

**CROWLEY COUNTY BOARD OF COUNTY COMMISSIONERS  
RECORD OF PROCEEDINGS**

**MAY 18, 2020**

**CALL TO ORDER**

Board of County Commissioners met in regular session on May 18, 2020. The meeting was called to order by Chairman Blaine Arbuthnot at 9:15 a.m. The following were present:

Blaine Arbuthnot-----Chairman  
T. E. Allumbaugh-----Vice Chairman  
Roy Elliott-----Member  
LaShelle Benbow-----Deputy Clerk to the Board

**RESOLUTION NO. 2020-7837**

**APPROVE SPECIAL DISBURSEMENT, MAY 11, 2020**

Motion by Allumbaugh, seconded by Elliott to approve special disbursements for May 11, 2020 and authorize transfer of funds in the following amount:

General Fund     \$ 3,442.00

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Arbuthnot-----Aye  
Elliott-----Aye

**RESOLUTION NO. 2020-7838**

**APPROVE VEHICLE TRANSFER AUTHORIZED SIGNERS**

Motion by Elliott, seconded by Allumbaugh to approve the following list of authorized signers for vehicle transfers for Crowley County.

Commissioners: Allumbaugh, Arbuthnot, Elliott  
CC Administration Office: Stephanie Meyer, LaShelle Benbow, Ruth Froman  
CC Clerk Office: Melinda Carter, Lisa Meadows, Marilyn Schulz, Hope Schlundt

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Arbuthnot-----Aye  
Elliott-----Aye

**RESOLUTION NO. 2020-7839**

**APPROVE MAY 2020 MENTAL HEALTH MONTH PROCLAMATION**

Motion by Allumbaugh, seconded by Elliott to approve the following Proclamation:

WHEREAS, mental health is essential to everyone's overall health and well-being; and  
WHEREAS, all Americans face challenges in life that can impact their mental health; and  
WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and  
WHEREAS, there are practical tools that all people can use to improve their mental health and increase resiliency; and  
WHEREAS, mental health conditions are real and prevalent in our nation; and  
WHEREAS, with effective treatment, those individuals with mental health conditions can recover and lead full, productive lives; and  
WHEREAS, each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

THEREFORE, I, Blaine Arbuthnot, do hereby proclaim May 2020 as Mental Health Month in CROWLEY COUNTY. As the Chairman of the Board of Crowley County Commissioners, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in CROWLEY COUNTY to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Arbuthnot-----Aye  
Elliott-----Aye

**RESOLUTION NO. 2020-7840**

**APPOINTMENT OF COUNTY BUDGET OFFICER**

Motion by Elliott, seconded by Allumbaugh to approve the appointment of LaShelle Benbow as the County Budget Officer, effective May 18, 2020:

WHEREAS, pursuant to Colorado Revised Statutes, Section 29-1-104 & 30-11-107(n), the Crowley County Board of County Commissioners ("Board") is authorized to create, by resolution duly adopted, the office of county budget officer or such other offices as the Board deems required for the efficient management of the business and concerns of the County; and

WHEREAS, the Board is authorized to make appointments to the offices so created and to prescribe duties to be performed by such appointees; and

WHEREAS, to further the efficient and effective management of County affairs, the Board desires to appoint, as required in Colorado Revised Statutes, Section 29-1-104, LaShelle Benbow to prepare the county budget and submit the same to the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Crowley County, Colorado, as follows:

1. The position of county budget officer is hereby created.
2. The duties of the county budget officer shall be as described in Colorado Revised Statutes 29-1-101 through 29-1-115 "Local Government Budget Law of Colorado" and other functions as prescribed by the Board of County Commissioners.

The effective date hereof shall be the date of the adoption of this Resolution.

ADOPTED THIS 18th day of May, 2020.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Arbuthnot-----Aye  
Elliott-----Aye

**RESOLUTION NO. 2020-7841**

**APPOINTMENT OF CROWLEY COUNTY PRESERVATION BOARD MEMBERS**

Correspondence was received from Annette Barber, President of the Crowley County Preservation Board, that Vickie Powell and Jerry Barber be appointed to the Crowley County Preservation Board effective immediately.

Motion by Allumbaugh, seconded by Elliott to approve appointment of Vickie Powell and Jerry Barber to the Crowley County Preservation Board.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Arbuthnot-----Aye  
Elliott-----Aye

**RESOLUTION NO. 2020-7842**

**APPROVE A RESOLUTION DECLARING AREAS OF RECREATION IN UNINCORPORATED CROWLEY COUNTY**  
Motion by Elliott, seconded by Allumbaugh to approve a Resolution Declaring Areas of Recreation in Unincorporated Crowley County:

WHEREAS, pursuant to §30-11-101(c), C.R.S., the Board of County Commissioners of Crowley County, Colorado (hereinafter "Board") has the authority to make such order respecting real or personal property owned or leased by Crowley County as may be deemed conducive to the interests of the inhabitants of the County; and

WHEREAS, Crowley County has the good fortune of having multiple areas of recreation within its boundaries.

WHEREAS, The Crowley County Board of County Commissioners are desirous of regulating activity within these identified areas of recreation.

WHEREAS, The identified areas of recreation share common attributes that require similar regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Crowley Colorado, that:

1. The following areas located within unincorporated Crowley County shall be hence forth identified as Areas of Recreation.

- a. The area commonly known as Lake Henry.
- b. The area commonly known as Lake Meredith.
- c. The area commonly known as the Crowley County Fairgrounds.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Arbuthnot-----Aye  
Elliott-----Aye

**RESOLUTION NO. 2020-7843**

**APPROVE A RESOLUTION PROHIBITING UNAUTHORIZED CAMPING IN AREAS OF RECREATION**  
Motion by Allumbaugh, seconded by Elliott to approve a Resolution Prohibiting Unauthorized Camping in Areas of Recreation:

WHEREAS, On May 18, 2020, the Board of County Commissioners of Crowley County, Colorado (hereinafter "Board") passed Resolution 2020-7842, establishing areas of recreation in unincorporated Crowley County.

WHEREAS, pursuant to §30-11-101(c), C.R.S., the Board of County Commissioners of Crowley County, Colorado has the authority to make such order respecting real or personal property owned or leased by Crowley County as may be deemed conducive to the interests of the inhabitants of the County; and

WHEREAS, §18-9-117, C.R.S. specifically authorizes the Board to adopt rules and regulations as are reasonable and necessary for the administration, protection and maintenance of public property; and

WHEREAS, it is opinion of the Board that in order to preserve the public health, safety and welfare of the citizens of Crowley County, the Board should adopt the following regulations; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Crowley, Colorado, that:

Section 1. Definitions

- 1.1 The terms "camp" or "camping" as used herein shall mean to use or erect living accommodations, including vehicles, whether temporary or permanent, including but not limited to the following circumstances and activities:
  - 1.1.1 sleeping or making preparations to sleep, including the lying down of bedding for the purpose of sleeping.
  - 1.1.2 occupying a shelter out-of-doors. "Shelter" shall mean any cover or protection from the elements other than clothing such as a tent, shack, sleeping bag, or other structure or material.

- 1.1.3 Occupying any operable or inoperable “motor vehicle” as defined under §12-6-102(17) C.R.S. or “recreational vehicle”, as defined under §24-32-902(9) C.R.S., as may be amended.
- 1.1.4 The presence or use of a campfire, camp stove or other heating source or cooking device.
- 1.1.5 Keeping or storing personal property.

Section 2. Prohibited Acts

- 2.1 Camping in an Area of Recreation in Unincorporated Crowley County for more than 14 consecutive days in any 28-day period.
- 2.2 Parking/storage of an uninhabited camping trailer, automobile or other recreational vehicle for more than 72 hours is prohibited.
- 2.3 Roping off or using other methods to save areas, not occupied by recreational vehicles, is prohibited.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
 Arbuthnot-----Aye  
 Elliott-----Aye

**RESOLUTION NO. 2020-7844**

**APPROVE VARIANCE REQUEST FOR BENT, CROWLEY, AND OTERO COUNTIES FROM EXECUTIVE ORDER 2020 044 AND PUBLIC HEALTH ORDER 20-28**

Motion by Elliott, seconded by Allumbaugh to approve Variance request for Bent, Crowley, and Otero Counties from Executive Order 2020 044 and Public Health Order 20-28, which will take effect at 12:01 a.m. on Monday, June 1, 2020, and extending through and including 11:59 p.m. on Sunday, May 31, 2020 unless extended, modified, or abrogated.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
 Arbuthnot-----Aye  
 Elliott-----Aye

**PUBLIC HEARING PROPOSED ORDINANCE 2020-01**

The board conducted the public hearing for the adoption of the proposed ordinance for implementing a permit system for open burning. The hearing was called to order at 10:05 a.m.

There were no public comments regarding the adoption

Chairman Arbuthnot closed the public hearing section at 10:10 a.m.

**RESOLUTION NO. 2020-7845**

**ADOPTION OF AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING, 2020-01**

Motion by Elliott, seconded by Allumbaugh to adopt the following Ordinance, 2020-01:

TITLE: AN ORDINANCE IMPLEMENTING A PERMIT SYSTEM FOR OPEN BURNING

WHEREAS, section 30-15-401(1)(n.5), C.R.S., authorizes the Board of County Commissioners (“Board”) to adopt an ordinance banning open fires to a degree and in a manner that the Board deems necessary to reduce the danger of wild fires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high; and

WHEREAS, the Board of County Commissioners of Crowley County, Colorado, believes it to be in the best interest of the citizens of Crowley County for the Crowley County Fire Departments to be notified of open burning and approve open burning prior to the starting of such fires.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO, as follows:

1. Application. That open, controlled fires utilized for specific purposes and confined to limited areas, such as, but not limited to, cooking, recreational, warming, or branding purposes, are hereby permitted, and shall not require any sort of permit or permission prior to starting the same.
2. Permission to Burn Required. That any person desiring to conduct any other sort of burn, other than as above mentioned, such as, but not limited to, agriculture burning in the nature of field and ditch burning, shall contact the Crowley County Dispatch Center, by telephone, at (719) 267-5555, extension 2, to secure permission and approval of such open burn prior to conducting any such burn to secure consent for said burn. Verbal, telephone permission to conduct any such burn shall be expressly allowed. The Dispatch Center must also be notified when the burn is completed.
3. Time and Atmospheric Restrictions. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the open-burning permit.
4. Location. Open burning shall not be conducted within 25 feet of any structure. Conditions which could cause the fire to spread to within 25 feet of a structure shall be eliminated prior to ignition. Exception, the 25 feet limit does not apply to residential lawn burning.
5. Fire-extinguishing Equipment. A garden hose connected to a water supply or other approved fire-extinguishing equipment, including but not limited to fire extinguishers, rakes, shovels, and farm machinery, shall be readily available for use at open-burning sites. If water is not available, then proper firebreaks must be achieved prior to burning.
6. Attendance. Burning material shall be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment required herein and familiar with the permit limitations which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.
7. Discontinuance. The Crowley County Fire Chief, or his designee, is authorized to require that open burning be immediately discontinued if the chief determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the chief to constitute a hazardous condition.
8. Administration and Enforcement. The Crowley County Fire Chief with the assistance of the Crowley County Sheriff shall be responsible for the administration and enforcement of this ordinance. All inquiries regarding the current status of fire restrictions in Crowley County should be directed to the Fire Chief's Office.
9. Penalty for Violations. Any person who violates this ordinance commits a class 2 petty offense under section 30-15-402(1), C.R.S. and, upon conviction thereof, shall be punished by a fine of not more than \$1,000 for each separate violation, plus a surcharge of \$10 under section 30-15-402(2), C.R.S.
10. Penalty Assessment Procedure. The penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by the arresting officer for any such violation of this ordinance. Pursuant to the penalty assessment procedure, the violator may pay a fine in the amount of \$100, plus a \$10 surcharge. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine.
11. Disposition of Fines and Forfeitures. All fines and forfeitures for the violation of this ordinance shall be paid to the Treasurer of Crowley County.
12. Additional Remedies. The remedies provided in this ordinance shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available.
13. Severability. If any section, subsection, clause, sentence or phrase of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate any other provisions of this ordinance which can be given effect without such invalid provision.
14. Emergency. The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of Crowley County, Colorado.

15. Effective Date. This ordinance shall be effective immediately and shall remain in effect until such time as this ordinance is amended, temporarily suspended or repealed. All prior resolutions or ordinances adopting a permit system for open burning, and amendments thereto, are hereby repealed effective immediately following the adoption of Ordinance 2020-01. The Board, by resolution, may temporarily suspend, in whole or in part, this ordinance from time to time should the fire danger in Crowley County decrease. Likewise, the Board may reinstate this ordinance, by resolution, after it has been temporarily suspended.

Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Allumbaugh-----Aye  
Arbuthnot-----Aye  
Elliott-----Aye

No further business appearing the meeting was recessed.  
Minutes taken by LaShelle Benbow.

ATTEST:

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Melinda Carter, County Clerk

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Blaine Arbuthnot, Chairman