

**ARCHULETA COUNTY PROCEEDINGS
BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners held a Regular Meeting August 18, 2020 noting County Commissioners Ronnie Maez and Alvin Schaaf, County Attorney Todd Weaver were present via Zoom conference, and County Commissioner Steve Wadley, County Administrator Scott Wall and County Clerk and Recorder Kristy Archuleta were present.

Chairman Maez called the meeting to order at 1:30 p.m. with the Pledge of Allegiance and a moment of silence.

Disclosures and/or Conflicts of Interest

Chairman Maez asked for any disclosures or conflicts of interest between the Board and the agenda. There were none.

Approval or Adjustments to Agenda

Executive Session per C.R.S. 24-6-402(4) the Board reserves the right to meet in executive session for any purposes allowed and announced prior to voting. **Commissioner Wadley moved to approve the agenda as presented. Commissioner Schaaf seconded the motion and it carried unanimously.**

Public Comments

Chairman Maez stated he was opening the floor for comments for those wanting to comment on items not on this agenda. Comments were asked to be held to 3 minutes for each person desiring to speak. No response from the Board would be given.

Chairman Maez adjourned the Regular Meeting and convened the Abatement Hearing at 1:33 p.m.

Abatement Hearing

Chairman Maez swore in Johanna Tully-Elliott, County Statistician for testimony.

A. Petition for Abatement or Refund of Taxes – OGI Inc.

Johanna Tully-Elliott, Statistician, presented a petition for abatement or refund of taxes for 2019 for account No. R006803. The property being located at X Bienvenido Cir, owned by OGI Inc. The amount of the refund exceeds the limit granted to the Assessor by the BoCC in Resolution 2010-67 of \$2,500. Statistician Tully-Elliott, advised adjustments to this property were not taken into consideration and the Assessor's Office recommended approval of the refund of \$5,745. **Commissioner Schaaf moved to approve the Petition for Abatement or Refund of the 2019 taxes for account number R006803, Parcel number 569914101017 owned by OGI Inc. in the amount of \$5,745.00 as presented. Commissioner Wadley seconded the motion and it carried unanimously.**

Chairman Maez adjourned the Abatement Hearing and convened the Budget Hearing at 1:37 p.m.

Budget Hearing

Chairman Maez swore in Larry Walton, Finance Director, for testimony.

A. Resolution 2020-201, Supplemental Budget and Appropriation

Larry Walton, Finance Director, presented a resolution which would appropriate additional sums of money to defray expenses in excess of amounts budgeted during 2020 by the amounts of additional revenue received. **Commissioner Wadley moved to adopt Resolution 2020-201 appropriating additional sums of money to defray expenses in excess of amounts budgeted for Archuleta County as presented. Commissioner Schaaf seconded the motion and it carried unanimously.**

Chairman Maez adjourned the Budget Hearing and convened the Local Licensing Authority at 1:45 p.m.

Local Licensing Authority

Chairman Maez swore in Mary Helminski, Paralegal/Executive Assistant, for testimony.

A. Retail Marijuana Center License for J and J Enterprises, Inc. dba Pagosa Therapeutics

Mary Helminski, Paralegal/Executive Assistant, presented a renewal of a Retail Marijuana Center license for J and J Enterprises, Inc. dba Pagosa Therapeutics, located at 235 Bastille Drive in Pagosa Springs. There were no changes, the application was complete and the proper fees have been paid. The Sheriff's Office completed their background check and the Fire Protection District and County Building and Planning Departments have completed their inspections with no objections.

Chairman Maez opened the floor for comments "In Favor of the License Renewal."

Chairman Maez closed comments "In Favor of the License Renewal" and opened the floor for comments "Opposed to the License Renewal."

Commissioner Schaaf moved to approve the renewal of a Retail Marijuana Center License for J and J Enterprises, Inc. dba Pagosa Therapeutics as presented. Commissioner Wadley seconded the motion and it carried unanimously.

B. Retail Optional Premises Cultivation License for J and J Enterprises, Inc. dba Pagosa Therapeutics

Mary Helminski, Paralegal/Executive Assistant, presented a renewal of a Retail Optional Premises Cultivation License for J and J Enterprises, Inc. dba Pagosa Therapeutics, located at 354 Bastille Drive in Pagosa Springs. There were no changes, the application was complete and the proper fees have been paid. The Sheriff's Office completed their background check and the Fire Protection District and County Building and Planning Departments have completed their inspections with no objections.

Chairman Maez opened the floor for comments "In Favor of the License Renewal."

Chairman Maez closed comments "In Favor of the License Renewal" and opened the floor for comments "Opposed to the License Renewal."

Commissioner Wadley moved to approve the renewal of a Retail Optional Premises Cultivation

Center License for J and J Enterprises, Inc. dba Pagosa Therapeutics as presented. Commissioner Schaaf seconded the motion and it carried unanimously.

Chairman Maez adjourned the Local Licensing Authority and convened the Liquor Board at 1:48 p.m.

Liquor Board Hearing

Chairman Maez swore in Jamie Jones, Administrative Assistant, for testimony.

A. Special Event Permit for The Humane Society of Pagosa Springs

Jamie Jones, Administrative Assistant, presented an application for a Special Event Permit for the Humane Society of Pagosa Springs to auction off malt, vinous, spirituous liquor at 279 Pagosa St. in Pagosa Springs for the 2020 Auction for the Animals on August 29, 2020. The Sheriff has been notified of the event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing.

Chairman Maez opened the floor for comments "In Favor of the Permit."

Chairman Maez closed comments "In Favor of the Permit" and opened the floor for comments "Opposed to the Permit."

Commissioner Schaaf moved to approve a Special Event Permit for the Humane Society of Pagosa Springs for their fundraiser on August 29, 2020 as presented. Commissioner Wadley seconded the motion and it carried unanimously.

Liquor Board Consent Agenda

A. Bed & Breakfast Permit Renewal for Elkwood Manor Pagosa Springs Inc. dba Elkwood Manor Bed & Breakfast located at 85 Easy Street in Pagosa Springs.

Scott Wall, County Administrator, read the Liquor Board Consent Agenda for the record.

Commissioner Wadley moved to approve the Liquor Board consent agenda as presented. Commissioner Schaaf seconded the motion and it carried unanimously.

Chairman Maez adjourned the Liquor Board and reconvened the Regular Meeting at 1:52 p.m.

Consent Agenda

A. Payroll, Payable Warrants and Purchase Cards

Payable Warrants for dates of August 5th-August 18th, 2020

General Fund Payable	235,206.83
Road and Bridge Fund Payable	197,614.42
Department of Human Services Fund Payable	43,014.48
1A Fund	115.00
All Combined Dispatch Fund Payable	19,006.83
Conservation Trust	-
Justice System Capital Fund	34,501.20
Solid Waste Fund Payable	11,001.97
Airport Fund Payable	916.84
Fleet Fund Payable	43,556.94
Total	584,934.51

Payroll Warrants for dates of August 5th-August 18th, 2020

General Fund Payroll	207,351.62
Road and Bridge Fund Payroll	39,486.21
Department of Human Services Fund Payroll	38,570.67
All Combined Dispatch Fund Payroll	20,358.31
Solid Waste Fund Payroll	9,409.25
Airport Fund Payroll	4,667.62
Fleet Fund Payroll	8,272.40
Total	328,116.08

- B. Board of Equalization Hearing Minutes 8/3/2020
Regular Meeting minutes 8/4/2020
- C. CARES Act Election Judge Pay Grant Program Award
- D. Intergovernmental Agreement with Aspen Springs Metropolitan District for participation in the upcoming 2020 General Election to be held November 3, 2020
- E. Intergovernmental Agreement with Los Pinos Fire Protection District for participation in the upcoming 2020 General Election to be held November 3, 2020
- F. Resolution 2020-202 Lot Consolidation in Pagosa Highlands Estates owned by Edward L. and Susan F. King
- G. Resolution 2020-203 Lot Consolidation in Pagosa Highlands Estates owned by Michael J. Smith
- H. Ratification of the Chairman's Signature on a letter to DOLA to request funding for repairing County Road 500
- I. Ratification of the Chairman's Signature on a Quote for ESInet NRC and PMF for Dispatch

Scott Wall, County Administrator, read the Consent Agenda for the record.

Commissioner Schaaf moved to approve the consent agenda as presented. Commissioner Wadley seconded the motion and it carried unanimously.

New Business

A. Utilizing Vacancy Savings in the Sheriff's Budget to Hire One Detention Deputy

Derek Woodman, Undersheriff, advised the Archuleta County Sheriff's Office (ACSO) was in the process of opening the new Detention Facility and has an absolute need of employing thirteen (13) Detention Deputies to accommodate running the facility in a safe and functional manner. ACSO has currently allocated ten (10) Detention Deputies and with the recent transfer on one Administrative position within ACSO and the transfer of one Code Enforcement position from Development Services, ACSO was requesting to utilize vacancy savings within its approved 2020 budget to hire one additional detention Deputy for the balance of 2020 as a cost not to exceed \$16,000.00. **Commissioner Wadley moved to approve utilizing vacancy savings within the Sheriff's Department 2020 Budget to hire one Detention Deputy for the balance of 2020 at a cost not to exceed \$16,000.00 as presented. Commissioner Schaaf seconded the motion and it carried unanimously.**

B. Law Enforcement and Emergency Services Agreement with Mineral County

Rich Valdez, Sheriff, presented an agreement between the Board of County Commissioners and Sheriff's Offices of Archuleta and Mineral Counties providing the parameters for establishing mutual aid and assistance for Emergency Services for specific portions of Mineral County lying south and west of Wolf Creek Pass and the Continental Divide. **Commissioner Schaaf moved to approve the Law Enforcement and Emergency Services Agreement with Mineral County as presented. Commissioner Wadley seconded the motion and it carried unanimously.**

C. Purchase of Replacement Landfill Loader

Matt Archuleta, Operations Manager, advised the Solid Waste Department was requesting approval to purchase a replacement landfill loader instead of the approved dump truck. Unit #304 Loader experienced a total of four torque converter failures over the past three years. A rental compactor was required each time to sustain landfill operations. The Solid Waste Department was approved for \$94,000 in the 2020 Budget to replace the dump truck. The replacement loader was quoted at \$89,000 after the trade-in and incentives. **Commissioner Wadley moved to approve the purchase of a replacement landfill loader at a cost not to exceed \$89,000 instead of the dump truck which was approved for the 2020 Budget year as presented. Commissioner Schaaf seconded the motion and it carried unanimously.**

D. Resolution 2020- Adopting by Reference the 2015 Edition of the International Property Maintenance Code

Todd Weaver, County Attorney, advised the 2015 edition of the International Property Maintenance Code provides the parameters for a) regulating and governing the conditions and maintenance of all property, buildings and structures; b) providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures; and c) providing for the issuance of permits and

collection of fees therefor. Archuleta County is currently using the 2006 code, this resolution updates the code to the 2015 edition. **Commissioner Wadley moved to adopt Resolution 2020- Adopting by Reference the 2015 edition of the International Property Maintenance Code as presented. The motion was not seconded and did not carry.**

E. Resolution 2020-204 for the Vaccination, Control and Impoundment of Dogs in Archuleta County, Colorado

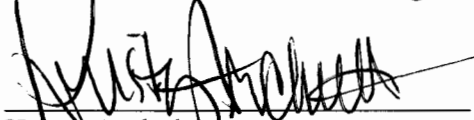
Todd Weaver, County Attorney, presented a resolution updating and revising the dog resolution passed in 2002 and provide the parameters for the vaccination, control and impoundment of dogs in Archuleta County. The resolution has been reviewed and approved by the County Attorney, Sheriff's Department, Court Clerk of Archuleta County and the Humane Society of Pagosa Springs. **Commissioner Wadley moved to adopt Resolution 2020-204 for the vaccination, control and impoundment of dogs in Archuleta County as presented. Commissioner Schaaf seconded the motion and it carried unanimously.**

Public Comments

Chairman Maez stated he was opening the floor for public comments for those wanting to comment on items not on this agenda. Comments were asked to be held to 3 minutes for each person desiring to speak. No response from the Board would be given.

Commissioner Comments

With no further business coming before the Board, the meeting was adjourned at 2:44 p.m.

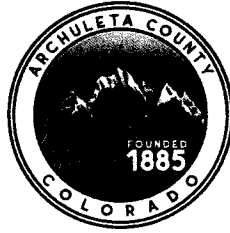


Kristy Archuleta
Archuleta County Clerk & Recorder

Approved this 1st day of September, 2020.



Ronnie Maez, Chairman



**ARCHULETA COUNTY
BOARD OF COUNTY COMMISSIONERS**

**The Public is Highly Encouraged to Join via ZOOM Conference Call -
Please contact County Administration at 970-264-8300 for log-in
information**

**CALL TO ORDER THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF AUGUST 18, 2020 AT 1:30 P.M.**

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

DISCLOSURES AND/OR CONFLICT OF INTEREST

APPROVAL OR ADJUSTMENTS TO AGENDA

* Executive Session - Specific Agenda Topic

PUBLIC COMMENTS FROM THE FLOOR*

This is an opportunity during the session for the public to address the Commissioner. Please step up to the podium, **STATE YOUR NAME AND ADDRESS FOR THE RECORD** and keep your comments to 3 minutes (**the Board is not required to discuss your comment or make a decision regarding your comment, under this section**).

ABATEMENT HEARING

A. Abatement Or Refund Of Taxes

Abatement or Refund of Taxes for account No. R006803 for the year 2019. The property being located at X Bienvendio Cir, and being owned by OGI Inc. This is before you today because the amount of the refund exceeds the limit granted to the Assessor by the BoCC in Resolution 2010-67 of \$2,500. Every reappraisal most adjustments for size, terrain and access are removed, because we don't yet know what the sales will be. If the sale account consists of land that is level or of a smaller acreage, then adjustments are made to the parcels that have terrain issues and/or are larger or smaller. In this case the parcel is over 9 acres when the sales parcels were approximately 3 acres. The adjustment for size was not added in, which would have reduced the value due to economy of scale (smaller parcels, for the most part, sell for less per acre than larger parcels). This is an example of why it is important for every property owner to pay attention to their Notice of Value, whether in the odd, reappraisal year (such as 2019), or in an intervening year (such as 2020). Although we have a system that helps us with calculating the values, much of the work is done by hand. Numbers can be transposed, adjustments not made, etc. We strive to make our values as accurate as possible, but everyone makes mistakes and it is better to catch these sooner rather than later.

Presenter

Johanna Tully-Elliott

Presenter's Title Statistician

Documents:

ABATEMENT OR REUND OF TAXES R006803.PDF

BUDGET HEARING

A. Consideration Of Resolution 2020-____, Supplemental Budget And Appropriation

During 2020, Archuleta County received revenues, other than property tax revenue, not anticipated at the time the 2020 budget was adopted. This resolution will appropriate additional sums of money to defray expenses in excess of amounts budgeted during 2020 by the amounts of additional revenue received.

Presenter Larry Walton
 Presenter's Title Finance Director

Documents:

2020-K SUPPLEMENTAL BUDGET ADJUSTMENT 8-18-2020.PDF
 2020-K AGENDA ITEM REPORT - 8-18-2020.PDF

LOCAL LICENSING AUTHORITY

A. Consideration And Approval Of A Retail Marijuana Center License For J And J Enterprises, Inc. DbA Pagosa Therapeutics

This is a renewal of a Retail Marijuana Center license for J and J Enterprises, Inc. dba Pagosa Therapeutics, located at 235 Bastille Drive in Pagosa Springs. There are no changes, the application is complete and the proper fees have been paid. The Sheriff's Office completed their background check and the Fire Protection District and County Building and Planning Departments have done their inspections and there are no objections. Staff recommends approval of this renewal application.

Presenter Mary Helminski
 Presenter's Title Paralegal/Executive Assistant

Documents:

STORE RENEWAL APPLICATION REDACTED.PDF

B. Consideration And Approval Of A Retail Optional Premises Cultivation License For J And J Enterprises, Inc. DbA Pagosa Therapeutics

This is a renewal of a Retail Marijuana Center license for J and J Enterprises, Inc. dba Pagosa Therapeutics, located at 354 Bastille Drive in Pagosa Springs. There are no changes, the application is complete and the proper fees have been paid. The Sheriff's Office completed their background check and the Fire Protection District and County Building and Planning Departments have done their inspections and there are no objections. Staff recommends approval of this renewal application.

Presenter Mary Helminski
 Presenter's Title Paralegal/Executive Assistant

Documents:

OPC RENEWAL APPLICATION REDACTED.PDF

LIQUOR BOARD

A. Special Event For The Humane Society Of Pagosa Springs

This is an application for a Special Event Permit for the Humane Society of Pagosa Springs to auction off malt, vinous, spirituous liquor at 279 Pagosa St. Pagosa Springs, CO 81147 for the 2020 Auction for the Animals on August 29, 2020. The Sheriff has been notified of this event. The proper fees were collected and the premises was posted for the required ten (10) days prior to today's hearing. The financial impact to the County is the fees paid per the County Fee schedule and staff recommends approval of this Special Event Permit.

Documents:

2020 AUCTION FOR THE ANIMALS APPLICATION AGENDA VERSION.PDF

CONSENT AGENDA BY BOCC/LIQUOR BOARD**A. Consideration And Approval Of A Bed & Breakfast Permit Renewal For Elkwood Manor Pagosa Springs Inc. DbA Elkwood Manor Bed & Breakfast**

This is an application to renew a Bed & Breakfast permit for Elkwood Manor Pagosa Springs, Inc. dba Elkwood Manor Bed & Breakfast, located at 85 Easy Street in Pagosa Springs. This renewal includes no changes. The application is complete and the proper fees have been submitted. The Sheriff's Office has completed their background check and the Building Department has inspected the premises for changes. The financial impact to the County is the fees paid per the County Fee schedule and staff recommends approval of this renewal application. Responsible Staff: Mary Helminski, Paralegal/Executive Assistant.

Documents:

ELKWOOD MANOR RENEWAL APPLICATION.PDF

CONSENT AGENDA**A. PAYROLL, PAYABLE WARRANTS AND PURCHASE CARDS**

August 5, 2020 - August 18, 2020

B. REGULAR MEETING MINUTES**Board of Equalization Hearing Minutes 8/3/2020**

Draft of the Minutes from the Board of Equalization Hearing from August 3, 2020 for approval.

Documents:

08-03-2020 CBOE.PDF

Regular Meeting Minutes 8/4/2020

Draft of the Regular Meeting Minutes from August 4, 2020 for approval.

Documents:

08-04-2020R.PDF

C. Consideration And Approval Of CARES Act Election Judge Pay Grant Program Award

The Archuleta County Clerk and Recorder's Office had applied for funding pursuant to the CARES Act Election Judge Pay Grant Program in the amount of \$642. The County was awarded this amount and is being submitted for approval.

Documents:

CARES ACT ELECTION JUDGE PAY GRANT PROGRAM.PDF

D. Consideration And Approval Of Intergovernmental Agreement With Aspen

Springs Metropolitan District

Intergovernmental Agreement between the Archuleta County Clerk and Recorder's Office with Aspen Springs Metropolitan District regarding participation in the upcoming 2020 General Election to be held November 3, 2020.

Documents:

ASPEN SPRINGS 2020 GENERAL.PDF

E. Consideration And Approval Of Intergovernmental Agreement With Los Pinos Fire Protection District

Intergovernmental Agreement between the Archuleta County Clerk and Recorder's Office with Los Pinos Fire Protection District regarding participation in the upcoming 2020 General Election to be held November 3, 2020.

Documents:

LOS PINOS FIRE PROTECTION DISTRICT 2020 GENERAL IGA.PDF

F. Consideration And Approval Of Resolution 2020-_____ To Consolidate 3 Lots Into 1 Lot In Pagosa Highlands Estates Owned By Edward L. And Susan F. King

This request is to consider a resolution authorizing the consolidation of Lots 120, 121 and 122, Pagosa Highlands Estates, to become Lot 122X owned by Edward L. and Susan F. King. This consolidation has been reviewed and is recommended for approval by the Development Services Director. The impact to the county budget includes fees paid per the county fee schedule, generally balanced by reduction in property taxes.

Documents:

LOT CONSOLIDATION - KING.PDF

G. Consideration And Approval Of Resolution 2020-_____ To Consolidate 2 Lots Into 1 Lot In Pagosa Highlands Estates Owned By Michael J. Smith

This request is to consider a resolution authorizing the consolidation of Lots 92 and 93X, Pagosa Highlands Estates, to become Lot 93XX owned by Michael J. Smith. This consolidation has been reviewed and is recommended for approval by the Development Services Director. The impact to the county budget includes fees paid per the county fee schedule, generally balanced by reduction in property taxes.

Documents:

LOT CONSOLIDATION - SMITH.PDF

H. Ratification Of The Chairman's Signature On A Letter To DOLA To Request Funding For Repairing County Road 500

The erosion of County Road 500 caused by the San Juan River was first noticed in April of 2019 and the road has become increasingly eroded since then. This letter to the Department of Local Affairs requesting funding to repair the road was signed by Commissioner Maez on August 7, 2020.

Documents:

CR500 LETTER TO DOLA.PDF

I. Ratification Of Chairman's Signature On A Quote For ESInet NRC And PMF For Dispatch

The state is now mandating that all dispatch centers convert to an IP-based service. Federal and state grant funding is available and this quote to the Public Utilities Commission in the amount of \$24,159.48 will be reimbursed from the grant funding. Commissioner Maez signed this quote on August 12, 2020.

Documents:

ESINET NRC AND PMF QUOTE.PDF

NEW BUSINESS

A. Consideration And Approval Of Utilizing Vacancy Savings In The Sheriff's Budget To Hire One Detention Deputy

The Archuleta County Sheriff's Office (ACSO) is in the process of opening the new Detention Facility and has an absolute need of employing thirteen (13) Detention Deputies to accommodate running the facility in a safe and relatively functional manner. ACSO is currently allocated ten (10) Detention Deputies and with the recent transfer of one Administrative position within ACSO and the transfer of one Code Enforcement position from Development Services, ACSO now has an allocation of twelve (12) Detention Deputies. ACSO would like to utilize Vacancy Savings within it's approved 2020 budget to hire one additional Detention Deputy for the balance of 2020 at a cost not to exceed \$16,000.00. This would be for four months, beginning September 1, 2020. There is currently sufficient funds in Vacancy Savings to cover this expense. Certainly, ACSO will be submitting a request for additional Detention Deputies in the upcoming 2021 budget process in an effort to provide a safe and very functional operation of the new Detention Facility.

Presenter Derek Woodman
 Presenter's Title Undersheriff

B. Consideration And Approval Of Law Enforcement And Emergency Services Agreement With Mineral County

This Agreement between the Boards of County Commissioners and Sheriff's Offices of Archuleta and Mineral Counties provides the parameters for establishing mutual aid and assistance for Emergency Services for that portion of Mineral County lying south and west of Wolf Creek Pass, and the Continental Divide.

Presenter Rich Valdez
 Presenter's Title Sheriff

Documents:

MINERAL COUNTY AGREEMENT.PDF

C. Consideration And Approval For Purchase Of Replacement Landfill Loader

The Solid Waste Department is requesting the purchase of a replacement landfill loader instead of the approved dump truck. Unit #304 Loader has experienced a total of four torque converter failures over the last three years. Each time the repair/replacement has been done, it has taken the asset away from the landfill for a month at a time. A rental compactor is required each time to sustain landfill operations. Additional money, in the amount of \$5,000 per month, is required each time we rent a replacement. Unit #304 is a 2002 Case 721C with 8,000 operating hours. The Fleet department has located a 2012 Case 821F with 5,000 hours to replace the current Unit #304. The Solid Waste Department was approved for \$94,000 in the 2020 budget to replace the dump truck. This replacement loader is quoted at \$89,000 after the trade-in and incentives. Staff recommends approval to purchase the replacement loader instead of purchasing the dump truck.

Presenter Matt Archuleta
 Presenter's Title Operations Manager

Documents:

LANDFILL LOADER.PDF

D. Consideration And Approval Of Resolution 2020-____ Adopting By Reference The 2015 Edition Of The International Property Maintenance Code

The 2015 edition of the International Property Maintenance Code provides the parameters for a) regulating and governing the conditions and maintenance of all property, buildings and structures; b) providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures; and c) providing for the issuance of permits and collection of fees therefor. Archuleta County is currently using the 2006 code - this resolution updates the code to the 2015 edition.

Presenter Todd Weaver
 Presenter's Title County Attorney

Documents:

RESOLUTION 2020-____ ADOPTING THE 2015 PROPERTY MAINTENANCE
 CODE_FINAL.DOCX

E. Consideration Of Resolution 2020-____ For The Vaccination, Control And Impoundment Of Dogs In Archuleta County, Colorado

This resolution updates and revises the dog resolution passed in 2002 and provides the parameters for the vaccination, control and impoundment of dogs in Archuleta County. This resolution has been reviewed and approved by the County Attorney, Sheriff's Department, Court Clerk of Archuleta County and The Humane Society of Pagosa Springs.

Presenter Todd Weaver
 Presenter's Title County Attorney

Documents:

RESOLUTION 2020-____ FOR THE VACCINATION CONTROL AND IMPOUNDMENT OF
 DOGS_REVISION 3.PDF

PUBLIC COMMENTS FROM THE FLOOR

This is an opportunity during the session for the public to address the Commissioners on a subject not covered on the agenda. Please step up to the podium, **STATE YOUR NAME AND ADDRESS FOR THE RECORD** and keep your comments to 3 minutes **(the Board is not required to discuss your comment or make a decision regarding your comment, under this section).**

EXECUTIVE SESSION

Pursuant to C.R.S. 24-6-402(4): The Board reserves the right to meet in executive session for any purposes allowed and announced prior to voting to enter into executive session.

COMMISSIONER COMMENTS

ADJOURNMENT OF THE REGULAR BOCC MEETING

All meetings to be held in the Archuleta County Administration Offices
 398 Lewis Street, unless otherwise stated.
 All Regular and Special BoCC Meetings are recorded.

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8/20/2020 8:57 AM
R\$0.00 D\$0.00

Kristy Archuleta
Archuleta County

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RESOLUTION No. 2020-201

ARCHULETA COUNTY, COLORADO

RESOLUTION FOR SUPPLEMENTAL BUDGET and APPROPRIATION

(Pursuant to Section 29-1-109, C.R.S.)

A RESOLUTION APPROPRIATING ADDITIONAL SUMS OF MONEY TO DEFRAY EXPENSES IN EXCESS OF AMOUNTS BUDGETED FOR ARCHULETA COUNTY, COLORADO.

WHEREAS, during the budget year the County received unanticipated revenue, other than property tax revenue, not assured at the time of the adoption of the budget:

The receipt of: General Fund Revenues

<u>Source</u>	<u>Purpose of Revenue</u>	<u>Amount</u>
Federal Government	PILT Revenue: in excess of anticipated amount	553,044
	TOTAL GENERAL REVENUES	553,044

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO;

Section 1. That the 2020 appropriation for the General Fund is hereby increased from \$13,755,869 to \$14,308,913 for the following purpose:

<u>Spending Agency</u>	<u>Purpose of Expenditure</u>	<u>Amount</u>
County Commissioners	Economic Development - Broadband	60,000
Unallocated	Unanticipated PILT to General Fund - Contingency	493,044
	TOTAL GENERAL EXPENDITURES	553,044

READ and ADOPTED, this 18th day of August, 2020.

ATTEST:

Kristy Archuleta
by Mary Felminski,

Kristy Archuleta
County Clerk & Recorder

BOARD OF COUNTY COMMISSIONERS

Ronnie Maez

Ronnie Maez
Chairman, Board of County Commissioners



RESOLUTION 2020 – 202

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN
LOTS IN ARCHULETA COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2013-23); and

WHEREAS, the Board has received an application from Edward L. and Susan F. King, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

WHEREAS, the Board has found that Edward L. and Susan F. King, have met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.


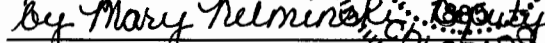
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 120, 121, and 122, in Pagosa Highlands Estates, according to the Plat thereof filed February 7, 1972, as Reception No. 75409, Archuleta County, Colorado, to become Lot 122X with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

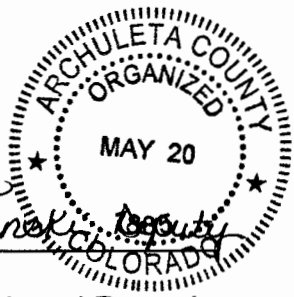
APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 18th day of August, 2020.

The Board of County Commissioners
Archuleta County, Colorado


Chairman Ronnie Maez

ATTEST:



Kristy Archuleta,
Archuleta County Clerk and Recorder



Return copy to Planning Dept.

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8/20/2020 8:57 AM
R\$0.00 D\$0.00

Kristy Archuleta
Archuleta County

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RESOLUTION 2020 – 203

**A RESOLUTION APPROVING THE CONSOLIDATION OF CERTAIN
LOTS IN ARCHULETA COUNTY, COLORADO**

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado, has heretofore adopted regulations relating to the consolidation of lots in Archuleta County, Colorado, (Resolution No. 2013-23); and

WHEREAS, the Board has received an application from Michael J. Smith, to consolidate certain lots in Archuleta County pursuant to the regulations heretofore adopted by the Board; and

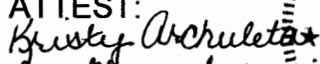
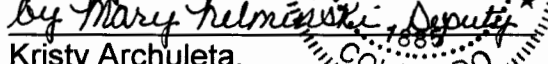
WHEREAS, the Board has found that Michael J. Smith, has met all the requirements contained in said regulations for Lot Consolidations and the Board may consolidate the hereafter mentioned lots.

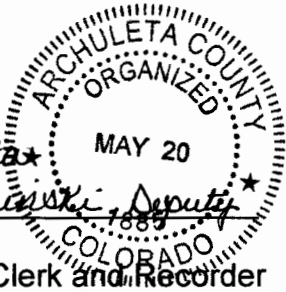
NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Archuleta County as follows: The Chair does hereby sign on authority granted by the Board of County Commissioners and approves the consolidation of Lots 92 and 93X, Pagosa Highlands Estates, according to the plat thereof filed for record on February 7, 1972, as Reception No. 75409, and according to a resolution consolidating certain lots filed for record on December 4, 2018, Reception No. 21807303, Archuleta County, Colorado, to become Lot 93XX with the condition that if, at a future date, there is a request to split or re-subdivide the consolidated lots, the applicant must comply with the applicable Land Use Regulations in effect at the time the application is made.

APPROVED AND ADOPTED DURING A MEETING DULY AND REGULARLY CALLED, NOTICED, CONVENED AND HELD IN PAGOSA SPRINGS, ARCHULETA COUNTY, COLORADO, this 18th day of August, 2020.

The Board of County Commissioners
Archuleta County, Colorado


Chairman Ronnie Maez

ATTEST:


Kristy Archuleta,
Archuleta County Clerk and Recorder



Return copy to Planning Dept.

RESOLUTION 2020-204

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY FOR THE VACCINATION, CONTROL AND IMPOUNDMENT OF DOGS IN ARCHULETA COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Archuleta County, Colorado (the “Board”) is authorized, pursuant to C.R.S. § 30-15-101, *et seq.* to adopt a resolution for the vaccination, control and licensing of Dogs; and,

WHEREAS, there currently exists Resolution 2002-31 regarding the vaccination, control and impoundment of Dogs, adopted by the Board on April 30, 2002 (the “Dog Resolution”); and,

WHEREAS, the population of Archuleta County has increased dramatically since the adoption of the Dog Resolution; and,

WHEREAS, the canine population of Archuleta County has increased substantially; and,

WHEREAS, uncontrolled or unvaccinated Dogs present a threat to the health, safety and welfare of the citizens of Archuleta County and their property; and,

WHEREAS, the Board finds that the control and vaccination of Dogs is necessary for the preservation of the health, safety and welfare of the citizens of Archuleta County; and,

WHEREAS, the Board wishes to update and revise the Dog Resolution to address in one resolution the vaccination, control and impoundment of Dogs.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ARCHULETA COUNTY, COLORADO AS FOLLOWS:

Section 1. Definitions. The following terms, when used herein, shall have the following meanings unless the context clearly requires otherwise:

- A. “Control” shall mean a Dog that is:
 - a. On a leash of sufficient strength to restrain the Dog; or
 - b. Confined in a building, fence, enclosure, motor vehicle, or other structure in such a way that it does not escape; or
 - c. Is on property possessed by its Owner and is confined thereon in such a way that it does not escape or is in the presence of its Owner, possessor, keeper or a family member of the Owner, or any agent or employee of the Owner; or
 - d. The Dog is within sight and hearing distance of the Owner, possessor, keeper or a family member of the Owner, or any agent or employee thereof of the Owner,

and, upon command, the Dog returns to the immediate vicinity of such person, at least within four feet of such person; or

e. A Dog shall be deemed not under Control when the Dog inflicts damage or injury by biting, jumping upon, harasses, chases or attacks persons, vehicles, cyclists, pedestrians, equestrians, livestock, other domestic animals or wildlife. This provision shall not be applicable if the Dog is acting in defense of the Owner, the Owner’s family, or property of the Owner.

B. “Dog” shall mean any animal of the canine species, regardless of sex.

C. “Owner” means any person or entity owning, keeping, harboring, possessing or having custody or control of a Dog. The parent or guardian of an Owner under eighteen (18) years of age shall be deemed the Owner for purposes of this Resolution.

D. “Nuisance Dog” shall mean loud, habitual and persistent barking, howling, yelping or whining by a Dog, which can be heard beyond the boundary of the property of such Owner for more than twenty (20) minutes at any time of the day or night whether the Dog is on or off the premises of the Owner. Nuisance Dogs are deemed to be Dogs that are not under the Control of their Owner.

E. “Rabies Vaccination” means vaccination of a Dog against rabies using a vaccine approved by the Colorado Department of Health and administered according to the recommendation of a veterinarian licensed in the State of Colorado.

F. “Running at Large” shall mean a Dog that is not under Control.

G. “Vicious Dog” shall mean a Dog that bites or attacks a person or other animal without provocation or a Dog that approaches any person or other animal in a vicious or terrorizing manner in an apparent attitude of attack, on any public or private property, except:

a. When the person is engaged in the unlawful entry into or upon the Dog Owner’s property or vehicle where such Dog is kept or confined; or

b. When the person is engaged in attacking or molesting another person.

Section 2. Application. The terms of this Resolution shall apply throughout the unincorporated areas of Archuleta County until repealed or amended or until replaced or superseded by any competent governmental agreement.

Section 3. Rabies Vaccination Required.

3.1 The Owner of each Dog in Archuleta County shall have such Dog inoculated by a licensed veterinarian against rabies at three (3) months of age, one year later and a maximum of every three years thereafter. Upon vaccination, a licensed veterinarian shall issue to the Owner a certificate of rabies inoculation for each Dog that has been

vaccinated. The veterinarian shall also provide to the Owner of the Dog a rabies tag that may be affixed to the collar or harness of the Dog.

- 3.2 Any Dog that is brought into Archuleta County from another jurisdiction must have been vaccinated against rabies at least thirty (30) days but not more than thirty-six (36) months prior to importation into Archuleta County. The Owner of such Dog must present evidence of such inoculation from another jurisdiction, including a certificate issued by a veterinarian from another jurisdiction and a rabies tag and such certificate and tag shall be evidence of compliance with the provisions of this Section 3, however, such Dog shall continue to be vaccinated as required herein.
- 3.3 Owning or possessing a Dog that has not been vaccinated against rabies shall be prohibited.

Section 4. Prohibitions.

- 4.1 Dogs shall be kept under Control by their Owners at all times.
- 4.2 The Running at Large of any Dog in Archuleta County is hereby prohibited.
- 4.3 No Owner shall willingly and knowingly permit a Dog to be a Nuisance Dog as defined herein. Willingly and knowingly shall be defined as the Owner of the Dog having received one prior warning, verbally or in writing, given by any Enforcement Personnel described in Section 6, notifying the Owner that the Dog is considered a Nuisance Dog.
- 4.4 It shall be unlawful to own or possess a Vicious Dog as such term is defined herein.
- 4.5 It shall be unlawful for a Dog to be allowed to defecate on public or private property and the Owner or responsible person does not remove the waste in a timely fashion.
- 4.6 It is unlawful for any Owner to permit the accumulation of a Dog’s feces on the property on which the Dog is kept such that it is detectable visually or odoriferously by neighbors.

Section 5. Impoundment of Dogs.

- 5.1 Any Dog found to be Running at Large or not under Control may be impounded by any person authorized by Section 6 to enforce the provisions of this Resolution.
- 5.2 The impoundment facility, or its designee, shall give notice of impoundment to the Owner of the Dog in the following method:
 - 5.2.1 If the Dog is wearing a collar with an identification tag attached or is implanted with an identifiable microchip, the impoundment facility shall call the phone number appearing thereon, or shall make other reasonable efforts to identify and notify the Owner of the Dog. If the impoundment facility or its designee is unsuccessful in notifying the Owner of the Dog within twenty-four (24) hours of the impoundment of the dog, then the impoundment facility

shall promptly so notify the Archuleta County Animal Control Officer or other Archuleta County designee (“County Official”). The County Official shall then be required to attempt to notify the Owner, using the methods set forth in subsections 5.2.2 through 5.2.5.

- 5.2.2 If an address appears on the tag, the County Official shall address a letter, postage prepaid, to the address shown on the tag. Notification by letter shall be complete upon mailing.
 - 5.2.3 If the Dog has no identification or license tag, a notice of impoundment, giving the general description of the Dog and the time and general location where the Dog was taken up, shall be posted at the impoundment facility. Notification by posting shall be complete upon posting.
 - 5.2.4 Notification by the means described in subsections 5.2.1 through 5.2.3 shall be deemed in compliance with the requirements of this Section. Records of such notification shall be kept by the impoundment facility and the County Official.
 - 5.2.5 If no Owner appears to claim the Dog and pay the cost of the impoundment and any fines and penalties due within five (5) days after notification is complete, the Dog shall be deemed abandoned and disposed of by placement for adoption or euthanasia, in accordance with the policies of the designated impoundment facility.
- 5.3 Owners claiming a Dog that has been impounded shall be responsible for paying an impoundment fee and for the board and care of the Owner’s Dog. Impoundment fees shall be \$35.00 per Dog for impoundment, which includes a microchip implant prior to the Dog’s release if the Owner permits it and \$15.00 per day per Dog for boarding and care.

In addition to the impoundment fee and boarding and care, Owners must pay any actual and necessary veterinary costs incurred on behalf of the Dog.

Future changes to such fee schedule may be made by separate Resolution, adopted by the Board at a regular meeting of the Board, which Resolution shall be published at least once after adoption in a newspaper of general circulation within Archuleta County.

- 5.4 In addition to the impoundment fees set forth above, any impounded Dog shall not be released until such Dog has been vaccinated for rabies or until proof that the Dog has a current rabies inoculation has been received by the impoundment facility. If the Dog has not been vaccinated, the impoundment facility shall receive from the Owner a vaccination deposit, in an amount based upon the actual and necessary costs of vaccination and which is set annually by the impoundment facility. Upon receipt of the deposit, the Dog may be released to the Owner and upon proof that such Dog has been vaccinated within ten (10) working days after such release, the vaccination deposit shall be returned to the Dog’s Owner.

Section 6. Authorized Enforcement Personnel.

- 6.1 Any peace officer is authorized to enforce the provisions of this Resolution.
- 6.2 Any person designated as an Animal Control Officer by the Board and/or the Archuleta County Sheriff’s Office is authorized to enforce the provisions of this Resolution.
- 6.3 The Board, their agents and employees, any impoundment facility, its agents and employees, and/or any person authorized to enforce the provisions of this Resolution, shall not be held responsible for any accident or subsequent death or disease that may occur in connection with the administration or enforcement of this Resolution.

Section 7. Designated Impoundment Facility. The Humane Society of Pagosa Springs is hereby designated to operate impoundment facilities for the purpose of this Resolution and is authorized to impound Dogs pursuant to the provisions of this Resolution.

Section 8. Issuance of Summons and Complaint.

- 8.1 Whenever any person designated as Authorized Enforcement Personnel in Section 6 of this Resolution has probable cause to believe that any violation of Title 30, Article 15, C.R.S., as amended, has occurred, or whenever said person has probable cause that any violation of any provision of this Resolution has occurred, said person may issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.
- 8.2 A summons and complaint issued by an Animal Control Officer shall contain:
 - i. the name of the defendant;
 - ii. the offense charged, including a citation of the Statute or Resolution section alleged to have been violated;
 - iii. a brief statement or description of the offense charged, including the date and approximate location thereof; and
 - iv. direction to the defendant to appear before the Archuleta County Court at a stated time, date and place.

A summons and complaint containing the information specified in this subsection shall be deemed *prima facie* compliance with the particular requirements of subsection 8.1.

- 8.3 Any peace officer may issue a summons and complaint pursuant to C.R.S. § 16-2-104, as amended, and Colorado Rules of Civil Procedure 4.1(c)(3) for any violation of Title 30, Article 15, Part 1, C.R.S., as amended, or for any violation of this Resolution. Any summons and complaint issued pursuant to this subsection shall contain the information contained in subsection 8.2.
- 8.4 A summons and complaint issued for the first or second violation of the provisions of this Resolution may also contain a penalty assessment notice pursuant to C.R.S. §

16-2-201, as amended, as the same may from time to time be amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgment of guilt of the offense charged.

- 8.5 If the summons and complaint charges a third violation of any provision of this Resolution, the defendant shall be required to appear before the Archuleta County Court at the place, time and date specified.

Section 9. Violations and Penalties.

- 9.1 In addition to each and all of the enforcement provisions provided for herein, the Owner commits a Class 2 Petty Offense if he or she violates any of the following Sections:
 - a. Sections 3.1, 3.2, and 3.3 regarding Rabies Vaccination;
 - b. Sections 4.1, 4.2, 4.3 4.4, 4.5 and 4.6 regarding Nuisance Dogs, Vicious Dogs and Dogs not under control; and,
 - c. any violation of Title 30, Article 15, C.R.S. that does not involve bodily injury to any person.

For violations listed in Section 9.1, the following penalties shall apply:

- A. The Board hereby adopts the penalty assessment procedure provided in C.R.S. § 30-15-102(1), as it may be amended, for any violation of any provision of this Resolution not involving bodily injury to any person with the following graduated fine schedule. Each violation shall be deemed a separate offense:

First offense:	\$100.00
Second offense:	\$250.00
Third offense:	\$500.00
Each subsequent offense:	\$1,000.00

These penalties shall be imposed with regard to the violator and not the subject Dog.

- B. Any violation of any provision of this Resolution resulting in bodily injury to any person shall be a Class 2 misdemeanor and any violator shall be punished as provided in C.R.S. § 18-1.3-501 *et seq.*, as amended, for each separate offense.

- 9.2 This Resolution authorizes the use of the penalty assessment procedure in C.R.S. § 16-2-201, *et seq.*, as amended, with a graduated fine schedule for violations not involving bodily injury to any person, and with the graduated fine schedule specified in subsection 9.1(A) above.

- 9.3 If the violator pleads guilty, no contest, is found guilty by a jury of his or her peers, or by the requisite Judge with proper jurisdiction, for all class 2 petty offenses, the penalty assessment shall be pursuant to Statute.
- 9.4 This Resolution establishes that each violation is a separate violation for each Dog alleged to have been in violation of this Resolution.

Section 10. Dogs Working Livestock, Retrieving Game and Assisting Law Enforcement Officers. The provisions of this Resolution relating to the control of Dogs and prohibiting Dogs from Running at Large shall not apply to Dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or while actually being trained for any of these pursuits. The exception contained herein for Dogs working livestock shall not apply to any Dog located within any platted subdivision within Archuleta County.

Section 11. Severability. If any part of this Resolution shall be held void or unconstitutional by a Court of competent jurisdiction, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Resolution.

Section 12. Disposition of Fines, Fees and Forfeitures. All fines, fees and forfeitures for violations of the provisions of this Resolution shall be paid into the treasury of Archuleta County upon payment of said fines, fees and forfeitures.

Section 13. Repeal of Former Ordinances and Resolutions. All prior Ordinances and Resolutions on issues contained herein are repealed and no longer in force or effect.

Section 14. State Statutes Control. If any statute of the State of Colorado or the United States Government gives or confers upon any person power to deal with Dogs Running at Large or Dogs endangering persons or property, which powers are greater than those set forth in this Resolution, this Resolution shall not be construed to reduce or modify the powers granted by Statute.

Section 15. Effective Date. This Resolution shall be in full force and effect from and after the date of adoption by the Board of County Commissioners of Archuleta County, Colorado.

APPROVED AND ADOPTED this 18th day of August, 2020.

ATTEST:

Kristy Archuleta
by *Mary Helminski*
Kristy Archuleta,
County Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY, COLORADO

By: *Ronnie Maez*
Ronnie Maez, Chairman