds, may be credited to the General Fund "unless such investment is made from specific funds allocated for a definite purpose and so maintained"; and

WHEREAS, it is the desire of this Board that the interest gained from the investment of certain funds be credited back to those funds;

WHEREAS, this Board had previously passed resolutions which directed the County Treasurer and the County Finance Office to deposit back to certain funds all the interest gained from investments of the monies from those certain funds;

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

1. The County Treasurer is hereby directed to deposit back into the following funds all interest gained from the investment of monies from the respective funds:

Reserve account within the General Fund:
    Water Resources Protection Fund
Road and Bridge Fund
Reserve accounts within the Road and Bridge Fund:
    Improvement Fund (CYMC-Marble Road)
    Resurfacing Fund (CYMC-Marble Road)
Conservation Trust Fund
Sales Tax Revenue Bonds, Interest and Bond Retirement Fund (Series 1985)
Sales Tax Revenue Bonds, Interest and Bond Retirement Fund (Series 1986)
Capital Improvement Fund
Airport Construction Fund
Reserve Account Within the Landfill Fund:
    Landfill Closure Cost Reserve
Dos Rios Reserve Fund
Employees' Health Insurance Trust Fund

2. All remaining interest gained from the investment of County funds may be credited to the County General Fund.

3. The previously-enacted resolution directing the distribution of interest to various funds - namely Resolution No.2, Series 1991 - is hereby cancelled and revoked as of January 1, 1991, and the provisions of this resolution shall supersede the previous resolutions.

4. The effective date of this resolution shall be January 1, 1991.

INTRODUCED by Commissioner Santarelli, seconded by Commissioner Petri, and adopted this 16th day of April, 1991.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By _____
Chairman

Attest:

_____
Clerk

Exhibit G

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 91-24

A RESOLUTION AMENDING
RESOLUTION NO. 91-8

WHEREAS, the Board of County Commissioners of Gunnison County has previously enacted Resolution No. 91-8 authorizing the Gunnison County Treasurer to segregate interest from investments of certain monies and deposit back to certain funds all the interest gained from investments of the monies from those certain funds; and

WHEREAS, certain monies are received by the Gunnison County Sheriff, pursuant to C.R.S. 16-13-506, from seizures and forfeitures, for the specific purposes of law enforcement activities;

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

1. Resolution No. 91-8 be and is amended to further direct the Gunnison County Treasurer to maintain a separate fund, denominated the Sheriff's Seizure Fund, for all the funds received by the Gunnison County Sheriff from seizures and forfeitures pursuant to C.R.S. 16-13-506, and to deposit back to that Sheriff's Seizure Fund all the interest gained from investments of the monies from that Sheriff's Seizure Fund.

2. The effective date of this resolution shall be July 2, 1991.

INTRODUCED by Commissioner Ritri, seconded by Commissioner Santarelli, and adopted this 2nd day of July, 1991.

Exhibit 2

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By _____
Chairman

Attest:

_____
Clerk

Exhibit H

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 91-26

A RESOLUTION SETTING FORTH A PROCEDURE
FOR PAYMENT OF REFUND INTEREST

WHEREAS, pursuant to Colorado statue, it becomes necessary from time to time for certain tax/interest refunds to be paid; and

WHEREAS, the Board of County Commissioners of Gunnison County and the County Treasurer of Gunnison County desire that a written procedure be established for those payments;

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

1. Subsequent to approval by the Board of tax/interest refunds, the County Treasurer will process payments to the appropriate individuals and/or entities;

2. The County Treasurer will notify in writing the Gunnison County Finance Department of the amount of any such payments by recording a debit entry on the monthly Cash Receipts Report;

3. All such payments shall be charged against account number 01-11-00-4691 "Treasurer's Redemption".

4. This Resolution shall be effective April 1, 1991.

INTRODUCED by Commissioner Sustarsic, seconded by Commissioner Petri, and adopted this 16th day of July, 1991.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Hal R. Trull
Chairman

Attest:

Jeanne M. Gentinger
Clerk

Exhibit I

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

RESOLUTION NO. 18 SERIES 1994

WHEREAS, the Board of County Commissioners of Gunnison, Colorado has, in the normal course of business, reviewed the Gunnison County Regulations for Special Development Projects as adopted December 19, 1990, and determined that language has been inadvertently omitted from those Regulations enabling a process of review and amendment other than designation of new matters of state interest; and

WHEREAS, such review and amendment language exists in the Gunnison County Land Use Resolution, and is consistent with usual and desired language of such regulatory documents, and is necessary to maintaining currency of such documents; and

WHEREAS, the Board finds that the addition to the Gunnison County Regulations for Special Development Projects of such review and amendment language is necessary and appropriate; and

NOW, THEREFORE, THIS BOARD RESOLVES that the following language shall hereby, with the adoption of this Resolution, be added to, and incorporated in the Gunnison County Regulations for Special Development Projects, as a new and separate Part:

PART 7

AMENDMENT AND REVIEW

7-101. Amendment. These Regulations may be amended by the Board in accordance with the provisions of this section, except that all designations of matters of state interest and related application requirements and permitting criteria shall be made pursuant to Part 2 of these Regulations. These Regulations will occasionally be reviewed by the Planning Commission to determine if they are adequately meeting the needs and requirements of Gunnison County. Failure to review these Regulations shall not affect their validity.

(1) Initiation and Review.

Such review and amendment procedure may be initiated either by a recommendation of the Planning Commission, or by a motion of the Board, in the following manner:

(a) Board Initiative.

(1) Board Motion. The Board may initiate review and/or

amendment of these Regulations by motion, requesting the Planning Commission to conduct such process.

(2) Planning Commission Response. Within thirty-five (35) days of receipt of the Board's proposal for amendment, the Commission shall submit its recommendations for approval or disapproval and any relevant comments thereon. If the Commission determines additional time is necessary in which to consider such proposal, a request for additional study, extended to a date certain, may be submitted to, and approved by the Board.

(b) Planning Commission Initiative. The Commission may initiate the review and amendment process by recommending amendment(s) in written form to the Board, stating the reason(s) therefore.

(2) Public Hearing.

Upon receipt of the recommendation of the Commission, the Board shall schedule a public hearing on the proposed amendment(s), to these Regulations. Notice of said public hearing setting forth the time, place and purpose thereof shall, at a minimum, be published once in the official county newspaper thirty (30) days prior to the date set for the public hearing.

(3) Decision.

The Board, after due consideration of the Planning Commission recommendation and of public testimony, may modify the proposed amendment language, and shall approve or deny same. Any amendment shall require the affirmative vote of a majority of the membership of the Board.

THIS RESOLUTION is effective as of this date of adoption, as moved by Commissioner Santarelli and seconded by Commissioner Snetell, this June 1 day of 19 94.

/s/ Fred R. Fridl
Chairman

ATTEST:

Joanne M Rettiger
Gunnison County Clerk and Recorder

Exhibit J

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO
RESOLUTION NO. 94 SERIES 1994
APPROVING THE AMENDMENT OF THE GUNNISON COUNTY SPECIAL DEVELOPMENT PROJECT REGULATIONS TO INCLUDE PROJECTS OF RECREATIONAL DEVELOPMENT

WHEREAS, the Board of County Commissioners of Gunnison, Colorado has, in the normal course of business, reviewed the Gunnison County Regulations for Special Development Projects as adopted December 19, 1990, and considered that certain kinds of development have not been addressed within this regulation that, because of their nature and potential impacts, warrant review as special development projects; and

WHEREAS, the Gunnison County Planning Commission has drafted language addressing such development and recommended same for inclusion as amendments to the Gunnison County Regulations for Special Development Projects; and

WHEREAS, the Gunnison County Board of County Commissioners has conducted a fully noticed public hearing allowing the public to review and comment upon the proposed language; and

WHEREAS, said Board has fully reviewed and considered the Planning Commission recommended language and public testimony concerning it; and

WHEREAS, the Board finds that the addition to the Gunnison County Regulations for Special Development Projects of such review language is necessary and appropriate; and

NOW, THEREFORE, THIS BOARD RESOLVES that the following language shall hereby, with the adoption of this Resolution, be added to, and incorporated as indicated in the Gunnison County Regulations for Special Development Projects:

1. To be added on page 9:

   RECREATIONAL DEVELOPMENT: Any development whose purpose it is to serve a tourist or other recreational clientele, whether a destination or day-use, long or short-term, and whether it is single or multiple-use in nature.

   To be added on page 10, under Special Development Projects as (a) (7) (current (a) (7) becomes (a) (8)):

   (7) a recreational development, or

2. To be added on page 42:

   4-409 becomes:

Additional Application Requirements for a Recreational Development:

(1) As part of the description of the proposed project required by Section 4-403 (2) and in addition to Section 4-403 (5)(k)(1-a), the applicant shall include:

(a) a description, as applicable, of day-use and destination facilities and related transportation systems intended to serve users of these facilities;

(b) a marketing/feasibility study identifying targeted user groups;

(c) a description of direct or indirect utilization of natural or man-made resources located on private or public lands, including, but not necessarily limited to, reservoirs, lakes, designated or proposed wilderness areas, primitive or natural recreation areas, national parks, and accesses to public lands;

(d) a description of the availability of the proposed facilities to local users;

(e) a housing needs assessment to determine existing and projected housing availability and demands.

3. To be added on page 37:

Add to 4-403(5)(o)(1):

--plans for providing equitable financial compensation to the County, municipalities, school district and/or special district(s) for construction, expansion, operation and maintenance of service facilities required as a result of the proposed project.

4. To be added on page 54:

Add 5-206:

Additional Standards for Approval of a Recreational Development

(a) The proposed project shall include funding and phased plans of construction commensurate with the scope of the project to provide housing and related facilities for a reasonable percentage of employees expected to be directly required for operation of the project; such facilities need not be located on the project site, but, if not, a plan for funding of construction and operation and maintenance of efficient transportation to and from the site shall be included.

THIS RESOLUTION is effective as of this date of adoption, as moved by Commissioner Ritchie Santarelli and seconded by Commissioner Merlene Zanetell this 16th day of August, 1994.

/s/ Paul R. Tuttle
Chairman

ATTEST:

Donna L Bratton, Deputy
Gunnison County Clerk and Recorder

Exhibit K

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 95-9

RESOLUTION REGARDING PAYMENT OF SHARE OF COSTS OF HEALTH AND LIFE INSURANCE PREMIUMS OF ELECTED OFFICIALS

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado has reviewed the current compensation authorized by State law to be paid to the elected County officials in Gunnison County, Colorado;

WHEREAS, there has been no increase in that compensation since 1991 and none is contemplated until 1999;

WHEREAS, it is the desire of the Board to improve the level of benefits available to such elected officials from the current contribution by the County to health and life insurance premiums for those elected officials;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Effective with the February, 1995, payroll for March premium payments, the County's contribution to premiums for health and life insurance for those elected officials who desire such a contribution shall increase from the current level of 75% for the official and 50% for the official's dependents to 99% for the official and 99% for the official's dependents.

2. The level of contribution shall be reconsidered, and amended if appropriate, by the Board upon future adoption of legislation changing the compensation to elected County officials in Gunnison County.

INTRODUCED by Commissioner Castarelli, seconded by Commissioner Janetell, and adopted this 27th day of February, 1995.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Paul R. Field
Chairman

Attest:

Jeanne M. Reitinger
Clerk

Exhibit L

January 20, 1998

Policy No. 98-1

Adopted by the Technology Committee
Date: January 7, 1998

Approved by the Board of County Commissioners
Date: February 3, 1998

Gunnison County Electronic Communications Policies

Gunnison County has established a policy with regard to access and disclosure of electronic communications created, sent or received by Gunnison County employees and elected officials using the County's electronic communications system. This policy is intended to include Electronic Mail, INTERNET, File Transfer, TELNET, or any other electronic communication between two or more computers or terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval.

The electronic communications is provided to employees and elected officials to assist them in carrying out Gunnison County business. The electronic communications system, permits employees and elected officials to communicate with each other internally and with outside individuals and agencies. The policies governing the use of the electronic communications system are as follows:

1. Gunnison County maintains an electronic communications system. This system is provided by Gunnison County to assist in the conduct of business.
2. The electronic communications system hardware is County property. Additionally, all messages composed, sent, or received on the electronic communications system are and remain the property of the County. Employees and elected officials do not have a personal property right in any matter created or received or sent from the electronic communications system.
3. The use of the electronic communications system is reserved solely for the conduct of business at the County.
4. The electronic communications system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
5. The electronic communications system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
6. The electronic communications system should not be used to send(upload) or receive(download) copyrighted materials, trade secrets, proprietary financial information, or similar materials.

7. The County reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic communications system for any purpose. The contents of electronic communications system, may be disclosed by the County subsequent to notification to the user but without the permission of the employee or elected official.
8. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. Upon request of the County, the password must be disclosed to the MIS Director.
9. Notwithstanding the County's right to retrieve and read any electronic communication messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any electronic communication messages that are not sent to them. Any exception to this policy must receive prior approval by the County Manager.
10. Electronic Communication messages and other contents of a computer hard drive may be public records as defined by the Colorado Public Records Act and open to public inspection.
11. Employees shall not use a code, access a file, or retrieve any stored information of other users, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords must be provided to supervisors. No password may be used that is unknown to the County.
12. Any employee who violates this policy shall be subject to disciplinary action as defined in section 11 of the Gunnison County Personnel Policies.

I acknowledge that I have read and understand the County's policy regarding the Electronic Communications System and will abide by this policy.

_____ Date _____

Signature of Employee

Exhibit M

Computer Policy

Policy No. 04-1 Approved by the Board of County Commissioners
Date: July 19, 2004

The purpose of this policy is to establish appropriate protocol for the use of Gunnison County's Local Area Network and the use of County computers in general.

1 Records Record retention of public records applies to all records, including those that exist in electronic media. It is the policy of Gunnison County to take any measures necessary to assist the public in locating and viewing any specific electronic records unless such records are specifically exempted from disclosure by state or federal statute, by court order, or unless disclosure of such records would be contrary to the public interest. Thus, all records, including those of elected officials, are subject to public disclosure.

2 Appropriate Use: To ensure the appropriate use of electronic media, all employees shall use the County's hardware and software for County approved purposes only. Software – The County will allow only County authorized software to be stored or executed on its computers. Recognition is given to the unique needs of particular departments and programs, however the software must be approved for compatibility by the MIS Department prior to installation and MIS must be given copies of the license agreements. Software installed with the intention of protecting devices and peripherals, such as anti-virus software, shall not be removed or disabled unless authorized by the MIS. All software license agreements and copyright laws shall be adhered to and copies of license agreement provided to the MIS Department. Electronic Mail and Internet – Electronic mail and Internet access must be used in a manner that maintains public trust and confidence in the County organization. Electronic mail and Internet access are provided for the County's official public business. Examples of appropriate use of the e-mail and Internet are as follows:

- Facilitating communications and transfers of documents between employees, citizens and others concerned with County business.
- Accessing databases and files to obtain work-related referenced material or to conduct County-related research.
- Expediting administrative duties in direct support of work-related functions.
- Communicating with individuals or professional organizations regarding professional and career development.

As with telephones, electronic mail is intended for fast and efficient communications. However, personal use of electronic mail should be limited in the same manner as local telephone calls so as not to interfere with the employee's duties. No person shall use County computers and computer system to:

- Violate any municipal, county, state or federal law or regulation.
- Promote any commercial venture, political campaign, or personal purpose.
- Raise funds to engage in public relations activities that are not directly related to County business.
- Intentionally disrupt network or system use by others, either by introducing worms or viruses or by other means.
- Engage in any activities that could cause congestion and disruption of networks and systems, such as sending and forwarding chain letters, joining news subscription services, listening to music over the internet, and sending or receiving graphics or animation files not directly related to county business.
- Downloading copyrighted music.
- Transmit or, with foreknowledge, receive pornographic, racist, sexist or harassing material.

Any violators of this policy may be subject to disciplinary action, including termination.

3 Privacy and Security Employees should have no expectation of privacy regarding the use of electronic media. Any information or data contained in any electronic system owned by the County is available to the County at all times and may be subject to audit. Correspondence of an employee in the form of electronic mail may be a public record under the public records law, and may be subject to public inspection under C.R.S. 24-72-203 and the polices of the County. The County reserves the right to implement the use of electronic tools that monitor and/or restrict the transmission of e-mail and use of the Internet.

4 The E-mail system is provided as a tool for transmitting and receiving information and is not to be used as a means of storing or retaining information. E-mail file shall be managed in a manner that is appropriate for the information content of the message. E-mail messages generally fall into two categories:

- Transitory E-mail – Many e-mails have limited long-term importance or value. For example, a message seeking dates for a proposed meeting has little or no value after the meeting date passed. Retaining such messages takes up space on the e-mail system and serves no useful purpose. Such messages should be deleted as soon as they no longer serve an administrative purpose.
- Email having lasting value – E-mail is sometimes used to transmit information having lasting value such as interpretations of policies or contractual correspondence with businesses. E-mails having lasting value, whether sent or received, should be printed and filed in the appropriate filing system or copied to the hard drive. Printed versions of e-mail messages should include the message header, the message text and any attachments that were sent with the email.

E-mail system users should attempt to purge their e-mail, out-box, recycle bin and attachment folders on a regular basis, in order to avoid email causing operational delays or problems with the e-mail system. E-mails that convey information that is privileged protected, confidential or otherwise subject to nondisclosure under any law, regulation or rule, shall include the word "CONFIDENTIAL" in the subject line of the message header and preceding the text of the message. Confidential or privileged information includes communications to and from an attorney of the County, personnel information, criminal investigation files, or any other privileged information. Whether or not an e-mail is confidential can only be determined as a matter of law, based on the particular circumstances. Just because a message is labeled "CONFIDENTIAL" does not mean that it will be exempt from disclosure. Confidential or sensitive e-mail shall not be forwarded to any party without prior approval of the sender. If an employee is not sure if information is confidential or privileged, the employee should consult with his or her department head or the County Attorney before distributing the information via e-mail. Email sent to or received from parties outside of the County's e-mail system can be intercepted and read by persons other than the intended recipient. Therefore, employees are strongly discouraged from sending confidential e-mail under these circumstances.

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Exhibit N

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2004-23

A RESOLUTION ESTABLISHING A POLICY REGARDING SMOKING ON COUNTY PROPERTY

WHEREAS, it is well established that smoking and exposure to second-hand smoke create annoyance and productivity issues, increase the risk of heart and lung disease, asthma and cancer, and are the leading preventable cause of death in the U.S., causing more than 450,000 deaths nationwide each year; and

WHEREAS, to safeguard the health of employees and the public, the Board of County Commissioners of Gunnison County, Colorado is committed to being proactive in reducing exposure to second-hand smoke; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is committed to correcting the misperception, especially among youth, that the use of tobacco is a prevalent and acceptable behavior; and

WHEREAS, the Board of County Commissioners of Gunnison County, Colorado is committed to continuing its leadership in tobacco harm prevention.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado, that due to the acknowledged hazards from exposure to environmental tobacco smoke, it shall be the policy of Gunnison County to provide a smoke free environment for all employees and visitors.

BE IT FURTHER RESOLVED THAT the following specifics of the policy will be implemented upon passage of this resolution:

1) There will be no smoking within or on the County facilities identified in this resolution.
2) There will be no smoking within 5 yards of the perimeter of any County building identified in this resolution.
3) This policy is applicable to the following County facilities and property:
    a. Gunnison County Courthouse
    b. Gunnison County Detention facility
    c. Blackstock Government Center
    d. Family Services Center
    e. Gunnison/Crested Butte Regional Airport
    f. Gunnison County Library
    g. Old Rock Branch Library
    h. Gunnison County Public Works Facility
    i. Dos Rios Water Treatment Plant
    j. Doyleville Shop
    k. Crested Butte Shop
    l. Marble Shop
    m. Somerset Shop

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3) There will be no smoking in any County vehicle.
4) Employees will be informed of this policy through signs posted in all County facilities and vehicles, the personnel policy manual, and through orientation and training provided by their supervisors.
5) Any violations of this policy will be handled as a violation of the Gunnison County Personnel Policy Manual through the standard disciplinary procedure.
6) Visitors will be informed of this policy through signs, and it will be explained by their host.

BE IT FURTHER RESOLVED, that to safeguard the health of employees and the public and provide leadership as a public health agency, smoking during the performance of job duties, unless they are in their own vehicle or home and no county client is present, shall be prohibited for all Gunnison County employees on and after June 1, 2004. This prohibition shall not include lunch breaks and rest periods taken off of County property; and

BE IT FURTHER RESOLVED, that the Board of County Commissioners of Gunnison County, Colorado urges all county departments to participate in cross-department efforts to create an environment in Gunnison County that supports tobacco-free lives for County employees and their families; and

BE IT FURTHER RESOLVED, that the Chief Executive Officer of the County be directed to notify all employees of these changes and the reasons for them in advance, designate outside smoking area for all County Facilities and explore offering equal tobacco cessation benefits to employees and report options back to the Board of County Commissioners of Gunnison County, Colorado and provide information about cessation available in the community and the cost.

INTRODUCED by Commissioner Starr, seconded by Commissioner Anderson and adopted this 20th day of April, 2004.

Fred R. Field, Chairperson

Jim Starr, Commissioner

Perry Anderson, Commissioner

GUNNISON COUNTY SEAL COLORADO

Attest:

Kelly Balch
Deputy County Clerk

Exhibit O

GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
January 25, 2005

The January 25, 2005 Board of Commissioners meeting was held in the Commissioners Meeting Room at the Courthouse. Present were:

Jim Starr, Chairperson
Hap Channell, Vice-Chairperson

John DeVore, County Manager
Kelly Balch, Clerk to the Board
Others Present As Listed In Text

CALL TO ORDER: Commissioner Starr called the meeting to order at 3:05 p.m.

TAX ANTICIPATION NOTE: County Manager DeVore requested execution of a resolution and documents regarding the reauthorization of the Tax Anticipation Note held by the Commissioners for the benefit of the Marketing District. A resolution was passed earlier this month, but the interest rate had been incorrect. These documents change the net effective interest rate.

Moved by Commissioner Channell, seconded by Chairperson Starr to approve Resolution #2005-05, A RESOLUTION AMENDING RESOLUTION #2005-03 AUTHORIZING THE ISSUANCE OF A TAXABLE TAX ANTICIPATION NOTE, SERIES 2005. Motion passed. (*Note: This Resolution text is not inserted into this Minutes document due to its length)*

Chairperson Starr signed all documents which needed executed.

RECORD OF WORK SESSIONS: County Manager DeVore reported on the County Attorney's request that all Commissioner work sessions be tape recorded and minutes prepared. Questions had arisen regarding how to tape record and prepare minutes of all the meetings attended by two or more Commissioners, and the potential that additional staffing would be needed to cover all the meetings. Not only are there work session meetings conducted in the Commissioners Meeting Room, but there are also off-site visits, meetings with other entities, and meetings such as with the FHWA, Governor, or legislators in Denver. DeVore continued that he and County Attorney Baumgarten have developed a new proposal for coverage of work session meetings. Rather than require them to be tape recorded with minutes prepared, the primary staff person involved with each meeting shall prepare a report of the work session or other type of meeting. At the next regular Board meeting that staff report will be provided for inclusion in the regular meeting minutes. If the Board has a meeting without staff present, one of the Commissioners would then provide an oral report at the next regular meeting. These reports would include information on who was in attendance at the meeting, and what the general discussion was. Any proposed actions resulting from those meetings would be scheduled for the next regular meeting following the report.

County Attorney Baumgarten was present and concurred with this proposal. He agreed that it would become overly cumbersome to record every type of meeting, but that this would still create a method for the public to have some type of report available of those meetings. He added another example of a meeting the Board might need to report on, and that would be significant discussions occurring during lunch on a regular meeting day.

The Board concurred with this proposal. Staff will prepare a formal policy for Board adoption at the next meeting.

RECORD OF WORK SESSION POLICY: County Manager DeVore presented the draft policy discussed with the Board at the January 25 meeting regarding the staffing, recordkeeping, and reporting on Board work sessions. The primary staff person attending each work session or other non-recorded meeting involving the Board will be responsible for providing a written and/or oral report at the next regular Commissioners meeting. If a staff person is not present at a meeting, a Commissioner will provide an oral report.

Moved by Commissioner Swenson, seconded by Commissioner Channell to adopt the policy for the recording of work sessions. Motion passed unanimously.

SCHEDULING: Upcoming meetings were reviewed and confirmed.

COUNTY MANAGER TRAVEL: County Manager DeVore received permission from the Board to travel to a meeting of the Yampa Valley Airport Commission on March 10 to discuss Gunnison County's creation of a Rural Transportation Authority. Yampa Valley will pay the costs of this trip.

PUBLIC HEARING
Petition for Waiver of Road Standards
Submitted By O. A. Pesnell

Chairperson Starr called the public hearing to order at 10:02 a.m. Assistant County Manager Crosby confirmed proper publication and notification of this hearing. Assistant Public Works Director Allen Moores, Deputy County Attorney Tom Dill, Bob Stuplich, and Chris Osmundson (via phone) were also present. The petitioner was not present.

Assistant County Manager Crosby displayed a map of the location and reported that Pesnell is requesting a waiver from the sixty foot wide easement requirement to access his property. Although Pesnell currently has a residence accessed by a forty foot wide easement through Butte Pastures subdivision, County standards would require a sixty foot wide easement to access the Pesnell property with the new caretaker residence proposed. The caretaker residence would be the third residence accessed by this road, which is the factor according to County standards that increases the required road easement width. Pesnell attempted to obtain a highway permit from CDOT to access his property from Highway 135 instead of through Butte Pastures, but the permit was not approved. The Crested Butte Fire Protection District has submitted a letter stating no safety concerns with this request. Chris Osmundson, adjacent property owner, described the parcels and road access. He may also need to apply for a waiver of road width for planned construction on his lot in the future.

Assistant County Manager Crosby stated that the access is already constructed in the forty foot easement and traffic is not a concern. The only concern of Public Works is that this area requires more snow storage than the easement. She said the Board must evaluate the movement of traffic and safety issues in order to make a decision on this request.

Bob Stuplich provided a copy of the easement granted to Pesnell for access through Butte Pastures. This easement only allows Pesnell to use the forty foot access through Butte Pastures for one single family home. Further subdivision of the Pesnell property or construction of additional residences nullifies this access easement. Stuplich also provided a copy of correspondence sent to Pesnell in October, 2004 listing items that would need to be provided in order for Stuplich/Butte Pastures Homeowners Association to consider changing the easement to allow access through Butte Pastures to the proposed caretaker residence.

The Board agreed that O.A. Pesnell needs to resolve easement issues with the Butte Pastures Homeowners Association before the County considers granting the requested road waiver. Bob Stuplich asked if the County has any other issues than those listed in his previous correspondence to Pesnell. Public Works staff will take a look at the site. This request for waiver of road standards can be tabled until it is ready to proceed further.

The public hearing was closed at 10:30 a.m.

PESNELL ROAD WAIVER: **Moved** by Commissioner Channell, seconded by Commissioner Swenson that the Board table this request from O.A. Pesnell for waiver of Road and Bridge Standards until such time as the petitioner deals with the covenants and easement issues with the Butte Pastures Homeowners Association. Motion passed unanimously.

Exhibit P

Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the letter to the Upper Gunnison River Water Conservancy District Manager, Karen Shirley, regarding this misunderstanding. Motion passed unanimously.

FEDERAL HIGHWAY LANDS MEETING: Assistant County Manager Crosby and Chairperson Starr will attend the Federal Highway Lands annual program meeting in Denver on February 14 to request continued funding of the Taylor River and Cottonwood Pass road improvement projects.

BIG CIMARRON SNOWPLOWING: Assistant County Manager Crosby presented the agreement specifying the details of Montrose County providing plowing on Gunnison County's portion of the Big Cimarron Road. Costs must not exceed $2000 for this winter season.

Moved by Commissioner Swenson, seconded by Commissioner Channell to approve the Intergovernmental Agreement with Montrose County for winter road maintenance of the Big Cimarron Road, and authorize the Chairperson's signature. Motion passed unanimously.

PUBLIC WORKS DRUG POLICY: Assistant County Manager Crosby presented the policy and agreement for drug and alcohol testing adopted by the Board on January 3 pending the County Attorney's final review and recommendation of approval. The final agreement also incorporates information on training requested at the last meeting.

Moved by Commissioner Swenson, seconded by Commissioner Channell to accept the County's drug testing policy for CDL drivers for 2006, with the drug testing program being administered through Pro Com. Motion passed unanimously.

HUTF ANNUAL REPORT: Assistant County Manager Crosby present the annual Highway Users Tax Fund report. An additional .9 mile was added for 2006.

Moved by Commissioner Swenson, seconded by Commissioner Channell to approve and execute the Colorado Department of Transportation Highway Users Tax Fund Mileage Report. Motion passed unanimously.

MARBLE SKI AREA FILING 5 ROAD ACCESS ISSUES: Assistant County Manager Crosby reported that she is still receiving responses from property owners regarding road access preferences and spokespersons. She will continue to work on this issue.

ROAD MAINTENANCE RESOLUTIONS: Assistant County Manager Crosby reported that the resolution had already been adopted for County acceptance of roads in the Antelope Hills Mobile Home Park, so that is removed from the agenda. The other resolution she had scheduled will be postponed pending adoption of a new county road map.

MISCELLANEOUS ROAD ISSUES: A new stop sign has been installed in the Antelope Hills Subdivision which has caused some complaints. However, staff and the County Sheriff both reviewed the traffic speeds and flows and found the stop sign should indeed be installed according to Uniform Traffic Control requirements.

Commissioner Swenson reported that the Dos Rios 3 Homeowners Association has discussed obtaining a speed camera for Fairway Lane in an attempt to slow down traffic. Assistant County Manager Crosby commented that the County had to remove a solar activated flashing sign at the Fairway Lane/Gold Basin Road pedestrian crosswalk due to continued vandalism.

PACKET ITEMS: The Board reviewed a letter drafted by Commissioner Channell to send to department heads regarding packet item submittal deadlines.

PILT PROGRAM LETTER: **Moved** by Commissioner Swenson, seconded by Commissioner Channell to approve letters to Senator Allard and President Bush asking for their support of the Payment-in-Lieu of Taxes (PILT) program. Motion passed unanimously.

DETENTION CENTER PLANNING COMMITTEE: The second meeting of the committee working on detention center planning is scheduled for January 23. The Board outlined issues which they would like discussed at the next meeting.

CRESTED BUTTE THREE MILE PLAN: Chairperson Starr reported that he has been meeting with the Town of Crested Butte regarding their Three Mile Plan. He requested Board agreement to allow County Attorney Baumgarten to explain several adoption scenarios to the Town. Commissioner Swenson said she thought the Board had agreed to work on a special geographic area for the north end of the valley. Chairperson Starr said he hopes a special area and the Three Mile Plan can be tied together.

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BOARD OF COUNTY COMMISSIONERS Exhibit Q
OF GUNNISON COUNTY
RESOLUTION NO. 07-13

A RESOLUTION ADOPTING A POLICY AND PROCEDURE FOR INSURANCE COVERAGE OF PERSONAL TOOLS USED FOR COUNTY PURPOSES

WHERAS, the Board of County Commissioners has determined that insurance coverage may be extended for employee's personal tools when used for county purposes; and

WHEREAS, the Board of County Commissioners has determined that certain policies and procedures be adopted to implement this coverage,

NOW THEREFORE, it is resolved by the Board of County Commissioners that the following policy and procedure be implemented:

Policy:
Any person's tools, hereinafter denoted as items necessary in the performance of the duties of any county employee and which are supplied by the employee and remain that employee's personal property, shall be covered by the county's insurance carrier against fire, theft, water damage, loss in vehicular accident, building collapse, or other reasonable damage while used and/or stored in or on county property, including county vehicles. The County shall pay any deductible portion of the insurance coverage, so long as the employee has met all other requirements of this policy.

The employee is required to exercise normal security in the use and storage of those items. The items must be stored in a locked box or locked storage area, and not left unsecured when not being used and/or when the shop or storage area, office, etc., is closed for business. When stored on or in a county vehicle, such items shall be kept in a locked container (such as a toolbox, briefcase, etc.) and kept out of sight as much as reasonably possible.

Procedure:
The employee must supply a detailed written inventory of such items, including replacement values, to his/her direct supervisor. The supervisor shall determine whether the estimated values are appropriate. The inventory must be accepted by signature of an authorized supervisor before the county will cover any such items. Copies of the approved inventory shall be retained by the employee, their supervisor and another copy sent to the Finance Office. Any items to be added to or deleted from this inventory must be noted on a revised written inventory, which must be accepted by signature of an authorized supervisor, before the county will cover any additional items. *Items not on the inventory list will not be covered by insurance.*

It is a prerequisite to any benefit under this policy for the employee to report to the Finance Office and County Sheriff of any damage, theft or other loss of a covered item within three (3) working days of discovery of such damage, theft or loss.

It shall remain the owner/employee's right to limit the usage of personal items to any other employees of his/her choice. If an employee loans an item to another employee who loses or otherwise caused the item to be lost, the responsibility for replacement shall not be borne by the county.

Sample Inventory Form

Description	Manufacturer	Model	Model Number	Serial Number	Date Acquired	Purchase Price	Replacement Price

By signing below, employee and supervisor both agree that all details on this inventory form are accurate.

Employee Signature

Direct Supervisor's Signature

Date

Date

INTRODUCED by Commissioner Swenson, seconded by Commissioner Starr, and adopted this 6th day of March 2007.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By _____
Hap Channell, Chairperson

By _____
Paula Swenson, Commissioner

By _____
Jim Starr, Commissioner

GUNNISON COUNTY SEAL COLORADO

Attest:

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Deputy County Clerk