



**REGULAR MEETING OF THE GENERAL ASSEMBLY TOWN OF OPHIR
COLORADO
TUESDAY 7:00 PM, JUNE 15th, 2021
36 PORPHYRY STREET & ZOOM
(If you are fully vaccinated you may attend at Town Hall)**

Join Zoom Meeting

<https://us02web.zoom.us/j/86171357131?pwd=bnJVNjgwMzN3eVB6aTBhVIBTb0R4UT09>

**Meeting ID: 861 7135 7131 Passcode: 533386
Phone Call In: +1 301 715 8592**

AGENDA

- 1. CALL TO ORDER**
- 2. ADOPTION & SIGNATURE OF MAY 18, 2021, MEETING MINUTES**
- 3. APPROVAL OF AGENDA**
- 4. STAFF UPDATES**
- 5. BUSINESS ITEMS**
 - A. Municipal Court – Attorney (20 min)
 - B. Manager’s Report – Town Manager (5 min)
 - C. Water Planning & Engineering Status – Town Manager (10 min)
 - D. Monthly Paid Invoices and Budget
 - E. Non-Licensed and Unregistered Motorized Vehicles on Ophir Streets – Mayor (10 min)
 - F. Clerk Position Nominations
 - G. Second Reading of Amendment to Ordinance 1996-3, Collecting 2% Sales Tax and Establish Business License Fees – Town Manager (10 min)
 - H. Fire Ban Discussion – Mayor (10 min)
 - I. Use Tax Reimbursement – Town Manager (10 min)
 - J. Emergency Horn – Town Manager (10 min)
 - K. Draft Resolution 2021-7 Creation of the Water Advisory Committee Discussion - Town Manager (15 min)
 - L. P& Z Nominations – Mayor (5 min)
3 Full Seats & 1 Alternate
- 6. NEW BUSINESS**
- 7. ADJOURN**

<https://townofophir.colorado.gov/>

Claybourne M. Douglas, Municipal Law Consulting

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**THIS DOCUMENT, INCLUDING ANY ATTACHMENTS OR ENCLOSURES, IS
CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION, SOLELY FOR THE
OFFICIAL USE OF NAMED ADDRESSEES**

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MEMORANDUM

TO: Stephen Johnson, Ophir Town Attorney
FROM: Claybourne M. Douglas, Contract Associate *CMD*
DATE: May 10, 2021
RE: Town of Ophir Municipal Court Reactivation

This memorandum will address the specific tasks listed in our April 8 Special Counsel Agreement.

1. Task: Review Ordinance 1999-6 and advise of any needed/recommended changes.

1.1. Applicable law:

C.R.S. §13-10-102 provides in pertinent part:

Definitions

As used in this article, unless the context otherwise requires:

...

(3) "Qualified municipal court of record" means a municipal court established by, and operating in conformity with, either local charter or ordinances containing provisions requiring the keeping of a verbatim record of the proceedings and evidence at trials by either electric devices or stenographic means, and *requiring as a qualification for the office of judge of such court that he has been admitted to, and is currently licensed in, the practice of law in Colorado. (emphasis added)*

C.R.S. § 13-10-103 provides, in pertinent part:

Applicability

... Except for the provisions relating to the method of salary payment for municipal judges, the incarceration of children provided for in sections 19-2-402 and 19-2-508, C.R.S., the appearance of the parent, guardian, or lawful custodian of any child under eighteen years of age who is charged with a municipal offense

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as required by section 13-10-111, the right to a trial by jury for petty offenses provided for in section 16-10-109, C.R.S., rules of procedure promulgated by the supreme court, and appellate procedure, this article may be superseded by charter or ordinance enacted by a home rule city. (emphasis added)

C.R.S. § 13-10-116(1) provides, in pertinent part:

Appeals

(1) Appeals may be taken by any defendant from any judgment of a municipal court which is not a qualified municipal court of record to the county court of the county in which such municipal court is located, and the cause shall be tried *de novo* in the appellate court.

C.R.S. §19-2-104(1) provides, in pertinent part:

Jurisdiction

"Except as otherwise provided by law, the juvenile court has exclusive original jurisdiction in proceedings: (a) Concerning any juvenile ten years of age or older who has violated: ... (II) Any ... municipal ordinance except traffic ordinances, the penalty for which may be a jail sentence of more than ten days." (emphasis added)

1.2. Recommended changes:

1.2.1. Amend Section 2 to read as follows:

SECTION 2. JURISDICTION. *Except as proceeded by superseding law, the* ~~The~~ municipal court shall have original, exclusive jurisdiction of all cases arising under the ordinances and codes of the Town of Ophir with full power to carry the same into effect and to punish violations thereof by the imposition of such fines, penalties and/or injunctions as provided by such ordinances.

1.2.2. Amend section 5 to read as follows

SECTION 5. MUNICIPAL JUDGE – POWERS AND PROCEDURES. The municipal judge shall have all judicial powers relating to the operation of the court, subject to any *superseding laws* or rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado Supreme Court. The presiding judge shall have the power to enforce subpoenas issued by any board, body or officer of the municipality.

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The preceding two amendments will recognize the municipal court procedural and jurisdiction limitations under C.R.S. §§13-10-103 and 19-2-104 (1) *supra*.

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1.2.3. Amend- section 4 to read as follows:

SECTION 4. MUNICIPAL JUDGE – APPOINTMENT – OATH.

A. The municipal judge or judges shall be appointed by the General Assembly for a term of one or more years. Any vacancy shall be filled by appointment of the General Assembly. The General Assembly may appoint, ~~from~~ from time to time as necessary, substitute judges in case of temporary absence, sickness, disqualification, or other inability of the judge to act. The municipal judge shall meet the requirements of CRS 31-10-102(3) and 13-10-106, as amended.

B. Before assuming the duties of his/her office, the municipal judge shall make an oath of affirmation before the Town Clerk, and file with the General Assembly an oath of affirmation to support and uphold the Constitution of the United States, the Constitution and laws of the State of Colorado, and the charter, ordinances and codes of the Town of Ophir, and that he or she will faithfully perform the duties of the office.

This would satisfy the C.R.S. § 13-10-102(3) requirement that the judge of a "Qualified Municipal Court of Record" "has been admitted to, and is currently licensed in, the practice of law in Colorado." That would, in turn, foreclose the risk of having to retry cases on de novo appeal to the County Court, §13-10-116 (1).

2. Task: To minimize required jury trials, advise on any recommended revisions to maximum penalties for Land Use Code, speeding and dog violations.

2.1. Applicable law:

2.1.1. ~~Federal and State Constitutions:~~State and federal constitutional rights to jury trial only for "serious offenses":

Under the Art. II, §§16 and 23 of the Colorado Constitution, and the 6th amendment to the United States Constitution, the possibility of a jail sentence exceeding 6 months or a fine exceeding \$500, or both, makes a municipal ~~offenseviolation~~ a "serious offense", carrying

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the right to jury trial. Offenses_Violations carrying only lesser penalties are "petty offenses", carrying no constitutional right to a jury trial.¹

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¹ *Austin v. City and County of Denver*, 170 Colo. 448, 462 P.2d 600, (1969)

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2.1.2. Colorado Municipal Court Act: (statutory right to jury trial if required by "general laws of the State"):

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C.R.S. 13-10-114(1) provides "~~un~~, in pertinent part: "In any action before a municipal court in which the defendant is entitled to a jury trial by the constitution or the general laws of the state, such party shall have a jury upon request."~~...~~" (emphasis added)

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2.1.3. Colorado Code of Criminal Procedure: (statutory right to jury trial for defined "petty offense"):

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C.R.S. §16-10-109. provides, in pertinent part:

Trial by jury for petty offenses

(1) For the purposes of this section, "petty offense" means *any crime or offense classified as a petty offense or, ... punishable by imprisonment other than in a correctional facility for not more than six months, or by a fine of not more than five hundred dollars, or by both such imprisonment and fine, and includes any violation of a municipal ordinance or offense which was not considered a crime at common law; except that violation of a municipal traffic ordinance which does not constitute a criminal offense or any other municipal charter, municipal ordinance, or county ordinance offense which is neither criminal nor punishable by imprisonment under any counterpart state statute shall not constitute a petty offense. No child under the age of eighteen years shall be entitled to a trial by jury for a violation of a municipal ordinance or a county ordinance for which imprisonment in jail is not a possible penalty.* Nothing in this subsection (1) shall prohibit a municipality or county from granting a right to trial by jury for ordinance violations. ~~(emphasis added)~~...

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(2) A defendant charged with a petty offense shall be entitled to a jury trial if, within twenty-one days after entry of a plea, the defendant makes a request to the court for a jury trial, in writing, and tenders to the court a jury fee of twenty-five dollars unless the fee is waived by the judge because of the indigence of the defendant. ... (emphasis added)

2.2. Land Use Code Recommendation: Amend the Land Use Code to provide for civil enforcement in the Municipal Court.

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Town of Ophir Land Use Code (LUC) §1502 sets the maximum penalty for each violation at a \$1000 fine or a 90-day jail sentence, or both. Under *Austin v. Denver (footnote 1 supra)*, the possible fine exceeding \$500 carries the constitutional right to a jury trial. ~~Research has disclosed no state statutes expressly classifying land use or zoning offenses as petty offenses or making counterpart state offenses punishable by imprisonment. However, And~~ because the LUC makes ~~violations~~ "an LUC violation" punishable by imprisonment other than in a correctional facility for not more than six months" (90 days), it ~~qualifies asis also~~ a defined "petty offense",

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~~triggering~~carrying the statutory right to a jury trial under C.R.S. §16-10-109(1)~~), supra.~~²

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Authorizing Municipal Court civil enforcement could allow effective enforcement without jury trials.

Civil actions against code violators ask the municipal court to enjoin the unlawful conduct. In granting or denying a request for an injunction, a court exercises its equitable jurisdiction and powers. ... Therefore, in municipal court civil cases against code violators, "the cause of action pleaded is equitable in its nature, and the issues of law, as well as fact, are *triable by the court without a jury.*" ... *A home rule municipality has no obligation to provide a jury trial for a civil action for injunctive remedies in its municipal court.* (emphasis added)³

Ordinance 1999-6, Section 2 already gives the Municipal Court jurisdiction to "punish violations" of "ordinances and codes of the town of Ophir" ... "by the imposition of ... injunctions as provided by such ordinances." However, ~~find~~research reveals no express authorization for injunctions or other equitable relief in the LUC. I recommend amending the LUC to expressly authorize the Municipal Court to hear civil actions and provide civil remedies~~;~~ (including injunctions~~);~~ for LUC violations.⁴

2.3. Speeding Recommendation: Instruct enforcement officers to charge all speeding offenses as traffic infractions.

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Under State law, Driving "twenty-five or more miles per hour in excess" of the speed limit is "a misdemeanor traffic offense," punishable by imprisonment.⁵ It is, therefore, a "criminal offense", carrying the right to a jury trial.⁶ "[D]riving one to twenty-four miles per hour in excess" of the speed limit or "special hazards" speeding is a "traffic infraction," carrying no potential jail penalty

² Research reveals no state statutes expressly classifying land use or zoning offenses as petty offenses or making counterpart state offenses punishable by imprisonment.

³ Jon E. Hayes and Paul D. Godec, *Civil Enforcement of Building and Zoning Codes in Municipal Court*, 19 Colo. Law. 469, 470 (March 1990) (footnotes omitted)

⁴ See the following examples of ordinances authorizing civil enforcement:

WHEAT RIDGE, COLO., CODE OF ORDINANCES (2021), including §15-6. *Civil action*, §5-5. *Enforcement and remedies*, and §26-1005. *Civil enforcement*;

SHERIDAN MUNICIPAL CODE, Sec. 42-7. *Civil Enforcement*;

FEDERAL HEIGHTS MUNICIPAL CODE, Chapter 22 Article III. Civil Enforcement, Chapter 30-ENVIRONMENT, ARTICLE VIII. - ADMINISTRATIVE CITATIONS.

⁵ C.R.S. §§42-4-1101(2), 42-4-1701(3)(a)(II),

⁶ *People v. Lewis*, 745 P.2d 668, 669 (Colo. 1987)

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and a maximum fine of \$200.⁷ "[T]raffic infractions are civil matters and are not punishable by imprisonment."⁸ Such a civil matter is not a "petty offense" and carries no statutory or constitutional right to a jury trial.⁹

If a driver speeds more than 24 miles per hour above the limit, the enforcement officer may elect to charge only the lesser traffic infraction of speeding 24 miles per hour above the limit. Proving a higher speed will also prove the lesser speed charged.¹⁰ The Town or its judge can assess an appropriate fine, but the charged traffic infraction will require no jury trial.¹¹

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⁷ C.R.S. §§42-4-1101(3)(a)(I),(12)(a),(c), 42-4-1701(3)(a),(4)(a)(I)(L)

⁸ *People v. Lewis, supra*

⁹ C.R.S. 16-10-109 (1), *Austin v. City and County of Denver, supra*

¹⁰ Speeding is a lesser included offense of excessive speeding, *State v. Fitzwater*, 122 Hawaii 354, 357, 378, 227 P.3d 520, 523, 544 (2010). "[A]n offense is a lesser included offense of another offense if the elements of the lesser offense are a subset of the elements of the greater offense, such that the lesser offense contains only elements that are also included in the elements of the greater offense.", *Reyna-Abarca v. People*, 2017 CO 15, 390 P.3d 816, (2017)

¹¹ *People v. Lewis, supra*

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2.4. Model Traffic Code Recommendation: Consider adopting the most current Model Traffic Code for Colorado.

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Besides our originally listed tasks, I recommend updating the Town's adopted Model Traffic Code. Ordinance Number 2008-7 adopts the 2003 Revised Edition of the "Colorado Model Traffic Code". Since the 2003 Revised Edition, the Colorado Department of Transportation (CDOT) has issued five newer editions. The forward to the current (2020) edition outlines why every municipality should consider updating to CDOT's current edition, as follows:

Because of the significant mobility of today's traffic and the influx of motorists from many areas, every driver has a right to expect the rules governing the movement of vehicles and pedestrians on streets and highways are clearly defined and reasonably uniform throughout the state and the nation.

The General Assembly of the State of Colorado has recognized that conflicts between the state's traffic laws and municipal traffic ordinances lead to inconsistencies in the movement of traffic and has strengthened the requirements for uniformity of traffic regulations.

2.5. Dog Violations Recommendation: Amend the Town's dog regulations (except vicious dogs) to provide civil enforcement in the Municipal Court.

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The Town's dog regulations appear in Ordinance 1999-05. Section 6, Paragraph D sets the maximum penalty for a dog violation at a \$500 fine.¹² That penalty makes a dog violation a statutory "petty offense"¹³, carrying the right to a jury trial.¹⁴

However, civil Municipal Court enforcement of animal violations (as outlined above for land use code violations) could provide effective enforcement without jury trials. Therefore, I recommend the Town also consider amending its dog regulations, ~~(except vicious dog provisions)~~¹⁵, to expressly provide for civil enforcement in the Municipal Court.

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4.3. Task: Review and update applicable Penalty Assessment Notices, as necessary.

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¹² Under Paragraph E, "Any person who is found to have violated, or who acknowledges violating, Section 5(F) of this Ordinance (Vicious Dog), shall be required to pay in addition to any fine assessed by the Municipal Court the medical and/or veterinarian bill(s) of any victim(s) of the subject dog's vicious behavior, and may be required to pay any other appropriate restitution ordered by the Municipal Court."

¹³ C.R.S. §16-10-109 (nontraffic offense punishable "by a fine of not more than five hundred dollars")

¹⁴ *Roalstad v. City of Lafayette*, 363 P.3d 790 (Col. Ct. App. 2015) ("vicious animal ordinance is a petty offense under the general definition in [C.R.S.] section 16-10-109(1)", since "section 18-9-204.5, C.R.S. 2015, titled "[u]nlawful ownership of a dangerous dog," is a state statutory counterpart", 363 P.3d at 796)

¹⁵ *Roalstad v. City of Lafayette, supra*

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The Town provided sample copies of two completed Town of Ophir Municipal Citation forms. At the top of each are checkboxes to indicate whether the Municipal Citation is a "Penalty Assessment" or "Summons and Complaint". While neither sample references traffic offenses, I have reviewed them against the penalty assessment notice requirements of the Town's 2003 Model Traffic Code and Colorado Municipal Court Rule 204, *Simplified Procedure for Trial of Municipal Charter and Ordinance Violations*. That review prompts the following recommendations:

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4.1.3.1. Recommendation: Add a place to indicate applicable surcharges under C.R.S. §24-4.2-104 (referenced as 24-42-109 in the Town's adopted 2003 Model Traffic Code).

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2003 Model Traffic Code, Section 1707(3)(a) requires that a summons and complaint or penalty assessment notice for a traffic offense include "the amount of surcharge thereon pursuant to section 24-4.2-109 C.R.S."¹⁶

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4.2.3.2. Recommendation: Add a place to indicate the number of points, if any, prescribed for any traffic offense under section 42-2-127, C.R.S.

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2003 Model Traffic Code, Sections 1707 (3)(a) and 1709(1) require this.

5.4. Task: Provide draft Municipal Court Local Rules, including any recommended rules on: Court-appointed counsel and virtual (remote) proceedings.

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~~5.1. Municipal Court Local Court Rules and Procedures Authorization and Supreme Court Approval Requirements~~

4.1. Applicable law:

C.R.S. §13-10-112 provides in pertinent part:

Powers and procedures

(1) The municipal judge of any municipal court has all judicial powers relating to the operation of his court, *subject to any rules of procedure governing the operation and conduct of municipal courts promulgated by the Colorado supreme court. The presiding municipal judge of any municipal court has authority to issue local rules of procedure consistent with any rules of procedure adopted by the Colorado supreme court. (emphasis added)*

Colorado Municipal Court Rules of Procedure 257 provides in pertinent part:

¹⁶ That surcharge reference now appears in C.R.S. §24-4.2-104, Surcharges levied on criminal actions and traffic offenses. C.R.S. § 24-4.2-109 now provides " Nothing in this article shall preclude a home rule county, city, city and county, or municipality from enacting provisions to provide funds for law enforcement agencies and victims and witnesses assistance programs through charges assessed on fines imposed for violation of local ordinances.

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Rules of Court

All municipal court local rules, including local municipal procedures and standing orders having the effect of municipal court local rules, enacted before February 1, 1992, are hereby repealed. Each municipal court, by a majority of its judges, may from time to time propose municipal court local rules... Nothing in this rule is intended to affect the authority of a municipal court to adopt internal administrative procedures not relating to the conduct of formal judicial proceedings as prescribed by the Colorado Rules of Municipal Court Procedure.¹⁷ (emphasis added)

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~~5.2. The Supreme Court would not likely approve Town Recommendations: Instead of Ophir Local Municipal Court Local Rules:~~

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~~Since repealing all Municipal Court local rules in 1992, the Colorado Supreme Court has approved only one set of municipal court local rules¹⁸. Therefore, the Colorado Supreme Court would not likely approve new Town of Ophir Municipal Court Local Court Rules.~~

~~5.4.4.2. The Ophir Municipal Court should consider internal administrative procedures and required standing orders on independent counsel and municipal bond holds.~~

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~~Since repealing all Municipal Court Local Rules in 1992, the Colorado Supreme Court has approved only one set of municipal court local rules. Therefore, the Colorado Supreme Court would not likely approve new Town of Ophir Municipal Court local rules.~~

Unlike Municipal Court local rules, many municipal courts have adopted "internal administrative procedures" and "standing orders" since 1992. To implement the Colorado statutes excerpted below, the Town of Ophir Municipal Court should consider adopting the enclosed Draft Internal Administrative Procedure on Independent Counsel for Indigent Defendants and Draft Standing Order Concerning Municipal Court Bond Hold Notification and Hearings.

5.4.1.4.2.1. Court-appointed counsel

C.R.S. §13-10-114.5 provides in pertinent part:

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Representation by Counsel - Independent Indigent Defense – Definition

...
(3)(a) On and after January 1, 2020, each municipality shall provide independent indigent defense for each indigent defendant charged with a municipal code violation for which there is a possible sentence of incarceration. Independent indigent defense requires, at minimum, that a nonpartisan entity independent of the

¹⁷ History. ~~entire~~ Entire rule amended January 9, 1992, effective February 1, 1992.

¹⁸ ~~For the Greeley Municipal Court, effective March 1, 1999), per research and inquiries.~~

Draft

Town of Ophir Municipal Court Internal Administrative Procedure on Independent Counsel for Indigent Defendants

To comply with Colorado Senate Bill 18-203, the Town of Ophir Municipal Court will provide independent counsel for indigent defendants by appointing an attorney that has been evaluated by the Office of Alternative Defense Counsel (OADC) from the following categories of attorneys

1. Attorneys who have a contract with OADC to provide conflict services in state court;
2. Attorneys who have previously been evaluated under the Municipal Court Program within the last three years;
4. An attorney chosen by the Town, but not previously evaluated under the Municipal Court program within the last 3 years, by participating in the Municipal Court Program, to ensure compliance with the statute; or
5. Alternate defense counsel provided by OADC under a contract between the Town and OADC, under C.R.S. §21-2-103(1)(c).

Dated: _____

Municipal Judge

DRAFT

**REQUEST FOR PROPOSAL
FOR
TOWN OF OPHIR MUNICIPAL JUDGE**

ISSUED: [date]

Proposal Closing Date and Time: [specify closing date and time]

Contact:

Ken Haynes, Town Manager

Ophir Town Hall

36 Porphyry St

PO Box 683

Ophir, Colorado 81426

970-728-4943 admin@town-ophir.co.gov

Please note, this Request for Proposal is not a competitive bid based on price only. This RFP allows the Town of Ophir General Assembly to select the service provider that best meets the needs of the Town, based on qualifications, salary requirements, and service capabilities along with other factors, such as knowledge of Municipal Court policies, programs, Council directives, administrative resources, and budget.

Candidates that are considered finalists will be required to complete a background check. Permission to conduct a background check will be done directly with the Town of Ophir's third party provider.

POSITION OVERVIEW

This RFP seeks proposals to fill the role of Municipal Judge for one or more years, commencing with the approval by Resolution of the appointment and terms of appointment by General Assembly.

The Town of Ophir is a Home Rule municipality that operates a municipal court of record, under Town Ordinance 99-6 and Colorado Revised Statutes, Title 13, Article 10, that hears and determines cases arising under the Town's Charter and ordinances.

The General Assembly will give preference to an applicant having the same qualifications as a county judge in a Class D county, as set forth in C.R.S. §13-6-203(3), Colorado Revised Statutes.

The General Assemblyman appoint a county judge in a Class C or D county, as defined in section C.R.S. §13-6-203, to serve as a municipal judge.

The General Assembly may require that the municipal judge be a qualified elector of the town of Ophir or San Miguel County.

The Municipal Judge must be a currently admitted to, and currently licensed in, the practice of law in Colorado, preferably with experience on the bench in a Colorado municipal court of record, knowledge of the Town of Ophir Home Rule Charter, and Town of Ophir Ordinances.

Court is held on [specify days] with other dates scheduled as needed. Sessions last as long as needed to complete the scheduled Court docket, but are generally no longer than [specify] hours each. Court security is provided while the Court is in session. [Specify day of the week] is generally reserved for trials and other outstanding Court matters. The Municipal Judge will also administer oaths of office as requested.

The Court averages [specify number] sessions per year. The Municipal Judge is expected to attend a minimum of [specify number] municipal court sessions (Council will consider a commitment to more sessions) and bond advisements as needed and scheduled in coordination with the Town Manager. The position requires availability to review warrants and motions outside of Court hours. The salary is offered at \$[specify]/year for [specify number] sessions. If you require a different salary, please state what that amount is and what the basis of your request is.

By submitting an application, resume and response to the specifications of the submittal you certify that you are qualified to perform the work and services outlined and are familiar with the instructions, terms and conditions, and specifications in the RFP. You further agree to use Town technology appropriately and safeguard our cyber-security and data by following all applicable current policies and directives, to include taking required training. The applications and proposals will be reviewed by the Town of Ophir General Assembly. The General Assembly may require an interview either in person or *via* zoom meeting, depending on the current pandemic requirements.

Please note that the Town of Ophir is subject to the provisions of the Colorado Open Records Act.

Required Information:

Copy of current resume describing how you meet the requirements of the job description.

Completed online application.

Letter that addresses the following:

Describe your ability, capacity, and skill as a judge and ability to provide the services as outlined in the job description.

Describe any municipal court judgements that you have issued that were subject to an appeal and the outcome of such appeal(s).

Describe how you keep updated on current legislation and obtain ongoing education and training to remain current on all matters relating to municipal courts and municipal judges.

Describe your communication style, as well as your manner and record of interacting with municipal staff, defendants, witnesses, and attorneys in a professional and congenial manner.

Describe your ability to meet the time requirements of the position.

Describe any conflicts of interest you have with the Town.

The General Assembly will review submittals and conduct interviews at a time and date to be decided.

DRAFT

MUNICIPAL COURT, TOWN OF OPHIR, COLORADO City Hall PO Box 683 Ophir CO 81426	▲ COURT USE ONLY ▲
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STANDING ORDER CONCERNING MUNICIPAL COURT BOND HOLD NOTIFICATION AND HEARINGS
--

Pursuant to House Bill 17-1338 ("HB 1338"), the state legislature modified Title 13, Article 10 of the Colorado Revised Statutes by the addition of a new Section 13-10-111.5, which provides certain mandatory requirements concerning timely hearings for a defendant in jail with a municipal court hold. Pursuant to C.R.S. 13-10-111.5(5), this Court issues the following standing order to each jail in San Miguel County, Colorado:

1. If a person is detained in a jail on a municipal hold from the Town of Ophir, Colorado, and does not immediately receive a personal recognizance bond, the jail shall promptly notify this Court of any municipal hold. If the municipal hold is the sole basis to detain the defendant, the jail shall notify this Court of the municipal hold within four (4) hours.
2. Jail personnel shall notify this Court of the defendant's detention by email at [email address] or, if email service is unavailable, by notifying this Court by telephone and leaving a voicemail at the following telephone number: [phone numbers]. Notification to this Court may be alliteratively satisfied by sending a fax to the following number [fax number].
3. If this Court receives notice that the defendant is being held solely on the basis of a municipal hold, this Court shall hold a hearing within two (2) calendar days thereof, excluding Sundays and federal holidays. If the defendant has failed to appear in the case at least twice, and the defendant is incarcerated in a county other than San Miguel County, this Court shall hold a hearing within four (4) calendar days, excluding Sundays and federal holidays.
4. If the defendant does not appear before this Court for a hearing within the time frames set forth in this Order, the jail holding the defendant shall release the defendant on an unsecured personal recognizance bond with no other conditions, returnable to this Court, except that the jail is not required to release the defendant in such a manner if the defendant has refused to cooperate with this Court's attempts to hold a hearing.
5. This Order shall take effect on [supply date].

DATED this _____ day of _____, 2020

BY THE COURT:

Municipal Court Judge

FULL VIRTUAL COURT PROTOCOL

COURTHOUSE ACCESS:

Courthouse access is strictly limited to:

1. Person(s) making a payment;
2. Person(s) with an ACTIVE warrant;
3. Person(s) who will testify in ANY pre-approved case
 - a. **On Friday morning of each week**, a list of pre-approved cases will be sent to every Court Department specifying what cases have been approved for entrance into the courthouse for the up-coming week.
 - i. Any disputes, questions or concerns regarding the list shall be emailed to the Presiding Judge by 1pm each Friday.
4. Any Aurora Animal Services Department employee needing to contact the City Attorney or Case Management;
5. Any Aurora Code Enforcement Department employee needing to contact the City Attorney or Case Management;
6. Any Interpreter;
7. Attorneys who represent the defendant in ANY of the above listed pre-approved cases; or
8. Person(s) with an appointment with City Attorney, Public Defender or Probation
 - a. Any delivery person making a delivery to any Court Department must call the appropriate Department at the courthouse entrance
 - b. Anyone with an appointment with any Court Department must call the appropriate department from the phone at the courthouse entrance and wait to be allowed to enter the courthouse.
 - i. City Attorney: 303-739-7810
 - ii. Public Defender: 303-739-6192
 - iii. Probation: 303-739-6488

ARRAIGNMENTS:

Adult Arraignments:

1. All adult arraignment dates remain as set. However, the arraignment **MUST** be conducted virtually by WebEx. The Court will attempt to notify each adult defendant of the requirement of virtual court and provide the WebEx link to the specific virtual courtroom.
 - a. If the adult defendant does NOT have the capability to appear by WebEx, the arraignment shall be reset as an in-person arraignment **90 days out**.
2. The virtual court session will utilize the **WebEx Meetings** application. The WebEx link for each division shall be:
 - a. Div. 1: <https://auroragov.webex.com/meet/Div01>
 - b. Div. 2: <https://auroragov.webex.com/meet/Div02>
 - c. Div. 3: <https://auroragov.webex.com/meet/Div03>
 - d. Div. 4: <https://auroragov.webex.com/meet/Div04>
 - e. Div. 5: <https://auroragov.webex.com/meet/Div05>
 - f. Div. 6: <https://auroragov.webex.com/meet/Div06>
 - g. Div. 7: <https://auroragov.webex.com/meet/Div07>
 - h. Div. 8: <https://auroragov.webex.com/meet/Div08>
 - i. FAC-A: <https://auroragov.webex.com/meet/DivFA>

- j. FAC-B: <https://auroragov.webex.com/meet/DivFB> (FAC-B will open when scheduled arraignment numbers are 150+; FAC-A will handle last name A-M, FAC-B will handle N-Z; specific WebEx links will need to be sent to both groups)
3. When the virtual court session begins, the Judge will call the cases in alphabetical order.
4. OPTIONS at the virtual arraignment session:
 - a. Continue the arraignment. The Judge will set the future arraignment date from the bench. The future arraignment date must be a virtual arraignment by WebEx.
 - b. Apply for the Public Defender before entering a plea.
 - i. **Public Assistance Protocol:** Upon inquiry from the Judge, if the Defendant qualifies for the appointment of the Public Defender due to the **public assistance** protocol, the Judge will immediately appoint the Public Defender, enter a NOT GUILTY plea and set the case for a **virtual PTC** with a waiver of speedy trial. The Judge will enter a specific date, time and division for the future virtual PTC.
 1. Each division Judicial Staff will email BOTH the CA (email: CAGeneral@auroragov.org) and PD (email: PubDefMail@auroragov.org) the defendant's name, summons number and future court date and a note that the court appointed the PD
 - ii. **Appointment based upon Income Level:** If the Defendant does not qualify for the immediate appointment due to public assistance, the Judge will inquire as to income and employment. If after the inquiry, it is clear that the Defendant does NOT meet the eligibility criteria, the Judge will proceed with accepting a plea or continue the arraignment to allow the Defendant to seek private counsel. If after the inquiry the defendant qualifies for the appointment of the PD, the Court shall appoint the PD and set the case for a PTC.
 1. Each division Judicial Staff will email BOTH the CA (email: CAGeneral@auroragov.org) and PD (email: PubDefMail@auroragov.org) the defendant's name, summons number and future court date and a note that the court appointed the PD.
 - iii. If after Judicial inquiry that it is unclear if the Defendant may qualify for the appointment of the Public Defender, the Judge will set the case for a **virtual PD Hearing in Div. 7** and NO PLEA will enter. The Defendant then must contact the PD Office at 303-739-6555 for interview/application prior to the virtual PD Hearing.
 - c. Not Guilty Plea. The Defendant may plead NOT GUILTY and:
 - i. Set a future virtual PTC with a waiver of speedy trial
 - ii. Set a future TRIAL
 1. **Jury Trial (Note: No Jury Trial settings between 11/9/2020-1/18/2021)**
 - a. The Defendant MUST submit a written demand for a jury trial within 21 days (submission can be by email to:(virtualcourt@auroragov.org)
 - b. The Defendant MUST submit the \$25 Jury fee within 21 days
 - c. The Judge can waive the jury fee if the Defendant is indigent.
 2. **Trial to the Court**

- a. The Judge will set the specific future trial date (date, time & division) from the bench. The CA may provide input regarding the officer's schedule.
- d. Guilty Plea. The Defendant may plead GUILTY. The Judge will proceed to immediate sentencing unless there is a specific need for a future in person sentencing hearing. (Note: Any case involving the possibility of restitution shall be set for a WebEx sentencing/restitution hearing)
5. **Out of Custody DV Arraignments**: The current protocol does NOT change; **however, the CA may appear by WebEx**. The Defendant must appear in-person in Division 3 at 10am. The issuance of the MPO requires the Defendant to be personally served and therefore requires in-person appearance. (NOTE: If the COVID-19 public order changes to Level 4 Stay at Home, the Court will revert to No Bond Holds for all DV cases).
 - a. If the CA appears by WebEx and prior to the court session starting, the CA shall email the Div. 3 courtroom assistant the necessary information for the issuance of the MPO;
 - b. If the DV defendant pleads NOT guilty and requests a PTC, the defendant shall be directed to call the assigned CA to conduct the PTC. The phone call shall take place in the Div. 3 ante-room. The assigned CA shall email the courtroom assistant the phone number to call.
 - c. If the DV defendant requests a PTC and does not have a phone, the PTC shall be set 90 days out (with waiver of speedy trial) and CA contact information (303-739-7810) shall be given with instructions for the defendant to call the CA.
6. **Zoning Arraignments**: All Zoning arraignments must be by WebEx. The Judge shall conduct the virtual WebEx arraignment session the same as any other arraignment and offer the same OPTIONS as listed in paragraph 4 above.
 - i. If time allows, an instant PTC may be conducted with the approval of the Division 7 Judge. The defendant shall call the assigned CA and the PTC shall be conducted off-line. After the off-line instant PTC has concluded, all parties shall re-join the WebEx session and inform the Court of the results of the PTC.

Juvenile Arraignments:

7. All juvenile arraignment dates remain as set. However, the arraignment **MUST** be conducted virtually by WebEx. The Court will attempt to notify each juvenile defendant/parent of the requirement of virtual court and provide the WebEx link to the Division 7 virtual courtroom.
 - a. If the juvenile defendant or parent do NOT have the capability to appear by WebEx, the arraignment shall be reset as an in-person arraignment **90 days out**.
8. When the virtual court session begins, the Judge will call the cases in alphabetical order.
9. The City Attorney will attend the virtual arraignment session either in person or by WebEx.
10. OPTIONS at the virtual arraignment session:
 - a. Continue the arraignment. The Judge will set the future arraignment date from the bench. The future arraignment date must be a virtual arraignment by WebEx.
 - b. Not Guilty Plea. The Defendant may plead NOT GUILTY and:
 - i. Set a future virtual PTC with a waiver of speedy trial. If time allows, an instant PTC may be conducted with the approval of the Division 7 Judge. The defendant and parent/guardian shall call the assigned CA and the PTC shall be conducted off-line. After the off-line instant PTC has concluded, all parties

- shall re-join the WebEx session and inform the Court of the results of the PTC.
- ii. Set a future TRIAL. The Judge will set the specific future trial date (date, time & division) from the bench. The CA may provide input regarding the officer's schedule.
 - c. Guilty Plea. The Defendant may plead GUILTY. The Judge will proceed to immediate sentencing unless there is a specific need for a future in person sentencing hearing.

FAC Arraignments:

11. All FAC/Traffic arraignment dates remain as set. However, ALL arraignments MUST be conducted virtually by WebEx. The Court will attempt to notify each defendant of the requirement of virtual court and provide the WebEx link to the FAC virtual courtroom.
12. If the Defendant does NOT have the electronic capability to appear by WebEx, then the Court shall re-set the arraignment as in-person arraignment **90 days out**.
13. When the virtual court session begins, the Judge will call the cases in alphabetical order.
14. The CA will pre-review all non-EPO traffic cases and make notes in the Real Time Docket prior to the scheduled court date.
15. OPTIONS at the FAC virtual arraignment:
 - a. Continue the arraignment to a future virtual arraignment
 - b. Accept the EPO offer
 - c. Accept the CA Plea Offer
 - d. Plead Not Guilty and set a future trial date.
 - i. Note: The Defendant or defense attorney may contact the CA Office to discuss plea negotiations prior to trial date.
 - e. Plead Guilty and proceed to immediate sentencing.

16. NPOI Charges:

- a. At the virtual arraignment, the Judge shall advise the Defendant of all charges. If one of the charges is NPOI or any NO INSURANCE violation, the Judge shall advise the Defendant of the following options:
 - i. Defendant may continue the arraignment to obtain a private attorney or apply for PD
 1. CA must review the case prior to the virtual arraignment and enter a note into the Real Time Docket of jail waived or jail not waived
 - ii. Defendant may continue the arraignment to provide proof of insurance to the CA Office. The Defendant must email a qualifying letter to the CA Office by the date set by the Judge at the email address of: (CAGeneral@auroragov.org)
 1. The FAC Judge shall specifically advise the defendant of the qualifying **Insurance Letter requirement on the record**.
 2. Upon receipt of the qualifying insurance letter, the CA will enter notes into the Real Time Docket that the letter is acceptable, and charge is dismissed, or letter is not acceptable, and charge remains.
 - iii. Defendant may plead NOT GUILTY and set a virtual PTC with waiver of speedy trial.
 - iv. Defendant may plead NOT GUILTY and set a trial
 - v. Defendant may plead GUILTY and immediate sentencing shall take place.

Division 8 In Custody Matters:

17. The current protocol will remain. Both the CA and PD will appear in-person. The PD will continue to use the phone to contact persons in custody. If the protocol is to change, the specific change must be put in writing and approved by Dr. DeBoyes, Judge Day, Julie Heckman and Doug Wilson before implementation.

PRE-TRIAL CONFERENCES:

18. ALL PTCs, both juvenile and adult, must be conducted by WebEx.
 - a. Current in-person PTCs must be switched to a WebEx PTC. The Court will attempt to notify the Defendant and/or defense attorney of the switch to a mandatory WebEx PTC. The Court shall keep the current court date/time and send the defendant and/or defense attorney the link to the appropriate virtual courtroom (see above WebEx links for each courtroom).
 - i. If the Defendant does NOT have the electronic capability to appear by WebEx, the Court shall continue the in-person PTC **90 days out**.
 - b. The above listed **WebEx Meetings** specific courtroom links shall be used for PTCs. **We will no longer use the WebEx Training application.**
 - i. Because we will switch to WebEx Meetings, there will NOT be the option for breakout rooms.
 - ii. The CA Office must attempt to contact the defendant and/or defense attorney **PRIOR** to the scheduled court date and **conduct the PTC off-line**.
 - iii. The defense attorney must conduct all client discussion **off-line PRIOR** to the scheduled WebEx court date.
 - iv. The virtual PTC session will **ONLY** be used to put pre-arranged and agreed to dispositions on the record or to schedule future court dates.

TRIALS:

19. ALL trials, both Jury trials and Bench Trials, remain mandatory in-person appearances.
 - a. **Jury Trials:**
 - i. All Jury Trials currently scheduled between November 10, 2020 and January 14, 2021 are postponed. The Court has entered a Necessary Order declaring a Mistrial that shall apply to each applicable case. Each case will be re-set by a Judge to a specific future court date within 3 months of November 9, 2020.
 - ii. **Jury Status Conference dates remain as scheduled.**
 - iii. Any Jury Trial currently set after January 18, 2021 shall remain as scheduled.
 - b. **Bench Trials:**
 - i. **Effective November 30, 2020**, ALL bench trials scheduled between November 30, 2020 and January 18, 2021 will be POSTPONED. **All parties shall appear by WebEx on the day and time of the currently scheduled court date.** The Court will then decide how the case should be rescheduled. All parties will have a chance to make a record. **On the day and time of the currently scheduled court date, all parties shall click on the applicable WebEx link below:**

Division 1: <https://auroragov.webex.com/meet/Div01>

Division 2: <https://auroragov.webex.com/meet/Div02>

Division 3: <https://auroragov.webex.com/meet/Div03>
Division 4: <https://auroragov.webex.com/meet/Div04>
Division 5: <https://auroragov.webex.com/meet/Div05>
Division 6: <https://auroragov.webex.com/meet/Div06>
Division 7: <https://auroragov.webex.com/meet/Div07>
Division 8: <https://auroragov.webex.com/meet/Div08>

- ii. If any party does NOT have the electronic capability to appear by WebEx, that person shall call the Aurora Municipal Court at 303-739-6421 (Option 1 for Virtual Court, Option 4 for Docketing), or by text at 720-704-0100 or by email: virtualcourt@auroragov.org to reschedule the trial.
- iii. Any Bench Trial currently set after January 18, 2021 shall remain as set.

ANIMAL DISPOSITION HEARINGS:

20. The current protocol for Animal Disposition Hearings shall remain unchanged. The hearings must be conducted in-person.

PUBLIC DEFENDER APPLICATION HEARINGS:

21. All Public Defender Application Hearings shall be by WebEx. However, if the Defendant does not have the electronic capability to appear by WebEx, the Defendant must notify the Court in writing and a Judge may then Order that the PD Hearing be scheduled as an in-person hearing.
22. If the PD has been in contact with the Defendant prior to the scheduled PD Hearing date and has determined that the Defendant qualifies for the PD, then the PD will file a written Entry of Appearance, request that the PD Hearing be vacated and request the case be reset for either a PTC or Jury Trial.

PROBATION REVOCATION/CITATION HEARINGS:

23. All probation revocation/citation hearings shall be by WebEx UNLESS the Judge enters a specific Order for an in-person hearing.
24. The Judge shall only enter a specific Order for an in-person Citation Hearing when testimony will be required.

RESTITUTION HEARINGS:

25. All Restitution Hearings shall be by WebEx.

MOTIONS TO CONTINUE HEARINGS:

26. All Hearings on Motions/Request to Continue shall be by WebEx.

HEARINGS TO SEAL RECORDS:

27. All Hearings to Seal Records shall be by WebEx.

BOND RETURN HEARINGS:

28. All bond return hearings shall be by WebEx. However, if the Defendant does not have the electronic capability to appear by WebEx, the Defendant must notify the Court in writing and a Judge may then Order that the Bond Return Hearing be scheduled as an in-person hearing.
29. If the Bond Hearing is set by an outside jail or detention center, the defendant may appear by WebEx or in-person without the need for a Judicial Order.

EVIDENTIARY HEARINGS: (Motion to Suppress, Motion to Dismiss, Etc.)

30. All Evidentiary Hearings that require testimony must be in-person hearings.



To: Town Staff
From: Ken Haynes, Ophir Town Manager
Date: June 4, 2021
Re: Manager's Report

1. General

- a. As of June 11, the Town has received \$80,520 from the sales of 7-buildable lots and 1-house.

2. Water

- a. The water system is operating efficiently. There is about a 30% increase in usage, which is common this time of year with the assumption that the majority of the increased use is from exterior usage of water.
- b. We searched for a potential leak at the valve box by the Howards Fork and the fire hydrant east of the Basham residents and were not able to locate the leak. Investigation will continue with the help of Pat Drew our Water Distribution Manager. The leak is not currently effecting production.
- c. The Sodium -Hypchlorite system has some parts on order for replacement. The original installer De Nora (previously Severn Trent Services) did not provide us with a service. Between our plant maintenance contractor (Filtertech) and our Operator in Charge (Stan) the decision was made to move forward without De Nora.

3. Streets

- a. Streets are done being worked on until the fall other than minor maintenance. We utilized a different contractor this year for the dust suppression. Following the application our Public Works Contractor has some concerns regarding the product applied (see spec sheets) regarding the quality of the product. This is the same material that the County put on the Ophir Road, and it appears that it may have already warn off a bit. Since the County R&B changed supervisors, the application has been a 80/20 of magnesium chloride/lignan (vegetable) composition. According the to the spec sheets this is still the same, with the main difference being the lignan comes from pre consumer waste from the Northwest lumber industry.

4. Trash, Recycle & Compost
 - a. The Spring cleanup dumpster filled admirably as usual.
 - b. The Metal Recycling was a success with the Town Net Revenue \$278.00 (Cindy has the check). I am going to suggest that we do metal recycling again next year in the fall. I would like to suggest that the Town Make a provision in the building permit requiring the project save metal until the fall for metal recycling. This will save the project some waste removal costs, help the Town with it's carbon footprint goals and create a small amount of revenue.
 - c. Free Box may return next week. We are building one if timing allows may be in before the GA.
5. Enforcement
 - a. One Dog complaint
6. Buildings
 - a. It is my hope to secure a contractor to stain all the Towns buildings. The siding and trim are getting warn and it is important to stain before it needs to be replaced.
7. Broadband
 - a. The Town and Visionary are waiting to get an updated as-built location of the current infrastructure so that the final mile can be engineered.

DMC Blend

Dust Control/
Road Stabilization



What Is DMC Blend?

Sometimes one dust suppressant product is not enough. **DMC Blend** is specifically formulated with two of our best selling products - **Road Loc**[®] and **RoadSaver**[®] - giving it a superior binding capability by gluing road base particles of all sizes together. It is hygroscopic by nature and works by drawing moisture from the air to the soil.

DMC Blend is designed for use in both dust control and road stabilization applications.

DMC Blend works to control dust and stabilize aggregate and dirt surfaces on almost any type of road.

Uses and Applications

DMC Blend works to control dust and stabilize aggregate and dirt surfaces on almost any type of road.

- State, County and Township unpaved roads
- Federal/State Parks
- Mine haul roads
- Construction site haul roads
- Forest/timber haul roads
- Military roads
- Parking lot surfaces
- Tree/Flower/Shrub Nurseries/Orchards/Agricultural
- Private and rural roads
- Construction staging areas
- Airfields and helicopter pads
- Feedlots

Features	Benefits
Binder	• Safer roads and driving conditions • Longer lasting road stabilization • Less potholes/washboarding • Improves surface durability
Dust Suppression	• Keeps fines on the road • Better public relations • Cleaner air • Reduces dust to PM10 standard Custom
Blended	• Job customization possible
Environmental	• Less chlorides into the environment • Less corrosive

Road Preparation

Stabilization of road bases and shoulders is another **DMC Blend** benefit. **DMC Blend** will help in road stabilization by increasing base strength and reducing compaction costs. On road shoulders, **DMC Blend** will maintain a firm, tight surface increasing shoulder safety and reducing maintenance costs.

How To Prepare A Road For Application

Before spraying roads for dust control, the road surface preparation is extremely important, but not necessarily difficult or costly. The better the conditions, the more successful the dust control/stabilization application will be. If the surface is permeable, smooth, firm and shaped for drainage, it's ready for application. In other words, before applying **DMC Blend**, make sure that ruts, washboards, potholes, drainage problems, gravel segregation, and hard impervious areas have been rectified. While correct surface preparation need not be difficult, it is very important in the overall success of the dust control treatment.

Application Recommendations

In most situations, the recommended application rate is 0.5 gallons per square yard, generally applied in two 0.25 gallons per square yard applications. The second application can be made as soon as the first has penetrated. This procedure will minimize runoff and obtain deep, even penetration. Other application rates may be used, but the basic rate is best for first-time applications and for the longest length of dust control.

Reapplication should be made prior to complete utilization of the previous treatment or before excessive dust occurs. This will prevent loss of the fine grained soil particles and protect the investment in the road surfacing gravel. The amount of residual dust control remaining in the surface often allows a lower rate to be used for reapplication. Desert Mountain can assist in the selection of an appropriate application rate.

*Desert Mountain Corporation provides **DMC Blend** and other products to government entities at all levels: state, county, tribal and city. We have also provided dust control, soil and road stabilization for other industries such as mining, military, landfill, transportation, energy, aviation, construction, oil field services, agriculture, hospitals, and schools.*



Call 800-375-9264
to learn more about
DMC Blend



1. PRODUCT AND COMPANY IDENTIFICATION

Product Identity: DMC Blend

Recommended use of the chemical and restrictions on use: Road stabilization and dust control

Manufactured for: Desert Mountain Corporation
4381 US Hwy. 64
Kirtland NM 87417

Telephone: (505) 598-5730

Emergency Phone: CHEMTREC: (800) 424-9300

SDS Date of Preparation: 5/18/2020

2. HAZARDS IDENTIFICATION

GHS Classification:

Physical	Health	Environment
Not Hazardous	Not Hazardous	Not Hazardous

GHS Label Elements:

None Required

3. COMPOSITION/INFORMATION ON INGREDIENTS

Component	CAS No.	Amount
Water	7732-18-5	
Magnesium Chloride	7791-18-6	
Lignosulfonate	66071-92-9	

The exact concentration is being withheld as a trade secret.

4. FIRST AID MEASURES

Eye: Flush victim's eyes with large quantities of water, while holding the eyelids apart. Get medical attention if irritation occurs and persists.

Skin: Wash skin thoroughly with soap and water. Get medical attention if irritation develops. Remove and launder clothing before reuse.

Ingestion: Do not induce vomiting. Rinse mouth with water and give one glass of water to drink. Never give anything by mouth an unconscious or convulsing person. Get medical attention if symptoms develop.

Inhalation: Remove victim to fresh air. If breathing is difficult or irritation persists, get medical attention.

Most important Symptoms: May cause slight eye and skin irritation.

Indication of immediate medical attention/special treatment: Immediate medical attention is not required.

5. FIRE FIGHTING MEASURES

Suitable (and Unsuitable) Extinguishing Media: Use media appropriate for surrounding fire. Cool fire exposed containers and structures with water.

Specific hazards arising from the chemical: Thermal decomposition may yield hydrogen chloride, chlorine and other harmful or irritating chemicals.

Special Protective Equipment and Precautions for Fire-Fighting Instructions: Firefighters should wear positive pressure self-contained breathing apparatus and full protective clothing. Aqueous solutions may cause surfaces to be extremely slippery and cause a slip hazard.

6. ACCIDENTAL RELEASE MEASURES

Personal Precautions, Protective Equipment, and Emergency Procedures: Wear appropriate protective clothing as described in Section 8. Wash thoroughly after handling.

Methods and Materials for Containment and Cleaning Up: Dike and collect liquid or absorb with an inert absorbent and place in appropriate containers for disposal. Flush spill area with water. Report releases as required by local, state, and federal authorities.

7. HANDLING AND STORAGE

Precautions for Safe Handling: Avoid contact with the eyes, skin, and clothing. Avoid breathing mists or aerosols. Wear protective clothing and equipment as described in Section 8. Wash thoroughly with soap and water after handling. Keep containers closed when not in use.

Conditions for Safe Storage, Including Any Incompatibilities: Store in a cool, dry, well-ventilated area away from incompatible materials. Product may be corrosive to some metals.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION**Exposure Guidelines:**

Magnesium Chloride	None Established
Lignosulfonate	None Established

Engineering Controls: Use with adequate general ventilation to minimize exposures.

Respiratory Protection: In operations where exposure levels are excessive, a NIOSH approved respirator with dust/mist cartridges or supplied air respirator appropriate for the form and concentration of the contaminants should be used. Selection and use of respiratory equipment must be in accordance with OSHA 1910.134 and good industrial hygiene practice.

Skin Protection: Wear impervious gloves such as rubber or neoprene if needed to avoid prolonged skin contact.

Eye Protection: Safety glasses recommended.

Other: Long-sleeved clothing and long pants recommended to avoid prolonged skin contact. Suitable washing facilities should be available in the work area.

9. PHYSICAL AND CHEMICAL PROPERTIES

Appearance And Odor: Dark brown liquid with low odor.

Physical State: Liquid	Odor Threshold: Not established
Vapor Density: Not determined	Initial Boiling Point/Range: Not determined
Solubility In Water: Soluble	Vapor Pressure: Not determined
Relative Density: 1.20 - 1.34	Evaporation Rate: Not determined
Melting/Freezing Point: Not determined	pH: 4 - 9
VOC Content: Not determined	Octanol/Water Coefficient: Not determined
Solubility: Complete	Decomposition Temperature: Not determined
Viscosity: <100 cP @ 70°F	Flammability (solid, gas): Not applicable
Flashpoint: None	Autoignition Temperature: Not determined
Flammable Limits: LEL: Not determined	UEL: Not determined

10. STABILITY AND REACTIVITY

Reactivity: Not normally reactive.

Chemical Stability: Stable under normal storage and handling conditions.

Possibility of Hazardous Reactions: None known.

Conditions to Avoid: None known.

Incompatible Materials: Strong oxidizing agents, concentrated acids, and some metals.

Hazardous Decomposition Products: When heated to decomposition emits hydrogen chloride, chlorine gas, and other harmful or irritating chemicals.

11. TOXICOLOGICAL INFORMATION**HEALTH HAZARDS:**

Ingestion: Ingestion may cause slight irritation with nausea, vomiting, and diarrhea.

Inhalation: Inhalation of mists may cause slight irritation of the nose, throat, and upper respiratory tract.

Eye: May cause slight irritation with pain and tearing.

Skin: May cause slight irritation on prolonged or repeated contact.

Sensitization: This material is not known to cause sensitization.

Chronic: None known.

Carcinogenicity: None of the components is listed as a carcinogen or suspected carcinogen by IARC, NTP, or OSHA.

Germ Cell Mutagenicity: None currently known.

Reproductive Toxicity: None currently known.

Numerical Measures of Toxicity:

No toxicity data available

12. ECOLOGICAL INFORMATION

Ecotoxicity: No data available

Persistence and Degradability: Biodegradation is not applicable to inorganic substances.

Bioaccumulative Potential: No data available

Mobility in Soil: No data available

Other Adverse Effects: None known

13. DISPOSAL CONSIDERATIONS

Dispose in accordance with local, state, and federal environmental regulations.

14. TRANSPORT INFORMATION**DOT Hazardous Materials Description:**

Proper Shipping Name: Not regulated

UN Number: None

Hazard Class/Packing Group: None

Labels Required: None

15. REGULATORY INFORMATION

CERCLA: This product is not subject to CERCLA release reporting. Many states have more stringent release reporting requirements. Report spills required under federal, state, and local regulations.

SARA Hazard Category (311/312): Not Hazardous

SARA 313: This product contains the following chemicals subject to Annual Release Reporting Requirements under SARA Title III, Section 313 (40 CFR 372): None

EPA TSCA Inventory: All of the ingredients in this product are listed on the EPA TSCA Inventory.

CANADA:

This product has been classified under the CPR and this SDS discloses information elements required by the CPR.

Canadian CEPA: All the components of this product are listed on the Canadian DSL.

Canadian WHMIS Classification: Not classified as dangerous.

16. OTHER INFORMATION**NFPA Rating:** Health = 0

Flammability = 0

Instability = 0

HMIS Rating: Health = 1

Flammability = 0

Physical Hazard = 0

SDS Revision History:

5/15/2017: New SDS

5/18/2020: Reviewed, no changes

Disclaimer: *This Safety Data Sheet (SDS) is provided in response to customer requests to address the safe handling of the product. All statements, technical information and recommendations contained herein are the best of our knowledge, reliable and accurate. This SDS is not intended to make any representation as to how the product will perform when used for its intended purpose by a user. In that regards the product is sold "AS IS" and nothing in this SDS should be deemed to be a representation or warranty of any injury, loss, or damage, of any kind or nature, which are sustained by or arise from the use of the product. Nothing in this SDS is intended to be a representation or warranty by the manufacturer of the accuracy, safety, or usefulness for any purpose of any technical information, materials, techniques, or practices.*

The information contained in this Safety Data Sheet is, to the best of our knowledge, accurate and reliable. This information should be provided to all individuals handling this product. Federal, state, and local regulations should be followed when handling this product.



To: Ophir Staff
From: Ken Haynes, Ophir Town Manager
Date: June 1, 2021
Re: Water Planning & Engineering

The Town Received 2 qualification statements.

The RFP Final has been reviewed by Ernie Watenpaugh and our attorney and we have sent this to both of the engineering firms.

Please contact Town Manager if you would like to view the Qualification Statements and the Request for Proposal.

TOWN OF OPHIR

Check Detail

May 1 - June 8, 2021

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLR	AMOUNT
10-000-11010 2019 General Fund Checking						
05/04/2021	Bill Payment (Check)	349	Telluride Newspapers			-2.69
						-2.69
05/04/2021	Bill Payment (Check)	348	SMPA			-86.56
						-86.56
05/04/2021	Bill Payment (Check)	350	Ferrellgas	6514321		-541.29
						-541.29
05/12/2021	Bill Payment (Check)	EFT	Adobe Inc.			-359.76
						-359.76
05/24/2021	Bill Payment (Check)	351	Stephen B. Jonhson Law Firm P.C.			-1,404.00
						-1,404.00
05/24/2021	Bill Payment (Check)	352	Controlled Hydronics, Inc.			-5,713.00
						-5,713.00
05/24/2021	Bill Payment (Check)	353	CIRSA			-461.00
						-461.00
05/24/2021	Bill Payment (Check)	354	CenturyLink			-129.08
						-129.08
05/26/2021	Bill Payment (Check)	EFT	Diamond Traffic Products			-880.33
						-880.33
05/26/2021	Bill Payment (Check)	355	Viking Rentals Inc.			-89.45
						-89.45
05/26/2021	Bill Payment (Check)	356	Alpine Lumber			-282.39
						-282.39
06/08/2021	Bill Payment (Check)	357	Timberline Ace Hardware	237668		-26.99
						-26.99
06/08/2021	Bill Payment (Check)	358	Telluride Paper Chase			-9.55
						-9.55
06/08/2021	Bill Payment (Check)	359	Telluride Newspapers			-92.70
						-92.70
06/08/2021	Bill Payment (Check)	360	SMPA			-43.48
						-43.48
06/08/2021	Bill Payment (Check)	361	Desert Mountain			-3,887.92
						-3,887.92
22-000-11010 Broadband Checking						
05/04/2021	Bill Payment (Check)	1134	SMPA			-90.09
						-90.09
06/08/2021	Bill Payment (Check)	1135	SMPA			-71.79

TOWN OF OPHIR

Check Detail

May 1 - June 8, 2021

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLR	AMOUNT
						-71.79
<hr/>						
40-000-11010 Capital Projects Fund -Checking						
05/12/2021	Bill Payment (Check)	10111	Column Software, PBC			-65.56
						-65.56
<hr/>						
60-000-11010 Enterprise Fund Alpine Checking						
05/04/2021	Bill Payment (Check)	11084	San Miguel Power Assoc. Inc			-43.48
						-43.48
05/04/2021	Bill Payment (Check)	11085	RB Builders, LLC			-200.00
						-200.00
05/05/2021	Bill Payment (Check)	Wire	Colorado Water Resources & Power Develop	D09Z252		-12,500.00
						-12,500.00
05/12/2021	Bill Payment (Check)	11086	Waste Management			-1,158.59
						-1,158.59
05/12/2021	Bill Payment (Check)	11087	Ship It Copy It LLC			-37.63
						-37.63
05/12/2021	Bill Payment (Check)	11088	San Miguel Environmental Services			-575.00
						-575.00
05/12/2021	Bill Payment (Check)	11089	Rose, Jesse (v)			-1,500.00
						-1,500.00
05/12/2021	Bill Payment (Check)	EFT	Microsoft			-99.00
						-99.00
05/21/2021	Bill Payment (Check)	11105	3R			-25.00
						-25.00
05/26/2021	Bill Payment (Check)	11090	Mesa County Health Dept. Regional Lab			-20.00
						-20.00
05/26/2021	Bill Payment (Check)	11091	Little Acres Locating			-400.00
						-400.00
05/26/2021	Bill Payment (Check)	11092	Alpine Lumber			-8.54
						-8.54
06/08/2021	Bill Payment (Check)	11093	Timberline Ace Hardware	237668		-14.36
						-14.36
06/08/2021	Bill Payment (Check)	11094	UNCC (CO811)			-9.24
						-9.24
06/08/2021	Bill Payment (Check)	11095	Waste Management			-1,133.81
						-1,133.81
06/08/2021	Bill Payment (Check)	11096	Durango Herald			-113.78

TOWN OF OPHIR

Check Detail

May 1 - June 8, 2021

DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLR	AMOUNT
						-113.78
06/08/2021	Bill Payment (Check)	11097	RB Builders, LLC			-50.00
						-50.00
06/08/2021	Bill Payment (Check)	11098	San Miguel Power Assoc. Inc			-43.48
						-43.48
06/08/2021	Bill Payment (Check)	11099	Telluride Paper Chase			-25.00
						-25.00

TOWN OF OPHIR

Profit and Loss by Class

January 1 - June 8, 2021

	TOTAL
Income	
10-120-40280 State Revenue - Colorado	
10-120-40229 Highway Users Rebate	2,661.66
10445 Cigarette Tax Revenues	47.56
Total 10-120-40280 State Revenue - Colorado	2,709.22
10-140-40450 Local Revenue - Ophir	
10-100-40000 Real Estate Transfer Tax	80,360.00
10-110-40130 Dog License	1,260.00
10-110-40170 Plan Review Fee/Variance Apps.	200.00
60-130-40322 Trash Fees Income	90.00
Clean Up Fee	250.00
Total 10-140-40450 Local Revenue - Ophir	82,160.00
60-110-40113 Water Tap Fees	14,000.00
County Revenue - San Miguel	
10-120-40251 Current Taxes	98,966.61
10-120-40253 Specific Ownership Taxes	2,028.18
10-120-40254 Current Interest	3.06
10-120-40255 Other Primary Income	1,416.82
10-120-40256 Auto Registration	422.87
10-120-40257 R&B Apportionment	3,796.42
10-120-50900 Less Treasurer's Fees GF	-2,083.65
60-120-40251 Property Taxes DS	11,589.07
60-120-40253 Specific Ownership Taxes DS	237.48
60-120-40254 Current Interest DS	0.36
60-120-40255 Senior & Veteran Exemption	165.91
Total County Revenue - San Miguel	116,543.13
Other Revenue	10,000.00
Miscellaneous Income	314.80
Total Other Revenue	10,314.80
Services	240.00
Water Fund Income	33,990.00
60-130-40320 Water Fees Income	680.00
60-140-40450 Finance Charges	100.00
Total Water Fund Income	34,770.00
Total Income	\$260,737.15
GROSS PROFIT	\$260,737.15
Expenses	
10542 Miscellaneous GF	1,135.02
20999 Open Space Administrative	3,032.15

TOWN OF OPHIR

Profit and Loss by Class

January 1 - June 8, 2021

	TOTAL
30400 Design & Construction - Capital	65.56
30508 Reimbursed Expenses	16.50
40502 Less Treasurer's Fee DS	235.12
50000 Water Fund Expense	10.00
50001 0200 - Water Department	6,236.70
Water Comm. Dept 200	495.74
Total 50001 0200 - Water Department	6,732.44
50506 Repairs & Maintenance	7,845.83
50508 Water Testing	1,125.00
50511 Staff Training & Certifications	206.00
50512 Miscellaneous WF	2,189.32
50517 Postage & Office Expense	505.63
60-505-50511 Utilities - WF	1,972.56
Total 50000 Water Fund Expense	20,586.78
Broadband	
Office/General Administrative Expenses BB	0.00
Utilities	458.76
Total Broadband	458.76
Building & Code Enforcement	
10506.1 Plan Checker Pay	0.00
10507 1300 - P&Z Chairperson	2,000.00
Total Building & Code Enforcement	2,000.00
Loan Interest Paid	2,487.93
Public Works	
10526 0700 - Other/Reimburse Labor	27.25
10532.1 Public Works PR Taxes	2.17
10545 Trash Expense	5,535.27
Buildings	
10530 1100 - Shop/Trash Maint. Labor	1,280.00
10531 R&M Shop & Trash Facility	16,025.06
10533 R&M Town Hall	32.36
Total Buildings	17,337.42
Equipment	
10538 1200 - Equip R&M Labor	0.00
Total Equipment	0.00
Roads	2,538.97
10532 0400 - Road Dept. Labor	1,440.00
10536 Road Maintenance Materials	4,259.76
Total Roads	8,238.73

TOWN OF OPHIR

Profit and Loss by Class

January 1 - June 8, 2021

	TOTAL
Snow Removal Operations	
10543 0600 - Snow Plow Labor	0.00
10544 Snow Plow Subcontract	6,340.00
10549 Fuel Expense-Gas/Diesel	1,157.78
Total Snow Removal Operations	7,497.78
Utilities	
10528 Maint. Building	2,136.45
10529 Town Hall	108.70
Total Utilities	2,245.15
Total Public Works	40,883.77
Town Administration	
Clerical	
10504 Advertising & Printing	489.16
10513 Office Supplies & Postage	1,278.17
10517 0100 Clerk	2,000.00
10518 0100 Admin Assistant	546.75
Total Clerical	4,314.08
Finance	
10502 Accounting Services	516.00
10522 0900 - Accounting	864.00
10523 Payroll Service	553.75
Total 10502 Accounting Services	1,933.75
10505 Bank Charges	10.00
10512 0100 Treasurer	2,000.00
Total Finance	3,943.75
General & Legal	
10510 Insurance	4,583.94
Workers Comp	2,832.00
Total 10510 Insurance	7,415.94
10511 Legal GF	4,916.00
10515 Mayor's Money	100.00
10519 Mayor Salary	2,000.00
10520 0100 - Town Manager	23,833.30
10525 Employee Benefits-non tax	2,500.00
10527 Payroll Taxes	227.69
Town Staff Dept 0100	2,614.05
Total 10527 Payroll Taxes	2,841.74
10539 Telephone	643.04
Total General & Legal	44,250.02
Total Town Administration	52,507.85

TOWN OF OPHIR

Profit and Loss by Class

January 1 - June 8, 2021

	TOTAL
Water System Engineering	1,000.00
Total Expenses	\$124,409.44
NET OPERATING INCOME	\$136,327.71
Other Income	
19925 GRANT INCOME	5,000.00
Total Other Income	\$5,000.00
NET OTHER INCOME	\$5,000.00
NET INCOME	\$141,327.71

TOWN OF OPHIR



Box 683 • Ophir, CO 81426

ORDINANCE 2021-8

**AMENDING ORDINANCE 96-3 COLLECTING 2% SALES TAX
AND ESTABLISH BUSINESS LICENSE FEES**

Whereas, the Town of Ophir (“Town”) has determined the desire to implement sales tax and business license fees adopted and approved by Ordinance 96-3 and approved by ballot November 4th, 1997; and

Whereas, the Town finds that the revenue from the sales tax would significantly assist the Town in repayment of 2010 Water Project Loan, assist with Capital Improvement projects and increase General Fund Revenue, allocated as determined by General Assembly approval; and

Whereas, the Town finds that it is in the best interests of its citizens that certain sales are not subject to sales tax; and

Whereas, pursuant to Section 29-2-102(2), C.R.S., the Town has determined that no county in which any part of the Town sits has adopted a resolution for a countywide sales tax on which the registered electors of those counties have yet to vote; and

Whereas, the Town has determined that there is not a regular Town election scheduled to occur within 90 days after the date of the adoption of this Ordinance; and

Whereas, the Town intends that its enactment of a sales tax as set forth herein shall comply and be interpreted to comply with the requirements of section 20, article X of the Constitution of the State of Colorado; article 2, title 29, C.R.S.; article 10, title 31, C.R.S.; and all other applicable provisions of law; and

Now therefore be it ordained by the General Assembly of the Town of Ophir;

Definitions

Section 1 – Definitions. All terms used in this Ordinance shall have the same meaning as provided for in Section 39-26-102, C.R.S.

Section 2 – Application of State Sales Tax. Unless otherwise provided in this sales tax, any amendments thereto, or article 2, title 29, C.R.S., the provisions of article 26, title 39, C.R.S., shall govern the collection, administration, and enforcement of this sales tax.

Sales Tax Imposed

Section 3 – Imposition of Sales Tax. There is hereby imposed and there shall be collected a tax on all sales of tangible personal property and services described in Section 4 and occurring within the Town. The tax is imposed as provided for in Section 29-2-105(1)(d), C.R.S. The sales tax shall be set at a rate of two percent (2%) of the amount of each sale. The taxable amount of a sale shall not include the amount of any sales or use tax imposed by article 26, title 39, C.R.S.

Section 4 – Property and Services Taxed. The sales of tangible personal property and services taxable under this sales tax shall be the same as the sales of tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., subject to the exemptions set forth below.

Section 5 – Place of Sale; Delivery Charges; Retailers Without a Permanent Place of Business in the Town. For the purpose of this sales tax, all retail sales are consummated at the retailer's place of business unless the tangible personal property sold is delivered by the retailer or his agent outside the Town's limits. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by article 26, title 39, C.R.S., regardless of the place to which delivery is made. If a retailer has no permanent place of business in the Town, the place at which the retail sales are consummated for the purpose of this sales tax shall be determined by the provisions of article 26, title 39, C.R.S., and by rules and regulations promulgated by the Colorado Department of Revenue.

Section 6 – Mobile Telecommunications Services. Without limiting the broad application of Section 4 and recognizing that mobile telecommunications services are subject to particular legal requirements, this sales tax shall apply to mobile telecommunications services to the greatest extent permitted under Section 29-2-105(1.5), C.R.S.

Section 7 – Prepared Food and Food for Immediate Consumption. Notwithstanding the rate of taxation set forth in Section 3, the rate of tax on the sale of prepared food and food for immediate consumption shall be equal to two percent (2%) of the gross receipts.

Exemptions and Exclusions

Section 8 – General Sales Tax Exemptions. Except as otherwise provided herein or in Section 29-2-105(1)(d), C.R.S., the sales of tangible personal property and services taxable under this Ordinance shall be subject to the same exemptions as those specified in part 7, article 26, title 39, C.R.S.

Section 9 – Specific Exemptions Required by Section 29-2-105(1)(d), C.R.S. Pursuant to Section 29-2-105(1)(d)(I)(A)-(N), C.R.S., which requires the Town to expressly exempt certain sales from the Town's sales tax, the Town adopts the following additional exemptions:

- a. The exemption for sales of machinery or machine tools specified in Section 39-26-709(1), C.R.S.
- b. The exemption for sales of electricity, coal, wood, gas, fuel, oil, or coke specified in Section 39-26-715(1)(a)(II), C.R.S.
- c. The exemption for sales of food specified in Section 39-26-707(1)(e), C.R.S. For the purposes of this subsection, "food" is defined in Section 39-26-102(4.5), C.R.S.
- d. The exemption for vending machine sales of food specified in Section 39-26-714(2), C.R.S.
- e. The exemption for sales by a charitable organization specified in Section 39-26-718(1)(b), C.R.S.

- f. The exemption for sales of farm equipment and farm equipment under lease or contract specified in Section 39-26-716(2)(b) and (2)(c), C.R.S.
- g. The exemption for sales of low-emitting motor vehicles, power sources, or parts used for converting such power sources specified in Section 39-26-719(1), C.R.S.
- h. The exemption for sales of components used in the production of energy, including but not limited to alternating current electricity, from a renewable energy source specified in Section 39-26-724, C.R.S.
- i. The exemption for sales that benefit a Colorado school specified in Section 39-26-725, C.R.S.;
- j. The exemption for sales by an association or organization of parents and teachers of public school students that is a charitable organization specified in Section 39-26-718(1)(c), C.R.S.;
- k. The exemption for sales of property for use in space flight specified in Section 39-26-728, C.R.S.; and
- l. The exemption for Manufactured homes in Section 39-26-721 Beginning July 1, 2019, the sale, storage, usage, or consumption of a manufactured home, as defined in section 39-1-102 (7.8), is exempt from taxation under parts 1 and 2 of this article 26

Section 10 – Food. Notwithstanding any other provision of this sales tax regarding the taxation of food, this sales tax shall not apply to the following:

- a. Sales of food purchased with food stamps. For the purposes of this subsection (a), “food” has the same meaning as provided in 7 U.S.C. § 2012, as currently in effect and subsequently amended.
- b. Sales of food purchased with funds provided by the special supplemental food program for women, infants, and children, 42 U.S.C. § 1786. For the purposes of this subsection (b), “food” has the same meaning as provided in 42 U.S.C. § 1786, as currently in effect and subsequently amended.

Section 11 – Certain Construction and Building Materials. This sales tax shall not apply to the sale of “construction and building materials,” as the term is used in Section 29-2-109, C.R.S., if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to the Town evidencing that a local use tax has been paid or is required to be paid on the materials.

Section 12 – Cigarettes. This sales tax shall not apply to sales of cigarettes.

Section 13 – Sales to a Telecommunications Provider. This sales tax shall not apply to sales to a telecommunications provider of equipment used directly in the provision of telephone service, cable television service, broadband communications service, or mobile telecommunications service. It is the policy of this Town that this exemption be applied in a uniform and nondiscriminatory manner to the telecommunications providers of telephone service, cable television service, broadband communications service, and mobile telecommunications service.

Section 14 – Sales Subject to Prior Ownership Tax. Sales of personal property on which a specific ownership tax has been paid or is payable are exempt from this sales tax when the sale meets both of the following conditions: (i) the purchaser is a nonresident of the Town or has his principal place of business outside the Town and (ii) the personal property sold is registered or required to be registered outside the Town’s limits under the law of the State of Colorado.

Section 15 – Sales Subject to Prior Payment of Sales or Use Tax. This sales tax shall not apply to the sale of tangible personal property or services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule city and county, city, or town equal to or in excess of that sought to be imposed by this sales tax. A credit shall be granted against this sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule city and county, city, or town. The amount of the credit shall not exceed the sales tax imposed herein.

Election

Section 16 – Approved by Ballot. Ordinance 96-3 was submitted to a vote of the Town’s registered electors on November 4, 1997. The election was conducted in accordance with section 20, article X of the Constitution of the State of Colorado; article 2, title 29, C.R.S.; article 10, title 31, C.R.S.; and all other applicable provisions of law.

Enforcement

Section 20 – Delivery to Colorado Department of Revenue. As approved by the registered electors, the Town Clerk shall provide a copy of this Ordinance and notice of its adoption and approval to the executive director of the Colorado Department of Revenue at least 45 days prior to the effective date of the sales tax created herein.

Section 21 – Colorado Department of Revenue to Enforce. The collection, administration, and enforcement of this sales tax shall be performed by the executive director of the Colorado Department of Revenue in the same manner as the collection, administration, and enforcement of the Colorado state sales tax, as supplemented by article 2, title 29, C.R.S.

General Provisions

Section 22 – Effective Date. If approved by the General Assembly, this sales tax shall become effective on July 1, 2021.

Section 23 – Duration. If approved by the Town’s General Assembly, this sales tax shall continue until repealed.

Section 24 – Codification. If this sales tax is approved by the Town’s General Assembly, the Town Clerk is directed to codify the provisions of this sales tax in the Ophir’s Municipal Code in substantially the same form as set forth herein.

Section 25 – Amendment. This Ordinance and the sales tax adopted herein may be amended by subsequent Ordinance, unless otherwise prohibited by law.

Section 26 – Severability. If any portion of this Ordinance or the sales tax adopted herein is declared to be void or ineffective by a court of competent jurisdiction, it shall be deemed severed from this Ordinance. The remaining portions shall remain valid and in full force and effect.

Section 27 – Authority Vested in Town Officials. The Town’s officials are authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance and the sales tax adopted herein.

Section 28 – References to Colorado Law. References to Colorado law are to the versions of those laws in effect at the time this Ordinance was adopted as well as any subsequent amendments thereto.

Business License Fees Imposed

Section 29 – All provision of Ordinance 96-3 Article I Sections A, B and shall be enforced and adhered to as applicable to business license fees.

Section 30 – For each license issued, a fee shall be paid according to the following schedule:

Annual License (for calendar year)	\$50.00
6 Month License	\$25.00
Monthly License	\$10.00

Introduced, Read and Referred to Public Hearing on First Reading by the General Assembly of the Town of Ophir on the 18th day of May 2021.

Approved and Adopted on Second and Final Reading by the General Assembly of the Town of Ophir on the 15th day of June 2021.

By: _____
Corinne Platt, Mayor

ATTEST: _____
, Town Clerk

Approved as to Form: Town Attorney

**Attachments: Ordinance 96-3
Certificate of Election November 4, 1997**



To: Ophir Staff
 From: Ken Haynes, Ophir Town Manager
 Date: June 4, 2021
 Re: 2% Use Tax

When SMC contacted our clerk regarding collecting 3% sales tax staff discovered that the tax was actually 2%. Looking at the Ordinance 1996-3 the use tax that is applied to building permit should have been 2% as well. The Town started applying a 3% Use Tax that has been applied to all permits that the building has been completed and current projects in Town. Steve’s research shows that we may be responsible for tax rebates to projects going back 3 years.

Here is a list of projects found I the files that may be eligible for rebates:

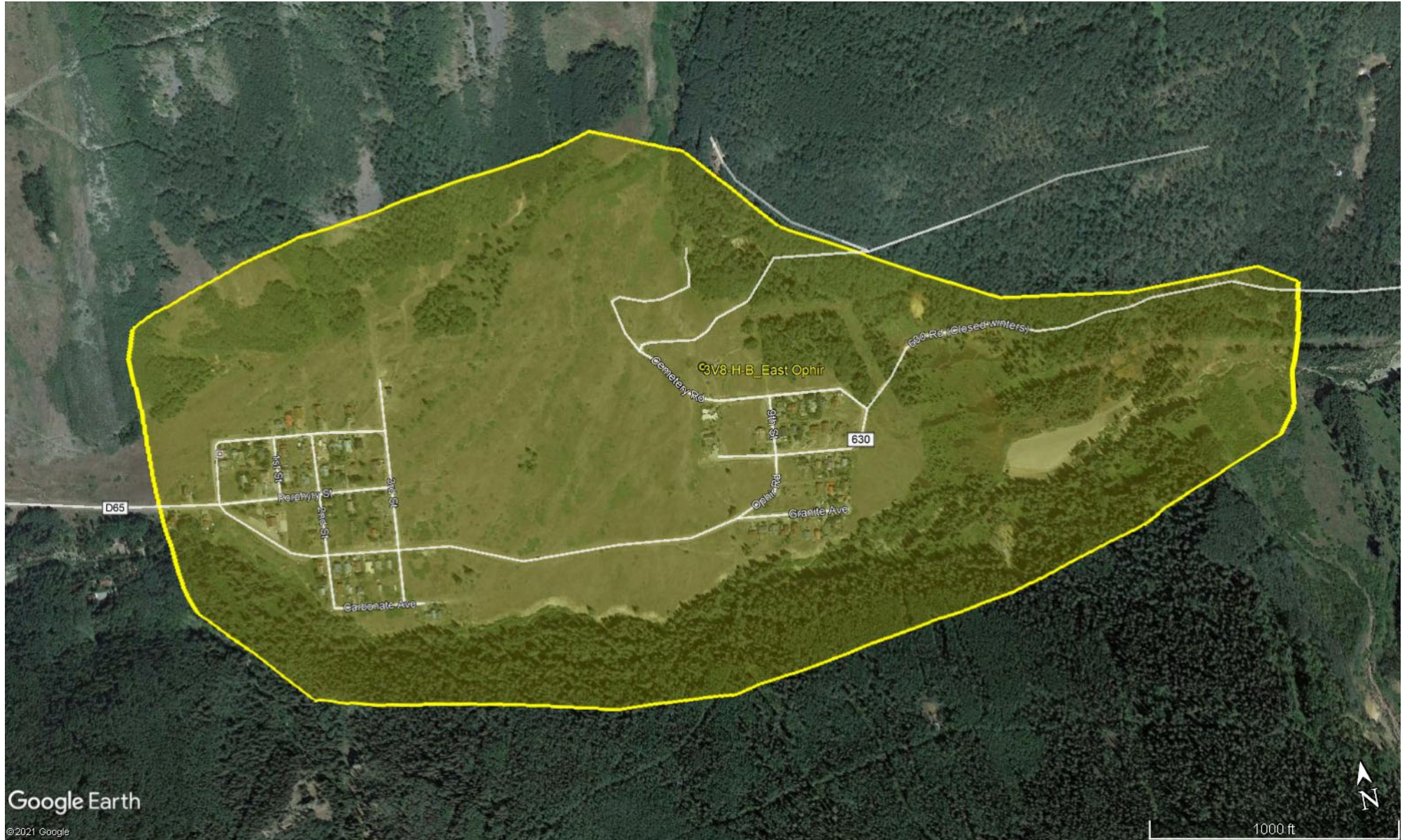
	Date Issued	Valuation	40% Value	3% of 40%	2%of 40%	Difference
Johnson, Kurt	3/25/2018	\$25,000.00	\$10,000.00	\$300.00	\$200.00	\$100.00
Kingsley, Bob	5/9/2018	\$3,000.00	\$1,200.00	\$36.00	\$24.00	\$12.00
Gockley, Catherine	6/5/2018	\$15,000.00	\$6,000.00	\$180.00	\$120.00	\$60.00
Ward, Andy and Amy	6/12/2018	\$130,000.00	\$52,000.00	\$1,560.00	\$1,040.00	\$520.00
McNiece Ashton & Brandy	7/16/2018	\$550,000.00	\$220,000.00	\$6,600.00	\$4,400.00	\$2,200.00
Worth / Hisler	6/12/2019	\$290,000.00	\$116,000.00	\$3,480.00	\$2,320.00	\$1,160.00
Rose	6/19/2020	\$188,600.00	\$75,440.00	\$2,263.20	\$1,508.80	\$754.40
Chew / Sprackling	9/21/2020	\$388,250.00	\$155,300.00	\$4,659.00	\$3,106.00	\$1,553.00
Total		\$1,589,850.00	\$635,940.00	\$19,078.20	\$12,718.80	\$6,359.40



To: Ophir Staff
From: Ken Haynes, Ophir Town Manager
Date: June 4, 2021
Re: Update on Emergency Horn

A report from the company supplying the emergency horn that SMC is installing stated that the location of the horn at the Water Plant is not an optimal location. The suggested relocation is by the BB Towers. GA should vote by motion to accept or not the suggested location. See attached Maps and info.

Sentry Siren Coverage Study for Ophir, CO - Version 2

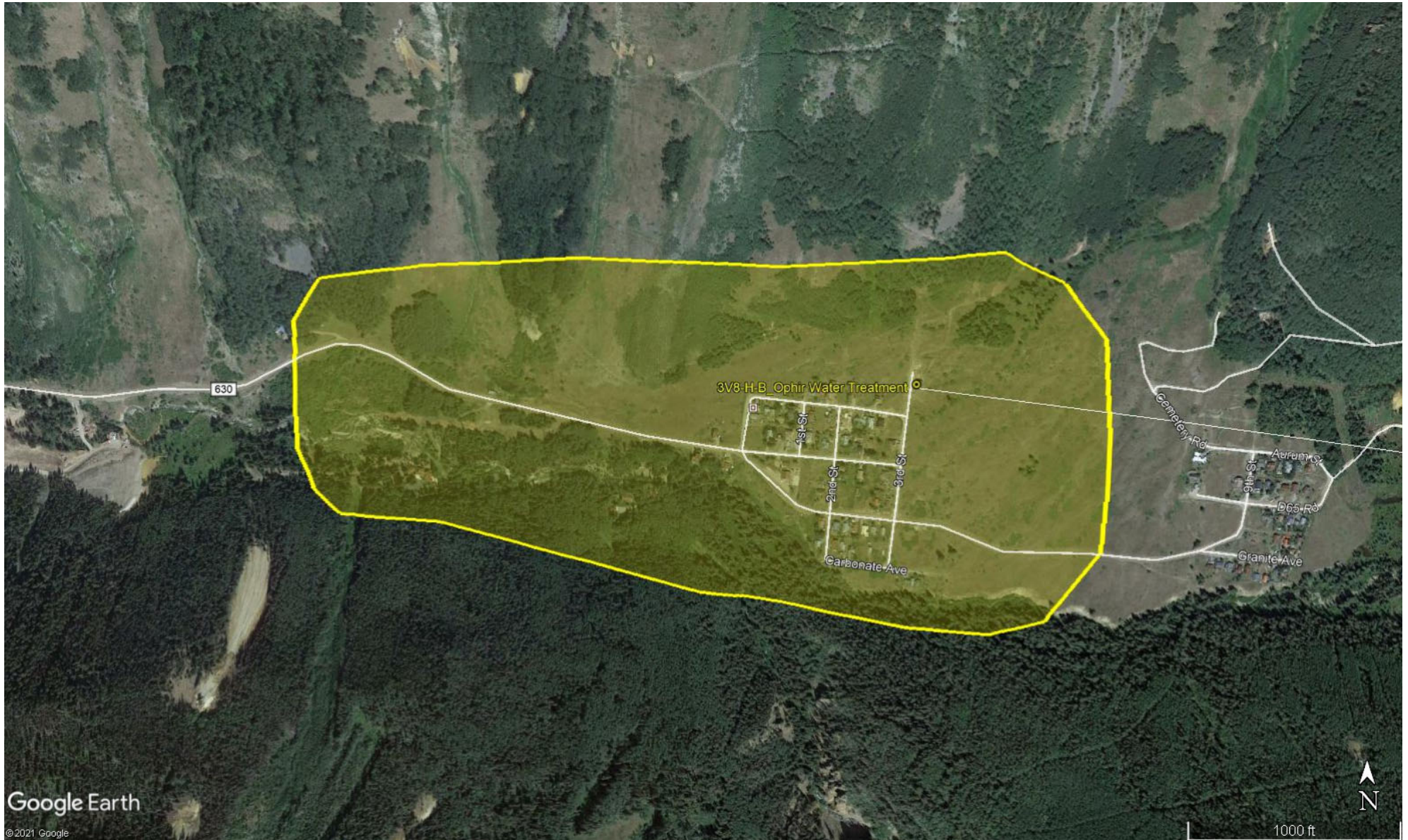


- Siren coverages are approximate and assume perfect conditions.
- Actual coverages may vary based on local terrain, conditions, foliage, structures and other unknown conditions.
- Sentry Siren makes no guarantee that coverage shown will mimic actual, real-world, coverage.
- Coverage area is based on computer generated data and FEMA Guidelines covering atmospheric attenuation.
- Data subject to license and use / reproduction is restricted.



719-372-6012
www.SentrySiren.com

Sentry Siren Coverage Study for Ophir, CO



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SENTRY
SIREN Inc.®

719-372-6012
www.SentrySiren.com



DRAFT

Resolution 2021-7
Creation of the Ophir Advisory Water Committee

WHEREAS, the Town of Ophir, Colorado is a duly organized municipality existing under its Home Rule Charter; and

WHEREAS, the General Assembly finds it advisable for a temporary Advisory Water Committee to advise the General Assembly with water system operations, maintenance, repairs and improvements; and

WHEREAS, the purpose of the committee shall be to review, develop and make recommendations regarding the Town's water collection, treatment, and distribution systems, but Advisory Water Committee and individual members are not authorized to implement policy or act on behalf of the General Assembly; and

WHEREAS, the committee shall be task with advising the General assembly on current water system details, capital improvement project and future water details and concerns: and

WHEREAS, the General Assembly shall appoint a minimum of three members to work directly with the Town Staff; and

WHEREAS, the Advisory Water Committee shall meet once a month as necessary and self-determine dates for meetings; and

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO, AS FOLLOWS:

That the Budget Advisory Committee be formed.

Approved and Adopted by the General Assembly of the Town of Ophir on th
_____ day of _____ 2021.

BY: _____
Corinne Platt, Mayor

ATTEST: _____
, Town Clerk