

**STATE OF COLORADO  
COUNTY OF ROUTT**

**OFFICE OF THE CLERK  
December 21, 2021**

Commissioner Timothy V. Corrigan, Chair, called the meeting of the Routt County Board of County Commissioners to order. Commissioner Tim Redmond, County Manager Jay Harrington, and County Commissioners' and Manager's Office Manager Kendra Alfieri were also present. Samantha Pearce prepared the minutes.

**EN RE: ACCOUNTS PAYABLE/ MANUAL WARRANTS/ PAYROLL**

Mr. Harrington presented the accounts payable totaling \$2,232,758.62.

**MOTION**

Commissioner Corrigan moved to approve accounts payable as presented.

Commissioner Redmond seconded; the motion carried 2-0.

**EN RE: CONSENT AGENDA**

- A. APPROVAL OF AND AUTHORIZATION TO SIGN THE FINAL PUD PLAN, ZONE CHANGE RESOLUTION, AND CR 6E EASEMENT FOR THE TOPONAS GENERAL STORE;
- B. APPROVAL AND AUTHORIZATION FOR THE CHAIR TO SIGN COLORADO COUNTIES CASUALTY POOL (CAPP) AGREEMENT FOR PARTIALLY SELF-FUNDED PROGRAM;
- C. APPROVAL OF AND AUTHORIZATION FOR THE CHAIR TO SIGN A RESOLUTION REAPPOINTING JAMES STANKO TO STEAMBOAT SPRINGS CEMETERY DISTRICT BOARD.

**MOTION**

Commissioner Redmond moved to approve items A., B., & C. on the consent agenda with item A. having resolution number 2021-P-094 and item C. having resolution number 2021-095.

Commissioner Corrigan seconded; the motion carried 2-0.

**EN RE: PUBLIC COMMENT**

No public comment was made.

## **EN RE: PUBLIC WORKS DEPARTMENT**

Mike Mordi, Public Works Director presented to the Board a consideration to consider to approve the agreement and authorize the Chair to sign the Schedule A road maintenance agreement between Routt County and The US Forest Service.

Routt County and the Forest Service have been entering into a Cooperative Forest Road Service Agreement for many years. The general purpose of the Agreement is to identify who is responsible for maintenance of Forest Service roads within Routt County and to establish a method to fund projects by one entity in the jurisdiction of another entity. The Agreement includes both the Agreement and a Schedule A Joint Road Maintenance Plan. The latest Agreement ran from April 1, 2012 thru April 1, 2019 and is currently expired. Staff from both agencies jointly reviewed the new Agreement proposed by the Forest Service and recommended that the language be updated to reflect current conditions, clarify the maintenance responsibility, and clarify ownership, and road lengths. No changes have been made to responsibilities since the last agreement. Roadway lengths were updated by Routt County GIS in cooperation with the USFS.

### **MOTION**

Commissioner Redmond moved to approve and authorize the Chair to sign the Schedule A road maintenance agreement between Routt County and The US Forest Service.

Commissioner Corrigan seconded; the motion carried 2-0.

## **EN RE: LEGAL**

Erick Knaus, County Attorney presented to the Board a request that the Board of County Commissioners, acting as the County Board of Equalization along with the Routt County Assessor, approve and authorize the County Attorney to sign an Amicus Brief concerning unusual conditions and property reassessments in Colorado Court of Appeals Case No. 2021CA985 –150 East Beaver Creek LLC v Eagle County.

This is a case involving the valuation of three parcels of real property in Eagle County for the 2020 tax year, but it represents one of eleven cases filed in eleven counties (the “Companion Cases”) by the same attorneys on behalf of the same tax agent who represent owners of commercial property and rely on the same erroneous interpretation of the property tax statutes. The Petitioners claim the assessors failed to undertake revaluations of their properties and the BOEs failed to correct the assessors’ valuations to account for alleged “unusual conditions”—specifically the COVID-19 pandemic and subsequent executive and public health orders (the “Public Health Orders”) issued as a result of the pandemic— pursuant to C.R.S. § 39-1-104(11)(b)(I) (the “Unusual Conditions Statute”). Eagle County and those Counties joining in the amicus brief believe the Petitioners have misinterpreted the law regarding revaluation of properties in an intervening tax year based on unusual conditions. The Petitioners’ incorrect position would essentially require assessors to value the businesses as opposed to the underlying real property for tax purposes.

**MOTION**

Commissioner Redmond moved for the Board of County Commissioners, acting as the County Board of Equalization, to approve and authorize the County Attorney to sign an Amicus Brief concerning unusual conditions and property reassessments in Colorado Court of Appeals Case No. 2021CA985 – 150 East Beaver Creek LLC v Eagle County.

Commissioner Corrigan seconded; the motion carried 2-0.

**EN RE: BOARD OF HEALTH**

Roberta Smith, Public Health Director gave a brief update to the Board acting as the Board of Health. No motions were made.

**EN RE: COUNTY MANAGER/ LEGAL/ COMMISSIONERS' COMMITTEES**

The County Attorney, County Manager, and Commissioners' gave brief updates.

No further business coming before the Board, same adjourned sine die.

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Kim Bonner, Clerk and Recorder

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M. Elizabeth Melton, Chair

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Date