

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

Timothy V. Corrigan
District I

Douglas B. Monger
District II

M. Elizabeth Melton
District III

REGULAR MEETING

September 15, 2020

Times listed on the agenda are approximations and may be longer or shorter, or begin 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 them.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85106670945?pwd=UXZZSGx1Q001Mc0s2ckIGVk13Qld5UT09>

Password: 522

Or Telephone:

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

US: +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833 or +1 301 715 8592
or +1 312 626 6799 or +1 929 205 6099
Webinar ID: 851 0667 0945

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The Routt County Board of Health or Board of Commissioners 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. **APPROVAL OF ACCOUNTS PAYABLE, MANUAL WARRANTS, AND PAYROLL**
3. **CONSENT AGENDA ITEMS**

Items of routine and non-controversial nature are placed on the consent agenda to allow the Board of County Commissioners to spend its time and energy on more important items on a lengthy agenda. Any Commissioner may request that an item be "PULLED" from the consent agenda and considered separately. Any member of the public may "REQUEST" any item to be "PULLED" from the consent agenda.

- A. **APPROVAL OF AND AUTHORIZATION FOR THE CHAIR TO SIGN THE REPRESENTATION LETTER PROVIDED TO THE COUNTY'S AUDITORS MCMAHAN & ASSOCIATES, LLC IN CONNECTION WITH THE AUDIT OF THE DECEMBER 31, 2019 FINANCIAL STATEMENTS;**

Documents:

[BCC AGENDA COMMUNICATION FORM.PDF](#)
[2019 ROUTT COUNTY MANAGEMENT REP. LETTER_FOR CHAIR SIGNATURE.PDF](#)

B. APPROVAL OF THE STEAMBOAT II BOUNDARY EXPANSION LETTER.

Documents:

[S2 DISTRICT BOUNDARY EXPANSION LETTER.PDF](#)

4. CONSIDERATION OF ITEMS PULLED FROM THE CONSENT AGENDA

5. 9:40 A.M. PUBLIC COMMENT

Public Comment will be heard on any item except quasi-judicial land use items. County Commissioners will take public comment under consideration but will not make any decision or take action at this time.

1. DUE TO THE CURRENT PANDEMIC, THE COUNTY COMMISSIONERS REQUEST CITIZENS ATTEND THE MEETINGS VIA PHONE. To make a public comment raise your hand on the zoom platform if online; if calling in press *9. Another option is to download the Zoom app that allows you to raise your hand as well. The moderator will then select you when it is your turn. Written public comment can also be submitted to bcc@co.routt.co.us. Please make sure to indicate in the subject line of your email that it is public comment and reference the agenda item to which it relates. Public comments will be entered into the record.

6. 9:40 A.M. LEGAL WEEKLY COUNTY POLICY DISCUSSION

Discussion with the Board of County Commissioners on various County policy statements.

Presenter: Erick Knaus, County Attorney

Documents:

[BCC COMM FORM FOR POLICY DISCUSSION.PDF](#)
[12 - LID POLICY.3-22-2005.PDF](#)
[14 - SPECIAL DISTRICT.STATEMENT OF POLICY ADOPTED 3-28-2006.PDF](#)

7. 10:10 A.M. PLANNING

Kristy Winser, Planning Director

A. COUNTY ROAD 34 (SPRING CREEK) RIGHT OF WAY VACATION; PL-20-149

Tabling of this hearing to September 24 at 10:00 am

Documents:

[BCC COMM FORM 9.15.20_TABLING.PDF](#)

B. PC & BOA BOARD INTERVIEWS

Interviews for openings on the Planning Commission & Board of Adjustments

Documents:

[BCC ACTION PC BOA INTERVIEWS, SEPT 2020.PDF](#)

8. 11:10 A.M. LEGAL

Erick Knaus, County Attorney

A. ADOPTION OF INSURANCE AND SURETY REQUIREMENTS POLICY

Consideration for signing of A Resolution Adopting an Administrative Policy for Routt County Insurance and Surety Requirements.

Documents:

[BCC COMM FORM FOR POLICY AND RESOLUTION ADOPTION.PDF](#)
[INSURANCE AND SURETY REQUIREMENTS.RESOLUTION.PDF](#)
[INSURANCE AND SURETY REQUIREMENTS POLICY.FINAL 9-9-2020.PDF](#)

9. 11:20 A.M. COMMISSIONERS' WORK SESSION

The Commissioners will address critical items for regular county and emergency operations. Action may be taken and direction to staff may be given in relation to any of these items.

The Routt County Board of County Commissioners 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.

10. 12:00 P.M. MEETING ADJOURNED

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85106670945?pwd=UXZZSGx1Q01Mc0s2cklGVk13Qld5UT09>

Password: 522

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Webinar ID: 851 0667 0945

Password: 522

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



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: September 15,2020	ITEM TIME: Consent Agenda

FROM:	Dan Strnad, Accounting
TODAY'S DATE:	9/10/2020
AGENDA TITLE:	Approval of and authorization for the Chair to sign the representation letter provided to the County's auditors McMahan & Associates, LLC in connection with the audit of the December 31, 2019 financial statements

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

I. DESCRIBE THE REQUEST OR ISSUE:

Each year in connection with the County's annual audit, the Finance Director and the Board Chair sign a representation letter confirming to the best of our knowledge that certain information provided to the auditors with regard to the financial statements and internal controls is true and correct.

II. RECOMMENDED ACTION (motion):

Approval and signature of Board Chair.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE (if applicable): N/A
CURRENT BUDGETED AMOUNT: N/A
PROPOSED EXPENDITURE: N/A
FUNDING SOURCE: N/A
SUPPLEMENTAL BUDGET NEEDED: YES NO

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

N/A



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

Auditing standards require independent auditors to obtain written representations from management as part of an audit of financial statements performed in accordance with generally accepted auditing standards. Representations from management are part of the audit evidence obtained by the County's external auditors.

The Finance Director has reviewed the representation letter prior to submission to the Board Chair for signature. Once the Board Chair signs and dates the letter, the Finance Director will sign and date the letter and provide a copy to the auditors. The signature dates for the Board Chair and the Finance Director need to be the same.

VI. LEGAL ISSUES:

N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND OTHER OPTIONS:

N/A

IX. LIST OF ATTACHMENTS:

Routt County 2018 representation letter.

Routt County, Colorado
Steamboat Springs, Colorado

McMahan & Associates, LLC
P.O. Box 5850
Avon, Colorado 81620

This representation letter is provided in connection with your audit(s) of the financial statements Routt County, Colorado (the "County"), which comprise the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information as of December 31, 2019, and the respective changes in financial position and, where applicable, cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America ("U.S. GAAP").

Certain representations in this letter are described as being limited to matters that are material. Matters noted below in respect of the County's supplemental information about federal awards programs are considered material based on the materiality criteria specified in the audit requirements of Title 2, U.S. Code of Federal Regulations, Part 200, *Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards* (the "Uniform Guidance"). Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of the date of this letter, the following representations made to you during your audit.

Financial Statements

- We have fulfilled our responsibilities, as set out in the terms of the audit agreement dated August 29, 2012, amended March 28, 2017 and audit engagement letter dated February 3, 2020.
- The financial statements referred to above are fairly presented in conformity with U.S. GAAP and include all properly classified funds and other financial information of the primary government and all component units required by U.S. GAAP to be included in the financial reporting entity.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- Significant assumptions we used in making accounting estimates are reasonable.
- Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.
- All events subsequent to the date of the financial statements and for which U.S. GAAP requires adjustment or disclosure have been adjusted or disclosed. No events, including instances of noncompliance, have occurred subsequent to the balance sheet date and through the date of this letter that would require adjustment to or disclosure in the aforementioned financial statements or in the schedule of findings and questioned costs.
- The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with U.S. GAAP.

Financial Statements (continued)

- We are in agreement with the adjusting entries you have proposed, and they have been posted to the County's accounts.
- Guarantees, whether written or oral, under which the County is contingently liable, if any, have been properly recorded or disclosed.
- With regard to investments and other instruments reported at fair value:
 - The underlying assumptions are reasonable and they appropriately reflect management's intent and ability to carry out its stated courses of action.
 - The measurement methods and related assumptions used in determining fair value are appropriate in the circumstances and have been consistently applied.
 - The disclosures related to fair values are complete, adequate, and in accordance with U.S. GAAP.
 - There are no subsequent events that require adjustments to the fair value measurements and disclosures included in the financial statements.

Information Provided

- We have provided you with:
 - Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters and all audit or relevant monitoring reports, if any, received from funding sources.
 - Additional information that you have requested from us for the purpose of the audit.
 - Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
 - Minutes of the meetings of the Board of County Commissioners or summaries of actions of recent meetings for which minutes have not yet been prepared.
- All material transactions have been recorded in the accounting records and are reflected in the financial statements and the schedule of expenditures of federal awards.
- We have disclosed to you the results of our assessment of the risk that the financial statements are not materially misstated as a result of fraud.
- We have no knowledge of any material fraud or suspected material fraud that affects the entity and involves:
 - Management,
 - Employees who have significant roles in internal control, or
 - Others where the fraud could have a material effect on the financial statements.
- We have no knowledge of any allegations of material fraud or suspected material fraud affecting the entity's financial statements communicated by employees, former employees, regulators, or others.
- We have disclosed to you all known instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.
- We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.
- We have disclosed to you the identity of the entity's related parties and all the related party relationships and transactions of which we are aware.

Government – Specific

- We have made available to you all financial records and related data and all audit or relevant monitoring reports, if any, received from funding sources.
- There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- We have a process to track the status of audit findings and recommendations.
- We have taken timely and appropriate steps to remedy fraud, violations of laws, regulations, contracts, or grant agreements, or abuse reported to us.
- We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- We have provided our views on reported findings, conclusions, and recommendations, as well as our planned corrective actions, for the report.
- The County has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or equity.
- We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts; and we have identified and disclosed to you all laws, regulations and provisions of contracts and grant agreements that we believe have a direct and material effect on the determination of financial statement amounts or other financial data significant to the audit objectives, including legal and contractual provisions for reporting specific activities in separate funds.
- We are aware of the fiscal requirements imposed by section 20 of Article X of the Constitution of the State of Colorado, commonly known as the “TABOR Amendment”, and have complied with these requirements appropriately.
- There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
- The County has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- The County has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- We have followed all applicable laws and regulations in adopting, approving, and amending budgets.
- The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations.
- The financial statements properly classify all funds and activities.
- All funds that meet the quantitative criteria in GASB Statements No. 34 and No. 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.
- Components of net position (net investment in capital assets; restricted; and unrestricted) and equity amounts are properly classified and, if applicable, approved.
- Deposits and investment securities are properly classified as to risk, and investments and derivative instruments (none), are properly valued.
- Provisions for uncollectible receivables have been properly identified and recorded.
- Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
- Revenues are appropriately classified in the statement of activities within program revenues and general revenues.

Government – Specific (continued)

- Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.
- Special and extraordinary items are appropriately classified and reported.
- Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated.
- We have appropriately disclosed the County’s policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position are available and have determined that net position was properly recognized under the policy.
- We acknowledge our responsibility for the required supplementary information (“RSI”). The RSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RSI.
- With respect to the supplementary information on which an “in-relation-to” opinion is issued:
 - We acknowledge our responsibility for presenting the supplementary information in accordance with U.S. GAAP, and we believe the supplementary information, including its form and content, is fairly presented in accordance with U.S. GAAP. The methods of measurement and presentation of the supplementary information have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.
 - If the supplementary information is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditor’s report thereon.
- With respect to the supplementary information about federal awards programs on which an “in-relation-to opinion” is issued:
 - We are responsible for understanding and complying with and have complied with the requirements of the Uniform Guidance, including requirements relating to preparation of the schedule of expenditures of federal awards (“SEFA”).
 - We have prepared the SEFA in accordance with the Uniform Guidance, and have identified and disclosed in the schedule expenditures made during the audit period for all awards provided by federal agencies in the form of grants, federal cost-reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other direct assistance.
 - We acknowledge our responsibility for presenting the SEFA in accordance with the requirements of the Uniform Guidance, and we believe the SEFA, including its form and content, is fairly presented in accordance with the Uniform Guidance. The methods of measurement and presentation of the SEFA have not changed from those used in the prior period and we have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the SEFA.
 - If the SEFA is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the SEFA no later than the date we issue the supplementary information and the auditor’s report thereon.
 - We have identified and disclosed to you all of our government programs and related activities subject to the Uniform Guidance.
 - We are responsible for understanding and complying with, and have complied with, the requirements of laws, regulations, and the provisions of contracts and grant agreements related to each of our federal programs and have identified and disclosed to you the requirements of laws, regulations, and the provisions of contracts and grant agreements that are considered to have a direct and material effect on each major program.

Government – Specific (continued)

- We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance requirements applicable to federal programs that provides reasonable assurance that we are managing our federal awards in compliance with laws, regulations, and the provisions of contracts and grant agreements that could have a material effect on our federal programs. We believe the internal control system is adequate and is functioning as intended.
- We have made available to you all contracts and grant agreements (including amendments, if any) and any other correspondence with federal agencies or pass-through entities relevant to federal programs and related activities.
- We have received no requests from a federal agency to audit one or more specific programs as a major program.
- We have complied with the direct and material compliance requirements (except for noncompliance disclosed to you), including when applicable, those set forth in the U.S. Office of Management and Budget *OMB Compliance Supplement*, relating to federal awards and have identified and disclosed to you all amounts questioned and all known noncompliance with the requirements of federal awards.
- We have disclosed any communications from grantors and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditor's report.
- We have disclosed to you the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and corrective actions taken from the end of the period covered by the compliance audit to the date of the auditor's report.
- Amounts claimed or used for matching were determined in accordance with relevant guidelines in the Uniform Guidance.
- We have disclosed to you our interpretation of compliance requirements that may have varying interpretations.
- We have made available to you all documentation related to compliance with the direct material compliance requirements, including information related to federal program financial reports and claims for advances and reimbursements.
- We have disclosed to you the nature of any subsequent events that provide additional evidence about conditions that existed at the end of the reporting period affecting noncompliance during the reporting period.
- There are no such known instances of noncompliance with direct and material compliance requirements that occurred subsequent to the period covered by the auditor's report.
- No changes have been made in internal control over compliance or other factors that might significantly affect internal control, including any corrective action we have taken regarding significant deficiencies in internal control over compliance (including material weaknesses in internal control over compliance) have occurred subsequent to the date as of which compliance was audited.
- Federal program financial reports and claims for advances and reimbursements are supported by the books and records from which the financial statements have been prepared.
- The copies of federal program financial reports provided you are true copies of the reports submitted, or electronically transmitted, to the respective federal agency or pass-through entity, as applicable.
- We have monitored subrecipients to determine that they have expended pass-through assistance in accordance with applicable laws and regulations and have met the requirements of the Uniform Guidance.

Government – Specific (continued)

- We have taken appropriate action, including issuing management decisions, on a timely basis after receipt of subrecipients' auditor's reports that identified noncompliance with laws, regulations, or the provisions of contracts or grant agreements and have ensured that subrecipients have taken the appropriate and timely corrective action on findings.
- We have considered the results of subrecipient audits and have made any necessary adjustments to our books and records.
- We have charged costs to federal awards in accordance with applicable cost principles.
- We are responsible for and have accurately prepared the summary schedule of prior audit findings to include all findings required to be included by the Uniform Guidance and we have provided you with all information on the status of the follow-up on prior audit findings by federal awarding agencies and pass-through entities, including all management decisions.
- We are responsible for and have accurately prepared the auditee section of the Data Collection Form as required by the Uniform Guidance.
- We are responsible for preparing and implementing a corrective action plan for each audit finding.
- As applicable, we have disclosed to you all contracts or other agreements with service organizations, and we have disclosed to you all communications from the service organizations relating to noncompliance at the service organizations.

ROUTT COUNTY, COLORADO

BY:

Dan Strnad
Finance Director – Routt County

Timothy Corrigan
Chair – Routt County Board of County
Commissioners

Date

Date

Timothy V. Corrigan
District I

Douglas B. Monger
District II

M. Elizabeth Melton
District III

Date: September 15, 2020

J. Richard Tremaine, Esq.
Via Email: Rich@ktlaw.com; Jayme@ktlaw.com

Re: Steamboat II Metropolitan District

Dear Rich,

The Routt County Board of County Commissioners has reviewed your letter dated August 27, 2020 concerning the boundary expansion of the Steamboat II Metropolitan District. The Board agrees with your conclusion that the proposed expansion does not amount to a material change to the District's Service Plan (the "Plan").

That said, the Plan requires Board of County Commissioner approval of the District's proposed boundary expansion. The Board, having reviewed the proposal as set forth in your letter, hereby approves of the boundary expansion.

Sincerely,

Timothy V. Corrigan, Chair
Board of County Commissioners



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: Weekly Tuesdays	ITEM TIME: 9:40 a.m.
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FROM:	Erick Knaus
TODAY'S DATE:	
AGENDA TITLE:	Discussion and Direction on County Policy Statements.

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

I. DESCRIBE THE REQUEST OR ISSUE:

Discussion with the Board of County Commissioners on various County policy statements.

II. RECOMMENDED ACTION:

Direction from the Commissioners on whether to rescind the policy in whole, recommend changes to the policy, or determine if the policy is sufficient as is. Based on the direction from the Commissioners, each policy will be reformatted into the approved format and a responsible department will be assigned to maintain the policy in the future.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE:
PROPOSED EXPENDITURE:
FUNDING SOURCE:

N/A

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

N/A

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

Currently, numerous policies and policy manuals are in place across the various departments under the auspices of Routt County government. Over time, numerous “stand alone” policies (often called “Statements of Policy” or “Memorandum”) have developed as well as the Department Head Resource Manual, and the Routt County Personnel Manual. At the direction of the Commissioners, a policy committee began compiling, reviewing, and recommending action on the policies of the County with the goal being that they are ultimately published in a uniform manner with easy access to all County employees. The end result will be a uniform and comprehensive compilation of all of the County’s policies. To date, the committee has reviewed a majority of the policies and made comments and suggestions. The next step is for the Commissioners to provide direction on each policy and to establish an adoption/amendment protocol for all future policies.

VI. LEGAL ISSUES:

N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND OTHER OPTIONS:

N/A

**Amended Statement of Policy of Routt County, Colorado
Regarding the Processing of Requests for
the Formation of Local Improvement Districts**

This is an amendment to a statement of policy adopted July 28, 2003 by the Board of County Commissioners. This amended statement of policy applies to all requests for the formation of Local Improvement Districts ("LIDs") under C.R.S. Section 30-20-601 *et seq.* It is not intended to apply to the formation of LIDs initiated by the Board of County Commissioners (the "Board"). While Routt County will assist in the formation of LIDs where appropriate, the proponents of the proposed LID will be required to defray the costs of the formation process, the financing process and the construction administration process and will be primarily responsible for initiating the process and bringing it to a conclusion.

Because Routt County does not have sufficient staff to prepare or fully review petitions or to manage improvement projects, the proponents of a LID will need to include and provide for those functions as part of the estimated costs of the proposed project. It is also the policy of Routt County that the petition accurately disclose the estimated costs of the project including those indirect costs such as fees and cost reimbursements payable to the County and contract administration costs so that those signing the petition will be adequately informed of the costs that may be assessed against their property. It is recommended that the proponents retain the services of an attorney experienced in the formation of LIDs before commencing the process. This Statement of Policy is intended to be supplemental to and consistent with the provisions of the Local Improvement Districts statute. In the event of any conflict between this Statement of Policy and that statute, the statute shall prevail.

The proponents are responsible for filing any petition at such a time as will permit the orderly processing of the petition without undue haste. The Board will not permit a lack of time between the filing of the petition and any required election to prejudice the Board's ability to thoroughly and properly review the petition.

1. To commence the LID formation process, the proponents must file with the Board, one or more petitions for the formation signed by landowners of taxable real property located within the proposed LID whose properties are likely to be assessed for more than one-half of the entire costs estimated by the Board to be assessed for the proposed improvements. In the event that more than one "assessment unit" is proposed within the LID, then the foregoing requirement must be satisfied with respect to each assessment unit separately. The signatures of the landowners must be original signatures. If a property is owned by more than one owner, all owners must sign the petition. If the owner is not an individual, then the signature or signatures must be those of the individuals who have power to convey or encumber the property and must be in form sufficient to convey or encumber the property.
2. The petition shall contain, at a minimum, the following information:
 - a. the legal description of the property included in the proposed LID;

- b. a map to a scale not greater than 1 inch to 100 feet showing the location and the outer boundary of the proposed LID and the general location of the proposed improvements;
 - c. a detailed description of the improvements to be constructed by the LID including a line item cost estimate of the component improvements and work to be performed including the probable cost per front foot or other unit basis which reflects the benefits which will accrue to the properties to be assessed, as shown by the estimates of the engineer. The cost estimate shall include an appropriate contingency line item;
 - d. the estimated costs of engineering review, bond issuance, including without limitation the costs of County's financial advisor, underwriter and bond counsel, contract administration, and the County Treasurer's statutory fees for collection of assessments;
 - e. an explanation of the method proposed for the allocation of costs for assessment to each property;
 - f. an estimate of the allocation of costs for assessment to each property, the number of installments in which the assessment will be payable and the time in which the cost will be payable;
 - g. signature lines for each owner of the properties within the proposed LID with the legal description for the property owned by the signer - more than one petition may be used as long as, when all petitions are considered together, there are sufficient land owner signatures;
 - h. a description of the intended manner for financing the improvements and managing the work of improvements;
 - i. a time line for the project showing when any necessary TABOR election will be held, when project engineering will be complete, and when the construction will be started and finished;
 - j. a statement as to what entity will be responsible for the maintenance and operation of the improvements after completion together with the written consent of any such entities to such arrangement.
3. At the time a petition is submitted, the proponents will be required to pay a deposit of \$7500.00 to be applied against the costs incurred by the County in reviewing the sufficiency of the petition, the costs of publishing the required public notice and the costs of conducting the required public meetings. The County staff will maintain accurate records of staff time used in the review process and the County's costs for such time as well as out-of-pocket expenses will be billed against the deposit. If the deposit is insufficient to cover all of County's costs, the proponents will be required to deposit additional funds to defray such costs. If, at the conclusion of the petition process, there are funds remaining from the deposit after all reimbursable costs have been charged, those funds will be returned to the proponents. In addition, at the same time, the proponents must submit completed plans for the improvements to be included in the LID prepared and bearing the stamp of an engineer licensed to practice in the State of Colorado and a formal opinion letter signed by such engineer addressed to

the Board of County Commissioners certifying that the plans have been prepared in accordance with all applicable standards and State law and attesting to the accuracy of the cost estimate provided in the petition and the allocation of costs for assessment. This opinion is required in lieu of the certification of the County Engineer. Alternatively, the proponents may enter into a reimbursement agreement with Routt County, in a form approved by the County Attorney, agreeing to reimburse the County for the costs of the County obtaining such engineering opinion. Pursuant to the reimbursement agreement, the proponents will be required to deposit with the County the estimated cost of obtaining such engineering opinion. Notwithstanding the foregoing, any proposed road improvements within public right of ways are subject to review and approval by the County's Road and Bridge Director and the issuance of a road construction permit.

In the event that the Board approves the formation of the LID (see Item 4, below), the proponents shall be required to deposit with County \$7500.00 to cover the actual costs of conducting the TABOR election, if required by the proposed means of financing, the administrative costs of the County in issuing any bonds required by the proposed means of financing and administering the contracts for the improvements and conducting the hearing regarding the allocation of assessments. The County staff will maintain accurate records of staff time used in the review process and the County's costs for such time as well as out-of-pocket expenses will be billed against the deposit. If the deposit is insufficient to cover all of County's costs, the proponents will be required to deposit additional funds to defray such costs. If, at the conclusion of the project and allocation of costs, there are funds remaining from the deposit after all reimbursable costs have been charged, those funds will be returned to the proponents.

4. After the petition is submitted and the initial application fee has been paid, the petition will be reviewed by County staff for sufficiency as to form and numbers of signatures. If the petition is determined to be sufficient in form, a public hearing before the Board concerning the formation of the LID will be scheduled and notice published at least thirty days prior to the hearing concerning the formation of the LID, in the form prescribed by C.R.S. Section 30-209-603(6).
5. If, after the hearing concerning the formation of the LID, the Board determines that the petition and the process followed are in compliance with applicable law and that the need for the formation of the LID has been established and is otherwise in the best interests of the public, the Board shall approve the petition, with or without additional conditions and order that the LID is formed. The LID shall not be formed if, prior to the hearing concerning the formation of the LID, the owners of property within the proposed LID, which would bear more than one-half of the total proposed assessments, file written protests. If it approves the Petition, the Board shall adopt a resolution to that effect.

6. Routt County shall not commence the process to contract for improvements within the LID until sufficient funds for completion of the project have been received by the County. Any contract for improvements shall include a provision restricting the contractor's right to payment to funds appropriated for the project.
7. Section 30-20-619 (5) provides:

In connection with the issuance of bonds payable solely from special assessments as provided in subsection (1) of this section, the board may provide by resolution for the submission of the question of issuing such bonds to the electors eligible to vote on the question. In that case, the board may provide by resolution that all registered electors of the county shall be eligible to vote on the question or that only electors of the district shall be eligible to vote on the question.

The Board will decide the question of whether any TABOR election with respect to LID assessment bonds will be submitted to the electors of the entire County or only electors of the District on a case by case basis but generally will only require a vote by electors of the District. As used herein the term "elector of the District" shall have the following definition as found in C.R.S. Section 30-20-602 (2.7):

(2.7) (a) "Elector of the district" means a person who, at the designated time or event, is registered to vote in the general election in this state and:

- (I) Who has been a resident of the district or the area to be included in the district for not less than thirty days; or
- (II) Who or whose spouse owns taxable real or personal property within the district or the area to be included in the district whether or not said person resides within the district.

(b) Where the owner of taxable real or personal property specified in subparagraph (II) of paragraph (a) of this subsection (2.7) is not a natural person, an "elector of the district" shall include a natural person designated by such owner to vote for such person. Such designation shall be in writing and filed with the county clerk and recorder. Only one such person may be designated by an owner.

The County will directly retain bond counsel, underwriters and financial advisors in connection with the issuance of LID assessment bonds and the costs of doing so shall be payable from the bond proceeds and recovered as a part of the improvement assessments.

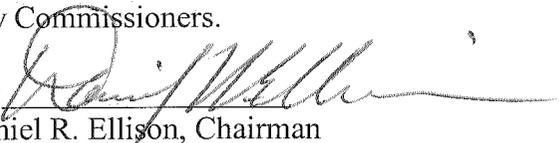
8. Only those costs specifically shown in the cost estimate submitted as a part of the petition for formation and the project budget submitted at the time of the issuance of bonds, if bonds are issued, shall be included as project costs reimbursable from bonds proceeds or assessed against the properties within the LID. No interest or carrying charges incurred by a petitioner or other proponent shall be reimbursable

unless such interest or carrying charges are specifically shown as a separate lien item in the cost estimate and project budget. In order to ensure the proper completion of the proposed project, the proponents need to make appropriate provision in the budget for increased cost contingencies. The Board intends to carefully consider contingency line items to determine if they are appropriate for the scope of the project proposed, existing knowledge of conditions in the area of the project, the experience of the professionals to be engaged for the project with similar projects and all other factors deemed relevant by the Board.

9. As provided in C.R.S. Sections 30-20-607, 608 and 609, upon completion of all or logical divisible portions of the improvements, the Board will cause to be prepared a statement as described in Section 30-20-607, give notice of proposed apportionment, and conduct the public hearing required for apportionment and assessment for the costs of the improvements.
10. Upon adoption, by the Board, of the resolution assessing the cost of improvements, the County Attorney shall deliver a copy of the resolution to the Treasurer and the Assessor.
11. Immediately following preparation of the local assessment roll, the County Finance Director shall deliver a copy thereof to the Treasurer. This shall be in addition to the delivery of the certified local assessment roll by the Clerk and Recorder.

This Amended Statement of Policy shall become effective immediately upon adoption, but may be modified at any time by the Board of County Commissioners.

Dated: 3/22, 2005

By: 
Daniel R. Ellison, Chairman
Board of County Commissioners

**Statement of Policy of Routt County
Concerning the Processing of
Special District Service Plans**

Pursuant to C.R.S. Section 32-1-202 (which is a part of the Special District Control Act), persons proposing the organization of a special district all or portions of which are in the unincorporated areas of Routt County are required to submit to the Board of County Commissioners (the "BCC") a service plan for the proposed district. The BCC is then required to review the service plan and either approve it, disapprove it or approve it subject to conditions. Much of the process for the review of service plans is prescribed by statute. The purpose of this Statement of Policy is to clarify and supplement the statutory process and this Statement of Policy is not intended to conflict with the applicable statutes. In the event any portion of this Statement of Policy is determined by a court with appropriate jurisdiction to be in conflict with the statutes, the statutes shall control.

Section One: Pre-application Review. Proponents of the formation of a new special district are encouraged to engage in a pre-application review process with the appropriate members of the County staff which may include the County Manager, the County Attorney, the County Finance Director and the County Planning Director. Proponents wishing to use the pre-application review process should contact the County Manager to arrange for a meeting to discuss what information will be needed in the pre-application review process. The information needed for the pre-application review process will be determined by the County Manager based upon the type of special district that is proposed to be organized and the facts of the particular proposal.

Section Two: Fees. The fee for the review of a special district service plan shall be \$500.00. However, upon application to the BCC, this fee may be waived if the BCC determines that the service plan and the formation of the special district are intended to promote the public good and the proposal is not part of a commercial development.

In addition to the fee described above, if the BCC determines after review of the service plan that special review of the service plan is required, the BCC may require the proponent to enter into a Reimbursement Agreement in the form of that attached hereto as Exhibit A to cover the cost of such special review. In making the determination that a special review is required, the BCC shall determine what outside consulting services or studies shall be required. These consulting services may include, but are not limited to, engineers to review infrastructure plans and cost estimates, financial consultants to review business plans and assumptions and outside attorneys to advise the BCC on specialized legal questions.

Section Three: Notices and Process. The notices and process to be followed shall be that prescribed by the applicable statutes which are generally summarized in the "Special District Flow Chart" attached as Exhibit B and the checklist entitled "Formation of a Special District Pursuant to C.R.S. Section 32-1-201, *et seq.*" attached as Exhibit C. Proponents are encouraged to obtain the assistance of a licensed attorney familiar with

the special district process because the County Attorney can not provide legal advice to the proponents. Proponents are also encouraged to refer to the materials about special districts available on the Colorado Department of Local Affairs website that can be accessed at www.dola.colorado.gov. See Exhibit D – “Special District Service Plans” and Exhibit E – “Formation and Statutory Responsibilities.” Proponents should be aware that the special district statutes contain a number of notice requirements that must be satisfied by the proponents. The failure to properly satisfy those requirements shall be a sufficient reason for the BCC to either terminate the review of the service plan or to disapprove the service plan. Those notices specifically required by statute to be given by the County Clerk shall be given by the County Clerk. Those notices and publications required to be made or given by the BCC or the County shall be made or given by the County Manager. Attached as Exhibits F, G, H and I are the forms of: (a) the notices required by C.R.S. Section 32-1-202 (1): Notice of Filing of Service Plan – Form DLG-60 and Notice of Hearing on Service Plan; and (b) the Notice to Municipalities, Special Districts and Petitioners and newspaper publication required by C.R.S. Section 32-1-204 (1). In most cases, the proponents will be requested to provide drafts of the notices to be given by the BCC or County to the County Manager.

The proponents shall be solely responsible for preparing and obtaining the necessary signatures on the petition to the district court for organization required by C.R.S. Section 32-1-301 as well as arranging for the necessary election.

Section Four: Scheduling of Review in Relationship to Election Dates. The election required for the formation of a special district may be set on such date as is determined by the district court in connection with the formation of the district according to the applicable statutes. Note that the term “regular special district election” defined by C.R.S. Section 32-1-103 (17) as “the election on the Tuesday succeeding the first Monday of May in every even-numbered year, held for the purposes of electing members to the boards of special districts and for submission of other public questions, if any.” Also note that the term “special election” is defined by C.R.S. Section 32-1-103 (21) as “any election called by the board for submission of public questions and other matters. The election may be held on the first Tuesday after the first Monday in February, May, October, or December, in November of even numbered years or on the first Tuesday in November of odd-numbered years. Any special district may petition a district court judge who has jurisdiction in such district for permission to hold a special election on a day other than those specified in this subsection (21). The district court judge may grant permission only upon a finding that an election on the days specified would be impossible or impracticable or upon a finding that an unforeseeable emergency would require an election on a day other than those specified.” From the statutes it appears that the election can not be scheduled until after the district court has approved the petition for organization. If the question of the organization of the special district is to be accompanied by a question authorizing the incurrence of debt or the imposition of a mill levy, the requirements of Article X, Section 20 of the Colorado Constitution (the “TABOR Amendment”) also must be complied with. The proponents should consider the time requirements for the district court and election processes when submitting a service plan. Past experience suggests that it can easily take six months or more from the time a service plan is filed until an organization election can be held.

Section Five: Service Plan Contents. The service plan shall contain the information described in C.R.S. Section 32-1-202 (2) and such additional information as shall permit the BCC to make the findings required by C.R.S. Section 32-1-203 (2)(a) through (d) and to address the factual issues listed in C.R.S. Section 32-1-203 (2.5) (a) through (e). The service plan shall also set forth the maximum amount of debt that may be issued by the district, if formed. Six copies of the service plan shall be submitted with the original service plan.

Section Six: Review by Planning Commission. Only those service plans which propose the development of public improvements such as roads, water distribution or sewage collection and treatment systems or parks need to be reviewed by the Planning Commission.

Section Seven: Requests for Exclusion of Territory. Requests for exclusion of territory made pursuant to C.R.S. Section 32-1-203 (3.5) shall be heard at the same time as the hearing on the service plan. The BCC shall determine whether such requests shall be considered before or after the consideration of the service plan depending upon the circumstances in each case.

This Statement of Policy shall become effective immediately upon adoption, but may be modified at any time by the Board of County Commissioners.

Dated: 3/28/06

By: 
Douglas B. Monger, Chairman
Board of County Commissioners

SpecialDistrictStatementofPolicyv2.doc (3/27/2006)

REIMBURSEMENT AGREEMENT

This Reimbursement Agreement (the "Agreement"), dated as of _____, 2006, is between _____ (the "Proponent") and Routt County, Colorado ("County"), acting by and through its Board of County Commissioners (the "Board").

Recitals:

A. Proponent has advised County that it intends to file with the Board a petition for the review and approval of the service plan (the "Service Plan") for a special district (the "District") to be organized pursuant to C.R.S. Section 32-1-101 *et seq.* (the "Special District Act") to provide the following services and public improvements within the District:
_____.

B. Pursuant to C.R.S. Section 32-1-203, the Board is required to consider the criteria set forth in subsection (2) of that statute and may consider the criteria set forth in subsection (2.5) of that statute. Among the findings that the Board must make in order to approve the Service Plan are: (1) the proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries; and (2) the area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

C. The Board has concluded that it will be unable to consider the criteria described in Recital B and make the findings described in that recital without the assistance of an engineer to review the plans and cost estimates for the improvements proposed in the Service Plan and a financial consultant to review the financial feasibility of the Service Plan.

D. County staff has insufficient time or capability to assist the Board in the review of the matters described in Recital C. Therefore, County intends to retain the services of an engineer and a financial consultant (the "Consultants") to review the Service Plan and advise the Board concerning it. County intends to enter into contracts with an engineer and a financial consultant substantially in the form of the contracts (the "Consultant Contracts") attached hereto as Exhibits A and B.

E. County has requested that Proponent reimburse County for the direct expenses incurred by County in connection with the Consultants and Proponent has agreed to do so. County has also requested that Proponent deposit with County a fund (the "Reimbursement Deposit") to be used to pay for the Consultants' charges in connection with the review of the Service Plan.

F. County and Proponent intend by this Agreement to set forth the terms and conditions for the reimbursement by Proponent of County's expenses incurred in connection with the Consultant Contracts and with respect to the holding and application of the Reimbursement Deposit to be held by County.

Terms and Conditions:

1. County shall enter into the Consultant Contracts in substantially the form attached hereto as Exhibits A and B. County shall not agree to an amendment or change to the provisions of either of the Consultant Contracts except with the written consent of the Proponent.

2. Proponent shall reimburse County for all costs and expenses incurred by it pursuant to the Consultant Contracts when County is billed by the Consultants.

3. Upon receiving any billing from one of the Consultants for costs and expenses payable pursuant to the applicable Consultant Contract, County shall forward a copy of the billing to Proponent's Representative (as identified hereinafter) for review and comment. Unless Proponent's Representative has delivered a written objection to the billing to the County's Representative (as identified hereinafter) at least two business days before the due date for the billing, County may pay the billing and it shall thereafter be conclusively presumed that the billing was valid and properly payable. The Proponent shall be responsible for any late charges that become due and payable as a result of any objection to a billing. County shall assist Proponent's Representative in obtaining any backup information for a billing reasonably requested by Proponent's Representative.

4. Contemporaneously with the execution of this Agreement by County and Proponent, Proponent shall deliver to County \$10,000, to be held by County as security for Proponent's obligation to reimburse County as set forth in this Agreement. This Reimbursement Deposit may be held as part of the County's general funds but shall be segregated for accounting purposes and shall earn interest at the rate that County's general funds earn interest. Proponent hereby grants to County a security interest in the Reimbursement Deposit. County shall use funds in the Reimbursement Deposit only to pay billings of the Consultant for work done pursuant to the Consultant Contracts. Upon completion of the Consultants' work under the Consultant Contracts, County shall provide Proponent's Representative with an accounting for the Reimbursement Deposit and County shall refund to Proponent any remaining funds in the Reimbursement Deposit account. In the event that the funds in the Reimbursement Deposit are insufficient to pay the Consultants for all work under the Consultant Contracts, Proponent shall pay to County, within 10 business days after County makes a written request for payment, such additional funds as are required to pay the Consultants.

5. Proponent designates _____ to serve as Proponent's Representative for the purposes of this Agreement. Proponent shall have the right to replace the individual initially designated as Proponent's Representative by a written notice delivered to County at least five business days before the effective date of the new designation. County shall have the right to deal solely with the Proponent's Representative with respect to the matters set forth above as to which Proponent's Representative is identified as having authority herein and, as to those matters, it shall be conclusively presumed that Proponent's Representative is fully authorized to act on behalf of the Proponent.

County designates _____ to serve as County's Representative for the purposes of this Agreement. County shall have the right to replace the individual initially designated as County's Representative by a written notice delivered to Proponent's

Representative at least five business days before the effective date of the new designation. Proponent and Proponent's Representative shall have the right to deal solely with the County's Representative with respect to the matters set forth above as to which County's Representative is identified as having authority and, as to those matters, it shall be conclusively presumed that County's Representative is fully authorized to act on behalf of County.

6. Proponent understands that, pursuant to the Consultant Contracts, the Consultants will have a duty to provide opinions to the Board based upon the Consultants' best judgment and that this duty may potentially conflict with the interests of the Proponent. The Consultants shall have no duty to Proponent by virtue of the Consultant Contracts.

7. Any notice required or permitted hereunder shall be personally delivered or mailed in the United States mails, first-class postage prepaid, to the party to be served at the following addresses:

To Proponent:

To the initial
Proponent's
Representative:

To the County: Board of County Commissioners
P.O. Box 773598
136 6th Street, Commissioners' Office
Steamboat Springs, CO 80477

To the initial County's
Representative:

Notice personally served shall be deemed served on the date of delivery. Notice mailed shall be deemed served the next business day following the date of mailing if mailed in Steamboat Springs, Colorado.

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

9. This Agreement shall be governed by and construed in accordance with the internal laws of the State of Colorado without reference to choice of laws rules. The parties agree that venue in any action to enforce or interpret this Agreement shall be in the District Court in the Fourteenth Judicial District for the State of Colorado.

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10. This Agreement constitutes the entire agreement between the parties concerning the reimbursement to County of the expenses to be incurred by County in connection with the Consultant Contracts and the Reimbursement Deposit and may not be amended except by a written document executed by both parties hereto.

PROPONENT

By: _____

ROUTT COUNTY, COLORADO

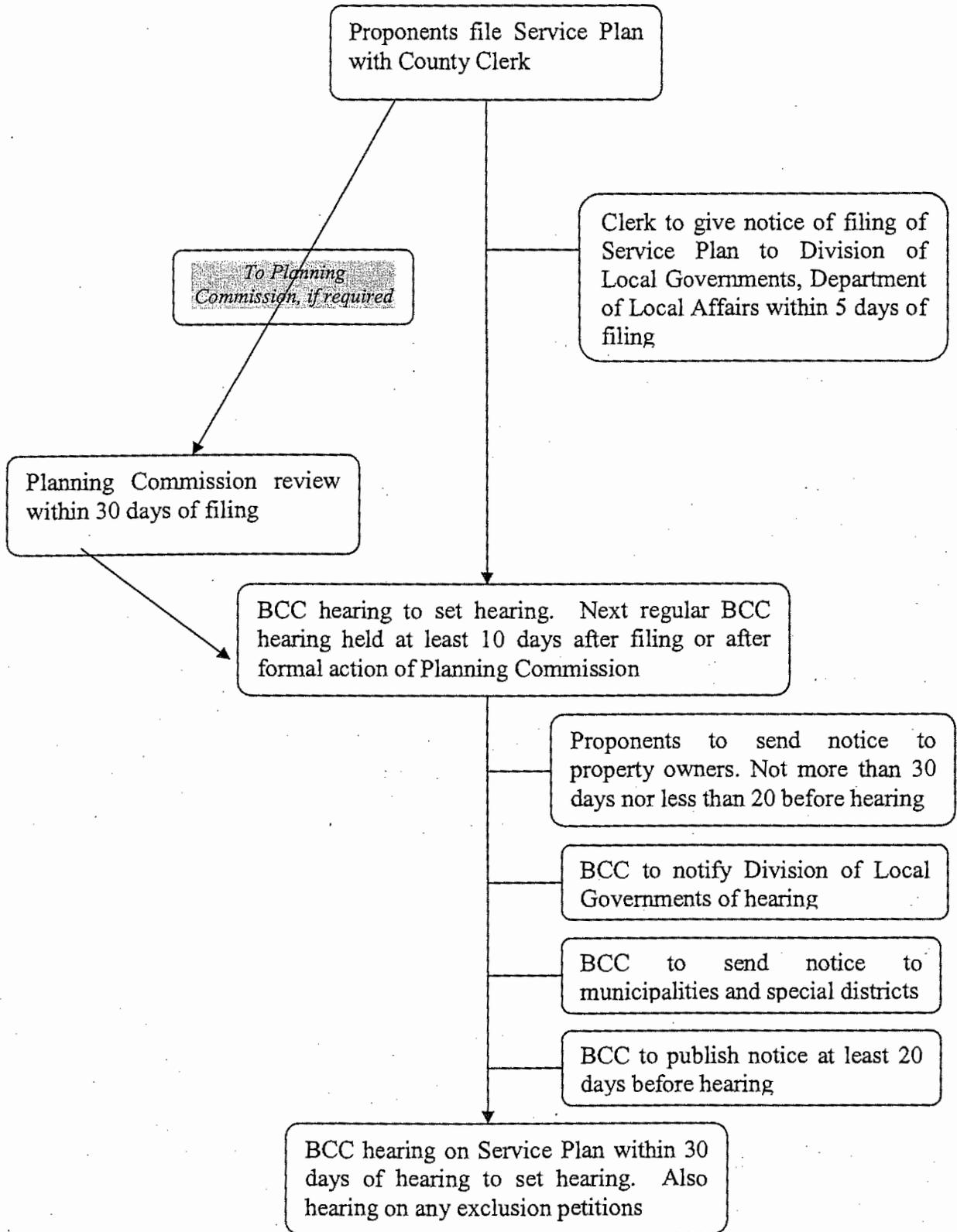
By: _____
Douglas B. Monger, Chairman
Board of County Commissioners

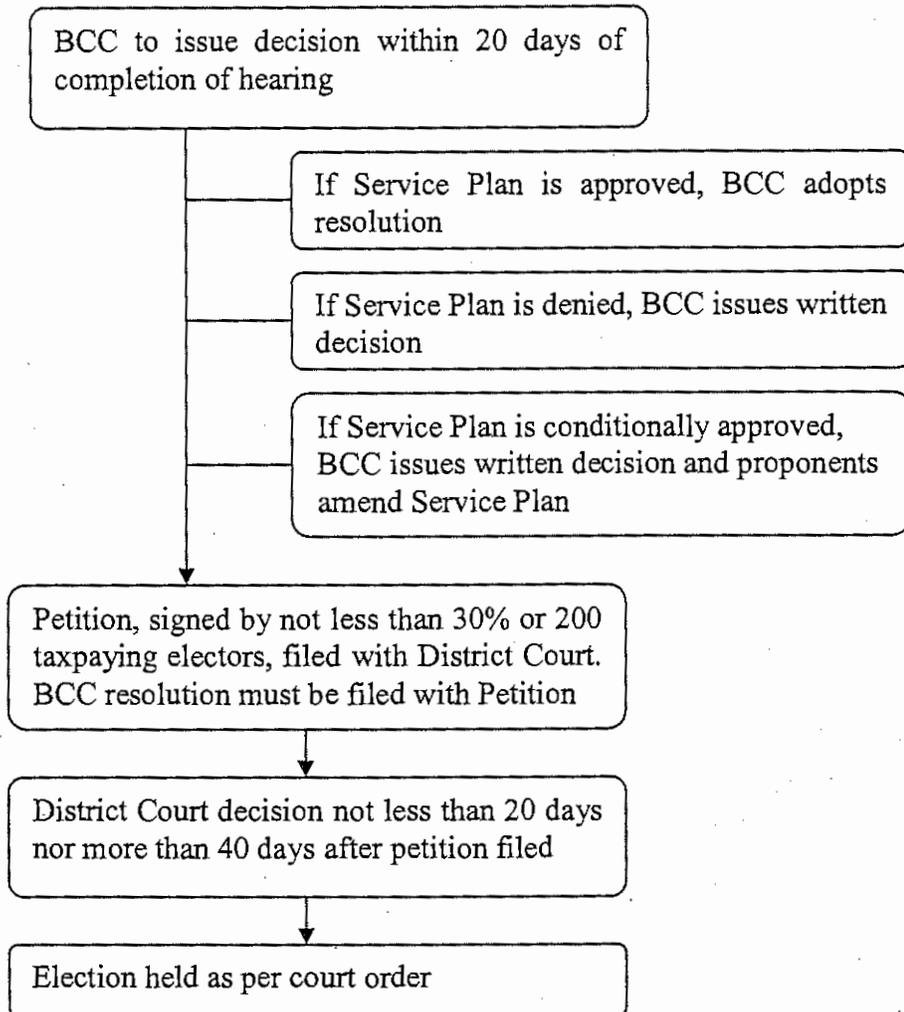
ATTEST:

Kay Weinland
Routt County Clerk

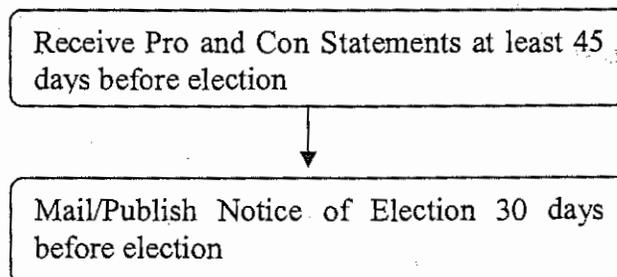
AGREEMENTFORMS/SAMPLESPECIALDISTRICTREIMBAGREEMENT.DOC (1/31/2006)

SPECIAL DISTRICT FLOW CHART





If TABOR Election for Mill Levy or Debt Authorization



Formation of a Special District
Pursuant to C.R.S. § 32-1-201, et seq.

Name of Proposed District	
Type of District	
Name and Telephone Number of Contact Person	

Statute	Filing of Service Plan	Date
32-1-202(1)	Service plan received by BCC	
32-1-202(3)	Processing fee not to exceed \$500 received or waived by BCC ¹	
32-1-202(4)	<u>If health service district</u> , submission of license or certificate of compliance (or application for license or certificate of compliance) issued by department of public health and environment constitutes compliance with subdivision (2)	
32-1-202(1)	Service plan filed with county clerk [at least 10 days prior to regular meeting of BCC]	
32-1-202(1)	County clerk notice of filing of service plan sent to Division of Local Government ("DLG") [within 5 days after filing of service plan]	
32-1-202(1)	<u>If required in § 30-28-112²</u> service plan referred to planning commission for consideration and recommendation	
32-1-202(1)	<u>If required</u> , planning commission recommendation to BCC [within 30 days after service plan filed with county clerk]	
32-1-202(1)	BCC meeting ³ to set public hearing [within 30 days of such meeting]	
	Date set for public hearing ⁴	

¹ Additional fee may be imposed for reasonable direct costs related to special review. Such additional fee shall not be less than \$500 nor exceed one one-hundredth of one percent of the total amount of the debt to be issued or \$10,000, whichever is less.

² C.R.S. 30-28-112 provides that the planning commission shall certify a copy of the plans for zoning all or any part of the unincorporated territory within the county, or any adopted part or amendment thereof or addition thereto.

³ If planning commission review is required, BCC meeting must be held at least 10 days after planning commission action.

⁴ BCC may continue public hearing for a period not to exceed 30

32-1-202(1)	BCC written notice of date, time and location of public hearing to DLG	
32-1-204(1)	BCC written notice of date, time and location of public hearing to petitioner and each municipality and special district within 3 miles	
	BCC published notice of public hearing in the Steamboat Pilot [at least 20 days prior to hearing (remember to add delay for publication in The Steamboat Pilot)]	
32-1-204(1.5)	Petitioners written notice of public hearing sent to property owners within proposed district [not more than 30 nor less than 20 days prior to hearing]	
32-1-202(2.1)	Petition objecting to service plan by owners of taxable property that equal more than 50% of total valuation [no later than 10 days prior to hearing]	
32-1-203(3.5)	Persons owning property in the proposed special district may request to be excluded ⁵ [no later than 10 days prior to hearing]	
	BCC hearing on service plan	
32-1-204(4)	BCC written notice to petitioners of BCC action [within 20 days after hearing]	
	BCC resolution issued to petitioners [if service plan is approved as submitted]	

Statute	Contents of Service Plan	✓
32-1-202(2)(a)	Description of proposed services	
32-1-202(2)(b)	Financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the district, which shall not be materially exceeded except as authorized pursuant to section 32-1-207 or 29-1-302, C.R.S. All proposed indebtedness for the district shall be displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued	
32-1-202(2)(c)	Preliminary engineering or architectural survey showing how the proposed services are to be provided	

days, unless proponents agree to a longer period.

⁵ BCC may also exclude territory from a proposed special district prior to approval of the service plan.

32-1-202(2)(d)	Map of proposed boundaries and estimate of population and valuation for assessment	
32-1-202(2)(e)	General description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of any county within which all or any portion of the proposed special district is to be located, and of municipalities and special districts which are interested parties pursuant to section 32-1-204 (1).	
32-1-202(2)(f)	General description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district	
32-1-202(2)(g)	Description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision, and, if the form contract to be used is available, it shall be attached to the service plan	
32-1-202(2)(h)	Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in section 32-1-203, if applicable, is met [see below]	
32-1-202(2)(i)	Additional information required by BCC pursuant to 32-1-203 [see below]	

Statute	Action on Service Plan by BCC	✓
32-1-203(1)(a)	Approve without condition or modification the service plan submitted	
Evidence for approval:		
32-1-203(2)(a)	Sufficient existing and projected need	
32-1-203(2)(b)	Existing service in the area to be served is inadequate for present and projected needs	
32-1-203(2)(c)	Proposed special district is capable of providing economical and sufficient service to the area	
32-1-203(2)(d)	Area included in the proposed special district has, or will have, financial ability to discharge proposed indebtedness on a reasonable basis	

32-1-203(1)(b)	<u>Disapprove</u> the service plan submitted	
Evidence for disapproval:		
32-1-203(2.5)(a)	Adequate service is, or will be, available to the area within a reasonable time and on a comparable basis	
32-1-203(2.5)(b)	Facility and service standards are not compatible with the facility and service standards of the County	
32-1-203(2.5)(c)	Proposal is not in substantial compliance with the master plan adopted pursuant to 30-28-106, C.R.S.	
32-1-203(2.5)(d)	Proposal is not in compliance with duly adopted County, regional, or state long-range water quality management plan	
32-1-203(2.5)(e)	Creation of the proposed special district will not be in the best interest of the area proposed to be served	
Conditional approval:		
32-1-203(1)(c)	Conditionally <u>approve</u> the service plan contingent upon modification of the service plan or subject to the submission of additional information as specifically stated in the findings of BCC	

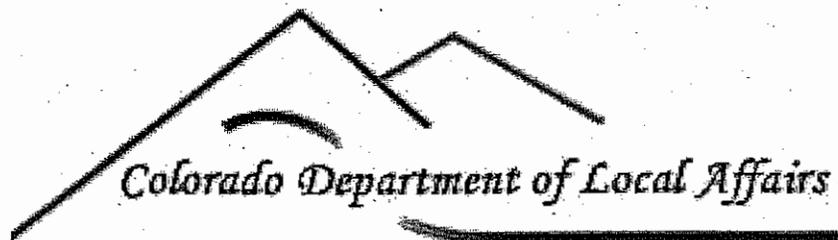
Statute	Petition for Organization to District Court	✓
32-1-301(1)	After approval of service plan, petitioners may file a petition for organization in the district court [petition must be signed by not less than 30% or 200 of the taxpaying electors of the proposed special district, whichever number is smaller]	
32-1-301(2)	Contents of Petition	
32-1-301(2)(a)	Type of service to be provided and name of proposed special district (chosen name followed by specific phrases as set forth in statute)	
32-1-301(2)(b)	General description of facilities and improvements, if any, to be constructed, installed, or purchased	
32-1-301(2)(c)	Statement as to whether the proposed special district lies wholly or partly within another special district or municipality	
32-1-301(2)(d)	Estimated cost of proposed facilities and improvements	
32-1-301(2)(d.1)	Estimated property tax revenues for the district's first budget year	
32-1-301(2)(e)	General description of boundaries of special district (with such certainty as to enable a property owner to determine whether or not his property is within the special district)	

32-1-301(2)(f)	If selected by petitioners, general description of the boundaries of director districts	
32-1-301(2)(g)	Request for the organization of the special district	
32-1-301(2)(h)	Request for submission to the electors of the special district at the organizational election of any questions permitted to be submitted at such election	
32-1-301(3)	Petition shall be accompanied by BCC resolution approving service plan	
32-1-302	File a bond with security approved by the court, or a cash deposit sufficient to pay all expenses connected with the proceedings	

Statute	Court Hearing	Date
32-1-304	Immediately after filing petition, court shall set hearing date [not less than 20 days nor more than 40 days after petition is filed]	
	Court clerk notice by publication of pendency of petition	
	Court clerk notice mailed by registered mail to BCC and to each party entitled to notice under 32-1-206(2), C.R.S.	
32-1-305(3)	Owner of property within the proposed district may file a petition requesting to be excluded [no later than 10 days before hearing]	
32-1-305(4)	If petition is found to be in conformity, court order duly entered of record, directing that the question of the organization of the special district shall be submitted to an election	
32-1-305(6)	If a majority of votes are in favor of organization and the court determines the election was in accordance with statute, court declares special district organized	
32-1-305(7)	Entry of court order declaring special district organized	
32-1-306	Special district to file with county clerk for recording a certified copy of findings and order of court organizing special district [within 30 days after special district declared organized by court]	
	Copy of service plan, court's findings and order, and map of the special district filed with DLG	
	Map of special district filed with county assessor	

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SPECIAL DISTRICT SERVICE PLANS



SPECIAL DISTRICT ASSISTANCE

Department of Local Affairs
1313 Sherman Street, Room 521
Denver, Colorado 80203
303-866-2156
www.dola.colorado.gov

SPECIAL DISTRICT SERVICE PLANS

Colorado Department of Local Affairs
1313 Sherman Street, Room 521
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INTRODUCTION

The following information is intended as general guidance for review of service plans of special districts organized pursuant to Title 32 of the Colorado Revised Statutes. This is not a complete review of the Special District Act, and is not to be construed as legal advice. Any person considering the organization and ongoing responsibilities of a special district, and those who have responsibility to approve service plans of such district, should obtain competent legal counsel. All statutory citations refer to the Colorado Revised Statutes as amended through 1997. For more information or for more DOLA technical assistance publications, see the department's web site at www.dola.colorado.gov and click on Data, Information and Publications.

All special districts in Colorado organized under Title 32 of C.R.S. have been required since 1965 to file a service plan with the board(s) of county commissioners of the county or counties in which the district is proposed. Upon review, the board has the authority to:

- Approve the service plan "without condition or modification";
- Disapprove the service plan; or
- "Conditionally approve the service plan subject to submission of additional information relating to or the modification of the proposed service plan". (C.R.S. 32-1-203)

A similar approval process applies when a district is organized wholly within the boundaries of a municipality or municipalities. In this case, the governing body of the municipality is the approving authority. (C.R.S. 32-1-204.5) (See "Formation and Statutory Responsibilities" of Colorado Title 32 Special District published by the Division of Local Government for more information on the entire organization process.)

This publication provides additional information to be utilized by those who are involved in the approval process, whether they be elected officials, appointed planning commissioners, or staff. It elaborates on what may be required in a service plan and what criteria might be used to evaluate the adequacy of a service plan for a special district.

The trend with special district legislation has been to allow general purpose local governments to exert greater control over the formation and operation of special districts. The service plan approval process is the key to exercising that control.

The legislative declaration found in Article 1 of Title 32 refers to "the coordination and orderly creation of special districts" and "the logical extension of special district services throughout the state." It further declares that the review procedures in Part 2 (the "Control Act") are created to "prevent unnecessary proliferation and fragmentation of local government and to avoid excessive diffusion of local tax sources." Also cited as reasons for these measures are "the elimination of the overlapping services provided by local governments" and efforts to "reduce duplication, overlapping and fragmentation of the functions and facilities of special districts."

Special districts that do not have an approved service plan have been required since 1985 to file a "Statement of Purpose" with the county commissioners or municipal governing boards, as well as with the Division of Local Government. (C.R.S. 32-1-208). This permits general purpose local governments, as well as interested taxpayers, to be aware of the activities of special districts within their boundaries which may have organized before service plans were required.

COMPLIANCE WITH, MODIFICATION OF, AND ENFORCEMENT OF SERVICE PLANS

Service plans and statements of purposes in effect create binding agreements between the special district and the approval authority. "Upon final approval by the court for the organization of the special district, the facilities, services, and financial arrangements of the special district shall conform so far as practicable to the approved service plan." (C.R.S. 32-1-207(1))

Once organized, "material modifications of the service plan ... may be made by the governing body of such special district only by petition to and approval by the board of county commissioners," following the same process as required for approval of the original service plan. (C.R.S. 32-1-207(2)) It is clear that the legislative intent was to require a similar process for approval of a material modification of service plans for districts wholly within municipalities by the municipal governing board.

"Material modifications" are "changes of a basic or essential nature, including any addition to the types of services provided by the special district, and shall not be required for changes of a mechanical type necessary only for the execution of the original service plan or for the changes in the boundary of the special district." (C.R.S. 32-1-207(2))

Material departures not so approved can be enjoined by the court, upon its own motion, or the motion of the board of county commissioners, municipal governing board, or "any interested party", as defined in C.R.S. 32-1-207(3)(a).

Someone wishing to challenge an action of a special district as an unapproved material departure must do so within 45 days of the published notification by the district that it intends to undertake the activity. (C.R.S. 32-1-207(3)(b))

Annual Report

Boards of county commissioners or municipal governing boards may request the filing of an annual report of any special district wholly or partially within their boundaries. This report must be made available to the Division of Local Government and to all "interested parties" as defined in C.R.S. 32-1-207(3)(c)(d). The statute does not specify what an annual report should consist of. Therefore, a governing board requesting an annual report should provide some guidelines and rationale for the request. Information about any major changes in the financial status of the district, for example, might constitute a reasonable request. For example, any increased tax burden on municipal or county residents might influence decisions by municipalities, counties, or school districts. Boundary changes, which are specifically excluded from the definition of "material modification" of a service plan, constitute another activity that might reasonably be requested in an annual report. Intergovernmental agreements, changes in district policies, personnel changes, and other events that affect a district's operations are issues that a governing board might have an interest in.

As a matter of policy, consistency in annual reports, both in what information is requested and who is requested to make submissions, seems reasonable and desirable.

SERVICE PLAN - STATUTORY REQUIREMENTS

There are minimum requirements for the types of information that a service plan must contain. (C.R.S. 32-1-202(2)) These are:

- A description of the proposed services;
- A financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the district, which shall not be materially exceeded except as authorized pursuant to C.R.S. 32-1-207 or 29-1-302. All proposed indebtedness for the district shall be displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued.
- A preliminary engineering or architectural survey showing how the proposed services are to be provided;
- A map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed special district;

- A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of any county within which all or any portion of the proposed special district is to be located, and of municipalities and special districts which are interested parties pursuant to C.R.S. 32-1-204(1);
- A general description of the estimated cost of acquiring land, engineering services, legal services, administrative service, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district;
- A description of any arrangement of proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision and, if the form contract to be used is available, it shall be attached to the service plan;
- Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in C.R.S. 32-1-203, if applicable, is met;
- Such additional information as the board of county commissioners may require by resolution on which to base its findings, pursuant to C.R.S. 32-1-203.

It is incumbent upon those providing the service plan to provide sufficient information on the above issues that the approving authorities can render a decision. That decision is, by statute, based upon satisfaction of specific criteria (C.R.S. 32-1-203). Disapproval of a service plan is mandatory in cases where it is not satisfactorily established that:

- There is sufficient existing or projected need for organized service in the area to be serviced by the proposed special district;
- The existing service in the area to be served by the proposed special district is inadequate for present and projected needs;
- The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries;
- The area to be included in the proposed special district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

There are other circumstances upon which the approval authority may disapprove the service plan. (C.R.S. 32-1-203(2.5)) This option exists where it is not satisfactorily established that:

- Adequate service is not, or will not be, available to the area through the county, other existing municipal or quasi-municipal corporations,

including existing special districts, within a reasonable time and on a comparable basis;

- The facility and service standards of the proposed special district are compatible with the facility and service standards of each county within which the proposed special district is to be located and each municipality which is an interested party under C.R.S. 32-1-204(1);
- The proposal is in substantial compliance with a master plan adopted pursuant to C.R.S. 30-28-106;
- The proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area;
- The creation of the proposed special district will be in the best interests of the area proposed to be served.

These service plan requirements and criteria for approval just enumerated are not very specific. The approval authority is required to employ judgment in deciding upon the adequacy of the information provided and in determining if a specific criterion is adequately met. For example, what constitutes "a general description of the facilities to be constructed and the standards of such construction"? What is "sufficient existing and projected need for organized service"?

Thus, the statutes give considerable flexibility to the approval authority in making such decisions. The flexibility of the statutes allows the degree to specificity required in a service plan to be commensurate to the services, and does not impose an unnecessary financial or administrative burden where this would be counterproductive. For example, the services of a small rural fire protection district could be quite simple, while those of a large multi-service metropolitan district could be, by comparison, quite complex.

This flexibility might also be interpreted as ambiguity by the proponents of a proposed district. They may find themselves, upon reading the statutory requirements, wondering just how much and what kind of information is required of them.

Are the services of a financial planning consultant required, or could a citizen's group proposing a service district adequately do a financial plan themselves? How far into the future should "projected need" be evaluated? The answers to such questions vary with the circumstances. The geographic location of the proposed district, the type of service, and district's original and potential size are all factors that can affect the level of detail and specificity a service plan should contain.

A municipality or county that is experiencing growth in special districts would do well to consider developing guidelines for service plans that elaborate on the statutory requirements. These guidelines could be informally provided by staff, but there are advantages to employing a more formal approach.

Explicit requirements for, and standardization of, the review process provide the following advantages:

- The district's proponents will know ahead of time what the "rules" are. It will be easier to know what level of detail is expected, and how much effort to expend on a service plan.
- There may be special circumstances or issues in a particular area (e.g., groundwater contamination, a large proposed project) that the approval authority may wish to have the proponents address.
- Staff review of the plan can be streamlined, to the advantage of both the proponent and the approval authority.
- The approval authority runs less risk of accusations of favoritism or arbitrariness in the case where a service plan is disapproved, or where more information is demanded of the proponent.

In addition to the content of the service plan, the process of plan approval can benefit from explicit, detailed guidelines. The statutes outline a required process for review and approval, but do not inform a proponent about how the service plan approval is linked to other internal governmental functions, such as zoning approval.

The next two sections will provide suggested approaches to developing guidelines on the required content of and the approval process for special district service plans. Many of the suggestions are derived from the work of the El Paso County's Special District and Bond Financing Office. This report also resulted from discussions with planning staff of other local governments, notably Adams County and Douglas County.

SERVICE PLAN INFORMATION REQUIREMENTS AND CRITERIA

THE FOLLOWING GUIDELINES ARE NOT TO BE CONSTRUED AS BEING NECESSARY TO ALL SERVICE PLANS. The level of detail required in a plan will vary with local circumstances. The Department of Local Affairs suggests that a county or municipal governing board review the following guidelines, and employ only those that appear appropriate to local conditions and to the services to be provided. Unnecessarily complex or burdensome requirements can be as detrimental to the approval process as those that are too vague or ambiguous. The Division is prepared to provide local governments with technical assistance in developing special district service plan guidelines, upon request.

Statement of Policies

If a county or municipality has policies that require or encourage certain types of or approaches to service provision or development, these should be made explicit and be provided as prefatory information to service plan guidelines. Some counties, for example, encourage urban-type growth only in existing urban service areas. Regional management and operation of certain services or facilities (e.g., for water or sewer) is another policy-related issue that might be addressed. A policy of encouraging multipurpose rather than single purpose

districts, if one exists, should be made explicit, as well as the rationale for the policy. Other policy considerations might relate to the sequencing of approvals (e.g., Planned Unit Development Rezoning). Such process-related policies will be addressed in the next section.

The rationale for making policies as explicit as possible is to provide the district proponent with as much information as early as possible so that the service plan can be tailored to the policies and regulations of the approval authority.

Organization/Format

The review process can be expedited by providing information on how the service plan information is to be presented. A table of contents for a complex, lengthy service plan can aid in review. A summary can also help in this regard.

One organizational scheme would consist of requiring that the service plan be presented in sections, one for each of the nine statutory requirements. (See pages 3-4.)

It may be necessary to duplicate information from one section to another. Options are to allow cross-referencing, or to require each section to be self-contained and self-explanatory.

Maps may be required to be of a certain scale, to be printed on a particular type of paper, or to be referenced to an official map. These requirements should be made explicit.

The number of copies of the plan to be submitted should also be specified.

A listing of persons or organizations, such as engineers, legal counsel and, financial analysts who contributed to the service plan might be required, including addresses and phone numbers.

The name of the proposed district should be chosen so as not to duplicate or be similar to that of an existing entity in the area. This could cause confusion or errors in governmental functions for other jurisdictions as well as residents of the district. The district name must consist of the chosen name preceding one of the following phrases: (C.R.S. 32-1-301(2)(a))

- Fire protection district
- Hospital district
- Ambulance district
- Sanitation district
- Park and recreation district
- Water and sanitation district
- Water district
- Metropolitan district
- Tunnel district

Metropolitan districts must provide two or more of the following services: (C.R.S. 32-1-103(10))

- Fire protection
- Mosquito control
- Parks and recreation
- Safety protections
- Sanitation
- Street improvement
- Television relay and translation
- Transportation
- Water

Specific Statutory Requirements

In this section, specific suggestions are offered for requirements that elaborate on the statutory requirements. These may not be necessary to all service plans. Many are primarily of relevance to large metropolitan districts that will provide a full range of services. Many of the requirements derive from the uncertainties inherent in raw land development, particularly with regard to scheduling of build-out, phasing of financing, and similar development-related issues. It is not suggested that all service plans should address all of these requirements. Requirements should reflect the minimum information necessary to render a sound decision on the proposed district, while meeting all statutory requirements.

Summary

Services - "A description of the proposed services". (C.R.S. 32-1-202(2)(a))

- Reasonableness of the assumptions in the service plan;
- Reasonableness of proposed mill levy;
- Impact of proposed debt in relation to overlapping debt;
- Additional burden of debt on present or future property owners;
- Ability of school district to accommodate physical and fiscal impacts of district development;

The impacts on school districts are issues that traditionally are negotiated between the school district and the developer at the development approval stage. While there may be no clear statutory authority to deny approval of a service plan solely on the basis of adverse impacts on a school district, it would be prudent to anticipate possible negative impacts and to coordinate planning efforts of the county or municipality with those of affected school districts.

- Finding that adequate service is not, or will not be, available in the area through existing local governments (county, municipal, existing special districts) within a reasonable time and on a comparable basis (C.R.S. 32-1-203(2.5)(a));

- Compliance with county or municipal master plan; (C.R.S. 32-1-203(2.5)(c))
- Finding that the creation of the district will be in the best interests of the area to be served (C.R.S. 32-1-203(2.5)(e));
- The criteria used to determine when and if certain services are to be supplied or not supplied, if a multi purpose metropolitan district is proposed.
- A map of the proposed special district boundaries. (C.R.S. 32-1-202(2)(d))

The map might include the surrounding area within a reasonable distance (e.g., three miles) and be accompanied by a list of services provided by municipalities and special districts shown on the map. A legal description of the property in the district should accompany the map.

Financial Analysis

Financial plan - "A financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the district, which shall not be materially exceeded except as authorized pursuant to C.R.S. 32-1-207 or 29-1-302. All proposed indebtedness for the district shall be displayed together with a schedule indicating the year or years for which the debt is scheduled to be issued. The board of directors of the district shall notify the board of county commissioners or the governing body of the municipality of any alteration or revision of the proposed schedule of debt issuance set forth in the financial plan." (C.R.S. 32-1-202(2)(b))

The statutory requirement for one year's projected operating revenues is a minimum requirement. A long-term capital improvement program (CIP) might be required. A five-year time horizon is common in a CIP.

Criteria and guidelines for financial data should be specified. For example, there are alternate methods of presenting dollar figures. Use of current year dollars throughout the analysis is one method. Alternatively, inflation can be factored into both costs and revenues. In either case consistency in, and explicitness of, methods is important.

Estimated Cost - "A general description of the estimated cost of acquiring land, engineering services, legal services, administrative services, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district. (C.R.S. 32-1-202(2)(f))

- Maximum bonded indebtedness and justification
- The bonding process deserves special scrutiny. Phasing of bonding might be encouraged or required. Phasing provides for an increased

ability to meet debt obligations if development does not occur as rapidly as projected. Also, the overall debt within a county from all bonding entities can affect the bond rating. Phasing coordination could be accomplished by a county if information on phasing is required.

The interest rates, issuing costs, and other financial data used in calculation should be provided by a reliable, identified source, such as an investment banking firm. Similarly, projected rates and charges should be based upon realistic analyses prepared by qualified sources.

- Evidence of commitment from a qualified lender or investment banking firm

It may not be possible to get a binding commitment from a lender prior to the closing of a bond issue. However, some indication of intent by a lender to sell bonds (unless circumstances change significantly) would provide some assurance of the feasibility of the district.

- Itemized breakdown of all costs to be incurred and allocation of costs (developer/applicant, district, private parties).
- Items that will be purchased or leased from developer/applicant (e.g., land, rights-of-way, water rights, etc.).

Any dealings between the developer/applicant and the district subsequent to approval of district must be disclosed through the district's public activities and, where appropriate, the filing of conflict-of-interest disclosure forms with the Secretary of State (C.R.S. 24-18-110). However, a well-planned district should be able to provide some evidence of such anticipated dealings, although such plans might not be considered binding.

- Background financial information on the developer/applicant and financial relationships between owner, developer/applicant and district.
- Evidence that the proposed district is capable of providing economical service to the area within its boundaries. (C.R.S. 32-1-203(2)(c))
- Evidence that the area to be included in the district has or will have the financial ability to discharge the proposed indebtedness on a reasonable basis. (C.R.S. 32-1-203(2)(d)) Information on sources of such information should be required.

This could be based on build-out projections and forecasts of demographic and economic indicators such as population, employment, and income.

- Plans to mitigate any shortfalls in a district's ability to meet financial obligations.
- History of property tax payment on all properties to be included in the district.
- Existing or pending financial difficulties of the applicant, including insolvency, bankruptcy, or foreclosure proceedings.
- Standards upon which cost estimates are based (e.g., county transportation department, State Health Department, etc.). Estimates should be costs at time of construction.

Development Analysis

Engineering Survey - A preliminary engineering survey showing how the proposed services are to be provided (C.R.S. 32-1-202(2)(c)). Provide evidence that the proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries. (C.R.S. 32-1-203(2))

Population and Valuation - An estimate of the population and valuation for assessment of the proposed special district. (C.R.S. 32-1-202(d))

- Evidence that there is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district. (C.R.S. 32-1-203(2)(a))

Evidence of final land use approvals, such as zoning or subdivision, may be necessary but not sufficient conditions for approval. A market analysis to demonstrate projected demand and need for services may be required. Forecasts of the district's build-out projections and of demographic and economic indicators such as population, income, and employment may be required. Analysis of the effects of competing developments may be required. Information on sources of information should be required.

- Provide evidence that the existing service in the area to be served by the proposed special districts is inadequate for present and projected needs. (C.R.S. 32-1-203(2)(b))

One way to systematically establish need for proposed services is to conduct a survey of existing services by providing an inventory of existing governmental entities within a reasonable proximity (e.g., three miles) of the proposed district.

This should address opportunities for including within existing districts and the potential for intergovernmental contracts.

- Summaries of land use approvals such as sketch plans, master plan, PUD or zoning approvals may be required.

Facilities - "A general description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of any county within which all or any portion of the proposed special district is to be located, and of municipalities and special districts which are interested parties pursuant to C.R.S. 32-1-204(1)." (C.R.S. 32-1-202(2)(e))

The facility and service standards must be compatible with those of each county within which the district is to be located and each municipality that is an interested party. (C.R.S. 32-1-203(2.5)(b))

Intergovernmental Agreements

IGA's - "A description of any arrangement or proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision and, if the form of contract is available, it shall be attached to the service plan." (C.R.S. 32-1-202(2)(g))

Intergovernmental agreements often are negotiated between special districts and counties, municipalities, and other special districts. These intergovernmental agreements might address such issues as:

- Police, fire and emergency services
- Wastewater treatment and collection
- Water acquisition, treatment and delivery
- Transportation systems
- Road and drainage systems
- Recreation facilities, parks and open space

In cases where metropolitan districts are used as a development tool, but where services eventually will be provided by a municipality upon annexation, annexation agreements may be negotiated as part of the service plan approval process.

An additional requirement might be evidence of good faith efforts to secure services from municipalities and existing special districts within a reasonable distance (e.g., three miles) that supply service proposed in the service plan.

Other Requirements

Hearings and Specific Conditions - "Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in C.R.S. 32-1-203, if applicable, is met. (C.R.S. 32-1-202(2)(h))

This section can deal with specific conditions that are unique to a particular area, or with unusual circumstances. Water and wastewater services in particular might require extra scrutiny. Examples of such water and wastewater related issues are:

- Provide evidence that the proposal is in compliance with any duly adopted county, regional, or state long-range water quality management plan for the area (C.R.S. 32-1-203(2.5)(d));
- Plans for water acquisition and water system development, specifically addressing water rights issues;
- Status of required state and/or local reviews of wastewater treatment;
- Information on water and wastewater tap fees, user fees, availability of service fees, plant investment fees, and other charges.

Compliance

Additional information - "Such additional information as the board of county commissioners may require by resolution on which to base its findings pursuant to C.R.S. 32-1-203." (C.R.S. 32-1-202(2)(i))

These last two statutory requirements (Items H and I) give the county or municipal governing board broad power to establish requirements for service plan approval that exceed those specifically cited in the statutes. The requirement that these be enacted by resolution formalizes the request, and makes the demands for information uniform for all applicants (where the information request is relevant to the proposed services).

Certain reporting requirements might be cited here, if this is deemed desirable. Examples are:

- Submission of an annual report, as described in C.R.S. 32-1-207(3)(c)(d);
- A sunset clause to address dissolution of the district in the event that development activity ceases or the district fails to provide services;
- Such a sunset clause should make reference to statutorily prescribed dissolution procedures, and any such dissolution procedures would have to be carried out accordingly.
- Specificity regarding what is to be considered a "material modification," as described in C.R.S. 32-1-207(2) might be required;
- Information about the district's policies for inclusion, including criteria to be employed in extending services.

SUBMITTAL AND REVIEW PROCESS

The process of reviewing special district service plans can be facilitated by making explicit steps the applicant must go through to achieve approval. Some of the procedural requirements are established by statute; others may reflect the policies of the approval authority.

In many cases, a county or municipality will have in place procedural policies for land use approvals, such as zoning, planned unit development, and building permit approvals. To the extent that service plan approval requires any of these permitting approvals, the service plan approval process should be coordinated with the permit approval process. By doing so, both applicant and approval

authority will find the process less confusing and time-consuming than would be the case if the parallel but separate approval processes are required.

As with the content of the service plan, the approval process can range from fairly simple to rather complex, depending upon the nature of the proposed services, the location of the proposed district, and the regulatory environment of the approval authority.

THE FOLLOWING PROCEDURAL GUIDELINES ARE NOT TO BE CONSIDERED PRESCRIPTIVE. In many cases, certain procedures apply primarily to multipurpose metropolitan districts providing urban service, often involving the development of raw land. They may not all be appropriate for the approval of single purpose or fairly small special districts. The local government considering these guidelines should strive for the most procedurally simple approval process that meets its obligation to provide a thorough service plan review.

Summary Sheet(s)

A summary sheet(s) should be prepared that outlines in chronological order the various steps in the review process. This can be an aid not only to the applicant but also to staff in tracking an application.

Review Team

It may be advisable to create a review team for special district service plans, particularly if an entity routinely reviews service plan submittals.

The review team should contain representatives from all relevant review and approval agencies. In larger entities with complex structural or functional organization, the review team might consist of representatives of:

- Planning department
- Public works department
- Attorney's office
- Treasurer's office/finance department
- Land use department
- Clerk and recorder's office
- Assessor's office
- Park and recreation department

In cases where representatives of several agencies are involved, designation of a lead agency is necessary.

It may be desirable on the review team representatives of other interested jurisdictions. These could be made official review team members or could serve ex officio in an advisory capacity. Jurisdictions or organizations that might be included are:

- Regional planning agency or council of governments
- Regional water quality management agency
- Neighboring counties, municipalities or special districts
- School districts

The role of a review team and its authority should be clearly spelled out. The statutes define those jurisdictions that are "interested parties" to such procedures. Other parties that do not have such specific designation nevertheless might have an interest in the formation of the district. Inclusion of all interested jurisdictions and agencies in the service plan review process is central to good comprehensive planning and should be encouraged.

Sequencing of Review and Approvals

Special district service plans typically go through at least a two stage review and approval process. Formal public hearings will be required before the planning commission and again before the approval authority. The summary sheet should indicate the publication and notification periods associated with these hearings.

There may be other informal reviews, such as before the review team or planning staff. Where these reviews fit chronologically into the overall approval process should be made explicit.

For a particularly large or complex proposed district that will require a considerable amount of information, a pre-application conference with appropriate staff could help the applicant become better familiar with what is expected.

Relation to Land Use Actions

If a proposed district requires land use actions, the relationship between these actions and service plan approval should be made explicit. One approach is to proceed with preliminary land use approvals, then to initiate service plan approval, then to receive final land use action.

For example, sketch plan approval for a subdivision or a preliminary PUD approval might be required as a condition for initiation of a service plan approval. The service plan would then need to be seen through to final approval prior to final subdivision or zoning approvals.

Care must be given especially to coordinating service plan approvals with the establishment of "vested property rights." The point at which such vesting occurs will depend in large part upon the planning process developed by each approval authority.

The actual sequencing will be a matter of policy of the governing board, and should be made explicit, along with the rationale. Considerable savings to a district proponent in service plan preparation might be achieved if initial zoning or subdivision review make it clear that the proposed district is inconsistent with the

master plan or other land use policies. Similarly, staff review time is not wasted on proposed districts that cannot secure needed land use approvals.

CONCLUSION

Ultimately, a decision on approval of a special district service plan is based upon the approval authority's judgment as to how the district promotes the public welfare, and its commitment to good government. This paper provides guidelines to help make that decision process objective and rational. The Division of Local Government is willing to provide assistance to local governments in establishing special district service plan approval procedures.

SPECIAL DISTRICT SERVICE PLAN CHECKLIST

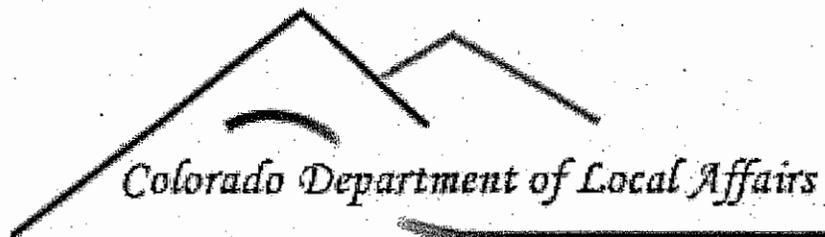
1. Preparation of Service Plan.
 - (a) Required contents 32-1-202(2), C.R.S.
 - i. Description of proposed services.
 - ii. Financial plan showing how the proposed services are to be financed, including the proposed operating revenue derived from property taxes for the first budget year of the district, which shall not be materially exceeded except as authorized pursuant to section 32-1-207 or 29-1-302. All proposed indebtedness for the district shall be displayed together with a schedule indicating the year or years in which the debt is scheduled to be issued.
 - iii. Preliminary engineering or architectural survey showing how the proposed services are to be provided.
 - iv. Map of the proposed special district boundaries and an estimate of the population and valuation for assessment of the proposed special district.
 - v. General description of the facilities to be constructed and the standards of such construction, including a statement of how the facility and service standards of the proposed special district are compatible with facility and service standards of any county within which all or any portion of the proposed special district is to be located, and of municipalities and special districts which are interested parties.
 - vi. General description of the estimated cost of acquiring land, engineering services, legal services, administrative service, initial proposed indebtedness and estimated proposed maximum interest rates and discounts, and other major expenses related to the organization and initial operation of the district.
 - vii. Description of any arrangement of proposed agreement with any political subdivision for the performance of any services between the proposed special district and such other political subdivision and, if the contract form to be used is available, it shall be attached to the service plan.
 - viii. Information, along with other evidence presented at the hearing, satisfactory to establish that each of the criteria set forth in section 32-1-203, if applicable, is met.
 - v. Additional information as the board of county commissioners may require by resolution on which to base its findings, pursuant to section 32-1-203.
2. Service Plan Submitted to Board of County Commissioners.
 - (a) Filed with the County Clerk and Recorder at least ten (10) days prior to a regular meeting.
 - (b) Filed at the same time with the Division of Local Government.

- (c) Filed at the same time with the State Auditor.
 - (d) Board of County Commissioners sets processing fee in an amount not to exceed \$500. Fee may be waived by Board of County Commissioners.
- ___ 3. Report by County Clerk and Recorder on behalf of the Board of County Commissioners filed with the Division of Local Government in the Department of Local Affairs on form DLG-60.
 - ___ 4. Copy of Service Plan submitted by Board of County Commissioners to County Planning Commission or Regional Planning Commission if such commissions exist.
 - ___ 5. At next regular meeting after filing Service Plan the Board of County Commissioners sets a date for public hearing on the Service Plan within thirty (30) days.
 - ___ 6. Notice of date, time, and location of the public hearing is given by Board of County Commissioners to the Division of Local Government.
 - ___ 7. Notice of date, time, and location of the public hearing is given by the Board of County Commissioners to the Petitioners.
 - ___ 8. Notice of date, time, and location of the public hearing is given by the Board of County Commissioners to the governing body of any existing municipality or special district that has boundaries within three (3) miles of the proposed special district boundaries.
 - ___ 9. Notice of date, time, and location of the public hearing is published by the Board of County Commissioners, the first of which shall be at least twenty (20) days prior to the date scheduled for hearing.
 - ___ 10. Petitioners send letter notification of the public hearing to property owners within district.
 - (a) Use County Assessor records.
 - (b) Mailing not less than twenty (20) or more than thirty (30) days prior to public hearing date.
 - (c) Required contents:
 - i. Date, time location and purpose of hearing.
 - ii. Reference to type of special district.
 - iii. Maximum mill levy, if any, or that there is no maximum.
 - iv. Procedures for filing of a petition for exclusion.
 - ___ 11. Board of County Commissioners reviews Service Plan.
 - ___ 12. Hearing held by Board of County Commissioners.

- _____ 13. Board of County Commissioners by Resolution approves or disapproves Service Plan within twenty (20) days after hearing.
- _____ 14. Petition of organization of Special District filed with District Court.
- (a) The name must consist one of the following phrases:
1. Fire protection district
 2. Hospital district *Health Service District*
 3. Ambulance district
 4. Sanitation district
 5. Park and recreation district
 6. Water and sanitation district
 7. Water district
 8. Metropolitan district
 9. Tunnel district
- (b) A general description of the facilities and improvements to be constructed, installed or purchased;
- (c) Statement as to whether the proposed district lies wholly or partly within another special district or municipality;
- (d) Estimated cost of the proposed facilities and improvements;
- (e) Estimated property tax revenues for the first budget year;
- (f) General description of the boundaries with such certainty as to enable a property owner to determine whether or not his property is within the district;
- (g) General description of the boundaries of director districts, if selected by the petitioners to have director districts. The districts need to have as nearly as possible the same number of eligible electors that shall be represented on the board;
- (h) Request for the organization of the district;
- (i) Request for the submission to the electors of the district at the organizational election of any questions permitted to be submitted at such election.
- _____ 15. Bond filed by Petitioners in an amount established by the Court.
- _____ 16. Order by Court fixing place and time for hearing on Petition.
- (a) Date not less than twenty (20) nor more than forty (40) days after filing Petition.
- _____ 17. Notice published by Clerk of the Court, including:
- (a) Pendency of the Petition.
 - (b) Purposes and boundaries of the Special District.
 - (c) Time and place of hearing.
 - (d) General description of the land contained within the boundaries of the proposed Special District.
 - (e) Information explaining methods and procedures of the filing of a petition for exclusion of territory.

- ___ 18. Copies of Notice mailed to Board of County Commissioners and all other interested parties within a three (3) mile radius.
- ___ 19. Hearing on Petition in District Court.
- ___ 20. Court orders election.
- ___ 21. Court designates election official, generally the County Clerk and Recorder.
- ___ 22. Designated Election Official sets date for election.
 - (a) Not less than ten (10) days after publication of the required election notice.
- ___ 23. Questions for ballot include:
 - (a) For or against the organization.
 - (b) Election of five (5) directors.
 - i. Two to serve until next regular election.
 - ii. Three to serve until second regular election.
 - iii. Four-year terms thereafter.
- ___ 24. Election results certified to District Court and the Division of Local Government.
- ___ 25. District Court enters order establishing Special District if election successful.
- ___ 26. Special District transmits certified copies of the findings and the order of the District Court organizing the Special District to the Clerk and Recorder and the Division of Local Government.
- ___ 27. Clerk and Recorder records certified copy.
- ___ 28. Special District delivers copy of approved Service Plan to Clerk and Recorder who retains the Service Plan as a public record for public inspection.
- ___ 29. Special District delivers a copy of the approved Service Plan to the Division of Local Government.
- ___ 30. Special District files map with County Assessor no later than May 1 of the year in which mill levy is to begin.

FORMATION AND STATUTORY RESPONSIBILITIES



SPECIAL DISTRICT ASSISTANCE

Department of Local Affairs
1313 Sherman Street, Room 521
Denver, Colorado 80203
303-866-2156
www.dola.colorado.gov



FORMATION AND STATUTORY RESPONSIBILITIES

Colorado Department of Local Affairs
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Denver, Colorado 80203
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INTRODUCTION

The following information is intended as general guidance on formation and subsequent reporting requirements of special districts organized pursuant to Title 32 of the Colorado Revised Statutes. This is not a complete review of the Special District Act, and is not to be construed as legal advice. Any person considering the organization and ongoing responsibilities of a special district should obtain competent legal counsel. All statutory citations refer to the Colorado Revised Statutes as amended in 1998.

For more information or for more DOLA technical assistance publications, see the department's web site at www.dola.colorado.gov and click on Data, Information and Publications.

FORMATION

COUNTY APPROVAL

1. The organizers of a special district (petitioners), must file a Service Plan with the county commissioners and the county clerk and recorder of each county in which the proposed district is located at least ten days prior to a regular meeting of the board of commissioners, as well as with the Division of Local Government and state auditor. A processing fee of no more than \$500.00 may be required to accompany the filing of the service plan to cover county costs. If the board of county commissioners determines that special review of the service plan is required, the board may impose an additional fee.

C.R.S. § 32-1-202(1) and (3)

If the proposed district is contained entirely within the boundaries of a municipality or municipalities, then a resolution of approval by the governing body of each municipality is required. All approval authority for the organization of such a district rests with the governing bodies of the municipalities in which the district is located rather than with the board of county commissioners.

C.R.S. § 32-1-203, 204.5; 205; 207 and 208

2. The clerk and recorder must notify the Division of Local Government of the name and type of special district for which the plan has been received using the "Notice of Filing a Service Plan" (Form DLG 60) within five days after the filing of the plan.

C.R.S. § 32-1-202(1)

3. The board of county commissioners, at the next regular meeting, must set a date, within thirty days from that meeting date, for a public hearing on the plan. The board also must notify in writing the Division of Local Government, and each municipality and special district which has levied an ad valorem tax within the next preceding year and is within a radius of three miles of the proposed district ("interested parties"), of the date, time and place of the hearing.

C.R.S. § 32-1-202(1) and 204(1)

4. The Service Plan must include:

- A description of the proposed services;
- A financial plan showing how the proposed services are to be financed, including the proposed operating revenue from property taxes for the first budget year;
- All proposed indebtedness for the district shall be displayed in a schedule showing the years in which the debt will be issued;
- Preliminary engineering or architectural survey (if applicable);
- A map of the district's boundaries;
- An estimate of population and valuation for assessment;
- Description of facilities to be constructed;
- The standards of construction and service and their compatibility with such standards of nearby local governments;
- An estimate of costs (land acquisition, engineering and legal services, administrative services, proposed debt and interest rates, and other organizational and operational expenses);
- Any proposed intergovernmental agreements for services; and
- Information showing that the criteria set out in C.R.S. § 32-1-203, are met, or such additional information as the Board of County Commissioners may require so as to meet those criteria.

C.R.S. § 32-1-202(2)

5. If there is a county or regional planning commission, review and comment is necessary before the board of county commissioners holds the public hearing. The county must publish notice of its hearing in a newspaper having general circulation within the proposed district, at least twenty days before the hearing, including a general description of the proposed district and an outline of the methods and procedures by which a property owner may petition for exclusion from the district.

C.R.S. § 32-1-204(1)

6. The petitioners must send a letter notification of the hearing to all property owners in the proposed district not more than 30 days prior but not less than 20 days prior to the hearing. The notification must indicate date, time, location, type of district and purpose of the hearing. The maximum mill levy, if any, which may be imposed by the proposed district, and procedures for the filing of a petition for exclusion. Exception to this mailing requirement may be made when the petitioners represent one hundred percent of the property owners.

C.R.S. § 32-1-204(1.5)

7. The board of county commissioners may exclude territory from a proposed district prior to approval of the service plan. The petitioners shall have the burden of proving that such exclusion is not in the best interest of the proposed district. Any person desiring exclusion of property shall submit a request to the board of county commissioners no later than 10 days prior to the hearing on the service plan. The board of commissioners shall not be limited in its action with respect to exclusion of territory based upon such requests.

C.R.S. § 32-1-203(3.5)

8. Within 20 days after completion of the hearing, the board of county commissioners must notify the petitioners in writing of its action, which may include:

- Full approval of the service plan;
- Disapproval with specific, detailed reasons for the disapproval; and
- Conditional approval, subject to the submission of changes, modifications or additional information, including the reasons for the conditions.

C.R.S. § 32-1-203(1); 204(4)

9. The board of county commissioners shall disapprove the service plan unless evidence satisfactory to the board of each of the following is presented:

- There is sufficient existing and projected need for organized service in the area to be serviced by the proposed special district;
- The existing service in the area to be served by the proposed district is inadequate for the present and projected needs;
- The proposed special district is capable of providing economical and sufficient service to the area within its proposed boundaries; and
- The area to be included in the proposed district has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

C.R.S. § (32-1-203(2)

10. In addition, the board of county commissioners may disapprove a service plan if evidence satisfactory to the board is not presented for any of the following:

- Adequate comparable service is not, or will not be, available to the area through other existing local governments within a reasonable time;
- The facilities and service standards of the proposed district are compatible with those of the county where the district is located and with those of each municipality identified as an "interested party";
- The proposal is in substantial compliance with a county master plan;
- The proposal is in compliance with any water quality management plan for the area; or
- The creation of the district will be in the best interest of the area to be served.

C.R.S. § 32-1-203(2.5)

11. If the service plan is approved, the board of commissioners shall issue a resolution of approval. A resolution of approval of the service plan is required from each county in which the proposed district is located, or each municipality in which the district is wholly contained.

C.R.S. § 32-1-205

12. If the board of county commissioners fails to approve the service plan, the petitioners may request judicial review. If the court determines that the county action was arbitrary, capricious or unreasonable, the court shall remand the matter back to the board of county commissioners or the governing body of the municipality for further action with specific direction. Interested parties can also request such review if the county does approve the service plan.

C.R.S. § 32-1-206

13. After approval of a district's service plan, any material modifications to that plan must be approved by the board of county commissioners before such modifications can be effected.

C.R.S. § 32-1-207(2)

14. No legal action may be brought to prohibit any activity as a material departure from the service plan of the district unless such action is brought within 45 days of the district's publication of notice of intent to undertake such activity.

C.R.S. § 32-1-207(3)(b)

DISTRICT COURT

1. After approval of the service plan, the petitioners file a petition for organization signed by not less than thirty percent or two hundred (whichever is less) of the taxpaying electors of the proposed district in district court. The petition must include:

- The type(s) of service(s) to be provided by the proposed special district;
- The name of the district.
- A description of the facilities and improvements to be constructed, installed or purchased for the district;
- A statement as to whether or not the proposed district lies wholly or partly within another district or municipality;
- The estimated cost of the proposed facilities and improvements;
- The estimated property tax revenues for the district's first budget year;
- A general description of the boundaries with such certainty as to enable a property owner to determine whether or not his property is within the district;
- If selected by the petitioners, a general description of the boundaries of director districts;
- The petition must be accompanied by a resolution approving the service plan (see above # 11), unless the service plan has been approved by the court;
- A request for the organization of the district; and

- Any proposition to issue general obligation bonded indebtedness or questions to implement section 20 of Article X of the Colorado Constitution. The petition must be accompanied by the resolution approving the service plan, see #1 and #10 under "county approval."

C.R.S. § 32-1-301

2. The petitioners must file a bond or cash deposit with the court sufficient to pay all expenses of the proceedings if the district is not successfully organized. During the proceedings, the court may determine that additional bond/cash deposit amounts will be required.

C.R.S. § 32-1-302

3. Upon receipt of a petition for organization, the court must set a date and place (between twenty and forty days after the filing) for a hearing thereon. The clerk of the court must publish notice of the hearing in a newspaper having general circulation within the proposed district; the notice must indicate the boundaries and purposes of the district and the time and place of the hearings of the petition. A copy of that notice must be mailed to the board of county commissioners in each county in which the proposed district is located and to the "interested parties" who were eligible for notice of judicial review provision (see #11 under county approval).

C.R.S. § 32-1-304

4. No later than ten days before the hearing day any owner of real property may file a petition with the court to have his/her property excluded from the district. Upon hearing the petition for organization, the court shall consider all petitions for exclusion and objections thereto and may then order the exclusion of petitioned property.

C.R.S. § 32-1-305(3)

5. If the petition for organization is found to have conformed to all legal requirements, then the court shall order an election held on the question of organization of the proposed district, in accordance with the Uniform Election Code.

C.R.S. § 32-1-305(4)

6. At such election each voter shall vote on the question of organization and for five, or seven, electors of the district who will constitute the board of the district, if organized. **If the organizational election includes ballot issues concerning the creation of any debt or other financial obligation, C.R.S § 1-7-908 details mandatory notice requirements. In addition, C.R.S. § 1-11-201 provides for the contesting of such elections where the notice is not properly given or if it contains any material misstatement of the information statutorily required.**

C.R.S. § 32-1-305(5)

7. If the voters approve the organization of the district, the court shall declare the district organized (C.R.S. § 32-1-305(6)). The declaration of organization of a special district is final and not subject to appeal, except by the State of Colorado.

The attorney general may, within thirty days, file a "quo warranto" action to appeal the organization of such a district (C.R.S. § 32-1-305(7)).

8. Within thirty (30) days of organization, the district must file certified copies of the court order organizing the district and a copy of the approved service plan with the county clerk and recorder of each county in which the district is located. The court order, approved service plan and a map of the special district must be filed with the Division of Local Government. A map of the special district must be filed with the county assessor of each county in which the district extends. Thereafter, a current, accurate map must be on file with the division and county assessor(s) on or before January 1, of each year.

C.R.S. § 32-1-306

9. No organization is effective until the order is recorded by the county clerk and recorder(s). A certified copy of notice of such action to the assessor must be filed with the Division of Local Government.

C.R.S. § 32-1-105

PROPERTY TAXATION REQUIREMENTS

1. If the district intends to levy a tax for the calendar year in which it is organized, evidenced by court order creating the district, then the district must provide by July 1 the following to the assessor and Board of County Commissioners in each county in which the district is located:
 - A notice of organization;
 - An official notice that a tax will be levied that year;
 - A copy of the legal description of the district; and
 - A map of the district.

C.R.S. § 39-1-110

REPORTING AND COMPLIANCE

BUSINESS ADDRESS

1. By January 15 of each year the district must report to the board of county commissioners, county assessor, county treasurer, and county clerk of each county in which the district is located, the governing body of any municipality in which the district is located, and the Division of Local Government, the following information:
 - The name of the chair of the board;
 - The contact person;
 - The business address; and
 - The telephone number;

If these are not located within the district, then the district must notify each such county clerk and recorder and municipality's governing body of the name, address and telephone number of a contact person located within the District, if such person is available.

2. If the district fails to provide this information, the board of county commissioners or the governing body of the municipality may notify any county treasurer to withhold moneys of the special district.

C.R.S. § 32-1-209

BUDGET

1. Each district must adopt a budget subsequent to public notice of, and public hearing on, such budget by December 31st of each year. If levying a tax, the board of directors must adopt a budget before certification of the mill levy (December 15). Failure to observe the deadline results in a reduction in appropriation. Failure to file a certified copy of the adopted budget may result in the division authorizing the county treasurer to withhold tax revenue.

C.R.S. § 29-1-108(2) and 29-1-108(3)

2. A certified copy of such adopted budget must be submitted to the Division of Local Government by January 30th of the budget year.

C.R.S. § 29-1-113

3. The budget must conform to a number of statutory requirements including setting forth the following information:

- All proposed expenditures for administration, operations, maintenance, debt service and capital projects to be undertaken or executed by any spending agency during the budget year;
- Explanatory schedules or statements classifying the expenditures by object and source;
- Anticipated revenues for the budget year;
- Corresponding actual figures for the prior fiscal year and actual, estimated and proposed figures projected through the end of the current fiscal year;
- All beginning and ending fund balances;
- A written budget message describing the important features of the budget, a statement of the budgetary basis of accounting used, and a description of the services to be delivered during the budget year;
- Disclosure, in a separate schedule, of total amounts to be expended for payment obligation under all lease-purchase agreements (C.R.S. § 29-1-103(3)(d)); and
- Evidence that expenditures do not exceed available revenue sources (C.R.S. § 29-1-103).

4. After adoption, the budget must be used in conjunction with regular financial reports for comparison to actual revenues and expenditures. The budget officer or staff must keep records of all expenditures and report only changes that affect appropriations.

C.R.S. § 29-1-114

5. The State of Colorado's Constitution was amended November 4, 1992 to incorporate the Taxpayer's Bill of Rights, which causes local governments to be limited in spending and revenue activities. It is prudent that local governments do long range planning concerning budgeting and finance with regards to the requirements specified in TABOR, Art. X Sec. 20 of the State Constitution.

AUDITS

1. An annual audit of the financial affairs of the district must be completed by every District by June 30 and filed with the Office of the State Auditor by July 31.
C.R.S. § 29-1-603
2. A district that has an annual budget of less than \$125,000 may apply to the Office of the State Auditor for an exemption from audit. Such request for exemption must be filed by March 31. Such application is in the form of a financial report, and failure to file this report causes the district to lose its exemption for that year and the following year.
C.R.S. § 29-1-604
3. An audit exemption may be granted for two consecutive years if the district's budget is between \$50,000 and \$125,000. The third year in which the budget exceeds \$50,000 must result in an audit. Districts that have budgets under \$50,000 may apply for audit exemptions every year.
C.R.S. § 29-1-604
4. Failure to file a certified copy of the audit can result in the state auditor authorizing the county treasurer to withhold tax revenues or an audit to be made at the expense of the local government.
C.R.S. § 29-1-606(5)

ELECTIONS

1. Special districts must hold regular elections on the first Tuesday succeeding the first Monday of May in every even-numbered year.
C.R.S. § 32-1-103(17)
2. Regular elections are for the purpose of electing directors to the board and for the submission of other public questions, if any. Two or three directors have their terms of office expire every two years, and those offices are filled by regular election. Terms are for four years.
C.R.S. § 32-1-103(17) and 32-1-305.5(2)&(3)
3. Vacancies on the board that have been filled by appointment are also subject to election. An appointment is made only until the next regular election, at which time the remaining un-expired portion of the term must be filled by election. This would result in a two-year term.
C.R.S. § 32-1-905(2)(a)
4. Special elections can be held only on the first Tuesday after the first Monday in February, May, October, December, November of even numbered years and the first Tuesday in November of odd numbered years.
C.R.S. § 32-1-103(21)
5. Organizational elections for districts are ordered by the court. The first board of directors is elected if the question for the organization is approved.
C.R.S. § (32-1-803.5

6. Regular elections must be publicized by:

- A notice of election must be published at least 10 days before the election. (This is a mandatory notice.)

C.R.S § 1-5-205(1) and 1-5-206(2)(6)

- Post card notice or voter information letter is to be sent not less than 15 days before the election. (This is an optional notice.)

C.R.S. § 1-5-206(2)(a)

7. Absentee voting must be provided for.

C.R.S. § 1-8-101

8. Elections, other than recall elections, may be conducted by mail ballot.

C.R.S. § 1-7.5-104

9. If, by close of business on the 63rd day before the regular election day, there are not more candidates than offices to be voted upon, the designated election official, if instructed by resolution of the governing body, shall cancel the election and declare the candidates elected.

C.R.S. § 1-5-208

Notice of such cancellation must be:

- Posted at each polling place;
- Posted in the office of the designated election official;
- Published to inform the electors of the cancellation;
- Posted in the office of the clerk & recorder; and
- A copy of the notice must be sent to the division within 45 days after the originally scheduled election day.

C.R.S. § 1-11-103

10. A certificate of election results must be made and a copy sent to the Division of Local Government and the county clerk, and delivered to the candidates who received the highest number of votes. No later than seven days after the election the canvassers shall issue a certified statement of results and make out an abstract vote for each office.

C.R.S. § 1-11-103

11. An election manual for special district is published biennially by the Division of Local Government and mailed to each special district no later than January 15th in even numbered years.

C.R.S. § 1-1-108

MAPS

1. Each special district must maintain a current, accurate map of the boundaries of the district, and shall provide for such map to be on file with the county assessor in each county in which the special district extends; and with the Division of Local Government on or before January 1 of each year.

C.R.S. § 32-1-306

ANNUAL REPORT

1. The board of county commissioners, or governing body of a municipality within whose boundaries a district is located, may request a district to file a special district annual report not more than once a year. The report shall be filed with the board of commissioners, any municipality in which the special district is wholly or partially located, the Division of Local Government, the state auditor. Such report shall be deposited with the county clerk and recorder for public inspection. The report shall be made available by the special district to any interested party. The report shall include, but not be limited to, information on the progress of the special district in the implementation of the service plan.

C.R.S. § 32-1-207(3)(c)

2. If the district fails to submit the requested annual report within nine months of the date of the request, the board of county commissioners of the governing body of any municipality in which the district is located may notify any county treasurer holding moneys of the district to prohibit release of such moneys until the report is submitted.

C.R.S. § 32-1-209

NON-RATED SECURITIES REPORTING REQUIREMENTS

If a special district has securities outstanding which are non-rated and which were issued to the public, for an amount of not less than \$1 million, and for a term of more than one year payable beyond the next year, then that district must file an annual report on form DLG 30 with the Division of Local Government. This report must be filed within sixty days following the end of the fiscal year.

C.R.S. § 11-58-105

DEBT

QUINQUENNIAL FINDING OF REASONABLE DILIGENCE

Each special district with authorized and unissued general obligation debt shall certify by the district by certified mail to the board of county commissioners of each county in which the special district is located or to the governing body of the municipality which adopted a resolution of approval of the special district within forty-five days. If for any reason the certification was not made in the time frame required the district shall certify such election results by certified mail no later than thirty days before issuing any general obligation debt to the board of county commissioners or the governing body of such municipality. The district shall file a copy of any certification with the division of securities within the applicable time period.

C.R.S. § 32-1-1101.5(1)

CHANGE OF DEBT ISSUANCE SCHEDULE

The board of directors of a district shall notify the board of county commissioners or the governing body of the municipality of any alteration or revision of the proposed scheduled debt issuance set forth in the financial plan.

C.R.S. § 32-1-202(2)(b)

DISSOLUTION BY ADMINISTRATIVE ACTION

The Division of Local Government may initiate a dissolution action if:

- The district has failed to hold or properly cancel a regular board of directors election;
- Failed to adopt a budget for two consecutive years;
- Failed to comply with the Local Government Audit Law for two consecutive years; or
- Failed to provide, or attempt to provide, any of the services for which the District was organized for two consecutive years; and
- There is no outstanding financial obligation.

C.R.S. § 32-1-710(1)(a)(I); (II); (III); (IV)(b)

If the district, after proper notification by the division, fails to respond to the notice, the division will proceed to submit a declaration of dissolution to the district court that shall make a determination to certify the district dissolved.

C.R.S. § 32-1-710(3)

STATE OF COLORADO

**DEPARTMENT OF LOCAL AFFAIRS
DIVISION OF LOCAL GOVERNMENT**

Local Government Services
1313 Sherman Street, Suite 521
Denver, Colorado 80203
Phone: (303) 866-2156
FAX: (303) 866-4819
TDD: (303) 866-5300



Bill Owens
Governor

Michael L. Beasley
Executive Director

NOTICE OF FILING OF SPECIAL DISTRICT SERVICE PLAN

Pursuant to CRS 32-1-202(1), the County Clerk and Recorder shall notify the Division of Local Government within five days after the filing of a service plan for the formation of a new special district. Please provide the information indicated and return this form to the Division of Local Government.

Name of Proposed District

Filing Date

Type of District Proposed

Date of Hearing

Time of Hearing

Location of Hearing

Contact Person Filing Service Plan

Phone

County Receiving Service Plan

Clerk and Recorder

Date

FORM DLG - 60
Revised 6/02

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

**P.O. Box 773598
Steamboat Springs, Colorado 80477
Tel # (970)879-0108 Fax# (970)879-3992**

**Nancy J. Stahoviak
District 1**

**Doug Monger
District 2**

**Daniel R. Ellison
District 3**

NOTICE OF HEARING

Notice is hereby given that the Board of County Commissioners of Routt County will hold a hearing on Tuesday, February 21, 2006 at 10:00 a.m. in the Commissioners' Hearing Room, Second Floor, Courthouse Annex located at 136 6th Street, Steamboat Springs, Colorado to review the proposed Service Plan for the to-be-formed South Routt Medical Center Health Service District (the "District"). The purpose of the hearing is to make a determination on whether the proposed Service Plan for the District should be approved by the Board of County Commissioners. The proposed boundary of the District is the area included within the South Routt School District RE-3. Any person owning property in the proposed District may request that his property be excluded from the District by submitting such request to the Board of County Commissioners, P.O. Box 773598, 136 6th Street, Steamboat Springs, Colorado 80477 no later than February 13, 2006. Any such request should state the reasons for the request. The Board of County Commissioners will consider such requests at the time of the hearing on the proposed Service Plan. Those requesting exclusion are invited to attend the hearing. Such requests may or may not be granted at the discretion of the Board of County Commissioners. A copy of the Service Plan is available for inspection in the office of the Board of County Commissioners.

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

P.O. Box 773598
Steamboat Springs, Colorado 80477
Tel # (970)879-0108 Fax# (970)879-3992

Nancy J. Stahoviak
District 1

Doug Monger
District 2

Daniel R. Ellison
District 3

To: Petitioners, Municipalities and Special Districts

From: Board of County Commissioners

Date:

Re: Notice of Public Hearing on Service Plan for the Proposed South
Routt Medical Center Health Service District

Notice is hereby given that the Board of County Commissioners of Routt County will hold a hearing on Tuesday, March 7, 2006 at 1:30 p.m. in the Commissioners' Hearing Room, Second Floor, Courthouse Annex located at 136 6th Street, Steamboat Springs, Colorado to review the proposed Service Plan for the to-be-formed South Routt Medical Center Health Service District (the "District"). The purpose of the hearing is to make a determination on whether the proposed Service Plan for the District should be approved by the Board of County Commissioners. The proposed boundary of the District is the area included within the South Routt School District RE-3. Any person owning property in the proposed District may request that his property be excluded from the District by submitting such request to the Board of County Commissioners, P.O. Box 773598, 136 6th Street, Steamboat Springs, Colorado 80477 no later than February 24, 2006. Any such request should state the reasons for the request. The Board of County Commissioners will consider such requests at the time of the hearing on the proposed Service Plan. Those requesting exclusion are invited to attend the hearing. Such requests may or may not be granted at the discretion of the Board of County Commissioners. A copy of the Service Plan is available for inspection in the office of the Board of County Commissioners.

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

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Tel # (970)879-0108 Fax# (970)879-3992

Nancy J. Stahoviak
District 1

Doug Monger
District 2

Daniel R. Ellison
District 3

Date:

To: Classifieds @ *The Steamboat Pilot/Today*

Fax: 879-2888

From: Helena Bond / RC Commissioners' Office

Phone: 879-0108

Please publish the following ad in the Public Notice Section on February 12, 2006. This ad should be charged to the Routt County Commissioners' Office, account # 700510. If you have any questions, please call Helena Bond at 879-0108. Thank you.

NOTICE OF HEARING

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Proof of Service

I hereby certify that on _____, a true and accurate copy of the attached Notice of Hearing on the proposed Service Plan for the to-be-formed _____ District was deposited in the U.S. Mail, first class postage prepaid, to the following:

[List names and addresses of each entity and/or individual to whom notice was mailed]

L:\SPECIALDISTRICTS\PROOFOFSERVICE.DOC (3/7/2006)



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: September 15, 2020	ITEM TIME: 10:10 am

FROM:	Alan Goldich
TODAY'S DATE:	September 10, 2020
AGENDA TITLE:	County Road 34 (Spring Creek) Right of Way Vacation; PL-20-149

CHECK ONE THAT APPLIES TO YOUR ITEM:

ACTION ITEM

DIRECTION

INFORMATION

I. DESCRIBE THE REQUEST OR ISSUE:

Table to September 24, 2020 at 10:00 am.

II. RECOMMENDED ACTION (*motion*):

I move to table the County Road 34 right of way vacation hearing to September 24, 2020 at 10:00 am.

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:

N/A

VI. LEGAL ISSUES:

N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A



ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

VIII. SUMMARY AND OTHER OPTIONS:

N/A

IX. LIST OF ATTACHMENTS:

N/A

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: Sept 15, 2020	ITEM TIME: 10:40 – 11:10 a.m.
---------------------------------	--------------------------------------

FROM:	Kristy Winser, Planning Director
TODAY’S DATE:	Sept. 8, 2020
AGENDA TITLE:	Planning Commission/Board of Adjustment Interviews

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

I. DESCRIBE THE REQUEST OR ISSUE:

We desperately need to fill vacancies on BOA. When we filled positions back in February for BOA, we had two vacancies but only one applicant was considered. However, there was a potential conflict of interest with this applicant concerns and the vacancies were not filled. Then the pandemic hit and we did not have public hearings until June. During this time an existing member has not been responsive to calls, emails and no communication or interest to continue as a member of BOA. Also during this time, John Merrill PC member representing District III resigned.

We have advertised three separate times for the openings on these Boards and finally have applicants to interview. The PC should have 11 members (includes 2 alternates) and the BOA 7 members (includes 2 alternates). There is one PC opening for the West Routt Seat, and three BOA openings. We have four applicants to be interviewed on 9/15 & 9/21. Ren Martin is requesting PC, While the other three applicants request either PC or BOA. Appointments are scheduled after the last interviews on 9/21.

10:40 Ren Martyn	Requests a seat on the PC
10:55 Rebecca Lewis	Requests a seat on either PC or BOA

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

II. RECOMMENDED ACTION:

See attached PC & BOA member sheets. Staff Highlighted the suggested appointment options.

BOA considerations: Gerald Albers is currently the Alternate 2. He could be moved to a regular seat. Appoint one new member for a regular seat and a new Alternate 1 and Alternate 2. This would fill all of the empty seats and the BOA would have a seven member panel again.

PC considerations: None of the new applicants are residents of West Routt. Brian Kelly is the current At Large representative and lives in West Routt. He could be moved to the West Routt Seat and a new At Large person be appointed. Brian Kelly is fine with the swap, if so preferred.

There will be two more interviews on Sept. 21. The appointments will be made after the final interview.

11:00 Linda Miller Requests a seat on either PC or BOA
 11:15 Joella West Requests a seat on either PC or BOA

11:30 Appointments for new seats on the PC and BOA

See attached resume information.

III. DESCRIBE FISCAL IMPACTS (VARIATION TO BUDGET):

PROPOSED REVENUE: N/A

PROPOSED EXPENDITURE

FUNDING SOURCE: General Fund

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

N/A

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

Ronee Blake

From:

Sent:

To:

Subject:

Attachments:

Veronica 'Ronee' Blake

Routt County Planning

Office manager

Ronee Blake

Wednesday, September 9, 2020 9:10 AM

Ronee Blake

Fw: applications for Planning or Bd of Adjustment

RAL resume-2020.pdf

Need local information about COVID-19 (coronavirus) in Routt County?

Call-in for COVID-19 related questions: 970-871-8444

Routt County COVID-19 website: www.covid19routtcounty.com

From: Rebecca Lewis <beckyalewis@aol.com>

Sent: Saturday, July 25, 2020 11:05 AM

To: Ronee Blake

Subject: RE: applications for Planning or Bd of Adjustment

I am interested **in** a position on either the Planning Commission or the Board of Adjustment. Attached is my resume.

Becky Lewis

1

Home Address:

Education:

REBECCA A. LEWIS

Rebecca A. Lewis

1818 Hunters Couit

Steamboat Springs, CO 80487

Phone: 307-760-5391

e-mail: beckyalewis@aol.com

~15

10: -5 5

Stanford University, 1976, B.A., Political Science, Honors Program

Duke University Law School, 1979, J.D.

Martindale-Hubbell rating: AV

Bar admissions:

Court admissions:

California--1979 (withdrew in 2016)

Wyoming--1983

Colorado--1991

All state couits of Wyoming, Colorado and California

Shoshone and Arapahoe Tribal Couit

U.S. Federal District Coult, District of Wyoming

U.S. Federal District Couit, District of Colorado

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

Tenth Circuit, Federal Court

U.S. Supreme Court

Professional Positions:

6/06-present

12/01-6/06

9/01 - 1/11

8/99-6/06

1/97-1/02

2/01-11/01

4/98-2/01

1/94-4/98

12/83-12/93

3/83- 11/83

6/79-9/82

Pence and MacMillan, LLC member.

Lewis Law Office, sole owner.

Chief Bar Counsel for Wyoming State Bar Association.

University of Wyoming School of Law, Adjunct Professor.

Wyoming Jury Verdict Reports, partner.

Rothgerber Johnson & Lyons, Special Counsel

Lewis & Hunt, LLC, Laramie, WY; member.

Lewis & Associates, P.C., Laramie, WY; sole shareholder.

Hirst & Applegate, Cheyenne, WY; associate, then partner.

Kirkwood, Copenhaver & Lewis, Laramie, WY; partner.

Thelen, Marrin, Johnson & Bridges, Los Angeles, CA; associate.

-1-

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Professional Affiliations:

--Board of Law Examiners, Character and Fitness Committee, 2000-2002.

--Wyoming Bar Foundation, 1996-2001.

--Defense Lawyers of Wyoming, 1993-present.

--International Association of Defense Counsel, 1997-98.

--Board of Professional Responsibility, 1991-1997.

--Medical-Legal Liaison Committee, 1990.

Additional Legal Experiences and Awards:

--Gerald Mason Professionalism Award, Wyo State Bar, 2018

--Nominee for Wyoming Supreme Court, 2001.

--Special Assistant Attorney General for criminal appellate cases.

--Hearing officer for Albany County School District student discipline hearings.

--Arbitrator for employee union disputes with Laramie County School District #1.

--Mediator for civil suits.

--Taught numerous continuing education seminars for attorneys.

--Qualified as an expert witness in the areas of ethics, legal malpractice, insurance law, and civil litigation.

--Judge for Law School competitions at University of Wyoming.

--Guest speaker for University of Wyoming business law classes.

--Guest speaker for University of Wyoming Law School ethics, trial practice and

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

alternative dispute resolution classes.

Civic Activities:

- Lift up Volunteer, 2018-present.
- Routt to Work coach, 2018-2019
- Steamboat Adaptive Recreational Spoti Volunteer, 2018.
- Board of Directors, 2019.
- Board of Directors, East Routt Library District, 2017- present.
- Hospice Volunteer, Northwest Colorado Health, 2017-present.
- Friend of the Wilderness Volunteer, 2017-present.
- Board of Directors, National Marrow Donor Program, 200 I-present.
- Emeritus member, 2012-present.
- Chair of the Board, 2011-2012.
- Chair-elect of the Board, 2010.
- Vice-chair of the Board, 2009.
- Secretary, 2005-2007.
- Patient Services Committee, National Marrow Donor Program, 1999-2007.
- Vice-chair, 2000.
- Chair, 2001-2002.
- Ivinson Memorial Hospital Foundation, 1999-2001.
- Civil Service Commission, Albany County & City of Laramie, 1996-2000.
- United Way Fund Allocation Committee, 1999.

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

Ronee Blake

From:

Sent:

To:

Ren Martyn <renmartyn@gmail.com>
Thursday, September 3, 2020 5:01 PM
Ranee Blake

Subject: RE: Board openings

Letter of Interest for Routt County Planning Commission seat

Ren Martyn has been a 20+ year resident of Routt County. Been involved in numerous real estate developments *over* the years including Red Hawk Village pud, Blacktail Meadows, single family residences and principal of Finger Rock Preserve- Army Corps approved wetland mitigation bank serving Routt and Eagle Counties. In the past have been board

members of the following organizations with specific interest in water education and supply and demand: Community Ag Alliance and Yampa Green White Roundtable. Since 2010 have been a board member of the Steamboat Springs Pro

Rodeo Series. Have a good understanding of P&Z regulations, current Routt County Master Plan and the coming growth

demands and forthcoming Master Plan update process. Long overdue to volunteer and become more involved in Routt

County planning processes.

From: Ranee Blake <rblake@co.routt.co.us>

Sent: Tuesday, September 01, 2020 5:15 PM

To: ren martyn <renmartyn@gmail.com>

Subject: Re: Board openings

Thanks Ren. Would you mind sending me your letter of interest. The one you attached to the online application will not open for me and I need to send it to the Commissioners for the interview. Please let me know if you have any questions. Have a great evening!

Veronica 'Ranee' Blake

Routt County Planning

Office manager

Need local information about COVID-19 (coronavirns) in Routt County?

Call-in for COVID-19 related questions: 970-871-8444

Routt County COVID-19 website: www.covid19routtcounty.com

From: ren martyn <renmartyn@gmail.com>

Sent: Tuesday, September 1, 2020 4:49 PM

To: Ranee Blake

Subject: Re: Board openings

1

Ranee,

Thanks and yes, look forward to meeting on 9/15 at 10:40am.

Sincerely, Ren.

Sent from my iPhone

On Sep 1, 2020, at 3:46 PM, Ranee Blake <rblake@co.routt.co.us> wrote:

Hi Ren,

The Board of County Commissioners will be conducting interviews for openings on the Board of Adjustment and on the Planning Commission. I am wondering if you are still interested in serving on one of these Boards? If so, would you be available on Tuesday, September 15th at 10:40 a.m for an interview? Please let me know as soon as possible. Thank you.

Veronica 'Ranee' Blake

Routt County Planning

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

Office manager

Need local information about COVID-19 (coronaviruses) in Routt County?

Call-in for COVID-19 related questions: 970-871-8444

Routt County COVID-19 website: www.covid19routtcounty.com

Disclaimer

The information contained in this communication is confidential and intended solely for use by the recipient(s). If you are not the recipient, understand that any disclosure or distribution of the contents is strictly prohibited and may be unlawful. This email has been scanned for viruses and malware, and may have been automatically archived.

Disclaimer

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2

First Name

Last Name

Physical Address:

Mailing Address:

City

State

Zip

Home or Cell Phone

Number:

ren

martyn

610 Marketplace Plaza

suite 100

steamboat springs

CO

80487

9708798100

Business Phone Number: *Field not completed.*

Business Address 610 Marketplace Plaza

Occupation: real estate

Email Address:

Residency Information

Length of Residency in

Routt County:

Are you a registered

voter:

Education and Hobbies

High School:

College:

Trade or Business School:

Hobbies:

renmartyn@gmail.com

25 yrs.

Yes

Northfield Mount Hermon

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

Univ Denver/Huxley College

Field not completed.

outdoor activities

Organization Membership Information

Are you currently serving Yes

on other Boards,

Commissions, or

Committees?

If yes, which: SSPR Rodeo board

3

Please list organization Community Ag Alliance, Yampa White Green Roundtable memberships and

positions held:

Please List Areas of rural growth, urban/rural conflict, updated master plan

Special Interest implementation, water issues

Upload Resume or Letter Planning Commission ltr .. pdf

of Interest

Email not displaying correctly? View it in your browser.

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ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA COMMUNICATION FORM

ITEM DATE: September 15, 2020	ITEM TIME: 11:10 a.m.
--------------------------------------	------------------------------

FROM:	Erick Knaus
TODAY'S DATE:	September 9, 2020
AGENDA TITLE:	Consideration for signing of A Resolution Adopting an Administrative Policy for Routt County Insurance and Surety Requirements

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

I. DESCRIBE THE REQUEST OR ISSUE:
--

<p>Consideration for signing of A Resolution Adopting an Administrative Policy for Routt County Insurance and Surety Requirements. A copy of the Resolution and Policy are attached.</p>
--

II. RECOMMENDED ACTION:

<p>Motion of the Board of County Commissioners to sign the Resolution Adopting an Administrative Policy for Routt County Insurance and Surety Requirements.</p>

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

PROPOSED REVENUE:
PROPOSED EXPENDITURE:
FUNDING SOURCE:

N/A

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

N/A

ROUTT COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA COMMUNICATION FORM

V. BACKGROUND INFORMATION:

The Board of County Commissioners previously adopted a Statement of Policy Regarding Insurance Requirements for the Use of County Facilities and a Statement of Policy Establishing Criteria for Bonds Acceptable to Routt County, Colorado on July 16, 2002. After reviewing the insurance and bond policies on August 11, 2020, the Board directed that the 2002 policies be repealed and replaced with a policy that incorporates both the insurance requirements and bond criteria policies into a single policy.

VI. LEGAL ISSUES:

N/A

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND OTHER OPTIONS:

N/A

- C. The Policy may be revised to reflect its policy number once assigned without further need for adoption by resolution.

ADOPTED this ____ day of September, 2020.

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

Timothy V. Corrigan, Chair

Vote:	M. Elizabeth Melton	Aye	Nay	Absent
	Timothy V. Corrigan	Aye	Nay	Absent
	Douglas B. Monger	Aye	Nay	Absent

ATTEST:

Kim Bonner
Routt County Clerk

**ROUTT COUNTY
ADMINISTRATIVE POLICIES AND PROCEDURES
Policy Number X.XX**

TITLE Insurance and Surety Requirements	Date of First Approval
RESPONSIBLE DEPARTMENT County Attorney’s Office	Date Last Revised

Purpose 1: To provide uniform criteria as to when liability insurance will be required of a third party when contracting with the County or as a condition for the use of County-owned or leased facilities.

Purpose 2: To provide uniform criteria for financial guarantees being submitted to the County in connection with County construction projects, subdivision and zoning approvals and permits and other situations in which the County requires the posting of a surety to secure payment or performance by third parties.

Department(s) Affected: All.

Waiver Authority, if any: The Board of County Commissioners, by delegation to the County Manager, reserves the right to waive the requirements established in this policy in particular cases in which it is established that the strict enforcement of this policy would result in a hardship to the user and would not be in the best interests of Routt County and its citizens.

I. Definitions:

- A. Commercial Use. A Commercial Use is any use for profit or where an admission fee or charge is made for the event by the user.
- B. Non-Commercial Use. A Non-Commercial Use is one where the user is a non-profit entity or civic group and where no admission fee or charge is collected by the user and the use is not intended to generate a profit for the entity or group.
- C. C.R.S. means the Colorado Revised Statutes.

II. Insurance Requirements for County Contracts and Use of County Facilities.

- A. All contractors, independent contractors, and service providers performing work or services pursuant to an agreement with the County (“Contractor”) shall be required to carry general liability insurance as specified in Section II.C and any other type of insurance required for the particular type of work or service provided as determined by the contract project manager.

B. Individuals or entities proposing to use County facilities (“User”) shall be required to carry general liability insurance as specified in Section II.C if such use is commercial or if the use is non-commercial and involves an activity that poses the risk of physical injury. Non-commercial uses that do not involve an activity that poses the risk of physical injury, such as a meeting, shall not be required to carry insurance pursuant to this policy.

C. Minimum Insurance Requirements:

1. In all cases where insurance is required under this policy, the Contractor or User shall provide general liability insurance and any special coverages reasonably related to the intended use as may be required by the County in the following minimum amounts:

\$1,100,000.00 per occurrence

\$1,100,000.00 aggregate

\$1,100,000.00 Products-Completed Operations if required based on use

\$1,100,000.00 Personal and advertising if a commercial use

\$50,000.00 Property damage and Fire

\$25,000.00 Medical Expense

The County Manager is authorized to waive the requirement of \$25,000 medical expense coverage so long as at least \$5,000 per person medical expense coverage is provided subject to the aggregate and per occurrence limitations set forth above.

2. All insurance shall be issued by an insurance carrier authorized to do business in Colorado and otherwise acceptable to the County.
3. The insurance carrier issuing the insurance must have a current Best’s Rating of “A” or better.
4. The certificate of insurance shall name Routt County, Colorado and the Board of County Commissioners of Routt County as an additional insured and certificate holder.
5. The Contractor shall deliver a certificate of insurance to the contract project manager or, in instances of County facility use, the User shall deliver a certificate of insurance to the facility manager at least 24 hours prior to the date and time of the use.
6. Contractor or User shall immediately provide County written notice in the event any portion of the insurance coverage required is cancelled or if the insurer gives notice of its intent to cancel such insurance.

III. Surety Types, Criteria, and Maintenance.

A. Types of surety or financial guarantees acceptable to the County in order of preference.

1. **Bond.** A form of security in which a surety guarantees against the failure of its principal (typically a permittee or contractor) to meet its obligations under the terms of the permit, approval, or contract. Types of bonds include bid bonds, performance bonds, payment bonds, and reclamation bonds.
2. **Letter of Credit.** An instrument issued by a third party for the benefit of the County promising to pay up to a specified sum to cover the cost to the County of completing work required by a land use approval or a permit which is not completed by the applicant in accordance with the terms of the approval or permit.
3. **Cash or Certificate of Deposit with a Security Agreement.** A written agreement between a land use approval or a permit applicant and the County which sets forth the terms controlling the surety deposit made by the applicant to secure their performance of the approval or permit requirements.

B. Criteria.

1. The financial guarantee must comply with any applicable law or regulation. For example, public works contract exceeding \$50,000 must be in the form of a bond pursuant to C.R.S. § 38-26-105.
2. The guarantor issuing a bond must have a current Best's Rating of "A" or better.
3. The guarantor must be located in the United States and regularly do business in the State of Colorado.
4. The financial guarantee or agreement must provide that jurisdiction for any action on the surety shall be in the Routt County District Court, Routt County Court or the U.S. District Court for the District of Colorado.

C. Maintenance.

1. All original documents relating to a surety or financial guarantee shall be located with the department responsible for issuing an approval or permit. In the case of surety required by a contract, all original documents shall be located with the Purchasing Department. Copies of surety documents shall be provided to the County Attorney's Office at the time of acceptance.
2. The department responsible for issuing an approval or permit or the Purchasing Department may issue a release of the surety only after documenting the reason for the release and with approval of the County Attorney's Office.
3. Any request to draw on a financial guarantee must be approved by the County Attorney's Office.