

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
SPECIAL MEETING, JANUARY 29, 2015**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN A SPECIAL SESSION IN THE COURTROOM.

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

Roll Call was taken:

Kit Shy	Chairman	Present
Lynn Attebery	Vice-Chairman	Present
Bob Kattnig	Commissioner	Present
Clint Smith	Attorney	Present
Kris Lang	Deputy Clerk to the Board	Present

There were numerous people in attendance. A sign in sheet was available at the entrance of the courtroom and will be retained with the official minutes for public record.

AGENDA:

Call meeting to order
Pledge of allegiance
Roll Call
Amend agenda
Audience introduction
Approval of minutes
Public Comment
Commissioner Items
Executive Session
New/Old Business
2015 County Legal Publication Discussion

Commissioner Shy said that the courtroom was filled beyond capacity and pointed out the three exit locations in the event of an emergency.

MOTION by Commissioner Kattnig, seconded by Commissioner Attebery:

To amend the agenda and go directly to the 2015 County Legal Publication Discussion. The motion carried unanimously.

Commissioner Shy said that in order to accommodate everyone present a timing structure will be followed. He said that the editor(s) of the Wet Mountain Tribune (WMT) and the Sangre DeCristo Sentinel (SDS) would be allowed 10 minutes for comments. Commissioner Shy asked that the citizens step up to the podium, identify themselves and limit their comments to 3 minutes. Commissioner Shy asked Jim Little, Publisher and Owner of the Wet Mountain Tribune if he had any comments to share. Mr. Little said that he has been the publisher of the Wet Mountain Tribune for thirty-four years and that he shares a personal interest in the community. He said that the WMT has had a long term working relationship with the county. Mr. Little expressed concern regarding the legality and accuracy of the number of subscribers reported by the Sangre DeCristo Sentinel and suggested that the BOCC request an audit of both papers for confirmation of these figures.

Commissioner Shy asked if any of the representatives of the Sangre DeCristo Sentinel had any comments to share. Mary Seifert said that she was a Co-Owner of the SDS and sat on the Editorial Board. She said that she would like to specifically comment on the article printed in the January 22, 2015 edition of the WMT regarding the questionable financial transactions disclosures among herself, her husband, Seifert Enterprises and Commissioner Shy. Ms. Seifert said that the article was filled with inaccuracies and lies and that she considered it a personal attack on the characters of all concerned. She reviewed and corrected the unfounded statements and claims printed against her, her husband, Seifert Enterprise and Commissioner Shy. Ms. Seifert closed by saying that the article was an example of inaccurate and unprofessional reporting of the WMT. Mike Hess said that he was a Co-Owner of the Sangre DeCristo Sentinel and addressed the comment made in the January 20, 2015 BOCC meeting by Jim Little, Owner and Publisher of the WMT that the county was in violation of the Colorado State Statute requiring that legal notices are placed on a statewide website. Mr. Hess said that the required legal notices are listed on the statewide website within the time allotted. He said that that SDS is an official Colorado Legal Newspaper as per Colorado Revised Statute 24-70-102 and 103. He remarked that contrary to the claims made by the WMT the SDS has always had four paid employees since the start-up of the operation. He commented that the establishment is not funded by outside sources but by the four co-owners who reside within Custer County. He debunked the comment that the SDS will charge more than the bid price due to the increase in letter size they are using for the public notices. He said that the larger print is a courtesy to the citizens of the county for easier reading and that regardless of the print size; the SDS will only charge the bid amount. George Gramlich said that he was the Managing Editor of the Sangre DeCristo Sentinel and explained the difference between the statutory and non-statutory legal notices that the county is required to publish. He said that the SDS's bid was approximately one-third in comparison to the bid submitted by the WMT and that would result in consideration savings to the county, the citizens, local businesses, attorneys and banks with regards to the legal and public notices required by law.

The following members of the audience spoke in support of the BOCC's decision to appoint the Sangre DeCristo Sentinel as the legal publication source for the Custer County Legal Notices.

Bill Bailey, Lisa Frank, Jake Shy, Candi Sage, Joe Cascarelli, Dan Fox, Yvonne Philips, Steve Barnes, Larry Sander, and Calvin Leslie

The following members of the audience spoke in opposition of the BOCC decision to appoint the Sangre DeCristo Sentinel as the legal publication source for the Custer County Legal Notices. Brent Breuser, Devon Lyons, Kathleen Reeder, Cyn Williams, Ann Owens, Joanie Liebman, David Branecky, Sue Pittman, Pam Bishop, John Johnston, Jose Shannon, Monica Curry, Lyn Crenshaw, Terry Gulliver, Mary Bryant, Roberta Trout

Letters from the following citizens opposing the BOCC's decision to appoint the Sangre DeCristo Sentinel as the legal publication source for the Custer County Legal Notices were read into the record. Barbara Saint-Amor, Cindy Boskhel, Kathleen Bule, Robert Powers, Scott and Rita Wilson

The BOCC recessed at 10:20 AM.

The BOCC reconvened at 10:40AM

The following members of the audience spoke in support of the BOCC's decision to appoint the Sangre DeCristo Sentinel as the legal publication for the Custer County Legal Notices. Carol Clemensen, Larry Luikhart, Cindy Howard, George Gramlich, Jake Shy and Lisa Frank.

The following members of the audience spoke in opposition of the BOCC decision to appoint the Sangre DeCristo Sentinel as the legal publication source for the Custer County Legal Notices.

Sheri Garcia, Bob Thomason, Arthur Solomon, Roberta Trout, Amy Winter, Brent Breuser, and Cyn Williams.

The following members of the audience expressed concern regarding the controversy resulting from the appointment. Ron Beckner, Sally Brandenburg, Bill Gillette, and Audrey Slater.

Katherine Ripley Williams said that she was in favor of more BOCC transparency.

Jim Little said that recent legislation has determined that the county public notices will continue to require printed publication notice. He said that the bid amount the Wet Mountain Tribune submitted to the county was the same amount that the WTM has been charging for many years. Mr. Little reminded the BOCC of the longevity of the WTM and that the number of subscribers were much higher than those of the SDS.

Commissioner Shy asked if there were any more public comments. Hearing none, he asked the commissioners to comment.

Commissioner Attebery thanked everyone for attending and participating in the discussion.

Commissioner Kattnig said in the future he would like to see various factors involved in the decision for the legal notice that include but are not limited to unit cost, cost vs benefit, qualifications, and subscription numbers. He said that he abstained from the initial motion on January 20, 2015 since he did not want to make a decision without knowledge of all the factors involved. He said that after careful review and based solely on cost that he concurs with Commissioner Shy and Commissioner Attebery in the appointment the SDS as the newspaper of record for county legal notices. He thanked and congratulated everyone for their attendance and participation.

Commissioner Shy said that he would like to start with an apology to Mary and Jerry Seifert for the controversial article published in the WMT January 22, 2015 edition. He directed his comments to Jim Little, Owner and Publisher of the WMT and said that the article is filled with inaccuracies and that the factual information should have been researched and confirmed before publishing an article of that nature. Commissioner Shy corrected all the false statements that appeared in print. Mr. Little said that whenever an incorrect article is printed he has printed a correction and that he is willing and be happy to print a correction or rebuttal. Commissioner Shy said that both newspapers met the qualifications and requirements of Colorado Revised Statute 24-70-102 and 103. He explained that the BOCC requested sealed bids from the two qualifying newspaper through direct correspondence since he did not feel it would be cost effective to run ads in both newspapers when those two were the only ones qualified to bid. He said that the bid amount submitted by the WMT was the maximum allowed under state guidelines and therefore could not have been the winning bid since no one can bid above that price. The closest outcome would be if the two bids were the same amount. He said that the SDS submitted a bid for a substantially lesser amount and that the BOCC elected to award the appointment to the lowest bidder. Commissioner Shy said that he would not alter or change his previous motion. He thanked everyone for participating in this public discussion and adjourned the meeting at 11:35 AM.

Debbie Livengood, Clerk and Recorder
Attest

Christopher L. (Kit) Shy
Chairman
