

UNOFFICIAL MINUTES FOR JANUARY 8, 2013

The Regular Meeting of the Kiowa County Commissioners was called to order at 9:00 a.m. by Chairman Richard Scott on January 8, 2013. Donald Oswald opened the meeting with prayer and Pledge of Allegiance. Those attending were:

Richard Scott, Commissioner
William E. Koehler, Commissioner
Donald Oswald, Commissioner
Debra C. Lening, County Clerk
Peggy Dunlap, Administrator

Minutes from the December 27, 2012 Regular Meeting was presented. Oswald made a motion, seconded by Koehler, to approve the Minutes as presented. All Commissioners voted affirmative.

The 2012 vouchers were reviewed. One voucher was questioned. Vouchers were approved and signed.

The agenda was reviewed. Additions were made. Koehler made the motion, seconded by Oswald, to approve the agenda with the additions. All Commissioners voted affirmative.

Jeanne Sorensen entered the meeting at 9:30 a.m. as a visitor.

Weight restrictions for applications for special permits were discussed. The Commissioners would like to work with the surrounding counties to make sure all are in agreement. They will need to check with the State bridge inspector for weight limits on bridges and then meet with the other commissioners. No action was taken at this time.

Dwaine Eaton received an invoice for replacement of a cattle guard. Eaton requested that the County pay half of fee and said if they wouldn't pay half, he would like to have the new cattle guard removed and have the old one put back. Oswald made the motion, seconded by Koehler that since the new cattle guard is the required twenty-four foot (24'), they will not re-install the old one and that Eaton's invoice stands as is. All Commissioners voted affirmative.

The donation of a fire truck was discussed. According to the picture of the vehicle, the Commissioners did not feel that this particular truck would be usable for Kiowa County's needs. The donation of the fire truck was denied as it was the Commissioners' opinion that the truck was better suited for a different facility.

2013 Commissioner Goals were briefly discussed before needing to recess for the swearing in ceremony.

Oswald made the motion, seconded by Koehler, to recess the Regular Meeting at 9:58 a.m. to swear in the officials elected in the November 2012 election, Commissioners Scott and Oswald, and enter into the Re-Organizational Meeting. All Commissioners voted affirmative.

The Re-Organizational Meeting was called to order by newly re-appointed Chairman Richard Scott at 10:07 a.m. with all of the above in attendance.

REORGANIZATIONAL MEETING

JANUARY 8, 2013

CHAIRMAN OF COUNTY COMMISSIONERS

Richard Scott

Motion was made by William Koehler, seconded by Donald Oswald to (re)appoint Richard Scott as Chairman of the Board of County Commissioners for the year of 2013. All commissioners voted affirmative.

CHAIRMAN OF ROAD AND BRIDGE DEPARTMENT AND DRUG TESTING CONTACT

Donald Oswald

Motion was made by William Koehler, seconded by Richard Scott to (re)appoint Donald Oswald as Chairman of the Road and Bridge Department for the year 2013. All commissioners voted affirmative.

CHAIRMAN OF FINANCE

Richard Scott

Motion was made by Donald Oswald, seconded by William Koehler to (re)appoint Richard Scott as Chairman of Finance for the year 2013. All commissioners voted affirmative.

CHAIRMAN OF SOCIAL SERVICES

Richard Scott

Motion was made by William Koehler, seconded by Donald Oswald to (re)appoint Richard Scott as Chairman of the Social Services Department for the year 2013. All commissioners voted affirmative.

CHAIRMAN OF HOUSING

William Koehler

Motion was made by Donald Oswald, seconded by Richard Scott to (re)appoint William Koehler as Chairman of Housing for the year 2012. All commissioners voted affirmative.

COUNTY ADMINISTRATOR

Peggy Dunlap

Motion was made by Donald Oswald, seconded by Richard Scott to (re)appoint Peggy Dunlap as County Administrator for the year 2013. All Commissioners voted affirmative.

COUNTY PUBLICATIONS AND LEGAL PRINTING

Kiowa County Press

Motion was made by William Koehler, seconded by Donald Oswald to use the Kiowa County Press for all county publications and legal printing for the year 2013. All commissioners voted affirmative.

**OFFICIAL PUBLIC POSTING OF MEETINGS TO BE HELD
WITH THE KIOWA COUNTY COMMISSIONERS**

Motion was made by Donald Oswald, seconded by Richard Scott to post public notices of all meetings with the Kiowa County Commissioners on the commissioner's office door, in the Kiowa County Press, and on the website when timely. All meetings will be posted on the front door of courthouse 48 hours in advance. Exception will be made for all special meetings. All commissioners voted affirmative.

TEMPORARY OFFICE FSA

Motion was made by Donald Oswald, seconded by Richard Scott to give the Kiowa County FSA office permission to set up a temporary office in the courthouse in the event of a disaster. All commissioners voted affirmative.

DEPOSITORY FOR KIOWA COUNTY

Motion was made by Donald Oswald, seconded by William Koehler to use the following banks for the depository for Kiowa County for the year 2013. All commissioners voted affirmative.

KIOWA COUNTY NATIONAL BANK
WILEY STATE BANK
COMMUNITY STATE BANK - LAMAR
EASTERN COLORADO BANK - CHEYENNE WELLS
COLORADO EAST BANK & TRUST - LAMAR
ALL LOCAL BANKS AT THE DISCRETION OF THE TREASURER

**ROAD AND BRIDGE
2013 RATES**

Motion was made by William Koehler, seconded by Donald Oswald to keep the current rates for 2013 for Road and Bridge Services rendered. All commissioners voted affirmative.

1.	624 LOADER	100.00 per hour (includes operator)
	624 LOADER (new)	100.00 per hour (includes operator)
1.	MAINTAINER	95.00 per hour (includes operator)
2.	BACKHOE	80.00 per hour (includes operator)
3.	D-4H DOZER	100.00 per hour (includes operator)
	850C JD DOZER	160.00 per hour (includes operator)
4.	SEMI & TANDEM	3.50 per loaded mile
5.	GRAVEL	25.00 a Tandem load 35.00 a Semi load \$.15 a yard without a contract \$.30 a yard with a contract One free load (tandem or semi) for each household per calendar year

	Additional loads must be purchased through a private contractor or in case of emergency, contact the county commissioner's office.
7. CHIP SPREADER	Includes 5 men on Chip spreader, 5 men with truck, 1 man on loader, \$3500.00 per 10 hour day. Prior approval required by BOCC for less than a 10 hour day
8. LOWBOY	4.00 a mile (includes operator)
9. CATTLEGUARDS (24'X 7')	\$1550.00 per new regulation 24' Cattle Guard (includes concrete stringers) \$775.00 to replace a regulation 24' existing Cattle Guard (includes concrete stringers) \$200.00 per 24' concrete stringer
10. DIGGING GRAVES	\$175.00 per grave
11. TRACTOR MOWER	\$75.00 per hour (includes operator)
12. CEMENT BLANKET	\$4.00 per day
13. TANDEN TRUCK (Construction site use)	\$100.00 per day + mileage & operator for drop off/dump run & pick up.

Motion was made by Donald Oswald, seconded by William Koehler to adopt the following Hospital Agreement to wit: All commissioners voted affirmative.

HOSPITAL SERVICE AGREEMENT

Amended - 1995 -combined Hospital Resolution and Hospital Service Agreement.

WHEREAS, the County of Kiowa, situate within the State of Colorado, owns and operates the Weisbrod Memorial County Hospital (County Hospital) which is located on:

Lots Ten (10), Eleven (11), and Twelve (12) in Block Twenty-six (26) in the Town of Eads, except for that portion of said Lots described below and owned by the District, and

WHEREAS, the Kiowa County Hospital District (the District), whose boundaries are identical with and to the boundaries of the County, was duly organized on the 6th day of June, 1963, and its officers from time to time have been duly chosen and qualified; and

WHEREAS, the District owns and operates hospital and hospital related facilities (District Hospital) located immediately north of the County Hospital on premises more particularly described as follows, to-wit:

The South twelve feet and eight inches (12' 8") of Lot Nine (9), Block Twenty-six (26), and the North twenty-six feet and eight inches (26' 8") of Lot Ten (10), Block Twenty-six (26), and the South twenty-three feet and four inches (23' 4") of the West fifty-one feet seven inches (51' 7") of Lot Ten (10); and the South twenty-three feet four inches (23' 4") of the East fifty-two feet one inch (52' 1") of said Lot Ten (10) except the South five feet (5') of the East fifty-two feet one inch (52' 1") of Lot Ten (10), Block Twenty-six (26); and the North one foot eight inches (1' 8") of the West fifty-one feet seven inches (51' 7") of Lot Eleven (11), Block Twenty-six (26) in the original Town of Eads, except that portion of said premises, if any occupied by the present Hospital building, in the Town of Eads; and

WHEREAS, both Hospitals are owned, operated, and maintained for the use and benefit of the residents and citizens of the County and District; and

WHEREAS, the Board of County Commissioners of Kiowa County by its resolution of October 25, 1963, and the Board of Directors of the Kiowa County Hospital District by its resolution of October 25, 1963, have determined and declared the hospital services rendered by the District Hospital supplement the hospital services rendered by the County Hospital; and

WHEREAS, since the medical staff of the two Hospitals are identical, and since the Hospitals are so conveniently located next to each other, both the County Hospital Board and the District Hospital Board have determined that the most efficient and economical operation of both Hospitals may be accomplished by assigning the operation, supervision, care, and management of the County Hospital, as well as the District Hospital, to the District Hospital Board; and

WHEREAS, Colorado Revised Statutes 29-1-201, [et. seq.], as amended, provides that local governmental entities may enter into contracts which would make the most efficient and effective use of their powers and responsibilities by cooperating and contracting with other governmental entities, authorizes both the County Hospital Board and the District Hospital Board to enter into this agreement for services and operating and managing the County Hospital and for hospital services; and

WHEREAS, the Board of County Commissioners of Kiowa County, acting for the Kiowa County Hospital, and the Kiowa County Hospital District did, by document dated the 1st day of June, 1965, enter into a certain Hospital Service Agreement; and

WHEREAS, said agreement has been renewed from year to year by the County and the District since 1965, and

WHEREAS, the Board of County Commissioners of Kiowa County and the Board of Directors of the Kiowa County Hospital District being desirous of entering into a new intergovernmental agreement for the year of 2011, do hereby enter into this agreement for services and for the operating and managing of the County Hospital,

NOW, THEREFORE, all parties hereto agree as follows, to-wit:

That for and in consideration of the premises, of the mutual covenants and agreements herein set forth, and of the undertaking of each party to the other, and in order to secure the payment of the operation and maintenance expenses of the District, the parties hereto, each signing itself, its respective representatives, successors, and assigns, do mutually covenant, undertake, promise, and agree as follows:

SECTION ONE

The purpose of this agreement is to provide for the health and welfare of the citizens and inhabitants of the County and District by providing said citizens and inhabitants with adequate and efficient hospital and medical services which will be accomplished by the District's operation, supervision, care and management of the County Hospital. At all times, however, District shall listen to and be receptive of the voice of the County Hospital Board.

SECTION TWO

The Weisbrod Memorial County Hospital will be represented and present at the regularly scheduled monthly meetings of the District Hospital Board by members of the County Hospital Board, and the secretary of the County Hospital Board will be notified of each meeting date and will be furnished a copy of the minutes of each meeting.

It is specifically agreed that three (3) members of the County Hospital Board shall have one (1) vote each at the Hospital Board meetings. Further, the County Hospital Board shall have the sole right and duty to decide which three members of its Board shall vote.

SECTION THREE

It shall be the duty of the District to provide the citizens and inhabitants of the County with adequate and efficient hospital and medical services by receiving, caring for, and maintaining the sick, injured, or maimed, and extended stay patients.

SECTION FOUR

The District shall use reasonable efforts and care to staff the County Hospital and District Hospital operations with competent medical and other personnel and employees. All such medical and other personnel and employees shall retain the rights, privileges and immunities of, and shall be deemed to engage in the service and employment of the District (not the County).

SECTION FIVE

The District shall impose adequate and reasonable rates, fees, rents and charges against all patients for the use of facilities provided by the County Hospital, taking in account the cost of operating and maintaining the County Hospital.

SECTION SIX

The District shall at all times operate, supervise, care for and manage the County Hospital properly and in a sound and economical manner.

SECTION SEVEN

The District shall establish and enforce reasonable rules and regulations governing the operation, use and services of the County Hospital. All compensation, salaries, fees, and wages paid by it in connection with operations of the County Hospital shall be reasonable and comparable to payments by other corporations, municipalities, or public bodies for similar services. The District shall observe and comply with all valid acts, rules, regulations, orders, and directions of any legislative, executive, administrative or judicial body applicable to the County Hospital or to the District Hospital.

SECTION EIGHT

The District shall pay all taxes and assessments or any other municipal or governmental charges, if any, lawfully levied or assessed upon it in respect of the County Hospital or upon any part thereof or upon any revenue there from, when the same shall become due, and shall duly observe and comply with all valid requirements of any governmental authority relative to any part of the County Hospital and shall not create or suffer to be created any lien or charge upon the County Hospital or any part thereof or upon revenues there from. The District shall pay or shall cause to be discharged or will make adequate provision to satisfy and to discharge, within sixty (60) days after the same shall become payable, all lawful claims and demands for labor, materials, supplies, or any other objects created or incurred by it, which if unpaid might by law become a lien upon the County Hospital or any part thereof or the revenue there from; provided, however, that nothing contained in this Section Eight (8) shall require the District to pay or cause to be discharged or to make provision from any such lien or charge so long as the validity thereof shall be contested in good faith and by the appropriate legal proceedings.

SECTION NINE

The District shall at all times maintain with responsible insurers all such insurance reasonably required and obtainable within the limits and at such cost as are deemed reasonable by the District against loss or damage to the County Hospital, and against loss of revenues to the extent at least reasonably necessary to protect the interests of the District and the County (including but not necessarily limited to, fire and extended insurance). If any useful part of the County Hospital or District Hospital shall be damaged or destroyed, the District shall as expeditiously as may be possible commence and diligently prosecute the repair or replacement of the damaged property so as to restore the same to use. The proceeds of any insurance pertaining thereto shall be payable to the District and shall be applied as to the necessary costs involved in such repair and replacement, and, to the extent not so applied, shall be retained by the District. No provision of this paragraph shall be construed as imposing an obligation on the District to spend more on such repairs or replacements than the insurance proceeds.

The District shall at all times maintain with responsible insurers all such insurance as is reasonably required and obtainable within limits and at costs deemed reasonable by the District as is customarily maintained with respect to hospitals of like character, against public and other liability as is required to indemnify and to hold harmless the District and County against all liabilities, judgments, costs, damages, expenses, and attorneys' fees for loss, damage, or injury to persons or property resulting from the operation of the County Hospital caused by the negligence or willful acts of the District, District officers, employees, or any other agents. Any liability incurred by the District as a result of the operation of the County Hospital shall be its sole liability, and any liability incurred by the District as a result of the operation of its District Hospital shall be its sole liability, subject to any agreement to the contrary now existing or hereinafter made.

SECTION TEN

Kiowa County shall pay and transfer to the District monies annually levied and collected from the Weisbrod Memorial County Hospital fund by the County. From such monies raised by the County through levy, the County shall remit throughout the year such sums as are necessary to sustain the operation and maintenance of the Hospital, but in no event shall County be responsible for remitting sums to Hospital in excess of those monies generated by the County through levy. A complete written financial statement showing all relevant financial data including all information required by Section Twelve (12) below shall be submitted MONTHLY. Copies of said financial statement shall be submitted to the County Board as well as to the Kiowa County Commissioners.

SECTION ELEVEN

In addition to the remittance provided for in Section Ten (10), the District shall retain as its own funds, all rates, fees, charges, rents and other income received by it from or on behalf of all patients of the County Hospital during the term of this agreement.

SECTION TWELVE

The District shall conduct a yearly audit and a copy of such audit report shall be promptly submitted to each member of the County Board as well as to the Kiowa County Commissioners after it is received from the auditor. District shall keep proper books of record on a timely basis according to the generally accepted accounting procedure.

SECTION THIRTEEN

If any section, subsection, paragraph, clause, phrase, or other provision of this Agreement shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, subsection, paragraph, clause, phrase, or other provision shall not affect any of the remaining provisions of this agreement.

SECTION FOURTEEN

This agreement shall be in full force and effect and shall be binding upon the parties hereto from the first day of January, 2013 until midnight, December 31, 2013.

IN WITNESS WHEREOF, and pursuant to resolutions of the Board of County Commissioners of Kiowa County, Colorado and of the Kiowa County Hospital District, regularly adopted, the parties by their proper officers duly authorized, have hereunto affixed the names and seals of the parties on the date first above written.

KIOWA COUNTY BOARD OF COMMISSIONERS

Chairman

Commissioner

Commissioner

ATTEST:

Clerk to the Board

KIOWA COUNTY HOSPITAL DISTRICT

BY: _____
President

ATTEST:

WEISBROD MEMORIAL COUNTY HOSPITAL

BY: _____

ATTEST:

Motion was made by Donald Oswald, seconded by Richard Scott to adopt the Resolution for Licensing of the Ambulance Service from January 08, 2013 to January 07, 2013, to wit: All commissioners voted affirmative.

RESOLUTION FOR LICENSING AND INSPECTION FOR AMBULANCE SERVICE

On the 8th of January, 2013 the following was adopted.

BE IT HEREBY RESOLVED, this 31st day of January, 1995, the Resolution for Licensing and Inspection of Ambulance Service is amended by the Board of County Commissioners of Kiowa County Colorado, the following:

That the prior Resolution entitled "AMBULANCE-PERMANENT LICENSING RESOLUTION", dated January, 1978 is hereby repealed.

That pursuant to the provisions of 1973 C.R.S. 25-3.5-301, as amended, no entity may provide ambulance service publicly or privately in this state after January 1, 1978 unless that person holds a valid license to do so issued by the Board of County Commissioners of the County in which the ambulance service is based.

That the Board of County Commissioners of Kiowa County does now establish an ambulance service licensing authority effective March 31, 1986, with the following provision:

Any entity who is desirous of providing ambulance service either public or private in the State of Colorado and whose service will be based in the County of Kiowa and who is desirous of continuing to provide such service after the effective date of this resolution shall make immediate application to the Kiowa County Board of County Commissioners.

County Health Officer shall prepare, under the Board's supervision, a short application form, which shall be furnished, upon request, to any person seeking to be licensed under this Resolution.

The application shall provide the following information to aid the Board in its licensing determination:

- (a) Name, address and telephone number of entity desiring to be licensed.
- (b) Description of each ambulance, including make, model, year of manufacture, Colorado State license number, motor vehicle chassis number, and length of time vehicle has been in service.
- (c) Location and description of place or places from which ambulances service will operate.
- (d) A statement indicating that each ambulance contains equipment which meets or is equivalent to the minimum equipment list established by the State Advisory Council on Emergency Medical Services, and approved by the State Board of Health.
- (e) A statement indicating that each ambulance driver has a valid Colorado Driver's license along with a Defensive Driving/Emergency Vehicle Drivers Course and a County Emergency Medical Vehicle Driver's permit.
- (f) A statement indicating that each ambulance attendant, other than the ambulance driver, has an Emergency Medical Technician Certificate or a Registered Nursing Degree issued by the Department of Health, or is a member of the "Quick Response Team" or as otherwise provided by State Statute.
- (g) A statement indicating that each ambulance is covered by the provisions of the Colorado Auto Accident Preparations Act.
- (h) A statement listing the name, address, and curriculum vitae of the Physician Advisor to the ambulance service.
- (i) A certificate issued from the Weisbrod Memorial County Hospital and Nursing Home, Eads, Colorado, indicating their approval of the applicant's qualifications. Approval shall be granted or denied based on a set criteria established by said hospital.

Ambulances will be inspected as set forth in the EMS Resolution, and any other time deemed necessary by the ambulance coordinator or by the Kiowa County Road and Bridge Mechanic. Any necessary repairs will be made at that time.

Whereby the ambulances are owned by Kiowa County, and operated by Weisbrod Hospital, insurance coverage on ambulances is covered by Kiowa County.

Each entity desiring to be licensed under this Resolution shall have a Physician Advisor who established protocols for medical acts performed by E.M.T. or paramedics of a pre hospital emergency medical servicing agency and who is responsible to assure competency of the performance of those acts by E.M.T. and paramedics in accordance with the

"Acts Allowed" by the Colorado State Board of Medical Examiners.

The Board, upon finding that the information and statements requested in the application form have been completely supplied and upon determining that such information and statements are sufficient indication of the applicant's compliance with the ambulance service license, together with the appropriate number of ambulance permits to such applicant a license shall be issued and valid for twelve months following the date of issuance.

Any license, unless revoked by the Board of County Commissioners may be renewed by filing an application identical to the original application for such license. Applications for renewal shall be filed annually, but not less than thirty days before the date the license expires.

No license or permit issued pursuant to this section shall be sold, assigned, or otherwise transferred.

Upon a determination by the Board of County Commissioners that any licensed entity has violated or failed to comply with any provisions of this Resolution, the Board may temporarily suspend for a period not to exceed thirty days, any license or permit issued. The licensed entity shall receive written notice of such temporary suspension, and a hearing shall be held no later than ten days after such temporary suspension. After such hearing, the Board may suspend any license for a portion of or for the remainder of its life. At the end of such period, the licensed entity whose license or permit was suspended, may apply for a new license or permit as in the case of the original application.

Upon second violation or failure to comply with any provision of this Resolution by any licensed entity, the Board of County Commissioners may permanently revoke such license.

Dated this 8th day of January, 2013

KIOWA COUNTY BOARD OF COMMISSIONERS

Chairman

Commissioner

Commissioner

ATTEST:

Clerk to the Board

Motion was made by Donald Oswald, seconded by Richard Scott to adopt the following Intergovernmental Agreement for Ambulance/EMT Services for the year 2013, to wit: All commissioners voted affirmative.

INTERGOVERNMENTAL AGREEMENT FOR AMBULANCE/EMT SERVICES

THIS INTERGOVERNMENTAL AGREEMENT, entered into this 11th day of January, 2011, by the BOARD OF COUNTY COMMISSIONERS OF KIOWA COUNTY whose address is P.O. Box 100, Eads, Colorado 81036, hereinafter called and referred to as "County", and the BOARD OF TRUSTEES OF THE WEISBROD MEMORIAL COUNTY HOSPITAL whose address is 1208 Luther, Eads, Colorado 81036, hereinafter called and referred to as "Hospital",

W I T N E S S E T H:

WHEREAS, County owns and maintains various ambulances and related medical equipment contained therein, and

WHEREAS, Hospital is desirous of operating an ambulance/EMT service as part of its function as a County Hospital, and

WHEREAS, both parties are willing to enter into an Intergovernmental Agreement to define their respective rights, duties and obligations of both parties, one to the other, as the same concerns the operation of an ambulance/EMT service, and

WHEREAS, pursuant to C.R.S. 29-1-201, *et. seq.*, it specifically allows any government including but not limited to counties and county hospitals to enter into intergovernmental agreements to cooperate or contract with one another to provide any function, service or facility lawfully authorized to each of the cooperating or contracting units,

NOW, THEREFORE, that for and in consideration of the following acts, covenants, conditions, doings and things both parties agree to as follows, to-wit:

1. County hereby grants to Hospital the exclusive right to the usage, operation, and possession of four (4) of County's ambulances, exclusive of a haz-mat ambulance, for a period commencing on the 8th day of January, 2013 and ending on the 10th day of January, 2013.
2. As part of the consideration extended by County to Hospital, County agrees to allow Hospital to fuel these ambulances from the County shop pumps with the understanding that the Hospital shall reimburse County on a monthly basis at County's costs for said fuel. Further, County, at no expense to Hospital shall service the ambulances for normal and routine maintenance with the understanding that the Hospital shall reimburse County for any out-of-pocket expenses incurred for parts and supplies including oil, filters, tires and the like to be billed to Hospital on a monthly basis at the County cost. Except for emergency repairs that would render the ambulance unsafe, the request by Hospital for the performance of minor

maintenance will not take priority over other county projects but County shall perform said minor maintenance in a reasonable period of time.

3. Further, the Hospital shall hire a qualified director to bring the ambulance/EMT service up to standards as required by the State of Colorado. The County shall further assist Hospital in obtaining grant monies to operate such services or to procure ambulances.

4. County shall provide motor vehicle insurance on said ambulances.

5. In consideration of Hospital agreeing to operate the ambulance/EMT service within Kiowa County, County agrees to remit to Hospital for the year 2013 the sum of Two hundred thirty six thousand dollars (\$236,000) which sum is derived as follows:

a. The first part of funding shall consist of the monies received from the County Hospital Fund created for both Hospital and ambulance/EMT services, which both parties agree for the year 2013 to budget the sum of Two hundred thirty six thousand dollars (\$236,000). As long as this agreement is in effect, this provision shall replace the funding requirement within the existing Hospital Service Agreement between the County and the Hospital and supersede any other pre-existing agreements involving ambulance and/or EMT services. If this agreement is terminated then the funding provisions of the original Hospital Service Agreement will remain in effect.

b. The second part of the ambulance/EMT service funding shall consist of all EMS subsidy fund monies received which amount both parties anticipate shall approximate the sum of Fifteen Thousand Dollars (\$15,000.00). These monies shall be spent in accordance to the provisions and terms of the fund.

c. Both parties further agree to re-evaluate aforementioned manner of funding in the event there is a material change in assessed valuation or the EMS subsidy grant or profit and/or loss of operating the Ambulance/EMT Service.

d. County shall remit the above funds as they become available and requested by the Hospital throughout the year to sustain the operation and maintenance of the ambulance/EMT service but in no event shall County be responsible for remitting additional sums to Hospital in excess of those monies actually generated by the County through levy, grant, fund balance or otherwise.

6. At such time that the Hospital assumes full operation of the Ambulance/EMS service the Hospital shall furnish all drivers, EMTs and physicians necessary to properly and adequately operate said ambulance/EMT service within the County of Kiowa, State of Colorado and shall bear all expenses involved in training and maintaining said personnel. Further, County Hospital shall provide workers' compensation and liability insurance covering the EMTs and drivers as well as the operation of the ambulance/EMT services.

7. Hospital further agrees to comply with all federal, state and local laws, statutes, rules, and resolutions involved in operations of an ambulance/EMT service.

8. Hospital shall furnish to County annual financial reports prepared according to generally accepted accounting procedures.

9. Hospital agrees to furnish to County any costs associated with the use of EMS Ambulance and EMS Ambulance Personnel during the Kiowa County Fair.

10. This agreement automatically renews each year on the anniversary date.

11. Either party may terminate this agreement with or without cause upon 180 days written notice to the other party.

IN WITNESS WHEREOF, the parties hereto have executed this Intergovernmental Agreement on the day and year first above written.

KIOWA COUNTY BOARD OF COMMISSIONERS

Chairman

Commissioner

Commissioner

ATTEST:

Clerk to the Board

WEISBROD MEMORIAL COUNTY HOSPITAL BOARD

Chairman

ATTEST:

Secretary

DRUG FREE WORKPLACE

Motion was made by Donald Oswald, seconded by Richard Scott to adopt the Drug Free Workplace policy for the year 2013. All commissioners voted affirmative.

Pursuant to House Bill 5210 of the General Assembly of Colorado:

1. It is illegal to manufacture, distribute, dispense, possess or use any controlled substance in your work place.
2. Kiowa County has installed a drug free awareness program which provides information on the availability of drug counseling and rehabilitation - for further information, please contact: Peggy Dunlap, 438-5810, PO Box 100, Eads, CO 81036
3. Kiowa County is required to notify our granting agency within ten days after we receive notice of any conviction under any criminal anti-drug statute.

First Adopted December 29, 1988

HOLIDAYS FOR 2013

Motion was made by Donald Oswald, seconded by Richard Scott to adopt the following holidays for 2013: All commissioners voted affirmative.

President's Day	2/18/13
Good Friday (R&B)	3/28/13
Good Friday	3/29/13
Memorial Day	5/27/13
Independence Day	7/4/13
Labor Day	9/2/13
*Fair (not a holiday)	5,6,7 of September
Columbus Day	10/14/13
Veteran's Day	11/11/13
Thanksgiving	11/28-29/2013
Christmas	12/24/13- 12/25/13
New Year's	01/01/13

*All county employees who do not have other fair assignments INCLUDING DSS will please help with the BBQ's.

*Courthouse, DSS & PH will close at noon on the 5th

*Courthouse, DSS & PH will close all day on the 6th

Note: Summer Hours for Road & Bridge ONLY start March 11, 2013 and ends August 30, 2013

COUNTY SURVEYOR

Brundage Land Surveying

Motion was made by Donald Oswald, seconded by Richard Scott to (re)appoint Brundage Land Surveying as county surveyor for the year 2013. All commissioners voted affirmative.

VETERANS ADMINISTRATOR

Pat Roper

Motion was made by William Koehler, seconded by Donald Oswald to (re)appoint Pat Roper as Veterans Administrator for the year 2013. All commissioners voted affirmative.

EMERGENCY MANAGER

Vacant

Motion was made by Richard Scott, seconded by William Koehler to leave the position vacant at this time as Emergency Manager for the year 2013. All commissioners voted affirmative.

COUNTY ATTORNEY

Shinn, Steerman, and Shinn Lawyers

Motion was made by Donald Oswald, seconded by William Koehler to (re)appoint Shinn Steerman and Shinn as County Attorney for the year 2013 at an hourly fee of \$90.00 per hour including attendance of one conference and expenses every other year. All commissioners voted affirmative.

COUNTY AUDITOR

Ronny Farmer

Motion was made by William Koehler, seconded by Donald Oswald to appoint Ronny Farmer as County Auditor for the year 2013. All commissioners voted affirmative.

LIST OF ARBITRATORS

Motion was made by Donald Oswald, seconded by William Koehler to (re)appoint Bob Randle as arbitrator and to have one vacancy to fill for the year 2013. All commissioners voted affirmative.

BOB RANDLE	2013
VACANCY	2013

**KIOWA COUNTY COLORADO BUILDING CORP
BOARD OF DIRECTORS**

No new appointments were made to the Kiowa County Colorado Building Corp Board of Directors. Motion was made by William Koehler, seconded by Richard Scott to appoint Donald Oswald and Vern Harris for the year 2013. All Commissioners voted affirmative.

DONALD OSWALD	2013
VERN HARRIS	2013

KIOWA COUNTY PUBLIC LIBRARY DISTRICT BOARD

Motion was made by William Koehler, seconded by Richard Scott to (re)appoint Barbara Mc Coin and to have one vacancy to fill to the Library District Board with term to expire January 13, 2016. All Commissioners voted affirmative.

LINDA OFFILL	JANUARY 13, 2014
AUDREY JOHNSON	JANUARY 13, 2014
CATHRYN ANDERSON	JANUARY 13, 2015
BARBARA MCCOIN	JANUARY 13, 2016
VACANCY	JANUARY 13, 2016

KIOWA COUNTY PLANNING COMMISSION

Motion was made by William Koehler, seconded by Donald Oswald to (re)appoint Jimmy Brown to a 3 year term with term expiring January 13, 2016 All Commissioners voted affirmative.

LINLY STUM	JANUARY 13, 2014
DALE BUTLER	JANUARY 13, 2014
JEREMIAH LIEBL	JANUARY 13, 2015
MICHELLE WYCKOFF	JANUARY 13, 2015
JIMMY BROWN	JANUARY 13, 2016

WEST KIOWA COUNTY RECREATION BOARD

Motion was made by Donald Oswald, seconded by Richard Scott to (re)appoint PJ Lessenden to the West Kiowa County Recreation Board, with term to expire on January 13, 2018. All commissioners voted affirmative.

GLENDA STOKER	JANUARY 13, 2014
CAROLE SPADY	JANUARY 13, 2015
POLLY GYURMAN	JANUARY 13, 2016
DEBORAH DAVIS	JANUARY 13, 2017
PJ LESSENDEN	JANUARY 13, 2018

CENTRAL KIOWA COUNTY RECREATION BOARD

Motion was made by William Koehler, seconded by Donald Oswald to appoint Robert Rittgers to the Central Kiowa County Recreation Board, with terms expiring on January 13, 2017. All Commissioners voted affirmative.

DAWNA WEIRICH	JANUARY 13, 2014
LANA BROWN	JANUARY 13, 2015
MONICA UHLAND	JANUARY 13, 2016
WILLIAM A. KOEHLER	JANUARY 13, 2016
ROBERT RITTGERS	JANUARY 13, 2017

SHERIDAN LAKE AND BRANDON RECREATION BOARD

Motion was made by William Koehler, seconded by Donald Oswald to remain as it is on the Sheridan Lake and Brandon Recreation Board. All commissioners voted affirmative.

THERESA WEBER	JANUARY 13, 2014
ZELPHA WOELK	JANUARY 13, 2015
CRAIG WILLIAMS	JANUARY 13, 2015
MARVIN KOELLER	JANUARY 13, 2016
TIA MCVICKERS	JANUARY 13, 2016

TOWNER RECREATION BOARD

Motion was made by William Koehler, seconded by Donald Oswald to remain as it is on the Towner Recreation Board. All commissioners voted affirmative.

SUSAN GREENFIELD	JANUARY 13, 2014
SHARON SCOTT	JANUARY 13, 2015
LARRY TUTTLE	JANUARY 13, 2015
RANDY CARNEY	JANUARY 13, 2016

WEST KIOWA COUNTY CEMETERY BOARD

Motion was made by Donald Oswald, seconded by William Koehler to appoint Carole Spady to the West Kiowa County Cemetery Board, with term to expire January 13, 2016. All commissioners voted affirmative.

BILLIE CORDOVA	JANUARY 13, 2014
CATHRYN ANDERSOM	JANUARY 13, 2015
CAROLE SPADEV	JANUARY 13, 2016

PIONEER CEMETERY BOARD

Motion was made by William Koehler, seconded by Donald Oswald to (re)appoint Larry Wyatt to the Pioneer Cemetery Board, with term to expire January 13, 2016. All commissioners voted affirmative.

KIM RICHARDS	JANUARY 13, 2014
PENNY WEIRICH	JANUARY 13, 2015
LARRY WYATT	JANUARY 13, 2016

SHERIDAN LAKE AND BRANDON CEMETERY BOARD

Motion was made by Richard Scott, seconded by Donald Oswald (re)appoint Jim Richardson and to appoint Zelpha Deines to the Sheridan Lake and Brandon Cemetery Board, with term to expire January 13, 2016.. All commissioners voted affirmative.

C. H. WILLIAMS	JANUARY 13, 2014
MERLE SHALBERG	JANUARY 13, 2015
JIM RICHARDSON	JANUARY 13, 2016
ZELPHA DEINES	JANUARY 13, 2016

TOWNER CEMETERY BOARD

Motion was made by Richard Scott, seconded by Donald Oswald to (re)appoint Sharon Scott and have a vacancy on the board that will be filled with an interested party. These terms will expire January 13, 2016. All commissioners voted affirmative.

CHERI HOPKINS	JANUARY 13, 2014
SHARON SCOTT	JANUARY 13, 2016
VACANCY	JANUARY 13, 2016

WEISBROD COUNTY HOSPITAL BOARD

Motion was made by Donald Oswald, seconded by Richard Scott to (re)appoint Dennis Pearson and Tom Davis to the Weisbrod County Hospital Board with term to expire January 13, 2015. All commissioners voted affirmative.
 Motion was made by Richard Scott, seconded by Donald Oswald to appoint Peggy Dunlap as an alternate on the Weisbrod County Hospital Board with term expiring on January 13, 2015. All commissioners voted affirmative.

LORI SHALBERG	JANUARY 13, 2014
ROLAND SORENSON	JANUARY 13, 2014
DENNIS PEARSON	JANUARY 13, 2015
TOM DAVIS	JANUARY 13, 2015
PEGGY DUNALP (ALT)	JANUARY 13, 2015

KIOWA COUNTY FAIR BOARD

Motion was made by William Koehler, seconded by Donald Oswald to have 2 vacancy's to fill with a term to expire January 13, 2017. All commissioners voted affirmative.

SHANE LESSENDEN	JANUARY 13, 2014
BOBBY SINKA	JANUARY 13, 2014
BRENDA FICKENSCHER	JANUARY 13, 2015
ARETA BLOODING-LAIRD	JANUARY 13, 2015
KEVIN DAVIS	JANUARY 13, 2016
TERRI LEONARD	JANUARY 13, 2016
VACANCY	JANUARY 13, 2017
VACANCY	JANUARY 13, 2017

KIOWA COUNTY WEED BOARD

Motion was made by Donald Oswald, seconded by William Koehler to (re)appoint Rick Spady with a term to expire January 13, 2015. All commissioners voted affirmative.

JEFF UHLAND	JANUARY 13, 2014
RICK SPADY	JANUARY 13, 2015

KIOWA COUNTY BOARD OF HEALTH

Motion was made by Donald Oswald, seconded by William Koehler to (re)appoint Richard Scott, Donald Oswald, William Koehler, Peggy Dunlap, & the Chairman of Zoning & Planning to the Health Board with terms to expire January 13, 2014. All Commissioners voted affirmative.

RICHARD SCOTT	JANUARY 13, 2014
DONALD OSWALD	JANUARY 13, 2014
WILLIAM KOEHLER	JANUARY 13, 2014
PEGGY DUNLAP	JANUARY 13, 2014
(Z&P CHAIRMAN)to be decided	JANUARY 13, 2014

PUBLIC HEALTH AGENCY DIRECTOR	Advisor to the Board
DENNIS PEARSON –	Public Health Advisor to the Board

(Kiowa County Board of Health includes Kiowa County Commissioners, Kiowa County Administrator and the Chairman of the Kiowa County Zoning & Planning Board)

ENTERPRISE ZONE COMMITTEE

Motion was made by William Koehler, seconded by Donald Oswald to (re)appoint Richard Scott, William Koehler, and appoint Sharon Johnson as the Enterprise Zone Board of Directors representatives from this area, and to (re)appoint Donald Oswald and appoint Sharon Johnson as directors to the Southeast Council of Governments. All appointments with terms to expire January 13, 2014. All commissioners voted affirmative.

RICHARD SCOTT	JANUARY 13, 2014 - SECED-Executive Board
WILLIAM KOEHLER	JANUARY 13, 2014 –SECED-Director
SHARON JOHNSON	JANUARY 13, 2014 - SECED Director

SHARON JOHNSON	JANUARY 13, 2014 - SECOG Director
DONALD OSWALD	JANUARY 13, 2014 - SECOG Director

SCEDD

Motion was made by William Koehler, seconded by Donald Oswald to appoint Donald Oswald and Richard Scott to the Southern Colorado Economic Development District Board with terms to expire January 13, 2014. All commissioners voted affirmative.

DONALD OSWALD	JANUARY 13, 2014
RICHARD SCOTT	JANUARY 13, 2014

KCEDF BOARD

Motion was made by Richard Scott, seconded by William Koehler to (re)appoint Richard Scott and Donald Oswald to the Kiowa County Economic Development Foundation Board with terms to expire January 13, 2014. There will be no alternate. All commissioners voted affirmative.

RICHARD SCOTT (Director)	JANUARY 13, 2014
DONALD OSWALD (Director)	JANUARY 13, 2014

SOUTHEAST REGION WORKFORCE BOARD

Motion was made by Donald Oswald, seconded by Richard Scott to appoint William Koehler to the Southeast Region Workforce Board with terms to expire January 13, 2014. All commissioners voted affirmative.

WILLIAM KOEHLER JANUARY 13, 2014

SECRETAC BOARD

Motion was made by William Koehler, seconded by Richard Scott to (re)appoint Eunice Weber, Donald Oswald, and Hospital Administrator to the Southeastern Colorado Regional Emergency & Trauma Advisory Council Board with terms to expire January 13, 2014. All commissioners voted affirmative.

EUNICE WEBER (EMS Director) JANUARY 13, 2014
DONALD OSWALD (Commissioner) JANUARY 13, 2014
HOSPITAL ADMINISTRATOR JANUARY 13, 2014

SOUTHEAST COLORADO MENTAL HEALTH BOARD

Motion was made by Donald Oswald, seconded by Richard Scott to appoint Dennis Pearson to the Southeast Colorado Mental Health with term to expire January 13, 2014. All commissioners voted affirmative.

DENNIS PEARSON JANUARY 13, 2014

HISTORICAL PRESERVATION ADVISORY COMMISSION

Motion was made by Donald Oswald, seconded by William Koehler to (re)appoint Jeff Campbell and Kelly Courkamp to the Historical Preservation Advisory Commission with terms to expire January 13, 2016. All commissioners voted affirmative.

SHARON JOHNSON JANUARY 13, 2014
BETSY BARNETT JANUARY 13, 2014
ALEXA ROBERTS JANUARY 13, 2015
DAN RICHARDS JANUARY 13, 2015
KIM BARLOW JANUARY 13, 2015
JEFF CAMPBELL JANUARY 13, 2016
KELLY COURKAMP JANUARY 13, 2016

TV TRANSLATOR/TOWER MAINTENANCE INDEPENDENT CONTRACTOR

Motion was made by Donald Oswald, seconded by William Koehler to (re)appoint Southeast Networks & Support, LLC (Kevin Rink or Ryan Sneller) as the TV Translator/Tower Maintenance Independent Contractor with term to expire January 13, 2014. All commissioners voted affirmative.

SOUTHEAST NETWORKS & SUPPORT JANUARY 13, 2014

NURSING SERVICE MEDICAL ADVISOR

Motion was made by Donald Oswald, seconded by Richard Scott to appoint Eads Medical Clinic as the Medical Advisor to the Kiowa County Nursing Service with term to expire January 13, 2014. All commissioners voted affirmative.

EADS MEDICAL CLINIC JANUARY 13, 2014

CSBG TRANSIT ADVISORY BOARD

Motion was made by Donald Oswald, seconded by Richard Scott to (re)appoint Donald Oswald as the CSBG Transit Advisory Board Officers with terms to expire January 13, 2016. All commissioners voted affirmative.

BOBBI LORD JANUARY 13, 2014
KIM RICHARDS JANUARY 13, 2015
DONALD OSWALD JANUARY 13, 2016

MUSEUM BOARD

Motion was made by Donald Oswald, seconded by Richard Scott to have at least 1 vacancy to be filled on the Kiowa County Museum Board with terms to expire in one year increments. All commissioners voted affirmative.

BETSY BARNETT JANUARY 13, 2014
VACANCY JANUARY 13, 2015

RESADA BOARD

Motion was made by William Koehler, seconded by Richard Scott, to leave the board as is for 2013. All commissioners voted affirmative.

DENNIS PEARSON
DONALD OSWALD

JANUARY 13, 2014
JANUARY 13, 2014

LAVAA BOARD

Motion was made by Richard Scott, seconded by Donald Oswald to (re) appoint Dolores Rector and to appoint Wanda Lessenden and Linda Watts as Members of the LAVAA board and Alice Glover, Loretta Seibel, and La Verle Kelly as alternates to the LAVAA board. All commissioners voted affirmative.

Members:		Alternates:	
Dolores Rector	January 13, 2015	Alice Glover	January 13, 2015
Wanda Lessenden	January 13, 2015	Loretta Seibel	January 13, 2015
Linda Watts	January 13, 2016	LaVerle Kelly	January 13, 2015

The Regular Meeting resumed at 10:45 a.m.

The 2013 vouchers were reviewed. One voucher was questioned. Vouchers were approved and signed.

There was discussion regarding credit cards used in the County. The discussion was tabled until later in the meeting.

Eunice Weber met with the Commissioners to present the 2013 RETAC County Plan. Oswald made the motion, seconded by Koehler, to approve the 2013 RETAC County Plan. All Commissioners voted affirmative.

There was discussion regarding the ambulance barn door being left open while the ambulance was on a run. Weber stated that they couldn't get it to go down and decided the ambulance run was more important at the time than continuing to try and close the door. It was closed when the ambulance was parked.

Oswald made the motion, seconded by Koehler, to approve and sign the Kiowa County Ambulance Service Licenses for 5 ambulances. All Commissioners voted affirmative.

Oswald made the motion, seconded by Koehler, to approve and sign the Emergency Medical Vehicle Driver Permit for Delbert Lee Beard. All Commissioners voted affirmative.

There was continued discussion regarding credit cards used in the County.

Kemma Eikenberg met with the Commissioners regarding the library budget. She asked if there would ever be a possibility of raising the mill levy at any time to help balance a budget with the cost of everything continuing to go up. Since the library is a special district, the library board would have to request an increase by going to the vote of the people. Eikenberg also requested that the heat be increased as patrons have been very cold in the library. The Commissioners will have maintenance address this issue.

Prairie Pines Assisted Living (PPAL) Administrator Linda Watts met with the Commissioners regarding PPAL vouchers for 2012. She also asked if the County was able at this time to advance their mill levy funds to cover payroll, if needed. Discussion followed. No action was taken at this time and will be addressed at the next meeting if necessary.

Dennis Pearson, Director of the Department of Social Services (DSS) met with the Commissioners. Eligibility for child care assistance service was discussed. There was also discussion regarding the DSS shortfall. The state did not have the funds at the end of the year, but will send allocations in January to cover the shortfall. Office rent was discussed again. Space and confidentiality were the reasons DSS moved from the courthouse to the Bransgrove Building. Pearson stated that the Commissioners need to take into account that his office generates \$18,000 in rent for the county, which needs to be considered when there is a shortfall in his office. The Commissioners asked Pearson for a monthly budget report again this year.

Jeanne Sorensen met with the Commissioners regarding exchanging a refurbished computer for another so she has one to set on her desk for diagnosing problem computers. The Commissioners told her to use which ever one she needed.

Road & Bridge foremen met with the Commissioners to discuss vehicles and equipment purchases for 2013. They will check with CTSI regarding a lease/buy program for 3 maintainer/ graders, one semi truck tractor and trailers. They will talk with Dennis Hunt and see what kind of prices they can find to see what they can actually purchase. Foreman Watts will contact John Deere to see what he can find out. One grader needs to be repaired whether they keep it or trade it.

Dewayne Vaughn and Morgan Bardwell with McDonald Land Services met with the Commissioners to discuss mineral acres actually owned by the County and easements involved.

An ordinance for marijuana issues was read. Scott made the motion, seconded by Oswald, to initiate the establishment of the ordinance, to wit:

ORDINANCE NO. 2013-1

THE BOARD OF COUNTY COMMISSIONERS
OF KIOWA COUNTY, COLORADO

AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES WITHIN THE UNINCORPORATED BOUNDARIES OF KIOWA COUNTY, STATE OF COLORADO

WHEREAS, the Board of County Commissioners (“Board”) has the authority to exercise all County powers for the Unincorporated Areas of Kiowa County pursuant to C.R.S. 30-11-103; and

WHEREAS, on November 6, 2012, the voters of Colorado approved the adoption of Amendment 64, *Personal Use and Regulation of Marijuana*; and

WHEREAS, said Amendment 64 became effective on December 10, 2012 upon the proclamation of the Governor, pursuant to Section 1(4) of Article V, of the Colo. Constitution; and

WHEREAS, Amendment 64 has added a new Section 16 to Article XVIII of the Colo. Constitution; and

WHEREAS, Amendment 64 defines a “Locality” in part in section 2(e) of Section 16 to include a county; and

WHEREAS, part 5(f) of Section 16 provides the following:

(f) A LOCALITY MAY ENACT ORDINANCES OR REGULATIONS, NOT IN CONFLICT WITH THIS SECTION OR WITH REGULATIONS OR LEGISLATION ENACTED PURSUANT TO THIS SECTION, GOVERNING THE TIME, PLACE, MANNER AND NUMBER OF MARIJUANA ESTABLISHMENT OPERATIONS; ESTABLISHING PROCEDURES FOR THE ISSUANCE, SUSPENSION, AND REVOCATION OF A LICENSE ISSUED BY THE LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i), SUCH PROCEDURES TO BE SUBJECT TO ALL REQUIREMENTS OF ARTICLE 4 OF TITLE 24 OF THE COLORADO ADMINISTRATIVE PROCEDURE ACT OR ANY SUCCESSOR PROVISION; ESTABLISHING A SCHEDULE OF ANNUAL OPERATING, LICENSING, AND APPLICATION FEES FOR MARIJUANA ESTABLISHMENTS, PROVIDED, THE APPLICATION FEE SHALL ONLY BE DUE IF AN APPLICATION IS SUBMITTED TO A LOCALITY IN ACCORDANCE WITH PARAGRAPH (i) AND A LICENSING FEE SHALL ONLY BE DUE IF A LICENSE IS ISSUED BY A LOCALITY IN ACCORDANCE WITH PARAGRAPH (h) OR (i); AND ESTABLISHING CIVIL PENALTIES FOR VIOLATION OF AN ORDINANCE OR REGULATION GOVERNING THE TIME, PLACE, AND MANNER OF A MARIJUANA ESTABLISHMENT THAT MAY OPERATE IN SUCH LOCALITY. A LOCALITY MAY PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES THROUGH THE ENACTMENT OF AN ORDINANCE OR THROUGH AN INITIATED OR REFERRED MEASURE; PROVIDED, ANY INITIATED OR REFERRED MEASURE TO PROHIBIT THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES MUST APPEAR ON A GENERAL ELECTION BALLOT DURING AN EVEN NUMBERED YEAR, and;

WHEREAS, at the November 6, 2012 election approximately 65% of Kiowa County voters rejected the proposed adoption of Amendment 64; and

WHEREAS, consistent with the authority granted to the Board in Amendment 64 and the will of Kiowa County voters, the Board desires to adopt this ordinance prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores within the unincorporated areas of Kiowa County, Colorado; now therefore,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF KIOWA as follows:

Purpose. The purpose of this ordinance is to promote the general public welfare and safety throughout Kiowa County, Colorado and, as such, immediately upon the passage of this ordinance, the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores shall be prohibited in the unincorporated areas of Kiowa County, Colorado.

Definitions. Unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in Article XVIII, Section 16 of the Colo. Constitution. These definitions include, but are not limited to the following:

(1) “MARIJUANA” OR “MARIHUANA” MEANS ALL PARTS OF THE PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, THE SEEDS THEREOF, THE RESIN EXTRACTED FROM ANY PART OF THE PLANT, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE

PLANT, ITS SEEDS, OR ITS RESIN, INCLUDING MARIHUANA CONCENTRATE. "MARIJUANA" OR "MARIHUANA" DOES NOT INCLUDE INDUSTRIAL HEMP, NOR DOES IT INCLUDE FIBER PRODUCED FROM THE STALKS, OIL, OR CAKE MADE FROM THE SEEDS OF THE PLANT, STERILIZED SEED OF THE PLANT WHICH IS INCAPABLE OF GERMINATION, OR THE WEIGHT OF ANY OTHER INGREDIENT COMBINED WITH MARIJUANA TO PREPARE TOPICAL OR ORAL ADMINISTRATIONS, FOOD, DRINK, OR OTHER PRODUCT.

(2) "MARIJUANA ACCESSORIES" MEANS ANY EQUIPMENT, PRODUCTS, OR MATERIALS OF ANY KIND WHICH ARE USED, INTENDED FOR USE, OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, COMPOSTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, ANALYZING, PACKAGING, REPACKAGING, STORING, VAPORIZING, OR CONTAINING MARIJUANA, OR FOR INGESTING, INHALING, OR OTHERWISE INTRODUCING MARIJUANA INTO THE HUMAN BODY.

(3) "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY LICENSED TO CULTIVATE, PREPARE, AND PACKAGE MARIJUANA AND SELL MARIJUANA TO RETAIL MARIJUANA STORES, TO MARIJUANA PRODUCT MANUFACTURING FACILITIES, AND TO OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

(4) "MARIJUANA ESTABLISHMENT" MEANS A MARIJUANA CULTIVATION FACILITY, A MARIJUANA TESTING FACILITY, A MARIJUANA PRODUCT MANUFACTURING FACILITY, OR A RETAIL MARIJUANA STORE.

(5) "MARIJUANA PRODUCT MANUFACTURING FACILITY" MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA; MANUFACTURE, PREPARE, AND PACKAGE MARIJUANA PRODUCTS; AND SELL MARIJUANA AND MARIJUANA PRODUCTS TO OTHER MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO RETAIL MARIJUANA STORES, BUT NOT TO CONSUMERS.

(6) "MARIJUANA PRODUCTS" MEANS CONCENTRATED MARIJUANA PRODUCTS AND MARIJUANA PRODUCTS THAT ARE COMPRISED OF MARIJUANA AND OTHER INGREDIENTS AND ARE INTENDED FOR USE OR CONSUMPTION, SUCH AS, BUT NOT LIMITED TO, EDIBLE PRODUCTS, OINTMENTS, AND TINCTURES.

(7) "MARIJUANA TESTING FACILITY" MEANS AN ENTITY LICENSED TO ANALYZE AND CERTIFY THE SAFETY AND POTENCY OF MARIJUANA.

(8) "MEDICAL MARIJUANA CENTER" MEANS AN ENTITY LICENSED BY A STATE AGENCY TO SELL MARIJUANA AND MARIJUANA PRODUCTS PURSUANT TO SECTION 14 OF THIS ARTICLE AND THE COLORADO MEDICAL MARIJUANA CODE.

(9) "RETAIL MARIJUANA STORE" MEANS AN ENTITY LICENSED TO PURCHASE MARIJUANA FROM MARIJUANA CULTIVATION FACILITIES AND MARIJUANA AND MARIJUANA PRODUCTS FROM MARIJUANA PRODUCT MANUFACTURING FACILITIES AND TO SELL MARIJUANA AND MARIJUANA PRODUCTS TO CONSUMERS.

Enforcement. This ordinance shall be enforced by the Kiowa County Sheriff.

Violation. It shall be unlawful for any person to violate any provision of this ordinance.

Disposition of Fines and Forfeitures. Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this ordinance shall be paid into the treasury of Kiowa County. The fine for a first offense and for any subsequent offense shall be one thousand dollars (\$1,000) per violation and each day shall be deemed a separate violation.

Surcharges. In addition to the fines and penalties prescribed in this ordinance, any person convicted of a violation of this ordinance shall be subject to the statutory surcharges consisting of Ten Dollars (\$10.00) for the Victims and Witnesses Assistance and Law Enforcement Fund, One Dollar (\$1.00) for the Family Friendly Trust, Five and 50/100 Dollars (\$5.50) per each Fifty Dollar (\$50.00) fine for the Sheriff's Surcharge Fund and Fifteen Dollars (\$15.00) for the Colorado Traumatic Brain Injury Trust Fund. These surcharges shall be paid to the clerk of the court by each person convicted of violating this ordinance. The clerk shall transmit the moneys to the respective funds in accordance with C.R.S. § 30-15-402(2).

Scope. This ordinance shall apply within the unincorporated territory of Kiowa County and to all other areas designated herein. This ordinance shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto.

Severability. If any part or parts of this ordinance are for any reason held to be invalid, such provision shall not affect the validity of the remaining portions of this ordinance. The Board of County

Commissioners hereby declares that it would have passed this ordinance and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid.

Repeal. All ordinances and/or resolutions or parts or ordinances and/or resolutions inconsistent with provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

EFFECTIVE DATE.

In order to preserve the immediate health and safety of Kiowa County and its residents, this ordinance shall take effect immediately upon its publication as provided in § 30-15-405, C.R.S.

INTRODUCED, READ AND ADOPTED ON FIRST READING on January 8, 2013, and ordered published in the KIOWA COUNTY PRESS.

THE BOARD OF COMMISSIONERS

OF THE COUNTY OF KIOWA, COLORADO

By: /s/ Richard Scott, Chair

ATTEST:

/s/ Debra C. Lening, Clerk to the Board

ADOPTED ON SECOND AND FINAL READING ON January 29, 2013, and ordered published by reference to title only in the KIOWA COUNTY PRESS.

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

By: _____, Chair

ATTEST:

_____, Clerk to the Board

CERTIFICATE

I hereby certify that the foregoing Ordinance No. 2013-1 was introduced, read and adopted on first reading at the regular meeting of the Board of County Commissions of the County of Kiowa on January 8, 2012, and the same was published in full in the Kiowa County Press, a newspaper of general circulation published in Kiowa County, on January 11, 2013, and thereafter was adopted on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Kiowa on January 29, 2013. Said ordinance was published by reference to title only on January , 2013. Said ordinance shall become effective as of January , 2013.

Clerk

State of Colorado)
)ss.
County of Kiowa)

Subscribed and sworn to before me this _____ day of _____, 2013, by _____, Clerk.

Notary Public

My commission expires: _____

CERTIFICATION

I, _____, Kiowa County Clerk, do hereby certify that the foregoing Ordinance No. _____, entitled, AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, OR RETAIL MARIJUANA STORES WITHIN THE INCORPORATED BOUNDARIES OF KIOWA COUNTY, STATE OF COLORADO, is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of Kiowa County and is in full force and effect.

Clerk

All Commissioners voted affirmative.

Oswald made the motion, seconded by Koehler, to adopt a resolution prohibiting the possession, consumption, use or display of marijuana on County property, to wit:

RESOLUTION NO. 2013-1

**BOARD OF COUNTY COMMISSIONERS
OF KIOWA COUNTY, COLORADO**

Resolution Prohibiting the Possession, Consumption, Use or Display of Marijuana on County Property

WHEREAS, pursuant to §30-11-107(1)(c) and 30-11-107(1)(a), C.R.S. the Board of County Commissioners of Kiowa County, Colorado (“Board”) has the authority to make such orders respecting real property owned or leased by Kiowa County as may be deemed conducive to the interests of the inhabitants of the County; and

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

WHEREAS, Colorado voters approved the adoption of Amendment 64 at the general election held on November 6, 2012, thereby adding Article XVIII, Section 16. Personal use and regulation of marijuana to Article XVIII of the Colorado Constitution; and

WHEREAS, Amendment 64 makes lawful the possession, use and consumption of marijuana within certain parameters, but does not permit the open and public consumption of marijuana; and

WHEREAS, a majority of voters in unincorporated Kiowa County voted against Amendment 64; and

WHEREAS, Amendment 64 conflicts with federal law, as the possession, cultivation, sale and use of marijuana remains illegal under federal criminal statutes; and

WHEREAS, the Board finds that prohibiting the possession, consumption, use or display of marijuana on public property is in the best interests of the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Kiowa County, Colorado that the possession, consumption, use or display of marijuana in or on any property owned or leased by or within the control of Kiowa County is hereby prohibited.

DONE THIS 8th day of January, 2013 at Eads, Colorado.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF KIOWA COUNTY, COLORADO

/s/ Debra C. Lening
County Clerk & Recorder

By: /s/ Richard Scott
Chair

All Commissioners voted affirmative.

Commissioner goals for 2013 were tabled and will be addressed at length in a work session so that the Commissioners can be more thorough.

The Treasurer's report was reviewed.

The Clerk's report was reviewed and filed.

Oswald made the motion, seconded by Koehler, to approve and sign the Registrar Confidentiality Agreement for vital statistics. All Commissioners voted affirmative.

The Sheriff's vehicles were discussed. Two Crown Victoria's are in the shop and not working well. They put together a proposal for a 2009 and a 2010 Dodge Charger, which would be paid out in four years. More information is needed before any decisions can be made.

The Sheriff's surcharge account was discussed. The Commissioners feel that vouchers need to be submitted for all purchase. Koehler made the motion, seconded by Oswald, that the Sheriff's surcharge fund needs to have vouchers submitted so that all purchases are approved by the Commissioners. All Commissioners voted affirmative.

Koehler made the motion, seconded by Oswald, that no income other than actual surcharges from the Model Traffic Code should be deposited into this account. All other income should be deposited into County General. All Commissioners voted affirmative.

Oswald made the motion, seconded by Koehler, that all funds expended in the Sheriff's surcharge account must be accounted for regarding income and expenditures for 2012. All Commissioners voted affirmative.

Eastern Slope Rural Telephone sent a recommendation for internet for the County for review.

The next Regular Meeting will be held January 29, 2013. The Regular Meetings in February will be February 12th and February 28th.

With no further business, Oswald made the motion, seconded by Koehler, to adjourn at 4:15 p.m. All Commissioners voted affirmative.