

**GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
October 4, 2022**

The October 4, 2022 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
Roland Mason, Vice-Chairperson
Liz Smith, Commissioner
Matthew Birnie, County Manager
Melanie Bollig, Deputy County Clerk
Others Present as Listed in Text

GUNNISON / HINSDALE BOARD OF HUMAN SERVICES:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:30 am. He greeted Hinsdale County Commissioner Greg Levine, who attended the meeting via Zoom. The group waited for a few moments until Assistant County Manager for Human, Health & Safety Services Joni Reynolds could also join remotely via Zoom.

COLORADO WORKS WORKFORCE DEVELOPMENT PROGRAM POLICIES; GUNNISON-HINSDALE COUNTY DEPARTMENT OF HUMAN SERVICES; UPDATED TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) POLICIES; EFFECTIVE DATE 3/1/2022: Chairperson Houck asked for Joni Reynolds to briefly explain the policies for all present. ACM Reynolds then went over the updated policies, noting that they were new from the Colorado Department of Human Services (CDHS), who now wanted each county to sign. In this case, they had worked with the County Attorney’s office and had decided it would be best to approve and sign as the joint Gunnison/Hinsdale Counties’ Board of Human Services.

With no questions and the support of all the commissioners present, it was **moved** by Commissioner Houck, seconded by Commissioner Mason, to adopt and approve these policies, as presented, and to authorize the chair of the Board of Human Services’ signature on them. Motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison/Hinsdale Board of Human Services at 8:35 am

GUNNISON COUNTY HOUSING AUTHORITY:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:35 am.

RESOLUTION; DECLARING THE INTENT TO REIMBURSE GUNNISON COUNTY HOUSING AUTHORITY FOR CERTAIN PRIOR CAPITAL EXPENDITURES RELATED TO THE SAWTOOTH WORKFORCE HOUSING PROJECT PHASE 1: County Manager Matthew Birnie was present for discussion and to answer any of the Board’s questions. CM Birnie began by stating that a mirror resolution of this item will also be on the regular agenda – both were related to Colorado tax law primarily. He explained that the County had funding for Phase 1 of the Sawtooth project, but they were looking at ways to fund Phase 2. In order to reimburse cash spent on Phase 1, this resolution needed to be in place. He added that it did not obligate, but gave the opportunity to reimburse, should they elect to finance all of Phase 2; however, they were still exploring all the best strategies. He then informed the Board of various issues and options for possible housing financing. CA Hoyt added that this was also required for federal tax laws.

After this brief discussion, it was **moved** by Commissioner Mason, seconded by Commissioner Smith, to approve Resolution 2022-001, a Resolution Declaring the Intent to Reimburse Gunnison County Housing Authority for Certain Prior Capital Expenditures related to the Sawtooth Workforce Housing Project Phase 1. Motion carried unanimously.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison County Housing Authority at 8:42 am.

GUNNISON COUNTY BOARD OF EQUALIZATION:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:42 am.

CBOE; PROCESS DISCUSSION: CM Birnie briefly introduced the expected process and scheduling of the CBOE for 2022, and asked the Board if they would like to utilize Walter Sorrentino as hearing officer again for 2022 and also for the larger reassessment year expected in 2023. CM Birnie stated that he would recommend Walter for this year and also for the larger reassessment year of 2023.

The Board gave approval to contract with Walter Sorrentino for both the 2022 appeals season and for 2023.

CM Birnie also went over a schedule for 2022; it was proposed that Hearing Officer Walter Sorrentino would hear appeals around October 18th or 19th, and then the CBOE would meet October 25th to render final decisions based upon the hearing officer's recommendations. The Board approved this schedule as well.

ADJOURN: Chairperson Houck adjourned the meeting of the Gunnison County Board of Equalization at 8:45 am

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

CALL TO ORDER: Chairperson Houck called the meeting to order at 8:45 am.

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

SCHEDULING: There were no changes needed to the schedule. Chairperson Houck reminded the Board that they were hosting the Mayors & Managers meeting and would be presenting the LMD question that was being put to the voters; Thursday was the continued joint public hearing with the Planning Commission, regarding the Jaynes Subdivision.

CONSENT AGENDA: Commissioner Smith **moved** to approve the consent agenda, as presented that morning. Commissioner Mason seconded. Motion carried unanimously.

1. Approval for Emergency Medical Services Building Intergovernmental Agreement; Gunnison County and the Board of Trustees, Gunnison Valley Health; Gunnison County to provide financial assistance to GVH for construction of the EMS Building; Effective date 10/4/2022 to 2/01/2031; \$200,000 per year
2. Approval for Colorado Department of Public Health and Environment (CDPHE) Master Task Order Contract Amendment #1; for modifications to Subcontractor Requirements of the original Master Task Order contract; Effective Date of State Controller signing, to 6/30/2027
3. Approval for Colorado Department of Public Health and Environment (CDPHE) Contract 2022*2745 Amendment #2; Additional funding for Harm Reduction Services in Gunnison County; 9/28/2022 to 6/30/2023; \$16,465
4. Approval for Thomson Reuters contract; West Publishing Corporation and County Attorney's Office; Subscription for West Proflex and Westlaw Precision Preferred Nation Primary Law; \$330 monthly for 3 mos, plus \$412.50 for 12 mos
5. Approval for Employee Health & Welfare Benefit Plan, Claims Administration Agreement for 2022; Group & Pension Administrators, LLC dba GPA (TPA); to perform Third Party Recovery Services for Gunnison County claims; Effective Date January 1, 2022; 30 - 33-1/3% of the gross amount of money obtained on behalf of the Employer
6. Approval for Letter of Support; Bureau of Land Management (BLM) Gunnison Field Office; for Non-Motorized Trail maintenance Grant Application to Colorado Parks and Wildlife, State Trails Program

COUNTY MANAGER'S REPORTS: County Manager Matthew Birnie was present in the room to give his report.

1. **Resolution of the Board of County Commissioners of Gunnison County, Colorado; Declaring Its Intent to Reimburse Gunnison County, Colorado, for Certain Prior Capital Expenditures Related to the Sawtooth Workforce Housing Project Phase 1.** County Manager Birnie asked them to adopt this resolution, which mirrors the Housing Authority resolution discussed and approved earlier. Commissioner Smith **moved** to approve Resolution 2022-38, a Resolution of the Board of County Commissioners of Gunnison County, Colorado; Declaring Its Intent to Reimburse Gunnison County, Colorado, for Certain Prior Capital Expenditures Related to the Sawtooth Workforce Housing Project Phase 1. Seconded by Commissioner Mason. Motion carried unanimously.
2. **Emergency Medical Services Building; USDA Grant.** County Manager Birnie informed the Board of a grant for construction – to come next month – and asked the Board to delegate authority to the County Manager for signing when it is ready.
Commissioner Mason **moved** to delegate to the County Manager the authority on behalf of the Board to work with Gunnison Valley Health in approving the grant submission and to execute any documents required in applying for the grant. Commissioner Smith seconded. Motion carried unanimously
3. **Library Celebration event, held last Saturday.** CM Birnie noted that the celebration of the library's opening had been a very successful event, with over 1,000 people attending.
4. **Ongoing Opioid work.** CM Birnie stated that, while the opioid disbursement monies expected were not large amounts, it had spurred many conversations. He highlighted that GCSAPP Program Manager Kari Commerford and obtained another \$1,000,000 grant to bolster the efforts toward opioid intervention efforts.
5. **Out of office the week of October 17 – 21.** CM Birnie let the Board know he would be gone the entire week.
6. **Airport project update.** CM Birnie highlighted that he would be going over to the airport that afternoon. He stated that they should have gotten asphalt last Friday or this afternoon, and noted

that some of the art and topographical map were still going in. Small things were left to be done, but the functionality was much improved. Visitors were enjoying the hold room upstairs, commenting on its living-room feel and how comfortable it was.

APPROVAL OF FINAL DRAFT LETTER; RE: MT. CRESTED BUTTE DRAFT MASTER PLAN

COMMENTS: Assistant County Manager for Community & Economic Development Cathie Pagano asked the Board for feedback on the draft letter, noting that she had made two small changes that morning to the second and final paragraphs. Commissioner Smith suggested that they needed to make a definite, clear statement that the County was working for density in housing as part of its objectives in building. Commissioners Houck and Mason approved the suggestion.

Moved by Commissioner Houck, seconded by Commissioner Mason, to approve the comment letter for the Mt. Crested Butte planning process, and it will include a sentence or two that encompasses the conversation they just had about density, and then the Board approves that for signature of the full board. Motion carried unanimously.

MT. EMMONS LAND EXCHANGE; OPPORTUNITY TO COMMENT: County Attorney Matt Hoyt went over the background for this opportunity to comment, and shared with the Board some of the elements of the comments in the proposed letter, mentioning that the comments mainly covered issues consistent with their MOUs.

CA Hoyt included all the comments proposed for the agreement, and suggested that the agreement should be amended to reflect the comment issues. He wanted to encourage the Forest Service and the Town of Crested Butte to join the County in the changes recommended. The Board discussed the water rights issues in the land exchange and then expressed their support.

Moved by Commissioner Smith, seconded by Commissioner Mason, to approve the correspondence on the Mt. Emmons Land Exchange, the comment letter as included in the meeting packet, and to authorize the chair’s signature. Motion carried unanimously.

UNSCHEDULED CITIZENS: There was no one present in the room or via Zoom to offer comments.

COMMISSIONER ITEMS:

Commissioner Mason

1. Gunnison Valley Regional Housing Authority update. Commissioner Mason let the Board know that GVRHA was currently getting their new director, Andy Kadlec, set up. His first day had been September 26th; he was currently out of town attending a workshop and planned on being in the office on October 10th.
2. RTA update. Commissioner Mason stated that he was in contact with Airport Manager Rick Lamport, making sure there is coordination between the County and the “boutique” airline JSX being added for the winter, in where the flights will be loaded, getting a lease agreement.
3. Lead King Loop stakeholders received final comments. Commissioner Mason noted that the group is now working on putting together a final draft, to be shared with the trustees in Marble and the Forest Service, hopefully by the end of the month.

Commissioner Smith

1. Checked out cheatgrass treatment on Red Creek, Curecanti area, and other areas two weeks ago. Commissioner Smith noted that these areas were great models of cooperation and coordination. She also highlighted that the new cheatgrass and habitat restoration coordinator’s first day was yesterday; Commissioner Smith spent time yesterday onboarding with Petar Simic.
2. Update on proposed legislation for integrating electronic lodging and LMD collections. Commissioner Smith informed that Board that she and other stakeholders had been working with Colorado Counties Inc (CCI) to make sure counties are not needing to remit 3.33% to cover the cost of this integration for home rule areas. She reported that, for the moment, they had been able to stop the legislation.
3. Proposed priority legislation for CCI. Commissioner Smith explained that this legislation related to the county’s ability to tax campgrounds, and after taking a poll at the last CCI legislative priorities meeting on September 23rd, 70% of the membership supported pursuing this legislation.
4. Able to upload the Southwest Colorado Opioid Regional Council’s two-year plan. Commissioner Smith noted that this submittal should get some of the monies flowing.
5. Attended a mobile home park rulemaking hearing. Commissioner Smith stated that the meeting centered around transparency and ways to communicate with owners. She found that there is no free method for mobile home park residents to communicate with management and ownership currently.
6. Attended the Library’s grand opening last Saturday. Commissioner Smith commented that the library was a wonderful area, and it had been great to see so many people attending the event.

Commissioner Houck

1. Attended the STOR Committee meeting last week. Commissioner Houck noted that the committee will soon have BOCC appointments to make, with other agencies needing to make their appointments as well. He reported that STOR was currently going through a change of strategic priorities, and will be working on these changes with Joe Lavorini over the next couple of months.

2. Attended the CCI legislative priorities meeting last Friday. Commissioner Houck requested that the other commissioners let him know what other specific bills are important to them for the County as the next CCI meeting narrows down what the priority bills will be. He added that he would also be coordinating with ACM Joni Reynolds regarding her HHS related priorities.
3. Met with Rachel Hultin, Transportation Director with Bicycle Colorado. Commissioner Houck explained that Rachel was doing a tour through the western part of the state. He noted that Bicycle Colorado was concerned with multi-modal transportation opportunities as well as public transportation, so he had contacted Ms. Hultin to see what resources Bicycle Colorado could help with for the County’s planning team, especially regarding its corridor plans. Also, he saw it as an opportunity for the City and planned to meet with Mayor Plata later, as the mayor had not been available that day.
4. Spent day with CA Hoyt on the Big Game Wildlife Corridor meeting. Commissioner Houck stated that they worked to develop county comments as a cooperating agency, and he would bring these to the Board at a later time. He added that he was seeing how important these corridors are for the wildlife, especially for the Gunnison Basin. He felt that a lot of what comes from this will have connectivity to the County’s trail, residential, commercial, and transportation development.
5. Met with John Whitney from Senator Bennet’s office. Commissioner Houck, Hinsdale Commissioner Levine and John Whitney took a field trip to look at some of the Cimarron area in the proposed Gunnison Public Lands Initiative, a slice of which is in Hinsdale County. He noted how beautiful the area was, but that Silver Jack Reservoir was almost empty.
6. Attended the Library grand opening. Commissioner Houck was also there, and he commented on the wonderful gathering and celebration for the community, added that the library was an amazing facility for a great community.
7. Out of the office. Commissioner Houck gave another reminder that he would be out the week of October 17 – 21.
8. Scheduling County updates with the City of Gunnison and Mt. Crested Butte. Commissioner Houck reported that he was working on scheduling time for BOCC updates at both the City and Mt. Crested Butte meetings, noting that Commissioner Mason had already taken care of going to Crested Butte.

RECESS: Chairperson Houck recessed the meeting in order to go into an executive session from 9:27 am to 9:53 am.

EXECUTIVE SESSION, PURSUANT TO C.R.S. 24-6-402(4)(E)(I), FOR DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS RELATED TO THE MT. EMMONS/RED LADY MINE, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS, AND PURSUANT TO C.R.S. 24-6-402(4)(B) CONFERENCES WITH THE COUNTY ATTORNEY OR DEPUTY COUNTY ATTORNEY FOR GUNNISON COUNTY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE RELATED TO THE MT. EMMONS/RED LADY MINE:

Chairperson Houck **moved** to go into Executive Session Pursuant to Colorado Revised Statute § 24-6-402(4)(e)(I), for determining positions relative to matters that may be subject to negotiations related to the Mt. Emmons/Red Lady mine, developing strategy for negotiations, and instructing negotiators, and pursuant to Colorado Revised Statute § 24-6-402(4)(b) conferences with the County Attorney or Deputy County Attorney for Gunnison County for the purpose of receiving legal advice related to the Mt. Emmons/Red Lady mine. The participants in the Executive Session would be Commissioner Houck, Commissioner Mason, Commissioner Smith, County Manager Matthew Birnie, County Attorney Matthew Hoyt, and Deputy County Attorney Alex San Filippo-Rosser. Because any discussion in the executive session would be protected by attorney-client privilege, no contemporaneous record of the meeting would be kept. Commissioner Smith seconded. Motion carried unanimously.

The Board went into executive session at 9:28 am. The executive session was held in the BOCC Boardroom, and no contemporaneous records were kept. *Executive sessions of the Board of County Commissioners are conducted as per C.R.S. §24-6-402(4). This specific session was conducted as per §24-6-402 (4)(b).*

Attorney Statement Regarding Executive Session

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

Date: _____

Matthew Hoyt
Gunnison County Attorney

Chairperson Statement Regarding Executive Session

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

session was confined to the topic authorized for discussion pursuant to C.R.S. § 24-6-402(4)(e)(I) and C.R.S. § 24-6-402(4)(b).

Date: _____

Jonathan Houck, Chairperson
Gunnison County Board of Commissioners

At 9:52 am, it was **moved** by Commissioner Houck to come out of executive session, affirming that the participants in the executive session remained consistent with those read into the record, and that they did stay on topic. Chairperson Mason seconded the motion. Motion carried unanimously.

Chairperson Houck thanked CA Hoyt and DCA San Filippo-Rosser for the advice given during the executive session and then let everyone there know that there would be no direction given at this point.

ADJOURN: Chairperson Houck adjourned the Gunnison County Board of County Commissioners regular meeting at 9:53 am.

Jonathan Houck, Chairperson

Roland Mason, Vice-Chairperson

Liz Smith, Commissioner

Minutes Prepared By:

Melanie Bollig, Deputy County Clerk

Attest:

Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

**GUNNISON COUNTY HOUSING AUTHORITY
RESOLUTION NO: 2022-001**

A RESOLUTION DECLARING THE INTENT TO REIMBURSE GUNNISON COUNTY HOUSING AUTHORITY FOR CERTAIN PRIOR CAPITAL EXPENDITURES RELATED TO THE SAWTOOTH WORKFORCE HOUSING PROJECT PHASE 1

WHEREAS, the Gunnison County Housing Authority, Gunnison County, Colorado (the "Authority"), is a duly organized and existing public body, corporate, and politic, of the State of Colorado ("State"), created and operating pursuant to the Laws of the State; and

WHEREAS, the Authority is authorized and empowered by the Constitution and the laws of the State, including particularly Part 5 of Article 4 of Title 29 of the Colorado Revised Statutes, as amended, to issue obligations to finance and refinance the acquisition of housing projects for the benefit of persons of low income and for persons who, by virtue of age or disability, have special housing needs and to make and execute contracts necessary or convenient to the exercise of the powers of the Authority; and

WHEREAS, the Authority is authorized to lease or rent any of the dwellings or other accommodations, or any of the lands, buildings, structures, or facilities embraced in any project, and to establish and revise the rents or charges therefor pursuant to Part 2 of Article 4 of Title 29 of the Colorado Revised Statutes, as amended; and

WHEREAS, the Commissioners of the Authority (the "Commissioners"), have determined, that it is in the best interest of the Authority that the Commissioners, on behalf of the Authority, finance the acquisition, construction and equipping of approximately 12 duplex units, each of which will be a three-bed, two-bath

townhome, including one garage space in a shared garage which will also have a one bedroom accessory apartment above the garage (collectively the "Sawtooth Workforce Housing Project Phase 1"); and

WHEREAS, the Commissioners have determined that it is in the best interest of the Authority to finance the Sawtooth Workforce Housing Project Phase 1 through the execution and delivery of obligations, potentially including through an appropriation based on a lease financing; and

WHEREAS, the Commissioners have determined that it is necessary to make capital expenditures to acquire and construct the Sawtooth Workforce Housing Project Phase 1 prior to the time that the Commissioners arrange for the specific financing of such Sawtooth Workforce Housing Project Phase 1; and

WHEREAS, it is the Commissioners' reasonable expectation that when such financing occurs, the capital expenditures made by the Authority will be reimbursed with the proceeds of the financing; and

WHEREAS, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), it is the Authority's desire that this resolution shall constitute the "official intent" of the Authority to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE GUNNISON COUNTY HOUSING AUTHORITY, GUNNISON COUNTY, COLORADO:

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Commissioners or the officers or agents of the Commissioners or the Authority relating to the Sawtooth Workforce Housing Project Phase 1 is hereby ratified, approved and confirmed.

Section 2. Finding of Best Interests. The Commissioners hereby find and determine, pursuant to the Constitution and laws of the State of Colorado, that the Sawtooth Workforce Housing Project Phase 1 and the financing of the costs to be reimbursed are necessary, convenient, and in furtherance of the Authority's purposes and is in the best interests of the of the Authority and the Commissioners hereby authorizes and approves the same.

Section 3. Financing. The Authority intends to issue obligations to finance the Sawtooth Workforce Housing Project Phase 1 in the maximum principal amount of \$6,500,000.

Section 4. Necessary Actions. The officers, employees and agents of the Authority shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Sawtooth Workforce Housing Project Phase 1 and to otherwise carry out the transactions contemplated by the resolution.

Section 5. Authorizations. The officers and employees of the Authority are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this resolution.

Section 6. Prohibitions. The Authority shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 7. Official Intent. This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 8. Repealer. All bylaws, orders, and resolutions of the Authority, or parts thereof, inconsistent with this resolution or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order or resolution of the Authority, or part thereof, heretofore repealed.

Section 9. Severability. If any section, subsection, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or such documents, the intent being that the same are severable.

Section 10. Effective Date. This resolution shall be in full force and take effect immediately upon its passage and approval.

INTRODUCED by Commissioner Mason, seconded by Commissioner Smith, and adopted this 4th day of October, 2022.

It is hereby certified by the undersigned that the foregoing resolution is a true and correct copy of a resolution that was adopted at a duly called [Special] Meeting of the Authority where a quorum of the Commissioners were present and that such resolution remains in full force and effect.

GUNNISON COUNTY HOUSING AUTHORITY

Houck – yes, Mason – yes, Smith – yes

**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO: 2022-38**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO
DECLARING ITS INTENT TO REIMBURSE GUNNISON COUNTY, COLORADO, FOR CERTAIN PRIOR
CAPITAL EXPENDITURES RELATED TO THE SAWTOOTH WORKFORCE HOUSING PROJECT PHASE 1.

WHEREAS, Gunnison County, Colorado (the "County"), is a duly organized and existing county, existing as such under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the County has the power, pursuant to Sections 30-11-101(b), (c), and 30-26-101, of the Colorado Revised Statutes, as amended, to purchase and hold real and personal property for the use of the County, to lease any real or personal property, either as lessor or lessee, together with any facilities

thereon, when deemed by the Board of County Commissioners of Gunnison County, Colorado (the "Board") to be in the best interests of the County and its inhabitants, and to issue bonds for such purposes; and

WHEREAS, the Board has determined, that it is in the best interest of the County and its inhabitants that the Board, on behalf of the County, finance the acquisition, construction and equipping of approximately 12 duplex units, each of which will be a three-bed, two-bath townhome, including one garage space in a shared garage which will also have a one bedroom accessory apartment above the garage (collectively the "Sawtooth Workforce Housing Project Phase 1"); and

WHEREAS, the Board has determined that it is in the best interest of the County to finance the Sawtooth Workforce Housing Project Phase 1 through the execution and delivery of obligations, potentially including through an appropriation based on a lease financing; and

WHEREAS, the Board has determined that it is necessary to make capital expenditures to acquire and construct the Sawtooth Workforce Housing Project Phase 1 prior to the time that the Board arranges for the specific financing of such Sawtooth Workforce Housing Project Phase 1; and

WHEREAS, it is the Board's reasonable expectation that when such financing occurs, the capital expenditures made by the County will be reimbursed with the proceeds of the financing; and

WHEREAS, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), it is the County's desire that this resolution shall constitute the "official intent" of the County to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO:

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board or the officers or agents of the Board or the County relating to the Sawtooth Workforce Housing Project Phase 1 is hereby ratified, approved and confirmed.

Section 2. Finding of Best Interests. The Board hereby finds and determines, pursuant to the Constitution and laws of the State of Colorado, that the Sawtooth Workforce Housing Project Phase 1 and the financing of the costs to be reimbursed are necessary, convenient, and in furtherance of the County's purposes and is in the best interests of the inhabitants of the County and the Board hereby authorizes and approves the same.

Section 3. Financing. The County intends to issue obligations to finance the Sawtooth Workforce Housing Project Phase 1 in the maximum principal amount of \$6,500,000.

Section 4. Necessary Actions. The officers, employees and agents of the County shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Sawtooth Workforce Housing Project Phase 1 and to otherwise carry out the transactions contemplated by the resolution.

Section 5. Authorizations. The officers and employees of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provision of this resolution.

Section 6. Prohibitions. The County shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 7. Official Intent. This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2.

Section 8. Repealer. All bylaws, orders, and resolutions of the County, or parts thereof, inconsistent with this resolution or with any of the documents hereby approved are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order or resolution of the County, or part thereof, heretofore repealed.

Section 9. Severability. If any section, subsection, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or such documents, the intent being that the same are severable.

Section 10. Effective Date. This resolution shall be in full force and take effect immediately upon its passage and approval.

PASSED, ADOPTED AND APPROVED this October 4, 2022.

BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF GUNNISON, COLORADO

Houck – yes, Mason – yes, Smith – yes

STATE OF COLORADO)

COUNTY OF GUNNISON)

) SS.

CERTIFICATE OF COUNTY CLERK

I, Kathy Simillion, the Clerk and Recorder of Gunnison County, Colorado (the "County"), do hereby certify as follows:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Board of County Commissioners of the County (the "Board") at a regular meeting held on October 4, 2022.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the regular meeting of October 4, 2022, by an affirmative vote of a majority of the members of the Board as follows:

Name "Yes" "No" Absent Abstain

Jonathan Houck, Chair Yes

Roland Mason Yes

Elizabeth Smith Yes

- 3. The members of the Board participated either physically or electronically at such meeting in accordance with law and voted on the passage of such Resolution as set forth above.
- 4. The Resolution was approved and authenticated by the signature of the Chair of the Board, sealed with the County seal, attested by the County Clerk and recorded in the minutes of the Board.
- 5. There are no bylaws, rules or regulations of the Board which might prohibit the adoption of said Resolution.
- 6. Attached hereto as Exhibit A is a copy of the notice of the regular meeting on October 4, 2022, which notice was posted at least 24 hours before such meeting as provided by law.

[The remainder of this page intentionally left blank.]

WITNESS my hand and the seal of the County affixed this 4th day of October, 2022.

(SEAL)

Signed by: Kathy Simillion
CLERK AND RECORDER
GUNNISON COUNTY, COLORADO

EXHIBIT A

(Attach copy of notice given prior to the October 4, 2022 meeting)

**GUNNISON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA**

DATE: Tuesday, October 4, 2022 **Page 8 of 10**
**PLACE: Board of County Commissioners' Meeting Room at the Gunnison County
Courthouse**

(REMOTE OPTION BELOW)

GUNNISON/HINSDALE BOARD OF HUMAN SERVICES:

- 8:30 am
 - Call to Order
 - Colorado Works Workforce Development Program policies; Gunnison-Hinsdale County Department of Human Services; Updated Temporary Assistance for Needy Families (TANF) Policies; Effective Date 3/1/2022
 - Adjourn

GUNNISON COUNTY HOUSING AUTHORITY:

- Call to Order
- Resolution; Declaring the Intent to Reimburse Gunnison County Housing Authority for Certain Prior Capital Expenditures Related to the Sawtooth Workforce Housing Project Phase 1
- Adjourn

GUNNISON COUNTY BOARD OF EQUALIZATION:

- Call to Order
- CBOE; Process discussion
- Adjourn

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING:

- 8:37 am
 - Call to Order; Agenda Review
 - Scheduling
 - Consent Agenda: These items will not be discussed unless requested by a Commissioner or citizen. Items removed from consent agenda for discussion may be rescheduled later in this meeting, or at a future meeting.
 - 7. Approval for Emergency Medical Services Building Intergovernmental Agreement; Gunnison County and the Board of Trustees, Gunnison Valley Health; Gunnison County to provide financial assistance to GVH for construction of the EMS Building; Effective date 10/4/2022 to 2/01/2031; \$200,000 per year

- 8. Approval for Colorado Department of Public Health and Environment (CDPHE) Master Task Order Contract Amendment #1; for modifications to Subcontractor Requirements of the original Master Task Order contract; Effective Date of State Controller signing, to 6/30/2027
- 9. Approval for Colorado Department of Public Health and Environment (CDPHE) Contract 2022*2745 Amendment #2; Additional funding for Harm Reduction Services in Gunnison County; 9/28/2022 to 6/30/2023; \$16,465
- 10. Approval for Thomson Reuters contract; West Publishing Corporation and County Attorney’s Office; Subscription for West Proflex and Westlaw Precision Preferred Nation Primary Law; \$330 monthly for 3 mos, plus \$412.50 for 12 mos
- 11. Approval for Employee Health & Welfare Benefit Plan, Claims Administration Agreement for 2022; Group & Pension Administrators, LLC dba GPA (TPA); to perform Third Party Recovery Services for Gunnison County claims; Effective Date January 1, 2022; 30 - 33-1/3% of the gross amount of money obtained on behalf of the Employer
- 12. Approval for Letter of Support; Bureau of Land Management (BLM) Gunnison Field Office; for Non-Motorized Trail maintenance Grant Application to Colorado Parks and Wildlife, State Trails Program

- County Manager’s Reports
 - 1. Resolution of the Board of County Commissioners of Gunnison County, Colorado; Declaring Its Intent to Reimburse Gunnison County, Colorado, for Certain Prior Capital Expenditures Related to the Sawtooth Workforce Housing Project Phase 1
 - 2. Emergency Medical Services Building; USDA Grant

8:50 am • Approval of Final Draft Letter; Re: Mt. Crested Butte Draft Master Plan Comments

8:55 am • Mt. Emmons Land Exchange; Opportunity to Comment

9:00 am • Unscheduled Citizens: Limit to 5 minutes per item. No formal action can be taken at this meeting.

- Commissioner Items: Commissioners will discuss among themselves activities that they have recently participated in that they believe other Commissioners and/or members of the public may be interested in hearing about.
- Executive Session, pursuant to C.R.S. 24-6-402(4)(e)(I), for determining positions relative to matters that may be subject to negotiations related to the Mt. Emmons/Red Lady mine, developing strategy for negotiations, and instructing negotiators, and pursuant to C.R.S. 24-6-402(4)(b) conferences with the County Attorney or Deputy County Attorney for Gunnison County for the purpose of receiving legal advice related to the Mt. Emmons/Red Lady mine
- Adjourn

Please Note: Packet materials for the above discussions will be available on the Gunnison County website at <http://www.gunnisoncounty.org/meetings> prior to the meeting.

ZOOM MEETING DETAILS:

Join Zoom Meeting: <https://us02web.zoom.us/j/82753657556?pwd=MjNDbTZHTFNrRVdDemZjdC91aVBIZz09>

Meeting ID: 827 5365 7556
Passcode: 471302
One tap mobile
+12532158782,,82753657556#,,,,*471302# US (Tacoma)
+13462487799,,82753657556#,,,,*471302# US (Houston)

*NOTE: This agenda is subject to change, including the addition of items up to 24 hours in advance or the deletion of items at any time. All times are approximate. The County Manager and Deputy County Manager’s reports may include administrative items not listed. Regular Meetings, Public Hearings, and Special Meetings are recorded and **ACTION MAY BE TAKEN ON ANY ITEM.** Work Sessions are not recorded and formal action cannot be taken. For further information, contact the County Administration office at 641-0248. If special accommodations are necessary per ADA, contact 641-0248 or TTY 641-3061 prior to the meeting.*

