

MEETING MINUTES
GRAND COUNTY BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING

July 2, 2018

Present: Commissioner Richard D. Cimino, Commissioner District 1
Commissioner Merrit S. Linke, Commissioner District 2 – Chair
Commissioner Kristen Manguso, Commissioner District 3

Also Present: Clerk and Recorder Sara Rosene
County Manager Lee Staab
County Attorney Robert Franek
Assistant Attorney County Maxine LaBarre-Krostue

Those present recited the Pledge of Allegiance.

County Sheriff Brett Schroetlin reported that Grand County is currently in Stage 1 Fire Restrictions. The Forest Service and BLM followed suit with that. Grand County experienced the Golf Course Fire by Grand Lake that started late last week. The fire burned approximately 20 acres near the Grand Lake Golf Course. It was an intense fire and it took a lot of resources from the County and the Region.

There were no structures lost and there were no injuries. The fire is 100 percent contained. Grand Lake Fire continues to monitor the fire.

The Sugarloaf Fire is on County Road 3 by Henderson. It is 1,000 plus acres and is being managed by the Forest Service. In an effort to protect County resources, Grand County is actively involved in negotiations with the Forest Service to make sure that County resources are protected. It is all on Forest Service land but it is close to private land.

Sheriff Schroetlin recommended that the County move to State 2 Fire Restrictions.

Grand Fire performed an assessment on the matrix. Grand County scores a 4 out of 7 of the criteria. That is the necessary criteria for fire restrictions. That coupled with evidence of wild fire risk as evidenced by the fires in the County that meets the requirements of the resolution.

Matrix Criteria

1. 1,000 fuel moistures content is 9 percent or less below 8,000 feet or 12 percent or less above 8,000 feet
2. Three day mean energy release component (ERC) is at 90 percent or above
3. Live fuel moisture content is 90 percent or less in sagebrush
4. Fires re impacting available resources
5. Area is receiving a higher than normal occurrence of human-caused fires.
6. Drought indicators (Palmer Drought Severity Index Outlook)
7. Adverse fire weather is predicted to continue Zone 213 (eastern Grand County)

Grand Fire Chief Brad White supports the Sheriff's recommendation.

Commissioner Manguso stated that Senator Cory Gardner commended the local agencies for the work on the Grand Lake Fire.

Mandy Hannifen who lives on County Road 52 requested that the Board consider putting in the State 2 Fire Restrictions.

Commissioner Cimino moved to approve Resolution No. 2018-7-1, "A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GRAND, STATE OF COLORADO DECLARING A STAGE TWO FIRE BAN/RESTRICTION, FIREWORKS SALE AND USE BAN/RESTRICTION, AND INCENDIARY DEVICE USE BAN/RESTRICTION EFFECTIVE 4:00 P.M., JULY 2, 2018, PURSUANT TO ORDINANCE NO. 20"

WHEREAS, on May 15, 2018, the Board of County Commissioners of the County of Grand, State of Colorado adopted Ordinance No. 20, effective June 23, 2018; and

WHEREAS, Ordinance No. 20 is incorporated herein by reference as if set forth in full herein; and

WHEREAS, Ordinance No. 20, in part, establishes fire restriction on open fires under certain conditions and provides a procedure for instating and rescinding any or all of the restrictions set forth therein from time to time by resolution, and establishes criminal penalties for the violation thereof; and

WHEREAS, Ordinance No. 20, in part, establishes restrictions upon the use and sale of fireworks under certain conditions and provides a procedure for instating and rescinding any or all of the restrictions set forth therein from time to time by resolution, and establishes criminal penalties for the violation thereof; and

WHEREAS, Ordinance No. 20, in part, establishes restrictions upon the use of incendiary devices under certain conditions and provides a procedure for instating and rescinding any or all of the restrictions set forth therein from time to time by resolution, and establishes criminal penalties for the violation thereof; and

WHEREAS, C.R.S. §30-15-401(1)(n.5) authorizes the Board of County Commissioners of the County of Grand, State of Colorado to ban open fires within those portions of the unincorporated areas of Grand County where the danger of forest or grass fires is found to be high based on competent evidence. "Competent evidence" may include, but is not limited to, the use of the national fire danger rating system and any other similar indices or information; and

WHEREAS, C.R.S. §30-15-401(1)(n.7) authorizes the Board of County Commissioners of the County of Grand, State of Colorado to prohibit or restrict the sale, use, and possession of fireworks, including permissible fireworks, as defined in C.R.S. §24-33.5-2001(5) and (11), within all or any part of the unincorporated areas of Grand County where the danger of forest or grass fires is found to be high based on competent evidence. "Competent evidence" may include, but is not limited to, the use of the national fire danger rating system and any other similar indices or information; and

WHEREAS, "open burning" and /or "open fires", fireworks, and incendiary devices can be a prime cause of forest and brush fires in Grand County; and

WHEREAS, factors evidencing high danger of forest or grass fires is subject to rapid change; and

WHEREAS, the Board of County Commissioners has considered competent evidence regarding the underlying, on-going dangers of forest or grass fires in Grand County; and

WHEREAS, the Board of County Commissioners has determined that the public health, safety and welfare will be best served by adopting a Stage Two open fire ban/restriction, a firework use and sale ban/restriction, and an incendiary device use ban/restriction; and

WHEREAS, any ban on open fires, fireworks and incendiary devices shall be instated whenever and only whenever the Board determines, based on competent evidence, that the danger of fire or forest fire or grass fire is high; and

WHEREAS, Grand County has experienced two (2) wildland fires within the past week, which is competent evidence that the danger of fire or forest fire or grass fire is high, and the danger of widespread or severe damage, harm or injury to life or property is high; and

WHEREAS, the Board of County Commissioners further finds, based upon competent evidence, the danger of widespread or severe damage, harm or injury to life or property necessitates immediate action to avoid such damage, harm or injury and protect and preserve the public health, safety and welfare of the citizens of and visitors to Grand County; and

WHEREAS, the Board of County Commissioners finds that passage of this Resolution in accordance with Ordinance No. 20 is necessary to protect against human-caused fires; and

WHEREAS, the Grand County Sheriff recommends instituting Stage Two bans/restrictions on open burning, fireworks and incendiary devices in Grand County on an emergency basis, and the Board has found that the danger of forest or grass fires based on competent evidence, meteorological trends and other information, is indeed high; and

WHEREAS, the Board of County Commissioners of the County of Grand, State of Colorado finds, based upon competent evidence, including the recent weather conditions, fuel moistures, preparedness levels and the potential for destructive forest or grass fires in Grand County and the western region, that there exists the imminent threat of widespread or severe damage, injury or loss of life or property resulting from fire which requires action to avert danger or damage, and a high fire danger emergency exists within Grand County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF GRAND COUNTY, COLORADO, THAT A DECLARATION OF STAGE TWO FIRE RESTRICTIONS BE AND IS HEREBY INSTATED.

I. A Stage Two fire restriction is designed to reduce fire risk and prevent wild fires during periods of high fire danger and includes prohibitions of the following:

1. "Burning," "open burning" and/or "open fires" as those terms are defined by Grand County Ordinance 20 are prohibited unless otherwise provided for herein.
2. Smoking, except within an enclosed vehicle or building, is prohibited.
3. Operating an internal or external combustion engine without a spark arresting device, properly installed, maintained and in effective working order is prohibited.
4. The use of welding equipment or operating acetylene torches or other torch with an open flame is prohibited.
5. The use of incendiary devices, as defined by Grand County Ordinance 20, within unincorporated Grand County is prohibited.
6. The possession, use and sale of permissible fireworks and fireworks, as defined by Grand County Ordinance 20, within unincorporated Grand County is prohibited.

BE IT FURTHER RESOLVED, excluded from this Resolution are the following fire and burning activities:

1. Use of liquid or gas fueled appliances.
2. Permitted fires by persons with a permit specifically authorizing the prohibited act, such as professional firework displays.
3. Fire Department/District training fires.
4. Burning of explosive wastes by manufacturer or explosives in areas zoned for industrial use, when the burning is supervised by the fire protection district.
5. Open fires or open burning by any federal, state or local fire official in the performance of fire suppression functions.
6. Fires used to inflate commercial hot air balloons.

BE IT FURTHER RESOLVED, individuals operating under any of the above exemptions shall take adequate measures to prevent uncontrolled fires. Possible measures include, but are not limited to:

1. Containers of adequate water or dry soil nearby.
2. Shovels, fire extinguishers, or other extinguishing agents nearby.
3. Extinguishing all smoking materials and disposing them in places where they cannot be a source of ignition.
4. Coordination with the local fire department or district to be on scene or standby during an activity.

BE IT FURTHER RESOLVED, Ordinance No. 20 and this Resolution may be enforced by the Grand County Sheriff's Office and any other Peace Officer with authority in Grand County, Colorado.

Penalties:

1. Violations of any provision of Ordinance No. 20 and this Resolution is a Class 2 Petty Offense, and upon conviction shall be punished by a fine of not more than One Thousand and 00/100 Dollars (\$1,000.00) for each separate violation together with a surcharge of Ten and 00/100 Dollars (\$10.00) that shall be paid to the Clerk of the Court by the defendant.
2. The penalty assessment procedure provided in C.R.S. §16-2-201 may be followed when enforcing the provisions of Ordinance No. 20 and this Resolution. If a penalty assessment ticket is issued, the fines imposed shall be One Hundred and 00/100 Dollars (\$100.00) for the first offense, and Two Hundred Fifty and 00/100 Dollars (\$250.00) for the second offense.
3. Anyone starting, maintaining, or permitting burning, open burning and/or open fires in violation of Ordinance No. 20 and this Resolution shall be responsible for any and all costs associated with extinguishing the fire and for any and all damages caused as a result of the fire.

BE IT FURTHER RESOLVED, the effective date and time of this Resolution shall be 4:00 p.m. on July 2, 2018, and shall be effective for thirty (30) days from the effective date at which time it shall automatically repeal without further Resolution, or at an earlier date if deemed appropriate by the Board of County Commissioners by further Resolution of the Board.

BE IT FURTHER RESOLVED, Resolution 2018-6-49 is hereby repealed and no longer effective or enforceable as of the effective date and time of this Resolution.

BE IT FURTHER RESOLVED, if any part or parts of this Resolution are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of County Commissioners hereby declares that it would have passed this Resolution and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

The motion passed unanimously.

Commissioner Cimino moved to convene an Executive Session pursuant to CRS 24-6-402(4)(c) matters to be kept confidential by federal and state laws or rules and regulations. All records obtained pursuant to CRS 25-4-511 as a result of an investigation by the public health agency shall be kept strictly confidential and only shared to the extent necessary for the investigation, treatment, and control and prevention. Present at the meeting will be the Board, Assistant County Manager Ed Moyer, County Attorney Robert Franek, Assistant County Attorney Maxine LaBarre-Krostue, Public Health Nurse Brene Belew-LaDue.

The motion passed unanimously.

The Executive Session ended at 3:09 p.m.

I, Merrit Linke, hereby attest that the minutes of this executive session were recorded in accordance with CRS 24-6-402 and confined to the topic authorized for discussion in the executive session.

There being no further business to come before the Board, the meeting was adjourned at 3:09 p.m. The minutes were prepared by Clerk and Recorder Sara L. Rosene. Approved this _____ day of July 2018.

Merrit Linke, Chair

Attest:

Sara L. Rosene, Clerk and Recorder