

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, DECEMBER 6, 2011**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION.

Commissioner Lynn Attebery called the meeting to order at 9:00 AM in the Court Room 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: John Piquette, Nora Drenner reporter for the Wet Mountain Tribune; Debbie Colgate and Donna Eldridge Sixth Grade Teachers and students.

AGENDA:

Call meeting to order
Pledge of allegiance
Roll Call
Amend agenda
Approval of minutes
Audience introduction
Public Comment
County Attorney
- Resolution/Deed CR 329
Approval of the 2012 Budget and Mill Levy – John Piquette
Custer County Airport Authority Board (CCAAB) Report – Dale Mullen
Custer County Resource Center Annex – Donna Squire
West Custer County Library Board Ratification – Marty Frick
Treasurer Report
Planning and Zoning Report – Jackie Hobby
Work Session - Recycling

Commissioner Attebery asked if there were any public comments. The students asked the BOCC for a definition of their positions and responsibilities. The Board responded that county commissioners are elected officials who oversee county activities and work to ensure that the citizens concerns are met. The commissioners spend a lot of time working with and representing the people of the county. They represent county concerns before local, state and national boards and commissions. The BOCC makes financial plans for the county including the review of county grant applications and the county budget. The commissioners adopt the appropriate policies, procedures, resolutions and ordinances for county-wide actions. The Colorado State Statute specifically defines their role as “binding the county together”. The County Attorney explained that he was a civil lawyer for the county. His responsibilities include defending the county against civil law suits, occasionally initiating such suits on behalf of the county; the preparation or review of county contracts, agreements, memorandums of understanding, leases, grant applications, resolutions and ordinances. He provides legal advice and counsel to the Board of County Commissioners.

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

- 2011 Emergency Performance Grant/Local Emergency Management Support (approved)
- ACS Contract (approved)
- Dell Lease Agreement (in process)
- Caterpillar D6-T dozer Lease Agreement (approved)
- CR 269 work request (legal counsel advised the road and bridge department to clean out as much of the silt and sand as possible without accessing any private property)
- Resolution 2011-14 and Deed of County (approved)

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To adopt Resolution #2011-14 as presented. The motion carried unanimously.

RESOLUTION

No. 2011-14

WHEREAS, The Board of County Commissioners at a regular meeting held on the 30th of November, 2011, reviewed the legal descriptions concerning County Road 329; and
WHEREAS, the County and Clifford T. Hobby and Jacquelyn S. Hobby have agreed to the relocation of the County Road 329 and as a result certain properties owned by the Hobby's are to be conveyed to the County and the County is to Deed to Hobby to complete the realignment; and
WHEREAS, the County feels it is appropriate to convey by County Deed the property located in Custer County that is more particularly described on the Exhibit "A" attached hereto.
NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Custer County, State of Colorado that Lynn Attebery, Chairman of this Board is hereby appointed Commissioner to convey in the name of and as the act and deed of said County the real property described herein.
Dated at Westcliffe, Colorado, this 30th day of November, 2011.
BOARD OF COUNTY COMMISSIONERS, Lynn Attebery, Chairman
ATTEST: Debbie Livengood, Clerk and Recorder

Debbie Livengood, Clerk and Recorder joined the meeting and attested the resolution and deed. She administered the county seal on Resolution #2011-14. Ms. Livengood provided the students present with a brief description of the clerk and recording department. She said the mission of the clerk and recording department is to preserve and provide for the public a permanent account of official records both historic and current. The department processes and maintains the public records for the county. Ms. Livengood advised the BOCC that a voucher for \$24,000.00 will be issued at the close of 2011 to TCB book binding for the restoration of county clerk and recorder books and binders. She said that the voucher will be processed and the actual check will be held until the services are completed.

John Piquette, Finance Officer, presented the BOCC with the 2012 finalized budget. He stated the final estimated figures for 2012 are revenue of \$5,623,000.00 and estimated expenditures of \$5,611,000.00.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To approve the 2012 finalized budget as presented. The motion carried unanimously.

John Piquette, Finance Officer said the 2012 mill levy was at 20.245. He gave the breakdown of the mill levy as follows: General Fund 11.995; Contingency Fund 0.250; Road and Bridge 5.000; Welfare 0.750; Insurance 0.250; Emergency Services 2.000; for a total of 20.245.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To approve the 20.245 mill levy for 2012 as presented. The motion carried unanimously.

The BOCC recessed from the Court Room at 9:50 AM.

The BOCC reconvened in the Commissioners Boardroom at 10:00 AM

Dale Mullen, Airport Authority Board (AAB) Chairman met with the BOCC for the monthly report. He presented the 2011 to date Aviation Fuel System Analysis. He reported that the AAB is currently in a fuel dispute regarding the number of fuel gallons delivered and the number billed. He will keep the BOCC updated. Cheryl Leonard AAB Assistant / Secretary /Treasurer provided the 2011 to date Operations Fund Analysis – Budget vs Actual. Commissioner Attebery said that the BOCC met on November 15, 2011 to review the preliminary 2012 county budget. He stated that the BOCC agreed to reduce the 2012 airport budget by \$3,210.00. The budget items eliminated were the \$960.00 request for the cleaning of the airport building and the \$2,250.00 for extermination of the prairie dogs. Commissioner Austin said that the AAB should have been present at the November 15, 2011 review to defend the expenditures before the decision was made to eliminate those items. He said that he would like to back up and undo those reductions but the final budget has been processed. He apologized to Mr. Mullen and the AAB. Mr. Mullen said that the revised 2012 airport budget was not adequate to run the airport for twelve months and that the AAB will be requesting additional funding before the close of 2012. Commissioner Butler said in an effort to balance the budget he supported the reductions but agreed that the AAB should have been present at the meeting.

Commissioner Austin said he would like to address what appears to be a misunderstanding and miscommunication between the BOCC, the County Attorney and the AAB. He said that the AAB is an independent entity authorized by the state to manage the financial plans and budget of the airport operation. He said that the chairman of the AAB is authorized to sign all contracts, grants, deeds, notes, expenditures and other instruments on behalf of the AAB without BOCC approval. Commissioner Austin said that the AAB was operating within their bylaws and that the BOCC was micro-managing the AAB fund. He proposed that after the airport budget has been approved by the BOCC that the AAB should determine the distribution of the funding. Commissioner Butler agreed. He said that the AAB should make every effort to operate within their approved budget. Commissioner Butler would like the AAB to provide the BOCC with monthly reports. Mr. Naylor said that although the airport operates independently under a state statute, the airport operation is supplemented with county general funds and that the BOCC has control and authority over the distribution of the county general funds. Mr. Naylor stated that the county is supplementing the airport operation with tax payer dollars. He said that although the BOCC did not have authority over the AAB; they did have authority and control over the tax payer dollars in the county general fund. Cal Leslie stated that the airport benefited and served a small number of citizens and expressed concern that taxpayer monies were being allocated to the airport operation. He reminded the BOCC that they were elected to protect the tax payer dollars and suggested the BOCC evaluate the taxpayer interest and desire to support the airport operation. Mr. Leslie stated many years ago the airport was a private enterprise and he proposed that the airport revert back to a private ownership status. Commissioner Attebery said that he has reviewed the airport bylaws numerous times. He remarked that he felt it was time for a change in the AAB status. The current protocol was outdated, and no longer functioned in the best interest of all concerned. He proposed that the BOCC consider revising the AAB to an advisory board, or a board of operations status. He commented that if the airport was self-sustaining and did not rely on county funding for its day to day operation the situation would be resolved.

Dale Mullen stated that he asked Clerk and Recorder, Debbie Livengood to join the meeting to finalize the transfer of \$10,485.00 from the county general fund to the airport fund. He reminded the Board that the monies were budgeted to the airport for 2011. Commissioner Attebery said that while the county general fund was being depleted, the airport fund still had an adequate operational balance and that funds should not be transferred from the county general fund until they were needed. Mr. Mullen assured the BOCC that the funding would be required to operate the airport through the beginning months of 2012. Commissioner Attebery shared concern that other county departments have been asked not to spend all their budgeted dollars in an effort to help save county dollars and felt the airport should do the same. Commissioner Attebery expressed concern that the AAB was allowed to carry-over any remaining funds from year to year while other county departments started each year with a zero balance. Commissioner Austin said that the AAB was classified differently and that it was unfair to compare the AAB to the other departments in the county. He said that the AAB relied on all the funding approved for their operations. Commissioner Butler agreed. Commissioner Austin explained that he discussed the issue regarding the compensation of the part-time airport assistant secretary/treasurer in comparison to the compensation of a part-time county assistant employee with the AAB Chairman. He said that the part-time airport assistant was being compensated at a higher rate because she was utilizing her own equipment and that was just one of the examples of why the AAB could not be compared to other county departments. Commissioner Attebery reiterated that he did not feel the \$10,486.00 transfer was necessary at this time. Mr. Mullen assured the BOCC that not only were the funds necessary but that the BOCC has authorized the fund transfer for December 6, 2011. Commissioner Austin said that the AAB does a tremendous job and that the county was fortunate to have the dedication of the volunteers. He said that if the entire funding allocated to the airport from the county general fund would have been transferred to their budget line at the beginning of the year we wouldn't be having this conversation. He remarked that it was his intention that the AAB receive all the approved monies and that he supported the transfer. Commissioner Butler said that the fund transfer was approved over a month ago and needed to be done. He said for the record that if someone has a problem with it, they can come and see him and discuss it in private. He stated that county taxpayer dollars are not being mismanaged and felt there were some politics involved. Clerk and Recorder, Debbie Livengood stated that she will submit the transfer request to the treasurer's office. She said for the record that she does not agree that any politics are involved and applauds Commissioner Attebery for the consistent review and monitoring of the county budget. She said that all the county departments rely on their approved funding or budget to operate. Ms. Livengood stated that all the county department are expected to operate within their budget. She added that the county departments are asked to return their unused budget dollars to the county general fund at the close of each year and are not allowed to carry-over any remaining funds. She said that in these difficult economical times everyone should share budget reductions. She said that as a result of budget concerns and restraints the county employees are not receiving a cost of living or pay increase in 2012. She commended Commissioner Attebery for recognizing and supporting the county employees and county departments.

Donna Squire, Resource Center Annex Navigator and Jean Mavromatis met with the BOCC. Ms. Mavromatis presented the Office of Transportation Safety 2012 Mini Grant Proposal Application to the BOCC for review and approval. Drive Smart Custer County initiated a CDOT training for EMS personnel to improve occupant protection for the non-critical pediatric patients in ambulances. The grant application will be facilitated through Custer County Public Health Agency/Drive Smart Custer County and does not require a county match. The program will provide 2 safe-guard transports and 2 pedi-mates for the ambulances and 10 car seats for needy families.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the grant application as submitted. The motion carried unanimously.

Marty Frick, West Custer County Library District Director met with the BOCC and requested ratification of three board members whose 3-year terms are expiring on December 31, 2011. Those trustees are Dave Heppe, Debbie Rabinowitz and Ray Varney.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To ratify the renewal appointments for Dave Heppe, Debbie Rabinowitz and Ray Varney for three year terms on the West Custer County Library District Board. The motion carried unanimously.

Jackie Hobby, Planning and Zoning Director met with the BOCC and the following topics were discussed and reviewed:

- File: 100-58-600 Permit Violation (property owner notification).
- File: 101-14-654 Permit Violation (property owner notification).
- File: 101-00-461 Permit Violation (property owner notification).
- USGS Colorado Water Correspondence (non-agreement for 2012 notification).

Christe Feldmann, Office of Emergency Management Director joined the meeting. The BOCC Chairman signed the 12EM1L15 2011 Emergency Management Performance Grant/Local Emergency Management Support (LEMS). Commissioner Attebery reported that the grant application was reviewed and approved by the County Attorney. The BOCC signed correspondence addressed to the Colorado Southern Baptist Disaster Relief Team expressing gratitude to all the dedicated volunteers who assisted with the wind storm-clean up that occurred on November 12 and 13, 2011.

Virginia Trujillo, Treasurer met with the BOCC and gave a report. The starting balance on November 1, 2011 was \$2,785,159.18 and the ending balance on November 30, 2011 was \$2,697,556.06.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To accept the Treasurer's report for November 2011 as presented. 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 12:10 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman

BOARD OF CUSTER COUNTY COMMISSIONERS WORK SESSION

December 6, 2011

1:30 PM

Commissioners Board Room

Present: Commissioner Attebery
Commissioner Austin
Commissioner Butler
Kris Lang, Deputy Clerk to the Board
Nora Drenner, Reporter for the Wet Mountain Tribune
Rusty Christensen, Landfill Manager
Christy Veltrie, Veltrie Disposal Service
Justin Parker, WE RECYCLE CO OP
Tim Thrum, Recycling Coordinator
Lisa Kaufman, High Country Recycling
Kim Powers, High Country Recycling
Sue Pitman, Sustainable Ways
Robin Young, CSU Extension Agent

TOPIC: RECYCLING

Justin Parker of WE RECYCLE presented three (3) recycling proposals for Custer County Recycling:

- Proposal #1 Plastics at the Landfill
Single Stream Bags at Veltrie Disposal Services.
- The county would charge \$3 a bag at the landfill. Veltrie Disposal Service would charge for their single stream bags at their facility. All bags would be picked up at one time for a charge of \$2 a bag by WE RECYCLE, or dropped off for a charge of \$1 a bag at the WE RECYCLE facility in Pueblo West.
- Proposal #2 Single Stream Recycling Program
- The county would go to all single stream bags and the residents would be required to sort glass. The county would charge \$3 a bag for all materials. Instead of baling individual materials the county would bale all single stream bags together and sell the baled material for a reduced rate. Veltrie Disposal Services would sell the bags at their facility and deliver them to the landfill for a reduce rate of \$2 a bag.
- Proposal #3 WE-RECYCLE would take over the Custer County Recycling Program
- We Recycle would employ local workers and work with Veltrie on a comprehensive program to offer and provide recycling to all residents.

Commissioner Attebery said that the BOCC is not able to take any action or make any decisions during a Work Session. The recycling topic has been added to the agenda for the December 30, 2011 BOCC meeting.

The BOCC was in agreement that the county's role is to support local businesses and not compete against them.

Those present agreed that Custer County and Veltrie Disposal Service should collaborate so residents have an option for purchasing and dropping off the recycling bags at various locations.

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The Work Session was completed at 2:40 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery
Chairman