

**RESOLUTION NO. P&D 12- 43**

**THE PUEBLO COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

**APPROVING THE LIMITED DELEGATION OF AUTHORITY TO THE PUEBLO COUNTY  
DIRECTOR OF PLANNING AND DEVELOPMENT FOR COMPLIANCE APPROVALS UNDER  
PUEBLO COUNTY 1041 PERMIT NO. 2008-002**

**WHEREAS**, the Board of County Commissioners has previously passed Resolution No. P&D 09-22 approving 1041 Permit No. 2008-002, with terms and conditions for the construction and use of a municipal water project known as the Southern Delivery System (SDS) within and through a specified area of Pueblo County, Colorado; and

**WHEREAS**, Colorado Springs Utilities (CSU) as the Permit Applicant has conducted construction work upon the SDS project within Pueblo County pursuant to certain identified work packages, and in particular, work packages South 1 (notwithstanding a portion of the segment on Bureau of Reclamation property), South 2 and South 3; and

**WHEREAS**, the Applicant has advised Pueblo County that certain of the work packages are nearing completion and has further advised Pueblo County that construction work within the County is estimated to be completed in 2015; and

**WHEREAS**, as the Applicant completes the construction of each work package or an identifiable portion thereof, in accordance with all the permit terms and conditions, it is advisable that Pueblo County determine that the construction has been completed in accordance with all Permit terms and conditions and further is important that Pueblo County identify deficiencies in performance, if any, as work packages are completed, and communicate the same to the Applicant; and

**WHEREAS**, the Director of the Pueblo County Department of Planning and Development is the designated Permit Administrator in accordance with Pueblo County's Areas and Activities of State and Local Interest regulations. The Director and members of the department's staff, as well as other County staff members including the Department of Engineering and Public Works and the Office of the Pueblo County Attorney have, in conjunction with their day-to-day responsibilities, developed a process for the identification of work completed in accordance with permit terms and conditions and for the subsequent close out of each construction work package or an identifiable portion thereof; and

**WHEREAS**, pursuant to Section 17.14.350, Inspection, of the Pueblo County 1041 Regulations, the Permit Administrator is empowered and directed to inspect and examine the development of activities in each and every area or activity subject to the regulations for the purposes of determining from time to time whether or not any activity subject to the regulations is in violation of any of the provisions of those regulations or of any of the terms and conditions of a permit issued pursuant to the regulations; and

**WHEREAS**, in accordance with the cited provision of the Pueblo County Regulations, the Pueblo County staff assigned to SDS oversight in conjunction with the Office of the Pueblo County Attorney has advised the Board that a closeout process would be in the best interest of Pueblo County and its citizens.

**RESOLUTION NO. P&D 12- 43 (CONT.)**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pueblo County, Colorado, that:

1. The Pueblo County Director of Planning and Development shall develop, in consultation with other members of Pueblo County staff and the Office of the Pueblo County Attorney and, further, in consultation with the Permit Applicant, a process for the identification of work that has been completed in compliance with all permit terms and conditions and pursuant thereto, for the closeout of work packages or portions thereof, such that a written record of compliance with permit terms and conditions as reflected in the permit and the mitigation appendix be established. The written record shall be used by the County and the Applicant in determining and identifying remaining obligations under the Permit and the extent thereof.

2. The Pueblo County Director of Planning and Development is hereby delegated, in accordance with the provisions of Sections 17.148.350 of the Pueblo County Code, the authority to execute the written record or closeout documents based upon his or her assessment of the work performed by the Applicant. To the extent appropriate and necessary, such written record and closeout actions shall be accomplished in coordination with the Bureau of Reclamation.

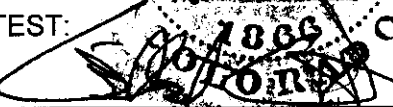
3. Notwithstanding the foregoing, the Director of Planning and Development shall, within a reasonable period of time after the presentment of the issue, provide to the Board for information and review purposes, copies of such written record and/or closeout documents prior to the execution and delivery of the same to the Applicant so as to enable the Board to track the progress of project completion within Pueblo County and further, to enable the Board to timely provide its comments to the Director upon the recommended action.

4. Nothing herein shall be construed or interpreted by Pueblo County staff and/or by the Applicant to conflict with or contradict the express terms and conditions of the permit as set forth in Resolution No. P&D 09-22. Specifically, the Board of County Commissioners retains the right, at its discretion, to hold public reviews of the written reports and closeout documents and other permit compliance materials and to hold public hearings on the same in accordance with Pueblo County Regulations. To the extent that there is any conflict or contradiction between this resolution and the express terms of Resolution P&D 09-22 and/or Pueblo County's current Areas and Activities of State and Local Interest regulations, then the provisions of the Resolution No. P&D 09-22 and/or the provisions of the identified regulations shall prevail.

**PASSED AND ADOPTED** this 11th day of December, 2012, in Pueblo County, Colorado.

**THE BOARD OF COUNTY COMMISSIONERS  
OF PUEBLO COUNTY, COLORADO**

By:   
Anthony Nunez, Chairman

ATTEST:  
By:   
Gilbert Ortiz, County Clerk

