



Town Board Agenda
Regular Meeting
July 23, 2019
5:30 PM

MISSION STATEMENT

"The Town of Center, Colorado shall provide strong leadership, inspire community pride, maintain fiscal accountability and through its employees offer a high level of service to the residents, businesses, and visitors of the community."

1. FINANCIAL WORKSHOP
2. MEETING CALLED TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE
3. A MOTION TO APPROVE THE AGENDA
4. CITIZEN COMMENTS -
 - A. **MUST SIGN IN IN ORDER TO BE HEARD AND ONLY FIVE REQUESTS WILL BE HEARD. A FIVE MINUTE TIME LIMIT IS IMPOSED AND NO IMMEDIATE ACTION AND OR COMMENTS WILL BE PROVIDED BY THE BOARD.**
5. CONSENT AGENDA
 - A. MINUTES
06/11/19 & 06/25/19
 - B. POLICE DEPARTMENT REPORT
 - C. COURT REPORT
 - D. PUBLIC WORKS REPORTS
 1. Utilities
 - a. Electrical Upgrade Map
 - b. Quote – S. Baseball Field
 - c. Quote – Bores
 - d. Roof
 2. Water
 - a. Water Attorney Report
 3. Streets and Parks
 4. Code Enforcement Report
 - a. Privacy Fence – 365 W. 6th St.
 - E. PAYABLES
6. FINANCIALS
 - A. June Financials
7. MANAGERS REPORT
 - A. Goals
8. OLD BUSINESS
 - A. Police Chief
 - B. CDBG Grant Resolution



Town Board Agenda
Regular Meeting
July 23, 2019
5:30 PM

B. Downtown Colorado Inc. - MOU

8. NEW BUSINESS

A. MDS Recycling

B. 811 Ordinance

C. Economic Summit – ASU- August 5

D. Ballot Questions

E. Saguache County – IT Cost Share

9. CALENDAR ITEMS

10. A MOTION TO ADJOURN THE MEETING

Posted on
July 19, 2019

Center Town Hall and Center Post office
This agenda may be amended

CENTER TOWN BOARD
REGULAR MEETING
JUNE 11, 2019
6:30 P.M.

The meeting was called to order at 6:40 P.M.

ROLL CALL

Mayor Sisneros	P
Mayor Pro-Tem McClure	P
Trustee Gallegos	P
Trustee Adeline Sanchez	P
Trustee Hurtado	E
Trustee McClure	P
Trustee James Sanchez	P

A motion to approve the agenda was made by Mayor Pro-Tem McClure, seconded by Trustee Gallegos. Roll Call –All in favor. Motion Carries.

CITIZEN COMMENTS – There were no comments.

CONSENT AGENDA

Minutes – There were no changes.

Police Dept. Report – Brian made the Board aware that the Utility Vehicle was broken into and \$4,800 worth of tools was stolen. Officer Fresquez told the Board that there have been more burglaries and an arrest warrant has been issued for a case.

Court Report – There were a few questions on the Dog fines to one individual.

Public Works Dept. –

Utilities – 81 delinquent notices were sent out. Trustee McClure would like to possibly change policy on disconnects. The delinquent notice policy will be reviewed.

Water – Trustee Adeline Sanchez asked if the jetter truck has been used. Dave said that the whole Town is jetted once a month in its entirety.

Streets and Parks – Street employee Alan DeHerrera is leaving the dept. Trustee McClure talked about transferring within. Dave talked with Randy Arredondo of Saguache County Road and Bridge, they would like to pave in July. Dave doesn't feel like the Town should pave until next February. There will be too many cuts into the streets this year so it would not be a good idea. Trustee Adeline Sanchez would like the potholes filled in. The Town is waiting on a bid for replacing the playground equipment at the Community Park. A motion to postpone any street paving until the spring of 2020 was made by Trustee McClure, seconded by Trustee Adeline Sanchez. Roll Call – All in favor. Motion Carries. Saguache County will be notified of the decision.

Code Enforcement Report – There were a few issues, Dave is already handling it. The baseball field fixture has begun.

Payables – There were a few questions.

MANAGERS REPORT

Comp Plan – The comp plan is almost ready to send, Brian is just waiting on the demographics. We may have the survey recorded.

Animal Control Vehicle- Brian said that the vehicle is on its last leg. It will cost \$3,000 to get it fixed and get us through the year. Trustee McClure said to put feelers out for a different vehicle from a different agency.

Interviews for Police Chief – Interviews for one of the candidates will be by skype. Brian has scheduled interviews.

OLD BUSINESS

Jade Communications – A motion to approve a 15 yr. contract with Jade communications with an increase every 5 yrs. was made by Trustee McClure, seconded by Trustee James Sanchez. Roll Call – All in favor. Motion Carries.

Asset Inventory – Rick Gonzalva was at the meeting to give an update on the asset inventory project. Mr. Gonzalva said that he is working on the maps. The maps will show the location of the all the utilities. The Consaul property will be included in the assessment. Mr. Gonzalva will come in two months to give another update. The inventory will be finished in March 2020.

NEW BUSINESS

Special Events Permit – Brian said that Special Events Permits is to serve alcohol at the 4th of July event. The whole park will be designated for the beer sales. A motion to approve the Town of Center's Special event permit was made by Trustee McClure, seconded by Trustee James Sanchez. All in favor. Motion Carries.

Letter – Margaret Dalby – Ms. Dalby wrote a letter to the Board protesting the siren. Brian said that community members told him that it was part of history. Trustee McClure feels that there should be an ordinance concerning the siren. The Town Board would like input. The Board tabled the issue and will have a survey done concerning the siren. Brian will talk with Ms. Dalby.

Ordinance 553 – Attorney Trujillo read aloud the ordinance that will approve the Water meter loan. The Ordinance is on file at Town Hall. A motion to approve Ordinance 553 was made by Trustee James Sanchez, seconded by Trustee Adeline Sanchez. Roll Call – All in favor.

CALENDAR ITEMS

Town Board meeting June 25, 2019. A workshop with Auditors prior to meeting.

July 16, 2019 meeting.

ADJOURNMENT –

A motion to adjourn the meeting was made by Trustee Gallegos, seconded by Trustee McClure. Roll Call – All in favor. Motion Carries.

Submitted by,

Rose Marie DeHerrera
Deputy Clerk – CMC

Herman Sisneros
Mayor

Sanitation

Assist the sanitation dept. to auger/jet sewers
Repair lift station @ Center Schools

Misc. Duties Performed

Meet with Tierra Nueva for addition of new buildings and all services (planning stages)
Multiple locates and building code issues
Meter reading
Service orders and deliver delinquent notices
Disconnect and re-connection of delinquent customers (5)
Deliver delinquent notices to customers (84)
Setup and removal of equipment for 4th of July celebration Power, tents, beer trailers,
and fencing

**TOWN BOARD MEETING
SPECIAL MEETING
JUNE 25, 2019
4:30 P.M.**

The financial workshop was held at 4:30 p.m.

The audit workshop was held at 5:00 p.m.

The meeting was called to order at 6:20 p.m. by Mayor Sisneros

ROLL CALL

Mayor Sisneros	P
Mayor Pro-Tem McClure	P
Trustee Gallegos	P
Trustee Adeline Sanchez	P
Trustee Hurtado	P
Trustee McClure	P
Trustee James Sanchez	P

A motion to approve the agenda with changes was made by Trustee Adeline Sanchez, seconded by Trustee Hurtado. Roll Call – All in favor. Motion carries.

A motion to go into executive session was made by Trustee Hurtado, seconded by Trustee Gallegos. Roll Call – All in favor. Motion Carries.

A motion to adjourn out of executive session was made by Trustee McClure, seconded by Trustee Hurtado. Roll Call – All in favor. Motion Carries. Adjourned at 6:45 p.m.

A motion to approve the payables was made by Trustee McClure, seconded by Trustee Gallegos. Roll Call – All in favor. Motion carries.

A motion to approve May 2019 financials was made by Mayor Pro-Tem McClure, seconded by Trustee Adeline Sanchez. Roll Call – All in favor. Motion carries.

A motion to approve the 2018 Audit was made by Trustee McClure, seconded by Trustee Hurtado. Roll Call – All in favor. Motion carries.

OLD BUSINESS

A. ICONERGY

Carl Hurst told the Board that all the grants and the loan applications have been completed. ICONERGY said that they are just waiting for the 30 day publication to expire. July 15th is the day that they can move forward with the Water Meter project. Mr. Hurst said that they are ready to finalize the project. Brian asked if they could sign the contracts. Attorney Trujillo said that the Town needs a resolution authorizing Brian and Mayor Sisneros to sign all documents. Attorney Trujillo read resolution 062519 to the Board authorizing Brian and Mayor Sisneros to sign all documents. A motion to approve resolution 062519 was made by Mayor Pro-Tem McClure, seconded by Trustee Adeline Sanchez. Roll Call – All in favor. Motion Carries.

B. GOALS

1. ANNEXATION OF THE CONSAUL PROPERTY – Brian said that he sent the comp plan back to DOLA and they did come back with some concerns. DOLA suggested that we get a developer to get a plan together. All we need by State Statue is an updated 3 mile plan. Mayor Sisneros and Trustee Gallegos did attend a class on annexation. Bill said that Idaho Pacific is still looking into also annexing their property.

2. INFRASTRUCTURE UPGRADES –

Water meter project is going forward. The electrical upgrade is also continuing.

C. CDBG – Grant –

The Town of Center and the Center Dental clinic partnered together for a \$600,000 grant for the new clinic. The Center Dental Clinic was awarded the CDBG the grant.

NEW BUSINESS

A. D&E FORGIVENESS LOAN ORDINANCE 554 –

The requirement does need a D&E ordinance for approval. Attorney Trujillo read ordinance 554 to the Board. A motion to approve Ordinance 554 was made by Trustee McClure, seconded by Trustee Hurtado. Roll Call – All in favor. Motion Carries.

B. DELINQUENT NOTICE POLICY

The Board discussed the 24 hour shut off policy notice at the last meeting. Trustee McClure said that we will work on the policy and inform the public what the Board is intending to do. Brian will work on the specifics.

C. TREE CUTTING POLICY

The discussion about the cutting of trees without permission in the Town of Center. Trustee Adeline Sanchez felt that we should follow the current Policy. Attorney Trujillo suggested that we have the residents call Town Hall prior to cutting down the trees.

D. QUOTE FOR COMMUNITY PARK AND CENTRAL PARK

A motion to approve the Town to apply for a GOCO grant for the Community Park and Central Park was made by Trustee Hurtado, seconded by Trustee McClure. Roll Call – All in favor. Motion Carries.

E. CML DEBRIEF

Brian thanked the Board for allowing him to attend the CML Conference, every meeting seemed designed to what the Town is currently going through.

F. MDS WASTE and RECYCLE

Brian talked to MDS Waste and recycle and suggested to the Board that he felt they needed more information. Trustee McClure would like more information. Trustee Adeline Sanchez would like them to come to a Board Meeting.

CALENDAR ITEMS

Second week in July will be a workshop. Brian will notify the Board to the date.

July 23rd Town Board meeting.

ADJOURNMENT

A motion to adjourn the meeting was made by Trustee Gallegos, seconded by Trustee Hurtado. Roll Call

– All in favor. Motion carries. The meeting was adjourned at 7:58 p.m.

Submitted by,

Rose Marie DeHerrera-CMC
Deputy Clerk

Herman Sisneros
Mayor

Citations By Month
Date Occurred is between 06/01/2019 and 06/30/2019

7/17/2019

Page 1 of 1

Date Occurred	First Name	Last Name	Cit Type Description	Officer Id
6/4/2019	MEGAN	AGUILAR	STATE SUMMONS	307CM
6/10/2019	JOSE	JUAREZ SEBASTIAN	STATE PENALTY ASSESSMENT	307CM
6/11/2019	DARRELL	WADSWORTH	STATE SUMMONS	303AF
6/11/2019	DARRELL	WADSWORTH	STATE SUMMONS	303AF
6/14/2019	ALEJANDRO	MIRAMONTES SOLANO	MUNICIPAL TRAFFIC	307CM
6/20/2019	RACHEL	GALLEGOS	MUNICIPAL TRAFFIC	303AF
6/20/2019	RAYMUNDO	MARTINEZ	STATE SUMMONS	305JR
6/20/2019	RAYMUNDO	MARTINEZ	STATE SUMMONS	305JR
6/21/2019	<i>A JILVENILE</i>		MUNICIPAL TRAFFIC	307CM
6/27/2019	JESUS	MORENO	STATE SUMMONS	305JR

Totals: 10 records printed

CENTER POLICE DEPARTMENT 294 S. WORTH ST

CENTER, CO 81125

Print Date 07/17/2019
Record Count 27

Query
Summary

Module Incident Query Result

Incident #	Other #	Event #	Date Reported	Time Rptd	Offense	Date Occurred	Street Name	Agency..
19-C00156		1906300002	06/30/2019	08:41	Warrant Arrest	06/30/2019		
19-C00154		1906290001	06/29/2019	07:49	18-9-111	06/29/2019		
19-C00153		1906280009	06/28/2019	20:46	18-4-401	06/28/2019		
19-C00152		1906280002	06/28/2019	11:48	MTC 1402 (2) (a)	06/28/2019		
19-C00150		1906270017	06/27/2019	19:20	Warrant Arrest	06/27/2019		
19-C00146		1906250016	06/25/2019	18:48	Unattended Death	06/25/2019		
19-C00144		1906240006	06/24/2019	18:57	Warrant Arrest	06/24/2019		
19-C00143		1906220005	06/22/2019	16:53	459PC	06/22/2019		
19-C00142		1906200015	06/20/2019	19:54	Warrant Arrest	06/20/2019		
19-C00141		1906190008	06/19/2019	16:16	Warrant Arrest	06/19/2019		
19-C00140		1906180002	06/18/2019	09:20	Information Report	06/18/2019		
19-C00137		1906150004	06/15/2019	13:55	18-4-401	06/14/2019		
19-C00138		1906150006	06/15/2019	16:40	18-3-204	06/15/2019		
19-C00136		1906140002	06/14/2019	10:58	Warrant Arrest	06/14/2019		
19-C00135		1906130002	06/13/2019	03:51	18-6-800.3	06/13/2019		
19-C00134		1906110005	06/11/2019	13:48	MTC 1402 (2) (a)	06/11/2019		
19-C00132		1906110002	06/11/2019	10:55	Warrant Arrest	06/11/2019		
19-C00131		1906100017	06/10/2019	18:20	42-2-101(1)	06/10/2019		
19-C00130		1906100004	06/10/2019	10:45	MTC 1402 (2) (a)	06/10/2019		
19-C00129		1906080031	06/08/2019	21:31	18-4-501	06/08/2019		
19-C00128		1906080027	06/08/2019	16:42	18-6-803.5(2) (a)	06/08/2019		
19-C00127		1906070018	06/07/2019	23:44	18-9-111	06/07/2019		
19-C00126		1906060011	06/06/2019	19:18	459PC	06/06/2019		
19-C00125		1906050011	06/05/2019	19:49	459PC	06/05/2019		
19-C00124		1906050009	06/05/2019	15:42	18-6-800.3	06/05/2019		
19-C00122		1906040001	06/04/2019	00:10	42-4-1101(1) ..	06/04/2019		
19-C00121		1906010006	06/01/2019	11:59	Information Report	06/01/2019		

Case Number	Sequence Number	Date	Code	Offense Type	Ordinance Type
19-020	200	06/12/2019	204(4)		Other
19-021	200	06/03/2019	11019	SPEED	State
19-022	100	06/03/2019	410(O)	ORDINANCE VIOLATION	Local
19-023	100	06/03/2019	410(O)	ORDINANCE VIOLATION	Local
19-024	100	06/03/2019	410(O)	ORDINANCE VIOLATION	Local
19-025	100	06/03/2019	410(O)	ORDINANCE VIOLATION	Local
19-026	300	06/06/2019	11019	SPEED	State
19-027	200	06/11/2019	11019	SPEED	State
19-028	200	06/11/2019	ORD410	ORDINANCE VIOLATION	Local
19-029	200	06/11/2019	410(O)	ORDINANCE VIOLATION	Local
19-030	200	06/11/2019	410(O)	ORDINANCE VIOLATION	Local
19-031	200	06/11/2019	410(O)	ORDINANCE VIOLATION	Local
19-032	200	06/11/2019	410(O)	ORDINANCE VIOLATION	Local
19-033	200	06/11/2019	410(O)	ORDINANCE VIOLATION	Local
19-034	200	06/11/2019	410(O)	ORDINANCE VIOLATION	Local
19-035	200	06/11/2019	410(O)	ORDINANCE VIOLATION	Local
19-036	200	06/11/2019	2912	ORDINANCE VIOLATION	Local
19-037	200	06/19/2019	410(O)	ORDINANCE VIOLATION	Local
19-038	200	06/19/2019	410(O)	ORDINANCE VIOLATION	Local
19-039	200	06/19/2019	410(O)	ORDINANCE VIOLATION	Local
19-040	200	06/21/2019	410(O)	ORDINANCE VIOLATION	Local
19-041	200	06/21/2019	410(O)	ORDINANCE VIOLATION	Local
19-042	200	06/21/2019	410(O)	ORDINANCE VIOLATION	Local
19-043	200	06/21/2019	410(O)	ORDINANCE VIOLATION	Local
19-044	200	06/21/2019	410(O)	ORDINANCE VIOLATION	Local
19-045	200	06/21/2019	410(O)	ORDINANCE VIOLATION	Local
19-046	200	06/21/2019	410(O)	ORDINANCE VIOLATION	Local

Grand Totals: 27

Case Number	Offense Code	Offense Type	Date	Sequence Number	Disposition Code	Disposition Type
19-017	1402	IMPROPER/RECKLESS DRIVING	06/30/2019	600	FINE	GU
	1402	IMPROPER/RECKLESS DRIVING	06/30/2019	500	DISM	DM
19-018	11019	SPEED	06/01/2019	500	PBM	PM
19-021	11019	SPEED	06/30/2019	500	PBM	PM
19-026	11019	SPEED	06/30/2019	700	PBM	PM
19-027	11019	SPEED	06/30/2019	500	PBM	PM
Grand Totals:						<u>6</u>

Utility Report June - July 2019

Gas and Electrical Systems

Gas

Complete inspection of the rectifier for the gas system
Monthly testing of odorant in gas system
Complete quarterly inspections of gas system
Complete Cathodic protection survey and log all readings
Receive new odorometer and begin training on new unit

Electrical

Install main wire feed on Miles Street from 3rd St to 2nd Street
Install wire on 3rd and Miles both east and west to the first alley
Install wire on 5th and Miles both east and west to the first alley
Install splice cabinet on 5th and Miles
Repair power outage in West Center (RV hit pole and blew conversion bank fuse)
Replace fuses for Town Park sprinkler system
Replace fuses for Amp warehouse
Install new yard light for Manual Serna
Install pole, service loop and service for the 4th of July celebration

Water

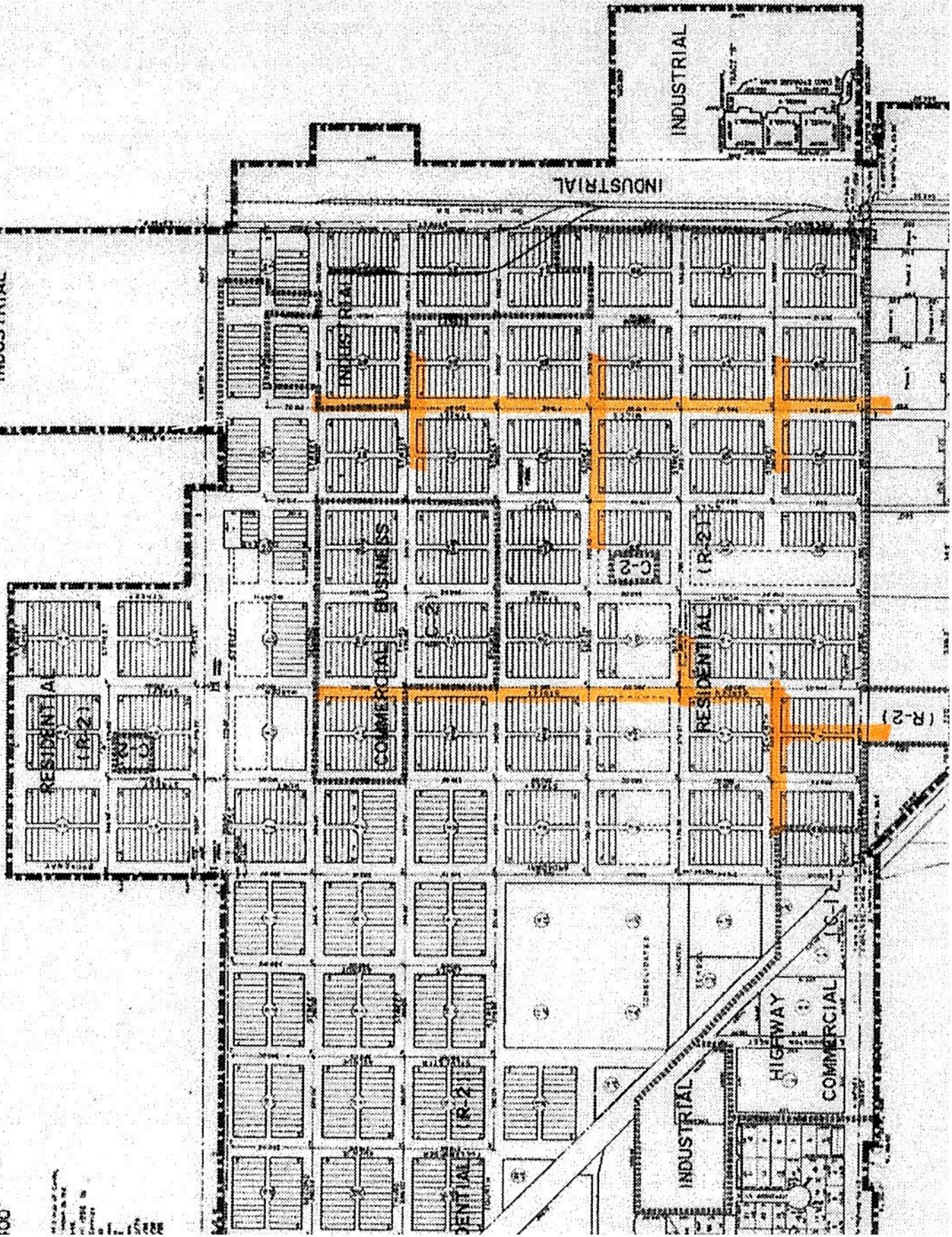
Locate and turn on old water tap for Maverick Potato for Davis Plumbing
Install new water tap at 2nd and Sisneros for Ellithorpe storage
Work with Brian and Dave for information for water meter project (Ongoing)
Dig-up and locate curb box which feeds Ellithorpe warehouse and Maverick Potato
Dig-up tap on water main and shut off service for future repair by Davies Plumbing
Replace chlorine tanks and adjust pump for chlorine injection

DISTRICTS ELECTRICAL CABLES INSTALLED YTD

COLORADO

100'

Scale of Drawing
1" = 100'
DATE: 10/15/88
BY: [Signature]



Quote



RMMP Landscaping LLC
5868 CR 106 S
PO BOX 1501
ALAMOSA CO 81101
OFFICE 719-589-9070
FAX 719-589-9034

Date: 06/28/2019
Quote No.: 10287

Bill To:
TOWN OF CENTER
294 WORTH ST.
CENTER CO. 81125
719-754-3497
david@centerco.gov

Ship To:
SOUTH BASEBALL FIELD AT
CITY PARK

Qty	Description	Unit Price	Total
	RECUT EDGES OF GRASS ON INFIELD. RECUT GRASS EDGES ON OUTFIELD CONNECTING TO INFIELD. SCRAPE OUT DIRT AREAS BETWEEN BASE LINES AND FENCE, AND REPLACE WITH NEW TOPSOIL AND SOD. REBUILD PITCHERS MOUND TO REGULATION, AND PLACE NEW INFIELD MIX .		
560	2'X4' SODROLLS (BLUE,FESCUE,RYE)	\$4.80	\$2,688.00
28	TONS BLENDED AND SCREENED TOP SOIL. (BLEND CONTAINS MIXTURE OF SAND,PEAT AND MANURE)	\$40.00	\$1,120.00
12	TONS INFIELD MIX 40% CLAY 60% RED LAVA FINES,BLENDED AND SCREENED TO 1/8" MINUS PEBBLES	\$95.00	\$1,140.00
84	HRS. LABOR AND EQUIPMENT	\$45.00	\$3,780.00

Total \$8,728.00

ONE HALF DOWN ON ACCEPTENCE, REMAINING BALANCE DUE UPON COMPLETION

Thank you for your business.

Bower Contracting, Inc.

3375 WM800B
 Mosca, CO 81146
 (719) 580-4936

Estimate

DATE	ESTIMATE NO.
7/8/2019	2274

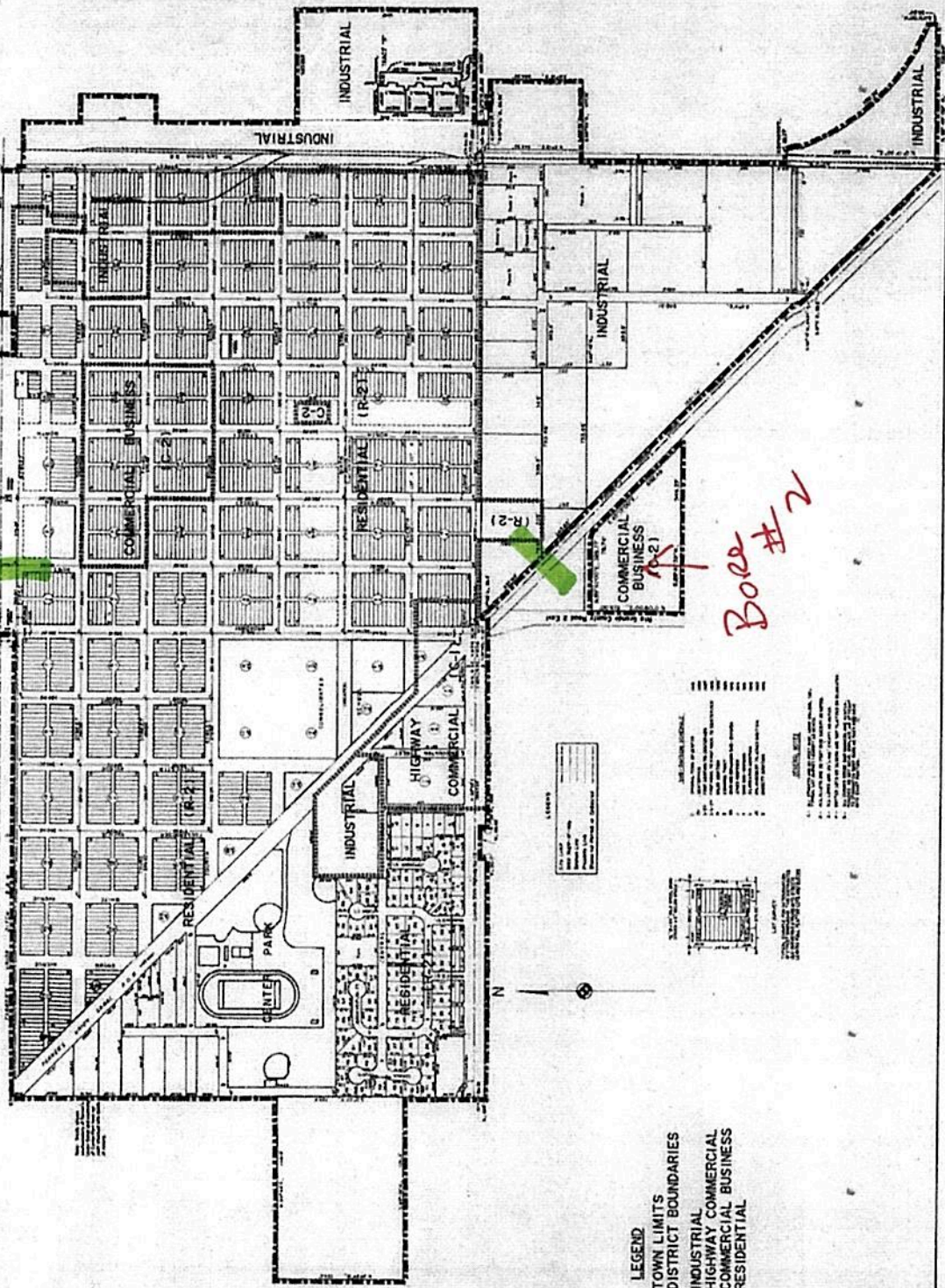
NAME / ADDRESS
Town of Center

PROJECT

ITEM	DESCRIPTION	QTY	Cost	Total
Directional Bore <i>I</i>	Directional Bore under canal and 1st Street along Hurt St. Pull back power cables.	250	19.00	4,750.00
Directional Bore <i>Z</i>	Directional bore under Big canal Behind the Dollar General and the Bank. Pull back power cables.	300	22.00	6,600.00
<i>See map</i>				
			\$11,350.00	

ZONING DISTRICTS
MAP OF
CENTER - COLORADO
SCALE: 1" = 400'

1. ALL DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.
2. THE ZONING DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.
3. THE ZONING DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.



- LEGEND
- TOWN LIMITS
 - DISTRICT BOUNDARIES
 - INDUSTRIAL
 - HIGHWAY COMMERCIAL
 - COMMERCIAL BUSINESS
 - RESIDENTIAL

1. ALL DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.
2. THE ZONING DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.
3. THE ZONING DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.

4. ALL DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.
5. THE ZONING DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.
6. THE ZONING DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE.



LEGEND

INDUSTRIAL	INDUSTRIAL
HIGHWAY COMMERCIAL	HIGHWAY COMMERCIAL
COMMERCIAL BUSINESS	COMMERCIAL BUSINESS
RESIDENTIAL	RESIDENTIAL

Water / Sanitation

June Report

Daily rounds

Check all lift stations are in working order and no breakers kicked or high alarms

Check and record hours on all lift station control boxes to monitor hours on pumps

Clean bar screen at influent gate at sewer plant

Measure ph, tss, d.o., chlorine residual, and flow at influent and effluent of sewer system

Check and record gallons of flow per day

Check west and east water wells are in working order and no alarms

Check and record flow of both wells per day

Check and record chlorine residual at both water wells

Record gas flow per day at the border station

Log into mission communications and check status of both water wells level of water tank and sewer plant lift station pumps, check for alarms

Collect and prepare samples from influent and effluent and take them to the lab in Alamosa weekly

Get with mike weekly to talk about the week before lab results

Attend sanitation board meetings

Dispose of influent waste caught in screen and sewer plant into dumpster as needed

Jetting backed up sewer lines per customer complaint

Scraped floats and lift station walls and degreased all lift stations and pumped down lift station to suck up grease

Turn water on/off per customer request

Pull weeds and algae from sewer ponds

Trim and Spray weeds around sewer plant and all lift stations

Helped repair damaged water line on Warden St.

Annual fire hydrant flushing and inspection, water pressure testing and checking chlorine residual at all hydrants

Helped with new sewer tap on brown St.

Changed out chlorine barrels in east and west wells

Painted hydrants that needed paint and bollards that needed paint

Sprayed and swept east and west well, changed out leaking chlorine suction hose on east well

Helped with setting up for the 4th of July event, and tearing down and cleaning

Repaired air separator on east well

Trimmed weeds around water tower yard and sprayed weeds around yard and at west well and around all fire hydrants

Robert Gonzales

David Mehaffie

From: Geoff M. Williamson
Sent: Friday, June 14, 2019 11:15 AM
To: 'David Mehaffie'; Michael Trujillo
Cc: 'Rachel Kullman'; Megan Gutwein; Peter D. Nichols
Subject: Center Augmentation Plan Status

David and Mike:

I wanted to check in with you regarding our work on a new augmentation plan for the Town of Center. Since we met in April, we have been working with Rachel to prepare a draft application and any necessary additional engineering work to support that application. Initially, we had envisioned this new application as encompassing not only the Consaul Farm wells (17A and 17B), but also most of Center's existing wells.

However, as we've dug into the new groundwater rules and Center's previous decrees in more detail, we think that the best approach might be a bit more simplified—particularly since the Division Engineer has indicated that he does not have abandonment concerns with any of the Town's wells. Instead of folding most of Center's existing wells into a new plan, it appears that the Town's existing augmentation plan decree (W-3596) should already cover the augmentation requirements for Wells 1-9 under the new groundwater rules (recognizing that Well No. 9 may no longer be used or needed). This means that the new application would be for (1) a new municipal groundwater right, to be withdrawn from the Consaul Farm wells; and (2) a plan for augmentation to cover any agricultural or municipal use of the Consaul Farm wells. We would leave all of the wells covered by the W-3596 decree (Wells 1-9) out of this application.

A primary reason for this approach would be to protect Center's W-3596 decree and hopefully leave it undisturbed, as it is generally favorable to the Town. Because that decree contains some assumptions that would not necessarily fly today, however, we would still like to meet with the Division Engineer before filing any new water court application to get some assurance that he will administer the W-3596 decree as it stands. If not, we can hopefully identify any issues the DE may have with the application, and address those issues as necessary before we file.

In addition, this means that we would like Rachel to produce two reports: (1) a broad report that covers all of the Town's well usage and existing and future augmentation obligations (she has already prepared a fairly comprehensive draft of this report); and (2) a report that can be provided to the water court and objectors that specifically supports the plan for augmentation for the Consaul Farm wells. The broad report would provide the Town with a comprehensive understanding of its water rights, and will also provide evidence that the Town does not intend to abandon any of the water rights included in the report if the DE does decide to place any of the wells on an abandonment list.

We think that this approach should streamline the water court process for the new plan for augmentation, and should also allow the town to simply add to its existing water rights accounting rather than trying to manage two different augmentation plans that cover some of the same wells. We have some time here, as the rules give us until March 2021 to file an application for a plan for augmentation as needed to comply with the rules, but we would like to keep moving forward with it in order to have time to discuss with the Division Engineer before filing.

I hope this approach makes sense to you. Please let me know if you have questions or would like to discuss in more detail. Thanks again for the opportunity to help the Town with all of this.

Geoff

Geoff Williamson
Special Counsel

Streets and Parks June- 2019 Report

Streets

1. Sprayed weeds inside and around Community Park
2. Sprayed weeds
3. Fixed stop signs and street name signs
4. Filled pot holes at street cuts
5. Dirt work on sides of roads
6. Swept streets with sweeper
7. Filled streets with cold patch on cuts

Parks.

1. Picked up trash at parks and dumped trash cans at the parks and on Worth Street.
2. Inspect playground equipment.
3. Cleaned filters at water park
4. Trimmed ornamental bushes Casa Blanca Park
5. Mowed lawns at all parks
6. Worked on sprinklers and sprinkler valves
7. Sprayed weeds around parks
8. Checked bathrooms and cleaned them
9. Cleaned up tree limbs and trash at Community Park
10. Washed out trucks and equipment

Animal Control

1. Dog Patrol 1 to 2 hours per day as weather allows
2. Picked up dead dogs
3. Picked up dead cat

4. Transported dogs to the shelter
5. Called out on vicious dog and dog(s) at large calls
6. Watered trees Community Park
7. Washed animal control unit out.

Miscellaneous Tasks

1. Vehicle Inspections and wash
2. Swept out shop and clean up

Anthony & Diego

June 30, 2019

Building and Code Enforcement

1. 26 - Building Permits have been issued YTD
2. 25 - Contractor and Business Licenses have been issued YTD.
3. Code Enforcement-several warnings and letters have been issued. 28 Citations have been issued for several ordinance violations.

Electrical Upgrade

1. The upgrade is moving forward. The guys have completed both north/south lines and have been working on the east/west lines at which point the splice cabinets and transformers will start to be installed.

Iconergy

1. The 1st order of 100 meter pits and equipment have arrived. RFP's have gone out to contractors for the actual installation.
2. Closing on all the loan documents is July 15th. Until the 15th we are planning the construction procedures.

Water Augmentation

1. The Water Attorney's sent an email stating the status of the augmentation plan and their plans. They want to meet with the Water Engineer before filing (see note)

July Water Meter Project Update (July 15th)

There is a Pre-construction site visit and a round table planning meeting planned for July 31st .We were unable to take care of this earlier because of funding agency restrictions. There will be people here from Iconergy, MSPS(the supplier of the hardware) and the contractors involved. RFP's have been sent out to contractors in the area and are due on the July 23rd with award set for the July 26th.

This meeting will clear up any questions and set starting points and hopefully help eliminate slowdowns due to problems as we talk about contingencies

A tentative start date of Aug 5th has been set.

David Mehaffie

ArcGIS Web Map



Check Issue Dates 7/19/2019 - 7/19/2019

Report Criteria:
Report type: GL detail
Check Type = (<>) "Adjustment"

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Invoice Amount	Check Amount
119154										
07/19	07/19/2019	119154	1259	AMERICAN ELECTRIC COMPAN	0116-458685	1	10-552-772-50	00	27.68	27.68
07/19	07/19/2019	119154	1259	AMERICAN ELECTRIC COMPAN	0116-459818	1	10-552-772-50	00	253.32	253.32
Total 119154:										
									281.00	
119155										
07/19	07/19/2019	119155	2078	BERG, HILL, GREENLEAF, RUS	063019	1	12-552-537-00	00	2,982.50	2,982.50
Total 119155:										
									2,982.50	
119156										
07/19	07/19/2019	119156	2790	BUTLER SNOW	2019 CWRP	1	12-552-538-00	00	8,000.00	8,000.00
Total 119156:										
									8,000.00	
119157										
07/19	07/19/2019	119157	1047	CENTURYLINK	070819	1	01-552-537-00	00	72.22	72.22
07/19	07/19/2019	119157	1047	CENTURYLINK	070819	2	10-552-537-10	00	71.46	71.46
07/19	07/19/2019	119157	1047	CENTURYLINK	070819	3	11-552-537-01	00	71.46	71.46
07/19	07/19/2019	119157	1047	CENTURYLINK	070819	4	12-552-537-01	00	71.46	71.46
Total 119157:										
									286.60	
119158										
07/19	07/19/2019	119158	2664	CIELLO	071019	1	12-552-537-01	00	209.58	209.58
07/19	07/19/2019	119158	2664	CIELLO	071019	2	10-552-537-10	00	209.59	209.59
07/19	07/19/2019	119158	2664	CIELLO	071019	3	11-552-537-01	00	209.59	209.59
07/19	07/19/2019	119158	2664	CIELLO	071019	4	01-552-537-00	00	209.59	209.59
Total 119158:										
									838.35	
119159										
07/19	07/19/2019	119159	1696	CITY OF ALAMOSA	00405	1	01-552-537-20	00	200.00	200.00

Check Issue Dates: 7/19/2019 - 7/19/2019

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Invoice Amount	Check Amount
Total 119159:										
119160	07/19	07/19/2019	119160	1327 COLORADO STATE TREASURE	02/2019	1	01-552-526-20	.00	735.30	735.30
Total 119160:										
Total 119160: 735.30										
119161										
07/19	07/19/2019	119161	1081	DISH NETWORK	071119	1	01-552-526-05	.00	27.67	27.67
07/19	07/19/2019	119161	1081	DISH NETWORK	071119	2	10-552-526-05	.00	27.67	27.67
07/19	07/19/2019	119161	1081	DISH NETWORK	071119	3	11-552-526-05	.00	27.69	27.69
07/19	07/19/2019	119161	1081	DISH NETWORK	071119	4	12-552-526-05	.00	27.67	27.67
Total 119161: 110.70										
119162										
07/19	07/19/2019	119162	1088	EMPLOYER REPRESENTATIVE	7345	1	01-552-533-00	.00	52.50	52.50
07/19	07/19/2019	119162	1088	EMPLOYER REPRESENTATIVE	7345	2	10-552-533-00	.00	52.50	52.50
07/19	07/19/2019	119162	1088	EMPLOYER REPRESENTATIVE	7345	3	11-552-533-00	.00	52.50	52.50
07/19	07/19/2019	119162	1088	EMPLOYER REPRESENTATIVE	7345	4	12-552-533-00	.00	52.50	52.50
Total 119162: 210.00										
119163										
07/19	07/19/2019	119163	2402	FRONT RANGE WINWATER	058672-00	1	12-552-675-00	.00	629.88	629.88
Total 119163: 629.88										
119164										
07/19	07/19/2019	119164	1099	GALLS	013112046	1	01-557-595-00	.00	95.63	95.63
Total 119164: 95.63										
119165										
07/19	07/19/2019	119165	2087	HIGH VELOCITY GRAPHICS	460928	1	01-557-595-00	.00	14.00	14.00
Total 119165: 14.00										

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Invoice Amount	Check Amount
119166										
07/19	07/19/2019	119166	2543	JOEY CORDOVA	080219	1	01-561-599-00	.00	125.00	125.00
07/19	07/19/2019	119166	2543	JOEY CORDOVA	080219	2	10-561-599-00	.00	125.00	125.00
07/19	07/19/2019	119166	2543	JOEY CORDOVA	080219	3	11-561-599-00	.00	125.00	125.00
07/19	07/19/2019	119166	2543	JOEY CORDOVA	080219	4	12-561-599-00	.00	125.00	125.00
Total 119166:									500.00	500.00
119167										
07/19	07/19/2019	119167	2276	MOBILE RECORD SHREDDERS	86134	1	01-552-542-10	.00	22.29	22.29
07/19	07/19/2019	119167	2276	MOBILE RECORD SHREDDERS	86134	2	10-552-542-10	.00	22.32	22.32
07/19	07/19/2019	119167	2276	MOBILE RECORD SHREDDERS	86134	3	11-552-542-10	.00	22.32	22.32
07/19	07/19/2019	119167	2276	MOBILE RECORD SHREDDERS	86134	4	12-552-542-10	.00	22.32	22.32
Total 119167:									89.25	89.25
119168										
07/19	07/19/2019	119168	1168	PINNACOL ASSURANCE	19632732	1	10-202-000-00	.00	697.70	697.70
07/19	07/19/2019	119168	1168	PINNACOL ASSURANCE	19632732	2	01-202-000-00	.00	2,652.52	2,652.52
07/19	07/19/2019	119168	1168	PINNACOL ASSURANCE	19632732	3	11-202-000-00	.00	711.06	711.06
07/19	07/19/2019	119168	1168	PINNACOL ASSURANCE	19632732	4	12-202-000-00	.00	707.72	707.72
Total 119168:									4,769.00	4,769.00
119169										
07/19	07/19/2019	119169	2208	PUBLIC SERVICE COMPANY O	14932	1	10-550-300-01	.00	68,240.10	68,240.10
Total 119169:									68,240.10	68,240.10
119170										
07/19	07/19/2019	119170	2408	SALIDA FIRE EXTINGUISHER	1907161	1	10-552-557-00	.00	124.25	124.25
07/19	07/19/2019	119170	2408	SALIDA FIRE EXTINGUISHER	1907161	2	11-552-675-00	.00	124.25	124.25
07/19	07/19/2019	119170	2408	SALIDA FIRE EXTINGUISHER	1907161	3	12-552-557-00	.00	124.25	124.25
07/19	07/19/2019	119170	2408	SALIDA FIRE EXTINGUISHER	1907161	4	01-552-555-00	.00	124.25	124.25
Total 119170:									497.00	497.00
119171										
07/19	07/19/2019	119171	1205	SAN LUIS VALLEY R.E.C.	071519	1	01-561-544-00	.00	134.00	134.00

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Invoice Amount	Check Amount
Total 119171:										
119172	07/19	07/19/2019	119172	1203	SAN LUIS VALLEY HAZARDOUS	2019	01-552-548-10	.00	75.00	75.00
	07/19	07/19/2019	119172	1203	SAN LUIS VALLEY HAZARDOUS	2019	10-552-548-10	.00	75.00	75.00
	07/19	07/19/2019	119172	1203	SAN LUIS VALLEY HAZARDOUS	2019	11-552-548-10	.00	75.00	75.00
	07/19	07/19/2019	119172	1203	SAN LUIS VALLEY HAZARDOUS	2019	12-552-548-10	.00	75.00	75.00
Total 119172: 300.00										
119173										
	07/19	07/19/2019	119173	2789	SAN LUIS VALLEY HEALTH OC	00007822-00	01-552-551-00	.00	30.00	30.00
Total 119173: 30.00										
119174										
	07/19	07/19/2019	119174	2788	SIERA LEANNE PURGASON	12009003	11-220-000-00	.00	63.02	63.02
Total 119174: 63.02										
119175										
	07/19	07/19/2019	119175	2791	THREE BARREL BREWING CO.	071819	01-561-599-00	.00	109.00	109.00
	07/19	07/19/2019	119175	2791	THREE BARREL BREWING CO.	071819	10-561-599-00	.00	109.00	109.00
	07/19	07/19/2019	119175	2791	THREE BARREL BREWING CO.	071819	11-561-599-00	.00	109.00	109.00
	07/19	07/19/2019	119175	2791	THREE BARREL BREWING CO.	071819	12-561-599-00	.00	109.00	109.00
Total 119175: 436.00										
119176										
	07/19	07/19/2019	119176	2010	WALL, SMITH, BATEMAN INC.	23959	12-552-532-00	.00	8,240.00	8,240.00
	07/19	07/19/2019	119176	2010	WALL, SMITH, BATEMAN INC.	23959	11-552-532-00	.00	8,240.00	8,240.00
	07/19	07/19/2019	119176	2010	WALL, SMITH, BATEMAN INC.	23959	10-552-532-00	.00	8,240.00	8,240.00
	07/19	07/19/2019	119176	2010	WALL, SMITH, BATEMAN INC.	23959	01-552-532-00	.00	8,240.00	8,240.00
Total 119176: 32,960.00										
119177										
	07/19	07/19/2019	119177	1253	WESTERN AREA POWER ADMI	063019	10-550-300-01	.00	13,460.32	13,460.32

M = Manual Check, V = Void Check

Check Issue Dates: 7/19/2019 - 7/19/2019

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Invoice Amount	Check Amount
Total 119177:										
119178	07/19	07/19/2019	119178	1255 WESTERN UNITED ELECTRIC S	4137590	1	10-552-675-00	.00	50.00	50.00
Total 119178:										
119179	07/19	07/19/2019	119179	2137 XCEL ENERGY GAS	073018	1	11-550-300-00	.00	38,025.45	38,025.45
Total 119179:										
Grand Totals:										

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
01-201-000-00	.00	12,918.97-	12,918.97-
01-202-000-00	2,652.52	.00	2,652.52
01-552-526-05	27.67	.00	27.67
01-552-526-20	735.30	.00	735.30
01-552-532-00	8,240.00	.00	8,240.00
01-552-533-00	52.50	.00	52.50
01-552-537-00	281.81	.00	281.81
01-552-537-20	200.00	.00	200.00
01-552-542-10	22.29	.00	22.29
01-552-548-10	75.00	.00	75.00
01-552-551-00	30.00	.00	30.00
01-552-555-00	124.25	.00	124.25
01-557-595-00	109.63	.00	109.63
01-561-544-00	134.00	.00	134.00
01-561-599-00	234.00	.00	234.00
10-201-000-00	.00	91,785.91-	91,785.91-
10-202-000-00	697.70	.00	697.70
10-550-300-01	81,700.42	.00	81,700.42

GL Account	Debit	Credit	Proof
10-552-526-05	27 67	.00	27 67
10-552-532-00	8 240 00	.00	8 240 00
10-552-533-00	52 50	.00	52 50
10-552-537-10	281 05	.00	281 05
10-552-542-10	22 32	.00	22 32
10-552-548-10	75 00	.00	75 00
10-552-557-00	124 25	.00	124 25
10-552-675-00	50 00	.00	50 00
10-552-772-50	281 00	.00	281 00
10-561-599-00	234 00	.00	234 00
11-201-000-00	.00	47,856 34-	47,856 34-
11-202-000-00	711 06	.00	711 06
11-220-000-00	63 02	.00	63 02
11-550-300-00	38 025 45	.00	38,025 45
11-552-526-05	27 69	.00	27 69
11-552-532-00	8 240 00	.00	8 240 00
11-552-533-00	52 50	.00	52 50
11-552-537-01	281 05	.00	281 05
11-552-542-10	22 32	.00	22 32
11-552-548-10	75 00	.00	75 00
11-552-675-00	124 25	.00	124 25
11-561-599-00	234 00	.00	234 00
12-201-000-00	.00	21,376 88-	21,376 88-
12-202-000-00	707 72	.00	707 72
12-552-526-05	27 67	.00	27 67
12-552-532-00	8 240 00	.00	8 240 00
12-552-533-00	52 50	.00	52 50
12-552-537-00	2 982 50	.00	2,982 50
12-552-537-01	281 04	.00	281 04
12-552-538-00	8 000 00	.00	8 000 00
12-552-542-10	22 32	.00	22 32
12-552-548-10	75 00	.00	75 00
12-552-557-00	124 25	.00	124 25
12-552-675-00	629 88	.00	629 88
12-561-599-00	234 00	.00	234 00
Grand Totals:	173,938 10	173,938 10-	.00

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

Report Criteria:

Report Type: GL detail

Check Type = (<->) "Adjustment"

EXHIBIT I-F

SUGGESTED FORMAT

RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN

for the Community Development Block Grant (CDBG) Program

The (City, Town or County) will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low/moderate income housing as a direct result of activities assisted with CDBG funds, as required by Section 104(d) of the Housing and Community Development Act of 1974, as amended (the Act), and implementing regulations at 24 CFR 570.496a.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the (City, Town or County) will make public and submit to the State the following information in writing:

1. Description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and,
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate income dwelling unit for at least 10 years from the date of initial occupancy.

The (City, Town or County) will provide relocation assistance, as described in 570.496a(b)(2), to each low/moderate income household displaced by the demolition of housing or by the conversion of a low/moderate income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the Act, the (City, Town or County) will take the steps indicated below to minimize the displacement of persons from their homes:*

- * The following are examples of steps to minimize displacement. The first two are required. The others are optional. Only check those which are appropriate for the project and local circumstances. Add other steps as necessary or appropriate.

- Consider all practical alternatives to any proposed project that may result in residential displacement. Alternatives to be considered include other sites for the proposed facilities/project. Also to be considered are the costs and benefits, both financial and nonfinancial, of each alternative.
- Provide counseling and referral services to assist displacees find alternative housing in the community.
- Work with area landlords and real estate brokers to locate vacancies for households facing displacement.
- Stage rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, working with empty buildings or groups of empty units first so they can be rehabilitated first and tenants moved in before rehab on occupied units or buildings is begun.
- Establish temporary relocation facilities in order to house families whose displacement will be of short duration, so they can move back to their neighborhoods after rehabilitation or new construction.
- Evaluate housing codes and rehabilitation standards in reinvestment areas to prevent their placing undue financial burden on long-established owners or on tenants of multi-family buildings.
- Develop displacement watch systems in cooperation with neighborhood organizations to continuously review neighborhood development trends, identify displacement problems, and identify individuals facing displacement who need assistance.

Signature of Chief Elected Official

Date

NOTE: EACH MUNICIPALITY AND COUNTY DIRECTLY PARTICIPATING IN A MULTI-JURISDICTIONAL APPLICATION IS REQUIRED TO HAVE A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN.



COLORADO
Department of Local Affairs
Division of Local Government

June 21, 2019

The Honorable Herman Sisneros, Mayor
Town of Center
P.O. Box 400
Center, CO 81125

RE: CDBG #19-501 Center - Valley-Wide Health Systems Dental Office

Dear Mayor Sisneros:

The Department of Local Affairs has completed its review of your application for Community Development Block Grant (CDBG) funds for the above referenced project. I am pleased to offer a grant award in the amount of \$600,000 to assist in the renovation of an existing building for creation of a dental office. This offer is contingent on Center achieving the following by December 31, 2019:

- Completing and submitting the remaining CDBG application related documents attached to the award letter email, specifically the Assurances and Certification, Excessive Force Policy and Residential Anti-Displacement and Relocation documents;
- The project will require a CEST (Exhibit IV-C) level of environmental review, based on information presented in your application. Please contact Bret Hillberry at 303.864.7730 prior to beginning the environmental review. All forms and instructions are available in the CDBG Guidebook on-line at www.dola.colorado.gov/environmentalreview
- Completing and submitting the Signatory Delegation Form, if applicable, available in the CDBG Guidebook, Exhibit II-F.1; and
- Submission of a W-9

Upon completion of the above requirements, a Confirmation of Award will be issued and you can begin the contracting process with the Department. Award funds may not be obligated before a grant contract is fully executed. Expenditures made prior to the full execution of the contract will not be reimbursed by the State. Additionally, Federal regulations prohibit obligating or expending CDBG funds until an environmental review has been completed and funds formally released by the State.

Congratulations on receipt of this award and best wishes to you on the successful completion of your project. Please contact DOLA Field Manager Kimberly Bullen at 970-248-7333 for more detailed information on how to proceed.

Sincerely,

Rick Garcia
Executive Director, DOLA

cc: Brian Lujan, Town Manager
Bret Hillberry, DOLA
Nina Baumgartner, DOLA
Randi Snead, DOLA Regional Asst.
Jodi Adkins, DOLA,
Naomi Hodges, DOLA

Kimberly Bullen, DOLA Regional Mgr.
Beth Lipscomb, DOLA
Sherry Hubbard, DOLA
Kelly Bearden, DOLA
U. S. Senator Bennet
U. S. Senator Gardner



EXHIBIT I-D

“Excessive Force” Amendment to the 1990 HUD Appropriation Legislation

The Armstrong/Walker “Excessive Force” Amendment, (P.L. 101-144) & Section 906 of Cranston-Gonzalez Affordable Housing Act of 1990 requires that a recipient of HUD funds:

1. Adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within their jurisdiction against individuals engaged in nonviolent civil rights demonstrations; and
2. Adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstration within its jurisdiction.

The policy may be adopted by:

1. a local legislative act, such as in ordinance; or
2. a local administrative act, such as a written statement of policy by the local chief executive; or
3. an executive order;

If a municipality or county currently has and is enforcing such a policy, it need not adopt a new policy, however, a copy of this policy must be provided to the Colorado Department of Local Affairs prior to receiving CDBG funds. In the case of multi-jurisdictional projects involving two or more municipalities or counties, each directly participating municipality and county must adopt and enforce such a policy.

We recommend that grantees keep a copy of their agency’s “Excessive Force” policy in their CDBG project files. A *Sample Resolution* follows this explanatory information that may be utilized by grantees which need to have their governing body adopt an “Excessive Force” policy.

EXHIBIT I-D

EXCESSIVE FORCE

RESOLUTION NO. _____

WHEREAS, (city/town) _____, Colorado, has made application for Community Development Block Grant (CDBG) Funds from the State of Colorado; and

WHEREAS, in accordance with Section 519 of Public Law 101-144 (the HUD Appropriations Act) certain statements of assurances and certifications are required;

WHEREAS, The Armstrong/Walker "Excessive Force" Amendment, (P.L. 101-144) & Section 906 of Cranston-Gonzalez Affordable Housing Act of 1990 requires that a recipient of HUD funds adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within their jurisdiction against individuals engaged in nonviolent civil rights demonstrations; and

WHEREAS, The Armstrong/Walker "Excessive Force" Amendment, (P.L. 101-144) & Section 906 of Cranston-Gonzalez Affordable Housing Act of 1990 requires that a recipient of HUD funds adopt and enforce a policy enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstration within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by (Mayor/BoCC etc.) _____ that pursuant to (city/town) _____ being granted CDBG funds by the State; the (Mayor/BoCC etc.) _____, by administrative act, does hereby adopt a statement of policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations and against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstration within its jurisdiction.

Read and adopted this _____ day of _____, 20__.

*Must be signed by elected official (i.e., Chairman of BoCC, Mayor/President of City Council or Mayor of Town Board of Trustees) and attested to by County/City/Town Clerk.

EXHIBIT I-B
Community Development Block Grant Program

APPLICANT STATEMENT OF ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies that:

(a) It possesses:

(1) Legal authority to apply for the grant and to execute the proposed project, and its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the applicant's chief executive officer and/or other designated official representatives to act in connection with the application and to provide such additional information as may be required; and

(2) Has developed its application, including its projected use of funds, so as to give maximum feasible priority to activities that will benefit low and moderate income persons or aid in the prevention or elimination of slums or blight. (The requirement for this certification will not preclude the State from approving an application where the applicant certifies and the State determines, that all or part of the proposed project activities are designed to meet other community development needs that have arisen during the preceding twelve-month period and have particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and where other financial resources are not available to meet such needs.) Furthermore:

(A) With respect to activities it claims benefit low and moderate income persons, it has determined and documented that not less than fifty-one percent (51%) of the beneficiaries of the activity are low and moderate income persons; and

(B) With respect to activities it claims aid in the elimination of slums or blight, it has determined and documented:

(i) For activities to address slums or blight on an area basis:

(I) The area meets a definition of a slum, blighted, deteriorated or deteriorating area under State or local law;

(II) Throughout the area, at least twenty-five percent (25%) of the buildings are in a state of deterioration or two or more types of public improvements are in a state of deterioration;

(III) Documentation is being maintained on the boundaries of the area and the condition which qualified the area at the time of its designation; and

(IV) The assisted activity addresses one or more of the conditions which contributed to the deterioration of the area.

(V) Rehabilitation will only be undertaken on residential structures which are not occupied by low and moderate income persons if such structures are substandard under local definition, and provided that all deficiencies making such structure substandard must be corrected before less critical work on the structure may be undertaken;

(ii) For activities to address slum or blight on a spot basis, the activities must be designed to eliminate specific conditions of blight or physical decay and must be limited to acquisition, clearance, relocation, historic preservation and rehabilitation of buildings, but only to the extent necessary to eliminate specific conditions detrimental to public health and safety.

(b) It is following a detailed citizen participation plan which:

(1) Provides for and encourages citizen participation with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which Community Development Block Grant (CDBG) funds are proposed to be used;

(2) Provides citizens with reasonable and timely access to local meetings, information, and records relating to its proposed and actual use of CDBG funds;

(3) Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the applicant;

(4) Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

(5) Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

(6) Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

(c) It has provided for and encouraged citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blight areas and of areas in which CDBG funds are proposed to be used, by:

(1) Furnishing citizens information concerning the amount of funds available for proposed community development and housing activities and the range of activities that may be undertaken, including the estimated amount proposed to be used for activities that will benefit persons of low and moderate income and its plans for minimizing displacement of persons as a result of activities assisted with CDBG funds and to assist persons actually displaced as a result of such activities;

(2) Publishing a proposed project plan/application in such a manner to afford citizens an opportunity to examine its content and to submit comments on the proposed project plan/application and on the community development performance of the jurisdiction(s);

(3) Holding one or more public hearings, as indicated below, to obtain citizen views and to respond to proposals and questions related to community development and housing needs, proposed activities and past CDBG performance. All hearings were held no sooner than five days after notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped and for the needs of non-English speaking residents where a significant number of such residents could have been reasonably expected to participate.

<u>Applicant/Participant*</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

* In the case of a "multi-jurisdictional" application, each participating municipality and county must hold at least one public hearing.

- (4) As applicable, providing citizens with reasonable and timely access to local meetings, information and records regarding its proposed and past use of CDBG funds;
- (5) In preparing its project plan/application, considering any such comments and views and, if deemed appropriate, modifying the proposed project plan/application;
- (6) Making the final project plan/application available to the public;
- (7) Identifying its community development and housing needs, including the needs of low and moderate income persons, and the activities to be undertaken to meet such needs.

(d) In the event it is awarded CDBG funds by the State it will:

- (1) Follow a residential anti-displacement and relocation assistance plan which shall:
 - (A) In the event of such displacement, provide that:

- (i) Governmental agencies or private developers shall provide within the same community comparable replacement dwellings for the same number of occupants as could have been housed in the occupied and vacant occupiable low and moderate income dwelling units demolished or converted to use other than for housing for low and moderate income persons, and provide that such replacement housing may include existing housing assisted with project based assistance provided under Section 8 of the United States Housing Act of 1937;
 - (ii) Such comparable replacement dwellings shall be designed to remain affordable to persons of low and moderate income for 10 years from the time of initial occupancy;
 - (iii) Relocation benefits shall be provided for all low or moderate income persons who occupied housing demolished or converted to a use other than for low or moderate income housing, including reimbursement for actual and reasonable moving expenses, security deposits, credit checks, and other moving-related expenses, including any interim living costs; and, in the case of displaced persons of low and moderate income, provide either:
 - (I) compensation sufficient to ensure that, for a 5-year period, the displaced families shall not bear, after relocation, a ratio of shelter costs to income that exceeds 30 percent; or,
 - (II) if elected by a family, a lump-sum payment equal to the capitalized value of the benefits available under sub clause (I) to permit the household to secure participation in a housing cooperative or mutual housing association.
 - (iv) Persons displaced shall be relocated into comparable replacement housing that is:
 - (I) decent, safe, and sanitary;
 - (II) adequate in size to accommodate the occupants;
 - (III) functionally equivalent; and,
 - (IV) in an area not subject to unreasonably adverse environmental conditions;
- (B) persons displaced shall have the right to elect, as an alternative to the benefits under this subsection to receive benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 if such persons determine that it is in their best interest to do so; and,

- (C) where a claim for assistance under subparagraph (A)(iv) is denied by grantee, the claimant may appeal to the State, and that the decision of the State shall be final unless a court determines the decision was arbitrary and capricious.
 - (2) Comply with the provisions of the above paragraph (1) except that paragraphs (A)(i) and (A)(ii) shall not apply in any case in which the Secretary of the U.S. Department of Housing and Urban Development finds, on the basis of objective data, that there is available in the area an adequate supply of habitable affordable housing for low and moderate income persons. A determination under this paragraph is final and not reviewable.
 - (3) Provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of CDBG funds from one eligible activity to another by following the same procedures required in paragraph (c) for the preparation and submission of the final project plan/application.
- (e) It will:
- (1) Minimize displacement of persons as a result of activities assisted with CDBG funds and provide for reasonable benefits to any person involuntarily and permanently displaced as a result of the use of CDBG funds to acquire or substantially rehabilitate property;
 - (2) Affirmatively further fair housing in addition to conducting and administering its project in conformity with Public Law 88-352 and Public Law 90-284 as certified in paragraph (h) hereinafter;
 - (3) Not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:
 - (A) CDBG funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than the CDBG program, or
 - (B) for purposes of assessing any amount against properties owned and occupied by persons of moderate income who are not persons of low income, it certifies that it lacks sufficient CDBG funds to comply with the requirements of subparagraph (A);
- (f) Its chief executive officer or other officer of the applicant approved by the State:
- (1) Consents to assume the status of responsible Federal official under the National Environmental Policy Act of 1969 (NEPA) and other provisions of Federal law, as specified in 24 CFR Part 58, which further the purposes of NEPA, insofar as the provisions of such Federal law apply to the Colorado Community Development Block Grant (CDBG) Program;

- (2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (g) It will comply with the financial management regulations, policies, guidelines and requirements set forth in the CDBG Public Facilities and/or Housing Guidebook.
- (h) It will comply with:
 - (1) **Section 110 of the Housing and Community Development Act of 1974**, as amended, and any State regulations regarding the administration and enforcement of labor standards;
 - (2) **Davis-Bacon Fair Labor Standards Act (40 USC 276a - 276a-5)** requiring that, on all prime contracts which exceed \$2,000 for federally-assisted construction, alteration or rehabilitation, laborers and mechanics employed by contractors or subcontractors shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor. (This requirement applies to the rehabilitation of residential property only if such property is designed for use of eight or more families.)
 - (3) **Contract Work Hours and Safety Standards Act of 1962 (40 USC 327 et seq.)** requiring that mechanics and laborers employed on federally-assisted contracts which exceed \$2,000 be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty in a work week.
 - (4) **Copeland "Anti-Kickback" Act of 1934 (40 USC 276 (c))** prohibiting and prescribing penalties for "kickbacks" of wages in federally- financed or assisted construction activities.
- (i) It will comply with:
 - (1) **Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 USC 2000 (d))** prohibiting discrimination on the basis of race, color, religion or religious affiliation, or national origin in any program or activity receiving federal financial assistance.
 - (2) **The Fair Housing Act (42 USC 3601-20)**, as amended, prohibiting housing discrimination on the basis of race, color, religion, sex, national origin, handicap, and familial status.
 - (3) **Section 109 of the Housing and Community Development Act of 1974 (42 USC 5309)**, as amended, providing that no person shall be excluded from participation (including employment), denied program benefits or subjected to discrimination on the basis of race, color, national origin or sex under any program or activity funded in whole or in part under Title I (Community Development) of the Housing and Community Development Act.

- (4) **Executive Order 11063 (1962)**, as amended by Executive Order 12259, requiring equal opportunity in housing by prohibiting discrimination on the basis of race, color, religion, sex or national origin in the sale or rental of housing built with federal assistance.
 - (5) **Executive Order 11246 (1965)**, as amended by Executive Orders 11375, prohibiting discrimination on the basis of race, color, religion, sex or national origin in any phase of employment during the performance of federal or federally-assisted contracts in excess of \$2,000.
 - (6) **Section 3 of the Housing and Community Development Act of 1968 (12 USC 1701 (u))**, as amended, providing that, to the greatest extent feasible, opportunities for training and employment that arise through HUD-financed projects, will be given to lower-income persons in the unit of the project area, and that contracts be awarded to businesses located in the project area or to businesses owned, in substantial part, by residents of the project area.
 - (7) **Section 504 of the Rehabilitation Act of 1973 (29 USC 793)**, as amended, providing that no otherwise qualified individual shall, solely by reason of a handicap, be excluded from participation (including employment), denied program benefits or subjected to discrimination under any program or activity receiving federal funds. Effective communication with persons of all types of disabilities must be ensured.
 - (8) **Age Discrimination Act of 1975, (42 USC 6101)**, as amended, providing that no person shall be excluded from participation, denied program benefits or subjected to discrimination on the basis of age under any program or activity receiving federal funds.
- (j) It will comply with:
- (1) **Section 104(d) of the Housing and Community Development Act of 1974, as amended (42 USC 5301)**, known as the "**Barney Frank Amendment**," and the HUD implementing regulations at 29 CFR Part 570, requiring that local grantees follow a residential antidisplacement and relocation assistance plan which provides for the replacement of all low/moderate-income dwelling units that are demolished or converted to another use as a direct result of the use of CDBG funds, and which provides for relocation assistance for all low/moderate-income households so displaced.
 - (2) **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended -- Title III, Real Property Acquisition (Pub. L. 91-646 and HUD implementing regulations at 49 CFR Part 24)**, providing for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or Federally- assisted programs and establishing uniform and equitable land acquisition policies for federal assisted programs. Requirements include bona fide land appraisals as a basis for land acquisition, specific procedures for selecting contract appraisers and contract negotiations, furnishing to owners of property to be acquired a written summary statement of the acquisition price offer based on the fair market price, and specified procedures connected with condemnation.
 - (3) **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended -- Title II, Uniform Relocation Assistance (Pub.**

L. 91-646 and HUD implementing regulations at 49 CFR Part 24), providing for fair and equitable treatment of all persons displaced as a result of any federal or federally-assisted program. Relocation payments and assistance, last-resort housing replacement by displacing agency, and grievance procedures are covered under the Act. Payments and assistance will be made pursuant to state or local law, or the grant recipient must adopt a written policy available to the public describing the relocation payments and assistance that will be provided. Moving expenses and up to \$22,500 or more for each qualified homeowner or up to \$5,250 or more for each tenant are potential costs.

(k) It will comply with:

- (1) **National Environmental Policy Act of 1969 (42 USC 4321 et seq.)**, as amended, and the implementing regulations of HUD (24 CFR Part 58) and of the Council on Environmental Quality (40 CFR Parts 1500 - 1508) providing for establishment of national policy, goals, and procedures for protecting, restoring and enhancing environmental quality.
- (2) **National Historic Preservation Act of 1966 (16 USC 470 et seq.)**, as amended, requiring consideration of the effect of a project on any district, site, building, structure or object that is included in or eligible for inclusion in the National Register of Historic Places.
- (3) **Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 et seq.)** requiring that federally-funded projects contribute to the preservation and enhancement of sites, structures and objects of historical, architectural or archaeological significance.
- (4) **The Archaeological and Historical Data Preservation Act of 1974, amending the Reservoir Salvage Act of 1960 (16 USC 469 et seq.)**, providing for the preservation of historic and archaeological data that would be lost due to federally-funded development and construction activities.
- (5) **Executive Order 11988, Floodplain Management, May 24, 1977 (42 FR 26951 et seq.)** prohibits undertaking certain activities in flood plains unless it has been determined that there is no practical alternative, in which case notice of the action must be provided and the action must be designed or modified to minimize potential damage.
- (6) **Executive Order 11990, Protection of Wetlands, May 24, 1977 (42 FR 26961 et seq.)** requiring review of all actions proposed to be located in or appreciably affecting a wetland. Undertaking or assisting new construction located in wetlands must be avoided unless it is determined that there is no practical alternative to such construction and that the proposed action includes all practical measures to minimize potential damage.
- (7) **Safe Drinking Water Act of 1974 (42 USC 201, 300 f et seq., 7401 et seq.)**, as amended, prohibiting the commitment of federal financial assistance for any project which the Environmental Protection Agency determines may

contaminate an aquifer which is the sole or principal drinking water source for an area.

- (8) **The Endangered Species Act of 1973 (16 USC 1531 et seq.)**, as amended, requiring that actions authorized, funded, or carried out by the federal government do not jeopardize the continued existence of endangered and threatened species or result in the destruction or modification of the habitat of such species which is determined by the Department of the Interior, after consultation with the State, to be critical.
 - (9) **The Wild and Scenic Rivers Act of 1968 (16 USC 1271 et seq.)**, as amended, prohibiting federal assistance in the construction of any water resources project that would have a direct and adverse affect on any river included in or designated for study or inclusion in the National Wild and Scenic Rivers System.
 - (10) **The Clean Air Act of 1970 (42 USC 1857 et seq.)**, as amended, requiring that federal assistance will not be given and that license or permit will not be issued to any activity not conforming to the State implementation plan for national primary and secondary ambient air quality standards.
 - (11) **HUD Environmental Criteria and Standards (24 CFR Part 51)** providing national standards for noise abatement and control, acceptable separation distances from explosive or fire prone substances, and suitable land uses for airport runway clear zones.
- (l) It will:
- (1) Comply with **The Lead-Based Paint Poisoning Prevention Act -- Title IV (42 USC 4831)** prohibiting the use of lead-based paint in residential structures constructed or rehabilitated with federal assistance, and requiring notification to purchasers and tenants of such housing of the hazards of lead-based paint and of the symptoms and treatment of lead-based paint poisoning.
 - (2) Comply with the **Armstrong/Walker "Excessive Force" Amendment, (P.L. 101-144) & Section 906 of Cranston-Gonzalez Affordable Housing Act of 1990**, which requires that a recipient of HUD funds must certify that they have adopted or will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within their jurisdiction against individuals engaged in nonviolent civil rights demonstrations; or fails to adopt and enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstration within its jurisdiction.
 - (3) Comply with the **"Government-wide Restriction on Lobbying, (P.L. 101-121)**, which prohibits spending CDBG funds to influence or attempt to influence federal officials; which requires the filing of a disclosure form when non-CDBG funds are used for such purposes; which requires certification of compliance by the state; and which requires the state to include the certification language in grant awards it makes to units of general local government at all tiers and that all subrecipients shall certify accordingly as imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the

required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

- (4) Comply with the **Department of Housing and Urban Development Reform Act of 1989 (24 CFR part 12)** requiring applicants for assistance for a specific project or activity from HUD, to make a number of disclosures if the applicant meets a dollar threshold for the receipt of covered assistance during the fiscal year in which an application is submitted. An applicant must also make the disclosures if it is requesting assistance from HUD for a specific housing project that involves assistance from other governmental sources.
 - (5) Give the State, the U.S. Department of Housing and Urban Development (HUD), and any authorized representatives access to and the rights to examine all records, books, papers or documents related to the application and grant; and
- (m) It will comply with all parts of Title 1 of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws and regulations.

Signature, Chief Elected Official

Name (Typed or Printed)

Title Date

Signature, Chief Elected Official**

Name (Typed or Printed)

Title Date

Signature, Chief Elected Official**

Name (Typed or Printed)

Title Date

Signature, Chief Elected Official**

Name (Typed or Printed)

Title Date

** Additional signatures are required only in the case of "multi-jurisdictional" applications. If this is a multi-jurisdictional application, the Chief Elected Official of each municipality and/or county participating in the application must sign.

**Colorado Community Revitalization Association
Memorandum of Agreement**

The Colorado Community Revitalization Association, dba Downtown Colorado, Inc. (DCI) and Town of Center (Community) enter this agreement on _____ (date).

I. Agreement

In consideration of the foregoing and of the mutual promises set forth herein, and intending to be legally bound, the parties hereto agree to the following specifics regarding a Downtown Activation Plan, and agree as follows:

A. Budget:

Total Fee for Community: \$10,000

B. Scope of work: The parties understand and agree to the following:

DCI will assess the downtown and other commercial areas, including

1. DCI will assemble a team that includes 2-4 trainers/professionals to facilitate a Downtown Activation Plan.
2. DCI, in coordination with the Community, will create an agenda and plan for facilitation for all meetings with stakeholder groups to interact with all guest trainers/professionals.
3. DCI will facilitate a series of meetings and engagement events with the community to create a communication process and discover community needs and areas for engagement.
4. DCI will create a report of the Downtown Activation Plan, outlining observations and recommendations, priorities and next steps.

C. Community agrees to:

1. Provide meeting space for the meetings with seating capacity sufficient for the desired number of participants and audio-visual capabilities (if desired).
2. Develop an orientation with tour that provides the overview of current status and the desired outcomes from the downtown management effort.
3. Invite all stakeholders, if applicable, to the appropriate meetings and provide DCI a list of planned local attendees.
4. Provide access to community documents and pertinent information, as well as other needed background information, if needed and where possible.
5. Arrange for all meals and lodging, if applicable, for DCI team members during the Downtown Institute.
6. Work with all property and building owners to secure access to sites as selected by Community leadership and DCI.

II. Compensation

- A. In consideration of the services to be performed by DCI, the Community agrees to pay the balance owed to DCI upon conclusion of each phase of work as outlined in Exhibit A.
- B. DCI is a 501(c)3 Colorado nonprofit corporation. Tax I.D. number is 74-2236813. Please make all checks payable to "Downtown Colorado, Inc." or 'DCI' and write "OCC Corridor Assessment" in the memo section.

III. Representations and Warranties

All parties to this agreement represent and warrant (I) that they have no obligations, legal or otherwise, inconsistent with the terms of this Agreement or with DCI's undertaking this relationship with the Community, (ii) that the performance of the services called for by this Agreement does not and will not violate any applicable law, rule or regulation or any proprietary or other right of any third party, (iii) that the parties will not use in the performance of responsibilities under this Agreement any confidential information or trade secrets of any other person or entity and (iv) that neither party has entered into nor will enter into any agreement (whether oral or written) in conflict with this Agreement.

IV. Entire Agreement and Notice

This Agreement contains the entire understanding of the parties and may not be amended without the specific written consent of all parties. Any notice given under this Agreement will be sufficient if it is in writing and if sent by certified or registered mail.

V. Compliance with Law

In connection with his/her services rendered hereunder, DCI agrees to abide by all federal, state, and local laws, ordinances and regulations.

VI. Independent Contractor

The relationship between DCI and the Community is that of an independent contractor under a "work for hire" arrangement. All work products developed by DCI will be deemed owned and assigned to Community. DCI will not be eligible for any employee benefits, nor will DCI make deductions from fees to the consultant for taxes, insurance, bonds or the like. DCI retains the discretion in performing the tasks assigned, within the scope of work specified.

VII. Governing Law

This Agreement will be construed in accordance with, and all actions arising hereunder will be governed by, the laws of the State of Colorado.

For DCI _____

DATE

Print name: _____

Title: _____

For Community _____

DATE

Print name: _____

Title: _____

Exhibit A. Compensation

A. Budget:

Community Share	\$10,000
Total Cost	\$10,000

B. In consideration of the services to be performed by the DCI, the Community agrees to compensate DCI in the following manner:

- \$5,000 Due upon signing MOU
- \$2,500 Due upon completion of activation event.
- \$2,500 Due upon delivery of summary plan with action steps.

Exhibit B. Scope and Timeline

To complete the Downtown Activation Plan, DCI will use the following timeline as a guide for implementation of the outlined tasks. Tasks and dates may be subject to change:

Downtown Colorado, Inc. (DCI) is honored to work with The Town of Center as we look to the future, with a focus on a more vibrant downtown with sustainable partnerships, increased entrepreneurship and economically vital businesses, and clear communications to assist with marketing opportunities in and around the community. Our plan will outline the steps the public sector can put in place to access greater private sector investment toward our community vision of a sustainable and thriving community.

The Colorado Challenge Program is a unique team building accelerator focused on establishing a plan of work and proposal for funding over the course of twelve months. The program includes planning and development that will help Silverton engage citizens in the strategy for moving forward as a sustainable business-ecosystem for entrepreneurs. The below timeline outlines a series of public engagement and training events that will help to shape the strategy and recommended steps for moving forward:

- **July 1-30 Develop messaging content and strategy for youth engagement.** DCI will work with Center to create messaging for social media, print media, and flyers to invite youth participation in a training for potential entrepreneurs and designers. DCI will work in partnership with local SBDC and CHFA to design short courses and benchmarks for a mini-business plan competition. Simultaneously, DCI will provide design consultants to provide training on merchandizing and creating a display.
- **August 5 On Site Planning Meeting.** DCI will meet with local stakeholders from the Town, Town Trustees, School Administration, and business support entities to discuss the Center Challenge Plan. The Meetings will include greater detail about the Business Development Training and Competition, Resources for Brownfield Property Owners, Redevelopment tools, and Housing Development opportunities. The goal will be to garner greater understanding and support for a community-wide revitalization effort.
- **Oct TBD Downtown Activation Event.** DCI will bring a team of consultants to facilitate engaging activities and hold a Downtown Business wish list event in Center.
- **Nov-April TBD Center Experience.** DCI will work with Center Challenge team to tap into resources and consider how to communicate Center's value added component in the regional approach.
- **April 16 Center Challenge Update.** Present progress at the 2020 IN THE GAME Event in Colorado Springs.

The Town of Center's Colorado Challenge Planning process will cost \$10,000 to establish an activation plan and action plan around business district, economic development, and creative placemaking in Center.

Colorado Revised Statutes 2018

TITLE 9

SAFETY - INDUSTRIAL AND COMMERCIAL

ARTICLE 1.5

Excavation Requirements

9-1.5-101. Legislative declaration. The purpose of this article is to prevent injury to persons and damage to property from accidents resulting from damage to underground facilities by excavation. This purpose shall be facilitated through the creation of a single statewide notification system to be administered by an association of the owners and operators of underground facilities. Through the association, excavators shall be able to obtain crucial information regarding the location of underground facilities prior to excavating and shall thereby be able to greatly reduce the likelihood of damage to any such underground facility or injury to any person working at an excavation site.

Source: **L. 81:** Entire article added, p. 520, § 1, effective October 1. **L. 93:** Entire article amended, p. 498, § 1, effective September 1.

9-1.5-102. Definitions. As used in this article 1.5, unless the context otherwise requires:

(1) "ASCE 38" means the standard for defining the quality of an underground facility location as defined in the current edition of the American Society of Civil Engineers' "Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data (CI/ASCE 38-02)" or an analogous successor standard as determined by the safety commission.

(1.5) "Damage" includes the penetration or destruction of any protective coating, housing, or other protective device of an underground facility, the denting or partial or complete severance of an underground facility, or the rendering of any underground facility inaccessible.

(2) "Emergency situations" includes ruptures and leakage of pipelines, explosions, fires, and similar instances where immediate action is necessary to prevent loss of life or significant damage to property, including, without limitation, underground facilities, and advance notice of proposed excavation is impracticable under the circumstances.

(3) "Excavation" means any operation in which earth is moved or removed by means of any tools, equipment, or explosives and includes augering, backfilling, boring, ditching, drilling, grading, plowing-in, pulling-in, ripping, scraping, trenching, hydro excavating, postholing, and tunneling. "Excavation" does not include:

(a) Routine maintenance on existing planted landscapes; or

(b) An excavation by a rancher or a farmer, as defined in section 42-20-108.5, occurring on a ranch or farm when the excavation involves:

(l) Any form of existing agricultural activity that is routine for that ranch or farm;

(II) Land clearing if the activity does not involve deep ripping or deep root removal of trees or shrubs; or

(III) Routine maintenance of:

(A) An existing irrigation facility if the facility has been subjected to maintenance in the previous twenty-four months; or

(B) Existing fence lines.

(3.4) "Gravity-fed system" means any underground facility that is not pressurized and that utilizes gravity as the only means to transport its contents. These systems include sanitary sewer lines, storm sewer lines, and open-air irrigation ditches.

(3.7) "Licensed professional engineer" means a professional engineer as defined in section 12-25-102.

(4) "Notification association" or "association" means the statewide notification association of owners and operators of underground facilities created in section 9-1.5-105.

(5) (a) "Operator" or "owner" means any person, including public utilities, municipal corporations, political subdivisions, or other persons having the right to bury underground facilities in or near a public road, street, alley, right-of-way, or utility easement.

(b) "Operator" or "owner" does not include any railroad.

(6) "Person" means any individual acting on his or her own behalf, sole proprietor, partnership, association, corporation, or joint venture; the state, any political subdivision of the state, or any instrumentality or agency of either; or the legal representative of any of them.

(6.5) "Routine maintenance" means a regular activity that happens at least once per year on an existing planted landscape if earth is not disturbed at a depth of more than twelve inches by nonmechanical means or four inches by mechanical means and if the activities are not intended to permanently lessen the ground cover or lower the existing ground contours. Mechanical equipment used for routine maintenance tasks shall be defined as aerators, hand-held rototillers, soil injection needles, lawn edgers, overseeders, and hand tools.

(6.7) "Subsurface utility engineering notification" means a notice to the notification association that a project is being designed by a licensed professional engineer and that the project will include the investigation and depiction of existing underground facilities that meet or exceed the ASCE 38 standard.

(6.8) "Subsurface utility engineering-required project" means a project that meets all of the following conditions:

(a) The project involves a construction contract with a public entity, as that term is defined in section 24-91-102;

(b) The project involves primarily horizontal construction and does not involve primarily the construction of buildings;

(c) (I) The project:

(A) Has an anticipated excavation footprint that exceeds two feet in depth and that is a contiguous one thousand square feet; or

(B) Involves utility boring.

(II) For purposes of this subsection (6.8)(c), the term "two feet in depth" does not include rotomilling, and the contiguous one thousand square feet does not include fencing and signing projects.

(d) The project requires the design services of a licensed professional engineer.

(6.9) "Underground damage prevention safety commission" or "safety commission" means the enforcement authority established in section 9-1.5-104.2.

(7) "Underground facility" means any item of personal property which is buried or placed below ground for use in connection with the storage or conveyance of water or sewage, electronic, telephonic, or telegraphic communications or cable television, electric energy, or oil, gas, or other substances. "Item of personal property", as used in this subsection (7), includes, but is not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, and attachments thereto.

Source: L. 81: Entire article added, p. 520, § 1, effective October 1. L. 93: Entire article amended, p. 498, § 1, effective September 1. L. 2000: (3) and (6) amended, p. 685, § 1, effective May 23. L. 2009: (2) and (3) amended and (6.5) added, (HB 09-1092), ch. 38, p. 151, § 1, effective August 5. L. 2018: IP, (1), and (3) amended and (1.5), (3.4), (3.7), and (6.7) to (6.9) added, (SB 18-167), ch. 256, p. 1561, § 1, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act changing this section applies to conduct occurring on or after August 8, 2018.

9-1.5-103. Plans and specifications - notice of excavation - duties of excavators - duties of owners and operators - fee - repeal.

(1) (Deleted by amendment, L. 93, p. 499, § 1, effective September 1, 1993.)

(2) Architects, engineers, or other persons designing excavation shall obtain general information as to the description, nature, and location of underground facilities in the area of such proposed excavation and include such general information in the plans or specifications to inform an excavation contractor of the existence of such facilities and of the need to obtain information thereon pursuant to subsection (3) of this section.

(2.4) At the project owner's expense, a licensed professional engineer designing for a subsurface utility engineering-required project shall:

(a) Notify the notification association with a subsurface utility engineering notification;

(b) Either:

(I) Meet or exceed the ASCE 38 standard for defining the underground facility location in the stamped plans for all underground facilities within the proposed excavation area; or

(II) Document the reasons why any underground facilities depicted in the stamped plans do not meet or exceed ASCE 38 utility quality level B or its successor utility quality level;

(c) Attempt to achieve ASCE 38 utility quality level B or its successor utility quality level on all utilities within the proposed excavation area unless a reasonable rationale by a licensed professional engineer is given for not doing so; and

(d) Document the reasons why any underground facilities depicted in the stamped plans do not meet or exceed ASCE 38 utility quality level A or its successor utility quality level for underground facilities at the point of a potential conflict with the installation of a gravity-fed system.

(2.7) An underground facility owner that receives a subsurface utility engineering notification or other request for information from a designer shall respond to the request within

ten business days after the request, not including the day of actual notice, in one or more of the following ways:

(a) Provide underground facility location records that give the available information on the location, not to include depth, of underground facilities within the project limits;

(b) Provide a mark on the ground that gives the approximate location, not to include depth, of its underground facilities within the project limits; or

(c) Provide the available information as to the approximate location, not to include depth, of its underground facilities within the project limits.

(3) (a) (I) (A) Except in emergency situations and except as to an employee or an employer's contractor with respect to the employer's underground facilities or as otherwise provided in an agreement with an owner or operator, a person shall not make or begin excavation without first notifying the notification association and, if necessary, the tier two members having underground facilities in the area of the excavation. Notice may be given in person, by telephone, by electronic methods approved by the notification association, or in writing if delivered.

(B) This subsection (3)(a)(I) is repealed, effective January 1, 2021.

(II) Effective January 1, 2021, except in emergency situations and except as to an employee or an employer's contractor with respect to the employer's underground facilities, a person shall not make or begin excavation without first notifying the notification association. Notice may be given by electronic methods approved by the notification association or by telephone.

(b) Notice of the commencement, extent, and duration of the excavation work shall be given at least two business days prior thereto not including the day of actual notice.

(c) (I) Any notice given pursuant to subsection (3)(b) of this section must include the following:

(A) The name and telephone number of the person who is giving the notice;

(B) The name and telephone number of the excavator; and

(C) The specific location, starting date, and description of the intended excavation activity.

(II) If an area of excavation cannot be accurately described on the locate request, the excavator shall notify the owner or operator of the area of excavation using one or more of the following methods:

(A) Physical delineation with white marks on a hard surface area;

(B) Electronic delineation on a map, plan sheet, or aerial photograph that can be transmitted electronically from the excavator to the facility owner or operator through the notification association; or

(C) Scheduling an on-site meeting between the excavator and the owner or operator.

(d) An excavator requiring existing marked underground facilities to be exposed may list a single secondary excavator on its notice to the notification association and employ the services of the listed secondary excavator to expose marked underground facilities using reasonable care to not damage the facilities. The secondary excavator may expose marked underground facilities under the excavator's notice to the notification association only if the excavator has complied with this subsection (3).

(4) (a) (I) Any owner or operator receiving notice pursuant to subsection (3) of this section shall, at no cost to the excavator and within two business days, not including the day of

actual notice, use reasonable care to advise the excavator of the location, number, and size of any underground facilities in the proposed excavation area, including laterals in the public right-of-way, by marking the location of the facilities with clearly identifiable markings within eighteen inches horizontally from the exterior sides of the facilities. The markings must include the depth, if known, and shall be made pursuant to the uniform color code as approved by the American Public Works Association. The markings must meet the marking standards as established by the safety commission pursuant to section 9-1.5-104.2 (1)(a)(I). The documentation required by this subsection (4)(a)(I) shall be provided to the excavator through the notification association and must meet or exceed any quality standards established by the safety commission pursuant to section 9-1.5-104.2 (1)(a)(I). In addition to the markings, the owner or operator shall provide for each of its underground facilities:

(A) Documentation listing the owner's or operator's name and the size and type of each marked underground facility; and

(B) Documentation of the location of the underground facilities in the form of a digital sketch, a hand-drawn sketch, or a photograph that includes a readily identifiable landmark, where practicable.

(II) A sewer system owner or operator shall provide its best available information when marking the location of sewer laterals in the public right-of-way with clearly identifiable markings. "Best available information" includes tap measurements and historic records. If the sewer lateral can be electronically located, the sewer system owner or operator shall mark and document the location of the sewer laterals in accordance with this subsection (4)(a). If a sewer system owner or operator of a sewer lateral cannot electronically locate the sewer lateral, the excavator shall find the sewer lateral.

(III) The marking of customer-owned laterals in the public right-of-way is for informational purposes only, and an owner or operator is not liable to any party for damages or injuries resulting from damage done to customer-owned laterals.

(IV) If a person is involved in excavating across a preexisting underground facility, the owner of such facility shall, upon a predetermined agreement at the request of the excavator or the owner, provide on-site assistance. Any owner or operator receiving notice concerning an excavator's intent to excavate shall use reasonable care to advise the excavator of the absence of any underground facilities in the proposed excavation area by providing positive response documentation to the excavator through the notification association that no underground facilities exist in the proposed excavation area. An owner or operator shall, within the time limits specified in subsection (6) of this section, provide to the excavator evidence, if any, of underground facilities abandoned after January 1, 2001, known to the owner or operator to be in the proposed excavation area.

(b) The marking of underground facilities shall be considered valid so long as the markings are clearly visible, but not for more than thirty calendar days following the due date of the locate request initiated pursuant to subsection (3) of this section; except that, if an excavation notice is limited to only annual road maintenance that does not exceed six inches in depth conducted by a government agency on an existing unpaved road, the marking shall be considered valid for up to one hundred eighty days. Upon receipt of the notification, an owner or operator has ten business days to coordinate the excavation activity with the government agency. If an excavation has not been completed within the applicable period, the excavator shall notify the

notification association at least two business days, not including the day of actual notice, before the end of the applicable period.

(b.5) Any person who willfully or maliciously removes a marking used by an owner or operator to mark the location of any underground facility, except in the ordinary course of excavation, is guilty of a class 2 misdemeanor, and, upon conviction thereof, in addition to any order for restitution, shall be punished by a fine of not more than five thousand dollars for each offense, by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) (I) (A) When a person excavates within eighteen inches horizontally from the exterior sides of any marked underground facility, the person shall use nondestructive means of excavation to identify underground facilities and shall otherwise exercise reasonable care to protect any underground facility in or near the excavation area. When utilizing trenchless excavation methods, the excavator shall expose underground facilities and visually observe the safe crossing of marked underground facilities when requested to do so by the underground facility owner or operator or the government agency that issued a permit for the excavation.

(B) The excavator shall maintain adequate and accurate documentation, including photographs, video, or sketches and documentation obtained through the notification association, at the excavation site on the location and identification of any underground facility and shall maintain adequate markings of any underground facility throughout the excavation period. A person shall not use a subsurface utility engineering notification for excavation purposes.

(II) (A) If the documentation or markings maintained pursuant to subsection (4)(c)(I) of this section become lost or invalid, the excavator shall notify the notification association or the affected owner or operator through the notification association and request an immediate reverification of the location of any underground facility. Upon receipt of the notification, the affected owner or operator shall respond as quickly as is practicable. The excavator shall cease excavation activities at the affected location until the location of any underground facilities has been reverified.

(B) If the documentation or markings maintained pursuant to subsection (4)(c)(I) of this section are determined to be inaccurate, the excavator shall immediately notify the affected owner or operator through the notification association and shall request an immediate reverification of the location of any underground facility. Upon receipt of the notification, the affected owner or operator shall respond as quickly as practicable. The excavator may continue excavation activity if the excavator exercises due caution and care to prevent damaging any underground facility.

(III) If a person performing routine maintenance discovers an underground facility in the area where the routine maintenance is being performed, the person shall notify the notification association and the affected owner or operator as quickly as practicable and request an immediate verification of the location of any underground facility. Upon receiving notification, the affected owner or operator shall respond as quickly as practicable. The person shall cease routine maintenance activities in the immediate area, as determined by exercising due caution and care, until the location of any underground facilities has been verified.

(5) In emergency situations, excavators shall take such precautions as are reasonable under the circumstances to avoid damage to underground facilities and notify affected owners or operators and the notification association as soon as possible of such emergency excavations. In the event of damage to any underground facility, the excavator shall immediately notify the

affected owner or operator and the notification association of the location and extent of such damage.

(6) If documentation or markings requested and needed by an excavator pursuant to subsection (4) of this section are not provided by the owner or operator within two business days, not including the day of actual notice, or such later time as agreed upon by the excavator and the owner or operator, or, if the documentation or markings provided fail to identify the location of the underground facilities, the excavator shall immediately give notice through the notification association to the owner or operator, may proceed with the excavation, and is not liable for such damage except upon proof of the excavator's lack of reasonable care.

(6.5) If positive response required pursuant to subsection (4) of this section is not provided by the owner or operator within two business days, not including the day of actual notice, or by a later time as otherwise agreed upon in writing, the notification association shall send an additional renotification to that owner or operator. The notification association shall continue to send out renotifications daily until the notification association receives the positive response.

(7) (a) In the event of damage to an underground facility, the excavator, owner, and operator shall cooperate to mitigate damages to the extent reasonably possible, including the provision of in-kind work by the excavator where technical or specialty skills are not required by the nature of the underground facility. Such in-kind work may be under the supervision and pursuant to the specifications of the owner or operator.

(b) If damage to an underground facility meets or exceeds the reporting threshold as established by the notification association pursuant to paragraph (c) of this subsection (7), the owner or operator of the damaged underground facility shall provide the information listed in subparagraphs (I) to (VII) of paragraph (c) of this subsection (7) to the notification association within ninety days after service has been restored.

(c) The notification association shall create and publicize to its members a reporting process, including the availability of electronic reporting and a threshold at which reporting is required, to compile the following information:

(I) The type of underground facility that was damaged;

(II) Whether notice of the intention to excavate was provided to the notification association;

(III) Whether the underground facility had been validly marked prior to being damaged;

(IV) The type of service that was interrupted;

(V) Repealed.

(VI) The duration of the interruption; and

(VII) The location of the area where the underground facility was damaged.

(d) The notification association shall include a statistical summary of the information provided to it under this subsection (7) in the annual report required under section 9-1.5-105 (2.6).

(e) (I) On or before July 1 of each year, the notification association shall prepare and submit to the safety commission an annual report for each owner or operator summarizing the following data from the prior calendar year:

(A) The number of locate requests submitted to the owner or operator pursuant to subsection (4) of this section;

(B) The number of notices submitted to the owner or operator pursuant to subsection (6) of this section;

(C) The percentage of locate requests resulting in notices submitted to the owner or operator pursuant to subsection (6) of this section;

(D) The number of renotifications submitted to the owner or operator pursuant to subsection (6.5) of this section; and

(E) The percentage of locate requests resulting in renotifications submitted to the owner or operator pursuant to subsection (6.5) of this section.

(II) The notification association shall make the data in the annual report electronically accessible to the safety commission for customized reports or research.

(8) A person who performs maintenance shall take reasonable care when disturbing the soil.

(9) If damage results in the escape of any interstate or intrastate natural gas or other gas or hazardous liquid, the excavator or person that caused the damage shall promptly report to the owner and operator and the appropriate authorities by calling the 911 emergency telephone number or another emergency telephone number. The reporting is in addition to any reporting required to be made to any state or local agency.

(10) All new underground facilities, including laterals up to the structure or building being served, installed on or after August 8, 2018, must be electronically locatable when installed.

(11) Nothing in this article 1.5 affects or impairs any local ordinances or other provisions of law requiring permits to be obtained before an excavation. A permit issued by a government agency does not relieve an excavator from complying with this article 1.5.

Source: **L. 81:** Entire article added, p. 521, § 1, effective October 1. **L. 93:** Entire article amended, p. 499, § 1, effective September 1. **L. 2000:** (4)(a), (4)(c), (6), and (7) amended and (4)(b.5) added, p. 685, § 2, effective May 23. **L. 2009:** (4)(c)(III) and (8) added, (HB 09-1092), ch. 38, p. 152, §§ 2, 3, effective August 5. **L. 2018:** (2.4), (2.7), (6.5), (7)(c), and (9) to (11) added, (3)(a), (3)(c), (3)(d), (4)(a), (4)(b), (4)(c)(I), (4)(c)(II), and (6) amended, and (7)(c)(V) repealed, (SB 18-167), ch. 256, p. 1563, § 2, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act changing this section applies to conduct occurring on or after August 8, 2018.

9-1.5-104. Injunctive relief. (Deleted by amendment)

Source: **L. 81:** Entire article added, p. 522, § 1, effective October 1. **L. 93:** Entire article amended, p. 502, § 1, effective September 1.

9-1.5-104.2. Underground damage prevention safety commission - creation - review of violations - enforcement - rules. (1) (a) There is hereby created the underground damage prevention safety commission in the department of labor and employment. The safety commission is transferred to the department by a **type 2** transfer as that term is defined in section 24-1-105. The safety commission shall:

(I) Advise the notification association and other state agencies, the general assembly, and local governments on:

(A) Best practices and training to prevent damage to underground utilities;

(B) Policies to enhance public safety, including the establishment and periodic updating of industry best standards, including marking and documentation best practices and technology advancements; and

(C) Policies and best practices to improve efficiency and cost savings to the 811 program, including the review, establishment, and periodic updating of industry best standards, to ensure the highest level of productivity and service for the benefit of both excavators and owners and operators; and

(II) Review complaints alleging violations of this article 1.5 involving practices related to underground facilities and order appropriate remedial action or penalties.

(b) The safety commission and the notification association shall enter into a memorandum of understanding to facilitate implementation and administration of this section and sections 9-1.5-104.4, 9-1.5-104.7, and 9-1.5-104.8. The memorandum of understanding must include provisions outlining the roles and responsibilities of the safety commission regarding statewide enforcement and the roles and responsibilities of the notification association in administering the notification association as outlined in section 9-1.5-105.

(c) Notwithstanding the powers and duties assigned to the safety commission, this section and section 9-1.5-104.4 do not apply to a home rule county, city and county, municipality, or power authority established pursuant to section 29-1-204 (1), and nothing in this article 1.5 authorizes the safety commission to impose a penalty on or enforce a recommendation or remedial action regarding an alleged violation of this article 1.5 against a home rule county, city and county, municipality, or power authority; except that:

(I) The safety commission shall:

(A) Inform a home rule county, city and county, municipality, or power authority of an alleged violation of this article 1.5; and

(B) At the request of the applicable home rule county, city and county, municipality, or power authority, suggest corrective action; and

(II) Nothing in this subsection (1)(c) prohibits a home rule county, city and county, municipality, or power authority from participating in proceedings of the safety commission.

(d) The governing body of a home rule county, city and county, municipality, or power authority established pursuant to section 29-1-204 (1) shall adopt by resolution, ordinance, or other official action either:

(I) Its own damage prevention safety program similar to that established pursuant to this article 1.5; or

(II) A waiver that delegates its damage prevention safety program to the safety commission.

(2) (a) The governor shall appoint the following fifteen members of the safety commission, taking into consideration nominations made pursuant to this subsection (2)(a), subject to consent by the senate:

(I) One individual nominated by Colorado Counties, Inc., to represent counties;

(II) One individual nominated by the Colorado Municipal League to represent municipalities;

(III) One individual nominated by the Special District Association of Colorado to represent special districts;

(IV) One individual nominated by Colorado's energy industry to represent energy producers;

(V) One individual nominated by the Colorado Contractors Association to represent contractors;

(VI) Two individuals nominated by the excavator members of the notification association to represent excavators;

(VII) One individual nominated by the American Council of Engineering Companies of Colorado to represent engineers;

(VIII) One individual nominated by investor-owner utilities to represent investor-owner utilities;

(IX) One individual nominated by the Colorado Rural Electric Association to represent rural electric cooperatives;

(X) One individual nominated by the Colorado Pipeline Association to represent pipeline companies;

(XI) One individual nominated by the Colorado telecommunications and broadband industry to represent telecommunications and broadband companies;

(XII) One individual nominated by the Colorado Water Utility Council to represent water utilities;

(XIII) One individual nominated by the department of transportation to represent transportation; and

(XIV) One individual nominated by the commissioner of agriculture who is actively engaged in farming or ranching.

(b) The governor shall make initial appointments by January 1, 2019. The members' terms of office are three years; except that the initial term of one of the members appointed pursuant to:

(I) Subsections (2)(a)(I) to (2)(a)(V) of this section is one year; and

(II) Subsections (2)(a)(VI) to (2)(a)(X) of this section is two years.

(c) Within six months after its creation, the safety commission shall adopt bylaws and provide for those organizational processes that are necessary to complete the safety commission's tasks.

(d) The safety commission may promulgate rules to implement this section and sections 9-1.5-104.4, 9-1.5-104.7, and 9-1.5-104.8 and may revise the rules as needed.

(3) The safety commission shall meet at least once every three months. The safety commission shall operate independently of the notification association; however, the notification association and the department of labor and employment shall provide administrative support to the safety commission in performing its duties as outlined in this section.

(4) The safety commission may review complaints of alleged violations of this article 1.5. Any person may bring a complaint to the safety commission regarding an alleged violation. A person who brings a frivolous complaint, as determined by the safety commission, commits a minor violation and is subject to a fine as authorized by section 9-1.5-104.4.

(5) To review a complaint of an alleged violation, the safety commission shall appoint at least three and not more than five of its members as a review committee. The review committee must include the same number of members representing excavators and owners or operators and

at least one member who does not represent excavators or owners or operators. A safety commission member who has a conflict of interest with regard to a particular matter shall recuse himself or herself from serving on a review committee with regard to that matter.

(6) (a) Before reviewing a complaint, the review committee shall notify the person making the complaint and the alleged violator of its intent to review the complaint and of the opportunity for both parties to participate. The notification must include the hearing date for the complaint, which must be scheduled for a date within ninety days after the date on which the safety commission received the complaint, and a statement that the parties may submit written or oral comments at the hearing. The hearing date can be postponed by mutual agreement of the parties to a date that is acceptable to the review committee. The complaining party may voluntarily withdraw the complaint prior to a hearing by the review committee. The safety commission shall promulgate rules governing the conduct of hearings under this section.

(b) The review committee shall determine whether a violation of the law has occurred and, if appropriate, recommend remedial action consistent with the guidance developed pursuant to section 9-1.5-104.4 (2). A recommendation of remedial action that includes a fine requires a unanimous vote of the review committee. The review committee shall not recommend remedial action or a fine against a homeowner, rancher, or farmer, as defined in section 42-20-108.5, unless the review committee finds by clear and convincing evidence that a violation of the law has occurred. Within seven business days after the completion of the hearing, the review committee shall provide to the safety commission in writing a report of its findings of facts, its determination of whether a violation of the law has occurred, and any recommendation of remedial action or penalty.

(7) The safety commission is bound by the review committee's findings of fact and decision, but the safety commission may adjust the review committee's recommendation of remedial action or penalty if an adjustment is supported by at least twelve members of the safety commission. Within ten business days after the safety commission meeting to review the findings and recommendations of the review committee, the safety commission shall provide in writing to the person making the complaint and the alleged violator a summary of the review committee's findings and the safety commission's final determination with respect to any required remedial action or penalty. The decision of the safety commission is final agency action subject to review by the district court pursuant to section 24-4-106.

(8) If a decision by the safety commission involves a fine authorized by section 9-1.5-104.4, the safety commission shall invoice for and collect the fine indicating that a violation of this article 1.5 has been committed by a person or involving the underground facilities of a person. The safety commission may enforce the fine assessed under this article 1.5 as provided in section 24-30-202.4.

(9) (a) If a person does not comply with the safety commission's decision, the safety commission, represented by the attorney general, may enforce this article 1.5 by bringing an action in the Denver district court. In an action brought by the safety commission pursuant to this section, the court may award the safety commission all costs of investigation and trial, including reasonable attorney fees fixed by the court.

(b) Any costs incurred by the safety commission as a result of administering this article 1.5, including legal services, shall be paid from the safety commission fund created in section 9-1.5-104.8. Any costs and fees awarded by the court pursuant to this subsection (9) shall be deposited in the safety commission fund created in section 9-1.5-104.8.

Source: L. 2018: Entire section added, (SB 18-167), ch. 256, p. 1568, § 3, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act adding this section applies to conduct occurring on or after August 8, 2018.

9-1.5-104.3. Alternative dispute resolution. The notification association shall create a voluntary alternative dispute resolution program in consultation with its members and all affected parties. The alternative dispute resolution program must be available to all owners or operators, excavators, and other interested parties regarding disputes arising from damage to underground facilities, including any cost or damage incurred by the owner or operator or the excavator as a result of any delay in the excavation project while the underground facility is restored, repaired, or replaced, exclusive of civil penalties set forth in and fines assessed pursuant to section 9-1.5-104.5 or 9-1.5-104.4, that cannot be resolved through consultation and negotiation. The alternative dispute resolution program must include mediation, arbitration, or other appropriate processes of dispute resolution. The issue of liability and amount of damages under Colorado law may be decided by an appointed arbitrator or by the parties in mediation. Nothing in this section changes the basis for civil liability for damages.

Source: L. 2000: Entire section added, p. 687, § 3, effective May 23. **L. 2018:** Entire section amended, (SB 18-167), ch. 256, p. 1574, § 4, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act changing this section applies to conduct occurring on or after August 8, 2018.

9-1.5-104.4. Penalties - guidance. (1) A person who violates this article 1.5 is subject to a fine of not more than five thousand dollars for an initial violation and not more than seventy-five thousand dollars for each subsequent violation within a twelve-month period.

(2) In the performance of its duties regarding any complaint, the safety commission is encouraged to consider training, support services, or other remediation measures that will improve the behavior of the party and further the goals of this article 1.5 to ensure the safety of all participants and Coloradans. The safety commission shall develop guidance for the recommendation of remedial actions that are consistent with the following principles:

(a) Guidance shall be developed to help the review committee in determining whether an alleged violation should be classified as a minor, moderate, or major violation;

(b) Alternatives to fines may be considered, especially for a party that the safety commission has not found to be responsible for a violation in the previous twelve months; and

(c) In considering the appropriate remedial action, the safety commission may consider the number of violations relative to the number of notifications received.

(3) The maximum fines for the three different classifications of violations are as follows:

Number of violations within the previous twelve months

	One	Two	Three	Four
Minor	\$250	\$500	\$1,000	\$5,000

Moderate	\$1,000	\$2,500	\$5,000	\$25,000
Major	\$5,000	\$25,000	\$50,000	\$75,000

(4) The following are not subject to a fine otherwise authorized pursuant to this section:

(a) With regard to an excavation occurring on a ranch or farm, a rancher or a farmer, as defined in section 42-20-108.5, unless the excavation is for a nonagricultural purpose; and

(b) With regard to a failure to notify the notification association or the affected owner or operator and to damage to an underground facility during excavation, a homeowner, rancher, or farmer, as defined in section 42-20-108.5, working on the homeowner's, rancher's, or farmer's property.

Source: L. 2018: Entire section added, (SB 18-167), ch. 256, p. 1568, § 3, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act adding this section applies to conduct occurring on or after August 8, 2018.

9-1.5-104.5. Civil penalties - applicability. (1) (a) Every owner or operator of an underground facility in this state shall join the notification association pursuant to section 9-1.5-105.

(b) Any owner or operator of an underground facility who does not join the notification association in accordance with paragraph (a) of this subsection (1) shall be liable for a civil penalty of two hundred dollars.

(c) (I) If any underground facility located in the service area of an owner or operator is damaged as a result of such owner or operator's failure to comply with paragraph (a) of this subsection (1), the court shall impose upon such owner or operator a civil penalty in the amount of five thousand dollars for the first offense and up to twenty-five thousand dollars for each subsequent offense within a twelve-month period after the first offense. Upon a first offense, the owner or operator shall be required by the court to complete an excavation safety training program with the notification association.

(II) If any owner or operator fails to comply with paragraph (a) of this subsection (1) on more than three separate occasions within a twelve-month period from the date of the first failure to comply with paragraph (a) of this subsection (1), then the civil penalty shall be up to seventy-five thousand dollars.

(d) If any underground facility is damaged as a result of the owner or operator's failure to comply with paragraph (a) of this subsection (1) or failure to use reasonable care in the marking of the damaged underground facility, such owner or operator shall be presumably liable for:

(I) Any cost or damage incurred by the excavator as a result of any delay in the excavation project while the underground facility is restored, repaired, or replaced, together with reasonable costs and expenses of suit, including reasonable attorney fees; and

(II) Any injury or damage to persons or property resulting from the damage to the underground facility. Any such owner or operator shall also indemnify and defend the affected excavator against any and all claims or actions, if any, for personal injury, death, property damage, or service interruption resulting from the damage to the underground facility.

(2) (a) Any person who intends to excavate shall notify the notification association pursuant to section 9-1.5-103 prior to commencing any excavation activity. For purposes of this

paragraph (a), excavation shall not include an excavation by a rancher or a farmer, as defined in section 42-20-108.5, C.R.S., occurring on a ranch or farm unless such excavation is for a nonagricultural purpose.

(b) Any person, other than a homeowner, rancher, or farmer, as defined in section 42-20-108.5, C.R.S., working on such homeowner's, rancher's, or farmer's property, who fails to notify the notification association or the affected owner or operator pursuant to paragraph (a) of this subsection (2) shall be liable for a civil penalty in the amount of two hundred dollars.

(c) (I) If any person, other than a homeowner, rancher, or farmer, as defined in section 42-20-108.5, C.R.S., working on such homeowner's, rancher's, or farmer's property, fails to comply with paragraph (a) of this subsection (2) and damages an underground facility during excavation, such person shall be liable for a civil penalty in the amount of five thousand dollars for the first offense and up to twenty-five thousand dollars for each subsequent offense within a twelve-month period after the first offense. Upon a first offense, such person shall be required to complete an excavation safety training program with the notification association.

(II) If any person fails to comply with paragraph (a) of this subsection (2) on more than three separate occasions within a twelve-month period from the date of the first failure to comply with paragraph (a) of this subsection (2), then the civil penalty shall be up to seventy-five thousand dollars.

(d) If any person, other than a homeowner, rancher, or farmer, as defined in section 42-20-108.5, C.R.S., working on such homeowner's, rancher's, or farmer's property, fails to comply with paragraph (a) of this subsection (2) or fails to exercise reasonable care in excavating or performing routine maintenance and damages an underground facility during such excavation or routine maintenance, such person shall be presumably liable for:

(I) Any cost or damage incurred by the owner or operator in restoring, repairing, or replacing its damaged underground facility, together with reasonable costs and expenses of suit, including reasonable attorney fees; and

(II) Any injury or damage to persons or property resulting from the damage to the underground facility. Any such person shall also indemnify and defend the affected owner or operator against any and all claims or actions, if any, for personal injury, death, property damage, or service interruption resulting from the damage to the underground facility.

(e) Paragraph (d) of this subsection (2) shall not apply to a person who commences excavation affecting an underground facility if the owner or operator of the underground facility has failed to comply with paragraph (a) of subsection (1) of this section or has failed to use reasonable care in the marking of the affected underground facility.

(3) (a) An action to recover a civil penalty under this section may be brought by an owner or operator, excavator, aggrieved party, district attorney, or the attorney general. Venue for such an action shall be proper in the district court for the county in which the owner or operator, excavator, or aggrieved party resides or maintains a principal place of business in this state or in the county in which the conduct giving rise to a civil penalty occurred.

(b) Any civil penalty imposed pursuant to this section, including reasonable attorney fees, shall be paid to the prevailing party.

(c) The penalties and remedies provided in this article 1.5 are in addition to any other remedy at law or equity available to an excavator or to the owner or operator of a damaged underground facility, and sections 9-1.5-104.2 and 9-1.5-104.4, regarding the safety

commission's enforcement authority, do not limit or restrict any other remedy at law or equity available to an excavator or to the owner or operator of a damaged underground facility.

(d) No civil penalty shall be imposed under this section against an excavator or owner or operator who violates any of the provisions of this section if the violation occurred while the excavator or owner or operator was responding to a service outage or other emergency; except that such penalty shall be imposed if such violation was willful or malicious.

(4) Nothing in this article shall be construed to impose an indemnification obligation on any public entity or to alter the liability of public entities as provided in article 10 of title 24, C.R.S.

(5) In determining the liability for or the amount of any damages or civil penalty pursuant to this article, a court or arbitrator shall consider the nature, circumstances, and gravity of the alleged violation and the alleged violator's degree of culpability, history of prior violations, and level of cooperation with the requirements of this article.

Source: **L. 83:** Entire section added, p. 440, § 1, effective July 1. **L. 93:** (1) and (3) amended, p. 502, § 1, effective September 1; (2) amended, p. 502, § 1, effective January 1, 1994. **L. 2000:** Entire section R&RE, p. 688, § 4, effective May 23. **L. 2009:** IP(2)(d) amended, (HB 09-1092), ch. 38, p. 152, § 4, effective August 5. **L. 2018:** (3)(c) amended, (SB 18-167), ch. 256, p. 1574, § 5, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act changing this section applies to conduct occurring on or after August 8, 2018.

9-1.5-104.7. Damage prevention fund. (1) The damage prevention fund, referred to in this section as the "fund", is hereby created in the state treasury. The fund consists of:

- (a) All receipts from money directed by law to be deposited to the fund;
- (b) All fines collected pursuant to section 9-1.5-104.4; and
- (c) Any other money that the general assembly may appropriate or transfer to the fund.

(2) The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.

(3) Only the safety commission may authorize expenditures from the fund. Subject to annual appropriation by the general assembly, the safety commission may use money deposited in the fund only to:

- (a) Develop and disseminate educational programming designed to improve worker and public safety relating to excavation and underground facilities; and
- (b) Provide grants to persons who have developed educational programming that the notification association and the safety commission deem appropriate for improving worker and public safety relating to excavation and underground facilities.

Source: **L. 2018:** Entire section added, (SB 18-167), ch. 256, p. 1568, § 3, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act adding this section applies to conduct occurring on or after August 8, 2018.

9-1.5-104.8. Safety commission fund. (1) The safety commission fund, referred to in this section as the "fund", is hereby created in the state treasury. The fund consists of:

(a) All receipts from money directed by law to be deposited to the fund, including costs and fees awarded by a court pursuant to section 9-1.5-104.2 (9)(b); and

(b) Any other money that the general assembly may appropriate or transfer to the fund.

(2) The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.

(3) Only the safety commission may authorize expenditures from the fund. Subject to annual appropriation by the general assembly, the safety commission may use money deposited in the fund only to pay for its expenses in administering this article 1.5.

Source: L. 2018: Entire section added, (SB 18-167), ch. 256, p. 1568, § 3, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act adding this section applies to conduct occurring on or after August 8, 2018.

9-1.5-105. Notification association - structure and funding requirements - duties of owners and operators - report - repeal. (1) There is hereby created a nonprofit corporation in the state of Colorado, referred to in this article 1.5 as the "notification association", which consists of all owners or operators of underground facilities. All owners and operators shall join the notification association and shall participate in a statewide program that utilizes a single, toll-free telephone number 811 that excavators can use to notify the notification association of pending excavation plans.

(2) All underground facility owners and operators are members of the notification association. The notification association shall provide members that were not tier one members on or before August 8, 2018, with electronic notifications beginning on January 1, 2019, at no cost for twenty-four months. On or before January 1, 2021, all owners and operators become full members of the notification association and are entitled to receive full service benefits as part of membership as specified in this article 1.5. Nothing precludes a tier two member from becoming a tier one member with the two-year waiver of no-cost notifications at any time before January 1, 2021. Until December 31, 2020, membership is organized as follows:

(a) "Tier one" members who shall be full members of the notification association and shall receive full service benefits as part of such membership as specified in this article. Any owner or operator required to be a member of the association who was a member on February 1, 1993, shall be designated a tier one member without further action by such member.

(b) (I) "Tier two" members who shall be limited members and shall receive limited services as a part of such membership as specified in this article. Tier two members shall pay a one-time membership fee of twenty-five dollars to the notification association to partially defray the costs incurred by the association in organizing pursuant to this article. The notification association shall not assess any charges, costs, or fees to any tier two member other than the one-time membership fee.

(II) All tier two members shall provide the association with accurate information regarding the boundaries of such member's service area, the type of underground facility that may be encountered within such service area, and the name, address, and telephone number of a

person who shall be the designated contact person for information regarding such member's underground facilities. A tier two member shall also provide geographical information concerning underground facilities it owns or operates which are not located within the designated service area to the notification association.

(III) Not later than January 1, 1994, the notification association shall provide any person who contacts the association regarding information concerning underground facilities owned or operated by a tier two member with the name of the person specified in subparagraph (II) of this paragraph (b).

(IV) The following owners or operators of underground facilities who are not designated as tier one members pursuant to paragraph (a) of this subsection (2) shall be designated as tier two members:

- (A) Electric cooperative associations;
- (B) Special districts organized under title 32, C.R.S.;
- (C) Cable television operators;
- (D) Municipalities and counties; and
- (E) Telecommunications local exchange providers with fewer than fifty thousand access lines.

(2.1) (a) Subsection (2) of this section and this subsection (2.1) are repealed, effective January 1, 2021.

(b) On or before March 1, 2020, the notification association shall provide a report to the senate transportation committee and the house of representatives transportation and energy committee, or their successor committees, about its efforts to prepare for tier two members transitioning to tier one membership. The report must include, but need not be limited to, the steps that have been implemented to ensure efficiencies in notification procedures and operations, a cost analysis of the transition, and information regarding any new technological advances adopted to improve efficiencies. In preparing the report, the notification association shall solicit input from members.

(2.3) Repealed.

(2.4) Effective January 1, 2021, all underground facility owners and operators are members of the notification association. All members are full members of the notification association and are entitled to receive full service benefits as part of membership as specified in this article 1.5.

(2.5) The notification association may accept any organization, person, or entity which has an interest in the purposes and functions of the association as a member whether specifically enumerated in this article or not. Any such member shall comply with the bylaws of the association.

(2.6) (a) The notification association shall prepare annual reports on its activities, as follows:

- (I) A statistical summary of the information reported to it pursuant to section 9-1.5-103 (7)(b); and
- (II) An annual, independent financial audit of its operations.

(b) The notification association shall provide a copy of both reports created under paragraph (a) of this subsection (2.6) to its members and shall provide the report created under subparagraph (I) of paragraph (a) of this subsection (2.6) to the public utilities commission of the state of Colorado.

(3) (a) (I) Except as provided in subsection (2) of this section, each member of the notification association shall provide all of the locations of any underground facilities that the member owns or operates to the notification association, and the association shall maintain the information on file for use by excavators.

(II) This subsection (3)(a) is repealed, effective January 1, 2021.

(b) Effective January 1, 2021, each member of the notification association shall provide general information regarding all of the locations of any underground facilities that the member owns or operates, for excavation notification purposes only, and the member's contact information, both of which shall be updated annually, to the notification association, and the association shall maintain the information on file in a manner that ensures the confidentiality and security of the information.

(c) Information regarding the location of underground facilities provided to the notification association by an owner or operator or to the safety commission by the notification association is exempt from the "Colorado Open Records Act", part 2 of article 72 of title 24, pursuant to section 24-72-204 (2)(a)(VIII)(A) regarding specialized details of critical infrastructure.

(4) (a) (I) The notification association is governed by a board of directors, which must be representative of the membership of the association.

(II) (A) Until December 31, 2020, the board must have at least one director that is a tier two member.

(B) This subsection (4)(a)(II) is repealed, effective January 1, 2021.

(b) The board of directors shall be elected by the membership of the association pursuant to the bylaws of the association.

(5) The notification association shall be incorporated and operated as a nonprofit corporation pursuant to the "Colorado Revised Nonprofit Corporation Act", articles 121 to 137 of title 7, C.R.S.

(6) This section does not apply to:

(a) Any owner or occupant of real property under which underground facilities are buried if the facilities are used solely to furnish service or commodities to the real property and no part of the facilities is located in a public street, county road, alley, or right-of-way dedicated to public use; or

(b) Any homeowner.

Source: **L. 81:** Entire article added, p. 522, § 1, effective October 1. **L. 93:** Entire article amended, p. 503, § 1, effective September 1. **L. 97:** (5) amended, p. 761, § 27, effective July 1, 1998. **L. 2000:** IP(2) amended and (2.6) R&RE, pp. 690, 691, §§ 5, 6, effective May 23. **L. 2018:** (1), IP(2), (3), (4), and (6) amended, (2.1) and (2.4) added, and (2.3) repealed, (SB 18-167), ch. 256, p. 1575, § 6, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act changing this section applies to conduct occurring on or after August 8, 2018.

9-1.5-106. Notice requirements - repeal. (1) The notification association created in section 9-1.5-105 shall:

(a) Receive and record notifications from excavators concerning intended excavation activities including sites, dates, and the nature of any intended excavation;

(b) Maintain a record of each notice of intent to excavate for a minimum of three years; and

(c) File the notification received regarding any proposed excavation site and the notification provided regarding such excavation site, including the date and time of each such notification, by reference number.

(2) The notification association shall establish and maintain a damage prevention safety program and shall conduct periodic public awareness campaigns.

(3) (a) (I) The notification association shall provide prompt notice of any proposed excavation to each affected tier one member that has any underground facilities in the area of the proposed excavation site. The notification association shall also provide the excavator with the name and telephone number of each tier two member that has any underground facilities in the area of the proposed excavation.

(II) This subsection (3)(a) is repealed, effective January 1, 2021.

(b) Effective January 1, 2021, the notification association shall provide prompt notice of any proposed excavation to each affected member that has any underground facilities in the area of the proposed excavation site.

Source: L. 93: Entire article amended, p. 505, § 1, effective September 1. **L. 2018:** (3) amended, (SB 18-167), ch. 256, p. 1577, § 7, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act changing this section applies to conduct occurring on or after August 8, 2018.

9-1.5-107. Notice of removal of underground facilities. At least ten days before beginning an excavation to remove an underground facility that is a gas transmission pipeline that has been abandoned or is unused and is not located in a public road, street, alley, or right-of-way dedicated to public use, the excavator shall notify each owner of record and occupant of the real property where such underground facility is located. The notice shall state the commencement, extent, and duration of the excavation in addition to the information required by section 9-1.5-103 (3)(c) and shall be served in the same manner as personal service under the Colorado rules of civil procedure; except that, if such personal service cannot be made through the use of due diligence, notice may be served by mail to the owner's or occupant's last-known address. If a valid mailing address is not available through the use of due diligence, notice may be made by publication in a newspaper published in the county in which the property is located. For purposes of this section, an underground facility is not considered abandoned or unused if it is in operation for its intended purpose or is being actively maintained with reasonable anticipation of a future use.

Source: L. 2007: Entire section added, p. 162, § 1, effective August 3.

9-1.5-108. Repeal - sunset review. (1) This section and sections 9-1.5-104.2, 9-1.5-104.4, 9-1.5-104.7, and 9-1.5-104.8 are repealed, effective September 1, 2028.

(2) Before the repeal, the functions of the underground damage prevention safety commission related to underground facilities specified in sections 9-1.5-104.2, 9-1.5-104.4, 9-1.5-104.7, and 9-1.5-104.8 are scheduled for review in accordance with section 24-34-104.

Source: L. 2018: Entire section added, (SB 18-167), ch. 256, p. 1577, § 8, effective August 8.

Editor's note: Section 12 of chapter 256 (SB 18-167), Session Laws of Colorado 2018, provides that the act adding this section applies to conduct occurring on or after August 8, 2018.



21 Craft Dr.
 Alamosa, CO 81101
 719.589.8940
 www.wsbes.net

Estimate

DATE	ESTIMATE #
7/2/2019	16551

Saguache County Clerk and Recorder
 PO Box 100
 Saguache, CO 81149

			PROJECT
DESCRIPTION	QTY	COST	TOTAL
Center:			
Video recorder with SSD for OS and alering	1	1,512.00	1,512.00T
4Tb hard drive in RAID 1	2	176.90	353.80T
Outdoor IP Bullet	1	93.00	93.00T
POE Adaptor	1	45.00	45.00T
APC 1000VA 600 watt smart UPS battery backup with APC Smartconnect	1	310.00	310.00T
Dell 20 Monitor 3YR Limited Warranty Monitor	1	121.00	121.00T
Sonicwall firewall with 3 year warranty and security upgrades	1	788.00	788.00T
Cabling Material	1	100.00	100.00T
Kingston Digital 32GB Data Traveler 3.0 USB Flash Drive - Red (recovery)	1	15.00	15.00T
4Tb external drive (backup)	1	118.34	118.34T
Install system and test	1	1,300.00	1,300.00
-Estimate does not include shipping charges			
Sales Tax		0.00	0.00
Prices subject to change at anytime. Thank you for your interest.		TOTAL	\$4,756.14

SIGNATURE _____