



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

Otero County Board of Commissioners

AGENDA

April 22, 2024

1. Pledge of Allegiance
2. Call to Order
3. Public Comment (limit of 3 minutes)
4. Presentations
 - a. Rebecca Goodwin, National Register Nomination
5. 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 & Payroll
6. Old Business
7. New Business
 - a. National Resister Nomination, Valley View-Hillcrest Cemetery, Rocky Ford
 - b. Approve Gonzales Electric Contract
 - c. Ratify Phillips Communications Contract
 - d. 2024-08 Resolution Affirming Commitment to Protect Agricultural Water Rights in the Arkansas River Basin
 - e. 2024-09 Resolution Approving La Junta Solar I's Application for a Solar Farm
8. Departmental Reports
 - a. Sales Tax Presentation
9. Commissioners Report
10. Discussion
11. Announcements

April 8th, 2024

The Board of County Commissioners now meets pursuant to adjournment.

Present:	Rob Oquist	Chairman
	Tim Knabenshue	Commissioner
	Jim Baldwin	Commissioner
	Amy White-Tanabe	Administrator
	Lynda Scott	Clerk

Guests in attendance in person: Monica Banuelos, Danny Chavez, Bette McFarren, Gary Reed, Adrian Hart, Donna Rohde, and Jeff Curry.

Guests on Zoom: Cathy Garcia with U.S. Rep Lauren Boebert's office.

Chr. Oquist asked everyone to stand for the Pledge of Allegiance.

Chr. Oquist called the regular meeting to order.

Danny Chavez, OCLI Chair, spoke about the Return to Nature Funeral Home building that will be put in the landfill. The landfill is very well designed for this kind of disposal. The building has been completely cleaned and sanitized of all residual human remains. Gary Reed asked about the cost. Discussion was held.

Chr. Oquist called for approval of the consent agenda. The agenda includes approval of the minutes from March 25th, 2024, bills, and payroll for March 16th to March 31st, 2024. Co. Knabenshue motioned to approve the consent agenda. Co. Baldwin seconded. Motion carried.

Admin. White-Tanabe presented Resolution 2024-07 regarding the Stance Against the Sale of Agricultural Water for Municipal Use, Upholding Personal Property Rights. Admin. White-Tanabe read the Resolution in its entirety. Co. Baldwin motioned to approve the Resolution. Co. Knabenshue seconded. Motion carried.

Admin. White-Tanabe presented the Memorandum of Understanding (MOU) for the 16th Judicial District Attorney's office. This agreement is to provide an understanding of how funds will be provided to the District Attorney's office from the three counties in its district. The three counties are Otero, Bent, and Crowley. Co. Knabenshue motioned to approve the MOU. Co. Baldwin seconded. Motion carried.

Admin. White-Tanabe presented a bid acceptance for network infrastructure for the Sheriff's Office administrative building. There were two bids, one from Phillips Communications from Cheraw, CO., and one from Pueblo Electronics. The bid recommended is from Phillips Communications for \$29,341.00. Co. Baldwin motioned to approve the bid. Co. Knabenshue seconded. Motion carried.

Jeff Curry from Fowler, CO., came in to talk about child abuse and crimes that are happening in the Fowler area, around Hwy 167. He wanted the County Commissioners to be aware of the problem and wanted to know if there is anything that can be done.

Danny Chavez reported that several agencies helped with numerous fires in the area.

Admin. White-Tanabe reported that she attended many of the same meetings as the Commissioners and meetings for the Detention Center.

Chr. Oquist and Co. Knabenshue attended a few of the same meetings. They met with Senator Hickenlooper concerning water and property rights. Co. Knabenshue attended the town hall meeting with Rep. Ty Winter and Sen. Rod Pelton concerning upcoming legislation that could affect our area, and the Southeast Colorado Government meeting in Lamar.

Chr. Oquist also met with Senator Hickenlooper at the hospital to discuss insurance and billings. They are trying to find funds that can help with the modernization and remodeling of rural hospitals.

With no further business, the Board adjourned the meeting.

Next meeting will be Monday, April 22nd, 2024, at 1:30 pm.

Clerk

Chairman

**OTERO COUNTY PAYMENTS
APRIL 1 THROUGH APRIL 19, 2024**

Check #	Vendor	Description	Department	Amount
128292	BRIGITTE BROWN	TRAVEL	ADULT SERVICES	309.00
128293	CITY OF ROCKY FORD	BLDG UTIL/MAINT - RF	HEALTH	142.04
128294	COLORADO STATE TREASURER	UNEMPLOYMENT	ADMIN	2,131.00
128295	CRYSTAL ARAGON	FSSP CLIENT SUPPORT	ADULT SERVICES	800.00
128296	LEONARD TAFOYA	TRAVEL	ADULT SERVICES	485.00
128297	SECOM	SECOM CIRCUIT/TELEPHONE	VARIOUS	5,526.50
128298	NOT A CHECK			-
128299	SECOM (911)	SECOM CIRCUIT	E911	1,436.40
128300	21ST CENTURY EQUIPMENT LLC	PARTS/SERVICE	R&B	1,703.60
128301	ALL RITE PAVING & REDI MIX, INC	BRIDGE MAINTENANCE	R&B	478.00
128302	ARKANSAS VALLEY LUMBER & SUPPLY	OPERATING SUPPLIES	LAND USE	19.92
128303	ARKANSAS VALLEY SEED, INC	BUILDING MAINT/REPAIRS	G&B	28.00
128304	AUSTIN BRYAN	MISCELLANEOUS	ASSESSOR	30.00
128305	BACA COUNTY PUBLIC HEALTH AGENCY	BACA COUNTY PHA	AAA	216.00
128306	BENT COUNTY AMBULANCE SERVICE	MEDICAL SERVICES	JAIL	75.00
128307	BENT COUNTY COMMISSIONERS	BENT COUNTY GATS	AAA	1,873.50
128308	BENT COUNTY PUBLIC HEALTH	HRSA	HEALTH	200.00
128309	BLACK HILLS ENERGY	UTILITIES	VARIOUS	5,826.55
128310	CAPITAL ONE TRADE CREDIT	PARTS/SERVICE	R&B	735.57
128311	CENTURYLINK - SEATTLE, WA	PURCHASED SERVICES-COMM	E911	5,163.32
128312	CITY OF LA JUNTA	CTC GRANT	HEALTH	500.00
128313	CITY OF LA JUNTA TRANSIT	CITY OF LA JUNTA	AAA	1,117.78
128314	CITY OF ROCKY FORD	DISPATCH	SHERIFF	25,000.00
128315	COLORADO CORONERS ASSN.	DUES & MEETINGS	CORONER	900.00
128316	COLORADO DEPT OF PUBLIC HEALTH	OPERATING/SHOP SUPPLIES	R&B	40.00
128317	COLORADO STATE UNIVERSITY EXTENSION	SALARY/OPERATING/TRAVEL	EXTENSION	7,514.97
128318	COMPANION LIFE INSURANCE COMPANY	LIFE INSURANCE & AD&D PREMIUMS	MEDICAL TRUST	2,649.60
128319	CROWLEY COUNTY COMMISSIONERS	CROWLEY COUNTY	AAA	1,208.38
128320	DAVID N TRUJILLO, DDS PC	MEDICAL SERVICES	JAIL	431.00
128321	DEEP ROCK	MISCELLANEOUS	ADMIN	95.42
128322	DEEP ROCK	MISCELLANEOUS	TREASURER	62.45
128323	EL PASO COUNTY CORONER	AUTOPSY	CORONER	6,050.00
128324	FRONTIER DINER	MISCELLANEOUS	ELECTIONS	123.50
128325	GOBIN'S INC	MAINTENANCE CONTRACTS	VARIOUS	1,045.57
128326	GRAINGER, INC	PARTS/SERVICE	R&B	772.28
128327	GREAT AMERICA LEASING CORP.	MAINTENANCE CONTRACTS	ASSESSOR	145.22
128328	HOLLY HUERTA-HUDAK	TRAVEL	ELECTIONS	95.00
128329	INDUSTRIAL HEALTH SERVICE, INC	PRE-EMPLOYMENT COSTS	ASSESSOR/SHERIFF/JAIL	139.20
128330	INTEGRATED VOTING SOLUTIONS	PRINTING/POSTAGE	ELECTIONS	13,607.82
128331	JACK'S BODY SHOP	REPAIR/MAINT-MOTOR VEHICLES	TRANSPORT	265.00
128332	KIMBALL MIDWEST	PARTS/SERVICE	R&B	196.54
128333	LA JUNTA KIDS RODEO, INC.	KIDS RODEO	ADMIN	250.00
128334	LA JUNTA TRADING COMPANY, INC	BUILDING MAINT/REPAIRS	VARIOUS	895.81
128335	LYLE & SONS PLUMBING & HEATING, INC	HOUSING	CSBG	900.00
128336	MARTIN PIPE & STEEL, INC	PARTS/SERVICE	R&B	187.68
128337	MCKESSON MEDICAL-SURGICAL	MEDICAL SUPPLIES	HEALTH	59.17
128338	MHC KENWORTH-PUEBLO	PARTS/SERVICE	R&B	386.70
128339	MID-AMERICAN RESEARCH CHEMICAL	MAINT/REPAIRS	G&B	333.60
128340	MIGUEL A ESTRADA-HURTADO	BLDG UTIL/MAINT - RF	HEALTH	50.00
128341	MORGAN & SONS GLASS INC	PARTS/SERVICE	R&B	68.63
128342	OFFICE DEPOT, INC	OFFICE SUPPLIES	SHERIFF/HEALTH	412.02
128343	O'REILLY AUTO PARTS	PARTS/SERVICE	SHERIFF/R&B	1,445.40
128344	OTERO COUNTY CLERK	OPERATING SUPPLIES	SHERIFF	13.03
128345	OTERO COUNTY COMMISSIONERS	INTERNAL SERVICES /EMAIL/OPERATING	VARIOUS	54,070.42
128346	NOT A CHECK			-
128347	OTERO COUNTY COMMISSIONERS- PETTY CASH	MISCELLANEOUS	ADMIN	23.75
128348	OTERO COUNTY ROAD & BRIDGE	REPAIR/MAINT-MOTOR VEHICLES	SHERIFF/TRANSPORT	209.38
128349	OTERO COUNTY SHERIFF DEPT -PETTY CASH	POSTAGE, BOX RENT, ETC	SHERIFF	8.73

Check #	Vendor	Description	Department	Amount
128350	OTERO TRUE VALUE	PARTS/SERVICE	R&B	144.53
128351	PEAK ELEVATOR PERFORMANCE GROUP	MAINTENANCE CONTRACTS	G&B	120.00
128352	PERKINS MOTOR - LA JUNTA	PARTS/SERVICE	R&B	331.50
128353	PITNEY BOWES, INC	MAINTENANCE CONTRACTS	VARIOUS	205.08
128354	PROFORCE LAW ENFORCEMENT	TRAINING	SHERIFF	360.00
128355	PROWERS AREA TRANSIT	PROWERS AREA TRANSIT	AAA	1,523.00
128356	RAM PRODUCTS, LTD	PARTS/SERVICE	R&B	548.62
128357	ROCKY FORD DAILY GAZETTE	ADVERTISING/LEGAL NOTICES	ADMIN	329.70
128358	RUSLER IMPLEMENT CO	PARTS/SERVICE	R&B	3,684.16
128359	SAFETY-KLEEN SYSTEMS, INC	PARTS/SERVICE	R&B	144.78
128360	SHANNON CASILLAS	TRAVEL	CLERK	95.00
128361	SHARON JONES	TRAVEL	TREASURER	154.76
128362	SHERATON DENVER WEST	TRAVEL & LODGING	CORONER	954.00
128363	SHRED AMERICA COLORADO	MISCELLANEOUS	TREASURER/SHERIFF	26.40
128364	SNO-WHITE LINEN & UNIFORM RENTAL	PARTS/SERVICE	R&B	199.22
128365	SOURCE MANAGEMENT INC	OFFICE SUPPLIES	CLERK	8.16
128366	SOUTHEAST COLO WEED MGMT	WEED CONTROL	VARIOUS	6,434.50
128367	SOUTHERN TIRE MART LLC	TIRES	R&B	3,160.27
128368	STATE OF COLO DPA ACCOUNTING	POSTAGE, BOX RENT, ETC	CLERK	1,159.89
128369	STEIR FUEL & OIL	FLUIDS	R&B	202.66
128370	TASCOSA OFFICE MACHINES, INC	OPERATING	ADULT SERVICES	264.93
128371	THOMSON REUTERS - WEST	SOFTWARE/HARDWARE RENTAL	SHERIFF	376.30
128372	TOWN OF FOWLER	UTILITIES	R&B	105.48
128373	TOWN OF SWINK	UTILITIES	R&B	116.96
128374	TRIAD COMPUTER SERVICES, INC	OFFICE SUPPLIES	TREASURER	19.95
128375	TYLER TECHNOLOGIES, INC.	MAINTENANCE CONTRACTS	ADMIN	2,625.00
128376	US POST OFFICE	POSTAGE, BOX RENT, ETC	CLERK	640.00
128377	VALLEY AUTO PARTS, INC	PARTS/SERVICE	R&B	100.61
128378	VALLEY PLUMBING & HEATING, INC	BUILDING MAINT/REPAIRS	G&B	675.00
128379	VAL-U-MED HEALTH MART	MEDICAL SERVICES	JAIL	22.73
128380	VIAERO WIRELESS	TELEPHONE	EXTENSION	146.72
128381	VISA	DUES & MEETINGS/TRAVEL/OPERATING	VARIOUS	7,791.87
128382	NOT A CHECK			-
128383	WAGNER EQUIPMENT CO	PARTS/SERVICE	R&B	1,662.49
128384	WALMART / CAPITAL ONE	DUES & MEETINGS/OPERATING	R&B	420.56
128385	WALMART / CAPITAL ONE	DUES & MEETINGS/OPERATING	HEALTH	437.33
128386	WALMART / CAPITAL ONE	BUILDING MAINT/REPAIRS	G&B	75.70
128387	WASHINGTON COUNTY SHERIFFS OFFICE	BOARDING PRISONERS /MEDICAL SERVICES	JAIL	1,114.18
128388	X-TREME H2O	REPAIR/MAINT-MOTOR VEHICLES	SHERIFF	69.09
3141	AMANDA MUELLER	FSSP CLIENT SUPPORT	ADULT SERVICES	1,200.00
3142	ELSIE MAE KLEIN	TRAVEL	ADULT SERVICES	551.00
3143	FLOYD R WARD JR	TRAVEL	ADULT SERVICES	129.00
3144	GAYLE LANGAN	TRAVEL	ADULT SERVICES	75.00
3145	GREGGORY PORTCH	TRAVEL	ADULT SERVICES	296.00
3146	JACKI SHERIFF CLARK	TRAVEL	ADULT SERVICES	320.00
3147	JOHNETTE SUE FULLER	TRAVEL	ADULT SERVICES	492.00
3148	MARDONA L MORELAND	TRAVEL	ADULT SERVICES	192.00
3149	NUNN CONSTRUCTION, INC	DETENTION DEVELOPMENT	JAIL	484,531.84
3150	PITA VALERIO	FSSP CLIENT SUPPORT	ADULT SERVICES	500.00
3151	PRECIOUS GARCIA	FSSP CLIENT SUPPORT	ADULT SERVICES	500.00
3152	SANDRA LEE ESTEP	TRAVEL	ADULT SERVICES	319.00
3153	SHELLY R BAUER	TRAVEL	ADULT SERVICES	13.00
3154	TYLA T HIATT	TRAVEL	ADULT SERVICES	200.00
3155	RESERVE ACCOUNT	POSTAGE	ADMIN	500.00
3156	16TH JUDICIAL DISTRICT	16TH JUDICIAL DISTRICT	INTERGOVERNMENTAL	43,272.61
3157	AMAZON CAPITAL SERVICES, INC	OPERATING	R&B	247.46
3158	ARKANSAS VALLEY ACCUMED	JAIL BASED SERVICES (JBBS)	STATE GRANTS	2,894.10
3159	ARKANSAS VALLEY HOSPICE, INC	CAREGIVER SUPPORT	AAA	3,130.50
3160	BACA COUNTY COMMISSIONERS	BACA COUNTY	AAA	864.00
3161	BACA HOME CARE AGENCY, INC	CAREGIVER SUPPORT	AAA	4,906.00
3162	BENT COUNTY SHERIFF	BOARDING PRISONERS	JAIL	63,000.00
3163	BRENDA DONALDSON	TRAVEL/TRAINING	SEP	22.26

Check #	Vendor	Description	Department	Amount
3164	CENTURYLINK	TELEPHONE	E911/AAA	318.88
3165	DEE ANN LYONS	MEDICAL SERVICES	JAIL/STATE GRANTS	2,952.50
3166	DIGICARE HEARING SOLUTIONS INC	MATERIAL AID	AAA	650.00
3167	DIGITCOM ELECTRONICS, INC	CAPITAL OUTLAY/RADIO REPAIR	E911/SHERIFF/INT SVCS	16,388.07
3168	GALLS, LLC	UNIFORMS/OPERATING	SHERIFF	193.90
3169	GT INDEPENDENCE	FMS CLIENT SERVICES/FEE EXPENSE	VDC	43,977.10
3170	JESSICA MADRID	TRAINING	E911	237.44
3171	KATHRYN L. SCHROEDER	CONTRACT SERVICES	ADMIN	1,800.00
3172	LAMAR AREA HOSPICE	CAREGIVER SUPPORT	AAA	1,155.00
3173	MAES MECHANICAL, LLC	SHOP MAINTENANCE	R&B	1,100.00
3174	NEWMAN TRAFFIC SIGNS	SIGNS	R&B	946.30
3175	NORTH AMERICAN RESCUE LLC	OPERATING SUPPLIES	SHERIFF	349.30
3176	OTERO PARTNERS, INC	DA BUILDING EXPENSES	INTERGOVERNMENTAL	666.73
3177	PEACOCK-LARSEN FUNERAL HOME, INC	AUTOPSY	CORONER	675.00
3178	QUILL CORPORATION	OFFICE SUPPLIES	VARIOUS	1,011.02
3179	RESERVE ACCOUNT	POSTAGE	VARIOUS	4,034.00
3180	ROBERT BLAIR	OPERATING	AAA	49.29
3181	ROCKY FORD FOOD MARKET LLC	OPERATING/SHOP SUPPLIES	R&B	546.00
3182	SAGE SERVICES, INC.	CONGREGATE/HOME DELIVERED MEALS	AAA	40,035.93
3183	SAMANTHA PALMER	TRAVEL/TRAINING	SEP	119.78
3184	SECWAE - ARKANSAS VALLEY CONDUIT	ARP 5.11 WATER INFRASTRUCTURE	AMERICAN RESCUE PLAN	18,445.67
3185	SHULTZ LAW OFFICE LLC	CONTRACT SERVICES	ADMIN	3,510.00
3186	SKYLINE STEEL	BRIDGE MAINTENANCE	R&B	35,880.00
3187	SOUTHEAST COLORADO POWER ASSN	UTILITIES	R&B	845.66
3188	THE HOME DEPOT PRO	BUILDING MAINT/REPAIRS	JAIL/G&B/R&B	2,091.62
3189	UBEO WEST, LLC	OPERATING SUPPLIES	LAND USE	106.48
3190	VALLEY TRASH LLC	BUILDING MAINT/REPAIRS	ADMIN/R&B	105.00
3191	VERITRACE	OPERATING SUPPLIES	HEALTH	316.20
3192	VOIANCE LANGUAGE SERVICES, LLC	PURCHASED SERVICES-COMM	E911	3.45
3193	WEAR PARTS & EQUIPMENT CO, INC.	PARTS/SERVICE	R&B	5,938.84
3194	WEX BANK	FUEL	VARIOUS	6,518.04
				984,027.55

Fund Summary

010 - GENERAL FUND	254,959.43
011 - SMALL BUSINESS DEVL P RLF	24.40
013 - AMERICAN RESCUE PLAN	18,445.67
020 - ROAD & BRIDGE FUND	72,968.74
025 - MEDICAL TRUST FUND	2,649.60
040 - AAA FUND	100,932.23
050 - DETENTION CENTER FUND	484,615.98
065 - INTERNAL SERVICES FUND	12,954.37
070 - GENERAL HUMAN SERVICES	9,268.22
080 - HEALTH FUND	10,903.15
085 - CONSERVATION TRUST FUND	1,380.00
090 - CLERK HIRE FUND	3,557.34
095 - E-911	11,368.42
984,027.55	

**COLORADO CERTIFIED LOCAL GOVERNMENT
NATIONAL REGISTER NOMINATION
REVIEW REPORT FORM**

Property Name: _____

Address: _____

Certified Local Government: _____

Date of public meeting at which nomination was reviewed: _____

Eligibility Criteria: (Check applicable boxes)

- | | |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Criterion A | <input type="checkbox"/> Criterion C |
| <input type="checkbox"/> Criterion B | <input type="checkbox"/> Criterion D |

Please check the boxes below appropriate to the nomination review:

Commission/Board

- The commission/board recommends that the nomination meets the criteria checked above.
- The commission/board recommends that the nomination fails to meet any of the above criteria.
- The commission/board chooses not to make a recommendation on the nomination. Attach an additional sheet explaining the lack of a recommendation.

Chief Elected Official

- The chief elected official recommends that the nomination meets the criteria checked above.
- The chief elected official recommends that the nomination fails to meet any of the above criteria.
- The chief elected official chooses not to make a recommendation on the nomination. Attach an additional sheet explaining the lack of a recommendation.

Attach an additional sheet to make any further comments.

Certify this report with both signatures below

CLG Commission/Board Chair or Representative

Print name: _____

Signature: _____

(Date)

Chief Elected Official or Designee

Print name: _____

Signature: _____

(Date)

STATE OF COLORADO)
) ss.
County of Otero)

At a Regular Meeting of the Board of County Commissioners for Otero County, Colorado, held at the Courthouse in La Junta, Colorado, on the 22nd day of April, A.D., 2024, there were present:

- Rob Oquist, Chairman
- Tim Knabenshue, Commissioner
- Jim Baldwin, Commissioner
- Lyn Scott, Clerk to the Board
- Amy White-Tanabe, County Administrator

when the following proceedings were had and done, to-wit:

Resolution #2024-08

**RESOLUTION AFFIRMING COMMITMENT TO PROTECT AGRICULTURAL WATER RIGHTS
IN THE ARKANSAS RIVER BASIN**

WHEREAS, the Southeastern Colorado Water Conservancy District ("SECWCD") and the City of Aurora acting by and through its Utility Enterprise ("Aurora") entered into an Intergovernmental Agreement in October 2003 ("2003 IGA"); and

WHEREAS, the SECWCD and Aurora negotiated the terms of the 2003 IGA with the understanding that its terms are intended to protect future agricultural water ownership and use in the Arkansas River Basin; and

WHEREAS, the 2003 IGA has helped foster the relationships between water rights owners in the Arkansas River Basin and provided the foundation for subsequent agreements involving Aurora and other entities in the Arkansas River Basin, including the November 2003 Intergovernmental Agreement between Aurora and the Upper Arkansas Water Conservancy District; the May 2004 Intergovernmental Agreement between Aurora, the District, the Cities of Colorado Springs, Pueblo, and Fountain, and the Board of Water Works of Pueblo; and the 2011 Intergovernmental Agreement between Aurora and the Lower Arkansas Valley Water Conservancy District; and

WHEREAS, the SECWCD Board of Directors adopted Resolution No. 2024 - 03D on April 9, 2024, urging Aurora to refrain from violations of the 2003 IGA in the interests of regional cooperation and relationships between water rights owners and entities in the Basin.

NOW THEREFORE, BE IT RESOLVED, by the Otero County Board of Commissioners that:

1. The Otero County Board of County Commissioners affirms its understanding that a central purpose of the 2003 IGA is to prevent Aurora from purchasing any additional agricultural water rights and permanently transferring those water rights out of the Arkansas River Basin for municipal use.
2. The Otero County Board of County Commissioners believes that Aurora's purchase at this time of additional Arkansas River Basin water rights for transfer out of the basin would violate the 2003 IGA, and Otero County Board of County Commissioners urges Aurora to refrain from or cease all such violations.
3. The Otero County Board of County Commissioners believes that the 2003 IGA is a foundational and beneficial document for the Arkansas River Basin, and that for the benefit of maintaining regional cooperation and relationships between water rights owners and entities in the Basin, both the SECWCD and Aurora must remain in compliance with the terms, conditions, and goals of the 2003 IGA.
4. The Otero County Board of County Commissioners supports SECWCD in its efforts to assure Aurora's compliance with 2003 IGA.

Adopted this 22nd day of April, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
OTERO COUNTY, STATE OF COLORADO:

Clerk & Recorder

Rob Oquist, Chairman

Tim Knabenshue

Jim Baldwin

WHEREAS, the Otero County Permit Authority held a public hearing on February 5, 2024 in a public session to discuss and review La Junta Solar I’s Application for a solar farm; and

WHEREAS, the public hearing was held in accordance with Section 2.302 of the Regulations; and

WHEREAS, at the conclusion of the hearing, the Permit Authority took the matter under advisement and consideration, as provided in Section 2.303 of the Guidelines, and announced it would reconvene no later than 120 calendar days, to either issue a final decision or otherwise take other such actions as are allowed under the 1041 Regulations; and

WHEREAS, the Land Use Administrator determined the Application meets all the qualifications and requirements as required by the Otero County 1041 Regulations and submitted a recommendation to the Board of County Commissioners; and

WHEREAS, the Permit Authority is acting in accordance with Section 2.303(5) of the Regulations to issue a decision on the Permit Application; and

WHEREAS, the Board of Commissioners of the County of Otero believe the Project will be economically advantageous to the County of Otero.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Otero, Colorado, sitting as the Permit Authority, makes the following findings and decision:

1. APPROVAL

The Board of County Commissioners has approved La Junta Solar I’s Application. This resolution constitutes the Permit (Permit).

2. CRITERIA

The following criteria are those considered by the Board of County Commissioners in approving this Permit:

- a. Chapter 6 of the Regulations governs “development” within the designated area of interest to include the following activities, if proposed to be taken with respect to any single parcel or tract of land, for the selection and construction of major facilities of a utility.
- b. The Application is for a Solar Farm, which is a “power plant” within the scope of Section 6.103(8) of the Regulations.

- c. This Application requests the right to construct a solar farm in an area containing or having a significant impact on natural resources of statewide importance, pursuant to Chapter 6 of the Regulations.
- d. The Project, as proposed in the Application, falls within the scope of the Regulations, and in particular, Chapter 6.
- e. Section 6.302 of the Regulations establishes the criteria for review of a permit application under Chapter 6, and requires the Permit Authority to take into account multiple criteria, which include that the proposed development provide for adequate revegetation, that the development will not degrade existing natural scenic characteristics, create other nuisance factors, that the development will not impact water and air quality, and, importantly, and as relevant here: “the proposed facility will not create an expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services.”
- f. Chapter 2 of the Regulation, entitled “permit regulations,” governs the manner in which applications for permits under the Regulations are reviewed and processed by Otero County.
- g. La Junta Solar I has not challenged the applicability of the Regulations to its proposed project or that the project is a “power plant” within the scope of Section 6.103(8) of the Regulations.

3. FINDINGS OF FACT

The following findings are made in accordance with the Otero County 1041 Regulations. Based on the information provided in the Application and the testimony and evidence provided at the public hearings in front of the Board of County Commissioners, acting as the Permit Authority, makes the following findings of fact:

- a. La Junta Solar I is a subsidiary of Korsail, LLC, a Colorado limited liability company.
- b. La Junta Solar I, a subsidiary of Korsail, LLC, is the lessee of the real property subject to the Application, more particularly described in Exhibit 1, attached hereto (the “Subject Property”).
- c. The 560 acres located in Otero County, Colorado, which are the subject of the Application, had not been historically irrigated. There was NOT irrigation, and therefore the cessation of irrigation is NOT subject to the provisions of the Regulations.
- d. La Junta Solar I intends to revegetate subject property. La Junta Solar I has

submitted a plan for revegetation as concerns the Subject Property consistent to the nature of the Subject Property prior to any construction activity.

- e. La Junta Solar I shall secure a revegetation bond in the amount of one million eight thousand dollars (\$1,008,000.00) (equivalent to \$1,800.00 per acre for 560 acres).
- f. Subject to compliance with the terms and conditions of securing the revegetation bond, a satisfactory program to mitigate and minimize adverse impacts has been represented in accordance with Section 6.304(1)(d).
- g. Subject to compliance with the mitigation terms and conditions set forth above, the benefits of the proposed facility outweigh the losses of any natural resources or agricultural lands rendered unavailable or less productive, and the proposed facility will not create an undue financial burden on existing or future residents of Otero County. Without these terms and conditions, the Application would be denied on the basis that Applicant has not met its burdens proving the facility complies with the criteria set forth in the Otero County 1041 Regulations in accordance with Section 6.304(1)(d).
- h. Subject to compliance with the terms and conditions set forth below, the nature and location of the facility complies with all applicable provisions of the Land Use Code of Otero County, and other applicable regional, metropolitan, state and national plans in accordance with Section 6.304(1)(e).
- i. Subject to compliance with the terms and conditions set forth below, the nature and location of the facility complements the existing and reasonably foreseeable needs of the service area and of the area immediately affected by the facility in accordance with Section 6.304(1)(f).
- j. Subject to compliance with the terms and conditions set forth below, the nature and location of the facility does not unduly or unreasonably impact existing community services in accordance with Section 6.304(1)(g).
- k. Subject to compliance with the terms and conditions set forth below, the nature and location of the facility will not create an expansion of the demand for government services beyond the reasonable capacity of the community or region to provide such services in accordance with Section 6.304(1)(h).
- l. Subject to compliance with the terms and conditions set forth below, the facility site is not in an area with general meteorological and climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance in accordance with Section 6.304(1)(i).
- m. Subject to compliance with the terms and conditions set forth below, the nature and location of the facility will not adversely affect the water rights of any upstream, downstream, or adjacent communities or other water users in accordance with

Section 6.304(1)(j).

- n. Subject to compliance with the terms and conditions set forth below, adequate water supplies are available for facility needs in accordance with Section 6.304(1)(k).
- o. Subject to compliance with the terms and conditions set forth below, the nature and location of the facility or expansion will not unduly interfere with any existing easements for or rights of way, for other utilities, canals, mineral claims, or roads in accordance with Section 6.304(1)(l).
- p. Subject to compliance with the terms and conditions set forth below, the applicant was able to obtain needed easements for drainage, disposal, utilities, access, etc. in accordance with Section 6.304(1)(m).
- q. Subject to compliance with the terms and conditions set forth below, adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the site in accordance with Section 6.304(1)(n).
- r. Subject to compliance with the terms and conditions set forth below, the nature and location of the facility will not interfere with any significant wildlife habitat or adversely affect any endangered wildlife species, unique nature resource or historic landmark with the impact area in accordance with Section 6.304(1)(o).
- s. Subject to compliance with the terms and conditions set forth below, the nature and location of the facility, including expected growth and development related to the operation and provision of service, will not significantly deteriorate air quality in the impact area in accordance with Section 6.304(1)(p).
- t. Subject to compliance with the terms and conditions set forth below, the geological and topographic features of the site are adequate for all construction, clearing, grading, drainage, vegetation, and other needs of the facility construction in accordance with Section 6.304(1)(q).
- u. Subject to compliance with the terms and conditions set forth below, the existing water quality of affected state waters will not be degraded below stated and federal standards or established baseline levels in accordance with Section 6.304(1)(r).
- v. Subject to compliance with the terms and conditions set forth below, the benefits of the proposed facility outweigh the losses of any natural resources or reduction of productivity of agricultural lands as a result of the proposed development in accordance with Section 6.304(1)(s).
- w. Applicant has provided wildlife and habitat impact reports, prepared by expert consultants, stating that the proposed facility will not adversely impact wildlife habitat or otherwise increase direct risks to wildlife, and that the proposed facility may actually improve wildlife habitat by providing more consistent cover than would exist when agricultural activities are occurring on a given parcel. Subject to confirmation

of the foregoing representations of the Applicant and compliance with the terms and conditions set forth below, the proposed facility is not expected to significantly deteriorate aquatic habitats, marshlands or wetlands, groundwater recharge areas, steeply sloping or unstable terrain, forests and woodlands, critical wildlife habitat or other wildlife protection areas, big game migratory routes, calving grounds, migratory ponds, nesting areas and the habitats of rare and endangered species, public outdoor recreation areas, and unique areas of geologic, historic, or archeological importance in accordance with Section 6.304(j).

- x. The Project does not modify the intent, purpose, and spirit of the Otero County Planning and Zoning Manual and further does not result in adverse impacts of a magnitude severe enough to undermine an environment harmonious with that of the surrounding properties; therefore, the Project does not adversely affect the public health, safety, or welfare and subject to compliance with the terms and conditions contained herein, the health, welfare and safety of the citizens of Otero County will be protected and enhanced in accordance with Section 6.304(1)(b).
- y. Subject to compliance with the terms and conditions set forth below, all reasonable alternatives to the proposed action, including use of existing right of way and joint use of rights of way wherever uses are compatible, have been adequately assessed and the proposed action represents the best interests of the people of Otero County and represents the best utilization of resources in the impact area in accordance with Section 6.304(1)(c).
- z. The Project complies with the approval criteria for a permit as set forth in the Otero County 1041 Regulations.
- aa. The Project use, a solar farm, is a use listed as a permitted use in the Zoning Districts where the Project will be located in Otero County.
- bb. The Project will be designed, constructed, and operated by a regulated and authorized company to meet or exceed federal and state electric transmission standards including the National Electric Safety Code.
- cc. The Project will minimally be economically beneficial to the County of Otero, Colorado. Among the minimal economic benefits, and in accordance with the applicable authority, (i) a use tax will be assessed on all Project construction materials purchased or used within Otero County; (ii) Otero County is subject to receive real estate taxes for the transmission right of way within Otero County from the state unit assessment; and (iii) the Project may encourage developers of renewable energy generation projects to interconnect energy resources located in Otero County.
- dd. Upon completion of Project construction, La Junta Solar I shall reclaim all disturbed ground, as best as possible, to as near a condition as existed prior to

construction as required in the Construction Stormwater Discharge Permit for the Project issued by the Colorado Department of Public Health and Environment (CDPHE Permit).

- ee. La Junta Solar I must comply with any/all revegetation and reclamation requirements that may be imposed by a CDPHE Permit, if so required by CDPHE, including proper topsoil handling, trenching, and stockpiling, site stabilization and erosion control, and revegetation soil preparation.
- ff. A CDPHE Permit compliance requirement may require La Junta Solar I to engage in the following: (i) La Junta Solar I conducts a pre-construction photographic inventory to document the preexisting conditions of the parcels to be disturbed by Project construction activities; (ii) La Junta Solar I will hire and use qualified inspectors to monitor compliance with the terms of the CDPHE Permit; (iii) La Junta Solar I will use qualified personnel to install and maintain physical control measures to prevent erosion and potential breaches of the controls during Project construction; and (iv) La Junta Solar I will use qualified personnel to complete restoration activities following completion of Project construction activities on all land disturbed by Project construction.
- gg. La Junta Solar I's due diligence to assess the presence of groundwater relative to the Project includes reviewing available well data and mapping, engaging with landowners to confirm well locations and gathering site-specific data on groundwater, and conducting soil sampling to evaluate sub-surface conditions and groundwater tables at each proposed location.
- hh. The Project will require temporary employment which will positively impact the County during the short-term construction, but will have a negative impact on the County when the temporary employment is no longer needed for the Project.

4. CONDITIONS

The Board of County Commissioner's approval of the Permit for the Project is conditioned upon the following:

- a. **Property Rights**. Prior to commencement of construction on each parcel of the Project in Otero County, La Junta Solar I shall provide proof to the County Land Use Administrator that La Junta Solar I has obtained the property right for each parcel necessary to construct on such parcel as part of the entire portion of the Project located in Otero County.
- b. **Reclamation**. La Junta Solar I shall reclaim all areas disturbed by Project construction outside of permanent Project facilities in accordance with the

standards and terms of the CDPHE Permit for the Project as monitored by the qualified inspector or as specified in individual landowner easement agreements.

- c. **Sediment Controls**. Prior to Project construction, La Junta Solar I shall cause sediment and erosion controls to be installed in accordance with the CDPHE Permit or as specified in individual landowner agreements to deal with displaced soil.
- d. **Fire Mitigation**. During construction of the Project, La Junta Solar I shall, and shall require its contractors to, comply with utility industry standards, including modification of activities under red flag warnings, to mitigate fire hazards arising from construction activities.
- e. **Groundwater**. La Junta Solar I shall undertake to assess the presence of groundwater relative to the Project. La Junta Solar I shall evaluate options to avoid or mitigate any adverse material impacts if there is potential to affect groundwater with Project construction identified during La Junta Solar I's due diligence conducted during the planning and design phase. Upon completion of soils sampling for Project facilities, the boring holes will be properly closed.
- f. **Geotechnical Reports**. Geotechnical reports that are created for a parcel within Otero County for the Project will be provided by La Junta Solar I to the owner of that parcel, upon that landowner's written request to La Junta Solar I.
- g. **Waste Materials**. Waste materials generated by Project construction will be handled, stored, and disposed of in a manner that controls fugitive dust, blowing debris, and other potential nuisance conditions such as attracting rodents.
- h. **Notice of Project Construction**. La Junta Solar I shall provide notice to the owner of the parcel prior to Project construction commencing on that parcel.
- i. **Annual Review**. Within thirty (30) days prior to each annual anniversary date of the issuance of this Permit, La Junta Solar I shall submit a report summarizing Project construction activities conducted by La Junta Solar I and compliance with the Permit conditions occurring over the prior twelve-month period. Annual reviews pursuant to this condition shall conclude when construction of the Project is complete.
- j. **Annual Report**. Within thirty (30) days prior to each annual anniversary of the issuance of this Permit, La Junta Solar I shall submit a report providing the number of megawatt hours generated for the prior twelve-month period.
- k. **Inspections**. The County Land Use Administrator may request to conduct a site inspection of the Project at any reasonable time after providing La Junta Solar I with a minimum of 48 hours advanced notice so that La Junta Solar I can coordinate

such access in order to ensure the activities carried out on the property comply with necessary land rights and safety requirements.

- l. **Financial Impact.** La Junta Solar I has committed to being a collaborative and cooperative economic partner with Otero County. La Junta Solar I has committed to diversifying and supplementing the tax base of Otero County through further economic growth and development. La Junta Solar I has agreed to increase economic activity for the sole benefit of Otero County residents through a one-time lump sum payment of one hundred thousand dollars (\$100,000.00) to help off-set the effect on the County when the short-term construction work ends.

- m. **Project Decommissioning.** At such time as La Junta Solar I determines the Project transmission facilities are no longer required by La Junta Solar I for the transmission of electricity, and are at the end of their useful life and will not be replaced, the Project facilities and poles will be decommissioned and the site restored per the decommissioning plan, and in compliance with the terms of the private easements.
 1. Prior to any construction on the Subject Property, La Junta Solar I will post security through a decommission bond in the amount of three million six hundred sixty-seven thousand nine hundred forty-nine dollars and four cents (\$3,667,949.04) that shall remain in full force and effect for the life of the Project to be drawn upon by Otero County, in the case of Company's failure to satisfy its decommissioning and/or reclamation obligations.
 2. In the event of a default or failure by La Junta Solar I to complete the reclamation or revegetation process as set forth in this Resolution and the Land Owner is required to draw upon the Reclamation bond, and if the forfeiture of the Reclamation Security results in inadequate revenues to cover the costs of revegetation or other adequate reclamation of the subject property, then Otero County may assist Land Owner to pursue collection remedies as authorized by law, including, without limitation as provided for in Section 2.402(12) of the Regulations.

5. GENERAL PROVISIONS

- a. This Permit authorizes La Junta Solar I to construct a solar farm in Otero County, Colorado on the real properties described in the Application, subject to the additional conditions set forth above.

- b. This Permit will be in force indefinitely, so long as the terms and conditions of this Permit are fully complied with, and shall be considered a Site-Specific Development Plan for the solar array use on the real properties described in the Application, pursuant to the Otero County 1041 Regulations and C.R.S. Section

24-68-101 *et seq.*

- c. The development authorized by this Permit shall be at all times in accordance with the plans and/or specifications approved by the Board of County Commissioners as well as the regulations of the County of Otero, Colorado in place as of the date of this Permit.
- d. The development authorized by this Permit shall be in conformity with all applicable federal and state statutes, regulations and rules, as well as all applicable land use controls including, but not limited to, applicable comprehensive or master plans, subdivision regulations, and zoning in place as of the date of this Permit.
- e. If a landowner appeals this Permit to the district court in Otero County in accordance with Rule 106 of the Colorado Rules of Civil Procedure, La Junta Solar I will take all reasonable actions requested by the Board of County Commissioners by and through the County Attorney to assist Otero County in defending this Permit on appeal to minimize the county's reasonable attorney's fees and costs.
- f. In the event that La Junta Solar I fails to take substantial steps to initiate the above development or activity, which activity includes the acquisition of private property rights, within thirty-six (36) months from the date of this Permit, or if such steps are taken, in the event La Junta Solar I fails to complete the development or activity with reasonable diligence, this Permit may be revoked by the Board of County Commissioners, after a public hearing.
- g. The terms and conditions set forth herein shall be binding upon and run with the land, which is the subject of this Permit, and shall be enforceable against the successors and assigns of the County of Otero, Colorado.
- h. 1041 Regulations Incorporated. The 1041 Permit shall be subject to all applicable provisions of the Otero County 1041 Regulations.
- i. Other Otero County Regulations. The Permit approved by this Resolution does not constitute an exemption from Otero County's zoning, building, health or other applicable regulations and codes.
- j. Permit Amendment. Any material change in the construction, use, or operation of the Applicant's facility, together with the Applicant's commitments of record, shall require a Permit amendment under the Regulations. For these purposes, a material change shall be any change in the Development which significantly changes the nature of impacts considered in approval of the 1041 Permit. The Applicant shall notify Otero County of any change in the Development and Otero County shall determine whether an amendment or new permit is required.
- k. Access. Upon the issuance of the Permit, La Junta Solar I shall grant to Otero County easements for entry to inspect the Subject Property after decommissioning and revegetation as set forth in Section 2.503 of the Regulations.

1. Reporting. In lieu of the reporting schedule found in Section 2.404 of the 1041 Regulations, after the decommissioning and revegetation of the subject property, the Applicant shall submit a report detailing all past activities conducted by the Applicant pursuant to the Permit, and shall file a report in the month of September of each year thereafter until the Applicant obtains the Permit Authority's approval to terminate any further annual review requirements.

6. OTHER PROVISIONS

- a. Revocation/Suspension. In the event of noncompliance with the terms and conditions of the 1041 Permit, the County may pursue revocation or suspension of the Permit, penalties or such other remedies as provided for in the 1041 Regulations and other applicable law.
- b. No Precedent. The terms and conditions of the 1041 Permit are unique to the circumstances of the present Application and are not binding precedent for future applications submitted to the County pursuant to the 1041 Regulations.
- c. Term of Permit. The 1041 Permit shall be valid indefinitely, provided that Applicant is in compliance with the 1041 Permit. The 1041 Permit may be revoked or suspended for failure to comply with its terms in accordance with the Otero County 1041 Regulations.
- d. Binding Effect; Transfer of Permit. The 1041 Permit is issued to and is binding upon Applicant La Junta Solar I Energy. The terms and conditions set forth herein shall be binding upon and shall be enforceable against the successors and assigns of the Applicant, La Junta Solar I Energy. The obligations set forth in the 1041 Permit concerning revegetation and reclamation shall be covenants and servitudes upon the Subject Property until the Subject Property has been fully reclaimed or revegetated as more fully set forth in Section A above. These obligations shall remain enforceable against La Junta Solar I Energy and binding upon La Junta Solar I Energy whether or not all or any portion of the Subject Property is conveyed to others. The 1041 Permit may only be transferred or assigned in whole or in part upon written approval of Otero County in its sole discretion.
- e. Recording. The 1041 Permit (attached as **Exhibit I**) and all Exhibits are hereby approved and shall be recorded together with this Resolution in the Otero County Clerk & Recorder real estate records.

Adopted this 22nd day of April, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF OTERO COUNTY, STATE OF
COLORADO:

Clerk & Recorder

Rob Oquist, Chairman

Tim Knabenshue

Jim Baldwin

APPLICANT'S ACCEPTANCE OF APPROVAL

LA JUNTA SOLAR I, A SUBSIDIARY OF
KORSAIL, LLC

By: _____
Name: _____
Title: _____

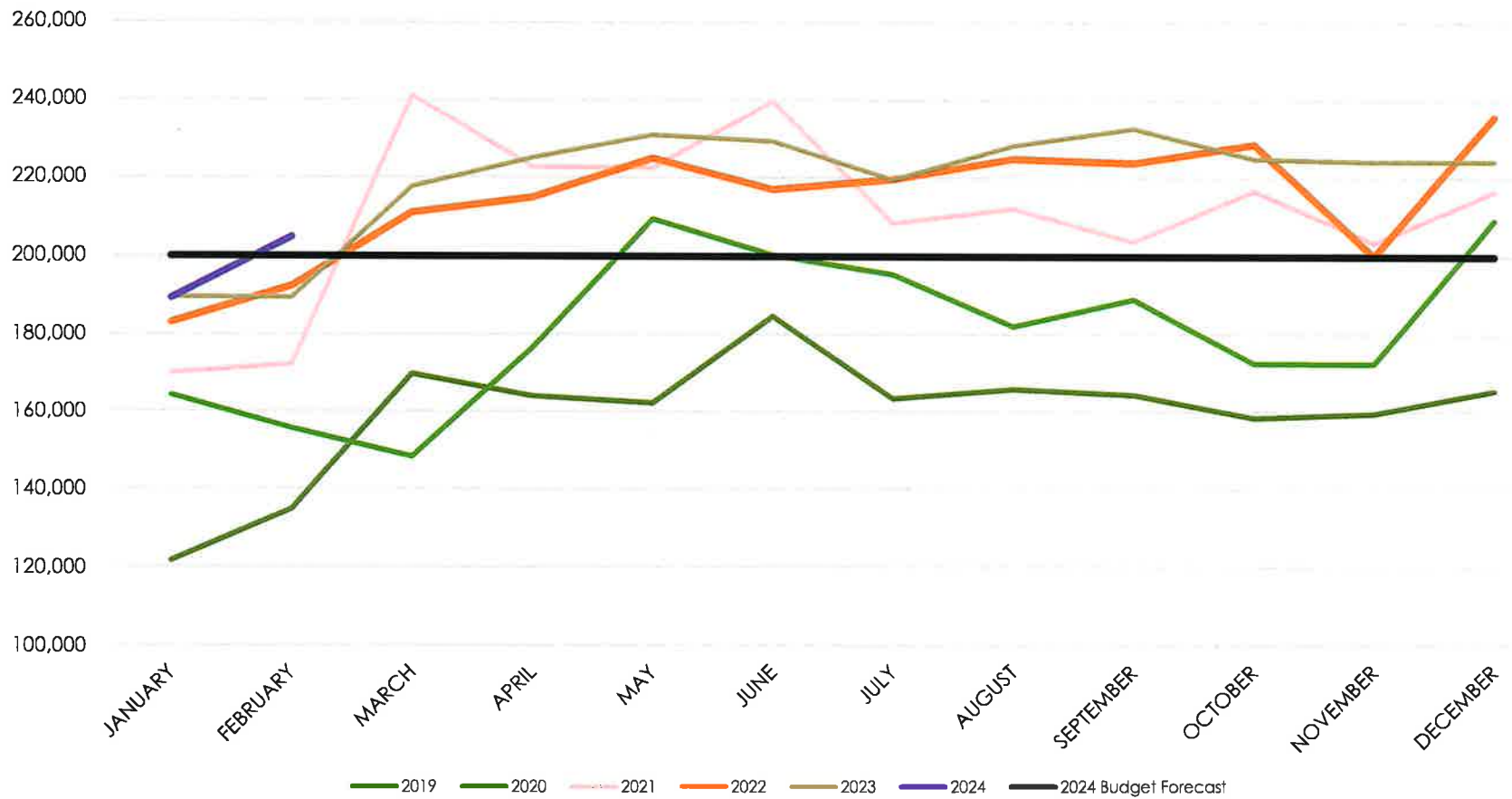
OTERO COUNTY SALES TAX REPORT
February 2024



COLLECTED BY COUNTY	\$	33,616	
COLLECTED BY STATE	\$	171,203	
TOTAL COLLECTED	\$	204,819	Received in April 2024

	2019	2020	2021	2022	2023	2024	2024 Budget Forecast	FY2023 vs FY2024			FY2023
								(+/-)	Monthly % of Change	Cumm. % of Change	Cumm. % of Change
JANUARY	121,756	164,205	169,972	182,983	189,563	189,232	200,000	(331)	-0.2%	0%	4%
FEBRUARY	134,870	155,565	172,204	192,216	189,406	204,819	200,000	15,413	8%	4%	1%
MARCH	169,741	148,242	240,999	210,892	217,619		200,000	(217,619)	-100%	-51%	2%
APRIL	163,971	176,370	222,632	214,762	224,963		200,000	(224,963)	-100%	-108%	3%
MAY	162,243	209,430	222,410	224,856	230,836		200,000	(230,836)	-100%	-167%	3%
JUNE	184,727	200,329	239,552	216,893	229,251		200,000	(229,251)	-100%	-225%	3%
JULY	163,346	195,468	208,403	219,463	219,497		200,000	(219,497)	-100%	-281%	3%
AUGUST	165,872	182,048	212,061	224,780	228,199		200,000	(228,199)	-100%	-339%	3%
SEPTEMBER	164,322	188,993	203,687	223,680	232,592		200,000	(232,592)	-100%	-398%	3%
OCTOBER	158,387	172,510	216,643	228,498	224,872		200,000	(224,872)	-100%	-455%	2%
NOVEMBER	159,523	172,426	203,386	199,965	224,198		200,000	(224,198)	-100%	-512%	3%
DECEMBER	165,447	209,095	216,381	235,641	224,283		200,000	(224,283)	-100%	-569%	2%
ACTUAL:	1,914,205	2,174,680	2,528,330	2,574,629	2,635,281		2,400,000	(2,241,230)			
BUDGET:	1,614,803	1,743,239	1,847,833	2,300,000	2,300,000	2,400,000					

Otero County 2024 Sales Tax Report



4/22/2024 to 4/26/2024

Commissioner's Calendar

Mon 22	Tue 23	Wed 24	Thu 25	Fri 26
0 AM				
Public Works Facility Management -- (N, DG, RO, TK, JB, AT) Room 213			CCI Steering	
0 AM	Courthouse Security			
Economic Development - DE, RO, TK, JB, AT Room 212				
0:30 AM				
Department of Human Services/ RO, TK, JB, DR, AT Room 212				
1:30 AM				
Doris Morgan/Jeff Hurd				
2:30 PM				
0 PM	Construction Conference	SECOG/SICED -- TK		
Department of Human Services, Land Use, Commissioner's Meeting Room 107 or Zoom				
0 PM				
SECOG-- RO				
0 PM				
Administration / AT, RO, TK, JB Room 212				
0 PM				

4/29/2024 to 5/3/2024

Commissioner's Calendar

Mon 29 Tue 30 Wed 1 Thu 2 Fri 3

AM

AM

AM

AM

PM

PM

PM

PM

PM

Culver Swearing In

Lower Ark/Otero County
Room 212 or Teams

RV Code Work Session

Construction Conference

Work Session - RO, TK, JB
Room 212

