

**RESOLUTION 2021 - \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF ARCHULETA COUNTY, COLORADO, ADOPTING A 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 (“BoCC”) and the Pagosa Lakes Property Owners Association (“PLPOA”) whereby Fairfield agreed to pay the sum of \$400,000.00 to Archuleta County and PLPOA for electrical trenching and backfilling (the “Settlement Funds”); and,

**WHEREAS**, the BoCC 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 BoCC has expressed interest in adopting a formal policy for the disbursement of the Settlement Funds.

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

1. The BoCC hereby adopts a policy for the disbursement of the Fairfield Settlement Funds for trenching and back filling for electrical power in Chris Mountain Village 2. The policy is attached hereto as Exhibit A.

2. The BoCC authorizes the County Administrator to use up to a maximum of \$5,000 of the Settlement Funds to procure an electric utility site plan for Chris Mountain Village 2.

**APPROVED AND ADOPTED** this 18<sup>th</sup> day of May, 2021.

ATTEST:

**Board of County Commissioners  
Archuleta County, Colorado**

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County Clerk and Recorder

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Alvin Schaaf, Chair