



Town Hall 551 Hot Springs Blvd
Pagosa Springs, CO 81147

AGENDA
Town Council Meeting
July 7, 2026 @ 5:00 PM

REMOTE PARTICIPATION

Join Zoom Meeting By Computer - <https://us06web.zoom.us/j/84183643649>
Dial by Phone - 1-669-900-6833 US - Meeting ID: 841 8364 3649

A Zoom link is made available. The Town cannot guarantee internet service or online broadcasting. Remote participation is at the risk of attendees. The meeting will continue in person regardless of the broadcast capability.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. DISCLOSURES AND/OR CONFLICT OF INTEREST

V. PUBLIC COMMENT

VI. CONSENT AGENDA

- 1. Approval of the June 16th and 29th Meeting Minutes**
- 2. Letter of Support PARC**

VII. NEW BUSINESS

- 1. New Hotel and Restaurant Liquor License - Cattlemen's Cafe 729 San Juan St. Unit A&B**
- 2. Approving updates to the Intergovernmental Agreement with Archuleta County regarding the staffing of the Town Tourism Department, Administration of the Pagosa Springs Area Tourism Board, and to promote and manage Pagosa Springs and Archuleta County as a Tourism Destination**
- 3. Ordinance 1035, First Reading, Rezoning Portion of Block 40 from R-12 to MU-R**

Public comment and agenda comment item sign-up sheets are available at the meeting
Copies of proposed Ordinances and Resolutions are available to the public from the Town Clerk

VIII. UNFINISHED BUSINESS

- 1. Ordinance 1033, Second Reading, Amending the Municipal Code regarding Cemetery Rules and Regulations (Kathy Harker, Administrative Service Manager)**
- 2. Ordinance 1029, First Reading, Amending the Municipal Code to Align with Certain Provisions of State Law**

IX. PUBLIC COMMENT

X. MAYOR, COUNCIL, TOWN MANAGER COMMENTS/UPCOMING AGENDA ITEMS

XI. UPCOMING COUNCIL MEETINGS

July 21, 2026 at 5:00 pm: Regular Council Meeting
August 4, 2026 at 5:00 pm: Regular Council Meeting
August 18, 2026 at 5:00 pm: Regular Council Meeting
September 1, 2026 at 5:00 pm: Regular Council Meeting
September 15, 2026 at 5:00 pm: Regular Council Meeting

XII. EXECUTIVE SESSION

- 1. Executive Session pursuant §24-6-402(4)(e), C.R.S., determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators Intergovernmental Agreement between the Town and Archuleta County regarding the staffing of the Tourism Department, administration of the Pagosa Springs Area Tourism Board, and administration of lodging tax funding, and §24-6-402(4)(b), C.R.S., to receive legal advice on the potential contract and legal questions related to the foregoing issues, in which event the session, or portions of the session, will not be recorded.**
- 2. Executive Session per C.R.S. 24-6-402(4)(a): Discussion concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest related to Project 102**
- 3. Executive Session per C.R.S. 24-6-402(4)(a): Discussion concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest related to Project Cottonwood**

XIII. RECONVENE IN REGULAR SESSION

- 1. Council may act in regular session on item(s) discussed in Executive Session**

XIV. ADJOURNMENT

Public comment and agenda comment item sign-up sheets are available at the meeting
Copies of proposed Ordinances and Resolutions are available to the public from the Town Clerk



Town Hall 551 Hot Springs Blvd
Pagosa Spring, CO 81147

MINUTES
Town Council Meeting
June 16, 2026 @ 5:00 PM

A regular meeting of the Pagosa Springs Town Council was called to order on June 16, 2026 at 5:00 PM in the Town Hall 551 Hot Springs Blvd.

COUNCIL PRESENT: Mayor Pierce, Council Member Williams, Council Member deGraaf, Council Member Lindner, Council Member Shabro

COUNCIL ABSENT: Council Member Bergon, Council Member Martinez

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. DISCLOSURES AND/OR CONFLICT OF INTEREST

None

V. INTERVIEW AND POSSIBLE APPOINTMENT OF TOWN COUNCIL MEMBER

1. Interview and possible appointment of Town Council Member

Mr. Vahid Shabro submitted a letter of intent to serve on the Town Council, filling an open seat from the April election.

Town Council asked Mr. Shabro several questions. Mr. Shabro said there are opportunities to attract young families to the community. He said during a vote he would respect the majority and the reasoning. He said he is able to provide time to serve on the council and his family

Council Member Williams move to appoint Vahid Shabro to the open Town Council seat,

Council Member deGraaf seconded.
Mr. Shabro was sworn in and took his seat at the dias.

VI. PUBLIC COMMENT

Mr. Matthew Sherrill with Shine Gelato said he appreciates the riverwalk and would be grateful to run his gelato cart along the Town's riverwalk to meet people along their walk.

VII. CONSENT AGENDA

1. Approval of the June 2 & 10, 2026 Meeting Minutes

2. May Financial Statement and Payments

Council Member deGraaf moved to approve the consent agenda, Council Member Lindner seconded. Motion Passed.

3. Request to DOLA to Amend Local Planning Capacity Grant

This item is tabled until a later date.

VIII. PRESENTATIONS

1. Archuleta Community Development Action Plan Review

Ms. Laura Lewis Marchino, Executive Director of Region 8 EDD, and Emily Lashbrooke, CDC Director, presented the 2026 Community Development Action Plan. This plan is for the local region and includes projects within the County of Archuleta and the Town of Pagosa Springs. Mayor Pierce said the east end and Hwy 84 intersection are economic priorities, as well as a Hill Top Cemetery pavilion. She said Council Member Martinez has a heart for the homeless. She said solar options at the community center would allow for a location for the community during brownouts. Council Member deGraaf said workforce housing, early childcare, and public infrastructure need to be addressed as the Town grows. He said that includes infrastructure for the people who are invited to come, like restaurants, hotels, and things to do in Town. Council Member Lindner said the Reservoir Hill expansion and the Build Pagosa facility are important, and alternative energy in solar and wind is encouraged. He said a tunnel to move traffic to bypass the Town should be a future project. Council Member Williams said broadband was necessary for the community. Council Member Shabro said reliable electricity is important, and buried lines would reduce fire risks.

IX. REPORTS TO COUNCIL

1. Sales Tax Brief

Town Manager David Harris said sales tax receipts for April are down 8.6% compared to April 2025, but are comparable to 2024.

2. Other Department Reports

- a. Administration Report
- b. Development Department Reports
- c. Lodging Tax Report
- d. Municipal Court Department Report
- e. **Parks and Recreation Report**
- f. **Police Department Report May 2026**

X. NEW BUSINESS

1. Resolution 2026-11, Adopting Revised Rules and Regulations for the Hill Top Cemetery

Resolution 2026-11 adopts revised rules and regulations for the Hill Top Cemetery. Staff suggests that benches be permitted and tagged. The information will go out in the newsletter.

Council Member Lindner moved to approve Resolution 2026-11, adopting revised rules and regulations for Hill Top Cemetery, Council Member deGraaf seconded. Motion Passed.

2. Ordinance 1033, First Reading, Amending the Municipal Code regarding Cemetery Rules and Regulations

Ordinance 1033 sets violations of the cemetery rules and regulations as a public nuisance. This will provide a mechanism to enforce the rules at the cemetery.

Council Member deGraaf moved to approve Ordinance 1033 Series 2026, first reading, an ordinance of the Town of Pagosa Springs amending the Municipal Code with respect to Hill Top Cemetery, Council Member Lindner seconded. Motion Passed.

3. Ordinance 1034, First Reading, An Ordinance of the Town of Pagosa Springs to Repeal and Readopt Chapter 21, Article 6, Section 6.13 of the Pagosa Springs Municipal Code to Adopt by Reference the 2024 Editions of the International Building Code Series, Manufactured Home Standards, and the Colorado Model Electric Ready and Solar Ready Code

Ordinance 1034 repeals and readopts Chapter 21, Article 6, Section 6.13 of the Pagosa

Springs Municipal Code to adopt by reference the 2024 Editions of the International Building Code Series, manufactured home standards, and the Colorado model electric ready and solar ready code. This code needs to be adopted by July 1st, and staff requests a special meeting on June 30th where the 2nd reading of Ordinance 1030-1032 can also be presented for public hearing and adoption. Staff said some of the changes of the code may increase the costs of construction based on snow loads and insulation standards. Staff suggests increased education and working with the contractors toward compliance.

Council Member deGraaf moved to Approve the First Reading of Ordinance 1034, An Ordinance of the Town of Pagosa Springs to Repeal and Readopt Chapter 21, Article 6, Section 6.13 of the Pagosa Springs Municipal Code to Adopt by Reference the 2024 Editions of the International Building Code Series, Manufactured Home Standards, and the Colorado Model Electric Ready and Solar Ready Code, Council Member Shabro seconded. Motion

4. Shine Gelato - Outdoor Commercial Establishment (OCE) Application - Town Property

Senior Planner, Katelyn Tunnel, presented a proposed Outdoor Commercial Establishment (OCE) application for a mobile bicycle cart serving gelato throughout the downtown Riverwalk and parks areas on Town-owned property. She said the requirements to operate on Town property include liability insurance, Fire Department and Health Department approvals, on-site trash receptacles, limited signage affixed to the cart, and utilization of sidewalks along the approved routes. Any modifications will require review by the Town. Town Council was presented with several route options for this OCE operation. Council Member Williams said he likes this type of vitality for the Town. He said being on the riverwalk does not affect the business on the 400 block. He would like these handled by staff to streamline the process. Council Member deGraaf said the pedicabs use all the riverwalk, and he said this smaller cart should use all the riverwalk. He said staff should handle these OCEs. Council Member Shabro said this cart would support enjoyment for the Town residents and visitors. Mayor Pierce said she would like the cart not to stop on the street to sell or stop on private property.

Council Member deGraaf moved to approve Shine Gelato to be limited to Route 1, conditions two through eight be adhered to and enforced administratively, the applicant will respect reserved park spaces and not enter unless invited by the event organizer, Council Member Williams seconded. Motion Passed.

5. Fourth of July Fireworks

Tourism Executive Director Jennifer Green said ACME Pro Pyro Professional Display, the vendor for the 4th of July fireworks show, is requesting to be notified June 16th regarding the status of the 4th of July fireworks. After the 16th, there will be financial penalties if canceled after the 16th.

Council Member Williams moved to cancel the 4th of July fireworks because of the drought, Council Member Lindner seconded. Motion Passed.

6. 2027 Budget Calendar Discussion

Town Manager David Harris presented a proposed 2027 budget schedule for July through

adoption in October. September 21 and 22 will be the work sessions.

XI. PUBLIC COMMENT

None

XII. MAYOR, COUNCIL, TOWN MANAGER COMMENTS/UPCOMING AGENDA ITEMS

Council Member Williams said he would like to streamline processes and make it easier for people to live and do business here. Mayor Pierce said she was approached by an event organizer that was not funded in 2026. She said she advised him to make comments at the beginning and the end of a meetings. Mayor Pierce has offered to meet one-on-one with the organizer to hear his ideas.

XIII. UPCOMING COUNCIL MEETINGS

- June 23, 2026 at 5:00 pm: Special Council Meeting
- July 7, 2026 at 5:00 pm: Regular Council Meeting
- July 21, 2026 at 5:00 pm: Regular Council Meeting
- August 4, 2026 at 5:00 pm: Regular Council Meeting
- August 18, 2026 at 5:00 pm: Regular Council Meeting
- September 1, 2026 at 5:00 pm: Regular Council Meeting
- September 15, 2026 at 5:00 pm: Regular Council Meeting

The June 23rd special meeting will be changed to Monday June 29th at 5:00 pm.

XIV. ADJOURNMENT

Mayor Pierce adjourned the meeting at 7:35 pm.

**Shari Pierce
Mayor**



Town Hall 551 Hot Springs Blvd
Pagosa Spring, CO 81147

MINUTES
Town Council Meeting
June 29, 2026 @ 5:00 PM

A Special Meeting of the Pagosa Springs Town Council was called to order on June 29, 2026 at 5:00 PM in the Town Hall 551 Hot Springs Blvd.

COUNCIL PRESENT: Mayor Pierce, Council Member Williams, Council Member Bergon, Council Member Martinez, Council Member deGraaf, Council Member Lindner, Council Member Shabro

COUNCIL ABSENT:

I. CALL MEETING TO ORDER

II. ROLL CALL

III. DISCLOSURES AND/OR CONFLICT OF INTEREST

None

IV. EXECUTIVE SESSION

1. Executive Session per C.R.S. 24-6-402(4)(a): Discussion concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest related to Project 102

Council Member Lindner moved to enter executive session per C.R.S. 24-6-402(4)(a) for discussion concerning the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest related to Project 102, Council Member Bergon seconded. Motion Passed.

The Town Council entered executive session at 5:08 pm. Mayor Pierce called the meeting back into regular session at 5:30 pm.

V. UNFINISHED BUSINESS

1. Ordinance 1030 (Series 2026), Second Reading, An Ordinance Authorizing the Acquisition of Real Property known as Masters Place Condominiums in Pagosa Springs, Colorado

Ordinance 1030 is an ordinance authorizing a purchase and sale agreement for the Masters Place Condominiums. Development Director James Dickhoff said Masters Place has 20 condominium units and that they are all two-bedroom units. The initial bid for these units will be \$2,376,000.

Mayor Pierce said this is a unique opportunity for our community and workforce housing has been a high priority for Town Council. The Council echoed Mayor Pierce's comments with support of project 102.

Ms. Nancy Rea said she is concerned for the Town of Pagosa and what's going to happen to the units based on construction cost and her calculations. She doesn't see how Wyndham could walk away from these units if they were making money. She wants the Town of Pagosa Springs to be protected, and she worries about the cost that these units will have. Mr. Gary Noland said he fully understands the need for workforce housing. He is worried about the number of parking spaces at the units compared to the number of available units to be rented. Mr. Noland is hoping there is consideration for how many individuals can live in each unit, since they are smaller two-bedroom units. He wants to make sure the quality of life for everyone that lives up there stays the same and is upheld.

Council Member Lindner moved to approve Ordinance 1030 (Series 2026), second reading, an ordinance authorizing the acquisition of real property known as Masters Place Condominiums in Pagosa Springs, Colorado, Council Member deGraaf seconded. Motion Passed.

2. Ordinance 1031 (Series 2026), Second Reading, An Ordinance Authorizing the Acquisition of Real Property known as Village Pointe Condominiums in Pagosa Springs, Colorado

Ordinance 1031 is an ordinance authorizing a purchase and sale agreement for the Village Pointe Condominiums. Development Director James Dickhoff said Village Pointe Condominiums has 32 two-bedroom units with a door lock off to each room. In the design, they have considered putting a permanent wall to make up to 64 one-bedroom units. The initial bid for these units will be \$4,721,472.

Council Member Williams said he is opposed to the idea of permanently blocking off the units, because there is more flexibility in the ability to open them up in the future. He suggested looking into sound dampening approaches instead of permanent approaches.

No Public Comment

Council Member Williams moved to approve Ordinance 1031 (Series 2026), second reading, an ordinance authorizing the acquisition of real property known as Village Pointe Condominiums in Pagosa Springs, Colorado, Council Member Martinez seconded. Motion

Passed.

3. Ordinance 1032 (Series 2026), Second Reading, An Ordinance Authorizing the Acquisition of Real Property known as Elk Run Townhomes in Pagosa Springs, Colorado

Ordinance 1032 is an ordinance authorizing a purchase and sale agreement for the Elk Run Townhomes. Development Director James Dickhoff said Elk Run Townhomes includes 18 two-bedroom townhome units. The initial bid for these units will be \$2,432,700.

Ms. Nancy Rea said she thinks the community is doing a great job and there is not need for additional workforce housing. She said she doesn't think these units are worth the money being spent. She said she is worried about the Town of Pagosa Springs taking on this burden that is going to affect the entire community for years to come.

Council Member Martinez moved to approve Ordinance 1032 (Series 2026), second reading, an ordinance authorizing the acquisition of real property known as Elk Run Townhomes in Pagosa Springs, Colorado, Council Member Williams seconded. Motion Passed.

4. Ordinance 1034, Second Reading, An Ordinance of the Town of Pagosa Springs to Repeal and Readopt Chapter 21, Article 6, Section 6.13 of the Pagosa Springs Municipal Code to Adopt by Reference the 2024 Editions of the International Building Code Series, Manufactured Home Standards, and the Colorado Model Electric Ready and Solar Ready Code

Ordinance 1034 repeals and readopts Chapter 21, Article 6, Section 6.13 of the Pagosa Springs Municipal Code to adopt by reference the 2024 editions of the International Building Code Series, Manufactured Home Standards, and the Colorado Model Electric Ready and Solar Ready Code. Development Director James Dickhoff pointed out a correction on page ten with a correction of the number from 3.13.14 to 6.13.14.

Council Member Lindner moved to approve the second reading of ordinance 1034, an ordinance of the Town of Pagosa Springs to repeal and readopt Chapter 21, Article 6, Section 6.13 of the Pagosa Springs Municipal Code to adopt by reference the 2024 Editions of the International Building Code Series, Manufactured Home Standards, and the Colorado Model Electric Ready and Solar Ready Code, with the correction of numbering, Council Member Shabro seconded. Motion Passed.

VI. ADJOURNMENT

Mayor Pierce adjourned the meeting at 5:48 pm.

**Shari Pierce
Mayor**



AGENDA BRIEF

MEETING: Town Council Meeting

FROM: Darren Lewis

PROJECT: Letter of Support PARC

ACTION: Discussion and Action

PURPOSE/BACKGROUND:

The attached letter of support serves as the Town's support for the Pagosa Area Recreation Coalition (PARC) as it submits an application for the Early Wins and Capacity Funding Grant.

The proposed grant will support efforts to balance outdoor recreation and conservation, strengthen stakeholder engagement, advance landscape management planning, and foster meaningful regional collaboration among partners. These initiatives align with our shared commitment to sustainable outdoor recreation and the long-term stewardship of our natural resources.

Staff fully supports PARC's grant application and appreciates the coalition's continued leadership in building partnerships that enhance recreation opportunities while protecting the natural landscapes that make our region unique.

RECOMMENDATIONS:

Approval of the consent agenda is approval of the letter of support



Letter of Support

July 7, 2026

Pagosa Area Recreation Coalition (PARC),

Re: Letter of Support for PARC Capacity, Plan Development, and Early Wins Grant Application

Dear CPW RPI Review Committee,

On behalf of the Town of Pagosa Springs, I am writing to express our enthusiastic and unequivocal support for the Pagosa Area Recreation Coalition's (PARC) grant applications for Early Wins and Capacity Funding. This funding is vital to ensure that PARC can continue its indispensable work convening community stakeholders and driving the development of a comprehensive landscape management plans for the greater PARC area.

While the PARC area lies outside the direct municipal boundaries of the Town of Pagosa Springs, the health, safety, and vitality of this landscape are inextricably linked to our town's well-being. Natural resources, wildfire risks, watershed health, and recreational infrastructure do not recognize jurisdictional lines. What happens in the PARC landscape directly impacts the residents, visitors, and economy of the Town of Pagosa Springs.

Specifically, the Turkey Springs landscape provides essential, "close-to-home" outdoor access for our local community. It is a vital backyard resource that needs to support a wide array of diverse recreational opportunities. By properly managing this asset, we ensure a sustainable and vibrant outdoor recreation economy that draws visitors, supports local businesses, and enhances the high quality of life that defines Pagosa Springs.

Securing this capacity funding will allow PARC to achieve several critical objectives that align with our town's strategic goals:

- **Balancing Recreation and Conservation:** PARC serves as the ultimate collaborative table, bringing together diverse user groups, land managers, and community members. This ensures that every voice is heard, resulting in a balanced management plan where recreation thriving alongside robust environmental conservation.
- **Continued Stakeholder Engagement:** Maintain momentum by regularly convening members to proactively guide regional recreation strategies.
- **Landscape Management Planning:** Provide the administrative and technical capacity needed to finalize and landscape specific management plan, protecting a crucial multi-use asset.

- **Fostering Vital Regional Cooperation:** Strengthen the collaborative framework between the Town of Pagosa Springs, Archuleta County, Sothern Ute Indian Tribe, US Forest Service, Colorado Parks and Wildlife, and over dozens of non-profit partners.

Our community is at its strongest when community partners work hand-in-hand to protect our shared natural resources. PARC has proven to be an invaluable bridge for this collaboration, ensuring that regional growth, recreation, and conservation are managed proactively and unified under a shared vision.

The investment in PARC's capacity today will yield long-term dividends for the entire Pagosa Springs community, safeguarding our environment and supporting our outdoor recreation economy for years to come. The Town of Pagosa Springs strongly urges your favorable consideration and funding of PARC's grant applications.

Thank you for your time, consideration, and continued investment in our region's future.

Sincerely,

Shari Pierce, Mayor

Town of Pagosa Springs



AGENDA BRIEF

MEETING: Town Council Meeting

FROM: Traci Bishop

PROJECT: New Hotel and Restaurant Liquor License - Cattlemen's Cafe 729 San Juan St. Unit A&B
ACTION: Discussion and Action

PURPOSE/BACKGROUND:

The applicant, Cattlemen's Cafe LLC dba Cattlemen's Bar & Grill has requested the Town Council to grant a new Hotel & Restaurant liquor license for their business located at 729 San Juan St. Units A&B. All application items are complete, fees are paid, public notices are posted, and background checks have been completed.

As of the date of this report, no concerns/oppositions to the liquor license has been received in the Clerk's office.

If approved by the Town Council, the signed license application will be submitted to the State of Colorado for review and dual approval. The Town's license will coincide with the State's license expiration date.

RECOMMENDATIONS:

1. Move to approve a new Hotel & Restaurant Liquor License for Cattlemen's Cafe LLC dba Cattlemen's Bar & Grill located at 729 San Juan St., Unit A&B
2. Move to approve a new Hotel & Restaurant Liquor License for Cattlemen's Cafe LLC dba Cattlemen's Bar & Grill with the following conditions
3. Direct staff on alternatives



AGENDA BRIEF

MEETING: Town Council Meeting

FROM: David Harris

PROJECT: Approving updates to the Intergovernmental Agreement with Archuleta County regarding the staffing of the Town Tourism Department, Administration of the Pagosa Springs Area Tourism Board, and to promote and manage Pagosa Springs and Archuleta County as a Tourism Destination

ACTION: Discussion and Action

PURPOSE/BACKGROUND:

This item updates the Intergovernmental Agreement with Archuleta County--last updated in September 2025--including the following:

- Updated history of County and Town tax on lodging.
- Clarified that County funds may only be used for advertising and marketing purposes as defined by state statute.
- Defined account segregation of County revenues and expenditures apart from Town's. County has right to request audit at their expense.
- Reiterates focus of the Board will be the promotion and management of the destination.
- The role of the Tourism Board and its members is policy focused/advisory and not operational. Policy direction includes advising staff on the proposed annual budget, event funding, and annual marketing plan.
- Tourism Board and its members are to deal with Town administrative personnel, employees, and contractors solely through the Town Manager or his/her designee (Executive Director of Tourism).
- Tourism Department staff shall follow Town policies and procedures in the exercising of their duties including purchasing policy.
- In the event of an alleged or confirmed violation, misconduct, ethics concerns, or formal complaints involving staff that relate to the administration, management, or expenditure of County Lodging Tax revenues, the County Manager shall be notified.
- Establishes term limits of board members to two three-year terms after which individual may be reappointed after one year hiatus. This provision to be effective January 1, 2027.
- Meetings reduced to 4 meetings per year; Meetings may be called by Executive Director.

- Reduction of number of absences: Any member misses ~~three (3)~~two (2) consecutive regular meetings or three (3)~~four (4)~~ meetings in a 12- month period

**INTERGOVERNMENTAL AGREEMENT BETWEEN ARCHULETA COUNTY,
COLORADO AND THE TOWN OF PAGOSA SPRINGS, COLORADO, REGARDING
STAFFING OF THE TOWN TOURISM DEPARTMENT, ADMINISTRATION OF THE
PAGOSA SPRINGS AREA TOURISM BOARD, AND ADMINISTRATION OF
LODGING TAX FUNDING IN A COOPERATIVE EFFORT TO PROMOTE AND
MANAGE PAGOSA SPRINGS AND ARCHULETA COUNTY AS A TOURISM
DESTINATION**

This Intergovernmental Agreement (“Agreement” or “Contract”) is entered into by and between Archuleta County, Colorado, (the “County”) and the Town of Pagosa Springs, Colorado, (the “Town”) (collectively referred to as “Parties” and each individually as a “Party”).

RECITALS

WHEREAS,

- A. The Town and County each collect a tax on vacation lodging within their respective jurisdictions (each, the “Lodging Tax”); and,
- B. C.R.S. § 30-11-107.5 pertains to the operation and management of a county lodging tax tourism fund and restricts the use of the County’s Lodging Tax to only the advertising and marketing of local tourism; and,
- C. The 3% Town Lodgers Tax was approved by voters in 2005 and an additional 1.9% was approved by Town voters in 2006, making the Town Lodgers Tax 4.9%. Town Code Section 16.4.11.2 discusses the uses of the Lodgers’ Tax funds subject to approval by the Town Council including the following:
 - 1. Tourism and tourism-related marketing and capital improvements;
 - 2. Special events sponsored, funded or assisted by the Town; and
 - 3. Such other tourism uses determined reasonable and necessary by the Town Council; and
- D. The 1988 Archuleta County ballot measure imposes “...a 2% tax on hotel, motel, guest ranch, camp ground, and all other similar accommodations for the purpose of obtaining monies in order to promote and otherwise market and attract tourism to the County of Archuleta.”
- E. The Board of County Commissioners adopted Resolution 1987-129 on November 13, 1987, which established a panel to administer tourism funds derived from a Lodging Tax; and,
- F. The Board of County Commissioners adopted Resolution 2010-3 on January 19, 2010, which restructured the County Tourism Commission; and,
- G. The Parties adopted a Memorandum of Understanding on or about January 1, 2015, regarding the administration of lodging tax funding (the “2015 MOU”); and,

- H. The Parties have agreed to fund the County Tourism Commission, now known as the Pagosa Springs Area Tourism Board (hereinafter, the “Tourism Board”) through Lodging Tax collections for the purpose of advertising and marketing Pagosa Springs and Archuleta County as a tourism destination; and,
- I. The Board of County Commissioners and Town Council have determined that tourism is an integral part of the local economy and fully support the advertising and marketing of Pagosa Springs and Archuleta County as a tourism destination; and,
- J. The Town Council and Board of County Commissioners agree that managing the destination through visitor education, improvements to infrastructure, and advertising and marketing is critical; and
- K. While the Town Council and Board of County Commissioners agree that managing improvements to infrastructure is important, the Parties acknowledge that capital expenditures and infrastructure activities are not permissible uses of County lodging tax revenues and may only be funded by Town lodging tax revenues; and
- L. The Parties acknowledge that strict accounting, fund segregation, and yearly documentation are necessary to ensure that County lodging tax revenues are not used for non-statutory purposes, and that any ambiguity be resolved in favor of statutory compliance and protection of public funds; and
- M. The Town operates under the Council-Manager form of government. Except for informal inquiry, Tourism Board and its members are to deal with Town administrative personnel, employees, and contractors solely through the Town Manager or his/her designee (Executive Director of Tourism) and agree that the Tourism Department staff shall follow Town policies and procedures in the exercising of their duties; and
- N. The Parties agree that the focus of the Board will be the promotion and management of the destination and the role of the Tourism Board and its members is policy focused/advisory and not operational. Policy direction includes advising staff on the annual budget, event funding, and annual marketing plan; and
- O. The County and Town have each budgeted their respective Lodging Tax collections to support the efforts of destination tourism in accordance with existing ballot language; and,
- P. The Board of County Commissioners and Town Council agree that combining efforts in a collaborative manner will better serve the community through promotion and management of the destination.

NOW, THEREFORE, in consideration of the recitals above and the joint and mutual covenants, conditions and promises contained herein below, the Parties state and agree as follows:

Section 1 – Tourism Department Staffing and Operations

- 1.1 The staff of the Tourism Board shall be Town employees.
- 1.2 The head of the Tourism Department shall be the Executive Director of Tourism (hereinafter, “Executive Director”).
- 1.3 The Executive Director shall report to the Pagosa Springs Town Manager. Other employees of the Tourism Department shall report to the Executive Director.
- 1.4 Compensation for Tourism Department staff shall be funded by the Lodging tax collected by the Town of Pagosa Springs.
- 1.5 Lodging tax collected and contributed by the County shall be recorded separately from Town monies and used to fund statutorily permitted advertising and marketing efforts.
- 1.6 The Town Manager shall promptly notify the County Manager, or the County Manager’s designee, of any alleged or confirmed violations, misconduct, ethics concerns, or formal complaints involving Tourism Department Staff that relate to the administration, management, or expenditure of County Lodging Tax revenues.
- 1.7 The County’s receipt of such notice shall not be construed to create an employment, supervisory, or disciplinary relationship between the County and Tourism Department staff. The County’s role shall remain limited to oversight necessary to ensure statutory compliance and the protection of public funds.
- 1.8 Except for informal inquiry, Tourism Board and its members are to deal with Town administrative personnel, employees, and contractors solely through the Town Manager or his/her designee (Executive Director of Tourism) and agree that the Tourism Department staff shall follow Town policies and procedures in the exercising of their duties.

Section 2 – Pagosa Springs Area Tourism Board

2.1 Duties and Authorities of the Pagosa Springs Area Tourism Board

The Tourism Board is a citizen’s advisory Board to the Pagosa Springs Town Council and the Archuleta County Board of County Commissioners. The purpose of the Tourism Board is to make specific recommendations to be presented by the Executive Director of Tourism relative to expenditures of both the Town and County Lodging Tax. The focus of the Board will be the promotion and management of the destination. The Parties agree that the role of the Tourism Board and its members is policy focused/advisory and not operational in nature. Policy direction includes advising staff on the annual budget, event funding, and annual marketing plan.

2.2 Members and Terms of Office

2.2.1 The Tourism Board shall consist of nine Board Members, all of whom shall be appointed by both the County and Town Council, except as set forth below:

- 1 County Commissioner (appointed by the County)
- 1 Town Council Member (appointed by the Town Council)
- 1 Lodging Association Member (nominated by the Pagosa Lodging Association)
- 1 Chamber of Commerce Member (nominated by the Pagosa Springs Chamber of Commerce)
- 1 Board of Realtors Member (nominated by the Pagosa Springs Area Association of Realtors)
- 1 Short Term Rental Representative (nominated by the Pagosa Springs Area Tourism Board)
- 1 Hospitality / Recreation Representative (nominated by the Pagosa Springs Area Tourism Board)
- 2 At-large Members from the general public of Archuleta County (nominated by the Pagosa Springs Area Tourism Board)

2.2.2 The members of the Tourism Board shall serve in such capacity without compensation. The terms of office of the Tourism Board shall be three (3) years, with the exception of the Town and County Representatives, who shall serve at the pleasure of their respective appointing authorities.

2.2.3 No member may serve more than two (2) consecutive full terms. Upon completion of two consecutive terms, a member shall be required to rotate off the Board for a minimum of one (1) full year before becoming eligible for reappointment. This provision shall not be effective until January 1, 2027.

2.2.4 Should a vacancy occur, the Executive Director of the Tourism Department will ensure public notification of the vacancy. Interested individuals shall submit a letter to the Executive Director who will submit the letter to the Tourism Board to consider nominating such applicant to the Town Council and/or the County as applicable. The Tourism Board may choose to vote on the recommendation of new members verbally or via paper ballot, as determined by a majority of the Board in advance of the vote. However, any method utilized must ensure that each member's vote is a matter of public record. Nominated appointments will be considered for confirmation by Town Council and the Board of County Commissioners.

2.2.5 The Town Council may remove any member of the Tourism Board that the Town Council has appointed for any reason prior to the expiration of their term.

2.2.6 The Board of County Commissioners may remove any member of the Tourism Board that the County has appointed for any reason prior to the expiration of their term.

2.2.7 If a member is appointed by both Town Council and the Board of County Commissioners, that member may be removed by a vote of both the Town Council and Board of County Commissioners.

2.2.8 The position of any member of the Tourism Board shall be deemed vacant if:

- a. Any member misses two (2) consecutive regular meetings or three (3) meetings in a 12-month period;
- b. The Town Council or County removes a member pursuant to Sections 2.2.5 or 2.2.6, or based on the recommendation of the Tourism Board;
- c. A member submits a written resignation;
- d. A member representing an association no longer is a member of that association for which the member was originally nominated to represent; or,
- e. A member dies or is incapable of performing the duties of a member.

2.3 Officers, Meetings and Public Hearings

2.3.1 Election of Chairperson and Vice Chairperson. Annually, the Tourism Board shall elect the following officers by majority vote of the Tourism Board membership: Chairperson, Vice-Chairperson, 2nd Vice Chair. Officer tenure will be for one year with the newly elected officers taking office immediately with each being eligible for re-election, and each serving a one-year term in such a capacity.

- a. The Chairperson of the Tourism Board shall preside at all meetings and public hearings of such board, shall decide all points of order and procedure.
- b. The Vice-Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson and shall act in the capacity of Chairperson for all special commissions created by the Tourism Board. Should the Vice-Chairperson and the Chairperson be absent from a meeting or public hearing, the 2nd Vice Chair shall be the presiding officer.
- c. Any vacancy from the position of Chairperson, Vice-Chairperson or 2nd Vice Chair shall be filled in the same manner as the vacant position was initially filled.

2.3.2 Establishment of Meeting Schedule

The Tourism Board shall also annually establish a meeting schedule to meet four times a year. All meetings shall be open to the public, and the agenda for each meeting shall be made available in advance through the approved Town and County notification processes.

2.3.3 Notice of Meetings

The Executive Director upon twenty-four (24) hours' notice to all regular members may call special meetings as necessary, and such other notice as required by Section 2.3.2.

2.3.4 Open Meetings. The Tourism Board is subject to the Colorado Open Meetings Law.

2.4 Actions by Members

2.4.1 The Tourism Board will be administered as follows:

- a. The County and Town shall approve an annual budget for the Tourism Board, prior to the end of each fiscal year for the following fiscal year. The budget shall include separate sections for revenues and anticipated expenditures for both the Town and the County, clearly identifying the source of funds, eligible uses, and proposed expenditures

(Reference Section 1.5). Any budget amendments must be approved by both Town Council and the Board of County Commissioners. The County shall review the budget at a regularly scheduled Board of County Commissioners meeting, with supporting documentation and input from the Tourism Board Executive Director.

b. The Executive Director will provide written tourism status reports to the County and Town quarterly, with verbal presentations provided at the desired frequency of each entity. These reports should be provided to the Tourism Board Members along with the Town Manager and the County Manager.

c. The Tourism Board shall comply with the Town's procurement and administrative policies currently in effect and as they may be amended from time to time.

d. The Tourism Board may appoint subcommittees to provide necessary focus to all areas that tourism impacts in the community.

2.4.2 Quorum. Official meetings will only be held when a quorum is present, determined and defined by a majority of the voting members (at least five of the nine voting members). Attendance is allowed by video. Lack of a quorum will require a rescheduling of the meeting until such a time in which a quorum is achieved and legal meeting notification can be provided as required by Section 2.3.2.

2.4.3 Executive Session. Executive sessions in which the officers of the Board meet to discuss procedural issues may be called at the discretion of the Chairperson in accordance with State Laws.

2.4.4 Voting. The group will review potential expenditures recommendation for approval will be based on a majority affirmative vote. Vote in absentia (a.k.a. proxy votes) are not permissible.

2.4.5 Conflict of Interest. If a Board member has a financial or personal conflict of interest with a vote, they must state their conflict at the beginning of the meeting, in advance of the discussion and they must recuse themselves both in the discussion and vote in the matter. Board members should attempt whenever possible to avoid even the appearance of a conflict.

2.4.6 Withdrawals from Voting.

A member of the Board may be excused from voting on a particular issue only if it has been determined that the member would have a conflict of interest, or if the member would be violating the State Code of Ethics.

2.4.7 Code of Ethics. The Tourism Board shall comply with the statutory Code of Ethics for local government officials contained in Part 1, Article 18, Title 24, C.R.S. The Code includes prohibited conduct and conflicts regarding personal financial interest.

Section 3 – Administration of Lodging Tax Funding

3.1 The Tourism Board shall ensure that all requests for funding from Lodging Tax revenues meet the criteria established by the County and Town as specifically set forth in this Agreement, and in accordance with State Law. For the purpose of the Tourism Board, "tourism" is focused on bringing visitors to our community and increasing the length of

their visits for the purpose of increasing both lodging and sales tax revenues. The powers and duties of the Tourism Board include, but are not limited to the following:

- 3.2 The Tourism Board will operate in a prudent manner and expenditures that are recommended by the Tourism Board and approved by the County and Town will be measured and frequently reviewed relative to the expected outcomes.
- 3.3 Measurement standards will be utilized by the Executive Director / Tourism Board to track and evaluate the Tourism Board's efforts.
- 3.4 The Executive Director and / or the Tourism Board may recommend to the Town and County the use of consultants or other professionals as determined to be prudent relative to specific and necessary expertise.
- 3.5 The Tourism Board will attempt to work with other groups, across the State of Colorado, regionally and in the community, to both unify and promote efficiency in the community's tourism efforts.
- 3.6 Capital Expenditure projects may be considered by the Tourism Board, if they are tourism related in that the project will improve the experience of the visitor; however, only the Town's Lodging Tax revenue may be used for such projects as the County's Lodging Tax is restricted by C.R.S. § 30-11-107.5 to only the marketing and advertising of local tourism.
- 3.7 Annual Budget and Expenditures. An annual budget will be created by the Executive Director, with input from the Tourism Board, following consensus from the Town and County to establish tourism priorities for the following year. The budget shall be separately itemized and clearly distinguish between Town Lodging Tax revenues and County Lodging Tax revenues. (Reference Section 1.5) The majority of annual expenditures will fall into the categories of 1) External Marketing & Visitor Education 2) Visitor Center 3) Event Support and 4) Capital Expenditures. The Executive Director will present the budget to the Board of County Commissioners and the Town Council for approval, annually in October, for funding the following year.
- 3.8 County agrees to remit to Town, on a quarterly basis, the County's Lodging Tax within thirty (30) days of receipt from the State of Colorado.
- 3.9 The Town agrees to account for and track the expenditures of the Town's Lodging Tax and County's Lodging Tax through the Town's Chart of Accounts as recommended by the Government Finance Officers Association (GFOA) and provide quarterly reports to the County on the expenditures and uses of the County's Lodging Tax. The Parties heretofore agree and understand that the County's Lodging Tax may only be used for the advertising and marketing of local tourism and for no other uses without voter approval, all pursuant to C.R.S. § 30-11-107.5. The County retains the right to review, audit at the County's expense, and require corrective action with respect to any expenditure of County Lodging Tax revenues.

3.10 Funds disbursed from the Tourism Board shall be restricted to projects specifically identified as tourism-related, including, but not limited to:

- Tourism department staffing
- Visitor Center operations
- Promotion, advertising and visitor education of the destination
- Parks or Venues (additions, enhancements, upgrades)
- Trails
- Event-specific (festivals, pickleball, ice-skating, nordic skiing, etc.)
- Signage
- Holiday Lighting
- Infrastructure, including river access
- Support of Workforce Housing
- Support of childcare or early childhood education
- Support of First Responders

3.11 However, County Funds distributed from the Tourism Board shall be restricted to advertising and marketing activities, as set forth in C.R.S. § 30-11-107.5. The Parties' obligations are subject to the annual appropriation of funds by their respective governing bodies.

Section 4 – Miscellaneous

4.1 Effective Date. This Agreement will commence immediately upon full execution and shall continue until either Party gives at least ninety (90) days written notice of termination to the other Party.

4.2 No Third-Party Beneficiaries. This Agreement is not intended to, and will not be construed to, confer a benefit, or create any right on a third party, or the power of right to bring an action to enforce any of its terms.

4.3 Modification. This Agreement may be amended only by written instrument duly signed and executed by the County and Town.

4.4 Signatory Authority. The persons executing this Agreement on behalf of the Parties hereby affirmatively represent that each has the requisite legal authority to enter into this Agreement on behalf of their respective Party and to bind their respective Party to the terms and conditions of this Agreement and understand that all Parties are relying upon these representations in entering into the Agreement.

4.5 Severability. The provisions of this Agreement are severable and the adjudicated invalidity of any provision or portion of this Agreement shall not in and of itself affect the validity of any other provision or portion of this Agreement, and the remaining provisions of this Agreement shall remain in full force and effect. If a Court of competent jurisdiction were to determine that a provision of this Agreement is invalid or unenforceable, then the Parties agree to promptly use good faith efforts to amend this

Agreement or reflect the original intent of the Parties in accordance with the applicable law. This Agreement shall be construed and enforced in accordance with the laws of the United States and the State of Colorado.

- 4.6 Entire Agreement. This Agreement constitutes the entire agreement between the Town and County, and supersedes all prior negotiations, representations, or other agreements, whether written or oral. These include County Resolutions 1987-129 and 2010-3 and the 2015 MOU.
- 4.7 Interpretation. In the event of a dispute between the Parties as to the language of this Agreement or the construction or meaning of any term hereof, this Agreement will be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any party to this Agreement. This Agreement shall be interpreted to give effect to applicable state law governing the use of public funds, and no provision shall be construed to authorize expenditures not permitted by law.
- 4.8 No Waiver of Governmental Immunity Act. The Parties hereto understand and agree that the County, the Town, their commissioners, council members, officials, officers, directors, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., or otherwise available to the County and/or the Town.

IN WITNESS WHEREOF, the Parties have executed this Intergovernmental Agreement as of the date so indicated in the signature blocks.

BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY, COLORADO

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____

By: _____

Warren Brown, Chair

Shari Pierce, Mayor

Date: _____

Date: _____

Attest: _____

Attest: _____

Kristy Archuleta

April Hessman

County Clerk & Recorder

Town Clerk

**INTERGOVERNMENTAL AGREEMENT
BETWEEN ARCHULETA COUNTY, COLORADO AND
THE TOWN OF PAGOSA SPRINGS, ~~COLORADO, REGARDING COLORADO~~
~~REGARDING THE STAFFING OF THE TOWN TOURISM DEPARTMENT, AND THE~~
ADMINISTRATION OF THE PAGOSA SPRINGS AREA TOURISM BOARD, AND
ADMINISTRATION OF LODGING TAX FUNDING IN A COOPERATIVE EFFORT
TO PROMOTE AND MANAGE PAGOSA SPRINGS AND ARCHULETA COUNTY AS
A TOURISM DESTINATION**

This Intergovernmental Agreement (“Agreement” or “Contract”) is entered into by and between Archuleta County, Colorado, (the “County”) and the Town of Pagosa Springs, Colorado, (the “Town”) (collectively referred to as “Parties” and each individually as a “Party”).

RECITALS

WHEREAS,

A. The Town and County each collect a tax on vacation lodging within their respective jurisdictions (each, the “Lodging Tax”); and,

B. C.R.S. § 30-11-107.5 pertains to the operation and management of a county lodging tax tourism fund and ~~which~~ restricts the use of the County’s Lodging Tax to only the ~~marketing and advertising~~ advertising and marketing of local tourism; and,

A. The 3% Town Lodgers Tax was approved by voters in 2005 and an additional 1.9% was approved by Town voters in 2006, making the Town Lodgers Tax 4.9%. Town Code Section 16.4.11.2 discusses the uses of the Lodgers’ Tax funds subject to approval by the Town Council including the following:

A. Tourism and tourism-related marketing and capital improvements;

B. Special events sponsored, funded or assisted by the Town; and

C. Such other tourism uses determined reasonable and necessary by the Town Council; and

~~C. Section 16.4 of the Pagosa Springs Municipal Code pertains to the Lodgers’ Tax and the Town’s use of revenues, which sets forth the requirements for levying and administering a municipal lodgers’ tax and expending such revenues; and; and~~

B. The 1988 Archuleta County ballot measure imposes “...a 2% tax on hotel, motel, guest ranch, camp ground, and all other similar accommodations for the purpose of obtaining monies in order to promote and otherwise market and attract tourism to the County of Archuleta.”

~~D.C.~~ The Board of County Commissioners adopted Resolution 1987-129 on November 13, 1987, which established a panel to administer tourism funds derived from a Lodging Tax; and,

E.D. The County Board of County Commissioners adopted Resolution 2010-3 on January 19, 2010, which restructured the County Tourism Commission; and,

F.C. The Parties adopted a Memorandum of Understanding on or about January 1, 2015, regarding the administration of lodging tax funding (the “2015 MOU”); and,

G.D. The Parties have agreed to fund the County Tourism Commission, now known as the Pagosa Springs Area Tourism Board (hereinafter, the “Tourism Board”) through Lodging Tax collections for the purpose of promoting and advertising advertising and marketing Pagosa Springs and Archuleta County as a tourism destination; and,

H.E. The County Board of County Commissioners and Town Council have determined that tourism is an integral part of the local economy and fully support the promotion and advertising advertising and marketing of Pagosa Springs and Archuleta County as a tourism destination; and,

F. The Town Council and Board of County Commissioners County agree that managing the destination through visitor education, improvements to infrastructure, and marketing and advertising advertising and marketing is critical; and

G. While the Town Council and Board of County Commissioners agree that managing improvements to infrastructure is important, the Parties acknowledge that capital expenditures and infrastructure activities are not permissible uses of County lodging tax revenues and may only be funded by Town lodging tax revenues; and

While the Town and County also agree that while managing the destination through improvements to infrastructure is also important, the Parties acknowledge that capital expenditures and infrastructure activities are not permissible uses of County lodging tax revenues, regardless of whether such activities may be funded by Town lodging tax revenues; and

A.H. The Parties acknowledge that strict accounting, fund segregation, and yearly documentation are necessary to ensure that County lodging tax revenues are not used for non-statutory purposes, and that any ambiguity be resolved in favor of statutory compliance and protection of public funds; critical, and

I. The Town operates under the Council-Manager form of government. Except for informal inquiry, Tourism Board and its members are to deal with Town administrative personnel, employees, and contractors solely through the Town Manager or his/her designee (Executive Director of Tourism) and agree that the Tourism Department staff shall follow Town policies and procedures in the exercising of their duties; and

J. The Parties agree that the focus of the Board will be the promotion and management of the destination and the role of the Tourism Board and its members is policy focused/advisory and not operational. Policy direction includes advising staff on the annual budget, event funding, and annual marketing plan; and

K. The County and Town have each budgeted their respective Lodging Tax collections to support the efforts of destination tourism in accordance with existing ballot language; and,

L. The County Board of County Commissioners and Town Council agree that combining funding efforts in a collaborative manner will better serve the community through promotion and management of the destination.

NOW, THEREFORE, in consideration of the recitals above and the joint and mutual covenants, conditions and promises contained herein below, the Parties state and agree as follows:

Section 1 – Tourism Department Staffing and Operations.

1.1 The staff of the Tourism Board shall be Town employees.

1.2- The head of the Tourism Department shall be the Executive Director of Tourism (hereinafter, “Executive Director”).

1.3 The Executive Director shall report to the Pagosa Springs Town Manager. Other employees of the Tourism Department shall report to the Executive Director.

1.4 Compensation for Tourism Department staff shall be funded by the Lodging tax collected solely by ~~both~~ the Town of Pagosa Springs ~~and Archuleta County~~.

1.5 Lodging tax collected and contributed by the County shall be kept in a separate fund recorded separately from Town monies and used to fund statutorily permitted advertising and marketing and advertising efforts.

1.6 The Town manager shall promptly notify the County Manager, or the County Manager’s designee, of any alleged or confirmed violations, misconduct, ethics concerns, or formal complaints involving Tourism Department Staff that relate to the administration, management, or expenditure of County Lodging Tax revenues.

1.7 The County’s receipt of such notice shall not be construed to create an employment, supervisory, or disciplinary relationship between the County and Tourism Department staff. The County’s role shall remain limited to oversight necessary to ensure statutory compliance and the protection of public funds.

1.8 Except for informal inquiry, Tourism Board and its members are to deal with Town administrative personnel, employees, and contractors solely through the Town Manager or his/her designee (Executive Director of Tourism) and agree that the Tourism Department staff shall follow Town policies and procedures in the exercising of their duties.

Section 2 – Pagosa Springs Area Tourism Board

2.1 Duties and Authorities of the Pagosa Springs Area Tourism Board. The Tourism Board is a citizen’s advisory Board to the Pagosa Springs Town Council and the Archuleta County Board of County Commissioners. The purpose of the Tourism Board is to make specific recommendations to be presented by the Executive Director of Tourism relative to expenditures of both the Town and County Lodging Tax. The focus of the Board will be the promotion and management of the destination. **The Parties agree that the role of the Tourism Board and its members is policy focused/advisory and not operational in nature. Policy direction includes advising staff on the annual budget, event funding, and annual marketing plan.**

2.2 Members and Terms of Office.

2.2.1 The Tourism Board shall consist of nine Board Members, all of whom shall be appointed by both the County and Town Council, except as set forth below:

- 1 County Commissioner (appointed by the County)
- 1 Town Council Member (appointed by the Town Council)
- 1 Lodging Association Member (nominated by the Pagosa Lodging Association)
- 1 Chamber of Commerce Member (nominated by the Pagosa Springs Chamber of Commerce)
- 1 Board of Realtors Member (nominated by the Pagosa Springs Area Association of Realtors)
- 1 Short Term Rental Representative (nominated by the Pagosa Springs Area Tourism Board)
- 1 Hospitality / Recreation Representative (nominated by the Pagosa Springs Area Tourism Board)
- 2 At-large Members from the general public of Archuleta County (nominated by the Pagosa Springs Area Tourism Board)

2.2.2. The members of the Tourism Board shall serve in such capacity without compensation. The terms of office of the Tourism Board shall be three (3) years, with the exception of the Town and County Representatives, **who shall serve at the discretion/pleasure of their respective appointing authorities.** **Members may be reappointed to any number of consecutive terms.**

2.2.3 No member may serve more than two (2) consecutive full terms. Upon completion of two consecutive terms, a member shall be required to rotate off the Board for a minimum of one (1) full year before becoming eligible for reappointment. This provision shall not be effective until January 1, 2027.

2.2.43

2.2.3 Should a vacancy occur, the Executive Director of the Tourism Department will ensure

public notification of the vacancy. Interested individuals shall submit a letter to the Executive Director who will submit the letter to the Tourism Board to consider nominating such applicant to the Town Council and/or the County as applicable. The Tourism Board may choose to vote on the recommendation of new members verbally or via paper ballot, as determined by a majority of the Board in advance of the vote. However, any method utilized must ensure that each member's vote is a matter of public record. Nominated appointments will be considered for confirmation by Town Council and the Board of County Commissioners.

2.2. ~~54~~ The Town Council may remove any member of the Tourism Board that the Town Council has appointed for any reason prior to the expiration of their term.

2.2. ~~655~~ The County Board of County Commissioners may remove any member of the Tourism Board that the County has appointed for any reason prior to the expiration of their term.

2.2.6 If a member is appointed by both Town Council and the Board of County Commissioners, that member may be removed by a vote of both the Town Council and Board of County Commissioners.

2.2. ~~76~~ The position of any member of the Tourism Board shall be deemed vacant if:

- a. Any member misses three (3)two (2) consecutive regular meetings or three (3)four (4) meetings in a 12-month period;
- b. The Town Council or County removes a member pursuant to Sections 2.2. ~~54~~ or 2.2. ~~65~~, or based on the recommendation of the Tourism Board;
- c. A member submits a written resignation;
- d. A member representing an association no longer is a member of that association for which the member was originally nominated to represent; or,
- e. ——— A member dies or is incapable of performing thetheir duties of a member.
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2.3 Officers, Meetings and Public Hearings:

2.3.1 Election of Chairperson and Vice Chairperson. Annually, the Tourism Board shall elect the following officers by majority vote of the Tourism Board membership: Chairperson, Vice-Chairperson, 2nd Vice Chair. Officer tenure will be for one year with the newly elected officers taking office immediately with each being eligible for re-election, and each serving a one-year term in such a capacity.

- a. The Chairperson of the Tourism Board shall preside at all meetings and public hearings of such board, shall decide all points of order and procedure.
- b. The Vice-Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson and shall act in the capacity of Chairperson for all special commissions created by the Tourism Board. Should the Vice-Chairperson and the Chairperson be absent from a meeting or public hearing, the 2nd Vice Chair shall be the presiding officer.
- c. Any vacancy from the position of Chairperson , Vice-Chairperson or 2nd Vice Chair shall be filled in the same manner as the vacant position was initially filled.

2.3.2 Establishment of Meeting Schedule. The Tourism Board shall also annually -
 ————establish a meeting schedule to meet ~~regularly~~four times a year. All meetings shall be open to the public, and the agenda for each meeting shall be made available in advance through the approved Town and County notification processes.

2.3.3 Notice of Meetings. The Executive Director upon twenty-four (24) ~~hours'~~hours notice to all regular members may call special meetings as necessary, and such other notice as required by Section 2.3.2.

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- b. The Executive Director will provide written tourism status reports to the County and Town ~~monthly~~quarterly, with verbal presentations provided at the desired frequency of each entity. These reports should be provided to both the Tourism Board Members appointed by the Town and the County, along with the Town Manager and the County Manager or their designees.
- c. The Tourism Board shall comply with the Town's ~~and County's~~ procurement and administrative policies currently in effect and as they may be amended from time to time.

d. The Tourism Board may appoint subcommittees to provide necessary focus to all areas that tourism impacts in the community.

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- 3.2 The Tourism Board will operate in a prudent manner and expenditures that are recommended by the Tourism Board and approved by the County and Town will be measured and frequently reviewed relative to the expected outcomes.

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3.11 However, County Funds distributed from the Tourism Board shall restricted to advertising and marketing qualified marketing and advertising activities, as set forth in C.R.S. § 30-11-107.5.

~~3.12~~ The Parties' obligations are subject to the annual appropriation of funds by their respective governing bodies.

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- 4.4 Signatory Authority. The persons executing this Agreement on behalf of the Parties hereby affirmatively represent that each has the requisite legal authority to enter into this Agreement on behalf of their respective Party and to bind their respective Party to the terms and conditions of this Agreement and understand that all Parties are relying upon these representations in entering into the Agreement.
- 4.5 Severability. The provisions of this Agreement are severable and the adjudicated invalidity of any provision or portion of this Agreement shall not in and of itself affect

the validity of any other provision or portion of this Agreement, and the remaining provisions of this Agreement shall remain in full force and effect. If a Court of competent jurisdiction were to determine that a provision of this Agreement is invalid or unenforceable, then the Parties agree to promptly use good faith efforts to amend this Agreement or reflect the original intent of the Parties in accordance with the applicable law. This Agreement shall be construed and enforced in accordance with the laws of the United States and the State of Colorado.

- 4.6 Entire Agreement. This Agreement constitutes the entire agreement between the Town and County, and supersedes all prior negotiations, representations, or other agreements, whether written or oral. These include County Resolutions 1987-129 and 2010-3 and the 2015 MOU.
- 4.7 Interpretation. In the event of a dispute between the Parties as to the language of this Agreement or the construction or meaning of any term hereof, this Agreement will be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any party to this Agreement. This Agreement shall be interpreted to give effect to applicable state law governing the use of public funds, and no provision shall be construed to authorize expenditures not permitted by law.
- 4.8 No Waiver of Governmental Immunity Act. The Parties hereto understand and agree that the County, the Town, their commissioners, council members, officials, officers, directors, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., or otherwise available to the County and/or the Town.

IN WITNESS WHEREOF, the Parties have executed this Intergovernmental Agreement as of the date so indicated in the signature blocks.

BOARD OF COUNTY
COMMISSIONERS OF ARCHULETA
COUNTY, COLORADO

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____

By: _____

~~Warren Brown~~ Veronica Medina,
Chair

Shari Pierce, Mayor

Date: _____

Date: _____

ATTEST: _____

ATTEST: _____

Kristy Archuleta
County Clerk & Recorder

April Hessman
Town Clerk

**INTERGOVERNMENTAL AGREEMENT BETWEEN ARCHULETA COUNTY,
COLORADO AND THE TOWN OF PAGOSA SPRINGS, COLORADO, REGARDING
STAFFING OF THE TOWN TOURISM DEPARTMENT, ADMINISTRATION OF THE
PAGOSA SPRINGS AREA TOURISM BOARD, AND ADMINISTRATION OF LODGING
TAX FUNDING IN A COOPERATIVE EFFORT TO PROMOTE AND MANAGE
PAGOSA SPRINGS AND ARCHULETA COUNTY AS A TOURISM DESTINATION**

This Intergovernmental Agreement (“Agreement” or “Contract”) is entered into by and between Archuleta County, Colorado, (the “County”) and the Town of Pagosa Springs, Colorado, (the “Town”) (collectively referred to as “Parties” and each individually as a “Party”).

RECITALS

WHEREAS,

- A. The Town and County each collect a tax on vacation lodging within their respective jurisdictions (each, the “Lodging Tax”); and,
- B. C.R.S. § 30-11-107.5 pertains to the operation and management of a county lodging tax tourism fund and restricts the use of the County’s Lodging Tax to only the advertising and marketing of local tourism; and,
- C. The 3% Town Lodgers Tax was approved by voters in 2005 and an additional 1.9% was approved by Town voters in 2006, making the Town Lodgers Tax 4.9%. Town Code Section 16.4.11.2 discusses the uses of the Lodgers’ Tax funds subject to approval by the Town Council including the following:
 - 1. Tourism and tourism-related marketing and capital improvements;
 - 2. Special events sponsored, funded or assisted by the Town; and
 - 3. Such other tourism uses determined reasonable and necessary by the Town Council; and
- D. The 1988 Archuleta County ballot measure imposes “...a 2% tax on hotel, motel, guest ranch, campground, and all other similar accommodations for the purpose of obtaining monies in order to promote and otherwise market and attract tourism to the County of Archuleta.”
- E. The Board of County Commissioners adopted Resolution 1987-129 on November 13, 1987, which established a panel to administer tourism funds derived from a Lodging Tax; and,
- F. The Board of County Commissioners adopted Resolution 2010-3 on January 19, 2010, which restructured the County Tourism Commission; and,
- G. The Parties adopted a Memorandum of Understanding on or about January 1, 2015, regarding the administration of lodging tax funding (the “2015 MOU”); and,

- H. The Parties have agreed to fund the County Tourism Commission, now known as the Pagosa Springs Area Tourism Board (hereinafter, the "Tourism Board") through Lodging Tax collections for the purpose of advertising and marketing Pagosa Springs and Archuleta County as a tourism destination; and,
- I. The Board of County Commissioners and Town Council have determined that tourism is an integral part of the local economy and fully support the advertising and marketing of Pagosa Springs and Archuleta County as a tourism destination; and,
- J. The Town Council and Board of County Commissioners agree that managing the destination through visitor education, improvements to infrastructure, and advertising and marketing is critical; and
- K. While the Town Council and Board of County Commissioners agree that managing improvements to infrastructure is important, the Parties acknowledge that capital expenditures and infrastructure activities are not permissible uses of County lodging tax revenues and may only be funded by Town lodging tax revenues; and
- L. The Parties acknowledge that strict accounting, fund segregation, and yearly documentation are necessary to ensure that County lodging tax revenues are not used for non-statutory purposes, and that any ambiguity be resolved in favor of statutory compliance and protection of public funds; and
- M. The Town operates under the Council-Manager form of government. Except for informal inquiry, Tourism Board and its members are to deal with Town administrative personnel, employees, and contractors solely through the Town Manager or his/her designee (Executive Director of Tourism) and agree that the Tourism Department staff shall follow Town policies and procedures in the exercising of their duties; and
- N. The Parties agree that the focus of the Board will be the promotion and management of the destination and the role of the Tourism Board and its members is policy focused/advisory and not operational. Policy direction includes advising staff on the annual budget, event funding, and annual marketing plan; and
- O. The County and Town have each budgeted their respective Lodging Tax collections to support the efforts of destination tourism in accordance with existing ballot language; and,
- P. The Board of County Commissioners and Town Council agree that combining efforts in a collaborative manner will better serve the community through promotion and management of the destination.

NOW, THEREFORE, in consideration of the recitals above and the joint and mutual covenants, conditions and promises contained herein below, the Parties state and agree as follows:

Section 1 – Tourism Department Staffing and Operations

- 1.1 The staff of the Tourism Board shall be Town employees.
- 1.2 The head of the Tourism Department shall be the Executive Director of Tourism (hereinafter, “Executive Director”).
- 1.3 The Executive Director shall report to the Pagosa Springs Town Manager. Other employees of the Tourism Department shall report to the Executive Director.
- 1.4 Compensation for Tourism Department staff shall be funded by the Lodging tax collected by the Town of Pagosa Springs.
- 1.5 Lodging tax collected and contributed by the County shall be recorded separately from Town monies and used to fund statutorily permitted advertising and marketing efforts.
- 1.6 The Town Manager shall promptly notify the County Manager, or the County Manager’s designee, of any alleged or confirmed violations, misconduct, ethics concerns, or formal complaints involving Tourism Department Staff that relate to the administration, management, or expenditure of County Lodging Tax revenues.
- 1.7 The County’s receipt of such notice shall not be construed to create an employment, supervisory, or disciplinary relationship between the County and Tourism Department staff. The County’s role shall remain limited to oversight necessary to ensure statutory compliance and the protection of public funds.
- 1.8 Except for informal inquiry, Tourism Board and its members are to deal with Town administrative personnel, employees, and contractors solely through the Town Manager or his/her designee (Executive Director of Tourism) and agree that the Tourism Department staff shall follow Town policies and procedures in the exercising of their duties.

Section 2 – Pagosa Springs Area Tourism Board

2.1 Duties and Authorities of the Pagosa Springs Area Tourism Board

The Tourism Board is a citizen’s advisory Board to the Pagosa Springs Town Council and the Archuleta County Board of County Commissioners. The purpose of the Tourism Board is to make specific recommendations to be presented by the Executive Director of Tourism relative to expenditures of both the Town and County Lodging Tax. The focus of the Board will be the promotion and management of the destination. The Parties agree that the role of the Tourism Board and its members is policy focused/advisory and not operational in nature. Policy direction includes advising staff on the annual budget, event funding, and annual marketing plan.

2.2 Members and Terms of Office

2.2.1 The Tourism Board shall consist of nine Board Members, all of whom shall be appointed by both the County and Town Council, except as set forth below:

- 1 County Commissioner (appointed by the County)
- 1 Town Council Member (appointed by the Town Council)
- 1 Lodging Association Member (nominated by the Pagosa Lodging Association)
- 1 Chamber of Commerce Member (nominated by the Pagosa Springs Chamber of Commerce)
- 1 Board of Realtors Member (nominated by the Pagosa Springs Area Association of Realtors)
- 1 Short Term Rental Representative (nominated by the Pagosa Springs Area Tourism Board)
- 1 Hospitality / Recreation Representative (nominated by the Pagosa Springs Area Tourism Board)
- 2 At-large Members from the general public of Archuleta County (nominated by the Pagosa Springs Area Tourism Board)

2.2.2 The members of the Tourism Board shall serve in such capacity without compensation. The terms of office of the Tourism Board shall be three (3) years, with the exception of the Town and County Representatives, who shall serve at the pleasure of their respective appointing authorities.

2.2.3 No member may serve more than two (2) consecutive full terms. Upon completion of two consecutive terms, a member shall be required to rotate off the Board for a minimum of one (1) full year before becoming eligible for reappointment. This provision shall not be effective until January 1, 2027.

2.2.4 Should a vacancy occur, the Executive Director of the Tourism Department will ensure public notification of the vacancy. Interested individuals shall submit a letter to the Executive Director who will submit the letter to the Tourism Board to consider nominating such applicant to the Town Council and/or the County as applicable. The Tourism Board may choose to vote on the recommendation of new members verbally or via paper ballot, as determined by a majority of the Board in advance of the vote. However, any method utilized must ensure that each member's vote is a matter of public record. Nominated appointments will be considered for confirmation by Town Council and the Board of County Commissioners.

2.2.5 The Town Council may remove any member of the Tourism Board that the Town Council has appointed for any reason prior to the expiration of their term.

2.2.6 The Board of County Commissioners may remove any member of the Tourism Board that the County has appointed for any reason prior to the expiration of their term.

2.2.7 If a member is appointed by both Town Council and the Board of County Commissioners, that member may be removed by a vote of both the Town Council and Board of County Commissioners.

2.2.8 The position of any member of the Tourism Board shall be deemed vacant if:

- a. Any member misses two (2) consecutive regular meetings or three (3) meetings in a 12-month period;
- b. The Town Council or County removes a member pursuant to Sections 2.2.5 or 2.2.6, or based on the recommendation of the Tourism Board;
- c. A member submits a written resignation;
- d. A member representing an association no longer is a member of that association for which the member was originally nominated to represent; or,
- e. A member dies or is incapable of performing the duties of a member.

2.3 Officers, Meetings and Public Hearings

2.3.1 Election of Chairperson and Vice Chairperson. Annually, the Tourism Board shall elect the following officers by majority vote of the Tourism Board membership: Chairperson, Vice-Chairperson, 2nd Vice Chair. Officer tenure will be for one year with the newly elected officers taking office immediately with each being eligible for re-election, and each serving a one-year term in such a capacity.

- a. The Chairperson of the Tourism Board shall preside at all meetings and public hearings of such board, shall decide all points of order and procedure.
- b. The Vice-Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson and shall act in the capacity of Chairperson for all special commissions created by the Tourism Board. Should the Vice-Chairperson and the Chairperson be absent from a meeting or public hearing, the 2nd Vice Chair shall be the presiding officer.
- c. Any vacancy from the position of Chairperson, Vice-Chairperson or 2nd Vice Chair shall be filled in the same manner as the vacant position was initially filled.

2.3.2 Establishment of Meeting Schedule

The Tourism Board shall also annually establish a meeting schedule to meet four times a year. All meetings shall be open to the public, and the agenda for each meeting shall be made available in advance through the approved Town and County notification processes.

2.3.3 Notice of Meetings

The Executive Director upon twenty-four (24) hours' notice to all regular members may call special meetings as necessary, and such other notice as required by Section 2.3.2.

2.3.4 Open Meetings. The Tourism Board is subject to the Colorado Open Meetings Law.

2.4 Actions by Members

2.4.1 The Tourism Board will be administered as follows:

- a. The County and Town shall approve an annual budget for the Tourism Board, prior to the end of each fiscal year for the following fiscal year. The budget shall include separate sections for revenues and anticipated expenditures for both the Town and the County, clearly identifying the source of funds, eligible uses, and proposed expenditures (Reference Section 1.5). Any budget amendments must be approved by both Town

Council and the Board of County Commissioners. The County shall review the budget at a regularly scheduled Board of County Commissioners meeting, with supporting documentation and input from the Tourism Board Executive Director.

b. The Executive Director will provide written tourism status reports to the County and Town quarterly, with verbal presentations provided at the desired frequency of each entity. These reports should be provided to the Tourism Board Members along with the Town Manager and the County Manager.

c. The Tourism Board shall comply with the Town's procurement and administrative policies currently in effect and as they may be amended from time to time.

d. The Tourism Board may appoint subcommittees to provide necessary focus to all areas that tourism impacts in the community.

2.4.2 Quorum. Official meetings will only be held when a quorum is present, determined and defined by a majority of the voting members (at least five of the nine voting members). Attendance is allowed by video. Lack of a quorum will require a rescheduling of the meeting until such a time in which a quorum is achieved and legal meeting notification can be provided as required by Section 2.3.2.

2.4.3 Executive Session. Executive sessions in which the officers of the Board meet to discuss procedural issues may be called at the discretion of the Chairperson in accordance with State Laws.

2.4.4 Voting. The group will review potential expenditures recommendation for approval will be based on a majority affirmative vote. Vote in absentia (a.k.a. proxy votes) are not permissible.

2.4.5 Conflict of Interest. If a Board member has a financial or personal conflict of interest with a vote, they must state their conflict at the beginning of the meeting, in advance of the discussion and they must recuse themselves both in the discussion and vote in the matter. Board members should attempt whenever possible to avoid even the appearance of a conflict.

2.4.6 Withdrawals from Voting.

A member of the Board may be excused from voting on a particular issue only if it has been determined that the member would have a conflict of interest, or if the member would be violating the State Code of Ethics.

2.4.7 Code of Ethics. The Tourism Board shall comply with the statutory Code of Ethics for local government officials contained in Part 1, Article 18, Title 24, C.R.S. The Code includes prohibited conduct and conflicts regarding personal financial interest.

Section 3 – Administration of Lodging Tax Funding

3.1 The Tourism Board shall ensure that all requests for funding from Lodging Tax revenues meet the criteria established by the County and Town as specifically set forth in this Agreement, and in accordance with State Law. For the purpose of the Tourism Board, "tourism" is focused on bringing visitors to our community and increasing the length of

their visits for the purpose of increasing both lodging and sales tax revenues. The powers and duties of the Tourism Board include, but are not limited to the following:

- 3.2 The Tourism Board will operate in a prudent manner and expenditures that are recommended by the Tourism Board and approved by the County and Town will be measured and frequently reviewed relative to the expected outcomes.
- 3.3 Measurement standards will be utilized by the Executive Director / Tourism Board to track and evaluate the Tourism Board's efforts.
- 3.4 The Executive Director and / or the Tourism Board may recommend to the Town and County the use of consultants or other professionals as determined to be prudent relative to specific and necessary expertise.
- 3.5 The Tourism Board will attempt to work with other groups, across the State of Colorado, regionally and in the community, to both unify and promote efficiency in the community's tourism efforts.
- 3.6 Capital Expenditure projects may be considered by the Tourism Board, if they are tourism related in that the project will improve the experience of the visitor; however, only the Town's Lodging Tax revenue may be used for such projects as the County's Lodging Tax is restricted by C.R.S. § 30-11-107.5 to only the marketing and advertising of local tourism.
- 3.7 Annual Budget and Expenditures. An annual budget will be created by the Executive Director, with input from the Tourism Board, following consensus from the Town and County to establish tourism priorities for the following year. The budget shall be separately itemized and clearly distinguish between Town Lodging Tax revenues and County Lodging Tax revenues. (Reference Section 1.5) The majority of annual expenditures will fall into the categories of 1) External Marketing & Visitor Education 2) Visitor Center 3) Event Support and 4) Capital Expenditures. The Executive Director will present the budget to the Board of County Commissioners and the Town Council for approval, annually in October, for funding the following year.
- 3.8 County agrees to remit to Town, on a quarterly basis, the County's Lodging Tax within thirty (30) days of receipt from the State of Colorado.
- 3.9 The Town agrees to account for and track the expenditures of the Town's Lodging Tax and County's Lodging Tax through the Town's Chart of Accounts as recommended by the Government Finance Officers Association (GFOA) and provide quarterly reports to the County on the expenditures and uses of the County's Lodging Tax. The Parties heretofore agree and understand that the County's Lodging Tax may only be used for the advertising and marketing of local tourism and for no other uses without voter approval, all pursuant to C.R.S. § 30-11-107.5. The County retains the right to review, audit at the County's expense, and require corrective action with respect to any expenditure of County Lodging Tax revenues.

3.10 Funds disbursed from the Tourism Board shall be restricted to projects specifically identified as tourism-related, including, but not limited to:

- Tourism department staffing
- Visitor Center operations
- Promotion, advertising and visitor education of the destination
- Parks or Venues (additions, enhancements, upgrades)
- Trails
- Event-specific (festivals, pickleball, ice-skating, nordic skiing, etc.)
- Signage
- Holiday Lighting
- Infrastructure, including river access
- Support of Workforce Housing
- Support of childcare or early childhood education
- Support of First Responders

3.11 However, County Funds distributed from the Tourism Board shall be restricted to advertising and marketing activities, as set forth in C.R.S. § 30-11-107.5. The Parties' obligations are subject to the annual appropriation of funds by their respective governing bodies.

Section 4 – Miscellaneous

4.1 **Effective Date.** This Agreement will commence immediately upon full execution and shall continue until either Party gives at least ninety (90) days written notice of termination to the other Party.

4.2 **No Third-Party Beneficiaries.** This Agreement is not intended to, and will not be construed to, confer a benefit, or create any right on a third party, or the power of right to bring an action to enforce any of its terms.

4.3 **Modification.** This Agreement may be amended only by written instrument duly signed and executed by the County and Town.

4.4 **Signatory Authority.** The persons executing this Agreement on behalf of the Parties hereby affirmatively represent that each has the requisite legal authority to enter into this Agreement on behalf of their respective Party and to bind their respective Party to the terms and conditions of this Agreement and understand that all Parties are relying upon these representations in entering into the Agreement.

4.5 **Severability.** The provisions of this Agreement are severable and the adjudicated invalidity of any provision or portion of this Agreement shall not in and of itself affect the validity of any other provision or portion of this Agreement, and the remaining provisions of this Agreement shall remain in full force and effect. If a Court of competent jurisdiction were to determine that a provision of this Agreement is invalid or unenforceable, then the Parties agree to promptly use good faith efforts to amend this

Agreement or reflect the original intent of the Parties in accordance with the applicable law. This Agreement shall be construed and enforced in accordance with the laws of the United States and the State of Colorado.

4.6 Entire Agreement. This Agreement constitutes the entire agreement between the Town and County, and supersedes all prior negotiations, representations, or other agreements, whether written or oral. These include County Resolutions 1987-129 and 2010-3 and the 2015 MOU.

4.7 Interpretation. In the event of a dispute between the Parties as to the language of this Agreement or the construction or meaning of any term hereof, this Agreement will be deemed to have been drafted by the Parties in equal parts so that no presumptions or inferences concerning its terms or interpretation may be construed against any party to this Agreement. This Agreement shall be interpreted to give effect to applicable state law governing the use of public funds, and no provision shall be construed to authorize expenditures not permitted by law.

4.8 No Waiver of Governmental Immunity Act. The Parties hereto understand and agree that the County, the Town, their commissioners, council members, officials, officers, directors, agents and employees, are relying on, and do not waive or intend to waive by any provisions of this Agreement, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S., or otherwise available to the County and/or the Town.

IN WITNESS WHEREOF, the Parties have executed this Intergovernmental Agreement as of the date so indicated in the signature blocks.

BOARD OF COUNTY COMMISSIONERS
OF ARCHULETA COUNTY, COLORADO

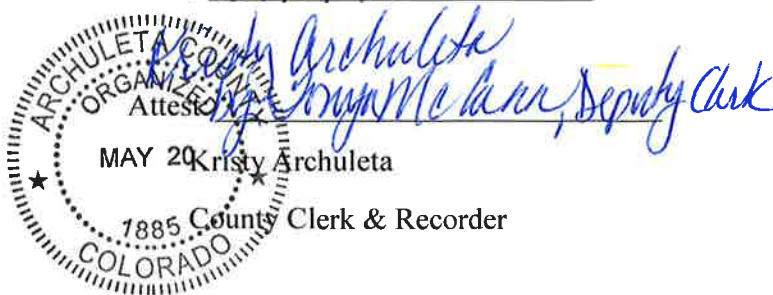
TOWN OF PAGOSA SPRINGS,
COLORADO

By: Warren Brown
Warren Brown, Chair

By: _____
Shari Pierce, Mayor

Date: 06/17/26

Date: _____



Attest: _____
April Hessman
Town Clerk



AGENDA BRIEF

MEETING: Town Council Meeting

FROM: Katelyn Tunnell

PROJECT: Ordinance 1035, First Reading, Rezoning Portion of Block 40 from R-12 to MU-R
ACTION: Discussion and Action

PURPOSE/BACKGROUND:

The proposed ordinance would rezone five (5) lots within Block 40 from Town Residential-Medium Density (R-12) to Mixed-Use Residential (MU-R). The Planning Commission held a public hearing and recommended approval of the rezoning request without conditions, and the ordinance is now before the Town Council for first reading.

The subject properties are known as Lots 7X, 9, 10, 11, 12, and 13 of Block 40 of the Townsite of Pagosa Springs (also known as 141, 157, 173, 181, & 189 S 6th Street).

Based on staff's LUDC review and the evidence provided at the Planning Commission's public hearing on June 10, 2026, the Planning Commission recommended approval of the proposed rezone without conditions. Staff recommends that the Town Council approve the first reading of Ordinance 1035.

ATTACHMENTS:

1. Final Staff Report
2. Ord 1035, Rezoning Eastern Portion of Block 40

RECOMMENDATIONS:

1. Move to approve Ordinance No. 1035, Series 2026, on first reading, rezoning the five (5) eastern lots within Block 40 of the Townsite of Pagos Springs from Town Residential – Medium Density (R-12) to Mixed Use Residential (MU-R), and set the ordinance for second reading and public hearing
2. Move to DENY the proposed rezone with Block 40
3. Move to TABLE the proposed rezone with Block 40

Town of Pagosa Springs
Development Services
551 Hot Springs Blvd / P. O. Box 1859
Pagosa Springs, Colorado 81147
970-264-4151



STAFF REPORT

TO: Town of Pagosa Springs Town Council

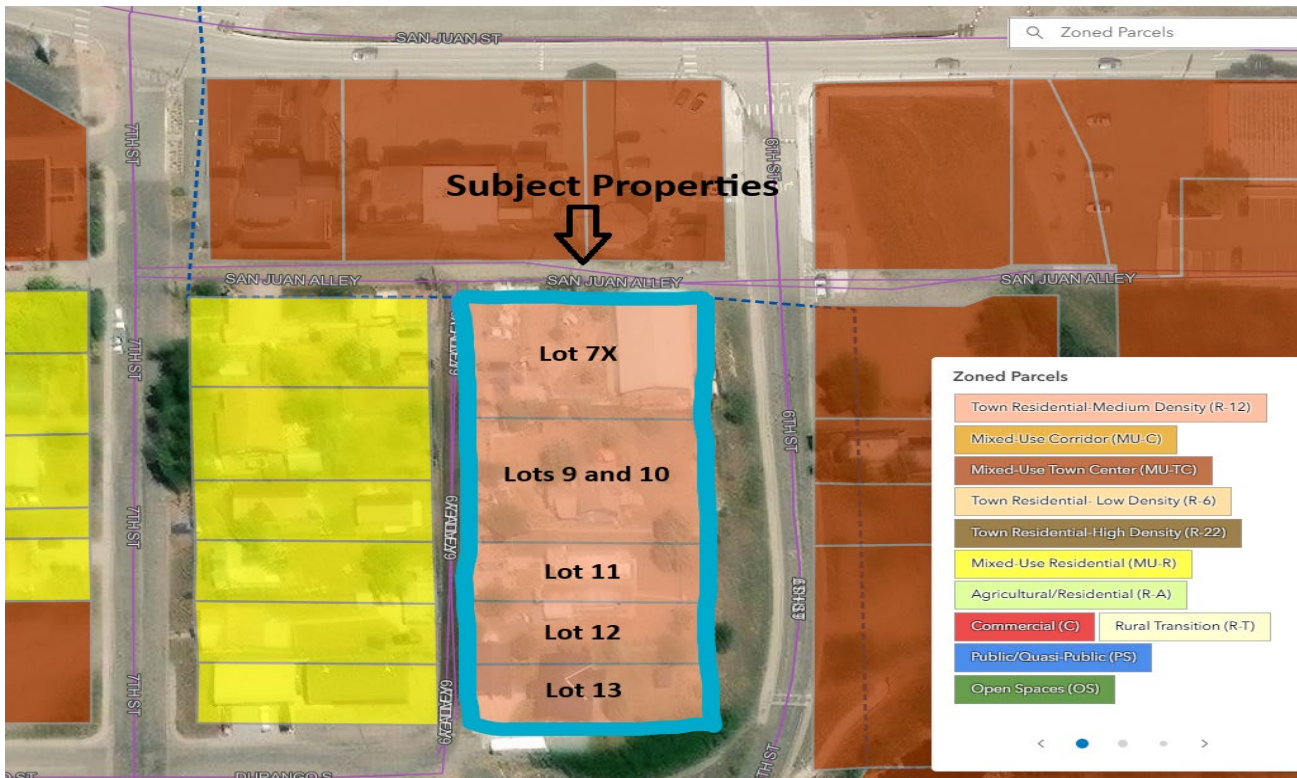
FROM: Katelyn Tunnell, Senior Planner

DATE: July 7, 2026

STAFF REPORT: Rezoning portion of Block 40 of the Townsite of Pagosa Springs from Medium Density Residential (R-12) to Mixed Use Residential (MU-R)

EXECUTIVE SUMMARY

The applicant is requesting to rezone five (5) lots within Block 40 from Town Residential – Medium Density (R-12) to Mixed Use Residential (MU-R). The subject properties are addressed as 141, 157, 173, 181, and 189 S. 6th Street. Those properties are outlined in aqua below. This request is being pursued to allow for more flexibility for allowable uses on their properties. **At its June 9, 2026, public hearing, the Planning Commission unanimously recommended approval of the rezoning request without conditions.**



REVIEW PROCEDURE

Article 2.4.2 of the *Town of Pagosa Springs' Land Use Development Code* states the purpose that the boundary of any zone district may be changed, or the zone classification of any parcel of land may be changed. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the Town.

Amendments to the Official Zoning Map may be approved by Town Council, following review and recommendation by the Planning Commission.

All public notice requirements in Article 2.3.6 and Table 2.3-1 have been complied with for this project.

DISCUSSION

The applicant is requesting to rezone Block 40 within the Townsite of Pagosa Springs from Town Residential – Medium Density (R-12) to Mixed-Use Residential (MU-R). The request applies to the properties are currently addressed as 141, 157, 173, 181, and 189 S. 6th Street. According to the applicant, the request is intended to align the zoning of the block with the surrounding area. The applicant notes that properties located west of the subject block are zoned MU-R, while properties located east of the block are zoned Mixed-Use Town Center (MU-TC). The applicant describes the subject properties as an isolated pocket of R-12 zoning within the surrounding mixed use zoning pattern.

At its June 9, 2026, public hearing, the Planning Commission recommended approval of the rezoning request without conditions.

The R-12 Zone District is defined as: Medium density district is intended primarily for single-family residences, duplexes, and patio homes. The district is intended for locations closer to commercial centers and near downtown, and may serve as a transition between higher-density residential areas and lower-density, single-family neighborhoods. The district should have pedestrian-oriented, connected local streets and sidewalks, as well as accessibility to parks, open space, schools, and other civic activities. The maximum density is twelve (12) units per acre.

The MU-R Zone District is defined as: A district that is intended to allow for the vertical or horizontal mixing of uses, including some high-density residential. Mixed-use residential is appropriate near activity centers and near major arterial and collector streets. The district should promote self-supporting neighborhoods that contain housing predominantly, but could also include some retail, offices, and light trade. A range of residential housing types, including single-family residences, duplexes, patio homes, apartments, and live-work units, are allowed. A lesser portion of the site area shall be allocated to non-residential uses that are related to the neighborhood.

Staff provided the applicant with a Neighborhood Rezone Agreement which is included as an exhibit that outlined current and proposed zoning and the allowable uses in each district.

The subject properties are located within the downtown area and are surrounded by a mix of residential, lodging, commercial, and other mixed-use development. The application materials specifically reference the historic use of The Dockter's home, noting that the structure has previously operated as a boarding house, restaurant, and bed and breakfast. The applicant has indicated that the requested MU- R zoning would allow for the future operation of a

bed and breakfast on the property. Pursuant to the Code, a bed and breakfast is a Conditional Use within the MU-R zone district and would require approval of a Conditional Use Permit prior to operation.

This portion of the block is accessed from the alley rather than directly from 6th Street. As part of the application materials, the applicant provided examples and a map identifying other downtown properties that are also accessed from alleys. No physical site improvements are proposed as part of this rezoning request.

The applicant discussed potential future uses that could be allowed within the proposed MU-R zoning district, including uses that may require a Conditional Use Permit (CUP). No specific use application is being considered as part of this request, and any future development or land use proposals would still be subject to the applicable review processes and standards of the LUDC.

The following sections review the request as it relates to the Land Use Development Code (LUDC) and the Comprehensive Plan.

Rezoning Approval Criteria: The Town Council may approve rezonings, and the Planning Commission may recommend approval, if the rezoning meets all of the following criteria:

(1) The rezoning will promote the public health, safety, and general welfare;

By rezoning Block 40 to allow for more mixed uses, future development proposals will be required to provide onsite parking and would not contribute to traffic congestion, parking shortages, or pollution. Parking at these properties would promote walking due to proximity of downtown, increasing public health.

The proposed rezoning is consistent with the purpose of the MU-R district. The subject properties are located near the downtown activity center and are surrounded by existing mixed-use zoning districts. The MU-R district is intended to accommodate a mix of residential and neighborhood-serving commercial uses in areas such as this. Rezoning Block 40 to MU-R would support a variety of housing types while allowing limited retail, office, and service uses that can serve nearby residents. The proposed rezoning would therefore further the intent of creating a self-supporting neighborhood with a mix of compatible uses.

(2) The rezoning is consistent with the Comprehensive Plan and the purposes of this Land Use Code;

The request aligns with portions of the Pagosa Springs Forward Comprehensive Plan related to walkability, downtown connectivity, and the preservation and reuse of historic structures within the downtown area. The subject properties are located near the downtown core and within an area that already contains a mix of residential, lodging, commercial, and mixed-use development.

The Comprehensive Plan Steering Committee created a Future Land Use map as a tool to suggest recommended changes in zoning for parcels.

When compared to the Future Land Use map, this proposal does not align with the recommended zoning designation. The subject block is not identified for MU-R zoning and continues to be shown as R-12 on that map. This is the only area of misalignment with the Comprehensive Plan. However, staff believes the Steering Committee's intent with the Future Land Use Map was to identify areas needing correction, rather than areas that would benefit from a rezoning.

This request is consistent with the surrounding zoning pattern. The subject block is bordered by MU-R zoning to the west and MU-TC zoning to the east, and the applicant states the request is intended to align

the subject properties with the surrounding area and to pursue a Conditional Use Permit for a Bed and Breakfast.

(3) The rezoning is consistent with the stated purpose of the proposed zoning district(s);

As provided in the definition above, this proposal meets the proposed zoning. This would allow for more business generation in this section of downtown.

(4) Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

The parcels within Block 40 are all served with adequate infrastructure. However, this block is accessed from the 6th/7th alley that is not paved.

This home was built 123 years ago, prior to zoning or the existing street system. The applicant also noted multiple businesses and homes within Downtown that are currently accessed by an alley. He has included a map that is attached.

If development proposals are pursued on any of these parcels, infrastructure improvements may be required, but that would be determined based on the specific proposal.

(5) The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and

Staff has found no evidence that this proposal will have an adverse impact on the area.

(6) The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

Staff has found no evidence that this proposal will have an adverse impact on the area. The applicant has clearly portrayed their intent with this proposal, to reestablish the property as a Bed and Breakfast. That proposal would require a separate application and hearing, nonetheless they have neighborhood support.

2.4.2 A. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person, but only to make adjustments to the Official Zoning Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the Town.

Though it is not considered an approval criteria, section 2.4.2 A. above asserts that rezones should not be utilized to grant special privilege to an individual but to advance the general welfare of the Town. The applicant has explicitly expressed their intent to apply for a Conditional Use Permit to operate a Bed and Breakfast at their home if the rezone is approved. Staff maintains that this proposal would not provide special privileges to the applicant but adjust the zoning map to better align with the surrounding area. Furthermore, a Conditional Use Permit is discretionary by staff, not guaranteeing the use for the applicant.

Public Comment

As of the date of this report, no written public comment has been received regarding this petition.

RECOMMENDATION AND FINDINGS

Based on staff's LUDC review and the evidence provided at the Planning Commission's **public hearing on June 10, 2026**, the Planning Commission recommended approval of the proposed rezone without conditions staff recommends that the Town Council approve the first reading of Ordinance 1035.

PROPOSED MOTION

Move to approve Ordinance No. 1035, Series 2026, on first reading, rezoning the five (5) eastern lots within Block 40 of the Townsite of Pagos Springs from Town Residential – Medium Density (R-12) to Mixed Use Residential (MU-R), and set the ordinance for second reading and public hearing

ALTERNATE MOTIONS

Move to DENY of the proposed rezone with Block 40.

Move to TABLE the proposed rezone with Block 40.

ATTACHMENTS

Attachment 1: Applicant Narrative

Attachment 2: Development Director Letter of Interpretation

Attachment 3: Neighborhood Rezone Agreement

Attachment 4: Signed Neighborhood Rezone Agreement

Applicant Narrative

We are requesting that the zoning of Block 40 of the Town of Pagosa Springs be changed from Medium Density (R-12) to Mixed Use Residential (MUR). All lots and dwellings surrounding Block 40 are zoned MUR and MUTC (Mixed Use Town Center). Additionally, rezoning Block 40 and securing a Conditional Use Permit (CUP) for the location of 157 S. 6th St would enable the house to return to Bed & Breakfast (B&B) status. Historically, the house had been a boarding house, restaurant, and a B&B.

Rezoning the specified location would benefit the town by providing those who prefer to stay in a B&B with an option, as there are none located in downtown Pagosa Springs. As a restored Victorian gem, the styling of the house lends itself as a B&B. In addition, off-street/alley parking is available to accommodate 9 vehicles, more than enough for max occupancy.

Traffic volume will most likely remain the same, as there is already a steady flow through the alley due to local businesses and redirection of construction traffic. The alley is wide enough to accommodate 2 vehicles passing side by side and will not impact Emergency or Utility vehicles accessing the half block. Rezoning would not impact any adjacent zones because they are already zoned MUR/ MUTC.

Due to the location of the proposed B&B, guests will be able to park and walk around town without contributing to traffic and parking shortages. As previous vacation rental owners, we did not see much of an increase in utilities usage.

Above all, spending more time and money downtown, our guests will bring more revenue to the town and county. The arrangement would benefit the town by increasing employment, such as cleaning crews and landscaping, and helping local shops, restaurants, stores, bars and spas with patronage.

The proposed rezoning falls within the Town Land Use Plan allowing for a B&B in conjunction with a Conditional Use Permit (CUP). Whether we, or a potential future owner obtain a Conditional Use Permit, the zoning will already be in place.

Our house is a beautiful gift for all to experience and celebrate a part of Pagosa Springs history .



June 14, 2025

Jason Dockter
Block 40 Rezoning

Hi Jason,

In reviewing the Land Use Development Code (LUDC), Block 40 of the Townsite of Pagosa Springs is currently zoned Medium Density Residential (R-12), which does not allow Bed and Breakfast lodging uses.

Though B&B's would be an allowable use in the Mixed Use Town Center (MU-TC) zoning district, based on my code analysis, requesting MU-TC zoning district could be very difficult for the Planning Commission and Town Council to support, in my opinion.

I believe that a rezoning request for Mixed Use Residential (MU-R) would be a reasonable request. The Mixed Use Residential (MU-R) zoning district requires a Conditional Use Permit (CUP) for the discretionary consideration of allowing a Bed and Breakfast lodging operation. However, a CUP is simply a means to identify any negative impacts to surrounding properties that would need to be mitigated as part of establishing a B&B operation. Most CUPs have been approved in my 18 years with the Town, as long as identified mitigation measures are provided.

As a Rezoning applicant, it is the applicant's responsibility to provide the documentation and explanation supporting your request for the Planning Commission's and Town Council's discretionary consideration for approval, regarding how your proposal complies with the Rezoning application "Approval Criteria" contained in Land Use Development Code section 2.4.2.C.2, below. My notes in [Blue](#):

*a. **Approval criteria.** The Town Council may approve rezonings, and the Planning Commission may recommend approval, if the rezoning meets all of the following criteria:*

(1) The rezoning will promote the public health, safety, and general welfare;

It will be very important to explain what the benefits are for public health, safety, and general welfare.

- (2) *The rezoning is consistent with the Comprehensive Plan and the purposes of this Land Use Code; Currently the rezoning Block 40 is not contemplated in the Comprehensive Plan in the “area of change” maps or narrative for rezoning, thus may not be considered consistent with the Comprehensive plan, unless other references in the Comprehensive Plan can be identified to support compliance for your request. LUDC section 2.4.1. Comprehensive Plan Amendment application may also be required prior to considering a rezoning application, unless you can identify Comprehensive plan references that support consistency.*
- (3) *The rezoning is consistent with the stated purpose of the proposed zoning district(s); LUDC Section 3.3.2: “The MU-R district is intended to allow for the vertical or horizontal mixing of uses, including some high-density residential. Mixed-use residential is appropriate near activity centers and near major arterial and collector streets. The district should promote self-supporting neighborhoods that contain housing predominantly, but could also include some retail, offices, and light trade. A range of residential housing types, including single-family residences, duplexes, patio homes, apartments, and live-work units, are allowed. A lesser portion of the site area shall be allocated to non-residential uses that are related to the neighborhood”.*
- (4) *Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;*
All Re-development and new commercial development will be required to submit a Design Review application which requires evidence that public infrastructure is adequate for proposed new uses. The gravel alleys may need to be converted into a one-way at some point in the future. Should identify other gravel alleys that are used for commercial access.
- (5) *The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and*
Each newly developed or change of uses of existing properties will need to comply with the LUDC and Building Codes. Commercial traffic directed onto a gravel alley may create dust air quality and noise concerns for the existing residential uses. The gravel alleys may become an issue regarding air quality and noise impacts in the future.

(6) The rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract.

The neighboring properties along S. 7th Street in Block 39, may eventually be impacted by additional commercial traffic associated with future uses in Block 40, however, Block 39 is also currently zoned MU-R consistent with the Block 40 proposed rezoning. MU-R allowable uses are identical to those allowed in Block 39.

Your proposed rezoning application will be publicly noticed and mailed to properties with 500 feet of Block 40, encouraging public hearing attendance and an opportunity for providing public comments.

Written and signed support from all Block 40 property owners will be needed to support your rezoning application.

With all that said, you have the right to apply for any zoning designation you believe is more appropriate. My comments are only provided for your consideration, based on my code review and professional experience.

Feel free to contact me with any questions. I'd be happy to discuss and review with you further prior to your investment in the application process.

James Dickhoff, AICP
Development Director
970-585-8633
jdickhoff@pagosasprings.co.gov

Exhibit A

Current Zoning: Town Residential – Medium Density (R-12)

Article 3.2.5 of the Land Use Development Code defines R-12 as:

The R-12 district is intended primarily for single-family residences, duplexes, and patio homes. The district is intended for locations closer to commercial centers and near downtown, and may serve as a transition between higher-density residential areas and lower-density, single-family neighborhoods. The district should have pedestrian-oriented, connected local streets and sidewalks, as well as accessibility to parks, open space, schools, and other civic activities. The maximum density is twelve (12) units per acre.

Proposed Zoning: Mixed – Use Residential (MU-R)

Article 3.3.2 of the Land Use Development Code defines MU-R as:

The MU-R district is intended to allow for the vertical or horizontal mixing of uses, including some high-density residential. Mixed-use residential is appropriate near activity centers and near major arterial and collector streets. The district should promote self-supporting neighborhoods that contain housing predominantly, but could also include some retail, offices, and light trade. A range of residential housing types, including single-family residences, duplexes, patio homes, apartments, and live-work units, are allowed. A lesser portion of the site area shall be allocated to non-residential uses that are related to the neighborhood.

Table 4.1-1 below depicts the uses allowed in each zoning district. Where a 'P' is depicted that represents a use permitted by right, where a 'C' is depicted that represents a use is only allowed when reviewed and approved in accordance with Article 2.4.4 of the Land Use Development Code. When a column is blank, the use is not allowed in that zoning district. The column highlighted in green is the current zoning and allowable uses. While the column highlighted in blue represents the proposed zoning and the uses allowed in that district.

TABLE 4.1-1 TABLE OF ALLOWED USES														
P = Permitted C = Conditional Use		Residential					Mixed- Use			Non- Residential and Other				Use- Specific Regulations
Use Category	Use Type	R A	R T	R 6	R 1 2	R 2	M U R	M U C	M U C	C	L I	O S	P S	
RESIDENTIAL USES														

Household Living	Dwelling, duplex		C	P	P	P	P								4.2.1.A.
	Dwelling, live/work						P	P	P	P	P				4.2.1.B.
	Dwelling, factory built mftd. (HUD) and mobile	C	C												4.2.1.F
	single-wide	C	C												
	double-wide	C	C	P	P	P									
	Dwelling, multi-family				C	P	P	P	P						4.2.1.C
	Dwelling, single-family detached (incl. modular)	P	P	P	P	P	P								
	Dwelling, timeshare						C	C	C						
	Dwelling, townhouse		C		P	P	P	P	P						4.2.1.E.
	Mobile home park	C	C												4.2.1.D.

Group Living	Group living facility, large							C	C	C							
	Group living facility, small (Type A)	P	P	P	P	P	P	P	C	C							
	Group living facility, small (Type B)				C	C	P	P	C								
	Nursing care home				P	C	P	P	P							P	
	Nursing care facility				C	C	C	C	C	C						P	

PUBLIC, INSTITUTIONAL, AND CIVIC USES

Community and Cultural Facilities	Government adm. and civic buildings							C	P	P	P					P	
	Social, fraternal lodges							C	P	P	P					P	
	Public assembly	C	C	C	C	C	P	P	P	P						P	
	Public safety facility	C	C	C	C	C	C	C	P	P	P	P	P	P		P	
Child Care Facilities	Child care center				C	C	C	P	P	P						C	
	Day care home	C	C	C	C	C	C										

Health Care Facilities	Hospital						P	C	P	P			
	Immediate care facility						C	C	P			P	
	Medical or dental office or clinic						P	P	P	P			
Parks and Open Space	Athletic fields and courts	P	P	C	C	C	P	P	P	P	P	P	P
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P
	Open space	P	P	P	P	P	P	P	P	P	P	P	P
	Park	P	P	P	P	P	P	P	P	P	P	P	P
Educational Facilities	College or university	C	C				C	C	C	C			C
	Elementary or secondary school	C	C				C	C	C	C	C		P
	Trade or vocational school	C	C				C	C	C	C	C		C
COMMERCIAL USES													

Agriculture	Farming, traditional or ranch uses	P	C	C									4.2.2.B.
	Stables	P	C							P			
Animal-Related Services	Kennel	C	C				P		P	P			4.2.2.D.
	Veterinary clinic/hospital	P	P				P		P	P			
Financial Services	With drive-through					C	C	C	P	P			
	Without drive-through					C	P	P	P	P			
Food and Beverage Services	Bar or nightclub					C	P	P	P				
	Restaurant, with drive-through						P	C	P				
	Restaurant, no drive-through					C	P	P	P	P			

Lodging Facilities	B&B or inn	C	C				C	P	P	C				
	Campground, guest ranch, or RV park	C								P				
	Hotel, motel, or lodge							P	P	P				
	Vacation rental	C	C	C	C	C	C	P	P					
Offices, Business and Professional	4,000 s.f. or less						C	P	P	P	P			4.2.2.E.
	More than 4,000 s.f.							P	P	P	P			
Personal Services	Dry cleaning and laundry service							P	P	P	P			
	General personal services						P	P	P	P	P			
Recreation and Entertainment, Indoor	Adult entertainment									C				4.2.2.A.
	Art gallery						P	P	P	P	P		P	
	Movie theater						C	P	C	P				

Recreation and entertainment, outdoor	General outdoor recreation, commercial	C	C				C		P		C	C	
	Golf course or driving range	C	C						C			C	
Retail Sales	Greenhouse or nursery, commercial	C					C	P	C	P	P		
	Grocery store						C	P	P	P			4.2.2.C.
	Liquor store						C	P	P	P			4.2.2.E.
	Retail, general, over 4,000 s.f.							P	P	P			
	Retail, general, 4,000 s.f. or less						C	P	P	P	P		
Vehicles and equipment	Parking lot/structure						C	C	C	P	P		
	Gasoline sales							C	C	P	P		
	Vehicle sales and rental							C		P	P		
	Vehicle service and repair							C		P	P		4.2.3.F.
INDUSTRIAL USES													

Industrial Service	Building materials sales						C	C	P	P			
	General industrial service								C	P			
	Natural resource processing								C	P			
Manufacturing and Production	Assembly, light						P		P	P			
	Manufacturing, heavy									C			
	Manufacturing, light						C		C	P			
Warehouse and Freight Movement	Mini-storage						C		P	P			4.2.3.A.
	Storage yard									P			
	Warehouse								C	P			
	Wholesale establishment						C	C	C	P			
Telecomm	Tower/antenna of any height								P	C			
Waste and Salvage	Salvage, junk yard								C				4.2.3.B.

NEIGHBORHOOD REZONING AGREEMENT

I, Eleanor Lujan, the owner(s) of 189 S. 6th St. Pagosa Springs, CO 81147, consent to rezoning my parcel along with the entirety of Block 40 of the Town of Pagosa Springs Subdivision. Jason and Wendy Dockter wish to rezone the block from Residential 12 (R-12) to Mixed-Use Residential (MU-R) with the intent of establishing a Bed and Breakfast. As a property owner, I fully understand the implications of the change in zoning for my property, including the difference in allowable uses for my property and the neighborhood as noted in the attached Exhibit A.

PROPERTY OWNER

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal this 11 day of February, 2026.

Eleanor Lujan
(Property Owner)

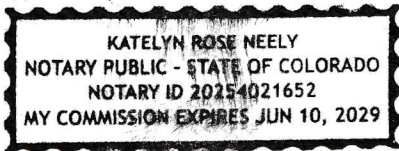
(Property Owner)

STATE OF COLORADO)
) ss.
COUNTY OF ARCHULETA)

The foregoing instrument was acknowledged before me this 11th day of February, 2026 by Eleanor Lujan.

Witness my hand and official seal.

My commission expires: June 10th, 2029



Katelyn Rose Neely
Notary Public

NEIGHBORHOOD REZONING AGREEMENT

I, Brenda G. Caves, the owner(s) of 141 South 6th St Pagosa Springs, CO 81147, consent to rezoning my parcel along with the entirety of Block 40 of the Town of Pagosa Springs Subdivision. Jason and Wendy Dockter wish to rezone the block from Residential 12 (R-12) to Mixed-Use Residential (MU-R) with the intent of establishing a Bed and Breakfast. As a property owner, I fully understand the implications of the change in zoning for my property, including the difference in allowable uses for my property and the neighborhood as noted in the attached Exhibit A.

PROPERTY OWNER

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal this 13 day of Feb., 2026.

Brenda G. Caves
(Property Owner)

(Property Owner)

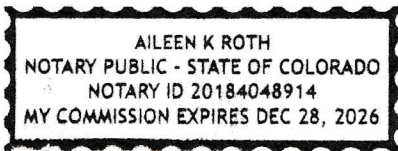
STATE OF COLORADO)
) ss.
COUNTY OF ARCHULETA)

The foregoing instrument was acknowledged before me this 13th day of February 2026 by Brenda Caves

Witness my hand and official seal.

My commission expires: 12/28/2026

Aileen K Roth
Notary Public



TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 1035
(SERIES 2026)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
AMENDING THE OFFICIAL ZONING MAP
REGARDING PROPERTIES KNOWN AS
LOTS 7X, 9, 10, 11, 12, AND 13 OF BLOCK 40 OF THE TOWNSITE OF PAGOSA
SPRINGS**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended; and

WHEREAS, Section 11.2.A. of the Charter provides that the Town Council may adopt land use and development ordinances, including but not limited to zoning ordinances, subdivision ordinances and an official map of the Town; and

WHEREAS, the Town has provided in the Pagosa Springs Municipal Code (“Code”), within Chapter 21 (“Land Use Code”), Articles 3 through 6, for zoning districts, use regulations, dimensional requirements, and development and design standards, for the purpose of promoting the health, safety, morals and general welfare of the Town; and

WHEREAS, the Land Use Code, Section 2.4.2, allows for the Town’s Official Zoning Map to be amended by the Town Council following a recommendation by the Planning Commission; and

WHEREAS, a Zoning Map Amendment application (“Application”) has been submitted pursuant to Land Use Code, Sections 2.4.2.C, requesting rezoning from Town Residential – Medium Density (R-12) to Mixed- Use Residential (MU-R) for certain property located within the Town of Pagosa Springs known as Lots 7X, 9, 10, 11, 12 and 13 of Block 40 of the Townsite of Pagosa Springs, which is depicted on Exhibit A and described on Exhibit B attached hereto and incorporated herein (the “Property”); and

WHEREAS, On June 7, 2026 the Town of Pagosa Springs Planning Commission conducted a public hearing and considered the Application, the report of the Town Senior Planner, the testimony of the Applicant and members of the public, and other evidence presented at such hearing and subsequently approved a recommendation for Town Council to Approve amending the official zoning map regarding property known as Lots 7X, 9, 10, 11, 12, and 13 of Block 40 of the Townsite of Pagosa Springs, changing the zoning on the subject parcel from Town Residential – Medium Density (R-12) to Mixed- Use Residential (MU-R); and

WHEREAS, the Town Council finds and determines that rezoning Lots 7X, 9, 10, 11, 12 and 13 of Block 40 from Town Residential – Medium Density (R-12) to Mixed- Use Residential (MU-R) Zoning District:

1. Will promote the public health, safety, and general welfare;
2. Is consistent with the Comprehensive Plan and the purposes of the Land Use and Development Code;

Ordinance 1035

3. Is consistent with the stated purpose of the proposed zoning district;
4. Will result in facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) available to serve the Property while maintaining adequate levels of service to existing development;
5. Is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
6. Is not likely to result in significant adverse impacts upon other property in the vicinity of the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

1. **Incorporation of Recitals.** The recitals set forth above are incorporated and ordained hereby as if set forth hereafter in full.
2. **Zoning Approval.** The Application is hereby approved, changing the base zoning classification of Lots 7X, 9, 10, 11, 12 and 13 of Block 40 of the Townsite of Pagosa Springs ~~located at 141, 157, 173, 181, and 189 South 6th Street~~ from Town Residential – Medium Density (R-12) to Mixed- Use Residential (MU-R) Zoning District:
3. **Amendment of Zoning Map.** The official zoning map of the Town of Pagosa Springs, dated February 3, 2009, as amended, is further amended to designate the base zoning of the Properties as Mixed- Use Residential (MU-R) ~~Zoning District.~~
4. **Public Inspection.** The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.
5. **Severability.** If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.
6. **Effective Date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2026.

TOWN OF PAGOSA SPRINGS

By: _____
Shari Pierce, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2026.

TOWN OF PAGOSA SPRINGS

By: _____
Shari Pierce, Mayor

Attest:

April Hessman, Town Clerk

EXHIBIT A
CURRENT ZONING AND LOCATION OF PROPERTIES.

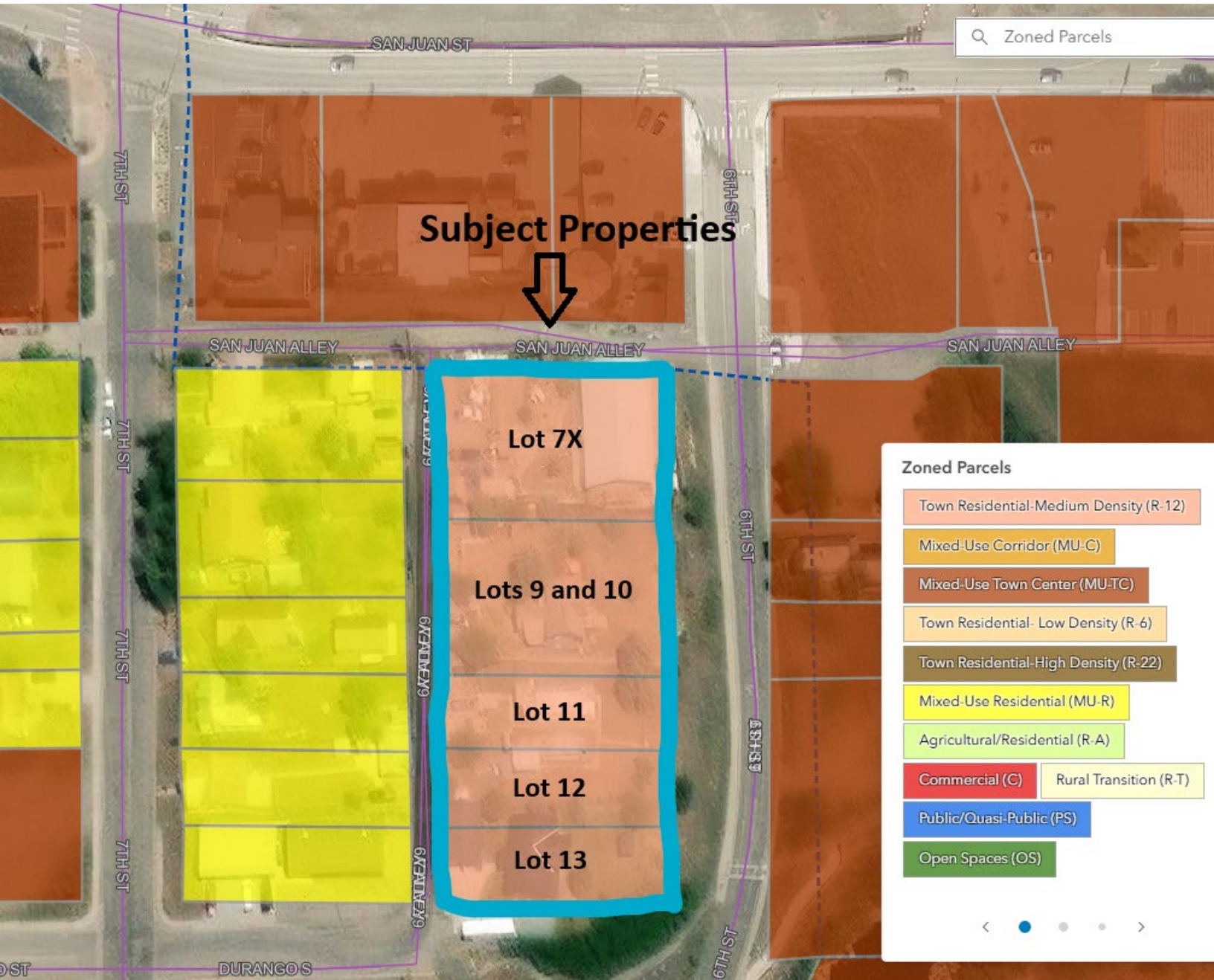


EXHIBIT B

LEGAL DESCRIPTION OF THE PROPERTY.

Property known as: Lots 7X, 9, 10, 11, 12 and 13 of Block 40 of the Townsite of Pagosa Springs, as platted and recorded with the Archuleta County Clerk and Recorder's office on November 5, 1970, under reception # 73751

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1035 (Series 2026) was approved by the Town Council of the Town of Pagosa Springs on first reading at its **regular** meeting held on the ____ day of _____, 20__, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town’s official website, on _____, 20__, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 20__.

April Hessman, Town Clerk

(S E A L)

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1035 (Series 2026) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its **regular** meeting held on the ____ day of _____, 20__, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town’s official website on _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 20__.

April Hessman, Town Clerk

(S E A L)



AGENDA BRIEF

MEETING: Town Council Meeting

FROM: Kathleen Harker

PROJECT: Ordinance 1033, Second Reading, Amending the Municipal Code regarding Cemetery Rules and Regulations (Kathy Harker, Administrative Service Manager)

ACTION: Discussion and Action

PURPOSE/BACKGROUND:

The purpose of this ordinance is to amend Chapter 7, Article 1 of the Municipal Code by adding Section 7.1.5 to the Municipal Code declaring violations of the Rules and Regulations to be a public nuisance, which may be abated pursuant to the provisions of enforcement of nuisances. This amendment will provide the Town with an enforcement mechanism for the Hill Top Cemetery Rules and Regulations which is currently lacking.

ATTACHMENTS:

Ordinance 1033 Declaring Breach of Cemetery Rules a Public Nuisance

RECOMMENDATIONS:

1. Move to approve Ordinance 1033 Series 2026, Second Reading, an Ordinance of the Town of Pagosa Springs Amending the Municipal Code with Respect to Hill Top Cemetery
2. Move to approve Ordinance 1033 Series 2026, Second Reading, an Ordinance of the Town of Pagosa Springs Amending the Municipal Code with Respect to Hill Top Cemetery with the following changes...
3. Direct staff to other alternatives

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 1033
(SERIES 2026)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS DECLARING
VIOLATIONS OF THE CEMETERY RULES AND REGULATIONS A PUBLIC
NUISANCE**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003 as amended (“Charter”); and

WHEREAS, pursuant to Section 1.4 of the Charter, the Town has all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, Chapter 7, Article 1 of the Town of Pagosa Springs Municipal Code (“Municipal Code”) relates to the Town’s supervision and control of the Hill Top Cemetery (“Cemetery”); and

WHEREAS, the Town Council of the Town (“Council”) hereby finds that Chapter 7, Article 1 of the Municipal Code lacks an enforcement mechanism for the rules and regulations (“Rules and Regulations”) for the Cemetery adopted by the Town Council pursuant to Section 7.1.2 of the Municipal Code; and

WHEREAS, the Town Council desires to amend Chapter 7, Article 1 of the Municipal Code by adding Section 7.1.5. to the Municipal Code declaring violations of the Rules and Regulations to be a public nuisance, which may be abated pursuant to the provisions for the enforcement of nuisances; and

WHEREAS, the Town Council hereby finds and determines that amending Chapter 7, Article 1 of the Municipal Code as provided herein is appropriate and necessary to the function and operation of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF
THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:**

Section 1. Incorporation of Recitals. The above Recitals are hereby incorporated into this Ordinance by this reference.

Section 2. Amend Chapter 7, Article 1 of the Municipal Code. Amend Chapter 7, Article 1 of the Municipal Code to add the following language as Section 7.1.5:

7.1.5 – Nuisance Declared.

(1) The conduct of any activity in violation of this Article or of the rules and regulations for the Cemetery adopted by the Town Council pursuant to Section 7.1.2 is hereby declared to be a public nuisance, which may be abated pursuant to the provisions for the enforcement of nuisances as provided in Article 2 of Chapter 11 of this Code. All violations of this Article shall be considered an emergency violation as provided in Section 11.2.2 of this Code.

(2) The Town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin, abate, or remove the violation.

(3) Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity.

Section 3. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 4. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 5. Public Hearing. A public hearing on this Ordinance shall be held on the ___ day of _____, 2026, at 5:00 p.m. at the Pagosa Springs Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado.

Section 6. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 16TH DAY OF JUNE, 2026.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Shari Pierce, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE _____ DAY OF _____, 2026.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Shari Pierce, Mayor

ATTEST:

By: _____
April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1033 (Series 2026) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 16th day of June, 2026, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2026, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2026.

April Hessman, Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1033 (Series 2026) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ___ day of _____, 2026, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ___ day of _____, 2026.

April Hessman, Town Clerk

(S E A L)



AGENDA BRIEF

MEETING: Town Council Meeting

FROM: David Harris

PROJECT: Ordinance 1029, First Reading, Amending the Municipal Code to Align with Certain Provisions of State Law

ACTION: Discussion and Action

PURPOSE/BACKGROUND:

The Town Council approved Ordinance 1029 in May. However, the fines and penalties were not properly noticed on the Town's website. The Town Attorney has requested that the ordinance be brought back to Town Council for approval and proper notification.

Ordinance 1029 provides a stop-gap measure and a starting point for aligning penalty authority with state law. This is in response to the Colorado Supreme Court's decision in *People v. Camp* and *People v. Simons*. It also reflects the recent Town Charter updates authorized by voters on April 7.

The delay of this ordinance's effective date does not affect Municipal Court operations.

ATTACHMENTS:

Ordinance 1029

RECOMMENDATIONS:

1. Move to approve Ordinance 1029, First Reading, Amending the Municipal Code to Align with Certain Provisions of State Law
2. Provide direction to staff

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 1029
(SERIES 2026)**

**AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS
AMENDING THE MUNICIPAL CODE TO ALIGN WITH
CERTAIN PROVISIONS OF STATE LAW**

WHEREAS, the Town of Pagosa Springs (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended (the “Charter”); and

WHEREAS, pursuant to Section 1.4 (A) of the Charter, the Town has all power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Section 6.6 of the Charter, the Town Council of Pagosa Springs (“Council”) shall prescribe by ordinance, limitations on the fines, jail sentences and other penalties for violation of Town ordinances and regulations; and

WHEREAS, on April 7, 2026, the voters in the Town passed Ballot Question A, approving Ordinance No. 1024 (Series 2026), amending Section 6.6 of the Town Charter to limit fines and jail sentences to the maximum fines and sentences permitted by State or federal law; and

WHEREAS, in the exercise of its power and authority the Town Council has previously adopted Section 1.3.3. of the Town of Pagosa Springs Municipal Code (“Code”), providing for the general penalty authority of the Municipal Court for violations of any provision of the Code or any Ordinance of the Town; and

WHEREAS, on December 22, 2025, the Colorado Supreme Court issued a decision in *People v. Camp*, 581 P.3d 763 (Colo. 2025), holding that municipal penalties may not exceed statutory sentencing maximums for criminal offenses where defendant is alleged to have violated a provision of a code or ordinance of a municipality that corresponds to a state offense prohibiting identical conduct; and

WHEREAS, the Council hereby finds and determines that amending Section 1.3.3 of the Code is appropriate and necessary for the function and operation of the Town to provide for municipal court penalties that are consistent with the maximum fines and jail sentences permitted by state law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Amendment to Chapter 1, Article 1, Section 1.3.3. of the Municipal Code. Chapter 1, Article 1, Section 1.3.3. of the Municipal Code is amended by lettering the existing language thereof as subparagraph (1), adding the Capitalized language, and deleting the stricken language in the same paragraph, and by adding and adopting the Capitalized language as subparagraph (2), such that Section 1.3.3. reads as follows:

Sec. 1.3.3. - Fines and Incarceration.

- (1) Unless otherwise specifically provided, a violation of any provision of this Code or any ordinance of the Town may be punished by a fine not exceeding ~~one thousand dollars (\$1,000.00)~~ TWO THOUSAND SIX HUNDRED FIFTY DOLLARS (\$2,650) AS SUCH AMOUNT MAY BE ADJUSTED PURSUANT TO SECTION 13-10-113 C.R.S., or incarceration for a term not exceeding ~~one (1) year~~ THREE HUNDRED SIXTY FOR (364) DAYS, or both. The TOWN COUNCIL ~~Presiding Municipal Judge~~ may adopt and publish a schedule of fines and incarceration for specific violations, within the amounts prescribed by this Section AND STATE PENALTIES FOR IDENTICAL OFFENSES.
- (2) NOTWITHSTANDING SUBSECTION (1), THE MUNICIPAL COURT IS LIMITED TO THE PENALTY LIMITS SET FORTH IN SECTIONS 18-1.3-501(1)(a.5) AND 18-1.3-503(1.5) C.R.S. FOR OFFENSES UNDER THIS CODE WHEN SUCH OFFENSES ARE FOR CONDUCT IDENTICAL TO A STATE OFFENSE. THE MAXIMUM PENALTY IN SUCH CASES SHALL BE AS FOLLOWS:
 - (a) MISDEMEANORS CLASS I: 364 DAYS IMPRISONMENT, NOT MORE THAN A ONE THOUSAND DOLLAR FINE, OR BOTH
 - (b) MISDEMEANORS CLASS II: 120 DAYS IMPRISONMENT, NOT MORE THAN A SEVEN HUNDRED FIFTY DOLLAR FINE, OR BOTH
 - (c) PETTY OFFENSES: A FINE OF NOT MORE THAN THREE HUNDRED DOLLARS, IMPRISONMENT FOR NOT MORE THAN TEN DAYS IN A COUNTY JAIL, OR BOTH
 - (d) CIVIL INFRACTIONS: UP TO \$100 FINE
 - (e) MAXIMUM CONSECUTIVE JAIL SENTENCE IN A SINGLE CASE IS 24 MONTHS

II. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

III. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

IV. Effective Date. Pursuant to Section 3.9 of the Town Charter, this Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND APPROVED, AND ORDERED POSTED AND PUBLISHED PURSUANT TO THE TOWN HOME RULE CHARTER BY THE INTRODUCED, READ, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2026.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Shari Pierce, Mayor

Attest:

April Hessman, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED BY TITLE ONLY PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOMERULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE ____ DAY OF _____, 2026.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: _____
Shari Pierce, Mayor

Attest:

April Hessman, Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1029 (Series 2026) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of _____, 2026, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town’s official website on _____, 2026, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2026.

April Hessman, Town Clerk (SEAL)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 1029 (Series 2026) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the ____ day of _____, 2026, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town’s official website, on _____, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of _____, 2026.

April Hessman, Town Clerk (SEAL)