

## **ARCHULETA COUNTY PROCEEDINGS BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Special Meeting on May 28, 2019 noting County Commissioners Ronnie Maez, Steve Wadley, and Alvin Schaaf, County Administrator Scott Wall, County Attorney Todd Weaver and Deputy Clerk & Recorder Tomi Bliss present. Chairman Maez called the Special Meeting to order at 1:30 p.m.

### **A. Commitment Letter and Lease for DHS Facilities**

Todd Weaver, County Attorney, presented a letter of commitment and ground lease agreement regarding the Archuleta County Department of Human Services. Mr. Weaver advised the Board of County Commissioners (BoCC) previously authorized the donation of a parcel on Hot Springs Blvd. to the Archuleta County Housing Authority (ACHA) for the construction of an affordable housing development. The ACHA proposed to include office space within this development for the County Department of Human Services. The letter of commitment from the BoCC commits to provide up to \$1.2 million in funding to assist in the construction as well as to enter into a long term fully net lease for a term of 35 years with a lease rate of \$50,000 per year. The lease payments would be utilized to secure permanent financing for the development of the Human Services Building. The BoCC would also provide the ACHA with a long term land lease on the property to be occupied by the Human Services Building according to the terms listed in the land lease of the residential parcel. Both land and improvements would revert back to Archuleta County ownership at the conclusion of the 35 year building lease term. The commitment would be conditional on the ACHA receiving an allocation of Low Income Housing Tax Credits from the Colorado Housing and Finance Authority in the amount requested. Neither the BoCC nor the ACHA would be bound by the agreement if the Tax Credit application was not approved. Clifford Lucero, ACHA Board Member, Larry Walton, Finance Director, and Matt Dodson, Human Services Director, were present and spoke on behalf of this topic.

**Commissioner Schaaf moved to approve the commitment letter to the Archuleta County Housing Authority committing funding for the construction of the Department of Human Services offices as presented. Commissioner Wadley seconded the motion and it carried unanimously.**

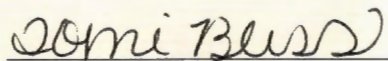
**Commissioner Wadley moved to approve the Ground Lease with the Archuleta County Housing Authority for lease of a land parcel on Hot Springs Blvd. for the development of office space for the Department of Human Services as presented. Commissioner Schaaf seconded the motion and it carried unanimously.**

### **B. Resolution 2019-49, Amending Section 2 of Previously Adopted Resolution 2019-35**

Larry Walton, Finance Director, advised the County had put out to bid the 2019 Certificates which would finance the construction of a new Detention Facility. The County's Municipal Advisor monitoring the marketplace conditions determined the County should modify one of the parameters included in Resolution 2019-35 (The "Authorizing Resolution"), resulting with a larger number of bids, increased competition and the possibility of the winning bid could have a lower calculated True Cost of Interest (TIC). **Commissioner Schaaf moved to approve Resolution 2019-49 amending Section 2 of the previously adopted Resolution 2019-35 as presented. Commissioner Wadley seconded the motion and it carried unanimously.**

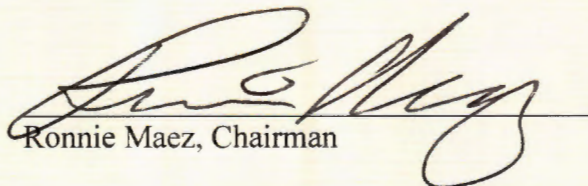
May 28, 2019

With there being no further business before the Board, the meeting was adjourned at 2:07 p.m.



\_\_\_\_\_  
Tomi Bliss  
Deputy County Clerk & Recorder

Approved this 18th day of June, 2019.

  
\_\_\_\_\_  
Ronnie Maez, Chairman



**RESOLUTION 2019-49**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY AMENDING ITS PREVIOUSLY ADOPTED RESOLUTION NO. 2019-35

**WHEREAS**, Archuleta County, Colorado (the "County") is a duly and regularly created, organized and existing body corporate and politic of the State of Colorado (the "State"), existing as such under the Constitution and statutes of the State; and

**WHEREAS**, the Board of County Commissioners of the County (the "Board") previously adopted County Resolution No. 2019-35 (the "Authorizing Resolution"), authorizing the financing of the construction of certain capital improvements to be used as its detention facilities (the "Project"); and

**WHEREAS**, capitalized words used herein and not otherwise defined shall have the meanings assigned to them in the Authorizing Resolution; and

**WHEREAS**, the Authorizing Resolution included the Board's election to apply all provisions of Part 2 of Article 57, Title 11, C.R.S. (the "Supplemental Public Securities Act") to the 2019 Certificates; and

**WHEREAS**, pursuant to the Supplemental Public Securities Act, the Authorizing Resolution included certain parameters with respect to the final terms of the 2019 Certificates, including a parameter establishing the authorized maximum aggregate principal amount of the 2019 Certificates (the "Principal Parameter"); and

**WHEREAS**, due to changes in market conditions, Ehlers Inc., as the County's municipal advisor (the "Municipal Advisor"), recommends amending the Principal Parameter in order to facilitate the sale of the 2019 Certificates and obtain sufficient proceeds to complete the financing of the Project; and

**WHEREAS**, the Board has determined that it is in the best interests of the County to amend the Authorizing Resolution as provided herein;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO:

**Section 1.** Section 2 of the Authorizing Resolution is hereby replaced in its entirety with the following (italics are included for emphasis only):

The Board hereby approves the Indenture, a copy of which has been made available to the Board, with such changes therein, not inconsistent herewith, as are approved by the persons executing the 2019 Certificates (whose signature thereon shall constitute conclusive evidence of such approval); provided that: the aggregate principal amount of the 2019 Certificates authorized thereby shall not exceed \$14,300,000, with a coupon interest not to exceed 5.00% and the final

Rtn: \_\_\_\_\_  
KRISTY ARCHULETA  
RESOLUTIONS



maturity of the 2019 Certificates authorized thereby shall be not later than December 31, 2044.

**Section 2.** All remaining provisions of the Authorizing Resolution not otherwise amended by this Resolution remain unchanged and in full force and effect.

**Section 3.** The officers, employees and agents of the County are authorized and directed to take all action necessary or appropriate to carry out the provisions of the Authorizing Resolution, as amended by this Resolution, and the documents referred to therein and to carry out the transactions described therein or in such documents.

**Section 4.** All actions previously taken by the Board and the officers, employees and agents of the County directed toward the transactions described in the Authorizing Resolution, as amended by this Resolution, or in the documents referred to therein are hereby ratified, approved and confirmed.

**Section 5.** All bylaws, orders, resolutions, and other instruments, or parts thereof that are in conflict with this Resolution are hereby repealed only to the extent of such conflict. This repealer shall not be construed to revive any bylaw, order, resolution, or other instrument, or part thereof, heretofore repealed.

**Section 6.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

**Section 7.** This Resolution shall be in full force and effect upon its passage and adoption.

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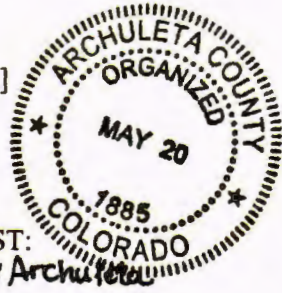
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Kristy Archuleta  
Archuleta County

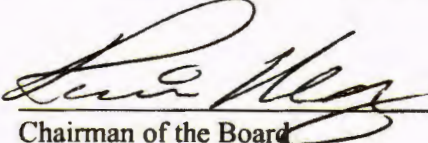
This Resolution is adopted this 28th day of May, 2019, in Archuleta County, Colorado.

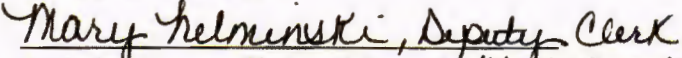
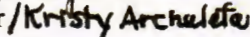
BOARD OF COUNTY COMMISSIONERS OF  
ARCHULETA COUNTY, COLORADO

[SEAL]



ATTEST:  
Kristy Archuleta

  
Chairman of the Board

  
Archuleta County Clerk and Recorder / 

Commissioners voting aye in favor of this Resolution were:

Maes, Schaaf and  
Wadley

Commissioners voting no against this Resolution were:

\_\_\_\_\_/ \_\_\_\_\_ and  
\_\_\_\_\_/ \_\_\_\_\_





**ARCHULETA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**CALL TO ORDER THE SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF MAY 28, 2019 AT 1:30 P.M.**

**NEW BUSINESS**

**A. Consideration Of Commitment Letter And Lease For DHS Facilities**

The Board of County Commissioners (BoCC) has previously authorized the donation of a land parcel on Hot Springs Blvd. to the Archuleta County Housing Authority (ACHA) for the construction of an affordable housing development. The ACHA has proposed to include office space in this development for the County Department of Human Services. This letter of commitment from the BoCC commits to provide up to \$1.2 million in funding to assist in the construction as well as to enter into a long term fully net lease for a term of 35 years with a lease rate of \$50,000 per year. The lease payments will be utilized to secure permanent financing for the development of the Human Services Building. The BoCC will also provide the ACHA with a long term land lease on the property to be occupied by the Human Services Building according to the terms listed in the land lease of the residential parcel. Both land and improvements will revert back to Archuleta County ownership at the conclusion of the 35 year building lease term. The commitment is conditioned on the ACHA receiving an allocation of Low Income Housing Tax Credits from the Colorado Housing and Finance Authority in the amount requested. Neither the BoCC nor the ACHA will be bound by this agreement if the Tax Credit application is not approved.

Presenter                **Todd A. Weaver**  
 Presenter's Title      **County Attorney**

Documents:

- [COMMITMENT LETTER TO HOUSING AUTHORITY.PDF](#)
- [DHS OFFICE CONSTRUCTION - COST VERSUS RESOURCES.PDF](#)
- [GROUND LEASE FOR DHS FACILITY.PDF](#)

**B. Consideration And Approval Of A Resolution 2019-\_\_\_, Amending Section 2 Of The Previously Adopted Resolution No. 2019-35 (The "Authorizing Resolution")**

The County has put out to bid the 2019 Certificates which will finance the construction of a new Detention Facility. The County's Municipal Advisor is monitoring marketplace conditions and has determined that if the County modifies one of the parameters included in the Resolution 2019-35 (the "Authorizing Resolution"), the likely result will be a larger number of bids, increased competition and the possibility that the winning bid will have a lower calculated True Cost of Interest (TIC) that might otherwise be the case.

Toward this end, staff are recommending modification of Resolution 2019-35 (the "Authorizing Resolution") as recommended by the Municipal Advisor and the Bond Attorney.

Presenter                **Larry Walton**  
 Presenter's Title      **Finance Director**

Documents:

- [ARCHULETA COUNTY COPS SERIES 2019 - AMENDING RESOLUTION.PDF](#)
- [STAFF REPORT - AMENDMENT TO PARAMETERS.PDF](#)

**ADJOURNMENT OF THE SPECIAL BOCC MEETING**

All meetings to be held in the Archuleta County Administration Offices  
 398 Lewis Street, unless otherwise stated.  
 All Regular and Special BoCC Meetings are recorded