

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, AUGUST 2, 2011**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONER'S BOARDROOM.

Commissioner Lynn Attebery called the meeting to order at 9:00 AM and the Pledge of Allegiance was recited.

Roll Call was taken:

Lynn Attebery	Chairman	Present
Jim Austin	Vice-Chairman	Present
Allen Butler	Commissioner	Present
John Naylor	County Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was Nora Drenner, reporter for the Wet Mountain Tribune.

**AGENDA:**

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Approval of minutes
- Audience introduction
- Public Comment
- New/Old Business
- Custer County Purchasing Policy
- County Attorney
- Excavating Pit #2 Permit No. M-2002-117
- Custer County Traffic Code Update
- Mail Ballot Election – Debbie Livengood, Clerk and Recorder
- Business Tax Implementation discussion
- 10:00 AM BOARD OF EQUILIZATION HEARINGS - JD Henrich, County Assessor
- Planning and Zoning Report – Jackie Hobby
- Treasurer Report – Virginia Trujillo
- Public Trustee – Virginia Trujillo

**MOTION by Commissioner Butler, seconded by Commissioner Austin:**

To accept the posted agenda. The motion carried unanimously.

Commissioner Attebery asked if there were any public comments. Hearing none he proceeded with the meeting.

**MOTION by Commissioner Attebery, seconded by Commissioner Butler:**

To approve the addition of a BOCC Special Meeting on August 8, 2011 to the calendar. The meeting will start at 9:00 AM in the Commissioners Boardroom. The purpose of the meeting is to confer with and seek legal advice from the county attorney that could result in an executive session. The motion carried unanimously.

The BOCC met with the County Attorney and the following topics were discussed:

- Mullet Excavating Pit #2 Permit No. 2002-117 Financial Warranty Reduction (Accepted).

- The Custer County Purchasing Policy is scheduled for review at the August 31, 2011 BOCC Staff Meeting.
- The Public Hearing for the Model Traffic Code Ordinance is scheduled on September 13, 2011.
- The Business Tax Implementation discussion is postponed until September 13, 2011.
- A county department research fee discussion is scheduled at the August 31, 2011 BOCC Staff Meeting.
- The draft recycling agreement submitted by the recycling coordinator with the Angel of Shavano Recycling was reviewed and the county attorney proposed several revisions. The agreement will be forwarded to the recycling committee for their review.

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To adopt Resolution # 11-09. The motion carried unanimously.

CUSTER COUNTY RESOLUTION  
RESOLUTION NO. #11-09

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO TO AFFIRM THE DECISION THAT FOLLOWING THE FINAL 2010 CENSUS FIGURES, REDISTRICTING IN CUSTER COUNTY WOULD NOT BE REQUIRED.

Whereas , the Equal Protection Clause of the United States Constitution requires that where electoral districts are used, they must be substantially equal in population, so that each person's vote counts about the same; and, Whereas, the determination on whether there is substantial equality in population among districts routinely follows a 10% rule of thumb calculation; and

Whereas, the 2010 Census figures for Custer County on the electoral districts resulted in a less than 10% population change; and

Whereas, at the June 14, 2011 meeting, the Board of Custer County Commissioners unanimously determined that redistricting within Custer County is not required; and

Whereas, that the previous district boundaries are confirmed.

THEREFORE, BE IT RESOLVED, the Board of Custer County Commissioners does hereby adopt this resolution confirming the decision that redistricting within Custer County is not required following the 2010 U.S. Census and the previous district boundaries have been confirmed.

RESOLVED, ADOPTED AND SIGNED ON THIS 2<sup>ND</sup> DAY OF AUGUST, 2011 AT WESTCLIFFE COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS

Lynn Attebery, Chairman

Jim Austin, Vice-Chair

Allen Butler, Commissioner

Debbie Livengood, Clerk and Recorder Attest

Virginia Trujillo, County Treasurer met with the BOCC and gave a report for July 2011. The beginning balance was \$3,584,246.22 and the ending balance was \$3,426,996.07.

**MOTION by Commissioner Attebery, seconded by Commissioner Butler:**

To accept the Treasurers report for July 2011 as presented. The motion carried unanimously.

Virginia Trujillo, Custer County Public Trustee gave a quarterly report of the Public Trustee to the BOCC pursuant to 38-37-104(3) CRS 2002.

**MOTION by Commissioner Attebery, seconded by Commissioner Austin:**

To accept the Public Trustee report as presented. The motion carried unanimously.

JD Henrich, Assessor and Debbie Livengood, Clerk and Recorder joined the meeting.

Commissioner Attebery closed the Regular Session and opened the Board of Equalization (BOE) Hearing.

**MOTION by Commissions Attebery, seconded by Commissioner Austin:**

To uphold the vacant land classification on Schedule #10236887 and #10236888. The motion carried unanimously.

**MOTION by Commissioner Butler, seconded by Commissioner Austin:**

To approve a sixty percent value reduction of the original value on Schedule #10082300. The motion carried unanimously.

Commissioner Attebery closed the BOE Hearing and returned to Regular Session.

Jackie Hobby, Planning and Zoning Director met with the Board and the County Attorney. The following topics were discussed:

- The Special Use Permit (SUP) for the Silver West Airport (discussion and review in process).
- A Special Events Permit (SEP) for the Cliff Riders of Custer County will be necessary for the ride scheduled on August 27, 2011.

**MOTION by Commissioner Austin, seconded by Commissioner Butler:**

To require the Cliff Riders of Custer County to complete a SEP for their August 27, 2011 event. The SEP fee will be waived but due to the current fire danger and drought conditions an application on file is necessary. The motion carried unanimously.

The Board signed the correspondence prepared to the High Altitude Garden Club thanking them for their contribution of time and effort on the grounds surrounding the courthouse.

**MOTION by Commissioner Attebery, seconded by Commissioner Austin:**

To recess the BOCC meeting and reconvene in the Joint Session with the Planning Commission. The motion carried unanimously.

The meeting was recessed at 12:20 PM.

The BOCC reconvened in the Joint Session with the Planning Commission at 1:00 PM.

**MOTION by Commissioner Butler, seconded by Commissioner Attebery:**

To approve the recommendation of the Planning Commission for the Special Use Permit Schedule No. 10-121-607. The motion carried unanimously.

**MOTION by Commissioner Butler, seconded by Commissioner Austin.**

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 2:30 PM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery  
Chairman