

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, JANUARY 12, 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 12th day of January, 2021, there were present:

Nancy Jackson, Chair	Commissioner District 2	Present
Carrie Warren-Gully, Chair Pro Tem	Commissioner District 5	Present
Bill Holen	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Present
Nancy Jackson	Commissioner District 4	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Joleen Sanchez	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. 21-014 It was moved by Commissioner Holen and seconded by Commissioner Sharpe to select Commissioner Jackson to serve as the Chair of the Board of County Commissioners for the year 2021.

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. 21-015 It was moved by Commissioner Baker and seconded by Commissioner Holen to select Commissioner Warren-Gully to serve as the Chair Pro Tem of the Board of County Commissioners for the year 2021.

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. 21-016

It was moved by Commissioner Holen and seconded by Commissioner Sharpe to select Commissioner Baker to serve as the Finance Officer of the Board of County Commissioners for the year 2021, in furtherance of Board policy that the Chair of the Board shall not also be duly selected Finance Officer.

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. 21-017

It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to authorize Arapahoe County Sheriff Tyler S. Brown to apply for and accept the subsequent award for the 2020 Department of Justice, Office of Justice Programs, Patrick Leahy Bulletproof Vest Partnership Grant, and to sign any disbursements and/or payments awarded under such grant.

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. 21-018A

It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

The Petition for Abatement or Refund of Taxes relating to schedule number 27392-66541-001 is hereby denied for tax year 2019. The original actual value is \$150,331 and no refund shall be allowed for the following reason:

I considered the evidence submitted & testimony given by both the Assessor & the petitioner/agent at this hearing. I find in this case that the Assessor's determination of value is better supported by all of the facts presented.

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. 21-018B It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

The Petition for Abatement or Refund of Taxes relating to schedule number 26561-76686-0001 is hereby denied for tax year 2019. The original actual value is \$325,560 and no refund shall be allowed for the following reason:

I considered the evidence submitted & testimony given by both the Assessor & the petitioner/agent at this hearing. I find in this case that the Assessor's determination of value is better supported by all of the facts presented.

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. 21-018C It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

A. The Petition for Abatement or Refund of Taxes relating to schedule number 1975-08-1-31-008 is hereby denied for tax year 2019. The original actual value is \$199,125 and no refund shall be allowed for the following reason:

Petitioner/agent did not appear for hearing. I considered the evidence submitted & testimony given by the Assessor, & the evidence submitted by petitioner/agent prior to this hearing. I find in this case that the Assessor's determination of value is better supported by all of the facts presented.

B. The Petition for Abatement or Refund of Taxes relating to schedule number 1975-08-1-31-005 is hereby denied for tax year 2019. The original actual value is \$199,125 and no refund shall be allowed for the following reason:

Petitioner/agent did not appear for hearing. I considered the evidence submitted & testimony given by the Assessor, & the evidence submitted by petitioner/agent prior to this hearing. I find in this case that the Assessor's determination of value is better supported by all of the facts presented.

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. 21-018D It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

The Petition for Abatement or Refund of Taxes relating to schedule number 2071-21-4-07-015 is hereby denied for tax year 2019. The original actual value is \$1,063,100 and no refund shall be allowed for the following reason:

Petitioner/agent did not appear for hearing. I considered the evidence submitted & testimony given by the Assessor, & the evidence submitted by petitioner/agent prior to this hearing. I find in this case that the Assessor's determination of value is better supported by all of the facts presented.

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. 21-018E It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

The Petition for Abatement or Refund of Taxes relating to schedule number 2075-32-1-11-009 is hereby denied for tax year 2018. The original actual value is \$370,000 and no refund shall be allowed for the following reason:

Petitioner/agent did not appear for hearing. I considered the evidence submitted & testimony given by the Assessor, & the evidence submitted by petitioner/agent prior to this hearing. I find in this case that the Assessor's determination of value is better supported by all of the facts presented.

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. 21-018F It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

The Petition for Abatement or Refund of Taxes relating to schedule number 1985-00-0-00-363 is hereby denied for tax year 2018. The original actual value is \$270,228 and no refund shall be allowed for the following reason:

Petitioner/agent voluntarily withdrew this petition prior to the hearing. Withdrawal of the petition is hereby accepted as final action by the Board of County Commissioners. Therefore, the final actual value of this parcel for 2018 is \$270,228.

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. 21-018G It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

The Petition for Abatement or Refund of Taxes relating to schedule number 2075-18-4-02-003 is hereby denied for tax year 2019. The original actual value is \$1,769,000 and no refund shall be allowed for the following reason:

Petitioner/agent voluntarily withdrew this petition prior to the hearing. Withdrawal of the petition is hereby accepted as final action by the Board of County Commissioners. Therefore, the final actual value of this parcel for 2019 is \$1,769,000.

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. 21-018H It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

The Petition for Abatement or Refund of Taxes relating to schedule number 1975-28-1-07-008 is hereby approved for tax year 2019. The recommendation of the referee is hereby adopted. The original actual value is adjusted from \$326,000 to a new value of \$319,000, and a refund in the amount of \$51.94 shall be allowed for the following reason:

Petitioner/agent did not appear for hearing. I considered the evidence submitted & testimony given by the Assessor and the evidence submitted by petitioner/agent with the original petition. I find in this case that this adjusted value is better supported by all of the facts presented.

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. 21-0181 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

- A. The Petition for Abatement or Refund of Taxes relating to schedule number 27394-75752-1155 is hereby approved for tax year 2019. The recommendation of the referee is hereby adopted. The original actual value is adjusted from \$217,437 to a new value of \$209,367, and a refund in the amount of \$243.03 shall be allowed for the following reason:

The Assessor recommended & the petitioner/agent agreed to this value prior to the hearing. Based upon all information supplied, I concur with this value.

- B. The Petition for Abatement or Refund of Taxes relating to schedule number 27394-75752-0408 is hereby approved for tax year 2019. The recommendation of the referee is hereby adopted. The original actual value is adjusted from \$22,872 to a new value of \$11,741, and a refund in the amount of \$262.70 shall be allowed for the following reason:

The Assessor recommended & the petitioner/agent agreed to this value prior to the hearing. Based upon all information supplied, I concur with this value.

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. 21-018J It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the Board has determined to take final action on this Petition for Abatement or Refund of Taxes pursuant to Sections 39-1-113 and 39-10-114, C.R.S. as submitted by the Petitioner; and

WHEREAS, the County Assessor has recommended denial of this Petition for reasons set forth within the Assessor's recommendation as shown on the Petition; and

WHEREAS, pursuant to a policy adopted by the Board of County Commissioners on September 13, 1993 (Resolution No. 1243-93), this matter was referred to a referee for hearing and recommendation to the Board; and

WHEREAS, the Board has reviewed the recommendation of the referee set forth below on this date and has determined to adopt said recommendation.

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

AIN	PIN	TAG	MILL LEVY	ORIG ACT VAL	ORIG ASSD VAL	ORIG TAX	ADJ ACT VAL	ADJ ASSD VAL	ADJ TAX	DIFFERENCE
27394-64901-0037	035173224	0037	0.107455	\$398	\$115	\$12.36	\$350	\$102	\$10.91	\$1.45
27394-64901-0134	035230767	0134	0.122711	\$204	\$59	\$7.24	\$120	\$35	\$4.27	\$2.97
27394-64901-0151	034577033	0151	0.090019	\$2,173	\$631	\$56.80	\$1,272	\$369	\$33.21	\$23.60
27394-64901-0159	035365450	0159	0.080519	\$333	\$97	\$7.78	\$293	\$85	\$6.84	\$0.93
27394-64901-0254	034577131	0254	0.069284	\$14,708	\$4,267	\$295.63	\$12,754	\$3,699	\$256.26	\$39.38
27394-64901-0408	035230783	0408	0.081379	\$932	\$270	\$22.00	\$932	\$270	\$22.00	\$0.00
27394-64901-0478	035289966	0478	0.090955	\$220	\$64	\$5.80	\$141	\$41	\$3.72	\$2.08
27394-64901-0747	035365468	0747	0.092563	\$1,106	\$320	\$29.62	\$972	\$282	\$26.09	\$3.53
27394-64901-0778	035365476	0778	0.090975	\$8,346	\$2,421	\$220.25	\$8,026	\$2,328	\$211.75	\$8.50
27394-64901-0783	035230805	0783	0.098564	\$723	\$209	\$20.60	\$428	\$124	\$12.23	\$8.37
27394-64901-0809	035173135	0809	0.091540	\$8,275	\$2,400	\$219.67	\$8,275	\$2,400	\$219.67	\$0.00
27394-64901-0826	034577351	0826	0.100330	\$301,060	\$87,307	\$8,759.55	\$227,930	\$66,100	\$6,631.78	\$2,127.77
27394-64901-0839	035365484	0839	0.106314	\$410	\$119	\$12.64	\$360	\$104	\$11.51	\$1.13
27394-64901-0846	034577378	0846	0.091550	\$1,958	\$568	\$51.98	\$1,625	\$471	\$43.14	\$8.84
27394-64901-0849	034577386	0849	0.089462	\$116,068	\$33,660	\$3,011.27	\$116,068	\$33,660	\$3,011.27	\$0.00
27394-64901-0963	035365492	0963	0.082194	\$10,585	\$3,069	\$252.25	\$7,058	\$2,047	\$168.24	\$84.02
27394-64901-1065	035230813	1065	0.092563	\$1,546	\$449	\$41.56	\$1,080	\$313	\$28.99	\$12.57
27394-64901-1154	035289974	1154	0.115951	\$270	\$78	\$9.04	\$173	\$50	\$5.82	\$3.23
27394-64901-1155	034577530	1155	0.103562	\$10,042	\$2,912	\$301.57	\$8,736	\$2,533	\$262.37	\$39.20
27394-64901-1214	035365506	1214	0.114038	\$364	\$106	\$12.09	\$320	\$93	\$10.58	\$1.51
27394-64901-1229	035365514	1229	0.157889	\$763	\$221	\$34.89	\$671	\$195	\$30.72	\$4.17
27394-64901-1392	035230830	1392	0.084505	\$202,856	\$58,829	\$4,971.34	\$171,736	\$49,803	\$4,208.64	\$762.70
27394-64901-1412	035173232	1412	0.094425	\$68,448	\$19,849	\$1,874.24	\$57,881	\$16,785	\$1,584.97	\$289.27
27394-64901-1416	034577653	1416	0.109285	\$1,206,538	\$349,897	\$38,238.49	\$1,200,230	\$348,067	\$38,038.47	\$200.02
27394-64901-1423	034577670	1423	0.094480	\$2,637,381	\$764,841	\$72,262.18	\$2,565,911	\$744,114	\$70,303.91	\$1,958.27
27394-64901-1429	034944401	1429	0.138498	\$7,408	\$2,149	\$297.63	\$6,384	\$1,851	\$256.41	\$41.22

Reason: The Assessor recommended & the petitioner/agent agreed to this value prior to the hearing. Based upon all information supplied, I concur with this value.

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. 21-019 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker 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, January 12, 2021; and

WHEREAS, the Board at that time considered Petitions 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 Petitioners 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 Petitions and the Arapahoe County Assessor recommendations.

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

1. That the Petitions 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	Parcel Number	Year	Refund
Pinacle Enterprises LLC	2077-03-1-14-021	2018	\$18,438.16
Pinacle Enterprises LLC	2077-03-1-14-021	2019	\$16,802.53

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. 21-020 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve a request for funding in the amount of \$118,500 in Open Space Acquisition and Development funds for the purchase of right-of-way and reimbursement of appraisal costs for the construction of the Florida Avenue sidewalk/trail project.

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. 21-021 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve a request to select source the construction of the Florida Avenue Sidewalk/Trail Improvements to Concrete Express, Inc. (CEI) and authorization the expenditure \$466,709 from the Open Spaces Acquisition and Development funds for the construction and construction management service necessary to complete the project.

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. 21-022 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Case (Docket Number), for the tax years listed below:

Docket #	Property Owner	Tax Year
79223	Southglenn Property Holdings LLC	2017/2018
79259	Sapkin Richard M, Sapkin Shelly C	2017/2018
79745	Intown Suites-Sheridan, LLC	2020
79746	ITS Centennial LP	2020
79886	Timothy W. Balsley	2019/2020
2020BAA138	Merritt 777 LLC	2019/2020

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-023 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve the settlement of the Adams County District Court civil action captioned Corporal Ivan Alvarado v. Dale Davis and Tyler S. Brown in his capacity as Arapahoe County Sheriff, Case No. 19-cv-30969, subject to the terms and conditions specified in a Settlement Agreement and Full and Final Release to be drafted and approved as to final form by the County Attorney's Office, and for the amount previously approved by 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. 21-024

It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to adopt the following Resolution:

WHEREAS, pursuant to Section 20-1-301, C.R.S., the Boards of County Commissioners of the counties comprising the Eighteenth Judicial District must set the annual salary of the District Attorney for the succeeding four-year term; and

WHEREAS, as set forth in Section 20-1-301, C.R.S., said salary cannot be less than one hundred thirty thousand dollars (\$130,000.00); and

WHEREAS, the Arapahoe County Board of Commissioners has met to review and discuss salary requirements in a public meeting with the District Attorney-Elect and the Boards of County Commissioners from Douglas, Elbert, and Lincoln Counties.

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

1. The salary of the District Attorney for the Eighteenth Judicial District for his term beginning January 2021 and ending January 2024 shall be as follows:

2021: \$216,000
2022: \$223,000
2023: \$230,000
2024: \$236,000
2. This resolution represents Arapahoe County's commitment, subject to annual appropriation, to pay its share of said salary in accordance with the population based formula set forth in Section 20-1-302, C.R.S., contingent upon the commitment to pay, and payment by, Douglas, Elbert, and Lincoln Counties, of their respective population based proportional shares of said salary.
3. It is understood that the District Attorney's benefits include the use of an office car in accordance with the policy of the District Attorney's Office, as well as only those benefits (such as medical insurance, dental insurance, life insurance, long-term disability insurance, personal mileage reimbursement, matching contribution to PERA in lieu of social security contribution, 401K contribution, etc.) which are received uniformly by all full-time employees of the District Attorney's Office and that the District Attorney will not accrue any sick leave or any vacation time during his time in office.

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. 21-025 It was moved by Commissioner Sharpe and seconded by Commissioner Baker to make the following commissioner appointments to the following boards and committees, representing Arapahoe County for the year 2021:

1. Arapahoe County Foundation, Inc. Board of Directors: Commissioner Bill Holen, Commissioner Nancy N. Sharpe, and Commissioner Carrie Warren-Gully.
2. Arapahoe County Water and Wastewater Authority: Commissioner Jeff Baker and Commissioner Nancy N. Sharpe pursuant to Resolution No. 020306B.
3. AllHealth Network Governing Board: Commissioner Carrie Warren-Gully.
4. Arapahoe/Douglas Regional Workforce Development Board: Commissioner Carrie Warren-Gully
5. Arapahoe County Audit Committee: Commissioner Carrie Warren-Gully
6. Arapahoe County Board of Social Services: Commissioner Jeff Baker, Commissioner Bill Holen, Commissioner Nancy Jackson, Commissioner Nancy N. Sharpe, and Commissioner Carrie Warren-Gully, pursuant to C.R.S. 26-1-116
7. Arapahoe County Capital Improvements Project Team: Commissioner Bill Holen
8. Arapahoe County Community Services Block Grant Advisory Committee: Commissioner Carrie Warren-Gully
9. Arapahoe County Executive Budget Committee: Commissioner Nancy Jackson and Commissioner Nancy N. Sharpe
10. Arapahoe County Housing Authority: Commissioner Jeff Baker, Commissioner Bill Holen, Commissioner Nancy Jackson, Commissioner Nancy N. Sharpe, and Commissioner Carrie Warren-Gully, pursuant to C.R.S. 29-4-504(1)(2)
11. Arapahoe County Information Technology Steering Committee: Commissioner Bill Holen
12. Arapahoe County Justice Coordinating Committee: Commissioner Jeff Baker and Commissioner Nancy Jackson
13. Aurora Chamber of Commerce Board of Directors: Commissioner Bill Holen; Commissioner Nancy Jackson, alternate

14. Aurora Economic Development Council Board of Directors: Commissioner Bill Holen; Commissioner Nancy Jackson, alternate
15. Aurora Mental Health Governing Board: Commissioner Nancy Jackson
16. Boundary Control Commission: Commissioner Nancy Jackson
17. C-470 Corridor Policy Committee: Commissioner Carrie Warren-Gully; Commissioner Nancy N. Sharpe, alternate
18. Centennial Airport Noise Roundtable: Commissioner Carrie-Warren Gully
19. Cherry Creek Basin Water Quality Authority: Commissioner Nancy N. Sharpe
20. Cherry Creek Basin Working Group: Commissioner Nancy N. Sharpe
21. Colorado Counties, Inc.:
 - a. Commissioner Jeff Baker – Agriculture, Wildlife and Rural Affairs, Land Use & Natural Resources, Public Lands
 - b. Commissioner Bill Holen – Transportation & Telecommunications
 - c. Commissioner Nancy Jackson – General Government, Justice & Public Safety, Legislative Committee
 - d. Commissioner Nancy N. Sharpe – Health & Human Services, Child Welfare Allocation Committee, Works Allocation Committee
 - e. Commissioner Carrie Warren- Gully – Taxation & Finance, Tourism, Resorts & Economic Development
22. Denver Regional Council of Governments: Commissioner Jeff Baker; Commissioner Bill Holen, alternate
23. Denver South Board of Directors and Transportation Management Association: Commissioner Nancy N. Sharpe
24. Developmental Pathways Board of Directors: Commissioner Nancy N. Sharpe
25. E-470 Public Highway Authority Board of Directors: Commissioner Bill Holen; Commissioner Jeff Baker, alternate
26. Forfeiture Board, Office of the 18th Judicial District Attorney: Commissioner Bill Holen; Commissioner Nancy Jackson, alternate
27. Forfeiture Committee, Arapahoe County Sheriff's Office: Commissioner Nancy Jackson; Commissioner Bill Holen, alternate

28. Highline Canal Working Group: Commissioner Nancy Jackson and Commissioner Nancy N. Sharpe
29. I-70 Chamber of Commerce Representative: Commissioner Jeff Baker
30. Mile High Flood District: Commissioner Nancy N. Sharpe
31. Metro Area County Commissioners: Commissioner Jeff Baker, Commissioner Bill Holen, Commissioner Nancy Jackson, Commissioner Nancy N. Sharpe, and Commissioner Carrie Warren-Gully
32. National Association of Counties:
 - a. Commissioner Jeff Baker – Veterans & Military Services Committee, RAC Steering Committee
 - b. Commissioner Bill Holen - Veterans & Military Services Committee, Transportation
 - c. Commissioner Nancy Jackson – Large Urban County Caucus, Health Policy Steering Committee
 - d. Commissioner Nancy N. Sharpe – Finance Committee, Human Services & Education Steering Committee
33. Public Airport Authority: Commissioner Jeff Baker, Commissioner Bill Holen, and Commissioner Nancy N. Sharpe
34. Regional Economic Advancement Partnership (REAP): Commissioner Jeff Baker; Planning Manager Jan Yeckes, alternate
35. Restoration Advisory Board, Lowry Bombing & Gunnery Range: Commissioner Bill Holen; Planning Manager Jan Yeckes, alternate
36. Southeast Metro Stormwater Authority: Commissioner Jeff Baker and Commissioner Nancy N. Sharpe; Commissioner Carrie Warren-Gully, alternate
37. South Metro Denver Chamber of Commerce Board of Directors: Commissioner Carrie Warren-Gully; Commissioner Nancy N. Sharpe, alternate
38. South Metro Denver Chamber of Commerce Economic Development Group: Commissioner Carrie Warren-Gully
39. South Platte Working Group: Commissioner Carrie Warren-Gully
40. Tri-County Board of Health Liaison: Commissioner Nancy Jackson, pursuant to C.R.S. 25-1-508 (3).

41. Unified Metropolitan Forensic Crime Lab: Commissioner Jeff Baker

42. U.S. 85 Planning & Environmental Linkage Study Election Officials: Commissioner Carrie Warren-Gully

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. 21-026 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to authorize the Chair of the Board of County Commissioners to sign the letter to the U.S. Department of Treasury certifying that Arapahoe County is eligible and will comply with the requirements to receive the Emergency Rental Assistance Funds as provided for in Section 501 of Division N of the Consolidated Appropriations Act of 2021.

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. 21-027 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker that the following Banks, Savings and Loan Associations, and/or other financial institutions and/or organizations, as requested by the Arapahoe County Treasurer, subject to the limitations as may be imposed by law, and subject to the assurance of the Treasurer that all funds shall be held in accordance with the approved Investment Policy and this Resolution, are hereby approved and designated as Arapahoe County depositories for 2021, of all funds and monies of whatever kind that shall come into the possession of the County Treasurer by virtue of her office:

CSAFE
Commerce Bank in Aurora
Independent Bank
J.P. Morgan Chase Bank
U.S. Bank (retirement funds)

This approval and designation carries with it the limitation that all securities transactions handled or funded by such depositories be paid on a "payment versus delivery" policy, where the security is received by the depository and verified prior to release of funds to the broker or seller. The approved depositories are subject to removal at any time by action of the Board of County

Commissioners, with or without cause, and all transactions occurring under the authority of this Resolution shall meet the requirements of Resolutions Numbers 181-95 and 182-95.

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. 21-028 It was moved by Commissioner Sharpe and seconded by Commissioner Baker that the appointment of deputies, assistants, and employees of the County Assessor, County Clerk and Recorder, the County Coroner, the County Sheriff, and the County Treasurer shall be at such compensation payable bi-weekly as has been fixed by said elected officials with the approval of this Board as provided for in their respective budgets by this Board for the year 2021.

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. 21-029 It was moved by Commissioner Sharpe and seconded by Commissioner Baker, pursuant to Section 30-10-109, Colorado Revised Statutes, that all County offices, except as otherwise shown below, shall be open for the transaction of County business from 8:00 a.m. to 4:30 p.m., Monday through Friday, with the exception of legal holidays, or closures for emergency purposes or other temporary closures as approved by the Board of County Commissioners.

The Clerk and Recorder's Office, the Coroner's Office, and the Sheriff's Office, shall be open as listed below:

Clerk and Recorder's Office – Main Office

Monday through Friday: 7:00 a.m. to 4:00 p.m.

Driver's License Hours: Monday through Thursday by appointment only.

Clerk and Recorder's Office – Aurora Branch

Monday through Friday: 7:00 a.m. to 4:00 p.m.

Clerk and Recorder's Office – Byers Branch

Monday through Friday: 7:00 a.m. to 10:00 a.m. and 11:30 a.m. to 4:00 p.m.

Clerk and Recorder's Office – Centennial Branch (Lima Plaza)

Monday through Friday: 7:00 a.m. to 4:00 p.m.

Driver's License Hours: Monday through Thursday by appointment only.

Coroner's Office

Monday through Friday: 8:00 a.m. to 4:00 p.m. (closed 11:30-12:30 p.m. for lunch).

Sheriff's Office Lobby

Monday through Friday: 7:00 a.m. to 5:30 p.m.

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. 21-030 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker that the individual Commissioners, as hereinafter set forth, shall act as the primary liaison for the year 2021 between the Board of County Commissioners and the departments as hereinafter delineated.

Said individual Commissioners shall be responsible to, and shall report to, the entire Board of County Commissioners, any and all matters which may require Board action and/or approval:

<u>Commissioner</u>	<u>Department Director</u>
Jeff Baker	Dick Hawes, Facilities and Fleet Management Bryan Weimer, Public Works and Development
Bill Holen	David Bessen, Information Technology Shannon Carter, Open Spaces
Nancy Jackson	Ron Carl, County Attorney Michelle Halstead, Communication and Administrative Services Manisha Singh, Strategy and Performance
Nancy Sharpe	Katherine Smith, Community Resources Cheryl Ternes, Human Services
Carrie Warren-Gully	Patrick Hernandez, Human Resources Todd Weaver, Finance

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. 21-031 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker pursuant to Section 24-33.5-707(4), Colorado Revised Statutes, to appoint Sheriff Tyler Brown, or his designee, as the Director/Coordinator of the Arapahoe County Emergency Operations/Disaster Agency for the year 2020. Said appointee shall serve at the pleasure of the Board of County Commissioners without additional compensation and said appointee may be removed at any time by action of the Board of County Commissioners with or without good cause as shown.

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. 21-032 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve the submitted warrant disbursement register, dated December 31, 2020, 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 Conti, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-033 It was moved by Commissioner Sharpe and duly seconded by Commissioner Baker to approve the submitted warrant disbursement register, dated January 4, 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 Conti, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-034 A public hearing was held on January 12, 2021 as published on proposed Ordinance No. 2021-01, regarding the amendment and restatement of the existing County Weed Control Ordinance No. 2001-02 to allow for regulation of weeds on lots up to two acres in size zoned for residential, commercial and industrial purposes, including those zoned by Planned Unit Development. After public comment, evidence and testimony were received by the Board of County Commissioners, the matter was taken under advisement for further consideration and decision. It was then moved by Commissioner Baker and duly seconded by Commissioner Holen to adopt the following Ordinance:

ARAPAHOE COUNTY, COLORADO

ORDINANCE NO. 2021-01

AN ORDINANCE SETTING FORTH ARAPAHOE COUNTY POLICIES AND PROCEDURES REGULATING THE ACCUMULATION OF WEEDS AND BRUSH ON COMMERCIAL AND RESIDENTIAL LOTS OF TWO ACRES OR LESS, PROVIDING FOR THE REMOVAL THEREOF; AND PROVIDING PENALTY PROVISIONS FOR VIOLATIONS AND ENFORCEMENT PERTAINING THERETO.

WHEREAS, pursuant to Section 30-15-401(1)(I.5), COLO. REV. STAT., the Board of County Commissioners of Arapahoe County ("Board") has the power to adopt ordinances to provide for and compel the removal of weeds and brush from lots and tracts of property and from alleys behind and sidewalk areas in front of such properties within the unincorporated territory of the County, including the authority to provide for and compel the removal of weeds and brush from residentially and commercially zoned lots of two acres or less; and

WHEREAS, the Board finds the accumulation of weeds on residential property and commercial lots of two acres or less is a public health hazard and/or a public nuisance; and

WHEREAS, the Board also finds that in order to preserve the public peace, health, safety, and welfare of the citizens of Arapahoe County, the following Ordinance should be adopted.

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

SECTION I. INTENT

The Board finds, determines, and declares that the accumulation of weeds on property is a public health hazard and a public nuisance in that such accumulations depreciate property values in the neighborhood, create a health and fire hazard, and encourage the proliferation of pests and rodents and that the regulation of weeds is necessary to protect the health, safety, and welfare of the residents of Arapahoe County.

SECTION II. DEFINITIONS

As used in this Ordinance, the following words are defined as follows:

- A. "*Board*" means the Board of County Commissioners of Arapahoe County, Colorado.
- B. "*Commercial Lot*" means any lot zoned for non-residential uses, including those zoned as Planned Unit Developments, regardless of actual land use, which is two acres or less in size and which is not agricultural land as defined in C.R.S. 39-1-102(1.6).
- C. "*Director*" means the Director of the Arapahoe County Department of Public Works and Development.
- D. "*Lot*" means a parcel of land occupied or designed to be occupied by a main building. A lot may or may not be shown as a lot on a duly recorded plat. A lot includes a tract or other area of property shown on a recorded plat, such as for drainage facilities or other public use purposes, or otherwise held as common interest property under Colorado law.
- E. "*Property Owner*" means the owner of records, as shown by the tax rolls of Arapahoe County and/or the records of the County Clerk and Recorder of Arapahoe County, of any real property to which this Ordinance applies.
- F. "*Residential Lot*" means any lot zoned for residential uses, including PUD zoned lots, regardless of actual land use, which is two acres or less in size.
- G. "*Weeds*" means any unsightly, useless, troublesome, or injurious plant, including grasses and/or all vegetation which has grown to maturity or to a height in excess of six (6) inches, including but not limited to, Field Bindweed, Leafy Spurge, Canada Thistle, Russian Knapweed, Perennial Sowthistle, Puncturevine, Silver-leaf Povertyweed, Mouseear Povertyweed, Fanweed, Mustards, Purple-flowered Groundcherry, Russian Thistle, Fireweed, Redroot Pigweed, Smooth Pigweed, Prostrate Pigweed, Sandbur, Hairy Stickseed, Buffaloburs, White Horsenettle and Carolina Horsenettle, Common Ragweed, cocklebur, and dandelion. This definition shall not include flower gardens, shrubberies, vegetable gardens, small grain plots, successional grasses utilized for erosion control, and pastures used for feed, fodder, or forage, provided the same are adequately weeded and maintained.

- H. "Zoning Administrator" means the Arapahoe County Zoning and Animal Services Manager or designated agent.

SECTION III. APPLICABILITY

This Ordinance shall apply to residential and commercial lots, as defined herein, within the unincorporated areas of Arapahoe County, and within any incorporated municipality in Arapahoe County that consents to the application of this Ordinance within the municipality, and to the alleys behind and the sidewalk areas in front of such properties. This Ordinance shall not apply to any property zoned as:

Obsolete Zoning Districts

RR-C (Rural Residential C)

Current Zoning Districts

A-E (Agricultural)

A-1 (Agricultural)

RR-A (Rural Residential A)

RR-B (Rural Residential B)

C (Cultural)

O (Open)

F (Floodplain)

Nor shall this Ordinance apply to land currently in agricultural use as is defined in Section 39-1-102(1.6), as amended.

SECTION IV. CUTTING AND REMOVAL OF WEEDS REQUIRED

Residential and commercial lot property owners shall cut, or cause to be cut, all weeds growing on their lots and remove or cause the removal of the cut weeds to a legal refuse disposal site. It shall be unlawful for any person to violate the provisions of this Section.

SECTION V. WEED REMOVAL PROCEDURES

A. Upon information received of a complaint by Arapahoe County staff, the Zoning Administrator shall investigate said complaint to insure compliance with this Ordinance. If the Zoning Administrator determines weeds exist in violation of this Ordinance, prior to initiating the procedures set forth in this Ordinance to bring such property into compliance, the Zoning Administrator shall cause to have posted for a period of ten (10) days upon such property a placard containing a Notice of Violation in substantially the following form:

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

(Property Description)

NOTICE IS HEREBY GIVEN THAT THERE EXISTS UPON THIS PROPERTY
ACCUMULATIONS OF WEEDS WHICH MUST BE REMOVED AND DISPOSED OF IN
ACCORDANCE WITH THE PROVISIONS OF ARAPAHOE COUNTY ORDINANCE NO.
2021-01.

NOTICE IS FURTHER GIVEN THAT, UNLESS SUCH WEEDS ARE REMOVED AND DISPOSED OF WITHIN FIFTEEN DAYS FROM _____, THE BOARD OF COUNTY COMMISSIONERS SHALL CAUSE THE SAME TO BE REMOVED AND DISPOSED OF, IN WHICH EVENT THE OWNERS OF THIS PROPERTY SHALL BE LIABLE FOR THE COST OF REMOVAL THEREOF AS SET FORTH IN THE ABOVE ORDINANCE.

ARAPAHOE COUNTY, COLORADO

By: _____
Zoning Administrator of
Arapahoe County, Colorado

B. In addition to the posting of the placard on the subject property, the Zoning Administrator shall serve on the property owner, by registered or certified mail, return receipt requested, a copy of the Notice of Violation as set forth on the placard. This Notice shall be mailed to the property owner's address as shown on the tax rolls of Arapahoe County, and at the discretion of the Zoning Administrator, any additional address which the Zoning Administrator deems appropriate.

C. Failure to Receive Notice. A property owner's failure to receive any Notice of Violation provided for in this Ordinance shall not invalidate any proceedings under this Ordinance.

D. Extension of Time. The Zoning Administrator, at his or her discretion, may grant a reasonable extension of time to effect the removal of the weeds if the request for extension is received within the time period for removal set forth in the Notice of Violation. Any extension as may be granted herein shall not exceed an additional fourteen (14) day duration.

SECTION VI.

A. Failure to Comply with the Notices - County Action. If the weeds are not removed within the time specified in the aforementioned Notices or upon expiration of any extensions of time granted by the Zoning Administrator, the Zoning Administrator is authorized and empowered to request appropriate County personnel or an approved private contractor to enter upon the subject property and remove the weeds.

B. Administrative Search Warrants. If the Zoning Administrator is denied access to a property which has an accumulation of weeds prohibited under this Ordinance, application for an administrative entry and seizure warrant for the removal of such weeds may be made with the Arapahoe County Court or the Arapahoe County District Court. The Arapahoe County Attorney's Office shall provide representation of the County in such matter. The application for administrative entry and seizure warrant shall include a sworn affidavit stating the factual basis for such warrant, evidence that the property owner has received notice of the weed violation and has failed to remove the weeds within fifteen (15) days of the date of such notice, a general description of the location of the property in question, and the proposed disposal of such weeds. The administrative entry and seizure warrant shall be executed by the Zoning Administrator within ten (10) days of the date

of issuance. A copy of such warrant shall be provided or mailed to the property owner, and proof of the execution of such warrant shall be filed with the court.

C. Employment of Private Contractors. The Zoning Administrator is authorized to employ private contractors with the approval of the Director to remove the weeds. The cost of removal by a private contractor shall be paid by the County upon receipt of an invoice approved by the Zoning Administrator and countersigned by the Director.

D. Statement and Notice of Costs. Whenever any costs are incurred by Arapahoe County in causing the removal of any weeds, the Zoning Administrator shall cause a statement to be prepared showing the total costs of the removal, including an additional ten (10) percent for inspection and other incidental costs in connection with their removal. The Zoning Administrator shall serve the statement on the property owner by registered or certified mail, return receipt requested, at the property owner's address as shown by the Arapahoe County tax rolls, and at the discretion of the Zoning Administrator, any additional address which he or she deems appropriate. The statement shall notify the property owner that weed removal work has been performed pursuant to this Ordinance, state the date the work was performed, the nature of the work performed, and instruct the property owner to pay the statement in full within thirty (30) days of the date set forth therein.

E. Appeals from the Zoning Administrator's Actions - Assessment of Costs. The aforementioned statement in subsection D above shall also notify the property owner that any complaints or objections relating to the statement of costs shall be made in writing by the property owners to the Director with a copy submitted to the Zoning Administrator within fifteen (15) days from the date set forth in the statement of costs. Said statement shall reflect that any appeal, if taken, will be heard and determined by the Director at a hearing prior to the adoption of any resolution by the Board assessing the cost of such work. All property owners filing timely written requests for a hearing shall be advised of the time and place of their hearing before the Director at least ten (10) days in advance of said hearing.

At the hearing, the Director shall consider all complaints and objections relating to the statement of costs, may make such modifications as may be deemed equitable and just, or may confirm the statement of costs. The Director's decision and findings shall be transmitted to the Board of County Commissioners. The Board shall thereupon, by resolution, assess the cost of the work against the real property from which weeds have been removed. The property owner shall be given thirty (30) days to pay the costs after the assessment resolution is adopted. If the assessment is not paid within such time, the Clerk to the Board of County Commissioners shall certify the amount of assessment due to the Arapahoe County Treasurer.

In the event an appeal is not filed by a property owner and payment of the assessment has not been received, the Zoning Administrator shall submit to the Board of County Commissioners the statement of costs after thirty (30) days have elapsed from the initial billing date. The Board shall thereupon by resolution assess the cost of work against the real property from which weeds have been removed.

SECTION VII. COLLECTION OF THE ASSESSMENT - LIEN ON PROPERTY

A. Collection of Assessment. Following adoption of the assessment resolution, the Clerk to the Board of County Commissioners shall certify the same to the County Treasurer who shall collect the assessment, together with an additional ten (10) percent penalty for the cost of the collection, in the same manner as other taxes are collected. The laws of this State for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of the assessments.

B. Assessment Deemed Lien - Priority. Any assessment made pursuant to this Ordinance shall constitute, from the effective date of the assessment resolution, a lien in the several amounts assessed against the real property on which the weeds were removed until paid and shall have priority over all other liens except general taxes and prior special assessments.

SECTION VIII. PENALTY FOR VIOLATIONS

Any person who violates this Ordinance commits a Class 2 Petty Offense and upon conviction thereof shall be punished by a fine of five hundred dollars (\$500.00) for the first offense, seven hundred and fifty dollars (\$750.00) for the second offense, and one thousand dollars (\$1,000.00) for a third and any subsequent offense. The penalty assessment procedures set out in § 16-2-201, C.R.S., may be followed in enforcing this Ordinance. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of ten dollars (\$10) that shall be paid to the clerk of the court by the defendant as provided by § 30-15-402(2)(a), C.R.S.

SECTION IX. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the final publication following 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.

The foregoing Resolutions from the meeting of January 12, 2021 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS

COUNTY ATTORNEY'S OFFICE

Nancy Jackson

[Signature]

CLERK TO THE BOARD

[Signature]

