

**Archuleta County Policy for the Disbursement of Fairfield Bankruptcy Settlement Funds
for Trenching and Back Filling for Electrical Power**

WHEREAS, on June 30, 1997, the United States Bankruptcy Court for the Eastern District of Arkansas entered an order (the “Order”) approving a settlement agreement between Fairfield Communities, Inc. (“Fairfield”), the Archuleta County Board of County Commissioners (“County”) and the Pagosa Lakes Property Owners Association (“PLPOA”) whereby Fairfield agreed to pay the sum of \$400,000.00 to the County and PLPOA for electrical trenching and backfilling (the “Settlement Funds”); and,

WHEREAS, the County and PLPOA agreed that the Settlement Funds should be deposited into an interest bearing account to be used to reimburse parcel owners in the eligible subdivisions for a portion of the cost of extending primary power to their parcels; and,

WHEREAS, of the eleven (11) subdivisions that initially qualified for use of the Settlement Funds, only one of those subdivisions, Chris Mountain Village 2, currently lacks substantial electrical infrastructure; and,

WHEREAS, the Settlement Funds have now, due to interest, increased to an amount of approximately \$532,051.00 in 2021, and there is now significant interest from parcel owners and potential parcel owners in Chris Mountain Village 2 to use the Settlement Funds for electrical trenching and backfilling; and,

WHEREAS, the County is authorizing the use of up to a maximum of \$5,000.00 to be used to develop an electrical utility site plan for Chris Mountain Village 2, leaving a Settlement Funds balance of \$527,051.00.

NOW THEREFORE, the County hereby adopts this Policy for the disbursement of Settlement Funds for electrical trenching and backfilling (the “Policy”):

1. Only parcel owners in Chris Mountain Village 2 who have had primary electrical power extended to their parcel after the date of the Order are eligible for reimbursement for the costs of electrical trenching and backfilling from the Settlement Funds in accordance with this Policy.
2. The parcel owner must first complete power extension to their parcel before requesting any reimbursement from the Settlement Funds.
3. To qualify for reimbursement, any trenching and backfilling must be done in accordance with any and all applicable Archuleta County, La Plata Electric Association (“LPEA”), Black Hills Energy and/or any other applicable utility’s codes or specifications.
4. If primary power extension to a parcel owner’s parcel requires passing any non-serviced intervening parcels, the parcel owner extending the service may request compensation for the intervening lots if an electrical tap is provided for each intervening lot. Any such intervening electrical taps must be verified by LPEA.

5. To receive reimbursement, a parcel owner must bring dated proof of completion and proof of payment for the trenching and backfilling. The parcel owner should obtain proof of completion from LPEA. Proof of payment for trenching and backfilling shall either be a dated paid receipt or a sworn statement from the contractor who performed the trenching and backfilling that payment for the trenching and backfilling has been made in full and shall include the date on which the trenching and backfilling was completed.
6. According to the most recent information from the Archuleta County Assessor's database, there are currently 197 parcels located in the Chris Mountain Village 2 subdivision. The Settlement Funds currently total \$527,051.00. As a result, the maximum reimbursement rate per parcel shall be set at \$2,675.00.
7. Future interest from the Settlement Funds shall be held in reserve and such reserve can be used to compensate parcel owners if the parcel count in Paragraph 6 is incorrect.

Adopted this May 18th of 2021.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY,
COLORADO

County Clerk

By: _____

Alvin Schaaf, Chair