

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, JUNE 3, 2008**

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

Kit Shy	Chairman
Dick Downey	Vice-Chairman
Carole Custer	Commissioner
Kris Lang	Acting Deputy Clerk to the Board

Also present was Nora Drenner, reporter for the Wet Mountain Tribune and numerous community members.

AGENDA

8:30 AM	Call meeting to order Pledge of Allegiance Old Business John Naylor – County Attorney
9:00 AM	TEFRA Hearing (Horn Creek Bond)
9:30 AM	Bob Dreher – update Veterans economic impact on Custer County
11: 00 AM	Jackie Hobby – Planning and Zoning report
11:00 AM	Virginia Trujillo – Treasurer Report
2:30 PM	Joint Session with Planning Commission

The meeting was called to order at 8:42 AM and the Pledge of Allegiance was recited.

The BOCC met with County Attorney John Naylor and discussed the following items:

- Update on Scott case
- Posted gate signs on CR 341 and BLM
- Sale of Golden Arrow Valley Lots
- County employee bidding at public auction
- Wild West Cowboy Church
- Resolution for road rename
- Press complaint regarding Executive session May 20, 2008

Commissioner Custer gave a report on the grant certification of the property north of the courthouse.

John Naylor, County Attorney, reported he was in contact with the law firm in Denver regarding the Tax Equity Fiscal Responsibility Act on the Horn Creek Project and presented Resolution #08-06 for review and acceptance.

Jim Johnson, summarized the function of the Horn Creek Conference Grounds Association stating the Association has been in effect since 1951 and accommodated youth camps, family members and civic groups.

Commissioner Shy opened the Public Hearing and asked if there were any citizens who wished to speak.

Bob Foote, resident, shared concerns regarding the county's liability. Commissioner Shy remarked the county does not have any fiduciary liability or responsibility.

Emily Foote, resident, shared concerns regarding the support of the project. Commissioner Custer remarked that public support has been expressed in the form of e-mail and phone calls.

Tom Millikan remarked that the facility is also utilized by local pastors for retreats.

Cindy Howard remarked that the facility, members and guest support the local economy and merchants.

Commission Shy closed the Public Hearing.

Commissioner Custer read article 1 – 3 of the Resolution.

MOTION by Commissioner Downey, seconded by Commissioner Custer:
Motion carried unanimously adopting Resolution #08-06

RESOLUTION # 08-06

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO REGARDING SECTION 147(F) APPROVAL OF CUSTER COUNTY, COLORADO REVENUE REFUNDING BONDS (HORN CREEK PROJECT) SERIES 2008A.

WHEREAS, Horn Creek Conference Grounds Association, a Colorado nonprofit corporation (the "Corporation"), has requested Custer County, Colorado (the "County") to issue its tax-exempt Revenue Refunding Bonds (Horn Creek Project) Series 2008A, in the aggregate principal amount of approximately \$4,000,000 (the "Series 2008A Bonds") for the benefit of the Corporation; and

WHEREAS, the proceeds of the Series 2008A Bonds will be used for the purposes of: (a) refinancing prior taxable loans entered into by the Corporation to acquire, construct, renovate, equip and install (i) land, camp buildings and water treatment systems on, and water rights associated with, the Corporation's conference grounds located at 6758 County Road 130, Westcliffe, Colorado, 81252 (the "Conference Grounds Property"), (ii) land and camp buildings located at, and water rights associated with 501 Littlehorn Road, Westcliffe, Colorado, 81252, and (iii) land and camp building located at 42 Little Horn Road, Westcliffe Colorado, 81252; (b) financing the costs of acquiring, constructing, renovating, equipping and installing accommodation, kitchen and dining renovations in, and infrastructure upgrades to, the Conference Grounds Property; (c) establishing a reserve fund, if any, for the Series 2008A Bonds; (d) financing working capital and capitalized interest, if any; and (e) paying certain costs of issuance of the Series 2008A Bonds (collectively, such purposes are referred to as the "Project"); and

WHEREAS, in connection with the issuance of the above tax-exempt Series 2008A Bonds, the County will also issue a taxable series of bonds designated the Series 2008B Bonds for the benefit of the Corporation; and

WHEREAS, section 147 (F) OF THE Code requires, as a condition to receive tax-exempt treatment of the interest on the Series 2008A Bonds, that an authorized, elected representative approve the Series 2008A Bonds and the Board of County Commissioners of Custer County, Colorado (the"Board") constitute such n authorized, elected representative; and

WHEREAS, there has been published, at least 14 days prior to the date thereof, in a newspaper of general circulation within the County, a notice that a public hearing regarding the Series 2008A Bonds would be held on a date specified in such notice;

WHEREAS, the County held a public hearing as required by Section 147 (f) of the Code with respect to the proposed issuance of the Series 2008A Bonds on June 3, 2008, at which hearing members of the public wishing to express their view on the issuance of the Series 2008A Bonds or on the nature of the Project proposed to be financed or refinanced were offered the opportunity to express their views; and

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted; and NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIOENRS OF CUSTER COUNTY, COLORADO THAT:

1. The issuance of the Series 2008A Bonds by the County in an aggregate amount of approximately \$4,000,000 is hereby approved; and
2. Such approval shall be solely for the purposes of Section 147 (f) of the Code and Custer County, Colorado shall have no liabilities for the payment of the Series 2008A Bonds nor shall any of its assets be pledged to the payment of the Series 2008A Bonds; and
3. This Resolution shall take effect and be in full force immediately after its adoption by the Board.

Dated June 3, 2008
Christopher (Kit) Shy, Chairman BOCC
Debbie Livengood, Custer County Clerk (Attest)

The BOCC recessed at 9:50 AM. The BOCC reconvened at 10:00 AM.

Bob Dreher met with the BOCC and presented an update on the Veterans economic impact on Custer County.

John Wallestad announced the hospital is researching options to treat the Veterans in the county and requested letters of support from the BOCC that will be forwarded to the Congressman and Senator.

MOTION by Commissioner Downey, seconded by Commissioner Custer:
Motion carried unanimously for the preparation of support letters from the BOCC.

Dawn Hobby, Human Resource and Finance Manager, met with the BOCC and County Attorney regarding the recent auditors instructions regarding 1099's vs. W-2 for OEM. Commissioner Shy advised additional and more specific information and criteria would be required from the auditor.

Jackie Hobby met with the BOCC and presented the monthly Planning and Zoning Report.

Virginia Trujillo met with the BOCC and presented the monthly Treasurer Report.

MOTION by Commissioner Shy, seconded by Commissioner Downey:
To recess for lunch. Motion carried unanimously.

The BOCC recessed for lunch at 10:45 AM. The BOCC reconvened at 1:00PM.

Craig Feldmann, Under-Sheriff, reported Fred Jobe, County Sheriff, and Mick Kastendieck, Fire Chief, were in agreement on enforcing a Fire Ban.

MOTION by Commissioner Downey, seconded by Commissioner Custer:
Motion carried unanimously adoption of the Fire Ban Resolution.

CUSTER COUNTY RESOLUTION
08-07

**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 June 3, 2008:

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 Circumstance Permit: During the fire ban, a special circumstance permit may be requested from the Custer County Sheriff. Based upon weather and environmental conditions at the 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 barbeque 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 grassland 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 of 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 exists.
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.

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 3rd DAY OF JUNE, 2008
WESTCLIFFE, COLORADO.**

SIGNED:

CUSTER COUNTY BOARD OF COMMISSIONERS

**CHRISTOPHER L. (KIT) SHY
CHAIRMAN**

**RICHARD L. DOWNEY
VICE-CHAIRMAN**

**CAROLE CUSTER
COMMISSIONER**

ATTEST:

**DEBBIE L. LIVENGOOD
CLERK AND RECORDER**

MOTION by Commissioner Shy, Chairman (Acting President):
to move to an Executive Session at 1:05 PM.

Present: Commissioner Shy, Downey, Custer, Jackie Hobby, Craig Feldmann and Kris Lang.

MOTION by Commissioner Downey, seconded by Commissioner Custer:
to end the Executive Session at 2:20 PM.

The BOCC recessed for the Joint Session with the Planning Commission at 2:30 PM.
The BOCC reconvened at 4:00 PM.

Commissioner Shy announced the second Summit Meeting with the two Towns has been re-scheduled for July 9, 2008 at the Silver Town Hall, beginning at 6:00 PM.

The BOCC decided to interview applicants for the BOCC Administrative Assistant position on June 24, 2008. Commissioner Custer agreed to prepare the two part written portion of the interview and all three commissioners agreed to prepare a couple of questions to ask for the oral portion of the interview.

MOTION by Commissioner Shy, seconded by Commissioner Downey:
To adjourn the meeting. Motion carried unanimously.

The meeting was adjourned at 4:10 PM.