

# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Timothy V. Corrigan  
District I

Douglas B. Monger  
District II

M. Elizabeth Melton  
District III

## Commissioners' Meeting Agenda September 3, 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:**

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Password: 522

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Webinar ID: 851 0667 0945

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*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. PLANNING**  
Kristy Winser, Director

**ZONING AND SUBDIVISION REGULATIONS AMENDMENT; PL-19-102**  
Worksession/Adoption of proposed amendments to Section 3.5 (Open Space and Public Sites) of the Subdivision Regulations and Section 3.2.9 (Term of Approval) of the Zoning Regulations

**Documents:**

**PROPERTY LINE DISCREPANCY POLICY**

Discussion of the Planning Department's policy on property line discrepancy issues.

**Documents:**

[BCC COMM FORM PROPERTY LINE DISC 9.3.20.PDF](#)

3. **10:30 A.M. PURCHASING**  
Julie Kennedy, Purchasing Agent

**COMPUTER DONATION REQUEST TO THE COUNTY EXTENSION 4-H / ROBOTICS CLUB**

Consideration for approval of the donation of (1) out of warranty lap top that has been replaced by the RC IT Department to the RC Extension office for use by the 4-H / robotics club.

**Documents:**

[COMPUTER DONATION REQUEST BCC AGENDA COMMUNICATION FORM.PDF](#)

4. **10:40 A.M. LEGAL**  
Erick Knaus, County Attorney

**ASSISTANT COUNTY ATTORNEY PAY ADJUSTMENT**

Consideration of approval for a pay adjustment for the Assistant County Attorney.

**Documents:**

[ASSISTANT COUNTY ATTORNEY AGENDA FORM FROM KATHY NELSON.PDF](#)  
[ASST ATTNY PAY SCALE.PDF](#)

5. **10:45 A.M. CLERK AND RECORDER**  
Kim Bonner, County Clerk

**IGA BETWEEN ROUTT COUNTY AND THE COLORADO RIVER WATER CONSERVATION DISTRICT FOR THE UPCOMING NOVEMBER 3, 2020 PRESIDENTIAL ELECTION**

Approval of and authorization for the Chair to sign an IGA between Routt County and the Colorado River Water Conservation District for the upcoming November 3, 2020 Presidential Election.

**Documents:**

[IGA CRWCD.PDF](#)  
[ROUTT - CRWCD IGA.PDF](#)

6. **10:55 A.M. MEETING ADJOURNED**

Please click the link below to join the webinar:

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# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

<b>ITEM DATE:</b> September 3, 2020 (tabled from August 25, 2020)	<b>ITEM TIME:</b> 9:30 am

<b>FROM:</b>	Alan Goldich
<b>TODAY'S DATE:</b>	August 31, 2020
<b>AGENDA TITLE:</b>	Zoning and Subdivision Regulations Amendments; PL-19-102

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

**I. DESCRIBE THE REQUEST OR ISSUE:**

Worksession/Adoption of proposed amendments to Section 3.5 (Open Space and Public Sites) of the Subdivision Regulations and Section 3.2.9 (Term of Approval) of the Zoning Regulations

**II. RECOMMENDED ACTION (*motion*):**

Send this item back to Planning Commission with confirmation of the information that was provided to them and the request for a formal recommendation. If this is to be sent back to Planning Commission, no formal action is required today.

**III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):**

<b>PROPOSED REVENUE</b> ( <i>if applicable</i> ): \$
<b>CURRENT BUDGETED AMOUNT:</b> \$
<b>PROPOSED EXPENDITURE:</b> \$
<b>FUNDING SOURCE:</b>
<b>SUPPLEMENTAL BUDGET NEEDED:</b> YES <input type="checkbox"/> NO <input type="checkbox"/>
<i>Explanation:</i> N/A

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

N/A

**V. BACKGROUND INFORMATION:**

This item has been scheduled with the Board as a worksession/adoption hearing. The Board has had several discussions previously on this topic. Planning Commission saw the proposed changes for the first time at their August 20, 2020 hearing. This hearing was advertised as a worksession/adoption hearing as well. Planning Commission had some concerns and wanted additional information. Because of this, no recommendation was provided.

Public Sites

Planning Commission was supportive of almost all of the changes. The one change that caused concern was the one that would remove the County from collecting and distributing any fees-in-lieu



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of land dedication. State statute that requires provisions for these regulations go onto to state what the fees can be used for. Planning Commission was concerned that if the County was not the one collecting and distributing these fees, there would be no oversight of how this money was spent to ensure that it was being spent correctly.

The main concerns was with distributing money to the City of Steamboat Springs Parks Department. Planning Commission was comfortable with the money being spent on something like the bike path that runs through town, but they did not want to see the money spent on trails on Buff Pass or Rabbit Ears that have the potential to further impact wildlife and put additional impacts out into the County.

Previously the County has exercised some control over how this money is spent. This control was limited to requiring the receiving agencies to detail what the money would be spent on. The County then ensured that the needs detailed were in line with statute. If they were, the money was released, but there was no follow up on behalf of the County to ensure that the money was spent on the items detailed in the request. The Board has expressed that they do not want to be left with the responsibility of ensuring the money is spent correctly due to the potential for large amounts of staff time going towards this endeavor.

There were three main questions that Planning Commission had. They are below followed by the answers that staff provided. Even with this information, Planning Commission wanted staff to have further discussions with the County Attorney regarding these questions prior to providing a recommendation.

1. Why is the County removing itself from the collection and distribution of these fees?

Based on the multiple conversations staff had with the Board and County Attorney, the County does not want to be the middle man anymore which would relieve the County of the responsibility of ensuring that the money was spent in ways allowed through statute, along with the administrative responsibilities associated with the collection and retention of these fees. By changing the regulations to make the applicant pay the fee directly, the County would not have the administrative responsibility of tracking, collecting and distributing this money, nor the responsibility of ensuring it is spent in ways detailed in state statute.

2. Can the County condition the FIL to be spent a certain way?

Staff's response to this was no. There are certain things that this money can be spent on that are detailed in statute. The response to number one applies here as well.

3. Does this money have to stay within the nexus area?

Staff expressed that our opinion is yes, it must stay in the area. The fee is collected to offset impacts of the proposed subdivision. If the fee was not required to stay in the nexus area, then the impact created by the subdivision are not being offset, which defeats the purpose of requiring and collecting this fee.

Following the Planning Commission hearing, staff discussed these concerns with the County Attorney and he confirmed that these responses were accurate. One other issue staff sees with conditioning the money is that this approach could create concerns on behalf of the applicant. The condition of approval is placed on the application's approval. If the approval is conditioned on how



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## AGENDA COMMUNICATION FORM

the money is spent, and the money is not spent in that way, does it jeopardize the approval? This is another reason why conditioning how the money is spent is not feasible.

### Term of Approval

The Board has seen and discussed this proposed change as well. It is to add statement C to Section 3.2.9. Planning Commission did not have any concerns with this change. They did however have a concern with a portion of statement A. Statement A says that if a permit is approved, and a permit timeframe was not part of that approval, the approval will be for the life of the use. This appears to address a situation that almost never occurs, failure to include a timeframe in the conditions of approval. Staff uses templates when creating conditions of approval. All of these templates include a timeframe so the chance of an approval occurring without a timeframe are pretty small. Currently statement A says:

*Approvals shall be valid for the time period specified at the time of issuance of the Approval, or if no time period is specified, for the life of the use; provided, however, that the permittee has diligently pursued construction of or initiation of the use within the first year after issuance of the Approval, unless otherwise approved.*

This concern can be addressed by removing the phrase “...or if no time period is specified, for the life of the use...”

<b>VI. LEGAL ISSUES:</b>
These changes have been discussed and reviewed by the County Attorney.
<b>VII. CONFLICTS OR ENVIRONMENTAL ISSUES:</b>
N/A
<b>VIII. OPTIONS:</b>
If the Board would like to move forward with adoption, the suggested motion below can be used for the formal action.  <i>I move to approve the amendments to Section 3.5 of the Subdivision Regulations and Section 3.2.9 of the Zoning Regulations.</i>
<b>IX. LIST OF ATTACHMENTS:</b>
<ul style="list-style-type: none"> <li>• DRAFT minutes from the August 20, 2020 hearing</li> <li>• Planning Commission memo for the August 20, 2020 hearing</li> </ul>

This approval is subject to the following conditions:

1. Utility and drainage easements shall be shown and dedicated on the final plat. The plat shall show all required drainage and utility easements on the vacated portion of roadways.
2. The resolution for the vacation for the utility and drainage easement shall be recorded concurrently with the final plat.

Commissioner Kelly seconded the motion.

**The motion carried 8 – 0, with the Chair voting yes.**

**ACTIVITY:** PL-29-102

**PETITIONER:** Routt County

**PETITION:** Consideration of changes to the regulations regarding Open Space and Public Sites

Mr. Goldich reviewed the memorandum, dated August 20, 2020, that includes the background information on the two sections of the regulations to be discussed.

### **Section 3.5 of the Subdivision Regulations: Open Space and Public Sites**

Mr. Goldich stated that the goal of the proposed changes to Section 3.5.2 of the Subdivision Regulations is to bring the County's Regulations into conformance with state statute, which requires that when land is subdivided, land be dedicated or a fee-in-lieu of land be paid for parks and schools. He said that the current regulations list a variety of public sites that the land or fee may be used for, but the statute is specific to parks and schools. Mr. Goldich stated that in 2019 staff presented a list of a variety of other items that are impacted by development (fire stations, roads, etc.) for which fees could be collected after a study has been performed to demonstrate the nexus between the impact and the fee. He stated that because the County has not done these studies, the fees that may be collected are limited to schools and parks.

Mr. Goldich stated that a formula must be used to determine the amount of land to be dedicated, or the amount of the fee-in-lieu. Mr. Goldich reviewed the formulas and how they were derived, as outlined on page 2 of the memo. He noted that the density used in the formulas is based on the number of additional dwelling units that would be created by a subdivision, beyond the number of dwelling units allowed prior to the subdivision. He stated that once the amount of land to be dedicated is determined, the fee-in-lieu of land is based on the fair market value of the property post-subdivision but without infrastructure, as agreed upon by the Planning Director and the developer. Mr. Goldich noted that the fee-in-lieu of land is used when the amount of land to be dedicated would be too small to be useful. If the developer does not agree to the per acre value, an appraisal may be obtained at the developer's expense. If the developer does not agree with the amount of land determined by the formula, the developer may submit a study to be taken into consideration by the Planning Director. Mr. Goldich clarified that the land dedication or fee-in-lieu of land dedication applies equally to all subdivisions. He reviewed the Fox Grove Subdivision, which was the case that revealed that the land/fee can be applied only to schools and parks.

Commissioner Brookshire asked why the fee is proposed to be paid to a third party entity (school district or parks and recreation department) instead of to the County as a pass-through. Mr. Goldich said that the fees require detailed tracking and reporting, and must be retained in separate interest bearing accounts. Based on these administrative costs and hassles, the County Attorney recommended that the fees be paid to a municipal entity with a parks department or to the applicable school district. Commissioner Brookshire expressed concern regarding enforcement and asked how other counties handle such fees. Mr. Goldich said that evidence that the fee has been paid will be required through a condition of approval (COA) prior to the recordation of the plat. He added that different counties handle fees in different ways; there is no consensus approach. Mr. Goldich stated that last year Routt County distributed over \$200,000 in fees that had been accumulating since 2004.

In response to a question from Chairman Warnke, Mr. Goldich stated that the proposed language regarding the agreement between the developer and the Planning Director is very close to the existing language. Chairman Warnke recalled that Planning Commission had previously decided that such fees should not be applied to lot consolidations, as such dedications/fees had already been made at the time of original subdivision. Mr. Goldich confirmed that this policy is codified in the regulations through a statement that these fees do not apply to lot consolidations.

Commissioner Jaeger asked what constitutes a park, and asked if there was a loophole that would allow a developer to transfer the land to another development. Mr. Goldich stated that a single parcel could be used to satisfy the requirement for more than one subdivision, provided it was large enough to meet the requirement as applied to all subdivided land.

Commissioner Benjamin asked how it would be determined where the fees would go. Mr. Goldich stated that for schools, it would be the district that the land is in. For parks, the recipient department would be based on proximity to the subdivision, or as agreed upon between the applicant and the Planning Director. He said that the idea would be for all of these agreements to be made prior to the review by Planning Commission.

Commissioner Brookshire asked if trails are considered parks, and cited in particular the extension of the core trail and how valuable it would be for the residents of the subdivisions west of town. He added that he would not want to provide funds to the City of Steamboat Springs for use at their discretion, citing the use of 2A funds to build recreation amenities on public lands and in wildlife habitat far from the City limits. He stated that he would want some assurance regarding where the money would go. Mr. Goldich stated that the fee must be based on a nexus between the development and the impact, and asked where the money should go for development west of town, if not to the City. Commissioner Brookshire suggested that there should be a mechanism through which a specific use for the money could be identified. Ms. Winser said that staff would look into this possibility and try to address the concern prior to the discussion with the Board of County Commissioners (BCC). Commissioner Marshall suggested deleting the language regarding proximity and leaving the recipient department to be agreed upon by the developer and the Planning Director. Mr. Goldich said that staff would discuss the nexus between the use of the fee and the location of the subdivision with the County Attorney. There was a discussion of active and passive recreational lands, and how trails can be considered parks.

Commissioner Mitzelfeld stated his support for identifying a specific project. He also asked about commercial property and why there was not a formula addressing the impact of commercial development that does not add residential density. Mr. Goldich said that the statute is specific to subdivisions. He added that the Routt County Master Plan does not support commercial development outside of growth centers, so unless the Master Plan is changed there was no need to address the impacts of commercial development.

### **Section 3.2.9 of the Zoning Regulations: Term of Approval of Use Permits**

Mr. Goldich stated that the proposed change is to address the common problem that permittees often do not keep track of when their permits expire, and often ask the BCC for an extension to allow time for the submission of a renewal application. There is no process for such extensions and there is some question as to whether the BCC has the authority to grant them. The proposed amendment (subsection C) will add a process through which temporary extensions are allowed. The Planning Director would have the authority to grant one 90-day extension, with all COAs remaining in force. The request for an extension must be accompanied by the submittal of a complete application. Mr. Goldich stated that the new permit software should minimize the use of this provision by alerting staff to upcoming expirations in time for renewal applications to be submitted.

In response to a question from Commissioner Jaeger, Mr. Goldich stated that only one extension is allowed because it must be accompanied by a renewal application. He clarified that one extension would be allowed for each permit term.

Commissioner Brookshire expressed concern with subsection A. He stated that the occurrence of some error in the process such that a permit term was not specified should not allow a permit to be automatically granted life of use. He stated that a permit without a term should be assigned a specific period of time by default. There was a discussion of permits that are grandfathered in because they are so old, and those that have been granted life of use intentionally. Ms. Winser noted that subsection A is the existing regulation. It is not new language. Commissioner Brookshire clarified that he is not concerned about grandfathered or intentional life of use permits, but rather those that do not have a specified term through an error. Mr. Goldich noted that the period of the permit is included as a COA in all permit templates that are used. He suggested that the phrase, "if no time period is specified, for the life of the use" could be stricken. There was general consensus that proposed subsection C was acceptable.

### **ADMINISTRATOR'S REPORT**

Ms. Winser reviewed the upcoming agendas, noting that no items have been scheduled for the September 3<sup>rd</sup> meeting. She said that she is not sure if items will be scheduled for the second meeting in September, so asked all to keep it open.

Mr. Goldich noted that there will be a change to the application process that will require all items to have been submitted and the staff report to be complete before an item is scheduled for consideration by Planning Commission. In addition to the changes to the regulations, there will also be an update to the fee schedule. These items will be presented in the fall.

Ms. Winser reported that only three applications for Planning Commission and the Board of Adjustment had been received, so the advertisement will be extended.



## *Memorandum*

**To:** Planning Commission

**From:** Alan Goldich, Planning, [agoldich@co.routt.co.us](mailto:agoldich@co.routt.co.us)

**Date:** August 20, 2020 (tabled from August 6, 2020)

**Subject:** Worksession/Adoption of proposed amendments to Section 3.5 (Open Space and Public Sites) of the Subdivision Regulations and Section 3.2.9 (Term of Approval) of the Zoning Regulations; PL-19-102

**Attachments:**

- Proposed Changes (clean and track changes versions)

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There are two topics that will be discussed. The first is the Open Space and Public Sites section of the Subdivision Regulations and the other is the Term of Approval section of the Zoning Regulations.

### **Open Space and Public Sites**

#### **Background**

During review of the Fox Grove Subdivision it was brought to the County's attention that Section 3.5, specifically Section 3.5.2, of the Subdivision Regulations that addresses 'Public Sites' may not be consistent with State statute. The specific area that is not consistent is the statement, *"In addition to the requirement for Open Space in Section 3.5.1, the County shall require the dedication of land and/or payment in lieu thereof for public sites such as schools, fire stations, or other necessary public facilities, as determined by the Board,"* and the other statements related to this. State statute 30-28-133 enables counties and cities to require the dedication of land and/or the fee-in-lieu for school and park sites. It also requires counties and cities to have provisions for the dedication of land for schools and parks in their regulations. Other statutes exist which allow the County to collect fees for other development impacts, such as fire stations or other public facilities. However, in order for the County to do this, a nexus study would have to be performed for each impact that is to be offset (roads, wildfire mitigation, emergency services, affordable housing, etc.). The proposed changes are only meant to address land dedications for schools and parks. With this in mind, staff is proposing the attached changes to this section of the regulations.

One issue encountered in the Fox Grove application is that there is no clear way of calculating how much land should be dedicated or how much the fee-in-lieu of dedication should be. The amount of land to be dedicated and/or the fees-in-lieu of land dedication must be directly proportional to the impact that

the development has on schools and parks. In order to determine this, formulas need to be in place that use defensible numbers in the calculation. Other counties' regulations contain specific formulas for how much land is to be dedicated and concrete criteria for how the fee-in-lieu of land dedication is determined. Staff has created formulas for determining the amount of land for parks and schools that need to be dedicated. Both of these formulas mirror the formula that was used by the County when approving the Fox Grove Subdivision.

**Parks Formula:**

$.013 \text{ acres} \times 2.3 \times \# \text{ of additional dwellings} = \text{land area to be dedicated}$

According to a DOLA Small Community Parks and Recreation Standards publication, and consultation with the City of Steamboat Springs Parks and Recreation Director, 13 acres per 1,000 county residents is required.

**Schools Formula:**

$.017 \text{ acres} \times 2.3 \times \# \text{ of additional dwellings} = \text{land area to be dedicated}$

Staff consulted with the RE-1, RE-2, and RE-3 school districts to determine how much land is needed per student. This number is 17 acres per 1,000 county residents.

Both formulas use the estimated household size for Routt County, which is 2.3. This is based on the Department of Local Affairs' (DOLA) most recent projection and estimate for Routt County. Additional dwellings is used in the calculation because the parcel that is being subdivided already has the right for a dwelling unit(s) to be placed on it. Since that unit(s) is already allowed, the number of additional units that would be created through the subdivision represents the increase in impact to parks and schools.

Once the amount of land to be dedicated is determined, the applicant has two options. The first is to dedicate the appropriate amount of land to a public agency. If it is determined by the Board that dedication of land is not feasible because the land area is too small to be useful, or the location does not lend itself to a park or school, then the applicant shall pay a fee-in-lieu of dedication. Since the requirement is to dedicate land within the proposed subdivision, the fair market value of the land within the subdivision needs to be used in order to determine the amount of the fee. This is more clearly explained in the proposed amended regulations, which require a per acre value of the project to be determined. The per acre value is to be agreed upon by the applicant and the Planning Director. The criteria for determining this value is based on proposed platting without the infrastructure installed. If the value cannot be agreed upon, the applicant would be required to pay for an appraisal. The appraisal must be done by an individual approved in advance by the County that possesses specific qualifications, which are detailed in the proposed changes.

If the applicant does not agree with the amount of land to be dedicated, there is a provision that allows the applicant to prepare a study evaluating the impacts on schools and parks that would be generated by the proposed subdivision. The County will take this study into consideration when determining the amount of land to be dedicated and/or the resulting fee-in-lieu of dedication.

The last change requires the applicant to pay any fees to the school district that the subdivision is located in, or to the parks department that the subdivision is closest to, or as agreed upon by the applicant and County.

# Term of Approval

## Background

Sometimes Permittees are not aware of when their permit expires and it does not come to staff's attention until it is too late to have a new permit in place prior to the expiration date. In the past, the Board has extended the permit, and allowed the operation to continue, in order for the permittee to acquire a new permit without having to stop operating. The current regulations do not have an allowance for these types of requests. The proposed change is meant to provide this process. The underlined language below is proposed to be added to Section 3.2.9 of the Zoning Regulations.

### 3.2.9. Term of Approval

- A. Approvals shall be valid for the time period specified at the time of issuance of the Approval, or if no time period is specified, for the life of the use; provided, however, that the permittee has diligently pursued construction of or initiation of the use within the first year after issuance of the Approval, unless otherwise approved.
- B. Whenever an approved use has been discontinued for a period of one (1) year, the Approval shall be deemed to have automatically lapsed, except for Permitted uses that are customarily operated seasonally or periodically.
- C. The expiration date of a permit may be extended without notice by the Planning Director for a period not to exceed 90 days. Only one extension by the Planning Director shall be allowed. All conditions in the existing permit shall continue to apply to such extensions. Requests submitted to extend the permit must be accompanied by an application for renewal that has been deemed complete by the Planning Director.

### **3.5 Open Spaces & Land Dedications**

The Commission and the Board shall require, in addition to the requirements of Section 4.2 of these regulations, the dedication of sufficient open spaces park lands, and school sites of a character, extent, and location suitable for a use that is essential to the public. Such essential uses include open spaces, schools, and active park lands.

The requirements of this section do not alter and shall not be in addition to the twenty-five percent (25%) “useable open space” requirement as set forth in the Planned Unit Development Zone District of the Routt County Zoning Regulations. However, the dedication for park lands and school sites is still required for Planned Unit Developments and is included within the 25% total.

Lot Consolidations that do not increase the density beyond what is currently approved are not subject to the requirements of Section 3.5.

#### **3.5.1 On-Site Open Space**

- A. All subdividers in Routt County not applying for a PUD shall convey a minimum of ten percent (10%) of the gross area of the subdivision as open space. Such open space shall be dedicated for the purpose of passive and active recreation to serve the future residents of the project.
- B. The conveyance shall be to a property owners association or similar organization formed for purposes including the perpetual maintenance of such designated areas within the subdivision. Any such organization must provide for funding of said maintenance. The open space area must meet the following requirements:
  - 1) The use of the open space must be restricted for passive and active recreation purposes on the plat.
  - 2) Active park lands shall contain land suitable for the type of recreational amenity proposed. Development constraints such as, but not limited to, wetlands, Waterbodies and Waterbody Setbacks, slopes greater than 30%, critical wildlife habitat, etc. shall not be counted towards the minimum required dedication.
  - 3) Be designed to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
  - 4) Promote continuity of open space links, trails and an overall recreation system.
  - 5) Be consistent with the Master Plan and applicable sub-area plans.
  - 6) Protect natural and historical features, scenic vistas or watercourses.
- C. Proposed public trail dedications, must meet the following requirements:
  - 1) The minimum width for such trail easement shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
  - 2) There shall be adequate provision for public access to the trail easement within the subject property.

- 3) The trail easement may overlap and include other property previously included in other easements such as ditch, canal or utility, public open space or other easement provided no easement compromises the functional use of any other easement.

### **3.5.2 Park Lands**

The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be .013 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

### **3.5.3 School Sites**

The proposed subdivision shall contain lands dedicated for the purpose of school sites. Such dedication shall be .017 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

### **3.5.4 Conveyance of Open Space, Park Lands, School Sites and Alternatives**

- A. Prior to final plat recordation for all subdivisions, the developer shall satisfy the requirements for Open Space, Park Lands, and School Sites through one (1) or a combination of the following:
  - 1) **Conveyance** - Open Space, Park Lands, and/or public School Sites to be conveyed to a homeowners association and/or public agency may be dedicated on the Final Plat, conveyed by Warranty Deed, or other instrument acceptable to the Routt County Planning Department. Any property to be conveyed shall be free and clear of all liens and encumbrances at the time of conveyance.
  - 2) **Fee-in-Lieu for Park Lands and School Sites** - When, after recommendation of the Commission, dedication of all or portions of the land for Park Lands, and/or School Sites is not deemed feasible or in the public interest, the Board may require the subdivider, in lieu thereof, to pay the County a fee. Such payment shall be based on the per acre fair market value of the entire project. Such value shall be based on completion of proposed platting, of the entire property as it may exist without the required infrastructure.
  - 3) The amount of land required to be dedicated by Sections 3.5.1 and 3.5.2 shall be the maximum amount that could be required by the County. If a fee-in-lieu of dedication is required, the total fee shall not exceed the full fair market value of the acreage required by Sections 3.5.1 and 3.5.2. The Board has the discretion to require less than what is required by these regulations, taking into consideration the standards contained in Section 3.5.4.B below.
- B. The County and, in certain cases as outlined above, the subdivider, in formulating the appropriate combination of the options set forth in

Subsection 3.5.2 and 3.5.3, shall take into consideration the following standards:

- 1) The size of the proposed subdivision.
  - 2) The projected additional population associated with the proposed subdivision.
  - 3) The projected need generated by the subdivision for Park Lands and School Sites.
  - 4) The impact of the proposed subdivision on the implementation of the County's Master Plan and its component parts, including transportation, parks, and recreation.
- C. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The appraisal shall be undertaken at the subdivider's cost by an appraiser, approved in advance by the County. The appraiser shall be a Certified General Appraiser with at least three years of local experience in commercial or for-development land appraisals that demonstrates appropriate geographical competence. The per acre appraisal value shall be used in determining the amount of the fee-in-lieu.
- D. In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the impacts of the proposed subdivision on area Park Lands and School Sites. Such study shall be undertaken at the subdivider's cost by a professional approved in advance by the County. To the greatest extent possible, the study shall include an evaluation of the present supply or capacity and present demand for all Park Lands and School Sites required by the proposed subdivision. The study shall identify and quantify the additional demand placed upon such Park Lands and School Sites by the proposed subdivision. The study shall identify the necessary Park Lands and School Sites required to be dedicated by the developer in order to serve the demand generated by the proposed subdivision. The study shall be considered by the County in determining the required dedication of land.
- E. All land to be dedicated shall be designated on the approved final plat as parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to any entities as specified by the Board, at the time of recording of the final plat, or by dedication on the final plat. A title commitment and prepaid fees for a policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State of Colorado shall be required for all such lands prior to recording of the final plat.
- F. All fees-in-lieu required to be paid to satisfy the School Sites requirement shall be paid to the school district that the subdivision is located in. All fees-in-lieu required to be paid to satisfy the Park Lands requirement shall be paid to the parks department that the subdivision is closest to, or as agreed upon by the applicant and Planning Director.

### 3.5 Open Spaces & ~~Public Sites~~ Land Dedications

The Commission and the Board shall require, in addition to ~~subdivision streets~~ the requirements of Section 4.2 of these regulations, the dedication of sufficient open spaces ~~(parks, greenbelts, trails, etc.) and other park lands, and school sites~~ of a character, extent, and location suitable for a use that is essential to the public. Such essential uses ~~may~~ include open spaces, schools, and active park lands ~~fire stations, and similar facilities. In determining an essential public use, the Commission and Board shall consider:~~

- ~~• the Master Plan;~~
- ~~• nearby recreational amenities;~~
- ~~• nearby public buildings and facilities; and~~
- ~~• the particular type of development proposed in the subdivision.~~

~~The total requirement for public sites and open space shall be 15% of the gross area of the proposed subdivision.~~

The requirements of this section do not alter and shall not be in addition to the twenty-five percent (25%) “useable open space” requirement as set forth in the Planned Unit Development Zone District of the Routt County Zoning Regulations. However, the ~~5%~~ dedication for ~~public sites~~ park lands and school sites is still required for Planned Unit Developments and is included within the 25% total.

Lot Consolidations that do not increase the density beyond what is currently approved are not subject to the requirements of Section 3.5.

#### 3.5.1 On-Site Open Space

A. All subdividers in Routt County not applying for a PUD shall convey a minimum of ten percent (10%) of the gross area of the subdivision as open space, ~~parks, or recreation area.~~ Such open space shall be dedicated for the purpose of passive and active recreation to serve the future residents of the project.

~~A.B.~~ The conveyance shall be to a property owners association or similar organization formed for purposes including the perpetual maintenance of such designated areas within the subdivision. Any such organization must provide for funding of said maintenance. The open space area must meet the following requirements:

- 1) The use of the open space must be restricted for ~~park, recreation, or passive open space~~ passive and active recreation purposes on the plat.
- 2) ~~A percentage of the open space shall be reasonably adapted for use for park and recreational purposes, taking into consideration such factors as the number of proposed lots, size, geology, presence and condition of ground cover and timber, condition of soil, drainage topography, access and availability of water.~~ Active park lands shall contain land suitable for the type of recreational amenity proposed. Development constraints such as, but not limited to, wetlands, Waterbodies and Waterbody Setbacks, slopes greater than 30%, critical wildlife habitat, etc. shall not be counted towards the minimum required dedication.

- 3) Be designed to assist in enhancing the environment and in preserving community integrity in the most practical, attractive manner possible.
- 4) Promote continuity of open space links, trails and an overall recreation system.
- 5) Be consistent with the Master Plan and applicable sub-area plans.
- 6) Protect natural and historical features, scenic vistas or watercourses.

~~B.C.~~ With respect to pProposed public trail dedications, must meet the following requirements: ~~the Board shall consider:~~

- 1) The minimum width for such trail easement shall be based on the particular reasonable needs of the trail, its location, the surrounding terrain and the projected usage. In all cases the easement shall be of adequate width to handle the proposed uses.
- 2) There shall be adequate provision for public access to the trail easement within the subject property.
- 3) The trail easement may overlap and include other property previously included in other easements such as ditch, canal or utility, public open space or other easement provided no easement compromises the functional use of any other easement.

### ~~3.5.2~~ Public SitesPark Lands

The proposed subdivision shall contain lands dedicated for the purpose of active recreation to accommodate some of the recreational needs of the proposed project's residents. Such dedication shall be .013 acres multiplied by the estimated residential population of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs.

### ~~3.5.3~~ School Sites

~~In addition to the requirement for Open Space in Section 3.5.1, the County shall require the dedication of land and/or payment in lieu thereof for public sites such as~~ The proposed subdivision shall contain lands dedicated for the purpose of schools sites, fire stations, or other necessary public facilities, as determined by the Board. Such dedication shall be .017 acres multiplied by the estimated residential population ~~five percent (5%) of the gross land area~~ of the proposed subdivision. The estimated residential population shall be calculated by multiplying the proposed number of dwellings by 2.3, or a current average household size for the project area as determined by the Colorado Department of Local Affairs. ~~The developer shall have the option, in its sole discretion, to accept the County's calculation of the required dedication, or to perform studies to demonstrate the actual impact of the subdivision upon public services and facilities and the resulting appropriate dedication or other contribution.~~

### ~~3.5.3~~ 3.5.4 Conveyance of Open Space, Park Lands, School Sites and Public Sites and Alternatives

- A. Prior to final plat recordation for all subdivisions, the developer shall satisfy the requirements for Open Space, Park Lands, and School Sites ~~and public sites~~ through one (1) or a combination of the following:
- 1) **Conveyance** - Open Space, Park Lands, and/or public School Sites to be conveyed to a homeowners association and/or public agency may be dedicated on the Final Plat, conveyed by Warranty Deed, or other instrument acceptable to the Routt County Planning Department. Any property to be conveyed shall be free and clear of all liens and encumbrances at the time of conveyance.
  - 2) **Cash Fee-in-Lieu for Public Sites** Park Lands and School Sites - When, after recommendation of the Commission, dedication of all or portions of the land for ~~public sites~~ Park Lands, and/or School Sites is not deemed feasible or in the public interest, the Board may require the subdivider, in lieu thereof, to pay the County a fee. Such payment shall be based on the per acre fair market value of the entire project. Such value shall be based on completion of proposed platting, of the entire property as it may exist ~~when all required infrastructure is completed and functioning~~ without the required infrastructure.
  - ~~2)~~3) The amount of land required to be dedicated by Sections 3.5.1 and 3.5.2 shall be the maximum amount that could be required by the County. If a fee-in-lieu of dedication is required, the total fee shall not exceed the full fair market value of the acreage required by Sections 3.5.1 and 3.5.2. The Board has the discretion to require less than what is required by these regulations, taking into consideration the standards contained in Section 3.5.4.B below. 5% of the entire subdivision or pertinent phase thereof, as applicable, as determined by the Board. In determining the fair market value of land for purposes of calculating a fee-in-lieu payment, the County may require that the developer obtain an appraisal. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full fair market value of the total required dedication of sites and land areas.
- B. The County and, in certain cases as outlined above, the subdivider, in formulating the appropriate combination of the options set forth in Subsection 3.5.2 and 3.5.3.A ~~above~~, shall take into consideration the following standards:
- 1) The size of the proposed subdivision.
  - 2) The projected additional population associated with the proposed subdivision.
  - 3) The projected need generated by the subdivision for Park Lands and School Sites. ~~public services and facilities, particularly recreational, educational, and emergency services, the provision of which is not covered by other requirements herein.~~
  - 4) The impact of the proposed subdivision on the implementation of the County's Master Plan and its component parts, including transportation, parks, and recreation.

- C. In determining the fair market value of the land for purposes of calculating a fee-in-lieu payment, the applicant and Planning Director shall determine a mutually agreed upon value. If such value cannot be agreed upon, the applicant shall obtain an appraisal of the land. The appraisal shall be undertaken at the subdivider's cost by an appraiser, approved in advance by the County. The appraiser shall be a Certified General Appraiser with at least three years of local experience in commercial or for-development land appraisals that demonstrates appropriate geographical competence. The per acre appraisal value shall be used in determining the amount of the fee-in-lieu.
- ~~C.~~D. In the event that the subdivider disagrees with the County's determination of required dedication, the subdivider may prepare a study evaluating the ~~demand for public land and improvements made necessary~~ impacts of or generated by the proposed subdivision on area Park Lands and School Sites. Such study shall be undertaken at the subdivider's cost by a ~~licensed professional engineer or other~~ professional approved in advance by the County. To the greatest extent possible, the study shall include an evaluation of the ~~County's~~ present supply or capacity and present demand for all ~~public services~~ Park Lands and School Sites required by the proposed subdivision. The study shall identify and quantify the additional demand placed upon such ~~public services~~ Park Lands and School Sites by the proposed subdivision. The study shall identify the necessary ~~public land and improvements~~ Park Lands and School Sites required to be dedicated ~~or constructed~~ by the developer in order to serve the demand generated by the proposed subdivision. The study shall be considered by the County in determining the required dedication of land.
- ~~D.~~E. All land to be dedicated shall be designated on the approved final ~~approved~~ plat as parcels, and the restrictions or conditions of development for the parcels shall be shown on the plat. Such land shall be deeded to any entities as specified by the Board, at the time of recording of the final plat, or by dedication on the final plat. A title commitment and prepaid fees for a policy of title insurance acceptable to the County provided by a title insurance company authorized to do business in the State of Colorado shall be required for all such lands prior to recording of the final plat.
- ~~E.~~F. All fees-in-lieu required to be paid to satisfy the School Sites requirement shall be paid to the school district that the subdivision is located in. All fees-in-lieu required to be paid to satisfy the Park Lands requirement shall be paid to the parks department that the subdivision is closest to, or as agreed upon by the applicant and Planning Director. ~~monies collected by the County under Sub-section 3.5.3.A.2 above shall be deposited in an interest-bearing account which clearly identifies the category, amount or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such monies shall be credited to the account.~~



**ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA COMMUNICATION FORM**

<b>ITEM DATE:</b> September 3, 2020	<b>ITEM TIME:</b> 9:30 am

<b>FROM:</b>	Alan Goldich
<b>TODAY'S DATE:</b>	August 31, 2020
<b>AGENDA TITLE:</b>	Property Line Discrepancy Policy

**CHECK ONE THAT APPLIES TO YOUR ITEM:**

**ACTION ITEM**

**DIRECTION**

**INFORMATION**

**I. DESCRIBE THE REQUEST OR ISSUE:**

Discussion of the Planning Department's policy on property line discrepancy issues.

**II. RECOMMENDED ACTION (*motion*):**

N/A

**III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):**

**PROPOSED REVENUE (*if applicable*):** \$

**CURRENT BUDGETED AMOUNT:** \$

**PROPOSED EXPENDITURE:** \$

**FUNDING SOURCE:**

**SUPPLEMENTAL BUDGET NEEDED:** YES  NO

*Explanation:* N/A

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

N/A

**V. BACKGROUND INFORMATION:**

Throughout the County, but particularly in Steamboat Lake and Stagecoach, property line discrepancy issues exist. With the recent uptick in the desire for residential development, the Planning Department has been receiving a lot of questions about the property line discrepancies.

This issue first came to light in 2006 when Skidge Moon (County Surveyor at the time) notified John Merrill (County Attorney at the time) of this issue. Subsequently, Tom Effinger (current County Surveyor) has identified additional parcels that are affected by this. To date approximately 200 lots are affected. According to Tom, this issue was created by a local surveyor because he did not use accepted survey practices when preparing surveys of lots that had already been surveyed. When Skidge first notified the County, John provided a legal opinion to the Planning Department that staff should not process any applications (building permit, variance, land use) on parcels affected by this until the issue is resolved. Erick Knaus agrees with the direction given by John.



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

The Planning Department has flagged all of the identified lots, however the owners of these lots have not been notified. Planning has been receiving complaints that the department knew about this issue, and flagged the lots, but never informed the landowners. We intend to address the lack of notification to landowners by informing them of the situation and that the Planning Department has flagged their lots.

Planning has prepared a document that explains how the situation came to be, along with the Planning Department's policy affecting these lots. This is the most efficient way of notifying impacted landowners. The DRAFT version of this document is attached. This document has been provided to Tom and Bear for their feedback. The attached document incorporates edits suggested by both.

Although this is a Planning Department policy and does not require approval of the Board, staff is present this policy to the Board to give you the opportunity to provide feedback on the issue and the document.

<b>VI. LEGAL ISSUES:</b>
The County Attorney has stated that the County has no legal responsibility to correct this issue since it was privately created.
<b>VII. CONFLICTS OR ENVIRONMENTAL ISSUES:</b>
N/A
<b>VIII. SUMMARY AND OTHER OPTIONS:</b>
<ol style="list-style-type: none"><li>1. Direct staff to make changes to the document. Please identify any changes that need to be made.</li><li>2. Direct staff to not send this notification out to landowners.</li></ol>
<b>IX. LIST OF ATTACHMENTS:</b>
<ul style="list-style-type: none"><li>• DRAFT policy document</li></ul>



## *Property Line Discrepancy Policy*

**From:** Routt County Planning Department  
**Date:** September 3, 2020  
**Subject:** Property line discrepancies in Stagecoach and Steamboat Lake

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### Issue

In the early 2000's, it was determined that a surveyor had set monuments in the Steamboat Lake, Stagecoach, and other subdivisions. In many instances, this resulted in the existence of two monuments marking the same property corner. In 2006, the County Surveyor informed the County Attorney of the existence of these discrepancies and identified lots he knew were in this situation. In 2018, and again in 2019, additional lots were identified and more occurrences are being discovered as lots trade hands.

### History

The Steamboat Lake and Stagecoach subdivisions were created in the early 1970s. When a subdivision occurs, the developer orders the surveyor to prepare a plat (the legal document that subdivides the land). If the developer wishes to sell lots, the surveyor then sets metal monuments in the ground that identify the corners of lots. As required by law, steel pins in these areas were set at the time of subdivision. Survey law states that once pins are set in the ground and are accepted and relied upon by the developer, whether they line up exactly with the plat or not, they take precedence. After the original pins were set, this surveyor, disregarded those pins, and set his own. This has resulted in two sets of pins, both of which are meant to identify the same property corner. The existence of duplicate pins has caused a great deal of confusion and concern for landowners.

### Result

All of the currently identified lots are flagged in the Planning Department's files. Until this issue is satisfactorily resolved, the County will not process any building permit, or land use application, including Board of Adjustment.

### What is the County doing about this?

The County will do its best to notify affected landowners that their property is flagged as the result of this issue. There is no legal duty for the County to resolve private property boundary disputes, nor does the County want to get involved. This is an issue that will have to be worked out amongst all that are involved: neighbors, surveyors, bank(s), etc. Due to the unique characteristics of each case, there are multiple ways that this issue can be resolved. It is suggested that you contact a surveyor or attorney to discuss options. Once the property line issue is resolved, approval from the County may be required.



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

<b>ITEM DATE:</b> September 4, 2020	<b>ITEM TIME:</b>
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<b>FROM:</b>	J. Kennedy/T. Hagenbuch
<b>TODAY'S DATE:</b>	August 25, 2020
<b>AGENDA TITLE:</b>	Computer Donation Request to the County Extension 4-H / Robotics Club
<b>CHECK ONE THAT APPLIES TO YOUR ITEM:</b>	
<input checked="" type="checkbox"/> <b>X ACTION ITEM</b>	
<input type="checkbox"/> <b>DIRECTION</b>	
<input type="checkbox"/> <b>INFORMATION</b>	
<b>I. DESCRIBE THE REQUEST OR ISSUE:</b>	
Request the Board of County Commissioners approve the donation of (1) out of warranty lap top that has been replaced by the RC IT Department to the RC Extension office for use by the 4-H / robotics club.	
<b>II. RECOMMENDED ACTION (motion):</b>	
Motion by the Board of County Commissioners to approve the donation of (1) out of warranty lap top that has been replaced by the RC IT Department to the RC Extension office for use by the 4-H / robotics club.	
<b>III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):</b>	
<b>PROPOSED REVENUE (if applicable):</b>	
<b>CURRENT BUDGETED AMOUNT: N/A</b>	
<b>PROPOSED EXPENDITURE: N/A</b>	
<b>FUNDING SOURCE:</b>	
<b>SUPPLEMENTAL BUDGET NEEDED: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/></b>	
<b>IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):</b>	
None	
<b>V. BACKGROUND INFORMATION:</b>	
The RC Extension Director has requested that the lap top replaced due to end of service and warranty recently by the RC IT Department for use by the 4-H / Robotics club. This equipment would be an expense to the County of \$75 to recycle. The Extension department understands that this computer will be cycled out of the IT asset account and will not be maintained by IT going forward.	
<b>VI. LEGAL ISSUES:</b>	
None	
<b>VII. CONFLICTS OR ENVIRONMENTAL ISSUES:</b>	
None	



**ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA COMMUNICATION FORM**

**VIII. SUMMARY AND OTHER OPTIONS:**

Recommend the Board of County Commissioners approve the donation of (1) out of warranty lap top that has been replaced by the RC IT Department to the RC Extension office for use by the 4-H / robotics club.

**IX. LIST OF ATTACHMENTS:**

None

# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

<b>ITEM DATE:</b> September 3, 2020	<b>ITEM TIME:</b> 11:40 a.m.
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<b>FROM:</b>	Erick Knaus
<b>TODAY'S DATE:</b>	August 31, 2020
<b>AGENDA TITLE:</b>	Consideration of Approval to Change the Department and Working Hours of the DHS Assistant County Attorney Position.

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

<b>I. DESCRIBE THE REQUEST OR ISSUE:</b>
Consideration of approval to change the department and working hours of the DHS Assistant County Attorney.

<b>II. RECOMMENDED ACTION:</b>
Motion to change the department and working hours of the DHS Assistant County Attorney.

**ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA COMMUNICATION FORM**

<b>III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):</b>
<b>PROPOSED REVENUE:</b> NA
<b>PROPOSED EXPENDITURE:</b> The DHS Assistant County Attorney’s hourly wage at Step 10 is \$60.42/hour. At 32 hrs. a week the annual salary is \$100,538; at the proposed 40 hrs. a week the annual salary is: \$125,673. The additional annual cost per year is \$25,135, and approximately an additional \$8,378 through the end of the year.
<b>FUNDING SOURCE:</b> General Fund – Effective September 1, 2020, the recommendation is to move the funding source from DHS to the CAO. A portion of all attorney time spent on child welfare (80%) and child support (66%) cases or matters are eligible for reimbursement via state and federal funding.
<b>IV. IMPACTS OF A REGIONAL NATURE OR ON OTHER JURISDICTIONS (IDENTIFY ANY COMMUNICATIONS ON THIS ITEM):</b>
N/A
<b>V. BACKGROUND INFORMATION:</b>
<p>The DHS Assistant County Attorney position was approved in 2015 as a .8 FTE (32 hours/wk). Based on the anticipated demands of the role, the department head only requested up to 32 hours of attorney time per week vs. 40 hours per week. Since 2015, the DHS Assistant County Attorney has consistently worked more than 32 hours per week and the Assistant County Attorney has also performed significant work for DHS. Based on the consistent demands of this role, the County Attorney, Erick Knaus is requesting this position be changed from a .8 FTE (32 hours/wk) to a 1.0 FTE (40 hours/wk).</p> <p>To date, this position has been managed by the DHS Director, but the current DHS Director and the County Attorney believe it is in the best interest of Routt County that this position be supervised by the CAO.</p> <p>Accounting, DHS, and the CAO have discussed the budgetary ramifications of this transition. While this position’s salary will be reflected in the CAO budget going forward, any attorney time performed for DHS, will continue to be allocated to that Department.</p>

**ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA COMMUNICATION FORM**

<b>VI. LEGAL ISSUES:</b>
N/A
<b>VII. CONFLICTS OR ENVIRONMENTAL ISSUES:</b>
N/A
<b>VIII. SUMMARY AND OTHER OPTIONS:</b>
N/A

**Assistant County Attorney****2020 Market Midpoint = 53.95**

(Surveyed 1999/Implemented 2000)

(2001 - 7% across the board increase)

(Salary Set by BCC)

(2002 - 4 % Increase)

(2004 - 30% of 2003 Salary Survey Market Increase)

(2005 - Received remaining 70% of 2003 Salary Survey Market Increase)

(2006 - 2005 Market Survey Increase)

(2007 - 4% Across the Board)

(2008 - 2007 Market Survey +2%)

(2009 - 2% across the board, no step increases)

(2009 - Effective 4/2/09 10% pay reduction)

(2010 - 10% pay reduction was reduced to a 5% pay reduction, no step increases)

(2011 - 2012 - Compensation remains at 2010 level, no step increases)

(2013 - Remaining 5% pay reduction returned. Compensation at 1/1/2009 level, no step increases)

(2014 - 2% across-the-board increase + 2014 step increase on DOM + up to 2 "catch-up steps if eligible)

(2015 - 2.8% across-the-board increase + 2015 step increase on DOM + up to 2 "catch-up steps if eligible)

(2016 - Salary Survey Results, limited to 15%, if applicable plus 1.5% across the board increase)

(2016 - 2016 step increase on DOM + final "catch-up" step on 1/1/16, if eligible)

(2017 - 2% across-the-board increase + 2017 step increase on DOM if eligible)

(2018 - 3% across-the-board increase + 2018 step increase on DOM if eligible)

(2019 - 3% across-the-board increase + 2019 step increase on DOM if eligible)

(2020 - 2% across-the-board increase + 2020 step increase on DOM if eligible)

<b><u>STEP/LEVEL</u></b>	<b><u>HOURLY RATE</u></b>	<b><u>S/M SALARY</u></b>	<b><u>ANNUAL SALARY</u></b>
1	\$45.86	\$3,974.53	\$95,388.71
2	\$47.48	\$4,115.20	\$98,764.91
3	\$49.10	\$4,255.88	\$102,141.12
4	\$50.73	\$4,396.56	\$105,517.33
5	\$52.33	\$4,535.38	\$108,849.17
6	\$53.95	\$4,676.06	\$112,225.38
7	\$55.58	\$4,816.73	\$115,601.59
8	\$57.20	\$4,957.41	\$118,977.79
9	\$58.82	\$5,098.08	\$122,354.00
10	\$60.42	\$5,236.86	\$125,684.76
11	\$62.05	\$5,377.54	\$129,060.97

All tables are subject to rounding differences



# ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

## AGENDA COMMUNICATION FORM

ITEM DATE: 09/01/2020	ITEM TIME: 10:45 a.m.

<b>FROM:</b>	Routt County Clerk and Recorder
<b>TODAY'S DATE:</b>	08/25/2020
<b>AGENDA TITLE:</b>	Consideration for approval and authorization for the Chair to sign an IGA between Routt County and the Colorado River Water Conservation District for the upcoming November 3, 2020 Presidential Election.

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

**I. DESCRIBE THE REQUEST OR ISSUE:**

Approval of and authorization for the Chair to sign an IGA between Routt County and the Colorado River Water Conservation District for the upcoming November 3, 2020 Presidential Election.

**II. RECOMMENDED ACTION (*motion*):**

**III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):**

PROPOSED REVENUE (*if applicable*): \$

CURRENT BUDGETED AMOUNT: \$0

PROPOSED EXPENDITURE: \$

FUNDING SOURCE:

SUPPLEMENTAL BUDGET NEEDED: YES  NO

*Explanation:*

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



**ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS**  
**AGENDA COMMUNICATION FORM**

**V. BACKGROUND INFORMATION:**

**VI. LEGAL ISSUES:**

**VII. CONFLICTS OR ENVIRONMENTAL ISSUES:**

**VIII. SUMMARY AND OTHER OPTIONS:**

**IX. LIST OF ATTACHMENTS:**

IGA

## INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (the "Agreement") is made and entered into this        day of       , 2020 by and between Routt County, Colorado (the "County") and Routt County Clerk and Recorder ("County Clerk") and Colorado River Water Conservancy Dist. (the "District"), collectively referred to herein as the "Parties," for the administration of their respective duties concerning the conduct of the general election to be held on November 3, 2020 (the "Election").

### RECITALS

A. Pursuant to Colorado Constitution Article XIV, Section 18(2)(a), and Section 29-1-203, C.R.S., as amended, the County Clerk and the District may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each, and any such contract may provide for the sharing of cost, the imposition of taxes, and incurring of debt; and

B. The County Clerk and the District are authorized to conduct elections as provided by law; and

C. The District has determined that it is in the best interests of the District to conduct its election to be held on November 3, 2020 as a "general election" as such term is defined in the Uniform Election Code of 1992, as amended ("Code") and the Code contemplates the entry into and performance of an intergovernmental agreement to cooperate in the conduct and financing of the Election; and

D. The County Clerk and the District have determined that it is in the best interests of the County, the District, and respective inhabitants to cooperate and contract concerning the Election upon the terms and conditions contained herein.

### TERMS AND CONDITIONS

NOW, THEREFORE, for and in consideration of the premises and the promises herein contained, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

#### ARTICLE I PURPOSE AND GENERAL CONDITIONS

1.01 **Goal.** The purpose of this Agreement is to set forth the tasks to be completed by the County Clerk and the District to conduct and finance the Election.

1.02 **Designated Election Official, Other Election Personnel.** Except as otherwise provided in this Section 1.02, the County Clerk shall act as the Designated Election Official ("Official") for the conduct of the Election for the District for all matters in the Code which require action by the Official.

The District designates Ian Philips as its Election Officer ("Officer") who shall act as the primary liaison between the District and the County Clerk. To the extent the Code requires that a "designated election official" with the District conduct a task, the Officer will act as such. Nothing herein shall be deemed or construed to relieve the County Clerk or the governing body of the District from their official responsibilities for the conduct of the Election.

**1.03 Jurisdictional Limitation.** The District includes territory within Routt County but may also include territory not within Routt County. This Agreement shall be construed to apply only to that portion of the District within Routt County.

**1.04 Term, Renewal, and Activation.**

A. Although this Agreement is specifically written to deal with the November 3, 2020 election, it is intended to be effective through December 31, 2020, and automatically renewed for successive one year periods thereafter, but the District's participation in a coordinated election under this Agreement shall be subject to the provision of subparagraph B of this Section 1.04. The dates cited for the Election shall change to the proper November date as needed for the year in which the future coordinated election may occur. The intent of this automatic renewal provision is to put in place the intergovernmental agreement contemplated by the Code by the time required by the Code without extensive annual renegotiations.

(1) As soon as possible, but no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date, the Official will submit a written plan to the Secretary of State which will include the requirements outlined in the Secretary of State's Rules and Regulations. The written plan will become a part of the Agreement as an attachment if the Election is held as a mail ballot election.

B. Although the Agreement automatically renews, actual use of the Agreement for any election by the District shall be conditioned upon:

(1) A determination, by Resolution of the governing body of the District, that an election is required and that such election should be held as a coordinated election.

(2) Notice of (1) being delivered to the County Clerk no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date.

(3) Acceptance of the notice indicated in (2) by the County Clerk and determination by the County Clerk that the County Clerk shall undertake its duties under the Agreement, with notice of such determination to be delivered to the District within five (5) days of the County Clerk's receipt of the notice indicated in (2).

Following the completion of (1), (2), and (3) above, the election procedures in this Agreement shall be activated.

ARTICLE II  
DUTIES OF THE COUNTY CLERK

**2.01 County Clerk Duties.** The Election shall be conducted under the provision of C.R.S. Title 1. The County Clerk shall be responsible for the conduct of the Election, adhering to all applicable provisions of the Code which are necessary or appropriate. The County Clerk shall be responsible for:

A. Production of a mailed Notice of the Ballot issues and/or questions ("Amendment 1 Notice") required by the Colorado Constitution, Article X, Sec. 20 in accordance with Attachment 1.

B. Arrange for the printing, and have printed, all official ballots.

C. The Official shall determine the cost allocation for each participating entity in the Election. The District shall reimburse its proportional share of the actual cost either to the County Clerk or to the vendor directly in accordance with the directions of the County Clerk. Except as otherwise provided herein, election costs shall be allocated based upon a formula which considers the percentage of registered voters within the District compared to the total number of registered voters within Routt County together with the number of election issues and office races for the District compared to the total of all election issues and office races on the ballot.

D. Appoint, provide written material to, train and pay a sufficient number of qualified election judges ("Election Judges"), as required by law, to adequately serve the number of electors anticipated to vote at the Election.

E. Conduct such formal training sessions for the Election Judges as are deemed reasonably necessary by the County Clerk.

F. After soliciting public comment and comment from the District, the County Clerk shall determine appropriate locations for the voter service and polling center locations required for the Election and submit those locations to the Colorado Secretary of State as part of the mail ballot plan. Upon approval of the locations for voter service and polling centers, the County Clerk shall ensure that each of those voter service and polling centers meets the requirements set forth in C.R.S. Section 1-5-102.9 and are open and appropriately staffed for the time periods and hours required by that statute.

G. Charge the District for all staff time solely related to the District for the preparation and conduct of the Election at each staff member's current pre-tax hourly rate. Charge the District its proportional share of the actual cost of staff time not solely related to the District for the preparation and conduct of the election.

H. Conduct and oversee the process of counting the ballots and reporting the results. The process to include appointment of a Duplication and Verification Board.

I. The Canvass of Votes ("Canvass") will be conducted by the County Clerk. The County Clerk shall generally oversee the conduct of the Board of Canvassers.

(1) The County Clerk shall appoint the Canvassers.

(2) Such Canvass shall be completed by the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date and official results of the Canvass will be provided to the District and all other political subdivisions participating in the Election.

(3) Each District will be responsible for issuing its own Certificates of Election for candidates and issues.

J. Store all unvoted ballots for a minimum of 6 months and all voted ballots and other election materials for a minimum of 25 months in such a manner that they may be accessed by the District, if necessary, to resolve any challenge or other legal questions that might arise regarding the Election.

K. Keep a careful and accurate and contemporaneous accounting of time, supplies and salaries chargeable to the District.

L. Adhere to all applicable provisions of the Code which are necessary or appropriate to the performance of the above duties.

M. The Official shall publish the Notice of Election required no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date.

N. In the event the Election is cancelled, the County Clerk shall post notice of the Cancellation of Election on the County's designated Notice Boards.

O. Requests for mail, absentee and replacement ballots shall be transmitted and processed by the County Clerk at 522 Lincoln Ave., PO Box 773598, Steamboat Springs, CO 80477.

### ARTICLE III DUTIES OF THE DISTRICT

3.01 **District Duties.** In consideration of the foregoing, the District agrees to perform the following tasks and activities:

A. If the District ballot questions in the Election include one or more ballot questions under Colorado Constitution Article X, Section 20 (also referred to as "Amendment 1" or "TABOR"), then the terms and conditions of Attachment 1 to this Agreement shall be incorporated herein by this reference and the District shall provide

to the County Clerk all required Amendment 1 Notices concerning the District's ballot issues and questions in the manner according to Code and Attachment 1.

B. In accordance with Colorado Law, the ballot contents must be certified to the County by the District, in its exact and final form, no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date. Such ballot contents must be delivered to the County Clerk's office at 522 Lincoln Ave., Steamboat Springs, CO. In addition, ballot content shall be submitted electronically in a Word document or other compatible format to elections@co.routt.co.us. The District shall proof the layout and text of the official ballots no later than 50 days prior to the date of the election and before the authorization for the printing of ballots or the District shall proof and provide written notice acknowledging the layout and text of the sample and official ballots within one business day of receipt of the ballot proofs from the County Clerk, whichever occurs first.

C. Accept the location of the voter service and polling centers and ballot drop-off locations established by the County Clerk. If requested by the County Clerk, the District shall also provide a secure ballot drop-off location at the District's office or other location mutually acceptable to the County Clerk and the District.

D. The District and/or Officer shall prepare and publish any legal notices of election which are required to be given to the electorate of the District according to statutes and ordinances governing their elections other than the Notice of Election required by Section 2.01 (M) or as otherwise required by law. A copy of all legal notices published by the District shall be submitted to the Official. The District shall be responsible for mailing all notices required by Amendment 1 ("TABOR") to property owners owning property within the District who do not reside within Routt County.

E. Upon the request of the County Clerk, the District shall provide a representative to assist in conducting the logic and accuracy test and the post-election audit and canvass.

F. Pick up Election materials from the County Clerk when requested following the Election.

G. Store all Election materials, not stored by the County Clerk, for that time required by the Code.

H. Pay the District's proportional share of actual costs of services, supplies, mailing costs and mileage to the County Clerk upon receipt of the itemized statement or pay directly vendors or contractors as directed by the County Clerk.

I. The petition process for the District shall be entirely the responsibility of the District, and shall be done in compliance with applicable Colorado statutes, ordinances or charter provisions. This process includes, but is not limited to: approving the candidate or initiative petitions to be circulated within the District; receiving the petitions, and verifying the signatures of the petitions within the District.

J. The District shall furnish the County Clerk with a current and accurate map of the District boundaries. The County Clerk will furnish the District with a list of street addresses from the SCORE Voter Registration system of all addresses contained within the District boundaries. The District shall certify as to the accuracy of these addresses within five (5) days of receipt.

K. The process of receiving and filing of written comments will be the sole responsibility of the District.

L. Certificates of Election of candidates and issues will be issued by the District or Officer upon receipt of the official results from the County Clerk. Any additional Certificates of Election which are required by law to be forwarded to another division of government shall be the responsibility of the District.

M. Any time prior to certification of the ballot, the District shall determine the order of names on nonpartisan ballot by lot following notification of candidates of time and place of lot drawing.

**3.02 Cancellation of Election by the District.** In the event the District, at some time after activation of this Agreement pursuant to Section 1.04 B hereof, resolves not to hold the Election, then notice of such resolution shall be provided to the County Clerk immediately. The District shall promptly pay the County Clerk the full actual costs of the activities of the County Clerk relating to the election incurred both before and after the County Clerk's receipt of such notice. The District shall publish notice, according to Code, of such cancellation in a newspaper of general circulation in Routt County. The Officer shall post notice of the cancellation at all buildings of the District. The District shall not cancel the election after the 25th day before the Election.

#### ARTICLE IV PROPORTIONAL SHARE OF ACTUAL COSTS

4.01 The Official shall determine the cost allocation for the District and all other political subdivisions participating in the Election. The District shall reimburse the County for such election costs allocated to the District. Such reimbursement shall be made to the County within thirty days from the receipt of billing. (Example - each District will pay for the ballots based on their number of eligible voters including consideration for the number of lines printed on the ballot.)

#### ARTICLE V MISCELLANEOUS

5.01 **Notices.** Any and all notices to be given by this Agreement are deemed to have been received and to be effective: (1) three (3) days after the same shall have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a fax was received; to the

address of the Parties as set forth below or to such Party or addresses as may hereafter be designated in writing.

To County Clerk: Kim Bonner  
Routt County Clerk & Recorder  
P.O. Box 773598 / 522 Lincoln Ave.  
Steamboat Springs, CO 80477

To District: Colorado River Water <sup>Conservation</sup> Conservancy Dist.  
Attention: Ian Philips  
PO Box 1120  
Glenwood Springs, CO 81602

**5.02 Integration.** The Parties acknowledge this Agreement constitutes the sole agreement between them relating to the subject matter hereof and that no Party is relying upon any oral representation made by another Party or employee, agent or officer of the Party.

**5.03 Amendments.** This Agreement can be amended only in writing and by signatures of both Parties.

**5.04 Actual Costs Defined.** "Actual Cost" includes, but is not limited to, the costs of labor, ballot mailing costs, printing and materials itemized, identified, and consumed for the conduct of the Election.

**5.05 Damages for Negligence or Error.** In the event a court of competent jurisdiction finds the Election for the District was void or otherwise fatally defective due to a cause arising from the negligence or other error of the County Clerk, then the County Clerk shall, as liquidated damages and not as a penalty, refund or pay all amounts paid to the County Clerk, vendors or contractors designated by the County Clerk and other itemized costs for the Election paid by the District.

Likewise, as liquidated damages and not as a penalty, if the cause arises from the negligence or other error of the District, the District shall pay the County Clerk its reasonable court costs, attorney's fees and lost County Clerk staff time arising from litigation relating to the Election.

To the extent authorized by law, *Ian Philips*

The District agrees to indemnify, defend and hold harmless the County Clerk from any and all loss, costs, demands or actions arising out of or related to any actions, errors or omissions of the District in completing its responsibilities relating to the Coordinated Election.

**5.06 Attorney Fees.** In the event either of the Parties brings suit to enforce or interpret any portion of this Agreement, the party prevailing in such action shall be entitled to recover all costs incurred in such action, including without limitation reasonable attorney's fees.

5.07 **Conflict of Agreement with Law, Impairment.** In the event any provision in this Agreement conflicts with the Code, other statute, or valid prior Resolution duly adopted by the Board of County Commissioners, this Agreement shall be modified to conform to such law or resolution. No subsequent resolution of the Board of County Commissioners nor of the District shall impair the rights of the County Clerk or the District hereunder without the consent of the other party to this Agreement.

5.08 **Time of Essence.** Time is of the essence of this Agreement. The statutory time requirements of the Code shall apply to completion of the tasks required by this Agreement. A calendar with specific dates will be attached to conform with the Code and Agreement as Attachment 2.

5.06 **Good Faith.** The Parties shall implement this Agreement in good faith, including acting in good faith in all matters that require joint or coordinated action.

**IN WITNESS WHEREOF,** the Parties hereto have signed this Agreement to be effective as of the date first written above.

ATTEST:  
Dist.



\_\_\_\_\_  
Andrew A. Mueller, General Manager

Colorado River Water <sup>Conservation</sup> Conservancy

By:   
Designated Election Official  
Title August 24, 2020

ATTEST:

\_\_\_\_\_  
Kim Bonner  
Routt County Clerk & Recorder

Routt County:  
By:

\_\_\_\_\_  
Board of Routt County Commissioners

ATTEST:

\_\_\_\_\_

Routt County Clerk and Recorder:

\_\_\_\_\_  
Kim Bonner

## ATTACHMENT 1

### Production of "Amendment 1 Notice"

This Attachment 1 is an attachment to and incorporated into the Intergovernmental Agreement (the "IGA") between and among Routt County, Colorado (the "County"), the Routt County Clerk and Recorder ("County Clerk") and the Colorado River Water Conservancy Dist. (the "District"). It is applicable if the District is submitting one or more ballot issues to its electorate pursuant to Colorado Constitution Article X, Section 20 (also referred to as "Amendment 1" or "TABOR"). Amendment 1 requires the production of a mailed notice of the ballot issues to be determined for the District that are subject to the requirements of said constitutional section ("Amendment 1 Notice").

The Amendment 1 Notices of several jurisdictions are to be sent as a package where jurisdictions overlap ("Amendment 1 Notice Package").

The need to produce the Amendment 1 Notice Package requires there be county-wide coordination of the production and mailing of the Amendment 1 Notice Package to effectuate the purposes of said constitutional section.

The parties desire to set forth their respective responsibilities in the production and mailing of the Amendment 1 Notice Package for the Election, as defined in the IGA.

1. The County Clerk shall perform the following services and activities for the Election:

A. Determine the "least cost" method for mailing the Amendment 1 Notice Package, and determine the portion of such cost to be applied to the District.

B. Combine the text of the Amendment 1 Notice produced by the District with those of other districts to produce the Amendment 1 Notice Package.

C. Address the package to "All Registered Voters" at each address of one or more active registered electors of the District. Nothing herein shall preclude the County Clerk from sending the Amendment 1 Notice of the District to persons other than electors of the District if such sending arises from the County Clerk's efforts to mail the Amendment 1 Notice Package at "least cost."

D. Determine the order that the Amendment 1 Notice submittal of the District and of other jurisdictions shall be placed in the Amendment 1 Notice Package; provided, however, that the materials supplied by the District shall be kept together as a group and in the order supplied by the District in compliance with 2 (D).

E. Mail the Amendment 1 Notice Package, addressed as required by law no later than the date specified for such action in the Election Calendar published by the County Clerk for the applicable election date. Notwithstanding the foregoing, the District

shall be responsible for mailing the Amendment 1 Notice to property owners owning property within the District Boundaries who do not reside in Routt County.

F. Provide an office address and telephone number for incorporation into the Amendment 1 Notice. Said information will be agreed upon in writing 42 days prior to the election. The designated office will be open during the County Clerk's regular business hours, 8:00 a.m. to 4:30 p.m. Monday through Friday. The County Clerk or the County Clerk's Deputy shall respond to all correspondence and calls the County Clerk's office receives within its expertise relating to election procedures, but shall refer calls concerning the substance of the ballot issues and ballot questions and the operations of the District to its Election Officer identified in Section 1.02 of the IGA.

G. Write, print, and incorporate any notice to be included in the Amendment 1 Notice Package that may inform the elector of the voter service and polling locations and ballot drop-off locations or that may provide other information as may be required by law.

H. Provide the District an itemized statement of the costs of performing the tasks performed by the County Clerk.

2. The District shall perform the following services and activities for the District's election:

A. Adopt a resolution/ordinance designating the County Clerk as the Election Official for the District's election for the purposes of completing the tasks to be performed by the County Clerk on behalf of the District. File a copy with the County Clerk.

B. Designate an "Election Officer" to act as liaison between the District and County Clerk.

C. Determine the ballot issues to be voted upon at the election.

D. Include, within its Amendment 1 Notice, ballot titles in the order of preference: "NOTICE OF ELECTION TO INCREASE TAXES / TO INCREASE DEBT / ON A CITIZEN PETITION / ON A REFERRED MEASURE."

1. Prepare the text of the Amendment 1 Notice. Such Amendment 1 Notice shall include any District voter approved additions, and;

a) The Election Date, hours, ballot title, text, and local election office address and telephone number.

b) For proposed District tax or bonded debt increases, the estimated or actual total of District fiscal year spending for the current year and each of the past four years, and the overall percentage and dollar change.

c) For the first full fiscal year of each proposed District tax increase, District estimates of the maximum dollar amount of each increase and of District fiscal year spending without the increase.

d) For proposed District bonded debt, its principal amount and maximum annual and total District repayment cost, and the principal balance of total current District bonded debt and its maximum annual and remaining total District repayment cost.

e) Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the District's Election Officer 30 days before the election. No summary shall mention names of person or private groups, nor any endorsements of or resolution against the proposal. Petition representatives following these rules shall write this summary for their petition. The District's Election Officer shall write this summary for their petition. The District shall maintain and accurately summarize all other relevant written comments.

E. All pros and cons regarding the District elections will be filed with the District Officer for public inspection.

F. Summarize written comments concerning ballot issues following receipt of such comments received from the public as necessary for use in the Amendment 1 Notice.

G. Prepare the layout of the Amendment 1 Notice for the District according to law.

H. Determine the ballot title and text.

I. Respond to inquiries as follows: The County Clerk shall refer correspondence and calls concerning the substance of the ballot issues or the operations to the District's Election Officer. The District's Election Officer shall reply to the originator of such substance and operation questions within a reasonable time after being notified of the same by the County Clerk.

1. The District's Election Officer shall be reasonably available to the County Clerk to advise and give oversight as may help in the conduct of the election.

J. Provide the District's completed Amendment 1 Notice to the County Clerk in Microsoft WordPad or compatible format to elections@co.routt.co.us. This submission, which shall be in the form that shall be printed by the County Clerk without special written dispensation from the County Clerk (such dispensation may be withheld for any or no reason), and shall be provided to the County Clerk on or before the 42<sup>nd</sup> day preceding the election.

K. Perform such acts as may be required by law, including circulation, approval, review, and all other activities, relating to any petition that may concern the District. The District's Election Officer shall interact with any District petition representative, including but not limited to, working to ensure that the District's Election Officer receives the summary of written comments for their petition within the time required by law.

L. The District's Election Officer shall publish the full text and title of ballot issues as provided by C.R.S. 1-40-124 (2).

M. Pay the costs shown in the itemized statement provided to the District by the County Clerk either directly to the County Clerk or to such vendors or subcontractors as the County Clerk may designate.

N. District shall be responsible for all out-of-County mailing required.