

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, OCTOBER 26, 2021

At the regular meeting of the Board of County Commissioners for Arapahoe County, Colorado held at the Administration Building, 5334 South Prince Street, Littleton, Colorado on Tuesday, the 26th day of October 2021, there were present:

Nancy Jackson, Chair	Commissioner District 4	Present
Carrie Warren-Gully, Chair Pro Tem	Commissioner District 5	Present
Bill Holen	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Present
Nancy Sharpe	Commissioner District 2	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Joleen Sanchez	Clerk to the Board Administrator	Present

All draft resolutions hereto presented to the Board, as may have been modified by Board review, are contained herein in final form as approved by the Board.

RESOLUTION NO. 21-326 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the conveyance by quit claim deed of the right-of-way adjacent to Lots 1 through 4, Block 1, Muegge Farms Subdivision and dedicated to Arapahoe County by the Muegge Farms Subdivision Plat, recorded on December 18, 2018 at Reception No. D8123468, to the Town of Bennett, Colorado; and to authorize the Chair of the Board of County Commissioners of Arapahoe County to sign the quit claim deed conveying said right-of-way on behalf of the Board.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-327 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve and accept, upon recommendation of the County's Engineering Services Division and Director of the Public Works and Development Department, the Drainage Easement Agreement within Cherry Creek granted by City and County of Denver, and to authorize the Board Chair to sign said Easement, granting an interest in the following real property:

LEGAL DESCRIPTION – EASEMENT:

A portion of that parcel Quit Claimed to the City and County of Denver filed September 30, 2019 at Reception Number 2019134775, in Section 28, Township 4 South, Range 67 West of the Sixth Principal Meridian, City and County of Denver; Colorado, described as follows:

Note:

1. The Basis of Bearings is the south line of that parcel described in Quit Claim Deed filed at Reception Number 2019134775, as monumented with an aluminum cap PLS 16398 at the east end and a brass cap PLS 16398 at the west end and bears S 89°48'09" W.

Commencing at the southwest corner of said parcel described in Quit Claim Deed filed at Reception Number 2019134775, a brass cap PLS 16398; Thence N 26°47'11" W, along the westerly line of said parcel filed at Reception Number 2019134775, a distance of 42.65 feet, more or less, to the southeast corner of Parcel No. 1 of that Easement to Arapahoe County filed December 19, 1985 in Book 4626 at Page 494 and the POINT OF BEGINNING;

Thence N 26°47'11" W, continuing along said westerly line, a distance of 161.10 feet to a point of curvature;

Thence along a curve to the left a distance of 99.56 feet, continuing along said westerly line, said curve having a radius of 370.20 feet, a delta angle of 15°24'29" and a chord distance of 99.26 feet which bears N 34°25'52" W;

Thence N 28°09'00" W, departing said westerly line, a distance of 44.45 feet;

Thence N 29°12'48" E a distance of 308.22 feet;

Thence S 60°47'12" E a distance of 25.00 feet;

Thence S 29°12'48" W a distance of 294.54 feet;

Thence S 28°09'00" E a distance of 278.50 feet, more or less, to a point on the southeasterly line of said Parcel No. 1 Easement;

Thence S 28°09'22" W, along said southeasterly line, a distance of 21.60 feet to the POINT OF BEGINNING.

Containing 0.291 acres or 12,662.62 square feet, more or less.

The Easement shall be used in connection with Arapahoe County Case No.EE19-028, Cherry Creek Corridor Improvements, and is accepted for the easement purposes expressed in the instrument.

Except as expressly stated in the instrument, Arapahoe County does not accept any other interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

Authorization is hereby given to the Director of the Department of Public Works and Development to execute the subject easement on behalf of the Board of County Commissioners.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-328

It was moved by Commissioner Baker and duly seconded by Commissioner Holen to accept, upon recommendation of the County's Engineering Services Division and Director of the Public Works and Development Department, the Uniform Easement Deed and Revocable Storm Drainage License Agreement for Drainage Easement within Valley Country Club, granted by Valley Country Club, granting an interest in the following real property:

LEGAL DESCRIPTION – EASEMENT:

A PARCEL OF LAND BEING A PORTION OF THE LANDS DESCRIBED AT BOOK 984, PAGE 184 AS FILED IN THE ARAPAHOE COUNTY CLERK AND RECORDER'S OFFICE; SITUATED IN THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS N89°39'48"W, ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 19; SAID BEARING BASED ON GEODETIC NORTH ESTABLISHED BY GPS OBSERVATIONS.

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 19; THENCE S83°19'49"W A DISTANCE OF 1437.85 FEET TO THE POINT OF BEGINNING;

THENCE S37°07'41.W A DISTANCE OF 24.29 FEET THENCE S44°57'16"E A DISTANCE OF 121.43 FEET; THENCE S45°02'44"W A DISTANCE OF 20.00 FEET; THENCE N44°57'16"W A DISTANCE OF 135.61 FEET; THENCE N46°22'48"W A DISTANCE OF 9.67 FEET; THENCE S68°34'18"W A DISTANCE OF 26.37 FEET; THENCE N73°20'14W A DISTANCE OF 8.04 FEET; THENCE N39°48'18"W A DISTANCE OF 26.31 FEET; THENCE N29°31'52"W A DISTANCE OF 7.55 FEET; THENCE S45°59'50"W A DISTANCE OF 35.34 FEET; THENCE N44°00'10.W A DISTANCE OF 20.00 FEET; THENCE N45°59'50"E A DISTANCE OF 37.80 FEET; THENCE N05°52.36"W A DISTANCE OF 8.08 FEET; THENCE N12°04'46"W A DISTANCE OF 10.74 FEET; THENCE N06°57'02"E A DISTANCE OF 7.51 FEET; THENCE N21°46'03"E A DISTANCE OF 9.45 FEET; THENCE N17°41'23"E A DISTANCE OF 27.03 FEET; THENCE N74°48'34"E A DISTANCE OF 27.42 FEET; THENCE N88°15'24"E A DISTANCE OF 47.30 FEET; THENCE S65°41'05"E A DISTANCE OF 10.64 FEET; THENCE S25°56'37"E A DISTANCE OF 11.93 FEET; THENCE S08'55'31"E A DISTANCE OF 62.36 FEET; THENCE S14'29'26"E A DISTANCE OF 11.56 FEET TO THE POINT OF BEGINNING.

CONTAINING: 13,576 SQUARE FEET, 0.312 ACRES, MORE OR LESS.

The Easement shall be used in connection with Arapahoe County Case No. EE21-031, Valley Country Club, and is accepted for the easement purposes expressed in the instrument.

Except as expressly stated in the instrument, Arapahoe County does not accept any other interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or

hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

Authorization is hereby given to the Director of the Department of Public Works and Development to execute the subject easement on behalf of the Board of County Commissioners.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-329 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to amend Resolution No. 21-274M adopted on August 31, 2021 in order to correct the refund amount. Petitioner, Navtek Directional Services, Inc. parcel number 1973-27-2-00-028 for tax year 2019. The corrected refund amount is \$12,525.45.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; and Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-330 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated September 20, 2021 reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

Commissioner Baker, Yes; Commissioner Warren-Gully, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-331 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated September 27, 2021 reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners

are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

Commissioner Baker, Yes; Commissioner Warren-Gully, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-332 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated October 5, 2021 reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

Commissioner Baker, Yes; Commissioner Warren-Gully, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-333 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated October 11, 2021 reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

Commissioner Baker, Yes; Commissioner Warren-Gully, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-334 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve and accept the Quit Claim Deed from the E470 Public Highway

Authority as ROW dedication for the Gun Club Road Widening Project; and further to authorize Public Works and Development Department to record the deed on behalf of Arapahoe County, all as presented to the Board this day.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-335 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve and accept the easement agreement from the City and County of Denver, acting through its Board of Water Commissioners, and conveying a permanent and non-exclusive easement to access, construct, repair and maintain a box culvert with wingwalls on the property described in Exhibit A of said easement agreement for the Iliff Avenue Operational Improvements Project; and further to authorized the Arapahoe County Director of the Arapahoe County Department of Public Works and Development to execute and record the easement agreement on behalf of Arapahoe County, all as presented to the Board this day.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-336 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, Section 16-18-101 (3), C.R.S., provides that the Department of Corrections, from annual appropriations made by the General Assembly, shall reimburse the county or counties in a judicial district for the costs of prosecuting any crime alleged to have been committed by a person in the custody of the Department; and

WHEREAS, Section 16-18-101 (3), C.R.S., provides that the county or counties shall certify these costs to the Department; and

WHEREAS, Section 16-18-101 (3), C.R.S., provides that this provision shall apply to costs that are not otherwise paid by the State; and

WHEREAS, the District Attorney for the Eighteenth Judicial District has prepared a document included below that describes the costs of prosecuting a crime or crimes alleged to have been committed by a person or persons in the custody of the Department of Corrections in matters

prosecuted by the Office of the District Attorney for the Eighteenth Judicial District, which serves Arapahoe, Douglas, Elbert, and Lincoln Counties; and

WHEREAS, the Office of the District Attorney for the Eighteenth Judicial District has confirmed the accuracy of these bills as set forth below to Arapahoe, Douglas, Elbert, and Lincoln Counties and the Counties are now forwarding and certifying such bills to the Department of Corrections relying on such confirmation of the District Attorney.

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

1. The Following costs are certified to the Department of Corrections.
2. The following costs have not otherwise been paid by the State.

All Limon Correctional Facility Prosecution Expenses Summary District Attorney Employee Compensation and Associated Costs Related to Colorado Department of Corrections (DOC) - Limon Facility				
DOC Fiscal Year - July 1st thru June 30th			2020	2021
Percentage & Dollar Amounts of Total Expenses to be Billed to DOC County & District Attorney Fiscal Year Runs - January 1st thru December 31st DOC Fiscal Year Runs - July 1st thru June 30th				
County Percentages				
The chart below reflects the total amounts owed by DOC to each of the Four Counties. The amounts owed to each of the Four Counties is calculated upon the population percentage of each County in relationship to the total population of the 18th Judicial District within a Calendar Year. Because portions of two Calendar Years are contained within DOC's Fiscal Year, each of the two years is assigned different County percentages. The percentage owed to each County is calculated separately for each of the portions of the two years within DOC's Fiscal Year, and then added together to give the total amount to be billed (invoiced) to DOC by each of the Four Counties for the Billing Cycle.				
County	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
Arapahoe	\$3,367.06	\$2,540.47	\$1,669.76	\$21,344.34
Calendar Year Within DOC Fiscal Year	2020		2021	
Percent Applied to County	63.4800%		63.1100%	
Calendar Year Total to be Billed to DOC	\$5,907.53		\$23,014.10	
Fiscal Year Total to be Billed to DOC	\$28,921.63			
County	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
Douglas	\$1,772.64	\$1,359.80	\$893.75	\$11,424.68
Calendar Year Within DOC Fiscal Year	2020		2021	
Percent Applied to County	33.4200%		33.7800%	
Calendar Year Total to be Billed to DOC	\$3,132.44		\$12,318.43	
Fiscal Year Total to be Billed to DOC	\$15,450.87			
County	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
Elbert	\$135.79	\$103.05	\$67.73	\$865.81
Calendar Year Within DOC Fiscal Year	2020		2021	
Percent Applied to County	2.5600%		2.5600%	
Calendar Year Total to be Billed to DOC	\$238.84		\$933.54	
Fiscal Year Total to be Billed to DOC	\$1,172.38			
County	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
Lincoln	\$28.64	\$22.14	\$14.55	\$186.01
Calendar Year Within DOC Fiscal Year	2020		2021	
Percent Applied to County	0.5400%		0.5500%	
Calendar Year Total to be Billed to DOC	\$50.78		\$200.56	
Fiscal Year Total to be Billed to DOC	\$251.34			
District	DOC First Quarter	DOC Second Quarter	DOC Third Quarter	DOC Fourth Quarter
Entire 18th Judicial District	\$5,304.13	\$4,025.46	\$2,645.79	\$33,820.84
Calendar Year Within DOC Fiscal Year	2020		2021	
Percent Applied to All Counties Combined	100.0000%		100.0000%	
Calendar Year Total to be Billed to DOC	\$9,329.59		\$36,466.63	
Fiscal Year Total to be Billed to DOC	\$45,796.22			

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-337 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to approve the First Amendment to the IGA by and between Arapahoe County, Greenwood Village, and the City and County of Denver and to authorize the Director of Public Works to execute the First Amendment on behalf of the County.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

RESOLUTION NO. 21-338 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Case (Docket Number), for the tax year listed below:

Docket #	Property Owner	Tax Year
80199	Richmond Homes of Colorado	2020
80370	Arapahoe Street Mall III LLC	2020
2021BAA1487	BRE DDR BR Cornerstar Co LLC	2021/2022
2021BAA1508	Ironton Aurora Partners LLC	2021/2022
2021BAA1552	Par Equities	2021/2022
2021BAA1717	Avanath Fox Crossing LLC	2021/2021

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioners, evidence was submitted which supported the Stipulation and the Petitioners agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulation. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulation.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-339 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, on September 27, 2021, GM 2280, LLC d/b/a Golden Meds applied to Arapahoe County for renewal of its Medical Marijuana Local License for premises within unincorporated Arapahoe County and located at 2280 S. Quebec St., Unit G, Denver, Colorado 80231; and

WHEREAS, in November 2000, Colorado voters passed Amendment 20, which added Section 14 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the use of medical marijuana in certain limited circumstances; and

WHEREAS, in November 2012, Colorado voters passed Amendment 64, which added Section 16 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the personal use, cultivation, and sale of marijuana at retail marijuana stores, and further providing for state and local licensing and regulation of retail marijuana stores; and

WHEREAS, since the passage of Amendments 20 and 64, over time, the Colorado General Assembly adopted legislation to provide for state and local licensing and regulation of marijuana businesses, which is now codified in the Colorado Marijuana Code at Article 10 of Title 44, Colorado Revised Statutes and covers both retail and medical marijuana stores; and

WHEREAS, the foregoing Colorado Constitution Sections 14 and 16 of Article XVIII and the provisions of said Article 10 of Title 44 authorize a board of county commissioners to adopt and enforce regulations for the licensing of medical and retail marijuana stores within the unincorporated territory of the county; and

WHEREAS, on March 15, 2011, the BOCC adopted Resolution No. 110257 amending its Land Development Code Regulations by adding a new section 12-1800 "Medical Marijuana Land Uses," which prohibited new medical marijuana facilities but allowed the four (4) medical marijuana facilities that were potentially in existence and in compliance with the Land Development Code non-conforming use requirements as of December 15, 2009, to continue as legal non-conforming uses; and

WHEREAS, on June 26, 2012, the BOCC adopted Resolution No. 120494, which resolution established the Arapahoe County Medical Marijuana Licensing Policy to establish procedure and standards for the issuance of a medical marijuana license; and

WHEREAS, pursuant to the Arapahoe County Medical Marijuana Licensing Policy, the BOCC approved the initial issuance and annual renewals of a Medical Marijuana Local License for this business at 2280 Quebec St., Unit G, Denver, CO 80231 for 2012 through 2020; and

WHEREAS, on September 22, 2020, the BOCC, by Resolution No. 200621, adopted and established the Arapahoe County Marijuana Licensing Policy ("the Policy") for the licensing of medical and retail marijuana businesses in the unincorporated territory of Arapahoe County; and

WHEREAS, on September 7, 2021, the Planning Division of the Arapahoe County Department of Public Works and Development confirmed that GM 2280, LLC d/b/a Golden Meds

has been in compliance with the Arapahoe County Land Development Code Regulations at this location; and

WHEREAS, on September 8, 2021, the Arapahoe County Sheriff's Office confirmed that there have been no material issues or concerns with GM 2280, LLC d/b/a Golden Meds at this location; and

WHEREAS, GM 2280, LLC d/b/a Golden Meds also applied to the State of Colorado, Department of Revenue, for the renewal of its corresponding State medical marijuana license at 2280 S. Quebec St., Unit G, Denver, Colorado 80231.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado, that pursuant to the Arapahoe County Marijuana Licensing Policy, the Board of County Commissioners of Arapahoe County, Colorado hereby approves the annual renewal of the Medical Marijuana Store License for GM 2280, LLC d/b/a Golden Meds located at 2280 S. Quebec St., Unit G, Denver, Colorado 80231 and hereby directs the Chair to sign the Medical Marijuana Store License for GM 2280, LLC d/b/a Golden Meds to be valid for the period corresponding with that specified in the approved State of Colorado Medical Marijuana Store license.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-340 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, on October 18, 2021, GM 2280, LLC d/b/a Golden Meds applied to Arapahoe County for the renewal of a local Retail Marijuana Store License for premises within unincorporated Arapahoe County and located at 2280 S. Quebec St., Unit G, Denver, CO 80231; and

WHEREAS, in November 2000, Colorado voters passed Amendment 20, which added Section 14 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the use of medical marijuana in certain limited circumstances; and

WHEREAS, in November 2012, Colorado voters passed Amendment 64, which added Section 16 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the personal use, cultivation, and sale of marijuana at retail marijuana stores, and further providing for state and local licensing and regulation of retail marijuana stores; and

WHEREAS, since the passage of Amendments 20 and 64, over time, the Colorado General Assembly adopted legislation to provide for state and local licensing and regulation of marijuana businesses, which is now codified in the Colorado Marijuana Code at Article 10 of Title 44, Colorado Revised Statutes and covers both retail and medical marijuana stores; and

WHEREAS, the foregoing Colorado Constitution Sections 14 and 16 of Article XVIII and the provisions of said Article 10 of Title 44 authorize a board of county commissioners to adopt and enforce regulations for the licensing of medical and retail marijuana stores within the unincorporated territory of the county; and

WHEREAS, on July 28, 2020, the Board of County Commissioners (“BoCC”) adopted Arapahoe County Ordinance No. 2020-02, an Ordinance Establishing Limited Retail Marijuana Stores within Unincorporated Arapahoe County, which became effective August 27, 2020 and which allows four existing medical marijuana businesses in unincorporated Arapahoe County to also sell retail marijuana and marijuana products, as non-conforming uses, at the following locations and no others: 1842 South Parker Road, Unit 18, Denver, Colorado 80231; 2280 South Quebec Street Unit G, Denver, Colorado 80231; 3431 South Federal Boulevard, Unit G, Englewood, Colorado 80110; and 6200 East Yale Avenue, Unit B, Denver, Colorado 80222; and

WHEREAS, on July 28, 2020, the BOCC adopted Resolution No. 200507, also effective August 27, 2020, to amend the Arapahoe County Land Development Code, Section 3-3.5, to recognize and allow for the retail sale of marijuana and marijuana products sales at the locations identified above; and

WHEREAS, on September 22, 2020, the BOCC adopted Resolution No. 200621, which adopted and established the Arapahoe County Marijuana Licensing Policy (“the Policy”) to establish standards for the licensing of medical and retail marijuana businesses in the unincorporated territory of Arapahoe County; and

WHEREAS, GM 2280, LLC d/b/a Golden Meds has applied for the renewal of a local Retail Marijuana Store License at 2280 S. Quebec St., Unit G, Denver, CO 80231 as allowed under Ordinance No. 2020-02 and Section 3-3.5 of the Arapahoe County Land Development Code and pursuant to the provisions and standards set forth in the Policy; and

WHEREAS, in accordance with the licensing standards set forth in the Policy, on September 7, 2021, the Planning Division of the Arapahoe County Department of Public Works and Development confirmed that GM 2280, LLC d/b/a Golden Meds has been in compliance with the Arapahoe County Land Development Code Regulations; and

WHEREAS, in accordance with the licensing standards set forth in the Policy, on September 8, 2021, the Arapahoe County Sheriff’s Office confirmed that there have been no material issues or concerns with GM 2280, LLC d/b/a Golden Meds; and

WHEREAS, GM 2280, LLC d/b/a Golden Meds has applied to the State of Colorado, Department of Revenue, for the renewal of a local Retail Marijuana Store License at 2280 S.

Quebec St., Unit G, Denver, CO 80231.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado, that pursuant to the Arapahoe County Retail Marijuana Licensing Policy, the Board of County Commissioners of Arapahoe County, Colorado hereby approves the renewal of a local Retail Marijuana Store License for GM 2280, LLC d/b/a Golden Meds located at 2280 S. Quebec St., Unit G, Denver, CO 80231 and hereby authorizes the Chair to sign the Retail Marijuana Store License for GM 2280, LLC d/b/a Golden Meds to be valid for the period corresponding with that specified in the approved State of Colorado Retail Marijuana Store license. The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-341 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to set a public hearing date of November 9, 2021, pursuant to section 32-1-202(1), C.R.S., for the consideration of the service plan for the Havana Water and Sanitation District Service Plan Amendment (Case No. SD21-003).

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-342 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to designate the fund balance of the following funds for the specified uses:

1. The Sheriff's Commissary Fund for the purpose of funding be used by the Sheriff's Office to provide for inmate programs and services for inmates including educational programs and counseling, provide for hygiene supplies for indigent inmates, and to supply or repair inmate equipment, furniture at the Detention Center, provide library materials, and the chaplain be used for services and programs that are used by inmates in custody as well as other Sheriff's Office expenses related to the administering such programs and services.
2. The County Fair Fund for the purpose of funding future Arapahoe County Fair events to include expenses for equipment, staffing, entertainment, advertising, event administration, and any other valid County Fair related expenses.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-343 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to authorize the Arapahoe County Attorney to settle the following property tax Arbitration for tax years 2021 and 2022:

Petitioner	Parcel Number
Karen Kay Buss	1973-36-1-44-003

After review by the County Attorney's Office, in conjunction with the Arapahoe County Assessor's Office and the Petitioner, evidence was submitted which supported the Stipulation and Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulation. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulation.

The Board directs the Clerk to the Board to advise the Petitioner of the action taken by the Board on this date.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-344 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to authorize the Chair of the Board of County Commissioners to execute: 1) a Memorandum of Understanding by and between Colorado counties and municipalities and the Colorado Attorney General regarding the allocation opioid litigation settlement funds, 2) participation forms for the Distributor and Janssen nationwide settlements, and 3) an escrow agreement form, all as presented on today's date.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-345 It was moved by Commissioner Baker and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, the Board of County Commissioners previously authorized the County Attorney to engage in settlement negotiations in an effort to resolve that pending litigation known as Cherry Creek Valley Water & Sanitation District v. Board of County Commissioners of the County of Arapahoe, *et al.*, 21CV030385 (Arapahoe County District Court); and

WHEREAS, a mutually satisfactory resolution to the litigation has been achieved between the parties consistent with the parameters previously designated by the Board; and

WHEREAS, the County Attorney has recommended that the Board formally approve and authorize the terms and execution of a settlement agreement reflective of the agreement negotiated between the parties; and

WHEREAS, the Board has been fully apprised of the facts, circumstances, and terms of the parties' negotiated settlement agreement and the proposed dismissal of the pending litigation with prejudice.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, Colorado, that the Chair of the Board is authorized execute a settlement agreement on behalf of the Board of County Commissioners of Arapahoe County for the purpose of fully and finally resolving the case Cherry Creek Valley Water & Sanitation District v. Board of County Commissioners of the County of Arapahoe, *et al.*, 21CV030385 (Arapahoe County District Court), subject to approval as to the form of the agreement by the County Attorney's Office.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; and Commissioner Warren-Gully Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-346 It was moved by Commissioner/Director Warren-Gully and duly seconded by Commissioner/Director Holen to adopt the following Resolution:

WHEREAS, the Arapahoe County Finance Director, as required, has submitted proposed budgets for calendar/fiscal year 2022, pursuant to Section 29-1-105, C.R.S., for the following:

1. Arapahoe County;
2. The Arapahoe Law Enforcement Authority;
3. The Arapahoe County Recreation District; and
4. The Arapahoe County Water and Wastewater Public Improvement District;

and

WHEREAS, the Board of County Commissioners has caused to be published a notice

relating to a public hearing to be held on the proposed 2022 Arapahoe County Budget, pursuant to Section 29-1-106, C.R.S.; and

WHEREAS, the Board of County Commissioners of Arapahoe County, acting as the governing board of the Arapahoe Law Enforcement Authority, has caused to be published a notice relating to a public hearing to be held on the proposed 2022 Budget, pursuant to Section 29-1-106, C.R.S.; and

WHEREAS, the Board of County Commissioners of Arapahoe County, acting as the governing board of the Arapahoe County Recreation District, has caused to be published a notice relating to a public hearing to be held on the proposed 2022 Budget, pursuant to Section 29-1-106, C.R.S.; and

WHEREAS, the Board of County Commissioners of Arapahoe County, acting as the *ex officio* Board of Directors of the Arapahoe County Water and Wastewater Public Improvement District, has caused to be published a notice relating to a public hearing to be held on the proposed 2022 Budget, pursuant to Section 29-1-106, C.R.S.; and

WHEREAS, the Arapahoe County Finance Director has certified to the Board of County Commissioners the sums necessary to maintain and operate the Arapahoe Law Enforcement Authority, the Arapahoe County Recreation District, the Arapahoe County Water and Wastewater Public Improvement District and Arapahoe County for Fiscal Year 2022; and

WHEREAS, pursuant to statute and the aforementioned notice provisions, a public hearing was held on October 26, 2021 before the Board of County Commissioners of Arapahoe County, Colorado (a) acting as the governing board of the Arapahoe Law Enforcement Authority, (b) acting as the governing board of the Arapahoe County Recreation District, (c) acting as the *ex officio* Board of Directors of the Arapahoe County Water and Wastewater Public Improvement District, and (d) acting, pursuant to Section 30-11-107(2), C.R.S., to adopt an annual budget for the operation of County Government, at the Arapahoe County Administration Building, 5334 South Prince Street, Littleton, Colorado; and

WHEREAS, at said public hearing, the Board of County Commissioners received testimony and evidence from the Arapahoe County Finance Director concerning said proposed budgets and mill levies and the general public was given the opportunity to present evidence and testimony concerning said proposed budgets and mill levies.

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

1. The Board hereby accepts the proposed 2022 Budget as submitted, as being necessary to maintain and operate Arapahoe County during the ensuing fiscal year, subject to the Board's right of review to revise, alter, increase, or decrease any items as it deems necessary prior to adoption of said budget pursuant to Section 29-1-108, C.R.S.
2. Acting as the Governing Board of the Arapahoe Law Enforcement Authority; the Board

hereby accepts the proposed 2022 Budget as submitted, as being necessary to maintain and operate the Arapahoe Law Enforcement Authority during the ensuing fiscal year, subject to the Governing Board's rights of review to revise, alter, increase, or decrease any items as it deems necessary prior to adoption of said budget pursuant to Section 29-1-108, C.R.S.

3. Acting as the Governing Board of the Arapahoe County Recreation District, the Board hereby accepts the proposed 2022 Budget as submitted, as being necessary to maintain and operate the Arapahoe County Recreation District during the ensuing fiscal year, subject to the Governing Board's rights of review to revise, alter, increase, or decrease any items as it deems necessary prior to adoption of said budget pursuant to Section 29-1-108, C.R.S.
4. Acting as the *ex officio* Board of Directors of the Arapahoe County Water and Wastewater Public Improvement District, the Board hereby accepts the proposed 2022 Budget as submitted, as being necessary to maintain and operate the Arapahoe County Water and Wastewater Public Improvement District during the ensuing fiscal year, subject to the *ex officio* Board of Directors' rights of review to revise, alter, increase, or decrease any items as it deems necessary prior to adoption of said budget pursuant to Section 29-1-108, C.R.S.
5. The Board of County Commissioners hereby continues these public hearings on the proposed 2022 Budgets for (a) the Arapahoe Law Enforcement Authority (b) the Arapahoe County Recreation District, (c) the Arapahoe County Water and Wastewater Public Improvement District and (d) Arapahoe County, until December 14, 2021 at 9:30 a.m., at which time the Board of County Commissioners shall adopt these budgets pursuant to Section 29-1-108, C.R.S. and take further action as required by law.

The vote was:

Commissioner/Director Baker, Yes; Commissioner/Director Holen, Yes; Commissioner/Director Jackson, Yes; Commissioner/Director Sharpe, Yes; Commissioner/Director Warren-Gully, Yes.

RESOLUTION NO. 21-323 Hearing was called to order as published for the proposed Land Development Code amendment to adopt oil and gas regulations, case number LDC19-004. Jurisdiction was established. Evidence and testimony were received from staff, the applicant, and the public. Then, it was moved by Commissioner Holen and duly seconded by Commissioner Baker to continue the matter until November 9, 2021 at 9:30 a.m. for furtherer consideration of alternate language for those matters raised at the hearing and for final decision.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-324 It was moved by Commissioner Baker and duly seconded by Commissioner Sharpe to adopt the following Resolution:

WHEREAS, Arapahoe County, Colorado (the "County") is a duly and regularly created, organized and existing body corporate and politic under and by virtue of the Constitution and laws of the State of Colorado; and

WHEREAS, the County has previously leased certain real property of the County and the improvements located thereon (the "Initial Leased Property") to Banc of America Public Capital Corp, a Kansas corporation (the "Bank") under a Site Lease dated as of May 19, 2011 (the "Site Lease") and then leased the Initial Leased Property back from Bank pursuant to a Lease Purchase Agreement dated as of May 19, 2011 (the "2011 Lease"); and

WHEREAS, the County and the Bank have determined that a portion of the Initial Leased Property be released and the Board of County Commissioners has determined that it is in the best interests of the County and its residents and taxpayers that the County and Bank execute and deliver this First Amendment to Lease Purchase Agreement to amend the description of the Leased Property as described in Exhibit A to the 2011 Lease; and

WHEREAS, the County and the Bank also have agreed to amend the Base Rental Schedule described in Exhibit B to the 2011 Lease to lower the interest component of the Base Rental Schedule and to make certain other amendments to the 2011 Lease; and

WHEREAS, there has been presented to the Board and are on file with the Clerk of the Board the following: (i) the proposed form of a First Amendment to Site Lease; and (ii) the proposed form of a First Amendment to Lease Purchase Agreement (together with the First Amendment to Site Lease, the "County Documents").

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

Section 1. Ratification and Approval of Prior Actions. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board or the officers or agents of the Board or the County relating to the County Documents is hereby ratified, approved and confirmed.

Section 2. Approval of Documents. The County Documents, in substantially the forms filed with the Clerk of the Board, are in all respects approved, authorized and confirmed, and the Chair of the Board is hereby authorized and directed for and on behalf of the County to execute and deliver the County Documents in substantially the forms and with substantially the same content as filed with the Clerk of the Board.

Section 3. Authorization to Execute Collateral Documents. The County Clerk or any Deputy County Clerk is hereby authorized and directed to attest all signatures and acts of any official of the County in connection with the matters authorized by this resolution, and to place the seal of the County on any document authorized and approved by this resolution. The Chair of the Board, County Clerk or any Deputy County Clerk, and other appropriate officials or employees

of the County are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limiting the generality of the foregoing, executing, attesting, authenticating and delivering for and on behalf of the County any and all necessary documents, instruments or certificates and performing all other acts that they deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this resolution. The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by bond counsel prior to the execution of the documents. The execution of any document or instrument by the aforementioned officials or employees of the County shall be conclusive evidence of the approval by the County of such document or instrument in accordance with the terms hereof and thereof.

Section 4. Reasonableness of Rent. The Board hereby determines and declares that the Base Rental payments under the 2011 Lease as amended by the First Amendment to Lease Purchase Agreement (the "Lease") do not exceed a reasonable amount so as to place the County under an economic compulsion to renew the Lease or to exercise its option to purchase the leased property as described in to the Lease (the "Leased Property"). The Board hereby determines and declares that the period during which the County has an option to purchase the Leased Property (i.e., the entire maximum term of the Lease) does not exceed the useful life of the Leased Property.

Section 5. Repealer. All bylaws, orders, and resolutions of the County, or parts thereof, inconsistent with this resolution or with any of the documents hereby approved, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, or resolution of the County, or part thereof, heretofore repealed.

Section 6. Severability. If any section, subsection, paragraph, clause or provision of this resolution or the documents hereby authorized and approved shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution or such documents, the intent being that the same are severable.

Section 7. Effective Date. This resolution shall be in full force and effect upon its passage and adoption.

The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-325 It was moved by Commissioner Warren-Gully and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, after over 18 years of dedicated service to Arapahoe County, Keith Ashby will retire on November 1, 2021; and

WHEREAS, Keith began his employment with Arapahoe County on March 24, 2003 and has served as the Purchasing Manager in the Finance Department since that date; and

WHEREAS, Keith, as a Certified Public Procurement Officer with the Universal Public Procurement Council has been instrumental in developing the professionalism and skill of the members of the Purchasing Division over his tenure; and

WHEREAS, Keith's Bachelor of Arts in Music Education from CU Boulder instilled in him a sense of giving back and teaching that carried over into his career as a procurement expert and he has always been willing to contribute his time and knowledge to teach others about public procurement; and

WHEREAS, he worked diligently and closely with staff, Finance Department colleagues, numerous directors, elected officials, and county commissioners and outside vendors, chambers, and organizations to assist in getting the business of the County done always in constant pursuit of the best value for the taxpayer dollar; and

WHEREAS, Keith has shared his expertise and served on local, regional, and national procurement committees and boards such as the National Institute of Government Purchasing, Rocky Mountain Governmental Purchasing Association, and Colorado Multiple Assembly of Procurement Officials; and

WHEREAS, under Keith's leadership, he and his staff's performance and professionalism has been recognized with numerous awards such as the National Procurement Institute's Achievement of Excellence in Procurement Award, NIGP's Outstanding Agency Accreditation Achievement Awards and the Universal Public Purchasing Certification Council's Excellence in Achievement Awards; and

WHEREAS, he was at the forefront of many groundbreaking and significant changes at Arapahoe County including instituting the first purchasing card program, developing purchasing policies and procedures that implemented best practices, moving the County to an electronic bid system, and being an important leader in the County's Print Smart program among many others; and

WHEREAS, Keith and his expertise, outgoing personality, friendly smile, infectious laugh, and bright, colorful attire - especially socks - will be truly missed by the staff of the Purchasing Division, the Finance Department as a whole, and by the many other County employees who knew and worked with him; and

WHEREAS, Keith will now have more time enjoy with his wife, Michelle, as well as his family and young grandchild; and

WHEREAS, the Board of County Commissioners desires to acknowledge Keith's

contributions to Arapahoe County and to the Arapahoe County Finance Department in particular.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County that the Board hereby officially recognizes the contributions that Keith Ashby has made as a valued employee of Arapahoe County and hereby declares that his future shall prosper as Arapahoe County has under his dedication and service.


The vote was:

Commissioner Baker, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes; Commissioner Warren-Gully, Yes.

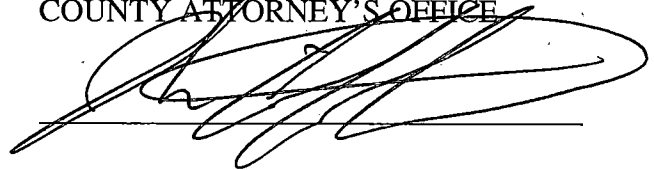
The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of October 26, 2021, have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS



COUNTY ATTORNEY'S OFFICE



CLERK TO THE BOARD

