

September 16, 2014

SPECIAL MEETING

The Board of Commissioners of the County of Fremont, State of Colorado, met in Special Session on September 16th, 2014, 615 Macon Avenue, Room LL3, Fremont County Administration Building, Cañon City, Colorado. Commissioner Chairman Tim Payne called the meeting to order at 9:00 A.M.

Tim Payne	Commissioner	Present
Edward H. Norden	Commissioner	Present
Debbie Bell	Commissioner	Absent
Katie Barr	Clerk and Recorder	Absent
Brenda Jackson	County Attorney	Present

Also present: George Sugars, County Manager and Jody Blauser, Chief Deputy Clerk.

Those present recited the Pledge of Allegiance to the Flag of the United States of America.

APPROVAL OF AGENDA

Commissioner Norden moved to approve the Agenda. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye. The motion carried.

NEW BUSINESS

1. Consideration of a Resolution appointing five persons to serve as Directors on the Penrose Park and Recreation District Board.

Commissioner Norden explained the Commissioners had interviewed nine different citizens who were interested in serving on the Interim Board. The Commissioners were notified by the Department of Local Affairs (DOLA) that the “acting” Board of Directors did not properly conduct their election. The “acting” Board also did not file oaths of office and bonds, nor did they comply with Title 32 since 2008. The Commissioners are appointing a five member Interim Board of Directors to serve until a proper election can be held by the District.

Commissioner Payne noted all five of the terms will expire at midnight on March 15th, 2015. This should allow enough time for the District to duly elect new Board Members. He said these 5 citizens will have a lot of hard work to do during the next six months.

Commissioner Norden moved to approve Resolution #29 appointing Patrick Slawson, Susan Luck, Roberta Newton, Calvin Sundermann, and Tami Mundy to serve a six month term or until midnight on March 15, 2015 as the Interim Board of Directors for the Penrose Park and Recreation District. Commissioner Payne seconded the motion. Upon Vote: Commissioner Norden, aye; Commissioner Payne, aye. The motion carried. Resolution #29 is attached.

Chairman Payne adjourned the meeting at 9:05 A.M.

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RESOLUTION NO. 29, SERIES OF 2014

**RESOLUTION APPOINTING FIVE INTERIM DIRECTORS TO THE BOARD
OF THE PENROSE PARK AND RECREATION DISTRICT,
A COLORADO SPECIAL DISTRICT**

WHEREAS, the Fremont County Board of County Commissioners is the governing body of the County of Fremont, authorized to exercise the powers of a county as a body politic and corporate, pursuant to C.R.S. §30-11-103; and

WHEREAS, the Penrose Park and Recreation District ("District") is a Colorado Special District, organized pursuant to Title 32, C.R.S., and governed by a five member Board of Directors in accordance with Colorado law; and

WHEREAS, the Board of County Commissioners has recently been notified by the Colorado Department of Local Affairs, the "acting" Board of Directors for the Penrose Park and Recreation District, and interested persons who live within the boundaries of the District, that the Penrose Park and Recreation District appears to have failed to properly conduct an election, file oaths of office and bonds or otherwise comply with Part 8 of Title 32, C.R.S. since the year 2008; and

WHEREAS, as a result of the failure to comply with Part 8 of Title 32, C.R.S., there are no duly elected directors for the District, and additionally, there are no employees of the District; and

WHEREAS, the services of the District provided to its citizens very likely will be interrupted if a new board of directors is not appointed due to the lack of representatives authorized to act on behalf of the District; and

WHEREAS, in circumstances where there are no duly elected directors and the failure to appoint a new board will result in the interruption of services that are being provided by the District, §32-1-905(2.5), C.R.S. authorizes the Board of County Commissioners to appoint all directors from a pool of duly qualified, willing candidates: and

WHEREAS, the Board of County Commissioners has publicly advertised the vacancies and has solicited letters of interest from qualified, willing candidates and has established a pool of duly qualified candidates; and

WHEREAS, the Board of County Commissioners has interviewed all candidates who submitted letters of interest; and

WHEREAS, the Board has determined which candidates for director of the District will be appointed to serve on an interim basis, until such time as a special election may be held in the District to select permanent directors for the District.

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NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF FREMONT, that upon approval of this resolution, the following persons (listed alphabetically) are hereby appointed to the Board of Directors for the Penrose Park and Recreation District:

<u>Name</u>	<u>Term of Interim Office</u>
Susan Luck	Six Months, or until midnight March 15, 2015
Tami Mundy	Six Months, or until midnight March 15, 2015
Roberta Newton	Six Months, or until midnight March 15, 2015
Patrick Slawson	Six Months, or until midnight March 15, 2015
Calvin Sundermann	Six Months, or until midnight March 15, 2015

BE IT FURTHER RESOLVED:

1. That the each appointed member of the Board of Directors shall, no later than 30 days following the date of this Resolution, appear before an officer authorized to administer oaths and take an oath that he or she will faithfully perform the duties of his or her office as required by law and will support the constitution of the United States, the constitution of the State of Colorado, and the laws made pursuant thereto.

2. That the District Board shall secure and file for each director an individual, schedule, or blanket surety bond at the expense of the District in an amount determined by the board of not less than one thousand dollars each, conditioned upon the faithful performance of his or her duties as director.

3. The District Board shall immediately notify the Board of County Commissioners for Fremont County if any appointed director fails to take the oath or furnish the requisite bond within the 30 day time period

4. The District Board shall meet publicly and organize itself in accordance with §32-1-902, C.R.S.

5. The District Board shall meet regularly at a time and in a place to be designated by the Board in the manner provided by §32-1-903, C.R.S. All meetings shall be conducted in full compliance with the Colorado Open Meetings Law (Sunshine Law), §24-6-401, et seq., C.R.S.

6. The District Board shall call a special election within the six month term provided herein, to be held in accordance with the provisions of §32-1-305.5 and articles 1 to 13 of title 1, C.R.S., except that the question of the organization shall not be presented at the election.

7. The District Board shall prepare a 2015 budget and certify a mill levy to the Board of Commissioners in the time frame and manner as required by state law.

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8. Copies of this Resolution shall be provided to the Colorado Department of Local Affairs, the District Court for Fremont County, each director appointed herein, and such other interested persons and offices as may be appropriate under the circumstances.

Commissioner Norden moved the adoption of the foregoing Resolution with a second by Commissioner Payne.

Debbie Bell	<u>AYE</u>	NAY	ABSTAIN	<u>ABSENT</u>
Edward H. Norden	<u>AYE</u>	NAY	ABSTAIN	ABSENT
Timothy R. Payne	<u>AYE</u>	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted at a Special Meeting of the Board of Commissioners for Fremont County, held after proper public notice on September 16, 2014.

Date: September 16, 2014

T. Payne
Chairman

Attest: Jody Blausen
Clerk