

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, JULY 9, 2024

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 9th day of July 2024, there were present:

Carrie Warren-Gully, Chair	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Absent and Excused
Jessica Campbell	Commissioner District 2	Present
Leslie Summey, Chair Pro Tem	Commissioner District 4	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Cooney Sarracino	Clerk to the Board	Present
	Administrator	

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. 24-172 It was moved by Commissioner Holen and duly seconded by Commissioner Campbell to adopt the following Resolution:

WHEREAS, on June 5, 2024, pursuant to the Arapahoe County Commercial Marijuana Store Licensing Policy, Denver Compassionate Caregivers INC dba Rocky Mountain High filed with the County an application for a trade name change of the Medical Marijuana Store License for the premises located at 3431 S. Federal Blvd., Unit G, Englewood, CO 80110; and

WHEREAS, the Arapahoe County Zoning Department previously confirmed that the location has been in compliance with the Arapahoe County Land Development Code Regulations; and

WHEREAS, the Arapahoe County Sheriff's Office previously provided that there were no material issues or concerns with the location.

WHEREAS, Denver Compassionate Caregivers INC dba Rocky Mountain High, also applied to the State of Colorado, Department of Revenue, for a trade name change of the State Medical Marijuana Store License at 3431 S. Federal Boulevard, Unit G, Englewood, CO 80110; and

WHEREAS, the application for a trade name change and the issuance of a Medical Marijuana Store License from Denver Compassionate Caregivers INC dba Rocky Mountain High to Colorado Compassionate Care Givers Inc. dba Rocky Mountain High shall be valid only if the application is also approved and a Medical Marijuana License is issued by the State Licensing Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County that pursuant to the Arapahoe County Commercial Marijuana Store Licensing Policy, the Board of County Commissioners of Arapahoe County hereby approves the application for a trade name change of the Medical Marijuana Store License for Denver Compassionate Caregivers INC dba Rocky Mountain High located at 3431 S. Federal Boulevard, Unit G, Englewood, CO 80110 and hereby directs the Chair to sign the Medical Marijuana Store License for Colorado Compassionate Care Givers Inc. dba Rocky Mountain High 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, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-173 It was moved by Commissioner Holen and duly seconded by Commissioner Campbell to adopt the following Resolution:

WHEREAS, on June 5, 2024, pursuant to the Arapahoe County Commercial Marijuana Store Licensing Policy, Denver Compassionate Caregivers INC dba Rocky Mountain High filed with the County an application for a trade name change of the Retail Marijuana Store License for the premises located at 3431 S. Federal Blvd., Unit G, Englewood, CO 80110; and

WHEREAS, the Arapahoe County Zoning Department previously confirmed that the location has been in compliance with the Arapahoe County Land Development Code Regulations; and

WHEREAS, the Arapahoe County Sheriff's Office previously provided that there were no material issues or concerns with the location.

WHEREAS, Denver Compassionate Caregivers INC dba Rocky Mountain High, also applied to the State of Colorado, Department of Revenue, for a trade name change of the State Retail Marijuana Store License at 3431 S. Federal Boulevard, Unit G, Englewood, CO 80110; and

WHEREAS, the application for a trade name change and the issuance of a Retail Marijuana Store License from Denver Compassionate Caregivers INC dba Rocky Mountain High to Colorado Compassionate Care Givers Inc. dba Rocky Mountain High shall be valid only if the application is also approved and a Retail Marijuana License is issued by the State Licensing Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County that pursuant to the Arapahoe County Commercial Marijuana Store Licensing Policy, the Board of County Commissioners of Arapahoe County hereby approves the application for a trade name change of the Retail Marijuana Store License for Denver Compassionate Caregivers INC dba Rocky Mountain High located at 3431 S. Federal Boulevard, Unit G, Englewood, CO 80110 and hereby directs the Chair to sign the Retail Marijuana Store License for Colorado Compassionate Care Givers Inc. dba Rocky Mountain High 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, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-174 It was moved by Commissioner Holen and duly seconded by Commissioner Campbell to adopt the following Resolution:

WHEREAS, pursuant to the Arapahoe County Commercial Marijuana Store Licensing Policy (the "Policy"), the BOCC approved the initial issuance and annual renewals of a Retail Marijuana Store License for KTA, LLC dba The Lodge at 6200 E. Yale Avenue, Unit B, Denver, CO 80222 for the years 2021 through 2024; and

WHEREAS, on April 29, 2024, pursuant to the Policy, TKOVR, LLC dba Snaxland filed with the County an application for transfer of ownership and an application for a new Retail Marijuana Store License for the licensed premises located at 6200 E. Yale Avenue, Unit B, Denver, CO 80222; and

WHEREAS, in accordance with the licensing standards set forth in the Policy, the Arapahoe County Zoning Department previously confirmed that the location of the marijuana facility located at 6200 E. Yale Avenue, Unit B, Denver, CO 80222 was in compliance with the Arapahoe County Land Development Code Regulations; and

WHEREAS, in accordance with the licensing standards set forth in the Policy, the Arapahoe County Sheriff's Office previously provided that there were no material issues or concerns with the marijuana facility located at 6200 E. Yale Avenue, Unit B, Denver, CO 80222; and

WHEREAS, the Retail Marijuana Store License shall be valid only if the transfer of ownership is also approved by the State Licensing Authority.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado, that pursuant to the Arapahoe County Commercial Marijuana Store Licensing Policy, the Board of County Commissioners of Arapahoe County, Colorado hereby approves the change of ownership from KTA, LLC dba The Lodge to TKOVR, LLC dba Snaxland and the issuance of a new Retail Marijuana Store License for TKOVR, LLC dba Snaxland located at 6200 E. Yale Avenue, Unit B, Denver, CO 80222, and hereby directs the Chair to sign the Retail Marijuana Store License for TKOVR, LLC dba Snaxland, to be valid and mirror those dates approved by the State.

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-175 It was moved by Commissioner Holen and duly seconded by Commissioner Campbell to authorize the Arapahoe County Attorney to settle the following property tax Arbitration for tax years 2023 and 2024:

Petitioner: Stephen N. and Suzanne C. Forster
Parcel No.: 2075-30-1-04-010

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, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner, Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-176 It was moved by Commissioner Holen and duly seconded by Commissioner Campbell to authorize the Arapahoe County Attorney to settle the following property tax Arbitration for tax years 2023 and 2024:

Petitioner: James Nelson
Parcel No.: 2077-12-2-03-014

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, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner, Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-177 It was moved by Commissioner Holen and duly seconded by Commissioner Campbell to adopt the following Resolution:

WHEREAS, the Board of County Commissioners of Arapahoe County met at a duly and lawfully called meeting held on Tuesday, July 9, 2024 and

WHEREAS, the Board at that time considered the Petition for Abatement or Refund of Taxes as submitted by taxpayer and as contained within an Agenda Memorandum to the Board; and

WHEREAS, applicable procedures, due process, and requirements of notice were followed pursuant to Sections 39-1-113 and 39-10-114, C.R.S.; and

WHEREAS, no Petitioner or representatives of the Arapahoe County Assessor were present, although both parties were afforded notice; and

WHEREAS, the Board received comments from the County Attorney, received exhibits and reviewed the record as represented by an Agenda Memorandum summarizing the Petition and the Arapahoe County Assessor recommendation.

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

1. That the Petition listed below, presented this date to the Board and relating to the schedule numbers set forth therein, shall be and are hereby granted, the recommendations of the Assessor are hereby adopted and abatements or refunds in the amounts approved by the Assessor are hereby approved by the Board.

Petitioner: 7103 S. Dillon Ct LLC

Parcel #: 2073-30-3-08-005

Tax Year: 2023

Original Value: \$2,994,648

Corrected Value: \$2,398,998

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-178 It was moved by Commissioner Holen and seconded by Commissioner Campbell to approve the submitted warrant disbursement register, dated June 3, June 10, June 17, and June 24, 2024 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, Absent and Excused: Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-179 It was moved by Commissioner Holen and duly seconded by Commissioner Campbell to approve and accept the conveyance from the Department of the Army of Easement DACW45-2-24-6032 for the continued operation, maintenance, and repair of existing drainageway located on Cherry Creek Lake Project with the U.S. Army Corps of Engineers (USACE), and to authorize the Board Chair to sign the Easement in agreement to its terms, and further to authorize the Clerk to the Board of County Commissioners to sign the accompanying Certificate of Authority document attesting to the Chair's signature.

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-180 It was moved by Commissioner Holen, and seconded by Commissioner Campbell to adopt the following Resolution:

WHEREAS, the Board of County Commissioners of Arapahoe County met at a duly and lawfully called meeting held on July 9, 2024; and

WHEREAS, pursuant to C.R.S. § 39-8-102, the Board, in its role as the County Board of Equalization ("CBOE"), annually reviews assessed property valuations and corrects "any errors made by the assessor, and, whenever in its judgment justice and right so require, it shall raise, lower, or adjust any valuation for assessment in the assessment roll to the end that all valuations for assessment of property are just and equalized within the county"; and

WHEREAS, agreements to settle property tax protests filed with the Board of Assessment Appeals ("BAA") have been reached on the BAA matters noted below through discussions involving the CBOE Appeals Coordinator, the County Attorney's Office, the Assessor's Office, and the taxpayers' representatives; and

WHEREAS, these agreements have been reached between the taxpayers and the County to change the valuations for assessment as noted, in an effort to further the goal of ensuring that all valuations for assessment are just and equalized within the County; and

WHEREAS, based upon the evidence submitted to the Board on this date, the Board has no reason to disagree with the proposed Stipulations.

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

The Board, hereby authorizes the Arapahoe County Attorney to settle the following property tax protest filed with the BAA, for the tax year listed below:

Docket #	Property Owner	Tax Year
2023BAA2365	Erin Hackfort	2023/2024
2023BAA2370	Margaret Hoeppner	2023/2024
2023BAA2886	5869 S Curtice LLC, A Colorado Limited Liability Company	2023/2024
2023BAA2923	Roger Arthur	2023/2024
2023BAA3150	South Hannibal LLC	2023/2024
2023BAA3276	Kent-Land Limited	2023/2024
2023BAA4475	6200 S Quebec LLC	2023/2024
2023BAA4866	Scott Hare	2023/2024
2023BAA5909	Cascade Owners LLC	2023/2024
2023BAA5935	Scott Hare	2023/2024
2024BAA111	Thomas Barrett IV & Tara Barrett	2023/2024
2024BAA223	David A & Lorel J Westfall	2023/2024

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-181 It was moved by Commissioner Holen and seconded by Commissioner Campbell to amend Resolution No. 24-077 to the modify the signature and other authority delegated by such resolution to the Sheriff so that it includes only the following:

- Ambulance licenses
- Mutual aid agreements that do not bind the County to the expenditure of funds
- Emergency mutual aid agreements related to wildfire response
- Agreements for the shared use of the County radio communications network

- Agreements for media dispatch access
- SWAT Training Release of Liability Agreements

Except to the extent modified herein, Resolution No. 24-077 shall remain in full force and effect.

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; and Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-182 It was moved by Commissioner Holen and seconded by Commissioner Campbell to implement certain fiscal controls with respect to the Arapahoe County Sheriff's Office as prescribed below, effective as of the date of this resolution, to ensure compliance with established county fiscal policies and statutory requirements:

- All billing and collection of funds from cities, towns, school districts, special districts, and other community partners for contracted law enforcement services shall be conducted by the County's Finance Department.
- The Sheriff's Office shall not be permitted to exceed line-item expenditures within the Sheriff's Office budget at the cost center and account level as detailed within the SAP financial system, without approval from the Finance Director.

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; and Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-183 It was moved by Commissioner Holen and duly seconded by Commissioner Campbell to authorize the Chair of the Board of County Commissioners to sign the FAA Airport Improvement Program (AIP) Project No. 3-08-0029-060-2024, and any associated documents for the application, receipt of funds, and closing the grants, as presented today.

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen,

Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-184 It was moved by Commissioner Campbell and duly seconded by Commissioner Summey to acknowledge receipt by the Board of County Commissioners of Arapahoe County, acting as the Arapahoe County Board of Equalization, pursuant to C.R.S. §§ 39-8-105(1) and 39-8-105(2), of the reports of the Arapahoe County Assessor concerning (1) the valuation for assessment of all taxable real property in the County and a list of all persons who appeared before the County Assessor in 2024 to protest their real property valuation and the action taken in each case; and (2) the valuation for assessment of all taxable personal property and movable equipment which has been apportioned in the County and a list of all persons who have failed to return any personal property schedules and the action taken in each case, and concerning a list of all persons who appeared before the County Assessor in 2024 to protest their personal property valuation and the action taken in each case.

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 24-185 It was moved by Commissioner Campbell and duly seconded by Commissioner Holen to adopt the following resolution:

WHEREAS, Section 30-28-204, Colorado Revised Statutes (C.R.S.) authorizes the Board of County Commissioners of Arapahoe County ("the Board") to alter or amend the Arapahoe County Building Code after a public hearing and fourteen (14) days advance notice published in a newspaper of general circulation in the county; and

WHEREAS, the Board has previously adopted and amended a Building Code for and that is in effect in the unincorporated territory of Arapahoe County ("the Arapahoe County Building Code"); and

WHEREAS, the Arapahoe County Building Code was previously amended to adopt the 2020 edition of the National Electrical Code (NFPA-70), for incorporation into the Arapahoe County Building Code, all of which are intended to be replaced and superseded with the adoption of the 2023 National Electrical Code (NFPA-70) by this Resolution; and

WHEREAS, Section 12-115-107(1)(j), Colorado Revised Statutes, requires that the County adopt or adhere to the minimum electric code standards as are in effect in the state within 12 months of the State's adoption of such standards and the State adopted the 2023 NEC effective August 1, 2023; and

WHEREAS, the Public Works and Development, Building Division Building Official and Division Staff recommend that the Board amend the Arapahoe County Building Code to update to and adopt the 2023 National Electrical Code (NFPA-70) edition effective as of July 9, 2024; and

WHEREAS, the State of Colorado Legislature introduced and approved the HB22-1362 - Building Greenhouse Gas Emissions bill, which directed the Colorado Energy office to develop model codes for local and state governments to follow concerning electrical ready and solar readiness for buildings; and

WHEREAS, the Colorado Governor signed HB22-1362 on June 2, 2022, which became state law and placed into statute, and

WHEREAS, the Colorado Energy Office published the final Model Electric Ready and Solar Ready Code package on June 1, 2023, which required local governments to adopt the State Model Electric Ready and Solar Ready Code at the same time as local governments adopt any updates to their building codes, after July 1, 2023; and

WHEREAS, nothing in this Resolution is intended to and shall not affect the area covered by the Building Code, which is and shall remain the unincorporated territory of Arapahoe County; and

WHEREAS, a Notice of Public Hearing on the proposed amendments the Arapahoe County Building Code was published in The Denver Post, a newspaper of general circulation, on June 17, 2024; and

WHEREAS, on July 9, 2024, at 9:30 A.M., the date and time set forth in the Notice of Public Hearing, the Board of County Commissioners held a Public Hearing concerning the proposed amendment to the Arapahoe County Building Code; and

WHEREAS, evidence was received showing that the notice, publication and referral procedures required by law for amending the building code were followed; and

WHEREAS, at the public hearing, County staff presented and explained the proposed amendment and the hearing was opened for public comments; and

WHEREAS, upon consideration of the staff presentation and such public comments as were made, the Board desires to amend the Arapahoe County Building Code to update to and adopt the 2023 National Electrical Code (NFPA-70) and the Colorado Model Electric Ready and Solar Ready Code published on June 1, 2023.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners makes the following findings:

1. The Board of County Commissioners finds and determines that the statutory jurisdictional requirements have been met and that the Board has jurisdiction to consider and act upon the proposed amendments to the Building Code.

2. That adequate opportunity for public input and comments has been provided.
3. That the Board has fully considered the proposed amendments in light of the public health, safety and general welfare, and in light of the safety, protections, and sanitation of dwellings, buildings and structures subject to the Building Code, and finds that the proposed amendments will protect, support, advance and encourage such standards.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of County Commissioners of Arapahoe County hereby adopts the 2023 National Electrical Code (NFPA-70) as adopted by the State on August 1, 2023, and the Colorado Model Electric Ready and Solar Ready Code published on June 1, 2023, for incorporation into the Arapahoe County Building Code. The adoption of the 2023 National Electric Code shall become effective as of July 9, 2024, and the adoption of the Model Electric Ready and Solar Ready Code shall become effective July 9, 2024.

BE IT FURTHER RESOLVED that the Arapahoe County Building Code as amended by this Resolution shall govern all building permit applications for buildings and structures to be constructed or modified within unincorporated Arapahoe County that are submitted on or after the respective effective dates of this Resolution as stated above. Upon such effective dates, all prior versions of the Arapahoe County Building Code that are replaced by this Resolution update shall be repealed.

The vote was:

Commissioner Baker, Absent and Excused; Commissioner Campbell, Yes; Commissioner Holen, Yes; Commissioner Summey, Yes; Commissioner Warren-Gully, Yes.

The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of July 9, 2024 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS

Carrie Warren-Gully

COUNTY ATTORNEY'S OFFICE

[Signature]

CLERK TO THE BOARD

[Signature]

