



**Appeals Coordinator**

**Office of the County Administrator**

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### **Boulder County Arbitration Guidelines**

1. Any petitioner desiring arbitration after a BOE decision shall notify the Board by filing a petition with the appeals coordinator within thirty (30) days of mailing of the final decision of the Board. The petition shall be in the form available from the appeals coordinator. Petitions for arbitration shall not be accepted later than thirty (30) days after a final BOE determination has been mailed.
2. At the time the petition is filed, the petitioner shall tender a deposit of \$150 for residential or vacant land valuations and \$500 for all non-residential cases, including classification appeals. The check or money order shall be made out to "Boulder County." The deposit shall be placed in an escrow account. If the arbitration petition is settled or withdrawn prior to hearing, one-half of this deposit will be returned to the petitioner unless the property is classified as residential or vacant land, in which case the entire amount will be refunded to the petitioner. Petitions must be withdrawn no later than seventy-two (72) hours before any scheduled hearing to qualify for any refund. Fees for residential property arbitrations shall not exceed \$150.00. For non-residential arbitrations, and requests for changes of classifications, fees shall be \$85.00 per hour for the arbitrator's time spent on the case.
3. Boulder County staff will not arrange for reproduction, reformatting or cure of Petitions or evidence provided by the petitioner before, during, or after hearings. No receipts will be issued for fees received.
4. Within forty-five (45) days of mailing of the BOE's final decision, or within thirty (30) days of the day the list of approved arbitrators is made available to the petitioner, whichever is later, the petitioner and the BOE shall choose an arbitrator from the list. If no agreement can be reached, the District Court shall select the arbitrator, as provided by statute. If the petitioner fails to select an arbitrator within this time limit, then the arbitration will be canceled and one-half of the deposit shall be refunded.
5. After the selection of the arbitrator, the appeals coordinator will determine a date agreeable to the parties and the arbitrator, and the hearing will be calendared. The hearing must occur within sixty (60) days of the selection of the arbitrator, but shall occur as late in the sixty (60) day period as possible to allow the parties to enter into settlement negotiations, prepare evidence, and satisfy the evidence exchange requirement of this rule.
6. At least ten (10) business days prior to the hearing, the BOE and the petitioner must exchange a witness list and all relevant information that may be submitted as evidence. The County Attorney's Office will email their evidence to the petitioner and to the appeals coordinator. The petitioner must email their evidence to the appeals coordinator. At least three (3) business days prior to the hearing, the BOE and the petitioner shall exchange any reply or rebuttal evidence that they may submit in the same manner listed previously. The arbitrator will not consider any documents or exhibits not timely exchanged, or hear from witnesses not timely (at least three business days before the scheduled hearing) disclosed, unless agreed to by the parties and accepted by the arbitrator. If a hearing is rescheduled for any reason, the deadlines for the exchanges of evidence will be based on the new hearing date.
7. Arbitration hearings shall be conducted in conformity with C.R.S §39-8-108.5(3). Within ten (10) days of the conclusion of the hearing, the arbitrator will issue a decision in writing, via email to the petitioner. The arbitrator may email a copy of the decision to the appeals coordinator. The decision shall include the hearing date, the property account number and classification, the property owner's name, names of parties and representatives present at the hearing, the property's actual value, and shall be signed by the arbitrator. The arbitrator shall recommend one value to the property and shall not recommend separate values for land and improvements. The decision is final and not subject to review or appeal.
8. The arbitrator's decision will also allocate the fees between the parties. For a residential property valuation, the fees shall not exceed \$150. If the petitioner is ordered to pay less than \$150 in fees, the balance in escrow shall be returned.