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

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

Study Session

March 14, 2016

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

Study Session Topics

9:00 A.M. Calendar Updates (WHR)
Diana Maes
BoCC Administration Manager

9:30 A.M. Communication Services Update (WHR)
Andrea Rasizer, Director
Communications Services

10:00 A.M. BOCC Updates (WHR)
Board of County Commissioners

10:30 A.M. *2016 Clerk & Recorder Election Requests (WHR)
The Clerk & Recorder's Office is seeking approval on six items related to conducting the 2016 Primary and General Elections: 1) Acquisition of a new voting system; 2)Close the Clerk and Recorder Branch Offices on November 8, 2016 (General Election Day); 3) Use the Administration Building lobby as a Voter Service and Polling Center; 4) Close the Lima Plaza and CentrePoint Plaza Campuses to the public on November 8, 2016; 5) Open all Clerk and Recorder's Branch Offices at 10 a.m. on November 9, 2016; and 6) A Sole Source Waiver for Budgeted Purchase of 10 Additional 24-hour Ballot Boxes

Request: Information/Direction

Jennifer Morrell, Elections Deputy, Clerk & Recorder's Office

Matt Crane, Clerk and Recorder
Monica Kovaci, Assistant County Attorney

Documents: 2016 BSR CLERK RECORDER ELECTION REQUESTS REVISED 3.10.16 (1).PDF

11:30 A.M. * Lobbyist Lunch (WHR)

BoCC
Ron Carl, County Attorney
Greg Romberg, Lobbyist

Break

2:00 P.M. Department Director Update (WHR)
Board of County Commissioners

3:00 P.M. * Drop In (WHR)
Board of County Commissioners

1. Fair Labor Standards Update
Provide an informational update to the Board of County Commissioners regarding proposed changes to the Fair Labor Standards Act (FLSA) that expand the jobs that are eligible for overtime compensation under FLSA as published by the Department of Labor (DOL)

Request: Information

Sue Good, Compensation Manager, Human Resources
Patrick Hernandez, Director, Human Resources
Janet Kennedy, Director, Finance
Ron Carl, County Attorney

Documents: BSR - FAIR LABOR STANDARDS ACT 2016 (FINAL).DOC

2. Smoking Area Map For Sheriff's Office Administration Building
Discussion of a request from the Arapahoe County Sheriff's Office (ACSO) for the Board of County Commissioners to approve an updated smoking area designation map for the Sheriff/Coroner Headquarters building to be posted on the County Intranet

Request: Information/Direction

Jon Takayama, Human Resources Manager, Sheriff's Office
Olga Fujaros, Budget & Logistics Manager, Sheriff's Office
Larry Etheridge, Support Services Bureau Chief, Sheriff's Office
Louie Perea, Undersheriff
David Walcher, Sheriff
Dr. Kelly Lear-Kaul, Coroner
Tiffanie Bleau, Senior Assistant County Attorney

Documents: BSR - SMOKING AREA MAP .DOCX, ACSO_SMOKING_MAP_2016.PDF, SMOKINGMAP_SHERIFFS CORONERS LAYOUT1 (1)_201303230750483053.PDF

3. SunShare Community Solar Letter Of Support (WHR)
Discussion of a request for a letter to be signed by the Board of County Commissioners supporting Community Solar Gardens located near the intersection of East Quincy Avenue and Watkins Road similar to the letter of support signed by the County in 2015

Request: Information/Direction

Jan Yeckes, Planning Division Manager, Public Works and Development
Jason Reynolds, Current Planning Program Manager, Public Works and Development

Dave Schmit, Director, Public Works and Development
Keith Ashby, Purchasing Manager, Finance
Robert Hill, Senior Assistant County Attorney

Documents: 1_BSR DROP IN SUNSHARE LETTER CONCURRENCE MARCH 14 2016.DOCX, LTR SUNSHARE 3.14.2016.PDF, 3_ARAPAHOE SUPPORT LETTER 2015.PDF, 4_LETTERS OF SUPPORT-OTHER JURISDICTIONS.PDF

3:30 P.M. * Executive Session (WHR)
Executive Study Session and County Attorney Administrative Meeting [Section 24-6-402 (4)(b)C.R.S.](As required by law, specific agenda topics will be announced in open meeting prior to the commencement of the closed and confidential portion of this session) (WHR)

Ron Carl, County Attorney

Arapahoe County is committed to making its public meetings accessible to persons with disabilities. Assisted listening devices are available. Ask any staff member and we will provide one for you. If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or 303-738-7915 TTY.
Please contact our office at least 3 days in advance to make arrangements.

Board Summary Report

Date: **March 1, 2016**

To: Board of County Commissioners

From: Matt Crane
Arapahoe County Clerk and Recorder

Subject: 2016 Clerk & Recorder Election Requests

Direction/Information: The Clerk & Recorder's Office is seeking approval on six items related to conducting the 2016 Primary and General Elections.

Request and Recommendation
The Clerk and Recorder's Office would like to request the following:

1. **Acquisition of new voting system**

   The Clerk and Recorder's Office is requesting permission to enter into an agreement with Dominion Voting Systems to purchase the Democracy Suite/Image Cast voting system. Dominion Voting Systems has been a successful partner in conducting elections in Arapahoe County for over 30 years and has recently been selected as Colorado's uniform voting system. If approved in March 2016, the new voting system could be implemented in time for the June 28 Primary and November 8 Presidential Elections.

   At a high level, the new voting system purchase would include:
   - Election Management System desktop computer and server configured with the Democracy Suite software
   - ImageCast X Voting System for in-person voting, including Samsung touch-screen tablets, laser printers for printing marked ballot, and privacy booths
   - Accessibility tools for voters, including joysticks, headphones, and Tecla Shield hands-free portable assistive devices for those with limited upper body mobility
   - Dell OptiPlex Canon scanners for tabulation
   - Desktop computer workstations for electronic 'adjudication' of any ballots
   - Computer software and hardware to enable Ballot On-Demand printing in the field
   - Computer software for electronic ballot transmission to military and overseas voters
   - Training and support from Dominion Voting Systems

Background:

Over the last three years, the Colorado Department of State (CDOS) has sought to bring a uniformed voting system to the state of Colorado. The idea behind a uniformed voting system is that all 64 counties would use the same equipment for ballot setup and design, mail and in-person voting, and tabulation.

The advantages to all counties using the same system include:

- Equal Voter Protection: Voters in every county will have access to the same equipment and voting process. Under the current model, voters in different counties were subject to the capabilities of the voting system used in their county. Different voting systems had different capabilities/options.

- Training: With every county in the state using one voting system, it allows for more comprehensive training options around the state. Furthermore, after the initial vendor training, counties can work with the state and/or other counties for further training and assistance or best practices. Counties will be able to share materials such as training manuals, operating procedures, quick guides, and instructional videos for elections staff and temporary election judges. Counties will no longer be solely reliant on the vendor (at a cost) to receive training or assistance in the operation of their voting system.

- Equipment/Parts: With all counties on the same system, the State has negotiated lower costs for Dominion's equipment and parts because of volume discounts. Using the same equipment also allows counties to share supplies rather than going to the vendor at-cost. Counties can improve their emergency preparedness capabilities and redundancy by developing Memorandum of Understandings with other counties to share equipment in a disaster. All hardware components of the new system are commercial-off the shelf (COTS). This provides counties with greater purchasing power and allows for a more flexible voting system.

- Reduced Costs: By going through a competitive process at the state level and choosing one vendor, the State is better able to negotiate a lower cost for counties to purchase the system. Previously, some voting system vendors serving Colorado would constantly change their service options and pricing, taking advantage of counties. Under the state's agreement with Dominion, all costs/services are locked in for the duration of the contract.

In 2015, CDOS chose 8 counties to pilot 4 different voting systems (2 counties per system). The Secretary of State also created the Pilot Election Review Committee (PERC) to analyze each system through every step of the election process in 2015. The PERC consisted of members of the Colorado County Clerk's Association, a County Commissioner, a former Colorado Secretary of State, a former Clerk and Recorder, the voting rights activist for the Legal Center for Persons with Disabilities and Older People, Colorado Department of State staff, and others.

Along with grading each system during the conduct of the 2015 Coordinated Election, the PERC also received and considered data pertaining to cost and each voting company's performance and customer service history.

After considering all the data, the PERC unanimously chose Dominion Voting Systems as the top choice for Colorado. The Secretary of State accepted this recommendation, and along with studying each company's future economic viability, chose Dominion Voting Systems to be Colorado's new uniform voting system. CDOS would like all counties to switch to the new voting system by 2020. Approximately 22 Colorado counties have expressed intentions to move to the Dominion system in 2016.

While there is no mandate that all counties switch voting systems in 2016, there are operational efficiencies, cost advantages, and legal reasons for Arapahoe County to update our voting system at this time. Of primary concern is the age and technological support for our current voting system:

- Software: The current voting system software in use in Arapahoe County (WinEDS and BPS) is over 20 years old. The current election management software operates on Windows XP, which was released in 2001. This operating system is now obsolete and no longer broadly supported by Arapahoe County's Information Technology Department.

- Hardware: The server and workstation used in Arapahoe County that is required to support the current voting system is beyond its expiration date under the County's IT replacement standards. To continue using expired hardware for our election set-up, tabulation and results reporting is a risk. A new server/workstation is a part of the new voting system and the configuration cost is built into the purchase agreement.

- Voting Hardware: Arapahoe County currently uses Dominion Voting Systems EDGE 2 voting machines at our Voter Service and Polling Centers. These machines were built to meet the mandates of the Help America Vote Act (2002). Purchased in 2006, these machines were built with a specified 10-year life span. This means that the machines have achieved their useful service for Arapahoe County, and can now be recycled through responsible vendors at a small expected profit.

- Risk to Voting Integrity: In the 2015 Coordinated Election, Arapahoe County experienced a 20% replacement rate for the EDGE 2 machines at our 25 Voter Service and Polling Centers. Reasons for replacement included machines freezing or not booting up. Fortunately, no votes were lost because of these issues. However, voting machines that malfunction in VSPCS, especially at a rate of one out of five, undermines our citizens' and judges' confidence in the elections process and requires significant resources for troubleshooting and replacement. As we look ahead to the2016 Presidential Election we anticipate significant in-person voting at some VSPC locations, and we will need all of our equipment to function properly to ensure the integrity of the vote, promote trust in our elections and to serve our voters without delay.

- Our current central count tabulation machines (400c) are not able to comply with a 2017 state requirement to perform higher level post-election audits.

New Voting System Advantages

- The new Dominion voting system offers the following operational efficiencies
    - Improved Setup Tabulation Software: The Democracy Suite Software ballot creation and tabulation software is far easier and more intuitive for our staff to use than

WinEDS/BPS. It's also built to work on a newer, more secure and stable operating system, and can replace our expired software and legacy Microsoft Windows operating system.

- More complete voting system: Currently, Arapahoe County uses components from three different vendors to conduct our elections. We use Dominion for ballot creation and tabulation, as well as for our EDGE 2 electronic voting machines. We use Everyone Counts to facilitate voting for our military and overseas voters. Finally, we use Runbeck Elections Services for our ballot-on-demand printers, which produce paper ballots for voters at our VSPCs. The new Dominion voting system is a complete system that will streamline all of these processes into one. Operationally and fiscally, having this functionality in one system reduces the amount of time needed to set up an election and reduces the opportunity for error.

- More accessible voting machines for voters with a disability: The new voting tablets have far more accessible features for voters with a disability than our current EDGE 2 machines. The new tablets include sip-and-puff technology for voters with limited upper body mobility and are also flexible enough to allow voters to bring their own accessible devices to interface with the system, such as integration with wheel chair controls.

- More intuitive paper ballot marking: Currently, voters in Arapahoe County make their selections on our mail/paper ballots by connecting two ends of an arrow. We see considerable error rates with voters trying to circle names, draw a line through multiple arrows, and other signs of voter confusion. With the new system, mail ballots will include fill-in ovals, which have been proven to be more intuitive for people when voting. This has operational efficiencies for our office as well. By using the more intuitive ovals, we expect that voter error should decrease and fewer ballots will need to be reviewed for voter intent through the adjudication process, described below.

- Efficiencies through electronic adjudication: Currently, when a voter makes a mistake or our tabulation machines cannot determine their intent, their entire paper ballot must be manually *duplicated* by a team of two bipartisan judges and reprocessed by tabulation teams. Our current duplication process is to print a new paper ballot and have one judge read the voter's selections while the second judge marks the new ballot by hand. The judges then switch roles to verify that the voter's intent for each contest has been correctly captured on the new ballot. If a voter has over-voted an issue or race or their intent is unclear to the judges, their selection on that question is left blank. It doesn't matter how few mistakes the voter makes on the ballot, election judges must duplicate every vote to a new paper ballot.

  In the new voting system, ballots are adjudicated electronically instead of being duplicated manually. We would use Canon scanners that count the vote and capture an image of every single ballot. If the system cannot determine a voter's intent, an image of the ballot in question will appear on a computer screen in the tabulation room. Election judges will then be able to review the ballot markings and determine

the voter's intent electronically using computer software, without ever touching the ballot. All adjudication decisions will be archived in the system for future review and transparency. It will no longer be necessary to print replacement ballots or duplicate the entire ballot if a mistake is limited to only one or two contests. This will save paper, time and money.

- Auditability: Colorado law requires all counties to conduct a new form of post-election audit known as a Risk-Limiting Audit (RLA) beginning in 2017. RLAs provide a statistical assurance that contest winners actually did win the election. Arapahoe County has taken the lead in Colorado by piloting these types of audits since 2013. No existing voting system in the state is capable of conducting a RLA. Currently, RLA's can only be completed in Colorado by obtaining a secondary voting system and scanning all voted ballots twice. This is incredibly expensive and time consuming. The new voting system can perform RLAs without needing a second scan of each ballot cast.

- Financial Incentive: The Colorado Department of State has committed to cover part of the implementation and training costs for counties that move to the new voting system in 2016 or 2017. For Arapahoe County, the State will cover approximately $60,000 of these costs if we move to the new system.

Fiscal Impact

The total cost to purchase the system is $1,098,107.63. Annual licensing and fees cost $117,402. The total cost for the system over 8 years is $1,919,921.63

Arapahoe County has set aside funds for the implementation of a new voting system. Currently, there is $3,918,365 in this fund.

Each of the following items in this BSR have been requested and approved by the Board of County Commissioners in previous years.

2. Close Clerk and Recorder Branch Offices on November 8 (General Election Day).
We utilize Lima Plaza and the Administration Building where our Centennial and Littleton Branch Offices are located as Voter Service and Polling Centers. We do not have enough physical space or parking at these buildings to conduct normal business and operate VSPCs at the same time on Election Day. Closing our Clerk and Recorder branches will free up considerable customer parking for in-person voters at these locations, as well as free up our staff to help process ballots at our warehouse, staff drive-up ballot drop-off locations, and support other areas of the election as necessary.

3. **Use the Administration Building lobby as a Voter Service and Polling Center.**
We would like to request use of the lobby area on the main floor of the Administration Building for voter services. Specifically, we hope to use the portion north of the stairs, adjacent to the Election's office, where there are presently chairs and tables for public use. This area is needed for election related activities from October 21 – November 8. We historically have used the Elections Workroom as a VSPC in Coordinated Elections, but that is not a viable option in 2016 due to space limitations, and because that space will be used by staff to process voter

registration applications and answer calls to the Elections hotline. The lobby area being requested was used as a VSPC in the 2014 General Election without incident. The use of this space will allow us to facilitate voting in an efficient and organized manner.

4. **Close the Lima Plaza and CentrePoint Plaza Campuses on November 8 to the Public**.
This is requested in order to accommodate voter demand for increased parking on Election Day. Employees in all departments will report to work and be available to help support the Election if necessary. This closure would close public operations for Human Services, Community Resources, Public Works and Open Spaces. The Clerk and Recorder's office would engage with these departments at both campuses to ensure that information about this closure is distributed well in advance to their customers.

5. **Open all Clerk and Recorder's Branch Offices at 10 a.m. on November 9th.**
We would like to open all Clerk & Recorder Branch Offices late on the day immediately following the General Election. We expect our staff to put in a very long day on Election Day. Opening the offices at 10 a.m., instead of 7 a.m., will allow our staff to get some rest before returning to work for their normal duties.

6. **Sole Source Waiver for Budgeted Purchase of 10 Additional 24-hour Ballot Boxes.**
We are requesting a sole source waiver to purchase 10 additional 24-hour boxes at a cost of $29,000 from Laserfab. Arapahoe County has deployed 24-hour ballot boxes since 2012. We currently have 15 24-hour boxes around the county. These ballot boxes have been a huge success, with more than 70 percent of ballots returned to a ballot box rather than via standard postal mail.

   We would like to add ten 24-hour boxes at public buildings or venues that have historically hosted a 'countertop' ballot box inside their facility. This includes city/town clerk offices, libraries, recreation centers and other public places. Converting to external 24-hour boxes provides increased convenience to our voters and our host sites, since electors will no longer need to find and occupy a parking place, walk in and return their ballot. It also ensures that Arapahoe County's brand and contact information is readily available year-round on a visible ballot box for citizens.

   Under Colorado law and rule, 24-hour drop-off boxes must meet minimum specifications for accessibility, safety, ADA compliance, security, and durability and weather resistance. Of the three quotes we solicited, Laserfab (our vendor for the previous 15 boxes) was the only vendor that meets these minimum specifications. Also, for consistency and to reduce voter confusion, we would like to use Laserfab to order and deploy the same style of boxes around the county.

Links to Align Arapahoe

Each of these requests is wholly in line with our Fiscal Responsibility, Quality of Life, and Service First measure of Align Arapahoe.

Attorney Comments
None.

ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: February 29, 2016

To: Board of County Commissioners

From: Patrick L. Hernandez
Sue Good

Subject: Fair Labor Standards Act Update

Direction/Information
The purpose of this report is informational only to update the Board regarding proposed changes to the Fair Labor Standards Act (FLSA) that expand the jobs that are eligible for overtime compensation under FLSA as published by the Department of Labor (DOL).

Background and Information
Employees whose jobs are governed by the FLSA are either "exempt" or "nonexempt." Nonexempt employees are entitled to overtime pay; exempt employees are not.

For most employees whether they are exempt or nonexempt depends on:

1. How much they are paid (Salary Level Test),
2. How they are paid (Salary Basis Test), and
3. What kind of work they do (Duties Tests).

Salary Level Test
Currently any employee paid below the Salary Level Test threshold of $23,660/year is considered nonexempt and is eligible for overtime, regardless of whether the Salary Basis Test or Duties Tests below are satisfied.

Salary Basis Test
Generally, an employee is paid on a salary basis if they have a "guaranteed minimum" amount of money they can count on receiving for any work week in which they perform "any" work.

Duties Tests
An employee who meets the Salary Level Test and also the Salary Basis Test is exempt only if they also perform exempt job duties. These FLSA exemptions are limited to employees who perform relatively high-level job duties. The actual job tasks must be evaluated, along with how the particular job tasks "fit" into the employer's overall operations.

There are three typical categories of exempt job duties, call "executive," professional," and "administrative."

Job duties are exempt "executive" job duties if the employee:

1. Regularly supervises two or more other employees, and also
2. Has management as the primary duty of the position, and also
3. Has some genuine input into the job status of other employees (such as hiring, firing, promotions, or assignments).

Job duties are exempt "professional" if:

1. They are traditional "learned" professions such as lawyers, doctors, dentists, teachers, architects, engineers, registered nurses.
2. Work which is predominantly intellectual, requires specialized education and involves the exercise of discretion and judgement with education beyond high school and usually beyond college.

Job duties are exempt "administrative" if office or non-manual work, which is:

1. Directly related to management or general business operations of the employer or the employer's customers,
2. A primary component of which involves the exercise of independent judgement and discretion about matters of significance.

Discussion

The Department of Labor published proposed rules that raise the Salary Level Test from $23,660/year to $50,440/year as the threshold has not been indexed since 1975 and requested public comment.

In addition to the proposed increase to the Salary Level Test, the DOL proposed an annual indexing to prevent the need for this type of large increase in the future.

According to the Solicitor of Labor it is expected that a final Labor Department rule will be issued late this year. The consulting community recommends that employers wait to take any action until final rules are issued as they may change as a result of public comments.

Financial Impact

Employees impacted will be changed from Exempt to Non-Exempt, making them newly eligible for overtime. The change is proposed prospectively, meaning no retroactive overtime as a result of the new regulations. The exact financial impact is unknown until final regulations are issued. However, preliminary review indicates that the majority of the potential impact, if any, will be in Human Services and not in the General Fund.

Reviewed By

Finance Department
County Attorney's Office

Board Summary Report

Date: February 12, 2016

To: Board of County Commissioners

Through: David C. Walcher, Sheriff
Dr. Lear-Kaul, Coroner

From: Olga Fujaros, Budget & Logistics Manager

Subject: Approval of an updated Designated Smoking Area map for the Sheriff/Coroner HQ Building

Request and Recommendation

The Arapahoe County Sheriff's Office (ACSO) requests the Board of County Commissioners to approve the adoption of an updated Smoking Area designation map for the Sheriff/Corner Headquarters building to be posted on the County intranet.

Background and Discussion

In 2015, a comment card was received regarding some discrepancies with the current Designated Smoking Area map that is currently displayed on the County Intranet. After review, it was determined that were some issues with the accuracy of the map related to the current state. The current map shows an exclusion zone in the area ACSO currently has designated as a smoking area for employees, which is out of sight of the general public. The two other areas shown on the map will stay in effect to accommodate visitors to the Sheriff's Office and Coroner's Office. The compass direction indicator is also incorrect.

Alternatives

The alternative would be to keep the current map, which is inaccurate.

Fiscal Impact

There is no Fiscal Impact

Concurrence

The Arapahoe County Sheriff's Office Administration and the Coroner's Office are in concurrence with this decision.

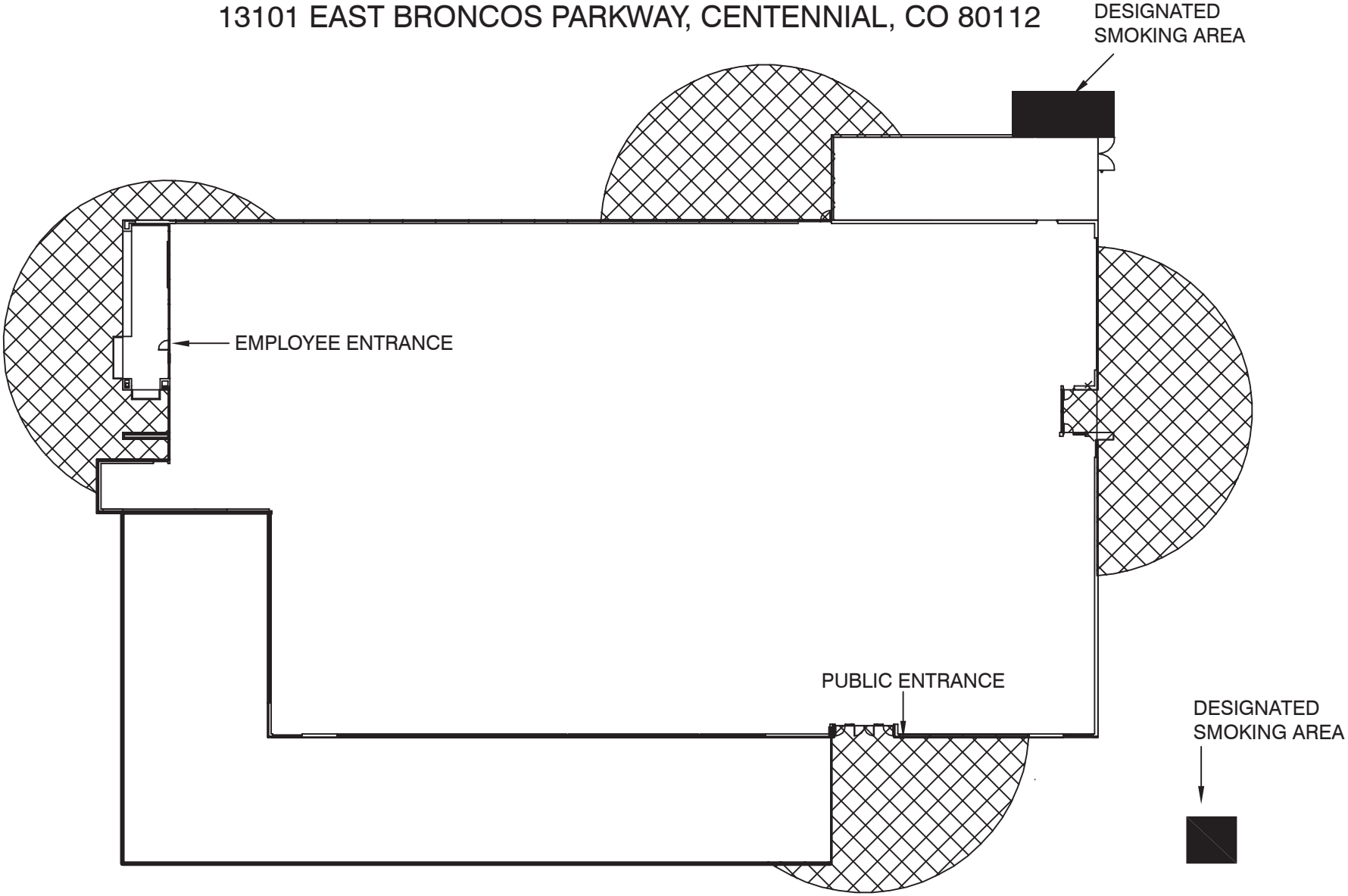
Reviewed By:

David C. Walcher, Sheriff
Louie Perea, Undersheriff
Dr. Lear-Kaul, Coroner
Larry Etheridge, Support Services Bureau Chief
Olga Fujaros, Budget & Logistics Manager
Jon Takayama, Human Resources Manager

NO SMOKING BUILDING ENTRANCE ZONES

SHERIFF'S/CORONERS BUILDING

13101 EAST BRONCOS PARKWAY, CENTENNIAL, CO 80112



DESIGNATED
SMOKING AREA

LEGEND

DESIGNATED SMOKING AREA

5O FEET NO SMOKING BUILDING ENTRANCE BUFFER

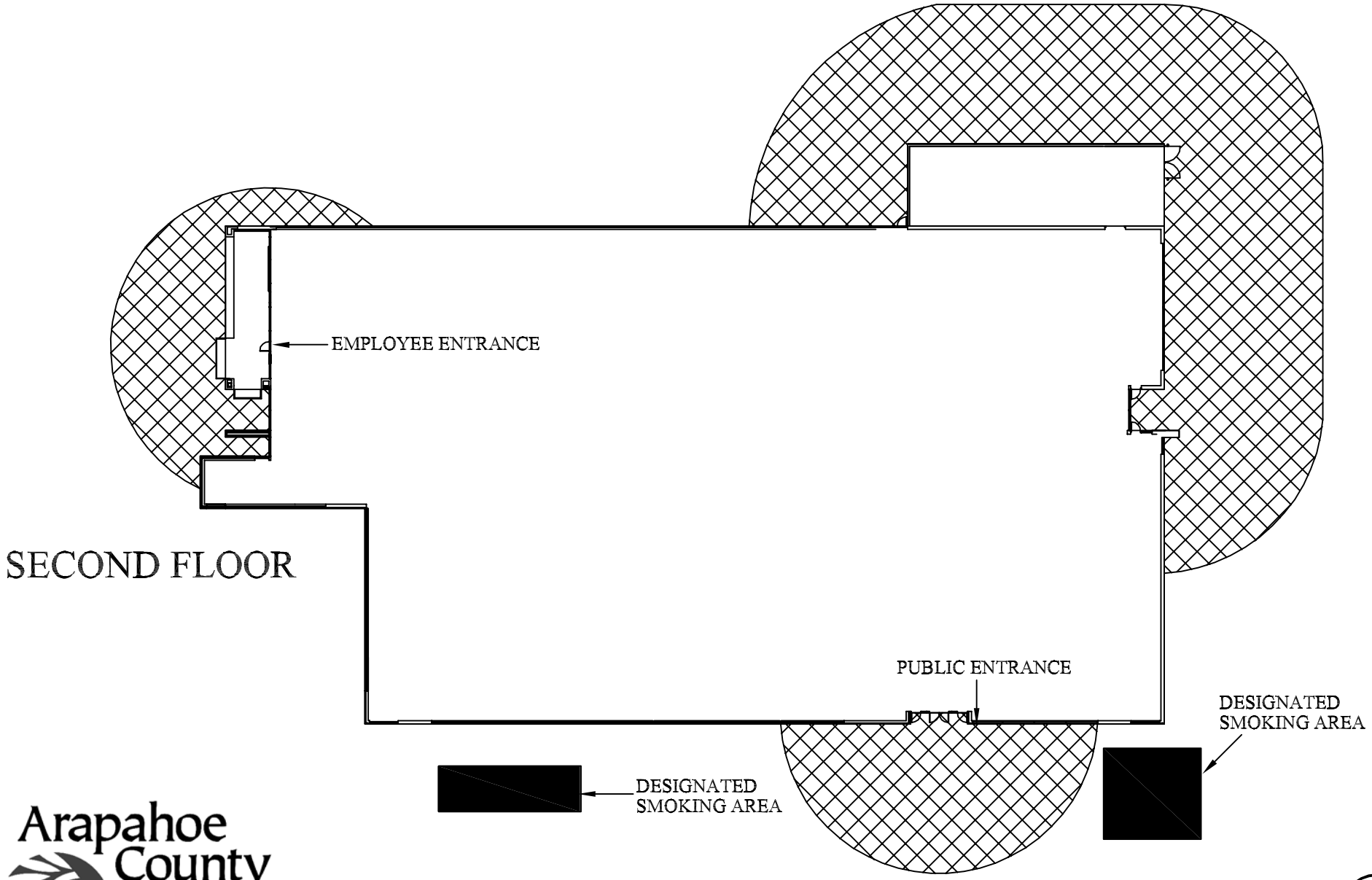
ARAPAHOE COUNTY
COLORADO'S FIRST

NORTH

NO SMOKING BUILDING ENTRANCE ZONES

SHERIFF'S/ CORONERS BUILDING

13101 EAST BRONCOS PARKWAY, CENTENNIAL, CO 80112



Arapahoe County
Colorado's First

LEGEND

DESIGNATED SMOKING AREA

50 FEET NO SMOKING BUILDING ENTRANCE BUFFER

NORTH

Board Summary Report

Date: February 29, 2016

To: Board of County Commissioners

Through: Jan Yeckes, Planning Division Manager

From: Jason Reynolds, Current Planning Program Manager

Subject: SunShare Request for Letter of Support

Information and Request Concurrence: SunShare has requested that the County prepare a letter of support for Community Solar Gardens. Staff is seeking BOCC concurrence for signature by the BOCC Chair.

Request and Recommendation

The purpose of this report is to seek BOCC signature on a letter supporting Community Solar Gardens in Arapahoe County. The draft letter is similar to other letters SunShare secured from adjacent jurisdictions including Adams and Jefferson Counties. The County signed a similar letter in 2015. Staff recommends that Arapahoe County provide a letter of support to SunShare.

Background

Arapahoe County recently approved a Use by Special Review authorizing SunShare to construct a Community Solar Garden near the intersection of East Quincy Avenue and Watkins Road. The Colorado Community Solar Gardens Act (HB10-1342) allows groups of subscribers to collectively own shares of solar installations in the county where they reside and receive credits or refunds on their electricity bill. The utility provider (Xcel Energy) receives additional renewable energy credits based on the amount of energy they purchase from utility customers who participate in Community Solar Gardens. SunShare is seeking a letter from the County to help ensure their Community Solar Gardens in Arapahoe County qualify for those renewable energy credits.

Links to Align Arapahoe

Endorsing SunShare's Community Solar Gardens program in Arapahoe County helps advance the Align Arapahoe goal of *Quality of Life* by providing renewable energy options for residents. Providing Community Solar Gardens also fits with the Arapahoe County Comprehensive Plan strategy NCR 4.2(a): *the County will support programs and education to reduce energy consumption, solar energy research and other clean energy programs, and energy efficient building design and solar-oriented site planning*.

Discussion

SunShare is seeking a letter of support from Arapahoe County that would help their current project and potential future projects qualify as Community Solar Gardens. Xcel Energy provides the following information about community-based solar projects in Colorado:

A community-based solar project is a project located in Colorado that meets the following three conditions:

1. *The project is owned by individual residents of a community, by an organization or cooperative that is controlled by individual residents of the community, by a local government entity, or by a tribal council;*
2. *The project's generating capacity does not exceed 30 megawatts;*
3. *There exists a resolution of support adopted by the local governing body of each local jurisdiction in which the project is to be located.*

For purposes of showing compliance with the Renewable Energy Standard, Public Service Company of Colorado can claim REC multipliers applied to certain qualified generation resources. With regards to the REC multiplier for community-based projects, Colorado state statute allows the Company to count each REC generated from such a project as 1.5 RECs for compliance purposes.

Because these types of community-based projects are new to the Company, we will seek verification from the Colorado Public Utilities Commission regarding each project that is submitted with a community-based designation. As a result, there is no assurance your solar garden will be treated as a community-based project.

By issuing the letter of support, Arapahoe County helps fulfil condition #3 for Sunshare's Community Solar Gardens.

Alternatives

Sign the letter – This would provide SunShare with reassurance that Arapahoe County supports Community Solar Gardens in Arapahoe County and may assist with their applications to Xcel Energy.

Do not sign the letter – If the County does not sign the letter, it could discourage development of future Community Solar Gardens in Arapahoe County and provides less support to SunShare's Xcel applications.

Fiscal Impact

The draft letter does not obligate the County to any future land use actions and has no direct fiscal impact. If the letter encourages additional solar development in the County, the County could benefit from future building permit fees and demonstrate progress toward meeting goals of the Comprehensive Plan. Additional solar development may also provide citizens of the county with energy options.

Concurrence

Adams County, Jefferson County, and the City and County of Denver have issued similar letters. The Arapahoe County Board of County Commissioners signed a similar letter on June 16, 2015.

Attachments

Draft Letter
2015 Arapahoe County Letter
Letters of Support – Other Jurisdictions

Reviewed By:

Planning Division
Public Works and Development Director

Finance Department
County Attorney's Office

ARAPAHOE COUNTY
COLORADO'S FIRST

Board of County Commissioners

5334 South Prince Street
Littleton, Colorado 80120-1136
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commissioners@arapahoegov.com

NANCY A. DOTY
District 1

NANCY N. SHARPE
District 2

ROD BOCKENFELD
District 3

NANCY JACKSON
District 4

BILL L. HOLEN
District 5

March 14, 2016

Colorado Public Utilities Commission
1560 Broadway 250
Denver, CO 80202

To Whom It May Concern:

Arapahoe County offers this general letter of support for Community Solar Gardens to be developed under Xcel Energy's (Public Service Company of Colorado) Solar Rewards Community program. We understand that any ratepayer with an Xcel Energy electric account in the same county as a participating solar garden will be eligible to participate in the program. Arapahoe County recently approved a Use by Special Review for SunShare to construct a 2 MW Community Solar Garden near the intersection of East Quincy Avenue and Watkins Road.

Community Solar Gardens offer Arapahoe County residents an option for purchasing renewable energy, which helps advance the Align Arapahoe goal of providing quality of life for citizens. Offering renewable energy alternatives aligns with Arapahoe County Comprehensive Plan strategy NCR 4.2(a): *The County will support programs and education to reduce energy consumption, [and will support] solar energy research and other clean energy programs, and energy efficient building design and solar-oriented site planning*.

Additional Community Solar Gardens would require approval through a land use process, so the County cannot endorse any specific location or predict the outcome of any future land use hearings. Nevertheless, we support the efforts of all community solar companies in establishing new sites within Arapahoe County in compliance with the Arapahoe County Land Development Code and recommend that the Public Service Company of Colorado (Xcel Energy) receive Renewable Energy Credits applicable to Community Solar Gardens within Arapahoe County.

Sincerely,

Nancy A. Doty, District 1, Chair
Arapahoe County Board of County Commissioners

cc: David M. Schmit, P.E., Director of Public Works and Development

ARAPAHOE COUNTY
COLORADO'S FIRST

Board of County Commissioners

5334 South Prince Street
Littleton, Colorado 80120-1136
Phone: 303-795-4630
Fax: 303-738-7894
TDD: 303-795-4644
www.arapahoegov.com
commissioners@arapahoegov.com

NANCY A. DOTY
District 1

NANCY N. SHARPE
District 2

ROD BOCKENFELD
District 3

NANCY JACKSON
District 4

BILL L. HOLEN
District 5

June 16, 2015

Colorado Public Utilities Commission
1560 Broadway 250
Denver, CO 80202

To Whom It May Concern:

Arapahoe County offers this general letter of support for Community Solar Gardens to be developed under Xcel Energy's (Public Service Company of Colorado) Solar Rewards Community program. We understand that any ratepayer with an Xcel Energy electric account in the same county as a participating solar garden will be eligible to participate in the program. Arapahoe County recently approved a Use by Special Review for SunShare to construct a 1.5 MW Community Solar Garden near the intersection of East Jewell Avenue and Hudson Road.

Community Solar Gardens offer Arapahoe County residents an option for purchasing renewable energy, which helps advance the Align Arapahoe goal of providing quality of life for citizens. Offering renewable energy alternatives aligns with Arapahoe County Comprehensive Plan strategy NCR 4.2(a): *The County will support programs and education to reduce energy consumption, [and will support] solar energy research and other clean energy programs, and energy efficient building design and solar-oriented site planning*.

Additional Community Solar Gardens would require approval through a land use process, so the County cannot endorse any specific location or predict the outcome of any future land use hearings. Nevertheless, we support the efforts of all community solar companies in establishing new sites within Arapahoe County in compliance with the Arapahoe County Land Development Code and recommend that Xcel Energy (Public Service Company of Colorado) receive Renewable Energy Credits applicable to Community Solar Gardens within Arapahoe County.

Sincerely,

Nancy Sharpe

Nancy Sharpe
Arapahoe County Board of Commissioners, Chair

cc: David M. Schmit, P.E., Director of Public Works and Development

Todd M. Leopold
DEPUTY COUNTY ADMINISTRATOR

ADAMS COUNTY
COLORADO

County Administration
4430 South Adams County Parkway
5th Floor, Suite C5000A
Brighton, CO 80601-8204
PHONE 720.523.6100
FAX 720.523.6045
www.adcogov.org

September 3, 2013

Colorado Public Utilities Commission
1560 Broadway #250
Denver, Colorado 80202

To Whom It May Concern:

Adams County offers this letter of support for SunShare's planned Community Solar Gardens, to be developed under Xcel Energy's (Public Service Company of Colorado) 2013 Request for Proposal (RFP) to fulfill the company's Solar Rewards Community program.

SunShare is a Colorado company that plans to develop Community Solar Garden projects in Adams County. We understand that any ratepayer with an Xcel Energy electric account in Adams County will be eligible to participate in the program.

We understand that SunShare's solar gardens are community-based projects; that will be controlled by individual residents in the community and do not exceed 30 megawatts. SunShare plans to employ local residents from Adams County to construct and maintain the Community Solar facilities.

In conclusion, we support the efforts of SunShare to establish new business in Adams County and recommend that the Public Service Company of Colorado (Xcel Energy) receive the Renewable Energy Credits applicable for such community-based projects.

This letter of support does not in any way imply that the Adams County Board of Commissioners has or will approve any future development of this nature, and that all land use approvals would need to go through Adams County's land use regulatory process for formal approval.

Thank you for your consideration.

Signed,

Todd Leopold
Deputy County Manager
Adams County, Colorado

BOARD OF COUNTY COMMISSIONERS

Eva J. Henry
DISTRICT 1

Charles "Chaz" Tedesco
DISTRICT 2

Erik Hansen
DISTRICT 3

Office of Mayor Michael B. Hancock

City and County Building
1437 Bannock St, Room 350
Denver, CO 80202-5390
p: 720.865.9090
denvergov.org/mayor

DENVER
THE MILE HIGH CITY

November 27, 2013

Colorado Public Utilities Commission
1560 Broadway #250
Denver, Colorado 80202

To Whom it May Concern:

The Denver Office of Sustainability offers this general letter of support for Community Solar Gardens to be developed under Xcel Energy's (Public Service Company of Colorado) Solar Rewards Community program.

We understand that any ratepayer with an Xcel Energy electric account in the same county as a participating solar garden will be eligible to participate in the program. We understand that solar gardens are community-based projects; they will be controlled by individual residents in the community and do not exceed 30 megawatts.

We support the efforts of all community solar companies in establishing new business in the City and County of Denver and recommend that the Public Service Company of Colorado (Xcel Energy) receive the Renewable Energy Credits applicable for such community-based projects.

Community Solar Gardens help Denver achieve our 2020 Sustainability Goals by increasing the amount of renewable energy available to our residents, and therefore have our full support.

Thank you for your consideration.

Signed,

Jerry Tinianow
Chief Sustainability Officer

Board of County Commissioners

Faye Griffin
District No. 1
Casey Tighe
District No. 2
Donald Rosier
District No. 3

August 29, 2013

Colorado Public Utilities Commission
1560 Broadway, #250
Denver, Colorado 80202

To Whom It May Concern:

The Jefferson County Board of County Commissioners offers this letter of support for SunShare's planned Community Solar Gardens, to be developed under Xcel Energy's (Public Service Company of Colorado) 2013 Request for Proposal (RFP) to fulfill the company's Solar Rewards Community program.

SunShare is a Colorado company that plans to develop Community Solar Garden projects in Jefferson County, under jurisdiction of the Jefferson County Board of Commissioners. We understand that any ratepayer with an Xcel Energy electric account in Jefferson County will be eligible to participate in the program.

We understand that SunShare's solar gardens are community-based projects; they will be controlled by individual residents in the community and do not exceed 30 megawatts. SunShare plans to employ local residents from Jefferson County to construct and maintain the Community Solar facilities.

In conclusion, we support the efforts of SunShare to establish new business in Jefferson County and recommend that the Public Service Company of Colorado (Xcel Energy) receive the Renewable Energy Credits applicable for such community-based projects.

Thank you for your consideration.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

Donald Rosier
Chairman

Faye Griffin

Casey Tighe

BCC/mm

100 Jefferson County Parkway, Golden, Colorado 80419
(303) 279-6511
http://jeffco.us