Administration Building
East 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

Public Meeting

May 24, 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

APPROVAL OF THE MINUTES

1. **BOCC Public Meeting Minutes - April 26, 2016**

   Documents: BOCC PUBLIC MEETING MINUTES 04.26.2016.PDF

2. **BOCC Public Meeting Minutes - May 3, 2016**

   Documents: BOCC PUBLIC MEETING MINUTES 05.03.2016.PDF

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. **5.2.2016 Warrant ACH Expenditure Report**
   Authorization to sign the Warrant Disbursement Register

   Ron Carl, County Attorney

   Documents: 5.2.2016 WARRANT ACH EXPENDITURE REPORT.PDF

2. **5.9.2016 Warrant ACH Expenditure Report**
   Authorization to sign the Warrant Disbursement Register

   Ron Carl, County Attorney

   Documents: 5.9.2016 WARRANT ACH EXPENDITURE REPORT.PDF

3. **Abatement**
   Adoption of a resolution approving the recommendations of the Assessor for an abatement petition denied by the Assessor for lack of jurisdiction

   Barb LeBlanc, Paralegal
   Ron Carl, County Attorney

   Documents: 5-24-16 BSR JURISDICTION ONE PARCEL.DOC, RESO 5-24-16.DOCX

4. **Adult Protective Services Funding For Full-Time Employees**
   Adoption of a resolution approving the Department of Human Services (ACDHS) utilization of increased Adult Protective Services (APS) Block funding as mandated by Senate Bill 15-109 to hire three fulltime positions in preparation for the anticipated workload increase with the implementation of SB 15-109. The funding granted is anticipated to be a permanent change to the block allocation and is 80% State funds requiring a 20% county funding match

   Angela W. Lytle, Deputy Director, Child and Adult Protection Services, Human Services
   Cheryl L. Ternes, Director, Human Services
   Janet Kennedy, Finance Department Manager
   Suzanna Dobbins, Finance Manager, Human Services
   Michael Valentine, Deputy County Attorney

   Documents: BSR FOR APS FTE REQUEST 2016.DOC

5. **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: 5 MAY 24, 2016.DOC, SAMPLE BAA RESOLUTION.DOC

6. **C16-016; Payment Agreement with Mark Smith Property Owner of 2101 S. Yosemite Street**
   Adoption of a resolution authorizing the Chair of the Board of County Commissioners to sign the Payment Agreement for case C16-026 for payment in the amount of $8,554.82 to Mark Smith property owner of 2101 S. Yosemite Street for removal

and reconfiguration of a portion of a wall/fence to correct a sight line obstruction to motorists

Charles V. Haskins, P.E., Engineering Division Manager, Public Works and Development
Bryan Weimer, Transportation Division Manager, Public Works and Development
David Schmit, Director, Public Works and Development
Todd Weaver, Budget Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents: C16-016 BSR FOR PAYMENT AGREEMENT WITH MARK SMITH.FINAL.PDF, ARAP_WALL_AGRE_SIGN.PDF

7. **Collaborative Foster Care Program Intergovernmental Agreement (IGA)**
Adoption of a resolution authorizing the Chair of the Board of County Commissioners to sign the Intergovernmental Agreement between Jefferson County Human Services, Division of Children, Youth and Family Services, Douglas County Department of Human Services, Division of Children, Youth and Family Services and Arapahoe County Department of Human Services, Division of Child and Adult Protection Services for the continuation of the Collaborative Foster Care Program (CFCP) effective June 1, 2016 for one year unless terminated

Angela Lytle, Division Manager, Children, Youth and Family Services, Human Services
Cheryl Ternes, Director, Human Services
Suzanna Dobbins, Finance Manager, Human Services
Michael Valentine, Deputy County Attorney

Documents: BSR FOSTER CARE COLLABORATIVE IGA-MOU CONSENT 5-24-16.DOC

8. **County Veteran Services Office Report - April 2016**
Acceptance of the Veterans Service Office Report from April 2016

Linda Haley, Senior Resources Division Manager, Community Resources
Tim Westphal, Veterans Service Officer Community Resources
Don Klemme, Director, Community Resources

Documents: 04-2016 BSR APRIL.PDF

9. **Floodplain Easement - Freedom Service Dogs**
Adoption of a resolution for conveyance of a Floodplain and Drainage Easement and Agreement within Lot 1, Block 1, Centennial East Corporate Center, Filing No. 3 for recordation by separate document and to authorize David Schmit, Diretor, Department of Public Works and Development to execute this specific easement on behalf of the Board of County Commissioners

Sarah White, Engineering Services Division, Public Works and Development
Chuck Haskins, PE, Division Manager, Engineering Services, Public Works and Development
David Schmit, Director, Public Works and Development
Todd Weaver, Budget Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents: FREEDOM SERVICE DOGS - FLOODPLAIN EASEMENT - BSR COMPLETE.PDF

10. **Incentive Payment Agreement - Republic National Distributing Company**

Adoption of a resolution authorizing the Chair of the Board of County Commissioners to sign the Incentive Payment Agreement between Arapahoe County and Republic National Distributing Company for a refund of 100% of the business personal property taxes associated with the expansion of the facilities located at 8000 Southpark Terrace, Littleton, Colorado 80120, pursuant to the terms contained therein

John Christofferson, Deputy County Attorney
Lisa Stairs, Budget Analyst II, Finance Department

Documents: BSR TAX INCENTIVE AGRT - EXPANDED BUSINESS - REPUBLIC NATIONAL - CONSENT AGENDA 5-24-16.DOC, RESO NO. 160___ - AUTH TO SIGN TAX INCENTIVE AGRT REPUBLIC DISTRIBUTION EXPANDED (2016).DOC, INCENTIVE AGREEMENT RNDC 05 09 16 EXECUTED.PDF

GENERAL BUSINESS ITEMS

1. ***PUBLIC HEARING - Spring 2016 Open Spaces Grant Awards**
   Consideration of the County staff and OSTAB joint recommendation to fund the highest ranked and qualified Standard Grants (total of 10); the highest ranked and qualified Planning Grants (total of 5); and all qualified Small Grants (total of 3), totaling $2,966,381 for the Spring 2016 Open Space Grant Cycle

   Presenter, Josh Tenneson, Grants and Acquisitions Administrator, Open Spaces
   Lindsey Miller, Grants Program Administrator, Open Spaces
   Shannon Carter, Director, Intergovernmental Relations and Open Spaces
   Janet Kennedy, Director, Finance
   Tiffanie Bleau, Senior Assistant County Attorney

   Documents: SPRING 2016 OPEN SPACE GRANT AWARDS PH BSR 5.24.16.PDF, 2016 SPRING RANKING SHEET FINAL 3.31.16.PDF, OSTAB RECOMMENDATION TO BOCC 2016 SPRING GRANT CYCLE FINAL.PDF

2. ***PUBLIC HEARING - Adoption of the 1st Quarter Supplemental Appropriation Resolutions**
   Consideration of the 2016 1st Quarter Supplemental Appropriation requests

   Presenter, Jessica Savko, Budget Analyst, Finance
   Todd Weaver, Budget Manager, Finance
   Janet Kennedy, Director, Finance
   John Christofferson, Deputy County Attorney

   Documents: BSR- PUBLIC HEARING 1ST QTR 2016.DOCX, PROPOSED MOTION_1ST QUARTER.DOCX

3. ***PUBLIC HEARING - W15-004 Land Development Code Update 12 2500 Septage and Sewage Land Use Application**
   Consideration of a request for case W15-004, Septage and Sewage Land Use Application 12-2500. This County-initiated application is to add new Section 12-2500 Septage and Sewage Land Application Regulations to Chapter 12, Specific Regulations, within the Arapahoe County Land Development Code to provide definitions, thresholds and requirements to better address concerns received in recent years on land application practices involving septage and sewage, occurring primarily in the eastern part of the County

   Presenter, Tammy King, Zoning Administrator, Public Works and Development
   Jan Yeckes, Planning Division Manager, Public Works and Development
   Jason Reynolds, Current Planning Manager, Public Works and Development
   David Schmit, Director, Public Works and Development
   Keith Ashby, Purchasing Manager, Finance
   Robert Hill, Senior Assistant County Attorney

Documents: W15-004 BSR LDC ADDITION SECTION 12-2500.PDF

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.

MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, APRIL 26, 2016

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Nancy Doty, Chair	**Commissioner District 1**	**Present**
Nancy Jackson, Chair Pro-Tem	**Commissioner District 4**	**Present**
Nancy A. Sharpe	**Commissioner District 2**	**Absent and Excused**
Rod Bockenfeld	**Commissioner District 3**	**Present**
Bill Holen	**Commissioner District 5**	**Present**
Ron Carl	**County Attorney**	**Present**
Matt Crane	**Clerk to the Board**	**Absent and Excused**
Joleen Sanchez	**Asst. Clerk to the Board**	**Present**

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER
Commissioner Doty called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA
County Attorney Ron Carl added a motion to go into executive session to the end of the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Jackson and duly seconded by Commissioner Holen to adopt the Agenda as amended.

The motion passed 4-0, Commissioner Sharpe absent and excused.

ADOPTION OF THE MINUTES
The motion was made by Commissioner Holen and duly seconded by Commissioner Jackson to adopt the minutes of the March 22, 2016 and March 29, 2016 public meeting as presented.

The motion passed 4-0, Commissioner Sharpe absent and excused.

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

CEREMONIES
There were no ceremonies on this date.

CITIZEN COMMENT PERIOD
There were no citizen comments on this date.

CONSENT AGENDA

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Holen to approve the items on the Consent Agenda as presented.

The motion passed 4-0, Commissioner Sharpe absent and excused.

GENERAL BUSINESS ITEMS

Item 1 – Resolution No. 160308 - Cherry Tree Estates Preliminary Development Plan, Case Z15-001

Senior Assistant County Attorney Robert Hill established jurisdiction for the Board to hear this case.

Senior Planner Molly Orkild-Larson introduced the case and explained the plan details.

There was discussion regarding the height of the building. Ms. Orkild-Larson clarified that buildings would be a maximum of two stories at a maximum of 32 feet tall.

Tim Van Meeter, applicant, presented a PowerPoint presentation and introduced the development team. He discussed the need to install a secure fence surrounding the property, as this facility will serve residents with Alzheimer's and dementia. He then detailed the site background, access, location, and the number of proposed units. He said there would be independent-living units and memory care units.

The applicant explained why he feels this development is compatible with the surrounding properties, which are located in the City and County of Denver.

Melissa Kendrick, representing the applicant, discussed the proposed density for this site, which is lower than the surrounding areas. She explained how the developer has worked to meet the requests of the neighborhood. She also addressed concerns related to traffic cutting through the site; gates have been added to alleviate that issue.

Mike Rocha, traffic consultant, reviewed the traffic impacts, which he felt would be negligible; access points have been approved by the City and County of Denver.

Ms. Kendrick asked that the condition of pedestrian accessibility across this site be removed, as the safety and security of the residents is most important. She asked that the applicant have the flexibility to decide where the pedestrian path is built.

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

Commissioner Jackson asked for more information regarding Condition 4.

Ms. Kendrick stated that the applicant is comfortable with Condition 4, as written. She explained that there is a concern about Mansard roofs.

Ms. Orkild-Larson suggested that the condition remain as is, and that the Board prohibit Mansard roofs with a 4:12 pitch or "4:12 up to 12:12".

The public hearing was opened.

Ivo Roospold-opposed

Ruthann Zook-opposed

Beverly Rennie-opposed

Mary Ann Mayo-opposed

Lisa Forman-opposed

Loren Collier-opposed

The public hearing was closed.

Commissioner Bockenfeld asked about drainage issues.

Sarah White, Arapahoe County Engineering Division, explained mitigation plans for drainage.

Commissioner Doty asked about the setback from the property line.

Ms. Kendrick explained that 20-foot setbacks are proposed on all sides of this property, are reasonable, and fall within the regulations for the County's code.

There was discussion regarding traffic backing up onto Quebec. Mr. Rocha said Arapahoe County's standards regarding stacking for gated entrances would be followed.

Commissioner Jackson asked if a stoplight would be installed. Mr. Rocha stated that he has talked with Denver about ongoing concerns there, but there are ways to mitigate the left turn from Iowa to Quebec, which would be controlled by Denver.

Commissioner Jackson asked about the fencing. Mr. Van Meeter explained where the fence would be installed.

There was discussion regarding mitigation measures related to the landfill.

Paul Stone explained what steps would be taken to clean up the land.

Commissioner Holen asked about the environmental impact on the neighborhood.

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Mr. Stone said there would be no impact on ground water and storm water mitigation would be in place.

Mr. Hill read the County's definition of density into the record and clarified that the definition is based on the number of dwelling units, not the number of people.

Commissioner Bockenfeld asked about the topography related to the height of the buildings.

Mr. Van Meeter stated that the grade was not changed in planning area one. He said there is no evidence of water flowing into Concha from his property, and a detention pond would be on site.

In the case of Z15-001, Cherry Tree Estates Preliminary Development Plan, the motion was made by Commissioner Jackson and duly seconded by Commissioner Bockenfeld that the Board of County Commissioners has read the staff report and received testimony at the public and finds itself in agreement with staff findings 1 through 3, including all plans and attachments as set forth in the staff report dated April 12, 2016, and approve this application, subject to the following conditions:

1. Prior to signature of the final mylar copy of the Preliminary Development Plan, the applicant agrees to address the Planning Division, Mapping Division, and Engineering Services Division comments and concerns, as outlined in their plans and reports.

2. At the time of the Final Development Plan, the applicant shall address the landfill material on-site and presence of flammable gas (methane) to the satisfaction of the Tri- County Health Department and Colorado Department of Public Health and Environment.

3. Prior to construction on the property, all land fill material shall be removed from the site.

4. All buildings in Planning Area 1 shall have a pitched roof (minimum 4:12) with no Mansard roofs, oriented parallel to the property line to provide a transition from lower heights adjacent to neighboring properties to the maximum building height at the peak of the roof.

5. At the time of Final Development Plan, a pedestrian path shall be developed along Colorado Avenue, connecting E. Colorado Avenue with S. Quebec Street. In the event a pedestrian path is developed on the south side of the property in the Cherry Creek right of way, this requirement to provide a pedestrian path on the property shall cease and terminate.

6. This approval is limited to approval of a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

7. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

8. Add a note to the Preliminary Development Plan that includes:

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a. This development is approved only as a senior community that shall operate in compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act.

b. At Final Development Plan, the applicant shall develop a mechanism to assure compliance with the Housing for Older Persons Act of 1995 Amendment to the Fair Housing Act (HOPA), which shall include at a minimum the adoption of appropriate covenants, leasing agreement provisions, or other policies as required under HOPA and provision for maintaining and providing data to the County when requested to assure the County that the community is being operated as senior community in compliance with HOPA.

The motion passed 4-0, Commissioner Sharpe absent and excused.

COMMISSIONER COMMENTS
Commissioner Holen thanked the developer for bringing homes for senior citizens, and addressed the need for this type of housing.

The motion to go into executive session was made by Commissioner Doty, duty seconded by Commissioner Holen.

The motion passed 4-0, Commissioner Sharpe absent and excused.

There being no other business before the Board, Commissioner Doty adjourned the meeting at 10:55 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

_____

MATT CRANE, CLERK TO THE BOARD
BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

MINUTES OF THE ARAPAHOE COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, MAY 3, 2016

At a public meeting of the Board of County Commissioners for Arapahoe County, State of Colorado, held at 5334 South Prince Street, Littleton, Colorado 80120 there were:

Nancy Doty, Chair	**Commissioner District 1**	**Absent and Excused**
Nancy Jackson, Chair Pro-Tem	**Commissioner District 4**	**Present**
Nancy A. Sharpe	**Commissioner District 2**	**Present**
Rod Bockenfeld	**Commissioner District 3**	**Present**
Bill Holen	**Commissioner District 5**	**Present**
Ron Carl	**County Attorney**	**Present**
Matt Crane	**Clerk to the Board**	**Absent and Excused**
Joleen Sanchez	**Asst. Clerk to the Board**	**Present**

when the following proceedings, among others, were had and done, to-wit:

CALL TO ORDER
Commissioner Doty called the meeting to order.

INTRODUCTIONS

ROLL CALL

PLEDGE OF ALLEGIANCE

MODIFICATION(S) TO THE AGENDA
There were no modifications to the agenda.

ADOPTION OF THE AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Sharpe to adopt the Agenda as presented.

The motion passed 4-0, Commissioner Doty absent and excused.

ADOPTION OF THE MINUTES
The motion was made by Commissioner Sharpe and duly seconded by Commissioner Holen to adopt the minutes of the April 5, 2016 public meeting as presented.

The motion passed 4-0, Commissioner Doty absent and excused.

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

The motion was made by Commissioner Bockenfeld and duly seconded by Commissioner Holen to adopt the minutes of the April 12, 2016 public meeting as presented.

The motion passed 3-0, Commissioner Doty absent and excused, Commissioner Jackson abstained.

CEREMONIES
There were no ceremonies on this date.

CITIZEN COMMENT PERIOD
There were no citizen comments on this date.

CONSENT AGENDA

The motion was made by Commissioner Holen and duly seconded by Commissioner Sharpe to approve the items on the Consent Agenda as presented.

The motion passed 4-0, Commissioner Doty absent and excused.

Lynn Myers, Southeast Denver Economic Development Partnership thanked the Board of County Commissioners for their support of Arrow Electronics.

GENERAL BUSINESS ITEMS

Item 1 – Resolution No. 160316 - Case Z15-004, Xenia Street Townhomes Preliminary Development Plan

Robert Hill, Senior Assistant County Attorney, established jurisdiction for the Board to hear this case.

Bill Skinner, Senior Planner, introduced the applicant and reviewed the details of this case. He said the neighbors have concerns about building height, density and setbacks.

Scott Alpert, developer, presented a PowerPoint presentation, a copy of which has been retained for the file. He presented a rendering of the proposed buildings, which would be a maximum of 38 feet tall, and discussed setbacks. He described the characteristics of the surrounding buildings.

Commissioner Sharpe asked what the setbacks would look like. Mr. Alpert said there would be green space between the development and the neighbors, a drive way, and there would be fencing on the property line.

The Public Hearing was opened.

Heike Newman, speaking on behalf of Yosemite Village, explained the neighbors' concerns regarding building height and dwelling units per acre.

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Ferrell Woods expressed concern about the height of the buildings.

The Public Hearing was closed.

Commissioner Sharpe asked Mr. Skinner to discuss density and height related to the Comprehensive Plan. Mr. Skinner said this development falls within the density for this site, but said the Comp Plan is largely silent regarding height.

Commissioner Bockenfeld asked about the transition between the existing properties and this development. He said it appears this project is compatible.

Mr. Skinner said the proposed buildings would be taller that the surrounding buildings, but the increase is not egregious.

Commissioner Sharpe asked why height was not addressed in the comprehensive plan.

Mr. Skinner suspects that at the time the comprehensive plan was developed, the citizens were focused on the broader category of single family homes versus multi-family homes.

Commissioner Sharpe asked Mr. Alpert why the applicant needs three stories instead of two stories.

Mr. Alpert said there is not much ground so the only option is to go up.

Commissioner Jackson clarified the setbacks and the building height.

Mr. Skinner added that the density has been revised to 19.6 dwelling units (DU) per acre and the number of units is capped at 28.

There was discussion regarding the condition related to the Open Space department which strongly recommends a recreation area on this site. The commissioners agreed that requiring a playground without knowing what it will look like is not fair to the developer and the neighbors, and that it is not the prevue of Open Space to get involved in site plans.

The motion to approve this case was made by Commissioner Jackson and duly seconded by Commissioner Bockenfeld: considering the findings and other information provided herein, staff recommends the approval of Case Z15-004 Xenia Street Townhomes Preliminary Development Plan, subject to the following conditions of approval:

1. Prior to Board signature of these plans, the applicant agrees to address Public Works Staff comments including concerns identified in the most recent Engineering Staff Report.
2. The developer shall provide a transition to mitigate impacts on the lower density and lower height single-family detached south of the site.
3. Open zoning violations on the subject property will be addressed before Staff will forward a copy of the plans to the board for signature.

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

4. Changes to the proposal agreed to by the applicant during the review and approval process, including conditions of approval agreed to at the March 15th Planning Commission hearing will be reflected on the application before plans will be forwarded to the Board for signature, including the following;
   a. Applicant will increase the eastern setback from 10 feet to 15 feet and the southern setback from 10 feet to 30 feet.
   b. The applicant will limit top of wall/gutter height to 30 feet of the southern building with the tallest roofline at 38 feet.

The motion passed 3-0, Commissioner Sharpe opposed, Commissioner Doty absent and excused.

COMMISSIONER COMMENTS

Commissioner Jackson said she understands why Commissioner Sharpe voted against this plan, but she is also concerned about the lack of affordable housing in this area, and housing like this fills a need in that community. She said she looks forward to an informal park and a nice development.

There being no other business before the Board, Commissioner Jackson adjourned the meeting at 10:30 a.m.

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

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MATT CRANE, CLERK TO THE BOARD
BY JOLEEN SANCHEZ, ASSISTANT CLERK TO THE BOARD

The audio recording is the official County record of this meeting. Written minutes are a summary of the meeting and provided as a courtesy only.

REPORT FOR 04/26/2016 TO 05/02/2016
FUNDS SUMMARY:

FUNDS SUMMARY:

10 General Fund	1,461,615.65
11 Social Services	250,633.21
14 Law Enforcement Authority Dist	4,380.92
15 Arapahoe / Douglas Works!	87,703.73
16 Road and Bridge	65,292.69
20 Sheriff's Commissary	44,302.67
21 Community Development	3,090.59
26 Grants	19,289.04
28 Open Space Sales Tax	58,204.89
29 Homeland Security - North Cent	32,616.14
33 Building Maintenance Fund	31,157.84
41 Capital Expenditure	1,002,170.15
43 Arapahoe County Recreation Dis	3,359.11
70 Central Services	739,799.49
71 Self-Insurance Liability	12,033.18
73 Self-Insurance Workers Comp	809.96
84 E-911 Authority	211.85
	==========
TOTAL	3,816,671.11

FUND REPORT - EXPENDITURE TYPE
FUND 10 EXPENDITURE REPORT

ADAM NEAL BURSON	Services And Other	111.00
ALLEGIANT MORTUARY TRANSPORT LLC	Services And Other	4,330.00
ALSCO	Supplies	954.75
ANTONIA GALVEZ SALDANA	Services And Other	19.98
ARAMARK CHICAGO LOCKBOX	Services And Other	262.50
ARAPAHOE LIBRARY DISTRICT	Services And Other	11,515.16
BACKGROUND INFORMATION SERVICES INC	Services And Other	803.00
BASELINE ASSOCIATES INC	Services And Other	4,270.00
BC SERVICES INC	MISC.	30.00
BRIAN BOSTWICK	Services And Other	150.98
BRIAN WEISS	Services And Other	100.00
BRUCKNER TRUCK SALES INC	Supplies	3,761.57
CAITLIN MOCK	Services And Other	119.66
CAROLINE HOGAN/PETTY CASH	Services And Other	10.00
CAROLINE HOGAN/PETTY CASH	Supplies	35.00
CDW GOVERNMENT, INC.	Services And Other	30.48
CDW GOVERNMENT, INC.	Supplies	273.21
CERTIFIED BALANCE SERVICE INC	Services And Other	99.00
CGRS INC	Services And Other	319.70
CHEMATOX LABORATORY INC	Services And Other	245.00
CHERRY KNOLLS PHILLIPS 66	Services And Other	309.60
COLORADO 4-H FOUNDATION INC	Services And Other	271.25
COLORADO BUREAU INVESTIGATION	Supplies	39.50
COLORADO COUNTY TREASURERS ASSN	Services And Other	450.00
COLORADO DOORWAYS	Supplies	1,414.80
COLORADO STATE UNIVERSITY	Supplies	170.00
COMITIS CRISIS CENTER INC	Services And Other	17,000.00
COREMR L C	Services And Other	2,214.00
DAIOHS USA	Supplies	43.00
DARCY KENNEDY	Services And Other	46.14

REPORT FOR 05/03/2016 TO 05/09/2016
FUNDS SUMMARY:

FUNDS SUMMARY:

10 General Fund	1,559,285.70
11 Social Services	37,788.57
14 Law Enforcement Authority Dist	6,581.32
15 Arapahoe / Douglas Works!	22,624.74
16 Road and Bridge	5,906.91
20 Sheriff's Commissary	12,513.50
21 Community Development	145.52
26 Grants	44,758.83
28 Open Space Sales Tax	4,159.28
33 Building Maintenance Fund	13,536.06
41 Capital Expenditure	13,535.00
42 Infrastructure	18,948.34
43 Arapahoe County Recreation Dis	101.72
70 Central Services	6,338.21
71 Self-Insurance Liability	465.44
73 Self-Insurance Workers Comp	31,829.33
74 Self-Insurance Dental	4,708.47
84 E-911 Authority	2,562.32
	==========
TOTAL	1,785,789.26

FUND REPORT - EXPENDITURE TYPE
FUND 10 EXPENDITURE REPORT

3M	Services And Other	4,020.00
3M	Supplies	300.00
ACCOUNT BROKERS INC	MISC.	15.00
ADAMSON POLICE PRODUCTS	Supplies	6,296.40
ALSCO	Supplies	645.73
AMERICAN TIRE DISTRIBUTORS INC	Supplies	244.44
ANDREW CORNELL	Services And Other	184.73
ARAPAHOE COUNTY PUBLIC AIRPORT	Services And Other	6,482.00
ASHLEY CAPPEL	Services And Other	236.00
ASPIRE HR INC	Services And Other	232.50
ATRIUM PROPERTIES GROUP	MISC.	60.10
ATSI MANAGEMENT COMPANY	MISC.	15.00
AVI SYSTEMS INC	Services And Other	680.00
BATTERIES PLUS	Supplies	71.15
BISCUIT AND BERRIES	Services And Other	363.00
BRAUMBAUGH & QUANDAHL PC	MISC.	15.00
BRIDGESTONE RETAIL OPERATIONS LLC	Services And Other	44.99
CALIFORNIA STATE DISBURSEMENT UNIT	MISC.	52.15
CANON BUSINESS SOLUTIONS INC	Services And Other	45.25
CAROL G NEAL	Supplies	108.00
CDW GOVERNMENT, INC.	Supplies	25.02
CENTENNIAL ROTARY FOUNDATION INC	Services And Other	250.00
CERTIFIED CIRUS CONTROL SYSTEMS	Supplies	786.89
CHEMATOX LABORATORY INC	Services And Other	590.00
CHRISTIANSEN FORECLOSURE CLEANUP	MISC.	15.00
CINDY GARCIA	Services And Other	108.00
CITY OF AURORA	MISC.	106.00
CLIFTON LARSON ALLEN LLP	Services And Other	42,000.00
COLLEGE ASSIST	MISC.	359.95

Arapahoe County
Colorado's First

Board Summary Report

Date: **May 4, 2016**

To: Board of County Commissioners

Through: Ron Carl, County Attorney

From: Barbara LeBlanc, Paralegal

Subject: Abatement

Purpose 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 for abatement petitions denied for lack of jurisdiction.

Background
This abatement was filed by an agent/petitioner and denied by the Assessor's Office.

Discussion
Parcel 2067-00-0-00-263 for tax year 2013 is denied for the following reason "Subject to 39-10-114(1)(a)(I)(D) A protest was filed for the year in which this petition asks for consideration based on "Overvaluation", and is the result of the Assessor's and County Attorney's office review.

Alternatives

Fiscal Impact
No decrease in the taxes collected.

Concurrence
The County Attorney support this recommendation.

Reviewed by:
Barbara LeBlanc, Paralegal
Ron Carl, County Attorney

RESOLUTION NO. 160--- 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, May 24, 2016; and

WHEREAS, the Board at that time considered petitions for Abatement or Refund of Taxes pursuant to C.R.S. 39-1-113 and 39-10-114 submitted by various taxpayers and/or agents; and

WHEREAS, the County Assessor has recommended denial of all of these petitions for reasons as set forth within the petition and an agenda memorandum as tendered to the Board on this date, and the Board has reviewed the memorandum as presented by the Acting County Attorney and the petitions submitted by the Petitioners; and

WHEREAS, the Petitioners were not present before the Board of County Commissioners; and

WHEREAS, the basis of the Assessor's denial was that jurisdictional prerequisites were not met by the petitioners; and

WHEREAS, based upon the aforementioned, the Board of County Commissioners has no jurisdiction to act upon said petitions.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County as follows:

Petitioner	parcel number	year(s)
Brian Maltby	2067-00-0-00-263	2013

A protest was filed for the year in which this petition asks for consideration based on "overvaluation" C.R.S.39-10-114(1)9a)(l)(D)

1. That the Petition presented this date to the Board relating to Schedule number set forth therein, shall be and are hereby denied and the recommendation of the Assessor is hereby concurred with, and that no refund or abatement be allowed for the tax years as requested by the aforementioned Petitioners for the reasons as set forth upon the petitions.

The vote was:

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

The Chair declared the motion carried and so ordered.

Arapahoe County
Colorado's First

Board Summary Report

Board Summary Report

Date: **April 15, 2016**

To: **Board of County Commissioners**

Through: **Cheryl L. Ternes, Director, Department of Human Services**

From: **Angela W. Lytle, Deputy Director, Child and Adult Protection Services**

Subject: **Adult Protective Services Block Funding Changes and Additional FTE — Decision Making Session**

Request and Recommendation

This matter was presented and discussed in Study Session on 5/2/16. The Board of County Commissioners requested it be scheduled for Consent Agenda for formal approval of the Department of Human Services' (ACDHS) utilization of increased Adult Protective Services (APS) Block funding as mandated by Senate Bill 15-109 to hire three fulltime positions in preparation for the anticipated workload increase with the implementation of SB 15-109. The funding granted is anticipated to be a permanent change to the block allocation and is 80% State funds requiring a 20% county funding match.

Background

With the implementation of SB 15-109, mandatory reporting expands to include At Risk Adults with Intellectual Developmental Disabilities (IDD), effective July 1, 2016. Prior to this new legislation being signed into law, "At Risk Adult" was defined as a person age 70 years or older at risk of maltreatment. This new law now includes that population in addition to ages 18 and older with identified IDD. Colorado is expecting at least a 30% increase in volume as a result of this new legislation and has provided financial support to counties to prepare for and properly respond to that increase.

The Colorado Department of Human Services (CDHS) notified ACDHS on March 22, 2016, that supplementary funding as determined by the current APS Allocation formula in the amount of $83,031 had been granted to be spent by June 30, 2016. Unfortunately given the timeframes and time demanded by the hiring and onboarding process, it is highly unlikely that Arapahoe County will benefit from any of those funds. However, applying that same formula, Arapahoe County can expect approximately $332,000 as sustainable funding for SFY 17.

Links to Align Arapahoe

Service First: Assuring high levels of client service while expanding the type of services available to those served-- all designed to achieve excellent outcomes.

Fiscally Responsible/Quality of Life: The average caseload per Arapahoe County Adult Protection Caseworker is 17 which is a manageable workload with room for growth as the anticipated increase in the demanded services expands. SB 13-111 mandated a caseload of no more than 25 cases per worker. With the additional resources and continued effective workload management strategies implemented, Arapahoe County should be able to remain in compliance with that requirement. Manageable workloads allow high quality services to vulnerable adults in Arapahoe County.

Discussion
Request for three fulltime positions services:

SB15-109 implements into law mandatory reporting of At Risk Adults with Intellectual Developmental Disabilities (IDD), effective July 1, 2016. Prior to this new legislation being signed into law, "At Risk Adult" was defined as a person age 70 years or older at risk of maltreatment. This new law now includes that population in addition to ages 18 and older with identified IDD. Colorado is expecting at least a 30% increase in volume as a result of this new legislation and has provided financial support to counties to prepare for and properly respond to that increase. Current rule mandates a caseload ratio of county caseworkers to a maximum of twenty-five cases per caseworker, so the additional funding is to aid in compliance with those rules.

Workload/Caseload Information

	Caseworker to Client Ratio	Caseworker to Supervisor Ratio
Current	1:17	1:8
With Anticipated Workload Increase of 30% without Additional Resources	1:23	1:8 (one supervisor overseeing 8 caseworkers and over 160 cases)
With Anticipated Workload Increase of 30% with Additional Resources	1:16	1:5 (2 supervisors, each supervisor overseeing 5 caseworkers and approximately 80 cases)

In order for Arapahoe County to maintain the mandated case ratio with the anticipated workload increase, three fulltime positions must be added.

ACDHS is requesting to use the allocated supplemental funding to support two additional caseworker FTE positions and one supervisor position.

Fiscal Impact

Arapahoe County has been allocated an increase in block funding for Adult Protective Services in the amount of $83,031 for SFY 16 as a result of Senate Bill 15-109 to be used as specifically designated and spent by June 30, 2016. The funding increase allocated to statewide Adult Protective Services is projected to remain in place for future years. The County match for SFY 16 is $16,606 or 20% as with other state funded programs. The total additional allocation for SFY17 is $332,124, with a County match of $66,425. This supplemental request of $249,093 will cover the remainder of CY16 and the County match will be $49,818. This will be a supplemental request submitted to the Finance Department to be included in the 1st Quarter Budget Review scheduled for BoCC presentation in late April 2016.

Fiscal Impact of Three Additional Resources/FTE

CFY 2016	Salary/Benefits for 3 FTE	Equipment, Supplies and Mileage	Total	Awarded
SB15-109 Funding (Apr-June)	$59,391	$17,490	$76,881	$83,031
SB15-109 Projected Funding (July-Dec)	$118,782	$10,000	$128,782	$166,062

	Expenditures	Revenue	20% County Share
CFY 2016 - 3 Quarters	$ 249,093	$ 199,275	$ 49,818
CFY 2017 - Full Year	$ 332,124	$ 265,699	$ 66,425

Alternatives

ACDHS could choose not to utilize the supplemental funds allocated by the State. However, within a very short period of time given the anticipated increase in service demand, Arapahoe County would be very quickly noncompliant with the State mandated case ratio which could potentially lead to fiscal and other sanctions and most importantly the quality of service delivery would be negatively impacted as a result of an unmanageable workload.

Approved By:

Janet Kennedy, Finance Department Manager
Michael Valentine, Deputy County Attorney
Suzanna Dobbins, Human Services Finance Manager

RESOLUTION NO. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to approve the Department of Human Services (ACDHS) utilization of increased Adult Protective Services (APS) Block funding as mandated by Senate Bill 15-109 to hire three fulltime positions in preparation for the anticipated workload increase with the implementation of SB 15-109. The funding granted is anticipated to be a permanent change to the block allocation and is 80% State funds requiring a 20% county funding match.

The vote was:

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

The Chair declared the motion carried and so ordered.

Arapahoe County
Colorado's First

Board Summary Report

Date: May 13, 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	66020	Moreland Properties LLC	9400 East Arapahoe Road	1.	$3,959,250	$2,800,000
2015/ 2016	66041	Crown Denver IV LLC	501 South Cherry	2.	$13,603,188	$12,650,000
2015/ 2016	66051	TNREF III Aurora Corporate	2400 South Peoria Street and 2450 South Peoria Street	3.	$7,374,000	$4,450,000
2015/ 2016	66185	6782 S. Potomac St. LLC	6782 South Potomac	4.	$4,469,000	$4,150,000
2015/ 2016	66233	Hubert T. Morrow	1800 West Littleton Boulevard	5.	$567,340	$515,000
2015/ 2016	66459	Quentin Street Partners LP	6982 South Quentin Street	6.	$3,127,300	$3,011,000
2015/ 2016	66569	Carriage Green LLC	15951 East 13th Place	7.	$14,925,900	$96,00,000

Reasons

1. Zoning changes resulted in legal non-conforming current subject use, with no extensive, necessary renovations or additions permitted, which in turn resulted in auto dealer forced to vacate. As of base period, most subject value in the land.
2. Income and sales comparison approaches indicate that adjustment to this value is correct.
3. Subject 100% vacant during base period. Income approach applying excess vacancy adjustment and sales with high vacancy indicate that adjustment to this value is correct.
4. Income and comparable market sales indicate that adjustment to this value is correct.
5. Comparable market sales indicate that adjustment to this value is correct.
6. Income approach indicates that adjustment to this value is correct.
7. Comparable market sales and GRM indicate that adjustment to this value is correct. Mass appraisal based on regression analysis not supportable.

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. 160XXX 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

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

The Chair declared the motion carried and so ordered.

Board Summary Report

Date: May 10, 2016

To: Board of County Commissioners

Through: Dave Schmit, P.E., Director Public Works and Development

From: Charles V. Haskins, P.E., Engineering Division Manager

Subject: **C16-016; Payment Agreement with Mark Smith Property Owner of 2101 S. Yosemite Street, Approval of Agreement and Payment of $8,554.82 to Homeowner**

Request and Recommendation

Public Works and Development (PWD) is requesting approval of a Payment Agreement with Mark Smith property owner of 2101 S. Yosemite Street for removal and reconfiguration of a portion of a wall/fence to correct a sight line obstruction to motorist. PWD staff is recommending:

1) Approval of the agreement.
2) Authorization for the BOCC Chair to sign the agreement
3) Authorize Staff to encumber $8,554.82 via purchase order to fund the County's obligation under the agreement.
4) Authorize Staff to make expenditures to meet contractual obligations of the payment Agreement.

This matter was discussed with the BoCC in a study session dated March 21st 2016.

Background

On June 21, 2013, the County issued a building permit for Mark Smith to construct a perimeter wall/fence around his property. On June 26, 2015, Public Works and Development staff began to receive complaints by motorist that the wall/fence was blocking sight distance at the intersection of E. Evans an S. Yosemite Street for vehicles turning left onto S. Quebec Way. Upon investigation of the matter it was determined that the 6 ft. columns at the southwest corner of the intersection were obstructing sight distance and creating safety issues for motorists. PWD staff contacted Mark Smith in an effort to have him modify the columns to restore sight distance. Mr. Smith agreed to modify the wall if the County funded the removal and reconfiguration. Many attempts were made to cost share the wall/fence modifications but the property owner resisted stating that the County issued him a valid building permit to build the wall/fence and that he built the wall in accordance with that building permit.

Links to Align Arapahoe

Provide Safe and Efficient Roadway Infrastrucure

Discussion

After several attempts to resolve this issue with the propery owner and our need to address this safety issue, PWD negotiated the attached Payment Agreement. The agreement contemplates that property owner will contract the removal and reconfiguraton of the wall/fence and the County will make payments on the work as the project progresses to a maximun of $8,554.82 (see attached cost estimate). PWD staff discussed this issue with the Board in a study session on March 21, 2016 and recommended payment of the $8554.82 based on some responsibility from the County staff for oversight in not anticipating the sight distance obstruction during permit review and the urgency to address this safety issue. During the study session the PWD staff pledged that additional training would be provided to the staff devoted to review of these types of permits and that requirements would be imposed on building permit Applicants to provide adequate sight line analysis with permit applications for wall/fence construction.

Alternatives

There is an option to not execute the Payment Agreement and pursue this matter through the Courts but the County would need to expend considerable staff and legal resources and runs the risks of still being responsible for the wall/fence reconfiguration costs.

Fiscal Impact

The fiscal impact of executing the Payment Agreement will be $8,554.82.

This action (approval and execution of the Payment Agreement) will encumber the County funding. Funding for this action is in the following account:

424516016-54367	Construction	$8,554.82
WBS16016.1.7.6	Construction Other	$8,554.82

The County will make payments as work is completed, verified, and invoices are submitted for reimbursement to a maximum of $8,554.82.

Concurrence

PWD staff received preliminary concurrance from the BoCC at the March 21, 2016 study session to proceed with the Payment Agreement.

Attorney Comments
The County Attorney's Office has reviewed the agreement and concurs with this requested action.

Reviewed By:

Charles V. Haskins, Engineering Service Division Manager

Bryan D. Weimer, Transportation Division Manager

David M. Schmit, PWD Director

Robert Hill, Senior Assistant County Attorney

cc: **Email**
David M. Schmit, Director, Public Works
Bryan D. Weimer, Division Manager – Transportation Division
Charles V. Haskins, Division Manager – Engineering Services Division
Robert Hill, Assistant County Attorney
Rhonda Robinson, PW&D Budget Analyst
Jessica Savko, Finance Department
Todd Weaver, Finance Department
Loren Kohler, Finance Department
Kim Lynch, Administration
Reader
File (C16-016)
Agenda Notebook

Hard Copy
Bryan D. Weimer, Division Manager – Transportation
Jon Williams, CIP Engineer III
File (C16-016)
Reader

RESOLUTION NO. xxxx. It was moved by Commissioner and duly seconded by Commissioner to approve the Payment Agreement with Mark Smith property owner of 2101 South Yosemite Street as presented by staff, and to authorize the Chair's signature on the Agreement. The maximum payment amount is $8,554.82 and Staff is authorized to make expenditures to meet contractual obligations.

The vote was:

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

The Chair declared the motion carried and so ordered.

PAYMENT AGREEMENT

THIS AGREEMENT, is entered into this ____ day of _____, 2016 by and between Arapahoe County, Colorado ("County") and Mark Smith (Owner) for removal and reconfiguration of a portion of wall/fencing to correct a sight line obstruction to traffic caused by that portion of the wall.

WHEREAS, Owner is the owner of the property at 2101 S. Yosemite Street, Denver, Colorado 80231; and

WHEREAS, Owner applied for a variance and building permit to erect a wall/fence around his property, and County approved both the variance and the building permit for the wall/fence as described in the variance and building permit applications; and

WHEREAS, Owner erected the wall/fence substantially as approved, but it was then discovered that the wall/fence created a sight line obstruction for traffic turning left from East Evans Road onto South Quebec such that the available sight distance for a driver making a left turn on to South Quebec does not meet the minimum recommended sight distance under AASHTO standards; and

WHEREAS, County has installed warning signage for vehicles traveling on South Yosemite as a temporary measure to mitigate traffic safety issues caused by the sight obstruction; and

WHEREAS, in order to fully mitigate traffic safety issues caused by the sight line obstruction, the wall/fence must be reconfigured at the north east corner of the Owner's property: and

WHEREAS, both County and Owner acknowledge that the sight distance obstruction caused by the wall/fence presents a traffic hazard that needs to be corrected by re-configuring the wall/fence to provide a sight distance that complies with AASHTO standards; and

WHEREAS, Owner has obtained a cost estimates for the design and reconfiguration of the wall/fence and has provided invoices for architectural and engineering costs for the work to

reconfigure the wall, copies of which are attached hereto and compiled in Exhibit A and incorporated into the this Agreement by this reference; and

WHEREAS, County has determined that the reconfiguration of the section of the wall/fence as provided in the design shown in Exhibit A, attached, will mitigate the sight obstruction caused by the wall/fence and will provide an adequate sight distance for vehicles turning left from East Evans to South Quebec that will satisfy the AASHTO engineering standards.

NOW, THEREFORE, in consideration of the mutual obligations and agreements contained herein, County and Owner hereby agree as follows:

1. Owner agrees to complete all the work necessary to re-configure the wall/fence at the northeast corner of the Property at the intersection of East Evans and South Yosemite in accordance with the design shown in Exhibit A.

2. Owner agrees to contract for such work and have the work completed as soon as is reasonably possible subject to the contractor's schedule. Upon execution of this Agreement, Owner shall take the necessary steps to contract for the work to be completed and shall provide the County with an estimated completion date. Within, 30 days after the execution of this Agreement, Owner shall provide the County with an estimated completion date of the entire project. Although Owner is subject to his contractors' schedules to perform the work, Owner nevertheless agrees to proceed in good faith to accomplish the completion of the work contemplated under this Agreement as soon as is reasonably possible.

3. County agrees that the building permit granted by the County to the Owner for the construction of this wall/fence shall be amended to include the changes in design as shown in Exhibit A, that the permit shall be extended for a sufficient period of time for Owner to complete the work within Owner's estimated completion date, and that there are no additional fees to the Owner.

4. County agrees to pay to Owner, (which includes architectural/engineering, demolition, and construction costs), up to the amount of the estimate or Eight Thousand Five Hundred and Fifty-four and 82/100 Dollars ($8,554.82) toward the cost of reconfiguring the wall/fence. Upon completion of work, Owner shall notify County of the work completed and provide County with a statement of the actual cost for the work, of which County will pay up to a maximum of $8,554.82 of the cost, which payment amount shall be the full extent of County's participation towards the work. Owner shall submit statements of work completed along with applicable invoices or receipts to the County. Owner may submit these records as they are incurred, or in stages of completion, or upon final completion of the work. County shall make payment(s) to Owner within thirty (30) days of its receipt of each statement. Owner shall submit these statements, via email or U.S. Mail, to:

   Chuck Haskins, Engineering Service Division Manager
   Arapahoe County Department of Public Works and Development
   6924 South Lima Street
   Centennial, Colorado 80112-3853
   chaskins@arapahoegov.com

5. Nothing in this Agreement is intended to be a waiver of, nor shall anything in this Agreement be interpreted as a waiver of, any government immunity available to County under any provision of law, including but not limited to the Colorado Governmental Immunity Act, CRS 24-10-101, *et seq.*

6. Owner and County acknowledge and agree that completion of the work required to re-configure the wall/fence as described in Exhibit A is a matter of public safety and as a result, Owner agrees that in the event that Owner fails to perform the work for re-configuration of the wall/fence as required under this Agreement, County may bring an action in any District Court to compel completion of the work and Owner agrees that injunctive relief for specific performance of completion of the work is appropriate under law and equity.

7. Owner and County agree that in any action to compel performance of any of the obligations under this Agreement or for damages occasioned by a party's asserted breach of any of the terms of this Agreement, the prevailing party is entitled to their reasonable attorney's fees and costs incurred in such action.

8. This Agreement is intended as the complete integration of all understandings between the parties hereto. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal; addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written amendatory or other Agreement properly executed by the parties. This Agreement and any amendments shall be binding upon the parties, their successors and assigns.

9. Owner and County assure and guarantee that they possess the legal authority to enter into this Agreement. The person or persons signing and executing this Agreement on behalf of each party, does hereby warrant and guarantee that he/she or they have been fully authorized to execute this Agreement on behalf of the party and to validly and legally bind the party to all the terms, performances and provisions herein set forth.

IN WITNESS WHEREOF, Owner and County have set their hands in agreement effective the date first written above.

OWNER:

Mark Smith

ARAPAHOE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____

Attest:

_____
Deputy Clerk and Recorder
Clerk to the Board of County Commissioners

Board Summary Report

Date: May 12, 2016

To: Board of County Commissioners

Through: Cheryl Ternes, Department Director
Human Services

From: Angela W. Lytle, Deputy Director
Division of Child and Adult Protection

Subject: Collaborative Foster Care Program—Intergovernmental Agreement between Arapahoe, Douglas and Jefferson Counties.

Request and Recommendation
As reviewed and discussed in Study Session on May 23, 2016, the Arapahoe County Department of Human Services requests that the Board of County Commissioners approves and signs the annual Intergovernmental Agreement for the continuation of the Collaborative Foster Care Program (CFCP) between Arapahoe, Douglas, and Jefferson Counties effective June 1, 2016 unless terminated.

Direction/Information: Seeking approval through signature.

Request and Recommendation
Since 2008, Arapahoe and Jefferson Counties have managed a fully integrated foster care program known as the Collaborative Foster Care Program (CFCP). In 2013, Douglas County was added as a partner. The Intergovernmental Agreement presented for approval and signature continues to formalize the partnership between the three counties, articulate expected roles and responsibilities and outlines financial agreements.

Background
County Departments of Human Services have historically developed and managed their own foster care programs creating across the state competition for stretched foster care resources, duplication of services and sometimes challenging inconsistencies with practice and level of service. Arapahoe, Douglas and Jefferson Counties designed and implemented a collaborative foster care program that fully integrated all functions of three foster care programs into one in order to streamline recruitment, training, retention and support to foster families, improve marketing and outreach to potential foster families and improve services to the children placed into the foster care program. By sharing resources, the program has benefitted from the increased ability financially to better support foster families and serve foster children.

Links to Align Arapahoe

Foster Safe Communities and Foster a Healthier and Vibrant County

Foster Families who choose to become certified with the CFCP should expect to receive high quality services that begin the very first contact they have with us. The children placed into their homes should expect the very best services as well and know that the families with whom they are placed are well trained and prepared to meet their needs and are adequately supported by the CFCP.

Discussion and Alternatives

Rather than three different recruitment and marketing plans and resulting competition for resources, the three counties in the CFCP join together to reach families who will bring to foster children the very best care. Rather than three different training programs, the CFCP combined resources and efforts to redesign and strengthen the training curriculum to better prepare the foster families to meet the needs of children coming into the Child Protection System. The staff from all three counties are fully integrated, philosophically aligned and supervised in a consistent manner which improves the quality of support to the foster families and the service to the children. This remains a unique and highly praised program by the Colorado Department of Human Services.

Alternative would be a return to a single foster care program per county.

Fiscal Impact

All foster care program costs directly related to recruiting, training and supporting foster families are supported by the Child Welfare Block Allocation at the county level. All costs associated with placement and services to children placed into the foster family homes are also supported by the Child Welfare Block Allocation at the county level. Any administrative costs that may be realized outside of those primary functions, such as foster family appreciation events, are split among the three counties according to the Intergovernmental Agreement. Each County commits to the partnership in kind services such as IT support and administrative and clerical support to assure shared collaboration and ownership. There is not a fiscal impact to the budget.

Reviewed By:

Janet Kennedy, Finance Department Director
Michael Valentine, Deputy County Attorney
Suzanna Dobbins, Human Services Finance Manager

RESOLUTION NO. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to approve and sign the Intergovernmental Agreement between Jefferson County Human Services, Division of Children, Youth and Family Services, Douglas County Department of Human Services, Division of Children, Youth and Family Services and Arapahoe County Department of Human Services, Division of Child and Adult Protection Services for the continuation of the Collaborative Foster Care Program (CFCP) effective June 1, 2016 for one year unless terminated.

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: 05/05/2016

To: Board of County Commissioners

Through: Don Klemme, Community Resources Department Director

From: T.J. Westphal, County Veterans Service Officer

Subject: Veterans Service Officer Summary Report

Direction/Information:

The purpose of this report is to communicate the services provided to Veteran's and their families by the Arapahoe County Veterans Service Officer during the month of April, 2016.

Background

The Colorado Department of Veterans Services requires assistance to Veterans and their families in compliance with Sections 28-5-801 et seq., Colorado Revised Statutes, in receiving their benefits such as, but not limited to:

Burials:
- Provide veterans within Arapahoe County the information regarding their burial allowance
- Advise and assist family members of veterans collection of death pension

Health Services:
- Assist veterans in processing claims for medical benefits
- Assist and coordinate with veterans' Medicaid cases

Claims:
- Prepare, present and appeal claims for VA benefits on behalf of Arapahoe County veterans and their dependents

Links to Align Arapahoe

The services provided to veterans through our Veterans Services Office link to the Align Arapahoe Initiatives of Quality of Life and Service First. By connecting veterans to the resources available for them and assisting them with claims which may increase their available income, quality of life is improved. Service First is met through the timely and professional delivery of services to all veterans and family members who work with the Veterans Service Office.

Discussion

Arapahoe County Veterans Services provides full-time assistance to veterans and their families as required by state statutes.

Alternatives

This document is a state form required by the State of Colorado to be submitted monthly as application for monetary benefits payable to the County General Fund in accordance with Section 28-5-707 Colorado Revised Statutes.

Fiscal Impact

The County receives $16,560 annually for the services provided to veterans in Arapahoe County. There is also a positive fiscal impact to individual veterans through successful claims recoveries.

Concurrence

This report was presented to Donald A. Klemme, Community Resources Department Director, who recommends approval and signature by the Board of County Commissioners.

Attorney Comments
If appropriate, include this section.

Reviewed By:
Although physical signatures are not required, the BSR must still be reviewed by all necessary departments prior to submitting. You MUST provide sufficient time for finance and county attorneys to review your document prior to being submitted. The names of the individuals that have approved must be listed below.

T.J. Westphal, County Veterans Service Officer
Linda Haley, Senior Resources Division Manager
Don Klemme, Community Resources Department Director

ARAPAHOE COUNTY
VETERANS SERVICE OFFICE

Arapahoe County Veterans Service Office
April, 2016 - Summary Report

For the month of April, 2016:

- The County Veterans Service Office prepared, presented and appealed claims for federal benefits to the Department of Veterans Affairs. The office also administered the Veterans Trust Fund for emergency financial assistance. Staff conducted all daily operations to include meeting with veterans and/or their dependents, conducting community outreach, processing legal correspondence and fielding calls related to claims, referrals and general inquiries.

- John Rossie gave **16 hours** of volunteer service to the County Veterans Service Office.

- Goals and Objectives:

  - Total phone calls processed: **1039**
    - Specific to current claim action/status: **47**
    - Appointments, referrals, general inquiries: **481**
  - Scheduled/walk-in appointments/home visits: **80**
  - Claims for federal benefits filed to the VA: **35**
  - Other applications and claim correspondence: **64**
  - Requests for military records and corrections: **3**
  - Veterans Trust Fund requests granted: **7**
  - New favorable award notifications received: **30**
    - 2016 Favorable decisions to date: **86**
    - 2016 VA claim award recoveries to date: **$1,250,362.84**

- Training, Outreach and Community Events:

  - 04/12/16 – Community: Monthly UVC Meeting
  - 04/19/16 – 04/22/16 – Training: Annual CDVA Training Conference
  - 04/28/16 – Outreach: Benefits Presentation @ Sertoma Club

Respectfully Submitted,

T.J. Westphal
County Veterans Service Officer
Arapahoe County, Colorado

Colorado Department of Military and Veterans Affairs
County Veterans Service Officers Monthly Report and Certification of Pay

County of **ARAPAHOE** Month of **APRIL 2016**

General Information		Request for Medicla Records	
Telephone Calls	528	21-4142 &21-4142a	1
Office Visits	77	Military Records/Corrections	
Home Visits	3	SF180	1
Outreach Visits	1	DD149	1
Community Events	1	DD293	0
Request for Medal	0	NA13075	0
Operation Recognition	0	Other	0
Correspondence Rec'd	38	NSC Pension	
Correspondence Written	64	21-527EZ	1
Info/Referral/Inquiries		21-8416	0
VCAA Notice	2	Widows Pension	
State Benefits	1	21-534EZ	1
Income Verifications	3	21-8416	0
New Claims Initiated		DIC	
21-22 CVA	18	21-5234EZ	1
21-22 others	0	Waivers/Compromise	
SC Entitlement		21-4138	0
21-526EZ New	12	21-5655	0
21-0966 Informal	6	Appeals	
21-526EZ New Issue	0	21-0985 NOD	1
21-526EZ Reopen	1	VA Form 9	0
21-526EZ Increase	6	VA Home Loan	
21-526EZ Secondary	0	26-1800	0

21-526EZ Reinstate	0	Homeless Veterans Claims	
21-526EZ IU	1	Service Connection	0
21-8940 IU	1	NSC Pension	0
21-4192 IU Employer	1	Incarcerated Veterans	
21-4138 SMC	4	21-526EZ Reinstatement	0
21-686c Dependency	9	21-4138 Apportionment	0
21-674 School Attendance	3	Insurance Claims	
VA Healthcare		29-357	0
10-10EZ	3	29-4364	0
10-10EZR	0	29-336 Beneficiary	0
10-10D CHAMPVA-DEP	1	29-4125 Lump Sum	0
10-7979A CHAMPVA	0	VTF Requests	
10-7959C CHAMPVA INS	0	Rental Assistance	1
VOC REHAB		Utilities Assistance	0
28-1900 CH31	0	Prescription Assistance	0
MISC CLAIMS		Food Assistance	4
21-8678 Clothing Allow	1	Transportation Assistance	1
21-4502 Adaptive Equip.	0	Clothing Assistance	0
26-4555 Housing	0	Other	1
10-0103 HISA Grant	0		
CRSC	0		
Burial Allowance			
21P-530	0		
40-1330	0		
21-2008	0		
26-1817	0		

Certification by County Veterans Service Officer

I hereby certify, the above captioned monthly report is true and accurate. I have been paid the following amount(s) for the month of _____, 20____ from _____county.

Salary	$_____
Expenses	$_____
Office Space	$_____
Telephone	$_____
Office Supplies	$_____
Travel	$_____
Training Conference	$_____
Other	$_____
TOTAL	$_____

_____ 5-5-16

Signature of County Veterans Service Officer — Date

Certification by County Commissioner or Designee

In accordance with CRS 28-5-707, I hereby certify the accuracy of the Report CVA-26 revised 9-11-2015:

_____ County Commissioner or Designee of

_____County

_____ Date

This certification, submitted monthly, properly signed and executed is considered as application for the monetary benefits to the County General Fund in accordance with 28-5-804 (2002) Colorado Revised State Statute.

Submit this form no later than the 15th day the following month.

Mail to:
Colorado Division of Veterans Affairs
Attention: Deputy Director
1355 South Colorado Blvd.
Building C, Suite 113
Denver, Colorado 80222

Board Summary Report

Date: May 11, 2016

To: Arapahoe County Board of County Commissioners

Through: David M. Schmit, PE, Director
Public Works and Development

Through: Chuck Haskins, PE, Division Manager
Public Works and Development – Engineering Services Division

From: Sarah White
Engineering Services Division

Case name: Freedom Service Dogs
P15-008 / Final Development Plan
R15-004 / Replat

Subject: **Approval and acceptance of FLOODPLAIN AND DRAINAGE EASEMENT AGREEMENT**

Purpose and Recommendation:
The purpose of this request is for the adoption of 1 resolution for conveyance of a Floodplain and Drainage Easement Agreement for recordation by separate document and to allow David M. Schmit, Director, Department of Public Works and Development, to execute this specific easement on behalf of the Board.

Staff has reviewed the Floodplain and Drainage Easement Agreement and has determined that it meets the County's requirements. Staff recommends said floodplain and drainage easement, granted by Freedom Service Dogs, Inc., be accepted by the Board.

Background:
Freedom Service Dogs is developing a parcel of land within unincorporated Arapahoe County. This development lies within the Windmill Creek Watershed. The Floodplain Hazard Area Delineation (FHAD) Report for Lone Tree Creek, Windmill Creek and Dove Creek dated July 2009 is the regulatory document for this site. The FHAD shows that the southwest corner of the parcel is subject to shallow flooding (depth 2 ft.). The shallow flooding is a result of roadway overtopping on Freemont and limited culvert capacity.

Per County requirements, all floodplain property must be contained within a floodplain easement. The easement will ensure that the property is restricted to allow only those uses permitted in a floodplain or as otherwise approved by the County. The easement will also allow the County access to the property for inspection and, in the event the floodplain is not being properly maintained, to perform maintenance necessary to ensure the proper function of the floodplain.

The Technical Review Committee (TRC) has granted a variance request to allow existing building and fencing, proposed fencing and kennel shade structure within a County regulated floodplain. TRC has also requested the applicant obtain flood insurance.

The 2009 FHAD placed a portion of the property, including a portion of the existing building and fencing, within the 100 year floodplain until final construction of the Blackhawk pond is completed (as discussed in the Lone Tree Creek, Windmill Creek and Dove Creek Major Drainageway Plan (MDP). The Floodplain and Drainage Easement may automatically terminate upon completion of the South Blackhawk Street Pond, as per the Lone Tree Creek, Windmill Creek & Dove Creek Major Drainageway Plan, May 2011 or upon re-alignment of the regulatory floodplain that would remove the property from said floodplain.

Actions Requested:

1. Approval and acceptance of the Floodplain and Drainage Easement Agreement within Lot 1, Block 1, Centennial East Corporate Center, Filing No. 3.

2. Authorize David M. Schmit, Director, Department of Public Works and Development to execute this specific easement on behalf of the Board.

Concurrence:
Engineering Services Staff recommends acceptance of the Floodplain and Drainage Easement Agreement.

Sarah White
Engineering Services Division

Chuck Haskins, PE, Division Manager
Engineering Services Division

Robert Hill, Assistant County Attorney
Attorney's Office

David M. Schmit, Director
Public Works and Development

Attachments:
Floodplain and Drainage Easement
Resolution for said easement

FLOODPLAIN AND DRAINAGE EASEMENT AGREEMENT

For and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged Freedom Service Dogs, Inc. whose address is 2000 West Union Avenue, Englewood Colorado, 80110, (the "GRANTOR"), hereby grants, bargains, sells and conveys to the COUNTY OF ARAPAHOE, a body corporate and politic of the State of Colorado, whose address is 5334 South Prince Street, Littleton, Colorado (the "County"), its successors and permitted assigns, a perpetual nonexclusive easement containing a portion of the 100 year floodplain of Windmill Creek ("the Floodplain and Drainage Easement") to convey storm waters as determined by the July 2009 Flood Hazard Area Delineation Report for Lone Tree Creek, Windmill Creek, and Dove Creek, to construct, operate, use, maintain, repair, replace and/or remove certain drainage channels, ditches, culverts, and pipes and appurtenances thereto ("Improvements") in, to, through, over, under and across a certain parcel of real property located in Arapahoe County, Colorado, as more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the "Premises"), pursuant to the following terms and conditions:

1. The Grantor hereby agrees to maintain the Floodplain and Drainage Easement as floodplain, and to restrict those uses within the Floodplain and Drainage Easement to only those allowed by the F zoning district, unless otherwise approved by the County. The uses allowed within the F zoning district are those as defined in the current Arapahoe County Zoning Regulations.

2. The County, its agents, successors and permitted assigns, including the Grantor, shall have and exercise the right of ingress and egress in, on, to, through, over, under and across the Premises for any purpose necessary for the construction, reconstruction, operation, use, maintenance, repair, upgrade, replacement, and/or removal of Improvements as necessary to maintain the 100 year floodplain of Windmill Creek.

3. Upon completion of construction, maintenance, repair, removal, or replacement activities, the County, to the extent practicable, shall restore the Premises, including the surface of the ground and all landscaping to the condition it was in immediately prior to the initiation of its activities, except as necessarily modified to accommodate the Improvements.

4. The County shall have the right, but not the obligation, to enter upon the Premises and to survey, reconstruct, operate, use, maintain, repair, upgrade, replace, and remove the Improvements, and to remove objects interfering therewith, including but not limited to the trimming or removal of trees and bushes. In addition, the County shall have the right, subject to the Grantor's reasonable approval, to use so much of the adjoining premises of the Grantor for those purposes as may be reasonably required.

5. The County shall have and exercise the right of subjacent and lateral support to whatever extent is necessary or desirable for the operation and maintenance of the Improvements. The Grantor shall not take any action, which would impair the lateral or subjacent support for the Improvements.

6. The County shall have the right and authority to assign to any appropriate local governmental entity or to any public utility provider any and all rights to use, and all obligations associated with, the Floodplain and Drainage Easement as are granted to and accepted by the County herein. In addition, the County shall have the right and authority to grant construction

easements or license agreements to any appropriate local governmental entity or public utility provider for purposes of reconstruction, operation, use, maintenance, repair, replacement and/or removal of the Improvements consistent herewith.

7. The Grantor reserves the right to grant further easement interests in the Premises to other Grantees so long as such interests and uses are not inconsistent with the use of the Floodplain and Drainage Easement by the County, its successors and permitted assigns as described herein.

8. The Parties agree that this Easement described herein shall automatically terminate and the real property interest represented by such Easement shall revert to the Grantor, its heirs, successors and/or assigns when one of the following conditions are met:

a) Construction of South Blackhawk Street Pond, as per the Lone Tree Creek, Windmill Creek & Dove Creek Major Drainageway Plan, May 2011.

b) Re-alignment of regulatory floodplain that removes property from floodplain.

9. The Grantor warrants, covenants, grants, bargains and agrees to and with the County that the Grantor is well seized of the Premises above conveyed and has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature whatsoever. The Grantor further promises and agrees to warrant and forever defend the County in its quiet and peaceful possession of the Premises in the exercise of its rights hereunder against all and every person or person lawfully claiming or to claim the whole or any part thereof.

10. Any improvements installed on the Premises by the County shall be in a manner consistent with its ordinary operation and maintenance program.

11. Each and every one of the benefits and burdens of this Easement shall insure to and be binding upon the respective legal representatives, heirs, administrators, successors and permitted assigns of the Grantor and the County.

12. The rights and responsibilities set forth in this Easement Agreement are intended to be covenants on the Premises and are to run with the land until this Floodplain and Drainage Easement is terminated pursuant to the terms set forth herein.

[Remainder of page intentionally left blank]

GRANTOR: Freedom Service Dogs, Inc.

By: _____

Its: _____

County of)
)s.s.
State of Colorado)

This foregoing instrument was acknowledged before me this _____ day of _____, 2016 by _____ as _____ of _____. My commission expires _____.

Witness my hand and official seal.

_____
Signature

_____
Name of Notary

_____
Address of Notary

As to County Obligations
For the Board of County Commissioners

_____
David M. Schmit, P.E., Director, Public Works and Development
Authorization pursuant to Resolution No. 160097

EXHIBIT A
DESCRIPTION - FLOODPLAIN EASEMENT

A PART OF LOT 1, BLOCK 1, CENTENNIAL EAST CORPORATE CENTER, FILING NO. 3 AS RECORDED AT RECEPTION NO. B0111665, RECORDS OF ARAPAHOE COUNTY, LOCATED IN THE WEST 1/2 OF SECTION 30, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHWEST CORNER OF SAID LOT 1, FROM WHICH THE SOUTH 1/4 CORNER OF SAID SECTION 30 BEARS S21°41'57"E A DISTANCE OF 1800.08 FEET, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 30 TO BEAR S89°30'57"W;
THENCE ALONG THE WEST LINE OF SAID LOT 1, THE FOLLOWING TWO (2) COURSES:
1. N06°56'11"W A DISTANCE OF 151.75 FEET TO A POINT OF CURVE;
2. ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 07°59'52" AND A RADIUS OF 500.00 FEET, A DISTANCE OF 69.79 FEET;
THENCE S56°06'22"E A DISTANCE OF 184.79 FEET;
THENCE N86°53'57"E A DISTANCE OF 22.63 FEET TO THE SOUTH LINE OF SAID LOT 1;
THENCE S52°26'49"W, ALONG SAID SOUTH LINE, A DISTANCE OF 194.36 FEET TO THE POINT OF BEGINNING,

CONTAINING 17,436 SQUARE FEET OR 0.400 ACRES OF LAND, MORE OR LESS.

ON BEHALF OF AND FOR:
RED ROCK LAND SURVEYS, LLC

John E. Kratz

COLORADO REGISTERED
JOHN E. KRATZ
20142
04/20/16
PROFESSIONAL LAND SURVEYOR

JOHN E. KRATZ
CO. REG. NO. 20142

PREPARED: 04/20/16

THIS LEGAL DESCRIPTION AND EXHIBIT WERE PREPARED BY ME AND DO NOT REPRESENT A LAND SURVEY PLAT AS DEFINED BY COLORADO STATE LAW.

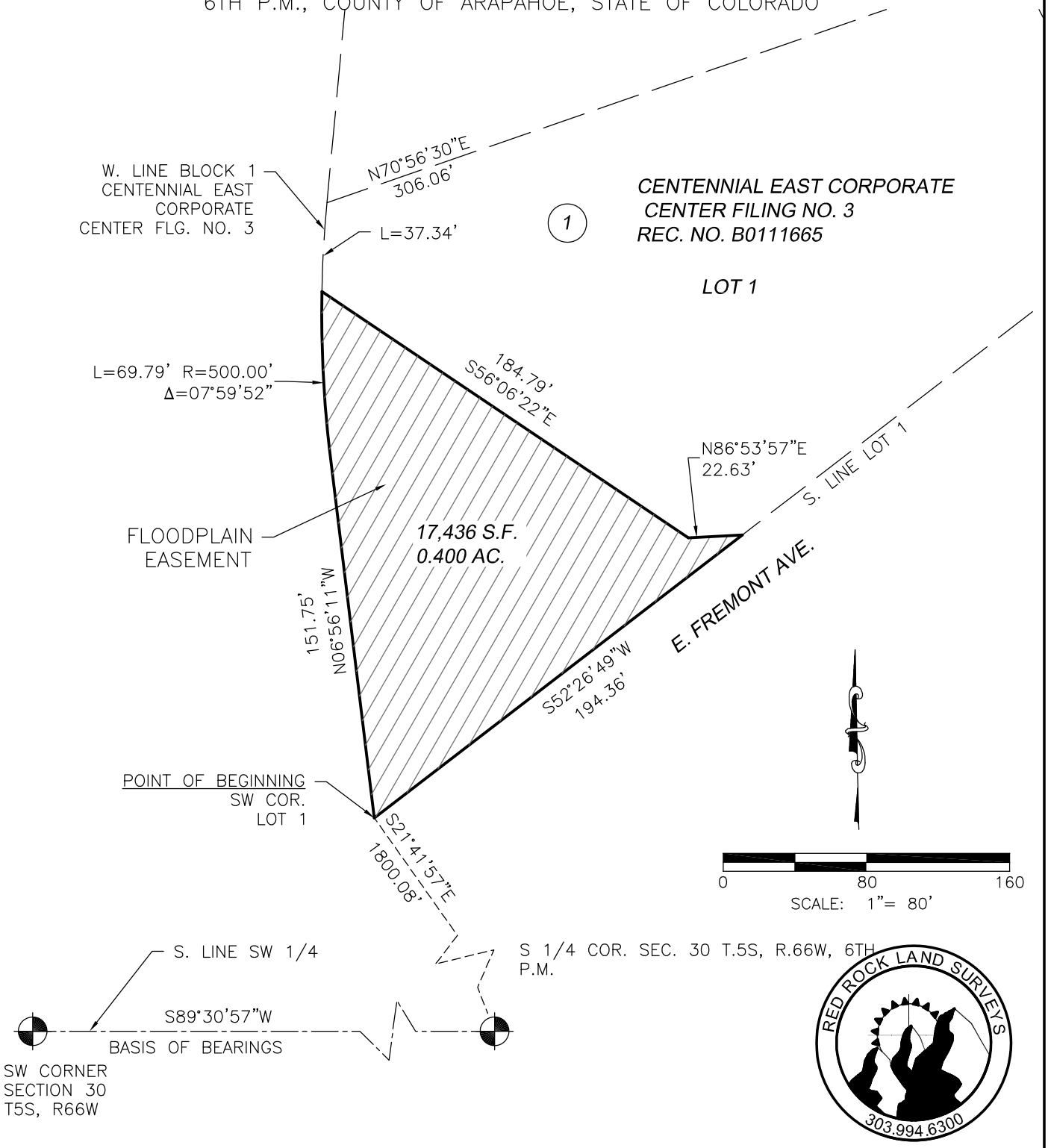
RED ROCK LAND SURVEYS
303.994.6300

7865 W. Ontario Pl., Littleton, Co, 80128
(303) 994-6300 jkratz@redrocklandsurveys.com

PREPARED BY:	JEK
CHECKED BY:	LAK
DATE:	02.02.16
JOB NO.	15.08

EXHIBIT A

A PART OF LOT 1 , BLOCK 1, CENTENNIAL EAST CORPORATE CENTER FILING NO. 3, LOCATED IN THE WEST 1/2 OF SEC. 30, T.5S, R.66W, 6TH P.M., COUNTY OF ARAPAHOE, STATE OF COLORADO



RED ROCK LAND SURVEYS 303.994.6300

7865 W. Ontario Pl., Littleton, Co, 80128
(303) 994-6300 jkratz@redrocklandsurveys.com

PREPARED BY:	JEK
CHECKED BY:	LAK
DATE:	02.02.16
JOB NO.	15.08

SHEET 2 OF 2 REVISED: 4/20/16

RESOLUTION NO._____ It was moved by Commissioner _____ and duly seconded by Commissioner_____ to accept, upon recommendation of the County's Engineering Services Division and Director of the Public Works and Development Department, the **Floodplain and Drainage Easement Agreement** for a Floodplain Easement within Centennial East Corporate Center, Filing No. 3, granted by Freedom Services Dogs, Inc., granting an interest in the following real property:

LEGAL DESCRIPTION – EASEMENT

A PART OF LOT 1, BLOCK 1, CENTENNIAL EAST CORPORATE CENTER, FILING NO. 3 AS RECORDED AT RECEPTION NO. B0111665, RECORDS OF ARAPAHOE COUN1Y, LOCATED IN THE WEST 1/2 OF SECTION 3D, TOWNSHIP 5 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUN1Y OF ARAPAHOE, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHWEST CORNER OF SAID LOT 1, FROM WHICH THE SOUTH 1/4 CORNER OF SAID SECTION 30 BEARS S21'41'57"E A DISTANCE OF 1800.08 FEET, AND CONSIDERING THE SOUTH LINE OF THE SOUTHWEST 1 /4 OF SAID SECTION 30 TO BEAR S89'30'57'W; THENCE ALONG THE WEST LINE OF SAID LOT 1, THE FOLLOWING TWO (2) COURSES: 1. N06'56'11"W A DISTANCE OF 151.75 FEET TO A POINT OF CURVE; 2. ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 07"59'52" AND A RADIUS OF 500.00 FEET, A DISTANCE OF 69.79 FEET; THENCE S56'06'22"E A DISTANCE OF 184.79 FEET; THENCE N86'53'57"E A DISTANCE OF 22.63 FEET TO THE SOUTH LINE OF SAID LOT 1; THENCE S52'26'49'W, ALONG SAID SOUTH LINE, A DISTANCE OF 194.36 FEET TO THE POINT OF BEGINNING, CONTAINING 17,436 SQUARE FEET OR 0.400 ACRES OF LAND, MORE OR LESS.

The Easement shall be used in connection with Arapahoe County Case No.R15-004 and P15-008, Centennial East Corporate Center Filing No. 10, and are accepted for the easement purposes expressed in the instrument.

Unless expressly stated in the instrument, Arapahoe County does not accept any interest in the property, including any responsibility for maintenance, repair, decontamination, cleanup, or hazardous material response on any portion of the real estate other than the improvements installed by or for Arapahoe County.

Authorization is hereby given to the Director of the Department of Public Works and Development to execute the subject easement on behalf of the Board of County Commissioners.

The vote was:

Commissioner Doty, [yes, no, or Absent and Excused]; Commissioner Bockenfeld, [yes, no, or Absent and Excused]; Commissioner Jackson, [yes, no, or Absent and Excused];

Commissioner Sharpe, [yes, no, or Absent and Excused]; Commissioner Holen, [yes, no, or Absent and Excused].

The [Chair or Chair Pro-Tem] declared the motion carried and so ordered.

Board Summary Report

Date: May 10, 2016

To: Board of County Commissioners

Through: Ron Carl, County Attorney

From: John R. Christofferson, Deputy County Attorney

Subject: Incentive Payment Agreement – Republic National Distributing Company, LLC

Purpose and Recommendation
Republic National Distributing Company, LLC is requesting the Board to authorize the Chair to sign an Incentive Payment Agreement for refunds of 100% of the personal property taxes associated with the expanded business facilities located at 8000 Southpark Terrace, Littleton, Colorado 80120. This Agreement is for 5 years and involves tax years 2016 – 2020, with an option to extend the Agreement for an additional 5 years involving the tax years 2021- 2025.

Background and Discussion
Pursuant to Section 30-11-123, CRS, the Board of County Commissioners has the authority to enter into agreements for refunds of personal property taxes levied for County purposes associated with expanded business facilities in the County or associated with existing business facilities that expand such that they qualify as "new" business facilities. The Board met with representatives of Denver South Economic Development Partnership and Republic National Distributing Company, LLC at a study session on March 28, 2016, and generally agreed to the concept of an incentive payment agreement, subject to negotiating an acceptable contract. This agreement is a "standard" incentive payment agreement relating to an expanded business facility, is for a term of five (5) years and involves a refund of 100% of the personal property taxes levied by the County.

Alternatives
This is one of the few economic "incentives" available to a County.

Fiscal Impact
Obviously, this is a refund of taxes received by the County and it reduces the funds available for other County expenditures. The statute allows for the County to adjust its tax levy to recoup the total of all incentive payments; however, the Board has not made such an adjustment in previous years.

Reviewed by
John Christofferson, Deputy County Attorney
Lisa Stairs, Business Analyst II, Finance Department

RESOLUTION NO. 160___ It was moved by Commissioner ___ and duly seconded by Commissioner ____ to authorize the Chair of the Board of County Commissioners to sign the Incentive Payment Agreement by and between Arapahoe County and Republic National Distributing Company, LLC relating to the refund of one-hundred percent (100%) of the County levied personal property taxes for tax years 2016 through 2020, pursuant to Section 30-11-123, C.R.S., in connection with the expanded business facility for Republic National Distributing Company, LLC located at 8000 Southpark Terrace, Littleton, Colorado 80120, pursuant to the terms contained therein.

The vote was:

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

The Chair declared the motion carried and so ordered.

INCENTIVE PAYMENT AGREEMENT

This Incentive Payment Agreement ("Agreement") is entered into as of May _, 2016, by and between the Board of County Commissioners of the County of Arapahoe, State of Colorado (the "County") and Republic National Distributing Company, LLC (the "Taxpayer").

WHEREAS, pursuant to the provisions of Sec. 30-11-123, C.R.S., the County has the authority to negotiate for incentive payments or credits with taxpayers who establish new business facilities or who expand existing business facilities; and

WHEREAS, pursuant to this legislation, a county and a taxpayer may negotiate a contract for an incentive payment or a credit from a county to a taxpayer relating to the new or expanded business facilities; and

WHEREAS, the County and the Taxpayer desire to negotiate a contract regarding an expanded business facility.

NOW, THEREFORE, IT IS AGREED by the County and the Taxpayer as follows:

1. The Taxpayer will expand its business facilities as defined in Section 39-30-105 (7)(c), C.R.S., the expansion of which constitutes an expanded business facility, as defined in Section 39-30-105(7)(e), C.R.S., in the City of Littleton, a municipality in Arapahoe County, Colorado. This expanded business facility is/will be located at 8000 Southpark Terrace, Littleton, Colorado 80120. The purpose of the expanded business facility includes the buildout of approximately 20,000 SF of additional office space to support additional growth of the company's administrative and sales functions, as well as a 130,000 SF expansion of the warehouse facility.

2. The Taxpayer shall comply with all of the provisions of Sections 39-5-107 and 39-5-108, C.R.S., concerning the filing of personal property schedules associated with the taxable personal property located at or within such expanded business facility and used in connection with the operation of such expansion.

3. The County shall make an annual incentive payment, to the Taxpayer, which payment shall equal One-Hundred percent (100%) of the amount of taxes levied by the County for the County mill levy upon the taxable personal property directly attributable to such expansion, located at or within such expanded business facility and used in connection with the operation of such expansion. This incentive payment relates to the tax levied only by the Board of County Commissioners of Arapahoe County for county government and not to any other tax levied by another taxing entity.

4. These incentive payments to the Taxpayer shall be made by the County on or about September 1 of each year for five (5) years, beginning in September, 2017, as set forth in Exhibit A provided the Taxpayer has complied with the provisions of Sections 39-5-107 and 39-5-108 C.R.S., and provided the Taxpayer has paid, and is therefore not delinquent in the payment of, its property taxes.

5. Prior to any payment from the County, the Taxpayer shall invoice the County for the incentive payment and provide the County with any documentation deemed necessary to meet the requirements of this Agreement.

6. The County shall inform the school district and the municipality, in which the Taxpayer's expanded business facility is located, of this Agreement. The Taxpayer shall be responsible for negotiating separate incentive payment agreements with the affected school district and the affected municipality (if any).

7. The term of this Agreement shall commence as of this date for tax year 2016 collected in 2017, and shall expire five (5) years later, after the 2020 tax year with taxes collected in 2021. After written request from the Taxpayer, this Agreement may be extended for additional five (5) year increments, not to exceed a total term of Ten (10) years, at the County's sole discretion.

8. Pursuant to Section 29-1-110, C.R.S., financial obligations of the County payable as set forth herein after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted and otherwise made available. This Agreement may be terminated on January 1 as to any fiscal year for which funds are not appropriated. The County shall give the Taxpayer written notice of such nonappropriation.

9. The Taxpayer shall not assign or transfer its interest in this Agreement without the written consent of the County, which consent shall not be unreasonably withheld. Any unauthorized assignment or transfer shall render this Agreement null, void and of no effect as to the County.

10. This Agreement may not be modified, amended or otherwise altered unless mutually agreed upon in writing by the parties hereto.

11. In the event of default of any provision of this Agreement by the Taxpayer, the County will provide 30 days written notice to the Taxpayer to cure said default. If said default is not so cured within the 30-day period, this Agreement may be terminated by the County without further notice. In the event of termination by the County, no damages, liquidated or otherwise, shall inure to the benefit of the Taxpayer.

12. Unless otherwise agreed in writing, this Agreement and the interpretation thereof shall be governed by the laws of the State of Colorado.

13. Should any provision of this Agreement be determined by a court of competent jurisdiction to be unconstitutional or otherwise null and void, it is the intent of the parties hereto that the remaining provisions of this Agreement shall be of full force and effect.

14. Notices to be provided under this Agreement shall be given in writing either by hand delivery, or deposited in the United States mail, certified mail, return receipt requested, with sufficient postage, to the following persons:

Arapahoe County
Office of the County Attorney
5334 South Prince Street
Littleton, Colorado 80166

Republic National Distributing Company
8000 Southpark Terrace
Littleton, Colorado 80120
ATTN: Bob McCrork

809 Jefferson Hwy
New Orleans, LA 70121
ATTN: Emile Sartalamacchia

15. This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations and representations whether written or oral. Nothing herein shall be deemed to create any contractual relationship, either express or implied, between the Taxpayer and any other consultant or contractor or material supplier to Arapahoe County. Nothing herein shall be deemed to give anyone not a party to this Agreement any right of action against a party which does not otherwise exist without regard to this Agreement.

ARAPAHOE COUNTY

_____
Chair, Board of County Commissioners

ATTEST: Clerk to the Board

_____

TAXPAYER: Republic National Distributors, Co.

_____
By: Robert E. McCrork
Title: Director of Operations

EXHIBIT A

INCENTIVE PAYMENT AGREEMENT
SCHEDULE OF PAYMENTS

TAX YEAR	TAXPAYER INVOICE DATE (No later than)	INCENTIVE PAYMENT DATE (Approximate)
2016	June 15, 2017	September 1, 2017
2017	June 15, 2018	September 1, 2018
2018	June 15, 2019	September 1, 2019
2019	June 15, 2020	September 1, 2020
2020	June 15, 2021	September 1, 2021

Arapahoe County
Colorado's First

Board Summary Report

Date: May 9, 2016

To: Board of County Commissioners

Through: Shannon Carter, Open Spaces and Intergovernmental Relations Director

From: Lindsey Miller, Grants Program Administrator

Subject: Spring 2016 Open Space Grant Awards

Request and Recommendation
OSTAB and County Staff recommend a resolution to approve funding the highest ranked and qualified Standard Grants (total of 10); the highest ranked and qualified Planning Grants (total of 5); and all qualified Small Grants (total of 3), totaling $2,966,381, as presented in the attached Spring 2016 Grant Cycle Ranking Sheet for Open Space Grant Proposals. Award recommendations are based on a merit evaluation process completed by the Open Space and Trails Advisory Board (OSTAB) and Arapahoe County Staff.

Background
In furtherance of the County Open Space Resolution, Open Space grant funds are invested throughout Arapahoe County communities using 12% of the annual sales/use tax revenue. The goal is to fund eligible, high quality projects that address urgent local needs for open space, parks and trails. Eligible entities for grant funding include all incorporated municipalities within the County and outdoor recreation-oriented special districts.

At the study session on October 26, 2015, the BoCC gave direction to staff to run a Spring 2016 Grant cycle consisting of three (3) competitive grant categories and allocating a maximum of $3 million for the grant cycle. The $3 million for this cycle is an increased total from 2015 and is based on increased sales and use tax revenue. The categories for the 2016 Spring cycle are as follows:

- Five (5) or More Standard Grant Awards: $50,100 to $400,000, 25% total project cost minimum cash match*
- Four (4) Small Grant Awards: $100-$50,000, 10% total project cost minimum cash match
- Five (5) Planning Grant Awards: $100-$100,000, 10% total project cost minimum cash match

** The new standard grant $400,000 cap and match requirement is a one-time offering for the 2016 Spring Grant Cycle.*

Links to Align Arapahoe

Optimize Use of Financial Assets
Improve Park, Trail and Open Space Opportunities
Improve Communication and Stakeholder Input

Improve Customer Experience
Enhance Quality of Life

Discussion
By the deadline of February 5, 2016, 13 eligible agencies submitted a total of 22 eligible grant proposals (12 standard grants, 7 planning grants and 3 small grants), requesting a total of approximately $3.8 million, with matching funds of about $2.9 million. The County has $3 million available for the Spring 2016 Grant Cycle.

The evaluation process involved: 1) initial Open Space Grants Program staff review for eligibility and minimum qualifications; 2) evaluator group tour of each project site; 3) individual evaluation and ranking of each grant proposal by evaluators based on specific objective criteria; and 4) mathematical tallying and merit ranking of projects. The evaluation team consisted of four (4) OSTAB members and five (5) County staff members. Evaluators ranked each project by merit based on the following criteria:

- need and urgency of the project;
- scope of the project;
- leveraging dollars/cash match provided;
- ability of the applicant to achieve the proposed results according to budget in a two (2) year timeframe;
- supporting documentation; and
- capacity of the entity to maintain the project site in future years.

After evaluating the projects, participating OSTAB and County staff grant reviewers submitted their individual rankings, which were combined and averaged to reveal that there is funding to support the highest ranked ten (10) standard grants, five (5) planning grants, and three (3) small grants. The team recommends funding for the below qualified proposals.

Standard Grants:
- $400,000 to City of Littleton for ***Phase I River Integration and Hudson Gardens***
- $282,029 to City of Littleton for ***Runyon Elementary School Playground Renovation***
- $236,800 to City of Englewood for ***Rotolo Park Playground Renovation***
- $200,000 to City of Aurora for ***Aurora Sports Park Expansion Pedestrian and Traffic Safety***
- $187,500 to City of Greenwood Village for ***Greenwood Gulch Trail Crossing Improvement***
- $90,900 to City of Englewood for ***Englewood Parks Gateway Enhancements Phase II***
- $400,000 to South Suburban Park and Recreation District for ***Charlie Emley Park Improvements***
- $400,000 to South Suburban Park and Recreation District for ***Sterne Park Playground and Restroom Renovation***
- $137,252 to City of Aurora for ***Citywide Trail Amenities and Wayfinding Improvements Phase I – Toll Gate Creek***
- $304,000 to Cherry Creek Vista Park and Recreation District for ***Windemere Park Construction***

Planning Grants:
- $56,700 to Town of Bennett for ***Kiowa Creek Trail Planning Phase II***
- $24,200 to Byers Park and Recreation District for ***Byers Community Park Renovation Phase III***
- $50,000 to City of Sheridan for Phase II Planning Grant for ***Bear Creek Trail/Lowell Blvd Crossing***
- $50,000 to City of Centennial for ***Open Space, Trails and Recreation Master Plan Update***

- $45,000 to Cherry Creek Vista Park and Recreation District for ***Cherry Creek Vista II Park Site Plan***

Small Grants:

- $40,000 to City of Cherry Hills Village for ***High Line Canal Trail Connection***
- $35,000 to City of Greenwood Village for ***Outdoor Exercise Equipment for Seniors***
- $27,000 to City of Cherry Hills village for ***High Line Canal Trail Resurfacing***

Alternatives

Recommend approval, conditional approval, or denial per grant project.

Fiscal Impact

Twelve percent (12%) of annual revenue from the County Open Space Tax Fund is dedicated to funding competitive grants pursuant to the County Open Space Resolution. Recommended grant awards total $2,966,381. The fund balance exceeds this amount.

Concurrence

On April 25, 2016, Open Space Trails and Advisory Board (OSTAB) and Open Spaces Staff discussed the results of the grant evaluation process and made a joint recommendation to the BoCC (attached).

Attorney Comments

None.

Reviewed By:

Lindsey Miller
Grants Program Administrator

Josh Tenneson
Grants and Acquisitions Manager

Shannon Carter, Director
Intergovernmental Relations and Open Spaces

Tiffanie Bleau
Assistant County Attorney

Janet Kennedy
Finance Director

MOTIONS
(THIS PAGE WILL BE ON GREEN PAPER)

MOTION: I move to approve and authorize a total of $2,966,381 in grant awards from the Arapahoe County Open Space Sales and Use Tax Fund, for the eighteen (18) Open Space grant projects listed below, as presented to the Board of County Commissioners on this date of May 24, 2016.

Standard Grants:

- $400,000 to City of Littleton for ***Phase I River Integration and Hudson Gardens***
- $282,029 to City of Littleton for ***Runyon Elementary School Playground Renovation***
- $236,800 to City of Englewood for ***Rotolo Park Playground Renovation***
- $200,000 to City of Aurora for ***Aurora Sports Park Expansion Pedestrian and Traffic Safety***
- $187,500 to City of Greenwood Village for ***Greenwood Gulch Trail Crossing Improvement***
- $90,900 to City of Englewood for ***Englewood Parks Gateway Enhancements Phase II***
- $400,000 to South Suburban Park and Recreation District for ***Charlie Emley Park Improvements***
- $400,000 to South Suburban Park and Recreation District for ***Sterne Park Playground and Restroom Renovation***
- $137,252 to City of Aurora for ***Citywide Trail Amenities and Wayfinding Improvements Phase I – Toll Gate Creek***
- $304,000 to Cherry Creek Vista Park and Recreation District for ***Windemere Park Construction***

Planning Grants:

- $56,700 to Town of Bennett for ***Kiowa Creek Trail Planning Phase II***
- $24,200 to Byers Park and Recreation District for ***Byers Community Park Renovation Phase III***
- $50,000 to City of Sheridan for Phase II Planning Grant for ***Bear Creek Trail/Lowell Blvd Crossing***
- $50,000 to City of Centennial for ***Open Space, Trails and Recreation Master Plan Update***
- $45,000 to Cherry Creek Vista Park and Recreation District for ***Cherry Creek Vista II Park Site Plan***

Small Grants:

- $40,000 to City of Cherry Hills Village for ***High Line Canal Trail Connection***
- $35,000 to City of Greenwood Village for ***Outdoor Exercise Equipment for Seniors***
- $27,000 to City of Cherry Hills village for ***High Line Canal Trail Resurfacing***

RESOLUTION NO. 16_____. It was moved by Commissioner _____ and duly seconded by Commissioner _____ to approve and authorize a total of $2,966,381 in grant awards from the Arapahoe County Open Space Sales and Use Tax Fund, for the eighteen (18) Open Space grant projects listed below, with the terms and conditions as presented to the Board of County Commissioners on this date of May 24, 2016.

Standard Grants:

- $400,000 to City of Littleton for ***Phase I River Integration and Hudson Gardens***
- $282,029 to City of Littleton for ***Runyon Elementary School Playground Renovation***
- $236,800 to City of Englewood for ***Rotolo Park Playground Renovation***
- $200,000 to City of Aurora for ***Aurora Sports Park Expansion Pedestrian and Traffic Safety***
- $187,500 to City of Greenwood Village for ***Greenwood Gulch Trail Crossing Improvement***
- $90,900 to City of Englewood for ***Englewood Parks Gateway Enhancements Phase II***
- $400,000 to South Suburban Park and Recreation District for ***Charlie Emley Park Improvements***
- $400,000 to South Suburban Park and Recreation District for ***Sterne Park Playground and Restroom Renovation***
- $137,252 to City of Aurora for ***Citywide Trail Amenities and Wayfinding Improvements Phase I – Toll Gate Creek***
- $304,000 to Cherry Creek Vista Park and Recreation District for ***Windemere Park Construction***

Planning Grants:

- $56,700 to Town of Bennett for ***Kiowa Creek Trail Planning Phase II***
- $24,200 to Byers Park and Recreation District for ***Byers Community Park Renovation Phase III***
- $50,000 to City of Sheridan for Phase II Planning Grant for ***Bear Creek Trail/Lowell Blvd Crossing***
- $50,000 to City of Centennial for ***Open Space, Trails and Recreation Master Plan Update***
- $45,000 to Cherry Creek Vista Park and Recreation District for ***Cherry Creek Vista II Park Site Plan***

Small Grants:

- $40,000 to City of Cherry Hills Village for ***High Line Canal Trail Connection***
- $35,000 to City of Greenwood Village for ***Outdoor Exercise Equipment for Seniors***
- $27,000 to City of Cherry Hills village for ***High Line Canal Trail Resurfacing***

The vote was:

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

The Chair declared the motion carried and so ordered.

2016 Spring Grant Applicants	Grant Amount	Match Amount	Total Project Amount	Project Type	Project Name / Description	Evaluator Avg/Final	Final Rank Order
Standard Grants							
City of Littleton	$400,000	$532,238	$932,238	Trail Imrpovement, Trailhead, Community Park	Phase I River Integration at Hudson Gardens	2.428571	1
City of Littleton	$282,029	$95,000	$377,029	Site Improvement, Community Park, Playground	Runyon Elementary School Playground Renovation	2.857143	2
City of Englewood	$236,800	$78,934	$315,734	Site Improvement, Community Park, Playground	Rotolo Park Playground Renovation	3.142857	3
City of Aurora	$200,000	$67,000	$267,000	Site Improvement, Community Park, Sports Field	Aurora Sports Park Expansion Pedestrian and Traffic Safety	3.571429	4
City of Greenwood Village	$187,500	$62,500	$250,000	Trail Project	Greenwood Gulch Trail Crossing Improvement	4.571429	5
City of Englewood	$90,900	$30,300	$121,200	Site Improvement, Other	Englewood Parks Gateway Enhancements (Phase II)	5.142857	6
South Suburban Park and Recreation District	$400,000	$266,100	$666,100	Site Improvement, Community Park, Playground	Charlie Emley Park Improvements	6.428571	7
South Suburban Park and Recreation District	$400,000	$170,000	$570,000	Site Improvement, Community Park, Playground	Sterne Park Playground and Restroom Renovation	8.142857	8
City of Aurora	$137,252	$61,698	$198,950	Trail Project	Citywide Trail Amenities and Wayfinding Improvements Phase I - Toll Gate Creek	8.714286	9
Cherry Creek Vista Park and Recreation District	$304,000	$101,500	$411,300	Site Improvement, Community Park, Playground	Windemere Park Site Construction Project	10.571429	10
Goodman Metro District	$258,500	$656,234	$930,734	Site Improvement	Central Park - Phase I	10.857143	11
City of Cherry Hills Village	$400,000	$450,000	$850,000	Site Improvement	John Meade Park Design & Phase I Construction	11.571429	12
Total Awards	**$2,638,481**	**$1,465,270**	**$4,109,551**				
Planning Grants							
Town of Bennett	$56,700	$6,300	$63,000	System Plan for Trail Project	Kiowa Creek Trail Planning Phase II	2.111111	1
Byers Park and Recreation District	$24,200	$3,000	$28,000	Site Plan for Community Park and Playground	Byers Community Park Renovation - Phase 3	2.222222	2
City of Sheridan	$50,000	$5,555	$55,555	System Plan for Trail Project	Phase II Planning Grant for Bear Creek Trail/Lowell Crossing	2.555556	3
City of Centennial	$50,000	$50,000	$100,000	Agency Plan	Open Space, Trails and Recreation Master Plan Update	3.111111	4
Cherry Creek Vista Park and Recreation District	$45,000	$5,000	$50,000	Site Plan for Community Park and Playground	Cherry Creek Vista II Park Site Plan	5.111111	5
Copperleaf Metro District #2	$72,763	$9,250	$87,013	System Plan for Trail Project	Copperleaf Trails Project	5.888889	6
City of Aurora	$67,500	$7,500	$75,000	Agency Plan	Citywide Tennis Needs Assessment	7.000000	7
Total Awards	**$225,900**	**$69,855**	**$296,555**				
Small Grants							
City of Cherry Hills Village	$40,000	$178,215	$218,215	Trail Project	High Line Canal Trail Connection	1.142857	1
City of Greenwood Village	$35,000	$35,000	$70,000	Construction Project, Community Park	Outdoor Exercise Equipment for Seniors	2.142857	2
City of Cherry Hills Village	$27,000	$3,000	$30,000	Trail Project	High Line Canal Trail Resurfacing	2.714286	3
Total Awards	**$102,000**	**$216,215**	**$318,215**				
Spring Grant Cycle Total Awards	**$2,966,381**	**$1,751,340**	**$4,724,321**				
22 Applications Received from 13 Different Agencies: 12 Standard Grants, 7 Planning Grants, 3 Small Grants	**Projected Awards:** 6 or more Standard Grants, 4 Small Grants, 5 Planning Grants = Maxiumum of $3M		**Recommended Awards:** 10/12 Standard Grants, 5/7 Planning Grants, 3/3 Small Grants				

Shannon Carter | Director

ARAPAHOE COUNTY
PROTECT. CONNECT. ENJOY.

OSTAB Recommendation

Date: April 25, 2016

To: Board of County Commissioners

From: Open Space Trails and Advisory Board (OSTAB)

Subject: **Spring 2016 Open Space Grant Cycle – Ranking of Proposals & Recommendation**

OSTAB Recommendation: After reviewing the results of grant proposal evaluations and rankings for the Spring 2016 Grant Cycle as an action item on this date, the evaluation team composed of five (5) County Staff and four (4) OSTAB members recommends to the BOCC that the County approve grant funding for the Spring 2016 Grant Cycle as follows: "Fund the highest ranked and qualified Standard Grants (total of 10); fund the highest ranked and qualified Planning Grants (total of 5); fund all qualified Small Grants (total of 3), totaling $2,966,381, as presented in the attached Spring 2016 Grant Cycle Ranking Sheet for Open Space Grant Proposals. All grant awards are subject to available funds and the execution of an Intergovernmental Agreement (IGA) within 60 days of award notification unless otherwise approved by County Grants Program Administrator between the County and each grant applicant for each project."

Motion by: Ron Weidmann

Seconded by: Harriet LaMair

Vote: __6__ Yes

__0__ No

__0__ Absent and Excused

__0__ Abstain

ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: **May 16, 2016**

To: **Board of County Commissioners**

From: **Todd Weaver, Budget Manager**

Subject: **Adoption of Supplemental Budget Resolutions for the First Quarter 2016**

Request and Recommendation

The purpose of this public hearing is to approve the supplemental appropriation resolutions recommended by the Executive Budget Committee and reviewed by the Board of County Commissioners at the study session on May 9th, 2016. The supplemental appropriation resolutions are attached to this Board Summary Report.

Background

The 17 resolutions included in the attached document reflect the supplemental appropriation requests recommended by the Executive Budget Committee and presented to the Board at a study session on May 9th related to the 2016 budget. The Board gave direction to staff to bring these requests forward to public hearing on May 24th for formal adoption.

There are several departments and offices that by the end of the first quarter of 2016 have identified areas or issues requiring modifications to their budgets and have submitted these needs as supplemental appropriation requests for the 2016 budget. For the 1st Quarter, there is a net increase in expenditures from supplemental requests of $211,649 and an increase of 3.00 FTEs in the General Fund. There is a reduction of $150,000 in Administrative Services for a transfer to the Capital Expenditure Fund for a sidewalk project that will not be completed that is offset by an increase of $150,000 for Public Works & Development for the Land Development Code project. There is a request to increase expenditures by $45,000 for the Coroner to cover overtime, employee overlap and retirement. Other requests include recognizing and appropriating $4,500 for Community Resources for additional sponsorship revenue received for the 2016 Volunteer Appreciation Event, and an increase to the authorized staffing for Community Resources by 1.00 FTE and $36,519 for a pretrial officer. There is also a request to increase the authorized staffing for the Sheriff's Office by 2.00 FTE in Court Services to comply with a juvenile restraint order.

Supplemental appropriation requests for other County funds include an appropriation of $30,000 from the unappropriated fund balance of the Road & Bridge Fund for a transfer to recognize and appropriate in the Central services Fund for the increased cost of a screen plant. There is a request to recognize $6,000 in the Central Services Fund for a transfer from the General Fund for a vehicle that the Sheriff's Office wants to retain rather than send to auction. The County Attorney has requested to appropriate $1,000,000 in the Self-Insurance Workers Comp Fund for payments that are needed prior to reimbursement from insurance. There is a request by the Human Services Department to increase the authorized staffing level for the Social Services Fund by 3.0 FTE and recognize $164,530 and appropriate $205,663 for staffing in Adult Protection Services that is partially offset by additional state funding. There are request

to appropriate $9,795 in the Fair Fund and $78,660 in the Open Spaces sales Tax Fund due to adjustments made by the accountants after reappropriations.

The 1st Quarter supplemental appropriation resolutions also contain a number of resolutions that recognize additional revenue and appropriate the same amount for grants, reimbursements, and other new revenue. Included is a request to recognize and appropriate $1,350,539 in the Grant Fund, Community Resources Department for unspent prior fiscal year Community Corrections grants. The Sheriff's Office is requesting to recognize and appropriate $317,918 in the Grant Fund for unspent grants from prior years. There is an additional request in the Homeland Security Fund to recognize and appropriate $1,720,936 in the Homeland Security Fund for unspent grants from prior years. The Public Works & Development Department is requesting to recognize and appropriate $1,704,454 in federal reimbursements in the Infrastructure Fund for the Iliff Avenue Corridor final design project. Administrative Services is requesting to transfer the budget of $4,299,563 for the COP refinance payments from the Building Finance Corp Fund to the Lease Purchase Fund. Human Services has a request to recognize and appropriate $105,910 in the Social Services Fund for IV-E deferred revenue for a playground and play area.

The attached resolutions contain the detail of the other supplemental requests for the 1st Quarter of 2016 that have not been discussed above.

The Finance Department will be in attendance at the May 24th public hearing to address any questions or concerns regarding the above supplemental appropriation requests.

Links to Align Arapahoe

The adoption of supplemental appropriation requests that have been reviewed by the Executive Budget Committee and the Board of County Commissioners and are only brought forward on a quarterly basis are in alignment with the County's objectives for Fiscal Responsibility and the Responsible Use of Taxpayer Money.

Discussion

All of the supplemental appropriation requests were discussed at the May 9th study session and were reviewed by the Executive Budget Committee prior to that meeting. At a drop-in on May 16th the Sheriff's Office requested to reduce their supplemental request for additional staffing in Court Services related to the juvenile restraint order from 2.00 FTE to 1.00 FTE with a corresponding decrease in funding. A discussion, if any, is to be determined by the Board during the public hearing.

Alternatives

Alternatively, a decision could be made that none of the 2016 budget supplemental appropriation resolutions should be adopted at this time.

Fiscal Impact

The fiscal impact is equivalent to the net amount of each of the supplemental appropriation requests that are approved by the Board of County Commissioners.

Reviewed By:

Janet J. Kennedy, Finance Director
John Christofferson, Deputy County Attorney

1st Quarter Budget Review

Summary of Proposed Budget Adjustments

Fund Name	Department	Revenue Amount	Expense Amount	FTEs
General Fund	Admin Services	$ -	$ (150,000)	-
General Fund	Community Resources	-	36,519	1.00
General Fund	Coroner	-	45,000	-
General Fund	Public Works & Development	-	150,000	-
General Fund	Sheriff	-	130,130	2.00
General Fund	Sheriff	-	-	-
General Fund	Sheriff	-	-	-
SUBTOTAL General Fund		$ -	$ 211,649	3.00
Capital Expenditure Fund	Admin Services	$ (150,000)	$ (150,000)	-
Central Services Fund	Public Works & Development	30,000	30,000	-
Central Services Fund	Sheriff	6,000	-	-
Infrastructure Fund	Public Works & Development	(150,000)	(150,000)	-
Road & Bridge Fund	Public Works & Development	-	30,000	-
Self-Insurance Workers Comp Fund	County Attorney	-	1,000,000	-
Social Services Fund	Human Services	164,530	205,663	3.00
		-	-	-
TOTAL Discussion Needed		**$ (99,470)**	**$ 1,177,312**	**6.00**
New Revenue/Budget Cleanup				
General Fund	Community Resources	$ 4,500	$ 4,500	-
SUBTOTAL General Fund		4,500	4,500	-
Building Finance Corp Fund	Admin Services	$ -	$ -	-
Central Services Fund	Information Technology	-	-	-
Fair Fund	Open Spaces & Intergovernmental Relations	-	9,795	-
Grant Fund	Community Resources	1,350,539	1,350,539	-
Grant Fund	Sheriff	317,918	317,918	-
Homeland Security Grant Fund	Sheriff	1,720,936	1,720,936	-
Infrastructure Fund	Public Works & Development Department	1,704,454	1,704,454	-
Lease Purchase Fund	Admin Services	4,299,563	4,299,563	-
Open Spaces Sales Tax Fund	Open Spaces & Intergovernmental Relations	-	78,660	-
Social Services Fund	Human Services	105,910	105,910	-
		-	-	-
TOTAL New Revenue/Budget Cleanup		$ 9,503,820	$ 9,592,275	-

ARAPAHOE COUNTY
NOTICE OF PUBLIC HEARING
PROPOSED BUDGET AMENDMENTS

NOTICE IS HEREBY GIVEN that on Tuesday, May 24, 2016 at 9:30 a.m., or as soon thereafter as the calendar of the Board of County Commissioners permits, in the East Hearing Room of the County Administration Building, 5334 South Prince Street, Littleton, Colorado, the Board of County Commissioners of Arapahoe County will meet to consider the following proposed budget resolutions:

I

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Public Works & Development Department has determined that there is a need to update the Land Development Code in the General Fund and there is a sidewalk project that is no longer necessary in the Infrastructure Fund; and

WHEREAS, the Public Works & Development Department is requesting to reduce the transfer to the Capital Expenditure Fund by $150,000 and appropriate $150,000 in the General Fund, Public Works & Development Department; and

WHEREAS, this will also require reducing the revenue and appropriation in both the Capital Expenditure Fund and Infrastructure Fund by $150,000; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to reduce the transfer by $150,000 from the General Fund to the Capital Expenditure Fund, and to appropriate $150,000 in the General Fund, Public Works & Development Department for the Land Development Code project.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County to reduce the revenue and appropriation in the Capital Expenditure Fund and Infrastructure Fund by $150,000 each.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

II

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Community Resources Department is requesting an additional 1.00 FTE be added to the authorized staffing for a pretrial officer position in the Judicial Services Division and is requesting an additional $36,519 in funding for the associated salary and benefits for the remainder of this fiscal year; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to increase the authorized staffing by 1.00 in the General Fund, Community Resources Department and appropriate $36,519 from the unappropriated balance in the General Fund for an additional pretrial officer.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

III

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Coroner's Office is requesting an additional $45,000 to cover costs related to overtime to cover shortages, an employment overlap and retirement payout; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate $45,000 in the General Fund, Coroner's Office to cover additional salary and benefit costs.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

IV

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office is requesting an additional 2.00 FTE be added to the authorized staffing for the Court Services Section in the Detentions Bureau to aid in compliance with a juvenile restrain order and is requesting an additional $130,130 in funding for the associated salary and benefits for the remainder of this fiscal year; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to increase the authorized staffing by 2.00 in the General Fund, Sheriff's Office and to appropriate $130,130 for additional staffing in the Court Services Section of the Detentions Bureau.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

V

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office is requesting to transfer $6,000 from the General Fund and recognize the same amount in the Central Services Fund for a vehicle that the Sheriff's Office has received a replacement for, but wants to retain the old vehicle rather than send it to auction; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer $6,000 from the General Fund, Sheriff's Office and recognize the same amount in the Central Services Fund to cover the cost of retaining a vehicle rather than sending it to auction.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VI

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Public Works & Development Department has determined that the cost of a screen plant is more than the amount initially budgeted; and

WHEREAS, the Public Works & Development Department is requesting to appropriate $30,000 from the unallocated fund balance in the Road & Bridge Fund to transfer to the Central Services Fund to cover the additional cost; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate $30,000 in the Road & Bridge Fund, Public Works & Development Department and to transfer this amount to the Central Services Fund.

BE IT FURTHER RESOLVED to recognize and appropriate $30,000 in the Central Services Fund, Public Works & Development Department to cover the increased cost of a screen plant.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the County Attorney is requesting to appropriate an additional $1,000,000 in the Self-Insurance Workers Comp Fund to account for payments for claims incurred that are needed prior to reimbursement from insurance carriers; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate $1,000,000 in the Self-Insurance Workers Comp Fund, County Attorney for payments that are needed prior to reimbursement from insurance carriers for claims incurred.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

VIII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Human Services Department will receive additional funding from the State to provide additional Adult Protection Services less the applicable County matching requirement; and

WHEREAS, the Human Services Department is requesting an increase in the authorized staffing level in the Social Services Fund by 3.00 FTE and to recognize $164,530 and appropriate $205,663 for additional positions for Adult Protection Services; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to increase the authorized staffing by 3.00 in the Social Services Fund, Human Services Department and recognize $164,530 in revenue and appropriate $205,663 in the Social Services Fund, Human Services Department for additional staffing for Adult Protection Services.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

IX

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Community Resources Department has received $4,500 in contributions for the 2016 Volunteer Appreciation Event and is requesting to recognize and appropriate this amount in the General Fund, Community Resources Department; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate $4,500 in the General Fund, Community Resources Department for additional sponsorship revenue received for the 2016 Volunteer Appreciation Event.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

X

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Administrative Services Department has determined that the certificates of participation that were refinanced in late 2015 were issued by the County; and

WHEREAS, the budget for debt service payments were budgeted in the Building Finance Corporation Fund; and

WHEREAS, the Administrative Services Department is requesting to transfer $4,299,563 from the Building Finance Corp Fund to the Lease Purchase Fund for the 2015 COP debt payments; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to transfer $4,299,563 from the Building Finance Corp Fund, Administrative Services Department and recognize and appropriate the same amount in the Lease Purchase Fund, Administrative Services Department for the 2015 COP refinancing debt service payments.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XI

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Open Spaces & Intergovernmental Relations Department is requesting to appropriate an additional $9,795 in the Fair Fund due to adjustments made after reappropriations were completed that resulted in more fund balance than estimated; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate $9,795 in the Fair Fund, Open Spaces & Intergovernmental Relations Department due to adjustments to the remaining fund balance after the reappropriation process.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, Community Resources Department requests that $1,350,539 be recognized and appropriated in the Grant Fund for unspent Community Corrections revenue from the prior fiscal year; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate $1,350,539 in the Grant Fund, Community Resources Department for unspent Community Corrections grants.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XIII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office requests to recognize and appropriate $317,918 in the Grant Fund from unspent law enforcement grants from the prior year; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate $317,918 in the Grant Fund, Sheriff's Office unspent law enforcement grants from the prior year.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XIV

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office requests to recognize and appropriate $1,720,936 in the Homeland Security Fund from unspent Federal Homeland Security grants from prior years; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate $1,720,936 in the Homeland Security Fund for unspent grants from prior years.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XV

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Open Spaces & Intergovernmental Relations Department is requesting to appropriate an additional $78,660 in the Open Spaces Sales Tax Fund due to adjustments made after reappropriations were completed that resulted in more fund balance that estimated; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to appropriate $78,660 in the Open Spaces Sales Tax Fund, Open Spaces & Intergovernmental Relations Department due to adjustments after the reappropriation process.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XVI

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Human Services Department is requesting to recognize and appropriate $105,910 in the Social Services Fund for IV-E deferred revenue for an outside playground at CentrePoint Plaza and internal play area at Arapahoe Plaza; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to recognize and appropriate $105,910 in the Social Services Fund, Human Services Department for play areas at CentrePoint Plaza and Arapahoe Plaza.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

XVII

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Public Works & Development Department requests that $1,704,454 be recognized and appropriated in the Infrastructure Fund for the portion of the Iliff Avenue Corridor Final Design project that will be reimbursed with Federal funds; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County recognize and appropriate $1,704,454 in the Infrastructure Fund, Public Works & Development Department for the Federal reimbursement portion of the Iliff Avenue Corridor Final Design project.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

ALTERNATE RESOLUTION

IV

WHEREAS, the Board of County Commissioners adopted the 2016 Annual Budget pursuant to Statute; and

WHEREAS, the Sheriff's Office is requesting an additional 1.00 FTE be added to the authorized staffing for the Court Services Section in the Detentions Bureau to aid in compliance with a juvenile restrain order and is requesting an additional $65,065 in funding for the associated salary and benefits for the remainder of this fiscal year; and

WHEREAS, this matter has been published pursuant to Section 29-1-109, C.R.S., as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County to increase the authorized staffing by 1.00 in the General Fund, Sheriff's Office and to appropriate $65,065 for additional staffing in the Court Services Section of the Detentions Bureau.

BE IT FURTHER RESOLVED that the Budget Officer shall file a certified copy of this Resolution with the Division of Local Government and with the affected spending agencies.

Proposed Motion:

I move to **adopt/not adopt** the seventeen (17) supplemental appropriation requests to the 2016 Budget that were presented to the Board at the 1st Quarter Budget Review study session on May 9, 2016 and brought forward for today's public hearing for formal adoption including the amendment to resolution IV reducing the requested Sheriff's Office positions from 2 to 1 and reducing the dollar amount accordingly.

Board Summary Report

Date: 30 April 2016 **Noticed Public Hearing Date:** 24 May 2016

To: Board of County Commissioners

Through: Jan Yeckes, Planning Division Manager

From: Tammy King, Zoning Administrator

Subject: **W15-004 Land Development Code Addition– Section 12-2500 Septage and Sewage Land Application Regulations - area of impact is Countywide**

REQUEST AND RECOMMENDATIONS

Request: This County-initiated application is to add a new Section 12-2500 Septage and Sewage Land Application Regulations to Chapter 12, Specific Regulations, within the Arapahoe County Land Development Code to provide definitions, thresholds and requirements to better address the concerns we have received in recent years on land application practices involving septage and sewage, occurring primarily in the east county. Definitions may, at staff discretion, be relocated to Chapter 19 Definitions.

Planning Commission Recommendation: The Planning Commission conducted a public hearing on 19 April 2016 and accepted public comment in addition to written comments submitted prior to the hearing. The Planning Commission, on unanimous vote, recommended that the Board of County Commissioners adopt the staff's recommended draft for 12-2500. This recommendation included the Findings of the Staff Report to the Planning Commission and Conditions of Approval recommended by the Planning Commission and Staff.

Staff Recommendation: Staff concurs with the recommendation of the Planning Commission.

Findings: Staff has reviewed the proposal and supporting documentation as well as referral comments as detailed in this report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, staff finds:

1. The proposed addition of the referenced Section 12-2500 within the Land Development Code (LDC) appears to be in conformance with the Arapahoe County Comprehensive Plan.

2. Arapahoe County has the authority to amend provisions of the LDC as proposed by this revision.

3. The proposed changes promote the public health, safety, and welfare of the unincorporated county.

4. Modifications proposed comply with the applicable Land Development Code Amendment policies and procedures as set forth in the Code, including public notification requirements. Notice was provided in both The Villager and the I-70 Scout newspapers. The draft text has been published on the Public Works and Development Legal Notices page of the County's web site.

Recommended Conditions of Approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing ***Land Development Code***. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.

2. Modifications to Section 12-2500 of the ***Land Development Code*** will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

BACKGROUND

A need to add this section of the code was identified by staff due to complaints received by the Zoning Administrator and Board of County Commissioners.

Links to Align Arapahoe

Quality of Life
Fiscal Responsibility

Alternatives

1. Approve the proposed amendment to add Section 12-2500, as recommended by the Planning Commission and Staff or with changes (any changes should be read into the motion for approval).
2. Deny the request to add Section 12-2500.
3. Continue the public hearing or action on the proposed amendment to a future hearing date to obtain additional information or to further consider information presented.

Fiscal Impact

The proposed ***Section 12-2500 Septage and Sewage Land Application Regulations*** is anticipated to have no fiscal impact.

Concurrence

Public Works and Development Staff (Planning, Engineering Services, Transportation and Building Divisions) and the County Attorney's Office have reviewed the proposed code and concur on the recommendation.

Other agencies, organizations or individuals having an opportunity to provide input to the proposed code include the Arapahoe County Sheriff's Office, Fire Districts, City and County Planning agencies, Tri-County Health Department, Arapahoe County Open Spaces, Regional Economic Advancement Partnership (REAP), Colorado Department of Transportation (CDOT), Water Quality Authorities and Districts, Arapahoe County East Advisory Planning Commission, and Natural Resources Conservation Service

Board Summary Report Reviewed By

Dave Schmit, Jan Yeckes, Robert Hill, Todd Weaver

Attachments

- **Draft Motions** – Staff prepares to assist the Board in preparing a motion
- **Draft Resolution** – the text, if approved, will be incorporated into a final resolution
- **Proposed text for *12-2500 Septage and Sewage Land Application Regulations*** as an addition to the ***Arapahoe County Land Development Code***, as recommended by the Planning Commission and County Staff
- **Referral comments** received prior to the Planning Commission or County Commission public hearings

~~Strikethrough = Verbiage Remove~~
Underline = New Verbiage Added

Proposed Septage Regulations:
Chapter 12 Amendment

Section 12-2500, Septage and Sewage Land Application Regulations

12-2500.01 Purpose

The purpose and intent of this regulation is to prohibit the land application of septage or sewage in all zone districts in the unincorporated territory of Arapahoe County, while allowing the land application of biosolids when and where authorized by a current and valid permit issued by the Colorado Department of Public Health and Environment.

12-2500.02 (or Chapter 19) Definitions

A. **"Biosolids" means the accumulated treated residual product resulting from a domestic wastewater treatment works. Biosolids does not include grit or screenings from a wastewater treatment works or commercial and industrial septage or on-site wastewater treatment systems regulated under Article 10 of Title 25 of the Colorado Revised Statues, as amended. Biosolids does not include any septage or sewage as defined in these regulations. Reference CRS 25-8-103(1.4).**

B. **"Land application" means the application of septage, sewage, or biosolids to land for agricultural use as a source of macro- or micronutrients, organic matter or other beneficial properties as a soil conditioner for the facilitation of vegetative growth.**

C. **"Septage" means a liquid or semisolid that includes normal household wastes, human excreta, and animal or vegetable matter in suspension or solution generated from a residential septic tank system. Reference CRS 25-10-103(17). Septage for purposes of the prohibition against the land application of septage specified in these Regulations also includes any residual product from commercial or industrial septic tank systems, and chemical toilets, vaults, and vehicular or trailer holding tanks.**

D. **"Septic Tank" means a watertight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, settle solids from the liquid, digest organic matter, store digested solids through a period of retention, and allow the clarified liquids to discharge to other treatment units for final disposal. Reference CRS 25-10-103(18).**

E. "Sewage" means a combination of liquid wastes that may include chemicals, household wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and that are discharged from a dwelling, building, or other establishment. Reference 25-10-103(19).

12-2500.03 Prohibition of the Land Application of Septage or Sewage

A. The land application of septage or sewage is prohibited in all zone districts in the unincorporated territory of Arapahoe County.

B. The land application of biosolids for agricultural use within the unincorporated territory of Arapahoe County is permitted in accordance with a current and valid permit issued by the Colorado Department of Public Health and Environment, Division of Water Quality in accordance with Regulation No. 64, Biosolids Regulations, 5 CCR § 1002-64.

12-2500.04 Violations

The County, through its Zoning Administrator, may enforce the provisions of this Article and the terms, requirements and conditions of a biosolids permit through methods included in this Code or through Colorado State Statute or such other methods lawfully adopted by resolution or ordinance.

12-2500.05 Application to Existing Uses

Notwithstanding any provisions of Chapter 11 of the Land Development Code (Nonconformities), the prohibition against the land application of septage and sewage contained in this Section 12-2500 applies to all properties within unincorporated Arapahoe County, including those properties for which septage or sewage has been applied or for which such use was in existence prior to the adoption of this Section 12-2500, including any amendments thereto.

Tri-County Health Department

March 1, 2016

Tammy King
Arapahoe County Planning Division
6924 South Lima Street
Centennial, CO 80112

RE: Proposed Land Development Code Amendment
Septage and Sewage Land Application Regulations, #W15-0004
TCHD Case #3806

Dear Ms. King:

Thank you for the opportunity to review and comment on the proposed addition of Section 12-2500 Septage and Sewage Land Application Regulations to the Arapahoe County Land Development code. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations. After reviewing the amendment, TCHD has the following comments.

TCHD supports the efforts of Arapahoe County to address the land application of septage in unincorporated Arapahoe County. It is the position of TCHD that, if properly regulated, land application of septage can provide benefits to those served by On-Site Wastewater Treatment Systems (OWTS), in terms of reduced pumping costs, the landowner in terms of soil amendments, and the business owner who applies the septage. However, the improper application of septage can result in negative public health and environmental impacts. TCHD concurs with Arapahoe County's decision to prohibit the land application of septage while allowing the land application of biosolids in unincorporated Arapahoe County.

Please feel free to contact me at 720-200-1593 or mweakley@tchd.org if you have any questions.

Sincerely,

Michael Weakley
Water Program Supervisor

CC: Sheila Lynch, Steve Chevalier, TCHD

Cherry Creek Basin Water Quality Authority
8390 East Crescent Parkway, Suite 500
Greenwood Village, Colorado 80111
(P) 303.779.4525 (F) 303.773.2050

March 15, 2016

Ms. Tammy King
Zoning Administrator
Arapahoe County Public Works & Development
6924 S. Lima Street
Centennial, CO 80112

Subject: Land Development Code Amendment
Section 12-2500 Septage and Sewage Land Application Regulations
Case No. W15-004

Dear Ms. King:

Thank you for forwarding the proposed Land Development Code Amendment; Section 12-2500 Septage and Sewage Land Application Regulations for the Authority's review. The Cherry Creek Basin Water Quality Authority (Authority) has reviewed the subject document for point and non-point source pollutant impacts and water quality considerations in the Cherry Creek watershed.

Project Description:
Based on the submittal, it is the Authority's understanding that the purpose and intent of proposed Section 12-2500 Septage and Sewage Land Application Regulations is to prohibit the land application of septage or sewage in all zone districts in unincorporated Arapahoe County, while allowing the land application of biosolids when and where authorized by a current and valid permit issued by the Colorado Department of Public Health and Environment.

Referral Comments:
This referral was discussed by the Authority's Technical Advisory Committee (TAC) at its March meeting. The TAC noted that the term "land application" is often used broadly and may encompass "reuse" or "reclaimed water". It was further noted that land application of reclaimed water is permitted in accordance with a current and valid notice of authorization issued by the Colorado Department of Public Health and Environment, Division of Water Quality Control in accordance with Regulation No. 84, Reclaimed Water Control Regulation, 5 CCR §1002-84".

Section 12-2500, as proposed, doesn't specifically exclude reclaimed water uses authorized in accordance with Regulation 84 (5 CCR 1002-84).

The Authority recommends the proposed Arapahoe County Land Development Code Amendment; Section 12-2500 Septage and Sewage Land Application Regulations be amended to specifically exclude from its consideration or regulation, "reclaimed water" uses authorized in accordance with Regulation 84 (5 CCR 1002-84). This exclusion would distinguish the Regulation 84 Activities from those activities covered by the proposed amendments to the Land Development Code.

Cherry Creek Basin Water Quality Authority
8390 East Crescent Parkway, Suite 500
Greenwood Village, Colorado 80111
(P) 303.779.4525 (F) 303.773.2050

Respectively submitted,

James R. "Jim" Swanson, PE
For the Cherry Creek Basin Water Quality Authority

cc: Chuck Reid, Manager, CCBWQA

Janet Cook

6393 South Vanderhoof St
Bennett, Colorado 80102
303-681-7905
jcook6393@gmail.com

March 6, 2016

Arapahoe County Planning Division
6924 South Lima Street
Centennial, CO 80112

Subject: Case No. W15-004

To Whom This May Concern:

It has long been felt that Unincorporated Arapahoe County has been a dumping zone for the county.

The proposed amendment to prohibit the land application of septage or sewage in all zone districts in the unincorporated territory of Arapahoe County is needed and a good start and should be adopted.

The continued application of biosolids, even if authorized by a current and valid permit issued by the Colorado Department of Public Health and Environment concerns me deeply. If you purchased fertilizer from a facility, you know exactly what ingredients and amounts are in each batch, bag, or truck. With each truck load of biosolids, what are the ingredients and at what level? Do you know? I don't.

Looking down the road with growth and the continued approval from the county to allow biosolids being applied to farm land, can you guarantee this is not a public health time bomb. An example of farm land being developed into subdivisions. What would be deposited in the soil? Just because a government agency approved it, is it safe for humans, livestock, and environment?

I found the following information about biosolids and it scares me!

Microbiolgist and EPA whistleblower, David. L. Lewis, has documented illness, death and livestock destruction traced to the use of biosolids. He also charges that the National Academy of Sciences, EPA, USDA, and other vested interests have expunged documentation and studies from reports in order to protect the EPA policy of using biosolids. Furthermore, Dr. Lewis charges that the emphasis on using biosolids in low-income urban and rural settings especially in the early years of "sludge magic" is an Environmental Injustice and human experimentation without informed consent. (1) (2)

- (1) Lewis DL, Gattie DK, Novak ME, Sanchez S, Pumphrey C. Interactions of pathogens and irritant chemicals in land-applied sewage sludges (biosolids). New Solut. 2002;12(4):409-23. https://www.researchgate.net/publication/6592060_Interactions_of_pathogens_and_irritant_chemicals_in_land-applied_sewage_sludge_biosolids

- David L. Lewis, PhD. Science for Sale: How the US Government Uses Powerful Corporations and Leading Universities to Support Government Policies, Silence Top Scientists, Jeopardize Our Health, and Protect Corporate Profits. Sky horse Publishing. 2014.Sincerely yours,

In closing, I hope you take this issue very serious and take the right steps.

Janet Cook

Eastern Arapahoe County Advisory Planning Commission

Tammy King

From: Jason Reynolds
Sent: Tuesday, March 22, 2016 8:49 AM
To: Tammy King
Subject: FW: Case No. W15-004 Referral

From: Michael Cairy [mailto:MCairy@douglas.co.us]
Sent: Monday, March 14, 2016 3:00 PM
To: LDC Rewrite
Subject: Case No. W15-004 Referral

Thank you for providing the Douglas County Department of Community Development with the opportunity to comment on the proposed amendments to the Arapahoe County Land Development Code concerning Section 12-2500 Septage and Sewage Land Application Regulations. Douglas County has no comment on the proposed amendment. Douglas County appreciates the opportunity to coordinate with you on issues of mutual interest.

Please feel free to contact me at 303-660-7460 with any questions.

Sincerely,

Michael Cairy | Zoning Compliance Manager
Douglas County Department of Community Development
Planning Services
Address | 100 Third St., Castle Rock, CO 80104
Direct | 303-814-4353 **Main** | 303-660-7460
Email | mcairy@douglas.co.us

Tammy King

From: Jason Reynolds
Sent: Tuesday, March 22, 2016 8:50 AM
To: Tammy King
Subject: FW: Referral W15-004: Septage and Sewage Land Development Applications

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From: Michael Gradis [mailto:mgradis@centennialco.gov]
Sent: Wednesday, March 02, 2016 12:53 PM
To: LDC Rewrite
Subject: Referral W15-004: Septage and Sewage Land Development Applications

Dear Arapahoe County Planning,

The City of Centennial appreciates receiving referral request (W15-004) regarding proposed changes to the Arapahoe County LDC related to Septage and Sewage Land Development Applications.

The City has no comments on the proposed amendments.

Please let us know if you have any questions.

Sincerely,

Michael Gradis, AICP | Planner II
City of Centennial | Community Development
13133 E. Arapahoe Rd. Centennial, C0 80112
Direct (303) 754-3356
mgradis@centennialco.gov
CentennialCO.gov| Facebook | Twitter
Tell us how we're doing!

Tammy King

From: Chuck Haskins
Sent: Monday, February 29, 2016 3:14 PM
To: Tammy King
Subject: RE: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

Tammy,

I have no comments on the code amendment.

Thanks

Chuck

Charles V. Haskins, PE, CFM
Engineering Services Division Mgr.
Arapahoe County Public Works and Development
6924 S. Lima St.
Centennial, CO 80112
chaskins@arapahoegov.com
(720)874-6500

From: Tammy King
Sent: Friday, February 19, 2016 3:59 PM
To: LDC Update Referral
Subject: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

Tammy King
Zoning Administrator
6924 S Lima Street
Centennial, CO 80112
720-874-6711
(fax) 720-874-6611

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Which Becomes A Great Day
Which Becomes A Great Year
Which Becomes A Great Life

www.arapahoegov.com

Tell us how we are doing.
Take A Quick Survey

Tammy King

From: Gonzales, Joseph - DFD <Joseph.Gonzales@denvergov.org>
Sent: Friday, February 19, 2016 4:21 PM
To: Tammy King; LDC Update Referral
Cc: Saylor, Mimi - DFD
Subject: RE: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

Ms. King –

Thank you for permitting Denver Fire to review this Septage and Sewer application. Denver Fire has no reservations to the application.

Have a safe weekend,

Joseph L. Gonzales | Division Chief | Fire Prevention
Denver Fire Department | City and County of Denver
720.913.3462 Phone | 720.913.3587 Fax
joseph.gonzales@denvergov..org

From: Tammy King [mailto:TKing@arapahoegov.com]
Sent: Friday, February 19, 2016 3:59 PM
To: LDC Update Referral <LDCUpdateRerferral@arapahoegov.com>
Subject: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

Tammy King
Zoning Administrator
6924 S Lima Street
Centennial, CO 80112
720-874-6711
(fax) 720-874-6611

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Take A Quick Survey

Tammy King

Subject: FW: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

From: Caleb J. Connor [mailto:CalebConnor@BennettFireRescue.org]
Sent: Saturday, February 20, 2016 8:20 AM
To: Tammy King
Cc: 'Earl Cumley'
Subject: RE: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

Tammy,
It appears this doesn't really affect us? No comments on this one from the Fire District, thanks!

Captain Caleb J. Connor
Fire Marshal
Life Safety Division
Bennett Fire Protection District
303-644-3572 - Headquarters / 303-532-7733 - Direct
www.BennettFireRescue.org

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Tammy King

Subject: FW: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

From: Jennifer Chipman [mailto:JenniferChipman@KennedyJenks.com]
Sent: Monday, February 22, 2016 1:24 PM
To: Tammy King
Cc: Jodi Villa
Subject: RE: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

Hi Tammy –
On behalf of South Arapahoe Sanitation District (SASD) I responding to the aforementioned referral documents.
We have no comments.
Thank you,

Jennifer Chipman, P.E. | Senior Design Engineer
Kennedy/Jenks Consultants
143 Union Boulevard, Suite 600 | Lakewood, CO, 80228
Office: 303.985.3636 | Direct: 720.744.2205

Tammy King

Subject: FW: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

From: George, Donna L [mailto:Donna.L.George@xcelenergy.com]
Sent: Monday, February 22, 2016 11:03 AM
To: Tammy King; Bill Skinner
Cc: Jason Reynolds; Robert Hill
Subject: RE: W15-004 Referral Letter 12-2500 Septage and Sewer Application 2-19-2016 FINAL

Thank you, Bill, for your response.

Hi Tammy, I just wondered because I had received this from Tom Henley, our Area Manager, Community and Local Government Affairs, and not directly through the referral process from Arapahoe County. I do not see anything of concern to PSCo/Xcel Energy.

Regards,

Donna George
Xcel Energy
Contract Right-of-Way Referral Processor | Right of Way and Permits
P: 303-571-3306
donna.l.george@xcelenergy.com

Tammy King

From: Wailes, Sheryl - NRCS, Byers, CO <Sheryl.Wailes@co.nacdnet.net>
Sent: Thursday, March 03, 2016 7:28 AM
To: Tammy King
Subject: RE: W15-004 Referral Letter 12-2500 Septage and Sewage Application UPDATED meeting location

We worked with Tri County Health to develop a flyer on this, please check with them for further information.
Thank you
Sheryl Wailes

From: Tammy King [mailto:TKing@arapahoegov.com]
Sent: Monday, February 29, 2016 3:33 PM
To: LDC Update Referral
Subject: W15-004 Referral Letter 12-2500 Septage and Sewage Application UPDATED meeting location

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DRAFT MOTIONS W15-004

A. Motion for Approval as Submitted:

In the case of W15-004 – Land Development Code Amendment, Chapter 12 Specific Regulations, addition of Section 12-2500, Septage and Sewage Land Application Regulations, the Board of County Commissioners has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Board Summary Report dated April 30, 2016, and **approve the amendment as submitted**, with the following two (2) conditions of approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text and may relocate definitions to Chapter 19.
2. Modifications to Section 12-2500 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

B. Motion for Approval with Changes:

In the case of W15-004 – Land Development Code Amendment, Chapter 12 Specific Regulations, addition of Section 12-2500, Septage and Sewage Land Application Regulations, the Board of County Commissioners has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Board Summary Report dated April 30, 2016, **approve the amendment with the following changes** and with the following two (2) conditions of approval:

Changes to the proposed text:

1. *Changes to the text should be read as part of the motion to approve. ....*

Conditions of Approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text and may relocate definitions to Chapter 19.
2. Modifications to Section 12-2500 of the Land Development Code will be effective and integrated into the existing Code upon approval by the Board of County Commissioners following a public hearing.

C. Motion for Denial:

In the case of W15-004 – Land Development Code Amendment, Chapter 12 Specific Regulations, addition of Section 12-2500, Septage and Sewage Land Application

Regulations, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We do not find ourselves in agreement with Staff findings set forth in the Staff report dated April 8, 2016, and therefore recommend the Board of County Commissioners **deny** the application **based on the following findings:**

1. *State new or amended findings to support a motion for denial as part of the motion.*

D. Motion to Continue:

In the case of W15-004 – Land Development Code Amendment, Chapter 12 Specific Regulations, addition of Section 12-2500 Septage and Sewage Land Application Regulations, I move to **continue** the [public hearing for] [action on] this item to [Date, 2016], date certain, 6:30 p.m., at this same location [to obtain additional information] [to further consider information presented during the public hearing].