

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING, MARCH 10, 2009**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN SPECIAL SESSION WITH THE FOLLOWING MEMBERS PRESENT:

Lynn Attebery	Chairman
Jim Austin	Vice-Chairman
Carole Custer	Absent
Kris Lang	Deputy Clerk to the Board

Also present was Sheriff Fred Jobe, Marilyn Keffer Clerk & Records Office and Nora Drenner reporter for the Wet Mountain Tribune.

AGENDA

Call meeting to order
Pledge of allegiance
Resolution Fire Ban

The meeting was called to order at 10:00 AM and the Pledge of Allegiance was recited.

Commissioner Attebery stated the purpose of the Special Meeting was to adopt a Fire Ban Resolution effective immediately. Commissioner Austin stated he spoke with Fire Chief, Mick Kastendieck and that the Wet Mountain Fire Protection District was in support of the Fire Ban. Sheriff Jobe stated for the record that his department was also in support of the Fire Ban.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approved Custer County Resolution #09-03 to ban open burning in the unincorporated portions of the county. The motion carried.

**CUSTER COUNTY RESOLUTION
09-03**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO BAN OPEN BURNING IN THE UNINCORPORATED PORTIONS OF THE COUNTY.

WHEREAS, this Board has certain authorities under the provisions of CRS Section 30-15-401 and has adopted an Ordinance pursuant to that statute relevant to the ban of open fires to a degree and in a manner that the Board of County Commissioners deems necessary to reduce the danger of wildfires within those portions of the unincorporated area of the County where danger of forest or grass fires is found to be high; and,

WHEREAS, the Sheriff of Custer County is empowered under the provisions of CRS Sections 30-10-512 and 30-10-513 to act as Fire Warden of the County in case of grass or forest fires and to assume charge and assist governmental authority in an emergency for controlling and extinguishing grass or forest fires; and,

WHEREAS, the Sheriff and Fire Chief throughout the County have advised the Board of County Commissioners of Custer County that the lack of snow or rainfall and current high-wind weather conditions have created a threat of fire in forests and grasslands of Custer County and that a current state of emergency exists with respect to fire danger; and,

WHEREAS, the Board of County Commissioners finds that, based upon competent evidence, the danger of wild fires within Custer County is high and a fire danger emergency does exist within the unincorporated area of Custer County; NOW

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO, that effective March 10, 2009:

1. No open fires in rural areas will be permitted during the fire ban. This includes the burning of trash in containers. Any violation of the fire ban shall result in any penalties provided by the Ordinance.
 - a. Special Circumstances Permit: During the fire ban, a special circumstance permit may be requested from the Custer County Sheriff. Based upon weather and environmental conditions at that time, the Sheriff in consonance with the Fire Chief may issue a one time, period limited written permit for an open burn. The permit will specify the time of the requested burn and the permit recipient will notify the Sheriff's Department when the burn is started and when it is completed.
2. Gas-powered camp stoves and gas-powered barbecue grills are permitted. Any open flame must be attended at all times.
3. No airborne fireworks or those that explode or consist of any incendiary device or can result in secondary burns will be permitted except as otherwise provided by CRS Section 12-28-103.
4. Federal authorities may also impose fire restrictions, on all public lands in Custer County. As a result, building, maintaining, attending or using a fire, campfire, charcoal, coal and wood burning stove may be prohibited on all national forest and grasslands areas. Also smoking may be limited except in an enclosed vehicle or building or on developed recreation sites. Fires may be allowed in established fire pits in developed campgrounds and picnic grounds with manufactured fire grates, grills or with petroleum fueled stoves, lanterns, and heating devices provided the devices meet fire specifications for safety.
5. The Fire Chief or and Fire District or Fire Organization for purposes of all areas within the official boundaries of their jurisdiction or the Sheriff for all areas of the unincorporated area of the County not within such boundaries may recommend to the Board of County Commissioners that such fire bans be lifted in their respective areas of jurisdiction when they deem it appropriate and make recommendations to the Board for the re-imposition of the fire ban when a new fire danger emergency exits.
6. During periods wherein fire bans are rescinded, the Sheriff, with input from competent fire authorities may impose temporary, limited fire bans during periods of officially declared "Red Flag" days.

Approved 3/18/09

BE IT FURTHER RESOLVED that the Sheriff of Custer County is hereby directed to enforce the provisions of this Resolution until such time as it is rescinded.

RESOLVED, ADOPTED AND SIGNED THIS 10TH DAY OF MARCH, 2009 WESTCLIFFE, and COLORADO.

SIGNED: CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery
Chairman

Jim Austin
Vice-Chairman

Attest:

Marilyn Keffer for Debbie Livengood
Clerk and Recorder

Sheriff Jobe proposed an amendment to the Fire Ban Resolution that would specify and authorize the Sheriff's Department to issue summons and citations on unauthorized burns. Commissioner Attebery and Commissioner Austin replied they would seek legal advice from the county attorney regarding the proper procedures and statutes in this regard.

Sheriff Jobe reported the Inter-Governmental Agreement (IGA) with the Bureau of Land Management (BLM) for joint operations was scheduled for review later this week. He stated afterwards, the IGA would be forwarded to the Board of County Commissioners for signatures.

MOTION by Commissioner Austin, seconded by Commissioner Attebery:

To adjourn the meeting. The motion carried.

The meeting was adjourned at 10:15 AM.

Debbie Livengood, Clerk & Recorder
Attest

Lynn Attebery
Chair