

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
November 19, 2024**

The November 19, 2024 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present, either in person or via Zoom, were:

Jonathan Houck, Chairperson
Elizabeth Smith, Vice-Chairperson
Laura Puckett Daniels, Commissioner
Matthew Hoyt, County Attorney

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

GUNNISON COUNTY BOARD OF EQUALIZATION MEETING:

CALL TO ORDER: Commissioner Houck called the meeting to order at 8:32 am.

ABSTRACT OF ASSESSMENT AFFIDAVIT; ASSESSOR'S OFFICE; 2024

Commissioner Houck introduced the report. CA Hoyt made some clarifications on the process.

RECESS: Due to unanswered questions, Commissioner Houck decided to recess the County Board of Equalization meeting until Assessor Kristy McFarland could be in attendance. He recessed the meeting at 8:34 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Commissioner Houck called the meeting to order at 8:34 am.

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

MINUTES APPROVAL: **Moved** by Commissioner Smith seconded by Commissioner Puckett Daniels to approve those meeting minutes as presented today. Motion carried unanimously.

1. November 5, 2024 Regular Meeting

SCHEDULING: The Upcoming Meetings Schedule was discussed and updated.

1. 2025 Draft BOCC Meeting Schedule – Commissioner Houck introduced the draft 2025 BOCC Schedule. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the 2025 BOCC meeting schedule as presented in today's packet. Motion carried unanimously.

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

1. Acknowledgment of County Manager's Signature; Professional Services Agreement; Integrity Pro Roofing; Facilities; 11/5/2024 to 12/31/2024; \$11,795
2. Contract Amendment #2; Contract No 24 IBEH 182014; Health and Human Services; 8/29/2023 to 6/30/2025; \$13,626
3. Acknowledgment of County Manager's Approval; Funding Award; Cancer Prevention and Early Detection Community Outreach Budget for Fiscal Year 2024-2025; Health and Human Services; 1/1/2025 to 6/29/2025; \$22,000
4. Memorandum of Understanding; Prowers County; Health and Human Services; 1/1/2025 to 12/31/2025; \$300
5. Amendment #1; Agreement of Services; SITA Information Networking Computing USA Inc.; IT; 1/1/2025 to 12/31/2026; \$98,064
6. Agreement for Cooperative Wildfire Protection; Department of Public Safety; Sheriff's Office; 5 years

COUNTY MANAGER'S REPORTS:

1. Department of Local Affairs (DOLA) Energy/ Mineral Impact Assistance Fund (EIAF) Tier 1 Grant Application – CM Birnie is asking for delegation of authority to him to submit the grant application when it is ready, due to having a deadline of the second. Commissioner Puckett Daniels asked Assistant County Manager for Community and Economic Development Cathie Pagano for details on the application. ACM Pagano also relayed she would like feedback from each Commissioner to nail down the scope of work wanted. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to delegate signing authority to the County Manager for a DOLA Energy Impact Assistant Fund Grant for corridor planning. Motion carried unanimously.

HEARING; PETITION FOR ABATEMENT OR REFUND OF TAXES; PROPERTY TAX YEARS 2023; R003030; PARCEL NO. 3255-031-25-011; LOTS 23 & 24, BLOCK 4, CRESTED BUTTE; HARRY A MILLER IV Co-Deputy Assessor Appraisal Alexandra Cohen and Petitioner's Agent Mills Ford were present for discussion.

Commissioner Houck confirmed the hearing notice and that no ex parte communication occurred. Co-Deputy Assessor Cohen then described the subject's property and noted she selected four comparable properties from the Crested Butte with three having similar quality and one having less quality. The Assessor's Office recommends a reduction from \$4,757,120 to \$4,017,210.

Mr. Ford introduced himself as a Certified Appraiser and relayed his appraisal for the subject's property which included five sales. He also discussed the property being sold in March of 2023.

Co-Deputy Assessor Cohen noted they cannot consider that sale because it is after the cutoff for the year in question. She also gave reasoning why the other properties stated by Mr. Ford were not able to be considered. Commissioner Puckett Daniels asked for clarification on the assessment dates as well as how he came up with his time adjusted sales factor. Commissioner Smith then asked Mr. Ford to comment more on his reasoning about the condition of the property on January 1, 2023. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the recommended value of \$4,017,210 for the property as indicated in the record. Motion carried unanimously.

2025 WATER AND SEWER RATE RESOLUTIONS: Assistant County Manager for Public Works Martin Schmidt was present for discussion.

Assistant County Manager for Public Works Martin Schmidt relayed the reasoning for the fee and rate changes and noted that paying back loans are included in the fees. Commissioner Houck confirmed that the water is wholesale, but the loan was necessary and is needed be included in the rates. **Moved** by Commissioner Houck, seconded by Commissioner Puckett Daniels to approve Resolutions 24-37, 38, 39, 40, 41, 42, and 43 as outlined in the publicly accessible packet. It has the rates included. These Resolutions would authorize the signature of all three members of the Board to approve these new rates. It also makes null the older resolutions and has us moving forward with these new rates. Motion carried unanimously.

1. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Antelope Hills Division of the Gunnison County Water and Sewer District, this Resolution Supersedes Resolution 23-35
2. Resolution; Establishing the Schedule of Fees and Rates for Water Service within the Antelope Hills Division of the Gunnison County Water and Sewer District, this Resolution Supersedes Resolution 23-36
3. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Dos Rios Division of the Gunnison County Water and Sewer District, this Resolution Supersedes Resolution 23-34
4. Resolution; Establishing the Schedule of Fees and Rates for Water Service within the Dos Rios Division of the Gunnison County Water and Sewer District, this Resolution Supersedes Resolution 23-37
5. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the North Gunnison Division of the Gunnison County Water and Sewer District, this Resolution Supersedes Resolution 23-33
6. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Somerset Division of the Gunnison County Water and Sewer District, this Resolution Supersedes Resolution 23-32
7. Resolution; Establishing the Schedule of Fees and Rates for Sewer Service within the Tomichi Division of the Gunnison County Water and Sewer District, this Resolution Supersedes Resolution 23-31

STIPULATION AND AGREEMENT BETWEEN APPLICANTS AND OPPOSERS; DRAFT PROPOSED DECREE; STORAGE WATER LEASE AGREEMENT; MT. EMMONS MINING COMPANY; 21CW3021

CA Hoyt noted Mount Emmons Mining Company is relinquishing all, but 100 acres of its conditional water rights associated with the area. The remaining 100 acres will be converted for the purpose of reclamation and remediation and further, to not use that water as long as the Town of Crested Butte provides them with 14-acre feet out of Lake Irwin. CA Hoyt expressed his gratitude with Mount Emmons Mining Company being a cooperative partner for this historic moment. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to authorize the County Attorney to execute the Stipulation and Agreement and to approve the findings of fact and conclusions of law, and all other papers necessary to settle and compromise the Mount Emmons Mining Company case. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; LUC-24-00030; KCREM LLC Planner Rachael Blondy was present for discussion.

Planner Blondy explained that this is to move the boundary line from the middle of lot 3 to between lot 3 and 4 and it is a miniscule adjustment for the owner who owns all that block. Commissioner Puckett Daniels confirmed both resulting parcel will be above one acre in accordance with the Resolutions for Wastewater Treatment Systems. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the boundary line adjustment for LUC-24-00030 as presented and authorize the Chair's signature on the plat. Motion carried unanimously.

BOUNDARY LINE ADJUSTMENT; LUC-24-00042; SKYLAND LOTS S85, S86, S87 Planner Rachael Blondy and Attorney David Leinsdorf were present for discussion.

Planner Blondy relayed that the owners of lots S85 and S87 co-purchased lot S86 together and they would like to divide that lot in half. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the boundary line adjustment for LUC-24-00042 and authorize the Chair's signature on the plat. Motion carried unanimously.

CONSERVATION EASEMENT GRANT AGREEMENT; GUNNISON RANGLAND CONSERVATION LEGACY; SILVER SPRINGS RANCH; \$102,300 & CONSERVATION EASEMENT GRANT AGREEMENT; GUNNISON RANGLAND CONSERVATION LEGACY; FLYING W RANCH - VULCAN PROPERTY; \$126,514 Geographic Information Services Manager Mike Pelletier and Stacy McPhail were present for discussion.

Geographic Information Services Manager Mike Pelletier relayed the Land Preservation Board has unanimously approved both. Ms. McPhail stated that Flying W Ranch - Vulcan is an assemblage piece that is a Natural Resources Conservation Services (NRCS) funded grant for Gunnison sage-grouse, grasslands of special significance. Silver Springs Ranch was part of Bar/Bar Ranch, and they negotiated a conservation buyer to purchase this property specific to placing a conservation. It is being managed by the son of the previous owner for hay production and grazing. Ms. McPhail also explained this land is a donation from the land owners. Commissioner Puckett Daniels asked CM Birnie for clarification on the Gunnison Area Community Plan and three-mile plan in relation to Silver Springs Ranch. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve grant agreements with the Gunnison Ranch Land Conservation Legacy for the Silver Springs Ranch in the amount of \$102,300 and the Flying W Ranch, Vulcan Property in the amount of \$126,514. Motion carried unanimously.

RECESS: Commissioner Houck recessed the Board of County Commissioners meeting at 9:34 am in order to recommence the County Board of Equalization Meeting.

GUNNISON COUNTY BOARD OF EQUALIZATION MEETING (CONT'D):

RECOMMENCEMENT: Commissioner Houck recommenced the County Board of Equalization Meeting at 9:35 am.

ABSTRACT OF ASSESSMENT AFFIDAVIT; ASSESSOR'S OFFICE; 2024 Assessor Kristy McFarland was present for discussion.

Commissioner Houck relayed the reasoning why it was paused earlier in the meeting. Assessor McFarland clarified why it was presented as it was and her reasoning on why it couldn't be signed ahead of time. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the 2024 final Abstract of Assessment and to authorize the Board's Chair on the certification of the Affidavit of Assessment. Commissioner Smith amended the motion to include the understanding that the Assessor will execute that as well. Motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison County Board of Equalization at 9:58 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS MEETING (CONT'D):

VOUCHERS AND TRANSFERS APPROVAL: Interim Finance Director Ana Canada presented the voucher approval report dated October 15, 2024 and the cash transfer authorization dated October 2024 for discussion and approval. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the voucher report in the amount of \$5,231,019.33. Motion carried unanimously. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the cash transfer in the amount of \$7,595,608.12 Motion carried unanimously.

TREASURER'S MONTHLY REPORT: County Treasurer Debbie Dunbar presented the October 2024 Treasurer's report, an investment report dated October 31, 2024 for discussion and acceptance. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to accept the Treasurer's Report as presented and authorize the Chair's signature. Motion carried unanimously.

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

COMMISSIONER ITEMS:

Commissioner Houck:

1. Marble – Commissioner Houck expressed thanks to CM Birnie and other entities for updates and the work with the incident in Marble.
2. Public Land Issues – Commissioner Houck noted he is talking with Senator Bennet about how to continue the Gunnison Outdoor Resource Protection (GORP) Act as well as the long term

implications to the 20 Year Administrative Withdrawal that the Biden Administration put on the Thompson Divide.

3. Dan Gibbs – Commissioner Houck has had some conversations with Director of the Department of Natural Resources, Dan Gibbs on continuing the State Park Concept. They are working on setting a time for him and his team to come to Gunnison to begin formal discussions.
4. Tripartite Board – Commissioner Houck attended the meeting last Tuesday, and relayed the State evaluation came back positive as well as being in a good place with funding.
5. Gunnison Basin Roundtable – Commissioner Houck attended a meeting Monday night and he will report on that with the other water updates.
6. Taylor Adaptive Management Group – Commissioner Houck relayed they are looking at the forestry projects and vegetation management projects from the year as well as what is on the future in order to chase funding and resources as needed.
7. Bureau of Land Management (BLM) – Commissioner Houck stated the Bureau of Land Management is doing a planning process around outdoor recreation. He is also planning to attend a workshop and session in December in Denver.

Commissioner Smith:

1. Counties & Commissioners Acting Together (CCAT) – Commissioner Smith attended the Fall Policy Retreat on the 7th and 8th. She announced they have had a couple changes since the hiring process and feels like they are in good hands. She also noted they heard from the Governor's Office about some of the Governor's priorities such as providing incentives for modular construction. Commissioner Smith then stated they have set the legislative priorities for 2025 Legislative Session.
2. Immigrant Community – Commissioner Smith has connected with an involved member of the immigrant community regarding outreach.
3. Department of Local Affairs – Commissioner Smith met with Allison Gero to discuss the challenges encountered with Proposition 123 money as it pertains to mobile home parks.
4. Southwest Colorado Opioid Regional Council – Commissioner Smith announced they have come to an agreement to extend contracted work offers to two people to assist with organization and administrative work.
5. Gunnison Valley Regional Transportation Authority (RTA) & Tourism and Prosperity Partnership Board (TAPP) – Commissioner Smith spoke with these members about the Dollar Store Parcel and collaboration between entities.
6. Joint Session – Commissioner Smith stated there is a joint session between the RTA and City of Gunnison this evening to discuss proposed enhanced bus stop on Highway 50.
7. Colorado Counties, Inc. Steering Committees (CCI) – Reagan Shane asked Commissioner Smith to be on a panel about modular housing and recommends CM Birnie attend as well.

Commissioner Puckett Daniels:

1. Gunnison Valley Regional Transportation Authority (RTA) – Commissioner Puckett Daniels relayed they have a rough draft of their strategic plan for the next five years and capital improvement plan. The focus going into the next five years is a better expanded and more robust bus system which include new buses and hiring a new bus operations manager.
2. Mt. Crested Butte – Commissioner Puckett Daniels noted that Mt. Crested Butte has been getting to know the three new town counselors and they are having a conversation tonight about funding for the Gunnison Valley Regional Housing Authority.
3. Town of Crested Butte – Commissioner Puckett Daniels virtually attended a meeting last night where the Town of Crested Butte agreed to fund \$120,000 to the Gunnison Valley Regional Housing Authority, which is well below ask of \$201,000 to \$211,000. However, the Town of Crested Butte has expressed interest in increasing their funding allocation more in 2026 if 2025 has good results.
4. CB South – Commissioner Puckett Daniels pulled a meeting together with Sheriff Adam Murdie, Undersheriff Josh Ashe, POA Manager Derek Harwell and residents of CB South to discuss concerns. She also stated she has a scheduled meeting with Metro District to continue the conversations.

WHETSTONE HOUSING:

Commissioner Houck explained this is concerning the Gunnison County Housing Authority which is different from the Gunnison Valley Regional Housing Authority. CM Birnie introduced the documents and explained they are actions based on the discussion from the last work session. He noted there are some documents that were not completely ready and he is hoping to close the deal at the end of January.

1. Statement of Authority – CM Birnie explained this is to acknowledge their authority to accept and receive property. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the statement of authority and authorize the Chair's signature. Motion carried unanimously.
2. Quit Claim Deed; Gunnison County Housing Authority; 25115 State Highway 135, Crested Butte, CO 81224 – CM Birnie noted this is for the Whetstone Parcel and will transfer this from the Board of County Commissioners to the Gunnison County Housing Authority. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Quit Claim Deed for 25115 State

- Highway 135, Crested Butte, CO, Parcels 1, 2, 3, and 4 as outlined in Appendix A of the document. Commissioner Houck amended the motion to include Parcel number 5. Motion carried unanimously.
3. Quit Claim Deed; Gunnison County Housing Authority; Stallion Park Condominiums, Elk Valley 65 and Elk Valley 85 Buildings – CM Birnie noted this will move these parcels from the Board of County Commissioners to the Gunnison County Housing Authority. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve the Quit Claim Deed for Stallion Park Condominiums, Elk Valley 65, and Elk Valley 85 buildings to the Gunnison County Housing Authority. CA Hoyt amended to motion to include and authorize the signature of the full Board. Motion carried unanimously.
 4. Intergovernmental Agreement for Whetstone Workforce Housing, Utilities and Potential Annexation; Gunnison County Housing Authority – CM Birnie noted this obligates the Gunnison County Housing Authority to all the commitments made by the County and authorizes he County to enforce those provisions on the Gunnison County Housing Authority. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the IGA for the Whetstone Workforce Housing Utilities and Potential Annexation Agreement with the Gunnison County Housing Authority and authorize the Chair’s signature. Motion carried unanimously.
 5. Intergovernmental Agreement and Promissory Note for Whetstone Workforce Housing; Gunnison County Housing Authority – CM Birnie noted this is a loan from the General Fund of Gunnison County from the Board of County Commissioners to the Gunnison County Housing Authority to retire existing underlying debt that remains from the purchase of Whetstone. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve the Intergovernmental Agreement and Promissory Note for Whetstone Workforce Housing Project with the Gunnison County Housing Authority and authorize the Chair’s signature. Motion carried unanimously.
 6. Resolution; Directing Workforce Housing Linkage Fee Revenues to the Gunnison County Housing Authority – CM Birnie stated this is to pledge the linkage fees to the Gunnison County Housing Authority. **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to approve Resolution 2024-44, a Resolution Directing Workforce Housing Linkage Fee Revenues to the Gunnison County Housing Authority and authorizing the signature of the full Board. Motion carried unanimously.

RECESS: Commissioner Houck recessed the Board of County Commissioners meeting at 10:41 am in order to call to order the Gunnison County Housing Authority meeting.

GUNNISON COUNTY HOUSING AUTHORITY:

CALL TO ORDER: Commissioner Houck called the meeting to order at 10:41 am.

WHETSTONE HOUSING:

1. Acceptance of Quit Claim Deeds – **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to accept the Quit Claim Deeds as executed by the Board of County Commissioners transferring properties to the Gunnison County Housing Authority. Motion carried unanimously.
2. Acceptance of Resolution Directing Workforce Housing Linkage Fee Revenues to the Gunnison County Housing Authority – **Moved** by Commissioner Puckett Daniels, seconded by Commissioner Smith to accept the Resolution directing workforce housing linkage fee revenues to the Gunnison County Housing Authority. Motion carried unanimously.
3. Intergovernmental Agreement and Promissory Note for Whetstone Workforce Housing; Gunnison County Housing Authority – **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels, to approve the Intergovernmental Agreement and Promissory Note for Whetstone Workforce Housing and authorize the Executive Secretary’s signature. Motion carried unanimously.
4. Intergovernmental Agreement for Whetstone Workforce Housing, Utilities and Potential Annexation; Gunnison County Housing Authority – **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels, to approve the IGA for Whetstone Workforce Housing Utilities and Potential Annexation and authorize the Executive Secretary’s signature. Motion carried unanimously.
5. Resolution; Delegating to the Executive Secretary of the Gunnison County Housing Authority the Authority to Negotiate and Execute All Contracts, Agreements, Applications and Other Documents and to Take All Necessary and Proper Actions Related to the Whetstone Community Housing Development and Ratifying All Previous Actions Thereto – CM Birnie explained this is delegate authority to him to do closing and sign those documents for the Gunnison County Housing Authority as done in a previous resolution approved for the Board of County Commissioners. **Moved** by Commissioner Smith, seconded by Commissioner Puckett Daniels to approve Resolution 2024-001 Delegating to the Executive Secretary of the Gunnison County Housing Authority, the Authority to Negotiate and Execute All Contracts, Agreements, and Applications, and Other Documents, and to Take All Necessary and Proper Actions Related to the Whetstone Community Housing Development and Ratifying All Previous Actions Thereto. Motion carried unanimously.

ADJOURN: Commissioner Houck adjourned the meeting at 10:57 am.

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS MEETING (CONT'D):

COMMISSIONER ITEMS:

Commissioner Puckett Daniels:

- 6. QQ Meeting – Commissioner Puckett Daniels attended the QQ meeting in Avon last Friday. She relayed some land use items to Assistant County Manager for Community and Economic Development Cathie Pagano.

ADJOURN: Commissioner Houck adjourned the meeting at 10:58 am.

Jonathan Houck, Chairperson

Elizabeth Smith, Vice-Chairperson

Laura Puckett Daniels, Commissioner

Minutes Prepared By:

Holly Perry, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

Note: For all the details of each resolution including any exhibits, please refer to gunnisoncounty.org

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 24-37**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE ANTELOPE HILLS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 23-35

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Antelope Hills Division; and

WHEREAS, Gunnison County must upgrade and maintain the collection lines within the Antelope Hills Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

- 1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and

is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Availability Sewer Fee. An availability sewer fee will be charged for each parcel of real property in the Antelope Hills Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The availability sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Utility Investment Fee. There is a fee for sewer service tap connection within the Antelope Hills Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is the line size from the main to the structure.

7. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

8. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

9. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Antelope Hills Division unless the utility investment fee for that parcel has been paid in full as set forth above.

10. Additional Inspection Fee. The first inspection of the sewer service line is included with the meter fee. If an additional inspection is required, an additional inspection fee will be charged.

11. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 24-38**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR WATER SERVICE
WITHIN THE ANTELOPE HILLS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 23-36

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for water facilities; and

WHEREAS, Gunnison County must maintain the water lines and treatment facilities that supply the Antelope Hills HOA Distribution System; managed by others per Colorado Department of Health and Environment regulations; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Water User Fees. User fees will be charged upon final meter inspection by the Gunnison County Utility Department. Base user fees will be billed in advance and overage user fees will be billed in arrears.

3. Availability of Service Fee. An availability of service fee will be charged for each parcel of real property in the Antelope Hills Division which has water service available to that parcel but which parcel is not connected to the water distribution lines. The availability of service fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

4. Utility Investment Fee. There is a fee for water service tap connection within the Antelope Hills Division for each connection based on Appendix B attached hereto.

5. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Antelope Hills Division unless the utility investment fee for that parcel has been paid in full as set forth above.

6. Minimum Charges. Antelope Hills HOA shall pay the minimum rate for four quarters per year regardless of the number of connected properties.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Additional Inspection Fee. The first inspection of the water service line is included with the meter fee. If an additional inspection is required, an additional inspection fee will be charged.

9. Repair Responsibility. The County is responsible for costs associated with leaks and repairs on the bulk water supply line.

10. Meter Malfunction. Should a customer reasonably and prudently believe a meter is malfunctioning, submit a written complaint to the District, and it is decided by the District that the complaint is warranted, a replacement meter and/or readout will be provided free of charge. The replacement meter and/or readout must be installed by a licensed plumber at the customer's expense.

11. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS

**OF GUNNISON COUNTY
RESOLUTION NO. 24-39**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 23-34

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Dos Rios Division; and

WHEREAS, Gunnison County must upgrade and maintain the collection lines within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Availability Sewer Fee. An availability sewer fee will be charged for each parcel of real property in the Dos Rios Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The availability sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Utility Investment Fee. There is a fee for sewer service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the main to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the utility investment fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the utility investment fee. If an additional inspection is required, an additional inspection fee will be charged.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 24-40**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR WATER SERVICE
WITHIN THE DOS RIOS DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 23-37

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for water facilities; and

WHEREAS, Gunnison County must upgrade and maintain the water lines and treatment facilities within the Dos Rios Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Water User Fees. User fees for each residence will be charged upon final meter inspection by the Gunnison County Utility Department. Any user with a three-quarter inch (3/4") meter will be considered a residential user for billing purposes. Additionally, all integrated secondary residences, secondary or accessory residences, multiple-family residences, townhomes, or condominiums will be billed at the residential rate. Base user fees will be billed in advance and overage user fees will be billed in arrears.

3. Commercial Water User Fees. User fees for each commercial connection will be charged upon final meter inspection by the Gunnison County Utility Department. Base user fees will be billed in advance and overage user fees will be billed in arrears. The base user fee will equal the product of the Equivalent Residential Units (ERUs), seventy-five percent (75%), and the current residential base rate according to Appendix A attached hereto. The ERUs will equal the product of the factor according to Appendix C and the number of factor units according to Appendix C.

The base gallons for each commercial connection will equal the product of the ERUs and the residential base gallons according to Appendix A attached hereto.

4. Availability of Service Fee. An availability of service fee will be charged for each parcel of real property in the Dos Rios Division which has water service available to that parcel but which parcel is

not connected to the Division water lines. The availability of service fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Utility Investment Fee. There is a fee for water service tap connection within the Dos Rios Division for each connection based on Appendix B attached hereto according to meter size. The utility investment fee includes the cost of a Gunnison County water meter and required installation materials. This fee also includes the first inspection of the meter. If an additional inspection is required, the additional inspection fee will be charged.

6. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Dos Rios Division unless the utility investment fee for that parcel has been paid in full as set forth above.

7. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the water system is used.

8. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

9. Additional Inspection Fee. The first inspection of the water service line is included with the meter fee. If an additional inspection is required, an additional inspection fee will be charged.

10. Repair Responsibility. Customers are responsible for costs associated with leaks and repairs that occur after water has passed through the curb stop. The County is responsible for costs associated with leaks and repairs on the main line, the service line that reaches from the main line to the curb stop, and the curb stop.

11. Meter Malfunction. Should a customer reasonably and prudently believe a meter is malfunctioning, submit a written complaint to the District, and it is decided by the District that the complaint is warranted, a replacement meter and/or readout will be provided free of charge. The replacement meter and/or readout must be installed by a licensed plumber at the customer's expense.

12. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 24-41**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE NORTH GUNNISON DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 23-33

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the North Gunnison Division; and

WHEREAS, Gunnison County must upgrade and maintain the collection lines within the North Gunnison Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. Multiple-family residences are considered commercial accounts for billing purposes. User fees will be billed in advance.

3. Commercial Sewer Fee. User fees for connection of units will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. The fee amount will equal the product of the current residential sewer rate (partial tap) according to Appendix A attached hereto, the factor according to Appendix C, and the number of factored units according to Appendix C. User fees will be billed in advance.

4. Availability Sewer Fee. An availability sewer fee will be charged for each parcel of real property in the North Gunnison Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The availability sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

5. Utility Investment Fee. There is a fee for sewer service tap connection within the North Gunnison Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the North Gunnison Division unless the utility investment fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the utility investment fee. If an additional inspection is required, an additional inspection fee will be charged.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

BOARD OF COUNTY COMMISSIONERS

**OF GUNNISON COUNTY
RESOLUTION NO. 24-42**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE SOMERSET DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 23-32

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the collection lines and sewage treatment system providing service to the Somerset Division; and

WHEREAS, Gunnison County must upgrade the treatment system within the Somerset Division; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The rate schedule is adopted each year as part of the budget process and is available as Appendix A attached hereto. The schedule of rates will remain in full force and effect for the calendar year for which it was approved. The rate structure will be published in the newspaper and is available from the Gunnison County Finance Office at 200 East Virginia, Gunnison, CO 81230. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.

2. Residential Sewer Fee. User fees for connection of each residence, as defined in the Gunnison County Land Use Resolutions (LUR), to the Gunnison County collection system will be charged upon installation of the service line and the approval of the Gunnison County Utility Manager. Residences with an integrated secondary residence are counted as if they were just one residence. User fees will be billed in advance.

3. Availability Sewer Fee. An availability sewer fee will be charged for each parcel of real property in the Somerset Division which has sewer service available to that parcel but which parcel is not connected to the Division sewer lines. The availability sewer fee will start on the date of final board approval for proposed property developments, subdivisions, etc.

4. Utility Investment Fee. There is a fee for sewer service tap connection within the Somerset Division for each connection based on Appendix B attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.

6. Minimum Charges. Any property connected to the system shall pay the minimum rate for four quarters per year whether or not the property is occupied or the sewer system is used.

7. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.

8. Building Permit Shall Not Be Issued. No building permit shall be issued for any building on a parcel of land in the Somerset Division unless the utility investment fee for that parcel has been paid in full as set forth above.

9. Additional Inspection Fee. The first inspection of the sewer service line is included with the utility investment fee. If an additional inspection is required, an additional inspection fee will be charged.

10. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 24-43**

**A RESOLUTION ESTABLISHING THE SCHEDULE OF FEES AND RATES FOR SEWER SERVICE
WITHIN THE TOMICHI DIVISION OF THE GUNNISON COUNTY WATER AND SEWER
DISTRICT**

THIS RESOLUTION SUPERSEDES RESOLUTION 23-31

WHEREAS, pursuant to Colorado Revised Statute 30-20-402(1)(f), the Board of County Commissioners of Gunnison County, Colorado may prescribe, revise and collect, in advance or otherwise, rates, fees, tolls and charges, including but not limited to availability fees, utility investment fees, and reasonable delinquency penalties for sewerage facilities; and

WHEREAS, there have been increased ongoing operation costs for the cooperative agreement between Gunnison County and the City of Gunnison concerning the operation of the sewage treatment plant providing service to the Tomichi Division; and

WHEREAS, Gunnison County must upgrade and maintain the lift station and force main within the Tomichi Division; and

WHEREAS, the Tomichi Division currently serves a single customer; and

WHEREAS, it is the desire of the Board of County Commissioners not to pay for such costs from the capital reserve;

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

1. Schedule of Rates. The customer currently served by the Tomichi Division will pay actual costs of operation and maintenance of the Tomichi Division. Payments will be made on a reimbursement basis, billed by the end the month following each calendar quarter. Amounts due will be considered past due if unpaid by the end of the calendar quarter following the then current calendar quarter. Any past due account shall be subject to a penalty charge of 1% per month or portion thereof, and any past due amount may, at the option of the Gunnison County Finance Office, be certified for collection in the manner as though they were part of the taxes pursuant to Colorado Revised Statute 30-20-420.
2. Utility Investment Fee. There is a fee for sewer service tap connection within the Tomichi Division for each connection based on Appendix A attached hereto according to water supply size. Water supply size is either the meter size or line size from the well to the structure when no meter is present.
3. Minimum Charges. The user connected to the system shall pay the actual costs four quarters per year whether or not the property is occupied or the sewer system is used.
4. Perpetual Lien. Until paid, all fees, rates, tolls, penalties, interests on delinquencies, and other costs shall constitute a perpetual lien on and against the property served, and any such lien may be collected in any manner legally permissible, including certification to the Gunnison County Treasurer as provided by law.
5. Fees May Be Amended. The fees hereby established may be amended from time to time by the Board of County Commissioners. It is the intention of the Board of County Commissioners that a review of the fees and rates be conducted each year, if such review is not conducted, the then current fees shall remain in full force and effect.

BE IT FURTHER RESOLVED THAT these fees shall remain in effect until changed by resolution by the Board of County Commissioners.

INTRODUCED by Commissioner Houck, seconded by Commissioner Puckett Daniels, and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 2024-44**

**A RESOLUTION DIRECTING WORKFORCE HOUSING LINKAGE FEE REVENUES TO THE
GUNNISON COUNTY HOUSING AUTHORITY**

WHEREAS, Gunnison County, Colorado ("County"), is a duly organized and existing county, created and established by Article XIV, Section 1 of the Colorado Constitution and C.R.S. § 30-5-129, and empowered to hold and transfer title to real property pursuant to C.R.S. §§ 30-11-101(1)(b) and (c), 30-11-102 and other applicable law.

WHEREAS, the Gunnison County Housing Authority ("CHA") is a county housing authority created and operating under the Constitution and laws of the State of Colorado, particularly C.R.S. § 29-4-501 *et seq.*;

WHEREAS, the Gunnison County Board of County Commissioners ("Board") first authorized the creation of the CHA by Resolution Nos. 1979-33 and 1979-34;

WHEREAS, the current and operating CHA was formed on August 17, 1982, pursuant to the Certificate of Formation of the Gunnison County Housing Authority, said Certificate being accepted by the Colorado Division of Housing on August 18, 1982;

WHEREAS, pursuant to C.R.S. § 29-4-503 and the foregoing resolutions and Certificate, CHA was duly created upon a finding by the Board that there is a shortage of decent, safe, and sanitary housing in the County, and the foregoing Certificate evidenced this finding by the Board;

WHEREAS, by Resolution No. 2006-44, as amended, the Board enacted a workforce housing linkage fee due to the shortage of housing within the County, and further provided for its collection and accounting;

WHEREAS, by Resolution No. 2006-44, the Board directed that the workforce housing linkage fee revenues be used exclusively for essential housing, including but not limited to the costs of administering programs related to essential or affordable housing;

WHEREAS, the Board finds that the mission of CHA is consistent with the purposes of the workforce housing linkage fee, such that it is both necessary and proper to direct workforce housing linkage fee revenues to CHA in order to promote and fulfill CHA's purpose;

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

1. The foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board.
2. The revenues collected and accounted for from the Workforce Housing Impact Fee or workforce housing linkage fee, and all interest earned on such revenues as contained in and collected in the Workforce Housing Impact Fee account, shall be directed to the CHA, for at least as long as any and all indebtedness of CHA related to any pending or future workforce or affordable housing project or expense is paid in full, including but not limited to any bonds, notes or other financial guarantees, further including but not limited to CHA's General Revenue Bonds (Whetstone Housing Project), Series 2024.
3. Nothing in this Resolution shall be construed to afford any person or entity any cause of action against the County or any of its officials, officers, employees, agents or attorneys, nor create any intended or incident third-party beneficiaries.
4. All other orders, instructions, motions and resolutions, or parts thereof, inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This paragraph shall not be construed to revive or revise any ordinance, motion, order, or resolution, or part thereof, heretofore repealed. To the extent any ambiguity exists between any ordinance, resolution, motion, order, statement or instruction by the Board, whether existing before or after passage of this Resolution, this Resolution shall control. No statement or writing by any Board member, whether in a meeting of the Board or not, shall purport to amend, alter, supplement or override the express terms of this Resolution,

and no such statement or writing may be relied upon by any person in relation to this Resolution.

- 5. If any section, subsection, paragraph, clause or other provision of this Resolution for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.
- 6. This Resolution shall be in full force and take effect immediately upon its passage and approval, and if approved shall, to the fullest extent permitted by law, apply retroactively and *nunc pro tunc*, and shall remain in effect unless and until repealed or amended by subsequent Resolution; provided, however that this Resolution cannot be repealed until all indebtedness of CHA paid from amounts described in paragraph 2 hereof are paid in full.

INTRODUCED Commissioner Puckett Daniels, seconded by Commissioner Smith and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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

**GUNNISON COUNTY HOUSING AUTHORITY
RESOLUTION NO. 2024-001**

A RESOLUTION DELEGATING TO THE EXECUTIVE SECRETARY OF THE GUNNISON COUNTY HOUSING AUTHORITY THE AUTHORITY TO NEGOTIATE AND EXECUTE ALL CONTRACTS, AGREEMENTS, APPLICATIONS AND OTHER DOCUMENTS AND TO TAKE ALL NECESSARY AND PROPER ACTIONS RELATED TO THE WHETSTONE COMMUNITY HOUSING DEVELOPMENT AND RATIFYING ALL PREVIOUS ACTIONS THERETO

WHEREAS, the Gunnison County Housing Authority (“CHA”) is a county housing authority created and operating under the Constitution and laws of the State of Colorado, particularly C.R.S. § 29-4-501 *et seq.*;

WHEREAS, the Gunnison County Board of County Commissioners first authorized the creation of the CHA by Resolution Nos. 1979-33 and 1979-34;

WHEREAS, the current and operating CHA was formed on August 17, 1982, pursuant to the Certificate of Formation of the Gunnison County Housing Authority, said Certificate being accepted by the Colorado Division of Housing on August 18, 1982;

WHEREAS, CHA is authorized pursuant to C.R.S. § 29-4-505 to “make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority”, to “to exercise any of the public powers granted to city housing authorities” and to “do all acts and things necessary or convenient to carry out the powers” of CHA;

WHEREAS, pursuant to its bylaws first adopted by Gunnison County Resolution No. 1979-34 and C.R.S. § 29-4-504(5), the CHA Board has appointed the County Manager to act as the Executive Secretary of CHA;

WHEREAS, pursuant to its bylaws and C.R.S. § 29-4-504(5), the CHA Board “may delegate to one or more of its agents or employees such powers or duties as it may deem proper[;]”

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

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

WHEREAS, by deed from the Gunnison County Board of County Commissioners, CHA has acquired or will acquire parcel(s) of real property, including that located at 25115 Hwy 135 and legally described as a tract of land in the NW1/4 SE1/4, Section 12, Township 14 South, Range 86 West, and known as the “Whetstone Property”, for the purpose of CHA to construct, administer and operate a community workforce housing development on said property, known as the “Whetstone Project”;

WHEREAS, by Resolution No. 2024-35, the Gunnison County Board of County Commissioners approved the Preliminary and Final Plan for the Whetstone Project under the *Gunnison County Land Use Resolution* ("LUR");

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

WHEREAS, the CHA Board finds it in the best interest of the CHA to delegate to the Executive Secretary and to the staff of the County the authority to construct, operate and administer the Whetstone Property and the Whetstone Project;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Gunnison County Housing Authority that

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

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

a. All acts, agreements or documents necessary to acquire, purchase, lease, assign, exchange, sale, or encumber the Whetstone Property and surrounding properties;

b. All acts, agreements, or documents necessary for the sale, lease, assignment, transfer or dedication of any property interest held or acquired by CHA with regard to the Whetstone Property, including but not limited to the assignment, transfer or lease of water rights, easements, rights of way and the dedication, assignment or transfer of roads, utility infrastructure or improvements to the Whetstone Property;

c. All acts, agreements, or documents necessary for continued compliance with the land use change permit for the Whetstone Project issued by the Gunnison County Board of County Commissioners under Resolution No. 2024-35;

d. All acts, agreements, or documents necessary to secure utility services to the Whetstone Project including but not limited to compliance with existing agreements necessary for such utilities and for potential municipal annexation of the Whetstone Property;

e. All acts, agreements, or documents necessary to lease residential units to residents or tenants of the Whetstone Property; and

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

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

a. The acquisition, purchase, lease, assignment, exchange, sale or encumbrance of the Whetstone Property and surrounding properties;

b. The sale, lease, assignment, transfer or dedication of any property interest held or acquired by CHA with regard to the Whetstone property, including but not limited to the assignment, transfer or lease of water rights, easements, rights of way and the dedication, assignment or transfer of roads, utility infrastructure or improvements to the Whetstone Property;

c. Compliance with the land use change permit for the Whetstone Project under the LUR;

d. All agreement(s) with the Town of Crested Butte, special districts and other service providers to provide utility services to the Whetstone Project, including but not limited to any agreement, application or other such paper or process related to potential annexation of the Whetstone Property by the Town of Crested Butte; and

e. All agreement(s) with any other governmental entity, financial institution, broker, lender, developer, designer, builder, attorney, accountant or other such contractor or good or service provider for the development, construction, and financing of the Whetstone Project;

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

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

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

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

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

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

INTRODUCED by Commissioner Smith, seconded by Commissioner Puckett Daniels, and adopted this 19th day of November 2024.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

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