

The Board met in regular session on Tuesday, January 3, 2012 at 9:00 A.M.

present were:

John B. Cordova Sr., Chairman
Anthony Nuñez, Chairman Pro-tem
J.E. Chostner, County Commissioner
Dan Kogovsek, County Attorney
Sue M. Kovacich, Deputy Clerk

Commissioner Cordova, Sr.: Led the Pledge of Allegiance.

The Minutes of the meeting held on December 20, 2011 were approved and posted in the rotunda prior to the meeting for public review.

The Agenda was approved.

COMMISSIONER REPORTS

Commissioner Cordova, Sr.: Welcomed everyone present to the meeting; wished everyone a Happy New Year.

Commissioner Nuñez: Also, welcomed everyone present; wishing everyone a Happy & Prosperous New Year.

Commissioner Chostner: Wished everyone a Happy & Prosperous New Year with good things happening for Pueblo County; also looking forward to the items later on the Agenda.

NO SPECIAL ISSUES OF PUBLIC INTEREST

HEARING

Public Hearing concerning the approval of a Plan of Finance including the issuance by El Paso County, Colorado ("El Paso County") Improvement and Refunding Revenue Bond (Goodwill Industries of Colorado Springs Project), Series 2012, pursuant to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA)

Mr. Kogovsek: Presented information to the Board regarding the request from Goodwill Industry for Pueblo County's help in issuing revenue bonds; Goodwill Industries desire to purchase the former Toys R Us store at 3610 Dillon Drive. Inquired if there is anyone present to speak in favor of or in opposition to the funding; no one was present requesting to speak.

The Public Hearing was closed.

CONSENT AGENDA ITEMS

LIQUOR LICENSES

Mr. Kogovsek: The following Liquor License Renewal has been reviewed by the County Attorney Staff and all is in order, proper fees tendered with no relevant incident or criminal record.

1. **First Round Draft Sports Pub, Inc. DBA First Round Draft Sports Pub**, 147 Tiffany Dr., Pueblo West, CO 81007 for Renewal of a Hotel & Restaurant & Cabaret Liquor License.

CONTRACTS/RESOLUTIONS

Dan Kogovsek: Reviewed the Contracts/Resolutions.

RESOLUTION NO. 12-01

THE BOARD OF COUNTY COMMISSIONERS OF PUEBLO COUNTY, COLORADO

APPROVING THE COMPUTER SERVICE AGREEMENT BETWEEN THE PUEBLO CITY-COUNTY HEALTH DEPARTMENT AND PUEBLO COUNTY

WHEREAS, the Pueblo City-County Health Department requires professional computer services, including network services, internet services, PC support services, phone and voicemail services, and training; and

WHEREAS, Sections 18(2)(a) and (b) of Article XIV of the Colorado Constitution, and C.R.S. § 29-1-203 authorize governments to contract and cooperate with one another; and

WHEREAS, Pueblo County has provided said computer services in the past and is able to continue to provide said computer services to the Pueblo City-County Health Department; and

WHEREAS, the parties desire to enter into a Computer Services Agreement whereunder Pueblo County will continue to provide the professional computer services to the Pueblo City-County Health Department during 2012 at an

estimated annual cost of \$58,808.28; and

WHEREAS, this Board desires to enter into said Computer Service Agreement between the Pueblo City-County Health Department and Pueblo County, as referenced above, to provide professional computer services to the Health Department, subject to the availability of funds for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the Computer Service Agreement between the Pueblo City-County Health Department and Pueblo County, dated January 3, 2012, the terms and conditions of which are incorporated herein by this reference, is hereby approved and that the Chairman of the Board of County Commissioners of Pueblo County, Colorado is authorized to execute said Agreement on behalf of Pueblo County.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. 12-02

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

APPROVING THE 2012 AGREEMENTS BETWEEN ASSISTANT COUNTY ATTORNEYS AND PUEBLO COUNTY, COLORADO, TO PROVIDE LEGAL SERVICES FOR THE PUEBLO COUNTY DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Pueblo County Attorney requires the services of several Assistant County Attorneys to help him carry out certain functions and duties of his office specifically in the area of social services; and

WHEREAS, the County issued a Request for Proposal for these services in 2009 and, upon recommendation of a review team, the Attorneys listed below were scored as the most responsive bidders to provide such services to the County; and

WHEREAS, the Attorneys are capable and qualified to perform those services required by the Pueblo County Attorney and have done so in previous years, and it is the recommendation of the Pueblo County Attorney that Pueblo County enter into Agreements with the Attorneys listed below during 2012; and

WHEREAS, this Board concurs with the recommendation of the Pueblo County Attorney and desires to enter into such Agreements subject to the availability of appropriated funds within the 2012 budget of the Pueblo County Department of Social Services.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the following Agreements, dated as follows, the terms and conditions of each of which are incorporated herein by this reference, are hereby approved, respectively, and that the Chairman of the Board of County Commissioners of Pueblo County, Colorado, is hereby authorized to execute the aforementioned Agreements on behalf of Pueblo County.

	<u>ATTORNEY</u>	<u>ASSIGNMENT</u>	<u>AMOUNT</u>	<u>DATE</u>
1.	Daniel R. Casias	Child Protection	\$49,140 per year	01/01/2012
2.	Patrick Avalos	Child Protection	\$49,140 per year	01/01/2012
3.	Maclovio Gallegos	Child Protection	\$49,140 per year	01/01/2012
4.	David Roth	Child Protection	\$49,140 per year	01/01/2012
5.	Jim Ripperger	Child Protection	\$39,000 per year	01/01/2012

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. 12-03

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE 2012 AGREEMENT BETWEEN INTEGRATED DOCUMENT SOLUTIONS (IDS) AND
PUEBLO COUNTY, COLORADO, ACTING BY AND THROUGH THE PUEBLO COUNTY DEPARTMENT OF
SOCIAL SERVICES**

WHEREAS, Pueblo County has a need for scanning and indexing of closed Assistance Payment files of the Pueblo County Department of Social Services; and

WHEREAS, Integrated Document Solutions (IDS) is a state entity that provides document conversion services to state agencies and political subdivisions; and

WHEREAS, Integrated Document Solutions (IDS) possesses the equipment and expertise necessary to provide such services to Pueblo County, and it is the recommendation of the Pueblo County Department of Social Services that an agreement be entered into with Integrated Document Solutions (IDS) in a total amount not to exceed \$65,000.00; and

WHEREAS, this Board concurs with the aforementioned recommendation, and desires to enter into an Agreement with Integrated Document Solutions (IDS) for the provision of said services, subject to the appropriation of funds for this expenditure by Pueblo County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the Agreement between Integrated Document Solutions (IDS) and Pueblo County, acting by and through the Pueblo County Department of Social Services, the terms and conditions of which are incorporated herein by this reference, is hereby approved and that the Chairman of the Board of County Commissioners and the Director of the Pueblo County Department of Social Services are hereby authorized to execute the Agreement on behalf of Pueblo County.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. 12-04

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE 2012 LICENSEE AGREEMENT FOR USE OF FACILITIES BETWEEN THE COLORADO
STATE FAIR AUTHORITY AND PUEBLO COUNTY**

WHEREAS, the Board of County Commissioners recognizes the positive influence that participation in group activities, such as those sponsored by the Pueblo County 4-H Club and the CSU Extension Office, has on the young citizens of Pueblo County; and

WHEREAS, the aforementioned groups require the necessary facilities to conduct said activities, and the Colorado State Fair Authority has, in the past, made sufficient facilities available for lease by Pueblo County; and

WHEREAS, the parties desire to enter into an Agreement whereunder Pueblo County shall continue to lease said facilities during 2012 at a total cost of \$27,000.00, plus \$15.00 per stall per weekend for horse stalls; \$30.00 per night for camping space; and \$14.50 per guard per hour for security, subject to the appropriation of funds for this purpose by Pueblo County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado,

that the Licensee Agreement For Use of Facilities between the Colorado State Fair Authority and Pueblo County for 2012 4-H events and activities at the Colorado State Fair Grounds, the terms and conditions of which are incorporated herein by this reference, is hereby approved and that the Chairman of the Board of County Commissioners of Pueblo County, Colorado, is authorized to execute said Agreement on behalf of Pueblo County.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Commissioner Nuñez: Made a motion to approve the Liquor License Renewal, Contracts/Resolutions on the Consent Agenda.

Commissioner Chostner: Seconded the motion.

Commissioner Cordova, Sr.: A motion was made and seconded to approve the items listed on the Consent Agenda.

By the following vote on roll call:

CORDOVA, SR. – AYE

NUÑEZ – AYE

CHOSTNER – AYE

Commissioner Chostner: Requested that Item F on the Regular Agenda be moved up as the first item on the Regular Agenda under Contracts/Resolutions and move Item A to the last item on the Regular Agenda under Contracts/Resolutions.

Commissioner Cordova, Sr.: He would like Item A to be addressed first and then Item F second on the Regular Agenda under Contracts/Resolutions.

The Board concurred with Commissioner Cordova's suggestion.

REGULAR AGENDA ITEMS

NO LIQUOR LICENSES

CONTRACTS/RESOLUTIONS

Mr. Kogovsek: Reviewed the Contracts/Resolutions.

RESOLUTION NO. 12-05

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**ESTABLISHING THE NEW ADMINISTRATIVE STRUCTURE OF
PUEBLO COUNTY GOVERNMENT FOR THE YEAR 2012**

WHEREAS, C.R.S. § 30-10-307, requires that the Board of County Commissioners shall choose one of its number as chairman, who shall preside at such meeting and all other meetings, if present; but, in case of his absence from such meeting, the members present shall choose one of its number as temporary chairman; and

WHEREAS, C.R.S. § 30-11-107(1)(n) authorizes this Board to create, by Resolution duly adopted, any administrative offices as may, in the Board's judgment, be required for the efficient management of the business and concerns of the County; and

WHEREAS, this Board desires to provide its various services to its citizens in the most responsive, efficient, and cost-effective manner possible, and this Board has determined that an administrative structure shall be based upon a team approach, under which the various departments of the County are aligned in divisions and under which each department in each division will report the activities of the department directly to the entire Board of County Commissioners; and

WHEREAS, C.R.S. §§ 30-10-303 and 304 require the Board of County Commissioners to meet at the county seat of its county for at least two meetings in each week, except in the months of July and August, and at such other times and locations within the county as, in the opinion of the Board, the public interest may require; such meetings are to be held on a regular and published schedule, as determined by resolution of the Board; and

WHEREAS, this Board now desires to repeal Resolution No. 11-08 dated January 11, 2011, and to establish the new administrative structure for the year 2012, delineating the departments assigned to various divisions, providing for representation assignments of Board members, and establishing the meeting schedule for the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that effective January 1, 2012, Resolution No. 11-08, dated January 11, 2011, is hereby repealed, and from that date forward the new administrative structure of Pueblo County government shall be as follows:

Section 1. Board of County Commissioners Chair Appointment

This Board hereby appoints the following commissioners as Chairman and Chairman Pro Tem for 2012, effective January 3, 2012:

Commissioner Anthony Nuñez – Chairman 2012
Commissioner J. E. Chostner – Chairman Pro Tem 2012

Section 2. Departments and Organization Resolutions Amended

All individual departments, offices, agencies, and instrumentalities of the County government under the authority of the Board of County Commissioners, and their respective functions, powers, and duties are hereby reauthorized and continued in their current form, name, and staffing except as otherwise set forth herein. Each department head shall continue to be responsible for his or her respective individual department management and administration and for the implementation and enforcement of Board policies.

Section 3. Pueblo County Organizational Structure

In order to provide a responsive and efficient administrative structure, the Board of County Commissioners hereby organizes the various departments into divisions of County government for administrative purposes:

A. Human Services:

1. Department of Social Services
2. Department of Housing and Human Services

B. Facilities, Planning and Maintenance Operations:

1. Department of Engineering and Public Works
2. Department of Fleet Management
3. Facilities Department

C. Planning, Safety, Correctional Services and CSU:

1. Office of Correctional Services
2. C.S.U. Cooperative Extension Office
3. Department of Planning and Development

D. Administrative Services:

1. Department of Human Resources
2. Purchasing Department
3. Department of Information Technology
4. Office of the County Attorney
5. Administrative Support Services
6. Budget and Finance Department
7. Office of Economic Development and Liaison to Local Business

Section 4. Boards and Commissions

The members of the Board of County Commissioners also serve the community in the capacity of board members for other entities to which they have been or are appointed as set forth below:

A. Commissioner John B. Cordova, Sr.

1. PACOG (Pueblo Area Council of Governments)
2. State Transportation Advisory Committee (STAC)
3. NACO (Steering Committee – Environment, Energy and Land Use – EELU)
4. Desert Hawk at Pueblo West Management Board
5. Latino Chamber of Commerce
6. Pueblo County Senate Bill 94 Committee
7. CMHIP (Colorado Mental Health Institute at Pueblo) Advisory Committee
8. US 50 Corridor Community Working Group
9. I-25 Leadership Committee
10. Fountain Creek Watershed, Flood Control & Greenway District (alternate)
11. PEDCO (Pueblo Economic Development Corporation)

B. Commissioner Anthony Nuñez

1. Pueblo Regional Building Authority
2. HARP Foundation
3. PACA (Pueblo Advisory Council on Aging)
4. Sangre de Cristo Arts and Conference Center Board
5. PACOG (Pueblo Area Council of Governments)
6. NACO (Steering Committee – Justice and Public Safety)
7. Desert Hawk at Pueblo West Management Board
8. District Attorney Forfeiture Committee
9. Pueblo County Sheriff Forfeiture Committee
10. Senior Resource Development Agency Board
11. Interbasin Compact Committee – Arkansas Basin Roundtable
12. Lower Arkansas Valley Water Conservancy District
13. Southern Colorado Economic Development District Board

C. Commissioner J. E. Chostner

1. HARP Authority
2. Greater Pueblo Chamber of Commerce
3. PACOG (Pueblo Area Council of Governments)
4. PEDCO (Pueblo Economic Development Corporation)
5. Colorado Rural Workforce Consortium Board
6. NACO (Steering Committee – Transportation)
7. CCI Legislative Committee
8. Desert Hawk at Pueblo West Management Board
9. Airport Advisory Committee
10. 2020 Commission
11. Community Services Block Grant
12. Fountain Creek Watershed, Flood Control & Greenway District

Section 5. Meeting Schedule

In order to provide for the smooth and efficient management and administration of Pueblo County government and to provide, to the greatest degree possible, clear, concise, and efficient communication internally within the various branches of the County government and externally with the citizens requiring services of the County government, the following meeting schedule is hereby established by the Board effective January 1, 2012:

A. COMMISSIONERS' REGULAR MEETINGS 2012:

1. TIME:

TUESDAYS: 9:00 A.M. - Official open meeting, all action
January 3, 10, 24, 31, 2012 July 3, 24, 31, 2012
February 21, 28, 2012 August 21, 28, 2012
March 6, 20, 27, 2012 September 4, 18, 25, 2012
April 3, 24, 2012 October 16, 23, 30, 2012
May 1, 8, 22, 29, 2012 November 6, 20, 27, 2012
June 5, 19, 26, 2012 December 4, 18, 2012

2. PLACE: Commissioners' Chambers in the Pueblo County Courthouse

3. EVENING MEETINGS 2012:

TUESDAYS: 7:00 P.M. – Official open meeting, all action
February 7, 2012 at the Pueblo West Metro District Office
April 17, 2012 at the Colorado City Metro District Office
August 7, 2012 at the Rawlings Library
October 2, 2012 at the McHarg Park Community Center

B. REGULAR WORK SESSION MEETINGS 2012:

1. TIME:

THURSDAYS: 9:00 A.M.
January 19, 2012 July 12, 19, 26, 2012
February 2, 16, 23, 2012 August 2, 16, 23, 30, 2012
March 1, 15, 22, 29, 2012 September 11, 18, 25, 2012
April 12, 19, 26, 2012 October 11, 18, 25, 2012
May 17, 24, 31, 2012 November 1, 15, 29, 2012
June 14, 21, 28, 2012 December 13, 20, 27, 2012

2. PLACE: Commissioners' Chambers in the Pueblo County Courthouse

C. LAND USE MEETINGS 2012:

1. TIME:

TUESDAYS: 9:00 A.M.
January 17, 2012 July 10, 2012
February 14, 2012 August 14, 2012
March 13, 2012 September 11, 2012
April 10, 2012 October 9, 2012
May 15, 2012 November 13, 2012
June 12, 2012 December 11, 2012

2. PLACE: Commissioners' Chambers in the Pueblo County Courthouse

NOTE: These meetings shall replace the Regular meeting of the Board on these dates and shall constitute a statutory meeting of the Board.

D. LAND USE WORK SESSION MEETINGS 2012:

1. TIME:

THURSDAYS: 9:00 A.M.
January 12, 2012 July 5, 2012
February 9, 2012 August 9, 2012
March 8, 2012 September 6, 2012
April 5, 2012 October 4, 2012
May 10, 2012 November 8, 2012
June 7, 2012 December 6, 2012

2. PLACE: Commissioners' Chambers in the Pueblo County Courthouse

NOTE: These meetings shall replace the Regular meeting of the Board on these dates and shall constitute a statutory meeting of the Board.

E. LEADERSHIP COUNCIL MEETINGS 2012:

1. TIME:

THURSDAYS: 8:00 A.M.

February 2, 2012

April 5, 2012

July 5, 2012

October 4, 2012

2. PLACE: Pueblo County Conference Room, 1001 N. Santa Fe Avenue

F. ELECTED OFFICIALS MEETINGS 2012:

1. TIME:

THURSDAYS: 7:30 A.M.

January 19, 2012

April 19, 2012

October 18, 2012

December 20, 2012

2. PLACE: 1st Floor Conference Room, Pueblo County Courthouse

G. General Business, Work Sessions, and other Meetings of the Board of County Commissioners of Pueblo County shall be held as scheduled and announced.

Section 6. Amendment and Repeal of Prior Actions of the Board

All previous resolutions, policies, directions, rules or regulations of this Board inconsistent with the provisions of this Resolution are hereby amended, repealed, replaced, and superseded by this Resolution.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Commissioner Chostner: Made a motion to approve.

Commissioner Nuñez: Seconded the motion.

Commissioner Cordova, Sr.: Inquired about when the Chairman and Chairman Pro-tem had been changed.

Commissioner Chostner: Requested the change last week.

A brief discussion was held.

Commissioner Cordova, Sr.: A motion was made and seconded to approve.

By the following vote on roll call:

CORDOVA, SR. – AYE

NUÑEZ – AYE

CHOSTNER – AYE

Commissioner Cordova, Sr.: Inquired if the change should be made in regards to the seating between the Chairman and new Chairman.

Mr. Kogovsek: The change can take place at the conclusion of the meeting.

RESOLUTION NO. 12-06

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF PUEBLO, COLORADO REGARDING CORPORATE PERSONHOOD**

WHEREAS, government of, by and for the People has long been a fundamental American value and the inalienable right to self-govern, and thereby secure certain fundamental rights is guaranteed in the United States Constitution; and

WHEREAS, free and fair elections are essential to democracy and effective self governance; and

WHEREAS, the People do not consider corporations to be natural persons; and,

WHEREAS, the U.S. Supreme Court ruling in Citizens United v. FEC extends free speech rights to corporations will allow corporations to overwhelm our democratic process in opposition to the best interests of the American people; and

WHEREAS, the opinion of the four dissenting justices in Citizens United noted that corporations have special advantages not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment in the accumulation and distribution of assets, that allow them to spend extraordinary sums of money on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, corporations are legally required to prioritize profit production for shareholders over concerns for the greatest good of society while natural persons balance their narrow self interest and broader public interest when making political decisions; and

WHEREAS, Article V of the United States Constitution empowers and obligates the people of the states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and the republican form of self-governance.

NOW, THEREFORE, BE IT RESOLVED that it is the position of the Board of County Commissioners of the County of Pueblo, Colorado that corporations should not be afforded the same constitutional rights as natural persons and that because money is not speech, limits on political spending by corporations will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their views heard.

BE IT FURTHER RESOLVED that the County of Pueblo, Colorado, supports a Constitutional amendment to limit free speech rights to natural persons and to exclude corporations.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Mr. Kogovsek: Provided a brief explanation of the resolution.

Commissioner Chostner: Made a motion to approve.

Commissioner Nuñez: Seconded the motion.

Mr. Kogovsek: Inquired if there is anyone present to speak in favor of or in opposition to the resolution.

Leslie Cates: Presented comments in support of the resolution; submitted her comments in writing to the Board.

Pam Parks: Presented comments in support of the resolution.

Commissioner Chostner: Provided additional comments regarding the proposed resolution.

Commissioner Cordova, Sr.: A motion was made and seconded to approve.

By the following vote on roll call:

CORDOVA, SR. – AYE

NUÑEZ – AYE

CHOSTNER – AYE

RESOLUTION NO. 12-07

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**A RESOLUTION AUTHORIZING THE DELEGATION TO EL PASO COUNTY, COLORADO WITH
RESPECT TO THE ISSUANCE OF AN IMPROVEMENT AND REFUNDING REVENUE BOND TO
FINANCE THE ACQUISITION OF LAND AND BUILDINGS FOR GOODWILL OF CENTRAL
COLORADO D/B/A GOODWILL INDUSTRIES OF COLORADO SPRINGS AND TO REFINANCE
MESA COUNTY, COLORADO VARIABLE RATE DEMAND REVENUE BONDS (GOODWILL
INDUSTRIES OF COLORADO SPRINGS PROJECT) SERIES 2006; AND AUTHORIZING THE
EXECUTION AND DELIVERY OF A DELEGATION AGREEMENT AND OTHER RELATED
DOCUMENTS**

WHEREAS, the State of Colorado (the “State”) Constitution Article XIV, Section 18(2)(a) provides that nothing in the Constitution shall prohibit any of the State’s political subdivisions from cooperating with one another to provide any service lawfully authorized to each of the cooperating units, including the incurring of debt; and

WHEREAS, Pueblo County, Colorado (“Pueblo County”) is authorized under the County and Municipality Development Revenue Bond Act, article 3 of title 29 of the Colorado Revised Statutes, as amended (the “Development Revenue Bond Act”), to defray the costs of financing and refinancing any “project” as defined in the Development Revenue Bond Act; and

WHEREAS, the Development Revenue Bond Act defines “project” to mean any land, building, or other improvement and all real or personal properties, whether or not in existence, suitable or used for or in connection with any business enterprise (including, without limitation, enterprises engaged in storing, warehousing, distributing, selling, or transporting any products of agriculture, industry, commerce, manufacturing, or business); and

WHEREAS, El Paso County, Colorado (“El Paso County”) is authorized by the Development Revenue Bond Act and the Supplemental Public Securities Act, constituting Part 2 of Article 57 of Title 11 of the Colorado Revised Statutes, as amended (the “Supplemental Public Securities Act”), to issue revenue bonds to finance manufacturing, industrial, commercial, agricultural or business enterprises, all to the end that the county or municipality may be able to promote economic activity by inducing nonprofit corporations to locate, expand or remain in the State for the benefit of the inhabitants of the State for the promotion of their health, safety, welfare, convenience and prosperity; and

WHEREAS, the Development Revenue Bond Act permits counties and municipalities to finance such projects which are located within the geographical jurisdiction of the county or municipality; and

WHEREAS, the Development Revenue Bond Act further authorizes counties and municipalities to issue revenue bonds for the purposes described above, including all incidental expenses incurred in issuing such bonds, to secure the payment of such bonds as provided in the Development Revenue Bond Act, and to enter into financing agreements with others for the purpose of providing revenue to pay such bonds upon such terms and conditions as the counties and municipalities may deem advisable; and

WHEREAS, Goodwill of Central Colorado d/b/a Goodwill Industries of Colorado Springs, a Colorado nonprofit corporation (the “Borrower”), has presented to El Paso County a proposal whereby El Paso County will, pursuant to the Development Revenue Bond Act, the Supplemental Public Securities Act, Sections 11-57-201, et seq., Colorado Revised Statutes, as amended (the “Supplemental Public Securities Act”) and the Delegation Agreement (as defined below), issue the revenue bond hereinafter described and loan the proceeds therefrom to the Borrower to (a) finance the acquisition of land and buildings located at (i) 3610 Dillon Drive, Pueblo, Colorado 81008, (ii) 2865 Janitell Road, Colorado Springs, Colorado 80906 and (iii) unimproved land located east of Interstate Highway 25 and south of W. Higby Road near Jackson Creek Parkway in Monument, Colorado; (b) current refund the remaining outstanding Mesa County, Colorado Variable Rate Demand Revenue Bonds (Goodwill Industries of Colorado Springs Project), Series 2006, the proceeds of which were used to (i) finance the acquisition and equipping of a multi-use facility located at 630 24½ Road in Mesa County, Colorado, (ii) reimburse costs for the acquisition, construction and equipping of a retail store located at 910 Main Street, Canon City, Colorado, (iii) finance the acquisition, construction and equipping of a retail store located at S. Circle and Janitell Road, Colorado Springs, Colorado, (iv) refinance the City of Colorado Springs, Colorado Adjustable Rate Revenue Bonds (Goodwill Industries of Colorado Springs Project), Series 1997 A&B, the proceeds of which were used for the construction and improvement of commercial enterprises located at 1070 Kelly Johnson Boulevard, Colorado Springs, Colorado, and (v) refinance the El Paso County, Colorado Economic Development Revenue Bonds (Goodwill Industries of Colorado Springs Project), Series 2003, the proceeds of which were used to construct a retail stores located at 2655 Waynoka Place, Colorado Springs, Colorado and at 6755 Camden Boulevard, Fountain, Colorado; and (c) to pay certain Series 2012 Bond issuance expenses (collectively, the “Project”); and

WHEREAS, the Borrower’s retail division serves over one million shoppers and 450,000 donors annually, and the Borrower provides job training and revenue to support over 20 diverse social service programs; and

WHEREAS, the Borrower provides a service which is complimentary and supportive of the missions of El Paso County and Pueblo County; and

WHEREAS, the financing of the Project by El Paso County is consistent with, and a component part of, El Paso County’s plan to provide services to persons of low income; and

WHEREAS, Pueblo County and El Paso County are both lawfully authorized to issue bonds for the Project and Pueblo County desires that El Paso County issue the bonds on behalf of Pueblo County with respect to the portion of the Project that finances the acquisition of land and buildings. Pueblo County hereby delegates all matters pertaining to the issuance of the Series 2012 Bond to El Paso County for the financing of the portion of the Project that finances the acquisition of land and buildings and otherwise taking all action and exercising all powers permitted under the Developmental Revenue Bond Act, on behalf of Pueblo County, including, the loaning of the proceeds of such bond to the Borrower, the use of the proceeds of such bond for the portion of the Project that finances the acquisition of land and buildings located in Pueblo County, and all other actions required for the completion of the Project; and

WHEREAS, El Paso County proposes to issue a development revenue improvement and refunding bond pursuant to the Development Revenue Bond Act (the “Bond”) and a Trust Indenture, by and between El Paso County and Wells Fargo Bank, National Association, as trustee thereunder, and to loan the proceeds to the Borrower by means of a Loan Agreement, by and between El Paso County and the Borrower for the purpose of the Project; and

WHEREAS, Pueblo County desires to delegate to El Paso County the authority of Pueblo County to issue the Bond and finance the portion of the Project that finances the acquisition of land and buildings located in Pueblo County; and

WHEREAS, Pueblo County and El Paso County will evidence such delegation by the execution and delivery by Pueblo County and El Paso County of a Delegation Agreement, dated as of January 3, 2012 (the “Delegation Agreement”), in substantially the form presented at this meeting;

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

Section 1. In order to facilitate the portion of the Project that finances the acquisition of land and buildings, Pueblo County hereby (a) delegates to El Paso County the authority of Pueblo County to issue the Bond and finance and otherwise take action and exercise power under the Development Revenue Bond Act on behalf of Pueblo County with respect to the Project and (b) approves, authorizes and directs the Chair of the Board of Pueblo County Commissioners to sign and deliver and the Pueblo County Clerk to attest and deliver, the Delegation Agreement in substantially the form presented at this meeting. A copy of the proposed Delegation Agreement is on file in the office of the Pueblo County Clerk and is available for inspection by the public.

Section 2. The Chair of the Board of Pueblo County Commissioners is hereby authorized and directed to execute and deliver and the Pueblo County Clerk is hereby authorized and directed to attest and deliver such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Delegation Agreement and this Resolution, including any agreement, document or certificate approving the Bond and the Project for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The plan of finance, the issuance of the Bond and the financing of the Project are hereby approved for purposes of Section 147(f) of the Code.

Section 3. Nothing contained in this Resolution or the Delegation Agreement shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of Pueblo County within the meaning of the Constitution or statutes of the State or any political subdivision thereof, nor give rise to a pecuniary liability of Pueblo County or a charge against its general credit or taxing powers.

Section 4. If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of any section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. This resolution shall be effective upon its approval by the Board of Pueblo County Commissioners.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Commissioner Nuñez: Made a motion to approve.

Commissioner Chostner: Seconded the motion.

Commissioner Cordova, Sr.: A motion was made and seconded to approve.

By the following vote on roll call;

CORDOVA, SR. – AYE

NUÑEZ – AYE

CHOSTNER – AYE

RESOLUTION NO. 12-08

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE FOURTH AMENDMENT TO THE SFY 2010 TITLE IIIE/SFSS FAMILY CAREGIVER
PROGRAM AGREEMENT BETWEEN SENIOR RESOURCE DEVELOPMENT AGENCY, PUEBLO, INC.,
AND PUEBLO COUNTY**

WHEREAS, on July 1, 2009, Senior Resource Development Agency, Pueblo, Inc. (SRDA) entered into an Agreement with the Pueblo Area Council of Governments (PACOG), as the designated Area Agency on Aging (PAAA) for Planning and Service Area 7 of the State of Colorado, for SFY 2010 Title IIIE/SFSS Family Caregiver Program services; and

WHEREAS, on December 15, 2009, the Board of County Commissioners of Pueblo County, Colorado, by Resolution No. 09-319, approved an assignment agreement between PACOG, acting as the PAAA, Pueblo County, and the State of Colorado regarding transfer of the Area Agency on Aging designation for Region 7 from PACOG to Pueblo County, effective January 1, 2010; and

WHEREAS, this Board, by Resolution No. 10-110, dated April 13, 2010, entered into an Amendment to the July 1, 2009 Agreement to reflect new dollar amounts and certain changes following Pueblo County's designation as the PAAA for Region 7, effective January 1, 2010; and

WHEREAS, this Board, by Resolution Nos. 10-110, dated June 29, 2010, and 11-146, dated June 28, 2011, entered into Second and Third Amendments, respectively, to the Agreement dated July 1, 2009, to extend the time period, reflect new dollar amounts and certain changes; and

WHEREAS, SRDA and Pueblo County desire to enter into a Fourth Amendment to the Agreement to accept additional funding under the Federal Older Americans Act, as amended, in the amount of \$5,038.00 to provide Title IIIE/SFSS Family Caregiver Program services during SFY 2012, July 1, 2011 through June 30, 2012; and

WHEREAS, the Board has determined that it is in the best interests of the County of Pueblo and the seniors served by PAAA to approve the Fourth Amendment to the Agreement dated July 1, 2009, between SRDA and Pueblo County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the Fourth Amendment to the Agreement dated July 1, 2009, between Pueblo County and SRDA for Title IIIE/SFSS Family Caregiver Program services, the terms and conditions of which are incorporated herein by this reference, is hereby approved and the Chairman of the Board of County Commissioners of Pueblo County, Colorado, is authorized to sign said Amendment on behalf of Pueblo County.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

*Commissioner Chostner: Made a motion to approve.
Commissioner Nuñez: Seconded the motion.
Commissioner Cordova, Sr.: A motion was made and seconded to approve.*

By the following vote on roll call:

CORDOVA, SR. – AYE

NUÑEZ – AYE

CHOSTNER – AYE

RESOLUTION NO. 12-09

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE FOURTH AMENDMENT TO THE SFY 2010 TITLE IIIE/SFSS FAMILY CAREGIVER
PROGRAM AGREEMENT BETWEEN SENIOR RESOURCE DEVELOPMENT AGENCY, PUEBLO, INC.,
AND PUEBLO COUNTY**

WHEREAS, on July 1, 2009, Senior Resource Development Agency, Pueblo, Inc. (SRDA) entered into an Agreement with the Pueblo Area Council of Governments (PACOG), as the designated Area Agency on Aging (PAAA) for Planning and Service Area 7 of the State of Colorado, for SFY 2010 Title IIIE/SFSS Family Caregiver Program services; and

WHEREAS, on December 15, 2009, the Board of County Commissioners of Pueblo County, Colorado, by Resolution No. 09-319, approved an assignment agreement between PACOG, acting as the PAAA, Pueblo County, and the State of Colorado regarding transfer of the Area Agency on Aging designation for Region 7 from PACOG to Pueblo County, effective January 1, 2010; and

WHEREAS, this Board, by Resolution No. 10-110, dated April 13, 2010, entered into an Amendment to the July 1, 2009 Agreement to reflect new dollar amounts and certain changes following Pueblo County's designation as the PAAA for Region 7, effective January 1, 2010; and

WHEREAS, this Board, by Resolution Nos. 10-110, dated June 29, 2010, and 11-146, dated June 28, 2011, entered into Second and Third Amendments, respectively, to the Agreement dated July 1, 2009, to extend the time period, reflect new dollar amounts and certain changes; and

WHEREAS, SRDA and Pueblo County desire to enter into a Fourth Amendment to the Agreement to accept additional funding under the Federal Older Americans Act, as amended, in the amount of \$5,038.00 to provide Title IIIE/SFSS Family Caregiver Program services during SFY 2012, July 1, 2011 through June 30, 2012; and

WHEREAS, the Board has determined that it is in the best interests of the County of Pueblo and the seniors served by PAAA to approve the Fourth Amendment to the Agreement dated July 1, 2009, between SRDA and Pueblo County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the Fourth Amendment to the Agreement dated July 1, 2009, between Pueblo County and SRDA for Title IIIE/SFSS Family Caregiver Program services, the terms and conditions of which are incorporated herein by this reference, is hereby

approved and the Chairman of the Board of County Commissioners of Pueblo County, Colorado, is authorized to sign said Amendment on behalf of Pueblo County.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

*Ted Ortiviz, Director of Housing & Human Services: Present for any questions that the Board may have.
Commissioner Nuñez: Made a motion to approve.
Commissioner Chostner: Seconded the motion.
Commissioner Cordova, Sr.: A motion was made and seconded to approve.*

By the following vote on roll call:

CORDOVA, SR. – AYE

NUÑEZ – AYE

CHOSTNER – AYE

RESOLUTION NO. 12-10

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE AGREEMENT BETWEEN LORRIE E. DOBSON AND
PUEBLO COUNTY UNDER THE PUEBLO COUNTY HUD/HOME PROGRAM**

WHEREAS, Pueblo County, acting by and through the Pueblo County Department of Housing and Human Services, administers the HOME Assistance Program (hereinafter referred to as the "Program") within the unincorporated area of Pueblo County, Colorado, pursuant to the authorization and requirements of the National Affordable Housing Act, 42 U.S.C. Section 12701, et seq., and implementing regulations of the U.S. Department of Housing and Urban Development (hereinafter referred to as "HUD") including, but not limited to, those regulations contained at 24 C.F.R., Part 92; and

WHEREAS, the objectives of the Program are to expand the supply of safe, decent, and sanitary housing for low-income families in Pueblo County, to expand opportunities for home ownership for low-income first-time home buyers, and to maintain the affordability of housing assisted under the Program; and

WHEREAS, the Pueblo County Housing Committee performs certain supervisory and administrative functions for the Program to include approving all applications for funding assistance under the Program and, on December 22, 2011, the Pueblo County Housing Committee voted to approve a loan in the amount of \$24,404.36 under the HUD/HOME Program, for Lorrie E. Dobson, for the property located at 53032 Basgal Road, Boone, Colorado 81025, for work to be completed on the home; and

WHEREAS, Lorrie E. Dobson and Pueblo County desire to enter into an Agreement which sets forth the terms and conditions, incorporated herein by reference, under which Lorrie E. Dobson may participate in the Program, and this Board desires to approve said Agreement subject to the appropriation of funds for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that the Agreement between Lorrie E. Dobson and Pueblo County, dated December 20, 2011, subject to the terms and conditions of the Promissory Note and Deed of Trust executed by Lorrie E. Dobson on December 20, 2011, is hereby approved and the Chairman of the Board of County Commissioners of Pueblo County, Colorado, is hereby authorized to execute said Agreement on behalf of Pueblo County.

PASSED AND ADOPTED this 3rd day of January 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO**

By: _____
Anthony Nuñez, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

*Mr. Ortiviz: Presented additional information to the Board regarding the Hud/Home Program.
Commissioner Chostner: Made a motion to approve.
Commissioner Nuñez: Seconded the motion.
Commissioner Cordova: A motion was made and seconded to approve.*

By the following vote on roll call:

CORDOVA, SR. – AYE

NUÑEZ – AYE

CHOSTNER – AYE

Commissioner Cordova, Sr. and Commissioner Nuñez switched chairs due to the change of Chairman for 2012.

NO BILLS

NO PUBLIC COMMENT

There being no further business the meeting was adjourned.

Attest: _____
Pueblo County Clerk & Recorder

By: _____