



Sixth Judicial District

Archuleta County
La Plata County
San Juan County

Jeffrey R. Wilson, Chief Judge

970.246.8160
970.247.2304
970.387.5790

October 10, 2017

Mr. Bentley Henderson
County Administrator for Archuleta County
PO Box 1507
Pagosa Springs, CO 81147

Mr. Todd Starr
County Attorney for Archuleta County
PO Box 1507
Pagosa Springs, CO 81147

Via e-mail and USPS

Dear Bentley and Todd:

As of October 10, 2017 at 4:00 PM, I have not received a response to the letter I sent the Archuleta County BOCC dated September 26, 2017, requesting the County find a suitable facility to use that will accommodate a clerk's office, probation office and courtroom. Eric Hogue, the District Administrator for the Sixth Judicial District, requested in an e-mail sent to Commissioner Maez and County Attorney Todd Starr on October 3, 2017, that the BOCC respond to my letter by 5:00 PM, Friday, October 6, 2017. Because we have not received a response, or any notice that the BOCC wishes for more time to respond, the Judicial Department will begin looking for suitable space immediately. If Archuleta County would like to participate in the selection of temporary court facilities, please contact Eric Hogue.

As you are aware, the Underfunded Courthouse Facility Commission provides some options for accessing grant funds for courthouse facilities. This year, grant applications must be submitted to the Underfunded Courthouse Facility Commission by October 13th. However, the commission holds funds for emergency situations that can be applied for at any time. While we do not yet have the final results of our testing of the Archuleta County Courthouse, if it is determined that the Court cannot safely return to the courthouse, it appears that the Archuleta County can apply for grant funds to help offset the unexpected costs it will incur.

Section 13-1-302(4), C.R.S., defines "imminent closure of a court facility" as a court facility

with health, life, or safety issues that impact court employees or other court users and that is designated for imminent closure by the state court administrator in consultation with the state's risk management system or other appropriate professionals. Health, life, or safety issues include air quality issues, water intrusion problems, temperature control issues, structural conditions that cannot reasonably be mitigated, fire hazards, electrical hazards, and utility problems. Certain health, life, or safety issues may require additional third-party evaluations such as an environmental or structural engineering review.

Section 13-1-304 (2), C.R.S., states that "Moneys from the fund that are distributed to counties pursuant to this part 3 may only be used for commissioning master planning services, matching funds or leveraging grant funding opportunities for construction or remodeling projects, or addressing emergency needs due to the imminent closure of a court facility. Moneys from the fund may not be allocated for the purchase of furniture, fixtures, or equipment or as the sole source of funding for new construction. Moneys from the fund may not be allocated as the sole source of funding for remodeling, unless the need for funding is associated with the imminent closure of a court facility."

Archuleta County has been a high priority county each year. This means Archuleta County is below the state median in population, per capita income, property tax revenues and above the state median in residents living below the federal poverty line. As you are aware, Archuleta County has received several Underfunded Facility grant awards in the past several years. Below is a summary of the grants:

- (a.) 2015: The County was awarded \$60,000 for master planning services that resulted in the County engaging a professional services firm to undertake initial master planning and concepts for constructing a new courthouse facility. The master planning services were completed in January 2016 and reimbursement was made to the County in March 2016 for \$60,000.
- (b.) 2017: The County was awarded \$200,000 to continue working with consulting and architect firms to continue developing site requirements and cost estimates for a new courthouse facility. All awards are made contingent on the applicant completing the project as it was applied for from the Commission. The Archuleta County application included specific site locations for the new facility. In April 2017, the possible location changed and the new construction was decided to be limited to just the detention facility and law enforcement administration. As of October 1, 2017, the County has not undertaken any work in accordance with the contract for the grant and has not sought any reimbursement.

Although the Underfunded Facilities Commission is an independent Commission and I cannot advise you how the Commission will make determinations regarding the fund, I have outlined options for the County to consider below given our new circumstances:

1. The County may submit a revised application to the Commission requesting that the \$200,000 be utilized for additional master planning services associated with a new courthouse facility beyond what was included in the original 2017 application.
2. If a determination of imminent closure is made in accordance with Section 13-1-302,

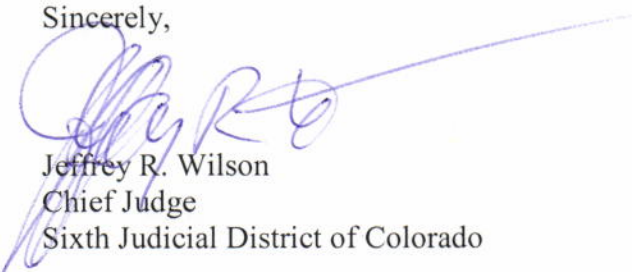
C.R.S., the County may submit a revised application requesting that the grant award be used for addressing emergency needs associated with the imminent closure designation. This modification does not require any matching funds from the County. The application must specifically identify the needs to be addressed. Payments made under this grant award will be made on a reimbursement basis requiring sufficient documentation. These funds may be used to pay for temporary space and relocation costs incurred by the County associated with closure of the courthouse. These funds shall only be used to reimburse judicial-related expenditures paid by the County.

3. If a determination of imminent closure is made in accordance with Section 13-1-302, C.R.S., the County may submit an application for addressing emergency needs associated with the imminent closure designation from the 2018 appropriated funds. This application does not require any matching funds from the County. The application must specifically identify the needs to be addressed. Payments made under this grant award will be made on a reimbursement basis requiring sufficient documentation. These funds may be used to pay for temporary space and relocation costs incurred by the County associated with closure of the courthouse. These funds shall only be used to reimburse judicial-related expenditures paid by the County.

The Underfunded Courthouse Facility Commission is scheduled to meet on December 15, 2017, however, the Commission has the ability to review and vote on applications in an expedited manner without the need for in-person meeting if so requested.

On behalf of the 6th Judicial District, I reiterate our commitment to find suitable facilities where we are able to safely serve the citizens of Archuleta County in collaboration with the County.

Sincerely,



Jeffrey R. Wilson
Chief Judge
Sixth Judicial District of Colorado