

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

OCTOBER 28, 2024

CALL TO ORDER

Board of County Commissioners met in regular session on October 28, 2024. The meeting was called to order by Chairman Roy Elliott at 8:30 a.m. The following were present:

Roy Elliott-----Chairman
Terry McMillian-----Vice Chairman
Blaine Arbuthnot-----Commissioner
Ruth Froman, filling in for LaShelle Benbow, Deputy Clerk to the Board
Audience: Michael Yerman

PUBLIC HEARING - CONCERNING THE ISSUANCE OF A TAX-EXEMPT LOAN TO THE SOUTHEAST COLORADO REGIONAL HOUSING AUTHORITY FOR THE 500 SMOKEY AVENUE PROJECT

The Board opened the public hearing for the issuance of a tax-exempt loan to the Southeast Colorado Regional Housing Authority for the 500 Smokey Avenue Project. There were no community members present and the Board has received no written or verbal comments from the public.

RESOLUTION NO. 2024-9039

APPROVE A RESOLUTION APPROVING THE ISSUANCE OF A LOAN TO THE SOUTHEAST COLORADO REGIONAL HOUSING AUTHORITY TO FINANCE THE 500 SMOKEY AVENUE PROJECT

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

A RESOLUTION APPROVING THE ISSUANCE OF A LOAN TO THE SOUTHEAST COLORADO REGIONAL HOUSING AUTHORITY TO FINANCE THE 500 SMOKEY AVENUE PROJECT, SOLELY FOR THE PURPOSE OF SATISFYING THE PUBLIC HEARING REQUIREMENT UNDER SECTION 2.2(v) OF THE INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE SOUTHEAST COLORADO REGIONAL HOUSING AUTHORITY; REPEALING ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH; AND AUTHORIZING OFFICIALS OF THE COUNTY TO DO ALL OTHER THINGS NECESSARY OR ADVISABLE TO COMPLETE THE TRANSACTION APPROVED IN THIS RESOLUTION.

WHEREAS, Crowley County, Colorado (the "County") is a county and political subdivision duly organized and validly existing under the laws and Constitution of the State of Colorado (the "State"); and

WHEREAS, the Southeast Colorado Regional Housing Authority (the "Authority") is a legally and regularly created, established, organized and existing multijurisdictional housing authority and a political subdivision and public corporation of the State, is authorized by §§ 29 1 204.5, Colorado Revised Statutes, as amended (the "Act"), the Supplemental Public Securities Act, Part 2 of Article 57 of Title 11, Colorado Revised Statutes, as amended (the "Public Securities Act"); and the Intergovernmental Agreement Establishing the Southeast Colorado Regional Housing Authority, dated August 2, 2024, (the "IGA"), by and among Baca County, Bent County, Crowley County, Kiowa County, Otero County and Prowers County, Colorado (collectively, the "Members"), to plan, finance, acquire, construct, reconstruct or repair, maintain, manage, and operate housing projects and programs pursuant to a multijurisdictional plan to provide dwelling accommodations at rental prices or purchase prices within the means of families of low or moderate income and to provide affordable housing projects or programs for employees of employers located within the jurisdiction of the Authority; and

WHEREAS, representatives of the Authority have requested that the Board of County Commissioners of the County (the "Board"), solely for the purpose of satisfying the requirements of Section 2.2(v) of the IGA, approve a tax-exempt loan to the Authority of up to \$2,300,000 (the "Loan") in order to finance the acquisition and improvement of a portion of a multifamily rental housing facility located at 500 Smokey Avenue, Ordway, Colorado and known as 500 Smokey Avenue (or such other name as determined by the Authority) (the "Property"), which provides dwelling accommodations within

the means of families of low or moderate income and affordable housing for employees of employers located within the boundaries of the County, and to pay certain costs incurred by the Authority in connection with the Loan (collectively, the "Project"); and

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

Section 1. Public Hearing and Approval. Pursuant to Section 2.2(v) of the IGA, the Board conducted on the date hereof a public hearing relating to the proposed issuance of the Loan to finance the Project. The public hearing was conducted in the Administration Annex, 603 Main Street, Ordway, Colorado 81063, which public hearing commenced at 8:30 a.m. or shortly thereafter, and was preceded by public notice in the form attached hereto as Exhibit A, which was published on October 22, 2024, in the Ordway New Era. The Board hereby approves the issuance of the Loan in an amount not to exceed \$2,300,000 to finance the Project.

Section 2. Ratification of Prior Action; Capitalized Terms. All action (not inconsistent with the provisions of this Resolution) heretofore taken by the Board and other officials of the County, relating to the approval of the issuance of the Loan to finance the Project for the purposes herein set forth, is hereby ratified, approved and confirmed.

Section 3. No Pecuniary Liability. Nothing contained in this Resolution shall give rise to a pecuniary liability of, or a charge upon the general credit or taxing powers of, the Members, the County, the State or any county, municipality, or political subdivision of the State.

Section 4. Immunity of Officers. No recourse for the payment of any part of the principal of, premium, if any, or interest on the Loan, for the satisfaction of any liability arising from, founded upon or existing by reason of the issue, purchase or ownership of the Loan, shall be had against any official, officer, member or agent of the Members, the County or the State, all such liability to be expressly released and waived as a condition of and as a part of the consideration for the issue, sale and purchase of the Loan.

Section 5. Captions. The captions or headings in this Resolution are for convenience only and in no way define, limit, or describe the scope or intent of any provisions or sections of this Resolution.

Section 6. Irrepealability. After the Loan is issued, this Resolution shall be and remain irrepealable until the Loan and the interest thereon shall have been fully paid, canceled, and discharged.

Section 7. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. Inconsistent Actions Repealed. All bylaws, orders and resolutions, or parts thereof, inconsistent herewith and with the documents hereby approved, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, or resolution or part thereof.

Section 9. Effectiveness. This Resolution shall take effect immediately.

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

Elliott-----Aye

McMillian-----Aye

Arbuthnot-----Aye

RESOLUTION NO. 2024-9040

APPROVE DHS DISBURSEMENTS, OCTOBER 25, 2024

Motion by Arbuthnot, seconded by McMillian to approve the DHS disbursements for October 25, 2024, and authorize transfer of funds in the following amount:

DHS Fund \$6,293.56

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

Elliott-----Aye

McMillian-----Aye

Arbuthnot-----Aye

RESOLUTION NO. 2024-9041

APPROVE 2024 AMBULANCE PERMIT FOR AMERICAN MEDICAL RESPONSE OF COLORADO, INC., DBA MEDTRANS AMBULANCE SERVICE

Motion by McMillian, seconded by Elliott to approve the 2024 ambulance permit for American Medical Response of Colorado, Inc., dba MedTrans Ambulance Service, with an effective date of 10/28/2024 through 12/31/24.

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

Elliott-----Aye

McMillian-----Aye

Arbuthnot-----Aye

RESOLUTION NO. 2024-9042

APPROVE SPECIAL DISBURSEMENT, OCTOBER 28, 2024

Motion by Arbuthnot, seconded by McMillian to approve the special disbursement for October 28, 2024, and authorize transfer of funds in the following amounts:

General Fund \$45,440.26

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

Elliott-----Aye

McMillian-----Aye

Arbuthnot-----Aye

RESOLUTION NO. 2024-9043

APPROVE REAL ESTATE EASEMENT DEED AND AGREEMENT

Motion by Arbuthnot, seconded by McMillian to approve the Real Estate Easement Deed and Agreement between Crowley County Board of Commissioners and L. Sherran Pak. The easement will benefit L. Sherran Pak by allowing necessary access to water services.

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

Elliott-----Aye

McMillian-----Aye

Arbuthnot-----Aye

MONTHLY PRISON MEETING

The board conducted the monthly prison meeting with a representative of Crowley County Correctional Facility. No representatives attended from Arkansas Valley Correctional Facility. Those in attendance were:

Commissioners: McMillian. Elliott and Arbuthnot were absent.

Deputy Clerk to the Board: Ruth Froman filling in for LaShelle Benbow

CCCF: Warden Barry Goodrich

CCCF: Goodrich stated they have seven new hires starting. There are currently 16 officer vacancies. 12 personnel are residing at the workforce temporary housing. There are currently 1,492 beds filled at the facility. They project 1.475 beds or above for next year. The recent security audit showed no findings. Roof number two will be completed this week. They will be fixing the sewer ponds by the end of the year. The multipurpose building is expected to be completed by the end of the year.

No further business appearing, the meeting was recessed.

ATTEST:

Melinda Carter, County Clerk

Roy Elliott, Chairman