



BOARD OF COUNTY COMMISSIONERS MEETING

April 21, 2026

8:30am - 12:00pm

Delta County Administration Building - 560 Dodge Street

Delta, CO 81416

8:30 AM

PLEDGE OF ALLEGIANCE

CONSIDERATION OF ADDITIONS, REMOVAL, OR CHANGE IN ANY ITEMS ON THIS AGENDA

APPROVAL OF AGENDA

CONSTITUENT TIME: This is the time for members of the public to present issues of concern or interest to the Board. All issues requiring further research will be forwarded to the appropriate staff for response at a later time. No decisions are made by the BoCC during constituent time.

COUNTY CLERK - TERI STEPHENSON

1. Board's consideration of the minutes for the April 7, 2026 BoCC Regular Meeting
2. Board's consideration of the minutes for the April 9, 2026 BoCC Special Meeting

COMMISSIONER BUSINESS

1. Board's consideration and possible award of the Final Bid Tally for 2026-RFP-03 Comprehensive Gravel Pit and Permitting Services
2. Board's consideration and possible award of Final Bid Tally for 2026-RFP-15 Culvert Pipe
3. Board's consideration and possible award of Final Bid Tally for 2026-RFP-16 Magnesium Chloride
4. Board's consideration and possible award of Final Bid Tally for 2026-RFP-17 Asphalt and Emulsions
5. Board's consideration and possible award of Final Bid Tally for 2026-RFP-18 Road Paint (Yellow)
6. Board's consideration and possible award of Final Bid Tally for 2026-RFP-19 Gasoline and Diesel Fuel
7. Board's consideration of the reappointment of David Hurr to serve on the Paonia Cemetery Board
8. Board's consideration of the reappointment of Don Emmons to serve as President of the Paonia Cemetery Board
9. Board's consideration of Acceptance of the Colorado Department of Local Affairs (DOLA) Civic Solutions Hub Grant CSH 26-009 Delta County Supervisory Training Program and Board Support for the AI Enhanced Supervisory Excellence Program
10. Ratify Warrants
11. Lindsay Mitchell review of BoCC schedule

INFORMATION

1. Jail Report
2. Road and Bridge Report

9:00 AM

UPDATE FROM GRAND MESA UNCOMPAHGRE AND GUNNISON USFS SUPERVISOR CHAD STEWART

9:30 AM

PUBLIC HEARING REGARDING BATTERY ENERGY STORAGE SYSTEMS

- 1. Board's consideration of a Resolution continuing a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications for the Establishment of any Battery Energy Storage Systems
- 10:00 AM HUMAN SERVICES - ANNE GALLEGOS
- 1. Financials and Department Updates
 - 2. Board's Consideration of Memorandum of Understanding between the State of Colorado Department of Early Childhood and the Board of County Commissioners
- 10:30 AM COUNTY ATTORNEY - JOHN BAIER
- 1. EXECUTIVE SESSION:
Advice of Counsel: §24-6-402(4)(b), C.R.S
 .
 Discussion and advice regarding a possible real estate purchase

 Discussion and advice regarding Use Specific Standards provisions of the Land Use Code (Chapter 2, Section 4.A).
- 11:00 AM ADJOURN

The next Board of County Commissioner Meeting is Tuesday, May 5, 2026

CERTIFICATION OF POSTING

On Wednesday, April 15, 2026 at 2:00 PM, Teri Stephenson did post the above AGENDA as public notice of the 04/21/2026 meeting. The official notice is placed on the front entrance of the Delta County Courthouse located at 501 Palmer, Delta, Colorado.

1 **DELTA COUNTY COMMISSIONERS REGULAR MEETING**
2 **APRIL 7, 2026**
3

4 Commissioner Mike Lane, Commissioner Craig Fuller, and Commissioner Wendell Koontz met in the
5 Commissioners Room in the Administrative Building for their regularly scheduled meeting. Also present
6 were County Administrator Robbie LeValley, Public Information Officer Lindsay Mitchell, County Attorney
7 John Baier and Clerk and Recorder Teri A. Stephenson.
8

9 Verbatim Audio is available of these proceedings at the Delta County Clerk and Recorder's Office for 6
10 months from the above date. All documents incorporated in these minutes by reference are also available
11 for review at the Delta County Clerk and Recorder's Office.
12

13 Chairman Lane convened the Meeting of the Board of Delta County Commissioners for Tuesday, April 7,
14 2026 at 8:30 A.M. The Pledge of Allegiance was recited.
15

16 **AGENDA:**

17 Additions to the agenda:

- 18 • None

19 Chairman Lane approved the agenda as presented.
20

21 **CONSTITUENT TIME:**

22 Charles Cherek, 5607 2000 Road, Delta:

23 Charles said going back a couple weeks he had asked if any body had an idea of how much money we
24 have generated in taxes from the solar farm in place and running. He cannot seem to get an answer from
25 anyone and everyone he asks does not know. We were told when it was put together that it was going to
26 generate over 15 years about \$13 million dollars in tax revenue, create 350 jobs and reduce electric bill.
27 Charles cannot seem to get his arms around this. He knows it has not reduced our electric bill, it has
28 gone up 20%, 18% they say.
29

30 Charles is trying to follow this because as you know we have another solar project coming up and we
31 seem to be kowtowing to the people involved. He is curious if somebody could get their arms around it
32 and direct him to the right direction to someone that has those numbers.
33

34 Chairman Lane said he would get back to him. He added that the taxes might be computed on a
35 quarterly basis and not out yet, he does not know, but he will check into it for him. Charles said he
36 appreciates his help.
37

38 Commissioner Koontz stated that it never said that it was going to reduce the electric rates, it said that it
39 would help stabilize and minimize future increases. He remembers very surely and he is that last one
40 that would be said to be kowtowing to the renewable energy. Charles said he would send him a copy of
41 what he was reading from. Commissioner Koontz said that the 350 jobs were the temporary construction
42 jobs and they do have four people employed full time as care takers. Charles said he was aware of that
43 part. Commissioner Koontz added that there were never 350 full time employees. Charles stated that is
44 what it said here and he is trying to get everyone up to speed. Commissioner Koontz wanted it on the
45 record.
46

47 **COUNTY CLERK – TERI STEPHENSON:**

48 **Board's consideration of the minutes for the March 17, 2026 BoCC Regular Meeting accepted as**
49 **presented.**
50

51 **Board's consideration of the minutes for the March 31, 2026 BoCC Special Meeting accepted as**
52 **presented.**
53

54 **Board's consideration of a Special Events Permit for NFRIA-WSERC Conservation Center dba**
55 **Western Slope Conservation Center with the event to be located at 759 Shady Lane, Paonia, CO**
56 **on May 30, 2026 from 4:00 PM to 9:00 PM:**

57 Teri said that this is an annual event and she has received all necessary documentation, notices have
58 been posted and fees received. The Sheriff has been notified and he has no issues with this permit
59 therefore she is recommending that the Board approve this special event permit. Commissioner Koontz
60 said that the portion on the application question four regarding permission for the use of the premises
61 they did not answer that. Teri said that they own the property.
62

63 Commissioner Koontz made a motion that the Board approve the Special Events Permit for NFRIA-
64 WSERC Conservation Center dba Western Slope Conservation Center with the event to be located at
65 759 Shady Lane, Paonia, CO on May 30, 2026 from 4:00 PM to 9:00 PM. Commissioner Fuller seconded
66 the motion.
67

68 **Motion carried** by a vote of 3 to 0.
69

70 **Board's consideration of a liquor license renewal for a Hotel and Restaurant for Kyles Grill and**
71 **Bar located at 2323 South Grand Mesa Drive, Cedaredge, CO:**

72 Teri stated that she has receive all necessary documentation, notices have been published, and fees
73 have been received. The Sheriff has no issue with this renewal therefore she is recommending the
74 renewal of this liquor license.

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS 17th DAY MARCH, 2026

Commissioner Fuller made a motion that the Board approve the liquor license renewal for the Hotel and Restaurant for Kyles Grill and Bar located at 2323 South Grand Mesa Drive, Cedaredge. Commissioner Koontz seconded the motion.

Motion carried by a vote of 3 to 0.

COMMISSIONERS BUSINESS:

Board’s consideration of a Proclamation declaring April 6 – 12 Public Health Week:

Public Health Director Jacque Davis was present along with Public Health staff.

Jacque said that she appreciates all of their hard work for what Public Health does for the community from Environmental Health, the WIC Program, Nursing and EPR that response to emergencies. They have a wonderful staff that spends a lot of the week providing services to not only folks in our county, but across the Western Slope ensuring health care and services.

Jacque introduces the following staff:

- Shirley Tatto, Emergency Response and Preparedness
- April Houk, WIC Director
- Robin Mills, Nurse Family Practitioner
- Naza Gonzalez, Front Office
- Leah Rawson, Clinic Nurse Manager

Jacque explained that the Environmental Health staff is doing Retail Food Establishments (RFE) as well as presentations about bugs and vectors to preschoolers today. Public Health this week is called Ready, Set, Action showing the action they take in their communities. They will be in the communities this week talking to preschoolers, talking to the community about STI’s, contraception, they are having a walk Thursday morning at 11:00 AM at Confluence Park ending Public Health week. They will have a Measle, Mumps, Rubella (MMR) Clinic on Friday at the Clinic.

Commissioner Fuller read the following Proclamation into the record:

[Prepared proclamation]

Delta County Proclamation for Public Health Week, April 6 – 12, 2026

WHEREAS, the public health system strengthens Colorado’s health, safety, environment, economy, and resilience by bringing together everyone who has a role to play in stopping health threats before they start, protecting clean air, pure water, and safe neighborhoods, and preventing injury, disease, and illness; and

WHEREAS, building on the field’s many decades of experience, public health departments are changing to meet the needs of the 21st century and using science and data with partners to recognize patterns and problems, ensure food and water safety, strengthen immunization systems and policies, and track, quickly respond to, and prevent outbreaks of infectious diseases; and

WHEREAS, public health agencies work closely with emergency management, fire, EMS, health care partners, schools, businesses, and local governments to prepare for and respond to wildfires, floods, tornadoes, chemical exposures, and extreme heat and cold; and

WHEREAS, public health professionals promote wellness and partner with communities to address mental health, substance abuse, physical activity, nutrition, and access to healthy food, and the root causes of chronic illnesses such as cancer, heart disease, and stroke, chronic lower respiratory disease, and diabetes; and

WHEREAS, the Delta County Public Health agency serves as a critical line of defense in responding to public health emergencies, working every day, often behind the scenes, to ensure safe food, control disease outbreaks, reduce chronic disease, promote and support healthy families and communities; and

Whereas, Delta County Public Health collaborates with healthcare providers, schools, emergency services and community organizations to address complex challenges to improve outcomes for residents; and

WHEREAS, the 2026 theme of National Public Health Week is *Ready. Set. Action!*, recognizing how public health has improved our daily lives, safeguarded our air and water, expanded our life spans, and strengthened our communities, and we honor the public health workers who show up for us every day to advocate for policies and practices that promote good health for all communities, including the 10 employees at Delta County Public Health agency, 2,430 employees at Colorado’s 56 local public health agencies, 1,746 employees at the Colorado Department of Public Health & Environment, and our many community partners;

THEREFORE, we, do hereby proclaim April 6 – 12, 2026, as **PUBLIC HEALTH WEEK** in Delta County this 7th day of April, 2026.

[End of prepared proclamation]

Ronnie Arrington regarding Special Olympics for Delta County on May 1, 2026 - Postponed

1 **Board's consideration of a Resolution Concerning Adoption of the Revised Delta County**
2 **Standards and Policy for Road Naming and Addressing to Unincorporated Areas:**

3 GIS Director Carrie Derco was present.
4

5 Carrie said she presented this a year ago and since then she has made a few edits and improvements.
6 Commissioner Koontz asked Carrie what has changed. Carrie stated that the content has stayed the
7 same, but she has added a table of contents, some formatting changes to the outline, spacing and font,
8 adding the numbered lines to the left to help reference to specific area in the document, title to the header
9 and corrected a few typos. Commissioner Koontz asked if there were any policy changes that would
10 affect people getting an address change or is mainly formatting. Carrie said there is no change to the
11 process.
12

13 Chairman Lane clarified that people can submit a name of a road for her review. Carrie stated that the
14 standards for road naming are in the guidelines in Appendix D. She said that anytime someone submits
15 a road name they ask for them to review the guideline before submitting and then they review it to make
16 sure it follows all the guidelines and see if there is a similar road name in a neighboring county/town that it
17 might conflict with and run it past stakeholders like dispatch and Kris for input. Commissioner Koontz
18 asked how often she receives applications to change road names. Carrie said rarely to never. She said
19 mostly road name changes happen when they identify an area of conflict where there are duplicate roads
20 in the same postal address, otherwise it is naming new roads, driveways that have continued
21 development.
22

23 Commissioner Koontz made a motion that the Board approve Resolution No. 2026-R-03 a Resolution
24 Concerning Adoption of the Revised Delta County Standards and Policy for Road Naming and
25 Addressing to Unincorporated Areas. Commissioner Fuller seconded the motion.
26

27 **Motion carried** by a vote of 3 to 0.
28

29 **Board's consideration and possible award of Final Bid Tally for 2026-RFP-02 Purchase and**
30 **Programming of Public Safety Radios:**

31 Emergency Preparedness Coordinator Kris Stewart was present.
32

33 Kris explained that this is a continuation of the Office of eHealth and Innovation Grant that we got for the
34 Hospital Distributed Antenna System that the Board awarded the contract for on March 31, 2026. The
35 grant when applied for was a total of \$570,800.00. The whole purpose of the grant was to enhance
36 communication inoperability for health care. The biggest component of that was the hospital and
37 improving cell and radio communication within the hospital. Another project is to add Starlink internet to
38 EMS units in the county so EMS has connectivity to the hospital and providers wherever they are in
39 dispatch where ever they are in the county through satellite internet in the Ambulance. The third project
40 is to bring Cedaredge and Delta Fire Departments up to a modern radio system because they are both
41 primarily using VHF which is analog radios for their daily communications. Whereas, the Sheriff's office,
42 all law enforcement, EMS and other three Fire Departments all use the State DTR system which is digital
43 radio. This creates chaos on scenes when Cedaredge and Delta are on one system and everyone else is
44 on another system and they cannot talk to each other. As they are enhancing the capability of radios with
45 the hospital, they want to make sure the two closest fire departments responding to the hospital can talk
46 with all their partners which is Delta and Cedaredge. They have earmarked a significant portion of the
47 grant to go towards purchasing radios for those two fire departments.
48

49 Kris said that they put out the Request for Proposal 2026-RFP-02 and asked for three different line items
50 with the intent that they could individually award them or they could award it to all one vendor. They
51 asked for:

- 52 • Line 1 a single band 800 MHZ which is the radio that will go to the line fire fighters
- 53 • Line 2 is a dual band VHF and 800 MHZ radio; to purchase 19 radios; 2 will go to each of the fire
54 departments, EMS agency, Emergency Management, ER at the hospital, Public Health so if there
55 is an incident all leadership of each of these entities has an identical radio with identical
56 programing to avoid any communication issues between the agencies
- 57 • Line 3 there is a base station for paging out those two fire departments in the back room of the
58 Sheriff's department in the radio room that is over 15 years old, more like 20 years old that is
59 failing and last year when they did the power shut offs it did not come back up and the fire
60 departments lost all communications with dispatch for a couple days because that went down and
61 because that is at its end of life, they want to use this grant to upgrade.
62

63 Kris stated that these are the three-line items. He reviewed the bid tally explaining that they received bids
64 from four vendors across the state. Quoting a mixture of BK Technologies, Tait, Kenwood and Motorola
65 Solutions. Kris met with Cedaredge and Delta Fire last week and based on knowledge and their
66 experience with the radios that were quoted and experiences with neighboring fire departments, they
67 would like to go with the Kenwood VP8000 which only one vendor quoted and it is the vendor they want
68 to deal with, Two-Way Communications out of Grand Junction. They are the closest available retailer and
69 have had great experience working with them at the county and the fire departments. It is his
70 recommendation to award all three-line items to Two-Way Communications. The bid tally sheet they
71 submitted is based on the set quantity of radios, but looking at the available budget with the grant and
72 they are able to add some additional features that they wanted on the radios so the cost has changed
73 from what is quoted on the bid tally.
74

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1 Kris reviewed the changes:

- 2 • Line 1 – Purchase 36 radios for the fire fighters and will be divided in half with each fire district
- 3 receiving 18 radios
- 4 • Line 2 – 19 radios that go to command
- 5 • Line 3 – as quoted for the paging system

6
7 Kris said that they have also chose to add with the Kenwood radios is the ability to program them over
8 Wi- fi in the station which is huge so the programmer does not have to touch each radio they can dock
9 and program over wi-fi. Some instant recall recordings, so missed transmissions can be repeated and fire
10 safe technology that locks the radio so it cannot be inadvertently be turned off or the channel be switched.
11 He said the total is \$241,658.50 and he would like to award the bid in that amount. Kris added that they
12 set aside \$42,000.00 for the hospital project as a contingency fund and if the money is not needed for the
13 hospital that emergency management be able to work with Two-Way Communications to put towards an
14 additional 10 radios.

15
16 Commissioner Fuller said that he sees that Kris has the four vendors listed with the programing cost of
17 \$150.00 per unit, \$100.00 per radio, \$125.00 per radio and a lump sum on Two-Way Communications
18 does that include all the radios? Kris stated that the \$955.00 on line 1 was for the 24 radios that they had
19 asked for in that line item. Then they clarified that any additional radio over 24 is \$25.00 per radio. Kris
20 said there will be an additional \$300.00 for those radios and on page 3 of the bid tally the \$805.00 plus
21 \$25.00 will be the programing cost for the dual band radios.

22
23 Commissioner Koontz said that line 1 the radios for Cedaredge and Delta instead of 24 you are getting
24 36. Kris said that is correct, the per unit cost with the additional features brings it to \$4,025.76 per radio.
25 Commissioner Koontz asked for the total for the 36 radios. Kris said \$144,927.40.

26
27 Commissioner Koontz asked what line 2 for the 19 radios for command. Kris stated that per radio is
28 \$4,675.58 for a total of \$88,836.10. He added that line 3 will stay the same as quoted at \$4,511.00.
29 Commissioner Koontz clarified that the total would be \$241,658.50 and is all covered by the grant
30 funding. Kris said yes. Commissioner Koontz said this will be compatible with all the other radios that are
31 in service. He stated that he is aware that Kris has been very frustrated with the radio systems. Kris said
32 they could have a whole meeting on just the radio system. He explained that instead of trying to mix
33 systems, they all agree that they want the same model, the same programing and with Two-Way
34 Communications being in Grand Junction and wi-fi programing if there was an urgent change and if all
35 radios were docked, he could program them remotely. Commissioner Koontz asked what the life cycle of
36 these radios. Kris stated that they are running radios that are 20 years old so he thinks at least 10 to 15
37 years.

38
39 Commissioner Koontz said that Kris has spent a lot of time on this and it will clean up a lot of
40 communication issues that they have been having. Kris stated that the grant was a huge plus for
41 infrastructure upgrades between the hospital and fire departments and is much needed stuff. If they did
42 not have the grant funding there would be no way they would have \$241,000.00 to invest in radio
43 communications.

44
45 Commissioner Koontz made a motion that the Board approve Two-Way Communications in the amount of
46 \$241,658.50 for 2026-RFP-02 for the Purchase and Programing of Public Safety Radios. Commissioner
47 Fuller seconded the motion.

48
49 Discussion:
50 Kris said he would keep the Board updated on the contingency funds for the hospital or if they can invest
51 that in some other radios.

52
53 **Motion carried** by a vote of 3 to 0.

54
55 **SERVICE AWARD RECOGNITION:**

56 The Board recognized the following:

- 57 • Carrie Derco – GIS 10 Years
- 58 • Mike Gibson – District #3 25 Years
- 59 • Lori Cressler – Human Services 30 Years

60
61 **Board’s consideration and possible award of Final Bid Tally for 2026-RFP-10 Police Department**
62 **Building Remodel:**

63 Commissioner Fuller said that this is the building across that street that was purchased last March with
64 the intention of putting probation department in that building and we are now at the point where the state
65 has become involved and sent their state architect and taken the floor plan of what they would like to see
66 happen to meet their needs for now and into the future. They took that plan and Grant Writer Matt
67 Jennings was able to secure some funding through the Under Funded Courthouse Cash Fund which is an
68 80/20 match. It was projected in the \$400,000.00 to the \$420,000.00 range and the bids received were
69 more and some were slightly under.

70
71 Commissioner Fuller stated that there was a mandatory walk through and they received two bids for the
72 Board to consider. KR Construction Group Inc. out of Colorado Springs and North Peak Construction out
73 of Grand Junction who did the jail remodel and other projects over the years. He said that the numbers
74 are about double from one to another and they are recommending that they award the bid to Bidder #1

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1 KR Construction Group out of Colorado Springs. Chairman Lane asked what the total of their bid was.
2 Commissioner Fuller said that asked them to split it out with proposing a new HVAC system the grand
3 total was \$357,594.23 and for Bidder #2 North Peak Inc. was \$712,232.00 with both having an
4 anticipated staging timeframe of about two weeks once awarded the bid. Commissioner Koontz added
5 that both would be completing in August. Commissioner Fuller said this has been bumped a week or two
6 since the awarding of the bid is a little later but, would keep it being completed in the third quarter being
7 able to tie up any loose ends by the end of the calendar year to meet the timeframe of the grant. He
8 explained that this is a reimbursable grant so Delta County will be submitting invoices to the state after
9 they are paid to the contractor. Commissioner Koontz added that it is an 80/20 grant so if the Board went
10 with Bidder #1 our share would be about \$71,518.00. Commissioner Fuller said give or take, yes. He
11 said that we set aside about \$80,000.00 in this years budget knowing this was coming up.

12
13 Commissioner Fuller said that Matt does all the work. They are so good at what they do, they go look for
14 the funds.

15
16 Commissioner Koontz made a motion that the Board accept Bidder #1 for 2026-RFP-10 KR Construction
17 Group of Colorado Springs for the old Delta City Police Department in the amount of \$357,594.23 with
18 special recognition to Mr. Matt Jennings for his hard work in getting this pulled together. Commissioner
19 Fuller seconded the motion.

20
21 **Motion carried** by a vote of 3 to 0.

22
23 **Ratification of the Board’s signatures on the Resolution of Participating Colorado Counties**
24 **Supporting Participating in the Evaluation of a Regional Nuclear Life Cycle Innovation Campus:**

25 Commissioner Koontz said that this Nuclear Life Cycle Innovation Campus is part of a regional
26 Department of Energy look at where they might put a new campus to do the research and development
27 for workforce, supply chain, fuel cycle and infrastructure systems. He stated that both Club 20 and
28 Association of Governments Northern Colorado support this. This has been in the works for about two
29 years. Delta County has been a part of those groups and been supportive of this and this is only the first
30 submittal and does not obligate Delta County to any financial or other requirements. It shows support for
31 this kind of innovation campus.

32
33 Commissioner Fuller stated that they appreciate Commissioner Koontz taking the lead on this. He said
34 that he has been involve just a little bit and has heard bits and pieces and is in agreement with the ideas
35 and as we move forward to meet the electrical demands that are coming down on us and this is part of
36 the equation.

37
38 Commissioner Fuller made a motion that the Board ratify the signatures on the Resolution of Participating
39 Colorado Counties Supporting Participating in the Evaluation of a Regional Nuclear Life Cycle Innovation
40 Campus. Commissioner Koontz seconded the motion.

41
42 **Motion carried** by a vote of 3 to 0.

43
44 **Board’s consideration of the Resolution Designating a Project Director and Approving the Grant**
45 **Agreement for North Fork Airport Pavement Maintenance. The Resolution authorizes the**
46 **Chairman to sign the Agreement via DocuSign:**

47 County Engineer Tim McCracken was present.

48
49 Tim explained that this is a state grant with state bonds in the amount of \$630,000.00 with a local match
50 of \$70,000.00 for a total of \$700,000.00. This is for the pavement maintenance at the North Fork Valley
51 Airport. Part of the local match will be the Town of Paonia being responsible for 75% and Delta County
52 for 25%. The grant will expire June 20, 2029. This is currently in the design stage and the anticipated
53 construction will probably be in 2027 or 2028.

54
55 Chairman Lane asked if Paonia was aware of their share. Tim said he believed so. Robbie said yes.

56
57 Commissioner Koontz said this project has been in the works for multiple years. Tim stated with
58 discussions with CDOT they were talking about doing the pavement maintenance to extend the life of the
59 current pavement and then do a major rehab several years down the road, this project is to extend the life
60 of what is there. Commissioner Koontz added that the county’s share is \$17,500.00 with the 75/25 split
61 and this has been budgeted. Robbie said that it is budgeted.

62
63 Commissioner Koontz made a motion that the Board approve and authorize the Chair to sign a
64 Resolution Designating a Project Director and Approving the Grant Agreement for North Fork Airport
65 Pavement Maintenance Project the Resolution 2026-R-04 and authorize the Chair to sign. Commissioner
66 Fuller seconded the motion.

67
68 Discussion:

69 Tim explained that Chairman Lane has the county resolution in front of him to sign, but should be
70 receiving several documents via DocuSign in an email. There will be an Exhibit B which will need his
71 signature and an Award Letter in need of his signature. Robbie thanked Tim for his diligence on this for
72 the past couple years.

73
74 **Motion carried** by a vote of 3 to 0.

75

Board's consideration of the Letter of Agreement regarding the National Forest Payments in accordance with the Secure Schools and Community Self Determination Act:

Robbie said that approximately a month ago Delta County and County Treasurer Lisa Tafoya were notified that U.S. Congress would be providing additional funds for dollars through Secure Rural Schools and this letter of agreement was put into place and the Board awarded the funds to Road and Bridge and to the Delta Schools. The first payment there was not enough dollars to allocate for the Title III. The Title III uses are specified in the original act for community wildfire protection plan or for reimbursement for county emergency response services.

Robbie stated that Lisa Tafoya and her worked and when the actual dollars were secured in the county accounts then Lisa drafted this amendment to the original agreement then allocating the additional funds to the county contingency and the Title III in the amount of \$29,895.69. This is for the Chair to sign and once the Chair signs she will work with Superintendent Caryn Gibson to also sign.

Commissioner Fuller made a motion that the Board enter into the Letter of Agreement with the National Forest Payments Funding in the amount \$29,895.69 and authorize the Chair to sign. Commissioner Koontz seconded the motion.

Motion carried by a vote of 3 to 0.

Board's consideration of the appointment of Russell Coover from District 2 to the Planning Commission:

Commissioner Fuller said that Mr. Gardner received an application from Mr. Coover and his desire to sit on the Planning Commission a few weeks ago. He visited with Mr. Coover who is qualified and will be a good addition to the Planning Commission. Commissioner Fuller stated that he has 30 years' experience in construction background, was in law enforcement for 13 years on the front range and was in La Plata County for five years, has been in Delta County for five years and most recently was a former employee at the fairgrounds. He has known Russell for several years and believes he will be a terrific asset to the Planning Commission with a level head and thinks things through carefully not making rash decisions. Commissioner Koontz asked what the term was. Shawn said three years.

Commissioner Fuller recommended the Board approve the appointment of Russell Coover to the Planning Commission for District 2. Commissioner Koontz seconded the motion.

Discussion:

Robbie clarified that Russell is retired from Delta County is no longer a county employee. Chairman Lane thanked Russell for volunteering for this board because finding volunteers for these boards can be kind of a trick sometimes.

Motion carried by a vote of 3 to 0.

Lindsay Mitchell Review of BoCC Schedule

INFORMATION:

Jail Report

Chairman Lane reported that the inmate count was 23 male and 4 female inmates and 0 male DOC and 0 female DOC for a grand total of 27. The Average Daily Inmate Population for the week of March 16, 2026 through March 23, 2026 was 34.94.

Chairman Lane reported that the inmate count was 27 male and 4 female inmates and 0 male DOC and 1 female DOC for a grand total of 32. The Average Daily Inmate Population for the week of March 23, 2026 through March 30, 2026 was 38.41.

Road and Bridge Report

PUBLIC HEARING NATURAL MEDICINE:

Board's consideration of continuing temporary moratorium on applications, establishment or operation of Natural Medicine Businesses, Facilities and Healing Centers:

Planning Director Shawn Gardner was present.

Shawn said that this was for an extension for the moratorium for Natural Medicine Business. He said the draft of the amendments for the Land Use Code is fairly well prepared for public review, but there are other revisions and amendments that need to be put into the Land Use Code so those are being bundled and near completion and close to the time to go through public review. Shawn stated that they need an extension of time to allow for the process to be completed. Chairman Lane clarified that the previous moratorium has just about lapsed or has. Shaw said it lapsed on April 1, 2026. Commissioner Fuller asked what amount of time are they looking on this? John said making it six would make sense.

The Public Hearing Opened at 9:37 AM
No one had comments online or in the room.

The Public Hearing Closed at 9:37 AM

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1 Commissioner Koontz made a motion that the Board approve Resolution No. 2026-R-05 a Temporary
2 Moratorium on Submission, Acceptance, Processing, Approval of Applications for the Establishment of
3 any Business that Cultivates, Processes or Dispenses Natural Medicines in the Establishment of any
4 Business, Occupation or Operation of Healing Centers for a six-month period or until rescinded and the
5 six months would run through October 7, 2026. Commissioner Fuller seconded the motion.
6

7 **Motion carried** by a vote of 3 to 0.
8

9 **ADJOURNMENT:**

10 As there was no further business to come before the Meeting of the Board of Delta County
11 Commissioners for Tuesday, April 7, 2026, Chairman adjourned the meeting at 10:03 A.M
12

13 Approved this 21st day of April, 2026.
14
15
16

17
18 _____
19 Mike Lane, Chairman
20 Board of County Commissioners
21

22 _____
23 Teri A. Stephenson
24 Clerk to the Board
25
26

1 **DELTA COUNTY COMMISSIONERS SPECIAL MEETING**
2 **APRIL 9, 2026**

3
4 Commissioner Mike Lane, Commissioner Craig Fuller, and Commissioner Wendell Koontz met in the
5 Commissioners Room in the Administrative Building for their regularly scheduled meeting. Also present
6 were County Administrator Robbie LeValley, County Attorney John Baier, Tourism and Marketing
7 Coordinator Amy Perkins and Clerk and Recorder Teri A. Stephenson.
8

9 Verbatim Audio is available of these proceedings at the Delta County Clerk and Recorder's Office for 6
10 months from the above date. All documents incorporated in these minutes by reference are also available
11 for review at the Delta County Clerk and Recorder's Office.
12

13 Chairman Lane convened the Meeting of the Board of Delta County Commissioners for Thursday, April 9,
14 2026 at 9:30 A.M. The Pledge of Allegiance was recited.
15

16 **AGENDA:**

17 Additions to the agenda:

- 18 • None

19 Chairman Lane approved the agenda as presented.
20

21 **CONSTITUENT TIME:**

- 22 • None
23

24 **COUNTY ATTORNEY – JOHN BAIER:**

25 **EXECUTIVE SESSION:**

26
27 Purchase of Real Property Interest: §24-6-402(4)(a) C.R.S.

28 Advice of Counsel: §24-6-402(4)(b), C.R.S.
29

30 Discussion and advice regarding a possible real estate purchase
31

32 **Executive Session:**

33 County Attorney John Baier requested that the Board go into Executive Session pursuant to §24-6-
34 402(4)(a) C.R.S. Purchase of Real Property and §24-6-402(4)(b), C.R.S. Advice of Counsel, discussion
35 and advice regarding a possible real estate purchase. He reminded the Board and everyone present
36 that the discussion is limited to the applicable topic and there will be no recording.
37

38 **EXECUTIVE SESSION – ADVICE FROM COUNSEL:**

39 Commissioner Koontz made a motion that the Board go into Executive Session pursuant to §24-6-
40 402(4)(a) C.R.S. Purchase of Real Property and §24-6-402(4)(b), C.R.S. Advice of Counsel, discussion
41 and advice regarding a possible real estate purchase and that the Board will adjourn after the executive
42 session. Those present will be the three Commissioners, County Attorney John Baier, and County and
43 Clerk to the Board Teri A. Stephenson. Commissioner Fuller seconded the motion.
44

45 *Note: Amy Perkins left the room when the Executive Session began.*
46

46 **Motion carried** by a vote of 3 to 0.
47

48 Executive session began: 9:33 AM
49

50 Executive session ended: 9:57 AM
51

52 **ADJOURNMENT:**

53 As there was no further business to come before the Meeting of the Board of Delta County
54 Commissioners for Thursday, April 9, 2026, Chairman Lane adjourned the meeting at 9:57 A.M.
55

56 Approved this 21st day of April, 2026.
57
58
59

60 _____
61 Mike Lane, Chairman
62 Board of County Commissioners
63
64

65 _____
66 Teri A. Stephenson
Clerk to the Board

April 21, 2026

March 2026 Payments:

Delta Board of County Commissioners ratifies warrants from General Fund, Road & Bridge Fund, Energy Development Fund, Fairgrounds Fund, Lodging Tax-Tourism Fund, Enterprise Fund, E911 Fund, Economic Development Fund, Contingency Fund, Grants Fund, Capital Improvements Fund, Employee Benefit Trust Fund, Conservation Trust Fund, PILT Fund, Safety Improvement Fund, Booking Fees Fund, Inmate Fund and expenditures paid by warrant numbers 157005 *through* 157178 *and* ACH Transaction 1446-1494 *from* March 1, 2026 *through* March 31, 2026 totaling \$673,925.84 in Accounts Payable and \$1,938,422.09 in monthly County, Human Services and Health Department March 2026 Payroll for items budgeted and approved per Delta County Policy.

Mike Lane
Chairman
Delta Board of County Commissioners

Date



SHERIFF MARK L. TAYLOR

Undersheriff Quinn Archibeque

DeltaCounty.com/Sheriff

Monday, April 06, 2026

*Delta County Detention Facility
Population Count Report*

Description	Total
Male Inmates (County Jail)	26
Female Inmates (County Jail)	5
Transgender Inmates (County Jail)	0
Male Inmates Department of Corrections (DOC)	1
Female Inmates Department of Corrections (DOC)	0
Transgender Inmates Department of Corrections (DOC)	0
Total	32

**Average Daily Inmate Population for the week of:
03/30/26 through 04/06/26 was 40.85.**

"Serving with Pride"

Fwd: Weekly Report

2 messages

Robbie LeValley <rlevalley@deltacountyco.gov>
To: Teri Stephenson <tstephenson@deltacountyco.gov>

Thu, Apr 9, 2026 at 5:00 PM

----- Forwarded message -----

From: **John Allen** <jallen@deltacountyco.gov>

Date: Thu, Apr 9, 2026 at 4:57 PM

Subject: Weekly Report

To: Robbie LeValley <rlevalley@deltacountyco.gov>, Wendell Koontz <wkoontz@deltacountyco.gov>, Craig Fuller <cfuller@deltacountyco.gov>, Mike Lane <mlane@deltacountyco.gov>, Scott Scheetz <scotts@deltacountyco.gov>, Mark McMillan <mmcmillan@deltacountyco.gov>, Greg Mewhinney <gmewhinney@deltacountyco.gov>

This week District 3 finished our culvert installations and transitioned to graveling in the Crawford and Paonia areas.

John Allen

Foreman, Road & Bridge Dist. III

970-872-3254 | M: 970-234-2964

[35677 Back River Road](https://www.deltacountyco.gov) | [Hotchkiss, Colorado 81419](https://www.hotchkiss.com) |
[deltacountyco.gov](https://www.deltacountyco.gov) | [facebook.com/deltacountyco](https://www.facebook.com/deltacountyco)



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--

Robbie LeValley

County Administrator

O: 970-874-2102 | M: 970-250-5701 | F: 970-874-2114

[560 Dodge Street](https://www.deltacountyco.gov) | [Delta, CO 81416](https://www.deltacountyco.gov)

rlevalley@deltacountyco.gov | [facebook.com/deltacountyco](https://www.facebook.com/deltacountyco)



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Robbie LeValley <rlevalley@deltacountyco.gov>
To: Teri Stephenson <tstephenson@deltacountyco.gov>

Thu, Apr 9, 2026 at 6:07 PM

----- Forwarded message -----

From: **Mark McMillan** <mmcmillan@deltacountyco.gov>

Date: Thu, Apr 9, 2026 at 6:06 PM

Subject: Re: Weekly Report

To: John Allen <jallen@deltacountyco.gov>

Cc: Robbie LeValley <rlevalley@deltacountyco.gov>, Wendell Koontz <wkoontz@deltacountyco.gov>, Craig Fuller <cfuller@deltacountyco.gov>, Mike Lane <mlane@deltacountyco.gov>, Scott Scheetz <scotts@deltacountyco.gov>, Greg Mewhinney <gmewhinney@deltacountyco.gov>

This week in Dist 1 Road and Bridge we replaced a culvert on Grd, replaced two driveway culvert and cleaned the bar ditch. Also cleaned a tail ditch and culvert on Fairview rd.

Mark McMillan

Foreman District 1, Road & Bridge Dist. I

970-874-2133

[18830 G Road | Delta, Colorado 81416 |](#)

[deltacountyco.gov](#) | [facebook.com/deltacountyco](#)



On Thu, Apr 9, 2026, 4:57 PM John Allen <jallen@deltacountyco.gov> wrote:

This week District 3 finished our culvert installations and transitioned to graveling in the Crawford and Paonia areas.

John Allen

Foreman, Road & Bridge Dist. III

970-872-3254 | M: 970-234-2964

[35677 Back River Road | Hotchkiss, Colorado 81419 |](#)

[deltacountyco.gov](#) | [facebook.com/deltacountyco](#)



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--
Robbie LeValley

County Administrator

O: 970-874-2102 | M: 970-250-5701 | F: 970-874-2114

560 Dodge Street | Delta, CO 81416

rivalley@deltacountyco.gov | facebook.com/deltacountyco



[Quoted text hidden]

RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

RESOLUTION NO. 2026-R-_____

**A RESOLUTION CONTINUING A TEMPORARY MORATORIUM ON DELTA
COUNTY'S PROCESSING OF APPLICATIONS FOR BATTERY ENERGY STORAGE
SYSTEMS IN ALL UNINCORPORATED PORTIONS OF DELTA COUNTY
PENDING CONSIDERATION OF AMENDMENTS TO THE
DELTA COUNTY ZONING REGULATIONS**

WHEREAS, the development of battery energy storage systems (BESS) is a rapidly developing and evolving industry across Colorado and particularly in unincorporated areas with substantial open agricultural land;

WHEREAS, the use of agricultural and other large tracts of land for BESS has a significant impact on the health, safety and welfare of the citizens of Delta County (the "County") in a number of ways, including without limitation loss of land for traditional agricultural uses, increased noise and traffic, reduced, fragmented, or degraded habitat for wildlife, fish, and plants, noxious weeds and other disturbances, and potential impacts on air, water, soil, floodplains, water, storm water, drainage and erosion control, and commitment to agricultural production;

WHEREAS, in its role administrating the County transportation system, the County is concerned about the potential increased impacts due to increased wear and tear on roads from heavy truck traffic used to install and maintain BESS resulting in greater need for road and bridge improvements and maintenance;

WHEREAS, the Local Government Land Use Control Enabling Act, C.R.S. § 29-20-101 seq., provides the County with the broad authority to plan for and regulate the use of land in order to provide for orderly development while balancing the health, safety and welfare of its citizens;

WHEREAS, the Local Government Land Use Control Enabling Act authorizes local governments within their respective jurisdictions to plan for and regulate the use of land by, among other actions, regulating development and activities in hazardous areas; protecting land from activities that would cause immediate or foreseeable material danger to significant wildlife habitat; regulating the use of land on the basis of the impact thereof on the community or surrounding areas; and otherwise planning for and regulating the use of land so as to provide for the planned and orderly use of land;

WHEREAS, the Board believes it has the responsibility to its residents to plan for and regulate the use of land for the purposes laid out in the Local Government Land Use Control Enabling Act as well as those purposes specified in other applicable state and federal statutes and common law grants of authority, and to promote the health, safety and general welfare of its residents;

WHEREAS, the Board, pursuant to its land use authority, has from time to time adopted planning, zoning and other regulations governing land use in the unincorporated portions of the County;

WHEREAS, the County currently has no zoning regulations specifically regulating BESS;

WHEREAS, the County needs a reasonable period of time to consider regulating BESS in an orderly manner to protect the public's health, safety and welfare;

WHEREAS, the Board estimates that the time needed to perform the appropriate study and to determine appropriate BESS regulations is approximately six (6) months;

WHEREAS, if applications requesting review and approval of BESS are submitted prior to the County having adequate time to conduct the appropriate studies and adopt appropriate regulations, the Board believes irreparable harm will be done to the public health, safety and welfare;

WHEREAS, the U.S. Supreme Court and the Colorado Supreme Court recognize that in the field of land use regulation, temporary moratoria of reasonable duration are often employed to preserve the status quo in a particular area while developing a long-term plan for development;

WHEREAS, in countering the incentive of property owners to develop their property quickly to avoid the consequences of an impending land use plan for the jurisdiction, moratoria are a crucial tool for local governments and, therefore, pursuant to express and implied authority granted by the Colorado Revised Statutes and multiple Colorado and federal legal decisions upholding temporary moratoria on land use applications while amendments are considered, the Board has the legal authority to adopt a temporary moratorium in this situation;

WHEREAS, in light of the foregoing recitals and findings, after a duly noticed public meeting held on October 21, 2025, the Board adopted a temporary moratorium to protect the public health, safety, and welfare, and to avoid development which, during the County's planning and land use regulation amendment process, which was memorialized in **Resolution 2025-R-43 and Recorded at Reception No. 763733**.

WHEREAS, on April 21, 2026, the Board held an additional public hearing to consider continuing the moratorium temporarily prohibiting accepting, processing, or approving any applications for uses of land that involve the development of BESS.

NOW BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DELTA COUNTY, COLORADO:

1. This temporary moratorium currently established on October 21, 2025 shall continue. The County shall not accept, process, or approve any applications for uses of land that involve the development of BESS.

2. This continued temporary moratorium shall remain in place until **October 21, 2026**, unless terminated or extended by further action of the Board.

3. County staff is hereby directed to work with the Delta County Planning Commission to analyze and develop regulations addressing BESS sufficient to protect the public health, safety and welfare.

Now, therefore, be it RESOLVED by the Board of County Commissioners of Delta County, Colorado, as follows:

ADOPTED this 21st day of April 2026.

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

ATTEST:

Teri A. Stephenson
Delta County Clerk and Recorder

[SEAL]

By: _____
Mike Lane, Chair

Craig Fuller, Vice Chair

Wendell Koontz, Commissioner

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
1273							
1273	AC PUBLIC RECORDS, LLC	6201	INV# 6201	03/30/2026	396.00	396.00	03/31/2026
Total 1273:					396.00	396.00	
3516							
3516	ALL COPY PRODUCTS, INC. - D	41385856 030226	41385856 COPIERS	03/02/2026	911.75	911.75	03/26/2026
Total 3516:					911.75	911.75	
3306							
3306	CASA OF THE 7TH JUDICIAL DI	COCASA14606	COCASA14606	02/28/2026	1,189.65	1,189.65	03/20/2026
Total 3306:					1,189.65	1,189.65	
301							
301	COLORADO CORRECTIONAL IN	0211455	SALES ORDER #0211455	03/30/2026	472.23	472.23	03/31/2026
Total 301:					472.23	472.23	
4431							
4431	DELTA COUNTY	6229 / DT 2354 & 2	6229 / DT 2406	02/28/2026	130.00	130.00	03/20/2026
4431	DELTA COUNTY	0871 / USI26-01850	CHILD SUPORT ADS	03/24/2026	283.51	283.51	03/25/2026
Total 4431:					413.51	413.51	
248							
248	DELTA COUNTY ATTORNEY'S O	2026 MARCH	2026 MARCH	03/16/2026	18,750.67	18,750.67	03/20/2026
Total 248:					18,750.67	18,750.67	
278							
278	DELTA COUNTY COMMISSIONE	BUILDING & GROU	TANF BUILDING AND MAINTEN	03/16/2026	8,667.33	8,667.33	03/20/2026
278	DELTA COUNTY COMMISSIONE	ADMINISTRATION	MARCH 2026 ADMINISTRATION	03/16/2026	1,667.00	1,667.00	03/20/2026
278	DELTA COUNTY COMMISSIONE	MARCH 2026 IT	MARCH 2026 INFORMATION SY	03/16/2026	5,833.33	5,833.33	03/20/2026
Total 278:					16,167.66	16,167.66	
252							
252	DELTA COUNTY SCHOOL DIST	BACKPACKPGM02	BACKPACK PGM CONTRACT 20	03/04/2026	50,000.00	50,000.00	03/04/2026
252	DELTA COUNTY SCHOOL DIST	MOU 2025-26 MAR	TANF SCHOOL DISTRICT MOU	03/01/2026	16,721.27	16,721.27	03/20/2026
Total 252:					66,721.27	66,721.27	
148							
148	DELTA COUNTY SHERIFF	26-0129	SERVICE OF PROCESS	03/05/2026	35.00	35.00	03/12/2026
148	DELTA COUNTY SHERIFF	26-0126	SERVICE OF PROCESS	03/06/2026	46.20	46.20	03/12/2026
148	DELTA COUNTY SHERIFF	26-0116	SERVICE OF PROCESS	03/06/2026	5.60	5.60	03/12/2026
Total 148:					86.80	86.80	
2381							
2381	HILLTOP COMMUNITY RESOUR	PSSF JANUARY 20	PSSF JANUARY 2026	03/10/2026	11,621.13	11,621.13	03/20/2026
Total 2381:					11,621.13	11,621.13	
4001							
4001	IDEMIA IDENTITY & SECURITY,	651018	651018	03/09/2026	115.00	115.00	03/20/2026

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
Total 4001:					115.00	115.00	
789							
789	LA PLATA COUNTY SHERIFF	C26-0118	SERVICE OF PROCESS	03/12/2026	63.90	63.90	03/20/2026
Total 789:					63.90	63.90	
4308							
4308	LANGUAGE LINE SERVICES	11867902 NB	ELIGIBILITY FEB TRANSLATION	02/28/2026	5.74	5.74	03/20/2026
Total 4308:					5.74	5.74	
4271							
4271	PARKLAND USA CORP	171541CT	171541CT	02/28/2026	643.90	643.90	03/05/2026
Total 4271:					643.90	643.90	
4493							
4493	PIERCE-BOOM, KELLY	TRVL032426	TRAVEL REIMBURSEMENT	03/24/2026	70.03	70.03	03/25/2026
Total 4493:					70.03	70.03	
4536							
4536	ROSALES, BERNICE	TRVL032426	TRAVEL REIMBURSEMENT	03/24/2026	37.89	37.89	03/25/2026
Total 4536:					37.89	37.89	
3490							
3490	THOMSON-REUTERS - WEST	853276686	LOCATOR SERVICES	03/01/2026	646.04	646.04	03/25/2026
Total 3490:					646.04	646.04	
644							
644	VERIZON WIRELESS	VERIZON 6136768	CELLPHONES	03/01/2026	721.24	721.24	03/09/2026
Total 644:					721.24	721.24	
1637							
1637	VITAL RECORDS CONTROL	VRC 6112035	RECORD DESTRUCTION	02/28/2026	195.73	195.73	03/30/2026
Total 1637:					195.73	195.73	
Grand Totals:					119,230.14	119,230.14	

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid
--------	-------------	----------------	-------------	--------------	--------------------	-------------	-----------

Dated: _____

Commissioners: _____

Director: _____

2026 HUMAN SERVICES BUDGET										
	Admin Personnel & Operating	Contract Expenditures	Client Direct & County Portion of EBT	RMS Common Support	RMS TANF	RMS CHILD CARE	RMS Child Welfare	RMS Adult Protection	RMS OAP	2026 TOTALS
	4,342,902	375,661	1,349,437	(1,061,470)	159,221	74,303	711,185	74,303	42,459	6,068,000
January-26	451,417	14,154	205,992	(79,285)	18,033	5,059	47,947	3,806	4,441	671,563
February-26	346,632	1,589	111,256	(73,317)	13,953	3,630	48,132	3,914	3,688	459,477
March-26										-
April-26										-
May-26										-
June-26										-
July-26										-
August-26										-
September-26										-
October-26										-
November-26										-
December-26										-
YTD TOTAL	798,049	15,744	317,248	(152,602)	31,986	8,689	96,078	7,719	8,130	1,131,040
BUDGET BALANCE REMAINING	3,544,853	359,917	1,032,189	(908,868)	127,235	65,614	615,107	66,583	34,329	4,936,960
Percentage Expended	18.38%	4.19%	23.51%	14.38%	20.09%	11.69%	13.51%	10.39%	19.15%	18.64%
<i>Should be at 16.7% through FEBRUARY 2026</i>										
LEGEND:										
RMS = Random Moment Sampling			EBT = Electronic Benefit Transmittal (Benefits)							
TANF = Temporary Aid for Need Families aka Colorado Works			OAP = Old Age Pension (60+)							

2026 EBT BENEFITS by Month													2026
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	YTD Totals
Administration - Regular	2,409	2,597											5,006
Aid to the Needy Disabled (AND) 80/20	5,584	3,766											9,350
Child Care (CCCAP)	16,161	13,572											29,733
Colorado Works (TANF) 80/20	8,157	8,618											16,775
Core Services 80/20	63,291	64,870											128,161
Child Welfare 80/20	226,062	243,493											469,555
Subsidized Adoption/Relative Care* (10%)	74,238	74,238											148,476
Home Care Allowance 80/20	0	0											0
Low Energy Assistance Program (LEAP)	23,076	224,931											248,006
Old Age Pension (OAP) 80/20	19,129	25,162											44,291
SNAP (Food Stamps)	554,107	549,012											1,103,119
TOTAL	992,215	1,210,258	0	0	0	0	0	0	0	0	0	0	2,202,473

COUNTY PORTION OF BENEFITS													
County paid percent of total	20.76%	9.19%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	14.40%

2025 EBT BENEFITS by Month													2025
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	YTD Totals
Administration - Regular	3,181	4,570	27,290	5,330	4,222	3,928	3,975	4,331	3,489	3,557	3,021	2,912	69,807
Aid to the Needy Disabled (AND) 80/20	5,679	7,227	5,799	5,282	7,247	6,677	4,665	4,678	4,584	4,254	4,326	4,484	64,902
Child Care (CCCAP)	16,695	15,816	17,919	21,667	22,737	16,496	16,220	19,647	14,823	19,122	15,780	14,548	211,469
Colorado Works (TANF) 80/20	19,550	16,446	12,490	12,300	12,394	11,017	11,751	10,542	8,813	10,900	13,086	9,223	148,511
Core Services 80/20	73,705	71,340	83,222	80,393	80,451	66,084	51,127	74,429	64,481	84,289	63,466	58,037	851,024
Child Welfare 80/20	356,919	347,643	312,929	339,482	287,278	287,341	271,018	277,104	267,424	231,353	237,565	216,831	3,432,887
Subsidized Adoption/Relative Care* (10%)	73,736	72,896	65,468	77,150	71,240	71,499	69,193	78,434	77,244	74,089	74,548	72,043	877,540
Home Care Allowance 80/20	0	0	0	0	0	0	0	0	0	0	0	0	0
Low Energy Assistance Program (LEAP)	36,920	270,976	31,960	15,075	8,321	248,706	(1)	(2,081)	(200)	(652)	128,952	62,508	800,484
Old Age Pension (OAP) 80/20	18,859	15,100	11,639	14,135	14,520	49,892	15,620	13,623	12,745	14,499	15,391	12,984	209,006
SNAP (Food Stamps)	532,779	442,249	574,634	574,773	611,582	586,581	568,750	560,562	569,137	573,437	570,712	568,153	6,733,350
TOTAL	1,138,021	1,264,263	1,143,350	1,145,587	1,119,993	1,348,221	1,012,318	1,041,270	1,022,537	1,014,849	1,126,847	1,021,723	13,398,980

COUNTY PORTION OF BENEFITS													
County paid percent of total	5.28%	3.83%	9.01%	7.30%	6.65%	5.41%	6.53%	8.23%	9.97%	6.94%	6.60%	5.58%	6.51%

*This provider care is not deducted from state allocation. County pays 10% of expenditure amount.

Benefits Paid - 100% Federal or State funded	TOTAL 2026 YTD / 2025 TOTAL	16.44%
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LEGEND:
TANF = Temporary Aid for Needy Families aka Colorado Works
OAP = Old Age Pension (60+)
EBT = Electronic Benefit Transmittal
AND = Aid to the Needy Disabled (18-59)
SNAP = Supplemental Nutrition Assistance Program, aka Food Stamps
CCCAP = Colorado Child Care Assistance Program
LEAP = Low Income Energy Assistance Program



DELTA COUNTY HUMAN SERVICES

Board of Human Services

Meeting Agenda

April 21st, 2026

Action/Review Items:

- Approve Financials: Review/Approve/Sign
- CCCAP MOU

1. Financials – Nicole Bennett

2. Self Sufficiency Programs – Lori Cressler

Colorado Child Care Assistance Program (CCCAP):

- The current CCCAP MOU expires June 30th, 2026. The state will extend the current term to June 30, 2027. Attached is the amendment extending the CCCAP MOU date for the BOCC review and signature.

CHILD CARE	This Month (Mar 26)	Last Month (Feb 26)	Last Year (Mar 25)
# of Providers Paid	14	14	18
# of Providers w/ Fiscal Agrmts	25	25	33
# of Children	44	43	62
# of Cases	31	30	40
Child Care Payroll	\$25,476	\$24,139	\$31,678

Colorado Works:

COLORADO WORKS	This Month (Mar 26)	Last Month (Feb 26)	Last Year (Mar 25)
Workforce Caseload (<i>Individuals</i>)	**	9	18
Work Participation Rate (WPR)	***	0%	0%
Benefits Issued	\$9,163	\$10,631	\$14,601

**State reporting not available

***WPR for March 2026 will be on next month's report.

Eligibility Determination Unit:

- The Eligibility Unit continues to have vacancies for four (4) eligibility technician positions. Interviews are being held with hopes of finding quality candidates. The Self Sufficiency Unit is also still down one (1) TANF/CCCAP case manager.
- Staff are preparing for the HR1 federal updates to programming. There are changes expected to happen in the next month, months to follow, and next year. These new requirements will require the state to implement changes into the Colorado Benefits Management System (CBMS). The hope is that counties will have enough time in implementation in order to ensure timeliness for compliance.

ELIGIBILITY UNIT	This Month (Mar 26)	Last Month (Feb 26)	Last Year (Mar 25)
SNAP Caseload	1,801	1,831	1,937
SNAP \$\$\$ Issued	\$533,268	\$549,012	\$574,634
Medical Assistance Caseload	4,102	4,132	4,602

General Assistance:

- Year to date expenditures for the General Assistance Fund = \$1,204.17
- Requests for March 2026:

GA	This Month (Mar 26)	Last Month (Feb 26)	Last Year (Mar 25)
# Requests	3	3	9
# Granted	1	1	2
\$ Housing	\$0	\$0	\$0
\$ Utilities	\$206.38	\$265.00	\$336.83
\$ Food	\$0	\$0	\$0
\$ Transport.	\$0	\$0	\$0
\$ Medication	\$0	\$0	\$0
\$ Dental	\$0	\$0	\$0
\$ Medical	\$0	\$0	\$0
\$ Other	\$0	\$0	\$0
\$ Burial	\$0	\$0	\$0
Total	\$206.38	\$265.00	\$336.83

3. Child Support Services Unit (CSS):

- Collections for March 2026:

CHILD SUPPORT SERVICES	This Month (Mar 26)	Last Month (Feb 26)	Last Year (Mar 25)
IRS tax intercept:	\$59,807.49	\$2,702.75	\$45,423.50
UCB intercept:	\$1,467.75	\$688.04	\$1,047.51
Worker’s Comp Attachment:	\$558.19	\$485.46	\$357.07
FIDM:	\$0.00	\$0.00	\$1,272.48
Other Methods:	\$5,520.53	\$56,707.28	\$51,678.84
Prepay:	\$112.00	\$328.00	\$86.66
State tax intercept:	\$41,949.22	\$21,675.49	\$37,472.74
Wage Withholding:	\$105,190.13	\$93,102.85	\$93,771.46
Department of Corrections:	\$55.91	\$65.39	\$203.85
Other States:	\$16,004.10	\$13,804.98	\$15,714.04
CSLNPI:	\$0.00	\$176.30	\$0.00
Adjustments and Reapplies:	\$0.00	(\$9,399.58)	(\$109.50)
Return Payment Recovery:	\$0.00	\$0.00	\$0.00
Lottery:	\$0.00	\$0.00	\$0.00
Total:	\$280,665.32	\$180,336.96	\$246,918.65

4. Adult and Family Services – Anne Gallegos

Child Welfare

- The unit is gearing up for Child Abuse Prevention Month. The internal committee has been working endless hours to ensure the fair is a success. We have changed locations for this year in order to attract more families. We will be providing an award this year to a local community organization or individual. The “Dare to Care” award will be selected on their outstanding work for children in our community.

	This Month (Mar 26)	Last Month (Feb 26)	Last Year (Mar 25)
# Referrals	81	68	82
# Children Assessed	64	38	61
# Total Children Being Served	86	89	111
# Children in OOH Placement	72	73	79
# OOH Placements	7	7	7
QRTP/RCCF/PRTF/GH			
# Children in Adoptive Homes	10	9	5

Adult Protection

- The Adult Protective Services unit continues to work hard to provide necessary services to at-risk adults in our community. They have seen a steady number of referrals and cases. As the population of at-risk adults in Delta County continues to rise we anticipate an increase in need for services.

	This Month (Mar 26)	Last Month (Feb 26)	Last Year (Mar 25)
# Referrals	28	32	30
# On-going Cases	18	16	33
# Guardianships	2	2	2
# Closed Cases	9	2	0
# New Cases Opened	7	6	8

Next Board Meeting: Tuesday, May 19th, 2026 Commissioner Meeting Room, 560 Dodge Street, Delta, Colorado 81416.

DELTA COUNTY SOCIAL SERVICES
 FUND SUMMARY
 FOR THE 2 MONTHS ENDING FEBRUARY 28, 2026

	PERIOD ACTUA	YTD ACTUAL	BUDGET	VARIANCE	PCNT
<u>REVENUES</u>					
COMMON SUPPORT	87,793.30	197,526.19	1,181,922.00	984,395.81	16.7
COLORADO WORKS - TANF	35,112.07	93,885.06	397,814.00	303,928.94	23.6
DAYCARE - CHATS	7,622.91	16,700.15	146,311.00	129,610.85	11.4
CHILD WELFARE	126,400.67	309,496.77	3,363,734.00	3,054,237.23	9.2
CORE SERVICES	(618.86)	(237.62)	63,811.00	64,048.62	(.4)
CHILD SUPPORT - IVD	34,677.93	70,435.57	.00	(70,435.57)	.0
AID TO THE NEEDY DISABLED	374.65	(3,100.85)	.00	3,100.85	.0
OLD AGE PENSION	3,608.43	8,079.56	42,459.00	34,379.44	19.0
LOW ENERGY ASSISTANCE-LEAP	1,774.56	3,724.17	16,135.00	12,410.83	23.1
PARENTAL FEE	4,478.43	4,525.47	12,000.00	7,474.53	37.7
COUNTY ONLY	215,077.03	236,626.36	1,099,256.00	862,629.64	21.5
PROGRAM CONTINGENCY	18,012.32	29,108.26	225,000.00	195,891.74	12.9
INCENTIVES	1,458.47	7,828.02	95,000.00	87,171.98	8.2
FOOD STAMPS	(340.00)	17.41	.00	(17.41)	.0
ADULT PROTECTION	14,148.40	41,005.92	197,040.00	156,034.08	20.8
TOTAL REVENUE	549,580.31	1,015,620.44	6,840,482.00	5,824,861.56	14.9
<u>EXPENDITURES</u>					
COMMON SUPPORT	106,592.86	242,815.37	1,388,812.00	1,145,996.63	17.5
COLORADO WORKS-TANF	43,649.43	111,097.73	400,426.00	289,328.27	27.7
DAYCARE-CHATS	17,150.74	35,734.68	262,418.00	226,683.32	13.6
CHILD WELFARE	198,366.19	550,557.18	2,847,227.00	2,296,669.82	19.3
CORE SERVICES	8,249.02	16,315.64	142,267.00	125,951.36	11.5
CHILD SUPPORT - IVD	52,679.65	98,747.68	560,269.00	461,521.32	17.6
AID TO THE NEEDY DISABLED	508.77	1,093.60	15,000.00	13,906.40	7.3
OLD AGE PENSION	3,688.43	8,129.56	42,459.00	34,329.44	19.2
LOW ENERGY ASSISTANCE-LEAP	1,774.56	3,724.17	16,319.00	12,594.83	22.8
PARENTAL FEES - CHILD WELFARE	4,478.43	4,525.47	12,000.00	7,474.53	37.7
GENERAL ASSISTANCE	565.00	997.79	25,000.00	24,002.21	4.0
COUNTY ONLY	4,087.83	6,043.19	25,300.00	19,256.81	23.9
ADULT PROTECTION SERVICES	17,686.08	51,257.98	330,506.00	279,248.02	15.5
TOTAL EXPENDITURES	459,476.99	1,131,040.04	6,068,003.00	4,936,962.96	18.6
NET REVENUE OVER EXPENDITURES	90,103.32	(115,419.60)	772,479.00	887,898.60	(14.9)



MEMORANDUM OF UNDERSTANDING

The State of Colorado Department of Early Childhood and the Board of County Commissioners or other elected governing body of _____ County, Colorado.

This Memorandum of Understanding (MOU) is made on this 1st day of July 2022 between the State of Colorado Department of Early Childhood (CDEC) and the Board of the County Commissioners or other elected governing body of _____ County (the “County”).

CDEC is the sole state agency with the responsibility to administer or supervise the administration of the Colorado Child Care Assistance Program as outlined in CRS §§ 26.5-1-106 and CRS §§ 26.5-4-104.

The Colorado General Assembly enacted Senate Bill 97-120 in response to the passage of the federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996” thereby adopting the Colorado Child Care Assistance Program (“Child Care Program”); referred to as the “Program” for the purposes of this MOU.

CRS §§ 26.5-4-115 requires CDEC, and each County, either acting singly or as a group of Counties, to enter into an annual performance contract that includes but is not limited to, requirements and provisions that address each party’s duties and responsibilities to work in a collaborative manner to administer, financially support, and implement the Child Care Assistance Program using fair and objective criteria.

CDEC and the County understand and agree that the services and assistance outlined in this MOU are subject to available appropriations by the General Assembly, and the County. Neither party will be obligated to provide services or assistance if adequate appropriations have not been made.

The following terms are agreed to by CDEC and the County:

1. MOU MEETS PERFORMANCE CONTRACT REQUIREMENT

The parties agree that the provisions of this MOU constitute compliance with CRS §§ 26.5-4-115.

2. TERM

The term of this MOU will be from July 1, 2022, through June 30, 2025. This MOU shall be reaffirmed annually through an amendment that shall be signed by all applicable parties.

3. REQUIRED DUTIES OF THE COUNTY

- a. The County will administer and implement the Child Care Program using fair and

objective criteria, and in compliance with Federal law, State Statute, and applicable program regulations in 9 CCR 2503-8, 9 CCR 2503-9, 9 CCR 2501-1, and 11 CCR 2508-1.

- b. The County will not restrict eligibility or the provisions of services, nor will it impose penalties that are inconsistent with State Statute or Federal law and applicable program regulations, including the process and penalties outlined in 9 CCR 2503-8, and 9 CCR 2503-9.
- c. The County will maintain sufficient records and will permit CDEC or its duly designated agents and/or representatives of the federal government, to inspect the records and make such records available to CDEC as specified in CRS §§ 6-17-100 and CRS §§ 26.5-4-118. The County must also continue to report to CDEC in accordance with the Code of Federal Regulations (CFR), title 45 of the Public Welfare Code, parts 98 AND 99, and State regulations, to include 9 CCR 2503-8, 9 CCR 2503-9, 9 CCR 2501-1, and 11 CCR 2508-1, and must report to CDEC in the future, as required by law. In addition, counties or county departments that are covered entities, or contracting parties to a Business Associate Agreement, pursuant to the Health Insurance Portability & Accountability Act of 1996 (HIPAA), must comply with HIPAA, as required by law.
- d. As specified by Program regulations and State statutes, counties shall have flexibility in determining the approaches needed to achieve federal and state requirements. The County agrees to provide CDEC with its adopted policies and any updated written information when, or if, changes to these policies are made in the Program. The County agrees to provide the information and policies as outlined in 9 CCR 2503-9 to CDEC prior to adopting the aforementioned policies and to update their Child Care Program County Plan when changes impact the administration of the Program.
- e. Outside of what is required by statute or rule, the parties agree that information and policies provided by the County to CDEC, as described in paragraph (d) herein, are for informational purposes and are provided to assist CDEC in meeting its responsibilities, with respect to the Child Care Program. Nothing in this MOU gives CDEC the authority to require any county policies beyond what is required by statute, Program regulations, or the Child Care Program County Plan. The County acknowledges that CDEC has the right to review, comment upon, approve, or request reasonable additional information or clarification of any County policies or records. Such requests will be made in writing and directed to the County Department of Human/Social Services Director.
- f. The County will utilize the technical assistance, training, and reporting or tracking resources offered by CDEC in order to administer the Program and will meet performance measures.
- g. The County will participate in formal vetting processes with CDEC through the Rule Advisory Committee (RAC) to review, draft and recommend policies or rule changes that would have a positive impact on performance measures and meet federal guidelines.
- h. The County will meet timely processing requirements as outlined in 9 CCR 2503-9.

- i. The County will meet established accuracy requirements that ensure compliance with the Code of Federal Regulations (CFR), title 45 of the Public Welfare Code, part 98, subpart K - Error Reporting and the Federal Child Care Improper Payment Data Collection Instructions (DCI).

The parties acknowledge that the performance measures of timeliness and accuracy are, as of the signing of this MOU, the only mandated performance goals. The County's agreement to meet the performance measures is relevant to CDEC's anticipation that CDEC will, in turn, be able to meet the performance measures required by Federal guidelines.

4. DUTIES OF CDEC

- a. In consultation with the Counties, CDEC will oversee the implementation of the Child Care Program, statewide, and will develop standardized forms that streamline the application process, the delivery of services, and the tracking of participants.
- b. CDEC will monitor the County's provision of child care services and, if necessary, perform the duties outlined in CRS §§ 26.5 Article 4, Part 1.
- c. CDEC exercises oversight of and responsibility for the development, implementation, maintenance, and enhancement of the State Child Care Automated Tracking System (CHATS) and its application relative to the Child Care Program. Because the State Child Care Automated Tracking System is a system that utilizes decision tables run by a rules engine for determining eligibility and amount of benefits to the extent allowed by law, the County will not be penalized or required to follow a remediation plan for erroneous decisions made by the State Child Care Automated Tracking System. Without limitation, this applies to erroneous eligibility decisions, erroneous determination of the amount of benefits, erroneous decisions resulting in overpayments and subsequent recoveries, and erroneous decisions resulting in underpayments and subsequent supplemental payments of claims.

The State acknowledges that liability to third parties resulting from erroneous, inaccurate, or inadequate State Child Care Automated Tracking System notices to Child Care Program households, is properly the State's liability. CDEC will not take recovery action against the County for any claim, including a legal claim, that is defined in this paragraph as a State Child Care Automated Tracking System caused error. This provision does not apply to any errors, claims, or issues caused by the County's inaccurate data entry in the system, the County's failure to follow clear, reasonable, and lawful instruction, or failure to follow applicable program regulations in 9 CCR 2503-8, 9 CCR 2503-9. This provision does apply to the State Child Care Automated Tracking System training and data entry rules and/or any rules that are part of the State Child Care Automated Tracking System rule engine.

- d. CDEC will formally communicate the established Performance Measures outlining the requirements for timeliness and accuracy via a program memo.
- e. CDEC will use valid data from the State Child Care Automated Tracking System and other

sources, as necessary, to accurately calculate the County's performance measures. Prior to submitting its calculation to the federal government, CDEC will provide the County with the individual data variables and supporting information used in the calculations, so that the County may review the data to ensure the accuracy, validity, and proper calculation of the accuracy rates.

- f. CDEC will develop and provide ongoing technical assistance, training, and reporting for tracking resources to help the County administer the program and to meet performance measures.
- g. CDEC will conduct formal expeditious collaborative processes with the County to review, draft and recommend policies or rule changes that would have a positive impact on child care services and meet federal and state guidelines.
- h. CDEC will develop and provide training for Child Care Program staff and provide timely and accurate reports on County performance.
- i. The amount identified for a County's level of spending shall be identified annually in the Allocation Agency Letter as required by letter, et seq.

5. JOINT STATE AND COUNTY DUTIES

- a. The State and Counties will work together in partnership to communicate performance expectations and results to jointly achieve federally required performance outcome measures related to the Federal Improper Payment Error Rate.
- b. As needed, the State and Counties will convene meetings, workshops, focus groups, or other forums to share information, best process, or targeted strategies to achieve the spirit and intent of this MOU document and related federal and state performance requirements.
- c. The State and the Counties will work together to ensure that the information entered and reported in the State Child Care Automated Tracking System and the Colorado Benefits Management System (for the purposes of data matching and Colorado Works Child Care cases) are as accurate as possible. The State shall work to address any system issues in a timely manner, and Counties will enter accurate client and provider information in the applicable state systems.

6. REMEDIATION PLANS

- a. The County, in consultation with CDEC, may develop a remediation plan if, during the term of this MOU, the County engages in any of the following actions:
 - i. Spending federal or state Child Care Program funds in a manner disallowed by Federal or State law, which could include receipts or recoveries that are not reported;
 - ii. Failing to meet the established performance measures;

- iii. Restricting eligibility or the provision of services, or imposing penalties in a manner inconsistent with a federally compliant state law and state plan, and applicable program regulation;
- iv. Failing to meet timely processing requirements or Child Care Program federal improper payment error rate guidelines, in accordance with the federal fiscal year.

7. PENALTIES

- a. According to CRS §§ 26.5-4-115, a county or group of counties may be penalized for not meeting any obligation under this performance contract and may include a reduction in a future county block grant allocation.
- b. Subject to the limitations set forth herein, if CDEC is subject to a federal penalty, and the County's remediation plan was insufficient, CDEC may impose penalties on the County pursuant to this MOU only if during the term of this MOU, the County engages in any of the following actions:
 - i. Spending federal or state Child Care Program funds in a manner disallowed by Federal or State law, which could include receipts or recoveries that are not reported;
 - ii. Failing to meet the negotiated performance measures;
 - iii. Restricting eligibility or the provision of services, or imposing penalties in a manner inconsistent with a federally compliant state law and state plan, and applicable program regulation;
 - iv. Failing to meet timely processing requirements or Child Care Program federal improper payment error rate guidelines, in accordance with the federal fiscal year.
- c. A penalty should not be imposed on the County for failing to adhere to a state regulation that conflicts with federal law.
- d. The county will not be penalized or required to follow a remediation plan if:
 - i. The County can demonstrate by a preponderance of evidence that CDEC provided inaccurate guidance, training, or data with regards to performance under this MOU; and,
 - ii. That the County's reliance on this information is the proximate cause for the imposed penalties. If the County can only demonstrate that it is the proximate cause for part of the penalty, the County will not be liable for that portion of the penalty.

8. PROCEDURES FOR IMPOSING A REMEDIATION PLAN OR PENALTIES

- a. The process for a penalty or remediation plan against the County or group of Counties by CDEC will be as follows:

- i. CDEC will provide the County with written notice of the County's failure to meet any performance measure outlined in this MOU. This notification will include all associated documentation that supports CDEC's determination of the performance failure. Upon receiving such notice, the County has sixty (60) days to contest, explain, offer evidence of mitigating factors, and/or submit a remediation plan to correct the alleged performance problem.
 - ii. If the County's remediation plan does not rectify the performance problem, CDEC may determine the appropriate level of penalty. CDEC shall take into consideration as a mitigating factor any violation of a state regulation that exceeds or conflicts the requirements of the federal law. CDEC will provide the County one hundred eighty (180) days written notice of the proposed penalty before imposing any penalty. This notification will include the rationale of imposing the penalty, as well as, all associated documentation, a calculation of the proposed penalty, and an indication of what constitutes a remedy or correction that will allow the County to avert the penalty, if any remedy or correction is possible. Upon receiving such notice, the County has sixty (60) days to contest, explain or offer evidence of mitigating factors, before CDEC imposes the penalty.
 - iii. If a penalty is imposed, the amount cannot be greater than that imposed by the federal government. If CDEC has incurred a penalty due to the failure of more than one County to meet its obligations under the terms of this MOU, the County will only be penalized for its share of the penalty.
- b. CDEC will provide the County with all documents received from the federal government related to any proposed or imposed federal penalty within twenty (20) days of receipt, together with all CDEC documents related to the actions giving rise to that federal penalty, or that related to the penalty process. If CDEC fails to provide the required documentation within the twenty (20) days, CDEC may not hold the County liable for that penalty.

9. CIRCUMSTANCES FOR CDEC ASSUMING ADMINISTRATION

- a. As outlined in CRS §§ 26.5-4-115 (2), if the County continues to knowingly or consistently fail to meet its obligation specified in this MOU, CDEC, at its sole discretion, may assume the County's administration and implementation of the Child Care Program.

In that event, CDEC will provide the County with ninety (90) days of written notice before assuming these duties. Upon receipt of such notice, the County shall have the opportunity to contest, explain, offer evidence of mitigating factors, or correct the failure before CDEC assumes the duties.

- b. If the County continues to consistently fail to meet its obligation specified in this MOU, the County at its sole discretion may ask CDEC to assume the County's administration and implementation of the Child Care Program. CDEC is under no obligation to accept or assume the administration of the Child Care Program.

If CDEC assumes the County's administration and implementation of the Child Care Program, it may retain the unused portion of the allocation that was provided to the

County, as part of the County's block grant for its administration and implementation of the Program, in accordance with the formulas described in CRS §§ 26.5-4-110. CDEC will, in consultation and in conjunction with the County, develop or modify automated systems to meet the reporting requirements of CRS §§ 26.5-4-114.

10. DISCRETIONARY MATTERS

The parties agree that all portions of Part 1 of Article 4 of Title 26.5 that grant discretion to CDEC or the County regarding the administration of the Child Care Program in the County, will not be affected by the execution of this MOU except as explicitly stated herein.

11. SEVERABILITY

To the extent that this MOU is executed, and the performance of the obligations of the parties may be accomplished within the intent of the MOU, the terms of the MOU are severable. Thus, should any term or provision herein be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision herein. The waiver of any break of term, herein shall not be construed as a waiver of any other term, or of the same term upon subsequent breach.

12. INTEGRATION OF UNDERSTANDING

This MOU is intended as the complete integration of the understanding between the parties concerning the matters negotiated between them and incorporated in this MOU. No prior or contemporaneous addition, deletion, or other amendments hereto shall have any force or effect whatsoever, unless embodied in writing. No subsequent notation, renewal, addition, deletion, or other amendments hereto shall have any force or effect unless embodied in a written amendment executed by the parties.

The parties recognize the nature of the relationship between the County and State. This relationship is governed more broadly by pertinent provisions of the Colorado Constitution and of State Statutes, the State Plan, and Program regulations. The parties further recognize that this MOU is not intended to supersede or change the relationship between the County and the State as established by any legal authority.

13. NO THIRD-PARTY BENEFICIARY

This MOU is binding on CDEC, and the County or group of Counties, as well as their respective successors and assigns. It is agreed that the enforcement of the terms and conditions of the MOU are reserved for CDEC and the County or group of Counties to the extent permitted by law. Nothing contained in this MOU allows a claim or right of action by a third party. Any third party receiving services or benefits under the provisions of this MOU is deemed an incidental beneficiary.

14. DISPUTE RESOLUTION

According to CRS §§ 26.5-4-115, if a disagreement concerning this performance contract arises between the County or group of Counties and the CDEC, either party may request resolution of the disagreement through an independent dispute resolution process that is agreed upon by the

parties. If necessary to assure services are available within the County or group of counties, the Department may enter into a temporary agreement with the County or group of Counties or with another public or private agent until the disagreement is resolved.

DEPARTMENT DIRECTOR,

STATE OF COLORADO DEPARTMENT OF EARLY CHILDHOOD

Executive Director or Designee

COUNTY OF _____ COLORADO,

by and through the BOARD OF COUNTY COMMISSIONERS

Chairman

ATTEST:

County Clerk to the Board

Date: _____

COUNTY ATTORNEY'S AGENDA

Board of County Commissioners

Regular Meeting

April 21, 2026

EXECUTIVE SESSION:

Advice of Counsel: §24-6-402(4)(b), C.R.S.

1. Discussion and advice regarding a possible real estate purchase.
2. Discussion and advice regarding Use Specific Standards provisions of the Land Use Code (Chapter 2, Section 4.A).