



Administration Building
East Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
303-738-7915 TTY
303-738-7998 Audio Agenda Line

Nancy A. Doty, Chair, District 1
Nancy Sharpe, District 2
Rod Bockenfeld, District 3
Nancy Jackson, Chair Pro-Tem, District 4
Bill Holen, District 5

Public Meeting
January 19, 2016
9:30 A.M.

The Board of County Commissioners holds its weekly Public Hearing at 9:30 a.m. on Tuesdays. Public Hearings are open to the public and items for discussion are included on this agenda. Items listed on the consent agenda are adopted with one vote. Items listed under regular business are considered separately. Agendas are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Questions about this agenda, please contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com.

CALL TO ORDER

Arapahoe County Board of County Commissioners

INTRODUCTION

Ron Carl, County Attorney
Joleen Sanchez, Asst. Clerk to the Board

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION TO THE AGENDA

ADOPTION OF THE AGENDA

CITIZEN COMMENT PERIOD

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3-minute time limit per person, unless otherwise noted by the Chair.

CONSENT AGENDA

1. Abatements

Adoption of a resolution approving the recommendations of the Assessor for an abatement petition as a result of agreements reached between taxpayers and the County regarding the value of property for property tax purposes, pursuant to the terms contained therein

Ron Carl, County Attorney
Barb LeBlanc, Paralegal

Documents: [1-19 BSR.DOC](#), [1-19 RESO.DOC](#)

2. Appointment of Brenda Rolling to fill a Vacancy on the Cultural Council

Adoption of a resolution approving the appointment of Brenda Rolling to fill a vacancy on the Cultural Council for representation of the Cities of Englewood, Littleton and Sheridan, with her term to expire on Nov. 19, 2019

Carol Dosmann, Executive Assistant, BoCC Administration
Diana Maes, BoCC Administration Manager
Ron Carl, County Attorney

Documents: [CULT COUNC-BSR-RESO-BRENDA ROLLING-2016.PDF](#)

3. Aurora@Home (A@H) Tenant Based Rental Assistance (TBRA) Program Amendment

Adoption of a resolution approving \$170,232 for the Aurora Housing Authority (AHA) to continue the operation of their Tenant Based Rental Assistance (TBRA) program and extending the original contract for an additional two years, pursuant to the terms contained therein

Liana Escott, Community Development Administrator, Community Resources
Linda Haley, Housing and Community Development Division Manager, Community Resources
Don Klemme, Director, Community Resources
Janet Kennedy, Director, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents: [AURORA AT HOME GRANT RESO.DOCX](#), [A AT H EXTENSTION AND FUNDING INCREASE 2015 CONSENT.DOC](#)

4. Board of Assessment Appeals

Adoption of a resolution approving stipulations which resulted from agreements reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, pursuant to the terms contained therein.

Ron Carl, County Attorney
Karen Thompsen, Paralegal, County Attorney's Office

Documents: [1 JANUARY 19, 2016.DOC](#), [SAMPLE BAA RESOLUTION.DOC](#)

5. SW Development Loan Conversion

Adoption of a resolution approving conversion of a SW Development grant award of \$500,000 to an interest only loan with an option to purchase, pursuant to the terms contained therein

Liana Escott, Community Development Administrator, Community Resources
Linda Haley, Housing and Community Development Division Manager, Community Resources
Don Klemme, Director, Community Resources
Janet Kennedy, Director, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents: [SW DEVELOPMENT GRANT CONVERSION CONSENT](#)

6. **Wojdacz Litigation - Authorization for Legal Representation and Indemnification**

Adoption of a resolution authorizing legal defense services and indemnification coverage for the Arapahoe County Sheriff and two Sheriff's deputies named in a civil rights lawsuit in the United States District Court for Colorado, *Wojdacz v. Denver City Police Dept., et al.*, Civil No. 15-cv-02083-KLM

Jed Caswall, Deputy County Attorney

Ron Carl, County Attorney

Documents: [BOARD SUMMARY REPORT AND RESO.PDF](#)

GENERAL BUSINESS ITEMS

1. ***PUBLIC HEARING - Community Services Block Grant Emergency Services**

Consideration of a request for approval from the Board of County Commissioners to utilize \$37,301 in Community Services Block Grant (CSBG) funds to provide emergency assistance in the form of rent, mortgage, utilities, and heating fuel to Arapahoe County residents living on the Eastern Plains, ranging from Bennett through Deer Trail, including unincorporated areas of Arapahoe County on the Eastern Plains

Linda Haley, Senior Resources Division Manager, Community Resources

Don Klemme, Director, Community Resources

Janet Kennedy, Director, Finance

Tiffanie Bleau, Senior Assistant County Attorney

Documents: [BOARD SUMMARY REPORT-PH.DOCX](#), [RESOLUTION.DOCX](#)

COMMISSIONER COMMENTS

***Denotes a requirement by federal or state law that this item be opened to public testimony. All other items under the "General Business" agenda may be opened for public testimony at the discretion of the Board of County Commissioners.**

Arapahoe County is committed to making its public meetings accessible to persons with disabilities.

Assisted listening devices are available. Ask any staff member and we will provide one for you.

If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or 303-738-7915 TTY.

Please contact our office at least 3 days in advance to make arrangements.



Board Summary Report

Date: December 18, 2015
To: Board of County Commissioners
Through: Ron Carl, County Attorney
From: Barbara LeBlanc, Paralegal
Subject: Abatement

Request and Recommendation

The purpose of this request is to obtain the authorization for the Chair to sign a resolution approving the recommendations of the Assessor concerning the listed abatement.

Background

These abatements were filed by petitioners and approved the Assessor's Office. C.R.S. 39-1-113(1) states. . ."no decision on any petition regarding abatements or refund of taxes shall be made unless a hearing is had thereon. . ."

Discussion

Attached in draft resolution

Alternatives:

None

Fiscal Impact

A decrease in the taxes collected on approval abatements.

Concurrence

The Assessor and County Attorney support these recommendations.

Reviewed by:

Barbara LeBlanc, Paralegal
Ron Carl, County Attorney

RESOLUTION NO. 150 It was moved by Commissioner _____ and duly seconded by Commissioner _____ 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 19, 2016; and

WHEREAS, the Board at that time considered Petitions for Abatement or Refund of Taxes as submitted by various taxpayers 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 Petition (per attached list), presented this date to the Board and relating to the schedule number set forth therein, shall be and are hereby granted, the recommendation of the Assessor is hereby adopted and abatements or refunds in the amounts approved by the Assessor are hereby approved by the Board.

name	abt#	tax yr	amount
Sterling Hills Aurora	1975-27-3-29-007	2014	\$12,712.80
Sterling Ridge	1975-27-3-82-001	2014	\$13,328.12
Value is being adjusted to reflect ordered value on this parcel during same base year period.			
Cisco Systems Capital Corp	27394-50291-199	2014	\$23,437.74
% Property Tax Alliance Inc			
C.R.S.39-10-114(1)(a)(I)(A) now allows errors by the property owner in the declaration to be abated			
Alexis Investments Corp	2077-34-4-15-005	2014	\$15,061.11
Dove Valley	2075-36-2-01-002	2012	\$14,859.92
Information received from the property owner after the original value was placed on the property resulted in a reduction to that properties value			

The vote was:

Commissioner Bockenfeld, __; Commissioner Doty, __; Commissioner Holen, __;
Commissioner Jackson, __; Commissioner Sharpe, __.

The Chair declared the motion carried and so ordered.



BOARD SUMMARY REPORT

Date: January 19, 2016

To: Board of County Commissioners

Through: Diana Maes, BOCC Administration Manager

From: Carol Dosmann, Executive Assistant, BOCC Administration

Subject: Approve the appointment of Brenda Rolling to fill a vacancy on the Cultural Council for representation of the Cities of Englewood, Littleton and Sheridan.

Purpose and Recommendation

Approve the appointment of Brenda Rolling to the Cultural Council. Brenda will be a representative for the Cities of Englewood, Littleton and Sheridan, and her term will expire November 19, 2019.

Background

The Cultural Council solicits and screens applications from eligible non-profit and/or governmental entities for Arapahoe County's portion of the Scientific and Cultural Facilities District sales tax. The Council prepares a recommended distribution plan and forwards the recommendations to the Board of County Commissioners for review, ratification and submittal to the SCFD Board of Directors for funding approval.

The Cultural Council is comprised of 13 members and proportionately represents the population of the incorporated and unincorporated areas of the County as follows:

- Five members from the City of Aurora;
- Three members from the City of Centennial;
- Two members from the Cities of Englewood, Littleton and Sheridan;
- Two members from Unincorporated Arapahoe County and Other Cities; and
- One member as an At-Large position.

Previously, appointments, re-appointments and affirmation of appointments were made in February of each year. The Board decided that it makes more sense to change the appointment schedule to November of each year in order to allow newly appointed members an opportunity to attend the Cultural Council orientation that happens early in each year.

Discussion

Alternatives

Fiscal Impact

Concurrence

Reviewed By:

Diana Maes, BOCC Administration Manager
John Christofferson, Deputy County Attorney

RESOLUTION NO. 160

It was moved by Commissioner _____ and
duly seconded by Commissioner _____ to hereby appoint Brenda Rolling to serve on the
Cultural Council to fill a vacancy for representation for the Cities of Englewood, Littleton and
Sheridan, which three-year appointment will expire on November 19, 2019. Said appointee shall
serve at the pleasure of the Board of County Commissioners and said appointee may be removed
at any time by action of the Board of County Commissioners, with or without good cause shown.

The vote was:

Commissioner Bockenfeld, ; Commissioner Doty, ; Commissioner Holen, ; Commissioner
Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.

HOME Funds –Aurora at Home Loan increase and extension

Resolution # . It was moved by Commissioner _____ and duly seconded by Commissioner _____ , to increase the Aurora at Home grant amount by \$170,232 and to extend the original contract by a two year time period.

The vote was: Commissioner Bockenfeld, ____; Commissioner Doty, ____; Commissioner Holen, ____; Commissioner Jackson, ____; Commission Sharpe, ____.

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: January 6, 2016

To: Board of County Commissioners

Through: Don Klemme, Director, Community Resources

From: Liana Escott, Community Development Administrator, Housing and Community Development Services

Subject: Aurora@Home (A@H) Tenant Based Rental Assistance (TBRA) Program amendment

Request and Recommendation

The Aurora Housing Authority (AHA) requested an additional \$170,232 to continue the operation of their TBRA program with an amendment to their original contract and an extension of 2 years. At a study session on January 4, 2016, the BoCC directed staff to set this item for Consent Agenda.

Background

In May of 2013 the County entered into an agreement with the Aurora Housing Authority (AHA) to administer a TBRA program for County Residents. The original funding amount was \$192,000 and it will be depleted in January of 2016. The funding is used to provide subsidized rental assistance, for up to two years, and life skills training to households that are experiencing homelessness or who are at risk of becoming homeless. In total 15 families were served with the original 2013 allocation. The AHA is requesting additional funds to continue serving participating families that are still in the program, as well as adding new families.

The A@H program is a collaboration between numerous agencies and government entities. The primary sources of funding are from Arapahoe County, the City of Aurora and the State of Colorado.

Links to Align Arapahoe

1. Enhance Quality of Life. Citizens' lives may be enhanced by utilizing federal HOME funds for housing activities that will benefit lower income families.
2. Service First. Using HOME funds to help residents of Arapahoe County obtain stable housing will reduce the number of homeless persons and persons with inadequate housing.

Discussion

This program provides low-income families with stable housing and the opportunity to make life changes so that the household has the ability to become self-sufficient and live independently without assistance.

Consent Agenda

Alternatives

The BOCC may choose not to fund the project or fund at partial funding.

Fiscal Impact

HOME funds are allocated by the U.S. Department of Housing and Urban Development. No County funds are affected.

Concurrence

The Aurora Housing Authority and the tenants served are impacted by this decision. Both groups are in support of funding this project.

Reviewed By:

Liana Escott, Community Development Administrator
Linda Haley, Housing and Community Development Division Manager
Don Klemme, Community Resources Department Director
Janet Kennedy, Finance Department Director
Tiffanie Bleau, Assistant County Attorney



Board Summary Report

Date: January 19, 2016
To: Board of County Commissioners
Through: Ronald A. Carl, County Attorney
From: Karen Thompsen, Paralegal
Subject: Approval of BAA Stipulation (1 Resolution Number)

Request and Recommendation

The purpose of this request is for the adoption of a resolution approving the Board of Assessment Appeals (BAA) stipulations listed below.

Background

These stipulations are a result of an agreement reached between the taxpayer and the County regarding a reduction in the amount of property tax owed, settling tax protests filed with the BAA.

Discussion

The following BAA docket number has been stipulated to for the tax year indicated below.

Tax Year	Docket #	Property Owner	Property Address	Reason	Original Value	Stipulated Value
2015/ 2016	65892	Kohl's Department Stores, Inc.	18307 East Hampden Ave	1.	\$6,822,000	\$6,552,000
2015/ 2016	65893	Property Management Partnership	1350 South Ironton Street #130	2.	\$7,711,00	\$7,033,000
2015/ 2016	65958	Van Every & Company LP	8585 East Warren Avenue	3.	\$1,600,000	\$1,450,000
2015/ 2016	65971	Granada Park Partners LLC	15401 East Mississippi Avenue	4.	\$4,939,000	\$4,335,000
2015/ 2016	65974	Rampart One At The Ridge LLC	11877 East Arapahoe Road	5.	\$4,496,000	\$3,900,000
2015/ 2016	66147	Richard Gordon Asarch and Elaine F. Asarch	10 Parkway	6.	\$2,820,400	\$2,500,000

Reasons

1. Consideration of market rent and appropriate capitalization rate indicated a lower value was appropriate for the subject property.
2. Corrected the record to reflect the correct square footage measurement of the building to ±92,666 S.F. Value per square foot does not change.
3. Comparable sales and income approach indicate a lower value is appropriate.
4. Consideration of excess vacancy and market rents support a lower value than that assigned.
5. Actual cost to build this new building supported a lower value.
6. Comparable sales adjusted to the subject property indicate this is the correct value.

Alternatives

Let protest proceed to the BAA for a decision. Said alternative would involve unnecessary time and expense for the County and the taxpayer.

Fiscal Impact

Reduction in the amount of property taxes collected for the above listed properties.

Concurrence

The negotiator for the County Board of Equalization, the County Assessor and the County Attorney all support this recommendation.

Reviewed By:

Ronald A. Carl, County Attorney
Karen Thompsen, Paralegal

RESOLUTION NO. 150XXX It was moved by Commissioner _____ and duly seconded by Commissioner _____ to authorize the Arapahoe County Attorney to settle the following Board of Assessment Appeals Cases (Docket Numbers), for the tax years listed below:

Docket #	Property Owner	Tax Year
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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 Petitioner agreed to a new value. The Assessor has recommended approval pursuant to the terms contained within the Stipulations. Based upon the evidence submitted to the Board on this date, the Board has no reason not to concur with the proposed Stipulations.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Yes; Commissioner Holen, Yes; Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: January 6, 2016

To: Board of County Commissioners

Through: Don Klemme, Director, Community Resources

From: Liana Escott, Community Development Administrator, Housing and Community Development Services

Subject: SouthWest (SW) Development Loan Conversion

Request and Recommendation

HCDS staff was directed by the BoCC at a Study Session on January 4, 2016 to set the Southwest Development grant to loan conversion for Consent Agenda. The \$500,000 grant will be converted to a loan with the terms listed below.

Background

On November 3, 2015 the BoCC approved granting \$500,000 in HOME funds to SW Development for the construction of 70 units of affordable housing in Englewood (601 W Bates Ave, Englewood, CO) known as the Foundry Apartments.

Historically the County has allocated HOME funds to non-profit housing developers, as grants. SW Development is a for-profit business, and therefore, by accepting a grant they are creating a taxable event and the \$500,000 would be taxed at a 40% rate, not desirable for SW Development. In order to prevent the taxable event it is proposed that the grant be converted to a loan with the following terms:

A 40 year loan with interest-only payments to be made annually at a rate of 1%, with payments starting once the building is occupied. Payments will only be made annually if there is sufficient cash flow, if there is not, the interest payment will be deferred to the following year.

SW Development will pay in year two of the loan a \$5,000 Options fee to allow for the sale of the loan in year 20 to SW Development for \$20,000.

Links to Align Arapahoe

1. Enhance Quality of Life. Citizens' lives may be enhanced by utilizing federal HOME funds for housing activities that will benefit lower income families.
2. Service First. Using HOME funds to help residents of Arapahoe County obtain stable housing will reduce the number of homeless persons and persons with inadequate housing.

Consent Agenda

Discussion

Converting the Grant to a Loan will be beneficial to the County because it will generate funds to be used for additional affordable housing projects. There has been an increase in demand for HOME funds and this will allow for more projects to be assisted.

Alternatives

The BOCC may choose not convert the grant to a loan.

Fiscal Impact

HOME funds are allocated by the U.S. Department of Housing and Urban Development. No County funds are affected.

Concurrence

SW Development is in favor of converting the Grant to a Loan.

Reviewed By:

Liana Escott, Community Development Administrator
Linda Haley, Housing and Community Development Division Manager
Don Klemme, Community Resources Department Director
Janet Kennedy, Finance Department Director
Tiffanie Bleau, Assistant County Attorney

HOME Funds –Convert \$500,000 grant to SW Development to a Loan.

Resolution # . It was moved by Commissioner _____ and duly seconded by Commissioner _____ , to convert the \$500,000 grant to a 40 year loan with interest-only payments to be made annually at a rate of 1%, with payments starting once the building is occupied. Payments will only be made annually if there is sufficient cash flow, if there is not, the interest payment will be deferred to the following year.

The vote was: Commissioner Bockenfeld, ____; Commissioner Doty, ____; Commissioner Holen, ____; Commissioner Jackson, ____; Commission Sharpe, ____.

The Chair declared the motion carried and so ordered.



Board Summary Report

Date: January 5, 2016

To: Board of County Commissioners

Through: Ronald Carl, County Attorney

From: Jed Caswall, Deputy County Attorney *JC*

Subject: Approval of a resolution authorizing legal representation and indemnification in pending litigation filed against employees of the Arapahoe County Sheriff's Office

Purpose

A federal civil rights lawsuit against over thirty defendants, including the Arapahoe County Sheriff and two deputies, was commenced in United States District Court on September 22, 2015, by what appears to be a mentally unbalanced plaintiff who is contending the numerous defendants are engaged in a massive criminal conspiracy against her. The suit was served on members of the Arapahoe County Sheriff's Office shortly before Christmas. This memo and the accompanying resolution seek the Board's formal authorization to provide legal defense services and indemnification coverage to the Sheriff and county employees who have been named in the suit.

Background

Ms. Elizabeth Wojdacz has sued over thirty individuals along with government offices and officials and medical institutions in federal court asserting that they are engaged in an ongoing criminal conspiracy to retaliate against her for testimony she claims she provided in two earlier federal cases addressing alleged Medicaid fraud and the murder of one of her sons. According to the suit, the defendants have stalked her, arrested and prosecuted her, stolen her property, and denied her life-saving medical care while at the same time forcing her to undergo unnecessary and assaultive medical procedures. Among the defendants are Arapahoe County Sheriff Walcher and two employees of the Sheriff's Office, Deputy Brady Wood and Sgt. David Kelso. Ms. Wojdacz asserts that the Sheriff and his subordinates illegally arrested her for a traffic violation so that she could be jailed and her truck impounded and sold to fund the criminal conspiracy Ms. Wojdacz claims the defendants are engaged in against her. Ms. Wojdacz's suit seeks \$10 million in damages along with other forms of relief.

Discussion

Under the provisions of the Colorado Peace Officers Act and the Governmental Immunity Act, a county is obligated to bear the costs of providing a legal defense for its law enforcement officers

and officials when they are sued for acts or omissions allegedly committed by them while performing their jobs. Similarly, a county is obligated to indemnify its officers for judgments or settlements that may enter against them in those suits, excluding punitive damages. This obligation to provide a defense and indemnification is generally subject to the following conditions. First, that the conduct of the officer giving rise to the lawsuit occurred within the scope and performance of his/her job and, second, that the conduct of the officer was not wanton or willful, i.e., maliciously motivated or executed, or taken in bad faith.

After reviewing the facts and information currently available, and despite certain allegations made by the plaintiff in the complaint filed with the court, the County Attorney's Office has determined that the conduct of the named individual County defendants in the lawsuit was not undertaken wantonly or willfully, or with any intent to violate the plaintiff's rights. It is also apparent that all of the conduct challenged by the plaintiff was taken by the employees within the scope of their job duties. Accordingly, Sheriff Walcher and Deputies Wood and Kelso qualify for both a legal defense and indemnification protection at the County's expense under the terms and limitations of the Peace Officers Act and Colorado Governmental Immunity Act.

Alternatives

Employ outside legal counsel for the defendant employees.

Fiscal Impact

N/A

Recommendation

The County Attorney's Office recommends that the Board adopt the proposed resolution accompanying this memo and authorize both a legal defense and indemnification protection for Sheriff Walcher and Deputies Wood and Kelso in the above-noted litigation, including protection from punitive damages. The defense will be conducted by the County Attorney's Office.

A Resolution of the Board of County Commissioners for the County of Arapahoe, Colorado

RESOLUTION NO. _____

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

WHEREAS, Arapahoe County is generally obligated under the terms of the Colorado Governmental Immunity Act and the Colorado Peace Officers Act to bear the costs of the defense of its law enforcement officials and employees incurred in lawsuits brought against them for injuries they are alleged to have caused within the course and scope of their employment, and indemnify them with respect to money judgments and settlements that might result from such suits so long as their conduct was not willful or wanton; and

WHEREAS, it is common for plaintiffs, without a factual basis to do so, to allege that government officials and employees acted outside the scope and course of their employment, or acted willfully and wantonly; and

WHEREAS, a lawsuit titled *Wojdacz v. Denver City Police Dept., et al.*, Civil No. 15-cv-02083-KLM was recently commenced in the United States District Court for Colorado against numerous defendants, including the Arapahoe County Sheriff and two of his deputies for conduct undertaken by them during the course and scope of their official duties and employment; and

WHEREAS, it appearing from the information presently available that the claim(s) asserted against the deputies and Sheriff did not arise from wanton or willful conduct and that there exist no disqualifying conflicts of interests between the deputies, the Sheriff and the County; and

WHEREAS, the Board hereby determines that it is in the public interest for Arapahoe County to bear the cost of defending the law enforcement officials named in the suit against them and to pay or settle such claims on their behalf, subject to the terms and conditions contained in the Colorado Peace Officer Act and Colorado Governmental Immunity Act.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, State of Colorado, that the cost of providing a legal defense for Sheriff David Walcher and Deputies Brady Wood and David Kelso in the matter of *Wojdacz v. Denver City Police Dept., et al.*, Civil No. 15-cv-02083-KLM, pending in the United States District Court for Colorado, shall be borne by Arapahoe County and that such representation shall be provided by the Arapahoe County Attorney's Office, except as may otherwise be determined by the County Attorney, in which case the County Attorney may retain outside legal counsel as may be deemed necessary.

BE IT FURTHER RESOLVED that Arapahoe County shall, subject to the terms, conditions, and limitations contained in the Colorado Peace Officers Act and Colorado Governmental Immunity Act, indemnify Sheriff Walcher and Deputies Wood and Kelso from any judgments, inclusive of punitive damages, or settlements that may enter against them in the

above-noted litigation, and that the claims asserted against them may be compromised, settled, and disposed of by Arapahoe County as it may deem appropriate, necessary, or convenient.

The vote was: Commissioner Doty ___; Commissioner Bockenfeld, ___; Commissioner Jackson ___; Commissioner Sharpe (Chair), ___; and Commissioner Holen ___.

The Chair declared the resolution adopted and so ordered on the ___ day of January 2016.



Board Summary Report

Date: 1/6/16

To: Board of County Commissioners

Through: Don Klemme, Community Resources Department Director

From: Linda Haley, Senior Resources Division Manager

Subject: Community Services Block Grant Emergency Assistance-Eastern Plains

Request and Recommendation

We are seeking approval from the Board of County Commissioners (BOCC) to utilize \$37,301 in Community Services Block Grant (CSBG) funds to provide emergency assistance in the form of rent, mortgage, utilities, and heating fuel to Arapahoe County residents living on the Eastern Plains, ranging from Bennett through Deer Trail, including unincorporated areas of Arapahoe County on the Eastern Plains.

This request and recommendation was reviewed by the BOCC at a study session on January 4, 2016 and approved to be moved on to Public Hearing.

Background

Arapahoe County has been the recipient of CSBG funds for more than 25 years. These funds have traditionally, and continue to be used, to support the Homemaker Program providing homemaker services to low income senior and disabled residents of Arapahoe County.

In 2015 the Department of Local Affairs (DOLA), the state office that administers the CSBG grants within Colorado, updated their funding formula to take into account changes in population and demographics that have occurred throughout the state since the formula was last updated using Census data from the 2000 Census. In addition, the new formula takes into account "inverse density" which gives consideration to counties with a rural component.

Our 2016 CSBG allocation will increase from \$367,536 to \$412,448. The total projected increase in funding will be scaled in over a three year period. In 2018 our projected allocation will be approximately \$494,155. Due to the addition of the inverse density component of the formula, utilizing the initial increase to add services to the underserved area of the Eastern Plains is a good use of these additional funds.

Links to Align Arapahoe

Utilizing CSBG funds for emergency services on the Eastern Plains links to Align Arapahoe through Service First and Quality of Life, assisting citizens to maintain and stabilize their housing situations in this

difficult housing market and assisting with heat and utilities which also helps to stabilize the living situation.

Discussion

Low income families, seniors, and individuals in the Eastern Plains area of Arapahoe County struggle with lack of access to services. While the urban area of the County has many food banks, several non-profit agencies that provide emergency assistance, and faith based organizations that provide assistance, there simply aren't many organizations available to consistently provide help to people in the rural area. Transportation into the metro area to try to access assistance is difficult and costly, particularly when the result of getting assistance is unknown until the trip is made and the application completed. We have spoken with representatives of the Strasburg Food Bank, Peak Health Center, Tri Valley Seniors, and the Town of Bennett and all agree that emergency services are desperately needed in this area.

In our conversations with these various entities in the rural area, it also became clear that there isn't an organization located in that area with the capacity to administer and report on the use of these Federal Funds. We have identified Inter Faith Community Services (IFCS) as an organization who has the capacity to administer these funds as they are already serving a very small number of people from the Eastern Plains with other funds that they receive. IFCS also administers emergency rent assistance through a small Community Development Block Grant Fund allocation from Arapahoe County and receives Aid to Agency Funds. We have identified a process that will allow applicants to conduct a phone interview with a designated case manager and to fax their eligibility documents to IFCS rather than having to drive 40-50 miles one way to make an application. Currently the Bennett Town Hall, Byers Library, and Deer Trail Library have all agreed to allow applicants to fax from those locations at no cost. Application packets and instructions will be available at these locations in addition to the Strasburg Food Bank, Peak Health Center, our Homemaker who serves that area and the Senior Hub rural Meals on Wheels program. We will also make Faye and Will Chase who manage "Angels on the Corridor" aware of the program and provide them with application packets to provide to citizens that they may be unable to assist as their budget is very small.

The application reimbursement process for ICFS will exactly mirror the current procedures we have in place for them with our Community Development Block Grant funds which will keep the process as streamlined as possible. IFCS staff will follow up with clients receiving services at 30 and 90 days following services to assess how the household is doing. They will also provide referrals for other types of assistance as appropriate to the situation. As with our CDBG grant with IFCS, they will use a cost allocation process and provide timesheets as proof of the administrative costs that will be part of the total \$37,301. Based on current experience, we anticipate administrative costs to fall between \$3,000 and \$5,000 of the total grant leaving the remainder, \$32,000-\$34,000 to provide direct services.

Alternatives

The BOCC could choose not to utilize CSBG funds for this emergency assistance and could recommend other uses of the \$37,301.

Fiscal Impact

CSBG funds are formula based funds received by Arapahoe County from DOLA. There is no match required for these funds so there is no fiscal impact to Arapahoe County.

Concurrence

The CSBG Tri Partite Board has reviewed and approved the use of funds for emergency services on the Eastern Plains.

Attorney Comments

Reviewed By:

Linda Haley, Senior Resources Division Manager
Don Klemme, Community Resources Department Director
Janet Kennedy, Finance Department Director
Tiffanie Bleau, Assistant County Attorney

Resolution #_____. It was moved by Commissioner _____, and duly seconded by Commissioner _____ to approve the use of \$37,301 in Community Services Block Grant Funds to provide emergency assistance in the form of rent, mortgage payments, mobile home lot rent, utilities and heating fuel to assist residents of the Eastern Plains area of Arapahoe County.

The vote was: Commissioner Bockenfeld, _____; Commissioner Doty, _____; Commissioner Holen, _____; Commissioner Jackson, _____; Commissioner Sharpe, _____.

The Chair declared the motion carried and so ordered.