

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

SEPTEMBER 29, 2023

CALL TO ORDER

Board of County Commissioners met in regular session on September 29, 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-----Commissioner
LaShelle Benbow-----Deputy Clerk to the Board

RESOLUTION NO. 2023-8695

APPROVE SEPTEMBER 2023 PAYROLL

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

General Fund \$88,341.84
Road and Bridge Fund \$24,307.21
EMS Fire Fund \$3,193.52
Ambulance Fund \$9,561.65
DHS Fund \$38,513.84
Conservation Trust Fund \$326.91

Total Disbursement \$164,244.97

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

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

RESOLUTION NO. 2023-8696

APPROVE PAYROLL BENEFIT DISBURSEMENTS, SEPTEMBER 29, 2023

Motion by McMillian, seconded by Elliott to approve the payroll benefit disbursements for September 29, 2023, and authorize transfer of funds in the following amounts:

General Fund \$66,139.98
Road and Bridge Fund \$18,408.08
EMS Fire Fund \$2,821.96
Ambulance Fund \$5,632.46
DHS Fund \$31,642.25
Conservation Trust Fund \$69.11

Total Disbursement \$124,713.84

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

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

RESOLUTION NO. 2023-8697

APPROVE DISBURSEMENTS, SEPTEMBER 29, 2023

Motion by Elliott, seconded by McMillian to approve the disbursements for September 29, 2023, and authorize transfer of funds in the following amounts:

General Fund \$100,861.50
Road and Bridge Fund \$38,717.68
EMS Fire Fund \$286.32
Ambulance Fund \$4,043.17
Water Fund \$21,068.09
DHS Fund \$803.52
E911 Fund \$506.00

Total Disbursements \$166,286.28

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

RESOLUTION NO. 2023-8698

APPROVE SECRETAC DISBURSEMENTS, SEPTEMBER 29, 2023

Motion by McMillian, seconded by Elliott to approve the SECRETAC disbursements for September 29, 2023, and authorize transfer of funds in the following amount:

SECRETAC Fund \$19,150.28

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

RESOLUTION NO. 2023-8699

APPROVE RESOLUTION APPROVING AN AGREEMENT BETWEEN CROWLEY COUNTY, COLORADO AND LINCOLN COUNTY, COLORADO, ESTABLISHING THE KARVAL WATER AUTHORITY TO BE LOCATED IN LINCOLN COUNTY

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

RESOLUTION

APPROVING AN AGREEMENT BETWEEN CROWLEY COUNTY, COLORADO AND LINCOLN COUNTY, COLORADO, ESTABLISHING THE KARVAL WATER AUTHORITY TO BE LOCATED IN LINCOLN COUNTY

WHEREAS, Crowley County and Lincoln County are each duly and regularly created, organized and existing political subdivisions and public bodies corporate of the State of Colorado; and

WHEREAS, Crowley County and Lincoln County are authorized by the provisions of Colo. Const. Art. XIV, §18, and C.R.S. 29-1-201, et seq., to enter into contracts with other political subdivisions of the State of Colorado; and

WHEREAS, Crowley County and Lincoln County are authorized by the provision of C.R.S. §29-1-204.2 to establish a water authority to be used to effect the development of water resources, systems and facilities, in whole or in part, for the benefit of the inhabitants and service users of the contracting parties or others at the discretion of the board of directors of the authority; and

WHEREAS, in order for the Kaval Water Utility to obtain federal grants and low interest rate loans from the Colorado Water Resources and Power Development Authority, Karval Water Users Enterprise is required to be organized as a local government for state law purposes; and

WHEREAS, in order to become organized as a local government, Karval Water Users Enterprise approached Lincoln and Crowley Counties requesting that they form a water authority pursuant to their statutory powers to better serve the residents and rate payers of the Karval Water Users Enterprise system; and

WHEREAS, there has been presented to the Boards of County Commissioners of Crowley County and Lincoln County (the "Board") the form of Establishing Contract for the Karval Water Authority; and

WHEREAS, Crowley County and Lincoln County have determined it is in the best interests of their constituents and service users to establish a water authority to be known as the Karval Water Authority to provide water service within portions of Lincoln County; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CROWLEY COUNTY, COLORADO (THE "BOARD"):

Section 1) Approval of Establishing Contract and Ratification and Approval of Prior Actions. The Board of County Commissioners hereby approves the Karval Water Authority Establishing Contract in the form presented at this meeting. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board, or the officers or agents of the Board or the County, relating to the formation of the Karval Water Authority is hereby ratified, approved and confirmed.

Section 2) Findings Relating to the Karval Water Authority. The Board hereby finds and determines that pursuant to Section 29-1-204.2, C.R.S., the creation of the Karval Water Authority is necessary for the development of water resources, systems, or facilities or of drainage facilities in whole or in part for the benefit of the inhabitants of Lincoln County and Crowley County.

Section 3) Finding of Best Interests. The Board hereby finds and determines the creation of the Karval Water Authority is necessary, convenient and in furtherance of the County's purposes and is in the best interests of the inhabitants of the County; and the Board hereby authorizes and approves such creation.

Section 4) Authorization to Execute Collateral Documents. Any member of the Board of County Commissioners, the County Manager, or other appropriate officials or agents of the Board or the County, are hereby authorized to execute and deliver for and on behalf of the County any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they may deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this resolution, including but not limited to the execution of the Karval Water Authority Establishing Contract and such other documents, certificates and affidavits as may be necessary. The execution of any instrument by the aforementioned officers or members of the Board shall be conclusive evidence of the approval by the Board of such instrument in accordance with the terms hereof and thereof.

Section 5) Repealer. All bylaws, orders and resolutions of the Board, or parts thereof, inconsistent with this resolution or with the Karval Water Authority Establishing Contract hereby approved, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, or resolution of the District, or part thereof, heretofore repealed.

Section 6) Effective Date. This resolution shall be in full force and effect upon its passage and adoption.

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

Arbuthnot-----Aye

Elliott-----Aye

McMillian-----Aye

RESOLUTION NO. 2023-8700

APPROVE KARVAL WATER AUTHORITY ESTABLISHING CONTRACT

Motion by Elliott, seconded by McMillian to approve the Karval Water Authority Establishing Contract. This contract is between Lincoln County and Crowley County who are establishing a water authority to be used to affect the development of water resources, systems, and facilities, for the benefit of the inhabitants and service users.

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:

Melinda Carter, County Clerk

Blaine Arbuthnot, Chairman