



## AGENDA

### Town Council Regular Meeting

Wednesday, December 20, 2023

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

This agenda and meetings can be viewed at [www.minturn.org](http://www.minturn.org).

#### MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

This will be an in-person meeting with access for the public to attend in person or via the Zoom link included. Zoom Link: <https://us02web.zoom.us/j/84968214440>

**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 849 6821 4440

**Please note:** All virtual participants are muted. In order to be called upon an unmuted, you will need to use the “raise hand” feature in the Zoom platform. When it’s your turn to speak, the moderator will unmute your line and you will have five (5) minutes for public comment.

**Public Comments:** If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

1. CALL TO ORDER
2. ROLL CALL AND PLEDGE OF ALLEGIANCE
3. APPROVAL OF CONSENT AGENDA

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

[A.](#) 12-06-2023 Minutes

4. APPROVAL OF REGULAR AGENDA  
Opportunity for amendment or deletions to the agenda.
5. DECLARATION OF CONFLICTS OF INTEREST
6. PUBLIC COMMENT

Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.

**7. COUNCIL COMMENTS & COMMITTEE REPORTS**

**8. STAFF REPORTS**

A. Manager's Report

**9. SPECIAL PRESENTATIONS**

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

**10. BUSINESS ITEMS**

Items and/or Public Hearings listed under Business Items may be old or new and may require review or action by the Council.

A. Ordinance 24 - Series 2023 (Second Reading) An Ordinance Increasing Council Pay

B. Ordinance 25 - Series 2023 (Second Reading) An Ordinance Amending Short Term Rental Fees

C. Ordinance 26 - Series 2023 (Second Reading) An Ordinance Amending the Fees for Minturn Municipal Court

D. Ordinance 27 - Series 2023 (Second Reading) An Ordinance Amending the Approval Process for Special Event Fees

E. Ordinance 28 - Series 2023 (Second Reading) An Ordinance Amending the Approval Process for Contractor Licensing Fee and Period

F. Resolution 34 - Series 2023 A Resolution Adopting the Eagle County Emergency Operations Plan

G. Resolution 35 - Series 2023 A Resolution Approving an Update to the Jester Gibson Moore Retention Agreement for Legal Counsel

**11. DISCUSSION / DIRECTION ITEMS**

A. Metro District Code Provisions Review - Sawyer

B. Council Seat Vacancy

**12. FUTURE AGENDA ITEMS**

A. Future Agenda Items

**13. EXECUTIVE SESSION**

A. Environmental Matters Related to the Diligence of the Battle Settlement Agreement - Polly Jessen



## **14. ADJOURN**

### **INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings:

- December 25, 2023 - Town Hall Closed (Christmas Day)
- January 1, 2023 - Town Hall Closed (New Year's Day)
- January 3, 2023
- January 15, 2023 - Town Hall Closed (Martin Luther King Jr. Day)
- January 17, 2023



# OFFICIAL MINUTES Town Council Regular Meeting

Wednesday, December 06, 2023

Town Hall / Council Chambers - 302 Pine St Minturn, CO

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The agenda is subject to change, including the addition of items 24 hours in advance or the deletion of items at any time. The order of agenda items listed are approximate.

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## MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION:

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**Zoom Call-In Information:** 1 651 372 8299 or 1 301 715 8592 **Webinar ID:** 861 5567 4783

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**Public Comments:** If you are unable to attend, public comments regarding any items on the agenda can be submitted to Jay Brunvand, Town Clerk, prior to the meeting and will be included as part of the record.

### 1. CALL TO ORDER

Mayor Earle B. called the meeting to order at 5:30pm.

### 2. ROLL CALL AND PLEDGE OF ALLEGIANCE

Those present included: Mayor Earle Bidez, Mayor Pro Tem Terry Armistead, Town Council members, Lynn Feiger, Gusti Kanakis, Brian Rodine, Kate Schifani, and Tom Sullivan (zoom).

Staff present: Town Manager Michelle Metteer, and Town Clerk Jay Brunvand (zoom)

### 3. APPROVAL OF CONSENT AGENDA

Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.

- A. 11-15-2023 Minutes
- B. ERWSD Annual Billing Services Agreement
- C. Resolution 33 - Series 2023 Approval of the Town Manager Amended and Restated Employment Agreement
- D. Styrofoam Densifier Equipment Town of Avon Grant Support Letter
- E. HDR Contract Amendment to Include Additional Engineering Services

Motion by Terry A., second by Gusty K., to approve the Consent Agenda of December 6, 2023 as presented. Motion passed 7-0.

**4. APPROVAL OF REGULAR AGENDA**

Opportunity for amendment or deletions to the agenda.

Motion by Gusty K., second by Kate S., to approve the Agenda of November 15, 2023 as presented. Motion passed 7-0.

**5. DECLARATION OF CONFLICTS OF INTEREST**

**6. PUBLIC COMMENT**

Citizens are invited to comment on any item on the Consent Agenda, or not on the regular Agenda subject to a public hearing. Please limit your comments to five (5) minutes per person unless arrangements have been made for a presentation with the Town Clerk. Those who are speaking are requested to state their name and address for the record.

**7. COUNCIL COMMENTS & COMMITTEE REPORTS**

Earle B. reminded all of the Council Election to be held in April 2024.

**8. STAFF REPORTS**

- A. Manager's Report

**Safe Streets for All (SS4A) Grant Award**

The town of Minturn has been awarded a SS4A grant in the amount of \$80,000 for the creation of a Safety Action Plan (Plan). This Plan will identify the primary areas of risk to pedestrians, vehicles, and multimodal forms of transportation. The town will look to utilize this Plan toward supporting larger grant applications to address transportation safety within town. I participated in the grant kick-off meeting this week and will work to create an RFP for finding a facilitator to take the town through the community-centric process of creating the Plan.

**Revitalizing Main Streets (CDOT) Grant Application**

Minturn has applied for a grant to improve upon the initial work planned for the Railroad Ave corridor. With the approximately \$80k committed by the Minturn North Development, Minturn would like to utilize those funds as a match toward a larger project of improving the North Minturn

area corridor’s access to Main Street. The Town will conduct the approved Railroad Ave work regardless of the grant approval, but if the grant is approved, we will be able to add a bulb out at the Railroad Ave/North Main Street intersection, additional walkways along the municipal lot and North Main Street and work at the Main Street intersection that is in line with the recently approved Community Plan. Total project cost applied for is \$252,000 with a 10% match included.

**Minturn Concrete Water Tank #3**

Tank #3 is now online and operational. Final payment to the contractor and subs has been approved. John Volk is applying to the CDPHE for approval of the .1 baffling factor which allows the town to utilize the tank for necessary contact time requirements.

**Evacuation Planning**

I met with representatives of the Eagle County Emergency Management Team, Sheriff’s Office, Fire Protection District and Wildland Fire to discuss Minturn’s evacuation planning efforts. Conducting a tabletop exercise and a full-blown evacuation exercise can get very expensive, so I am looking into planning grants to help facilitate this effort. A discussion point addressed in this meeting is finding the balance between traffic calming measures and emergency/safety measures. These two items can often contradict, and the community should be cognizant of working toward finding a balance.

**Community Wildlife Protection Plan (CWPP)**

I represented Minturn on Tuesday, November 28<sup>th</sup> for the next steps in the updating of the CWPP. This is still a work in progress, but I anticipate, when completed, this will come before the Minturn Town Council for the option to adopt the plan. If interest was again the discussion in finding a balance between emergency management planning and street calming activities and how those two efforts often do not align. Minturn will continue to work toward finding a balance in this area.

**Magnesium Chloride Discussion**

The Magnesium Chloride discussion has been removed from the Council discussion items due to feedback received from CDOT representative MR. Kane Schneider. I participated in a Zoom call with CDOT Region 3 Engineer John Kronholm, Mr. Schneider and Joseph Bajza on Thursday, November 30<sup>th</sup>. The meeting was originally scheduled for the purpose of discussing Mag Chloride talking points at the Council discussion, but Mr. Schneider quickly devolved the discussion into, what I perceived to be an adversarial position on the contents of the Minturn/CDOT Annual Maintenance Contract. Mr. Schneider’s position is that the Town is responsible for the 24/7 plowing of the entirety of HYW 24 through Minturn, including the parking lanes and traffic lanes. This includes any de-icing efforts. In contrast, Mr. Bajza, head of plow operations for DCOT, indicated Minturn and CDOT maintain a productive arrangement and hopes that can continue.

Minturn’s maintenance contract with CDOT began in 2006 and Jay Brunvand, town clerk/treasurer, indicates the contract was always discussed as a “team effort” whereby CDOT would lower their blades when coming through town and Minturn’s PW staff would handle the removal of snow in the parking lanes. Jay provided me emails from past contract negotiations indicating this understanding. I will now work to address Mr. Schneider’s claims and either work with CDOT representatives to maintain the understanding of the teamwork that has benefited both

parties in the past or dissolve the contract. Minturn PW does not have the bandwidth to maintain the traffic lanes of HWY 24 24/7 for the small contract amount of approximately \$38,0934.

Regardless of the above, at this time, CDOT indicated Mag Chloride use on HWY 24 is rare, so the Mag Chloride discussion is a moot issue.

Michelle M. updated on a letter from Senator Bennett on the deficiencies of the Mountain Town Postal Service. Michelle M. read the salient points of the letter to include staffing issues and parcel handling.

**9. SPECIAL PRESENTATIONS**

Presentations are limited to 5 minutes. Invited presentations are limited to 10 minutes if prior arrangements are made with the Town Clerk.

**A. Bolts Reservoir Project Update – ERWSD**

Messrs. Jason Cowles and Justin Hildreth, ERWSD, presented an update. Currently they are in preliminary design and federal approval process.

Lynn F. asked how long it will take to fill the reservoir. One spring if it is a wet year otherwise two years or so.

Terry A. asked about ERWSD agreement and how that works. Mr. Cowles is working through the decrees and how they work together. She asked about the dirt and if the EPA will be monitoring that; CDPHE and EPA will be monitoring this.

Earle B. asked about the quality of soils and if they can be used; yes, the soils should be good.

Terry A. asked where the BLM land is nearby; in Wolcott.

**10. BUSINESS ITEMS**

Items and/or Public Hearings listed under Business Items may be old or new and may require review or action by the Council.

**A. Ordinance 20 – Series 2023 (Second Reading) An Ordinance Creating a Supplemental Appropriation to the 2023 Town of Minturn Budget – Brunvand**

This Ordinance takes into account only those items which are anticipated to exceed their original line-item budget. Revenues which exceed their original budget indicates additional revenue. In order to properly recognize and utilize this surplus, we must include it in the budget. In order to properly account for and access supplemental revenues or expenses which exceed their budgeted line those line items must be increased. This supplemental appropriation only increases revenue and expenses, it does not un-appropriate funds which will not exceed their line item. This may give a false view that we are overspending the budget when in fact we do have the funds on hand and in many cases the expense was appropriated by prior council action.

The packet contains a redlined version showing the changes from First Reading

Lynn F. asked clarification on how the supplemental appropriations work and discussion ensued.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Terry A., second by Kate S., to approve Ordinance 20 – Series 2023 (Second Reading) An ordinance amending the 2023 budget as set forth in the following exhibit “A”, to appropriate additional general fund revenues in the amount of \$309,472.00, and appropriating additional general fund expenditures in the amount of \$224,101.00, and appropriating additional enterprise fund revenues in the amount of \$356,000.00, and appropriating additional enterprise fund expenditures in the amount of \$361,701.00, and appropriating additional conservation trust fund revenues in the amount of \$5,400.00, and appropriating additional market fund revenues in the amount of \$4,000.00, and appropriating additional market fund expenses in the amount of \$19,300.00, and appropriating additional capital fund revenues in the amount of \$7,500.00, and appropriating additional scholarship fund expenses in the amount of \$1,400.00, and appropriating additional battle mountain fund revenues in the amount of \$4,500.00 as presented. Motion passed 7-0.

**B. Ordinance 21 – Series 2023 (Second Reading) An Ordinance Setting the 2024 General Property Tax Mill Levy for the Town of Minturn – Brunvand**

This is an annual ordinance approved by the Council to establish the mill levy on property assessments for the following year. Our mill levy was set at 17.934 mills by general election vote in 1998 allowing us to collect, spend, or save all revenue generated based on the county assessment. These funds flow into the General Fund as a major source of revenue to meet our budgeted needs. The mill levy collection of property tax makes up over 30% of Minturn’s annual General Fund revenues. As a result of the November 2023 Colorado Legislative Special Session several things are still up in the air. I have talked with our County Assessor’s office on what and when we should expect a final assessment number. They relayed to me that they are waiting for their computer consultant to meet with the State Department of Property Taxation and to get some direction on timelines. They will need to write some new code in order to take the residential value adjustment from \$15,000 to \$55,000 the assessed rate also changed from 6.765% to 6.7% within our assessment system. Because this is a state-wide issue and because all Assessors in the state are facing similar issues trying to make the assessment match new law, we are all in a somewhat wait-and-see mode.

My recommendation to Council is to pass the mill levy at 17.934 because that is the one constant that will not change. Because we don’t know the assessed value, to approve anything other than the 17.934 mills most likely will have a negative effect that we really don’t know the extent of. Additionally, I am not aware of anyone locally that is reducing their levy, some are considering but have not moved forward. In a letter dated 11/29/23 from the Eagle County Assessor’s Office, the state has extended the assessment deadlines by a couple weeks. This gives the state and the

Assessors more time but doesn't really change our needs. Then once the final assessment is released, we can make informed decisions from there.

Discussion ensued on the effects of the mill levy and the rising property values.

Public Hearing Opened

Mr. Kelly Toon, 531 Main St, asked questions on how the assessed value might be limited other than to reduce the mill levy.

Public Hearing Closed

Motion by Terry A., second by Kate S., to approve Ordinance No. 21 – Series 2023 (Second Reading), an ordinance levying general property taxes for the year 2024, to meet general operating costs of government for the Town of Minturn, Colorado for the 2024 budget year as presented. Motion passed 5-2. Note: Lynn F. and Gusty K. voted Nay.

**C. Ordinance 22 – Series 2023 (Second Reading) An Ordinance Adopting the Fee Schedules for Fiscal Year 2024 for the Town of Minturn – Brunvand**

This is an annual ordinance approved by Council to establish the annual fee schedule and any proposed fee increases. The fee schedule has been discussed in previous meetings with the Council and each department, changes to the fees are reflected in the schedule. All fees will go into effect on January 1, 2024. This revised Fee Schedule attached reflects changes to LBP fees, snow dump fees, and broke out other fees clearer per discussions.

Public Hearing Opened

No Public Comment

Public Hearing Closed

Motion by Gusty K., second by Kate S., to approve Ordinance No. 22 – series 2023 (Second Reading) an Ordinance annually setting, amending and approving town fees as set forth in the following attachment to be included in Appendix “A” of the Minturn Municipal Code for the Town of Minturn, Colorado fees commencing January 1, 2024 as presented. Motion passed 7-0

**D. Ordinance 23 – Series 2023 (Second Reading) An Ordinance Adopting the FY2024 Annual Budget and Recognizing the Town of Minturn’s 2024 Revenues and Expenses by Fund – Brunvand**

Council discussed how we are not increasing the water rates in 2024. Michelle M. updated that we are looking at bringing Mr. James Mann in as a part-time employee, our previous water consultant, to assess our water rates and the options we may have. Discussion ensued that as the economy costs increase, we should raise water rates some amount to counter inflation. It was noted our options as discussed are no increase, 6% increase, 12.5% increase. The council discussed and found that 6% was agreeable.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Terry A. second by Kate S. to approve Ordinance No. 23 – series 2023 (Second Reading) an Ordinance appropriating revenues, appropriating expenditures, approving transfers and adopting the Town of Minturn Budget for the period beginning on the first day of January, 2024 and ending on the last day of December, 2024 as amended to include a 6% increase in the monthly base and volumetric rates. Motion passed 7-0.

**E. Ordinance 24 - Series 2023 (First Reading) An Ordinance Increasing Council Pay**

As requested by the Council, this ordinance sets the pay for Council and Mayor when such is requested to be adjusted. The Council/Mayor pay schedule has not been adjusted since 2008. This structure will go into effect for seats elected during the 4/2/24 election and thereafter. As each seat stands for election it will be increased to this structure.

Earle B. outlined the amount of time required to sit on Council and that this increase is in line with the previous discussions held by Council.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Terry A., second by Brian R., to approve Ordinance No. 24 – series 2023 (first reading) an Ordinance amending Chapter 2 of the Minturn Municipal Code by repealing and re-enacting section 2-2-30 establishing and providing compensation for the Town Council and the Mayor of the Town of Minturn, Colorado as presented. Motion passed 7-0.

**F. Ordinance 25 - Series 2023 (First Reading) An Ordinance Amending Short Term Rental Fees**

This Ordinance modifies the STR fee from \$300 annually to \$300 annually per sleeping area.

Discussion ensued how the rational nexus to the license rate was determined.

Public Hearing Opened

Ms. Terry Dued, Eagle River Inn, asked questions on the fee as it relates to a hotel. This fee does not apply to commercial rentals, it only applies to residential units.

Public Hearing Closed

Motion by Gusty K., second by Brian R., to approve Ordinance 25 – Series 2023 (First Reading) as presented. Motion passed 7-0.



**G. Ordinance 26 - Series 2023 (First Reading) An Ordinance Amending the Fees for Minturn Municipal Court**

This Ordinance changes the court fees from \$15 to \$25 plus 25%.

Public Hearing Opened.  
No Public Comment  
Public Hearing Closed

Motion by Kate S., second by Lynn T., to approve Ordinance 26 - Series 2023 (First Reading) An Ordinance Amending the Fees for Minturn Municipal Court as presented. Motion passed 7-0.

**H. Ordinance 27 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Special Event Fees**

This Ordinance changes the process and fees for approving a special event permit.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Kate S., second by \_Gusty K., to approve Ordinance 27 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Special Event Fees as presented. Motion passed 7-0.

**I. Ordinance 28 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Contractor Licensing Fee and Period**

This Ordinance changes the Contractor Licensing fee from \$240 every three years, to \$100 annually.

Public Hearing Opened  
No Public Comment  
Public Hearing Closed

Motion by Kate S., second by Terry A., to approve Ordinance 28 - Series 2023 (First Reading) An Ordinance Amending the Approval Process for Contractor Licensing Fee and Period as presented. Motion passed 7-0.

**11. DISCUSSION / DIRECTION ITEMS**

**12. FUTURE AGENDA ITEMS**

**A. Future Meeting Topics**

Michelle M. noted the Eagle County Emergency plan will be coming forward for review.

Jay B. gave a brief update on the April 2, 2024 election.

- Election day is 4/2/24
- The mayor and three council seats are up for election
- Ads will go in the paper to solicit candidates in the next week or so
- Nomination Petitions are available 1/2/24 and due back in no later than 1/22/24

**13. ADJOURN**

Motion by Terry A., second by Kate S., to adjourn the meeting at 7:31pm.

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Earle Bidez, Mayor

ATTEST:

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Jay Brunvand, Town Clerk

**INFORMATIONAL ONLY ITEMS**

Upcoming Council Meetings & Town Hall Closures:

- December 20, 2023
- December 25, 2023 - Town Hall Closed (Christmas Day)
- January 1, 2023 - Town Hall Closed (New Year's Day)
- January 3, 2023
- January 15, 2023 - Town Hall Closed (Martin Luther King Jr. Day)
- January 17, 2023



To: Minturn Town Council  
From: Michelle Metteer  
Date: December 20, 2023  
RE: Town Manager Update

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**Bulb-Outs on Main Street Intersections**

As a reminder, CDOT denied Minturn’s request for temporary bulb-outs at Minturn’s four main intersections along Main Street. These bulb outs would provide increased line of sight and improve safety at these intersections extensively. Although CDOT was not supportive of the temporary option, they did indicate they would support permanent bulb-out options. I am now interested in understanding Council’s interest in exploring permanent bulb-out options. If Council is interested, I will request Jeff Spanel to provide an engineer’s opinion of probable cost.

**Snow Plowing Operations**

As a reminder, only residents are approved to push snow into the Not-A-Park snow dump area for free. If snowplow contractors want to push snow into that area, they need to have the property owner sign up with the town and pay the fee. There has been some confusion with contractors thinking they can also push snow into this area and that is not how the Ordinance was approved.

**Minturn Tank Operations**

Tank #3 is now online and operational. I will be discussing tank loan options with the State Revolving Loan Fund representative to determine if leftover loan funds can be used to facilitate the functioning of the two tanks interchangeably. If funds can be used to improve the functioning of the system, Minturn may want to install a valve box on HWY 24. I will have more information after discussing this option with the SRF representative.

**USGS Gauge on Cross Creek**

Minturn currently pays for the USGS gauge on Cross Creek. This comes at an annual cost of around \$16,000. This is a federal program and I have reached out to USGS to understand why Minturn incurs this cost. Unless there is a specific reason in one of Minturn’s water rights decrees I expect Minturn to drop this expense. The CWCB and Division 5 Engineer use this gauge to make the instream flow call on Cross Creek. I expect if they wish to continue making the instream flow call on Cross Creek, they will support the federal government in maintaining the costs of the gauge.

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 24 - SERIES 2023**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 2-2-30 ESTABLISHING AND PROVIDING COMPENSATION FOR THE TOWN COUNCIL AND THE MAYOR OF THE TOWN OF MINTURN, COLORADO.**

WHEREAS, the Mayor and Town Council periodically review compensation provided to the members of the Mayor and Town Council to ensure the Town's budgetary goals are met, and to ensure elected officials are adequately and fairly compensated for their time and talents; and

WHEREAS, the Home Rule Charter of the Town of Minturn, Colorado provides that compensation for the Mayor and Town Council members can neither be increased nor decreased during their term of office; and

WHEREAS, the regular municipal election is scheduled for April 2, 2024, and it is appropriate that compensation is established prior to newly elected officials taking office.

**NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO ORDAINS:**


Section 1. AMENDMENT. Section 2-2-30 of the Minturn Municipal Code is repealed and re-enacted as follows:

As prescribed in the Minturn Home Rule Charter, Section 4.5, beginning with the April 1, 2008 regular election, this Section sets the monthly compensation for any member of the Town Council or Mayor elected in the regular municipal election of ~~April 1, 2008~~ April 2, 2024, or elected or appointed thereafter. Councilmembers shall be compensated at the rate of four hundred dollars (\$400.00) per month plus two hundred (\$200.00) two hundred dollars (\$200.00) per month plus two hundred (\$100.00) for any additional posted meeting attended by him or her during his or her term of office. The Mayor shall be compensated at the rate of eight hundred Dollars (\$800.00) per month plus four hundred dollars (\$400.00) four hundred Dollars (\$400.00) per month plus two hundred dollars (\$200.00) for any additional posted meeting attended by him or her during his or her term of office.

Section 2. SEVERABILITY. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado, hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6<sup>TH</sup> DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20<sup>TH</sup> DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

  
\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20<sup>TH</sup> DAY OF DECEMBER, 2023.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earle Bidez, Mayor, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 14 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 18 OF THE MINTURN MUNICIPAL CODE TO AMEND THE 2021 INTERNATIONAL RESIDENTIAL CODE CONCERNING THE SPRINKLING OF RESIDENTIAL BUILDINGS UNDER 6000 SF

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 1st DAY OF NOVEMBER 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 15 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE FINAL DEVELOPMENT PLAN FOR PLANNED UNIT DEVELOPMENT FOR MINTURN NORTH

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 16 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE FINAL SUBDIVISION PLAT FOR THE UPRR SUBDIVISION

FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 17 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE FINAL SUBDIVISION PLAT FOR THE MINTURN NORTH PUD

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO**

**ORDINANCE NO. 18 - SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE DISSOLUTION OF THE TOWN OF MINTURN GENERAL IMPROVEMENT DISTRICT.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 19 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 11 OF THE MINTURN MUNICIPAL CODE TO AMEND THE PROHIBITION OF (SNOW) DEPOSITS ON PUBLIC WAYS

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**PUBLISHED IN THE VAIL DAILY ON SATURDAY,  
NOVEMBER 4, 2023.**

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 20 – SERIES 2023

AN ORDINANCE AMENDING THE 2023 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT "A", TO APPROPRIATE ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF \$309,472.00, AND APPROPRIATING A ADDITIONAL EXPENDITURES IN THE AMOUNT OF \$224,101.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND REVENUES IN THE AMOUNT OF \$356,000.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND EXPEN \$361,701.00, AND APPROPRIATING ADDITIONAL CONSERVATION TRUST FUND REVENUES IN THE AMOUNT OF \$5,400.00, AND APPROPRIATING ADDITIONAL MARKET FUND REVENUES IN THE AMOUNT OF \$4,000.00 MARKET FUND EXPENSES IN THE AMOUNT OF \$19,300.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND REVENUES IN THE AMOUNT OF \$7,500.00, AND APPROPRIATING ADDITIONAL SCHOLARSHIP FUND EX \$1,400.00, AND APPROPRIATING ADDITIONAL BATTLE MOUNTAIN FUND REVENUES IN THE AMOUNT OF \$4,500.00

**Section 10, Item A.**

ADDITIONAL

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 21 – SERIES 2023

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024, TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF MINTURN, COLORADO FOR THE 2024 BUDGET YEAR.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 22 – SERIES 2023

AN ORDINANCE ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX "A" OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2024

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 23 – SERIES 2023

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 24 - SERIES 2023

AN ORDINANCE AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 2-2-30 ESTABLISHING AND PROVIDING COMPENSATION FOR THE TOWN COUNCIL AND THE MAYOR OF THE TOWN OF MINTURN, COLORADO

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 25 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE SHORT TERM RENTAL LICENSE FEES

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 26 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE TO AMEND THE MINTURN MUNICIPAL CODE TO AMEND THE MUNICIPAL COURT COSTS

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 27 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE SPECIAL EVENT PERMIT APPLICATION FEE

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 28 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE CONTRACTOR LICENSE FEE AND PERIOD

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk



To: Mayor and Council  
From: Jay Brunvand  
Date: December 6, 2023  
Agenda Item: Ordinance 24 – Series 2023

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**REQUEST:**  
Council is asked to approve Ordinance 24 – Series 2023 on fIRST Reading.

**INTRODUCTION:**  
This is an annual Ordinance changing the pay structure for the Town Council and Mayor as previously discussed and directed.

**ANALYSIS:**  
As previously discussed, this ordinance sets the pay for Council and Mayor when such is requested to be adjusted. The Council/Mayor pay schedule has not been adjusted since 2008. This structure will go into effect for seats elected during the 4/2/24 election and thereafter. As each seat stands for election it will be increase to this structure.

**COMMUNITY INPUT:**  
As an Ordinance this will require a public hearing.

**BUDGET / STAFF IMPACT:**  
This affects the General Fund budget by increasing the payrates as laid forth in the Ordinance.

**STRATEGIC PLAN ALIGNMENT:**  
In accordance with Strategy #1 Practice fair, transparent, and communicative local government.

**RECOMMENDED ACTION OR PROPOSED MOTION:**  
Motion to approve Ordinance No. 24 – series 2023 (first reading) an Ordinance amending Chapter 2 of the Minturn Municipal Code by repealing and re-enacting section 2-2-30 establishing and providing compensation for the Town Council and the Mayor of the Town of Minturn, Colorado as presented.

**ATTACHMENTS:**

- Ordinance 24 – Series 2023





To: Mayor and Town Council  
 From: Michelle Metteer, Town Manager  
 Date: December 6, 2023  
 Agenda Item: Ordinance No. 25 - Series 2023, Approving an update to short term rental fees.  
 This is a Second Reading. No changes from first reading.

---

**REQUEST:**

Approve Ordinance No. 25 - Series 2023, approving an update to short term rental fees.

**INTRODUCTION:**

In 2017, the Minturn Town Council approved Ordinance 4 – Series 2017, establishing requirements for short term rental properties in Minturn. Short term rental properties now make up much of the visitor lodging in Minturn, and have a large impact on neighboring properties and the Town as a whole. Additionally, short term rental management was identified as a priority housing tool in the 2019 Minturn Housing Action Plan.

**ANALYSIS:**

The Town of Minturn implemented short term rental guidelines in 2017. At that time, a cap was set at 50 total properties, or 10% of Minturn’s total housing inventory. To date, we are at half that (25 properties, this fluctuates somewhat year to year). Pricing at that time was set at \$300 annually, and was a flat fee regardless of the size of the rental.

Due to neighborhood impact, staff time necessary to manage short term rentals, and in comparison with other area and other regional mountain communities, town staff are recommending that we move to a tiered fee system.

**COMMUNITY INPUT:**

Town staff have received input and feedback from the community since the implementation of short term rental guidelines in Minturn. That feedback has included concerns about neighborhood impact and the housing challenges that exist in our area.

**BUDGET / STAFF IMPACT:**

This change will create an estimated additional \$10,000 annually in short term rental fees.

**STRATEGIC PLAN ALIGNMENT:**

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

The Town will seek to make ethical, informed, **data-based decisions**. With a focus on the public process, the Town Council and staff are committed to serving Minturn with the honesty and integrity in all aspects of local government.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Ordinance No. 25 - Series 2023, approving an update to short term rental fees.

**ATTACHMENTS:**

- Ordinance No. 25 – Series 2023

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 25 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING  
CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE  
SHORT TERM RENTAL LICENSE FEES

**WHEREAS**, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

**WHEREAS**, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

**WHEREAS**, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

**WHEREAS**, Short Term Rentals make up much of the visitor lodging accommodation inventory in Minturn; and

**WHEREAS**, Ordinance No. 04 – Series 2017 the Town Council adopted regulations for Short Term Rentals; and

**WHEREAS**, Section 6-7-10 of the Minturn Municipal Code establishes Applicability and Purpose for Short Term Rental Regulations; and

**WHEREAS**, by Resolution No. 33-Series 2019, the Town Council adopted the Minturn Housing Action Plan; and

**WHEREAS**, Short Term Rental Management was identified as a priority housing tool within the Minturn Housing Action Plan.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 26 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through text~~. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**CHAPTER 6 – Business Licenses and Regulations**

**ARTICLE 7 – Short Term Rentals**

\* \* \*

**Sec. 6-7-30. – Amendments.**

Sec. 6-7-30. – License Application.

(d) Fee. In addition to any sales tax license, a fee of three hundred dollars (\$300.00) per bedroom/sleeping room shall be paid to the Town for any short-term rental license issued under this Article. ~~The three hundred dollar (\$300.00)~~ This fee shall be inclusive of any inspection fees applicable under this Code. If the short-term rental license is denied, the applicant shall be refunded the application ~~three hundred dollar (\$300.00)~~ fee minus all fees attributable to inspections.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6<sup>TH</sup> DAY OF DECEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20<sup>TH</sup> DAY OF DECEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO



Earle Bidez, Mayor

ATTEST:

By:  \_\_\_\_\_

Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20<sup>th</sup> DAY OF DECEMBER 2023.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_

Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_

Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 14 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 18 OF THE MINTURN MUNICIPAL CODE TO AMEND THE 2021 INTERNATIONAL RESIDENTIAL CODE CONCERNING THE SPRINKLING OF RESIDENTIAL BUILDINGS UNDER 6000 SF

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 1st DAY OF NOVEMBER 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 15 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE FINAL DEVELOPMENT PLAN FOR PLANNED UNIT DEVELOPMENT FOR MINTURN NORTH

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 16 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE FINAL SUBDIVISION PLAT FOR THE UPRR SUBDIVISION

FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 17 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE FINAL SUBDIVISION PLAT FOR THE MINTURN NORTH PUD

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO**

**ORDINANCE NO. 18 - SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO APPROVING THE DISSOLUTION OF THE TOWN OF MINTURN GENERAL IMPROVEMENT DISTRICT.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 19 – SERIES 2023**

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 11 OF THE MINTURN MUNICIPAL CODE TO AMEND THE PROHIBITION OF (SNOW) DEPOSITS ON PUBLIC WAYS

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1st DAY OF NOVEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 15th DAY OF NOVEMBER, 2023 AT 5:30p.m. AT THE MINTURN TOWN HALL, 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: Jay Brunvand, Town Clerk

**PUBLISHED IN THE VAIL DAILY ON SATURDAY,  
NOVEMBER 4, 2023.**



To: Mayor and Town Council  
From: Michelle Metteer, Town Manager  
Date: December 20, 2023  
Agenda Item: Ordinance No. 26 - Series 2023, Approving an update to court cost fees.  
This is a Second Reading. No changes from first reading.

---

**REQUEST:**

Approve Ordinance No. 26 - Series 2023, Approving an update to court cost fees.

**INTRODUCTION:**

Sec. 2-5-60. Of the Minturn Municipal Code establishes court cost fees for Municipal Court. This fee was previously changed from \$15 to \$25, but not corrected in the Town Code.

**ANALYSIS:**

Sec. 2-5-60. of the Minturn Municipal Code establishes court cost fees for Municipal Court. This fee was previously changed from \$15 to \$25, but not corrected in the Town Code.

Town Staff is recommending to make this correction within the Town Code, to clear up any confusion or discrepancies with regard to court cost fees.

**COMMUNITY INPUT: N/A**

**BUDGET / STAFF IMPACT:**

Budget and Staff impact should be minimal from a cost standpoint, though the benefits could help in both budgetary areas and staff resources. This correction will improve administrative management of municipal court fees.

**STRATEGIC PLAN ALIGNMENT:**

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

The Town will seek to make ethical, informed, **data-based decisions**. With a focus on the public process, the Town Council and staff are committed to serving Minturn with the honesty and integrity in all aspects of local government.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Ordinance No. 26 - Series 2023, Approving an update to court cost fees.

**ATTACHMENTS:**

- Ordinance No. 26 – Series 2023

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 26 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING  
CHAPTER 2 OF THE MINTURN MUNICIPAL CODE TO AMEND THE  
MUNICIPAL COURT COSTS

**WHEREAS**, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

**WHEREAS**, the Municipal Court in and for the Town, created by Section 6.1 of the Charter of the Town, is established as a qualified municipal court of record; and

**WHEREAS**, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

**WHEREAS**, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

**WHEREAS**, Section 2-5-20. of the Minturn Municipal Code provides the Town the authority to impose fines and penalties in accordance with Section 1-4-20.

**WHEREAS**, the Minturn Municipal Court has determined that the proposed amendments to Chapter 2 as provided herein are necessary and proper.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 2 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through text~~. Sections of Chapter 2 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**CHAPTER 2 – Administration**

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**ARTICLE 5 – Municipal Court**

\* \* \*


**Sec. 2-5-60. – Amendments.**

Sec. 2-5-60. – Court Costs.

(a) Plea entered at or subsequent to arraignment: The Municipal Judge shall assess court costs ~~in the amount of fifteen dollars (\$15.00)~~, in the amount of twenty-five dollars (\$25.00) plus 25% of the assessed fine which shall be assessed against all defendants upon entry of a conviction at or subsequent to arraignment, but the Municipal Judge may suspend the cost in the interest of justice. No cost shall be assessed when conviction is by a plea of guilty entered by mail pursuant to the penalty assessment procedures set forth in this Code.

**INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6<sup>TH</sup> DAY OF DECEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20<sup>TH</sup> DAY OF DECEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.**

**TOWN OF MINTURN, COLORADO**



**Earle Bidez, Mayor**

**ATTEST:**

By:  \_\_\_\_\_

**Jay Brunvand, Town Clerk**



**THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20<sup>th</sup> DAY OF DECEMBER 2023.**

**TOWN OF MINTURN, COLORADO**

\_\_\_\_\_

**Earle Bidez, Mayor**

**ATTEST:**

By: \_\_\_\_\_

**Jay Brunvand, Town Clerk**

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 20 – SERIES 2023

AN ORDINANCE AMENDING THE 2023 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT "A", TO APPROPRIATE ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF \$309,472.00, AND APPROPRIATING A ADDITIONAL EXPENDITURES IN THE AMOUNT OF \$224,101.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND REVENUES IN THE AMOUNT OF \$356,000.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND EXPEN \$361,701.00, AND APPROPRIATING ADDITIONAL CONSERVATION TRUST FUND REVENUES IN THE AMOUNT OF \$5,400.00, AND APPROPRIATING ADDITIONAL MARKET FUND REVENUES IN THE AMOUNT OF \$4,000.0 MARKET FUND EXPENSES IN THE AMOUNT OF \$19,300.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND REVENUES IN THE AMOUNT OF \$7,500.00, AND APPROPRIATING ADDITIONAL SCHOLARSHIP FUND EX \$1,400.00, AND APPROPRIATING ADDITIONAL BATTLE MOUNTAIN FUND REVENUES IN THE AMOUNT OF \$4,500.00

Section 10, Item C.

ADDITIONAL

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 21 – SERIES 2023

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024, TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF MINTURN, COLORADO FOR THE 2024 BUDGET YEAR.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 22 – SERIES 2023

AN ORDINANCE ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX "A" OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2024

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 23 – SERIES 2023

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 24 - SERIES 2023

AN ORDINANCE AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 2-2-30 ESTABLISHING AND PROVIDING COMPENSATION FOR THE TOWN COUNCIL AND THE MAYOR OF THE TOWN OF MINTURN, COLORADO

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 25 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE SHORT TERM RENTAL LICENSE FEES

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 26 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE TO AMEND THE MINTURN MUNICIPAL CODE TO AMEND THE MUNICIPAL COURT COSTS

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 27 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE SPECIAL EVENT PERMIT APPLICATION FEE

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 28 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE CONTRACTOR LICENSE FEE AND PERIOD

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk





To: Mayor and Town Council  
From: Michelle Metteer, Town Manager  
Date: December 20, 2023  
Agenda Item: Ordinance No. 27 - Series 2023, Approving an update to the special event permit fee.  
This is a Second Reading. No changes from first reading.

---

**REQUEST:**

Approve Ordinance No. 27 - Series 2023, Approving an update to the special event permit fee.

**INTRODUCTION:**

In 2012, Minturn Town Council approved Ordinance No. 09 – Series 2012, establishing requirements for special event permits and fees. The special event permit fees have not been adjusted since 2012.

**ANALYSIS:**

Sec. 6-3-100 (c) of the Minturn Municipal Code stipulates “If the application includes a request to use any Town property or any Town service in connection with the special event, then, before the permit is issued, the applicant shall pay to the Town any necessary charges, fees or deposits required by the Town in connection with the use of the requested Town property or the provision of the requested Town service.”

Town staff are recommending that the permit fee for special events on town property include the rental fee of said property, and be set accordingly.

**COMMUNITY INPUT: N/A**

**BUDGET / STAFF IMPACT: N/A**

**STRATEGIC PLAN ALIGNMENT:**

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

The Town will seek to make ethical, informed, **data-based decisions**. With a focus on the public process, the Town Council and staff are committed to serving Minturn with the honesty and integrity in all aspects of local government.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Ordinance No. 27 - Series 2023, approving an update to the special event permit fee.

**ATTACHMENTS:**

- Ordinance No. 27 – Series 2023

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 27 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING  
CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE  
SPECIAL EVENT PERMIT APPLICATION FEE

**WHEREAS**, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

**WHEREAS**, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

**WHEREAS**, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

**WHEREAS**, by Ordinance No. 09-Series 2012, the Town Council established requirements for Special Event Permits and Fees; and

**WHEREAS**, Sec. 6-3-100 (c) of the Minturn Municipal Code stipulates “If the application includes a request to use any Town property or any Town service in connection with the special event, then, before the permit is issued, the applicant shall pay to the Town any necessary charges, fees or deposits required by the Town in connection with the use of the requested Town property or the provision of the requested Town service.”

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 6 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through text~~. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**CHAPTER 6 – Business Licenses and Regulations**

\*\*\*

**ARTICLE 3 – Special Event Permits**

\* \* \*

**Sec. 6-3-100. – Amendments.**

Sec. 6-3-100. – Application Fee.


(a) An applicant shall pay to the Town a nonrefundable application fee when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. The amount of the application fee shall be ~~one hundred dollars (\$100.00)~~ and set by the Town Council as adopted in the Minturn Fee Schedule. ~~part of its annual budget process.~~ The application fee shall be doubled for applications received by the Town Administrator forty-four (44) days or less prior to the proposed special event.

(b) Application fees may be waived at the discretion of the Town Administrator for nonprofit, religious or school district organizations.

(c) If the application includes a request to use any Town property or any Town service in connection with the special event, then, before the permit is issued, the applicant shall pay to the Town any necessary charges, fees or deposits required by the Town in connection with the use of the requested Town property or the provision of the requested Town service.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6<sup>TH</sup> DAY OF DECEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20<sup>TH</sup> DAY OF DECEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

**TOWN OF MINTURN, COLORADO**

  
\_\_\_\_\_  
**Earle Bidez, Mayor**

ATTEST:

By:  \_\_\_\_\_

Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20<sup>th</sup> DAY OF DECEMBER 2023.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 20 – SERIES 2023

AN ORDINANCE AMENDING THE 2023 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT "A", TO APPROPRIATE ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF \$309,472.00, AND APPROPRIATING A ADDITIONAL EXPENDITURES IN THE AMOUNT OF \$224,101.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND REVENUES IN THE AMOUNT OF \$356,000.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND EXPEN \$361,701.00, AND APPROPRIATING ADDITIONAL CONSERVATION TRUST FUND REVENUES IN THE AMOUNT OF \$5,400.00, AND APPROPRIATING ADDITIONAL MARKET FUND REVENUES IN THE AMOUNT OF \$4,000.0 MARKET FUND EXPENSES IN THE AMOUNT OF \$19,300.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND REVENUES IN THE AMOUNT OF \$7,500.00, AND APPROPRIATING ADDITIONAL SCHOLARSHIP FUND EX \$1,400.00, AND APPROPRIATING ADDITIONAL BATTLE MOUNTAIN FUND REVENUES IN THE AMOUNT OF \$4,500.00

**Section 10, Item D.**

ADDITIONAL

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 21 – SERIES 2023

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024, TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF MINTURN, COLORADO FOR THE 2024 BUDGET YEAR.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 22 – SERIES 2023

AN ORDINANCE ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX "A" OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2024

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 23 – SERIES 2023

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 24 - SERIES 2023

AN ORDINANCE AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 2-2-30 ESTABLISHING AND PROVIDING COMPENSATION FOR THE TOWN COUNCIL AND THE MAYOR OF THE TOWN OF MINTURN, COLORADO

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 25 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE SHORT TERM RENTAL LICENSE FEES

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 26 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE TO AMEND THE MINTURN MUNICIPAL CODE TO AMEND THE MUNICIPAL COURT COSTS

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 27 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE SPECIAL EVENT PERMIT APPLICATION FEE

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 28 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE CONTRACTOR LICENSE FEE AND PERIOD

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

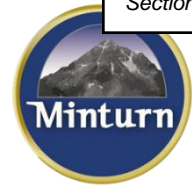
TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk



To: Mayor and Town Council  
 From: Michelle Metteer, Town Manager  
 Date: December 20, 2023  
 Agenda Item: Ordinance No. 28 - Series 2023, Approving an update to the Contractor License Duration Period and Fee. This is a Second Reading. No changes from first reading.

---

**REQUEST:**

Approve Ordinance No. 28 - Series 2023, Approving an update to the Contractor License Duration Period and Fee.

**INTRODUCTION:**

In 2014, the Minturn Town Council approved Ordinance 03 – Series 2014, establishing requirements for contractors operating in Minturn. Originally, the fee was set at \$240 and the license period was for (3) three years.

**ANALYSIS:**

Objective 8.4 of the 2023 Minturn Community Plan, stipulates that the Town regularly evaluates internal processes to improve operations and efficiency. Town staff have determined that the three year license period is both unnecessary and incompatible with other Town licensing processes. Staff recommends the license period be changed to annual.

**COMMUNITY INPUT: N/A**

**BUDGET / STAFF IMPACT:**

Budget and Staff impact should be minimal from a cost standpoint, though the benefits could help in both budgetary areas and staff resources. This change will improve administrative management of contractor licenses.

**STRATEGIC PLAN ALIGNMENT:**

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT**

The Town will seek to make ethical, informed, **data-based decisions**. With a focus on the public process, the Town Council and staff are committed to serving Minturn with the honesty and integrity in all aspects of local government.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Ordinance No. 28 - Series 2023, Approving an update to the contractor license duration period and fee.

**ATTACHMENTS:**

- Ordinance No. 28 – Series 2023

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 28 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING  
CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE  
CONTRACTOR LICENSE FEE AND PERIOD

**WHEREAS**, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

**WHEREAS**, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

**WHEREAS**, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

**WHEREAS**, by Ordinance No. 03-Series 2014, the Town Council established requirements for Contractor Registration; and

**WHEREAS**, Chapter 8, Objective 8.4 of the 2023 Minturn Community Plan, stipulates that the Town regularly evaluates internal processes to improve operations and efficiency.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 6 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through text~~. Sections of Chapter 6 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

**CHAPTER 6 – Business Licenses and Regulations**

\*\*\*

**ARTICLE 4 – Contractor Registration**

\* \* \*

**Sec. 6-4-40. – Amendments.**

Sec. 6-4-40. – Fee Schedule.

~~The registration fees applicable to the registrations enumerated in this Article shall be two hundred forty dollars (\$240.00) for the 2014 registration cycle. Thereafter, the amount of the registration shall be fixed by the Town Council as part of its annual budget process.~~


The registration fee shall be \$100 annually beginning with the 2024 registration cycle. Thereafter, the amount of the registration fee shall be fixed by the Town Council as part of the Minturn Fee Schedule.

Sec. 6-4-50. - Period of validity.

The registration of a contractor shall be valid for one (1) year ~~three (3) years~~.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6<sup>TH</sup> DAY OF DECEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20<sup>TH</sup> DAY OF DECEMBER 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

  
\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 20<sup>th</sup> DAY OF DECEMBER 2023.

TOWN OF MINTURN, COLORADO

\_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

By: \_\_\_\_\_  
Jay Brunvand, Town Clerk



TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 20 – SERIES 2023

AN ORDINANCE AMENDING THE 2023 BUDGET AS SET FORTH IN THE FOLLOWING EXHIBIT "A", TO APPROPRIATE ADDITIONAL GENERAL FUND REVENUES IN THE AMOUNT OF \$309,472.00, AND APPROPRIATING A ADDITIONAL EXPENDITURES IN THE AMOUNT OF \$224,101.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND REVENUES IN THE AMOUNT OF \$356,000.00, AND APPROPRIATING ADDITIONAL ENTERPRISE FUND EXPEN \$361,701.00, AND APPROPRIATING ADDITIONAL CONSERVATION TRUST FUND REVENUES IN THE AMOUNT OF \$5,400.00, AND APPROPRIATING ADDITIONAL MARKET FUND REVENUES IN THE AMOUNT OF \$4,000.00 MARKET FUND EXPENSES IN THE AMOUNT OF \$19,300.00, AND APPROPRIATING ADDITIONAL CAPITAL FUND REVENUES IN THE AMOUNT OF \$7,500.00, AND APPROPRIATING ADDITIONAL SCHOLARSHIP FUND EX \$1,400.00, AND APPROPRIATING ADDITIONAL BATTLE MOUNTAIN FUND REVENUES IN THE AMOUNT OF \$4,500.00

**Section 10, Item E.**

ADDITIONAL

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 21 – SERIES 2023

AN ORDINANCE LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2024, TO MEET GENERAL OPERATING COSTS OF GOVERNMENT FOR THE TOWN OF MINTURN, COLORADO FOR THE 2024 BUDGET YEAR.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 22 – SERIES 2023

AN ORDINANCE ANNUALLY SETTING, AMENDING AND APPROVING TOWN FEES AS SET FORTH IN THE FOLLOWING ATTACHMENT TO BE INCLUDED IN APPENDIX "A" OF THE MINTURN MUNICIPAL CODE FOR THE TOWN OF MINTURN, COLORADO FEES COMMENCING JANUARY 1, 2024

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 23 – SERIES 2023

AN ORDINANCE APPROPRIATING REVENUES, APPROPRIATING EXPENDITURES, APPROVING TRANSFERS AND ADOPTING THE TOWN OF MINTURN BUDGET FOR THE PERIOD BEGINNING ON THE FIRST DAY OF JANUARY, 2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024.

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF DECEMBER, 2023.

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 24 - SERIES 2023

AN ORDINANCE AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 2-2-30 ESTABLISHING AND PROVIDING COMPENSATION FOR THE TOWN COUNCIL AND THE MAYOR OF THE TOWN OF MINTURN, COLORADO

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 25 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE SHORT TERM RENTAL LICENSE FEES

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 26 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 2 OF THE MINTURN MUNICIPAL CODE TO AMEND THE MINTURN MUNICIPAL CODE TO AMEND THE MUNICIPAL COURT COSTS

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 27 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE SPECIAL EVENT PERMIT APPLICATION FEE

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk

TOWN OF MINTURN, COLORADO  
ORDINANCE NO. 28 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER 6 OF THE MINTURN MUNICIPAL CODE TO AMEND THE CONTRACTOR LICENSE FEE AND PERIOD

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED BY IN FULL ON THE OFFICIAL TOWN WEB SITE THE 6TH DAY OF DECEMBER, 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 20TH DAY OF DECEMBER, 2023 AT 5:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By:

Jay Brunvand, Town Clerk



To: Mayor and Council  
From: Jay Brunvand  
Date: December 20, 2023  
Agenda Item: Resolution 34 – Series 2023 Approval of the Eagle County Emergency Operations Plan and Evacuation plan

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**REQUEST:**

Staff is requesting Council to review and approve Resolution 34 – Series 2023 Approval of the Eagle County Emergency Operations Plan and Evacuation Plan (ECEOP).

**INTRODUCTION:**

Eagle County in cooperation with Eagle County towns, municipalities, and special districts has developed a county wide emergency operations plan and evacuation plan. The ECEOP is an all-discipline, all-hazards plan that establishes a single, comprehensive frame work for the management of domestic incidents. It provides the structure and mechanisms for the coordination of local support as well as coordination with state and federal agencies.

**ANALYSIS:**

These combined plans are considered effective for two years upon adoption. Once adopted, this Emergency Operations Plan will be distributed to all public safety agencies and state, federal, and local governments that operate within Eagle County. The EOP will also be available to the public and area agencies responsible for developing and maintaining up-to-date internal standard operating procedures, training and exercise plans in order to support the overall Emergency Operations Plan.

**COMMUNITY INPUT:**

Not Applicable

**BUDGET / STAFF IMPACT:**

Not Applicable

**STRATEGIC PLAN ALIGNMENT:**

In accordance with Strategy #4 the Town will advance decisions/projects/initiatives that expand future opportunity and viability for Minturn.

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Motion to approve Resolution 34 – Series 2023 a Resolution approving and adopting the 2023-25 Eagle County Emergency Operations Plan and Evacuation Plan for the Town of Minturn, Colorado

**ATTACHMENTS:**

- Resolution 34 – Series 2023
- 2023-25 Eagle County Emergency Operations Plan
- 2023-25 Evacuation Plan

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 34 – SERIES 2023**

**A RESOLUTION APPROVING AND ADOPTING THE 2023-2025 EAGLE COUNTY EMERGENCY OPERATIONS PLAN AND EVACUATION PLAN FOR THE TOWN OF MINTURN, COLORADO**

**WHEREAS**, The Town of Minturn, in the County of Eagle and the State of Colorado is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the Town Charter; and

**WHEREAS**, The Town of Minturn has partnered with the municipalities, jurisdictions, and special districts within Eagle County to develop the Eagle County Emergency Operations Plan and Evacuation Plan; and, housing plan; and

**WHEREAS**, These plans presented as Exhibit A and Exhibit B as attached establish a comprehensive, county-wide, all hazards approach to incident management across a spectrum of mission areas including prevention, protection, mitigation, and recovery; and,

**WHEREAS**, The Town of Minturn 2023-2025 Strategic Plan as adopted identifies the need to advance decisions, projects, and initiatives that expand future opportunity and viability for Minturn.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE 2023-2025 EAGLE COUNTY EMERGENCY OPERATIONS PLAN AND EVACUATION PLAN IS HEREBY APPROVED AND ADOPTED.**

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 20<sup>th</sup> day of December, 2023.**

TOWN OF MINTURN

By: \_\_\_\_\_  
Earle Bidez, Mayor

ATTEST:

\_\_\_\_\_  
Jay Brunvand, Town Clerk



**2023-2025  
Eagle County Emergency  
Operations Plan**

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In cooperation with:  
Towns, municipalities, jurisdictions, and special districts within Eagle County  
Plan is posted on Eagle County website at [www.eaglecounty.us](http://www.eaglecounty.us)

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## ORGANIZATION, PROMULGATION, AND ADOPTION

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### PLAN ORGANIZATION AND CONTENT

The Emergency Operations Plan (EOP) is consistent with the accepted standards and principles of the National Incident Management System (NIMS) as mandated by Homeland Security Presidential Directive #5, as well as Presidential Policy Directive #8. The use of NIMS ensures that Eagle County's response and recovery efforts are aligned with the nationally accepted emergency management system for addressing all types of hazards and for integrating multiple agencies, jurisdictions, and disciplines into a coordinated response effort.

This document utilizes the all-hazards preparedness and planning approach, which is consistent with federal guidelines including NIMS and the National Response Framework (NRF). As such, the EOP recognizes that while all disaster situations are unique, key response and recovery activities and planning elements are consistent.

This plan is organized as follows:

#### **BASE PLAN:**

Describes the structure and processes comprising a countywide approach to incident management designed to integrate the efforts and resources of local government, private-sector, and non-governmental organizations. The Base Plan includes planning assumptions, roles and responsibilities, policies, initial actions, and plan maintenance instructions.

#### **EMERGENCY SUPPORT FUNCTION (ESF) ANNEXES:**

Emergency Support Functions (ESFs) provide the structure for coordinating the many government and private-sector partners that work together as part of Eagle County's unified emergency response. The ESF Annexes to the Emergency Operations Plan contain details on the missions, policies, structures, and responsibilities of local agencies for coordinating resource and programmatic assistance in support of local communities. ESF Lead agencies may identify other planning efforts or procedures that assist in the execution of each function. ESF Annexes are considered adopted by reference as they are signed as part of Eagle County's comprehensive Emergency Operations Plan. This section may be updated more frequently than the rest of the Emergency Operations Plan to reflect changes in best practices and operating procedures. As part of the EOP, ESF Annexes are planning documents, not procedural documents, and are available for public review.

#### **SUPPORTING DOCUMENTS, INCIDENT, AND EVENT ANNEXES:**

Additional Annexes to the Emergency Operations Plan are supplemental documents that support emergency planning efforts. Annexes may contain definitions, sample or actual contracts and agreements, and hazard-specific plans for incidents and/or events that are likely to occur in Eagle County, Colorado. These Annexes and plans are considered adopted by reference as they are signed as part of Eagle County's comprehensive Emergency Operations Plan. This section may be updated more frequently than the rest of the Emergency Operations Plan to reflect changes in best practices and operating procedures. As part of the EOP, Supporting Documents, Incident, and Event Annexes are available for public review.



## ADOPTION & PROMULGATION

The Eagle County Emergency Operations Plan is an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents. It provides the structure and mechanisms for the coordination of local support as well as coordination with state and federal agencies. The Eagle County Emergency Operations Plan is important to the mission of reducing the vulnerability to all natural and human caused hazards, minimizing the damage, and assisting in the recovery from any type of incident that occurs.

This Emergency Operations Plan will be formally adopted by the Eagle County Board of County Commissioners by Resolution and filed with the Eagle County Department of Emergency Management and the Colorado Division of Homeland Security and Emergency Management. This plan is considered effective for two (2) years upon adoption by the Board of County Commissioners. Planning and coordination processes for the regular update and adoption of the Emergency Operations Plan are overseen by the Eagle County Emergency Manager. All changes to the Emergency Operations Plan between adoption periods shall be approved by the Eagle County Emergency Manager and noted in the [Record of Changes](#) document as a continuous record from previous versions.

Once adopted, this Emergency Operations Plan will be distributed to all public safety agencies and state, federal, and local governments that operate within Eagle County. The EOP will also be available to the public. Departments, agencies, organizations and offices of elected officials in Eagle County are responsible for developing and maintaining up-to-date internal standard operating procedures, training and exercise plans in order to support the overall Emergency Operations Plan.

## DELEGATION OF AUTHORITY

This document supersedes all previous versions of the Eagle County Emergency Operation Plan.

The transfer of management authority for actions during an incident is done through the execution of a written delegation of authority from an agency to the Incident Commander. This procedure facilitates the transition between incident management levels. The delegation of authority is a part of the briefing package provided to an incoming incident management team. It should contain both the delegation of authority and specific limitations to that authority.

The Eagle County Emergency Operations Plan delegates the Board of County Commissioners' authority to specific individuals. Unless otherwise noted, the chain of succession in a major emergency or disaster is as follows:

- County Manager
- Deputy County Manager(s)

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## PURPOSE, SCOPE, & PLANNING PRINCIPLES

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### PURPOSE

The purpose of the Eagle County Emergency Operations Plan (EOP) and its Annexes is to establish a comprehensive, countywide, all hazards approach to incident management across a spectrum of mission areas including prevention, protection, mitigation, response, and recovery.

The Eagle County EOP incorporates best practices and procedures from various incident management disciplines—homeland security, emergency management, law enforcement, firefighting, hazardous materials response, public works, public health, emergency medical services, and responder and recovery worker health and safety—and integrates them into a unified coordinating structure.

The Eagle County EOP and its Annexes provide the framework for interaction with local, private sector, and nongovernmental organizations. The EOP describes capabilities and resources and establishes responsibilities and operational processes for coordinating response activities, sharing incident information with response partners and the public, alert and notification, and mobilization of resources during an incident response.

### SCOPE

The Eagle County Emergency Operations Plan recognizes and incorporates the various jurisdictional and functional authorities of local agencies, private-sector organizations, and nongovernmental organizations. This plan is applicable to all agencies and organizations that may be requested to provide assistance or conduct operations in the context of actual or potential incidents within the county.

The Eagle County Emergency Operations Plan addresses the full spectrum of activities related to incident management. This plan focuses on those activities that are directly related to an evolving incident or potential incident.

As a high-level strategic document, the Emergency Operations Plan complements and integrates with other emergency plans including tactical response plans, jurisdiction emergency operations plans, continuity of operations and continuity of government plans, the countywide Hazard Mitigation Plan, and other prevention, protection, mitigation, response, and recovery systems within Eagle County.

Unless specified otherwise, the Eagle County Emergency Operations Plan recognizes and incorporates all jurisdictions, sub-jurisdictions, and private lands within the borders of Eagle County, Colorado. This includes (but is not limited to):

- **County Government:** Eagle County Government
- **Municipalities:** Vail, Minturn, Red Cliff, Avon, Eagle, Gypsum, Basalt
- **Fire Districts and Coverage Areas:** Vail Fire and Emergency Services, Eagle River Fire Protection District, Greater Eagle Fire Protection District, Gypsum Fire Protection District, Eagle County Airport Rescue and Fire Fighting, Rock Creek Volunteer Fire, Roaring Fork Fire & Rescue Authority

- 
- **Law Enforcement Coverage Areas:** Eagle County Sheriff's Office, Vail Police Department, Avon Police Department, Eagle Police Department, Basalt Police Department, Colorado State Patrol
  - **Emergency Medical Services Districts and Coverage Areas:** Eagle County Paramedic Services, Roaring Fork Fire & Rescue Authority
  - **911 Public Safety Answering Points:** Vail Public Safety Communications, Pitkin Dispatch
  - **Federal Lands:** White River National Forest Eagle-Holy Cross Ranger District, White River National Forest Aspen-Sopris Ranger District, Bureau of Land Management Upper Colorado River District, Bureau of Land Management Northwest District
  - **State Lands:** Colorado Parks & Wildlife Areas 8 & 9, Sylvan Lake State Park
  - **School Districts:** Eagle County School District, Roaring Fork School District
  - **Other Special Districts:** Metro Districts, Water and Sanitation Districts, Library Districts, Recreation Districts, Cemetery Districts
  - Unincorporated areas, census-designated places, and private lands within Eagle County

## STRATEGIC, OPERATIONAL, AND TACTICAL PLANNING

There are three tiers of planning: Strategic Planning, Operational Planning, and Tactical Planning. The Emergency Operations Plan is largely a Strategic and Operational planning document, but it is important to understand how the three tiers of planning complement each other to create an effective response.

- **Strategic Planning:** Outlines the intent of leaders and policy makers, provides high-level guidance and authority for the response, and sets the context and expectations for operational planning.
- **Operational Planning:** Provides the tasks and resources needed to execute the strategy.
- **Tactical Planning** directs personnel, equipment, and resources on an incident scene in order to complete the operational tasks within a given time frame. All three tiers of planning occur at all levels of government.



## PLANNING ASSUMPTIONS AND CONSIDERATIONS

The Eagle County Emergency Operations Plan was developed with the following planning assumptions and considerations:

- Incidents are typically managed at the lowest possible geographic, organizational, and jurisdictional level.
- Incident management activities will be initiated and conducted using the principles contained in the National Incident Management System.
- The combined expertise and capabilities of government at all levels, the private sector, and nongovernmental organizations will be required to prevent, protect, mitigate, respond to, and recover from incidents or disasters.
- Incidents or disasters may:

- Occur at any time with little or no warning in the context of a general or specific threat or hazard.
- Require significant information sharing across multiple jurisdictions and between public and private sectors.
- Span the spectrum of incident management to include prevention, protection, mitigation, response, and recovery.
- Involved multiple, highly varied hazards or threats on a local, regional, or national scale.
- Result in numerous casualties; fatalities; displaced people; property loss; disruption of normal life support systems, essential public services, and basic infrastructure; and significant damage to the environment.
- Impact critical infrastructure across sectors.
- Overwhelm capabilities of local governments and private sector infrastructure owners and operators.
- Attract a sizable influx of independent, spontaneous volunteers and supplies.
- Require prolonged, sustained incident management operations and support activities.
- Top priorities for incident management are to
  - Save lives and protect the health and safety of responders, recovery workers and the public.
  - Prevent an imminent incident, including acts of terrorism from occurring.
  - Protect and restore critical infrastructure and key resources.
  - Conduct law enforcement investigations to resolve the incident, apprehend the perpetrators, and collect and preserve evidence for prosecution.
  - Protect property and mitigate damages and impacts to individuals, communities, and the environment.
  - Facilitate recovery of individuals, families, businesses, governments, and the environment.
- Departments and agencies at all levels of government and certain nongovernmental organizations may be required to deploy to incidents or disasters on short notice to provide timely and effective mutual aid and/or intergovernmental assistance.
- For incidents where a Presidential Disaster Declaration is in place, state and federal support is delivered in accordance with relevant provisions of the Stafford Act.

## PLAN MAINTENANCE

This Eagle County EOP supersedes all previous editions and is effective immediately for planning, training and exercising, preparedness, and response operations.

The Eagle County EOP will be presented to the Eagle County Board of County Commissioners for adoption by Resolution every two (2) years. The adopted EOP and Resolution will be filed with the Eagle County Department of Emergency Management and the Colorado Division of Homeland Security and Emergency Management.

Planning and coordination processes for the maintenance, training, and regular update of the Emergency Operations Plan are overseen by the Eagle County Emergency Manager. All responsible parties shall review the Eagle County EOP and Annexes annually. All changes, revisions, and/or updates to the Plan its annexes and appendices shall be forwarded to Eagle County Emergency Management for review, publication, and distribution to all holders of the Plan. If no changes, revisions, and/or up-dates are required, Eagle County Emergency Management shall be notified in writing by agency leads that respective annexes and supporting plans have been reviewed and are considered valid and current.

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## SITUATION OVERVIEW

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### EAGLE COUNTY, COLORADO

Eagle County has a total population of 54,960 (2020). Its major transportation route is I70 which extends East/West with 60 miles of road across the county. Eagle County borders Summit, Grand, Routt, Lake, Pitkin, and Garfield County.

Eagle County comprises a land area of 1,701 square miles or 1,088,485 acres with elevations ranging from about 6,000 feet to more than 14,000 feet above sea level. More than 82% of Eagle County's land is public, including National Forests, wilderness areas, U.S. Bureau of Land Management (BLM) properties, and state and local public lands. Within the county, the U.S. Forest Service manages 595,860 acres of the White River National Forest, and the Bureau of Land Management manages 247,751 acres of land. Along the northeast boundary is the Eagle's Nest Wilderness Area, in the southeast quadrant is the Holy Cross Wilderness Area, and a small piece of Flat Tops Wilderness Area is in the northwest corner. These wilderness areas all belong to the White River National Forest. There are several State Wildlife and Resource Management Areas and also Sylvan Lake State Park. The Continental Divide runs along a portion of the southern boundary, and the Colorado Trail (a non-motorized use trail) crosses the southeast corner of the county. Eagle County is predominantly situated in the Eagle and Colorado River Valleys with the Town of Basalt and El Jebel area located in the Roaring Fork River Valley.

The responsibility for Eagle County's public safety systems is shared across multiple jurisdictions and response agencies. Eagle County is served by seven distinct fire districts and coverage areas, five law enforcement agencies, two emergency medical services districts, and two 911 public safety answering points. Eagle County Government, seven municipalities, federal land partners, state parks, and interstate highway authorities also provide support for Eagle County's public safety systems. More details are available in the [Annex: Public Safety Districts and Coverage Areas](#).

### HAZARD IDENTIFICATION AND RISK ASSESSMENT

Eagle County's complete Hazard Identification and Risk Assessment is detailed in the [Eagle County Hazard Mitigation Plan](#) for Eagle County Government and all participating jurisdictions and public safety agencies. Eagle County is vulnerable to a wide variety of natural and manmade hazards that threaten life and property. Damage to critical facilities and disruption of vital services caused by natural hazards can have a significant impact on our communities. Furthermore, recent local and national events establish that risks exist from human-caused hazards ranging from accidents to domestic and international terrorism.

The Hazard Mitigation Plan includes full profiles of the following hazards:

- Wildfire
- Floods
- Severe Winter Weather
- Landslides
- Avalanche
- Drought

- Lightning
- Severe Wind

At the regional level, the Northwest All Hazards Emergency Management Region (comprised of Eagle, Summit, Pitkin, Routt, Grand, Jackson, Moffatt, Rio Blanco, Garfield, and Mesa Counties) also conducts a regional Threat and Hazard Identification and Risk Assessment (THIRA) in accordance with the Department of Homeland Security's THIRA Comprehensive Preparedness Guide 201. The THIRA process helps communities identify capability targets and resource requirements necessary to address anticipated and unanticipated risks. The THIRA process is updated independently from the Emergency Operations Plan at the regional level and is For Official Use Only. Public safety partners with a need-to-know can access the full THIRA by contacting the Eagle County Emergency Manager.

## MITIGATION OVERVIEW

Mitigation actions are efforts that reduce the likelihood and/or consequences of natural and manmade hazards. Eagle County's mitigation strategies, projects, processes, progress, and future efforts are detailed in the [Eagle County Hazard Mitigation Plan](#). County planning documents are also available for more information on mitigation projects. The Disaster Mitigation Act of 2000, 44 CFR; 201.6, provides grants for implementation of both pre- and post- disaster mitigation projects through the FEMA Hazards Mitigation Grant Program (HMGP). This section is specifically detailed in the Eagle County Hazard Mitigation Plan.

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## CONCEPT OF OPERATIONS

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This section describes the local coordinating structures, processes, and protocols employed to manage incidents or disasters in Eagle County. These coordinating structures and processes are designed to enable execution of the responsibilities of each jurisdiction having authority and to integrate local, Non-Governmental Organizations, and private sector efforts into a comprehensive approach to incident management.

A basic premise of the Eagle County Emergency Operations Plan is that incidents are generally handled at the lowest jurisdictional level possible. Police, fire, emergency medical services, and other first responders are responsible for incident management and coordination at the local level. In the vast majority of incidents, local resources and regional mutual aid resources provide the first line of emergency response and incident management support.

When a local jurisdiction requires assistance with providing logistical support for an incident or when several local jurisdictions are experiencing simultaneous incidents requiring similar resources, the Eagle County Emergency Operations Center (EOC) may be activated through the County Emergency Management Director or designee in accordance with the [Annex: EOC Activation Procedures](#) to coordinate efforts and provide appropriate support to the incident command structure.

The framework created by these coordinating structures is designed to accommodate the various roles local government plays during an incident, whether it is support to local agencies, or direct implementation of the Eagle County incident management authorities and responsibilities under state and federal law.

### NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) FRAMEWORK

The structure for coordination outlined in the Eagle County Emergency Operations Plan is based on National Incident Command System:

#### NIMS GUIDING PRINCIPLES:

- **Management by Objectives**  
The Incident Commander and EOC Manager establish objectives that drive all incident and EOC operations, respectively.
- **Scalable, Flexible, & Adaptable Modular Organization**  
ICS and EOC structures develop in a modular fashion based on an incident's size, complexity, and hazard environment. Responsibility for establishing ICS and EOC teams rests with the Incident Commander and EOC Manager. Responsibility for functions that subordinates perform defaults to the next higher supervisory position until the supervisor delegates those responsibilities.

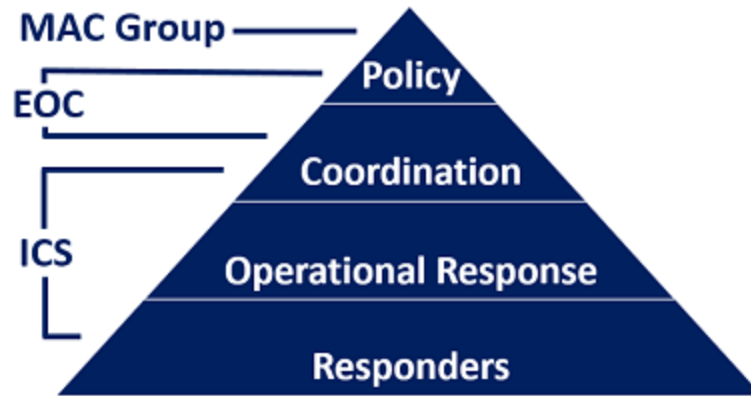


- **Position-Specific Leadership**  
An individual's roles and responsibilities during an incident are defined by their position within the ICS or EOC structure and not their day-to-day role within the organization.
- **Chain of Command and Unity of Command**  
Each individual involved in an incident reports to and takes direction from only one person.
- **Manageable Span of Control**  
Maintaining an appropriate span of control helps ensure an effective and efficient incident management operation. The optimal span of control for incident management is one supervisor to five subordinates.
- **Whole Community**  
Enabling the participation of a wide range of players from the private sector, nonprofit sector, and the community to foster better coordination and working relationships.

#### COORDINATION STRUCTURES:

- **Incident Command/Unified Command on-scene:**  
Maintains authority, responsibility, and accountability for its personnel and other resources while managing and directing incident activities through the establishment of a common set of incident objectives, strategies, and a single Incident Action Plan. Incident Command typically operates out of an Incident Command Post on scene. Supported by the Emergency Operations Center and Policy Group.
- **Emergency Operations Center (EOC) Support and Coordination**  
Supports Incident Command in accomplishing its objectives and identifies and coordinates any response and recovery needs that go beyond the scope or capabilities of Incident Command. The term "EOC" may refer to the coordination system or the physical location where this coordination takes place. The EOC is typically activated to support when:
  - Local response capacity is insufficient (resources support)
  - Extensive cross-agency or cross-jurisdiction needs (coordination support)
  - High cost to partners or residents (financial/recovery support)
  - High level of public attention (communications support)
- **Policy Group/Multi-Agency Coordination (MAC) Group**  
Consists of agency administrators or executives from organizations or their designees. MAC Groups provide policy guidance to incident personnel, support resource prioritization and allocation, and enable decision making among elected and appointed officials and senior executives in other organizations as well as those directly responsible for incident management.
- **Eagle County Joint Information Center (JIC)**  
Serves as a focal point for the unified coordination and dissemination of information to the public and media during incident operations. The JIC staff develops, coordinates, and disseminates unified news releases alongside access and functional needs coordinator and an interpreter as needed. Public information and news releases are cleared through Incident Command and/or the EOC to ensure consistent messages, avoid release of conflicting information, and prevent negative impact on operations. This formal approval process ensures protection of law

enforcement sensitive information. Agencies may issue their own news releases related to their policies, procedures, and capabilities, however, these should be coordinated with the JIC.



### EMERGENCY MANAGEMENT MISSION AREAS

Eagle County Emergency Management supports public safety partners with pre-disaster operations, emergency response operations, and post-disaster recovery operations as outlined by the five Mission Areas:

- **Prevention**  
Actions that prevent, stop, or reduce the likelihood of a manmade or natural hazard occurrence
- **Protection**  
Actions that protect our citizens, residents, visitors, infrastructure, and assets against the greatest threats and hazards
- **Mitigation**  
Actions that reduce loss of life and damage to property by lessening the impacts of future disasters
- **Response**  
Actions that support an effective emergency response to quickly save lives, protect property and the environment, and meet basic human needs
- **Recovery**  
Actions that support the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic and environmental fabric of communities affected by a catastrophic incident

### ROLE CLARIFICATION

#### First Responders

Police, fire, public health and medical, emergency management, public works, hazardous materials response, and other personnel are often the first to arrive and the last to leave an incident site. When local

resources and capabilities are overwhelmed, the local Chief Executive Officer or their designee may request assistance from additional districts, municipalities, or Eagle County.

### **Chief Elected/Appointed Officials**

The highest-level elected or appointed leaders of public safety organizations and local government structures are ultimately responsible for the public safety and welfare of the people in the jurisdiction they serve. Typically the Chief Elected or Appointed Official for an organization or government would be an Elected Leader, Chief, Mayor, Chair of the Board, and/or an organization's Chief Executive Officer or designee. Responsibilities of the Local Chief Elected/Appointed Official include:

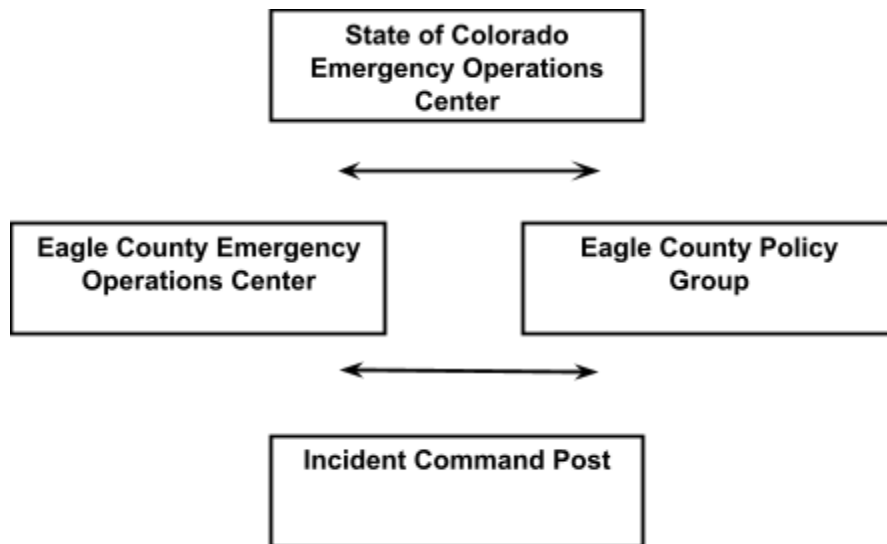
- Providing policy direction and authority for emergency response activities within their jurisdiction
- Top-level responsibility for addressing the full spectrum of actions to prevent, protect, mitigate, respond to, and recover from incidents involving all natural and manmade hazards.
- Depending upon state and local law, the Chief Elected/Appointed Official may have extraordinary powers to suspend local laws and ordinances, such as to establish a curfew, direct evacuations, and, in accordance with the local health authority, to order quarantine.
- Playing a key role in communicating with the public and organization staff, and in helping people, businesses, and organizations cope with the consequences of any type of domestic incident within the jurisdiction.
- Negotiating and entering into mutual aid agreements and financial agreements with other jurisdictions to facilitate resource sharing.
- Requesting assistance through the appropriate channels when the jurisdiction's capabilities have been exceeded or exhausted

## **DIRECTION, CONTROL, AND COORDINATION**

The responsibility for the management of an emergency rests with the elected and appointed leadership of each jurisdiction, special district, and public safety authority. The response to an emergency in Eagle County will be made at the lowest governmental level that will ensure operational effectiveness. Each jurisdictional agency is responsible for approving and managing the use of their own resources for emergency purposes and establishing a line of succession for authorizing funds and other emergency resources.

When incident needs are beyond the scope or capabilities of Incident Command, the overall authority to offer support and coordination to each jurisdictional agency in an emergency rests with the Eagle County Emergency Manager, the Emergency Operations Center, and the Emergency Support Function Leads.

When response and recovery needs exceed the capabilities of Eagle County, the Eagle County EOC is the conduit to the State of Colorado Emergency Operations Center (SEOC) for resource assistance and other state and federal support. Communication and information sharing between the Eagle County EOC and the State EOC is typically carried out between the County Emergency Manager or EOC Manager on behalf of the county and the Regional Field Manager on behalf of the Colorado Division of Homeland Security and Emergency Management.



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## DISASTER AND EMERGENCY DECLARATIONS

A Disaster/Emergency Declaration is an administrative tool used by local governments and special districts to signal to its constituents and other governments that an emergency exceeds or has the potential to exceed local capacity. Disaster/Emergency Declarations may be used to authorize emergency spending, enable emergency authorities, suspend laws and policies that inhibit an effective response, encourage prioritization of resource requests, and open channels for state and federal resource and financial support.

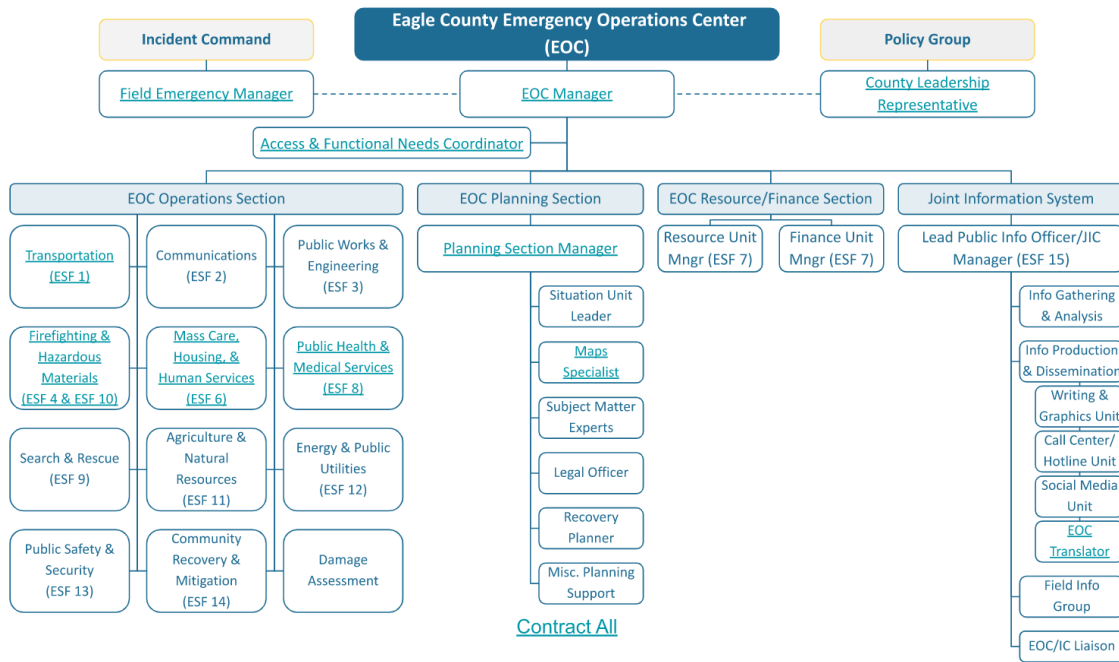
A local municipality or special district may declare a local disaster or an emergency by notifying the Eagle County Emergency Manager and the Eagle County Board of County Commissioners (BoCC) or County Manager.

Eagle County may also issue a Disaster Emergency Declaration at the county level when an incident or potential incident is of such severity, magnitude, and/or complexity that it is considered a disaster. At the request of the county, the State of Colorado may also issue a State Declaration of Disaster/Emergency and will serve as the channel to the federal government should thresholds be met to request a Presidential Disaster Declaration in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In the context of Presidentially Declared Disasters, the U.S. Department of Homeland Security coordinates supplemental federal assistance when the consequences of the incident exceed local and state capabilities.

Refer to the [Annex: Disaster/Emergency Declaration Procedures](#) for details on Eagle County's Disaster/emergency Declaration Process.

## EOC STRUCTURE & ORGANIZATION

Emergency Operations Center (EOC) support for incident command is facilitated through Emergency Support Functions (ESFs). Emergency Support Functions and other roles in the EOC organizational structure are activated based on the needs of incident command and the impacts to the community.



## EOC ACTIVATION

The Public Safety Answering Point (911 Dispatch) notifies Emergency Management of complex incidents and events with the potential to expand. Following notification, the Eagle County Emergency Operations Center is activated by the Eagle County Emergency Manager at the request of the Incident Commander to coordinate response and recovery needs that go beyond the scope or capabilities of Incident Command. The positions within the EOC are activated individually by the EOC Manager depending on the needs of the response. The size and scope of the EOC is flexible and scalable throughout the duration of the activation.

## COMMUNITY LIFELINES



The Eagle County EOC structures its response around the stabilization of eight Community Lifelines. Lifelines are the most fundamental services in the community that, when stabilized, enable all other

aspects of society to function. All Community Lifelines are interdependent, and destabilizing one Lifeline will frequently impact the status of other Lifelines. When disrupted, decisive intervention is required to stabilize the incident. The eight Community Lifelines in Eagle County are:

- Safety & Security
- Health & Medical
- Communications
- Hazardous Materials
- Food, Water, Shelter
- Energy (Power & Fuel)
- Transportation
- Natural Resource & the Economy

During EOC activations, Community Lifelines are assessed and assigned one of the following colors:

- [gray]: Status Unknown
- [green]: Stable
- [yellow]: Functional, but inadequate for consistent service
- [red]: Unstable, inadequate level of service

## **EOC INFORMATION SHARING SYSTEMS**

One of the essential missions of the Emergency Operations Center is to ensure a common operating picture and effective information sharing between Incident Command, the EOC, Emergency Support Function partners, Policy Group members, and the community. Critical information requirements may vary by incident. All incident information should be archived and saved to Eagle County drives for record-keeping purposes. Additional guidance is provided in the [EOC Activation Annex](#).

Fundamental methods of information sharing through the EOC include:

### **EOC Situation Report**

The EOC Situation Report (SitRep) is an internal document for all response partners and Policy Group members involved in an incident response. The SitRep seeks to provide a common operating picture while prioritizing the status of Community Lifelines and actions and resource needs associated with those lifelines.

### **EOC Briefings**

EOC Briefings are in-person or virtual opportunities for Emergency Support Functions, EOC staff, and liaisons from Incident Command to brief EOC partners on the status of the incident and the status, actions, and resource needs associated with each Community Lifeline.

### **Policy Group Briefings**

Policy Group Briefings provide Incident Command and EOC response partners with an opportunity to update key Policy Group members on the status of the incident and any policy decisions that need to be made. Policy Group Briefings should clearly characterize any policy questions or needs for policy guidance, provide Policy Group members with subject matter expertise to inform their decisions, and conclude with clear policy direction for Incident Command and the EOC.

### **Public Information Channels**

The Joint Information Center (JIC) will oversee a continuous cycle of identifying critical public information needs, collecting accurate and timely information from response partners to meet those needs, and using a wide variety of traditional and non-traditional channels to ensure the information is received

by members of the public. Extra emphasis will be put on identifying marginalized and disproportionately-impacted populations in the community and targeting messaging to the people who need it most.

## **EOC ROLES & RESPONSIBILITIES**

### **Field Emergency Manager**

The Field Emergency Manager is embedded with Incident Command and serves as the liaison between Incident Command and the EOC. The Field Emergency Manager works in partnership with the EOC Manager to ensure that all information needs and requests for support are addressed.

### **EOC Manager**

The EOC Manager oversees all functions and staffing of the Eagle County EOC. The EOC Manager coordinates directly with the Field Emergency Manager (Incident Command) and the County Leadership/Policy Group Representative to ensure a unified EOC response.

### **County Leadership/Policy Group Representative**

The County Leadership Representative coordinates the Policy Group (MAC Group) and serves as the public face of County leadership during an emergency. With guidance and direction from the County Leadership Representative, the Policy Group is responsible for all major policy decisions and high-level strategy.

### **Emergency Support Function (ESF) Leads**

The ESF Lead is the primary agency or individual responsible for a given Emergency Support Function. The ESF Lead has ongoing responsibilities throughout the prevention, protection, mitigation, response, and recovery phases of incident management. The role of the ESF Lead is carried out through a multi-agency coordination approach as agreed upon collectively by the designated lead agencies. Responsibilities of the ESF Lead include:

- Pre-Incident planning and coordination
- Managing mission assignments and coordinating with Support agencies
- Maintaining ongoing contact with other ESF Lead and Support agencies
- Conducting periodic ESF meetings and conference calls
- Coordinating efforts with appropriate private-sector organizations to maximize use of all available resources
- Coordinating ESF activities relating to catastrophic incident planning and critical infrastructure preparedness as appropriate
- Supporting and informing other ESFs of operational priorities and activities
- Assisting with procurement of goods and services as needed
- Ensuring financial and property accountability for ESF activities
- Planning for short term and long term incident management and recovery operations
- Maintaining trained personnel to support interagency emergency response and support teams
- Conducting operations, using their own authorities, subject matter experts, capabilities, or resources
- Participating in planning for short term and long term incident management and recovery operations and the development of supporting operational plans, Standard Operating Procedures, checklists, or other job aids, in concert with existing first responder standards
- Assisting in the completion of situation assessments
- Furnishing available personnel, equipment, or other resource support as requested

- Participating in training and exercises aimed at continuous improvement of prevention, response, and recovery capabilities
- Identifying new equipment or capabilities required to prevent or respond to new or emerging threats and hazards, or to improve the ability to address existing threats
- Providing information or intelligence regarding the agency's area of expertise

### **ESF Support Agencies**

ESF Support Agencies are individuals and agencies that provide functional support at the request of the ESF Lead or EOC Manager. Support agencies may be responsible for:

- Orchestrating local support within their functional area for an affected jurisdiction
- Providing staff for the operations functions at fixed and field facilities
- Providing information or intelligence regarding the agency's area of expertise

### **EOC Planning Section Manager**

The Emergency Operations Center (EOC) Planning Section Manager provides support to the EOC Manager through the coordination of all written documentation and planning efforts related to the response and recovery.

### **EOC Access & Functional Needs Coordinator**

The Emergency Operations Center (EOC) Access & Functional Needs Coordinator identifies impacted individuals and groups who are not able to effectively access resources and information during an emergency and works with EOC partners to address those needs.

Populations experiencing Access & Functional Needs may be different in every emergency. Common barriers include English language comprehension, physical disabilities, medical needs, access to and comfort with technology, and access to transportation.

### **Joint Information Center (JIC) Manager**

The Joint Information Center Manager is responsible for identifying communication priorities and community information needs, advising Incident Command and the EOC on public information strategy, and providing direction to the Joint Information Center staff to ensure that all functions are well organized and operating efficiently to ensure the effective communication of timely, pertinent and accurate information about public safety and incident response to the public. The JIC Manager operates with the authority and direction of the lead Public Information Officer of the agency with jurisdiction over the incident response.

## **EMERGENCY SUPPORT FUNCTIONS AND SCOPE**

**ESF #1—Transportation** - Civil transportation support, restoration/recovery of transportation infrastructure, movement restrictions, damage and impact assessment.

**ESF #2—Communications & Information Technology** - Coordination with telecommunications industry, restoration/ repair of telecommunications infrastructure, protection and restoration of information resources and warnings and/or notifications.



**ESF #3—Public Works & Engineering** - Infrastructure protection, emergency repair, infrastructure restoration, engineering services, construction management and critical infrastructure liaison.

**ESF #4—Firefighting** - Firefighting Activities and resource support.

**ESF #5—Emergency Management** - Coordination of incident management efforts, management of Emergency Operations Center (“EOC”).

**ESF #6—Mass Care, Housing, and Human Services** - Mass Care, disaster housing, damage assessment, human services and sheltering.

**ESF #7—Resource Support** - Resource support (facility space, office equipment, supplies, contracting services, etc.) and financial management.

**ESF #8—Public Health & Medical** - Public health, medical (Emergency Medical Services & Hospital), mental health, mass fatality and mortuary services.

**ESF #9—Search and Rescue** - Life-saving assistance.

**ESF #10—Oil & Hazardous Materials** – Chemical, Biological, Radiological, Nuclear and Explosive Response, environmental safety and short and long term cleanup.

**ESF #11—Agriculture, Livestock, and Natural Resources; Nutrition Assistance** - Animal and plant disease/pest response, food safety and food security.

**ESF #12—Energy and Public Utilities** - Energy infrastructure assessment, repair and restoration, energy industry utilities coordination.

**ESF #13—Public Safety and Security** - Facility and resource security, security planning, technical and resource assistance, public safety/security support, support to access, traffic, and crowd control.

**ESF #14—Community Recovery and Mitigation** - Intermediate and long-term community recovery assistance to local government and the private sector, damage assessment, social and economic community impact assessment, mitigation analysis, and program implementation.

**ESF #15—External Affairs** - Emergency public information and protective action guidance, media and community relations support to on scene incident management and management of Joint Information Center (“JIC”).

<b>EMERGENCY SUPPORT FUNCTIONS - LEAD &amp; SUPPORT AGENCIES</b>		
<b>Function</b>	<b>Lead Agency</b>	<b>Support Agencies</b>
ESF 1 Transportation	ECO Transit	<ul style="list-style-type: none"> <li>● Colorado Department of Transportation (CDOT)</li> <li>● Eagle County Emergency Management</li> <li>● Eagle County Regional Airport</li> <li>● Eagle River Water and Sanitation District</li> <li>● Fleet Services Departments</li> <li>● Greyhound</li> <li>● Human Resources Departments</li> <li>● Law Enforcement Jurisdiction(s)</li> <li>● Pitkin County Regional Emergency Dispatch Center</li> <li>● Public Works Agencies</li> <li>● School Districts (Re-50-J and RE-1)</li> <li>● Transit Agencies (RFTA, Beaver Creek, Avon and Vail)</li> <li>● Union Pacific Railroad (Amtrak)</li> <li>● Vail Health</li> <li>● Vail Public Safety Communications Center</li> </ul>
ESF 2 Communications & Information Technology	-Eagle County 800MHz -Information and Technology Departments -Vail Public Safety Communications Center	<ul style="list-style-type: none"> <li>● Eagle County Emergency Management</li> <li>● Eagle County Public Information Officers Group</li> <li>● Information and Technology Departments</li> <li>● Pitkin County Regional Emergency Dispatch Center</li> <li>● Vail Public Safety Communications Center</li> </ul>
ESF 3 Public Works & Engineering	Eagle County Road & Bridge	<ul style="list-style-type: none"> <li>● Colorado Department of Transportation</li> <li>● Eagle County Emergency Management</li> <li>● Eagle County Environmental Health</li> <li>● Eagle County Engineering</li> <li>● Eagle County Solid Waste and Recycling</li> <li>● Eagle River Water &amp; Sanitation District</li> <li>● Mid-Valley Water District</li> <li>● Town of Avon Road &amp; Bridge/ Engineering</li> <li>● Town of Basalt Public Works/ Engineering</li> <li>● Town of Eagle Public Works Engineering</li> <li>● Town of Gypsum Public Works/Engineering</li> <li>● Town of Minturn Public Works</li> <li>● Town of Red Cliff</li> <li>● Town of Vail Public Works/ Engineering</li> </ul>

ESF 4 Firefighting	Appointed Fire District Representative	<ul style="list-style-type: none"> <li>● Ambulance Districts</li> <li>● Roaring Fork Fire &amp; Rescue Authority</li> <li>● Eagle County Airport Fire Department</li> <li>● Eagle County Emergency Management</li> <li>● Eagle County Sheriff's Office</li> <li>● Eagle River Fire Protection District</li> <li>● Greater Eagle Fire Protection District</li> <li>● Gypsum Fire Protection District</li> <li>● Law Enforcement Agencies</li> <li>● Public Works Agencies</li> <li>● Rock Creek Volunteer Fire Department</li> <li>● Upper Colorado River Fire Management</li> <li>● Vail Fire &amp; Emergency Services</li> </ul>
ESF 5 Emergency Management	Eagle County Emergency Management	<ul style="list-style-type: none"> <li>● Ambulance District</li> <li>● American Red Cross/Salvation Army</li> <li>● Colorado Office of Emergency Management</li> <li>● Eagle County Administration</li> <li>● Eagle County Attorney's Office</li> <li>● Eagle County Environmental Health</li> <li>● Fire Agencies</li> <li>● Health and Human Services</li> <li>● Law Enforcement</li> <li>● Public Information Officers Group</li> <li>● Public Works Agencies</li> <li>● Vail Public Safety Communications Center</li> <li>● Wildfire Mitigation Specialist</li> </ul>
ESF 6 Mass Care, Housing and Human Services	Eagle County Department of Human Services	<ul style="list-style-type: none"> <li>● Eagle County Agencies</li> <li>● Administration</li> <li>● Animal Services</li> <li>● Attorney</li> <li>● Commissioners</li> <li>● Emergency Management</li> <li>● Environmental Health</li> <li>● Facilities Management</li> <li>● Finance</li> <li>● GIS</li> <li>● Housing and Development</li> <li>● Human Resources</li> <li>● IT</li> <li>● Sheriff's Office</li> <li>● ECO Transit</li> <li>● CSU Extension</li> <li>● American Red Cross (ARC)</li> <li>● Ambulance Districts</li> <li>● Eagle Valley Community Foundation</li> </ul>

		<ul style="list-style-type: none"> <li>● Fire Districts</li> <li>● Hospitals</li> <li>● Mountain Recreation</li> <li>● West Mountain Regional COAD</li> <li>● Salvation Army</li> <li>● School Districts</li> <li>● Vail Public Safety Communications Center</li> <li>● Vail Interfaith Chapel</li> <li>● Victim Services</li> </ul>
ESF 7 Resource Management	Eagle County Facilities & Finance	<ul style="list-style-type: none"> <li>● Ambulance Districts</li> <li>● American Red Cross</li> <li>● Eagle County Department of Human Resources</li> <li>● Fire Districts</li> <li>● Hospitals</li> <li>● Law Enforcement</li> <li>● Metropolitan Districts</li> <li>● Local Governments</li> <li>● Private Sector service and support providers</li> <li>● Salvation Army</li> <li>● School Districts</li> <li>● Volunteer Groups</li> </ul>
ESF 8 Public Health	Eagle County Public Health and Environment	<ul style="list-style-type: none"> <li>● Ambulance Providers</li> <li>● American Red Cross</li> <li>● Eagle County Animal Services</li> <li>● Eagle County Coroner</li> <li>● Eagle County Emergency Management</li> <li>● Eagle County Human Resources</li> <li>● Eagle County Human Services</li> <li>● Hospitals (Vail Health &amp; Valley View)</li> <li>● Law Enforcement Agencies</li> <li>● Mind Springs Health</li> <li>● Public Works Agencies</li> <li>● Fire Districts</li> </ul>
ESF 9 Search and Rescue	Vail Mountain Rescue Group	<ul style="list-style-type: none"> <li>● Ambulance Providers</li> <li>● Eagle County Emergency Management</li> <li>● Law Enforcement Agencies</li> <li>● Civil Air Patrol</li> <li>● Fire Agencies</li> <li>● HAATS</li> </ul>
ESF 10 Hazardous Materials	Designated Emergency Response Authority	<ul style="list-style-type: none"> <li>● Fire Agencies</li> <li>● Law Enforcement Agencies</li> <li>● Ambulance Districts</li> <li>● Eagle County Emergency Management</li> </ul>

		<ul style="list-style-type: none"> <li>● Colorado State Patrol</li> <li>● Eagle County Environmental Health</li> <li>● Eagle County Local Emergency Planning Committee (LEPC)</li> <li>● Private Industry</li> <li>● Environmental Health</li> </ul>
ESF 11 Agriculture, Livestock, and Natural Resources	CSU Extension	<ul style="list-style-type: none"> <li>● Eagle County Animal Services</li> <li>● Local Private Veterinary Practitioners</li> <li>● Eagle County Humane Society</li> <li>● Eagle County Public Health and Environment</li> <li>● Eagle County Vegetation Management</li> <li>● Colorado Veterinary Medical Reserve Corps</li> <li>● Colorado Department of Parks and Wildlife</li> <li>● Open Space and Natural Resources</li> </ul>
ESF 12 Energy	Public Works Department	<ul style="list-style-type: none"> <li>● Public and Private Utility Providers</li> <li>● Holy Cross energy</li> <li>● Black Hills</li> <li>● Xcel Energy</li> </ul>
ESF 13 Public Safety and Security	Law Enforcement Agency with Jurisdiction	<ul style="list-style-type: none"> <li>● Eagle County Emergency Management</li> <li>● Eagle County Fire agencies</li> <li>● Eagle County Emergency Medical Services providers</li> <li>● Metropolitan Districts</li> <li>● Private (Contracted) Security</li> <li>● Law Enforcement Agencies</li> </ul>
ESF 14 Recovery and Mitigation	Eagle County Planning Department	<ul style="list-style-type: none"> <li>● Eagle County Offices/Departments</li> <li>● Municipal Offices/Departments</li> <li>● School Districts</li> <li>● Special Districts</li> <li>● Non-Governmental Organizations</li> </ul>
ESF 15 External Affairs	Jurisdiction Public Information Officer(s)	<ul style="list-style-type: none"> <li>● Eagle County Public Information Officer's ("PIO") Group</li> <li>● Firefighting Districts</li> <li>● Law Enforcement Agencies</li> <li>● Access and Functional Needs</li> </ul>

## EAGLE COUNTY EMERGENCY SUPPORT FUNCTIONS MATRIX

LEAD ROLL S = SUPPORT ROLL P= POLICY DIRECTION

Agencies & Organizations	ESF1	ESF2	ESF3	ESF4	ESF5	ESF6	ESF7	ESF8	ESF9	ESF10	ESF11	ESF12	ESF13	ESF14	ESF15
	Transportation	Communications & Information Technology	Public Works	Fire-fighting	Emergency Management	Mass Care, Housing & HS	Resource & Logistics	Public Health & Medical	Search & Rescue	Haz-Mat	Agriculture, livestock, & Natural Resources	Public Service Restoration	Public Safety & Security	Recovery & Mitigation	External Affairs & Public Information
Access & Functional Needs															S
Agency Administrators	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P
Airport	S		S	S											
Ambulance Districts				S	S	S	S	S	S	S			S		
Red Cross/ Salvation Army			S		S	S	S	S							
Animal Services						S		S			S				
Assessor's Office														CO-LEAD	
Attorney's Office County/City					S	S		S							
Code Enforcement Director			S										S		
Colorado Department of Transportation			S												
Colorado Department of Parks and Wildlife											S				
Colorado State Patrol										S			S		
Community Development															
Coroner						S		S							

Commissioners/ Councils	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
County Manager/ City Managers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Eagle County 800Mhz		LEAD													
Eagle County Solid Waste and Recycling			S												
Emergency Manager	S	S	S	S	LEAD	S	S	S	S	S	S	S	S	S	S
Engineering			S												
CSU Extension Service						S					LEAD				
Facilities Maintenance	S		S			S	LEAD								
Finance Director						S	CO-LE AD								
Fire Departments				LEAD	S		S	S	S	CO-LE AD			S		S
Fire Chief				P						P					
Fleet Services	S														
Mapping & GIS															
HAATS									S						
Human Services						LEAD	S	S			S				
Hospitals	S					S	S	S							
Housing						S									
Human Resources Director						S		S							
Information & Technology		CO-LEAD				S									
IT Director		S													
Law Enforcement	S			S	S	S	S	S	S	S			LEAD		S
Mind Springs Health								S							
Municipal Public Works Departments	S		S	S	S		S	S				LEAD			

Open Space & Natural Resources											S				
PIO Group		S			S										LEAD
Planning Department														CO-LEAD	
Planning Director														P	
Private Sector	S		S		S	S	S		S	S	S	S	S	S	S
Public Health & Environment			S		S		LEAD		S	S					
Public Safety Communication Center	S	CO-LEAD		S	S	S							S		
Public Works/ Road & Bridge Director	S		LEAD	S	S		S	S					S		
Resilience Department														CO-LEAD	
RHMAEC									LEAD						
School Districts	S				S	S			S				S	S	
Sheriff/Police Chief				S	S	S							P		
Transportation Dept.	LEAD		S						S				S		
Vail Mountain Rescue								LEAD	S				S		
West Mountain Regional COAD					S										



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## WHOLE COMMUNITY INCLUSION

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As a concept, Whole Community is a means by which residents, emergency management practitioners, organizational and community leaders, and government officials can collectively understand and assess the needs of their respective communities and determine the best ways to organize and strengthen their assets, capacities, and interests. By doing so, a more effective path to societal security and resilience is built. In a sense, Whole Community is a philosophical approach on how to think about conducting emergency management.

There are many different kinds of communities, including communities of place, interest, belief, and circumstance, which can exist both geographically and virtually (e.g., online forums). A Whole Community approach attempts to engage the full capacity of the private and nonprofit sectors, including businesses, faith-based and disability organizations, and the general public, in conjunction with the participation of local, tribal, state, territorial, and Federal governmental partners. This engagement means different things to different groups. In an all hazards environment, individuals and institutions will make different decisions on how to prepare for and respond to threats and hazards; therefore, a community's level of preparedness will vary. The challenge for those engaged in emergency management is to understand how to work with the diversity of groups and organizations and the policies and practices that emerge from them in an effort to improve the ability of local residents to prevent, protect against, mitigate, respond to, and recover from any type of threat or hazard effectively.

### WHOLE COMMUNITY PRINCIPLES

Numerous factors contribute to the resilience of communities and effective emergency management outcomes. However, three principles that represent the foundation for establishing a Whole Community approach to emergency management emerged during the national dialogue:

- Understand and meet the actual needs of the whole community
- Engage and empower all parts of the community
- Strengthen what works well in communities on a daily basis

### PRIVATE SECTOR

Eagle County Emergency Management and support agencies coordinate with the private sector to effectively share information, form courses of action, and incorporate available resources to prepare for, respond to, and recover from incidents or disasters.

The roles, responsibilities, and participation of the private sector during incidents or disasters vary based on the nature of the organization and the type and impact of the incident. Common roles of private sector organizations are summarized below:

- **Impacted Organization or Infrastructure**  
Private sector organizations may be affected by direct or indirect consequences of the incident, including privately owned critical infrastructure, key resources, and those main private sector organizations that are significant to local, regional, and national economic recovery from the

incident. Examples of privately owned infrastructure include transportation, telecommunications, private utilities, financial institutions, and hospitals.

- **Response Resource**

Private sector organizations may provide response resources (donated or compensated) during an incident including specialized teams, equipment, and advanced technologies through local public-private emergency plans, mutual aid agreements, or incident specific requests from government and private sector volunteer initiatives.

- **Regulated and/or Responsible Party**

Owners/operators of certain private sector regulated facilities or hazardous operations may bear responsibilities under the law for preparing for and preventing incidents from occurring, and responding to an incident once it occurs. For example, federal regulations require owners/operators of Tier II reporting facilities to maintain emergency (incident) preparedness plans, procedures, and to perform assessments, prompt notifications, and training for a response to an incident.

- **Local Emergency Organization Member**

Private sector organization members may serve as active partners in local emergency preparedness and response organizations and activities.

## **PRIVATE SECTOR RESPONSIBILITIES**

Private sector organizations support the Eagle County Emergency Operations Plan (voluntarily or to comply with applicable laws and regulations) by sharing information with the government, identifying risks, performing vulnerability assessments, developing emergency response and business continuity plans, enhancing their overall readiness, implementing appropriate prevention and protection programs, and donating or otherwise providing goods and services through contractual arrangement or government purchases to assist in response to and recovery from an incident.

Certain organizations are required by existing law and regulation to bear the cost of planning response to incidents, regardless of cause. In the case of an incident or disaster, these private sector organizations are expected to mobilize and employ the resources necessary and available in accordance with their plans to address the consequences of incidents at their own facilities or incidents for which they are otherwise responsible.

Unless the response is inherently governmental, private sector organizations are encouraged to develop and maintain capabilities to respond to and manage a complete spectrum of incidents and emergencies. The local government should maintain ongoing interaction with the critical infrastructure and key resource industries to provide coordination for prevention, protection, mitigation, response, and recovery activities. When practical, or when required under federal law, private sector representatives should be included in planning and exercises.

The government may, in some cases direct private sector response resources when they have contractual relationships, using government funds. The lead agency for each Emergency Support Function must maintain working relations with its associated private sector counterparts through partnership committees or other means.

## **CITIZEN INVOLVEMENT AND COMMUNITY/ VOLUNTEER ORGANIZATIONS ACTIVE IN DISASTERS**

Strong partnerships with citizens groups and community/volunteer organizations provide a foundation for effective whole community emergency prevention, protection, mitigation, response, and recovery efforts. As an emergency evolves, Incident Command and the EOC are continually assessing impacts to the community and seeking to address unmet needs. In situations where government resources are insufficient or not well-suited to meet certain community needs, the EOC may engage community and volunteer organizations to support impacted community members.

### **Role of the EOC when coordinating with community/volunteer organizations:**

- Sharing information with organizations that helps them understand unmet needs in the community and what support may be needed
- Connecting impacted community members with organizations that are interested in providing support
- Providing logistical support and/or technical assistance to community and volunteer organizations when needed

### **Role of community/volunteer organizations when coordinating with the EOC:**

- Providing services to community members in need
- Providing information to the EOC that helps response partners better understand impacted communities and unmet needs

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## LAWS AND AUTHORITIES

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### FEDERAL LAWS & AUTHORITIES

- [Americans with Disabilities Act](#) (1990)  
Prohibits discrimination on the Basis of Disability in State and Local Government Services.
- [Robert T. Stafford Disaster Relief and Emergency Assistance Act and Amendments](#) (1998)  
Provides statutory authority for most federal disaster response activities especially as they pertain to FEMA and FEMA programs and establishes the Presidential Disaster Declaration process.
- [The Homeland Security Act of 2002](#)  
Creates the U.S. Department of Homeland Security in the aftermath of the terrorist attacks of September 11th, 2001.
- [National Planning Framework](#)  
Describes how the whole community works together to achieve the National Preparedness Goal. Includes a Framework for each of the five mission areas: Prevention, Protection, Mitigation, Response, & Recovery.
- [Homeland Security Presidential Directive 5: Management of Domestic Incidents](#) (2003)  
Enhances the ability of the United States to manage domestic incidents by establishing a single, comprehensive National Incident Management System.
- [Homeland Security Presidential Directive 7, Critical Infrastructure Identification, Prioritization, and Protection](#) (2003)  
Establishes a national policy for federal departments and agencies to identify and prioritize critical infrastructure and to protect them from terrorist attacks.
- [The Post-Katrina Emergency Management Reform Act United States Dept. of Homeland Security](#) (2006)  
Amends the Homeland Security Act of 2002 to significantly reorganize FEMA and provide the agency with new authority to remedy gaps that became apparent in Hurricane Katrina response efforts.
- [PETS Act](#) (2006)  
Ensures that state and local emergency preparedness operational plans address the needs of individuals with household pets and service animals.
- [Plain Language Guidance](#) (2010)  
Establishes that Government documents issued to the public must be written clearly in a way that the public can understand and use.
- [Comprehensive Preparedness Guide 101 Version 2 \(CPG-101 v2\)](#) (2010)  
Provides FEMA guidance on the fundamentals of planning and developing Emergency Operations Plans.

- [Presidential Policy Directive 8, National Preparedness](#) (2011)  
Directs the federal government to develop a National Preparedness Goal that identifies the core capabilities necessary for preparedness and a national preparedness system to guide activities that will enable the nation to achieve the goal.

## STATE OF COLORADO LAWS & AUTHORITIES

The Eagle County Emergency Operations Plan uses the foundation provided by the Homeland Security Act, HSPD #5, PPD #8, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and the Colorado Disaster Emergency Act of 1992 to provide a comprehensive, all hazards approach to incident management. Nothing in this plan alters the existing authorities of individual departments and agencies. This plan establishes the coordinating structures and processes required to integrate the specific statutory and policy authorities of various departments and agencies in a collective framework."

- [C.R.S. 24-33.5 §701-717](#) Colorado Disaster Emergency Act (2018)  
To include provisions related specifically to recovery, mitigation, and resiliency, and to establish the roles and responsibilities of state and local agencies.
- [C.R.S. 24-33.5 §1601-1615](#)  
Division of Homeland Security and Emergency Management. The threat of terrorism in Colorado is a matter of great concern to the people of the state and affects the public interest.
- [C.R.S. 24-33.5 §1101-1109](#)  
Disaster Relief- In an emergency, the governor may provide assistance to save lives and to protect property, public health and safety.
- [C.R.S. 24-33.5 §1501-1507](#)  
Colorado Emergency Planning Commission- A subcommittee shall designate local emergency planning districts to develop emergency response and preparedness capabilities in accordance with the federal act.
- [State of Colorado Emergency Operations Plan](#)  
Outlines general guidelines on how the State of Colorado carries out its response and recovery responsibilities to address an emergency or disaster event. The State Emergency Operations Plan (SEOP) defines the organizational structure and operation of the Colorado State Emergency Operations Center (SEOC). The SEOP is established to coordinate and support state and local government actions during an emergency or disaster event.

## ANNEXES & SUPPORTING DOCUMENTS

The below Emergency Support Function Annexes and Supporting Document, Incident, and Event Annexes are considered adopted by reference as they are part of Eagle County's comprehensive

Emergency Operations Plan. Annexes may be updated more frequently than the rest of the Emergency Operations Plan to reflect changes in best practices and operating procedures. Any changes to the Emergency Operations Plan or Annexes between adoption periods shall be noted in the [Record of Changes](#).

## **EMERGENCY SUPPORT FUNCTION ANNEXES**

[Emergency Support Function #1—Transportation Annex](#)

[Emergency Support Function #2—Communications & Information Technology Annex](#)

[Emergency Support Function #3—Public Works and Engineering Annex](#)

[Emergency Support Function #4—Firefighting Annex](#)

[Emergency Support Function #5—Emergency Management Annex](#)

[Emergency Support Function #6—Mass Care, Housing, and Human Services](#)

[Emergency Support Function #7—Resource Support Annex](#)

[Emergency Support Function #8—Public Health and Medical Annex](#)

[Emergency Support Function #9—Search and Rescue Annex](#)

[Emergency Support Function #10—Hazardous Materials](#)

[Emergency Support Function #11—Agriculture, Livestock, & Natural Resources Annex](#)

[Emergency Support Function #12—Energy and Public Utilities Annex](#)

[Emergency Support Function #13—Public Safety and Security Annex](#)

[Emergency Support Function #14—Community Recovery and Mitigation Annex](#)

[Emergency Support Function #15—External Affairs Annex](#)

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## **SUPPORTING DOCUMENTS, INCIDENT, AND EVENT ANNEXES**

[Annex: 2023 Resolution Adopting Revised Emergency Operations Plan](#)

[Annex: Acronyms, Abbreviations and Terms](#)

[Annex: Animal Response Team Plan](#)

[Annex: Annual Operating Plan for Wildfires – Adopted annually in March](#)

[Annex: Damage Assessment Plan](#)

[Annex: Disaster/Emergency Declaration Procedures](#)

[Annex: Disaster Recovery Plan](#)

[Annex: Eagle County SAMPLE All-Risk Mutual Aid Agreement](#)

[Annex: Emergency Hourly Pay Policy for Exempt Eagle County Employees](#)

[Annex: Emergency Operations Center Activation Procedures](#)

[Annex: Emergency Resource Management Plan](#)

[Annex: Emergency Spending Authorization Policy](#)

[Annex: Evacuation Plan \(includes special needs evacuation/sheltering\)](#)

[Annex: Explosive Materials Response Plan](#)

[Annex: Hazardous Materials Plan](#)

[Annex: Joint Information System Protocols](#)

[Annex: Mass Casualty Incident Plan](#)

[Annex: Mass Fatalities Plan](#)

[Annex: Major Incident Communications Plan](#)

[Annex: Policy Group Plan](#)

[Annex: Public Health Plans](#)

[Annex: Public Information and Warning](#)

[Annex: Public Safety Districts and Coverage Areas](#)

[Annex: Utility Restoration Plan](#)

[Annex: Rapid Needs Assessment](#)

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[Annex: Record of Changes](#)

[Annex: Record of Distribution](#)

[Annex: Response to Terrorism Plan](#)

[Annex: Roles and Responsibilities](#)

[Annex: Severe Weather Plan](#)

Annexes may be created, revised and adopted independent of the base plan.



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2023-2025  
**Eagle County Emergency  
Operations Plan**



In cooperation with:  
Towns, municipalities, jurisdictions, and special districts within Eagle County  
Plan is posted on Eagle County website at [www.eaglecounty.us](http://www.eaglecounty.us)

# EVACUATION PLAN

## 2023-2025

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## EVACUATION PLAN

The Eagle County Evacuation Plans operate on the principle that local governments bear the initial responsibility for response to an emergency. As a product of this principle, each level of government will accomplish the functions for which it is statutorily responsible, and will coordinate response and activities with other entities using a National Incident Management System model of Unified Command.

### PURPOSE

The purpose of the Evacuation Plan Annex is to outline roles, responsibilities, and authorities to establish the organizational concepts for an effective system of notification, direction and coordination.

### SCOPE

This Evacuation Plan Annex encompasses the following:

- Who shall order an evacuation
- Responsibilities for those involved
- How the evacuation notifications are made
- What Support Plans exist for specific locations and populations that may need additional evacuation assistance
- Re-entry considerations

The Evacuation Plan Annex is intended as a high-level strategic plan and does not replace the need for tactical-level plans and agency-specific Standard Operating Procedures that detail how the responsibilities in this Annex will be carried out.

### CONCEPT OF OPERATIONS

Evacuation authority in Eagle County rests with the Law Enforcement agencies that have jurisdiction over the areas being evacuated. Members of on-scene Incident Command (Law, Fire, EMS, Emergency Management, etc.) provide direction and guidance on the evacuation need, locations threatened, and the evolving nature of the hazard. Incident Command will be the ones with the necessary situational awareness to recommend evacuation or shelter in place options as the preferred method of protecting lives before, during, or after disasters or emergencies.

A key component of a successful evacuation or shelter in place operation is timely and accurate provision of information.

Essential information during evacuation notifications includes:

- Reason for the evacuation or shelter in place order
- Shelter in place instructions if applicable
- Evacuation routes if applicable
- Instructions for obtaining evacuation assistance
- Area of refuge locations if evacuation routes are not accessible

- Time frame for evacuation (consider staged evacuation orders to limit crowding on roadways)
- Evacuation Center location
- The need to check in even if you provide your own alternate shelter

In most situations evacuation orders should be disseminated through ALL available public information and warning channels. These may include:

- Integrated Public Alert & Warning System (IPAWS) / Wireless Emergency Alerts (WEA) alerting cell phones in the defined notification area
- 9-1-1 call back systems alerting landlines and cell phones with addresses registered in the defined notification area
- ECAAlert notifying users who have opted into public safety text, email, and app-based alerts
- Door-to-door evacuation protocols and/or loudspeaker broadcasts in the evacuation zone
- [ECEmergency.org](http://ECEmergency.org) public safety website
- Official agency social media channel(s)
- Evacuation sirens in areas where available
- Variable Message Signage (with assistance from the Colorado Department of Transportation)
- Low power highway radio system (with assistance from the Colorado Department of Transportation)

Whenever an evacuation order is issued, the Incident Commander(s) **SHALL** identify an Evacuation Center location and request an **Evacuation Center Manager** to meet and greet evacuees when they arrive at that location. The Eagle County Emergency Operations Plan defines an Evacuation Center as a temporary short term facility which provides shelter from the elements, restroom facilities and information dissemination, usually for displacements anticipated to be **12 hours or less**. The Evacuation Center Manager must have communication with the Incident Command organization in order to provide timely information to the evacuees.

There are several factors which must be considered when planning for an evacuation. Among these are the characteristics of the hazard or threat itself. The magnitude, intensity, speed of onset, duration, and impact on the local community, are all significant elements to be considered. They will determine the number of people to be evacuated, time available in which to effect the evacuation, and the time and distance of travel necessary to insure safety.

Whenever possible, at specific subdivision level, all hazard evacuation plans will be developed by the appropriate public safety entities with community input based upon the types of potential hazards, and the location.

## **ASSIGNMENT OF RESPONSIBILITIES**

### **Law Enforcement:**

- Authority to issue evacuation orders
- Lead evacuation efforts to and from the affected areas
- Emergency traffic control and crowd control
- Provide Security of evacuated areas and Evacuation Centers
- Coordinate transportation to shelters for those who need transportation assistance from the evacuation location.

### **Fire Agencies:**

- Provide direction and guidance on the evacuation need, locations threatened, and the evolving nature of the hazard

### **Emergency Medical Services (EMS):**

- Provide medical support to evacuees and first responders

### **Vail Public Safety Communications Center or Pitkin County Regional Emergency Dispatch Center:**

- Dispatch first responder resources and coordinate radio communication between involved agencies
- Sends area alert and incident related notifications to the public via Everbridge
- Coordinates notifications with Incident Command and Emergency Management

### **Emergency Management:**

- Activate the Emergency Operations Center (EOC) as necessary to support Incident Command and maintain coordination between Incident Command, support partners, and impacted jurisdictions

### **Eagle County Public Information Officers Group:**

- Provides public information to ensure that the community understands, pre-evacuation, evacuation and/or shelter in place orders
- Establishes channels of communication to keep and maintain the community informed

### **Public Works:**

- Clearing debris from roads as necessary to maintain evacuation routes
- Assist in traffic management in support of Law Enforcement
- Ensures power, water supply, and sanitary services at mass care facilities are maintained during emergency conditions

### **Eagle County Public Health and Environment and Department of Human Services:**

- Coordinate with healthcare providers and nonprofit organizations to provide medical and mental health support to evacuees

**Evacuation Center Manager:**

- Accounts and manages the evacuation center, provides relevant information and addresses needs from evacuees

**The Salvation Army:**

- Provides staffing and food to first responders and evacuees at evacuation centers, shelters, and at the incident location

**American Red Cross:**

- Provides assistance with evacuation shelters, management and staffing.
- Ensures the means necessary for services related to shelter, feeding, and medical care

**Emergency Support Function 1 - Transportation (Transit Agencies):**

- Coordinates and fulfills transportation needs relevant to the incident

**Colorado State University (CSU) Extension Service:**

- Supports relocation and sheltering of large and farm animals assisting with the wellbeing of them

**Eagle County Animal Services:**

- Provides support for evacuated pets and companion animals including food, sanitation, and coordination of veterinary care

**Schools:**

- Provide school facilities to be used as shelter for evacuations
- Provide services as requested to help aid the incident

**Recreation Districts:**

- Provide recreation facilities to be used as shelter for evacuations
- Provide services as requested to help aid the incident

**Non-profit/Public Service Organizations:**

- Provide services as requested to help aid the incident

## SUPPORT PLANS

In addition to the high-level evacuation processes outlined in this Eagle County Evacuation Plan, Eagle County Emergency Management supports public safety, critical infrastructure, and community partners in the development of more in-depth evacuation plans. All of the below integrate with the Emergency Operations Center evacuation efforts during a large-scale incident and will receive support from the EOC in carrying out their evacuation and mass care activities. Some key plans and processes for critical locations include:

## **EVACUATION ZONE MAPBOOKS FOR RESIDENTIAL NEIGHBORHOODS AND COMMERCIAL ZONES**

Eagle County public safety agencies maintain Evacuation Zone mapbooks that designate predetermined evacuation zones across all of Eagle County. These mapbooks are used by Law Enforcement, Fire, Dispatch, Emergency Management, and others to effectively communicate evacuation orders to public safety partners and the community. Evacuation Zone mapbooks also include population estimates, preferred traffic routing and control measures, site-specific hazards, and critical infrastructure (utilities & fuel, hospitals, schools, public safety & government facilities). Evacuation Zone Map Books are For Official Use Only. Additional public safety partners can access these Mapbooks on a need-to-know basis by contacting Eagle County Emergency Management.

## **EAGLE COUNTY REGIONAL AIRPORT EMERGENCY PLAN**

The Eagle County Regional Airport (EGE) maintains a Federal Aviation Administration-compliant Airport Emergency Plan. This plan outlines incident response activities for emergencies at the airport and includes Standard Operating Guidelines for the safe evacuation of airport facilities and aircraft. Public safety partners can access the Airport Emergency Plan on a need-to-know basis by contacting the EGE Director of Aviation.

## **CORRECTIONAL FACILITIES**

The Eagle County Detention Center is overseen by the Eagle County Sheriff's Office. The Sheriff's Office coordinates with Eagle County Emergency Management and the Mass Care and Public Health & Medical Emergency Support Functions to maintain Fire and Safety Evacuation Procedures and ensure processes are in place to effectively evacuate, transport, and shelter incarcerated individuals during an emergency.

## **SCHOOLS & COLLEGES**

Educational institutions in Eagle County have worked with the public safety agencies in their district and Emergency Management to develop evacuation plans, communication processes, preferred routes, and shelter locations for each of their sites. School and College evacuation plans are For Official Use Only. Additional public safety partners can access these plans on a need-to-know basis by contacting district and institutional leadership.

## **HOSPITALS AND HEALTHCARE FACILITIES**

Vail Health Hospital, Valley View Hospital, and healthcare facilities in Eagle County maintain up-to-date emergency and evacuation plans and work closely with Emergency Support Function 8 - Health & Medical and jurisdictional public safety agencies to ensure evacuation processes address any medical, access, or functional needs for any individuals in their facilities. Note - Valley View Hospital in Glenwood Springs is not in Eagle County, but is one of the designated transport locations for medical emergencies in some parts of Eagle County. Public safety partners can access hospital and healthcare facility evacuation plans on a need-to-know basis by contacting the facility leadership.



## **SPECIAL EVENTS**

Special Events and venues in Eagle County that have more than 500 people in attendance must obtain permission to have a mass gathering and address the criteria outlined in 3-310(T) of the Eagle County Land Use Regulations. All Special Events are strongly encouraged to complete the Special Event Guideline Form that notifies public safety of the event and promotes the development of a medical/emergency services plan. Details on this process can be found on the [Eagle County Special Event Guidelines website](#). Municipalities, state, and federal lands within Eagle County may have additional special event requirements.

## **ANIMAL SHELTER**

Evacuation of the Eagle County Animal Shelter would be coordinated through the EOC. Special support for pets and livestock are coordinated through Emergency Support Function 6 - Mass Care and Emergency Support Function 11 - Agriculture and Natural Resources. Eagle County Animal Services and the Colorado State University Extension are key support agencies for any evacuation that involves pets or livestock.

## **AGENCY-SPECIFIC STANDARD OPERATING PROCEDURES**

Public safety agencies, jurisdictions, and other entities with evacuation responsibilities are encouraged to maintain agency-specific Standard Operating Procedures that detail how the agency will carry out the responsibilities outlined in this Evacuation Plan Annex. Standard Operating Procedures should be developed and exercised by the responsible agencies in whatever manner is most consistent with their organizational needs.

## **ACCESS AND FUNCTIONAL NEEDS CONSIDERATIONS**

Evacuations disproportionately impact individuals with access and functional needs. Eagle County public safety organizations and Emergency Management use a variety of strategies to identify and remove barriers that inhibit our whole community's access to critical resources during an emergency or evacuation. Systems to support individuals with access and functional needs during evacuations include (but are not limited to):

- [Eagle County Evacuation Assistance Request Form](#) - Individuals with access and functional needs are encouraged to share the additional assistance they need with 911 dispatch and Emergency Support Function 8 - Health & Medical.
- **Emergency Support Function 8 - Health & Medical Plans** - As the Lead for ESF 8, the Eagle County Department of Public Health & Environment maintains plans for supporting people with durable medical equipment, mobility barriers, and other access and functional needs during emergencies.
- **Emergency Support Function 6 - Mass Care Plans** - Lead and support agencies for ESF 6 (including the Eagle County Department of Human Services, American Red Cross, and Salvation Army) maintain plans and systems for addressing the needs of the whole community during emergencies and evacuations with special focus on individuals with access and functional needs.
- **Eagle County EOC Access & Functional Needs Coordinator** - Eagle County's EOC Operating Plans outline the role and processes for the EOC Access & Functional Needs Coordinator. This position is dedicated to identifying impacted individuals and groups

who are not able to effectively access resources and information during an emergency and coordinating with EOC partners to address those needs.

## AUTHORITIES

In the event of an emergency, Law Enforcement and Incident Command have the authority to order any person to evacuate any premises, vehicle or other real or personal property.

The Colorado Attorney General ruling of June 26, 2002, highlights criminal sanctions to persons who disobey, threaten or interfere intentionally with an evacuation order.

*“Evacuation orders of the Governor, local authorities, and sheriffs are enforced by criminal sanctions, and a person disobeys an evacuation order at his or her peril. A person commits the crime of obstructing government operations if, by using or threatening to use violence, force, or physical interference or obstacle, he or she intentionally obstructs, impairs, or hinders the performance of the governmental function by a public servant. § 18-8-102(1), C.R.S. A person commits the crime of obstructing a police officer or firefighter or other rescuer if the person uses or threatens violence, force, physical interference, or an obstacle and knowingly obstructs, impairs, or hinders the enforcement of a penal Law or the preservation of the peace by a peace officer or the prevention, control, or abatement of fire by a fire-fighter. § 18-8-104(1)(a), C.R.S.”*

## SITUATION AND ASSUMPTIONS

A hazard analysis of Eagle County has identified numerous situations which may prompt the need for evacuation and/or isolation of people in the name of public safety. These situations include but are not limited to wildland fires, hazardous materials incidents, flooding, and winter storms.

Some assumptions that can be taken from an examination of historical data on evacuations in the United States are:

- Hearing the warning is critical, public information and warning works, as those who feel vulnerable are more likely to take action
- No single information and warning method will reach all segments of the population and all methods will still not reach everyone (remember special warning needs like hearing impaired, limited English proficiency, etc.)
- People must believe that the warning is credible
- People will attempt to confirm that a threat exists from multiple sources before heeding a warning
- People need to be assured that the warning pertains to them so the warning message must provide details (who, what, when, where, why and how)
- People may not voluntarily request special assistance with evacuation (functional limitations, lack of transportation, etc.)
- People are less likely to evacuate if their companion animals are not provided for.
- People are less likely to evacuate if they feel that their property will not be adequately protected (security)
- Residents of the County are responsible for preparing themselves, their families and their guests for any emergency, including the possible need to evacuate on short notice

- The County and local jurisdictions will provide education to assist the public in preparing personal emergency plans

## MASS CARE

Refer to [Emergency Support Function #6](#) Mass care, Housing and Human Services Annex for further information on Mass Care.

## RE-ENTRY MANAGEMENT OPERATIONS

### SITUATION AND ASSUMPTIONS FOR RE-ENTRY

Following a disaster, where evacuation of portions of Eagle County have occurred, roadblocks (traffic control points) will be established restricting re-entry evacuated areas until it has been determined by public safety agencies and damage assessment teams that it is safe to do so.

The following points are essential for **Safety** during re-entry:

- The provision of minimum access on primary roads
- Reestablishment of emergency services (Police, Fire, EMS and Medical Facilities)
- Removing of utility hazards

### Considerations for Initiating Re-entry:

- That a situation has affected all or portions of Eagle County that prompted an evacuation
- That damage is such that food, water, and/or shelter may not be immediately available
- That damage is such that debris may restrict movement along primary road systems
- That damage is such that electrical power, gas and or water may not be available
- That damage is such that local emergency and public communications may not be available or significantly reduced
- That damage is such that health services, medical facilities, and medical transport may not be available
- That Law Enforcement, Fire, and EMS services may be hampered

### OBJECTIVE OF RE-ENTRY

The objective of post-incident re-entry management is to identify immediate needs of affected areas and once identified, provide a systematic assessment and recovery process.

### RE-ENTRY PROCEDURES

There is an absolute need to provide access by clearing debris from primary roadways, to reestablish EMS, Police and Fire services and, remove and secure utility hazards while establishing a minimum of capabilities, and to assess damages in order to manage an effective response. There is also a recognized need for emergency protection measures. Additionally, many outside services will be needed and outside interests will desire access.

Every effort will be made to allow evacuees to return to their homes and businesses. Re-entry to all areas evacuated will be authorized based on public safety and security concerns, the extent of dangers, and operational requirements of public safety. The decision to establish general re-entry

will be evaluated through continuous coordination among the various municipalities, county, state and federal agencies. This information will be announced over all available media.

- The Eagle County EOC will receive assessment from all Incident Command organizations to determine extent of damage and will assist with resource acquisition and management for the re-entry process.
- Public Works officials will assure that primary roads are open and bridges are without damage.
- Public Information announcements will be made regarding the re-entry by all media , including public health recommendations regarding public safety upon reentry to damaged homes or facilities.
- Restricted re-entry to the damaged area will be at the discretion of the authority(s) having jurisdiction.

Until access is restored for all evacuees to re-enter an area without restriction, a check-in/badging procedure shall be used to identify those persons allowed into an evacuated area (utility workers, homeowners, etc.) with the requirement for all such persons to display the badge on the outermost portion of their clothing while in the evacuated area.

- Public Information announcements will be coordinated through the Joint Information System.
- All requests for assistance beyond the capabilities of a municipality or district should be channeled through the Eagle County EOC.

Re-entry will be determined by priority scheduled or at the direction of the controlling authority.



**2023-2025  
Eagle County Emergency  
Operations Plan**

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Towns, municipalities, jurisdictions, and special districts within Eagle County  
Plan is posted on Eagle County website at [www.eaglecounty.us](http://www.eaglecounty.us)

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## SUPPORTING DOCUMENTS, INCIDENT, AND EVENT ANNEXES

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## ORGANIZATION, PROMULGATION, AND ADOPTION

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### PLAN ORGANIZATION AND CONTENT

The Emergency Operations Plan (EOP) is consistent with the accepted standards and principles of the National Incident Management System (NIMS) as mandated by Homeland Security Presidential Directive #5, as well as Presidential Policy Directive #8. The use of NIMS ensures that Eagle County's response and recovery efforts are aligned with the nationally accepted emergency management system for addressing all types of hazards and for integrating multiple agencies, jurisdictions, and disciplines into a coordinated response effort.

This document utilizes the all-hazards preparedness and planning approach, which is consistent with federal guidelines including NIMS and the National Response Framework (NRF). As such, the EOP recognizes that while all disaster situations are unique, key response and recovery activities and planning elements are consistent.

This plan is organized as follows:

#### **BASE PLAN:**

Describes the structure and processes comprising a countywide approach to incident management designed to integrate the efforts and resources of local government, private-sector, and non-governmental organizations. The Base Plan includes planning assumptions, roles and responsibilities, policies, initial actions, and plan maintenance instructions.

#### **EMERGENCY SUPPORT FUNCTION (ESF) ANNEXES:**

Emergency Support Functions (ESFs) provide the structure for coordinating the many government and private-sector partners that work together as part of Eagle County's unified emergency response. The ESF Annexes to the Emergency Operations Plan contain details on the missions, policies, structures, and responsibilities of local agencies for coordinating resource and programmatic assistance in support of local communities. ESF Lead agencies may identify other planning efforts or procedures that assist in the execution of each function. ESF Annexes are considered adopted by reference as they are signed as part of Eagle County's comprehensive Emergency Operations Plan. This section may be updated more frequently than the rest of the Emergency Operations Plan to reflect changes in best practices and operating procedures. As part of the EOP, ESF Annexes are planning documents, not procedural documents, and are available for public review.

#### **SUPPORTING DOCUMENTS, INCIDENT, AND EVENT ANNEXES:**

Additional Annexes to the Emergency Operations Plan are supplemental documents that support emergency planning efforts. Annexes may contain definitions, sample or actual contracts and agreements, and hazard-specific plans for incidents and/or events that are likely to occur in Eagle County, Colorado. These Annexes and plans are considered adopted by reference as they are signed as part of Eagle County's comprehensive Emergency Operations Plan. This section may be updated more frequently than the rest of the Emergency Operations Plan to reflect changes in best practices and operating procedures. As part of the EOP, Supporting Documents, Incident, and Event Annexes are available for public review.

## ADOPTION & PROMULGATION

The Eagle County Emergency Operations Plan is an all-discipline, all-hazards plan that establishes a single, comprehensive framework for the management of domestic incidents. It provides the structure and mechanisms for the coordination of local support as well as coordination with state and federal agencies. The Eagle County Emergency Operations Plan is important to the mission of reducing the vulnerability to all natural and human caused hazards, minimizing the damage, and assisting in the recovery from any type of incident that occurs.

This Emergency Operations Plan will be formally adopted by the Eagle County Board of County Commissioners by Resolution and filed with the Eagle County Department of Emergency Management and the Colorado Division of Homeland Security and Emergency Management. This plan is considered effective for two (2) years upon adoption by the Board of County Commissioners. Planning and coordination processes for the regular update and adoption of the Emergency Operations Plan are overseen by the Eagle County Emergency Manager. All changes to the Emergency Operations Plan between adoption periods shall be approved by the Eagle County Emergency Manager and noted in the [Record of Changes](#) document as a continuous record from previous versions.

Once adopted, this Emergency Operations Plan will be distributed to all public safety agencies and state, federal, and local governments that operate within Eagle County. The EOP will also be available to the public. Departments, agencies, organizations and offices of elected officials in Eagle County are responsible for developing and maintaining up-to-date internal standard operating procedures, training and exercise plans in order to support the overall Emergency Operations Plan.

## DELEGATION OF AUTHORITY

This document supersedes all previous versions of the Eagle County Emergency Operation Plan.

The transfer of management authority for actions during an incident is done through the execution of a written delegation of authority from an agency to the Incident Commander. This procedure facilitates the transition between incident management levels. The delegation of authority is a part of the briefing package provided to an incoming incident management team. It should contain both the delegation of authority and specific limitations to that authority.

The Eagle County Emergency Operations Plan delegates the Board of County Commissioners' authority to specific individuals. Unless otherwise noted, the chain of succession in a major emergency or disaster is as follows:

- County Manager
- Deputy County Manager(s)

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## PURPOSE, SCOPE, & PLANNING PRINCIPLES

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### PURPOSE

The purpose of the Eagle County Emergency Operations Plan (EOP) and its Annexes is to establish a comprehensive, countywide, all hazards approach to incident management across a spectrum of mission areas including prevention, protection, mitigation, response, and recovery.

The Eagle County EOP incorporates best practices and procedures from various incident management disciplines—homeland security, emergency management, law enforcement, firefighting, hazardous materials response, public works, public health, emergency medical services, and responder and recovery worker health and safety—and integrates them into a unified coordinating structure.

The Eagle County EOP and its Annexes provide the framework for interaction with local, private sector, and nongovernmental organizations. The EOP describes capabilities and resources and establishes responsibilities and operational processes for coordinating response activities, sharing incident information with response partners and the public, alert and notification, and mobilization of resources during an incident response.

### SCOPE

The Eagle County Emergency Operations Plan recognizes and incorporates the various jurisdictional and functional authorities of local agencies, private-sector organizations, and nongovernmental organizations. This plan is applicable to all agencies and organizations that may be requested to provide assistance or conduct operations in the context of actual or potential incidents within the county.

The Eagle County Emergency Operations Plan addresses the full spectrum of activities related to incident management. This plan focuses on those activities that are directly related to an evolving incident or potential incident.

As a high-level strategic document, the Emergency Operations Plan complements and integrates with other emergency plans including tactical response plans, jurisdiction emergency operations plans, continuity of operations and continuity of government plans, the countywide Hazard Mitigation Plan, and other prevention, protection, mitigation, response, and recovery systems within Eagle County.

Unless specified otherwise, the Eagle County Emergency Operations Plan recognizes and incorporates all jurisdictions, sub-jurisdictions, and private lands within the borders of Eagle County, Colorado. This includes (but is not limited to):

- **County Government:** Eagle County Government
- **Municipalities:** Vail, Minturn, Red Cliff, Avon, Eagle, Gypsum, Basalt
- **Fire Districts and Coverage Areas:** Vail Fire and Emergency Services, Eagle River Fire Protection District, Greater Eagle Fire Protection District, Gypsum Fire Protection District, Eagle County Airport Rescue and Fire Fighting, Rock Creek Volunteer Fire, Roaring Fork Fire & Rescue Authority

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- **Law Enforcement Coverage Areas:** Eagle County Sheriff's Office, Vail Police Department, Avon Police Department, Eagle Police Department, Basalt Police Department, Colorado State Patrol
  - **Emergency Medical Services Districts and Coverage Areas:** Eagle County Paramedic Services, Roaring Fork Fire & Rescue Authority
  - **911 Public Safety Answering Points:** Vail Public Safety Communications, Pitkin Dispatch
  - **Federal Lands:** White River National Forest Eagle-Holy Cross Ranger District, White River National Forest Aspen-Sopris Ranger District, Bureau of Land Management Upper Colorado River District, Bureau of Land Management Northwest District
  - **State Lands:** Colorado Parks & Wildlife Areas 8 & 9, Sylvan Lake State Park
  - **School Districts:** Eagle County School District, Roaring Fork School District
  - **Other Special Districts:** Metro Districts, Water and Sanitation Districts, Library Districts, Recreation Districts, Cemetery Districts
  - Unincorporated areas, census-designated places, and private lands within Eagle County

## STRATEGIC, OPERATIONAL, AND TACTICAL PLANNING

There are three tiers of planning: Strategic Planning, Operational Planning, and Tactical Planning. The Emergency Operations Plan is largely a Strategic and Operational planning document, but it is important to understand how the three tiers of planning complement each other to create an effective response.

- **Strategic Planning:** Outlines the intent of leaders and policy makers, provides high-level guidance and authority for the response, and sets the context and expectations for operational planning.
- **Operational Planning:** Provides the tasks and resources needed to execute the strategy.
- **Tactical Planning** directs personnel, equipment, and resources on an incident scene in order to complete the operational tasks within a given time frame. All three tiers of planning occur at all levels of government.



## PLANNING ASSUMPTIONS AND CONSIDERATIONS

The Eagle County Emergency Operations Plan was developed with the following planning assumptions and considerations:

- Incidents are typically managed at the lowest possible geographic, organizational, and jurisdictional level.
- Incident management activities will be initiated and conducted using the principles contained in the National Incident Management System.
- The combined expertise and capabilities of government at all levels, the private sector, and nongovernmental organizations will be required to prevent, protect, mitigate, respond to, and recover from incidents or disasters.
- Incidents or disasters may:

- Occur at any time with little or no warning in the context of a general or specific threat or hazard.
- Require significant information sharing across multiple jurisdictions and between public and private sectors.
- Span the spectrum of incident management to include prevention, protection, mitigation, response, and recovery.
- Involved multiple, highly varied hazards or threats on a local, regional, or national scale.
- Result in numerous casualties; fatalities; displaced people; property loss; disruption of normal life support systems, essential public services, and basic infrastructure; and significant damage to the environment.
- Impact critical infrastructure across sectors.
- Overwhelm capabilities of local governments and private sector infrastructure owners and operators.
- Attract a sizable influx of independent, spontaneous volunteers and supplies.
- Require prolonged, sustained incident management operations and support activities.
- Top priorities for incident management are to
  - Save lives and protect the health and safety of responders, recovery workers and the public.
  - Prevent an imminent incident, including acts of terrorism from occurring.
  - Protect and restore critical infrastructure and key resources.
  - Conduct law enforcement investigations to resolve the incident, apprehend the perpetrators, and collect and preserve evidence for prosecution.
  - Protect property and mitigate damages and impacts to individuals, communities, and the environment.
  - Facilitate recovery of individuals, families, businesses, governments, and the environment.
- Departments and agencies at all levels of government and certain nongovernmental organizations may be required to deploy to incidents or disasters on short notice to provide timely and effective mutual aid and/or intergovernmental assistance.
- For incidents where a Presidential Disaster Declaration is in place, state and federal support is delivered in accordance with relevant provisions of the Stafford Act.

## PLAN MAINTENANCE

This Eagle County EOP supersedes all previous editions and is effective immediately for planning, training and exercising, preparedness, and response operations.

The Eagle County EOP will be presented to the Eagle County Board of County Commissioners for adoption by Resolution every two (2) years. The adopted EOP and Resolution will be filed with the Eagle County Department of Emergency Management and the Colorado Division of Homeland Security and Emergency Management.

Planning and coordination processes for the maintenance, training, and regular update of the Emergency Operations Plan are overseen by the Eagle County Emergency Manager. All responsible parties shall review the Eagle County EOP and Annexes annually. All changes, revisions, and/or updates to the Plan its annexes and appendices shall be forwarded to Eagle County Emergency Management for review, publication, and distribution to all holders of the Plan. If no changes, revisions, and/or up-dates are required, Eagle County Emergency Management shall be notified in writing by agency leads that respective annexes and supporting plans have been reviewed and are considered valid and current.

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## SITUATION OVERVIEW

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### EAGLE COUNTY, COLORADO

Eagle County has a total population of 54,960 (2020). Its major transportation route is I70 which extends East/West with 60 miles of road across the county. Eagle County borders Summit, Grand, Routt, Lake, Pitkin, and Garfield County.

Eagle County comprises a land area of 1,701 square miles or 1,088,485 acres with elevations ranging from about 6,000 feet to more than 14,000 feet above sea level. More than 82% of Eagle County's land is public, including National Forests, wilderness areas, U.S. Bureau of Land Management (BLM) properties, and state and local public lands. Within the county, the U.S. Forest Service manages 595,860 acres of the White River National Forest, and the Bureau of Land Management manages 247,751 acres of land. Along the northeast boundary is the Eagle's Nest Wilderness Area, in the southeast quadrant is the Holy Cross Wilderness Area, and a small piece of Flat Tops Wilderness Area is in the northwest corner. These wilderness areas all belong to the White River National Forest. There are several State Wildlife and Resource Management Areas and also Sylvan Lake State Park. The Continental Divide runs along a portion of the southern boundary, and the Colorado Trail (a non-motorized use trail) crosses the southeast corner of the county. Eagle County is predominantly situated in the Eagle and Colorado River Valleys with the Town of Basalt and El Jebel area located in the Roaring Fork River Valley.

The responsibility for Eagle County's public safety systems is shared across multiple jurisdictions and response agencies. Eagle County is served by seven distinct fire districts and coverage areas, five law enforcement agencies, two emergency medical services districts, and two 911 public safety answering points. Eagle County Government, seven municipalities, federal land partners, state parks, and interstate highway authorities also provide support for Eagle County's public safety systems. More details are available in the [Annex: Public Safety Districts and Coverage Areas](#).

### HAZARD IDENTIFICATION AND RISK ASSESSMENT

Eagle County's complete Hazard Identification and Risk Assessment is detailed in the [Eagle County Hazard Mitigation Plan](#) for Eagle County Government and all participating jurisdictions and public safety agencies. Eagle County is vulnerable to a wide variety of natural and manmade hazards that threaten life and property. Damage to critical facilities and disruption of vital services caused by natural hazards can have a significant impact on our communities. Furthermore, recent local and national events establish that risks exist from human-caused hazards ranging from accidents to domestic and international terrorism.

The Hazard Mitigation Plan includes full profiles of the following hazards:

- Wildfire
- Floods
- Severe Winter Weather
- Landslides
- Avalanche
- Drought

- Lightning
- Severe Wind

At the regional level, the Northwest All Hazards Emergency Management Region (comprised of Eagle, Summit, Pitkin, Routt, Grand, Jackson, Moffatt, Rio Blanco, Garfield, and Mesa Counties) also conducts a regional Threat and Hazard Identification and Risk Assessment (THIRA) in accordance with the Department of Homeland Security’s THIRA Comprehensive Preparedness Guide 201. The THIRA process helps communities identify capability targets and resource requirements necessary to address anticipated and unanticipated risks. The THIRA process is updated independently from the Emergency Operations Plan at the regional level and is For Official Use Only. Public safety partners with a need-to-know can access the full THIRA by contacting the Eagle County Emergency Manager.

## MITIGATION OVERVIEW

Mitigation actions are efforts that reduce the likelihood and/or consequences of natural and manmade hazards. Eagle County’s mitigation strategies, projects, processes, progress, and future efforts are detailed in the [Eagle County Hazard Mitigation Plan](#). County planning documents are also available for more information on mitigation projects. The Disaster Mitigation Act of 2000, 44 CFR; 201.6, provides grants for implementation of both pre- and post- disaster mitigation projects through the FEMA Hazards Mitigation Grant Program (HMGP). This section is specifically detailed in the Eagle County Hazard Mitigation Plan.



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## CONCEPT OF OPERATIONS

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This section describes the local coordinating structures, processes, and protocols employed to manage incidents or disasters in Eagle County. These coordinating structures and processes are designed to enable execution of the responsibilities of each jurisdiction having authority and to integrate local, Non-Governmental Organizations, and private sector efforts into a comprehensive approach to incident management.

A basic premise of the Eagle County Emergency Operations Plan is that incidents are generally handled at the lowest jurisdictional level possible. Police, fire, emergency medical services, and other first responders are responsible for incident management and coordination at the local level. In the vast majority of incidents, local resources and regional mutual aid resources provide the first line of emergency response and incident management support.

When a local jurisdiction requires assistance with providing logistical support for an incident or when several local jurisdictions are experiencing simultaneous incidents requiring similar resources, the Eagle County Emergency Operations Center (EOC) may be activated through the County Emergency Management Director or designee in accordance with the [Annex: EOC Activation Procedures](#) to coordinate efforts and provide appropriate support to the incident command structure.

The framework created by these coordinating structures is designed to accommodate the various roles local government plays during an incident, whether it is support to local agencies, or direct implementation of the Eagle County incident management authorities and responsibilities under state and federal law.

### NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) FRAMEWORK

The structure for coordination outlined in the Eagle County Emergency Operations Plan is based on National Incident Command System:

#### NIMS GUIDING PRINCIPLES:

- **Management by Objectives**  
The Incident Commander and EOC Manager establish objectives that drive all incident and EOC operations, respectively.
- **Scalable, Flexible, & Adaptable Modular Organization**  
ICS and EOC structures develop in a modular fashion based on an incident's size, complexity, and hazard environment. Responsibility for establishing ICS and EOC teams rests with the Incident Commander and EOC Manager. Responsibility for functions that subordinates perform defaults to the next higher supervisory position until the supervisor delegates those responsibilities.

- **Position-Specific Leadership**  
An individual's roles and responsibilities during an incident are defined by their position within the ICS or EOC structure and not their day-to-day role within the organization.
- **Chain of Command and Unity of Command**  
Each individual involved in an incident reports to and takes direction from only one person.
- **Manageable Span of Control**  
Maintaining an appropriate span of control helps ensure an effective and efficient incident management operation. The optimal span of control for incident management is one supervisor to five subordinates.
- **Whole Community**  
Enabling the participation of a wide range of players from the private sector, nonprofit sector, and the community to foster better coordination and working relationships.

#### COORDINATION STRUCTURES:

- **Incident Command/Unified Command on-scene:**  
Maintains authority, responsibility, and accountability for its personnel and other resources while managing and directing incident activities through the establishment of a common set of incident objectives, strategies, and a single Incident Action Plan. Incident Command typically operates out of an Incident Command Post on scene. Supported by the Emergency Operations Center and Policy Group.
- **Emergency Operations Center (EOC) Support and Coordination**  
Supports Incident Command in accomplishing its objectives and identifies and coordinates any response and recovery needs that go beyond the scope or capabilities of Incident Command. The term "EOC" may refer to the coordination system or the physical location where this coordination takes place. The EOC is typically activated to support when:
  - Local response capacity is insufficient (resources support)
  - Extensive cross-agency or cross-jurisdiction needs (coordination support)
  - High cost to partners or residents (financial/recovery support)
  - High level of public attention (communications support)
- **Policy Group/Multi-Agency Coordination (MAC) Group**  
Consists of agency administrators or executives from organizations or their designees. MAC Groups provide policy guidance to incident personnel, support resource prioritization and allocation, and enable decision making among elected and appointed officials and senior executives in other organizations as well as those directly responsible for incident management.
- **Eagle County Joint Information Center (JIC)**  
Serves as a focal point for the unified coordination and dissemination of information to the public and media during incident operations. The JIC staff develops, coordinates, and disseminates unified news releases alongside access and functional needs coordinator and an interpreter as needed. Public information and news releases are cleared through Incident Command and/or the EOC to ensure consistent messages, avoid release of conflicting information, and prevent negative impact on operations. This formal approval process ensures protection of law

enforcement sensitive information. Agencies may issue their own news releases related to their policies, procedures, and capabilities, however, these should be coordinated with the JIC.



### EMERGENCY MANAGEMENT MISSION AREAS

Eagle County Emergency Management supports public safety partners with pre-disaster operations, emergency response operations, and post-disaster recovery operations as outlined by the five Mission Areas:

- **Prevention**  
Actions that prevent, stop, or reduce the likelihood of a manmade or natural hazard occurrence
- **Protection**  
Actions that protect our citizens, residents, visitors, infrastructure, and assets against the greatest threats and hazards
- **Mitigation**  
Actions that reduce loss of life and damage to property by lessening the impacts of future disasters
- **Response**  
Actions that support an effective emergency response to quickly save lives, protect property and the environment, and meet basic human needs
- **Recovery**  
Actions that support the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic and environmental fabric of communities affected by a catastrophic incident

### ROLE CLARIFICATION

#### First Responders

Police, fire, public health and medical, emergency management, public works, hazardous materials response, and other personnel are often the first to arrive and the last to leave an incident site. When local

resources and capabilities are overwhelmed, the local Chief Executive Officer or their designee may request assistance from additional districts, municipalities, or Eagle County.

### **Chief Elected/Appointed Officials**

The highest-level elected or appointed leaders of public safety organizations and local government structures are ultimately responsible for the public safety and welfare of the people in the jurisdiction they serve. Typically the Chief Elected or Appointed Official for an organization or government would be an Elected Leader, Chief, Mayor, Chair of the Board, and/or an organization's Chief Executive Officer or designee. Responsibilities of the Local Chief Elected/Appointed Official include:

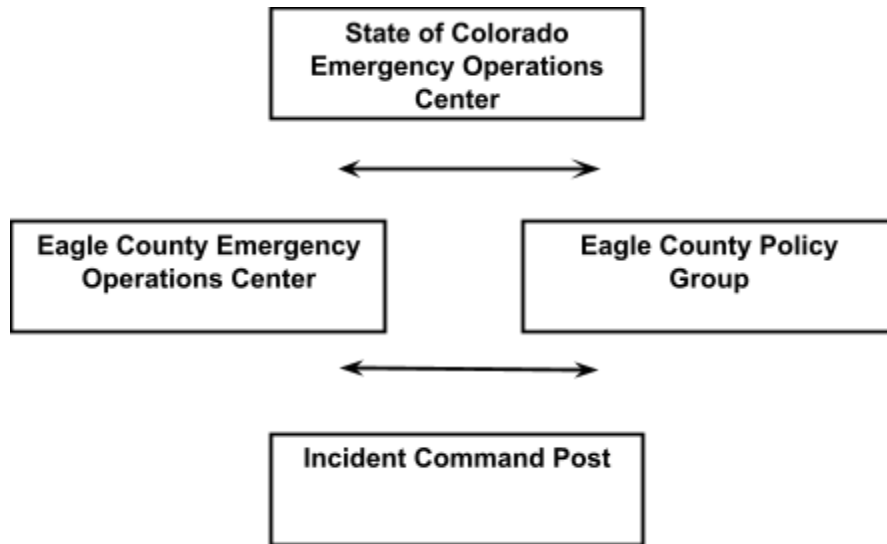
- Providing policy direction and authority for emergency response activities within their jurisdiction
- Top-level responsibility for addressing the full spectrum of actions to prevent, protect, mitigate, respond to, and recover from incidents involving all natural and manmade hazards.
- Depending upon state and local law, the Chief Elected/Appointed Official may have extraordinary powers to suspend local laws and ordinances, such as to establish a curfew, direct evacuations, and, in accordance with the local health authority, to order quarantine.
- Playing a key role in communicating with the public and organization staff, and in helping people, businesses, and organizations cope with the consequences of any type of domestic incident within the jurisdiction.
- Negotiating and entering into mutual aid agreements and financial agreements with other jurisdictions to facilitate resource sharing.
- Requesting assistance through the appropriate channels when the jurisdiction's capabilities have been exceeded or exhausted

## **DIRECTION, CONTROL, AND COORDINATION**

The responsibility for the management of an emergency rests with the elected and appointed leadership of each jurisdiction, special district, and public safety authority. The response to an emergency in Eagle County will be made at the lowest governmental level that will ensure operational effectiveness. Each jurisdictional agency is responsible for approving and managing the use of their own resources for emergency purposes and establishing a line of succession for authorizing funds and other emergency resources.

When incident needs are beyond the scope or capabilities of Incident Command, the overall authority to offer support and coordination to each jurisdictional agency in an emergency rests with the Eagle County Emergency Manager, the Emergency Operations Center, and the Emergency Support Function Leads.

When response and recovery needs exceed the capabilities of Eagle County, the Eagle County EOC is the conduit to the State of Colorado Emergency Operations Center (SEOC) for resource assistance and other state and federal support. Communication and information sharing between the Eagle County EOC and the State EOC is typically carried out between the County Emergency Manager or EOC Manager on behalf of the county and the Regional Field Manager on behalf of the Colorado Division of Homeland Security and Emergency Management.



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## DISASTER AND EMERGENCY DECLARATIONS

A Disaster/Emergency Declaration is an administrative tool used by local governments and special districts to signal to its constituents and other governments that an emergency exceeds or has the potential to exceed local capacity. Disaster/Emergency Declarations may be used to authorize emergency spending, enable emergency authorities, suspend laws and policies that inhibit an effective response, encourage prioritization of resource requests, and open channels for state and federal resource and financial support.

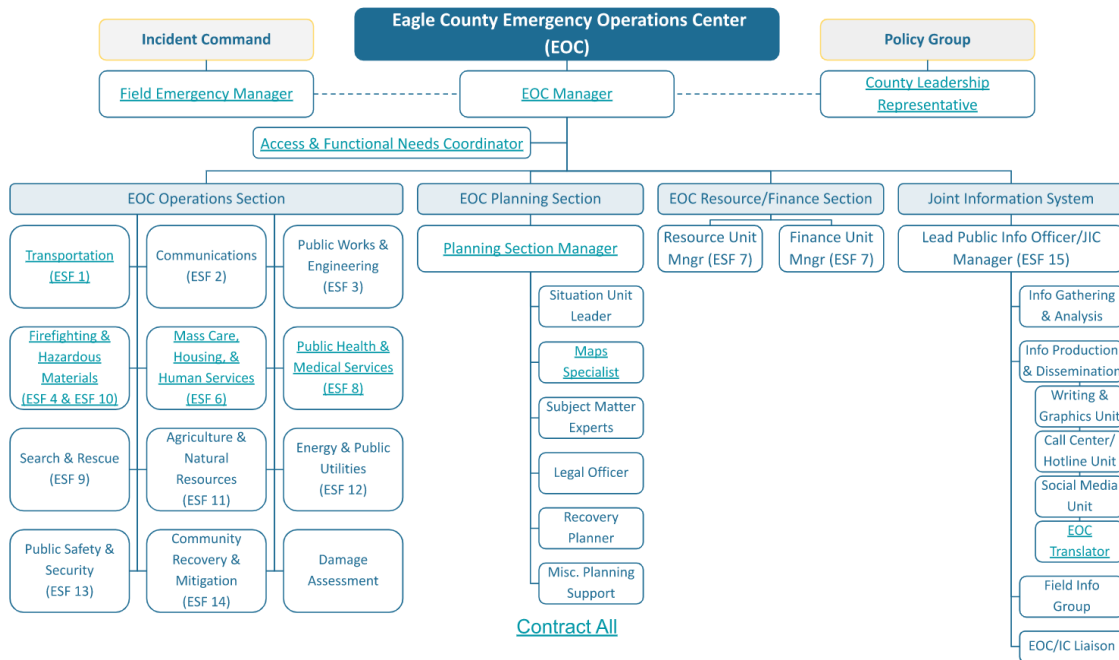
A local municipality or special district may declare a local disaster or an emergency by notifying the Eagle County Emergency Manager and the Eagle County Board of County Commissioners (BoCC) or County Manager.

Eagle County may also issue a Disaster Emergency Declaration at the county level when an incident or potential incident is of such severity, magnitude, and/or complexity that it is considered a disaster. At the request of the county, the State of Colorado may also issue a State Declaration of Disaster/Emergency and will serve as the channel to the federal government should thresholds be met to request a Presidential Disaster Declaration in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In the context of Presidentially Declared Disasters, the U.S. Department of Homeland Security coordinates supplemental federal assistance when the consequences of the incident exceed local and state capabilities.

Refer to the [Annex: Disaster/Emergency Declaration Procedures](#) for details on Eagle County's Disaster/emergency Declaration Process.

## EOC STRUCTURE & ORGANIZATION

Emergency Operations Center (EOC) support for incident command is facilitated through Emergency Support Functions (ESFs). Emergency Support Functions and other roles in the EOC organizational structure are activated based on the needs of incident command and the impacts to the community.



## EOC ACTIVATION

The Public Safety Answering Point (911 Dispatch) notifies Emergency Management of complex incidents and events with the potential to expand. Following notification, the Eagle County Emergency Operations Center is activated by the Eagle County Emergency Manager at the request of the Incident Commander to coordinate response and recovery needs that go beyond the scope or capabilities of Incident Command. The positions within the EOC are activated individually by the EOC Manager depending on the needs of the response. The size and scope of the EOC is flexible and scalable throughout the duration of the activation.

## COMMUNITY LIFELINES



The Eagle County EOC structures its response around the stabilization of eight Community Lifelines. Lifelines are the most fundamental services in the community that, when stabilized, enable all other

aspects of society to function. All Community Lifelines are interdependent, and destabilizing one Lifeline will frequently impact the status of other Lifelines. When disrupted, decisive intervention is required to stabilize the incident. The eight Community Lifelines in Eagle County are:

- Safety & Security
- Health & Medical
- Communications
- Hazardous Materials
- Food, Water, Shelter
- Energy (Power & Fuel)
- Transportation
- Natural Resource & the Economy

During EOC activations, Community Lifelines are assessed and assigned one of the following colors:

- [gray]: Status Unknown
- [green]: Stable
- [yellow]: Functional, but inadequate for consistent service
- [red]: Unstable, inadequate level of service

## **EOC INFORMATION SHARING SYSTEMS**

One of the essential missions of the Emergency Operations Center is to ensure a common operating picture and effective information sharing between Incident Command, the EOC, Emergency Support Function partners, Policy Group members, and the community. Critical information requirements may vary by incident. All incident information should be archived and saved to Eagle County drives for record-keeping purposes. Additional guidance is provided in the [EOC Activation Annex](#).

Fundamental methods of information sharing through the EOC include:

### **EOC Situation Report**

The EOC Situation Report (SitRep) is an internal document for all response partners and Policy Group members involved in an incident response. The SitRep seeks to provide a common operating picture while prioritizing the status of Community Lifelines and actions and resource needs associated with those lifelines.

### **EOC Briefings**

EOC Briefings are in-person or virtual opportunities for Emergency Support Functions, EOC staff, and liaisons from Incident Command to brief EOC partners on the status of the incident and the status, actions, and resource needs associated with each Community Lifeline.

### **Policy Group Briefings**

Policy Group Briefings provide Incident Command and EOC response partners with an opportunity to update key Policy Group members on the status of the incident and any policy decisions that need to be made. Policy Group Briefings should clearly characterize any policy questions or needs for policy guidance, provide Policy Group members with subject matter expertise to inform their decisions, and conclude with clear policy direction for Incident Command and the EOC.

### **Public Information Channels**

The Joint Information Center (JIC) will oversee a continuous cycle of identifying critical public information needs, collecting accurate and timely information from response partners to meet those needs, and using a wide variety of traditional and non-traditional channels to ensure the information is received

by members of the public. Extra emphasis will be put on identifying marginalized and disproportionately-impacted populations in the community and targeting messaging to the people who need it most.

## EOC ROLES & RESPONSIBILITIES

### Field Emergency Manager

The Field Emergency Manager is embedded with Incident Command and serves as the liaison between Incident Command and the EOC. The Field Emergency Manager works in partnership with the EOC Manager to ensure that all information needs and requests for support are addressed.

### EOC Manager

The EOC Manager oversees all functions and staffing of the Eagle County EOC. The EOC Manager coordinates directly with the Field Emergency Manager (Incident Command) and the County Leadership/Policy Group Representative to ensure a unified EOC response.

### County Leadership/Policy Group Representative

The County Leadership Representative coordinates the Policy Group (MAC Group) and serves as the public face of County leadership during an emergency. With guidance and direction from the County Leadership Representative, the Policy Group is responsible for all major policy decisions and high-level strategy.

### Emergency Support Function (ESF) Leads

The ESF Lead is the primary agency or individual responsible for a given Emergency Support Function. The ESF Lead has ongoing responsibilities throughout the prevention, protection, mitigation, response, and recovery phases of incident management. The role of the ESF Lead is carried out through a multi-agency coordination approach as agreed upon collectively by the designated lead agencies. Responsibilities of the ESF Lead include:

- Pre-Incident planning and coordination
- Managing mission assignments and coordinating with Support agencies
- Maintaining ongoing contact with other ESF Lead and Support agencies
- Conducting periodic ESF meetings and conference calls
- Coordinating efforts with appropriate private-sector organizations to maximize use of all available resources
- Coordinating ESF activities relating to catastrophic incident planning and critical infrastructure preparedness as appropriate
- Supporting and informing other ESFs of operational priorities and activities
- Assisting with procurement of goods and services as needed
- Ensuring financial and property accountability for ESF activities
- Planning for short term and long term incident management and recovery operations
- Maintaining trained personnel to support interagency emergency response and support teams
- Conducting operations, using their own authorities, subject matter experts, capabilities, or resources
- Participating in planning for short term and long term incident management and recovery operations and the development of supporting operational plans, Standard Operating Procedures, checklists, or other job aids, in concert with existing first responder standards
- Assisting in the completion of situation assessments
- Furnishing available personnel, equipment, or other resource support as requested



- Participating in training and exercises aimed at continuous improvement of prevention, response, and recovery capabilities
- Identifying new equipment or capabilities required to prevent or respond to new or emerging threats and hazards, or to improve the ability to address existing threats
- Providing information or intelligence regarding the agency's area of expertise

### **ESF Support Agencies**

ESF Support Agencies are individuals and agencies that provide functional support at the request of the ESF Lead or EOC Manager. Support agencies may be responsible for:

- Orchestrating local support within their functional area for an affected jurisdiction
- Providing staff for the operations functions at fixed and field facilities
- Providing information or intelligence regarding the agency's area of expertise

### **EOC Planning Section Manager**

The Emergency Operations Center (EOC) Planning Section Manager provides support to the EOC Manager through the coordination of all written documentation and planning efforts related to the response and recovery.

### **EOC Access & Functional Needs Coordinator**

The Emergency Operations Center (EOC) Access & Functional Needs Coordinator identifies impacted individuals and groups who are not able to effectively access resources and information during an emergency and works with EOC partners to address those needs.

Populations experiencing Access & Functional Needs may be different in every emergency. Common barriers include English language comprehension, physical disabilities, medical needs, access to and comfort with technology, and access to transportation.

### **Joint Information Center (JIC) Manager**

The Joint Information Center Manager is responsible for identifying communication priorities and community information needs, advising Incident Command and the EOC on public information strategy, and providing direction to the Joint Information Center staff to ensure that all functions are well organized and operating efficiently to ensure the effective communication of timely, pertinent and accurate information about public safety and incident response to the public. The JIC Manager operates with the authority and direction of the lead Public Information Officer of the agency with jurisdiction over the incident response.

## **EMERGENCY SUPPORT FUNCTIONS AND SCOPE**

**ESF #1—Transportation** - Civil transportation support, restoration/recovery of transportation infrastructure, movement restrictions, damage and impact assessment.

**ESF #2—Communications & Information Technology** - Coordination with telecommunications industry, restoration/ repair of telecommunications infrastructure, protection and restoration of information resources and warnings and/or notifications.

**ESF #3—Public Works & Engineering** - Infrastructure protection, emergency repair, infrastructure restoration, engineering services, construction management and critical infrastructure liaison.

**ESF #4—Firefighting** - Firefighting Activities and resource support.

**ESF #5—Emergency Management** - Coordination of incident management efforts, management of Emergency Operations Center (“EOC”).

**ESF #6—Mass Care, Housing, and Human Services** - Mass Care, disaster housing, damage assessment, human services and sheltering.

**ESF #7—Resource Support** - Resource support (facility space, office equipment, supplies, contracting services, etc.) and financial management.

**ESF #8—Public Health & Medical** - Public health, medical (Emergency Medical Services & Hospital), mental health, mass fatality and mortuary services.

**ESF #9—Search and Rescue** - Life-saving assistance.

**ESF #10—Oil & Hazardous Materials** – Chemical, Biological, Radiological, Nuclear and Explosive Response, environmental safety and short and long term cleanup.

**ESF #11—Agriculture, Livestock, and Natural Resources; Nutrition Assistance** - Animal and plant disease/pest response, food safety and food security.

**ESF #12—Energy and Public Utilities** - Energy infrastructure assessment, repair and restoration, energy industry utilities coordination.

**ESF #13—Public Safety and Security** - Facility and resource security, security planning, technical and resource assistance, public safety/security support, support to access, traffic, and crowd control.

**ESF #14—Community Recovery and Mitigation** - Intermediate and long-term community recovery assistance to local government and the private sector, damage assessment, social and economic community impact assessment, mitigation analysis, and program implementation.

**ESF #15—External Affairs** - Emergency public information and protective action guidance, media and community relations support to on scene incident management and management of Joint Information Center (“JIC”).

<b>EMERGENCY SUPPORT FUNCTIONS - LEAD &amp; SUPPORT AGENCIES</b>		
<b>Function</b>	<b>Lead Agency</b>	<b>Support Agencies</b>
ESF 1 Transportation	ECO Transit	<ul style="list-style-type: none"> <li>● Colorado Department of Transportation (CDOT)</li> <li>● Eagle County Emergency Management</li> <li>● Eagle County Regional Airport</li> <li>● Eagle River Water and Sanitation District</li> <li>● Fleet Services Departments</li> <li>● Greyhound</li> <li>● Human Resources Departments</li> <li>● Law Enforcement Jurisdiction(s)</li> <li>● Pitkin County Regional Emergency Dispatch Center</li> <li>● Public Works Agencies</li> <li>● School Districts (Re-50-J and RE-1)</li> <li>● Transit Agencies (RFTA, Beaver Creek, Avon and Vail)</li> <li>● Union Pacific Railroad (Amtrak)</li> <li>● Vail Health</li> <li>● Vail Public Safety Communications Center</li> </ul>
ESF 2 Communications & Information Technology	-Eagle County 800MHz -Information and Technology Departments -Vail Public Safety Communications Center	<ul style="list-style-type: none"> <li>● Eagle County Emergency Management</li> <li>● Eagle County Public Information Officers Group</li> <li>● Information and Technology Departments</li> <li>● Pitkin County Regional Emergency Dispatch Center</li> <li>● Vail Public Safety Communications Center</li> </ul>
ESF 3 Public Works & Engineering	Eagle County Road & Bridge	<ul style="list-style-type: none"> <li>● Colorado Department of Transportation</li> <li>● Eagle County Emergency Management</li> <li>● Eagle County Environmental Health</li> <li>● Eagle County Engineering</li> <li>● Eagle County Solid Waste and Recycling</li> <li>● Eagle River Water &amp; Sanitation District</li> <li>● Mid-Valley Water District</li> <li>● Town of Avon Road &amp; Bridge/ Engineering</li> <li>● Town of Basalt Public Works/ Engineering</li> <li>● Town of Eagle Public Works Engineering</li> <li>● Town of Gypsum Public Works/Engineering</li> <li>● Town of Minturn Public Works</li> <li>● Town of Red Cliff</li> <li>● Town of Vail Public Works/ Engineering</li> </ul>

ESF 4 Firefighting	Appointed Fire District Representative	<ul style="list-style-type: none"> <li>● Ambulance Districts</li> <li>● Roaring Fork Fire &amp; Rescue Authority</li> <li>● Eagle County Airport Fire Department</li> <li>● Eagle County Emergency Management</li> <li>● Eagle County Sheriff's Office</li> <li>● Eagle River Fire Protection District</li> <li>● Greater Eagle Fire Protection District</li> <li>● Gypsum Fire Protection District</li> <li>● Law Enforcement Agencies</li> <li>● Public Works Agencies</li> <li>● Rock Creek Volunteer Fire Department</li> <li>● Upper Colorado River Fire Management</li> <li>● Vail Fire &amp; Emergency Services</li> </ul>
ESF 5 Emergency Management	Eagle County Emergency Management	<ul style="list-style-type: none"> <li>● Ambulance District</li> <li>● American Red Cross/Salvation Army</li> <li>● Colorado Office of Emergency Management</li> <li>● Eagle County Administration</li> <li>● Eagle County Attorney's Office</li> <li>● Eagle County Environmental Health</li> <li>● Fire Agencies</li> <li>● Health and Human Services</li> <li>● Law Enforcement</li> <li>● Public Information Officers Group</li> <li>● Public Works Agencies</li> <li>● Vail Public Safety Communications Center</li> <li>● Wildfire Mitigation Specialist</li> </ul>
ESF 6 Mass Care, Housing and Human Services	Eagle County Department of Human Services	<ul style="list-style-type: none"> <li>● Eagle County Agencies</li> <li>● Administration</li> <li>● Animal Services</li> <li>● Attorney</li> <li>● Commissioners</li> <li>● Emergency Management</li> <li>● Environmental Health</li> <li>● Facilities Management</li> <li>● Finance</li> <li>● GIS</li> <li>● Housing and Development</li> <li>● Human Resources</li> <li>● IT</li> <li>● Sheriff's Office</li> <li>● ECO Transit</li> <li>● CSU Extension</li> <li>● American Red Cross (ARC)</li> <li>● Ambulance Districts</li> <li>● Eagle Valley Community Foundation</li> </ul>

		<ul style="list-style-type: none"> <li>● Fire Districts</li> <li>● Hospitals</li> <li>● Mountain Recreation</li> <li>● West Mountain Regional COAD</li> <li>● Salvation Army</li> <li>● School Districts</li> <li>● Vail Public Safety Communications Center</li> <li>● Vail Interfaith Chapel</li> <li>● Victim Services</li> </ul>
ESF 7 Resource Management	Eagle County Facilities & Finance	<ul style="list-style-type: none"> <li>● Ambulance Districts</li> <li>● American Red Cross</li> <li>● Eagle County Department of Human Resources</li> <li>● Fire Districts</li> <li>● Hospitals</li> <li>● Law Enforcement</li> <li>● Metropolitan Districts</li> <li>● Local Governments</li> <li>● Private Sector service and support providers</li> <li>● Salvation Army</li> <li>● School Districts</li> <li>● Volunteer Groups</li> </ul>
ESF 8 Public Health	Eagle County Public Health and Environment	<ul style="list-style-type: none"> <li>● Ambulance Providers</li> <li>● American Red Cross</li> <li>● Eagle County Animal Services</li> <li>● Eagle County Coroner</li> <li>● Eagle County Emergency Management</li> <li>● Eagle County Human Resources</li> <li>● Eagle County Human Services</li> <li>● Hospitals (Vail Health &amp; Valley View)</li> <li>● Law Enforcement Agencies</li> <li>● Mind Springs Health</li> <li>● Public Works Agencies</li> <li>● Fire Districts</li> </ul>
ESF 9 Search and Rescue	Vail Mountain Rescue Group	<ul style="list-style-type: none"> <li>● Ambulance Providers</li> <li>● Eagle County Emergency Management</li> <li>● Law Enforcement Agencies</li> <li>● Civil Air Patrol</li> <li>● Fire Agencies</li> <li>● HAATS</li> </ul>
ESF 10 Hazardous Materials	Designated Emergency Response Authority	<ul style="list-style-type: none"> <li>● Fire Agencies</li> <li>● Law Enforcement Agencies</li> <li>● Ambulance Districts</li> <li>● Eagle County Emergency Management</li> </ul>

		<ul style="list-style-type: none"> <li>● Colorado State Patrol</li> <li>● Eagle County Environmental Health</li> <li>● Eagle County Local Emergency Planning Committee (LEPC)</li> <li>● Private Industry</li> <li>● Environmental Health</li> </ul>
ESF 11 Agriculture, Livestock, and Natural Resources	CSU Extension	<ul style="list-style-type: none"> <li>● Eagle County Animal Services</li> <li>● Local Private Veterinary Practitioners</li> <li>● Eagle County Humane Society</li> <li>● Eagle County Public Health and Environment</li> <li>● Eagle County Vegetation Management</li> <li>● Colorado Veterinary Medical Reserve Corps</li> <li>● Colorado Department of Parks and Wildlife</li> <li>● Open Space and Natural Resources</li> </ul>
ESF 12 Energy	Public Works Department	<ul style="list-style-type: none"> <li>● Public and Private Utility Providers</li> <li>● Holy Cross energy</li> <li>● Black Hills</li> <li>● Xcel Energy</li> </ul>
ESF 13 Public Safety and Security	Law Enforcement Agency with Jurisdiction	<ul style="list-style-type: none"> <li>● Eagle County Emergency Management</li> <li>● Eagle County Fire agencies</li> <li>● Eagle County Emergency Medical Services providers</li> <li>● Metropolitan Districts</li> <li>● Private (Contracted) Security</li> <li>● Law Enforcement Agencies</li> </ul>
ESF 14 Recovery and Mitigation	Eagle County Planning Department	<ul style="list-style-type: none"> <li>● Eagle County Offices/Departments</li> <li>● Municipal Offices/Departments</li> <li>● School Districts</li> <li>● Special Districts</li> <li>● Non-Governmental Organizations</li> </ul>
ESF 15 External Affairs	Jurisdiction Public Information Officer(s)	<ul style="list-style-type: none"> <li>● Eagle County Public Information Officer's ("PIO") Group</li> <li>● Firefighting Districts</li> <li>● Law Enforcement Agencies</li> <li>● Access and Functional Needs</li> </ul>

## EAGLE COUNTY EMERGENCY SUPPORT FUNCTIONS MATRIX

LEAD ROLL S = SUPPORT ROLL P= POLICY DIRECTION

Agencies & Organizations	ESF1	ESF2	ESF3	ESF4	ESF5	ESF6	ESF7	ESF8	ESF9	ESF10	ESF11	ESF12	ESF13	ESF14	ESF15
	Transportation	Communications & Information Technology	Public Works	Fire-fighting	Emergency Management	Mass Care, Housing & HS	Resource & Logistics	Public Health & Medical	Search & Rescue	Haz-Mat	Agriculture, livestock, & Natural Resources	Public Service Restoration	Public Safety & Security	Recovery & Mitigation	External Affairs & Public Information
Access & Functional Needs															S
Agency Administrators	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P
Airport	S		S	S											
Ambulance Districts				S	S	S	S	S	S	S			S		
Red Cross/ Salvation Army			S		S	S	S	S							
Animal Services						S		S			S				
Assessor's Office														CO-LEAD	
Attorney's Office County/City					S	S		S							
Code Enforcement Director			S										S		
Colorado Department of Transportation			S												
Colorado Department of Parks and Wildlife											S				
Colorado State Patrol										S			S		
Community Development															
Coroner						S		S							

Commissioners/ Councils	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
County Manager/ City Managers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Eagle County 800Mhz		LEAD													
Eagle County Solid Waste and Recycling			S												
Emergency Manager	S	S	S	S	LEAD	S	S	S	S	S	S	S	S	S	S
Engineering			S												
CSU Extension Service						S					LEAD				
Facilities Maintenance	S		S			S	LEAD								
Finance Director						S	CO-LE AD								
Fire Departments				LEAD	S		S	S	S	CO-LE AD			S		S
Fire Chief				P						P					
Fleet Services	S														
Mapping & GIS															
HAATS									S						
Human Services						LEAD	S	S			S				
Hospitals	S					S	S	S							
Housing						S									
Human Resources Director						S		S							
Information & Technology		CO-LEAD				S									
IT Director		S													
Law Enforcement	S			S	S	S	S	S	S	S			LEAD		S
Mind Springs Health								S							
Municipal Public Works Departments	S		S	S	S		S	S				LEAD			



Open Space & Natural Resources											S				
PIO Group		S			S										LEAD
Planning Department														CO-LEAD	
Planning Director														P	
Private Sector	S		S		S	S	S		S	S	S	S	S	S	S
Public Health & Environment			S		S		LEAD		S	S					
Public Safety Communication Center	S	CO-LEAD		S	S	S							S		
Public Works/ Road & Bridge Director	S		LEAD	S	S		S	S					S		
Resilience Department														CO-LEAD	
RHMAEC									LEAD						
School Districts	S				S	S			S				S	S	
Sheriff/Police Chief				S	S	S							P		
Transportation Dept.	LEAD		S							S			S		
Vail Mountain Rescue								LEAD	S				S		
West Mountain Regional COAD						S									

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## WHOLE COMMUNITY INCLUSION

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As a concept, Whole Community is a means by which residents, emergency management practitioners, organizational and community leaders, and government officials can collectively understand and assess the needs of their respective communities and determine the best ways to organize and strengthen their assets, capacities, and interests. By doing so, a more effective path to societal security and resilience is built. In a sense, Whole Community is a philosophical approach on how to think about conducting emergency management.

There are many different kinds of communities, including communities of place, interest, belief, and circumstance, which can exist both geographically and virtually (e.g., online forums). A Whole Community approach attempts to engage the full capacity of the private and nonprofit sectors, including businesses, faith-based and disability organizations, and the general public, in conjunction with the participation of local, tribal, state, territorial, and Federal governmental partners. This engagement means different things to different groups. In an all hazards environment, individuals and institutions will make different decisions on how to prepare for and respond to threats and hazards; therefore, a community's level of preparedness will vary. The challenge for those engaged in emergency management is to understand how to work with the diversity of groups and organizations and the policies and practices that emerge from them in an effort to improve the ability of local residents to prevent, protect against, mitigate, respond to, and recover from any type of threat or hazard effectively.

### WHOLE COMMUNITY PRINCIPLES

Numerous factors contribute to the resilience of communities and effective emergency management outcomes. However, three principles that represent the foundation for establishing a Whole Community approach to emergency management emerged during the national dialogue:

- Understand and meet the actual needs of the whole community
- Engage and empower all parts of the community
- Strengthen what works well in communities on a daily basis

### PRIVATE SECTOR

Eagle County Emergency Management and support agencies coordinate with the private sector to effectively share information, form courses of action, and incorporate available resources to prepare for, respond to, and recover from incidents or disasters.

The roles, responsibilities, and participation of the private sector during incidents or disasters vary based on the nature of the organization and the type and impact of the incident. Common roles of private sector organizations are summarized below:

- **Impacted Organization or Infrastructure**  
Private sector organizations may be affected by direct or indirect consequences of the incident, including privately owned critical infrastructure, key resources, and those main private sector organizations that are significant to local, regional, and national economic recovery from the

incident. Examples of privately owned infrastructure include transportation, telecommunications, private utilities, financial institutions, and hospitals.

- **Response Resource**

Private sector organizations may provide response resources (donated or compensated) during an incident including specialized teams, equipment, and advanced technologies through local public-private emergency plans, mutual aid agreements, or incident specific requests from government and private sector volunteer initiatives.

- **Regulated and/or Responsible Party**

Owners/operators of certain private sector regulated facilities or hazardous operations may bear responsibilities under the law for preparing for and preventing incidents from occurring, and responding to an incident once it occurs. For example, federal regulations require owners/operators of Tier II reporting facilities to maintain emergency (incident) preparedness plans, procedures, and to perform assessments, prompt notifications, and training for a response to an incident.

- **Local Emergency Organization Member**

Private sector organization members may serve as active partners in local emergency preparedness and response organizations and activities.

## **PRIVATE SECTOR RESPONSIBILITIES**

Private sector organizations support the Eagle County Emergency Operations Plan (voluntarily or to comply with applicable laws and regulations) by sharing information with the government, identifying risks, performing vulnerability assessments, developing emergency response and business continuity plans, enhancing their overall readiness, implementing appropriate prevention and protection programs, and donating or otherwise providing goods and services through contractual arrangement or government purchases to assist in response to and recovery from an incident.

Certain organizations are required by existing law and regulation to bear the cost of planning response to incidents, regardless of cause. In the case of an incident or disaster, these private sector organizations are expected to mobilize and employ the resources necessary and available in accordance with their plans to address the consequences of incidents at their own facilities or incidents for which they are otherwise responsible.

Unless the response is inherently governmental, private sector organizations are encouraged to develop and maintain capabilities to respond to and manage a complete spectrum of incidents and emergencies. The local government should maintain ongoing interaction with the critical infrastructure and key resource industries to provide coordination for prevention, protection, mitigation, response, and recovery activities. When practical, or when required under federal law, private sector representatives should be included in planning and exercises.

The government may, in some cases direct private sector response resources when they have contractual relationships, using government funds. The lead agency for each Emergency Support Function must maintain working relations with its associated private sector counterparts through partnership committees or other means.

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## **CITIZEN INVOLVEMENT AND COMMUNITY/ VOLUNTEER ORGANIZATIONS ACTIVE IN DISASTERS**

Strong partnerships with citizens groups and community/volunteer organizations provide a foundation for effective whole community emergency prevention, protection, mitigation, response, and recovery efforts. As an emergency evolves, Incident Command and the EOC are continually assessing impacts to the community and seeking to address unmet needs. In situations where government resources are insufficient or not well-suited to meet certain community needs, the EOC may engage community and volunteer organizations to support impacted community members.

### **Role of the EOC when coordinating with community/volunteer organizations:**

- Sharing information with organizations that helps them understand unmet needs in the community and what support may be needed
- Connecting impacted community members with organizations that are interested in providing support
- Providing logistical support and/or technical assistance to community and volunteer organizations when needed

### **Role of community/volunteer organizations when coordinating with the EOC:**

- Providing services to community members in need
- Providing information to the EOC that helps response partners better understand impacted communities and unmet needs

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## LAWS AND AUTHORITIES

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### FEDERAL LAWS & AUTHORITIES

- [Americans with Disabilities Act](#) (1990)  
Prohibits discrimination on the Basis of Disability in State and Local Government Services.
- [Robert T. Stafford Disaster Relief and Emergency Assistance Act and Amendments](#) (1998)  
Provides statutory authority for most federal disaster response activities especially as they pertain to FEMA and FEMA programs and establishes the Presidential Disaster Declaration process.
- [The Homeland Security Act of 2002](#)  
Creates the U.S. Department of Homeland Security in the aftermath of the terrorist attacks of September 11th, 2001.
- [National Planning Framework](#)  
Describes how the whole community works together to achieve the National Preparedness Goal. Includes a Framework for each of the five mission areas: Prevention, Protection, Mitigation, Response, & Recovery.
- [Homeland Security Presidential Directive 5: Management of Domestic Incidents](#) (2003)  
Enhances the ability of the United States to manage domestic incidents by establishing a single, comprehensive National Incident Management System.
- [Homeland Security Presidential Directive 7, Critical Infrastructure Identification, Prioritization, and Protection](#) (2003)  
Establishes a national policy for federal departments and agencies to identify and prioritize critical infrastructure and to protect them from terrorist attacks.
- [The Post-Katrina Emergency Management Reform Act United States Dept. of Homeland Security](#) (2006)  
Amends the Homeland Security Act of 2002 to significantly reorganize FEMA and provide the agency with new authority to remedy gaps that became apparent in Hurricane Katrina response efforts.
- [PETS Act](#) (2006)  
Ensures that state and local emergency preparedness operational plans address the needs of individuals with household pets and service animals.
- [Plain Language Guidance](#) (2010)  
Establishes that Government documents issued to the public must be written clearly in a way that the public can understand and use.
- [Comprehensive Preparedness Guide 101 Version 2 \(CPG-101 v2\)](#) (2010)  
Provides FEMA guidance on the fundamentals of planning and developing Emergency Operations Plans.

- [Presidential Policy Directive 8, National Preparedness](#) (2011)  
Directs the federal government to develop a National Preparedness Goal that identifies the core capabilities necessary for preparedness and a national preparedness system to guide activities that will enable the nation to achieve the goal.

## STATE OF COLORADO LAWS & AUTHORITIES

The Eagle County Emergency Operations Plan uses the foundation provided by the Homeland Security Act, HSPD #5, PPD #8, the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and the Colorado Disaster Emergency Act of 1992 to provide a comprehensive, all hazards approach to incident management. Nothing in this plan alters the existing authorities of individual departments and agencies. This plan establishes the coordinating structures and processes required to integrate the specific statutory and policy authorities of various departments and agencies in a collective framework."

- [C.R.S. 24-33.5 §701-717](#) Colorado Disaster Emergency Act (2018)  
To include provisions related specifically to recovery, mitigation, and resiliency, and to establish the roles and responsibilities of state and local agencies.
- [C.R.S. 24-33.5 §1601-1615](#)  
Division of Homeland Security and Emergency Management. The threat of terrorism in Colorado is a matter of great concern to the people of the state and affects the public interest.
- [C.R.S. 24-33.5 §1101-1109](#)  
Disaster Relief- In an emergency, the governor may provide assistance to save lives and to protect property, public health and safety.
- [C.R.S. 24-33.5 §1501-1507](#)  
Colorado Emergency Planning Commission- A subcommittee shall designate local emergency planning districts to develop emergency response and preparedness capabilities in accordance with the federal act.
- [State of Colorado Emergency Operations Plan](#)  
Outlines general guidelines on how the State of Colorado carries out its response and recovery responsibilities to address an emergency or disaster event. The State Emergency Operations Plan (SEOP) defines the organizational structure and operation of the Colorado State Emergency Operations Center (SEOC). The SEOP is established to coordinate and support state and local government actions during an emergency or disaster event.

## ANNEXES & SUPPORTING DOCUMENTS

The below Emergency Support Function Annexes and Supporting Document, Incident, and Event Annexes are considered adopted by reference as they are part of Eagle County's comprehensive

Emergency Operations Plan. Annexes may be updated more frequently than the rest of the Emergency Operations Plan to reflect changes in best practices and operating procedures. Any changes to the Emergency Operations Plan or Annexes between adoption periods shall be noted in the [Record of Changes](#).

## **EMERGENCY SUPPORT FUNCTION ANNEXES**

[Emergency Support Function #1—Transportation Annex](#)

[Emergency Support Function #2—Communications & Information Technology Annex](#)

[Emergency Support Function #3—Public Works and Engineering Annex](#)

[Emergency Support Function #4—Firefighting Annex](#)

[Emergency Support Function #5—Emergency Management Annex](#)

[Emergency Support Function #6—Mass Care, Housing, and Human Services](#)

[Emergency Support Function #7—Resource Support Annex](#)

[Emergency Support Function #8—Public Health and Medical Annex](#)

[Emergency Support Function #9—Search and Rescue Annex](#)

[Emergency Support Function #10—Hazardous Materials](#)

[Emergency Support Function #11—Agriculture, Livestock, & Natural Resources Annex](#)

[Emergency Support Function #12—Energy and Public Utilities Annex](#)

[Emergency Support Function #13—Public Safety and Security Annex](#)

[Emergency Support Function #14—Community Recovery and Mitigation Annex](#)

[Emergency Support Function #15—External Affairs Annex](#)

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## SUPPORTING DOCUMENTS, INCIDENT, AND EVENT ANNEXES

[Annex: 2023 Resolution Adopting Revised Emergency Operations Plan](#)

[Annex: Acronyms, Abbreviations and Terms](#)

[Annex: Animal Response Team Plan](#)

[Annex: Annual Operating Plan for Wildfires – Adopted annually in March](#)

[Annex: Damage Assessment Plan](#)

[Annex: Disaster/Emergency Declaration Procedures](#)

[Annex: Disaster Recovery Plan](#)

[Annex: Eagle County SAMPLE All-Risk Mutual Aid Agreement](#)

[Annex: Emergency Hourly Pay Policy for Exempt Eagle County Employees](#)

[Annex: Emergency Operations Center Activation Procedures](#)

[Annex: Emergency Resource Management Plan](#)

[Annex: Emergency Spending Authorization Policy](#)

[Annex: Evacuation Plan \(includes special needs evacuation/sheltering\)](#)

[Annex: Explosive Materials Response Plan](#)

[Annex: Hazardous Materials Plan](#)

[Annex: Joint Information System Protocols](#)

[Annex: Mass Casualty Incident Plan](#)

[Annex: Mass Fatalities Plan](#)

[Annex: Major Incident Communications Plan](#)

[Annex: Policy Group Plan](#)

[Annex: Public Health Plans](#)

[Annex: Public Information and Warning](#)

[Annex: Public Safety Districts and Coverage Areas](#)

[Annex: Utility Restoration Plan](#)

[Annex: Rapid Needs Assessment](#)



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[Annex: Record of Changes](#)

[Annex: Record of Distribution](#)

[Annex: Response to Terrorism Plan](#)

[Annex: Roles and Responsibilities](#)

[Annex: Severe Weather Plan](#)

Annexes may be created, revised and adopted independent of the base plan.

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**2023-2025  
Eagle County Emergency  
Operations Plan**



In cooperation with:  
Towns, municipalities, jurisdictions, and special districts within Eagle County  
Plan is posted on Eagle County website at [www.eaglecounty.us](http://www.eaglecounty.us)

# EVACUATION PLAN

## 2023-2025

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## EVACUATION PLAN

The Eagle County Evacuation Plans operate on the principle that local governments bear the initial responsibility for response to an emergency. As a product of this principle, each level of government will accomplish the functions for which it is statutorily responsible, and will coordinate response and activities with other entities using a National Incident Management System model of Unified Command.

### PURPOSE

The purpose of the Evacuation Plan Annex is to outline roles, responsibilities, and authorities to establish the organizational concepts for an effective system of notification, direction and coordination.

### SCOPE

This Evacuation Plan Annex encompasses the following:

- Who shall order an evacuation
- Responsibilities for those involved
- How the evacuation notifications are made
- What Support Plans exist for specific locations and populations that may need additional evacuation assistance
- Re-entry considerations

The Evacuation Plan Annex is intended as a high-level strategic plan and does not replace the need for tactical-level plans and agency-specific Standard Operating Procedures that detail how the responsibilities in this Annex will be carried out.

### CONCEPT OF OPERATIONS

Evacuation authority in Eagle County rests with the Law Enforcement agencies that have jurisdiction over the areas being evacuated. Members of on-scene Incident Command (Law, Fire, EMS, Emergency Management, etc.) provide direction and guidance on the evacuation need, locations threatened, and the evolving nature of the hazard. Incident Command will be the ones with the necessary situational awareness to recommend evacuation or shelter in place options as the preferred method of protecting lives before, during, or after disasters or emergencies.

A key component of a successful evacuation or shelter in place operation is timely and accurate provision of information.

Essential information during evacuation notifications includes:

- Reason for the evacuation or shelter in place order
- Shelter in place instructions if applicable
- Evacuation routes if applicable
- Instructions for obtaining evacuation assistance
- Area of refuge locations if evacuation routes are not accessible

- Time frame for evacuation (consider staged evacuation orders to limit crowding on roadways)
- Evacuation Center location
- The need to check in even if you provide your own alternate shelter

In most situations evacuation orders should be disseminated through ALL available public information and warning channels. These may include:

- Integrated Public Alert & Warning System (IPAWS) / Wireless Emergency Alerts (WEA) alerting cell phones in the defined notification area
- 9-1-1 call back systems alerting landlines and cell phones with addresses registered in the defined notification area
- ECAAlert notifying users who have opted into public safety text, email, and app-based alerts
- Door-to-door evacuation protocols and/or loudspeaker broadcasts in the evacuation zone
- [ECEmergency.org](http://ECEmergency.org) public safety website
- Official agency social media channel(s)
- Evacuation sirens in areas where available
- Variable Message Signage (with assistance from the Colorado Department of Transportation)
- Low power highway radio system (with assistance from the Colorado Department of Transportation)

Whenever an evacuation order is issued, the Incident Commander(s) **SHALL** identify an Evacuation Center location and request an **Evacuation Center Manager** to meet and greet evacuees when they arrive at that location. The Eagle County Emergency Operations Plan defines an Evacuation Center as a temporary short term facility which provides shelter from the elements, restroom facilities and information dissemination, usually for displacements anticipated to be **12 hours or less**. The Evacuation Center Manager must have communication with the Incident Command organization in order to provide timely information to the evacuees.

There are several factors which must be considered when planning for an evacuation. Among these are the characteristics of the hazard or threat itself. The magnitude, intensity, speed of onset, duration, and impact on the local community, are all significant elements to be considered. They will determine the number of people to be evacuated, time available in which to effect the evacuation, and the time and distance of travel necessary to insure safety.

Whenever possible, at specific subdivision level, all hazard evacuation plans will be developed by the appropriate public safety entities with community input based upon the types of potential hazards, and the location.

## **ASSIGNMENT OF RESPONSIBILITIES**

### **Law Enforcement:**

- Authority to issue evacuation orders
- Lead evacuation efforts to and from the affected areas
- Emergency traffic control and crowd control
- Provide Security of evacuated areas and Evacuation Centers
- Coordinate transportation to shelters for those who need transportation assistance from the evacuation location.

### **Fire Agencies:**

- Provide direction and guidance on the evacuation need, locations threatened, and the evolving nature of the hazard

### **Emergency Medical Services (EMS):**

- Provide medical support to evacuees and first responders

### **Vail Public Safety Communications Center or Pitkin County Regional Emergency Dispatch Center:**

- Dispatch first responder resources and coordinate radio communication between involved agencies
- Sends area alert and incident related notifications to the public via Everbridge
- Coordinates notifications with Incident Command and Emergency Management

### **Emergency Management:**

- Activate the Emergency Operations Center (EOC) as necessary to support Incident Command and maintain coordination between Incident Command, support partners, and impacted jurisdictions

### **Eagle County Public Information Officers Group:**

- Provides public information to ensure that the community understands, pre-evacuation, evacuation and/or shelter in place orders
- Establishes channels of communication to keep and maintain the community informed

### **Public Works:**

- Clearing debris from roads as necessary to maintain evacuation routes
- Assist in traffic management in support of Law Enforcement
- Ensures power, water supply, and sanitary services at mass care facilities are maintained during emergency conditions

### **Eagle County Public Health and Environment and Department of Human Services:**

- Coordinate with healthcare providers and nonprofit organizations to provide medical and mental health support to evacuees

**Evacuation Center Manager:**

- Accounts and manages the evacuation center, provides relevant information and addresses needs from evacuees

**The Salvation Army:**

- Provides staffing and food to first responders and evacuees at evacuation centers, shelters, and at the incident location

**American Red Cross:**

- Provides assistance with evacuation shelters, management and staffing.
- Ensures the means necessary for services related to shelter, feeding, and medical care

**Emergency Support Function 1 - Transportation (Transit Agencies):**

- Coordinates and fulfills transportation needs relevant to the incident

**Colorado State University (CSU) Extension Service:**

- Supports relocation and sheltering of large and farm animals assisting with the wellbeing of them

**Eagle County Animal Services:**

- Provides support for evacuated pets and companion animals including food, sanitation, and coordination of veterinary care

**Schools:**

- Provide school facilities to be used as shelter for evacuations
- Provide services as requested to help aid the incident

**Recreation Districts:**

- Provide recreation facilities to be used as shelter for evacuations
- Provide services as requested to help aid the incident

**Non-profit/Public Service Organizations:**

- Provide services as requested to help aid the incident

## SUPPORT PLANS

In addition to the high-level evacuation processes outlined in this Eagle County Evacuation Plan, Eagle County Emergency Management supports public safety, critical infrastructure, and community partners in the development of more in-depth evacuation plans. All of the below integrate with the Emergency Operations Center evacuation efforts during a large-scale incident and will receive support from the EOC in carrying out their evacuation and mass care activities. Some key plans and processes for critical locations include:



## **EVACUATION ZONE MAPBOOKS FOR RESIDENTIAL NEIGHBORHOODS AND COMMERCIAL ZONES**

Eagle County public safety agencies maintain Evacuation Zone mapbooks that designate predetermined evacuation zones across all of Eagle County. These mapbooks are used by Law Enforcement, Fire, Dispatch, Emergency Management, and others to effectively communicate evacuation orders to public safety partners and the community. Evacuation Zone mapbooks also include population estimates, preferred traffic routing and control measures, site-specific hazards, and critical infrastructure (utilities & fuel, hospitals, schools, public safety & government facilities). Evacuation Zone Map Books are For Official Use Only. Additional public safety partners can access these Mapbooks on a need-to-know basis by contacting Eagle County Emergency Management.

## **EAGLE COUNTY REGIONAL AIRPORT EMERGENCY PLAN**

The Eagle County Regional Airport (EGE) maintains a Federal Aviation Administration-compliant Airport Emergency Plan. This plan outlines incident response activities for emergencies at the airport and includes Standard Operating Guidelines for the safe evacuation of airport facilities and aircraft. Public safety partners can access the Airport Emergency Plan on a need-to-know basis by contacting the EGE Director of Aviation.

## **CORRECTIONAL FACILITIES**

The Eagle County Detention Center is overseen by the Eagle County Sheriff’s Office. The Sheriff’s Office coordinates with Eagle County Emergency Management and the Mass Care and Public Health & Medical Emergency Support Functions to maintain Fire and Safety Evacuation Procedures and ensure processes are in place to effectively evacuate, transport, and shelter incarcerated individuals during an emergency.

## **SCHOOLS & COLLEGES**

Educational institutions in Eagle County have worked with the public safety agencies in their district and Emergency Management to develop evacuation plans, communication processes, preferred routes, and shelter locations for each of their sites. School and College evacuation plans are For Official Use Only. Additional public safety partners can access these plans on a need-to-know basis by contacting district and institutional leadership.

## **HOSPITALS AND HEALTHCARE FACILITIES**

Vail Health Hospital, Valley View Hospital, and healthcare facilities in Eagle County maintain up-to-date emergency and evacuation plans and work closely with Emergency Support Function 8 - Health & Medical and jurisdictional public safety agencies to ensure evacuation processes address any medical, access, or functional needs for any individuals in their facilities. Note - Valley View Hospital in Glenwood Springs is not in Eagle County, but is one of the designated transport locations for medical emergencies in some parts of Eagle County. Public safety partners can access hospital and healthcare facility evacuation plans on a need-to-know basis by contacting the facility leadership.

## **SPECIAL EVENTS**

Special Events and venues in Eagle County that have more than 500 people in attendance must obtain permission to have a mass gathering and address the criteria outlined in 3-310(T) of the Eagle County Land Use Regulations. All Special Events are strongly encouraged to complete the Special Event Guideline Form that notifies public safety of the event and promotes the development of a medical/emergency services plan. Details on this process can be found on the [Eagle County Special Event Guidelines website](#). Municipalities, state, and federal lands within Eagle County may have additional special event requirements.

## **ANIMAL SHELTER**

Evacuation of the Eagle County Animal Shelter would be coordinated through the EOC. Special support for pets and livestock are coordinated through Emergency Support Function 6 - Mass Care and Emergency Support Function 11 - Agriculture and Natural Resources. Eagle County Animal Services and the Colorado State University Extension are key support agencies for any evacuation that involves pets or livestock.

## **AGENCY-SPECIFIC STANDARD OPERATING PROCEDURES**

Public safety agencies, jurisdictions, and other entities with evacuation responsibilities are encouraged to maintain agency-specific Standard Operating Procedures that detail how the agency will carry out the responsibilities outlined in this Evacuation Plan Annex. Standard Operating Procedures should be developed and exercised by the responsible agencies in whatever manner is most consistent with their organizational needs.

## **ACCESS AND FUNCTIONAL NEEDS CONSIDERATIONS**

Evacuations disproportionately impact individuals with access and functional needs. Eagle County public safety organizations and Emergency Management use a variety of strategies to identify and remove barriers that inhibit our whole community's access to critical resources during an emergency or evacuation. Systems to support individuals with access and functional needs during evacuations include (but are not limited to):

- [Eagle County Evacuation Assistance Request Form](#) - Individuals with access and functional needs are encouraged to share the additional assistance they need with 911 dispatch and Emergency Support Function 8 - Health & Medical.
- **Emergency Support Function 8 - Health & Medical Plans** - As the Lead for ESF 8, the Eagle County Department of Public Health & Environment maintains plans for supporting people with durable medical equipment, mobility barriers, and other access and functional needs during emergencies.
- **Emergency Support Function 6 - Mass Care Plans** - Lead and support agencies for ESF 6 (including the Eagle County Department of Human Services, American Red Cross, and Salvation Army) maintain plans and systems for addressing the needs of the whole community during emergencies and evacuations with special focus on individuals with access and functional needs.
- **Eagle County EOC Access & Functional Needs Coordinator** - Eagle County's EOC Operating Plans outline the role and processes for the EOC Access & Functional Needs Coordinator. This position is dedicated to identifying impacted individuals and groups

who are not able to effectively access resources and information during an emergency and coordinating with EOC partners to address those needs.

## AUTHORITIES

In the event of an emergency, Law Enforcement and Incident Command have the authority to order any person to evacuate any premises, vehicle or other real or personal property.

The Colorado Attorney General ruling of June 26, 2002, highlights criminal sanctions to persons who disobey, threaten or interfere intentionally with an evacuation order.

*“Evacuation orders of the Governor, local authorities, and sheriffs are enforced by criminal sanctions, and a person disobeys an evacuation order at his or her peril. A person commits the crime of obstructing government operations if, by using or threatening to use violence, force, or physical interference or obstacle, he or she intentionally obstructs, impairs, or hinders the performance of the governmental function by a public servant. § 18-8-102(1), C.R.S. A person commits the crime of obstructing a police officer or firefighter or other rescuer if the person uses or threatens violence, force, physical interference, or an obstacle and knowingly obstructs, impairs, or hinders the enforcement of a penal Law or the preservation of the peace by a peace officer or the prevention, control, or abatement of fire by a fire-fighter. § 18-8-104(1)(a), C.R.S.”*

## SITUATION AND ASSUMPTIONS

A hazard analysis of Eagle County has identified numerous situations which may prompt the need for evacuation and/or isolation of people in the name of public safety. These situations include but are not limited to wildland fires, hazardous materials incidents, flooding, and winter storms.

Some assumptions that can be taken from an examination of historical data on evacuations in the United States are:

- Hearing the warning is critical, public information and warning works, as those who feel vulnerable are more likely to take action
- No single information and warning method will reach all segments of the population and all methods will still not reach everyone (remember special warning needs like hearing impaired, limited English proficiency, etc.)
- People must believe that the warning is credible
- People will attempt to confirm that a threat exists from multiple sources before heeding a warning
- People need to be assured that the warning pertains to them so the warning message must provide details (who, what, when, where, why and how)
- People may not voluntarily request special assistance with evacuation (functional limitations, lack of transportation, etc.)
- People are less likely to evacuate if their companion animals are not provided for.
- People are less likely to evacuate if they feel that their property will not be adequately protected (security)
- Residents of the County are responsible for preparing themselves, their families and their guests for any emergency, including the possible need to evacuate on short notice

- The County and local jurisdictions will provide education to assist the public in preparing personal emergency plans

## MASS CARE

Refer to [Emergency Support Function #6](#) Mass care, Housing and Human Services Annex for further information on Mass Care.

## RE-ENTRY MANAGEMENT OPERATIONS

### SITUATION AND ASSUMPTIONS FOR RE-ENTRY

Following a disaster, where evacuation of portions of Eagle County have occurred, roadblocks (traffic control points) will be established restricting re-entry evacuated areas until it has been determined by public safety agencies and damage assessment teams that it is safe to do so.

The following points are essential for **Safety** during re-entry:

- The provision of minimum access on primary roads
- Reestablishment of emergency services (Police, Fire, EMS and Medical Facilities)
- Removing of utility hazards

### Considerations for Initiating Re-entry:

- That a situation has affected all or portions of Eagle County that prompted an evacuation
- That damage is such that food, water, and/or shelter may not be immediately available
- That damage is such that debris may restrict movement along primary road systems
- That damage is such that electrical power, gas and or water may not be available
- That damage is such that local emergency and public communications may not be available or significantly reduced
- That damage is such that health services, medical facilities, and medical transport may not be available
- That Law Enforcement, Fire, and EMS services may be hampered

### OBJECTIVE OF RE-ENTRY

The objective of post-incident re-entry management is to identify immediate needs of affected areas and once identified, provide a systematic assessment and recovery process.

### RE-ENTRY PROCEDURES

There is an absolute need to provide access by clearing debris from primary roadways, to reestablish EMS, Police and Fire services and, remove and secure utility hazards while establishing a minimum of capabilities, and to assess damages in order to manage an effective response. There is also a recognized need for emergency protection measures. Additionally, many outside services will be needed and outside interests will desire access.

Every effort will be made to allow evacuees to return to their homes and businesses. Re-entry to all areas evacuated will be authorized based on public safety and security concerns, the extent of dangers, and operational requirements of public safety. The decision to establish general re-entry

will be evaluated through continuous coordination among the various municipalities, county, state and federal agencies. This information will be announced over all available media.

- The Eagle County EOC will receive assessment from all Incident Command organizations to determine extent of damage and will assist with resource acquisition and management for the re-entry process.
- Public Works officials will assure that primary roads are open and bridges are without damage.
- Public Information announcements will be made regarding the re-entry by all media , including public health recommendations regarding public safety upon reentry to damaged homes or facilities.
- Restricted re-entry to the damaged area will be at the discretion of the authority(s) having jurisdiction.

Until access is restored for all evacuees to re-enter an area without restriction, a check-in/badging procedure shall be used to identify those persons allowed into an evacuated area (utility workers, homeowners, etc.) with the requirement for all such persons to display the badge on the outermost portion of their clothing while in the evacuated area.

- Public Information announcements will be coordinated through the Joint Information System.
- All requests for assistance beyond the capabilities of a municipality or district should be channeled through the Eagle County EOC.

Re-entry will be determined by priority scheduled or at the direction of the controlling authority.



To: Mayor and Town Council  
From: Michelle Metteer, Town Manager  
Date: 12/20/2023  
Agenda Item: Resolution 35 – Series 2023 / Legal Support

---

**REQUEST:** Approve Resolution 35 Series 2023; A Resolution Approving an Update to the Jester Gibson Moore Retention Agreement for Legal Counsel

**INTRODUCTION:** Minturn needs temporary legal support. Mike Sawyer and I have connected with Rob Marsh of Jester, Gibson Moore and believe he is positioned well to fill some gaps in the current ability of Karp Neu Hanlon to address Minturn’s legal needs.

**ANALYSIS:** Mike Sawyer has been Minturn’s general counsel since 2014. Minturn is proud of this ongoing relationship and looks to continue this moving forward. At this time, Mike needs to pay special attention to some personal matters and Minturn looks to support him with temporary legal assistance.

Rob Marsh has served municipalities in a variety of different capacities. Mike and I believe Rob will work well with the Minturn team to fill the needed gaps. Rob’s bio can be found [here](#).

**COMMUNITY INPUT:** Extensive

**BUDGET / STAFF IMPACT:** See Engagement Letter attached.

**STRATEGIC PLAN ALIGNMENT:**

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT.**

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Approve Resolution 35 Series 2023 A Resolution Approving an Update to the Jester Gibson Moore Retention Agreement for Legal Counsel

**ATTACHMENTS:**

- Resolution 35 Series 2023
- Jester Gibson Moore Engagement Letter

**TOWN OF MINTURN, COLORADO  
RESOLUTION NO. 35- SERIES 2023**

**A RESOLUTION PROVIDING DIRECTION TO PROCEED AND  
AUTHORIZING THE MAYOR OF THE TOWN OF MINTURN TO SIGN  
ANY AND ALL DOCUMENTS REQUIRED TO ACCEPT THE  
PROPOSED JESTER GIBSON & MOORE RETENTION AGREEMENT  
FOR LEGAL COUNSEL**

**WHEREAS**, The Town Council of the Town of Minturn recognizes the need for legal assistance to evaluate contract issues and prospects for enforcing certain contracts; and,

**WHEREAS**, The Town has as requested a proposal and has received this proposal to fulfill these identified needs from Jester Gibson & Moore.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF  
THE TOWN OF MINTURN, COLORADO:**

1. The Minturn Town Council accepts the attached proposal as presented in Attachment "A" for specified legal services and authorizes the Mayor or his designee to sign on behalf of the town of Minturn any and all documents required to reasonably ensure completion.

**INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this  
20<sup>th</sup> day of December, 2023.**

**TOWN OF MINTURN**

By: \_\_\_\_\_  
**Earle Bidez, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Jay Brunvand, Town Clerk**

# Jester Gibson & Moore, LLP

December 18, 2023

*Via electronic mail*

Mayor Earle Bidez  
Town of Minturn

Re: Engagement of Jester Gibson & Moore, LLP

Dear Mayor Bidez:

Thank you for your interest in engaging Jester Gibson & Moore, LLC. We look forward to continuing to work with you and the town. The purpose of this letter is to set forth the terms of this firm's engagement. You have asked that this firm provide analysis and guidance to the Town of Minturn ("Client") on an as needed basis in various matters. We have accepted this engagement and agreed to provide these services, on the terms set forth herein, which will also govern any additional work which Client requests and we provide unless a separate, express written agreement has been reached with respect to such services.

This engagement has been assumed in accordance with our standard hourly fees, in connection with which Client agreed to pay for the performance of legal services rendered by me at the rate of \$440.00 per hour. Whenever appropriate, we will employ another attorney, paralegal or law clerk to perform services, which services will be billed at rates ranging from \$175.00 to \$480.00 per hour, depending on the person rendering them. These rates may be increased at some point in the future, but no increase will be made prior to the end of calendar year 2024. By signing this agreement, Client agrees to pay for our services, including any services rendered before the date of this agreement.

It is further our agreement that any reasonable out-of-pocket expenses incurred on Client's behalf (such as filing fees, deposition costs, expert witness fees, mileage costs and the like) will be fully reimbursed to the firm by Client. We do not charge for domestic long-distance calls, faxes, or copying (unless the copy project is in excess of 100 copies). In the firm's discretion, invoices in excess of \$500.00 may be forwarded to you for payment directly to the vendor.

Lynn Feiger is of counsel to the firm. Ms. Feiger will not receive any financial compensation associated with work performed under this Agreement.

We will bill Client for all services performed at the above-described rates and any costs that we incurred on Client's behalf. We will provide a detailed monthly breakdown of the legal services rendered and costs incurred for the preceding month. Other policies are attached hereto and are hereby incorporated into this agreement.

1999 Broadway, Suite 3225, Denver, Colorado 80202  
■ Phone 303-377-7888 ■ Fax 303-377-7075



In the event legal action is necessary to collect amounts due and owing under this Agreement, Client agrees to pay all costs of collection, including reasonable attorneys' fees. This Agreement is governed by the laws of the State of Colorado and the parties hereby expressly agree that venue is proper in Denver County, Colorado.

Because this matter may involve court action, we are required to advise you that Client has the obligation to preserve all documentary evidence that may pertain to any court matter. The obligation to preserve evidence extends to electronically stored information (“ESI”) that is directly or indirectly in your custody, possession, and control. For example, ESI may be found in a smart phone, tablet, office workstation, personal computer, network server, drop-box, on the cloud, in removable media such as a flash drive, and in back-up or archival systems. The duty to preserve extends to ESI in all of its forms, such as e-mails, text messages, voicemails, telephone systems, electronic calendars, spreadsheets, Word documents, reports generated from accounting software, slideshows, and pod-casts. Due to the volatility of ESI, particular care should be taken not to alter, delete, or destroy it. Accordingly, the preservation obligation requires you to determine whether (i) routine records management policies and procedures, or (ii) changes to your hardware and software environment will alter, delete, or destroy ESI, and to take all reasonable measures to prevent this from occurring.

We may communicate with you and you may communicate with us via electronic mail. There are inherent risks associated with the transmission of confidential information by electronic mail. If you have any concerns in that regard, we are happy to discuss them with you.

Thank you for the opportunity to provide legal services on Client’s behalf. If you have any questions concerning any of the above, please do not hesitate to call. If the foregoing terms and attached policies meet with your approval, please confirm your understanding and our agreement by signing a copy of this letter where indicated below and returning the signed copy to me.

Sincerely,

JESTER GIBSON & MOORE, LLP

By:   
Robert R. Marsh

ACKNOWLEDGED AND AGREED:

TOWN OF MINTURN

\_\_\_\_\_  
By: Earle Bidez, Mayor

Date \_\_\_\_\_

# Jester Gibson & Moore, LLP

The following engagement policies should be read in conjunction with an Engagement Letter simultaneously sent to you. Both this law firm and the client referenced in the Engagement Letter agree to the following:

1. Invoices. Please review each invoice carefully when you receive it. If you have questions regarding any entry, please feel free to contact the applicable attorney. Likewise, please contact the appropriate attorney immediately if there will be a delay in payment for any reason.

2. Retainers. Retainers will be held in our trust account. Under Colorado law, any interest is paid to COLTAF (to assist the needy with legal services). Retainers will be applied as services are rendered or costs incurred. This law firm may withhold services until a retainer or additional retainer (as may be requested from time to time) is received. Any unused portion of a retainer will be returned within forty-five (45) days following the termination of the engagement.

3. Termination of Engagement. Subject to the rules governing withdrawal by counsel, either party may terminate the engagement upon written notice to the other party (at the last known address, email address, or facsimile number, as applicable). Client will remain liable for fees and expenses accruing through the date of termination.

4. Client Information. Client information will not be released without the consent of the client (or representative of the client), unless requested by a governmental entity or court. Client contact information will not be sold. WE WILL ONLY STORE FILES, DOCUMENTS, INFORMATION, AND MATERIALS FOR TWO (2) YEARS FOLLOWING THE DATE ON WHICH WORK WAS LAST PERFORMED ON ANY PARTICULAR MATTER AFTER WHICH WE MAY DESTROY OUR FILE. If you want copies of any material in our file you must make arrangements with us during that time.

5. Late Charges. Fees and costs charged by the law firm are due and payable as of the date of the invoice. Any invoice not paid within thirty (30) days following the date of the invoice shall accrue interest (retroactive to the date of the invoice) at the monthly rate of one percent (1%).

6. Rebilling Fees. A charge of \$10.00 for rebilling for each additional invoice (invoices will be no more than monthly) will be added if the first invoice is not paid.

7. Bounced Checks. If a check is returned due to insufficient funds, stop payment or similar matters, a fee of \$50.00 will be assessed.

8. Travel Charges. This law firm shall charge for travel time outside of the Denver-Metro Area at one half of the normal hourly rate of the applicable time keeper. Mileage shall be charged at the current IRS approved-rate, for travel outside of the Denver-Metro Area. Within the Denver-Metro area mileage will not be charged, but time in transit will be billed at normal rates. Travel expenses excluding airline, ground transportation, and lodging expenses will be billed at a rate of \$75 per diem.

9. Withholding Services. This law firm reserves the right to withhold services pending receipt of any amounts owed to us.

10. Collection. In the event legal action is necessary to collect amounts due and owing, the client agrees to pay all costs of collection, including reasonable attorneys' fees. The parties agree any dispute over fees or charges that cannot be resolved informally shall be submitted to the binding arbitration of the Fee Dispute Resolution Committee of the Colorado Bar Association, if the total amount in dispute is less than \$20,000. If the amount in dispute is more than \$20,000, the parties agree to submit the Judicial Arbitrator Group in Denver, Colorado. Each party shall be responsible for paying one-half of the costs of the arbitration, but at the conclusion of the arbitration the arbitrator shall award all costs and reasonable attorney fees to the prevailing party. Venue is proper in the City and County of Denver, State of Colorado and the parties hereby submit themselves to the jurisdiction of all courts therein.

JESTER GIBSON & MOORE, LLP

RATE STRUCTURE

EFFECTIVE JANUARY 1, 2024

Attorneys

Brian T. Moore	\$480.00 per hour
Marcel Krzystek	\$440.00 per hour
Robert R. Marsh	\$440.00 per hour
Justin M. Plaskov	\$425.00 per hour
Colleen Prescott	\$415.00 per hour
Denison Goodrich-Schlenker	\$320.00 per hour
Rachel Tumin	\$320.00 per hour
Brandy Booth	\$300.00 per hour
Daniel Godin	\$285.00 per hour

Paralegals

Laura K. Johnson	\$205.00 per hour
Cristina Tostado	\$190.00 per hour
Miriam Viteri	\$175.00 per hour

Legal Assistants \$145.00 per hour

Law Clerks \$175.00 per hour

# Jester Gibson & Moore, LLP

December 18, 2023

*Via electronic mail*

Mayor Earle Bidez  
Town of Minturn

Re: Engagement of Jester Gibson & Moore, LLP

Dear Mayor Bidez:

Thank you for your interest in engaging Jester Gibson & Moore, LLC. We look forward to continuing to work with you and the town. The purpose of this letter is to set forth the terms of this firm's engagement. You have asked that this firm provide analysis and guidance to the Town of Minturn ("Client") on an as needed basis in various matters. We have accepted this engagement and agreed to provide these services, on the terms set forth herein, which will also govern any additional work which Client requests and we provide unless a separate, express written agreement has been reached with respect to such services.

This engagement has been assumed in accordance with our standard hourly fees, in connection with which Client agreed to pay for the performance of legal services rendered by me at the rate of \$440.00 per hour. Whenever appropriate, we will employ another attorney, paralegal or law clerk to perform services, which services will be billed at rates ranging from \$175.00 to \$480.00 per hour, depending on the person rendering them. These rates may be increased at some point in the future, but no increase will be made prior to the end of calendar year 2024. By signing this agreement, Client agrees to pay for our services, including any services rendered before the date of this agreement.

It is further our agreement that any reasonable out-of-pocket expenses incurred on Client's behalf (such as filing fees, deposition costs, expert witness fees, mileage costs and the like) will be fully reimbursed to the firm by Client. We do not charge for domestic long-distance calls, faxes, or copying (unless the copy project is in excess of 100 copies). In the firm's discretion, invoices in excess of \$500.00 may be forwarded to you for payment directly to the vendor.

Lynn Feiger is of counsel to the firm. Ms. Feiger will not receive any financial compensation associated with work performed under this Agreement.

We will bill Client for all services performed at the above-described rates and any costs that we incurred on Client's behalf. We will provide a detailed monthly breakdown of the legal services rendered and costs incurred for the preceding month. Other policies are attached hereto and are hereby incorporated into this agreement.

1999 Broadway, Suite 3225, Denver, Colorado 80202  
■ Phone 303-377-7888 ■ Fax 303-377-7075

In the event legal action is necessary to collect amounts due and owing under this Agreement, Client agrees to pay all costs of collection, including reasonable attorneys' fees. This Agreement is governed by the laws of the State of Colorado and the parties hereby expressly agree that venue is proper in Denver County, Colorado.

Because this matter may involve court action, we are required to advise you that Client has the obligation to preserve all documentary evidence that may pertain to any court matter. The obligation to preserve evidence extends to electronically stored information ("ESI") that is directly or indirectly in your custody, possession, and control. For example, ESI may be found in a smart phone, tablet, office workstation, personal computer, network server, drop-box, on the cloud, in removable media such as a flash drive, and in back-up or archival systems. The duty to preserve extends to ESI in all of its forms, such as e-mails, text messages, voicemails, telephone systems, electronic calendars, spreadsheets, Word documents, reports generated from accounting software, slideshows, and pod-casts. Due to the volatility of ESI, particular care should be taken not to alter, delete, or destroy it. Accordingly, the preservation obligation requires you to determine whether (i) routine records management policies and procedures, or (ii) changes to your hardware and software environment will alter, delete, or destroy ESI, and to take all reasonable measures to prevent this from occurring.

We may communicate with you and you may communicate with us via electronic mail. There are inherent risks associated with the transmission of confidential information by electronic mail. If you have any concerns in that regard, we are happy to discuss them with you.

Thank you for the opportunity to provide legal services on Client's behalf. If you have any questions concerning any of the above, please do not hesitate to call. If the foregoing terms and attached policies meet with your approval, please confirm your understanding and our agreement by signing a copy of this letter where indicated below and returning the signed copy to me.

Sincerely,

JESTER GIBSON & MOORE, LLP

By:

  
\_\_\_\_\_  
Robert R. Marsh

ACKNOWLEDGED AND AGREED:

TOWN OF MINTURN

\_\_\_\_\_  
By: Earle Bidez, Mayor

Date \_\_\_\_\_



# Jester Gibson & Moore, LLP

The following engagement policies should be read in conjunction with an Engagement Letter simultaneously sent to you. Both this law firm and the client referenced in the Engagement Letter agree to the following:

1. Invoices. Please review each invoice carefully when you receive it. If you have questions regarding any entry, please feel free to contact the applicable attorney. Likewise, please contact the appropriate attorney immediately if there will be a delay in payment for any reason.
2. Retainers. Retainers will be held in our trust account. Under Colorado law, any interest is paid to COLTAF (to assist the needy with legal services). Retainers will be applied as services are rendered or costs incurred. This law firm may withhold services until a retainer or additional retainer (as may be requested from time to time) is received. Any unused portion of a retainer will be returned within forty-five (45) days following the termination of the engagement.
3. Termination of Engagement. Subject to the rules governing withdrawal by counsel, either party may terminate the engagement upon written notice to the other party (at the last known address, email address, or facsimile number, as applicable). Client will remain liable for fees and expenses accruing through the date of termination.
4. Client Information. Client information will not be released without the consent of the client (or representative of the client), unless requested by a governmental entity or court. Client contact information will not be sold. WE WILL ONLY STORE FILES, DOCUMENTS, INFORMATION, AND MATERIALS FOR TWO (2) YEARS FOLLOWING THE DATE ON WHICH WORK WAS LAST PERFORMED ON ANY PARTICULAR MATTER AFTER WHICH WE MAY DESTROY OUR FILE. If you want copies of any material in our file you must make arrangements with us during that time.
5. Late Charges. Fees and costs charged by the law firm are due and payable as of the date of the invoice. Any invoice not paid within thirty (30) days following the date of the invoice shall accrue interest (retroactive to the date of the invoice) at the monthly rate of one percent (1%).
6. Rebilling Fees. A charge of \$10.00 for rebilling for each additional invoice (invoices will be no more than monthly) will be added if the first invoice is not paid.
7. Bounced Checks. If a check is returned due to insufficient funds, stop payment or similar matters, a fee of \$50.00 will be assessed.
8. Travel Charges. This law firm shall charge for travel time outside of the Denver-Metro Area at one half of the normal hourly rate of the applicable time keeper. Mileage shall be charged at the current IRS approved-rate, for travel outside of the Denver-Metro Area. Within the Denver-Metro area mileage will not be charged, but time in transit will be billed at normal rates. Travel expenses excluding airline, ground transportation, and lodging expenses will be billed at a rate of \$75 per diem.
9. Withholding Services. This law firm reserves the right to withhold services pending receipt of any amounts owed to us.
10. Collection. In the event legal action is necessary to collect amounts due and owing, the client agrees to pay all costs of collection, including reasonable attorneys' fees. The parties agree any dispute over fees or charges that cannot be resolved informally shall be submitted to the binding arbitration of the Fee Dispute Resolution Committee of the Colorado Bar Association, if the total amount in dispute is less than \$20,000. If the amount in dispute is more than \$20,000, the parties agree to submit the Judicial Arbitrator Group in Denver, Colorado. Each party shall be responsible for paying one-half of the costs of the arbitration, but at the conclusion of the arbitration the arbitrator shall award all costs and reasonable attorney fees to the prevailing party. Venue is proper in the City and County of Denver, State of Colorado and the parties hereby submit themselves to the jurisdiction of all courts therein.

1999 Broadway, Suite 3225, Denver, Colorado 80202  
■ Phone 303-377-7888 ■ Fax 303-377-7075

JESTER GIBSON & MOORE, LLP

RATE STRUCTURE

EFFECTIVE JANUARY 1, 2024

Attorneys

Brian T. Moore	\$480.00 per hour
Marcel Krzystek	\$440.00 per hour
Robert R. Marsh	\$440.00 per hour
Justin M. Plaskov	\$425.00 per hour
Colleen Prescott	\$415.00 per hour
Denison Goodrich-Schlenker	\$320.00 per hour
Rachel Tumin	\$320.00 per hour
Brandy Booth	\$300.00 per hour
Daniel Godin	\$285.00 per hour

Paralegals

Laura K. Johnson	\$205.00 per hour
Cristina Tostado	\$190.00 per hour
Miriam Viteri	\$175.00 per hour

Legal Assistants \$145.00 per hour

Law Clerks \$175.00 per hour

# Karp Neu Hanlon PC

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***\*Direct Mail to Glenwood Springs***

DATE: December 15, 2023  
TO: MINTURN TOWN COUNCIL  
FROM: TOWN ATTORNEY  
RE: METROPOLITAN DISTRICTS

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Over the last few years, the Town of Minturn has been approached by developers requesting the formation of metropolitan districts as part of land use approvals. At those times, the Town has engaged in ad hoc discussions about the virtues of metropolitan districts and the risks they can create. This memorandum is intended to provide information about how metropolitan districts can constructively be used to accomplish town goals in a manner that does not create risks for future homeowners and that maintains consistency in Town governance. This discussion particularly relates to land use approvals that Battle Mountain will be submitting for development of the Maloit Park area.

Colorado law provides for several kinds of governmental “districts” that can be used to provide services in addition to those services provided by municipal and county governments. These districts can also be used to help finance improvements benefitting the local government and the developer. Some districts are simply extensions of a municipality that are governed by the Town Council. These include general improvement districts and special improvement districts. Both of these types of districts can impose assessments on property within the district that is collected in the same manner as a property tax.

The most common form of district that is governed separately from the municipality is a “metropolitan district.” A metropolitan district is often referred to as a Title 32 district referring to the provisions of Colorado law that govern such districts. A metropolitan district is a mini government governed by an elected (or appointed under certain circumstances) board of directors. Metropolitan districts can provide a broad range of governmental services including: fire protection, mosquito control, parks and recreation, safety protection, sanitation, solid waste disposal facilities or collection and transportation of solid waste, street improvement, television relay and translation, transportation, and water. C.R.S. § 32-1-103. Metropolitan districts can impose property taxes to provide revenue to provide services and to pay off debt.



For a metropolitan district to be formed within a municipality, the Town Council must give its consent. C.R.S. § 32-1-204.5 This is done by the Council approving a “service plan” for the metropolitan district. The service plan details what infrastructure the district can construct, what services it can provide, what taxes it can impose and what debt it can issue. Once created, the metropolitan district is governed by an elected board. The actions of the elected metropolitan district board are constrained by the service plan approved by the municipality. In other words, if the approved service plan limits a metropolitan district from providing a certain service, or imposing a property tax above a certain level, the metropolitan district cannot undertake such actions without obtaining the municipality’s approval.

There are several examples of metropolitan districts in Eagle County such as Eagle Vail and Edwards. These districts are used to provide governmental services in unincorporated Eagle County. The use of metropolitan districts within municipalities is generally more restricted. Most frequently metro districts are used to finance improvements of larger commercial developments that then use the district to own and maintain common elements (e.g. landscaping, parking areas, lighting). In such situations, commercial property taxes and dedicated sales taxes combine to repay debt funded improvements and services.

Metropolitan districts are also used in purely residential developments located within municipalities, albeit creating additional concerns to be addressed. There are several examples of metropolitan districts being used for individual residential developments located in the Town of Gypsum. Metropolitan districts used for residential developments frequently have the bulk of their activities directed to assuming and repaying debt. Commonly this debt is related to subdivision improvements that otherwise would be paid for by the developer. Because metropolitan districts can provide and pay for public improvements, developers are keen to shift the costs of subdivision improvements from their balance sheet to that of the metropolitan district. The district then repays bonds (often issued at lower interest rates due to the governmental status) which become the obligation of the metropolitan district to repay using property tax revenue. This essentially becomes an additional mortgage payment that must be made by residential owners. Frequently, the tax bill associated with metropolitan district debt can add several hundred dollars per month of cost to a residential purchaser.

Challenges arise with the use of metropolitan districts within municipalities for residential developments in several ways.

- Metropolitan districts are mini-governments within a Town. They can have powers to tax, condemn land, and provide services as provided in the service plan. Because they have elected boards separate from the municipality, metropolitan districts can use their government apparatus to promote agendas that are at odds with the municipal government. At times, metropolitan districts have sued municipal governments. Because metropolitan districts require elected boards there must be enough candidates to run for those positions.

As evident in Minturn, frequently it is hard enough to find 7 people to serve on Town council. Multiply that need for engaged citizens to sit on metropolitan district boards.

- Metropolitan districts can be expensive. Because they are governments, they have reporting requirements to the Department of Local Affairs that include budget and audit obligations. Districts must hold elections. Generally metropolitan districts have staff (full or part time) and must engage attorneys and auditors. These can be expensive transaction costs avoided by using the existing municipal government for these purposes.
- Using metropolitan districts to finance public improvements is essentially a taxpayer subsidy to the developer. In most residential developments, the developer must factor in the costs of infrastructure and the revenue of anticipated lot sales to make certain the project is viable. Having a metropolitan district issue debt guaranteed to be repaid with district taxes shifts an amount of that risk from the developer to the residents who buy into a development. That can result in financially imprudent development decisions that ultimately saddle the residents with years of taxes to pay off long after the developer walks away with the profits and no longer has any responsibility for what has been created.
- By issuing debt and requiring the metropolitan district taxpayers to repay the debt increases the tax burden for a portion of Town residents. This creates a situation where one part of Town is far less likely to vote for new taxes than the other part of Town.
- Finally, separate metropolitan districts can make residents of those districts feel “separate” from the larger Town. There is already a concern that Bolts Lake/Maloit Park will be difficult to connect with “old Minturn.” The use of metro districts can contribute to creating separate identities making the vision of a unified Minturn harder to obtain.

Many larger developments do generally construct some infrastructure items for which a form of cost recovery or taxpayer contribution is granted to the developer. This generally falls into major improvements such as roadway improvements, major water system upgrades, regional parks, etc. Metropolitan districts can provide a means of allowing a developer to be assisted for such large-scale improvements.

Municipal governments can enact local ordinances to govern the adoption of metropolitan districts. An example of this that I worked on was done in the Town of Silt. There, the Town adopted a new section of code governing metro district formation (**Exhibit A**) and adopted a model service plan to guide future metropolitan district applications (**Exhibit B**). The Silt ordinance guides metropolitan district formation by requiring that the “applicant shall demonstrate that the development project for which district formation is sought is consistent with the Town’s strategic priorities and will result in a demonstrated extraordinary public benefit, and formation of the district to provide public services

and facilities is needed for the development project to provide the extraordinary public benefit.” The extraordinary public benefit requirement contained in the Silt ordinance means that a developer may not simply request a metropolitan district to offset public improvements that the developer would otherwise be required to construct. Instead, the metropolitan district must provide facilities and services that benefit the entire municipality. While some normal subdivision improvements can be financed through the metropolitan district under this ordinance, the Silt Code provides a structural limit that primarily infrastructure providing the extraordinary public benefit be the subject of metropolitan district debt and repayment. This limits improper shifting of developer costs onto a metropolitan district and helps protect residents against excessive debt being assumed by the district.

Additionally, the Silt ordinance protects future residents by limiting the amount of taxes that can be imposed by a metropolitan district. In Silt, the limits were set as:

- (a) For districts that are authorized to impose an Operations and Maintenance Mill Levy, such shall be limited to no more than ten (10) mills.
- (b) The aggregate of any Debt Mill Levy and any Operations and Maintenance Mill Levy shall not exceed fifty (50) mills (the “Maximum Mill Levy”).

As such, mill levies are capped at 50 mills limiting residential owners exposure to taxes and limiting the amount of debt that can be imposed on a metropolitan district. Further, the Code limits debt repayment to a maximum of 40 years to prevent excessively long repayment periods to add additional debt to the district’s balance sheet.

Some questions to consider in determining the Town of Minturn’s future regulations of metropolitan districts include:

- A. What guidelines for the types of developments that the Town will consider allowing formation of a District? Must it have some commercial? What ratio commercial to residential? Minimum number of residential units or commercial square footage? Minimum assessed value?
- B. What types of public improvements should be financed by a District? What types of improvements should be prohibited or strongly discouraged from financing by a District? Look to Town plans as a guide – Comprehensive Plan; Downtown Development Plan; Economic Growth Plan; Trails and Parks Plan;
  - a. Should there be a requirement that public improvements financed through a district serve more than simply the proposed development?

- b. Potential different rules for commercial and residential developments. Commercial metro district can finance some “private-esque” improvements – e.g. parking lots, development lighting,
  
- C. Should there be a minimum amount of “amenities” provided by a District that fulfill goals in Town planning documents? Do these amenities need to open to the public at large? Can a district provide an amenity on different terms to district tax payers and the general public (e.g. trails, parks, rec center, etc).
  
- D. What are acceptable financial impacts to future owners of property in a District? Mill levy limits should be equated to real tax burden for projected property valuations. What are impacts of higher property taxes in some areas on ability of Town to potentially raise taxes in the future? Should there be guidelines on debt that is carried by the developer / related parties?
  
- E. What happens if a District defaults on its debt? Even though Minturn would not be directly liable, what burdens could that place on residents in the development; what does a default mean for marketability of property in the development (zombie properties?); what have been the burdens that municipalities have been forced to deal with resulting from District defaults?
  
- F. How can the Town Code and Model Service plan be crafted to maximize the potential that the cost savings benefits actually flow down to the future owners?
  - a. Limits on developer financing / interest rates
  - b. Requirements that bond repayments be weighted between developer and lot owners as project starts to be built out
  
- G. What types of on-going services should a District be allowed to provide in Silt? No for services provided by Town or other district enterprises (e.g. water, sewer, fire). What about landscaping, road maintenance, snow removal; irrigation water service within the development; parks/trails maintenance; recreation center; street lighting?
  - a. Should there be different rules for developments that are all commercial and those that include residential.

## TITLE 18 - SPECIAL DISTRICTS

### Chapter 18.01 - Metropolitan Districts

**Sections:**

- 18.01.010 – Policy Statement
- 18.01.020 – Objectives and Statements
- 18.01.030 – Evaluation Criteria.
- 18.01.040 – Strategic Priorities
- 18.01.050 – Additional Public Benefit Considerations.
- 18.01.060 – Application Process
- 18.01-070 – Service Plans
- 18.01.080 – District Structure
- 18.01.090 – Dissolution of the District
- 18.01.100 – Default of District
- 18.01.110 – Material Modification of Service Plan
- 18.01.120 – Annual Report
- 18.01.130 – Fees
- 18.01.140 – Town Consent
- 18.01.150 – Intergovernmental Agreement

#### **18.01.010 - Policy Statement**

The policy set forth in this Chapter 18.01 (the “Policy”) establishes the criteria, guidelines and procedures to be followed by the Board of Trustees (the “Town Board”) and Town staff in considering, reviewing and approving or disapproving of service plans of Title 32 metropolitan districts, including any amendments thereof; and by applicants in submitting to the Town service plans for the organization of metropolitan districts or amendments to those plans.

#### **18.01.020 - Objectives and Statements**

A. A district, when properly structured, can enhance the quality of development in the Town. The Town will consider proposed service plans when formation of the district would provide extraordinary public benefits which could not be practically provided by the Town or an existing public entity within a reasonable time and on a comparable basis. It is not the intent of the Town to allow creation of multiple entities which result in the provision of competing or duplicative services or infrastructure.

B. This policy is intended as a guide only. The approval of a service plan is at the sole discretion of the Board of Trustees, which may reject, approve, or conditionally approve service plans on a case-by-case basis. Nothing in this Title is intended, nor shall it be construed, to limit the discretion of the Town Board which retains full discretion and authority regarding the terms and limitations on all district service plans.

**18.01.030 - Evaluation Criteria.**

To provide the Town Board with information and an assessment consistent with this Policy, staff will review and report on district proposals in the following areas:

A. Statutory Compliance. All district proposals must comply with Title 32, C.R.S.

B. Financial Assessment. All district proposals are required to submit a financial plan to the Town for review. The Town will evaluate a district's debt capacity and servicing ability utilizing the financial plan and any other relevant information. Additionally, should a district desire to utilize funding for basic infrastructure improvements, staff will assess the value of the benefit against the public benefits received in exchange.

C. Policy Evaluation. All proposals will be evaluated by Town staff against this Policy, the Town's Model Service Plan, and the priorities and public benefits set forth in Sections 18.01.040 and 18.01.050 of this Chapter, with any areas of difference being identified, evaluated and reported to the Town Board.

**18.01.040 - Strategic Priorities**

Formation of a district shall advance the Town's strategic priorities. The Town's strategic priorities are articulated in the Town's Comprehensive Plan and such other master plans involving public infrastructure and services that are adopted by the Town, including but not limited to the Transportation Master Plan, the 2019 Water/Wastewater/Irrigation Master Plan, and the CDOT/Town Access Management Plan as the same may be amended from time to time (collectively the "Town Plans"). The applicant shall demonstrate that the development project for which district formation is sought is consistent with the Town's strategic priorities and will result in a demonstrated extraordinary public benefit, and formation of the district to provide public services and facilities is needed for the development project to provide the extraordinary public benefit. A district which is associated with a development project that furthers the objectives of the Town Plans can be seen as providing extraordinary public benefit, either directly through the district or indirectly by providing public services and facilities that would otherwise be the responsibility of the developer, thus allowing the developer to

provide the extraordinary public benefit. An applicant for a district must address, either in the Letter of Interest, and/or service plan or cover letter, how the district and/or associated development project will impact the following specific Town Plan objectives and elements:

A. Furthering the ultimate goal of the Town’s Comprehensive Plan of becoming a progressive, sustainable town that embraces the positive aspects of directed growth with capitalizing on a western, rural legacy of self-sufficiency and strong community connections; and

B. Furthering, or at a minimum not hindering, the following elements of the Comprehensive Plan (as such may be amended from time to time):

1. **Economic Development – Encourage economic development which is vital to the survival of the Town.** Actions which further this Plan element include:

- (i) Attract economic development by offering tax incentives, partnerships and/or other infrastructure reducing measures;
- (ii) Promoting a viable aesthetic downtown;
- (iii) Infill and redevelopment of the downtown area with the intent of revitalizing the area as a pedestrian-oriented center for government, service, financial and entertainment facilities; and
- (iv) Diversification of the employment base to accommodate job-generating developments; development of outdoor recreational activities and ecological tourism.

2. **Public Services/Infrastructure/Transportation – Requiring development to pay its own way to create safe thoroughfares and solid infrastructure.** Actions which further this Plan element include:

- (i) Leverage existing public facilities and infrastructure and grow efficiently through best management practices, utilizing existing infrastructure, where possible;
- (ii) Expand growth tiers based on the ability to provide affordable infrastructure and public services;
- (iii) Promote a multi-agency relationship to address the impact to the Town streets, including the existing I-70 interchange, from county traffic, taking into account the importance of multi-modal links and alternatives to driving;

(iv) Design streets and walkways to function as attractive public spaces for pedestrian safety, offering alternative routes, comfort and ease of walking as well as providing safe, efficient routes for vehicles;

(v) Encourage neighborhood street layouts that tie one neighborhood to the next;

(vi) Create a corridor implementation plan to enhance the community’s gateways and leverage highway frontage;

(vii) Locate economic development in appropriate and viable locations;

(viii) Encourage new businesses and retain existing businesses that provide needed local services and municipal revenues;

(ix) Establish partnerships with public and private entities to benefit the community; and

(x) Develop fair and equitable cost sharing or reimbursement policies between property owners for situations in which the installations of public facilities directly benefit an adjacent property or properties.

**3. Land Use and Growth of the Town – Encouraging sustainable growth that allows the Town to continue to provide services to all citizens and adds infrastructure only at the pace in which the Town can maintain it.** Actions which further this Plan element include:

(i) Promote a viable aesthetic downtown to encourage economic development of retail and service businesses;

(ii) Encourage/support land uses that help to expand/strengthen the downtown area;

(iii) Promote compact development patterns by encouraging infill and new development within the Tier 1 Primary Growth Area.

(iv) Encourage annexations that meet the following criteria: a) adjacent to the Town limits, b) within Tier 1, c) provides economic benefits to the Town, d) efficient provision of public facilities and services; and

(v) Ensure that new development proposals provide a balance of land uses and adhere to the land use designates depicted on the Town’s “Future Land Use Plan”.



**4. Housing – Creating a base of residential units both for a sense of community and economic growth.** Actions which further this Plan element include:

- (i) Encourage medium to high-density land uses within existing neighborhoods to achieve increased density, reinvestment incentives, retain character and downtown “feel”;
- (ii) Strive for a diverse, integrated housing supply that is affordable and accessible to all citizens within all residential zone districts;
- (iii) Encourage residential development where it can be adequately served by Town infrastructure in a cost-effective, efficient manner;
- (iv) Evaluate new development with respect to the magnitude, scale and diversity of project type so that no one project or combination of projects overtakes the character of the existing community; and
- (v) Promote compact developments towards the Town center and cluster development in rural residential areas via expedited approval processes.

**5. Image and Design – Promotion of the Town as a vibrant health community.** Actions which further this Plan element include:

- (i) Promote cohesive, integrated development patters from the Town’s core, establishing close-knit neighborhoods that foster community interaction while encouraging growth where infrastructure exists;
- (ii) Create a welcoming identity by improving the appearance of major streets, gateways, downtown and the Town as a whole;
- (iii) Design streetscapes for major streets that enhance the Town’s appearance, create a consistent image throughout the Town, and provide an appealing environment for visitors and residents;
- (iv) Improve the edge conditions along the I-70 and State Highway 6 corridors to present an attractive public image for the Town; and
- (v) Develop and maintain gateway entries that announce the Town of Silt to visitors and residents at highly visible, appropriate locations.

**6. Community Involvement & Services – Public input in the approval of a district is important.** Actions which further this Plan element include:

- (i) Develop and maintain a high level of community engagement by encouraging citizen leadership and participation in Town government and other local organizations;
- (ii) Encourage community-wide public art, such as murals, installations, and sculpture, throughout the Town and at public buildings, to contribute to the Town’s identity and image;
- (iii) Foster public awareness in a timely and highly visible manner about meetings, decision-making, and issues of particular importance to the community; provide access to meeting notices and agenda through a variety of venues, such as the newspaper, radio, physical postings, e-mail, community centers, and the Town website; and
- (iv) Utilize citizen leadership to promote and carry out the vision of the Comprehensive Plan, thus maintaining a high level of community ownership over the Plan; encourage citizens from diverse age groups and backgrounds to become involved.

**7. Resources and Environment – Conservation and energy savings achieved through compact development that reduces vehicle trips.** Actions which further this Plan element include:

- (i) Defer development in highly sensitive land areas, preserving land area as wildlife habitat and open space amenities;
- (ii) Promote the Town as a green community that harnesses local, sustainable energy loops, widely employing emerging technologies in solar, wind, and river power;
- (iii) Explore ways to reduce automobile dependence through compact development; increase options for local employment, including live/work, telecommuting, and encouraging home-based businesses; and the use of alternative fuels and public transit;
- (iv) Protect natural resources and citizens’ health and safety by mitigating air, water, light and noise pollution;
- (v) Protect the Town’s unique natural setting and resources by considering the needs of both the human and natural environment; and
- (vi) Require new development to preserve, minimize, and/or mitigate impacts of development on significant natural features, wildlife habitat and corridors, and important view sheds.

**8. Open Space, Recreation, Trails and Tourism – Natural areas, trails and recreation facilities can create economic development opportunities in the form of tourism.** Actions which further this Plan element include:

- (i) Continue to enhance the Silt River Preserve as a means of protecting the critical wildlife habitat and decrease erosion on the property;
- (ii) Preserve the important riparian zone adjacent to the Colorado River by discouraging development within one-hundred feet of the river’s edge;
- (iii) Develop a regionally-integrated trail system that can safely accommodate a variety of recreational activities;
- (iv) Extend pedestrian and bicycle connections from existing trails and recreation systems to all neighborhoods and to the downtown area; and
- (v) Encourage new development to design and incorporate open space area/parks, recreational opportunities and quality pedestrian connections as amenities to new residents and the public.

**18.01.050 - Additional Public Benefit Considerations.**

- A. In the absence of special circumstances, district formation is not permitted where the future assessed valuation of all property within the district at full build-out is projected to be less than five million dollars (\$5,000,000), adjusted annually beginning in 2021 based on the Consumer Price Index for the Mountain-Plains statistical region as prepared by the U.S. Bureau of Labor Statistics.
- B. The costs of Public Improvements (defined in Section 18.01.070.J) are to be paid from taxes and not from fees.

**18.01.060 - Application Process.**

- A. Process Overview. The application process is designed to provide early feedback to an applicant, adequate time for a comprehensive staff review, and the appropriate steps and meeting opportunities with decision makers. Applicants are encouraged to submit proposals well in advance of election deadlines.
- B. Letter of Interest. Applicant will provide Town with a Letter of Interest and pre-application fee (refer to Section 18.01.130). The Letter of Interest shall contain the following:
  - 1. Summary narrative of the proposed development and district proposal.

2. Sketch plan showing: property location and boundaries; surrounding land uses; proposed use(s); proposed improvements (buildings, landscaping, parking/drive areas, water treatment/detention, drainage); existing natural features (water bodies, wetlands, large trees, wildlife, canals, irrigation ditches); utility line locations (if known); and photographs (helpful but not required).

3. Clear justification for why a district is needed.

4. Explanation of extraordinary public benefits, making specific reference to this Policy, the Town Plans, and other relevant Town documents.

5. District proposal and service plan specifics, including: district powers and purpose; district infrastructure and costs; mill levy rate (both debt and, operations and maintenance); term of district; forecasted period of build-out; proposed timeline for formation; and current development status of project.

C. Staff Response to Letter of Interest. Staff will provide a written response to a Letter of Interest within thirty (30) days of receipt and payment of the pre-application fee.

D. Preliminary Staff Meeting with Applicant (Optional). Based on an initial review of the Letter of Interest, staff may meet with the applicant to discuss the district proposal, potential extraordinary public benefits, relevant provisions of the Town Plans for the application to address, initial staff feedback, the evaluation process, fees, and other application elements.

E. Formal Application and Service Plan Submittal. Upon taking account of staff input, applicant may submit a formal application for consideration, including the service plan and a cover letter in which the applicant shall highlight any substantive provisions that deviate from this Policy and the Model Service Plan. The formal application and application fees must be received by the Town no later than the third Tuesday of December in the preceding year for a May election or the third Tuesday of May for a November election. The Town cannot commit to timely processing of applications submitted after these dates for their respective elections and approval of a service plan in time to meet certain election deadlines is not guaranteed even when submitted by these deadlines.

F. Formal Staff Review. Town staff will review the application materials along with any follow-up documentation that is requested in order to assess the application according to this Policy other appropriate Town policies, and state law. Applicants should plan sufficient time in the application process for several rounds of feedback and review from Town staff.

G. Town Board Work Session Meeting (optional). Based on the magnitude and complexity of the development project and district proposal, staff may recommend a work session with the Town Board.

H. Public Meeting Notice. Notice of the public meeting at which the Board will consider the service plan may be provided in accordance with Section 16.16 of the Town Code and, if provided, the applicant should submit an affidavit of mailing, including the lists of all property owners notified, along with the publisher’s affidavit of publication, to Town staff prior to the meeting date. The mailed and published notices should include the following information:

1. A description of the general nature of the Public Improvements and services to be provided by the district;
2. A description of the real property to be included in the district and in any proposed future inclusion area, with such property being described by street address, lot and block, metes and bounds if not subdivided, or such other method that reasonably appraises owners that their property will or could be included in the district’s boundaries;
3. A statement of the maximum amount of property tax mill levy that can be imposed on property in the district under the proposed service plan;
4. A statement that property owners desiring to have the Town Board consider excluding their properties from the district must file a written petition for exclusion with the Town Clerk no later than ten (10) days before the scheduled hearing date in accordance with Section 32-1-203(3.5) of the Colorado Revised Statutes;
5. A statement that a copy of the proposed service plan can be reviewed in the Town Clerk’s Office; and
6. The date, time and location of the public meeting at which the Town Board will consider the service plan.

I. Public Comment. At a regular or special meeting, the Town Board will consider a resolution approving the proposed service plan. The public will have an opportunity at the meeting to submit public comments on the proposed service plan in accordance with any applicable procedures of the Town Board and applicable state law.

J. Legislative Action. The consideration of a service plan to allow the organization of a district is policy determination to be made by the Town Board based on its consideration of the best interests of the Town as a whole, the current and future residents of the proposed district, and the ability of the district to provide extraordinary public benefits and to further the goals of the Town’s Plans.

**18.01.070 - Service Plans.****A. Model Service Plan.**

1. The Town Board may, by resolution, adopt and from time to time amend, a Model Service Plan consistent with this Policy.

2. All service plans submitted to the Town should follow the basic outline, form, sequence and structure of the Model Service Plan. Service plans should duplicate the language contained in the Model Service Plan and explanation and justification provided for any material departures. Notwithstanding the preceding, any service plan approved by the Town shall be deemed to be in compliance with all Town requirements.

**B. Compliance with Applicable Law.** Any service plan submitted to the Town for approval must comply with all state, federal and local laws and ordinances, including the Special District Act.

**C. Eminent Domain NOT Authorized.** The service plan shall contain language that prohibits the District from exercising the power of eminent domain without approval of the Town Board.

**D. Limitations on Operations and Maintenance.**

1. A district is permitted to collect a mill levy in an amount as specified in subsection 18.01.070.E., to fund customary administrative expenses incurred in operating the district, such as accounting and legal expenses and other costs of complying with applicable reporting requirements (the “Operations and Maintenance Mill Levy”). District service plans shall generally call for dissolution of the district upon payment of the debt associated with the Public Improvements for which it is formed, and will not be approved for ongoing district operations and maintenance of Public Improvements or services. Where it can be demonstrated that it is in the best interest of the Town and the existing or future residents and taxpayers of the district, the district, on an ongoing basis, may operate and maintain Public Improvements and services and impose an Operations and Maintenance Mill levy as set forth in the service plan approval.

2. To avoid duplication of entities and economic inefficiency, overlapping owners associations and districts are discouraged. When the boundaries of a district overlap with the boundaries of an owner’s association, during any year or portion of a year, when the declarant of the association is a developer, homebuilder, or other entity and not the residents, consent of the Town is required prior to the levy and collection of an Operations and Maintenance Mill Levy by the district for operating or maintaining any Public Improvements or services, other than routine administration of the governance of the district.

E. Maximum Mill Levy.

1. The service plan shall set forth a maximum debt mill levy that may be imposed by the district (“Debt Mill Levy”), taking into consideration the costs of the Public Improvements to be paid for with property tax revenues used to service debt and the anticipated assessed valuation; however, in no event shall the Debt Mill Levy exceed 50 mills, subject to adjustment as provided in subsection 18.01.070.E.3 and any required offset for an Operations and Maintenance Mill Levy. The Debt Mill Levy shall be imposed for a term not greater than 40 years from the date of its first imposition in any amount, and notwithstanding any provision set forth in Section 18.01.070.F.

2. For districts that are authorized to impose an Operations and Maintenance Mill Levy, such shall be limited to no more than ten (10) mills, subject to adjustment as provided in subsection 18.01.070.E.3.

3. The aggregate of any Debt Mill Levy and any Operations and Maintenance Mill Levy shall not exceed fifty (50) mills (the “Maximum Mill Levy”), subject to adjustment as provided in 18.01.070.E.3.

4. Increased Debt, Operations and Maintenance, and Maximum Mill Levies may be considered for districts that are predominately commercial in use, at the sole discretion of the Town Board.

5. The Maximum Mill Levy may be adjusted from the base year of the district as provided for in the Model Service Plan, so that to the extent possible, the actual tax revenues generated by the district’s mill levy, as adjusted, for changes occurring after the base year, are neither diminished nor enhanced as a result of the changes. Unless otherwise provided in the approved service plan, the base year shall be the first year in which a district imposes the Maximum Mill Levy.

F. Debt Term Limit. Generally, district debt is to be issued and taxes are to be imposed within five (5) years of a Court Order organizing the district. District debt, payable from property taxes, shall be for a term no more than the useful life of the Public Improvements that are funded by such debt, and in no event more than 30 years, such term to be calculated from the date of completion of installation of the Public Improvements and their acceptance by the Town or other governmental entity for ownership or maintenance. Such debt term limit may be extended if a majority of the district’s board of directors are residents of the district and have voted in favor of refunding a part or all of the debt, and such refunding is for one or more of the purposes authorized in Section 11-56-104, C.R.S. and is authorized by law. Notwithstanding any provision of this subsection F., payment of district debt from the Debt Mill Levy shall be subject to the limitations set forth in Subsection 18.01.070, E.1. Funding of Public Improvements for purposes of this subsection F shall include direct payment of the costs

of the Public Improvements or reimbursement by the district of the costs to the Developer or other entity who initially paid the costs.

G. Developer Advances. The service plan shall address any costs anticipated to be incurred by a developer and to be repaid by the district for the Public Improvements and/or operational costs, either in the form of direct payments by the Developer for such costs, or by means of advances by the Developer to the district (all of which are considered “Developer Advances”). Developer Advances shall count against the Total Debt Limit (as defined in subsection 18.01.070.I) and may be reimbursed by the district from debt, contractual reimbursement agreement(s) and/or any revenue source available by law and permitted by the service plan. Developer Advances shall not be subject to compound interest. Developer Advances will be considered subordinate to any general obligation bonds of the district. The interest rate on Developer Advances shall not exceed the current Bond Buyer 20-Bond GO Index plus 4%, or a maximum of 12%, whichever is the lesser.

H. District Fees. Fees and charges imposed and collected by a district are generally prohibited. The service plan shall identify with specificity any proposed fee categories (i.e. impact fees, development fees, service fees, capital improvement fees, etc.) and proposed uses of revenues from such fees or other charges. Unless approved in the service plan, fees and charges will require written consent of the Town Board prior to implementation.

I. Financial Plan. The service plan must include debt and operating financial projections prepared by an investment banking firm or financial advisor qualified to make such projections. The financial firm must be listed in the Bond Buyers Marketplace or, in the Town’s sole discretion, other recognized publication as a provider of financial projections. The Financial Plan must include debt issuance and service schedules and calculations establishing the District’s projected maximum debt capacity (the “Total Debt Limitation”) based on assumptions of: (i) Projected Interest Rate on the debt to be issued; (ii) Projected Assessed Valuation of the property within the District; and (iii) Projected Rate of Absorption of the assessed valuation within the District. These assumptions must use market-based, market comparable valuation and absorption data and may use an annual inflation rate of two percent (2%) or the Consumer Price Index for the preceding 12-month period for the Mountain-Plains statistical region as prepared by the U.S. Bureau of Labor Statistics, whichever is lesser. The Financial Plan must also include foreseeable administrative, operational and maintenance costs.

J. Public Improvements and Estimated Costs.

1. Every service plan must include, in addition to all materials, plans and reports required by Title 32, C.R.S., a summary of public improvements to be constructed and/or installed by the district (the “Public Improvements”). Due to its preliminary nature, the service plan must indicate that the Town’s approval of the Public



Improvements shall not bind the Town, its boards and commissions, or the Town Board in any way relating to the review and consideration of land use applications within the district. The service plan must contain a description of these Public Improvements which includes, at a minimum:

- (i) A map or maps, and construction drawings of such a scale, detail and size as required by the Town Administrator, providing an illustration of Public Improvements proposed to be built, acquired or financed by the district;
- (ii) A written narrative and description of the Public Improvements; and
- (iii) A general description of the District’s proposed role with regard to the same.

2. The warranty and security requirements set forth in Section 16.04.350 of the Town Code shall apply to all Public Improvements.

K. Extraterritorial Service Agreement. The service plan must describe any planned extraterritorial service. Any extraterritorial service by the district that is not described in the service plan will require prior approval of Town Board.

L. Service Plan Amendments. In the event a district seeks a material modification or other amendment to its service plan, the letter of intent, application, public meeting and notice procedures set forth in Section 18.01.060 shall be followed.

**18.01.080 - District Structure.**

It is the intent of the Town that citizen/resident control of districts be encouraged to occur as early as possible. For that reason, multiple-district structures are not permitted.

**18.01.090 - Dissolution of the District.**

A. Perpetual districts shall not be allowed except in cases where ongoing operation and maintenance of Public Improvements is required and permitted by the service plan. Except where ongoing operations and maintenance has been authorized, the district’s board of directors will take all action as required to dissolve the district as soon as practical upon the payment of all debt and obligations and the completion of district development activity.

B. If, within five (5) years from the date of approval of a service plan, the Town and district have not entered into an intergovernmental agreement as required by Section 18.01.150 of the Code, the Town may opt to pursue the remedies available to it under C.R.S. Section 32-1-701(3) in order to compel the district to dissolve in a prompt

and orderly manner. In such event: (i) the limited purposes and powers of the district, as authorized herein, shall automatically terminate and be expressly limited to taking only those actions that are reasonably necessary to dissolve; (ii) the board of directors of the district will be deemed to have agreed with the Town regarding its dissolution without an election pursuant to C.R.S. §32-1-704(3)(b); (iii) the district shall take no action to contest or impede the dissolution of the district and shall affirmatively and diligently cooperate in securing the final dissolution of the district, and (iv) subject to the statutory requirements of the Special District Act, the district shall thereupon dissolve.

**18.01.100 - Default of District.**

A. An “Event of Default” by the District shall include:

1. Failing or defaulting in the performance of any obligation that has been agreed to between the district and the Town, which obligation has been identified by the Town as a material obligation, and such default continues after delivery of notice from the Town.
2. A court of competent jurisdiction has made a final determination that a district has defaulted on any of its financial obligations, and such determination is not subject to further appellate review.
3. Failure to timely file a responsive Annual Report required by Section 18.01.120.

B. In the Event of Default, the district shall be precluded from issuing additional debt, except to refund or refinance a financial obligation for the purpose of avoiding or curing a default without receiving written permission from the Town Board following a public meeting on the matter.

**18.01.110 - Material Modification of Service Plan.**

A. In the event of a material modification of the service plan, the Town and the electors of the district shall be entitled to exercise their respective rights pursuant to §32-1-207, C.R.S. Actions expressly authorized in the service plan, changes in quantities of facilities or equipment, timing or phasing of Public Improvements, collection of fees or charges following written consent of the Town Board, and immaterial cost differences are not material modifications of the service plan. Departures from the service plan that constitute a material modification include, without limitation:

1. Actions or failures to act that create greater financial risk or burden;
2. Performance of a service or function or acquisition of a major facility that is not closely related to a service, function or facility authorized in the service plan;

- 3. Failure to perform a service or function or to acquire a facility required by the service plan;
- 4. Collection of any fees or charges without the written consent of the Town Board; and
- 5. The taking of any action that requires consent of the Town without the Town's consent given in the manner required pursuant to Section 18.01.140.

B. In the event the required Annual Report required by Section 18.01.120 is not timely filed with the Town or is not fully responsive, in addition to being an Event of Default, the Town may provide notice to the district's board of directors at its last-known address. The failure of the district to file a responsive annual report within 45 days of the mailing of such notice by the Town Clerk may constitute a material modification of the service plan, at the discretion of the Town.

**18.01.120 - Annual Report.**

All districts must file an Annual Report no later than September 1 of each year with the Town Clerk for the year ending the preceding December 31, the requirements of which may be waived in whole or in part by the Town Administrator. Unless waived by the Town Administrator, the Annual Report shall include the following:

- A. A narrative summary of the progress of the district in implementing its service plan for the report year.
- B. The audited financial statement of the district for the report year, including a statement of financial condition as of December 31 of the report year and the statement of operations, except when exemption from audit has been reported has been granted.
- C. A summary of the capital expenditures incurred by the district in development of improvements in the report year.
- D. A summary of the financial obligations of the district at the end of the report year, including the amount of outstanding indebtedness, the amount and terms of any new district indebtedness or long-term obligations issued in the report year, the amount of payment or retirement of existing indebtedness of the district in the report year, the total assessed valuation of all taxable properties within the district as of January 1 of the report year, and the current mill levy of the district pledged to debt retirement in the report year.
- E. Any other information deemed relevant by the Town Board or deemed reasonably necessary by the Town Administrator.

**18.01.130 - Fees.**

No request to approve a district service plan shall proceed until the fees set forth herein are paid.

A. Letter of Intent Submittal Fee: At the time of submittal of the Letter of Intent, the applicant shall pay a non-refundable fee in the amount established by the Town Board by Resolution.

B. Application Fee: An applicant shall submit, along with an application and a draft service plan (based on the Model Service Plan), a nonrefundable fee in the amount established by the Town Board by Resolution, along with a deposit in the same amount towards the reasonable consultant, legal, and other external fees and expenses incurred by the Town to review the draft service plan.

C. Annual Fee: Each district shall pay an annual fee for the Town's on-going monitoring of the district. This annual fee shall be in the amount established by the Town Board by Resolution and due and payable by January 1 of each year.

D. Service Plan Amendment Fee: A non-refundable service plan amendment fee in the amount established by the Town Board by Resolution, along with a deposit in the same amount towards the Town's outside review expenses shall be paid at the time of submittal of the application and draft amended service plan.

E. External Review Expenses: An applicant shall pay all of the Town's outside expenses associated with review of a proposed service plan, service plan amendment, or any matter required under this Policy or an approved service plan, including enforcement of conditions or requirements associated with an existing service plan. If deposits paid are insufficient to cover all the Town's expenses associated with external review, the applicant shall pay all such reasonable expenses prior to the Town's approval becoming effective. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.

**18.01.140 - Town Consent.**

Any consent of the Town required under to this Policy shall be given, if at all, by a Resolution of the Town Board. Failure of the Town to respond to a notice provided pursuant to Section 32-1-207(3)(b), C.R.S., within 45 days shall be deemed to be disapproval by the Town.

**18.01.150 - Intergovernmental Agreement**

A district shall enter into an intergovernmental agreement with the Town that addresses such details, terms and conditions as the Town and district deem necessary in connection with the construction and funding of any Public Improvements, including the

posting of security and warranty periods necessary to meet the requirements of Section 18.01.070.J, herein. Execution of the intergovernmental agreement is a precondition to a district issuing any debt or imposing any fees or levying of taxes. In addition, failure of a district to enter into the intergovernmental agreement as required herein shall constitute a material modification of the service plan and may result in dissolution per Section 18.01.090.B.

# **TOWN OF SILT**

## **Metropolitan District Model Service Plan (Single District)**

**This model service plan template should be referenced in conjunction with  
Chapter 18.01 of the Town of Silt Municipal Code.**

**SERVICE PLAN  
FOR**

\_\_\_\_\_ **METROPOLITAN DISTRICT  
TOWN OF SILT, COLORADO**

Prepared by

[Name of Person or Entity]

[Address]

[Approval Date]

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**Exhibits**

- Exhibit A - Legal Description
- Exhibit B - Boundary Map
- Exhibit C - Inclusion Area Legal Description
- Exhibit D - Inclusion Area Boundary Map
- Exhibit E - Public Improvements
- Exhibit F -Vicinity Map
- Exhibit G - Cost Estimate
- Exhibit H - Public Improvement Location Maps
- Exhibit I - Financial Plan
- Exhibit J – Public Benefits
- Exhibit K - Disclosure Notice
- Exhibit L -Intergovernmental Agreement

## I. INTRODUCTION

### A. Purpose and Intent.

The Town of Silt's ("Town"), objective in approving the Service Plan for the \_\_\_\_\_ Metropolitan District (the "District") is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements identified in this Service Plan. The District is intended to be an independent unit of local government separate and distinct from the Town and is governed by this Service Plan, the Special District Act (Title 32, C.R.S.) and other applicable State law. Except as may otherwise be provided by State law, the Town of Silt Municipal Code ("Code"), or this Service Plan, the District's activities are subject to review and approval by the Town Board of Trustees ("Town Board") only insofar as they are a material modification of this Service Plan as identified in this Service Plan or pursuant to C.R.S. Section 32-1207 of the Special District Act.

It is intended that the District will provide all or part of the Public Improvements for the Project for the use and benefit of all anticipated inhabitants and taxpayers of the District. The primary purpose of the District will be to finance the construction of these Public Improvements by the issuance of Debt. The District shall not be authorized to issue any Debt or impose a Debt Mill Levy, *[add if appropriate: Operations and Maintenance Mill Levy] [add if appropriate: or impose any Fees]* unless and until the delivery of Public Improvements has been secured in accordance with Section 18.01.070.J of the Town's Municipal Code and the District has entered into an intergovernmental agreement with the Town as required by Section XVII herein.

The District is not intended to provide ongoing operations and maintenance services except as expressly authorized in this Service Plan.

It is the intent of the District to dissolve upon payment or defeasance of all Debt incurred or upon a court determination that adequate provision has been made for the payment of all Debt, except that if the District is authorized in this Service Plan to perform continuing operating or maintenance functions, the District shall continue in existence for the sole purpose of providing such functions and shall retain only the powers necessary to impose and collect the taxes or Fees authorized in this Service Plan to pay for the costs of those functions.

It is the intent of this Service Plan to assure to the extent possible that no property bear an economic burden that is greater than that associated with revenues from the Debt Service Mill Levy, Fees, Special Assessments, and/or other source of revenue, even under bankruptcy or other unusual situations. Generally, the costs of Public Improvements that cannot be funded within these parameters are not costs to be paid by the District.

It is intended that the District shall comply with the provisions of this Service Plan and that the Town may enforce any non-compliance with these provisions as provided in Section XVI of this Service Plan.

B. Need for the District.

There are currently no other governmental entities, including the Town, located in the immediate vicinity of the District that consider it desirable, feasible or practical to undertake the planning, design, acquisition, construction, installation, relocation, redevelopment and financing of the Public Improvements. Formation of the District is therefore necessary in order for the Public Improvements required for the Project to be provided in the most economic manner possible.

C. Objective of the Town Regarding District's Service Plan.

The Town's objective in approving this Service Plan is to authorize the District to provide for the planning, design, acquisition, construction, installation, relocation and redevelopment of the Public Improvements from the proceeds of Debt to be issued by the District, but in doing so, to also establish in this Service Plan the means by which the Public Benefits will be provided. Except as specifically provided in this Service Plan, all Debt is expected to be repaid by taxes imposed and collected for no longer than the Maximum Debt Term Limit, and at a tax mill levy no higher than the Maximum Debt Mill Levy. Debt which is issued within these parameters and, as further described in the Financial Plan, will insulate property owners from excessive tax and Fee burdens to support the servicing of the Debt and will result in a timely and reasonable discharge of the Debt.

D. Relevant Intergovernmental Agreements.

***[Add description of any relevant intergovernmental agreements.]***

E. Town Approvals.

Any provision in this Service Plan requiring "Town" or "Town Board" approval or consent shall require the Town Board's prior written approval or consent exercised in its sole discretion, evidenced by resolution. Failure of the Town to respond to a notice provided pursuant to Section 32-1-207(3)(b), C.R.S., within 45 days shall be deemed to be disapproval by the Town. Any provision in this Service Plan requiring "Town Administrator" approval or consent shall require the Town Administrator's prior written approval or consent exercised in the Town Administrator's sole discretion. The Town Administrator may determine in his or her sole discretion to refer any issue requiring the Town Administrator's consent to the Town Board.

## II. DEFINITIONS

In this Service Plan, the following words, terms and phrases which appear in a capitalized format shall have the meaning indicated below, unless the context clearly requires otherwise:

Approved Development Plan: means a Town-approved development plan or other land use application required by the Town Code for identifying, among other things, public improvements necessary for facilitating the development of property within the Service Area, which plan shall include, without limitation, any development agreement required by the Town Code.

Board: means the duly constituted Board of Directors of the District.

Bond, Bonds or Debt: means bonds, notes or other multiple fiscal year financial obligations for the payment of which the District has promised to impose an ad valorem property tax mill levy, or other legally available revenue permitted pursuant to this Service Plan. Such terms do not include contracts through which the District procures or provides services or tangible property.

Town: means the Town of Silt, Colorado, a home rule municipality.

Town Administrator: means the Town Administrator of the Town.

Town Board: means the Town Board of Trustees.

Town Code: means collectively the Town's Home Rule Charter, Municipal Code, Land Use Code and ordinances as all are now existing and hereafter amended.

C.R.S.: means the Colorado Revised Statutes.

Debt Mill Levy: means a property tax mill levy imposed on Taxable Property by the District for the purpose of paying Debt as authorized in this Service Plan, at a rate not to exceed the limitations set in Section IX.B of this Service Plan. The Debt Mill levy shall have a term not to exceed forty (40) years from the date of its first imposition. Any unpaid Developer Advances and/or Debt payments shall be discharged at that time.

Developer: means a person or entity that is the owner of property or owner of contractual rights to property in the Service Area that intends to develop the property.

Developer Advances: means any advances to the District by the Developer for the costs of the Public Improvements and/or operational costs, either in the form of direct payment for such costs or by means of advances to the District. Such

advances, which the Board is obligated to appropriate on an annual basis, shall count against the maximum allowable debt limit under this Service Plan and may be repaid by the District from bond proceeds, or legally available sources of revenue. Developer Advances will be considered subordinate to the District general obligation bonds. The interest rate on Developer Advances shall not exceed the current Bond Buyer 20-Bond GO Index plus 4% or a maximum of 12%, whichever the lesser.

Disclosure Notice: Written notice, in substantially the form attached hereto as **Exhibit K**, and approved by the Town Administrator, provided to potential purchasers of property within the District, which includes the maximum amount of debt authorized, the amount of debt already issued, the debt term remaining, the expected date of repayment, the Maximum Mill Levy and anticipated property tax bill based on the anticipated sale price.

District: means the *[Name of District]* organized under and governed by this Service Plan.

District Boundaries: means the boundaries of the area legally described in **Exhibit A** attached hereto and incorporated by reference and as depicted in the District Boundary Map.

District Boundary Map: means the map of the District Boundaries attached hereto as **Exhibit B** and incorporated by reference.

End User: means any owner, or tenant of any owner, of any property within the District, who is intended to become burdened by the imposition of ad valorem property taxes and/or Fees. By way of illustration, a resident homeowner, renter, commercial property owner or commercial tenant is an End User. A Developer and any person or entity that constructs homes or commercial structures is not an End User.

External Municipal Advisor: means a Municipal Advisor that: (1) is qualified to advise Colorado governmental entities on matters relating to the issuance of securities by Colorado governmental entities including matters such as the pricing, sales and marketing of such securities and the procuring of bond ratings, credit enhancement and insurance in respect of such securities; and (2) is not an officer or employee of the District; and (4) is approved by the Town Administrator.

External Municipal Advisor Certificate: Opinion of a registered Municipal Advisor as to the reasonableness of the terms of any debt instrument issued by the District in substantially the form cited below:

We are [I am] a Municipal Advisor within the meaning

of the District's Service Plan. We [I] certify that (1) the net effective interest rate (calculated as defined in Section 32-1-103(12), C.R.S.) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

Fees: means the fees, rates, tolls, penalties and charges the District is authorized to impose and collect under this Service Plan, if any.

Financial Plan: means the Financial Plan described in Section IX of this Service Plan which was prepared or approved by [Name], an External Financial Advisor approved by the Town Administrator, in accordance with the requirements of this Service Plan and describes (a) how the Public Improvements are to be financed; (b) how the Debt is expected to be incurred; and (c) the estimated operating revenue derived from property taxes and Fees (if any) for the first budget year through the year in which all District Debt is expected to be defeased or paid in the ordinary course.

Inclusion Area Boundaries: means the boundaries of the property that is anticipated to be added to the District Boundaries after the District's organization, which property is legally described in **Exhibit C** attached hereto and incorporated by reference and depicted in the map attached hereto as **Exhibit D** and incorporated herein by reference.

Maximum Debt Authorization: means the total Debt the District is permitted to issue as set forth in Section IX.B.7 of this Service Plan.

Maximum Debt Term Limit: means the maximum term during which the Debt Mill Levy may be imposed on property developed in the Service Area. This maximum term, including refunding bonds, unless approved by the District Board as defined herein, shall not exceed \_\_\_\_\_ ***[enter a term that will not extend past the useful life of the Public Improvements funded by such debt measured from the date of completion of the improvements; but not to exceed 30 years]*** years from the calendar year in which the District issues Bonds.

Maximum Mill Levy: means the maximum mills that the District may levy for its combined Debt Mill Levy and Operations and Maintenance Mill Levy (if any), at a rate not to exceed the limitation set in Section IX.B.1 of this Service Plan.

Municipal Advisor: means as any person (who is not a municipal entity or an employee of a municipal entity) that provides advice to or on behalf of a municipal entity or obligated person with respect to municipal financial products or the issuance of municipal securities, or that undertakes a solicitation of a municipal entity or obligated person. Said person shall be registered under Section 15B of the Securities Exchange Act of 1934, as amended from time to time.

Operations and Maintenance Mill Levy: means a property tax mill levy imposed on Taxable Property for the purpose of funding District administration, operations and maintenance as authorized in this Service Plan, including, without limitation, repair and replacement of Public Improvements, and imposed at a rate not to exceed the limitations set in Section IX.B. of this Service Plan.

Planned Development: means the private development or redevelopment of the properties in the Service Area, commonly referred to as the *[Name]* development, under an Approved Development Plan.

Project: means the installation and construction of the Public Improvements for the Planned Development.

Public Improvements: means the improvements and infrastructure the District is authorized by this Service Plan to finance, plan, design, acquire, construct and install *[add “operate and maintain” only if the Town has approved such function]* for the Planned Development to serve the future taxpayers and inhabitants of the District, except as specifically prohibited or limited in this Service Plan. Public Improvements shall include, without limitation, the improvements and infrastructure described in **Exhibit E** attached hereto and incorporated by reference.

Service Area: means the property within the District Boundaries and the property in the Inclusion Area Boundaries when it is added, in whole or part, to the District Boundaries.

Special District Act: means Article 1 in Title 32 of the Colorado Revised Statutes, as amended.

Service Plan: means this service plan for the District approved by the Town Board.

Service Plan Amendment: means a material modification of the Service Plan approved by the Town Board in accordance with the Special District Act, this Service Plan and any other applicable law.

State: means the State of Colorado.



Taxable Property: means the real and personal property within the District Boundaries and within the Inclusion Area Boundaries when added to the District Boundaries that will be subject to the ad valorem property taxes imposed by the District.

TABOR: means Colorado’s Taxpayer’s Bill of Rights in Article X, Section 20 of the Colorado Constitution.

Vicinity Map: means the map attached hereto as **Exhibit F** and incorporated by reference depicting the location of the Service Area within the regional area surrounding it.

### III. BOUNDARIES AND LOCATION

The area of the District Boundaries includes approximately [*Insert Number*] acres and the total area proposed to be included in the Inclusion Area Boundaries is approximately [*Insert Number*] acres. A legal description and map of the District Boundaries are attached hereto as **Exhibit A** and **Exhibit B**, respectively. A legal description and map of the Inclusion Area Boundaries are attached hereto as **Exhibit C** and **Exhibit D**, respectively. It is anticipated that the District’s Boundaries may expand or contract from time to time as the District undertakes inclusions or exclusions pursuant to the Special District Act, subject to the limitations set forth in this Service Plan. The location of the Service Area is depicted in the vicinity map attached as **Exhibit F**.

### IV. DESCRIPTION OF PROJECT, PLANNED DEVELOPMENT, PUBLIC BENEFITS & ASSESSED VALUATION

#### A. Project and Planned Development.

*[Describe the nature of the Project and Planned Development, estimated population at build out, timeline for development, estimated assessed value after 5 and 10 years and estimated sales tax revenue. Also, please identify all plans, including but not limited to Town-wide Plans, Small Area Plans, and General Development Plans that apply to any portion of the District’s Boundaries or Inclusion Area Boundaries and describe how the Project and Planned Development are consistent with the applicable plans. Please state if the proposed District is to be located within an urban renewal area and if the proposed development is anticipating the use of tax increment financing (TIF). If the District intends to pursue TIF, provide information on how the TIF financing will interact with the District’s financing and how the necessary Public Improvements will be shared across the two funding sources.]*

Approval of this Service Plan by the Town Board does not imply approval of the development of any particular land use for any specific area within the District. Any such approval must be contained within an Approved Development Plan.

B. Public Benefits.

In addition to providing the Public Improvements, the organization of the District is intended to enable the Project to deliver a number of extraordinary direct and indirect public benefits, including: [Describe Public Benefits] (collectively, the “Public Benefits”). The Public Benefits to be provided under this Service Plan are specifically described in **Exhibit J** attached hereto and incorporated herein by reference.

C. Assessed Valuation.

The current assessed valuation of the Service Area is approximately [*Dollar Amount*] and, at build out, is expected to be [*Dollar Amount*]. These amounts are expected to be sufficient to reasonably discharge the Debt as demonstrated in the Financial Plan.

**V. INCLUSION OF LAND IN THE SERVICE AREA**

Other than the real property in the Inclusion Area Boundaries, the District shall not include any real property into the Service Area without the Town Board’s prior written approval and in compliance with the Special District Act. Once the District has issued Debt, it shall not exclude real property from the District’s boundaries without the prior written consent of the Town.

**VI. DISTRICT GOVERNANCE**

The District’s Board shall be comprised of persons who are a qualified “eligible elector” of the District as provided in the Special District Act. It is anticipated that over time, the End Users who are eligible electors will assume direct electoral control of the District’s Board as development of the Service Area progresses. The District shall not enter into any agreement by which the End Users’ electoral control of the Board is removed or diminished.

**VII. AUTHORIZED AND PROHIBITED POWERS**

A. General Grant of Powers.

The District shall have the power and authority to provide the Public Improvements and related operation and maintenance services, within and without the District Boundaries, as such powers and authorities are described in the Special District Act, other applicable State law, common law and the Colorado Constitution, subject to the prohibitions, restrictions and limitations set forth in this Service Plan.

If, after the Service Plan is approved, any State law is enacted to grant additional powers or authority to metropolitan districts by amendment of the Special District Act or otherwise, such powers and authority shall not be deemed to be a part hereof. These new

powers and authority shall only be available to be exercised by the District if the Town Board first approves a Service Plan Amendment to specifically allow the exercise of such powers or authority by the District.

B. Prohibited Improvements and Services and other Restrictions and Limitations.

The District's powers and authority under this Service Plan to provide Public Improvements and services and to otherwise exercise its other powers and authority under the Special District Act and other applicable State law, are prohibited, restricted and limited as hereafter provided. Failure to comply with these prohibitions, restrictions and limitations shall constitute a material modification under this Service Plan and shall entitle the Town to pursue all remedies available at law and in equity as provided in Sections XVI and XVII of this Service Plan:

1. Eminent Domain Restriction

The District shall not exercise its statutory power of eminent domain without first obtaining approval from the Town Board. This restriction on the District's exercise of its eminent domain power is being voluntarily acquiesced to by the District and shall not be interpreted in any way as a limitation on the District's sovereign powers and shall not negatively affect the District's status as a political subdivision of the State as conferred by the Special District Act.

2. Fee Limitation

The District is not authorized to impose and collect any fees ***[if the Town approved specific fees, add: "except that District may seek written approval in the form of a resolution from the Town Board of Trustees to collect and impose the following fees: \_\_\_\_\_"]***.

3. Operations and Maintenance

The primary purpose of the District is to plan for, design, acquire, construct, install, relocate, redevelop and finance the Public Improvements. The District shall dedicate the Public Improvements to the Town or other appropriate jurisdiction or owners' association in a manner consistent with the Approved Development Plan and the Town Code, provided that nothing herein requires the Town to accept a dedication. ***[Add if appropriate: The District is specifically authorized to operate and maintain all or any part of the Public Improvements not otherwise conveyed or dedicated to the Town or another appropriate governmental entity until such time as the District is dissolved]***.

If the boundaries of the District overlap with the boundaries of an owners' association, then during any year (including any portion of a year) when the Developer is the declarant of the association, written consent of the Town is required prior to the levy and collection of an Operations and Maintenance Mill Levy (defined below) by the metropolitan district.

4. Fire Protection Restriction

The District is not authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, own, operate or maintain fire protection facilities or services. The authority to plan for, design, acquire, construct, install, relocate, redevelop, finance, own, operate or maintain fire hydrants and related improvements installed as part of the Project's water system shall not be limited by this subsection.

5. Public Safety Services Restriction

The District is not authorized to provide policing or other security services. However, the District may, pursuant to C.R.S. §32-1-1004(7), as amended, furnish security services pursuant to an intergovernmental agreement with the Town.

6. Grants from Governmental Agencies Restriction

The District shall not apply for grant funds distributed by any agency of the United States Government or the State, including but not limited to the Department of Local Affairs, Conservation Trust Fund, and Great Outdoors Colorado, without the prior written approval of the Town Administrator. This restriction does not apply to specific ownership taxes which shall be distributed to and be a revenue source for the District without any limitation.

7. Television Relay and Translation Restriction

The District is not authorized to plan for, design, acquire, construct, install, relocate, redevelop, finance, own, operate or maintain television relay and translation facilities and services, other than for the installation of conduit as a part of a street construction project, unless such facilities and services are provided pursuant to prior written approval from the Town Board as a Service Plan Amendment.

8. Potable Water and Wastewater Treatment Facilities

Acknowledging that the Town currently owns and operates treatment facilities for potable water and wastewater that are available to provide

services to the Service Area, the District shall not plan, design, acquire, construct, install, relocate, redevelop, finance, own, operate or maintain such facilities without obtaining the Town Board's prior written approval either by intergovernmental agreement or as a Service Plan Amendment.

9. Sales and Use Tax Exemption Limitation

The District shall not exercise any sales and use tax exemption otherwise available to the District under the Town Code.

10. Sub-district Restriction

The District shall not create any sub-district pursuant to the Special District Act without the prior written approval of the Town Board.

11. External Municipal Advisor Statement

Prior to the issuance of any Debt, the District shall obtain the certification of a Municipal Advisor acceptable to the Town substantially as follows:

We are [I am] a Municipal Advisor within the meaning of the District's Service Plan.

We [I] certify that (1) the net effective interest rate (calculated as defined in C.R.S. Section 32-1-103(12)) to be borne by [insert the designation of the Debt] does not exceed a reasonable current [tax-exempt] [taxable] interest rate, using criteria deemed appropriate by us [me] and based upon our [my] analysis of comparable high yield securities; and (2) the structure of [insert designation of the Debt], including maturities and early redemption provisions, is reasonable considering the financial circumstances of the District.

12. Special Assessments

The District shall not impose special assessments without the prior written approval of the Town Board.

13. Limitation on Extraterritorial Service

The District shall not be authorized to provide services or facilities outside the District boundaries or to establish Fees, rates, tolls, charges, penalties or charges for any such service or facilities.

14. Overlap Limitation

Without the prior consent of the Town Board, which consent shall be evidenced by resolution, the boundaries of the District shall not overlap with any other metropolitan district formed under the Special District Act.

15. Consolidation Limitation

The District shall not file a request with any Court to consolidate with another Title 32 district without the prior consent of the Town, which shall be evidenced by resolution.

## VIII. PUBLIC IMPROVEMENTS AND ESTIMATED COSTS

**Exhibit E** summarizes the type of Public Improvements that are projected to be constructed and/or installed by the District. The cost, scope, and definition of such Public Improvements may vary over time. The total estimated costs of Public Improvements, as set forth in **Exhibit G**, are approximately [**Dollar Amount**] in [**Year**] dollars and total approximately [**Dollar Amount**] in the anticipated year of construction dollars. The cost estimates are based upon preliminary engineering, architectural surveys, and reviews of the Public Improvements set forth in **Exhibit E** and include all construction cost estimates together with estimates of costs such as land acquisition, engineering services, legal expenses and other associated expenses. Maps of the anticipated location, operation, and maintenance of Public Improvements are attached hereto as **Exhibit H**. Changes in the Public Improvements or cost, which are approved by the Town in an Approved Development Plan and any agreement approved by the Town Board pursuant to Section IV.B of this Service Plan, shall not constitute a Service Plan Amendment.

The Public Improvements shall be listed using an ownership and maintenance matrix in **Exhibit E**, either individually or categorically, to identify the ownership and maintenance responsibilities of the Public Improvements.

The Town Code has development standards, contracting requirements and other legal requirements related to the construction and payment of public improvements and related to certain operation activities. Relating to these, the District shall comply with the following requirements:

A. Development Standards.

The District shall ensure that the Public Improvements are designed and constructed in accordance with the standards and specifications of the Town Code and of other governmental entities having proper jurisdiction, as applicable. The District directly, or indirectly through any Developer, will obtain the Town's approval of civil engineering plans and will obtain applicable permits for construction and installation of

Public Improvements prior to performing such work. Unless waived by the Town Board, the District shall be required, in accordance with the Town Code, to post a letter of credit, or other approved development security for any Public Improvements to be constructed by the District. Such development security may be released in the Town Administrator's discretion when the District has obtained funds, through Debt issuance or otherwise, adequate to insure the construction of the Public Improvements, unless such release is prohibited by or in conflict with any Town Code provision, State law or any agreement approved and entered into under Section IV.B of this Service Plan. Any limitation or requirement concerning the time within which the Town must review the District's proposal or application for an Approved Development Plan or other land use approval is hereby waived by the District.

B. Contracting.

The District shall comply with all applicable State purchasing, public bidding and construction contracting requirements and limitations.

C. Land Acquisition and Conveyance.

The purchase price of any land or improvements acquired by the District from the Developer shall be no more than the then-current fair market value as confirmed by an independent MAI appraisal for land and by an independent professional engineer for improvements. Land, easements, improvements and facilities conveyed to the Town shall be free and clear of all liens, encumbrances and easements, unless otherwise approved by the Town Administrator prior to conveyance. All conveyances to the Town shall be by special warranty deed, shall be conveyed at no cost to the Town, shall include an ALTA title policy issued to the Town shall meet the environmental standards of the Town and shall comply with any other conveyance prerequisites required in the Town Code.

D. Equal Employment and Discrimination.

In connection with the performance of all acts or activities hereunder, the District shall not discriminate against any person otherwise qualified with respect to its hiring, discharging, promoting or demoting or in matters of compensation solely because of race, color, religion, national origin, gender, age, military status, sexual orientation, gender identity or gender expression, marital status, or physical or mental disability, and further shall insert the foregoing provision in contracts or subcontracts entered into by the District to accomplish the purposes of this Service Plan.

**IX. FINANCIAL PLAN/PROPOSED DEBT**

This Section IX of the Service Plan describes the nature, basis, method of funding and financing limitations associated with the acquisition, construction, completion, repair, replacement, operation and maintenance of Public Improvements.

A. Financial Plan.

The District's Financial Plan, attached as **Exhibit I** and incorporated by reference, reflects the District's anticipated schedule for incurring Debt to fund Public Improvements in support of the Project. The Financial Plan also reflects the schedule of all anticipated revenues flowing to the District derived from District mill levies, [*Fees imposed by the District*], specific ownership taxes, and all other anticipated legally available revenues. The Financial Plan is based on economic, political and industry conditions as they presently exist and reasonable projections and estimates of future conditions. These projections and estimates are not to be interpreted as the only method of implementation of the District's goals and objectives but rather a representation of one feasible alternative. Other financial structures may be used so long as they are in compliance with this Service Plan. The Financial Plan incorporates all of the provisions of this Article IX. [*Add if Developer Advances are to be used: The Developer will incur costs for Public Improvements, either in the form of direct payments for such costs, or by means of advances to the District. These Developer Advances will be reimbursable by the District from Debt, contractual reimbursement agreements and/or any other revenue sources available by law and permitted by this Service Plan, and are subject to the Maximum Debt Authorization, Maximum Mill Levy, and Maximum Debt Term Limit.*]

Based upon the assumptions contained therein, the Financial Plan projects the issuance of Bonds to fund Public Improvements and anticipated Debt repayment based on the development assumptions and absorptions of the property in the Service Area by End Users. The Financial Plan anticipates that the District will finance the planning, design, acquisition, construction, installation and completion of all Public Improvements needed to serve the Service Area.

The Financial Plan demonstrates that the District will have the financial ability to discharge all Debt to be issued as part of the Financial Plan on a reasonable basis. Furthermore, the District will secure the certification of a Municipal Advisor who will provide an opinion as to whether such Debt issuances are in the best interest of the District at the time of issuance.

B. Mill Levies.

It is anticipated that the District will impose a Debt Mill Levy and an Operations and Maintenance Mill Levy on all property within the Service Area. In doing so, the following shall apply:



1. Maximum Mill Levy

The Maximum Mill Levy shall not exceed \_\_\_\_\_ [**50 mills** , *or the amount of the Debt Mill Levy + Operations and Maintenance Mill Levy from below, whichever is less*] mills in the aggregate of the Debt Mill Levy and any Operations and Maintenance Mill Levy (if authorized), subject to Gallagher adjustments.

2. Debt Mill Levy

The District may impose a Debt Mill levy of up to \_\_\_\_\_ mills [*Note: debt mill levy must take into account the costs of the Public Improvements to paid for through debt mill levy and anticipated AV, but must not exceed 50 mills when combined with O&M mill levy*], subject to Gallagher adjustments; however, the Maximum Mill Levy may not be exceeded. The Debt Mill Levy shall be imposed for a term not greater than 40 years from the date of its first imposition

3. Operations and Maintenance Mill Levy

The District is not authorized to impose an Operations and Maintenance Mill Levy.

*or*

The District may impose an Operations and Maintenance Mill Levy of up to ten (10) mills, subject to Gallagher adjustments; however, the Maximum Mill Levy must not be exceeded.

4. Gallagher Adjustments

In the event the State's method of calculating assessed valuation for the Taxable Property changes after January 1, [**current year**] or any constitutionally mandated tax credit, cut or abatement, the District's Mill Levy, Debt Mill Levy, Operations and Maintenance Mill Levy, and Maximum Mill Levy, amounts herein provided may be increased or decreased to reflect such changes; such increases or decreases shall be determined by the District's Board in good faith so that to the extent possible, the actual tax revenues generated by such mill levies, as adjusted, are neither enhanced nor diminished as a result of such change occurring after January 1, [**current year**]. For purposes of the foregoing, a change in the ratio of actual valuation to assessed valuation will be a change in the method of calculating assessed valuation.

5. Excessive Mill Levy Pledges

Any Debt issued with a mill levy pledge, or which results in a mill levy pledge that exceeds the Maximum Mill Levy, shall be deemed a material modification of this Service Plan and shall not be an authorized issuance of Debt unless and until such material modification has been approved by a Service Plan Amendment.

6. Refunding Debt

The Maximum Debt Term Limit may be exceeded for Debt refunding purposes if: (1) a majority of the District Board is composed of End Users and have voted in favor of a refunding of a part or all of the Debt; or (2) such refunding will result in a net present value savings.

7. Maximum Debt Authorization

The District anticipates approximately [*Dollar Amount*] in project costs in [*Year*] dollars as set forth in **Exhibit E** and anticipate issuing approximately [*Dollar Amount*] in Debt to pay such costs as set forth in **Exhibit G**, which Debt issuance amount shall be the amount of the Maximum Debt Authorization. The District shall not issue Debt in excess of the Maximum Debt Authorization. Bonds, loans, notes or other instruments which have been refunded shall not count against the Maximum Debt Authorization. The District must obtain from the Town Board a Service Plan Amendment prior to issuing Debt in excess of the Maximum Debt Authorization.

C. Maximum Voted Interest Rate and Underwriting Discount.

The interest rate on any Debt is expected to be the market rate at the time the Debt is issued. The maximum interest rate on any Debt, including any defaulting interest rate, is not permitted to exceed Twelve Percent (12%). The maximum underwriting discount shall be two and a half percent (2.5%). Debt, when issued, will comply with all relevant requirements of this Service Plan, the Special District Act, other applicable State law and federal law as then applicable to the issuance of public securities.

D. Disclosure to Purchasers.

In order to notify future End Users who are purchasing residential lots or dwellings units in the Service Area that they will be paying, in addition to the property taxes owed to other taxing governmental entities, the property taxes imposed under the Debt Mill Levy [*and the Operations and Maintenance Mill Levy*], the District shall not be authorized to issue any Debt under this Service Plan until there is included in the Developer's Approved Development Plan provisions that require the following:

1. That the Developer, and its successors and assigns, shall prepare and submit to the Town Administrator for his approval the Disclosure Notice in substantially the form attached hereto as **Exhibit K**, which includes the maximum amount of debt authorized, the amount of debt already issued, the debt term remaining, the expected date of repayment, the Maximum Mill Levy and anticipated property tax bill based on the anticipated sale price;
2. That when the Disclosure Notice is approved by the Town Administrator, the Developer shall record the Disclosure Notice in the Garfield County Clerk and Recorder's Office; and
3. That the approved Disclosure Notice shall be provided by the Developer, and by its successors and assigns, to each potential End User purchaser of a residential lot or dwelling unit in the Service Area as early as possible in the purchasing process, but at least before that purchaser enters into a written agreement for the purchase and sale of that residential lot or dwelling unit.

E. Municipal Advisor.

A Municipal Advisor acceptable to the Town shall be retained by the District to provide a written opinion regarding the proposed terms and whether Debt terms and conditions are reasonable based upon the status of development within the District, the projected tax base increase in the District, the security offered and other considerations as may be identified by the Advisor. The District shall include in the transcript of any Bond transaction or other appropriate financing documentation for related Debt instrument, a signed letter from the Municipal Advisor providing an official opinion on the structure of the Debt, the cost of issuance, sizing, repayment term, redemption feature, couponing, credit spreads, payment, closing date, and other material transaction details of the proposed Debt. Debt shall not be undertaken by the District if the Debt terms and conditions are found to be unreasonable by the Municipal Advisor.

F. Disclosure to Debt Purchasers.

District Debt shall set forth a statement in substantially the following form:

“By acceptance of this instrument, the owner of this Debt agrees and consents to all of the limitations with respect to the payment of the principal and interest on this Debt contained herein, in the resolution of the District authorizing the issuance of this Debt and in the Service Plan of the District. This Debt is not and cannot be a Debt of the Town of Silt, Colorado”

Similar language describing the limitations with respect to the payment of the principal and interest on Debt set forth in this Service Plan shall be included in any document used for the offering of the Debt for sale to persons, including, but not limited to, a Developer of property within the Service Area.

G. Security for Debt.

The District shall not pledge any revenue or property of the Town as security for the indebtedness set forth in this Service Plan. Approval of this Service Plan shall not be construed as a guarantee by the Town of payment of any of the District's obligations; nor shall anything in the Service Plan be construed so as to create any responsibility or liability on the part of the Town in the event of default by the District in the payment of any such obligation.

H. TABOR Compliance.

The District shall comply with the provisions of TABOR. In the discretion of the Board, the District may set up other qualifying entities to manage, fund, construct and operate facilities, services, and programs. To the extent allowed by law, any entity created by a District will remain under the control of the District's Board.

I. District's Operating Costs.

The estimated cost of acquiring land, engineering services, legal services and administrative services, together with the estimated costs of the District's organization and initial operations, are anticipated to be [*Dollar Amount*], which will be eligible for reimbursement from Debt proceeds.

In addition to the capital costs of the Public Improvements, the Districts will require operating funds for administration and to plan and cause the Public Improvements to be operated and maintained. The first year's operating budget is estimated to be [*Dollar Amount*].

Ongoing administration, operations and maintenance costs may be paid from property taxes collected through the imposition of an Operations and Maintenance Mill Levy, as set forth in Section IX.B.3, as well as from other revenues legally available to the District.

J. Monies from Other Governmental Sources. The District shall not apply for or accept monies from the Conservation Trust Fund, Great Outdoors Colorado, or other funds available from or through governmental or non-profit entities that the Town is eligible to apply for, except with prior approval of the Town. This limitation shall not apply to specific ownership taxes which shall be distributed to and available as a revenue source for the District without limitation.

**X. TOWN FEES**

The District shall pay all applicable Town fees as required by the Town Code.

**XI. BANKRUPTCY LIMITATIONS**

All of the limitations contained in this Service Plan, including, but not limited to, those pertaining to the Maximum Mill Levy, Maximum Debt Term Limit and Fees, have been established under the authority of the Town in the Special District Act to approve this Service Plan. It is expressly intended that by such approval such limitations: (i) shall not be set aside for any reason, including by judicial action, absent a Service Plan Amendment; and (ii) are, together with all other requirements of State law, included in the “political or governmental powers” reserved to the State under the U.S. Bankruptcy Code (11 U.S.C.) Section 903, and are also included in the “regulatory or electoral approval necessary under applicable non-bankruptcy law” as required for confirmation of a Chapter 9 Bankruptcy Plan under Bankruptcy Code Section 943(b)(6).

**XII. ANNUAL REPORTS AND BOARD MEETINGS**

A. General.

The District shall be responsible for submitting an Annual Report to the Town Clerk no later than September 1st of each year following the year in which the Order and Decree creating the District has been issued. The annual report may be made available to the public on the Town’s website.

B. Board Meetings.

The District’s board of directors shall hold at least one public board meeting in three of the four quarters of each calendar year, beginning in the first full calendar year after the District’s creation. Notice for each of these meetings shall be given in accordance with the requirements of the Special District Act and other applicable State law. This meeting requirement shall not apply until there is at least one End User of property within the District. Also, this requirement shall no longer apply when a majority of the directors on the District’s Board are End Users.

C. Report Requirements.

Unless waived in writing by the Town Administrator, the District Annual Report must include the following in the Annual Report:

1. Narrative

A narrative summary of the progress of the District in implementing its Service Plan for the report year.

2. Financial Statements

Except when exemption from audit has been granted for the report year under the Local Government Audit Law, the audited financial statements of the District for the report year including a statement of financial condition (i.e., balance sheet) as of December 31 of the report year and the statement of operation (i.e., revenue and expenditures) for the report year.

3. Capital Expenditures

Unless disclosed within a separate schedule to the financial statements, a summary of the capital expenditures incurred by the District in development of improvements in the report year.

4. Financial Obligations

Unless disclosed within a separate schedule to the financial statements, a summary of financial obligations of the District at the end of the report year, including the amount of outstanding Debt, the amount and terms of any new District Debt issued in the report year, the total assessed valuation of all Taxable Property within the Service Area as of January 1 of the report year and the current total District mill levy pledged to Debt retirement in the report year.

5. Board Contact Information

The names and contact information of the current directors on the District's Board, any District Administrator and the attorney for the District shall be listed in the report. The District's current office address, phone number, email address and any website address shall also be listed in the report.

6. Other Information

Any other information deemed relevant by the Town Board or deemed reasonably necessary by the Town Administrator.

7. Reporting of Significant Events

The Annual Report shall also include information as to any of the following that occurred during the report year:

- (1) Boundary changes made or proposed to the District Boundaries as of December 31 of the report year.

- (2) Intergovernmental Agreements with other governmental entities, either entered into or proposed as of December 31 of the report year.
- (3) Copies of the District's rules and regulations, if any, or substantial changes to the District's rules and regulations as of December 31 of the report year.
- (4) A summary of any litigation which involves the District's Public Improvements as of December 31 of the report year.
- (5) A list of all facilities and improvements constructed by the District that have been dedicated to and accepted by the Town as of December 31 of the report year.
- (6) Notice of any uncured events of default by the District, which continue beyond a ninety (90) day period, under any Debt instrument.
- (7) Any inability of the District to pay its obligations as they come due, in accordance with the terms of such obligations, which continue beyond a ninety (90) day period.

D. Failure to Submit.

In the event the Annual Report is not timely received by the Town Clerk or is not fully responsive, notice of such default shall be given to the District Board at its last known address. The failure of the District to file the Annual Report within forty-five (45) days of the mailing of such default notice by the Town Clerk may constitute a material modification of the Service Plan, at the discretion of the Town Administrator.

### **XIII. SERVICE PLAN AMENDMENTS**

This Service Plan is general in nature and does not include specific detail in some instances. The Service Plan has been designed with sufficient flexibility to enable the District to provide required improvements, services and facilities under evolving circumstances without the need for numerous amendments. Modification of the general types of improvements and facilities making up the Public Improvements, and changes in proposed configurations, locations or dimensions of the Public Improvements, shall be permitted to accommodate development needs provided such Public Improvements are consistent with the then-current Approved Development Plans for the Project and any agreement approved by the Town Board pursuant to Section IV.B of this Service Plan. Any action of the District, which is a material modification of this Service Plan requiring a Service Plan Amendment as provided in Section XIV of this Service Plan or that does not comply with provisions of this Service Plan, shall be deemed to be a material

modification to this Service Plan unless otherwise expressly provided in this Service Plan. All other departures from the provisions of this Service Plan shall be considered on a case-by-case basis as to whether such departures are a material modification under this Service Plan or the Special District Act.

#### **XIV. MATERIAL MODIFICATIONS**

Material modifications to this Service Plan may be made only in accordance with C.R.S. Section 32-1-207 as a Service Plan Amendment. No modification shall be required for an action of the District that does not materially depart from the provisions of this Service Plan, unless otherwise provided in this Service Plan.

Departures from the Service Plan that constitute a material modification requiring a Service Plan Amendment include, without limitation:

1. Actions or failures to act that create materially greater financial risk or burden to the taxpayers of the District;
2. Performance of a service or function, construction of an improvement, or acquisition of a major facility that is not closely related to an improvement, service, function or facility authorized in the Service Plan;
3. Failure to perform a service or function, construct an improvement or acquire a facility required by the Service Plan; and
4. Failure to comply with any of the preconditions, prohibitions, limitations and restrictions of this Service Plan.

#### **XV. DISSOLUTION**

Upon independent determination by the Town Board that the purposes for which the District was created have been accomplished, the District shall file a petition in district court for dissolution as provided in the Special District Act. In no event shall dissolution occur until the District has provided for the payment or discharge of all of its outstanding indebtedness and other financial obligations as required pursuant to State law.

In addition, if within five (5) years from the date of the Town Board's approval of this Service Plan the intergovernmental agreement contemplated by Section XVII of this Service Plan has not been entered into by the Town with the District and/or any Developer, despite the parties conducting good faith negotiations attempting to do so, the Town may opt to pursue the remedies available to it under C.R.S. Section 32-1-701(3) in order to compel the District to dissolve in a prompt and orderly manner. In such event: (i) the limited purposes and powers of the District, as authorized herein, shall



automatically terminate and be expressly limited to taking only those actions that are reasonably necessary to dissolve; (ii) the Board of the District will be deemed to have agreed with the Town regarding its dissolution without an election pursuant to C.R.S. §32-1-704(3)(b); (iii) the District shall take no action to contest or impede the dissolution of the District and shall affirmatively and diligently cooperate in securing the final dissolution of the District, and (iv) subject to the statutory requirements of the Special District Act, the District shall thereupon dissolve.

## **XVI. SANCTIONS**

Should the District undertake any act without obtaining prior Town Board approval or consent or Town Administrator approval or consent under this Service Plan, that constitutes a material modification to this Service Plan requiring a Service Plan Amendment as provided herein or under the Special Districts Act, or that does not otherwise comply with the provisions of this Service Plan, the Town Board may impose one (1) or more of the following sanctions, as it deems appropriate:

1. Exercise any applicable remedy under the Special District Act;
2. Withhold the issuance of any permit, authorization, acceptance or other administrative approval, or withhold any cooperation, necessary for the District's development or construction or operation of improvements or provision of services;
3. Exercise any legal remedy under the terms of any intergovernmental agreement under which the District is in default; or
4. Exercise any other legal and equitable remedy available under the law, including seeking prohibitory and mandatory injunctive relief against the District, to ensure compliance with the provisions of the Service Plan or applicable law.

## **XVII. INTERGOVERNMENTAL AGREEMENT WITH TOWN**

The District and the Town shall enter into an intergovernmental agreement, the form of which shall be in substantially the form attached hereto as **Exhibit L** and incorporated by reference (the "IGA"). However, the Town and the District may include such additional details, terms and conditions as they deem necessary in connection with the Project and the construction and funding of the Public Improvements and the Public Benefits. The District's Board shall approve the IGA at its first board meeting, unless agreed otherwise by the Town Administrator. Entering into this IGA is a precondition to the District issuing any Debt or imposing any Debt Mill Levy, Operations and Maintenance Mill Levy or Fee for the payment of Debt under this Service Plan. In addition, failure of the District to enter into the IGA as

required herein shall constitute a material modification of this Service Plan and subject to the sanctions in Article XVII of this Service Plan. The Town and the District may amend the IGA from time-to-time provided such amendment is not in conflict with any provision of this Service Plan.

**XVIII. CONCLUSION**

It is submitted that this Service Plan, as required by C.R.S. Section 32-1-203(2), establishes that:

1. There is sufficient existing and projected need for organized service in the Service Area to be served by the District;
2. The existing service in the Service Area to be served by the District is inadequate for present and projected needs;
3. The District is capable of providing economical and sufficient service to the Service Area; and
4. The Service Area does have, and will have, the financial ability to discharge the proposed indebtedness on a reasonable basis.

**XIX. RESOLUTION OF APPROVAL**

The District agrees to incorporate the Town Board’s resolution approving this Service Plan, including any conditions on any such approval, into the copy of the Service Plan presented to the District Court for and in Garfield County, Colorado.



To: Mayor and Town Council  
From: Michelle Metteer, Town Manager  
Date: 12/20/2023  
Agenda Item: Council Seat Vacancy

**REQUEST:** Provide Direction to staff regarding the process and notice for filling the vacant council seat.

**INTRODUCTION:** Tom Sullivan resigned from the Minturn Town Council on December 12, 2023. The Council is now tasked with filling the empty seat until a permanent council member is seated through the election process.

**ANALYSIS:** Section 4.6 of the Minturn Charter is flexible in how the vacant seat is temporarily filled. The Charter states as follows:

*Section 4.6 - Vacancies.*

*An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, removes from or becomes a nonresident of the Town, absents himself from meetings of the Council for sixty (60) days, unless excused by resolution thereof, is convicted of a felony or is judicially declared a mental incompetent. In case of vacancy the remaining councilmembers shall choose by majority vote, within thirty (30) days after such a vacancy occurs, a duly qualified person to fill the unexpired term so vacant. If more than three vacancies occur simultaneously, the remaining councilmembers shall call a special election to fill such vacancies provided there will not be a regular general municipal election within thirty (30) days.*

*If a councilmember's office is vacated during the first two (2) years of a four-year term, the term of the newly appointed councilmember shall expire at the next regular municipal election, and the qualified electors shall elect a councilmember to complete the final two plus years of that term.*

Because it is unlikely there will be a Council meeting on January 3, 2024, it is anticipated the vacant seat will be filled on January 17, 2024. This will provide enough time should the Council want to advertise and provide public notice.

This council position would be from January 17 to April 3, 2024, or effectively, a little less than four months.

**COMMUNITY INPUT:** Extensive

**BUDGET / STAFF IMPACT:** Minimal

**STRATEGIC PLAN ALIGNMENT:**

**PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT.**

**RECOMMENDED ACTION OR PROPOSED MOTION:**

Direct staff on actions for public noticing, if any for filling of the vacant council seat.

**ATTACHMENTS:**

None



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## FUTURE MEETING AGENDA ITEMS

Below reflects proposed topics to be scheduled at future Town Council meetings and is informational only. Dates and topics are subject to change.

### December 20, 2023

- Ord 24 - Series 2023 (Second Reading) An Ordinance Increasing Council Pay
- Ord 25 - Series 2023 (Second Reading) An Ordinance Adjusting the Timeline and Approval Process for Short Term Rental Fees
- Ord 26 - Series 2023 (Second Reading) An Ordinance Adjusting the Approval Process for Minturn Municipal Court Fees
- Ord 27 - Series 2023 (Second Reading) An Ordinance Adjusting the Approval Process for Special Event Fees
- Ord 28 - Series 2023 (Second Reading) An Ordinance Adjusting the Approval Process for Short Term Rental Fees
- Resolution \_\_\_ - Series 2023 A Resolution Adopting the Eagle County Emergency Operations Plan
- Discussion/Direction – Metro District Code Provisions Review - Sawyer
- Executive Session – Battle Diligence Environmental Matters – Polly Jessen

### January 3, 2024

### January 17, 2024

- Special Presentations – Eagle River Fire Protection District/Eagle Valley Wildland
- Ord\_\_\_ - Series 2024 (First Reading) An Ordinance Amending the Exemption Plat Process
- Ord\_\_\_ - Series 2024 (First Reading) An Ordinance Rezoning the Battle North Property
- Ord\_\_\_ - Series 2024 (First Reading) An Ordinance Amending Chapter 13 and Appendix C of the MMC to Exempt Battle North Water Service Requirements
- Ord\_\_\_ - Series 2024 (First Reading) An Ordinance Amending MMC Sec. 16-21-710(b)(2) Addressing Development Agreements and Vested Rights
- Discussion/Direction: Minturn Cross Creek Wellfield Exploration Update
- Resolution \_\_\_ - Series 2024 A Resolution Appointing a Council Member

### February 7, 2024

- Ord\_\_\_ - Series 2023 (Second Reading) An Ordinance Amending the Exemption Plat Process
- Ord\_\_\_ - Series 2023 (Second Reading) An Ordinance Rezoning the Battle North Property
- Ord\_\_\_ - Series 2023 (Second Reading) An Ordinance Amending Chapter 13 and Appendix C of the MMC to Exempt Battle North Water Service Requirements
- Ord\_\_\_ - Series 2023 (Second Reading) An Ordinance Amending MMC Sec. 16-21-

## 710(b)(2) Addressing Development Agreements and Vested Rights

### **Dates to be Determined:**

- Reassessment of the Minturn Single Family Equivalent (SFE) Definition
- Irrigation Tiered water rate structure
- Single Family Tiered Water Rate Structure