

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING, SEPTEMBER 19, 2012**

THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY MET IN REGULAR SESSION IN THE WETMORE FIRE STATION, WETMORE, COLORADO.

Commissioner Lynn Attebery called the meeting to order at 6:00 PM and the Pledge of Allegiance was recited.

Roll Call was taken:

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| Lynn Attebery | Chairman | Present |
| Jim Austin | Vice-Chairman | Present |
| Allen Butler | Commissioner | Present |
| Kris Lang | Deputy Clerk to the Board | Present |

Also present were: Sandra Attebery, Bill Donley, Vicki Donley, Sheriff Jobe, Jim Little, Kit Shy, Dave Trujillo and Virginia Trujillo.

AGENDA:

- Call meeting to order
- Pledge of allegiance
- Roll Call
- Amend agenda
- Audience introduction
- Approval of minutes
- Public Comment

Old/New Business:

- Resolution Opposing Amendment 64 Legalization of Marijuana for Recreational Use Sheriff Jobe/Sheriff’s Office
- Courthouse Security Grant – Kris Geroux/Sheriff’s Office
- Treasurer/Public Trustee Report – Virginia Trujillo/Treasurer
- Century Link Update – Stephanie Morales/Operating Manager

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the minutes from August 31, September 4 and September 5, 2012 as presented.

Commissioner Austin expressed concern that some of the comments he had made regarding the Airport Authority Board budget at the September 4, 2012 meeting were not included in the presented minutes. He said that he remembers commenting that two projects had been removed from the AAB budget by the BOCC following the preliminary budget hearings. He said that the AAB thought they had an approved budget at the preliminary budget hearings and later found out that the BOCC had removed two of the projects from the budget. Commissioner Austin said that the AAB should have been given the opportunity to participate in the discussion and follow-up review of their budget before the BOCC removed the projects. He asked that the Deputy Clerk to the Board listen to the audio tape and revise the minutes to include those comments. Commissioner Butler said that the day following the individual department budget hearings the BOCC did an over-all budget review in an effort to reach a balanced budget for submission to the state.

Commissioner Butler said he proposed the removal of the said projects from the AAB 2012 budget and that the Board agreed. He said that other departmental budgets were discussed and that he felt the BOCC was not obligated or responsible to contact every department being reviewed. He said that all the departments were aware that the final budget is not approved by the BOCC until early December 2012. Commissioner Attebery agreed.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To approve the minutes from the August 31 and September 5, 2012 as presented. The motion carried unanimously.

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

Sheriff Jobe said he has requested that the BOCC adopt a Resolution opposing Amendment 64. He stated that he felt the legalization of marijuana for recreational use will have a negative impact on the county.

Commissioner Attebery said that the BOCC had prepared a Resolution opposing Amendment 64. He expressed concern regarding the last line of the document: Resolved, Adopted and Signed this 19th of September 2012, at Westcliffe, Colorado. The Board agreed to place a single line though Westcliffe, Colorado and revised the Resolution to read Wetmore, Colorado. Kit Shy expressed concern regarding the statement in the Resolution that the Board of County Commissioners supports the No on 64 campaign to defeat this harmful measure on the November, 2012 ballot. Mr. Shy requested clarification that the BOCC is not supporting a specific campaign or organization of No on the 64 campaign. Following a brief discussion the BOCC agreed that since the terminology No was not in quotations that it did not refer to a specific entity. Commissioner Attebery confirmed that the Resolution has been reviewed and approved by the County Attorney.

MOTION by Commissioner Attebery, seconded by Commissioner Austin:

To adopt the Resolution with the revisions noted. The motion carried unanimously.

All three commissioners participated in the reading of the Resolution.

**CUSTER COUNTY RESOLUTION
RESOLUTION NO. # 12-07**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY,
COLORADO OPPOSING AMENDMENT 64 – LEGALIZATION OF MARIJUANA FOR
RECREATIONAL USE.**

WHEREAS, Amendment 64 will appear on the November ballot and would make Colorado one of the first states in the United States where it is legal to grow, transport and sell marijuana for recreational purposes;

WHEREAS, passage of Amendment 64 would make Colorado the first state to try to profit from legalization of marijuana at the expense of its children; and

WHEREAS, Amendment 64 would make it legal for anyone twenty-one years of age or older to legally possess and consume up to one ounce of marijuana, including in public places where children are present; and

WHEREAS, Amendment 64 would permit opening marijuana retail stores, growing facilities, manufacturing facilities and testing facilities in our community, and would give marijuana proponents the right to market and advertise it more aggressively to our children; and

WHEREAS, Amendment 64 conflicts with federal law and jeopardizes the revenue received from federally funded projects because drug-free workplace requirements may be compromised; and
 WHEREAS, passage of Amendment 64 would result in increased use of marijuana, harming our children and the educational environment in Colorado and harming Colorado's image as a healthy place to live, work and raise a family; and

WHEREAS passage of Amendment 64 would put Coloradoans in danger of increased impaired driving.
 NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners' of Custer County, Colorado, opposes Amendment 64 and the legalization of marijuana for recreational use and supports the No on 64 campaign to defeat this harmful measure on the November, 2012 ballot.

RESOLVED, ADOPTED AND SIGNED THIS 19th OF SEPTEMBER, 2012 AT WETMORE, COLORADO.

Lynn Attebery, Chairman

Jim Austin, Vice-Chair

Allen Butler, Commissioner

Debbie Livengood, Clerk and Recorder, Attest

Sheriff Jobe presented the 2013 Court House Security Grant application for the BOCC review. He said the requested funds of \$64,285.17 are for the full time Court Security Officer and Taser Equipment for the courtroom security and court transportation officers.

MOTION by Commissioner Attebery, seconded by Commissioner Butler:

To support the 2013 Court House Security Grant as presented. The motion carried unanimously.

Virginia Trujillo, Treasurer met with the BOCC and presented a report for August 2012. The beginning balance was \$3,606,085.44 and the ending balance was \$3,453,110.44.

MOTION by Commissioner Butler, seconded by Commissioner Austin:

To accept the Treasurer report for August 2012 as presented. The motion carried unanimously.

Virginia Trujillo, Public Trustee addressed the BOCC and gave a Public Trustee quarterly revenue and salary compensation. She said that the Colorado Revised Statute required the Public Trustee to present those figures to the BOCC for review.

Commissioner Attebery said that shortly before the close of the work day, the commissioners office received an e-mail notification that a representative from Century Link would not be in attendance at the BOCC meeting. Commissioner Butler read the e-mail received from Stephanie Morales, CenturyLink Area Operations Manager into the record. "Unfortunately I was unable to get an APS scheduled for the meeting this evening, however wanted to provide an update on work that has taken place in the Wetmore area. CenturyLink replaced approximately 2 miles of fiber placed in conduit to the 26363 Highway 96 box. The cool ped at the location was copper based T1 and is now upgraded to fiber fed cool ped. These upgrades increased speed out of the site to 20mg, decreasing with the challenge of distance. This box notes approximately 73% combined POTS/DSL penetration, and we have had 6 customers take advantage of the speeds higher than 12 mg." Kit Shy said there was an alternative for the Wetmore citizens and that Diverse Datum Wireless is able to provide a connection from Pueblo, CO. to Wetmore, CO.

Commissioner Attebery said that the plans for the relocation of the power lines and poles at the Wetmore Project property was in the final stages.

Commissioner Attebery announced that the 2013 County Budget Hearings were scheduled from October 9, 2012 through October 12, 2012 in the commissioner's boardroom in Westcliffe, CO.

Commissioner Butler said that the BOCC has received the breakdown for the Bear Basin Ranch Park & Ride Project from the Custer County Road and Bridge Department (R&BD). He said that the BOCC has received an estimate of the time and cost to the Road and Bridge Department to complete and maintain the project. He said that the estimate was approximately \$9,442.00 and that the BOCC will need to discuss and review those figures. Dave Trujillo, Road and Bridge Supervisor stated that due to the limited staff of the R&BD at this time and the cost, he did not believe the project would be completed this year. Commissioner Austin said that he and Gary Ziegler of Bear Basin Ranch would move the fence currently on the property site in preparation for the R&BD to complete the project when feasible.

Commissioner Butler reported that the Eastcliffe Home Owners Association is requesting the county's assistance for the replacement of the county street signs in the Eastcliffe community. He said that although the concern regarding the county street signs is important, the R&B Department budget is already being compromised and strained with the federal mandate issued from the U. S. Department of Transportation requiring that all street signs be replaced to meet the minimum retro reflectivity standards before 2018. Dave Trujillo, Road and Bridge Supervisor said that the unfunded mandate project would remain the priority.

MOTION by Commissioner Austin, seconded by Commissioner Butler:

To adjourn the meeting. The motion carried unanimously.

The meeting was adjourned at 7:10 PM.

Debbie Livengood, Clerk and Recorder
Attest

Lynn Attebery,
Chairman