

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

JANUARY 10, 2023

**CALL TO ORDER**

Board of County Commissioners met in regular session on January 10, 2023. The meeting was called to order by Chairman Blaine Arbuthnot at 8:30 a.m. The following were present:

Blaine Arbuthnot-----Chairman  
Roy Elliott-----Vice Chairman  
Terry McMillian-----Member  
Ruth Froman-----Filling in for LaShelle Benbow, Deputy Clerk to the Board

**PUBLIC HEARING - PROPOSED CONTINGENCY BUDGET FOR FUND 50**

The Board opened the public hearing for the proposed contingency budget for fund 50. There were no community members present, and the Board has received no written or verbal comments from the public.

**RESOLUTION NO. 2023-8499**

**APPROVE A RESOLUTION FOR BUDGET CONTINGENCY FOR FUND 50**

Motion by Elliott, seconded by McMillian to approve the following resolution:

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR THE COUNTY OF CROWLEY, COLORADO.

WHEREAS, Crowley County Department of Human Services has several child welfare cases with families having many children in 2022; and

WHEREAS, the expenditures related to these cases were more than the normal budget projections; and

WHEREAS, this contingency could not have been reasonably foreseen at the time of the adoption of the budget;

AND WHEREAS, the money to finance this contingency is available in the same fund in the form of unrestricted cash.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO;

Section 1. That the 2022 appropriation for the Department of Human Services Fund, line number 50.701.51330 Social Services Travel is hereby increased from \$200 to \$2,000 including the contingency.

Section 2. That the 2022 appropriation for the Department of Human Services Fund, line number 50.701.51390 Social Services Communications is hereby increased from \$500 to \$1,780 including the contingency.

Section 3. That the 2022 appropriation for the Department of Human Services Fund, line number 50.715.51311 Child Welfare Legal Fees is hereby increased from \$25,000 to \$105,000 including the contingency.

Section 4. That the 2022 appropriation for the Department of Human Services Fund, line number 50.715.51330 Child Welfare Travel is hereby increased from \$20,000 to \$32,500 including the contingency.

Section 5. That the 2022 appropriation for the Department of Human Services Fund, line number 50.715.51394 Child Welfare Technical Support is hereby increased from \$1,000 to \$2,600 including the contingency.

Section 6. That the 2022 appropriation for the Department of Human Services Fund, line number 50.715.51510 Child Welfare RMS Adjustment is hereby increased from \$140,000 to \$185,600 including the contingency.

Section 7. That the 2022 appropriation for the Department of Human Services Fund, line number 50.716.51510 Child Welfare 100 RMS Adjustment is hereby increased from \$500 to \$815 including the contingency.

Section 8. That the 2022 appropriation for the Department of Human Services Fund, line number 50.717.51630 Child Welfare Core Special Economic Assistance is hereby increased from \$10,000 to \$14,300 including the contingency.

Section 9. That the 2022 appropriation for the Department of Human Services Fund, line number 50.717.51634 Child Welfare Core ADAD FICF is hereby increased from \$15,000 to \$17,760 including the contingency.

Section 10. That the 2022 appropriation for the Department of Human Services Fund, line number 50.718.51510 Child Welfare SCCC RMS Adjustment is hereby increased from \$2,000 to \$6,740 including the contingency.

Section 11. That the 2022 appropriation for the Department of Human Services Fund, line number 50.718.55030 Child Welfare Child Care Services is hereby increased from \$10,000 to \$21,300 including the contingency.

Section 12. That the 2022 appropriation for the Department of Human Services Fund, line number 50.719.51629 Core Services 80/20 is hereby increased from \$10,000 to \$30,771 including the contingency.

Section 13. That the 2022 appropriation for the Department of Human Services Fund, line number 50.719.51635 Core Services Life Skills is hereby increased from \$0 to \$10,000 including the contingency.

Section 14. That the 2022 appropriation for the Department of Human Services Fund, line number 50.719.55050 Core Services Home Base HBOB is hereby increased from \$12,000 to \$38,200 including the contingency.

Section 15. That the 2022 appropriation for the Department of Human Services Fund, line number 50.755.51600 Child Welfare Out of Home Client Services Payment is hereby increased from \$60,000 to \$101,000 including the contingency.

Section 16. That the 2022 appropriation for the Department of Human Services Fund, line number 50.755.51606 Child Welfare Relative Guardianship is hereby increased from \$10,000 to \$18,700 including the contingency.

ADOPTED, this 10th day of January 2023, with an effective date of December 31, 2022.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8500**

**APPROVE BOARD MINUTES DECEMBER 2022**

Motion by McMillian, seconded by Elliott to approve the December 2022 board minutes.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8501**  
**APPROVE 2023 LEASE COMMITMENTS**

Motion by McMillian, seconded by Elliott to approve the Resolution Approving 2023 Lease Commitments.

**RESOLUTION APPROVING 2023 LEASE COMMITMENTS**

Lake Lease: Lake Henry Reservoir Company and Lake Meredith Reservoir Company in the amount of \$3,000 each, due January 31, 2023.

Lease Purchase Agreement Not Involving Real Property:

Bank Name: Axon Enterprise, Inc.  
 Lease #: 108867  
 Date of Lease-Purchase Agreement: 12/06/21

DESCRIPTION	ORIGINAL COST OF EQUIPMENT	DOWN PAYMENT	CONTRACT PAYMENT	PRINCIPAL	INTEREST
Body Camera and Taser Purchase (see note below)	\$115,393.93	\$ -	\$ -	\$ 115,393.93	\$ -
FY2022			\$ 21,301.06	\$ 21,301.06	\$ -
FY2023			\$ 23,523.22	\$ 23,523.22	\$ -
FY2024			\$ 23,523.22	\$ 23,523.22	\$ -
FY2025			\$ 23,523.22	\$ 23,523.22	\$ -
FY2026			\$ 23,523.22	\$ 23,523.22	\$ -

Maximum Payment Liability: \$115,393.93

Does the agreement include renewal options? If yes, describe. NO

ADOPTED THIS 10th day of January 2023.

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

Arbuthnot-----Aye  
 Elliott-----Aye  
 McMillian-----Aye

**RESOLUTION NO. 2023-8502**  
**APPROVE RESOLUTION APPOINTING BUDGET OFFICER FOR 2023**

Motion by Elliott, seconded by McMillian to approve a Resolution appointing LaShelle Benbow as the 2023 Budget Officer.

**RESOLUTION OF THE BOARD OF CROWLEY COUNTY COMMISSIONERS**

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.

- 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 and shall last through the fiscal year 2023.

ADOPTED THIS 10TH DAY OF JANUARY 2023.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

### **RESOLUTION NO. 2023-8503**

#### **APPROVE ANNUAL APPOINTMENTS RESOLUTION FOR THE CALENDAR YEAR 2023**

Motion by Elliott, seconded by McMillian to approve the following resolution regarding 2023 annual appointments:

#### **ANNUAL APPOINTMENTS RESOLUTION FOR THE CALENDAR YEAR 2023**

WHEREAS, the Board of County Commissioners of the County of Crowley, State of Colorado (hereinafter "the Board"), desires to make certain necessary administrative appointments and designations for the terms specified hereinbelow; and

WHEREAS, it is necessary that the Board designate official legal depositories for the County of Crowley, State of Colorado, for fiscal year 2023, pursuant to C.R.S. 24-75-603 and 30-10-708; and

WHEREAS, the following appointments and designations do not constitute contractual obligations of the County of Crowley nor of the Board, and the County and the Board are not legally bound for the respective terms of appointment or designation as specified herein below, the County, by and through the Board, having the authority, in its sole discretion, to change, add, or abolish such appointments and designations and to fill vacancies, therefore, as it sees fit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CROWLEY, STATE OF COLORADO:

THAT, Commissioner Arbuthnot be and is hereby elected Chair of the Board of County Commissioners of the County of Crowley, State of Colorado, in accordance with C.R.S. 30-10-307. If the Vice Chair or other Commissioner are absent, the Chair can make a motion or can second a motion in order for the Board of County Commissioners to conduct business.

THAT, Commissioner Elliott be and is hereby elected Vice Chair of the Board of County Commissioners of the County of Crowley, State of Colorado, to preside, in the absence of the Chair, at all meetings of the Board and to sign all County orders concerning matters submitted to the Board or connected with its powers and duties.

THAT, LaShelle Benbow be and is hereby appointed as the Deputy Clerk to the Board of County Commissioners.

THAT, in accordance with C.R.S. 30-11-118, Nathan Schulz be and is hereby appointed the Crowley County Attorney.

THAT, Tonia Burnett be and is hereby appointed the Crowley County DHS Director.

THAT, John Reitan be and is hereby appointed the EMS Coordinator.

THAT, Mario Rodriguez be and is hereby appointed the Ambulance Director.

THAT, Rick Ferraro be and is hereby appointed the County Fire Chief.

THAT, Ordway New Era be and is hereby appointed as the Publisher of county business.

THAT, Commissioner Elliott, and Commissioner McMillian be and is hereby appointed to serve on the Southeast Colorado Family Guidance Board.

THAT, Sheriff Reeves, and Commissioner Elliott be and is hereby appointed to serve on the RESADA Board.

THAT, Roxie Smith be and is hereby appointed to serve as the Crowley County Veterans Service Officer.

THAT, Matt Carter be and is hereby appointed to serve as the Crowley County Building Inspector.

THAT, Matt Carter be and is hereby appointed to serve as the Planning & Zoning Land Use Administrator for Crowley County.

THAT, Commissioner Elliott, and Commissioner McMillian be and is hereby appointed to serve on the Southeast Colorado Workforce Investment Board.

THAT, Commissioner Elliott, Commissioner McMillian, and Sheriff Reeves be and is hereby appointed as representatives to the COMCOR committee.

THAT, Commissioner Arbuthnot, and Commissioner Elliott be and is hereby appointed to serve as CCI Proxy Appointees.

THAT, LaShelle Benbow be and is hereby appointed to serve as the AAA Project Director for Crowley County.

THAT, Commissioner Elliott be and is hereby appointed to serve as a representative to the AAA committee.

THAT, Annette Barber, Lucile Nichols, Marge Gardner, Jack Lundahl, Jerry Barber, Karen Tomky and Vicki Powell be and is hereby appointed to serve on the Historical Preservation Board.

THAT, Commissioner Arbuthnot be and is hereby appointed to serve as a Voting Delegate to Colorado Canal and Twin Lakes Reservoir Companies.

THAT, Commissioner Arbuthnot, Commissioner Elliott, and Commissioner McMillian be and is hereby appointed to serve on the Crowley County Economic Development Taskforce.

THAT, Commissioner Arbuthnot, and Tobe Allumbaugh be and is hereby appointed to serve on the Ark Valley Conduit Board.

THAT, Commissioner Arbuthnot, Commissioner Elliott, and Commissioner McMillian be and is hereby appointed to serve on the SECED Board.

THAT, Bill Gray, Dave Ragsdale, Garry Ashida, Gary Gibson, and Bob Offut be and is hereby appointed to serve on the Planning & Zoning Commission Board for Crowley County.

THAT, Commissioner Arbuthnot be and is hereby appointed to serve on the SECED Executive Board.

THAT, Commissioner Arbuthnot, Commissioner Elliott, and Commissioner McMillian be and is hereby appointed to serve on the SECOG Board.

THAT, Commissioner Arbuthnot, and Commissioner Elliott be and is hereby appointed to serve on the SCEDD Board.

THAT, Commissioner Elliott be and is hereby appointed to serve on the SAGE Board.

THAT, Commissioner Elliott, and Commissioner McMillian be and is hereby appointed to serve on the SECORT Board.

THAT, Commissioner McMillian, and Commissioner Elliott be and is hereby appointed to serve on the SEBREA Board.

THAT, Commissioner Elliott, and Commissioner McMillian be and is hereby appointed to serve on the Otero County Board of Health.

THAT, Commissioner Arbuthnot be and is hereby appointed to serve on the SECRETAC Financial Board.

THAT, Rick Kidd, Commissioner Elliott, and Lynn Chubbuck be and is hereby appointed to serve on the Ark Valley Roundtable.

THAT, Commissioner Elliott be and is hereby appointed to serve on the Crowley County Water System.

THAT, John Reitan, Mario Rodriguez, and Commissioner Elliott be and is hereby appointed to serve on the SECRETAC Board.

THAT, John Reitan, Leah Fox, Commissioner Elliott, Commissioner Arbuthnot, Commissioner McMillian, and Cheryl Salzbrenner be and is hereby appointed to serve on the E911 Authority Board.

THAT, the appointments herein, shall be for fiscal year 2023 and continue until further order of the Board.

BE IT FURTHER RESOLVED that the Board approves and designates the First National Bank of Las Animas, Ordway Branch, as the authorized depository for the Crowley County funds.

BE IT FURTHER RESOLVED, per C.R.S. 24-6-402.3, the Board designates the display board located on the upper level of the Annex Building, and the display board located in the entryway of the Courthouse as the posting locations for public meeting notices and agenda information of the Board.

MOVED, READ, AND ADOPTED by the Board of County Commissioners of the County of Crowley, State of Colorado, at its regular meeting held January 10, 2023.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8504**

**APPROVE RESOLUTION APPOINTING DEPUTY CORONER'S FOR 2023**

Motion by Elliott, seconded by McMillian to approve a Resolution approving deputy coroner's for the 2023 calendar year:

**RESOLUTION APPROVING DEPUTY CORONER'S FOR THE CALENDAR YEAR 2023**

WHEREAS, pursuant to C.R.S. 30-10-602, as amended, county coroners are expressly authorized to appoint a deputy or deputies to whom the coroner may delegate any of the coroner's powers; and,

WHEREAS, the Crowley County Coroner desires to appoint the following individuals as deputy coroners: Karen Tomky, Tom Cody, Robert Fowler, and Michael Perez.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CROWLEY, STATE OF COLORADO:

THAT, Karen Tomky, Tom Cody, Robert Fowler, and Michael Perez, are hereby appointed to serve as deputy coroners; and,

THAT, the appointments herein, shall be for fiscal year 2023 and continue until further order of the Board.

MOVED, READ, AND ADOPTED by the Board of County Commissioners of the County of Crowley, State of Colorado, at its regular meeting held January 10, 2023.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8505**

**APPROVE AUTHORIZATION OF PERSONS TO SIGN CHECKS AND ONLINE BANKING ACCESS FOR 2023**

Motion by McMillian, seconded by Elliott to approve a letter to the First National Bank authorizing signers on accounts and a safe deposit box, and online banking access for commissioner bank accounts.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8506**

**APPROVE DHS DISBURSEMENTS, JANUARY 9, 2023**

Motion by McMillian, seconded by Elliott to approve the DHS disbursements for January 9, 2023, and authorize transfer of funds in the following amount:

DHS Fund	\$ 32,605.95
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Upon motion duly made and seconded the foregoing resolution was adopted by the following vote:

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8507**

**APPROVE DISBURSEMENTS, JANUARY 10, 2023**

Motion by McMillian, seconded by Elliott to approve the disbursements for January 10, 2023, and authorize transfer of funds in the following amounts:

General Fund	\$ 48,426.26
Road and Bridge Fund	\$ 953.38
EMS Fire Fund	\$ 3,505.58
Ambulance Fund	\$ 334.88
Total Disbursements	\$ 53,220.10

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8508**

**APPROVE SECRETAC DISBURSEMENTS, JANUARY 10, 2023**

Motion by Elliott, seconded by McMillian to approve the SECRETAC disbursements for January 10, 2023, and authorize transfer of funds in the following amount:

SECRETAC Fund           \$ 500.00

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8509**

**APPROVE ANNUAL DISBURSEMENTS, JANUARY 10, 2023**

Motion by Elliott, seconded by McMillian to approve the annual disbursements for January 10, 2023, and authorize transfer of funds in the following amounts:

General Fund           \$126,828.05

Road and Bridge Fund   \$ 72,116.00

EMS Fire Fund         \$ 17,004.25

Ambulance Fund        \$ 8,413.50

Water Fund             \$ 2,767.00

Total Disbursements   \$227,428.80

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8510**

**APPROVE BACKDATE DISBURSEMENTS, JANUARY 10, 2023**

Motion by Elliott, seconded by McMillian to approve the backdate disbursements for January 10, 2023, and authorize transfer of funds in the following amounts:

General Fund           \$ 33,192.87

Road and Bridge Fund   \$ 29,043.64

EMS Fire Fund         \$ 938.90

Ambulance Fund        \$ 2,973.15

Water Fund             \$ 11,642.94

E911 Fund             \$ 1,583.06

Total Disbursements   \$ 79,374.56

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye



**RESOLUTION NO. 2023-8511**

**APPROVE LETTER OF AGREEMENT BETWEEN CROWLEY COUNTY, BENT COUNTY AND J. ANDREW GREEN & ASSOC. INC.**

Motion by McMillian, seconded by Elliott to approve a Letter of Agreement between Crowley County, Bent Count and J. Andrew Green & Assoc., Inc. for governmental relations and outreach services regarding legislative issues.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8512**

**APPROVE RESOLUTION AUTHORIZING CROWLEY COUNTY TO ENTER INTO THE 2023 MEMORANDUM OF UNDERSTANDING BETWEEN 16TH JUDICIAL DISTRICT ATTORNEY AND BENT COUNTY, CROWLEY COUNTY AND OTERO COUNTY**

Motion by Elliott, seconded by McMillian to approve the following resolution:

STATE OF COLORADO )

) ss.

County of Crowley )

At a Regular Meeting of the Board of County Commissioners for Crowley County, Colorado, held in Ordway, Colorado, on the 10th day of January, A.D., 2023, there were present: Blaine Arbuthnot, Chairman; Terry McMillian, Commissioner; Roy Elliot, Commissioner; and Ruth Froman, filling in for LaShelle Benbow, Deputy Clerk to the Board,

when the following proceedings were had and done, to-wit:

WHEREAS, pursuant to C.R.S. 20-1-302, the District Attorneys of each judicial district in the State of Colorado are entitled to collect and receive of and from the respective counties in the District Attorney's judicial district the cost of the necessary expenses of maintaining an office for the transaction of official business; and

WHEREAS, the counties located in the Sixteenth Judicial District are Bent County, Crowley County, and Otero County; and

WHEREAS, the counties in the Sixteenth Judicial District have agreed to a cost-sharing formula; and

WHEREAS, the Counties are desirous of maintaining the same cost-sharing formula until the 2030 Census.

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

1. Crowley County is hereby authorized to enter into the 2023 Memorandum of Understanding pertaining and/or relating to the 16th Judicial District Attorney among Otero County, Colorado, Bent County, Colorado, Crowley County, Colorado, and the 16th Judicial District Attorney with regard to the 2023 budget.
2. That the Chairman of the Board of County Commissioners of Crowley County, State of Colorado, and the Crowley County Clerk and Recorder are hereby authorized to sign the MOU referenced above together with any ancillary documents necessary to effectuate the MOU.

Adopted this 10th day of January, 2023.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8513**

**APPROVE 2023 MEMORANDUM OF UNDERSTANDING BETWEEN 16TH JUDICIAL DISTRICT ATTORNEY AND BENT COUNTY, CROWLEY COUNTY AND OTERO COUNTY**

Motion by McMillian, seconded by Elliott to approve the following Memorandum of Understanding between the 16th Judicial District Attorney, and Bent County, Crowley County and Otero County:

**MEMORANDUM OF UNDERSTANDING (2023)**

This Memorandum of Understanding is entered into this 10th day of January, 2023, between the 16th Judicial District Attorney, hereafter referred to as the "D.A.", and Bent County, Colorado, Crowley County, Colorado, and Otero County, Colorado, hereafter referred to as "Counties".

This agreement is to provide an understanding on how funds from the three counties in the 16th Judicial District are provided to the D.A.'s office for calendar year 2023. The agreement will identify responsibility for such items as expenditures, payroll, and revenues.

NOW THEREFORE, in consideration of their mutual promises to each, stated below, the parties hereto agree as follows:

1. The term of this MOU is January 1, 2023, until December 31, 2023; however, this MOU is not valid until it has been approved by all parties' authorized designees. The other provisions of this agreement, notwithstanding financial obligations of the Counties payable after the current fiscal year, are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. The Counties are prohibited by law from making financial commitments beyond the term of the current fiscal year.
2. Under C.R.S. 20-1-302, the District Attorneys of each judicial district in the State of Colorado shall be entitled to collect and receive at the end of each month, of and from the respective counties in the District Attorney's judicial district, the necessary expenses of maintaining an office for the transaction of official business. The three counties associated with this MOU will be responsible for their percentage contribution as identified hereafter.
3. The D.A. understands and acknowledges that he is responsible to utilize the funds supplied by the Counties in a fiscally responsible fashion and in accordance with the budget presented by the D.A. to the Counties and approved by the Counties. Further, the D.A. acknowledges that it is his responsibility to provide appropriate accounting for his revenues and expenditures so that his fiscal operations can be appropriately audited and confirmed.
4. The D.A. understands that the D.A.'s office is responsible for providing health, liability and Workers' Compensation insurance to employees. These insurances will be available through one of the three Counties or can be obtained independently, as determined and negotiated by the D.A.
5. If the D.A.'s office chooses to obtain health insurance through one of the three Counties, the D.A. will be responsible for and adequately budget for any necessary increases in premium cost caused to the County in question.
6. The D.A. acknowledges that all operating expenses of his office, including, but not limited to, the expenses for salary, FICA, taxes, Social Security, life insurance, and retirement will be paid through the D.A.'s office. The D.A. will be required to report to the Boards of County Commissioners in the three-county region on a quarterly basis

the status of payroll taxes, proof of filing other taxes, and any additional reports requested by the Boards of County Commissioners.

7. The D.A. shall report any changes in employee status immediately to the entity that is contracted to provide health insurance for said employees.
8. The D.A. is solely responsible for all administrative procedures and policies regarding his staff.
9. The D.A. shall provide a copy of his annual audit to the three Counties within one week after the D.A. receives the same.
10. The D.A. shall provide financial statements to the Boards of County Commissioners in the three-county region on a monthly basis, such financial statements to include profit and loss statements (if applicable), balance sheets, general ledger reports, budget vs. actual report, and any additional financial reports requested by the Boards of County Commissioners.
11. The D.A. shall secure training for the bookkeeper for the D.A.'s Office related to budgeting and financial statements by June 30, 2023, and shall provide proof of such training to the three Counties by no later than July 31, 2023. If the three Counties do not receive proof of such training by July 31, 2023, the three Counties will cease the allocation of payments until they receive such proof of training.
12. As provided under Colorado law, nothing shall prevent any county or governmental entity from agreeing to fund programs, projects, personnel, or salaries that are in addition to the funds provided for the reasonable and necessary expenses of the District Attorney so long as such is done with the agreement of the relevant Boards of County Commissioners.
13. The agreed upon yearly percentage owed by each County as of the date of this MOU is as follows: Bent County 18.69%, Crowley County 18.69% and Otero County 62.62%. These percentages are documented and agreed upon by the Boards of County Commissioners during yearly preliminary budget meetings.

14. The Counties agree to pay to or on behalf of the D.A. the following amounts:

A. ANNUAL ALLOCATION:

The annual allocation for the D.A.'s office for 2023 is \$829,242.00. The annual allocation from the three counties shall be paid as follows:

Bent County will be responsible to pay 18.69% of the annual allocation, or \$154,985.33; Crowley County will be responsible to pay 18.69% of the annual allocation, or \$154,985.33; and Otero County will be responsible to pay 62.62% of the annual allocation, or \$519,271.34, such sums to be paid on a monthly basis, as follows:

Bent County will pay \$12,915.44; [ $\$154,985.33 \div 12$ ]

Crowley County will pay \$12,915.44; [ $\$154,985.33 \div 12$ ] and

Otero County will pay \$43,272.61; [ $\$519,271.34 \div 12$ ]

The monthly payments shall be paid to the D.A. beginning on January 15, 2023, and on the 15th day of each month thereafter through December, 2023.

B. UTILITIES:

In addition to the annual allocation, the Counties will pay all utilities for the D.A.'s Offices for the year 2023, estimated to be approximately \$17,252.00.

Bent County will be responsible to pay 18.69% of the utilities; Crowley County will be responsible to pay 18.69% of the utilities, and Otero County will be responsible to pay 62.62% of the utilities, such sums to be paid on a monthly basis, as follows: pursuant to a separate agreement between the Counties and Otero Partners, Inc., (OPI), OPI will provide a monthly invoice to each County with a breakout of the amount each owes for utilities according to the percentages shown above.

Beginning in January, 2023, and running through December, 2023, each County will make payment to OPI in accordance with the monthly invoice sent to each County.

C. LOAN PAYMENT/COUNTRY MANOR, INC.:

Further, in addition to the annual allocation and the payment of the D.A.'s utilities, the Counties will be responsible to pay the D.A.'s portion of the loan payment to Country Manor, Inc., in the sum of \$38,490.12 (2023 annual total). Bent County will be responsible to pay 18.69% or \$7,193.80; Crowley County will be responsible to pay 18.69% or \$7,193.80; and Otero County will be responsible to pay 62.62% or \$24,102.51, such sums to be paid on a monthly basis, as follows:

Bent County will pay \$599.48; [ $\$7193.80 \div 12$ ]  
Crowley County will pay \$599.48; [ $\$7193.80 \div 12$ ] and  
Otero County will pay \$2,008.55 [ $\$24,102.51 \div 12$ ]

[NOTE: this represents the D.A.'s portion of the monthly loan payment for 2023 only.]

Pursuant to the terms of a Loan Agreement between the three Counties and Country Manor, Inc., Bent County, Crowley County, and Otero County pay the following sums to Country Manor, Inc., on a monthly basis:

Bent County pays \$420.53  
Crowley County pays \$420.53  
Otero County pays \$1408.95

Thus, the total monthly payment to be made by the Counties each month for the period January, 2023, through December, 2023, is:

Bent County will pay  $\$420.53 + \$599.48 = \$1020.01$   
Crowley County will pay  $\$420.53 + \$599.48 = \$1020.01$   
Otero County will pay  $\$1408.95 + \$2008.55 = \$3417.50$

[NOTE: this represents the entire monthly loan payment.]

Pursuant to a separate agreement between the Counties and OPI, the Counties will make payment to OPI by the 15th day of each month commencing January 15, 2023, and OPI will in turn make payment to Country Manor, Inc., by the 22nd day of each month, 2023, said payments to continue through December, 2023.

15. The parties acknowledge and agree that the D.A. will enter into a Lease Agreement with Otero Partners, Inc., concerning the D.A.'s Offices; however, all parties agree that the D.A. will not be required to pay any rent to OPI or the Counties during the year 2023.
16. The Parties may prospectively increase or decrease the amount payable under this MOU through a "Limited Amendment". To be effective, the Amendment must be in writing and signed by all Parties.
17. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
18. The parties agree that the effective date of this agreement shall be January 1, 2023.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

**RESOLUTION NO. 2023-8514**

**LETTER OF FUNDING**

Motion by Elliott, seconded by McMillian to approve funding a housing construction project up to \$2,750,000 to Southeast Colorado Enterprise Development (SECED). This funding will only occur if SECED is able to obtain permanent financing. Terms of financing are repayment of the \$2,750,00 upon the completion of the project, and a one-time \$250,000 interest payment upon the repayment of the loan.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

No further business appearing the meeting was recessed.

ATTEST:

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Melinda Carter, County Clerk

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Blaine Arbuthnot, Chairman