

COMMISSIONERS PROCEEDINGS 1

BOARD OF COUNTY COMMISSIONERS Minutes of Meeting June 29, 2021

As reflected in posted agenda:

To participate in the Citizen's Comment Period you must connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/86942328774> If you cannot connect via Zoom, you may submit written public comment to morgancountybcc@co.morgan.co.us by email by 4 p.m. on Monday June 28, 2021.

To participate in Public Hearings you may connect via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/86942328774> to listen via phone, please dial: 1-312-626-6799, Meeting ID: 869 4232 8774

To watch and/or listen to the meeting but not participate, you may do so by connecting via Zoom Conferencing Access Information: <https://us02web.zoom.us/j/86942328774> or to listen via phone, please dial: 1-312-626-6799, Meeting ID: 869 4232 8774

The Board of Morgan County Commissioners met Tuesday, June 29, 2021 at 9:00 a.m. with Chairman Mark Arndt, Commissioner Jon Becker and Commissioner Gordon Westhoff in attendance. Chairman Arndt asked Morgan County citizen Chuck Miller, to lead the meeting in the Pledge of Allegiance. Chairman Arndt made note that there was a typo in the prepared posted agenda, and the Board will not be convening as the Board of Human Services, that this is a regular board meeting.

CITIZEN'S COMMENT

Chuck Miller, 26060 County Road S, Brush, CO spoke during citizen's comment providing information and expressing concerns about several items. Chairman Arndt asked Mr. Miller to provide his comments in regards to the resolution that is being presented today. Mr. Miller then provided specific comments in regards to Resolution 2021 BCC 23, naming #5 and #6, which will be presented during today's meeting. Discussion followed regarding the suggestions expressed by Mr. Miller.

ADOPTION OF THE AGENDA

Commissioner Westhoff made a motion to adopt the agenda with the noted correction striking the language as indicated by Chairman Arndt, with Commissioner Becker seconding the motion. Motion carried 3-0.

CONSENT AGENDA

1. Ratify the Board of County Commissioners approval of meeting minutes dated June 15, 2021
2. Ratify the Board of County Commissioners approval of Contract 2021 CNT 063, Morgan County Economic Development Corp., Term of Contract July 1, 2021 through June 30, 2022
3. Ratify the Board of County Commissioners approval of Grant Award 2021 GRA 02, Coroner Overdose Prevention Grant, State CDPHE Term of Grant September 1, 2021 through August 31, 2022
4. Ratify Chairman Mark Arndt's signature on Stormwater Inspection Form dated June 21, signed June 24, 2021
5. Ratify Chairman Mark Arndt's signature on Collaborative Management Memorandum of Understanding SFY 2021-2022, signed date June 24, 2021
6. Ratify the Board of County Commissioners approval on Cub Scout Pack 25 Fairgrounds Fee Waiver Request, signed June 22, 2021
7. Ratify the Board of County Commissioners approval on Brush Rodeo Association Fairgrounds Fee Waiver Request, signed June 24, 2021
8. Ratify the Board of County Commissioners approval on Knights of Columbus #4627 Fairgrounds Fee Waiver Request, signed May 24, 2021
9. Ratify the Board of County Commissioners approval on Steve Treadway Celebration of Life Fairgrounds Fee Waiver Request, signed May 28, 2021

Commissioner Becker made a motion to approve items 1-9 as presented, Commissioner Westhoff seconded the motion. At this time the motion carried 3-0.

GENERAL BUSINESS AND ADMINISTRATIVE ITEMS

Consideration of Approval – Bid Tabulation RFP 2021-0624-001 Emulsified Asphalt

Morgan County Road Supervisor John Goodman presented to the Board for approval Bid Tabulation RFP 2021-0624-001 Emulsified Asphalt. Mr. Bass stated he received two bids, a bid from Cobitco Inc. and a bid from Vance Brothers. Mr. Goodman further summarized the details of each bid submitted.

At this time, Mr. Goodman recommended the bid be awarded to Cobitco, Inc. in the amount of \$2.12 per gallon with the total being \$636,000.00.

Commissioner Westhoff made a motion to approve RFP 2021-0624-001 Emulsified Asphalt to Cobitco, Inc. in the amount of \$2.12 per gallon with the total being \$636,000.00 as recommended by Morgan County Road Supervisor John Goodman with Commissioner Becker seconding the motion. At this time motion carried 3-0.

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Consideration of Approval - 2021 BCC 23 A Resolution Opposing the "30x30" Program

MORGAN COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

RESOLUTION NO. 2021 BCC 23

A Resolution Opposing the 30x30 Program

WHEREAS, Morgan County is a legal and political subdivision of the State of Colorado for which the Board of County Commissioners ("Board") is authorized to act; and

WHEREAS, Morgan County contains about 829,440 acres of land situated in Northeastern Colorado; and

WHEREAS, the Federal Government owns 640 Million acres of land in the United States, which is approximately 28 percent of the total land area of 2.27 Billion acres.

WHEREAS, Colorado has abundant National Forest land and four National Parks that contribute to Federal ownership of 24,615,788 acres.

WHEREAS, the Federal Government owns 2,405 acres of land within Morgan County.

WHEREAS, over the past 25 years the National Resources Conservation Service has worked with landowners to protect more than 4.4 Million acres of wetlands and agriculture land, resulting in improved soil health, water and air quality and wildlife habitat.

WHEREAS, conserving lands does not assure its preservation. Left in an undisturbed or natural state, these lands are highly susceptible to wildland wildfires, insect infestation and disease, all of which degrades the natural and human environments; and

WHEREAS, the wellbeing, health, safety, welfare, economic condition, and culture of the County, its businesses and its citizens depend on private land ownership and the use of these lands; and

WHEREAS, many of Morgan County's businesses and citizens are involved in or otherwise depend on commerce that utilizes private lands and their resources, including crop production, livestock grazing, natural gas production and the royalties property owners receive from this production, mining, and mineral development, outdoor activities including hiking, biking, hunting, fishing, boating, gardening and other outdoor recreation; and

WHEREAS, this commerce is an important component of the Colorado economy, and is a major contributor to the economic and social wellbeing of Morgan County and its citizens; and

WHEREAS, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008 entitled Tackling the Climate Crisis at Home and Abroad (86 Fed. Reg. 7,619); and

WHEREAS, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture and other senior officials, to develop a program to conserve at least 30 percent of the lands and waters in the United States by 2030, which is called the "30 x 30" program; and

WHEREAS, under the 30 x 30 program, some 680 million acres of our Nation's lands would be set aside through conservation, preventing the productive use of these lands and their resources; and

WHEREAS, there is no constitutional or statutory authority afforded to any President, the Department of the Interior, the Department of Agriculture or any other federal agency to set aside and permanently conserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008; and

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WHEREAS, placing private lands into permanent conservation status will cause a dramatic and irreversible harm to the economies of many states, including Colorado, and in particular rural counties such as Morgan County, whose citizens depend on private lands for their livelihoods and recreation; and

WHEREAS, Executive Order 14008 at 216(a) directs the Secretary of the Interior, in consultation with other relevant federal agencies to “submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal and territorial governments, agricultural and forest landowners, fishermen and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030”

WHEREAS, Morgan County Board of County Commissioners asserts its legal standing as outlined in the Federal Land Policy and Management Act of 1976 (“FLPMA”), 43 U.S. § 1701 *et seq.* Specifically at 43 U.S.C. § 1712, regarding the coordinating status of a county engaging in the land use planning process, but not limited to Resolution 2010 BCC 17 and formally requests coordination status with all Federal and State agencies that are involved or will be involved with Section 216 of Presidential Executive Order 14008 outlining a Federal goal of conserving 30 percent of our land and waters by the year 2030.

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

1. The Board opposes the 30 x 30 program, including its objective of permanently conserving 30 percent of the Nation's lands and waters in its natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of our lands.
2. The Board further opposes the designation of lands in Morgan County as wilderness, wilderness study areas, wildlife preserves, open space or other conserved lands, thereby restricting public access to such lands, preventing the development and productive use of the resources on or within such lands.
3. The Board supports the continued private ownership of land in the County, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, fiber, and recreation.
4. The Board recognizes and supports the State of Colorado's private water rights system, including the State of Colorado's Statutes, regulations and programs governing water rights and water use, and opposes any federal designation of waters and watercourses within the State and County that would impair or restrict water diversions and uses authorized under Colorado law.
5. The Board supports reasonable national, regional and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost-effective, non-draconian, and do not unnecessarily single out specific industries or activities, but opposes the use of global climate change as a reason to set aside large tracts of land as conservation lands to fulfill the 30 x 30 program's objectives.
6. The Board also maintains that any lands or other rights that are acquired to fulfill the 30 x 30 program's objectives should be acquired only from willing landowners and for the payment of full and fair market value for all rights and interests acquired, and not through eminent domain or any other regulatory compulsion. This acquisition of land should only occur after working with Morgan County Government through coordination to analyze and consider all impacts of such land acquisitions on the well-being, health, safety, welfare, economy and culture of Morgan County, its businesses and its citizens.
7. The Board shall send a copy of this Resolution to President Joe Biden, the Department of Interior, Colorado Governor Polis, and all other relevant Federal and State agencies.

Done this 29th day of June 2021.

**THE BOARD OF COUNTY COMMISSIONERS
MORGAN COUNTY, COLORADO**

s/Mark A. Arndt
Mark A. Arndt, Chairman

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s/ Jon J. Becker
Jon J. Becker, Commissioner

s/Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey

Commissioner Westhoff presented to the Board Resolution 2021 BCC 23, a Resolution Opposing the “30x30” Program. Commissioner Westhoff summarized the efforts that have been made by the Board in preparing this resolution.

Commissioner Westhoff made a motion to approve Resolution 2021 BCC 23 a Resolution Opposing the “30x30” Program, with the addition of language to the resolution, by inserting the federal act for coordination with the local governments noting approved Resolution 2010 BCC 17, which adopted coordination in Morgan County with Commissioner Becker seconding the motion. At this time, the motion carried 3-0.

UNFINISHED BUSINESS

There was no unfinished business.

COUNTY OFFICIAL AND DEPARTMENT HEAD REPORTS

Morgan County Clerk and Recorder stated the ballot drop box will be closed at 4 p.m. Wednesday, June 30th, and will no longer be available for citizens to utilize to drop county documents as there is maintenance required for the drop box for the upcoming coordinated election.

Morgan County Road Supervisor John Goodman read the current road and bridge report into the record.

Commissioners reviewed the calendar dated June 25, 2021 through July 6 with no current changes.

Being no further business the meeting was then adjourned at 9:32 a.m.

Respectfully Submitted,

Susan L. Bailey
Clerk to the Board

(Minutes ratified July 6, 2021)

THE BOARD OF COUNTY COMMISSIONERS MORGAN COUNTY, COLORADO

s/Mark A. Arndt
Mark A. Arndt, Chairman

s/ Jon J. Becker
Jon J. Becker, Commissioner

s/Gordon H. Westhoff
Gordon H. Westhoff, Commissioner

(SEAL)

ATTEST:

s/ Susan L. Bailey
Susan L. Bailey