



Administration Building
West Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
303-738-7915 TTY
303-795-4630 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

Study Session March 29, 2016

The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on Monday and Tuesday. Study Sessions (except for Executive Sessions) are open to the public and items for discussion are included on this agenda. Agendas (except for Executive Sessions agendas) are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Please note that the Board may discuss any topic relevant to County business, whether or not the topic has been specifically noticed on this agenda. In particular, the Board typically schedules time each Monday under "Committee Updates" to discuss a wide range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com

Study Session Topics

10:00 A.M. *Arapahoe County Housing Authority Annual Meeting (WHR)

Discuss a request for the BOCC, meeting as the Arapahoe County Housing Authority (ArCHA) Board, to consider the minutes from the 2015 ArCHA meeting, three agreements, and to request for two signature authorizations

Request: Information/Direction

Linda Haley, Housing and Community Development Division Manager, Community Resources

Don Klemme, Director, Community Resources

Janet Kennedy, Director, Finance

Tiffany Bleau, Senior Assistant County Attorney

Documents: [BOARD SUMMARY REPORT.DOCX](#), [AGENDA.DOCX](#), [MARCH 24 2015 MINUTES.DOC](#), [ARAPAHOE I AND II REPORT.DOCX](#), [SMHO SERVICE AGREEMENT AMENDMENT II.DOCX](#), [AGREEMENT BETWEEN ARCHA AND COUNTY.DOCX](#), [SMHO MONITORING LETTER .PDF](#)

11:00 A.M. *Additional Staffing In Court Services Section For Juvenile Restraint Order (WHR)

Discussion of a request from the Arapahoe County Sheriff's Office (ACSO) requesting that the Board of County Commissioners approve the addition of two (2) full-time employees (FTE's) to be assigned to the Court Services Section at the Detention Facility

Request: Information/Direction

Olga Fujaros, Budget & Logistics Manager, Sheriff's Office
Vince Line, Detention Facility Bureau Chief, Sheriff's Office
Louie Pera, Undersheriff, Sheriff's Office
David C. Walcher, Sheriff
Todd Weaver, Budget Manager, Finance
Tiffanie Bleau, Senior Assistant County Attorney

Documents: [BSR JUVENILE RESTRAINTS.DOCX](#), [CHIEF--ADMINISTRATIVE ORDER--POLICY ON RESTRAINING JUVENILES IN JUVENILE.PDF](#)

Break

1:00 P.M. Administrative Meeting - Citizen Advisory Boards And Committees (WHR)

Discussion and review of citizen advisory boards and committees

Request: Information

Carol Dosmann, Executive Assistant, BoCC Administration
Diana Maes, BoCC Administration Manager
BoCC

1:30 P.M. Arapahoe County Foundation, Inc. Meeting (WHR)

The Arapahoe County Foundation, Inc. is a separate legal entity that has been in place since 1985 and was created for charitable, scientific and educational purposes. The current Directors are three of the five County Commissioners of Arapahoe County (Commissioner Nancy Doty, Commissioner Bill Holen, and Commissioner Nancy Jackson), the Chairman of the Fairgrounds Steering Committee (Sharon Kercher), the Arapahoe County Finance Director (Janet Kennedy), the Arapahoe County Community Resources Director (Don Klemme), three Citizen Appointed Directors (Brad Hughes, Cindy Knox and Kester Spindler). The Arapahoe County Foundation, Inc. annual meeting is being held to discuss fund raising opportunities, communications and other related items associated with the Foundation

John R. Christofferson, Deputy County Attorney

*** To Be Recorded As Required By Law**

WHR - West Hearing Room

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: 3/7/16
To: Board of County Commissioners
Through: Don Klemme, Community Resources Department Director
From: Linda Haley, Housing and Community Development Division Manager
Subject: Annual Arapahoe County Housing Authority (ArCHA) Meeting

Direction/Information:

The Board of County Commissioners (BOCC) meets annually as the Arapahoe County Housing Authority (ArCHA) Board to conduct required business and to receive reports on programs administered by ArCHA. The Agenda for the ArCHA Board meeting is included as Attachment 1.

Request and Recommendation

The BOCC, meeting as the ArCHA Board will be asked to consider the minutes from the 2015 ArCHA meeting, three agreements, and two signature authorities.

1. Approval of the minutes of the 2015 ArCHA Annual Meeting. (Attachment 2)
2. Report on the Arapahoe County Housing Choice Voucher Program/Section 8. (Attachment 3)
3. Approval to execute a contract amendment with South Metro Housing Options (formerly Littleton Housing Authority) to continue administering the ArCHA Housing Choice Voucher Program. (Attachment 4)
4. Update and approval of the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA to administer programs as the Housing Authority. (Attachment 5)
5. Approval to continue our agreement to participate in the Metro Mayors Caucus Down Payment Assistance Program . This agreement has no end date.
6. Authorization for Don Klemme, as Director of the Community Resources Department, to sign regular business agreements and policies on behalf of the Housing Authority Board.
7. Authorization for Linda Haley, as the Director of ArCHA, to sign appropriate administrative documents on behalf of the Housing Authority Board, such as the County's First Time Homebuyer Program covering administrative items such as the Release of Deeds of Trust and Short Sales.

Background

An annual meeting of ArCHA is required under the by-laws of ArCHA. An agenda is proposed by staff and approved by ArCHA, along with the minutes from the previous annual meeting. Historically, the

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Secretary of ArCHA has been the Director of the Community Resources Department. At this meeting, ArCHA receives reports on ArCHA programs and provides direction to staff on ArCHA initiatives.

Links to Align Arapahoe

1. Quality of Life. Citizens' lives may be enhanced through the Housing Choice Voucher Program and through the First Time Home Buyers Program. Citizens will be served by experienced organizations with expertise in providing housing assistance.
3. Fiscal Responsibility. The federal funds used for these programs are provided to the County on a formula basis. They increase the opportunities Arapahoe County has to serve low and moderate income citizens.

Discussion

Arapahoe County currently contracts with South Metro Housing Options (SMHO) to administer the ArCHA Section 8 Housing Choice Voucher Program. This consists of 59 Housing Choice Vouchers that are allocated to Arapahoe County to serve those areas of the County not served by an existing Housing Authority. Because unincorporated Arapahoe County has a number of large apartment complexes, in any given year, we may have approximately 200 "port in" vouchers, or people who moved here from other areas of the State or Country. In 2015 there was a total of 220 "port in" vouchers living in unincorporated Arapahoe County or Centennial. SMHO has staff trained and able to manage the screening and eligibility process for clients and also the Housing Quality Standards inspections required by HUD. Housing and community Development staff conducted a monitoring visit for the Housing Assistance Program in February 2016 and the monitoring letter is attached (Attachment 6).

Approval to execute a contract amendment between ArCHA and the Littleton Housing Authority (DBA South Metro Housing Options) to continue administering the ArCHA Housing Choice Voucher Program.

HCDS staff recommends approval for extending the existing Service Agreement Amendment with the South Metro Housing Options to continue administering the ArCHA Housing Choice Voucher Program.

Approval of the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA to administer programs as the Housing Authority and authorization for Don Klemme to sign the agreement on behalf of the Housing Authority Board.

The proposed agreement between Arapahoe County and ArCHA to lend County employees to ArCHA is Attachment 1. HCDS staff supports the approval of this agreement.

Approval to continue the agreement between Arapahoe County and the Metro Mayors Caucus to participate in the Down Payment Assistance Program operated through the Metro Mayors Caucus and currently supported by all of the municipalities in metro Arapahoe County. This agreement allows the unincorporated area of the County to share in the benefits of the down payment assistance program.

HCDS staff supports participation in this Down Payment Assistance Program to encourage homeownership for low and moderate income residents of Arapahoe County.

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Authorization for Don Klemme, as Director of the Community Resources Department, to sign regular business agreements and policies on behalf of the Housing Authority Board.

HCDS staff recommends approval of this item in order to facilitate smooth and timely functioning of ArCHA.

Authorization for Linda Haley, as the Director of ArCHA, to sign appropriate administrative documents on behalf of the Housing Authority Board, such as the County's First Time Homebuyer Program covering administrative items such as the Release of Deeds of Trust, Subordination Agreements, and Short Sales.

HCDS staff recommends approval of this item to facilitate administrative items that are time sensitive.

There is no approval needed this year for our agreement with Funding Partners to manage the portfolio of the First Time Homebuyer/Down Payment assistance program because the current agreement goes through 3/31/17. During 2015 Funding Partners originated 3 new loans with the Down Payment Assistance Program. The steadily increasing home prices in the metro Denver market are making it difficult for first time homebuyers to locate homes that fall within HUD's guidelines.

Alternatives

The BOCC may recommend alternatives to any of the recommendations listed above.

Fiscal Impact

Arapahoe County General Funds in the amount of \$30,000 annually are provided to ArCHA to support the activities, staff time, and training required to manage ArCHA programs. Any costs that are appropriate to be charged to HOME or CDBG are allocated to those programs.

Concurrence

HCDS staff supports the recommendations made above.

Attorney Comments

Reviewed By:

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

AGENDA
ANNUAL MEETING
BOARD OF COUNTY COMMISSIONERS
March 29, 2016
WEST HEARING ROOM
5334 S. PRINCE ST.
LITTLETON, COLORADO 80166

Attachment #1

- I. Call to Order (Chairman Doty)
- II. Roll Call
- III. Review Agenda (Attachment 1)
- IV. Approval of the Minutes of the Annual Meeting of March 24, 2015 (Attachment 2)
- V. New Business
 - A. Section 8 Program Report (Attachment 3)
 - 1. Arapahoe County I
 - 2. Arapahoe County II (port ins)
 - B. Renewal of Agreements
 - 1. Request approval to extend the existing Contract with Littleton Housing Authority (DBA South Metro Housing Options to continue administering the Section 8 Housing Choice Voucher Program.
 - 2. Update and approval of the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA to administer programs as the Housing Authority (Attachment 5).
 - 3. Approval to continue our agreement to participate in the Metro Mayors Caucus Down Payment Assistance Program.
 - 4. Approval to continue the agreement with Funding Partners to manage the existing loan portfolio of the Down Payment Assistance Program (Attachment 6).
 - C. Signature Authorizations
 - 1. Authorization for Don Klemme, as Director of the Community Resources Department, to sign regular business agreements and policies on behalf of the Housing Authority Board.
 - 2. Authorization for Linda Haley, as the Director of ArCHA, to sign appropriate administrative documents, such as Release of Deeds and Trusts Subordination Agreements, and Short Sales on behalf of the Housing Authority Board.
- VI. Old Business- as may be announced
- VII. Adjournment

**ARAPAHOE COUNTY HOUSING AUTHORITY
MINUTES
ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS
ANNUAL ARAPAHOE COUNTY HOUSING AUTHORITY MEETING
TUESDAY, MARCH 24, 2015
10:30 AM – WEST HEARING ROOM
5334 SOUTH PRINCE STREET
LITTLETON, COLORADO**

PRESENT

Rod Bockenfeld, Commissioner
Bill Holen, Commissioner
Nancy Jackson, Commissioner
Nancy Doty, Commissioner
Don Klemme, Director, Community Resources Department
Linda Haley, Division Manager, Housing and Community Development Services
Tiffany Bleau, Assistant County Attorney
Carol Dosmann,
Christina LeBlanc, Recording Secretary for the Arapahoe County Housing Authority

CALL TO ORDER

The meeting of the Arapahoe County Housing Authority (ArCHA) was called to order by the Chair Pro Tem of the Board of County Commissioners (BOCC), Commissioner Jackson at 10:30 am. Roll call was taken and Commissioner Jackson, Commissioner Doty, Commissioner Holen and Commissioner Bockenfeld were present. Commissioner Sharpe was (absent and excused). Introductions were made by Don Klemme, Director of the Community Resources Department for staff; Liana Escott, Community Development Administrator; Linda Haley, Division Manager; Jeremy Fink, Block Grant Manager; and Katie Curtis, Grants Fiscal Specialist; all of the Housing and Community Development (HCDS) Division, and Christina LeBlanc, Business Associate III.

The agenda was reviewed and adopted by all.

A motion to become a housing authority for the purpose of annual minutes was made by Commissioner Bockenfeld and seconded by Commissioner Doty. The motion passed unanimously.

A motion to approve the Housing Authority minutes of March 25, 2014 was made by Commissioner Holen and seconded by Commissioner Doty. The motions passed unanimously.

NEW BUSINESS

Arapahoe County I

Linda Haley reported Arapahoe County I vouchers were down to 46 but are back up 47. She noted that the report reflects only 45 (2 vouchers are in the process of being filled). Voucher holders pay a portion of their rent based on income and the Housing Assistance Payments make up the difference.

Arapahoe County II

Port-in vouchers are slightly over 200 for those living in Unincorporated Arapahoe County. Demographics on the Section 8 report show 70% female, primary non-Hispanic, 30-49 age range. Commissioner Holen asked if there are any VA vouchers. Linda stated that the VASH Vouchers are managed by the Aurora Housing Authority. Arapahoe County and South Metro Housing Options have a wait list of 5 years and combined total of 2,000.

RENEWAL OF AGREEMENTS

Approval is being requested to extend the existing Contract with Littleton Housing Authority (DBA South Metro Housing Options) to continue administering the Section 8 Housing Choice Voucher Program.

A motion was made by Commissioner Holen and seconded by Commissioner Bockenfeld that the existing Contract with Littleton Housing Authority (DBA South Metro Housing Options) to continue administering the Section 8 Housing Choice Voucher Program subject to approval by the County Attorney. The motion passed unanimously.

Approval is being requested to update and approve the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA to administer programs as the Housing Authority.

A motion was made by Commissioner Holen and seconded by Commissioner Bockenfeld to update and approve the agreement between Arapahoe County and ArCHA to lend County employees to ArCHA for administration of programs as the Housing Authority and authorization for Don Klemme to sign the agreement on behalf of the Housing Authority Board. The motion passed unanimously.

Approval is being requested to continue our agreement to participate in the Metro Mayors Caucus Down Payment Assistance Program.

No motion or voting was necessary.

Approval is being requested to continue the agreement with Funding Partners to manage the existing loan portfolio of the Down Payment Assistance Program.

A motion was made by Commissioner Holen and seconded by Commissioner Bockenfeld to approve the agreement with Funding Partners to continue to manage the existing loan portfolio for the Down Payment Assistance Program.

SIGNATURE AUTHORIZATIONS

The next item for approval before the Housing Authority is authorization for Don Klemme, as Director of the Community Resources Department, to sign regular business agreements and policies on behalf of the Housing Authority Board.

Further, approval was requested for signature authorization for Linda Haley, as the Director of ArCHA, to sign appropriate administrative documents on behalf of the Housing Authority Board, such as the County's First Time Homebuyer Program covering administrative items such as the Release of Deeds of Trust and Short Sales.

A motion was made by Commissioner Holen and seconded by Commissioner Bockenfeld to approve authorization for Don Klemme to sign regular business agreements and policies on behalf of the Housing Authority Board and for Linda Haley to sign administrative documents on behalf as the Director of ArCHA. The motion passed unanimously.

There being no further business to come before the Board of the Arapahoe County Housing Authority, Commissioner Holen moved to adjourn at 11:00 am. All members voted to adjourn.

Respectfully submitted,

Christina LeBlanc, Recording Secretary
To the Arapahoe County Housing Authority

**Arapahoe I and II
Housing Choice Voucher Program (Section 8)
Report for 2015**

Arapahoe I consists of the vouchers available to Arapahoe County residents who meet income qualifications for the Housing Assistance Payment program formerly known as Section 8. Arapahoe County lost vouchers during the various versions of sequestration and had the total voucher number reduced from 60 to 47. On a positive note, the total voucher count is back up to 59. South Metro Housing Options manages these vouchers and maintains the waiting list. The wait list is currently 1,276 households.

Characteristics of people in the Arapahoe I program are:

Household Size	Number of Households
1	30
2	14
3	9
4	4
5	1
6	1

Race/Ethnicity

Race/Ethnicity	Number of Households Identifying
White	33
Black/African American	24
American Indian/Native Alaskan	2
Hispanic/Latino	6

The average tenant pays approximately 39% of their rental payment with a low of \$0 and a high of \$1517 being paid by the tenant. The average Housing Assistance Payment is approximately 61% of the rental amount with a low of \$183 and a high of \$1602 being paid.

Arapahoe II consists of the “port-in” Housing Assistance or Section 8 vouchers, or people who received their voucher from other communities or states and have chosen to live here. Due to the numbers of large apartment complexes in unincorporated Arapahoe County, we generally have approximately 200 “port-in” vouchers at any given point. Statistics are managed differently between Arapahoe I and II so the information available differs somewhat.

Household Composition

Age Groups	Number in Group
0-5	77
6-12	116
13-17	74
18-21	45
22-29	32
30-39	65
40-49	67
50-54	25
55-61	22
62-69	21
70-79	27
80-89	17

Race/Ethnicity

Race/Ethnicity	Number in Group
Asian	10
Black/African American	408
White	123
Multiple	28
Unknown	19
Hispanic/Latino	13

The average rental payment and tenant payment information is not as readily available for Arapahoe II with the port-ins as the voucher remains “counted” at its’ housing authority of origin.

SERVICE AGREEMENT AMENDMENT II
to
Section 8 Housing Choice Voucher Program Contract

This Service Agreement Amendment concerns an existing agreement between Arapahoe County Housing Authority (ArCHA) 1690 West Littleton Blvd., Suite 300, Littleton, CO 80120 and the Littleton Housing Authority (doing business as South Metro Housing Options) 5745 South Bannock Street, Littleton, CO 80120 dated April 1, 2014. The original Agreement addresses the LHA's administration of ArCHA's Section 8 Housing Choice Vouchers.

The aforementioned Agreement shall be extended for an additional year. For the purposes of this Amendment, the Program Year shall be April 1, 2016 through March 31, 2017.

All other terms, conditions and section of the original Agreement not inconsistent with this Amendment are reaffirmed and incorporated herein by this reference.

IN WITNESS WHEREOF, the parties have caused their respective signs and seals to be affixed hereto on the dates herein written.

Arapahoe County Housing Authority
Section 8 Housing Choice Voucher Program

By: _____ Date: _____
Don Klemme on behalf of the Board of County Commissioners
Pursuant to Resolution No. 160097

By: _____ Date: _____
Jo Hamit, Director
Littleton Housing Authority

By: _____ Date: _____
_____, Chairman,
Board of Commissioners Littleton Housing Authority

**AGREEMENT BETWEEN
ARAPAHOE COUNTY
AND ARAPAHOE COUNTY HOUSING AUTHORITY**

This Agreement is made this 1st day of April 2016, between the BOARD OF COUNTY COMMISSIONERS, COUNTY OF ARAPAHOE, STATE OF COLORADO and the ARAPAHOE COUNTY HOUSING AUTHORITY, a Colorado body corporate and politic (“Authority”). The Authority was established in 1991 to address low and moderate income housing needs and to develop and support affordable housing in Arapahoe County. To provide support for these activities, and for the mutual benefit of both parties, the Authority and County first entered into the following Agreement on September 26, 1995 and hereby take joint action to renew said Agreement, TO-WIT:

I. COUNTY HOUSING PROGRAMS ADMINISTERED BY THE AUTHORITY

In addition to programs and projects that the Authority chooses to develop on its own, the Authority and County agree that the Authority shall administer the following County programs. In administering these programs the Authority is herein delegated and conveyed the maximum authority and rights permitted by the various programs and grants. Where funds shall be granted or conveyed to the Authority from or through Arapahoe County, the Authority shall have the commensurate authority and responsibility for those funds. Authority expenses for administering these programs and projects shall be borne by the grants and by the County and the Authority to detail the responsibilities and rights of the Authority in administering particular funds or programs.

- a) First Time Homebuyer Program in-house loan servicing.
- b) Section 8 Rental Assistance (Subcontracted to the Littleton Housing Authority)
- c) Other housing programs that might be initiated to develop or support affordable housing in the County as agreed to from time to time by the parties with a written memorandum.

II. AUTHORITY MANAGEMENT

The Authority is managed by the County’s Division Manager of the Housing and Community Development Services Division, Community Resources Department, and the staff of that Division, and that Division Manager shall report to the County’s Director of the Community Resources Department. This staff of County employees is loaned to the Authority by the County. These loaned County employees are listed below. Accompanying their titles is approximately the percentage of time that the

particular loaned employee is to devote to the Authority's matters with the remaining time being devoted to other County duties. All employees complete a time allocation form to provide documentation of the time charged to ArCHA. All County employees shall be paid by the County, which may be reimbursed by the Authority in a manner commensurate with the percentage of time the employees devote to the Authority's matters. All County employees shall report to the County's Division Manager of Housing and Community Development Services, who shall in turn report to the Director of Community Resources, who shall in turn report to the Authority Board of Commissioners.

1. Director of Community Resources Department (5%)
2. Division Manager of Housing and Community Development Services Division (20%)
3. Community Development Administrator 1 (5%)
4. Community Development Administrator 2 (5%)
5. Grants Fiscal Specialist of Administrative Services Division of Community Resources Department (5%)
6. Administrative Services Division Staff (18% of the \$30,000 in the County General Fund allocated to ArCHA).

The Director of the Community Resources Department shall be the Recording Secretary to the Housing Authority Board.

III. SERVICES PROVIDED BY COUNTY

The County shall perform for the Authority payroll, accounting, and all other administrative services and functions that are normally performed for County departments. These services shall be performed for the same cost (if any) charged to other County departments or grant-funded programs. In a like manner the County shall provide office space to the Authority.

IV. CERTAIN COUNTY PROCEDURES AND POLICIES

The Authority shall from time to time adopt its own procedures and policies, but where it does not, the Authority may adopt the policies and procedures of the County.

V. OTHER ASSISTANCE

From time to time the County may provide whatever other assistance to the Authority that the County and the Authority decide upon.

This Agreement may be amended at any time and placed with the written agreement of both parties. Either party may elect to cancel or terminate this Agreement with sixty (60) days written notice to the other party. This Agreement shall otherwise terminate on March 31st of each year unless it is renewed by the Authority and the County.

ATTEST:

Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
COUNTY OF ARAPAHOE
STATE OF COLORADO

BY _____
Chairman

ATTEST:

Secretary to the Board

DON KLEMME, BY
PERMISSION OF THE
ARAPAHOE COUNTY HOUSING
AUTHORITY BOARD OF
COUNTY COMMISSIONERS
Resolution # 160097



Community Resources Department
Housing and Community Development Services

February 29, 2016

Linda Conway
Housing Program Manager
5745 S Bannock Street
Littleton, Co 80120

1690 W. Littleton Blvd., Suite 300
Littleton, Colorado 80120-2059
Phone: 303-738-8040
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TDD: 303-738-8033
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communityresources@arapahoegov.com

DONALD A. KLEMME
Director

RE: On-Site Monitoring 2016 Section 8 Program

Dear Ms. Conway,

On February 22, 2016 I monitored the Section 8 Housing Choice Voucher Program managed by South Metro Housing Options on behalf of Arapahoe County. I met with staff on-site and reviewed a sampling of client files along with the financial files for the program.

The files were reviewed for documentation completeness and compliance with Section 8 regulations. Any issues will be classified as either a Finding or a Concern. A Finding is an issue that needs to be corrected and a written response is required. A concern is a suggestion from the County and does not need to be addressed or responded to in a written response.

Housing Choice Voucher Program Compliance

All of the files were well documented and organized and contained all pertinent information, such as income verification and race and ethnicity information for all household members. Copies of all pertinent information was located in the files. There were no findings and only one concern and one comment.

Concern Number One: Client number 0000376 () is a household of one residing in a two-bedroom unit. The file stated that a medical letter is needed to demonstrate the need for the two-bedroom unit. I did not see the letter in the file, please have a copy of the medical letter placed in the file.

Comment: While all of the pertinent information was located in the file, it would be more helpful if there was one sheet that had all of the general information listed. This would make file reviews easier and would avoid having the auditor search for the information. The items that would be useful to have listed on a general sheet would be: Name, house hold size, income, rent amount, the number of bedrooms, the date entered into the program and where they ported in from, if applicable.

Thank you for making the time for the File Review, overall the files were well documented and it was a pleasure working with you and your staff. If you have any questions, please do not hesitate to contact me at (303) 738-8066.

Sincerely,

Liana J. Escott, Community Development Administrator

Cc: Jo Hammit; Jamie Hensley



MISSION

Enhancing your quality of life through exceptional delivery of services and efficient use of public funds.



Board Summary Report

Date: March 14, 2016
To: Board of County Commissioners
Through: David C. Walcher, Sheriff
From: Olga Fajaros, Budget & Logistics Manager
Subject: Additional Staffing for Court Services Section at the Detention Facility

Direction/Information: The Sheriff's Office is giving information and requesting 2 FTE's.

Request and Recommendation

The Sheriff's Office requests the Board of County Commissioners to approve the addition of 2 FTE's assigned to the Court Services Section at the Detention Facility.

Background

The growing trend regarding the removal of restraints (shackles and handcuffs) from in-custody juveniles appearing in courtrooms for hearings has been a topic of discussion and debate at the National, State and local (18th Judicial District) levels. At the state and local level this has been largely due to the efforts of the Office of the State Public Defender, who has advocated for the removal of all juvenile restraints. The 18th Judicial District is one of the last judicial districts in the State to continue restraining all in-custody juveniles in the courtroom. The Arapahoe County Sheriff's Office is not philosophically opposed to removing restraints from those juveniles who are determined to be a low risk to attempt escape and low risk to be a danger to themselves or others, if the appropriate staffing is in place to safely carry out the statutory duties of providing safety and security at the courthouse.

Chief Judge Carlos Samour has held several meetings regarding the 18th Judicial District's policy and the Chief Judge's previous order to remain status quo (restraining all in-custody juveniles) has been rescinded. On March 10, 2016, the Chief Judge issued an Administrative Order revising the policy regarding the use of restraints on in-custody juveniles during pre-trial and post-trial proceedings in juvenile court. The new procedure will require an individualized, case-by-case evaluation to determine whether restraints are necessary on in-custody juveniles. As a result of this new order/procedure, the Arapahoe County Sheriff's Office will be forced to remove restraints from some juveniles appearing in court, which will require additional staffing to ensure the safety of the courts, public and the in-custody juveniles.

Chief Judge Samour understands this will require more security measures, in the form of staffing, to be put in place prior to the Sheriff's Office being able to facilitate this from a staffing perspective.

Currently, there are only four (4) deputies assigned to Courthouse 2 where the juvenile divisions are located. These deputies are responsible for probation arrests, courtroom security, inmate security, transporting inmates, and responding to any calls for service in Courthouse 2.

Links to Align Arapahoe

Improve Services– The addition of 2 deputies will allow the Sheriff's Office to continue to provide the needed security for the Courthouse to operate safely. This will provide a safe environment for the citizens of Arapahoe County to conduct their business, while meeting the Administrative Order issued by the Chief Judge.

Discussion

Through process mapping, internal discussions and walk-throughs involving Sheriff's Office staff and court staff, it has been determined that in order to continue to provide the necessary safety and security of the courthouse that 2 additional deputy sheriffs will be required for assignment to Courthouse 2.

When restraints are removed from any in-custody juveniles consistent with the Administrative Order, more deputies will need to be assigned to the affected divisions. For an unrestrained in-custody juvenile, there will need to be a minimum of two (2) deputies assigned to the inmate at all times to prevent escape and protect court staff, attorneys and the general public. It is understood by Sheriff's Office staff that a set of criteria will be used as consideration by the presiding judicial officer in determining whether or not an in-custody juvenile will remain in restraints inside the courtroom. The assigned deputies will review available information pertaining to the juvenile (NCIC/CCIC, information provided by other jurisdictions, current case information and charges and in-house records), and utilizing established criteria set forth by the Chief Judge will make a restraints recommendation to the court. The Court (presiding judge or magistrate) will then make the determination on each in-custody juvenile whether restraints are necessary.

There are times that unrestrained in-custody juveniles may be present for hearings or other court proceedings in more than one courtroom at one time, which will require a higher level of staffing in the affected courtrooms while also maintaining security of the remainder of the courthouse. Occasionally, juveniles appear while on a safety/suicide watch. These occasions will also require a higher level of security. These circumstances can be dealt with and appropriately staffed with the increase in 2 FTEs being requested.

Alternatives

Given the order issued by the Chief Judge on March 10, 2016, there is no acceptable alternative to this proposal. This need has been identified after careful and thoughtful review, discussion and analysis. It is necessary to maintain the level of security required to meet the Sheriff's Office statutory mandate to provide security in the courthouse.

Fiscal Impact

The cost of the increase in staffing is as follows:

Total First Year cost (Salary, Benefits and Equipment)	\$171,732
Total Ongoing Cost (Salary, Benefits and Equipment)	\$176,202

Concurrence

The Sheriff's Office Detention Services Bureau is in concurrence with this decision.

Attorney Comments

Reviewed By:

Olga Fajaros, Budget & Logistics Manager
Vincent Line, Detention Services Bureau Chief
Louie Perea, Undersheriff
David C. Walcher, Sheriff
Finance Department
County Attorney

**EIGHTEENTH JUDICIAL DISTRICT:
ARAPAHOE, DOUGLAS, ELBERT and
LINCOLN COUNTIES, COLORADO**

Arapahoe County Justice Center
7325 South Potomac Street
Centennial, Colorado 80112

Littleton County Courthouse
1790 West Littleton Boulevard
Littleton, Colorado 80120

Douglas County Justice Center
4000 Justice Way, #2009
Castle Rock, Colorado 80109

Elbert County Courthouse
PO Box 232, 751 Ute Street
Kiowa, Colorado 80117

Lincoln County Courthouse,
PO Box 128, 103 Third Avenue
Hugo, Colorado 80821

• **COURT USE ONLY** •

Division 201

**ADMINISTRATIVE ORDER REVISING THE POLICY REGARDING
THE USE OF RESTRAINTS ON IN-CUSTODY JUVENILES DURING
PRETRIAL AND POST-TRIAL PROCEEDINGS IN JUVENILE COURT**

Pursuant to the authority granted to chief judges of the judicial districts of the State of Colorado by Chief Justice Directive 95-01, “Authority and Responsibility of Chief Judges,” the undersigned, in his capacity as Chief Judge, enters this Administrative Order, which amends the Eighteenth Judicial District’s policy regarding the use of restraints on in-custody juveniles during pretrial and post-trial proceedings in Juvenile Court.

A. *Background*

On April 3, 2015, the undersigned convened a meeting with all of this community’s stakeholders to discuss the use of restraints on in-custody juveniles during pretrial and post-trial proceedings in Juvenile Court. Present at the meeting

were: the Public Defender's Office, the District Attorney's Office, the Arapahoe County Sheriff's Office, the Douglas County Sheriff's Office, the Lincoln County Sheriff's Office, Steven Steadman (the Administrator for Judicial Security for Colorado's judicial branch), Judge Bonnie McLean, Magistrate Christina Apostoli, Magistrate Beth Dumler, and the undersigned. During the meeting, the stakeholders discussed their views and concerns. Because the stakeholders could not reach a consensus on the most appropriate policy regarding the use of restraints on in-custody juveniles in pretrial and post-trial proceedings in Juvenile Court, the undersigned took the matter under advisement. At the end of the meeting, however, the undersigned stated that he hoped the discussion would continue after issuance of the policy.

On May 22, 2015, the undersigned issued Chief Judge Order 15-06 (hereinafter "CJO 15-06"), continuing "the current practice of maintaining all in-custody juveniles in delinquency cases" restrained during Juvenile Court proceedings. CJO 15-06 at p. 2. In December 2015, the Public Defender's Office contacted the District Administrator and expressed an interest in resuming the dialogue that started at the April 3 meeting. Pleased to learn about this request, the undersigned promptly convened multiple meetings of the stakeholders between January and March 2016. The discussions at the meetings, while at times spirited, were very productive. Different proposals were considered and vetted both during the meetings and outside the meetings. Taking all of the stakeholders' comments, concerns, and proposals into consideration, the undersigned now concludes that the current policy in this judicial district regarding the use of restraints on in-custody juveniles in pretrial and post-trial proceedings in Juvenile Court must be revised. Accordingly, this Administrative Order does so. The revised policy is consistent with Rule 21.5 of Alaska's Delinquency Rules, "Use of Restraints on the Juvenile."

The undersigned notes that the stakeholders were not able to reach a consensus on this revised policy. Based on the meetings held and the submissions exchanged, it is clear that a consensus is not feasible at this time. The revised policy strikes the most appropriate balance between the significant, but conflicting, interests and concerns expressed by the stakeholders.

B. Revised Policy

Ideally, restraints such as handcuffs, waist belts, and ankle cuffs should not be used on in-custody juveniles during pretrial and post-trial proceedings in Juvenile Court. However, the undersigned recognizes that the safety of those present in the courtroom, including the in-custody juveniles themselves, is a compelling and critical governmental interest. The undersigned also acknowledges

that preventing the escape of in-custody juveniles is a significant and valid concern. Finally, the undersigned is mindful that order and safety in the courtroom should be maintained through the least restrictive means available. Therefore, it is the policy of the Eighteenth Judicial District that restraints shall not be used on in-custody juveniles in pretrial and post-trial proceedings in Juvenile Court unless the restraints are necessary because: (1) a juvenile is uncontrollable or constitutes a danger to self or others;¹ (2) there is reason to believe that a juvenile will attempt to escape; or (3) there is no less restrictive alternative than the use of restraints to maintain order and safety in the courtroom given the available security resources.

This revised policy creates a preference in favor of allowing in-custody juveniles to participate in pretrial and post-trial proceedings in Juvenile Court restraint-free. At the same time, it authorizes the use of restraints when they are necessary because: (1) the juvenile is uncontrollable or constitutes a danger to self or others; (2) there is reason to believe that the juvenile will attempt to escape; or (3) there is no less restrictive alternative than the use of restraints to maintain order and safety in the courtroom given the available security resources.

C. Procedure

The Juvenile Court must conduct an individualized, case-by-case evaluation to determine whether restraints are necessary on an in-custody juvenile during pretrial and post-trial proceedings in Juvenile Court because: the juvenile is uncontrollable or constitutes a danger to self or others; there is reason to believe that the juvenile will attempt to escape; or there is no less restrictive alternative than the use of restraints to maintain order and safety in the courtroom given the available security resources. In deciding whether restraints are necessary, the Juvenile Court shall consider the following factors:

- (a) the age of the juvenile;
- (b) the number of times, if any, the juvenile has previously been accused of violating the criminal law and the nature of any such accusations;
- (c) whether the juvenile is currently on summons, bond, probation, or parole in another case;
- (d) the nature of the charges pending against the juvenile, including: the nature of the alleged conduct; and whether the juvenile is charged with a Class 1 Felony, a Class 2 Felony, Escape, Attempted Escape, or a Crime of Violence pursuant to § 18-1.3-406, C.R.S. (2015);

¹ “A danger to self or others,” as used in this Administrative Order, does not refer to a juvenile’s detention status. The mere fact that a juvenile is detained, without more, cannot support a finding that the juvenile is a danger to self or others. Otherwise, all juveniles subject to this Administrative Order would be found to be a danger to self or others.

- (e) any DAR reports, evaluations, and Incident Reports from the Foote Center (hereinafter “the Foote”);
- (f) whether the juvenile has previously attempted to escape, has a present plan to escape, has escaped or attempted to escape from any other facility or placement, or whether there is any other reason to believe that the juvenile presents a higher risk to escape than the majority of juveniles;
- (g) whether the juvenile has a history within the past five years of failing to comply with orders or instructions from law enforcement, court security personnel, pretrial officers, probation officers, parole officers, or juvenile detention facility staff;
- (h) the juvenile’s mental health during the past five years and the juvenile’s current mental health, including whether, since being arrested for the charged offense(s), the juvenile has engaged in, or has threatened or attempted to engage in, combative, disruptive, assaultive, or self-harming behavior;
- (i) credible threats of harm made by the juvenile to members of the community or law enforcement personnel, including the Sheriff’s Office (hereinafter “the S.O.”), during the past five years;
- (j) whether the juvenile has a high “CJRA score,” has been designated by law enforcement as “SHODI,” or has previously been committed to the Department of Youth Corrections;
- (k) whether, in a case involving a Crime of Violence under § 18-1.3-406, C.R.S. (2015), a Class 1 or a Class 2 Felony, or a charge of Escape or Attempted Escape, there will be multiple co-defendants present in the courtroom when the juvenile is in the courtroom;
- (l) the available security resources and the existence of any alternative that is less restrictive than the use of restraints;² and
- (m) any other factor that the Juvenile Court finds is relevant to its determination regarding whether restraints are necessary under this Administrative Order.

² Both the Douglas County Sheriff’s Office and the Arapahoe County Sheriff’s Office have represented that they need additional staffing in Juvenile Court in order to allow any in-custody juveniles to participate in pretrial and post-trial proceedings without restraints. The Douglas County Sheriff’s Office has indicated that it is able to add deputies to its Juvenile Court staffing now, although it will need to seek more funds for such staffing from the Douglas County Board of County Commissioners when a new courtroom opens in the Douglas County Justice Center later this year. The Arapahoe County Sheriff’s Office has indicated that it cannot add more deputies to its Juvenile Court staffing at this time. However, it is in the process of seeking funds to pay for such staffing from the Arapahoe County Board of County Commissioners. The undersigned expects that the Sheriffs in this judicial district will do their utmost to obtain any necessary funds as expeditiously as possible to allow this new policy to be effectuated.

Before an in-custody juvenile is brought into the courtroom for a first pretrial or post-trial appearance (hereinafter “first appearance”), the Juvenile Court must make a determination, based on the information available, as to whether restraints are necessary (hereinafter “the determination”). Before the first appearance, the S.O., the Foote, and the Probation Department (hereinafter “Probation”) may electronically submit to the Juvenile Assessment Center (hereinafter “JAC”) any information relevant to the determination. The JAC, in turn, must electronically distribute all such submissions as soon as possible to the Juvenile Court, the District Attorney’s Office, the Public Defender’s Office, and the Office of Guardian Ad Litem. The Juvenile Court must then electronically communicate the determination to the S.O. before the first court appearance. A copy of the determination and copies of any submissions from the S.O., the Foote, Probation, and the JAC must be provided by the Juvenile Court to the parties and the guardian ad litem during the first appearance. If the Juvenile Court determines that restraints are necessary, the determination must set forth the reason or reasons restraints are necessary—*see* reasons (1) through (3) above—and the factor or factors supporting such reason(s)—*see* factors (a) through (m) above.

Before the juvenile’s second pretrial or post-trial court appearance (hereinafter “second appearance”), the Juvenile Court must again make a determination, based on the information available, as to whether restraints are necessary. The Juvenile Court may consider, but shall not be bound by, the determination made before the juvenile’s first appearance. The S.O., the Foote, and Probation may electronically submit to the JAC any information relevant to the determination. The JAC, in turn, must electronically distribute all such submissions as soon as possible to the Juvenile Court, the District Attorney’s Office, the Public Defender’s Office, and the Office of Guardian Ad Litem. Thereafter, the parties and the guardian ad litem may electronically submit to the Juvenile Court any information relevant to the determination no later than 12:00 p.m. the business day before the second appearance. However, an electronic copy of such information must be simultaneously provided to the S.O. The Juvenile Court must then electronically communicate the determination to the parties, the guardian ad litem, and the S.O. no later than 5:00 p.m. the business day before the second appearance. If the Juvenile Court determines that restraints are necessary, the determination must set forth the reason or reasons restraints are necessary—*see* reasons (1) through (3) above—and the factor or factors supporting such reason(s)—*see* factors (a) through (m) above.

During a juvenile’s first appearance or second appearance, the District Attorney’s Office, the juvenile, the guardian ad litem, and the S.O. may orally request a hearing regarding the determination. If such a request is made, the

Juvenile Court shall hold a hearing before addressing any matter in the juvenile's case. In the event that a hearing is held, the Juvenile Court shall decide, in its discretion, the nature of the hearing. The juvenile has the right to be present at any such hearing, but may waive his appearance through his attorney or the guardian ad litem. If, following a hearing, the Juvenile Court concludes that an unrestrained juvenile who is present in the courtroom must be restrained, the S.O. must remove the juvenile from the courtroom and place him in restraints outside the courtroom. Once the juvenile is in restraints, the S.O. may return him or her to the courtroom.

Pretrial or post-trial proceedings following the second appearance in a Juvenile Court case (hereinafter "subsequent proceedings") shall be governed by the procedures articulated above with respect to a juvenile's second appearance. However, in subsequent proceedings, the Juvenile Court may rely on the determination made with respect to the juvenile's second appearance—whether the determination was made without a hearing or after a hearing—as long as the circumstances have not materially changed. Therefore, the inquiry by the Juvenile Court in subsequent proceedings is whether the circumstances set forth in reasons (1) through (3) and factors (a) through (m) above have materially changed since the second appearance.

Any restraints must allow a juvenile limited movement of his or her hands to write when the Court finds that it is necessary for the juvenile to do so. Further, the S.O. must afford an in-custody juvenile in restraints any other reasonable accommodations that the Juvenile Court finds are necessary to allow the juvenile to fully participate in pretrial or post-trial proceedings.

D. Scope of this Administrative Order

This Administrative Order does not apply to direct proceedings involving a juvenile in District Court. Nor does this Administrative Order apply to trials in Juvenile Court. In trial proceedings, the Juvenile Court shall apply the law and make an individualized, case-by-case decision as to whether restraints should be used, and if so, what accommodations must be made to ensure that the juvenile is able to fully participate in the trial and that the jury, if any, is not unfairly prejudiced against the juvenile.

Dated this 10th day of March of 2016.

BY THE COURT:



Carlos A. Samour, Jr.
Chief Judge
Eighteenth Judicial District