

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Timothy V. Corrigan
District I

Douglas B. Monger
District II

M. Elizabeth Melton
District III

Commissioners' Daily Meeting Agenda August 14, 2020

Times listed on the agenda are approximations and may be longer or shorter, or being earlier than scheduled, with no notice. Agendas are subject to change 24 hours before the meeting start time. To ensure you have the most up-to-date information, please check the agenda after 24 hours of its start time.

If you are joining the meeting for a specific item, please join 10 minutes before the item to ensure you are present for the beginning of the item.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85106670945?pwd=UXZZSGx1O01Mc0s2cklGVk13Qld5UT09>

Password: 522

Or Telephone:

Dial(for higher quality, dial a number based on your current location)

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099

Webinar ID: 851 0667 0945

Password: 522

The Routt County Board of County Commissioners or Board of Health may enter executive session pursuant to C.R.S. 24-6-402(4)(b) to receive legal advice related to specific legal questions concerning Routt County's COVID-19 response.

- 1. 9:30 A.M. CALL TO ORDER**
- 2. 9:30 A.M. WEEKLY UPDATE FROM EMERGENCY OPERATIONS DIRECTOR**
David DeMorat, County Emergency Operations Director, will give a weekly update on the COVID-19 crisis to the Board of Commissioners.
- 3. 10:00 A.M. LEGAL**
Erick Knaus, County Attorney

RESOLUTION REQUESTING DA REPRESENTATION OF CLERK

Consideration to approve a resolution requesting the representation of the District

Attorney for the Routt County Clerk and Recorder in District Court Case No. 2020CV4 pursuant to C.R.S. 20-1-105(2)

Documents:

[2020CV4.DA REPRESENTATION OF CLERK.PDF](#)
[DA REPRESENTATION OF CLERK IN 2020CV4.PDF](#)
[2020CV4.ORDER RE SERVICE OF PROCESS AND ORDER ACCELERATING CASE.PDF](#)

4. 10:15 A.M. BREAK

5. 10:45 A.M. EXECUTIVE SESSION EMPLOYEE RECRUITMENT

Executive Session may be requested for discussion of a personnel matter under C.R.S. Section 24-6-402(4)(f)(I)&(II) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees;

6. 11:45 A.M. MEETING ADJOURNED

Please click the link below to join the webinar:

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All programs, services and activities of Routt County are operated in compliance with the Americans with Disabilities Act. If you need a special accommodation as a result of a disability, please call the Commissioners Office at (970) 879-0108 to assure that we can meet your needs. Please notify us of your request as soon as possible prior to the scheduled event. Routt County uses the Relay Colorado service. Dial 711 or TDD (970) 870-5444.

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: August 14, 2020	ITEM TIME: 11:30 a.m.
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FROM:	Erick Knaus
TODAY'S DATE:	August 12, 2020
AGENDA TITLE:	Consideration to approve a resolution requesting the representation of the District Attorney for the Routt County Clerk and Recorder in District Court Case No. 2020CV4 pursuant to C.R.S. 20-1-105(2).

CHECK ONE THAT APPLIES TO YOUR ITEM:	
<input checked="" type="checkbox"/> X ACTION ITEM	
<input type="checkbox"/> DIRECTION	
<input type="checkbox"/> INFORMATION	

I. DESCRIBE THE REQUEST OR ISSUE:
Consideration to approve a resolution requesting the representation of the District Attorney for the Routt County Clerk and Recorder in District Court Case No. 2020CV4 pursuant to C.R.S. 20-1-105(2).

II. RECOMMENDED ACTION:
Motion to approve a Resolution Requesting Representation by the District Attorney for the Routt County Clerk and Recorder in District Court Case No. 2020CV4 pursuant to C.R.S. 20-1-105(2).

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):
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PROPOSED REVENUE:

PROPOSED EXPENDITURE:

FUNDING SOURCE:

N/A

IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):

N/A

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

See attached resolution and the Court's Order Re Service of Process and Order Accelerating Case.

VI. LEGAL ISSUES:

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND OTHER OPTIONS:

N/A

STATE OF COLORADO)
)ss
COUNTY OF ROUTT)

RESOLUTION #2020-_____

A RESOLUTION REQUESTING REPRESENTATION BY THE DISTRICT ATTORNEY FOR THE ROUTT COUNTY CLERK AND RECORDER.

Recitals

A. David Wolfson has filed a Complaint for Judicial Review of a decision by the Routt County Clerk and Recorder rejecting his nomination petition to be a candidate for county commissioner, District Court Case No. 2020CV4.

B. The subject matter of Case No. 2020CV4 directly relates to the duties of the Clerk and Recorder.

C. The Clerk and Recorder requires representation to defend her elected office in the performance of her official duties and responsibilities.

D. C.R.S. Section 20-1-105(2) provides that the district attorney shall represent the Clerk and Recorder “upon a request in the form of a resolution by the board of county commissioners.”

E. The Board of County Commissioners of the County of Routt finds that it is in the best interest of the citizens of Routt County to request that the District Attorney of the 14th Judicial District provide representation to the Routt County Clerk and Recorder in District Court Case No. 2020CV4.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to C.R.S. Section 20-1-105(2), the Board of County Commissioners of Routt County, hereby requests that the District Attorney for the 14th Judicial District provide legal representation to the Routt County Clerk and Recorder in District Court Case No. 2020CV4.

DONE THIS _____ day of August, 2020.

BY THE BOARD OF COUNTY COMMISSIONERS OF ROUTT COUNTY, COLORADO.

Douglas B. Monger
Chair Pro Tem

Vote: Douglas B. Monger (yes)(no)(abstain)(absent)
M. Elizabeth Melton (yes)(no)(abstain)(absent)

ATTEST:

Deputy Clerk & Recorder

DISTRICT COURT, ROUTT COUNTY, COLORADO	
Court Address: 1955 SHIELD DRIVE, UNIT 200, STEAMBOAT SPRINGS, CO, 80487	
Plaintiff(s) DAVID WOLFSON	DATE FILED: August 12, 2020 11:49 AM CASE NUMBER: 2020CV4
v.	
Defendant(s) ROUTT COUNTY CLERK AND RECORDER	
△ COURT USE ONLY △	
Case Number: 2020CV4	
Division: 2A Courtroom:	
Order Re Service of Process and Order Accelerating Case	

On August 3, 2020 Petitioner filed a Complaint for Judicial Review of a decision by the Routt County Clerk and Recorder to reject his nominating petition to be a candidate for a seat on the county commission. The Petition indicated that he served the Clerk and Recorder only by email. C.R.C.P. 106(a)(4) provides for judicial review of administrative actions by governmental officers. "Rule 106, on its face, does not provide for any particular type of service of process on the litigants participating in the certiorari review." *North Glenn Suburban Co. v. Dist. Ct. for the City and Cnty. of Denver*, 532 P.2d 332, 334 (Colo. 1975). The court deems the email service to be sufficient. *Id.* Normally an Answer would be due 21 days after service of the Complaint. C.R.C.P. 106(a)(4)(VIII) permits the court to accelerate an action when the circumstances dictate. This action involves the upcoming November 2020 election. The case needs acceleration. The Clerk and Recorder will file an Answer to the Complaint no later than August 19, 2020. The Clerk and Recorder will also file with the court clerk those portions of the record below she deems to be necessary for the court to have a complete understanding of the controversy along with a certificate of authenticity no later than August 21, 2020.

Issue Date: 8/12/2020



SHELLEY ANN HILL
District Court Judge