

**AGENDA for a Work Session and a Regular Meeting
of the Board of Trustees of the Town of Fairplay, Colorado
Monday, January 6, 2020 at 6:00 p.m. at the Fairplay Town Hall Meeting Room
901 Main Street, Fairplay Colorado**

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **APPROVAL OF AGENDA**
- V. **CONSENT AGENDA** (*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.*)
 - A. **APPROVAL OF MINUTES** –December 2, 2019
 - B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town funds in the amount of \$55,331.89
- VI. **CITIZEN COMMENTS**
- VII. **PROCLAMATION**
 - A. Proclamation by Mayor Just Nominating the 2020 Mardi Gras King and Queen Candidates
- VIII. **UNFINISHED BUSINESS**
 - A. Other Discussion Items
- IX. **NEW BUSINESS**
 - A. Should the Board Approve Adoption of Ordinance No. 1, Series of 2020, entitled, “**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, PROVIDING FOR THE HEALTH, SAFETY, AND PUBLIC WELFARE OF THE TOWN BY RESTRICTING THE SALE OF DOGS AND CATS BORN OR RAISED IN INHUMANE BREEDING FACILITIES.**”?
 - B. Should the Board Approve Adoption of Resolution No. 1, Series of 2020, entitled, “**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING POSTING PLACES FOR MEETING NOTICES.**”?
 - C. Other New Business
- X. **BOARD OF TRUSTEE AND STAFF REPORTS**
- XI. **ADJOURNMENT**

Upcoming Meetings/Important Dates

Martin Luther King Day/ Regular Meeting of the Board of Trustees Cancelled	January 20, 2020
Regular Meeting of the Board of Trustees	February 3, 2020
Presidents Day/ Regular Meeting of the Board of Trustees Cancelled	February 17, 2020
Mountain Mardi Gras	February 22, 2020

This agenda may be amended.

Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Friday, January 2, 2020.

**MINUTES OF THE REGULAR MEETING OF THE
FAIRPLAY BOARD OF TRUSTEES
December 2, 2019**

CALL TO ORDER REGULAR MEETING OF THE BOARD OF TRUSTEES

The regular meeting of the Board of Trustees for the Town of Fairplay was called to order at 6:00 p.m. in the Council Chambers located in the Fairplay Town Hall, 901 Main Street, by Mayor Frank Just who proceeded with the pledge of allegiance, followed by the roll call which was answered by Trustees Scott Dodge and Cindy Bear. Trustee Stapp and Trustee Kemp were absent for the meeting. Also in attendance were Police Chief Marcus Woodward, Public Works Director Jim Brown, Town Treasurer Wittbrodt, Administrative Assistant Sarah Ernst, and Assistant to the Town Administrator/Deputy Clerk Mason Green.

AGENDA ADOPTION

Motion #1 by Trustee Dodge, seconded by Trustee Bear, that the agenda be adopted with the amendment that item D under section seven have the second date in the title changed from '2019' to '2020'. Motion carried unanimously. (Trustees Stapp and Kemp absent).

CONSENT AGENDA (*The Consent Agenda is intended to allow the Board to spend its time on more complex items. These items are generally perceived as non-controversial and can be approved by a single motion. The public or the Board Members may ask that an item be removed from the Consent Agenda for individual consideration.*)

- A. **APPROVAL OF MINUTES** – November 18, 2019
- B. **APPROVAL OF EXPENDITURES** – Approval of bills of various Town Funds in the amount of \$85,871.68

Motion #2 by Trustee Dodge, seconded by Trustee Kemp, that the consent agenda be adopted as amended. A roll call vote was taken: Dodge - yes, Just – yes, Kemp – yes, Bear – yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

CITIZEN COMMENTS

Joyce Cohen, an animal rights activist, spoke to the Board about banning the sale of puppies and kittens in pet stores. Ms. Cohen stated that she had approached numerous other communities with the same proposal, and many had or were taking steps to adopt Ordinances banning the sale of puppies and kittens in pet stores. Ms. Cohen stated that the majority of puppies and kittens sold in pet stores came from puppy and kitten mills in which animals live in horrible conditions. Ms. Cohen also informed the board this would not affect organizations which seek to have animals adopted and work in conjunction with non-profit animal organizations.

A brief discussion occurred.

The Board directed staff to bring an Ordinance banning the sale

PUBLIC HEARING

- A. (Continued) 2019 Amended Budget and 2020 Proposed Budget

Mayor Just opened the public hearing for the 2019 Amended Budget and the 2020 Proposed Budget at 6:17pm.

Mayor Just asked for public comment in favor of or in opposition to the 2019 Amended and 2020 Proposed Budgets. No public comment was offered either for or against.

Motion #3 by Trustee Dodge, seconded by Trustee Bear, to approve adoption of Resolution No. 33, series of 2019, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING AN AMENDED 2019 BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO.**" A roll-call vote was taken. Dodge - yes, Just – yes Bear-- yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

Motion #4 by Trustee Bear, seconded by Trustee Dodge, to approve adoption of Resolution No.34, series of 2019, entitled, "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY,**

COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE AMENDED 2019 BUDGET."? A roll-call vote was taken. Dodge - yes, Just - yes, Bear-yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

Motion #5 by Trustee Dodge, seconded by Trustee Bear, to approve adoption of Resolution No.35, series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING A BUDGET FOR THE TOWN OF FAIRPLAY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY 2020 AND ENDING ON THE LAST DAY OF DECEMBER 2020."**? A roll-call vote was taken. Dodge - yes, Just - yes, Bear- yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

Motion #6 by Trustee Bear, seconded by Trustee Dodge, to approve adoption of Resolution No.36, series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, LEVYING GENERAL PROPERTY TAXES FOR THE YEAR 2019 TO HELP DEFRAY THE COST OF GOVERNMENT FOR THE TOWN OF FAIRPLAY, FOR THE 2020 BUDGET YEAR."**? A roll-call vote was taken. Dodge - yes, Just - yes, Bear-- yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

Motion #7 by Trustee Dodge, seconded by Trustee Bear, to approve adoption of Resolution No. 37, series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF FAIRPLAY, COLORADO FOR THE 2020 BUDGET YEAR."**? A roll-call vote was taken. Dodge - yes, Just - yes, Bear- yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

Mayor Just closed the public hearing at 6:31pm

NEW BUSINESS

A. Business Regarding Clinic Building/525 Hathaway Street

1. Should the Board Approve Adoption of Resolution No.38, Series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN UPDATED LEASE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND SOUTH PARK HEALTH SERVICE DISTRICT."**?

Mayor Just introduced the topic stating that the lease between the Town and the South Park Health Service District (SPHSD) for the SPHSD use of the building at 525 Hathaway Street would be expiring at the end of December and would need to be renewed for an additional year under the same terms.

Motion #8 by Trustee Dodge, seconded by Trustee Bear, that the Board Approve Adoption of Resolution No. 38, Series of 2019, entitled, **"A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING AN UPDATED LEASE AGREEMENT BETWEEN THE TOWN OF FAIRPLAY AND SOUTH PARK HEALTH SERVICE DISTRICT."** A roll call vote was taken: Dodge - yes, Just - yes, Bear - yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

2. Presentation/Discussion Regarding South Park Health Service District Request for Ownership of 525 Hathaway

Mayor Just briefly introduced the topic, stating that it was always the Boards intention to utilize that building for the purposed of a health clinic.

Linda Whitner, Board Member for South Park Health Service stated that the SPHSD was requesting the Town to transfer ownership of the 525 Hathaway St. building to their organization. Ms. Whitner stated that SPHSD felt that it was a good time for such a transfer as HealthOne had opened a clinic in the building and SPHSD is financially solvent.

Charlie Shultz, Board Member for SPHSD, spoke regarding some of the advantages that would come from SPHSD taking ownership of the building. There was a discussion regarding these items and the history of the building.

The Board directed staff to work with SPHSD to transfer them the building for the cost of \$1.

B. Should the Board Approve Adoption of Resolution No. 39, series of 2019 entitled, "A RESOLUTION FOR THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A CONTRACT WITH TANDEM DESIGN LAB FOR WEBSITE MANAGEMENT SERVICES."?

Assistant to the Town Administrator Green introduced the topic stating that the Town's current website manager, Jean Krak, would be retiring at the end of the year and that staff had been searching for a replacement. He then stated that staff had positive discussions with Kristylee of Tandem Design Lab and that staff was interested in entering into a contract for website management services with Tandem Design Lab.

Assistant to the Town Administrator Green then stated that staff did recommend approval of Resolution No. 39.

Motion #9 by Trustee Bear, seconded by Trustee Dodge, that the Board Approve Adoption of Resolution No. 39, Series of 2019, entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, APPROVING A CONTRACT WITH TANDEM DESIGN LAB FOR WEBSITE MANAGEMENT SERVICES." A roll call vote was taken: Dodge - yes, Just - yes, Bear - yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

C. Should the Board Approve Adoption of Resolution No. 40, series of 2019, entitled, "A RESOLUTION FOR THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING FINANCIAL POLICIES PROCEDURES AND CONTROLS."?

Town Treasurer Wittbrodt introduced the topic reminding the Board that this topic had been a discussion item on the previous meetings agenda where the Board had directed staff to bring back the financial policies, procedures and controls for adoption at this meeting. Town Treasurer Wittbrodt then stated that no modifications had been requested or made.

Motion #10 by Trustee Bear, seconded by Trustee Dodge, that the Board Approve Adoption of Resolution No. 40, series of 2019, entitled "A RESOLUTION FOR THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ADOPTING FINANCIAL POLICIES, PROCEDURES AND CONTROLS." A roll call vote was taken: Dodge—yes, Just—yes, Bear—yes. Motion carried unanimously. (Trustees Stapp and Kemp absent).

D. Should the Board Approve Adoption of Resolution No. 41, series of 2019, entitled, "A RESOLUTION FOR THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE PLACEMENT OF UTILITY LIENS."?

Town Treasurer Wittbrodt introduced the topic, stating that every year she is required to place liens on properties with delinquent utility accounts. She stated that she sends the past due balance of account with liens to the County Assessor's Office and that this past due balance is added to the property's property tax payments. This allows the Town to recoup past due balances of utility services.

Motion #11 by Mayor Just, seconded by Trustee Dodge, that the Board Approve Adoption of Resolution No. 41, Series of 2019, entitled, "A RESOLUTION FOR THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, AUTHORIZING THE PLACEMENT OF UTILITY LIENS." A roll call vote was taken: Dodge—yes, Just—yes, Bear—yes. (Trustees Stapp and Kemp absent).

E. Other New Business

No other new business.

BOARD OF TRUSTEES AND STAFF REPORTS

Assistant to the Town Administrator Green informed the Board that he is still working with ChargePoint on getting the donation agreement for electric vehicle charging stations back before the Board. He estimated this would occur in January.

Public Works Director Brown informed the Board that Assistant Public Works Director Mead had worked 27 hours straight to help during the road closures.

Town Treasurer Wittbrodt provided a special event update on behalf of Special Events Coordinator Bullock and informed them about the holiday event this weekend.

Trustee Dodge inquired about the cemetery road being used as an attempt to bypass HWY 285 closures. There was a brief discussion.

Mayor Just recognized Trustee Bears efforts in aiding and supporting stranded individuals and read a letter he had received from someone who was stranded thanking the Fairplay community. There was a brief discussion about the road closures and the storm.

ADJOURNMENT

Mayor Just, noting that there being no further business before the Board, declared that the meeting be adjourned at 7:12 p.m.

Frank Just, Mayor

ATTEST:

Mason Green, Assistant to the Town Administrator



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Kim Wittbrodt, Treasurer
RE: Paid Bills
DATE: 12/31/2019

Agenda Item: Bills

Attached is the list of invoices paid through December 31, 2019.

Total Expenditures: \$55,331.89

Upon motion to approve the consent agenda, the expenditures will be approved.

Please contact me with any questions.

Report Criteria:
Detail report type printed

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
12/12/2019	15668	Business Connection	ads in event calenar	1	12/10/2019	147.25	105174
Total 280:						147.25	
12/03/2019	15629	Caselle, Inc	Software Support	1	11/01/2019	439.50	105060
12/03/2019	15629		Software Support	2	11/01/2019	439.50	517206
Total 334:						879.00	
12/03/2019	15630	Cash	cash for gold coins-xmas	1	12/03/2019	60.00	105174
12/12/2019	15669		change for vic ball	1	12/12/2019	400.00	101002
Total 340:						460.00	
12/30/2019	15714	Colorado Dept of Agricultur	certification of laser gun/tu	1	12/16/2019	88.00	105430
Total 496:						88.00	
12/12/2019	15673	Fairplay Flume	display ads	1	11/30/2019	226.80	105174
12/12/2019	15673		legal /ads	2	11/30/2019	781.22	108125
Total 868:						1,008.02	
12/12/2019	15674	Ferrellgas	propane-501 main	1	11/25/2019	465.36	105195
Total 916:						465.36	
12/17/2019	15684	Hand Hotel	lighting winner	1	12/17/2019	300.00	105110
Total 1084:						300.00	
12/03/2019	15635	Lane, Gabby	piip payment	1	12/01/2019	576.83	105185
Total 1268:						576.83	
12/12/2019	15677	Main Street Garage	chevy repair	1	12/10/2019	1,362.46	105625
12/12/2019	15677		chevy repair	2	12/10/2019	1,362.47	517655
12/19/2019	15699		Tahoe repair	1	12/12/2019	133.28	105420
Total 1336:						2,858.21	
12/12/2019	15679	Mountain View Waste	2 yd 2 monthly	1	11/30/2019	75.00	517675
Total 1414:						75.00	
12/18/2019	15688	Park County School Distric	burro days proceeds	1	12/18/2019	5,000.00	105162
Total 1582:						5,000.00	
12/19/2019	15704	Postal Pros Southwest, Inc	water billing	1	12/05/2019	299.24	517218
Total 1699:						299.24	
12/12/2019	15682	Summit Daily News	ads	1	11/30/2019	83.52	105183

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
12/12/2019	15682		ads	2	11/30/2019	499.12	105174
Total 2032:						582.64	
12/12/2019	15683	Town of Fairplay	525 hathaway	1	11/30/2019	171.90	105190
12/12/2019	15683		23 fuller drive	1	11/30/2019	60.00	105095
12/12/2019	15683		850 hathaway	1	11/30/2019	96.00	105186
12/12/2019	15683		501 main	1	11/30/2019	308.90	105195
Total 2134:						636.80	
12/19/2019	15707	USABlueBook	sensors	1	12/10/2019	108.06	517665
12/30/2019	15718		water maint equip	1	12/19/2019	1,667.68	517465
Total 2176:						1,775.74	
12/03/2019	15639	Utility Notification Center	RTL Transmissions	1	11/30/2019	2.84	517455
12/03/2019	15639		RTL Transmissions	1	11/30/2019	2.84	517650
Total 2194:						5.68	
12/03/2019	15640	Verizon Wireless	Phones and air cards	1	12/01/2019	343.93	105455
12/30/2019	15720		Phones and air cards	1	12/30/2019	345.84	105455
Total 2212:						689.77	
12/03/2019	15642	Xcel Energy	san plant	1	11/22/2019	3,415.75	517680
12/03/2019	15642		1190 castello	1	11/25/2019	105.13	105650
12/03/2019	15642		200 2nd street	2	11/25/2019	68.35	517470
12/03/2019	15642		157 6th street	3	11/25/2019	56.24	105640
12/03/2019	15642		156 5th street	4	11/25/2019	10.19	105640
12/03/2019	15642		589 platte drive	5	11/25/2019	10.19	105841
12/03/2019	15642		419 front street	6	11/25/2019	10.50	105640
12/19/2019	15710		street lights	1	12/02/2019	194.89	105640
12/19/2019	15710		945 quarry road	1	12/12/2019	15.79	517490
12/30/2019	15721		901 main	1	12/19/2019	200.54	105023
12/30/2019	15721		chlorinator	1	12/19/2019	91.90	517470
12/30/2019	15721		747 bogue	1	12/19/2019	14.09	105841
12/30/2019	15721		1800 beaver creek road	1	12/19/2019	441.35	517495
12/30/2019	15721		Fairplay sign #1	1	12/19/2019	10.99	105640
12/30/2019	15721		117 silverheels road	1	12/19/2019	10.19	105841
12/30/2019	15721		525 hathaway	1	12/19/2019	249.70	105190
12/30/2019	15721		501 main	1	12/19/2019	384.46	105195
12/30/2019	15721		850 hathaway	1	12/19/2019	235.82	105186
Total 2296:						5,526.07	
12/12/2019	15681	South Park Ace & Lumber	Supplies	1	11/30/2019	542.98	517655
Total 2405:						542.98	
12/03/2019	15638	Royal Publishing	advertising	1	11/12/2019	100.00	105130
Total 2416:						100.00	
12/05/2019	15647	KONICA MINOLTA BUSIN	C364E Copier	1	10/29/2019	512.41	105032
12/12/2019	15676		C364E Copier	1	11/28/2019	533.67	105032

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2448:						1,048.08	
12/19/2019	15694	Darrah, Tina	Cell Phone	1	12/19/2019	50.00	105065
Total 2462:						50.00	
12/19/2019	15690	AmeriGas	Propane	1	11/30/2019	441.24	517495
Total 2468:						441.24	
12/19/2019	15711	CARD SERVICES	food for meeting	1	12/02/2019	19.34	105630
12/19/2019	15711		Supplies	2	12/02/2019	104.02	517670
12/19/2019	15711		training	3	12/02/2019	128.33	517630
12/19/2019	15711		Supplies	4	12/02/2019	89.99	517214
12/19/2019	15711		advertising	5	12/02/2019	175.00	105172
12/19/2019	15711		Supplies	6	12/02/2019	11.78	105030
12/19/2019	15711		Supplies	7	12/02/2019	41.00	105110
12/19/2019	15711		Supplies	8	12/02/2019	169.91	105183
12/19/2019	15711		Supplies	9	12/02/2019	65.19	105174
12/19/2019	15711		Supplies	10	12/02/2019	14.99	105130
12/19/2019	15711		Supplies	11	12/02/2019	44.99	105630
12/19/2019	15711		Supplies	12	12/02/2019	27.27	517480
12/19/2019	15711		Supplies	13	12/02/2019	88.45	105030
12/19/2019	15711		Supplies	14	12/02/2019	88.45	517214
12/19/2019	15711		Supplies	15	12/02/2019	161.07	105027
12/19/2019	15711		Supplies	16	12/02/2019	14.99	105186
12/19/2019	15711		Supplies	17	12/02/2019	52.38	105070
12/19/2019	15711		Supplies	18	12/02/2019	34.75	105130
12/19/2019	15711		Supplies	19	12/02/2019	20.05	105030
12/19/2019	15711		Supplies	20	12/02/2019	20.05	517214
12/19/2019	15711		Supplies	21	12/02/2019	38.09	105027
12/19/2019	15711		Supplies	22	12/02/2019	275.00	105035
12/19/2019	15711		Supplies	23	12/02/2019	98.66	105170
12/19/2019	15711		Supplies	24	12/02/2019	27.23	105497
12/19/2019	15711		fuel	25	12/02/2019	33.96	105420
12/19/2019	15711		Supplies	26	12/02/2019	26.10	105070
12/19/2019	15711		Postage	27	12/02/2019	35.15	105445
12/19/2019	15711		Car wash	28	12/02/2019	8.00	517242
12/19/2019	15711		Conference	29	12/02/2019	620.06	105015
Total 2503:						2,514.25	
12/19/2019	15689	American Legion	hall rental	1	12/18/2019	150.00	105183
Total 2526:						150.00	
12/03/2019	15631	CenturyLink	alarm line-525 Hathaway	1	11/19/2019	47.51	105190
12/03/2019	15631		7198362622355B	1	11/19/2019	480.66	105065
12/03/2019	15631		7198362445	1	11/19/2019	111.36	517226
12/03/2019	15631		acct 719-836-4609 502B	1	11/19/2019	60.87	517470
12/03/2019	15631		acct 82239760	1	11/23/2019	27.82	105065
Total 2614:						728.22	
12/19/2019	15709	Wittbrodt, Kim	cell phone reimb	1	12/19/2019	50.00	105065

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2655:						50.00	
12/12/2019	15670	Colorado Natural Gas, Inc.	525 hathaway	1	12/01/2019	343.85	105190
12/12/2019	15670		san office	1	12/01/2019	258.09	517234
12/12/2019	15670		sewer treatment plant	1	12/01/2019	1,941.16	517680
12/12/2019	15670		natural gas-shop	1	12/01/2019	722.82	105650
12/12/2019	15670		natural gas	1	12/01/2019	208.48	105023
Total 2728:						3,474.40	
12/19/2019	15700	Mead, Vaughn	cell phone reimb	1	12/19/2019	25.00	105645
12/19/2019	15700		cell phone reimb	2	12/19/2019	25.00	517228
Total 2739:						50.00	
12/19/2019	15698	Kasper, Gerrits	cell phone reimburse	1	12/19/2019	50.00	105645
Total 2747:						50.00	
12/30/2019	15716	Mobile Record Shredders	record shredding	1	12/18/2019	12.00	105030
Total 2793:						12.00	
12/03/2019	15632	Chaffee County Waste	6 yd weekly	1	12/01/2019	100.00	105650
12/03/2019	15632		6 yd weekly	2	12/01/2019	100.00	105023
Total 2801:						200.00	
12/12/2019	15667	Bullock, Julie	reimburse vic ball	1	12/12/2019	9.98	105183
12/19/2019	15692		cell phone reimburse	1	12/19/2019	50.00	105065
Total 2812:						59.98	
12/19/2019	15697	Heart of the Rockies Radio	radio ads	1	11/30/2019	250.00	105183
12/19/2019	15697		radio ads	2	11/30/2019	250.00	105174
12/19/2019	15697		radio ads	3	11/30/2019	615.00	105130
Total 2836:						1,115.00	
12/12/2019	15666	4th Artillery Quadrille Ense	band for vic ball	1	11/28/2019	1,100.00	105183
Total 2854:						1,100.00	
12/19/2019	15702	Mountain Peak Controls, In	programming	1	12/13/2019	125.00	517625
12/19/2019	15702		programming	2	12/13/2019	250.00	517415
Total 2861:						375.00	
12/03/2019	15633	Colorado Analytical Lab	waste water testing	1	12/02/2019	380.00	517665
12/30/2019	15713		water testing	1	12/23/2019	23.00	517475
12/30/2019	15713		waste water testing	1	12/27/2019	380.00	517665
Total 2864:						783.00	
Multiple	Multiple	Vectra Bank	loan payment	1	11/25/2019	203,400.00	518002
Multiple	Multiple		loan payment	2	11/25/2019	57,095.09	518004

this is a replacement check. other lost in mail. stopped payment on old check

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 2883:						260,495.09	
12/12/2019	15680	Promark Industries, LLC	ford repair	1	12/09/2019	608.36	105625
12/12/2019	15680		ford repair	2	12/09/2019	608.37	517655
12/03/2019	15636		tahoe repair	1	11/27/2019	357.23	105420
Total 2887:						1,573.96	
12/19/2019	15703	Municode	update code book	1	12/04/2019	225.00	105075
Total 2890:						225.00	
12/03/2019	15637	Rise Broadband	internet	1	12/01/2019	105.36	517226
Total 2900:						105.36	
12/12/2019	15672	Fairplay Auto Supply	supplies	1	11/30/2019	12.99	105420
12/12/2019	15672		supplies	2	11/30/2019	11.24	105625
12/12/2019	15672		supplies	3	11/30/2019	267.48	105670
12/12/2019	15672		supplies	4	11/30/2019	14.05	517655
Total 2948:						305.76	
12/12/2019	15675	Indigo Water Group	training	1	12/07/2019	280.00	517635
Total 2960:						280.00	
12/30/2019	15712	Apex Technology Systems	computer maintenance	1	12/20/2019	632.50	105465
12/30/2019	15712		computer maintenance	2	12/20/2019	180.00	517206
12/30/2019	15712		computer maintenance	3	12/20/2019	537.50	105060
Total 2988:						1,350.00	
12/03/2019	15641	White, Kathleen	cell phone reimburse	1	12/03/2019	25.00	105645
12/03/2019	15641		cell phone reimburse	2	12/03/2019	25.00	517226
12/19/2019	15708		cell phone reimburse	1	12/19/2019	25.00	105645
12/19/2019	15708		cell phone reimburse	2	12/19/2019	25.00	517226
Total 3004:						100.00	
12/05/2019	15649	Mt. Princeton Riding Stable	wagon rides	1	12/04/2019	1,000.00	105174
Total 3152:						1,000.00	
12/19/2019	15696	Green, Mason	cell phone reimburse	1	12/19/2019	50.00	105065
Total 3175:						50.00	
12/19/2019	15691	Brown, Jimmy	cell phone reimburse	1	12/19/2019	25.00	105645
12/19/2019	15691		cell phone reimburse	2	12/19/2019	25.00	517226
Total 3199:						50.00	
12/12/2019	15678	Montrose Water Factory, L	bottled water	1	11/30/2019	8.50	105120

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3211:						8.50	
12/12/2019	15671	DHM Design	riverpark design	1	12/11/2019	1,125.00	105886
Total 3254:						1,125.00	
12/05/2019	15648	Michael Lorance	santa	1	12/05/2019	250.00	105174
Total 3274:						250.00	
12/19/2019	15695	Ernst, Sarah	cell phone reimburse	1	12/19/2019	50.00	105085
Total 3313:						50.00	
12/30/2019	15715	Macdonald Equipment Co.	delivery and pickup	1	08/15/2019	250.00	105670
12/30/2019	15715		delivery	1	08/08/2019	125.00	105670
12/30/2019	15715		sweeper rental	1	10/14/2019	181.95	105670
Total 3316:						556.95	
12/19/2019	15693	Clark, Sean	cell phone reimburse	1	12/19/2019	25.00	517226
12/19/2019	15693		cell phone reimburse	2	12/19/2019	25.00	105645
Total 3328:						50.00	
Multiple	15307	Etest Network	501 main testing	1	07/29/2019	.00	105195
			501 main testing	2	07/29/2019		105195
12/03/2019	15634		501 main testing	1	07/29/2019	680.00	105195
Total 3350:						680.00	
12/19/2019	15705	Rosemary Pautler	295 5th street piip payment	1	12/17/2019	3,655.00	105195
Total 3371:						3,655.00	
12/19/2019	15701	Michael Klepper	live remote	1	11/30/2019	25.00	105130
Total 3373:						25.00	
12/05/2019	15646	Downtown Redevelopment	501 main adaptive reuse a	1	12/02/2019	7,000.60	105195
Total 3380:						7,000.60	
12/30/2019	15717	Park County Government	monthly internet	1	12/23/2019	52.50	105065
12/30/2019	15717		monthly internet	2	12/23/2019	52.50	105455
12/30/2019	15717		static ip charges	1	12/23/2019	22.50	105065
12/30/2019	15717		static ip charges	2	12/23/2019	22.50	105455
Total 3381:						150.00	
12/05/2019	15650	Tandem Design Lab	website update contract	1	12/05/2019	100.00	105130
Total 3384:						100.00	
12/17/2019	15685	Kathy Reeves	lighting winner	1	12/17/2019	200.00	105110

Check Issue Date	Check Number	Name	Description	Seq	Invoice Date	Check Amount	GL Account
Total 3385:						200.00	
12/19/2019	15706	Street Media Group, LLC	summit bus advertising	1	12/17/2019	2,225.00	105130
Total 3386:						2,225.00	
Grand Totals:						315,826.98	

55,331.89

Report Criteria:
Detail report type printed



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Julie Bullock, Special Events Coordinator

RE: Proclamation Declaring 2020 Mardi Gras Royalty Nominees

DATE: January 2, 2020

This proclamation will declare the nominees for the 2nd Annual Fairplay Mountain Mardi Gras celebration on February 22, 2020. The nominees are Scott & Aimee Sanborn, Phil & DeAnn Brogan and Eric and Jennifer Witzak. Each couple is asked to choose a local non-profit organization that they would like to support by raising money for them during the competition period. The couple that raises the most money will be crowned the Mardi Gras King & Queen at the event. The Sanborn's have chosen to support Rocky Mountain Rural Health with their fundraising efforts. At the time of this writing, The Brogans and the Witzak's have not yet determined their non-profits of choice, and as soon as we know, the information will be updated. Last year the King and Queen candidates raised nearly \$7,000 for three local non-profits—2 Mile High Inc., the South Park Food Bank and the Mosquito Range Heritage Initiative.

“Where History Meets the High Country”

TOWN OF FAIRPLAY, COLORADO
PROCLAMATION
NOMINATING THE 2020 MARDI GRAS
KING AND QUEEN CANDIDATES

WHEREAS, The Town of Fairplay is proud to host its second annual Mountain Mardi Gras Celebration; and

WHEREAS, The Town of Fairplay, its citizens, and greater community members place a high priority on charitable giving; and

WHEREAS, Local non-profit organizations work diligently to provide our community with services, opportunities and greater access to our beautiful natural world; and

WHEREAS, Gaining the title of Mardi Gras King & Queen is contingent upon raising the most money for a local charity of each couple's choice; and

WHEREAS, The 2020 Nominees are fun-loving, community driven, non-profit supporting, longtime residents of our small mountain town; and

WHEREAS, The nominees and their charities include: Scott and Aimee Sanborn, who are supporting Rocky Mountain Rural Health; Phil and DeAnn Brogan, who are supporting an organization to be determined; and Jennifer and Eric Witzak, who are supporting an organization to be determined; and

WHEREAS, The 2020 Town of Fairplay Mardi Gras King and Queen will be announced February 22nd at the Town of Fairplay Mountain Mardi Gras Celebration, amidst delicious, decadent and to-die-for delicacies, and terrific, traditional adult beverages, as well as, New Orleans style entertainment; and

NOW THEREFORE, I, Frank Just, Mayor of the Town of Fairplay, do hereby proclaim Scott and Aimee Sanborn, Phil and DeAnn Brogan, and Eric and Jennifer Witzak, the Nominees for King and Queen of the Town of Fairplay's 2020 Mountain Mardi Gras Celebration, and thus, do order herewith the immediate commencement of this year's Mardi Gras rivalry and competition!

Given under my hand and official seal of the Town of Fairplay, Colorado, this 6th day of January, 2020.

Frank Just, Mayor



MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Mason Green, Assistant Town Administrator

RE: Ordinance Restricting the Sale of Dogs and Cats Born or Raised in Inhumane Breeding Facilities

DATE: January 2, 2020

At the last Regular Meeting of the Board of Trustees, on December 2nd, the Board was approached by Ms. Joyce Cohen regarding the Town of Fairplay banning the sale of puppies and kittens in pet stores as these animals are typically supplied by puppy and kitten mills which create inhumane conditions for their animals. At that time the Board directed staff to work with Ms. Cohen and bring back before the Board an Ordinance which would prohibit the sale of puppies and kittens in pet stores. Please also note that this would not affect pet stores or other organizations which work with non-profit organizations towards the adoption of rescue animals such as in the case of High Paw Pet Supply.

Staff Recommends Approval of Ordinance 1-2020. This will require a motion, second and roll call vote.

“Where History Meets the High Country”

**TOWN OF FAIRPLAY, COLORADO
ORDINANCE #1
(SERIES 2020)**

AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, PROVIDING FOR THE HEALTH, SAFETY, AND PUBLIC WELFARE OF THE TOWN BY RESTRICTING THE SALE OF DOGS AND CATS BORN OR RAISED IN INHUMANE BREEDING FACILITIES.

WHEREAS, the Town of Fairplay has an interest in maintaining the public safety and welfare of the citizens of Town; and

WHEREAS, Section 31-15-501, C.R.S. authorizes municipalities to prohibit within the limits of the municipality any offensive or unwholesome business practice; and

WHEREAS, Section 31-15-401, C.R.S. provides municipalities with general police powers including the powers to prohibit and punish for cruelty to animals, and to declare what is a nuisance and abate the same; and

WHEREAS, the Humane Society of the United States has determined that dog and cat mills are inhumane commercial breeding facilities which disregard the animals' health – both physical and emotional – in order to maximize profits; and

WHEREAS, according to the Humane Society of the United States, these mills produce animals for sale, most frequently at retail stores; and

WHEREAS, the Board of Trustees for the Town of Fairplay finds and determines that the sale of dogs and cats from these mills is an unwholesome business practice, promotes cruelty to animals, and is a nuisance that must be abated; and

WHEREAS, the Board of Trustees for the Town of Fairplay desires to exercise its powers to address the sale of dogs and cats in retail stores that come from these mills, all as more fully provided in this ordinance.

Now, therefore, be it ordained by the Board of Trustees of the Town of Fairplay, Colorado that:

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees of the Town of Fairplay.

Section 2. Addition to the Municipal Code. The Fairplay Municipal Code is amended by the addition of a new Article IX to Chapter 7 to read as follows:

Sec. 7-9-10. Definitions.

As used in this Article, unless the context otherwise requires, the following words shall have the meanings given to them in this Section:

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes.

Animal rescue organization means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

Animal shelter means a municipal or related public animal shelter or duly incorporated non-profit organization devoted to the rescue, care, and adoption of stray, abandoned, or surrendered animals and which does not breed animals.

Cat means any animal of the species *Felis catus* or any hybrid thereof.

Certificate of source means a document declaring the source of the dog or cat sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.

Dog means any animal of the family *Canidae*, regardless of sex, including, without limitation, those related to the wolf, fox, coyote, or any other domestic canid hybrid thereof.

Hobby breeder means an individual or establishment who delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes directly to the public only animals that were bred and reared on the premises of the person or establishment, on which premises a consumer may view the conditions where the animals were bred and reared, and speak with the breeder directly.

Pet store means a retail establishment not meeting the definitions of animal care facility, animal rescue organization, or animal shelter that delivers, offers for sale, displays, offers for adoption, barter, auctions, gives away, or otherwise transfers cats and dogs to any person.

Pet store operator means any person who owns or operates a pet store.

Sec. 7-9-20. Prohibitions.

Except as provided in Section 7-9-30, no person or establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the Town of Fairplay on or after the effective date of the ordinance codified in this Article.

Sec. 7-9-30. Exceptions.

The prohibition in Section 7-9-20 shall not apply to lawfully operated hobby breeders, animal care facilities, animal rescue organizations, or animal shelters.

Sec. 7-9-40. Adoption of shelter and rescue animals.

Nothing in this Article shall prevent a pet store or its owner, operator, or employees from providing space and appropriate care for dogs and cats owned by a lawfully operated animal care facility, animal rescue organization, or animal shelter for the purpose of adopting or selling those animals to the public, provided that the pet store shall not have any ownership interest in the animals offered and shall not receive a fee for providing space or appropriate care.

Sec. 7-9-50. Certificate of source required.

A pet store that lawfully offers space for the sale or adoption of dogs or cats shall post, in a conspicuous location on the enclosure of each such animal a certificate of source, as such term is defined in this Article.

Section 7-9-60. Violations and Penalties.

Violation of any of the provisions of this Article is unlawful and is punishable in accordance with Section 1-4-20 of the Code. The Town may in addition to the penalties prescribed by Section 1-4-20 institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove the violation.

Section 3. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the application to other persons or circumstances.

Section 4. This Ordinance shall become effective thirty (30) days after publication.

ORDAINED, APPROVED AND ADOPTED THIS 6TH DAY OF JANUARY, 2020.

Frank Just, Mayor

Tina Darrah, Town Clerk



MEMORANDUM

TO: Mayor and Board of Trustees
FROM: Mason Green, Assistant Town Administrator
RE: Resolution Approving Posting Places for Meeting Notices
DATE: January 2, 2020

This resolution establishes the designated places for posting of the agenda. This is the same as was approved for 2019.

Recommended Action:

Staff recommends approval of Resolution No. 1-2020. This will require a motion, a second and a voice vote.

“Where History Meets the High Country”

TOWN OF FAIRPLAY, COLORADO

RESOLUTION NO. 1

Series of 2020

A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO, ESTABLISHING A DESIGNATED PUBLIC PLACE FOR THE POSTING OF MEETING NOTICES AS REQUIRED BY THE COLORADO OPEN MEETINGS LAW.

WHEREAS, Section 24-6-402(2)c of the Colorado Revised Statutes, as amended, requires that the public place or places for posting public notices of the meetings of the local public body shall be designated annually at the local public body's first regular meeting of each calendar year.

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES FOR THE TOWN OF FAIRPLAY, COLORADO THAT:

Section 1: The designated public place for the posting of meeting notices as required by the Colorado Open Meetings Law, C.R.S. 24-6-402(2)c, shall be the Fairplay Office of the United States Postal Service located at 517 Hathaway Street, Fairplay, Colorado 80440, Town Hall located at 901 Main Street, Fairplay, Colorado 80440, Park County Library located at 401 Main Street, Fairplay, Colorado 80440 and on the Town of Fairplay's web site located at www.fairplayco.us The Town Clerk shall be responsible for posting the required notices no later than twenty-four (24 hours) prior to the holding of the meeting. All meeting notices shall include specific agenda information, where possible.

APPROVED AND ADOPTED THIS 6TH DAY OF JANUARY, 2020.

TOWN OF FAIRPLAY, COLORADO

(Seal)

Frank Just, Mayor

ATTEST:

Tina Darrah, Town Clerk

Chief of Police – **Marcus J. Woodward**
FAIRPLAY POLICE DEPARTMENT



January 06, 2020

To: Town of Fairplay Board of Trustees
From: Chief of Police, Marcus Woodward
Re: December 2019 Monthly Police Report

The Police Department ended 2019 very successfully. We implemented many new procedures, completed a large number of polices and fostered several new relationships with other law enforcement agencies as well as local businesses. Great job team!

It comes with great disappointment to the FPD and Town of Fairplay, Rick Chapel resigned his part-time position on December 31st. He will be missed and very hard to replace.

Chief Woodward and Town Attorney, Paul Wisor have been working on a Fairplay Police Department Policy regarding the "Red Flag Law" for two months, facing a completion deadline of January 01, 2020. A paper copy of The Fairplay Police Department's (Extreme Risk Protection Order) policy #345 is included as part of this police report to each Town Board member. This policy is written in compliance with the new 2020 state and federal legislative requirements. On December 30, 2019, a draft of this policy was submitted to Lexipol Policy organization, which the Town of Fairplay contracts with. The policy was returned with approval to publish to each officer in the police department.

Month of December 2019, the FPD responded to 148 total calls for service to include:

Records Management System requiring documented case reports: 39

- | | |
|------------------------------|---------------------------------------|
| 6 - Animal calls | 0 - Abandoned Vehicles |
| 1 - Assaults/Sex Assaults | 7 - Abandoned/Found/Lost Property |
| 2 - Arrest Warrants obtained | 2 - Bar Checks |
| 2 - Burglary/Fraud/Theft | 14 - Business Checks/Directed Patrols |



901 Main St ~ PO Box 267 Fairplay, CO 80440
P: 719-836-2840 F: 719-836-2849 Email: mwoodward@fairplayco.us

- 5 - Citizen assists
- 0 - Civil Paper Service
- 2 - Criminal Trespass
- 1 - Criminal Mischief
- 1 - Criminal Summons issued (County)
- 4 - Domestic Violence Arrest/Responses
- 0 - DUI's, REDDI Reports
- 3 - Emergency 911 calls
- 2 - Event duty assignments
- 0 - Fingerprints
- 1 - Homeless Persons Calls/Assists
- 1 - Juvenile Complaints/Investigations
- 2 - Medical Responses
- 0 - Missing Person Reports
- 2 - Other Outside Agency assists
- 12-Park County Sheriff Assists
- 1 - Runaway Reports
- 0 - School Safe to Tell calls
- 12-School Security Assignments
- 0 - Search Warrant Obtained
- 0 - Traffic Arrests
- 1 - Traffic Control Assignments
- 6 - VIN Inspections
- 1 - Violation of Protection Order/Arrests
- 1 - Welfare Checks
- 2 - Civil Keep the Peace Responses
- 1 - Child Abuse/Adult Abuse
- 4 - Colorado State Patrol Assists
- 7 - Code Violations
- 3 - Drugs/Drug Related
- 3 - Disorderly Conducts
- 1 - Department of Human Services calls
- 0 - Enhanced Court House Security
- 6 - Fire Alarms/ Intrusion Alarms
- 1 - Harassment
- 5 - Investigation Follow-ups
- 1 - Menacing/Arrests
- 4 - Mental/Suicidal calls
- 0 - Neighbor Disputes/complaints
- 0 - Panic Alarms
- 2 - Parking Complaints/Violations
- 1 - Sex Offender Registrations
- 0 - Structure, Land Fires/Car Fires
- 2 - Suspicious Persons
- 7 - Traffic Accidents
- 1 - Traffic Citations issued
- 1 - Verbal Traffic Warnings issued
- 0 - Vehicle Impound
- 4 - Witness/Suspect Interviews
- 0 - Warrant Arrests



FAIRPLAY POLICE DEPARTMENT
 901 Main St ~ PO Box 267 Fairplay, CO 80440
 P: 719-836-2840 F: 719-836-2849 Email: mwoodward@fairplayco.us

Extreme Risk Protection Orders

345.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving Extreme Risk Protection Orders (ERPO) and the disposition of firearms obtained pursuant to district or county court orders and also accounting for firearms and concealed carry permits obtained pursuant to those orders (CRS § 13-14.5-108).

An ERPO is a court order that temporarily prevents individuals who are at high risk of harming themselves or others, from possessing firearms. Family, household members, and law enforcement agencies may obtain an ERPO when there is evidence demonstrating that an individual (the "respondent" in a petition) poses a significant danger to themselves or others, including danger resulting from an unstable mental health crisis or violent behavior. An ERPO prohibits the respondent from possessing, acquiring, or otherwise controlling firearms, requiring the respondent to surrender any firearms and/or concealed weapons permits that they own or possess. An ERPO does not affect the ability of a law enforcement officer to remove a firearm or concealed carry permit from a person or conduct a search and seizure for any firearm pursuant to other lawful authority.

345.1.1 DEFINITIONS

Definitions related to this policy include:

Extreme risk protection order -

Either a temporary order (Temporary ERPO) or a continuing order (Continuing ERPO) collectively, an ERPO granted by a district or county court pursuant to C.R.S. 13-14.5-101 to 114. An ERPO is a civil restraining order prohibiting the named individual (respondent) from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms.

Temporary ERPO - a temporary civil restraining order issued by a court after a hearing held in person or by phone the day the petition is filed or the day immediately following the date of filing prohibiting the named individual (respondent) from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms. Notice is not required to be provided to the respondent.

Continuing ERPO - an order issued after a hearing occurring fourteen (14) days after issuance of a Temporary ERPO that is effective for a period of 364 days prohibiting the named individual (respondent) from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms. Notice of a hearing concerning the need for a Continuing ERPO is provided upon service of a Temporary ERPO.

Prohibited items - Firearms and concealed carry permits that are prohibited by an extreme risk protection order.

Antique/Relic Firearm - (A) Any firearm (including any firearm with matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured on or before 1898; or (B)

Fairplay Police Department

FPD Policy Manual

Extreme Risk Protection Orders

any replica of any firearm described in subparagraph (A) if such replica-(i) is not designed or redesigned for using rim-fire or conventional centerfire fixed ammunition, or (ii) uses rim-fire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or (C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.

Family/Household Member - As it relates to the respondent, a family or household member includes:

- A person related by blood, marriage or adoption to the respondent;
- A person who has a child in common with the respondent, regardless of whether such person has been married to the respondent or has lived together with the respondent at any time;
- A person who regularly resides or regularly resided with the respondent within the last 6 months;
- A domestic partner of the respondent;
- A person who has a biological or legal parent-child relationship with the respondent, including stepparents and stepchildren and grandparents and grandchildren;
- A person who is acting or has acted as the respondent's legal guardian; or
- A person in any other relationship described in C.R.S. § 18-6-800.3.

Firearm - any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable, or intended to be capable of discharging bullets, cartridges, or other explosive charges as described in C.R.S.18-1-901(3)(h).

Petitioner - the person who petitions for an ERPO pursuant to Article 14.5 of the Colorado Revised Statutes which includes the following individuals:

- A family or household member;
- Persons related by blood, marriage, or adoption;
- A person who has a child in common with the respondent;
- A person who regularly resides or regularly resided with the respondent within the previous six months;
- Domestic partner-spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time;
- A person who has a biological or legal parent-child relationship with the respondent, including stepparents, stepchildren, grandparents and grandchildren;
- A person who is acting or has acted as a legal guardian; or
- A law enforcement officer or agency.

Fairplay Police Department

FPD Policy Manual

Extreme Risk Protection Orders

Respondent - the person who is identified as the respondent in a petition filed pursuant to the Article 14.5 of the Colorado Revised Statutes.

Search Warrant - A corresponding warrant under C.R.C. 16-3-301.5 authorizing a search of an individual's residence or property where firearms are stored.

345.2 POLICY

It is the policy of the Fairplay Police Department to petition for and serve Extreme Risk Protection Orders in compliance with state law, and to properly account for prohibited items obtained by the department pursuant to such orders.

345.3 EXTREME RISK PROTECTION ORDER COORDINATOR

The Police Chief will appoint an extreme risk protection order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members. Procedures should include (CRS § 13-14.5-103; CRS § 13-14.5-104):
 1. For Temporary Extreme Risk Protection Orders, that a search warrant shall be sought concurrently with any petition.
 2. A process for handling notices received from non-law enforcement petitioners to determine whether department attendance at a hearing is appropriate.
 3. Involving agency counsel as required.
 4. Making required state court administrator forms available (CSR § 13-14.5-114).
- (b) Developing and maintaining factors to consider when assessing the need to seek an order, including:
 1. Whether threats have been made, and if so, whether the threats are credible and specific.
 2. Whether the potential victim is within close proximity.
 3. Whether the person has expressed suicidal tendencies.
 4. Whether the person has access to firearms.
 5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
 6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to self or others.
 7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
 8. Whether the person has any history of drug or alcohol abuse.

Extreme Risk Protection Orders

- (c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of CRS § 13-14.5-103 and CRS § 13-14.5-106. Procedures should include (CRS § 13-14.5-106):
 - 1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service and Operations Planning and Deconfliction policies).
 - (a) Additional time to allow for the proper and safe planning and execution of the court order may be requested, if needed.
 - 2. Forwarding orders, receipts, and other required notices to the police chief for recording in appropriate databases and required notice to the court, as applicable (CRS § 13-14.5-108).
 - 3. Developing a process for achieving timely service of orders.
- (d) Coordinating with the designated supervisor to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include, determining when a petition is appropriate, the process for seeking an order, and the service of such orders.
- (e) Reviewing each petition and any associated court documents for an order to ensure compliance with this policy, department procedures, and state law.
- (f) Developing and maintaining procedures for members to accept surrendered prohibited items at times other than when an order is being served by the department.
 - 1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.
- (g) Developing a process for receiving and reviewing notices from the court that a respondent of an Extreme Risk Protection Order has failed to make required filings and determining whether there is evidence that the respondent has failed to surrender any prohibited items (CRS § 13-14.5-108).

345.4 EXTREME RISK PROTECTION ORDERS

An officer who reasonably believes that an Extreme Risk Protection Order is appropriate should obtain approval from an appropriate supervisor or authorized designee prior to seeking an order.

345.4.1 STANDARDS

Extreme Risk Protection Orders may be appropriate if a person poses a significant risk of causing personal injury to him/herself or others by having a firearm in his/her custody or control (CRS § 13-14.5-104). If a person poses a significant risk of causing personal injury to him/herself or others in the near future by having a firearm in his/her custody or control, a Temporary Extreme Risk Protection Order may be appropriate (CRS § 13-14.5-103).

345.4.2 REQUIREMENTS OF PETITION

An application for an Extreme Risk Protection Order should be prepared, filed, and served consistent with state law and the procedures developed by the Extreme Risk Protection Order designee coordinator (CSR § 13-14.5-103; CSR § 13-14.5-104).

Extreme Risk Protection Orders

ERPO PETITIONS

A petitioner may file a petition for either a Temporary ERPO or Continuing ERPO in either a district or county court. A petition must include the following information:

- A statement indicating:
 - The respondent poses a significant risk of causing personal injury to self or others; and
 - Is in custody or control of a firearm(s); or can purchase, possess, or receive a firearm(s).
- A sworn affidavit that includes the following information:
 - A description of specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by respondent;
 - Identify the number, types, and locations of any firearms owned, possessed, or controlled by the respondent;
 - Whether or not the respondent is required to possess or carry a firearm as a condition of employment;
 - Identify any information concerning any existing protection orders (domestic violence, emergency protection orders, etc.); and
 - Identify any pending civil actions between the petitioner and respondent (dissolution of marriage, lawsuits, etc.).

PETITION PROCEDURES

Non-Law Enforcement Petitions

Non-law enforcement petitioners shall be directed to a Colorado district or county court in the jurisdiction in which the respondent resides for standard ERPO forms and petitions. The court will hold a hearing by phone or in-person the day the petition is filed or on the court day immediately following the day the petition is filed. The court will request that the petitioner give notice of the hearing to the Police Department. A district or county court must find by clear and convincing evidence that the respondent poses a significant risk of causing personal injury to self or others and has custody or control of a firearm or is able to purchase or receive a firearm. If a Temporary or Continuing ERPO is granted, a copy is provided to the police department.

Law Enforcement Petitions

If the petitioner is a law enforcement agency, **a concurrent search warrant for any weapons in custody or control of the respondent pursuant to C.R.S. § 16-3-301.5 must be submitted with the petition**. Upon filing the petition, the court will provide a notice of a hearing to the police department with sufficient time for service on the respondent. The court will hold a hearing within one day of filing the petition. A district or county court must find by clear and convincing evidence that the respondent poses a significant risk of causing personal injury to self or others and has custody or control of a firearm or is able to purchase or receive a firearm. A second hearing shall

Fairplay Police Department

FPD Policy Manual

Extreme Risk Protection Orders

be scheduled within 14 days after the issuance of a Temporary ERPO to determine if a Continuing ERPO is necessary. Service of the notice for the second hearing shall be served concurrently with the Temporary ERPO.

TEMPORARY ERPO CONTENT

A Temporary ERPO issued by either a district court or county court for service by the police department shall include the following information:

- A statement of the grounds asserted for the order;
- The date and time the order was issued;
- The date and time the order expires (14 days after the order is issued or the next hearing date, whichever occurs first);
- The address of the district or county court in which any responsive pleading should occur;
- The date and time of the hearing; and
- Requirements for the surrender of firearms.

ISSUANCE

On the same day of issuance, the court clerk shall enter the ERPO into a statewide information system and forward a copy of the ERPO to the Colorado Bureau of Investigation (to be entered into the National Instant Criminal Background Check System and any other Federal or State computer-based system) and the police department agency specified in the order.

Within three court days after issuance of an ERPO, the issuing court shall forward all identifying information the court has regarding the respondent, along with the date the order is issued, to the County Sheriff in the jurisdiction where the respondent resides. Upon receipt, the County Sheriff shall revoke any concealed permit held by the respondent.

345.4.3 NOTICE TO FAMILIES AND PERSONS AT RISK

Upon the issuance of an Extreme Risk Protection Order, officers should make a reasonable good-faith effort to provide notice to a family or household member of the person named in the order and to any other person who may be at direct risk of violence. Officers should also provide family or household members with referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources (CSR § 13-14.5-105).

Officers should document all efforts to provide notice and indicate whether or not the efforts were successful.

345.5 SERVICE OF ORDERS BY POLICE OFFICERS

Officers shall serve a copy of an Extreme Risk Protection Order, along with any accompanying notice of hearing and petition, as applicable, on the person named in the order as soon as practicable.

Extreme Risk Protection Orders

ERPOs are personally served upon the respondent by law enforcement. The police department shall concurrently serve a notice of a second hearing at the location where the respondent resides with a referral to domestic violence resources, behavioral health resources and counseling resources. The police department may not charge a fee for service of an ERPO.

Service of orders shall take precedence over the service of other orders, except for orders of a similar emergency nature (CRS § 13-14.5-103; CRS § 13-14.5-105; CRS § 13-14.5-106).

345.5.1 ADDITIONAL SERVICE REQUIREMENTS

If officers are not able to complete service within five days, they should make reasonable attempts to notify the petitioner and gather additional information of the respondent's potential whereabouts (CRS § 13-14.5-106).

A notice providing referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources should be provided to the person being served with a Temporary Extreme Risk Protection Order at the same time as service of the order (CRS § 13-14.5-103).

Returns of service must be made in accordance with applicable court rules. If the ERPO entered by the court states that the respondent appeared in person before the court, further service is waived and proof of service of the order is not necessary.

Within 48 hours after the issuance of an ERPO, a respondent subject to the order may either:

- File proofs of relinquishment or removal showing that all firearms previously in their custody, control or possession and any concealed carry permit were relinquished to or removed by law enforcement and attesting that the respondent does not currently have any firearms or a concealed carry permit in their possession, custody or control; or
- Attest to the court that respondent did not have any firearms in their custody, control or possession and does not have a concealed carry permit.

If two full court days have elapsed since the issuance of the ERPO and respondent has made neither filing referenced above, the clerk of the court shall inform the police department that the respondent has not filed the filing and attestation. After receiving such notification, the police department shall make a good faith effort to determine whether there is evidence that the respondent has failed to relinquish any firearm in their custody, control or possession of a concealed carry permit.

345.5.2 SAFETY CONSIDERATIONS

Officers should exercise reasonable caution and be aware that the respondent may be uncooperative and could present a danger to petitioners and the police department. An officer may also request additional time from the court to allow for the proper and safe planning and execution of the court order.

Upon receipt of an Extreme Risk Protection Order, the operations supervisor or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service of the protection order.

Fairplay Police Department

FPD Policy Manual

Extreme Risk Protection Orders

When appropriate, based on the circumstances and department procedures, service of an order should be executed pursuant to the department's policy.

Under no circumstances should fewer than two officers be present when an order is being served.

345.5.3 SURRENDER OF PROHIBITED ITEMS

Officers serving an Extreme Risk Protection Order should request that the named person immediately surrender all prohibited items as required by the order. Officers shall take custody of any items surrendered pursuant to the order.

A receipt identifying all surrendered items shall be prepared by the officers and a copy given to the person (CRS § 13-14.5-108). The officers should ensure the original receipt is included in the original case report and forwarded to the police chief as soon as practicable.

All items collected should be handled and booked in accordance with the Property and Evidence Policy.

345.5.4 SEARCH WARRANTS

Officers should consider whether a search warrant may be reasonably necessary prior to attempting service of an order.

Officers should also consider whether to seek a search warrant if the named person refuses to surrender any prohibited items or if an officer serving an Extreme Risk Protection Order reasonably believes there are prohibited items within the person's custody, control, or possession that have not been surrendered (CRS § 13-14.5-103; CRS § 16-3-301.5; CRS § 13-14.5-108).

Upon a sworn statement or testimony of the petitioner or the police department alleging there is probable cause to believe the respondent has failed to comply with the surrender of firearms or a concealed carry permit as required pursuant to a ERPO, a search warrant shall be issued if the court determines that probable cause exists to believe that the respondent has failed to comply with the ERPO.

Any person who has in their custody or control a firearm or purchases, possesses, or receives a firearm with knowledge that he or she is prohibited from doing so by an ERPO, is guilty of a class 2 misdemeanor pursuant to C.R.S. § 13-14.5-111.

345.6 RELEASE OF PROHIBITED ITEMS

Any person requesting the release of any prohibited items in department custody pursuant to an Extreme Risk Protection Order should be referred to the designated evidence custodian.

If an ERPO is terminated or expires without renewal, a law enforcement agency with custody of any surrendered firearm (or concealed carry permit) must return the firearm requested by a respondent within three days only after confirming, through a criminal history record check performed pursuant to C.R.S. § 24-33.5-424, that the respondent is currently eligible to own or possess a firearm under Federal and State law and after confirming with the court that the ERPO has terminated or expired without renewal.

Extreme Risk Protection Orders

Any firearm within custody of the police department that remains unclaimed by the lawful owner for at least one year from the date the Temporary or Continuing ERPO expired, whichever is later, shall be disposed of in accordance with the police department policies and procedures for disposal of firearms in police custody.

345.7 RENEWAL OF EXTREME RISK PROTECTION ORDER

The Chief of Police or designated supervisor is responsible for the review of any Extreme Risk Protection Order obtained by the department to determine if renewal or extension of the order should be requested within the time prescribed by law (CSR § 13-14.5-107).

345.8 SURRENDER OF FIREARMS

The law enforcement agency serving the ERPO for either a non-law enforcement or law enforcement petitioner, shall request that the respondent surrender all firearms in his or her custody, control, or possession and any concealed carry permit. The officer may conduct any search permitted pursuant to a search warrant. After the officer has custody of the firearms, the respondent may inform the officer of his or her preference for sale, transfer or storage of the firearms, as discussed below.

After the respondent surrenders all firearms and any concealed weapon permit within their possession to an officer, they may inform the officer of their preference for the following methods of surrendering the firearms:

- Selling or transferring possession of the firearm to a federally licensed firearms dealer described in 18 U.S.C. § 923:
 - The police department shall maintain custody of the firearms until they are sold or transferred;
 - This option requires a letter of authorization from the owner to transfer to a licensed firearms dealer authorizing the sale of the firearm;
 - The licensed firearm dealer must provide the police department with a receipt of the firearm;
 - Copies shall be provided to the court.
- Arranging for the storage of the firearm by a law enforcement agency; or
- Only for an antique firearm, or curio or relic, transfer possession to a relative who does not live with the respondent after confirming, through a criminal history record check that the relative is currently eligible to own or possess a firearm under federal and state law.

If the respondent indicates no preference concerning the disposition of their firearms, the police department will take custody of the firearm for storage.

If personal service by the police department is not possible, or not required because the respondent was present at the hearing, the respondent shall surrender the firearms and any concealed carry permit within 24 hours after the hearing at which the respondent was present.

Fairplay Police Department

FPD Policy Manual

Extreme Risk Protection Orders

At the time of surrender or taking custody of firearms, the officer taking possession of the firearms or concealed carry permit shall issue a copy of the receipt to the respondent. Within 72 hours after service of the ERPO, the officer serving the order shall file the original receipt with the court and shall ensure that the police department retains a copy of the receipt, or if the officer did not take custody of any firearms, shall file a statement to that effect with the court.

Once firearms are in the control and care of the police department, the firearms will be stored in a substantially similar condition that the firearm was in when it was surrendered. Officers shall comply with the department's policies for storage of firearms.

345.9 CLAIMS OF OWNERSHIP OF FIREARMS

If another individual claims title to any firearms surrendered or taken custody pursuant to an ERPO and the police department determines that they are the true owner, the firearm shall be returned to them if:

- The firearm is removed from the respondent's custody, control or possession and the lawful owner agrees to store the firearms in a manner so that the respondent does not have access to or control of the firearm; and
- The firearm is not otherwise unlawfully possessed by the lawful owner.