

**PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS  
SPECIAL MEETING, SEPTEMBER 13, 2005**

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

Dale Hoag	Chairman
Dick Downey	Vice-chair
Kit Shy	Commissioner
Ric Ferron	County Administrator
Debbie Livengood	Clerk to the Board

The Board met with Charles A. Ippolito concerning the IT position that the county advertised in the Wet Mountain Tribune.

Commissioner Downey made a motion seconded by Commissioner Shy to hire Charles Ippolito for the IT position as advertised in the newspaper with the following stipulations; a contract will be signed for an initial period of six-months commencing on October 1, 2005 through March 3, 2006 at which time an assessment study will be completed. Mr. Ippolito will work an average of 20 hours a week at \$20.00 per hour. And funding for this position will be paid out of the zoning budget. Motion carried unanimously.

Dale Hoag, Chairman of the Board, and Charles A. Ippolito, signed a contract stating the conditions and requirements for the position of Custer County Information Technology Director.

Commissioner Downey made a motion seconded by Commissioner Shy to adopt the following resolution. Motion carried unanimously.

**CUSTER COUNTY RESOLUTION**

**RESOLUTION NO. 05-05**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO, CALLING AN ELECTION ON NOVEMBER 1, 2005 TO AUTHORIZE AN INCREASE IN THE COUNTY'S AD VALOREM PROPERTY TAX LEVY FOR THE COUNTY'S ROAD AND BRIDGE FUND; SETTING THE TITLE AND THE CONTENT OF THE QUESTION FOR THE ELECTION; PROVIDING OTHER MATTERS AND RATIFYING ACTION PREVIOUSLY TAKEN RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION.**

WHEREAS, the Board of County Commissioners (the "Board") of Custer County, Colorado (the "County"), has determined that the revenues currently available in the County's Road and Bridge fund are insufficient for the purposed set forth in Paragraph

43-2-202, Colorado Revised Statutes (CRS), as amended, including purposes set forth in the ballot question attached as Appendix A hereto (the "Ballot Question"), that an ad valorem tax increase is required to fund the same, and that the public interest and needs of the county require that the county request voter approval of such tax increase; and, WHEREAS, the Board has determined to set the ballot title and ballot question for the Ballot Question to be submitted at the election called by this Resolution; NOW, THEREFORE,

BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, COLORADO:

1. An election shall be held on Tuesday, November 1, 2005 at which the Ballot Question shall be submitted to the eligible electors of the county. The Ballot Question shall be in substantially the form attached as Appendix A. Appendix A is hereby incorporated into this Resolution as if set forth in full herein.
2. The election shall be conducted as a coordinated election in the county in accordance with articles 1 to 13 of title 1, CRS, as amended (the "Uniform Election Code"). The county hereby adopts the provisions of paragraph 1-11-203.5, CRS, as amended, as the exclusive procedure for protesting or contesting the content of the ballot title.
3. The cost of the election shall be paid for by the general fund of the county.
4. The County Clerk and Recorder is hereby designated as the county's "designated election official," as defined in paragraph 1-1-1-4(8), CRS, as amended, as the person responsible for coordinating the election, and is directed and authorized to take such action as may be necessary to call, hold and canvass the election in accordance with law. All acts required or permitted by the Uniform Election Code relevant to voting by early voters' ballots, absentee ballots and emergency absentee ballots, which are to be performed by the designated election official, shall be performed by the County Clerk and Recorder.
5. If the county refers more than one question to the voters at the same election (whether by this resolution or one or more other resolutions), the order the ballot shall, as provided by the rules of the Secretary of State, be as follows: first, measures to increase taxes; second, measures to increase debt; and third, other referred measures. If the county refers more than one question within any such category, the order within such category shall, unless otherwise determined by the Board, be the same as the order of the ballot questions in the resolution of the Board that orders that such ballot questions be so referred (with questions set forth in separate resolutions listed in the order in which such resolutions were adopted).
6. No later than September 20, 2005, the Board shall submit to the County Clerk, in the form, if any, specified by the County Clerk, the notice required by Article X,

Section 20 (3) (b) of the Colorado Constitution. The County Clerk and Recorder shall cause such notice to be mailed to all registered electors of the county no later than September 30, 2005. Such notice shall be in the form and contain the information required by law.

7. The County Clerk and Recorder shall cause to be published, on or before October 21, 2005 and in the form and containing the information required by law, the notice required by paragraph 1-54-205, CRS, as amended. Such notice shall also be posted as required by paragraph 1-5-205 (1.33), CRS, as amended.
8. If a majority of the votes cast on the question submitted at the election shall be in favor of such question, the county acting through the Board shall be authorized to levy taxes in accordance with the Ballot Question. Any authority to levy taxes, if conferred by the results of the election, shall be deemed and considered a continuing authority to levy the taxes so authorized and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.
9. For purposes of paragraph 1-11-203.5, CRS, as amended, this resolution shall serve to set the ballot title and the ballot question for the Ballot Question and the ballot title for the Ballot Question shall be the text of the Ballot Question itself.
10. The officers and employees of the county are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.
11. All actions not inconsistent with the provisions of the resolution, heretofore taken by the members of the Board and the officers and employees of the county, directed toward holding the election for the purposes stated herein are hereby ratified, approved and confirmed.
12. All prior acts, orders or resolutions, or parts thereof, by the county in conflict with this resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.
13. If any section, paragraph, clause or provision of this resolution shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining sections, paragraphs, clauses or provisions of this resolution, it being the intention that the various parts hereof are severable.

IT IS HEREBY DECLARED by the Board of County Commissioners of Custer County, Colorado that this Resolution is necessary for the immediate preservation of public health, safety and welfare, and that it shall become effective immediately upon its adoption.

RESOLVED, ADOPTED AND SIGNED THIS 13 DAY OF SEPTEMBER 2005, AT WESTCLIFFE, COLORADO.

CUSTER COUNTY BOARD OF COMMISSIONERS

DALE J. HOAG  
CHAIRMAN

ATTEST:

DEBBIE L. LIVENGOOD  
CLERK AND RECORDER

Commissioner Hoag signed a contract between the County and the Colorado Department of Public Health and Environment for the Custer County Nursing Service Program.

Bob Torres and George Temple representing the Colorado Department of Transportation met with the Board to promote the need for Referendum C and D that will be placed on the November 1<sup>st</sup> ballot. According to Mr. Torres, if Referendum D passes this money would go directly to 55 projects that have been selected in partnership with city, county and state officials as priorities and have been approved by the Colorado Transportation Commission. These projects are a mixture of urban, rural and mountain areas, all of which are critical for Colorado's transportation system. Any funds that are created by the passing of Referendum C and D will not be used on the T-Rex project. The T-Rex project will already be funded through bonds.

Mr. Torres related to the Board that the state is going to start working on the Rosita Bridge in the spring of 2006. The Board also stated that they would like to see the state improve the intersection of Highway 69 and Rosita Road. The visibility of on-coming traffic at this intersection is very poor.

Being no further business the Board adjourned.