

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING, MARCH 5, 2013**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE COMMISSIONERS 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
Allen Butler	Vice-Chairman	Present
Kit Shy	Commissioner	Present
Kris Lang	Deputy Clerk to the Board	Present

Also present was: John Ainsworth, Dallas Anderson, Bill Danley, Jim McMahan, Bob Olsafsky, Anna Orgeron, and 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
- Commissioner Items
- New/Old Business
- Resolution #13-02 Defense of Second Amendment
- Veterans Service Officer Appointment discussion
- Staff Reports: Landfill, Treasurer (Use Tax on Construction and Building Materials), P&Z

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

Anna Orgeron presented the BOCC with a correspondence confirming her nomination from the Westcliffe Post 170 for the position of Custer County Veterans Service Officer (VSO). She said that she has volunteered to fill the vacant VSO position left with the passing of Ken Felty. She said that in the past she has worked very closely with the Ken Felty and Lorraine Silva on many veteran issues and believes that her appointment will offer the veterans in Custer County a continuity of services. Ms. Orgeron said that Lorraine Silva would remain the VSO Assistant.

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

To appoint Anna Orgeron as the County Veterans Service Officer. The motion carried unanimously.

Commissioner Butler said that the agenda item was scheduled following notification from Lorraine Silva, Veterans Service Assistant that Ken Felty, Veterans Service Officer (VSO) was relinquishing his role as the acting VSO. Commissioner Butler said he did not want the BOCC to appear insensitive regarding the timing of the agenda item and reiterated that the item was placed on the agenda prior to the passing of Mr. Felty.

Commissioner Attebery suggested that the BOCC engage in a discussion and review regarding the coordination of the Veterans Service Office and the Resource Center Annex Facility.

Commissioner Attebery said that the BOCC has prepared a Resolution supporting the Rights of the Second Amendment. All three commissioners read the Resolution in its entirety into the record.

**CUSTER COUNTY RESOLUTION**  
**No. # 13-02**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, A POLITICAL SUBDIVISION IN THE STATE OF COLORADO IN DEFENSE OF 2<sup>ND</sup> AMENDMENT RIGHTS IN THE UNINCORPORATED PORTIONS OF THE COUNTY.**

**WHEREAS**, the Second Amendment of the United States Constitution provides that “A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed,” and

**WHEREAS**, the citizens of Custer County, a Political Subdivision in the State of Colorado recognize their duty as law-abiding citizens in accordance with the U.S. Constitution and the Colorado State Constitution, Article 4, Section 13 agree that the right to keep and bear arms shall not be infringed upon by any government or organization, political or otherwise.

**WHEREAS**, the natural and inalienable right to self-defense is well established in the writings of ancient and modern cultures; and

**WHEREAS**, for centuries tyrants have recognized that a disarmed population is readily dominated; and

**WHEREAS**, it is estimated that millions of people, representing more than half of the households in America, have chosen to lawfully exercise the right to bear arms and defend themselves and their families; and

**WHEREAS**, many gun control laws implicitly assume the guilt of lawful and responsible firearms owners with little effect on the ability of criminals to obtain firearms and use them unlawfully; and

**WHEREAS**, statistically, lawful gun owners are less likely to break the law than the average member of the public; and

**WHEREAS**, the right of an individual to keep and bear arms is protected by the said Second Amendment and incorporated by the Due Process Clause of the Fourteenth Amendment and applies to the States; and

**WHEREAS**, studies by the National Academies of Science and the Centers for Disease Control have found no persuasive evidence that “gun control” laws actually reduce crime; and

**NOW, THEREFORE, BE IT RESOLVED** that the County of Custer, a Political Subdivision of Colorado, will uphold the said Second Amendment of the Constitution of the United States, and will act in conformity with our sworn duties as duly elected officials charged with public trust, and will, in cooperation with the Custer County Sheriff not enforce any statutes, edicts, Presidential Directives, or other regulations and proclamations which conflict and are expressly preempted by the said Second Amendment.

The Board of Custer County Commissioners strongly urges the United States Senate to reject international treaties that will infringe on the said Second Amendment rights of American citizens; including United Nations (UN) Arms Trade Treaty, Inter-American Convention against Illicit Manufacturing of and Trafficking in Firearms (COFTA), or the UN Programme of Action. And that neither the United States Congress nor the Colorado General Assembly of the State of Colorado should entertain consideration of any new legislation that would infringe on constitutionally protected rights under the said Second Amendment through any means, including additional restrictions on lawful firearms and accessories; or on the possession, use, sale or transfer of legitimately owned firearms.

**AND BE IT FURTHER RESOLVED** that the Custer County Board of County Commissioners calls upon the United States Congress and the Colorado General Assembly to recognize the multitudes of existing laws related to the manufacture, sale and possession of firearms, and acknowledge that in order to combat gun violence, the Country must enforce existing laws and more effectively punish and deter those who commit crimes using a firearm.

Adopted this 5<sup>th</sup> day of March 2013 at Westcliffe, Colorado.

THE BOARD OF CUSTER COUNTY COMMISSIONERS

Lynn Attebery, Chairman

Allen Butler, Vice-Chair

Christopher L. (Kit) Shy, Commissioner

ATTEST: Debbie Livengood, Clerk and Recorder

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

**To adopt Resolution #13-02 with a caveat that the document was not reviewed by the County Attorney and may be amended in the future following that review. The motion carried unanimously.**

The Board stated that a copy of the signed Resolution with individually addressed and signed letters on BOCC letterhead will be mailed to the President of the U.S.; the Speaker of the House; the Secretary of the State; the Attorney General; the U.S. and State Representatives of Colorado; the County Sheriff's Association of Colorado; and Colorado Counties Incorporated. Those present thanked the BOCC for their support and commitment.

Rusty Christensen, Landfill Manager met with the BOCC and gave a report. He said that approximately \$2,505.00 was received for the recycled cardboard at the landfill. He commented that the compactor was back in service and that the dozer was being worked on. He asked the Board to consider the purchase of a back-hoe for the landfill facility.

The BOCC recessed at 9:50 AM.

The BOCC reconvened at 10:05 AM.

Virginia Trujillo, County Treasurer met with the BOCC and gave a report. The beginning balance on February 1, 2013 was \$3,245,131.09 and the ending balance on February 28, 2013 was \$3,940,759.61.

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

To accept the Treasurer's report for the month of February 2013 as presented. The motion carried unanimously.

Ms. Trujillo said that Section 2.04 Administration and Collection of Use Tax on Construction and Building Materials of County Resolution 93-4 states that the collection, administration and enforcement of the Use Tax on construction and building materials shall be performed by the County Treasurer in accordance with rules and regulations to be promulgated by the County Treasurer. She said that the Planning and Zoning Department is better equipped and has been responsible for the collection of those fees. Ms. Trujillo stated that she will prepare written notification to the Planning and Zoning Department authorizing the department to collect the Use Tax for the Custer County Treasurer.

Jackie Hobby, Planning and Zoning Director met with the BOCC and gave a report. She said that the Planning Commission workshops are scheduled for March 6 and March 13, 2013. Ms. Hobby said that the appointments made to the Planning Commission Board at the January 8, 2013 BOCC meeting needs to be reviewed and revised. She said that term dates for the Board members need to be staggered to prevent having the majority of the Board members completing their terms at the same time. Ms. Hobby said that new Board members, Cindy Howard and Patrick Lynch terms expire in 2016 and one of those terms should have been in 2014. Following a brief discussion the BOCC recommended a coin toss to determine which Board members term would expire in 2014 and in 2016.

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

To authorize the Planning and Zoning Director to utilize a coin toss to determine the term expiration dates for Ms. Howard and Mr. Lynch. The motion carried unanimously.

Commissioner Attebery adjourned the meeting at 10:50 AM.

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Debbie Livengood, Clerk and Recorder  
Attest

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Lynn Attebery,  
Chairman