

CHAPTER 2

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ARTICLE 1

Regional Planning Commission

Resolution No. 7/1/76

July 1, 1976

WHEREAS, pursuant to Chapter 106, Article 2, Section 4, State of Colorado Revised Statutes 1963, as amended, the Board of County Commissioners of Otero County did create the Otero County Regional Planning Commission, and

WHEREAS, pursuant to Title 30 of 1973 Colorado Revised Statutes, as amended, the Board of County Commissioners is desirous of amending the aforesaid resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the Otero County Regional Planning Commission shall consist of five (5) members who shall be appointed by the Board of County Commissioners of Otero County at large.

BE IT FURTHER RESOLVED that one (1) of said appointees shall serve from July 1, 1976, until June 30, 1977, at which time that appointee's term shall expire and a new appointment shall be made by the Board of County Commissioners and the appointee in that instance shall serve for a period of three (3) years commencing July 1, 1977, and continuing until June 30, 1980, and a similar appointment shall be made for a similar term thereafter;

Two (2) of said appointees shall serve for a period of two (2) years, commencing July 1, 1976, and terminating on June 30, 1978, at which time their term shall expire and new appointments shall be made by the Board of County Commissioners and the appointees in this instance shall serve for a period of three (3) years commencing July 1, 1978, and continuing until June 30, 1981, and similar appointments shall be made for a similar term thereafter.

Two (2) of said appointees shall serve for a period of three (3) years, commencing July 1, 1976, and terminating on June 30, 1979, at which time their terms shall expire and new appointments shall be made by the Board of County Commissioners and the appointees in this instance shall serve for a period of three (3) years, commencing July 1, 1979, and continuing until June 30, 1982, and similar appointments shall be made for similar terms thereafter.

BE IT FURTHER RESOLVED that said appointees comprising the Otero County Regional Planning Commission shall meet once each month unless in the discretion of the Commission additional meetings are required.

BE IT FURTHER RESOLVED that it shall be the duty of the Otero County Regional Planning Commission to conduct meetings and carry out the provisions set forth in the Otero County Zoning Resolution and shall perform all of the functions assigned to said Commission as stated therein.

BE IT FURTHER RESOLVED that the Commission shall be paid such compensation as the Board of County Commissioners shall determine from time to time together with such other compensation for expenses incurred in the performance of their duties in such manner and in such amounts as the Board shall determine from time to time.

BE IT FURTHER RESOLVED that said Commission shall have the duties and the authority delegated to it as set forth in Title 30, C.R.S. 1973.

BE IT FURTHER RESOLVED that any member of this Commission who shall miss two (2) consecutive meetings unexcused, or in the judgment of the Board of County Commissioners does not attend the duties assigned in a manner which is in the best interests of the County of Otero and the public to be served thereby, may have his appointment revoked and the Commissioners shall have the sole right in their discretion to make such determination which shall be uncontestable and may replace said member of the Commission for the unexpired term by further appointment. The Board of County Commissioners may further fill any vacancy that occurs by reason of death, disability, moving from the jurisdiction, or any other disability factors creating a vacancy.

BE IT FURTHER RESOLVED that the Board of County Commissioners may appoint associate members on an interim basis to temporarily replace a regular member who may be unable to act due to absence from the County, illness, or conflict of interest in any matter before the Commission or any other cause.

BE IT FURTHER RESOLVED that the aforesaid Resolution adopted by this Board creating the Commission which was passed by the Board of County Commissioners at its regular meeting on July 29, 1968, except as amended by this Resolution, shall remain in full force and effect.

The effective date of this Resolution shall be July 1, 1976.

ARTICLE 2

Solicitation for Nonpublic and Nongovernmental Services

Resolution No. 78-7

March 10, 1978

WHEREAS, it has been brought to the attention of the Board of County Commissioners of the County of Otero, State of Colorado, that the unauthorized solicitation for nonpublic and non-governmental services has resulted in interruption of County employees' job time during their working hours, and

WHEREAS, the Board of County Commissioners of the County of Otero, State of Colorado, feels that it is in the best interests of the County and various departments that solicitation for non-public and non-governmental services should not occur during the business hours and that personal solicitation should not occur within the Otero County Courthouse at La Junta, Colorado,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Otero, State of Colorado, that all solicitation for nonpublic and nongovernmental services within the Otero County Courthouse at La Junta, Colorado, after the effective date of this resolution is expressly prohibited.

BE IT FURTHER RESOLVED that this resolution shall become effective March 10, 1978.

ARTICLE 3

Otero County Courthouse Modifications

Resolution No. 78-13

March 10, 1978

WHEREAS, the Board of County Commissioners of the County of Otero, State of Colorado, has been presented with many claims in the past for modifications, additions, or remodeling to the Otero County Courthouse building in La Junta, Colorado, and

WHEREAS, the majority of any such modifications, additions, or remodeling have been previously approved by the Board of County Commissioners of the County of Otero, State of Colorado, and at times the Board of County Commissioners of the County of Otero, State of Colorado, are not even aware of such expenditures until the same have been made, and

WHEREAS, the Board of County Commissioners of the County of Otero, State of Colorado, have the sole responsibility for the Otero County Courthouse building facilities and the sole responsibility for the Otero County budget from which funds any such claims must be paid, and

WHEREAS, the Board of County Commissioners of the County of Otero, State of Colorado, has determined that modifications, additions, or remodeling of any facilities within the Otero County Courthouse must receive the prior approval of the Board of County Commissioners of the County of Otero, State of Colorado,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Otero, State of Colorado, that no modifications, additions or remodeling of any portion of the County Courthouse be made without the prior approval of the Board of County Commissioners of the County of Otero, State of Colorado, at a regular meeting.

BE IT FURTHER RESOLVED that a directive shall be forwarded to all departments within the Otero County Courthouse building attaching a copy of this resolution and advising those departments that no claims shall be allowed without compliance of the provisions of this Resolution.

ARTICLE 4

Term Limits for Elected Officials ¹

Resolution No. 96-10

September 9, 1996

A RESOLUTION TO REFER A BALLOT QUESTION FOR THE NOVEMBER 1996 ELECTION.

WHEREAS, the Colorado Constitution, in Article XVIII, Section 11, provides for term limitations on all Colorado elected officials beginning on and after January 1, 1995, including the Assessor, the Treasurer, the Clerk and Recorder, the Sheriff, the Coroner and the County Commissioners of Otero County; and

WHEREAS, The Colorado Constitution, in Article XVIII, Section 11, provides that all political subdivisions may lengthen, shorten or eliminate term limitations for terms of office of any particular elected official; and

¹ **Editor's Note:** The above Resolution No. 96-10 was defeated at the November 1996 election.

WHEREAS, the voters of Otero County overwhelmingly voted against term limits and the provisions of Article XVIII, Section 11; and

WHEREAS, The Board of County Commissioners of Otero County, Colorado, believes it would be in the best interest of Otero County to allow the voters of Otero County to decide whether to eliminate term limits for Otero County elected officials.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OTERO COUNTY, COLORADO, as follows:

1. That on Tuesday, November 5, 1996, in conjunction with the general election, all of the elected officials of Otero County, Colorado, shall submit to the registered electors of Otero County a ballot question as to whether term limitations shall be eliminated for all elected officials of Otero County and whether all elected officials of Otero County shall be exempt from term limitations as provided in the Colorado Constitution, Article XVIII, Section 11.

2. This ballot question shall affect all elected officials of Otero County, including the Assessor, the Treasurer, the Clerk and Recorder, the Sheriff, the Coroner and the County Commissioners.

3. That at such election, the title and text of the question appearing on the ballot should be as follows:

SHALL THE OTERO COUNTY ASSESSOR, OTERO COUNTY CLERK AND RECORDER, OTERO COUNTY TREASURER, OTERO COUNTY SHERIFF, OTERO COUNTY CORONER, AND THE OTERO COUNTY COMMISSIONERS BE EXEMPT FROM TERM LIMITS AS SET FORTH IN ARTICLE XVIII, SECTION 11, OF THE COLORADO CONSTITUTION, EFFECTIVE JANUARY 1, 1997?

YES _____ NO _____

4. The Clerk and Recorder of Otero County shall cause notice to be given on the question on whether the term limitations for the elected officials of Otero County, Colorado, shall be eliminated according to law.

ARTICLE 5

Term Limits for Elected Officials

Resolution No. 2000-21

July 17, 2000

A RESOLUTION PROVIDING FOR APPROVAL AT THE COORDINATED ELECTION ON NOVEMBER 7, 2000, OF THE REGISTERED ELECTORS IN OTERO COUNTY, COLORADO, OF A BALLOT ISSUE CONCERNING THE ELIMINATION OF TERM LIMITS IMPOSED BY STATE CONSTITUTION FOR OTERO COUNTY ELECTED OFFICIALS AS PROVIDED IN ARTICLE XVIII, SECTION 11, OF THE COLORADO CONSTITUTION.

WHEREAS, the State Constitution provides term limits on elected officials restricting elected officials to service of two (2) terms; and

WHEREAS, it is the intent and desire of the Board of County Commissioners to allow voters of Otero County, Colorado, to eliminate the term limits imposed by the State Constitution on all elected officials in Otero County, Colorado, and

WHEREAS, it is the intent and desire of the Board of County Commissioners to designate and provide for two (2) separate ballot questions, one (1) to eliminate term limits for just the County Commissioners and one (1) to eliminate the term limits for all other elected officials including the Sheriff, the Clerk and Recorder, the Assessor, the Treasurer and the Coroner.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Otero County, Colorado, as follows:

1. The following two ballot questions shall be referred to the registered electors of Otero County, Colorado, at the November 7, 2000 coordinated election.

a. "Shall the Otero County Assessor, Clerk and Recorder, Coroner, Sheriff and Treasurer be authorized to serve more than two terms in office as long as the voters of Otero County wish to re-elect them?"

b. "Shall the Otero County Commissioners be authorized to serve more than two terms in office as long as the voters of Otero County, Colorado, wish to re-elect them?"

2. Before either of these ballot questions shall become effective in Otero County, Colorado, the issues shall receive the approval of a majority of the registered electors of Otero County, Colorado, voting at the election to be held on Tuesday, November 7, 2000.

3. The Clerk and Recorder of Otero County, Colorado, shall cause notice to be given on the above questions on whether the elected officials of Otero County, Colorado, shall be authorized to serve more than two terms in office as long as the voters of Otero County, Colorado, wish to re-elect them.

ARTICLE 6

Historic Preservation Advisory Board

Resolution No. 2004-014

May 17, 2004

RESOLUTION ESTABLISHING THE OTERO COUNTY HISTORIC PRESERVATION ADVISORY BOARD, PROVIDING FOR THE DESIGNATION OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND DISTRICTS; PROVIDING FOR NOTIFICATION TO THE HISTORIC PRESERVATION ADVISORY BOARD OF THE INTENDED ALTERATION, REMOVAL OR DEMOLITION OF DESIGNATED HISTORIC BUILDINGS, LANDMARKS, SITES AND DISTRICTS; PROVIDING FOR THE REVOCATION OF DESIGNATIONS OF HISTORIC LANDMARKS, HISTORIC BUILDINGS, HISTORIC SITES AND HISTORIC DISTRICTS; AND DECLARING AN EFFECTIVE DATE FOR THIS RESOLUTION.

WHEREAS, the Board of County Commissioners finds that the economic, cultural and aesthetic standing of Otero County cannot be maintained if the heritage of the County is disregarded; and

WHEREAS, the Board of County Commissioners finds and declares that the protection, preservation and enhancement of the County's cultural, historic and architectural heritage is essential to the public health, safety and welfare; and

WHEREAS, the Board of County Commissioners is authorized, pursuant to Section 30-11-107(1)(bb), C.R.S., to provide for the preservation of the cultural, historic and architectural history within the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Otero, Colorado, as follows:

Section 1. Purpose.

The purpose of this Resolution is to promote the public health, safety and welfare through:

- (a) The protection and preservation of the historic and cultural heritage of Otero County by providing for the designation of historic buildings, landmarks, sites and districts (collectively referred to hereinafter as "historic sites") in accordance with this Resolution;
- (b) The enhancement of property values and the stabilization of historic neighborhoods, sites of historical events and the like;
- (c) The increase of economic and financial benefits as a result of the attraction of tourists and visitors to Otero County; and
- (d) The provision of educational opportunities to increase public appreciation of Otero County's unique heritage.

Section 2. Board Established.

A Historic Preservation Advisory Board is hereby created, to be known as the Otero County Historic Preservation Advisory Board (the "Board"), which shall have principal responsibility for matters of historic preservation as set forth in Section 2(f) hereof.

(a) Membership: The Board shall consist of seven (7) members, all of whom shall be residents of Otero County.

(b) Appointments and Terms of Office:

(1) Members of the Board shall be appointed by the Board of County Commissioners and shall serve three-year terms. The Board of County Commissioners shall give reasonable opportunity to interested parties to nominate individuals to serve as members of the Board. The initial terms for members shall be two (2) members for a one-year term, two (2) members for a two-year term and three (3) members for a three-year term. Terms of members shall commence on January 1st of each year.

(2) The foregoing provisions notwithstanding, any duly appointed member of the Board shall continue to serve until the member's successor has been appointed. Members may be appointed to serve successive terms without limitation. Appointment to fill vacancies on the Board shall be made by the Board of County Commissioners; provided, however, that, prior to the appointment of Board members whose terms are ending, the Board of County Commissioners shall give reasonable opportunity to interested parties, along with the Otero County Historic Preservation Advisory Board, to nominate individuals to serve as member of the Board.

(3) All members of the Board shall serve without compensation, except for such amounts determined appropriate by the Board of County Commissioners to offset expenses incurred by the Board members in the performance of their duties as Board members. All members of the Board shall serve at the pleasure of the Board of County Commissioners and may be removed by the County Commissioners at any time with or without cause.

(c) Quorum and Voting: A quorum for the Board shall consist of a majority of the members of the Board excluding vacant seats. A quorum is necessary for the Board to hold a meeting or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

(d) Officers: The Board shall, by majority vote, elect one (1) of its members to serve as chairperson to preside over the Board's meetings and one (1) member to serve as secretary. The members so designated shall serve in these capacities for terms of one (1) year and may serve successive terms.

(e) Meetings: The Board shall hold at least one (1) regularly scheduled meeting per year and as often as necessary to take action on pending matters. Minutes shall be kept of all Board meetings. The Board shall comply with all requirements of the Open Meetings Law (Section 24-6-401, et seq., C.R.S.) applicable to local public bodies as defined in that Law.

(f) Powers and Duties: The Board shall:

(1) Review applications for designation of sites as being historic pursuant to this Resolution and make recommendations to the Board of County Commissioners as to whether the Board of County Commissioners should, by resolution, designate the site described in the application for such designation based upon the criteria established in Section 3 of this Resolution and subsequent amendments thereto.

(2) As needed, review the criteria for designation of historic sites set forth in Section 3 hereof and make recommendations to the Board of County Commissioners for amendments thereto which the Board believes to be appropriate or necessary.

In addition to the above duties, the Board may, at its discretion:

(3) Advise and assist owners of historic properties on the physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the Otero, Colorado and National Registers of Historic Places.

(4) Develop and assist in the public education programs, including but not limited to walking tours, brochures and a marker program of historic properties, lectures and conferences.

(5) Conduct surveys of historic sites for the purpose of defining those of historic significance and prioritizing the importance of identified historic sites.

(6) Advise the Board of County Commissioners on matters related to preserving the historic character of the County.

(7) Pursue financial assistance for preservation-related programs.

(8) Perform duties or functions as assigned by the Board of County Commissioners.

(g) Rules and Procedures for the Board: The Board may establish additional rules of operation that are consistent with its duties as enumerated herein. Any changes to rules of operation must be referred to the Board of County Commissioners for their approval.

Section 3. Criteria for Designation of Historic Sites:

In order to qualify for designation as a historic site pursuant to this Resolution, the site must be determined to have historic significance due to one (1) or more of the following factors:

- (a) Its character interest or value as part of the development, heritage or cultural characteristics of Otero County, the State of Colorado or the United States of America.
- (b) Its location as a site of a significant historic event.
- (c) Its identification with a person(s) who significantly contributed to the culture and development of Otero County, the State of Colorado or the United States of America.
- (d) Its exemplification of the cultural, economic, social or historic heritage of the County, the State or the United States.
- (e) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
- (f) Its embodiment of distinguishing characteristics of an architectural type or specimen.
- (g) Its identification as the work of an architect or master builder whose individual work has influenced the development of Otero County, the State of Colorado or the United States of America.
- (h) Its embodiment of elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.
- (i) Its relationship to other distinctive areas that are eligible for preservation according to a plan based on historic cultural or architectural motif.
- (j) Its unique location or singular physical characteristic representing an established and familiar visual feature of a municipality, neighborhood, community or the County.

Section 4. Designation of Historic Sites:

(a) Recommendations for Designation of Historic Sites: Pursuant to the procedures hereinafter set forth in this Section, the Board, may, by written recommendation to the Board of County Commissioners, propose the designation as a historic site any building, landmark, site or district meeting the criteria set forth in Section 3 hereof, as amended from time to time. Each such designation recommendation shall include a description of the characteristics of the site which justify its designation and shall include a legal description of the location and boundaries of the historic site. The designation recommendation may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the historic features of the site. Any such designation shall be in the furtherance of and in conformance with the purposes and standards of this Section.

(b) Notification Requirements: The site included in any such designation shall be subject to the notification requirements set forth in Section 7 hereof.

(c) Procedures for Designating Historic Sites for Preservation: Applications for designation must be made to the Board. The Board may require that such application be made in such form as specified by the Board. Only the owners of one hundred percent (100%) of the historic site for which an application is submitted shall make application.

(1) Board Review: The Board shall review the application for conformance with the criteria for designation established in Section 3 hereof, as it may be amended and with the purposes of this Section. The Board shall consider the application at a regularly scheduled or special meeting. The Board shall approve, modify and approve or disapprove the application. The Board shall notify the Board of County Commissioners within seven (7) days of any decision approving or disapproving an application.

(2) Board of County Commissioner Action: Unless an application is withdrawn by the applicant within sixty (60) days of the date on which the Board of County Commissioners is advised of any decision of the Board recommending approval or disapproval of an application, the Board of County Commissioners shall approve, modify and approve or disapprove the proposed designation. The Board of County Commissioners shall advise the Board of its decision regarding the designation.

Section 5. Limitations of Resubmission and Reconsideration of Proposed Designations.

Whenever the Board or the Board of County Commissioners disapproves an application for designation of a historic site, no person shall submit an application that is the same or substantially the same for at least six (6) months from the date of the final County action on the original application.

Section 6. Amendment of Designation.

Designation of a historic site may be amended to add features or property to the site under the procedures prescribed in Section 4 for the initial designation.

Section 7. Notification:

Any owner filing an application for designation of property under this Resolution shall, as part of the application, agree to notify the Board of the owner's intentions to alter, demolish, move or remove the site subject to the application at least thirty (30) days prior to undertaking any such work. Any such owner shall be responsible for notifying any subsequent purchaser of the property of this notification requirement, and the Board may revoke the designation of the site hereunder unless the subsequent purchaser agrees in writing to the provisions of this Section.

Section 8. Revocation of Designation.

Upon receipt of an application from the then-current owner(s) of a site which has been designated as historic pursuant to this Resolution for revocation of that designation, the Board shall advise the Board of County Commissioners of such application, and the Board of County Commissioners shall remove the designation. In addition, upon learning of the alteration, demolition, movement or removal of a site which has been designated as historic pursuant to this Resolution, or a violation of Section 7 of this Resolution, the Board shall, following at least fifteen (15) days' written notice to the then-current owner(s) of the site subject to the designation, conduct a hearing to determine whether it should recommend to the Board of County Commissioners that the historic designation of the site involved be removed. Following such hearing, the Board shall transmit its written recommendation to the Board of County Commissioners which shall, within sixty (60) days thereafter, determine whether to accept the recommendation and remove the designation. The Board of County Commissioners shall notify the Board and property owner(s) of its decision regarding revocation of the designation.

Section 9. Effective Date:

This Resolution shall be effective immediately upon its adoption.

ARTICLE 7

Board Appointments and Office Administration

Resolution No. 2007-002

January 9, 2007

Be It Resolved that the following appointments and actions were taken, and that said Appointees shall serve at the pleasure of the Board of County Commissioners:

1. Board Assignments:

a.	RESADA:	Jake Klein
b.	Otero County Housing Authority:	Joe Carrica
c.	Tri-County Transportation:	Jake Klein
d.	SCEDD:	Kevin Karney, Valerie Manweiler (alternate)
e.	Enterprise Zone:	Jake Klein
f.	Otero County Landfill, Inc./Otero Partners, Inc.	Kevin Karney, Bob Bauserman (1 st alternate), Jake Klein (2 nd alternate)
g.	Community Corrections:	Kevin Karney
h.	Health Board:	Kevin Karney (ex officio position)
i.	Tri-County Housing & CDC	Donna Rohde

2. Appointments:

a.	County Administrator:	Donna Rohde
b.	County Attorney:	Michael L. Nicklos
c.	Human Services Attorney:	Phillip Malouff, Jr.
d.	Human Services Director:	Joe Carrica
e.	Land Use Administrator:	Darryl Schulz
f.	Public Works Director:	Darryl Schulz
g.	Commissioner to Convey:	Dennis Smith
h.	Emergency Management Coordinator:	Chris Johnson
i.	Veteran's Service Officer: Veteran's Office Administrator	Jake Klein Valerie Manweiler
j.	Budget Officer:	Deni Thompson
k.	CDBG Certifying Environmental Official	Valerie Manweiler
l.	Building Official:	Darryl Schulz
m.	Deputy SC (Otero) EZ Administrator:	Valerie Manweiler

3. Designations:

a.	Newspaper – Bills Payable:	<i>La Junta Tribune Democrat</i>
b.	Newspaper – Delinquent Real Estate:	<i>Rocky Ford Daily Gazette</i>
c.	Newspaper – Delinquent Personal Property:	<i>Fowler Tribune</i>

d.	Newspaper – Salaries:	<i>Fowler Tribune</i>
e.	Newspaper – Semi-Annual Report (July '06 & January '07)	<i>Fowler Tribune</i>
f.	Official Notice:	<i>Commissioners' Bulletin Board</i>

4. Office Hours:

a.	Commissioners' Office	8:00 a.m. – 5:00 p.m., Monday – Friday
b.	Clerk's Office	8:00 a.m. – 5:00 p.m., Monday – Friday
c.	Treasurer's Office	8:00 a.m. – 5:00 p.m., Monday – Friday
d.	Assessor's Office	8:00 a.m. – 5:00 p.m., Monday – Friday
e.	Human Services' Office	8:00 a.m. – 5:00 p.m., Monday – Friday
f.	District Attorney	8:00 a.m. – 5:00 p.m., Monday – Friday
g.	Public Works Office	8:00 a.m. – 5:00 p.m., Monday – Friday
h.	Health Department	8:00 a.m. – 5:00 p.m., Monday – Friday
i.	Veterans' Office	8:00 a.m. – 12:00 noon, Monday – Friday
j.	Extension Office	8:00 a.m. – 5:00 p.m., Monday – Friday
k.	Otero County Landfill	8:00 a.m. – 4:00 p.m., Monday – Saturday
l.	Manzanola Landfill	8:00 a.m. – 4:00 p.m., M, W & Saturday

5. Meeting Times:

a.	Regular Commissioner Meeting	Every Monday of the month following Human Services/Planning Review
b.	Planning Review	First Monday following third Monday, 1:30 p.m.
c.	Human Services	Every Monday except first Monday following third Wednesday, 1:30 p.m.

ARTICLE 8

Veterans' Office

*Resolution No. 2007-009
October 27, 2007*

A RESOLUTION TO AMEND RESOLUTION #2007-002 AS CONCERNS THE VETERANS' OFFICE.

WHEREAS, the Board of County Commissioners of Otero County previously adopted Resolution #2007-002 wherein it set the Veterans' Office hours at 8:00 a.m. – 12:00 noon, Monday through Friday; and

WHEREAS, the Board of County Commissioners of Otero County deems it necessary to change the hours and days of the week in which the Veterans' Office will be open;

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

1. Resolution #2007-002 is amended to reflect that the Veterans' Office shall be open on Monday, Wednesday and Friday from 9:00 a.m. to 11:00 a.m.
2. Resolution #2007-002 shall otherwise remain in full force and effect.

ARTICLE 9

Otero County Public Health Agency

*Resolution No. 2009-007
April 6, 2009*

A RESOLUTION ESTABLISHING THE OTERO COUNTY PUBLIC HEALTH AGENCY

WHEREAS, Senate Bill 194, passed in 2008 by the Colorado General Assembly and signed into law by the Governor of the State of Colorado, has revised and restructured the public health statutes of the State of Colorado; and

WHEREAS, Section 25-1-506, et seq., C.R.S., requires each county to establish and maintain a county public health agency or participate in a district public health agency; and

WHEREAS, the Otero Board of County Commissioners desires to record their understanding and agreement in writing to fully comply with Section 25-1-506, et seq., C.R.S.;

NOW, THEREFORE, be it resolved the Otero Board of County Commissioners that:

Section 1. The Board of County Commissioners shall establish and maintain the Otero County public health agency.

Section 2. The name of the Otero County public health agency shall be the Otero County Health Department.

Section 3. Pursuant to Section 25-1-506, et seq., C.R.S., the Otero County Board of Health that existed prior to this Resolution is hereby dissolved.

ARTICLE 10

Otero County Board of Health

*Resolution No. 2009-008
April 6, 2009*

A RESOLUTION ESTABLISHING THE OTERO COUNTY BOARD OF HEALTH

WHEREAS, Senate Bill 194, passed in 2008 by the Colorado General Assembly and signed into law by the Governor of the State of Colorado, has revised and restructured the public health statutes of the State of Colorado; and

WHEREAS, Section 25-1-506, et seq., C.R.S., requires each county to establish and maintain a county public health agency or participate in a district public health agency; and

WHEREAS, the Otero Board of County Commissioners has already formed, by Resolution #2009-007, the Otero County public health agency, known as the Otero County Health Department; and

WHEREAS, the Otero County Board of Health that existed prior to Otero County Resolution #2009-007 has been dissolved pursuant to Section 25-1-506, et seq., C.R.S., and

WHEREAS, Section 25-1-508, et seq., C.R.S., requires the Otero Board of County Commissioners to organize the Otero County Health Department by the appointment of a county board of health; and

WHEREAS, the Otero Board of County Commissioners desires to record their understanding and agreement in writing to fully comply Section 25-1-508, et seq., C.R.S.

NOW, THEREFORE, be it resolved by the Otero Board of County Commissioners that:

Section 1 The Otero County Board of Health, shall consist of five (5) members, pursuant to Section 25-1-508, et seq., C.R.S.

Section 2. The Otero County Board of Health shall consist of the following members: Paul Yoder, M.D.; R.J. Nelson, D.V.M.; Sheila Norton; Mike Nicklos, J.D.; David Trujillo, D.D.S.

Section 3. Pursuant to Section 25-1-508, et seq., C.R.S., the Otero County Board of Health members' initial terms shall be staggered as follows: Paul Yoder, one (1) year; R.J. Nelson, two (2) years; Mike Nicklos, three (3) years; Sheila Norton, four (4) years; David Trujillo, five (5) years.

Section 4. After the initial terms, full-term appointments shall be for five (5) years, pursuant to Section 25-1-508, et seq., C.R.S.

ARTICLE 11

Board Appointments and Office Administration

Resolution No. 2009-010

May 26, 2009

Be It Resolved that the following appointments and actions were taken, and that said Appointees shall serve at the pleasure of the Board of County Commissioners:

1. Board Assignments:

a.	RESADA:	Keith Goodwin
b.	Otero County Housing Authority:	Lorna Miller
c.	Tri-County Transportation:	Keith Goodwin
d.	SE Trans Planning Region:	Keith Goodwin
e.	SCEDD:	Kevin Karney, Bryan Bryant (alternate)

f.	Enterprise Zone:	Kevin Karney
g.	Otero County Landfill, Inc.:	Kevin Karney, Keith Goodwin (alternate)
h.	Otero Partners, Inc.:	Kevin Karney, Keith Goodwin (alternate)
i.	Community Corrections:	Jim Sandoval
j.	Health Board:	Kevin Karney (ex officio position)
k.	Tri-County Housing & CDC:	Keith Goodwin
l.	SAGE:	Jim Sandoval

2. Appointments:

a.	County Administrator:	Jean Hinkle
b.	County Attorney:	Michael L. Nicklos
c.	Human Services Attorney:	Phillip Malouff, Jr.
d.	Human Services Director:	Donna Rohde
e.	Land Use Administrator:	Darryl Schulz
f.	Public Works Director:	Darryl Schulz
g.	Commissioner to Convey:	Dennis Smith
h.	Emergency Management Coordinator:	Chris Johnson
i.	Veteran's Service Officer:	John Boerger
j.	Budget Officer:	Deni Thompson
k.	CDBG Certifying Environmental Official:	Jean Hinkle
l.	Building Official:	Darryl Schulz
m.	Deputy SC (Otero) EZ Administrator:	Jean Hinkle

3. Designations:

a.	Newspaper – Bills Payable:	<i>Rocky Ford Daily Gazette</i>
b.	Newspaper – Delinquent Real Estate:	<i>Rocky Ford Daily Gazette</i>
c.	Newspaper – Delinquent Personal Property:	<i>La Junta Tribune-Democrat</i>
d.	Newspaper – Salaries:	<i>La Junta Tribune-Democrat</i>
e.	Newspaper – Semi-Annual Report (July '08 & January '09):	<i>Rocky Ford Daily Gazette</i>
f.	Official Notice:	<i>Commissioners' Bulletin Board</i>

4. Office Hours:

a.	Commissioners' Office	8:00 a.m. – 5:00 p.m., Monday – Friday
b.	Clerk's Office	8:00 a.m. – 5:00 p.m., Monday – Friday
c.	Treasurer's Office	8:00 a.m. – 5:00 p.m., Monday – Friday
d.	Assessor's Office	8:00 a.m. – 5:00 p.m.,

		Monday – Friday
e.	Human Services' Office	8:00 a.m. – 5:00 p.m., Monday – Friday
f.	Public Works Office	8:00 a.m. – 5:00 p.m., Monday – Friday
g.	Health Department	8:00 a.m. – 5:00 p.m., Monday – Friday
h.	Veterans' Office	8:00 a.m. – 12:00 noon, Monday – Friday
i.	Extension Office	7:30 a.m. – 4:30 p.m., Monday – Friday
j.	Otero County Landfill	8:00 a.m. – 4:00 p.m., Monday – Saturday
k.	Manzanola Landfill	8:00 a.m. – 4:00 p.m., M, W & Saturday

5. Meeting Times:

a.	Regular Commissioner Meeting	Every Monday of the month following Human Services/ Planning Review
b.	Planning Review	First Monday following third Monday, 1:30 p.m.
c.	Human Services	Every Monday except first Monday following third Wednesday, 1:30 p.m.

ARTICLE 12

Appointment of Chairman and Chairman Pro Tem

Resolution No. 2010-001
January 4, 2010

WHEREAS, Section 30-10-307, C.R.S., provides that at the first meeting of the Board of County Commissioners following election, the Board shall choose one (1) of its number as Chairman, who shall preside at the meetings, if present, but in his absence, one (1) of the members shall be chosen to serve as "temporary chairman" or "Chairman Pro Tem."

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

1. Keith Goodwin shall serve as Chairman of the Board of County Commissioners of Otero County, State of Colorado, until the first meeting of the Board of County Commissioners held in January 2011, or as otherwise replaced as allowed by law.

2. In Keith Goodwin's absence from any meeting of the Board of County Commissioners of Otero County, State of Colorado, during his term as Chairman, Kevin K. Karney shall serve as Temporary Chairman or Chairman Pro Tem.

ARTICLE 13

Board Appointments and Office Administration

Resolution No. 2010-002

January 4, 2010

BE IT RESOLVED that the following appointments and actions were taken, and that said appointees shall serve at the pleasure of the Board of County Commissioners:

1. Board Assignments:

a.	RESADA:	Jim Sandoval
b.	Otero County Housing Authority:	Lorna Miller
c.	Tri-County Transportation:	Keith Goodwin
d.	SE Trans Planning Region:	Keith Goodwin
e.	SCEDD:	Kevin Karney Bryan Bryant (alternate)
f.	Enterprise Zone:	Kevin Karney
g.	Otero County Landfill, Inc.:	Kevin Karney Keith Goodwin, 1 st alternate
h.	Otero Partners. Inc.:	Kevin Karney Keith Goodwin, 1 st alternate
i.	Community Corrections:	Jim Sandoval
j.	Health Board:	Kevin Karney (ex-officio position)
k.	Tri-County Housing & CDC:	Kevin Goodwin
l.	SAGE:	Jim Sandoval

2. Appointments:

a.	County Administrator:	Jean Hinkle
b.	County Attorney:	Michael L. Nicklos
c.	Human Services Attorney:	Phillip F. Malouff, Jr.
d.	Human Services Director:	Donna Rohde
e.	Land Use Administrator:	Darryl Schulz
f.	Public Works Director:	Darryl Schulz
g.	Commissioner to Convey:	Dennis Smith
h.	Emergency Management Coordinator:	Chris Johnson
i.	Veteran's Service Officer:	John Boerger
j.	Budget Officer:	Deni Thompson
k.	CDBG Certifying Environmental Official:	Jean Hinkle
l.	Building Official:	Darryl Schulz
m.	Deputy SC (Otero) EZ Administrator:	Bryan Bryant

3. Designations:

a.	Newspaper-Bills Payable:	La Junta Tribune Democrat
b.	Newspaper-Delinquent Real Estate:	La Junta Tribune Democrat
c.	Newspaper-Delinquent Personal Property:	Fowler Tribune
d.	Newspaper-Salaries:	Fowler Tribune
e.	Newspaper- Semi-Annual Reports:	Fowler Tribune
f.	Official Notice:	Commissioners' Bulletin Board

4. Office Hours:

a.	Commissioner's Office:	8:00 a.m. - 5:00 p.m., Monday - Friday
b.	Clerk's Office:	8:00 a.m. - 5:00 p.m., Monday - Friday
c.	Treasurer's Office:	8:00 a.m. - 5:00 p.m., Monday - Friday
d.	Assessor's Office:	8:00 a.m. - 5:00 p.m., Monday - Friday
e.	Human Services' Office:	8:00 a.m. - 5:00 p.m., Monday - Friday
f.	District Attorney:	8:00 a.m. - 5:00 p.m., Monday - Friday
g.	Public Works Office:	8:00 a.m. - 5:00 p.m., Monday - Friday
h.	Health Department:	8:00 a.m. - 5:00 p.m., Monday - Friday
i.	Veteran's Office:	8:00 a.m. - 12:00 noon, Monday - Friday
j.	Extension Office:	8:00 a.m. - 5:00 p.m., Monday - Friday
k.	Otero County Landfill:	8:00 a.m. - 4:00 p.m., Monday - Saturday
l.	Manzanola Landfill:	8:00 a.m. - 4:00 p.m., Monday , Wednesday & Saturday

5. Meeting Times:

a.	Regular Commissioner's Meeting:	Every Monday of the month following Human Services/Planning Review
b.	Planning Review:	First Monday following third Monday, 1:30 p.m.
c.	Human Services:	Every Monday except first Monday following third Wednesday, 1:30 p.m.

ARTICLE 14

Certified Arbitrators

Resolution No. 2010-005

February 1, 2010

WHEREAS, Section 39-8-108.5, C.R.S., requires the Board of County Commissioners to develop and maintain a list of qualified persons to act as arbitrators of property valuation; and

WHEREAS, a list of such arbitrators shall be maintained on file in the office of the Otero County Clerk and Recorder; and

WHEREAS, said list may be updated and revised by further resolution as deemed necessary by the Board of County Commissioners;

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

1. Pursuant to Section 39-8-108.5, C.R.S., the Board does hereby certify the following persons as arbitrators. to wit:

- (a) Andrew Medina
d.b.a. A&M Realty
230 Main
Ordway, CO 81063
719-267-3790
- (b) Garth Thimgan
d.b.a. Thimgan & Associates
P.O. Box 668
La Junta, CO 81050-0668
719-384-7031

ARTICLE 15

Historic Preservation Advisory Board Amendment

Resolution No. 2010-006

March 15, 2010

RESOLUTION ESTABLISHING THE OTERO COUNTY HISTORIC PRESERVATION ADVISORY BOARD, PROVIDING FOR THE DESIGNATION OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS, INCLUDING BUT NOT LIMITED TO BUILDINGS, STRUCTURES, CEMETERIES, BURIALS, LANDSCAPES, SITES, OBJECTS AND ARCHIVES; PROVIDING FOR NOTIFICATION TO THE HISTORIC PRESERVATION ADVISORY BOARD OF THE INTENDED ALTERATION, REMOVAL OR DEMOLITION OF DESIGNATED HISTORIC LANDMARKS AND HISTORIC DISTRICTS; PROVIDING FOR THE REVOCATION OF DESIGNATIONS OF HISTORIC LANDMARKS AND HISTORIC DISTRICTS; AND DECLARING AN EFFECTIVE DATE FOR THIS RESOLUTION.

WHEREAS, the Board of County Commissioners (sometimes hereinafter "BOCC") finds that the economic, cultural and aesthetic standing of Otero County cannot be maintained if the heritage of the County is disregarded; and

WHEREAS, the Board of County Commissioners finds that heritage tourism contributes significantly to the economic well-being of the County; and

WHEREAS, the Board of County Commissioners finds and declares that the protection, preservation and enhancement of the County's cultural, historic and architectural heritage is essential to the public health, safety and welfare; and

WHEREAS, the Board of County Commissioners is authorized, pursuant to C.R.S. 30-11-107(1)(bb), to provide for the preservation of the cultural, historic and architectural history within the County;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Otero, Colorado, as follows:

Section 1. Purpose: The purpose of this Resolution is to promote the public health, safety and welfare through;

(a) The protection and preservation of the historic and cultural heritage of Otero County by providing for the designation of historic landmarks and historic districts, including but not limited to buildings, structures, cemeteries, burials, landscapes, sites, objects and archives (collectively referred to hereinafter as "Historic Site" or "Historic Sites") in accordance with this Resolution;

(b) The enhancement of property values and the stabilization of historic neighborhoods, communities, farms, ranches and sites of historical significance, and the like;

(c) The increase of economic and financial benefits as a result of the attraction of tourists and visitors to Otero County;

(d) The provision of educational opportunities to increase public appreciation of Otero County's unique heritage;

(e) The application for grants and other similar funding through Otero County to assist in the preservation of Historic Sites and the administration of the Historic Preservation Advisory Board.

Section 2. Board Established: A Historic Preservation Advisory Board is hereby created to be known as the Otero County Historic Preservation Advisory Board (sometimes hereinafter the "Board"). The term *historic* in this Resolution is meant to include districts, landmarks, sites, buildings, structures, objects, archaeological resources, cultural landscapes, museum objects, archives and ethnographic resources from all periods of human occupation. The Board shall have principal responsibility for matters of historic preservation as set forth in Section 2(f) hereof.

(a) Membership: The Board shall consist of seven (7) members all of whom shall be residents of Otero County.

(b) Appointments and Terms of Office:

1. Members of the Board shall be appointed by the Board of County Commissioners and shall serve three-year terms. The Board of County Commissioners shall give reasonable opportunity to interested parties to nominate individuals to serve as members of the Board. The initial terms for members shall

be two (2) members for a one-year term, two (2) members for a two-year term and three (3) members for a three-year term. Terms of members shall commence of January 1st of each year.

2. The foregoing provisions notwithstanding, any duly appointed member of the Board shall continue to serve until the member's successor has been appointed. Members may be appointed to serve successive terms without limitation. Appointment to fill vacancies on the Board shall be made by the Board of County Commissioners; provided, however, that prior to the appointment of Board members whose terms are ending, the Board of County Commissioners shall give reasonable opportunity to interested parties along with the Otero County Historic Preservation Advisory Board to nominate individuals to serve as members of the Board.

3. All members of the Board shall serve without compensation except for such amounts determined appropriate by the Board of County Commissioners to offset expenses incurred by the Board members in the performance of their duties as Board members. All members of the Board shall serve at the pleasure of the Board of County Commissioners and may be removed by the County Commissioners at any time with or without cause.

(c) Quorum and Voting: A quorum for the Board shall consist of a majority of the members of the Board excluding vacant seats. A quorum is necessary for the Board to hold a meeting or to take official action. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed denial of the motion or recommended action.

(d) Officers: The Board shall, by majority vote, elect one (1) of its members to serve as chairperson to preside over the Board's meetings and one (1) member to serve as secretary. The members so designated shall serve in these capacities for terms of one (1) year and may serve successive terms.

(e) Ex Officio Member of the Board: The Board of County Commissioners shall appoint one (1) of its members to serve as an Ex Officio member of the Board to be designated as "Historic Preservation Officer." The Officer shall serve as the liaison between the Otero County Historic Preservation Advisory Board, the Board of County Commissioners, state and national offices and any office regarding historic preservation as may be necessary and appropriate.

(f) Meetings: The Board shall hold at least one (1) regularly scheduled meeting per year, and as often as necessary to take action on pending matters. Minutes shall be kept of all Board meetings. The Board shall comply with all requirements of the Open Meetings Law (C.R.S. 24-6-401, et seq.) applicable to local public bodies as defined in that Law.

(g) Powers and Duties. The Board shall:

1. Review applications for designation of a Historic Site or Sites pursuant to this Resolution and make recommendations to the Board of County Commissioners as to whether the Board of County Commissioners should, by Resolution, designate the Historic Site or Sites described in the application for such designation based upon the criteria established in Section 3. of this Resolution and subsequent amendments thereto.

2. As needed, review the criteria for designation of Historic Sites set forth in Section 3. hereof and make recommendations to the Board of County Commissioners for amendments thereto which the Board believes appropriate or necessary.

In addition to the above duties, the Board may, at its discretion:

3. Advise and assist owners of historic properties on the physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the Otero, Colorado and National Registers of Historic Places.

4. Develop and assist in public education programs, including but not limited to walking tours, brochures and a marker program of historic properties, lectures and conferences.

5. Conduct surveys of Historic Sites for the purpose of defining those of historic significance and prioritizing the importance of identified Historic Sites.

6. Advise the Board of County Commissioners on matters related to preserving the historic character of the County.

7. Pursue financial assistance for preservation-related programs.

8. Perform duties or functions as assigned by the Board of County Commissioners.

(h) Rules and Procedures for the Board: The Board may establish additional rules of operation that are consistent with its duties as enumerated herein. Any changes to rules of operation must be referred to the Board of County Commissioners for its approval, such approval to be at the sole discretion of the Board of County Commissioners.

Section 3. Criteria for Designation of Historic Sites: In order to qualify for designation as a Historic Site pursuant to this Resolution, the site must be determined to have historic significance due to one (1) or more of the following factors:

(a) Its character interest or value as part of the development, heritage or cultural characteristics of Otero County, the State of Colorado or the United States of America.

(b) Its location as a site of a significant historic event.

(c) Its identification with a person(s) who significantly contributed to the culture and development of Otero County, the State of Colorado or the United States of America.

(d) Its exemplification of the cultural, economic, social or historic heritage of Otero County, the State of Colorado or the United States of America.

(e) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.

(f) Its embodiment of distinguishing characteristics of an architectural type or specimen.

(g) Its identification as the work of an architect or master builder whose individual work has influenced the development of Otero County, The State of Colorado or the United States of America.

(h) Its embodiment of elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.

(i) Its relationship to other distinctive areas that are eligible for preservation according to a plan based on historic cultural or architectural motif.

(j) Its unique location or singular physical characteristic representing an established and familiar visual feature of a municipality, neighborhood, community or the County.

(k) It has yielded, or may be likely to yield, information important in prehistory or history.

(l) Its location as a site of habitation of a person or group significant to local, Otero County, state or national history.

Section 3A. Criteria for Designation of Otero County Historic Districts: A District shall be considered for designation by the Board of County Commissioners if the Otero County Historic Preservation Advisory Board determines and recommends to the Board of County Commissioners that the proposed district meets the definition of a Historic District as set forth in the Rules, Definitions and Procedures of the Board and meets one (1) or more of the following criteria:

(a) An area which exemplifies or reflects the particular cultural, political, economic or social history of the community.

(b) An area identified with historical personages or groups, or which represents important events in national, state, Otero County or local history.

(c) An area which embodies distinguishing characteristics of an architectural type or style inherently valuable for the study of a period, method or construction or is of indigenous materials or craftsmanship.

(d) An area which, due to its unique location or singular characteristics, represents established and familiar visual features of the neighborhood, community, town or of Otero County.

(e) An area which is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized.

(f) A cultural landscape that embodies a natural setting as it has been affected by past human activity, or as the setting itself has shaped human activity.

Section 4. Designation of Historic Sites: Pursuant to the procedures hereinafter set forth in this Section, the Board may, by written recommendation to the Board of County Commissioners, propose the designation of a Historic Site, Historic Sites or Historic District meeting the criteria set forth in Section 3. hereof, as amended from time to time. Each such designation recommendation shall include a description of the characteristics of the site or district which justify its designation and shall include a legal description of the location and boundaries of the historic site or district. The designation recommendation may also indicate alterations which would have a significant impact upon, or be potentially detrimental to, the historic features of the site or district. Any such designation shall be in the furtherance of and in conformance with the purposes and standards of this Section.

(b) Notification Requirements: The site or district included in any such designation shall be subject to the notification requirements set forth in Section 7. hereof.

(c) Procedures for Designating Historic Sites or Districts for Preservation: Applications for designation must be made to the Board. The Board may require that such application be made in such form as specified by the Board. The nomination for shall identify the documentation and information that must accompany each application in order to permit a review of the criteria for designation provided by this Resolution. Only the owners of one hundred percent (100%) of the Historic Site, Sites or District for which an application is submitted shall make application.

(1) Board Review: The Board shall review the application for conformance with the criteria for designation established in Section 3. hereof, as it may be amended, and with due consideration given to the pur-

poses of this Resolution. The Board shall consider the application at a regularly scheduled or special meeting. The Board shall approve, modify and approve or disapprove the application. The Board shall notify the Board of County Commissioners within seven (7) days of any decision approving or disapproving an application.

(2) Board of County Commissioners Action: Unless an application is withdrawn by the applicant within sixty (60) days of the date on which the Board of County Commissioners is advised of any decision of the Board recommending approval or disapproval of an application, the Board of County Commissioners shall approve, modify and approve or disapprove the proposed designation. The Board of County Commissioners shall advise the Board of their decision regarding the designation.

Section 5. Limitations of Resubmission and Reconsideration of Proposed Designations: Whenever the Board of County Commissioners disapproves an application for designation of a Historic Site, Sites or District, no person shall submit an application that is the same or substantially the same for at least six (6) months from the effective date of the final County action on the original application.

Section 6. Amendment of Designation: Designation of a Historic Site, Sites or District may be amended to add features or property to the Site, Sites or District under the procedures prescribed in Section 4. for initial designation.

Section 7. Notification: Any owner filing an application for designation of property under this Resolution shall, as a part of the application, agree to notify the Board of the owner's intentions to alter, demolish, move or remove the property subject to the application at least thirty (30) days prior to undertaking any such work. Any such owner shall be responsible for notifying any subsequent purchaser of the property of this notification requirement, and the Board may revoke the designation of the property hereunder unless the subsequent purchaser agrees in writing to the provisions of this Section 7. The Board shall notify the County Department of Land Use as concerns additions to the local, state and national register pertaining to Otero County.

Section 8. Standards for Moving, Altering or Demolishing: The County shall forward to the Board for review and comment any building permit, subdivision, zoning or other land use application of request that could reasonably affect designated Historic Sites or Historic Districts or Sites of Districts for which applications are pending before the Board or the Board of County Commissioners. The Historic Preservation Board shall promptly review such applications and notify the Department of Land Use of any recommendations regarding disposition of zoning and permit applications that affect designated property. The Board shall meet all reasonable deadlines for review and comment set by the County.

Participating municipalities are requested to forward to the Board for review and comment any building permit, subdivision, zoning or other land use application or request under their jurisdiction that reasonably affect designated Historic Sites or Historic Districts. The Historic Preservation Board shall promptly review such applications and notify the municipality of any recommendations. The Board shall meet all reasonable deadlines for review and comment set by the municipality.

Board review of applications for alterations, removal or demolition and review of building permits or zoning applications shall be undertaken according to the following standards which are based upon the current United States Secretary of the Interior's Standards for Treatment of Historic Properties:

(a) Archaeological resources shall be protected and preserved in place or, when this is not possible, mitigation measures shall be undertaken.

1. Alterations: The Board shall acknowledge the need to alter or add to a historic property to meet continuing or changing uses while retaining the historic characters. Attempts shall be made to use the property in a manner consistent with its original use or a compatible purpose, consistent with current county ordinances.

2. The historic character of the property shall be retained by avoiding the removal of, or alteration of, features and spaces important to the character.

3. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a designated historic building or structure may be made without conformance to all the requirements of the current Otero County Building Code and Americans with Disabilities Act when authorized by the building official, provided that any unsafe conditions as described in this code are corrected, and the restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building, and provided that every reasonable attempt has been made to provide physical or programmatic access to the disabled.

4. Each property shall be recognized as a physical record of its time. The use of original materials shall be encouraged. Distinctive and unique features, finishes, materials and examples of craftsmanship should be retained and preserved. If deteriorated, they should be repaired. Repairs and replacements of such features should match the original in color, shape, texture and design. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible.

5. New additions and expansions shall, where possible, be differentiated from the existing building to protect its historic integrity. New additions and constructions shall also be undertaken in such a manner that their removal in the future would not destroy the form or integrity of the original property. Designs that attempt to portray new construction as historic, and were never executed historically at the property in question, shall not be allowed. The addition of conjectural features or elements from other historic properties shall be discouraged.

6. A documentary record of the property, including photographs, prior to rehabilitation or alteration shall be made and deposited with the Board.

(b) Relocation and Demolition: In all cases it shall be the preference of the Board to keep structures intact and at their original sites. Criteria for relocation and demolition of historic structures shall include:

1. For relocation, demonstration that such relocation is consistent with historical patterns of reuse within Otero County.

2. For relocation or demolition, documentation showing rehabilitation or reuse on its present site cannot provide safe or reasonable beneficial use of the property.

3. When a governmental entity exercises power of eminent domain, the Board shall first consider relocating before demolishing and shall request a Section 106 (Federal Regulations 36 C.F.R. 800 of National Historic Preservation Act of 1966 (NHPA)) or an equivalent, be filed with the Board for its review prior to any action on the property. The results of that review and any comments shall be communicated to the Board of County Commissioners.

4. A documentary record, including photographs, of the property or properties prior to relocation or demolition shall be made and deposited with the Board.

Section 9. Revocation of Designation: Upon receipt of an application from the then-current owner(s) of a designated Site, Sites or District pursuant to this Resolution for revocation of that designation, the Board shall advise the Board of County Commissioners of such application. The Board of County Commissioners may remove the designation upon a demonstration of the owner that the designation prevents reasonable use of the property and the removal of the designation would not violate or conflict with applicable law and regulation. In addition, upon learning of the unauthorized alteration, demolition, movement or removal of a property which has been designated as historic pursuant to this Resolution, or a violation of this Resolution, the Board shall, following at least fifteen (15) days' written notice via certified mail with return receipt requested and United States Postal Service mail to the then-current owner(s) of the designated property recommend to the Board of County Commissioners whether the Historic Designation of the property be removed. The Board of County Commissioners shall, within sixty (60) days thereafter, determine whether to accept the recommendation and remove the designation. The Board of County Commissioners shall notify the Board of its decision regarding revocation of the Historic designation. The authority and remedies provided by this Section are not exclusive and shall be in addition to and supplement any other powers of enforcement or other remedies available to the Board or the Board of County Commissioners pursuant to law.