



Rob Oquist - Commissioner Dist. 1
John Hosteller - Commissioner Dist. 2
Jim Baldwin - Commissioner Dist. 3
Amy White-Tanabe - County Administrator
Nathan Shultz - County Attorney

Office of the Commissioners

AGENDA

February 28, 2022

1. Call to Order
2. Public Comment (limit of 3 minutes)
3. Presentations
4. Consent Agenda. *The Chair will remove any Consent Agenda item upon request by any Commissioner or assigned staff. Items removed upon request will be considered separately by the Board immediately following the action on the remaining Consent Agenda, be continued to another meeting date, or handled in a manner otherwise determined at the discretion of the Board.*
 - a. Approval of Minutes
 - b. Approval of Bills and Payroll
 - c. Ratify: Letter of Support, Clean Valley Recycling
5. Old Business
6. New Business
 - a. Otero County Landfill, Inc. Operating Agreement
7. Departmental Reports
8. Commissioners Report
9. Discussion
10. Announcements



February 14th, 2022

The Board of County Commissioners now meets pursuant to adjournment.

| | | |
|----------|------------------|----------|
| Present: | Jim Baldwin | Chairman |
| | John Hostetler | Member |
| | Rob Oquist | Member |
| | Amy White-Tanabe | Admin |
| | Lynda Scott | Clerk |

Guests in attendance in person: Tim Knabenshue, Jolly Rose, Betty McFarren, Barry Shiohita, Adrian Hart, and Dennis Smith.

Guests in attendance via zoom: Marty Lee.

Chr. Baldwin called the meeting to order, asking to approve the Consent Agenda. The agenda contains: approval of the minutes from January 24th, 2022, approval of bills and payroll for January 16 to January 31, 2022, Board of Health Appointments for Ms. Lindsey Hart and Mr. Mark McCuiston, Otero County Historic Preservation Board Reappointments for Ms. Rebecca Goodwin and Mr. Kevin Lindahl; Ratify: Ambulance Permits for Fowler and La Junta and Bauserman's Market Tobacco License Renewal. Co. Hostetler motioned to approve the Consent Agenda. Co. Oquist seconded. Motion carried.

Chr. Baldwin presented and asked Clerk Scott about the Resolution 2022-04, concerning the boundary lines for precincts in the county. The boundary lines remained the same. Co. Oquist motioned to approve the Resolution. Co. Hostetler seconded. Motion carried.

Admin. White-Tanabe presented a contract partnership between the County and Clean Valley Recycling. This will be a 1-year trial run and it will cost the county \$160.00 a month. There will be recycle bins put in place to help offices recycle. Co. Hostetler motioned to approve the contract. Co. Oquist seconded. Motion carried.

Dennis Smith, County Treasurer, presented the Public Trustee report for the 2nd, 3rd, and 4th quarters of 2021. With all 3 combined there were 577 releases, 9 new foreclosures. Total income was \$13,451.23, total expenses \$12,543.46, total county treasurer was \$907.77. At the end of his report, he announced that he would not be running for another term. He thanked everyone and wanted them to know that he enjoyed his job and the people. He has been in office for 44 years.

Admin. White-Tanabe gave the sales tax report for December 2021. There was a cumulative % of change of 16.26 and a monthly % of change of 3.46, for a total amount of \$2,528,329.85 for the year.

Admin. White-Tanabe reported on the American Rescue Plan. The county was awarded 3.5 million, the final rules on how it is to be used was given in January of this year. She has been tracking the liability insurance costs and there will be a 34% increase in premiums this year. Construction on the magistrate's office is on time and on budget. Otero County is submitting a grant to study the feasibility of putting in a trail for Bents Fort off Highway 50 by the Oxbow area. The asking amount is \$45,000.00.

Co. Hostetler attended several meetings, the CCI meeting was the most important because that one concerns the bills being introduced into legislature.

Co. Oquist mentioned that he also attended the CCI meetings. He also went to look at the magistrate's room, ceilings are going in, it has been painted and the floors are going down, it looks nice and will be great when finished. He also attended meetings concerning the jail with Sheriff Mobley, looking at what they really need.

Discussion was held about the low budget/income homes being built.

Admin. White-Tanabe announced that State and County offices along with the landfills will be closed on Monday, February 21, 2022, in observance of President's Day.

With no further business the Board adjourned the meeting.

Next meeting will be Monday, February 28th, 2022, at 1:30pm.

Clerk

Chairman

OTERO COUNTY PAYMENTS
FEBRUARY 1 THROUGH FEBRUARY 15, 2022

| Check # | Vendor | Description | Department | Amount |
|---------|---|--------------------------------|-----------------------|----------|
| 124229 | RIVERSIDE WATER COMPANY | PARKS & REC FACILITIES | CAP IMP | 1,750.00 |
| 124230 | 25-7 MEDIA, INC | ADVERTISING | HEALTH | 1,400.00 |
| 124231 | 4 RIVERS EQUIPMENT, LLC | PARTS/SERVICE | LANDFILL/R&B | 5,659.13 |
| 124232 | A CUT ABOVE PEST CONTROL, LLC | MAINT/REPAIRS-215 RATON | G&B | 78.00 |
| 124233 | ALAN M WADLEIGH | TRAVEL | ADULT SERVICES | 189.28 |
| 124234 | ALL IN 1 RECOVERY | OPERATING SUPPLIES | SHERIFF | 1,400.00 |
| 124235 | ARCSEARCH CORPORATION | ERTB GRANT | CLERK | 1,399.00 |
| 124236 | ARKANSAS VALLEY COOP | PARTS/SERVICE | R&B | 245.00 |
| 124237 | ARKANSAS VALLEY HEARING CENTER | AAA GENERAL FUND | AAA | 4,800.00 |
| 124238 | ARKANSAS VALLEY LUMBER & SUPPLY | BUILDING MAINT/REPAIRS | LAND USE/HEALTH/ADMIN | 169.79 |
| 124239 | ARROWHEAD SCIENTIFIC, INC. | OPERATING SUPPLIES | SHERIFF | 331.68 |
| 124240 | AXIOM HUMAN RESOURCE SOLUTIONS, INC | SOFTWARE/TRAINING | ADMIN | 321.00 |
| 124241 | BACA COUNTY COMMISSIONERS | AAA GENERAL FUND | AAA | 1,058.21 |
| 124242 | BACA COUNTY PUBLIC HEALTH AGENCY | AAA GENERAL FUND | AAA | 83.85 |
| 124243 | BACA COUNTY SOCIAL SERVICES | CAREGIVER SUPPORT | AAA | 781.96 |
| 124244 | BENT COUNTY COMMISSIONERS | AAA GENERAL FUND | AAA | 962.99 |
| 124245 | BLACK HILLS ENERGY | UTILITIES | VARIOUS | 8,664.56 |
| 124246 | BOB BARKER COMPANY, INC | UNIFORMS | JAIL | 109.98 |
| 124247 | BRIGITTE BROWN | TRAVEL | ADULT SERVICES | 250.31 |
| 124248 | CAPITAL ONE TRADE CREDIT | BUILDING MAINT/REPAIRS | G&B | 246.98 |
| 124249 | CCNC, INC. | DUES & MEETINGS | SHERIFF | 100.00 |
| 124250 | CCVSOA | DUES & MEETINGS | VSO | 25.00 |
| 124251 | CITY OF LA JUNTA | RENT | HEALTH | 500.00 |
| 124252 | CITY OF LA JUNTA TRANSIT | CITY OF LA JUNTA/GENERAL FUND | AAA | 1,540.98 |
| 124253 | COLORADO BANK & TRUST | SPECIAL PROJECTS | HEALTH | 270.00 |
| 124254 | COLORADO BUREAU OF INVESTIGATION | CONCEALED HAND GUN PERMIT | SHERIFF | 419.50 |
| 124255 | COLORADO COUNTY ATTORNEY ASSN (CCAA) | DUES & MEETINGS | COUNTY ATTORNEY | 600.00 |
| 124256 | COLORADO DEPT OF PUBLIC HEALTH | LICENSURE FEES | HEALTH | 3,741.00 |
| 124257 | COLORADO STATE UNIVERSITY | UTILITIES | EXTENSION | 614.49 |
| 124258 | COLORADO STONE, SAND & GRAVEL ASSN | GRAVEL/SHALE SALES | R&B | 915.00 |
| 124259 | COMPANION LIFE INSURANCE COMPANY | LIFE INSURANCE & AD&D PREMIUMS | MED TRUST | 2,635.20 |
| 124260 | CROWLEY COUNTY COMMISSIONERS | AAA GENERAL FUND | AAA | 521.13 |
| 124261 | DAVID N TRUJILLO, DDS PC | MEDICAL SERVICES | JAIL | 288.00 |
| 124262 | DEEP ROCK | MISCELLANEOUS | TREASURER | 28.92 |
| 124263 | DENVER INDUSTRIAL SALES & SERVICE CO | ROAD OIL | R&B | 484.40 |
| 124264 | DOMINION VOTING SYSTEMS, INC. | COMPUTER EQUIPMENT | ELECTIONS | 213.21 |
| 124265 | EXPRESS TOLL | TRAVEL | SHERIFF | 13.45 |
| 124266 | FBI-LEEDA INC | DUES & MEETINGS | SHERIFF | 50.00 |
| 124267 | GALLS, LLC | UNIFORMS | SHERIFF/JAIL | 488.36 |
| 124268 | GOBIN'S INC | MAINTENANCE CONTRACTS | VARIOUS | 669.66 |
| 124269 | GRAINGER, INC | BUILDING MAINT/REPAIRS | G&B | 488.43 |
| 124270 | GREAT AMERICA LEASING CORP. | MAINTENANCE CONTRACTS | ASSESSOR | 234.72 |
| 124271 | HAT & SPUR HARDWARE, LLC | HOUSING | CSBG | 659.98 |
| 124272 | HUERFANO WORLD JOURNAL | STEPP GRANT | HEALTH | 1,584.00 |
| 124273 | J&A TRAFFIC PRODUCTS | PARTS/SERVICE | R&B | 540.00 |
| 124274 | JERRY HENDERSON | TRAVEL | ADULT SERVICES | 79.56 |
| 124275 | JOHN DEERE FINANCIAL | REPAIR/MAINT-MOTOR VEHICLES | SHERIFF | 158.95 |
| 124276 | JOHNETTE SUE FULLER | TRAVEL | ADULT SERVICES | 184.84 |
| 124277 | KVAY-FM | STEPP GRANT | HEALTH | 200.00 |
| 124278 | LA JUNTA TRADING COMPANY, INC | BUILDING MAINT/REPAIRS | VARIOUS | 583.46 |
| 124279 | LA JUNTA VALLEY OIL CO | FLUIDS | LANDFILL | 13.91 |
| 124280 | LAWSON PRODUCTS, INC | PARTS/SERVICE | G&B/R&B | 789.58 |
| 124281 | LEONARD TAFOYA | TRAVEL | ADULT SERVICES | 518.92 |
| 124282 | LPZ CONSTRUCTION GROUP, LLC | SPECIAL PROJECTS | HEALTH | 1,900.00 |
| 124283 | MARDONA L MORELAND | TRAVEL | ADULT SERVICES | 639.80 |
| 124284 | MARTIN PIPE & STEEL, INC | PARTS/SERVICE | R&B | 74.65 |
| 124285 | MCCANDLESS INTERNATIONAL | PARTS/SERVICE | R&B | 714.24 |
| 124286 | MCKESSON MEDICAL-SURGICAL GOV SOLUTIONS | MEDICAL SUPPLIES | R&B | 97.58 |

| Check # | Vendor | Description | Department | Amount |
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| 124287 | MHC KENWORTH-PUEBLO | PARTS/SERVICE | R&B | 190.14 |
| 124288 | MID-AMERICAN RESEARCH CHEMICAL | BUILDING MAINT/REPAIRS | G&B | 8,475.59 |
| 124289 | MIGUEL A ESTRADA-HURTADO | BLDG UTIL/MAINT - RF | HEALTH | 50.00 |
| 124290 | MOBILE RECORD SHREDDERS | DOCUMENT SHREDDING | SHERIFF/JAIL/TREASURER | 24.00 |
| 124291 | NAT'L LAW ENFORCEMENT FIREARMS INSTRUCTORS ASSN | TRAINING | SHERIFF | 600.00 |
| 124292 | OFFICE DEPOT, INC | OFFICE SUPPLIES | SHERIFF/JAIL/HEALTH | 216.03 |
| 124293 | ORDWAY NEW ERA | STEPP GRANT | HEALTH | 1,726.76 |
| 124294 | O'REILLY AUTO PARTS | PARTS/SERVICE | SHERIFF/R&B | 1,977.96 |
| 124295 | OTERO COUNTY COMMISSIONERS | RENT/OPERATING | HEALTH/ADULT SERVICES | 6,987.81 |
| 124296 | OTERO COUNTY ROAD & BRIDGE | REPAIR/MAINT-MOTOR VEHICLES | SHERIFF/TRANSPORT | 460.36 |
| 124297 | OTERO PARTNERS, INC | DA BUILDING EXPENSES | INTERGOVERNMENTAL | 1,052.52 |
| 124298 | OTERO TRUE VALUE | PARTS/SERVICE | R&B/HEALTH | 270.44 |
| 124299 | PEAK ELEVATOR PERFORMANCE GROUP | MAINTENANCE CONTRACTS | G&B | 120.00 |
| 124300 | PIPEYARD | CULVERTS | R&B | 781.20 |
| 124301 | PITCH AND CHIPS | DUES & MEETINGS | HEALTH | 319.00 |
| 124302 | PLAINSMAN HERALD | STEPP GRANT | HEALTH | 690.00 |
| 124303 | PROFORCE LAW ENFORCEMENT | FIREARMS | SHERIFF | 2,624.16 |
| 124304 | PROWERS AREA TRANSIT | PROWERS AREA TRANSIT | AAA | 1,710.82 |
| 124305 | RANGE LEDGER, THE | STEPP GRANT | HEALTH | 698.40 |
| 124306 | RESERVE ACCOUNT | POSTAGE | VARIOUS | 1,122.00 |
| 124307 | ROBINSON PRINTING, INC | STEPP GRANT | HEALTH | 1,200.00 |
| 124308 | ROCKY FORD AUTO PARTS | PARTS/SERVICE | R&B | 166.06 |
| 124309 | ROCKY FORD DAILY GAZETTE | ADVERTISING/SUBSCRIPTION | LAND USE/SHERIFF/HEALTH | 2,171.95 |
| 124310 | RUSLER IMPLEMENT CO | PARTS/SERVICE | R&B | 1,957.12 |
| 124311 | SAFARILAND, LLC | UNIFORMS | SHERIFF | 16.50 |
| 124312 | SAGE SERVICES, INC. | CONGREGATE/HOME DEL MEALS/NSIP | AAA | 65,591.08 |
| 124313 | SECED | SECED | INTERGOVERNMENTAL | 16,270.09 |
| 124314 | SECOM | TELEPHONE/SECOM CIRCUIT | VARIOUS | 5,322.35 |
| 124315 | NOT A CHECK | | | - |
| 124316 | SECOM (911) | SECOM CIRCUIT | E911 | 513.00 |
| 124317 | SNO-WHITE LINEN & UNIFORM RENTAL | PARTS/SERVICE | R&B | 166.80 |
| 124318 | THE SCHREIBER RESEARCH GROUP (TSRG) | SUPPORTIVE SERVICES | HEALTH | 1,260.00 |
| 124319 | THOMSON REUTERS - WEST | SOFTWARE/HARDWARE RENTAL | SHERIFF | 314.99 |
| 124320 | TOTAL OFFICE SOLUTIONS | OFFICE SUPPLIES | CLERK/TREASURER/ADMIN | 431.21 |
| 124321 | TOWN OF FOWLER | TOWN OF FOWLER | R&B | 102.48 |
| 124322 | TOWN OF SWINK | UTILITIES | R&B | 108.30 |
| 124323 | TRIAD COMPUTER SERVICES, INC | OPERATING SUPPLIES | HEALTH | 299.95 |
| 124324 | TRIPLE T AUTO PARTS | PARTS/SERVICE | G&B/R&B | 382.53 |
| 124325 | VALLEY AUTO PARTS, INC | PARTS/SERVICE | R&B | 55.05 |
| 124326 | VALLEY PLUMBING & HEATING, INC | BUILDING MAINT/REPAIRS | G&B/HEALTH/CSBG | 2,265.64 |
| 124327 | VIAERO WIRELESS | TELEPHONE | EXTENSION | 219.56 |
| 124328 | VISA | DUES & MEETINGS/OPERATING/TRAVEL | VARIOUS | 7,164.81 |
| 124329 | NOT A CHECK | | | - |
| 124330 | NOT A CHECK | | | - |
| 124331 | VISA | DUES & MEETINGS/OPERATING/TRAVEL | SHERIFF/JAIL | 2,864.84 |
| 124332 | WAGNER EQUIPMENT CO | PARTS/SERVICE | R&B | 2,284.35 |
| 124333 | WALMART / CAPITAL ONE | OPERATING SUPPLIES | HEALTH | 120.57 |
| 124334 | WALMART / CAPITAL ONE | OPERATING SUPPLIES | G&B | 127.30 |
| 124335 | WALTER TUCKER | PARTS/SERVICE | R&B | 40.00 |
| 124336 | WASHINGTON COUNTY SHERIFFS OFFICE | BOARDING PRISONERS | JAIL | 1,705.00 |
| 124337 | X-TREME H2O | REPAIR/MAINT-MOTOR VEHICLES | SHERIFF | 16.86 |
| 124338 | ZERO9 SOLUTIONS | UNIFORMS | SHERIFF/STATE GRANTS | 2,036.55 |
| 1416 | 16TH JUDICIAL DISTRICT | 16TH JUDICIAL DISTRICT | INTERGOVERNMENTAL | 40,067.20 |
| 1417 | ARKANSAS VALLEY ACCUMED | JAIL BASED SERVICES (JBBS) | STATE GRANTS | 146.20 |
| 1418 | ARKANSAS VALLEY HOSPICE, INC | CAREGIVER SUPPORT | AAA | 2,097.33 |
| 1419 | BACA HOME CARE AGENCY, INC | AAA GENERAL FUND | AAA | 642.00 |
| 1420 | BENT COUNTY SHERIFF | BOARDING PRISONERS | JAIL | 56,169.82 |
| 1421 | CENTURYLINK | OPERATIONS-LOCAL CASH | AAA | 2.69 |
| 1422 | CENTURYLINK | TELEPHONE | E911/JAIL | 356.53 |
| 1423 | DANELLE BERG | TRAVEL | BUSINESS DEVELOPMENT | 65.35 |
| 1424 | DEAN W CHASE | TRAVEL | ADULT SERVICES | 353.40 |
| 1425 | DEE ANN LYONS | MEDICAL SERVICES | JAIL/STATE GRANTS | 3,975.90 |

| Check # | Vendor | Description | Department | Amount |
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| 1426 | DIGITCOM ELECTRONICS, INC | MAINTENANCE CONTRACTS | E911 | 5,280.00 |
| 1427 | FLOYD R WARD JR | TRAVEL | ADULT SERVICES | 202.04 |
| 1428 | INTERSTATE BILLING SERVICE | PARTS/SERVICE | R&B | 15.12 |
| 1429 | JM TUCKER EXCAVATING | BUILDING MAINT/REPAIRS | LAND USE | 40.00 |
| 1430 | LAMAR AREA HOSPICE | CAREGIVER SUPPORT | AAA | 2,339.16 |
| 1431 | LEXIPOL, LLC | SOFTWARE/HARDWARE RENTAL | SHERIFF | 576.00 |
| 1432 | LOCK MONKEY INC | PARTS/SERVICE | R&B/CAP IMP | 4,367.77 |
| 1433 | MEDINA'S TIRE SERVICE, LLC | PARTS/SERVICE | | 600.00 |
| 1434 | MOLLIE BROWN | GRANT WRITING/PROJECT MANAGEMENT | SPECIAL PROJECTS | 475.00 |
| 1435 | MUSTAPHA BEQQI | TRAVEL | ADULT SERVICES | 914.88 |
| 1436 | PEACOCK-LARSEN FUNERAL HOME, INC | AUTOPSY | CORONER | 1,185.00 |
| 1437 | QUILL CORPORATION | OPERATING SUPPLIES | ADMIN/ADULT SVCS/R&B | 698.35 |
| 1438 | ROBERT BLAIR | CSBG COVID FOOD | CSBG | 62.55 |
| 1439 | ROCKY FORD FOOD MARKET LLC | FOOD | JAIL | 1,098.84 |
| 1440 | SHELLY R BAUER | TRAVEL | ADULT SERVICES | 165.68 |
| 1441 | SHULTZ LAW OFFICE LLC | CONTRACT SERVICES | VARIOUS | 2,570.00 |
| 1442 | SOUTHEAST COLORADO POWER ASSN | UTILITIES | JAIL | 29.50 |
| 1443 | THE HOME DEPOT PRO | BUILDING MAINT/REPAIRS | VARIOUS | 4,244.13 |
| 1444 | TRISPOKE TECHNOLOGIES, LLC | CIVIL PROCESS FEES | SHERIFF | 65.34 |
| 1445 | VALLEY TRASH LLC | OPR / SHOP SUPPLIES | R&B | 20.00 |
| 1446 | WAXIE SANITARY SUPPLY | OPERATING SUPPLIES | G&B/EXTENSION | 1,578.85 |
| 1447 | WEAR PARTS & EQUIPMENT CO, INC. | PARTS/SERVICE | R&B | 573.58 |
| 1448 | WEX BANK | GAS | R&B | 668.96 |
| 1449 | WEX BANK | OCHD VEHICLE | HEALTH | 42.44 |
| 1450 | WEX BANK | GAS & OIL | VARIOUS | 185.51 |
| 1451 | WEX BANK | GAS & OIL | SHERIFF/TRANSPORT | 5,482.29 |
| 1452 | WEX BANK | FUEL | LAND USE | 190.00 |
| 1453 | ZELMA NOVAK | TRAVEL | ADULT SERVICES | 12.48 |
| | | | | 336,314.66 |

Fund Summary

| | |
|---------------------------------|------------|
| 010 - GENERAL FUND | 175,090.31 |
| 011 - SMALL BUSINESS DEVELP RLF | 426.27 |
| 012 - CAPITAL IMPROVEMENT FUND | 2,411.41 |
| 020 - ROAD & BRIDGE FUND | 25,839.27 |
| 025 - MEDICAL TRUST FUND | 2,635.20 |
| 040 - AAA FUND | 76,967.77 |
| 070 - GENERAL HUMAN SERVICES | 15,447.67 |
| 080 - HEALTH FUND | 28,399.63 |
| 085 - CONSERVATION TRUST FUND | 1,965.84 |
| 090 - CLERK HIRE FUND | 909.23 |
| 095 - E-911 | 6,222.06 |
| 336,314.66 | |



Rob Oquist - Commissioner Dist. 1
John Hostetler - Commissioner Dist. 2
Jim Baldwin - Commissioner Dist. 3
Nathan Shultz - County Attorney
Amy White-Tanabe - County Administrator

Office of the Commissioners

February 22, 2022

RREO Grant Program
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

Re: Letter of support for Clean Valley Recycling in Southeast Colorado

Dear Grant Manager,

Otero County is pleased to offer this letter of support for Clean Valley Recycling (CVR) and its application to the Recycling Resources Economic Opportunity Fund Grant Program. Our partnership with CVR is important to the communities of Otero County and its rural residents. CVR provides needed services at collection sites in La Junta, Fowler, Swink and Rocky Ford. Additionally,

Last year, Clean Valley diverted over 700 tons from the local landfill and their diversion rate increases annually through curbside collection, drop-off services and business subscriptions. CVR employs five full-time-equivalent workers locally to meet these tasks.

There is still a need to expand recycling and waste diversion within Otero County. CVR is growing its recycling capacity and is seeking assistance with material handling infrastructure. To expand local waste diversion, additional cardboard and plastics collection bins are needed as well as material handling equipment in the form of a forklift and electric pallet jack.

Otero County strives to provide opportunities for residents to recycle and reduce the number of materials entering the landfill. CVR offers comprehensive services, accepting plastics, paper, cardboard, glass, electronic-waste, and other recyclables. The county is committed to partnering with Clean Valley Recycling in Otero County.

We encourage the Colorado Department of Public Health and Environment to consider Clean Valley Recycling as a recipient of the Recycling Resources Economic Opportunity Fund Grant.

Sincerely,


John Hostetler Chairman Pro Tem


Rob Oquist

OPERATING AGREEMENT

THIS OPERATING AGREEMENT is made and entered into this 22 day of February, 2022, by and between the following parties:

1. The Board of County Commissioners of Otero County, Colorado, hereinafter referred to as "Otero County"; and
2. Otero County Landfill, Inc., hereinafter referred to "OCLI"

WITNESSETH:

WHEREAS, Part 2 of Article 1 of Title 29, C.R.S., *et seq.*, as amended, authorizes and encourages intergovernmental agreements and contracts for the purpose of governmental entities to cooperate and contract to provide functions, services, or lawful facilities; and

WHEREAS, Part 1 of Article 20 of Title 30, C.R.S., *et seq.*, as amended, authorizes municipal and county governments to enter into agreements or associations to establish and operate an approved solid waste disposal site and facility under such terms and conditions as may be approved by the governing bodies of the governmental units involved; and

WHEREAS, the City of La Junta, City of Rocky Ford, Town of Cheraw, Town of Swink, Town of Manzanola, Town of Fowler, and County of Otero did enter into an Intergovernmental Agreement to establish and operate approved solid waste disposal sites and facilities; and

WHEREAS, Otero County Landfill, Inc. was formed as a result of actions authorized pursuant to the Intergovernmental Agreement; and

WHEREAS, Article 5, Section Three - Organization and Operation of the Entity of the Intergovernmental Agreement provides, "The Entity (subsequently named OCLI) may contract with any public or private organization for services and/or employees"; and

WHEREAS, the parties wish to set forth each party's responsibilities in the operation of the solid waste disposal sites known as Otero County Landfill No. 1, Otero County Landfill No. 2 and the Manzanola Landfill.

NOW, THEREFORE, for and in consideration of the mutual covenants, stipulations, conditions, and agreements herein contained, the parties hereto agree and stipulate as follows:

1. Purpose: OCLI agrees to operate the solid waste disposal sites known as Otero County Landfill No. 1, Otero County Landfill No. 2 and the Manzanola Landfill.
2. Term of the Agreement: The term of this agreement shall begin on January 1, 2022, and shall continue until December 31, 2022. The term of this agreement shall be automatically

extended for an additional calendar year upon the same terms provided neither party gives a notice of termination to the other by October 1st of each year.

3. Costs of Operation. The members of OCLI, as set forth in the Intergovernmental Agreement mentioned above, shall contribute on a per capita basis for its operational and administrative expenses. By November 1st of each year, the OCLI Manager will submit a proposed budget to the OCLI Board and once approved, the OCLI Board will determine a dollar amount each member to the Intergovernmental Agreement mentioned above shall pay per capita to meet the operational and administrative expenses for the succeeding year. Each municipality's population shall be based on the most current Colorado Population Estimates provided by the Colorado Department of Labor, State Demography Office. Otero County's population shall be the total population of Otero County based on the most current Colorado Population Estimates provided by the Colorado Department of Labor, State Demography Office.

For avoidance of doubt and as an example to clarify the payment requirement, the Colorado Department of Labor, State Demography Office, has determined Otero County's total population as of July, 2014, to be 18,380. The Town of Cheraw's population as of July, 2014, according to the Colorado Department of Labor, State Demography Office, is 245. Thus, if the OCLI Board had determined the dollar amount necessary to meet the operational and administrative expenses for the succeeding year of 2015 to be \$15.00 per capita, Otero County would pay \$15.00 X 18,380, or \$275,700.00, and the Town of Cheraw would pay \$15.00 X 245, or \$3,675.00. In this example, each other OCLI member would pay its proportionate share as determined by this same method.

OCLI shall bill each member named in the Intergovernmental Agreement mentioned above on a quarterly basis to meet the operational and administrative expenses and each member shall have 90 days to make payment. The OCLI Board may suspend access to the landfill sites for non-payment as set forth in the Bylaws for OCLI.

4. General Supervision: The OCLI Manager, who is an Otero County employee, will oversee the operation of the landfill sites which are the subject of this agreement. These duties and responsibilities include, but are not limited to, landfill employees' evaluations; budget; arranging for water sample collection and testing; serving as OCLI's liaison with the State Health Department; consulting with engineers; and all other duties as assigned by the OCLI Board.

5. Hours of Operation: The OCLI Board will set the hours of operation for the landfill sites.

6. Staffing: The OCLI Manager shall be in charge of supervision and staffing assignments at all OCLI operational sites with the approval of the OCLI Board. The OCLI Manager will coordinate with the Public Works Director of Otero County for additional manpower as needed. That in the event additional manpower is needed at the landfill sites, the wages, benefits and all expenses associated with the Otero County employee(s) assisting at the landfill sites shall be reimbursed by OCLI as set forth in Section 8 below.

7. Equipment: OCLI shall purchase its own equipment; however, Otero County will provide the insurance coverage for said equipment and OCLI will reimburse Otero County for the cost of said coverage as set forth in paragraph 9 below.

8. Salaries: That commencing January 1, 2022, Otero County shall pay for the wages, benefits and all expenses associated with the employees working at Otero County Landfill No. 1, Otero County Landfill No. 2 and Manzanola Landfill. OCLI shall reimburse Otero County for said wages, benefits and all expenses associated with the employees working at Otero County Landfill No. 1, Otero County Landfill No. 2 and Manzanola Landfill. Otero County shall provide an invoice to OCLI on a monthly basis for said wages, benefits and all expenses associated with the employees working at Otero County Landfill No. 1, Otero County Landfill No. 2 and Manzanola Landfill, and OCLI shall pay said invoice within 30 days of receipt of said invoice.

9. Insurance: The County will provide insurance coverage for the landfill sites and all equipment due to the contracted nature of the operation. This shall include, but not be limited to, liability and property and casualty, subject to the underwriting and eligibility policies of the pool or carrier. Any exclusions of coverage, e.g., pollution hazard, would be the responsibility of OCLI.

Otero County shall provide an invoice to OCLI on an annual basis for insurance coverage for the landfill sites and all equipment used at said sites, and OCLI shall pay said invoice within 30 days of receipt of said invoice.

10. Financial Reports: The OCLI Manager shall provide the OCLI Board with monthly reports, which reports shall include an itemization of all monies expended by OCLI for landfill operations; profit and loss reports; balance sheets; aging summary and reconciliation reports, and any additional financial reports requested by the OCLI Board. Such report shall be provided to the Board within 60 days of the end of each month.

11. Effective Date: The above-named parties agree that the effective date of this Operating Agreement shall be January 1, 2022.

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

BOARD OF COUNTY COMMISSIONERS
OF OTERO COUNTY, COLORADO

By: _____
Jim Baldwin, Chairman

OTERO COUNTY LANDFILL, INC.

By:  _____
Chairman

ocw@oterogov.org

Mon 28 Feb 2022

9am - 10am Public Works / JH, RO, JB, LN, DG

10am - 11am Economic Development

11am - 12pm Department of Human Services / JH, RO, JB, DR

12pm - 1pm Administration / JH, RO, JB

1:30pm - 2:30pm Department of Human Services

1:30pm - 2:30pm Land Use

1:30pm - 3pm Otero County Board of Commissioners Public Hearing / JH, RO, JB

3pm - 4pm SECOR

Tue 1 Mar 2022

10am - 12pm Otero Construction Conference

2pm - 5pm Work Session / JH, RO, JB

Wed 2 Mar 2022

9am - 10am DFPC

Fri 4 Mar 2022

12pm - 1:30pm CCI Legislative Briefing

Mon 7 Mar 2022

9am - 10am County Attorney / JB, JH, RO, NS, SS

10am - 11am Administration / JH, RO, JB

11am - 12pm Emergency Management / JH, RO, JB, DC

2pm - 3pm Work Session

ocw@otero.gov

Tue 8 Mar 2022

2pm - 5pm Work Session / JH, RO, JB

2:30pm - 3:30pm Prowers County 1041

Wed 9 Mar 2022

10:30am - 12pm RESADA / JH, DR

12:30pm - 4pm Ark River Basin Roundtable / AW

4pm - 5pm Historic Preservation

Thu 10 Mar 2022

9am - 3pm CCI Steering Committee

Fri 11 Mar 2022

9am - 3pm CCI Steering Committee

Mon 14 Mar 2022

9am - 10am Public Works / JH, RO, JB, LN, DG

10am - 11am Economic Development

11am - 12pm Department of Human Services / JH, RO, JB, DR

12pm - 1pm Administration / JH, RO, JB, AT

1:30pm - 2:30pm Department of Human Services

1:30pm - 3pm Otero County Board of Commissioners Public Hearing / JH, RO, JB