

Posted: \_\_\_\_\_

Remove: \_\_\_\_\_



**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

**Administration Department**  
**Phone:** (970) 984-2311  
**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

## **Agenda**

### **New Castle Town Council Regular Meeting Tuesday, June 21, 2022, 7:00 PM**

Virtual Meetings are subject to internet and technical capabilities.

To join by computer, smart phone or tablet click [HERE](#)

If you prefer to telephone in:  
Please call: 1-346-248-7799  
Meeting ID: 709 658 8400

Follow the prompts as directed. Be sure to set your  
phone to mute until called on

The Council Packet is available [HERE](#)

#### **Call to Order**

#### **Pledge of Allegiance**

#### **Roll Call**

#### **Meeting Notice**

#### **Conflicts of Interest**

#### **Agenda Changes**

#### **Citizen Comments on Items not on the Agenda**

-Comments are limited to three minutes-

#### **Consultant Reports**

Consultant Attorney  
Consultant Engineer

#### **Items for Consideration**

- A. Proclamation Recognizing July as Parks and Recreation Month**
- B. Consider Resolution TC 2022-18 - a Resolution of the New Castle Town Council Approving a Subdivision Improvements Agreement for Lakota Canyon Ranch, Filing 6B1**
- C. Discussion: Dog Park Funding**
- D. Discussion: Possible Tax Issue for the November Ballot**

- E. Consider Resolution TC 2022-19 - a Resolution of the New Castle Town Council to Decline Participation in Colorado's Paid Family and Medical Leave Insurance Program**
- F. Consider Ordinance TC 2022-10 - an Ordinance of the New Castle Town Council Amending Section 15.10.020 of the New Castle Municipal Code for the Requirement of Electric Vehicle Charging Capacity in New Residential Dwellings (1st reading)**
- G. Consider Ordinance TC 2022-6 - an Ordinance of the New Castle Town Council Amending the Municipal Code Regarding Contempt of Court and Failure to Appear (2nd Reading)**
- H. Consider Ordinance TC 2022-7 - an Ordinance of the New Castle Town Council Amending the Municipal Code Concerning the Imposition of Municipal Court Costs (2nd reading)**
- I. Consider Ordinance TC 2022-8 - an Ordinance of the Town of New Castle, Colorado, Amending Chapter 3.32 of the New Castle Municipal Code To Adopt and Impose a Voter-Approved Increase of the Lodging Tax (2nd reading)**
- J. Consider a Motion to Cancel the July 5, 2022 Council Meeting**

### **Consent Agenda**

Items on the consent agenda are routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed from the consent agenda.

[Resolution](#) TC 2022-17 - Approving an IGA with Garfield County for Mosquito Control

[EAT](#) Bistro & Drinks Hotel & Restaurant Liquor License Renewal

### **Staff Reports**

Town Administrator

Town Clerk

Town Treasurer

Town Planner

Public Works Director

### **Commission Reports**

Planning & Zoning Commission

Historic Preservation Commission

Climate and Environment Commission

Senior Program

RFTA

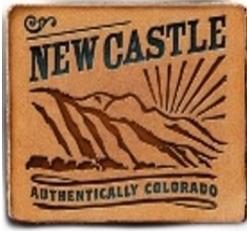
AGNC

GCE

EAB

### **Council Comments**

**Adjourn 10:00 p.m.**



Town of New Castle, State of Colorado

# Proclamation

WHEREAS parks and recreation programs are an integral part of communities throughout this country, including New Castle; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS New Castle recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, I, Art Riddile, Mayor of New Castle do hereby proclaim that July is recognized as Park and Recreation Month in the Town of New Castle.

Let this Proclamation be entered into the officials of the Town.

\_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk

**Glenwood Springs Office**  
910 Grand Avenue, Suite 201  
Glenwood Springs, Colorado 81601  
Telephone (970) 947-1936  
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**GARFIELD & HECHT, P.C.**  
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**MEMORANDUM**

DATE: June 17, 2022  
TO: New Castle Town Council  
FROM: Town Attorney  
RE: Lakota Canyon Ranch Filing 6B1 SIA

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On January 8, 2008, Town Council adopted Ordinance 2007-16 on second reading. That ordinance approved a final PUD Plan for Lakota Canyon Ranch Filing 6, the final plat for Filing 6A (the first phase of Filing 6), and the Filing 6A Subdivision Improvements Agreement. The PUD Plan established the density, lot configuration and size, and other dimensional standards for the filing. Under the PUD Plan, Filing 6 may be developed to include up to 81 single-family lots/dwellings. The Filing 6A plat created 32 of those lots, leaving 49 lots available for future phases of the filing.

The current owner of the future filing portion of Filing 6—RG Lakota I, LLC (“Applicant”)—has submitted an application to subdivide the next phase of Filing 6—Filing 6B1—into 26 lots. The remaining 23 lots will be included in a future filing. Per Ordinance 2007-16, the plat can be approved administratively, but Council must approve a subdivision improvements agreement for each phase by resolution. Accordingly, Resolution TC 2022-18 approving the Filing 6B1 subdivision improvements agreement (the “SIA”) is being presented to Council for consideration at its June 21, 2022, meeting.

The purpose of the SIA is to set forth the agreement between the Town and the Applicant regarding the construction and installation of the public improvements (e.g., roads, water and sewer lines, drainage, etc.) needed for Filing 6B1. The SIA requires the Applicant to post security to cover the estimated cost of installation of the public improvements. The Town may call the security in the event Applicant fails to install the public improvements as required under the SIA or otherwise breaches the SIA. The SIA also includes provisions regarding site development and revegetation requirements, payment of impact fees, and other matters specific to this filing.

Staff has reviewed the draft plat and finds it to be consistent with the original Filing 6 approval. Staff has also reviewed the cost estimate for the Filing 6B1 public improvements provided by Applicant. A letter from the Town Engineer regarding the cost estimate is included in the packet. The conditions included in Resolution TC 2022-18 and the terms of the SIA address staff’s comments and requirements regarding the development of Filing 6B1 and carry forward

certain conditions from Ordinance 2007-16. Staff will work with Applicant to revise the Filing 6B1 plat as needed prior to recordation. The plat and SIA will be recorded at the same time.

The Council has the following options with respect to Resolution 2022-18 and the SIA:

1. Pass a motion to approve Resolution TC 2022-18 with or without changes or alternative conditions;
2. Pass a motion to deny Resolution TC 2022-18;
3. Continue the matter for a decision at a future meeting.

Staff will be available at the June 21<sup>st</sup> meeting to answer any questions Council may have.

**TOWN OF NEW CASTLE, COLORADO**  
**RESOLUTION NO. TC 2022-18**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A  
SUBDIVISION IMPROVEMENTS AGREEMENT FOR LAKOTA CANYON RANCH  
FILING 6B1

WHEREAS, RG Lakota I, LLC (“Applicant”), is the owner of certain real property located within Lakota Canyon Ranch in the Town of New Castle, Colorado, more particularly described on **Exhibit A** hereto (the “Property”); and

WHEREAS, the Property constitutes a portion of Filing 6 (also known as Deer Valley) of the Lakota Canyon Ranch PUD, which filing was approved by Ordinance No. 2007-16, recorded on February 4, 2008, at Reception No. 742255; and

WHEREAS, Filing 6 was approved for the phased subdivision and development of up to 81 lots; and

WHEREAS, a final plat for Filing 6A containing 32 lots was previously approved and recorded, leaving 49 lots available for development in Filing 6B; and

WHEREAS, Applicant desires to split Filing 6B into two phases; and

WHEREAS, Applicant has submitted a land use application to the Town seeking approval of a final plat (the “Final Plat”) to subdivide the Property into 26 single-family lots (“Filing 6B1”) and Future Filing 6B2; and

WHEREAS, pursuant to Ordinance 2007-16, the Filing 6B1 plat may be approved administratively, provided that Town Council approves a subdivision improvements agreement for the filing by resolution; and

WHEREAS, Town Council now desires to approve the Subdivision Improvements Agreement for Lakota Canyon Ranch Filing 6B1 (the “SIA”) attached hereto as Exhibit B as provided in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE TOWN COUNCIL:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Council.
2. Approval of SIA. Town Council hereby approves the SIA in substantially the form attached as Exhibit B, subject to non-substantive edits approved by the Town Attorney, and the Mayor is hereby authorized to sign the same on behalf of the Town. Approval of the SIA is subject to the following conditions:

- A. All representations of the Applicant made verbally or in written submittals presented to the Town in conjunction with its application and before Town Council shall be considered part of the application and binding on the Applicant.
  - B. The Applicant shall comply with all applicable building, residential, electrical, and municipal code requirements when developing the Property.
  - C. Applicant shall comply with all applicable conditions and requirements set forth in Ordinance 2007-16 and the PUD Plan for Filing 6.
  - D. Within thirty (30) days of recording the Filing 6B1 Final Plat, Applicant shall submit a revised and updated subdivision exemption/exclusion map (the "Exemption Map") depicting all approved lots and boundary line adjustments within the Lakota Canyon Ranch PUD as of the date of the submittal. The Exemption Map may be approved on an administrative level and recorded in the real estate records of Garfield County without further action by the Planning Commission or Town Council, provided that such Exemption Map shall not create any new lots or parcels or redefine the boundaries of such parcels.
  - E. Prior to the issuance of the first building permit within Filing 6B1, Applicant shall conduct or cause to be conducted any grading, vegetation removal or trimming, and/or other maintenance needed to make those emergency access roads adjacent to Filing 6B1 passable in the event of an emergency. Such emergency access roads are those roads address in the Emergency Access Easement Agreement recorded at Reception No. 618292 that benefits the Property. Town staff and the fire marshal shall approve the condition of the emergency access roads prior to issuance of the first building permit.
  - F. Applicant shall pay all impact fees, including, but not limited to, water rights dedication fees, tap fees, and recreation fees, as provided in the SIA.
  - G. Applicant shall address the comments and concerns of the Town Engineer and Public Works Director to the satisfaction of Town staff and update its development plans and cost estimate accordingly prior to recordation of the SIA and Final Plat.
  - H. The SIA shall be recorded along with the Final Plat, which Final Plat shall be approved by Town staff and the Town Attorney.
  - I. Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.
4. Effective Date. This Resolution shall take effect upon passage.

INTRODUCED, PASSED, AND ADOPTED by a vote of \_\_ to \_\_ at a regular meeting of the New Castle Town Council held on June 21, 2022.

TOWN COUNCIL OF TOWN OF  
NEW CASTLE, COLORADO

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Art Riddile, Mayor

ATTEST:

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Melody Harrison, Town Clerk

**EXHIBIT A**  
Legal Description

Future Filing 6B,  
Lakota Canyon Ranch, Filing 6A according to the plat thereof recorded February 4,2008 at  
Reception No. 742260

***Less and except the following:***

The following lots described in that certain Final Plat Lakota Canyon Ranch, Filing 6A and located  
in the County of Garfield, State of Colorado:

LOT 9: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 13: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 15: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 16: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 17: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 25: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 30: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

LOT 31: A RESUB OF PARCEL C3, BNDY LINE ADJ PLATE OF PARCEL A1, A1-2 &C3

**EXHIBIT B**  
Subdivision Improvements Agreement



**Town of New Castle**  
450 W. Main Street  
PO Box 90  
New Castle, CO 81647

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**Phone:** (970) 984-2311  
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## Memorandum

**To:** Mayor and Council  
**Subject:** Council Agenda Item – Discussion of Dog Park Funding  
**From:** David Reynolds  
**Date:** 06/21/22

**Purpose:**

The purpose of this agenda item is to help provide clarity and direction regarding funding for the recently approved Dog Park project.

During the June 7, 2022 meeting, Town Council received a report from staff and testimony from dog park committee members and residents. Based on the staff report and testimony given, Council approved the building of a dog park in VIX Park and directed staff to pursue bids for the project, as well as work with the fund-raising committee to establish guidelines around fund raising.

While staff estimates that gaining bids for the project may take an extended period of time, we were able to meet with the fund-raising committee and discuss ideas and guidelines. Based on recent discussions and the desire to move this project along a reasonable and predictable timeline, staff feels that spending time during this Council meeting to discuss financing options may be valuable.

As touched on during the June 7<sup>th</sup> meeting, financing options may include, fund raising efforts, use of Conservation Trust Funds, use of general funds, FMLD Traditional Grants, FMLD Mini Grants, GOCO Grants, or possible combinations of the above. As this project was not accounted for in 2022 budgeted expenditures or capital projects, staff feels that the earlier we identify a reasonable funding method, the earlier we can begin the planning and construction effort.

**Town of New Castle  
Dog Park Budget  
2022**

<b>Description</b>	<b>Unit</b>	<b>Estimated Quantity</b>	<b>Unit Price</b>	<b>Extended Price</b>
Fencing Material	LF	1240	\$12.00	\$14,880.00
Fence Installation - Labor	LS	1	\$3,600.00	\$3,600.00
Crusher Fine Material	Ton	255	\$28.80	\$7,344.00
Crusher Fine Placement, Labor	LS	1	\$6,500.00	\$6,500.00
Water Fountain	Ea.	1	\$4,250.00	\$4,250.00
Potable Waterline Extension	LF	235	\$35.00	\$8,225.00
Trash Cans	Ea.	1	\$1,330.00	\$1,330.00
Dog Waste Station	Ea.	1	\$290.00	\$290.00
Rule Sign	Ea.	1	\$240.00	\$240.00
Benches	Ea.	2	\$1,280.00	\$2,560.00
Picnic Table	Ea.	1	\$1,800.00	\$1,800.00
Shade Structure	Ea.	1	\$5,200.00	\$5,200.00
Shade Structure Foundation	SF	225	\$18.00	\$4,050.00

**Total**

**\$60,269.00**



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## Memorandum

**To:** Mayor and Council  
**Subject:** Council Agenda Item – November Ballot Discussion  
**From:** David Reynolds  
**Date:** 06/21/22

**Purpose:**

The purpose of this agenda item is to consider direction regarding a possible November 2022 ballot issue. During the June 7, 2022 Council meeting Mayor Art Riddile raised the idea of having a School Resource Officer added to our staff for the purpose of working with RE-2 in the three schools located in town.

This agenda item is intended to further explore that possibility and identify potential funding sources which may include a November ballot issue.



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### Memorandum

**To:** Mayor Riddile & Town Council

**From:** Dave Reynolds

**Subject:** Agenda Item: Consider Resolution TC 2022-19 *Family Medical Leave Insurance (FAMLI) Plan*

**Date:** 06/21/22

**Purpose:**

The purpose of this agenda item is to consider Resolution TC 2022-19 opting out of Colorado's Family Medical Leave Insurance (FAMLI) plan. FAMLI is a new paid leave medical insurance program approved by Colorado voters in November of 2022. Participation in the plan is automatic for all municipalities unless Town Councils or Boards formally vote to decline participation or opt out. Notification to the FAMLI Division must be made by the end of 2022, but governing bodies must complete a vote to opt out 180 days prior to the declination becoming effective.

Attached please find a summary from the Colorado Municipal league regarding FAMLI Entitled *What's Right For Your City or Town*. Staff is prepared to explain in full detail the pros and cons of the program including costs, benefits, and options.

As part of the consideration process for FAMLI, Loni, Karen, and I held several meetings in order to introduce all staff members to FAMLI and gain feedback regarding the program. We were unable to reach a small handful of employees due to scheduling conflicts. Per the rules surrounding FAMLI, written notification of the program and notice of tonight's meeting was provided to each staff member in writing.

Attached please see a copy of the written notice provided to each staff member.

Staff will be prepared to share feedback gained from staff meetings, and provide a staff recommendation to Council regarding next steps.

**TOWN OF NEW CASTLE, COLORADO**  
**RESOLUTION NO. 2022-19**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL TO DECLINE PARTICIPATION IN  
COLORADO'S PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

WHEREAS, in November 2020, Colorado voters approved Proposition 118, which paved the way for creation of a state-run Paid Family and Medical Leave Insurance ("FAMLI") program; and

WHEREAS, FAMLI is codified as C.R.S. § 8-13.3-501, *et seq.*, and administered through the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance; and

WHEREAS, pursuant to C.R.S. § 8-13.3-522, a municipality may decline participation in the FAMLI program by a majority vote of its governing body at a public meeting, and its employees may still elect to participate individually under C.R.S. § 8-13.3-514; and

WHEREAS, in accordance with 7 CCR 1107-2, notice was provided to employees and the public of the opportunity to submit comments to the New Castle Town Council ("Town Council") regarding the FAMLI program; and

WHEREAS, the Town Council held a public meeting on June 21, 2022 and took testimony on the decision whether to participate in the FAMLI program; and

WHEREAS, based on staff recommendation and public comment, the Town Council finds it is in the best interests of the Town to decline participation in the FAMLI program.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE TOWN COUNCIL:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the City Council.
2. Declination of the FAMLI Program. The Town Council hereby declines participation by the Town of New Castle in the FAMLI program. The Town Administrator or designee is authorized to take any and all further actions necessary to effectuate the Town's declination vote.
3. Effective Date. This Resolution shall take effect upon adoption hereof.

ADOPTED this 21st day of June, 2022.

TOWN COUNCIL OF TOWN OF NEW CASTLE,  
COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk



**Town of New Castle**

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**Memorandum**

**To:** New Castle Staff Members  
**From:** Dave Reynolds, Loni Burk, Karen Frye  
**RE:** Colorado FAMLI Program  
**Date:** 6-15-22

On Tuesday June 21<sup>st</sup> Town Council will have the opportunity to consider if they would like to Opt-Out of Colorado's recently developed Family Medical Leave Insurance (FAMLI) Program.

In November of 2020 Colorado voters approved Proposition 118 which paved the way for the state to develop a user funded insurance program. This program allows employees throughout the state to purchase state insurance that provides regulated paid leave benefits for up to 12 weeks during any 12 month period, should an employee need to take time off to care for themselves or family members during life events like injury, serious illness, pregnancy, or taking care of family members.

FAMLI is an insurance program that is totally separate program from all existing town benefits and the requirements of the Healthy Families and Healthy Workplace Act and the Federal Family and Medical Leave Act (FMLA).

Under FAMLI, all employers who have not opted out of the program will be expected to render an insurance premium to the state of .9% of each employee's annual wage. Employers must directly contribute 50% of the total amount, while employees may be required to contribute the remaining 50% from their paychecks. Note, if an employer does not opt out, all employees will be subject to mandatory participation in this insurance program. (.45% of annual wages from the employer, and .45% of annual wages from the employee)

If Town Council elects to opt-out of the program, employees retain the opportunity to individually decide what's right in their personal situation, they remain eligible to participate in the program at a total premium cost of .45% of their annual salary. The participating employee will receive the same insurance benefit package as would have been available had the town remained in the program and provided an additional 50% match.

For all who ultimately enroll in the FAMLI Program, payroll deductions for the insurance premiums will begin in January of 2023, and benefit payouts will be considered beginning in 2024. Benefit details and other rules have yet to be finalized, but employees may expect a system which requires that a claim be processed and approved by the state prior to being authorized to receive paid time off. The current FAMLI model proposes to create a sliding scale of benefit payout amounts based on a person total salary. Plan participants may expect to receive between 37% to 90% of their weekly salary with a maximum possible benefit amount not to exceed \$1,100 per week. In addition to insurance benefit payouts, FAMLI provides covered employees who have been employed at least 180 days with job protection should an approved leave occur.

Town Council must decide how New Castle's participation in FAMLI may or may not benefit our staff and the town. Should Council decide to participate, the FAMLI program requires a minimum three-year commitment

and 100% participation. If Council decides to opt-out and study program further, the Town remains eligible to reenter the program in each following year. Employees individual eligibility remains available directly through the state should Council decide to opt-out at this time.

Staff members are encouraged to provide feedback regarding town participation in the FAMLI program. Please feel free to reach out with any questions or thoughts that you may have.

Thanks for your attention to this,

Dave, Loni, Karen



COLORADO  
MUNICIPAL  
LEAGUE

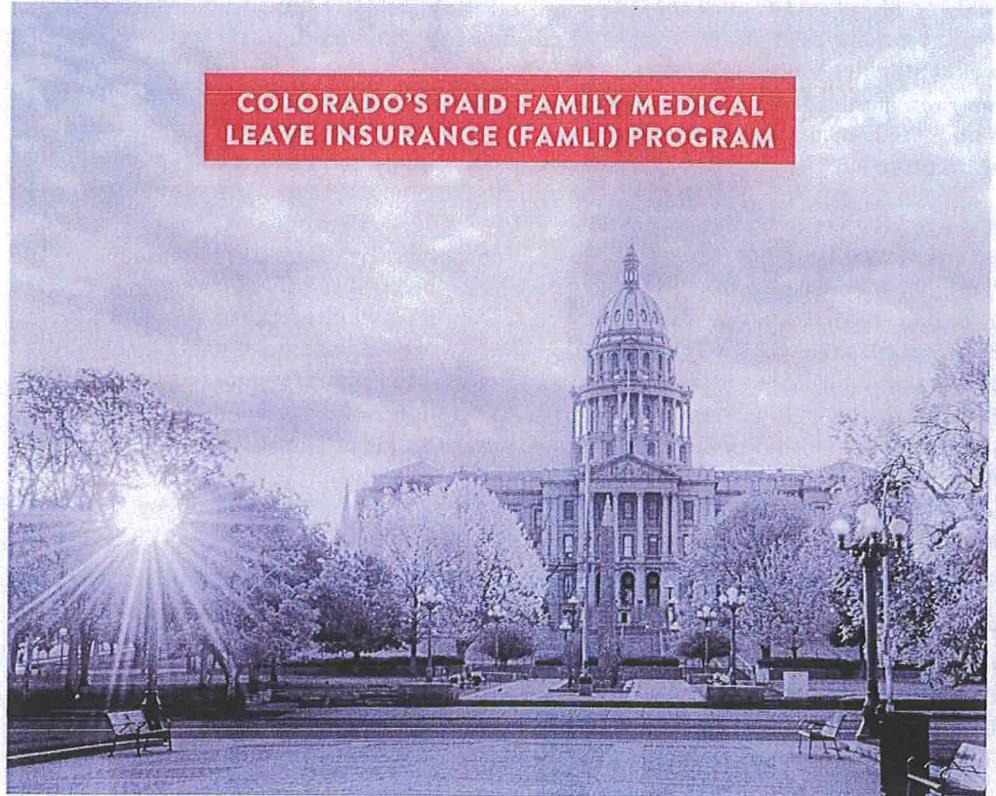
# Knowledge

KNOWLEDGE NOW – PRACTICAL RESEARCH ON TIMELY TOPICS

## Briefing

- The FAMLI program provides employees with 12 weeks of paid leave to take care of themselves or a family member
- Participation in FAMLI is automatic for municipalities unless they formally opt out
- Opt-out votes and notice to the FAMLI Division should occur before the end of 2022 to avoid premium assessments in 2023
- Employees can take part in FAMLI even if their municipality declines to participate

## COLORADO'S PAID FAMILY MEDICAL LEAVE INSURANCE (FAMLI) PROGRAM



## FAMLI: WHAT'S RIGHT FOR YOUR CITY OR TOWN?

**U**RGENT ACTION IS NEEDED. Colorado municipalities must make immediate decisions regarding their participation in Colorado's

Paid Family Medical Leave Insurance (FAMLI) program. Participation will have a substantial impact on your municipal budget, operations, and employee relations. **Participation is automatic for any municipality unless your council or board formally votes to decline participation or opt out. The FAMLI**

**Division must be notified by the end of 2022 to avoid premium liability.** CML is not encouraging municipalities to participate or to decline participation in the program. Each municipality should assess the program for themselves. Opting out now does not prevent later participation, and employees can still participate individually and should receive the full benefit of the program.

Continued on page 2

Colorado Municipal League  
44 Sherman St. • Denver, CO • 80203  
303 831 6411 / 866 578 0936  
[www.cml.org](http://www.cml.org)



Continued from page 1

## What is FAMLI?

In November 2020, Colorado voters approved Proposition 118, which paved the way for a state-run Paid Family Medical Leave Insurance (FAMLI) program. FAMLI is codified at C.R.S. §§ 8-13.3-501 to -524, and is administered through the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance ([famli.colorado.gov](http://famli.colorado.gov)). Premiums will be collected (including employer and employee shares) starting **Jan. 1, 2023**, and benefits will be available starting **Jan. 1, 2024**.

FAMLI provides covered employees with 12 weeks of paid leave to take care of themselves or a family member during life events like injury, serious illness, or pregnancy. An additional 4 weeks are available to employees who experience pregnancy or childbirth complications. Payments would be a rate below the employee's weekly rate, as described below. Leave can be taken together or intermittently. FAMLI benefits are portable between jobs.

FAMLI also provides job protection for employees who were employed for at least 180 days before the protected leave occurs. This means that an employer must return the employee to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions following the leave. Employers must also maintain healthcare benefits during the leave, but the employee would have to continue to pay their share of the cost. Accrual of seniority and other benefits are not protected.

FAMLI is a separate program from the paid sick leave requirements of the Healthy Families and Healthy Workplaces Act and the Federal Family and Medical Leave Act (FMLA).

## What will participation in FAMLI cost my city or town?

Participating employers and employees will contribute to premiums for FAMLI, and municipalities will bear the administrative costs of compliance. Premiums will be 0.9% of an employee's wage (HB22-1305 is pending in the General Assembly and

would reduce this to 0.81% for the first six months of the program). Wages and exempt items are determined under administrative rules (7 CCR 1107-1:1.5.3 and 1.5.4). A municipality can expect to contribute an amount equal to at least 0.45% of its current employee "wages" on an annual basis and possibly up to 0.90% of that figure. The FAMLI Division will provide notice of expected premiums and publish due dates and guidance on premium remittance.

A participating municipality (unless it has fewer than 10 employees) must remit 100% of the premium for each employee. The employer must directly contribute at least 50% of that amount (i.e., 0.45% of the employee's wage) and may require the employee to deduct the remaining 50% from their paycheck (i.e., employees would see a deduction of about 0.45% from their pay). An employer can choose to contribute part or all of the employee portion of the premium. For a municipality with fewer than 10 employees there is no "employer share"; the municipality can require the employee to deduct up to 50% but can also choose to contribute part or all of the employee portion.

An employer is responsible for any error it makes in calculating, deducting, and remitting premiums, including the employee portion.

If a municipality does not participate in FAMLI, the employee would be solely responsible for 50% of the premium if the employee elects to participate individually. The municipality can, but need not, deduct the employee portion from payroll and remit it to the state. If the municipality is involved in deducting or remitting the employee portion, any error would be the municipality's responsibility.

## Why would my city or town not participate in FAMLI?

Declining participation in the FAMLI program is a significant decision, but it must be made quickly to meet FAMLI's initial deadlines. If a municipality does not opt out now, it must wait three years to decline participation. If a municipality opts out now, it can opt in any future year. It must renew its decision to decline participation at least every eight years.

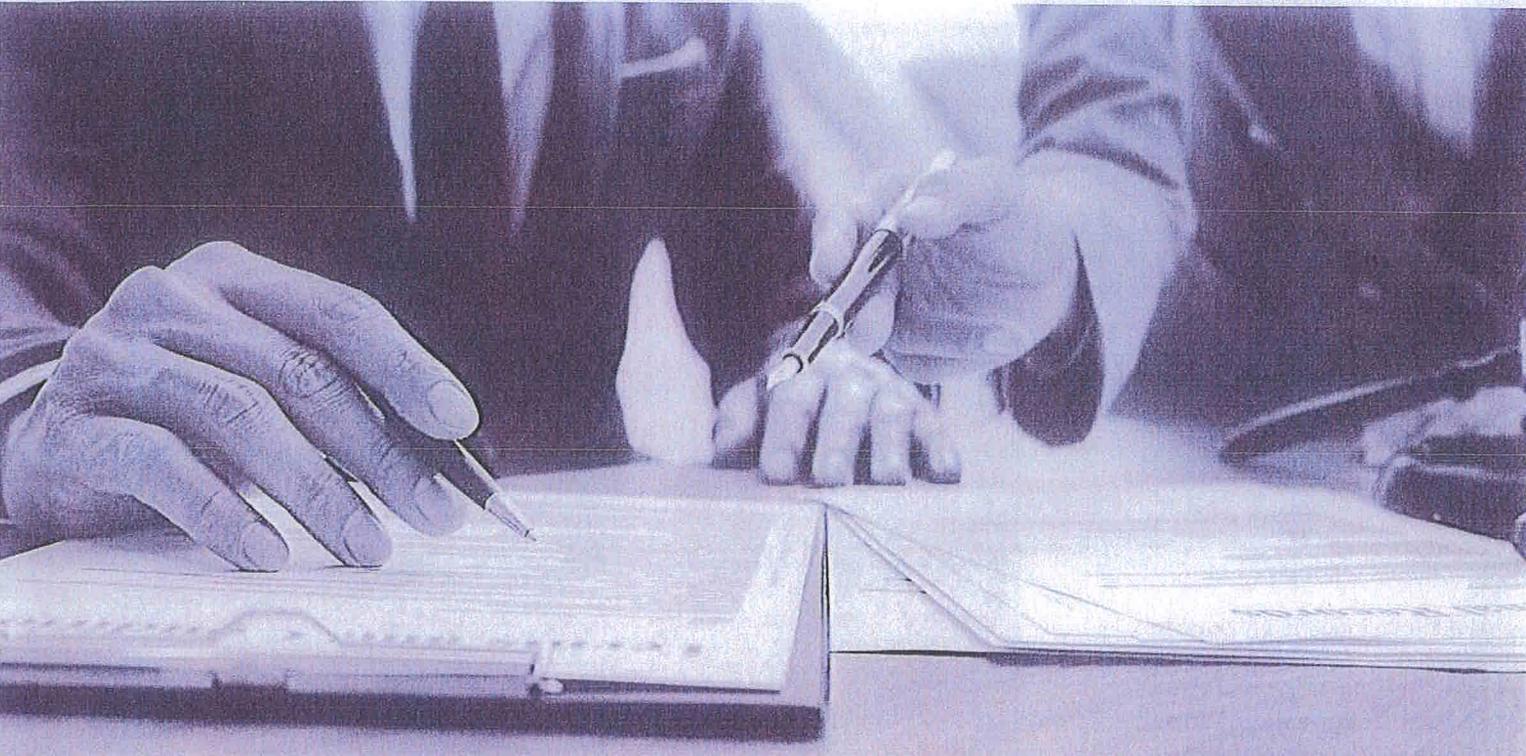
The cost of the FAMLI program may outweigh the benefits to the municipality and its employees. FAMLI program participation will increase municipal budgets by at least 0.45% of its employees' wages annually and potentially more. FAMLI also includes additional administrative work for finance and human resources staff and raises employer liability concerns. Employees who want the paid benefits of FAMLI can participate individually at no greater personal cost and without imposing a cost on the municipality and other employees who do not want to participate.

Municipalities may want to make a local decision as to how to provide employee benefits and protections. Participation in the FAMLI program could conflict with existing employer benefits plans or collective bargaining agreements. Alternatives, like a private plan pursuant to C.R.S. § 8-13.3-521 (or adopted independently after opting out of FAMLI by a vote) or a supplemental insurance program, could be a better fit for your organization.

Because FAMLI is a new program and the program rules have not been fully established, a municipality may choose to be cautious and opt out initially so it can evaluate the program in operation to determine if it is the best choice for the municipality. By opting out, a municipality can determine budgetary and employment impacts locally. Because FAMLI assigns the costs of errors in calculating and remitting premiums to employers, a municipality may wish to wait until procedures can be developed to ensure compliance. Finally, the FAMLI Division has yet to issue all necessary administrative rules, including explaining the interplay between the program and other federal and state laws.

## What is best for our employees?

Employees can still participate individually (C.R.S. § 8-13.3-514) and should receive the same benefits, even if the municipality declines participation. Benefits rules to be issued this year will hopefully confirm that benefits will apply equally. The cost to the employee who wants FAMLI coverage is the same whether the employer



**Employees can participate in FAMLI individually and should receive the same benefits, even if their municipality declines participation.**

participates or not; employees who do not want this coverage would not have to pay any premium.

Employees who choose to participate individually when the municipality opts out would be required to remit their premium directly to the FAMLI Division unless the municipality chooses to handle this payment by deducting the premium from the employee's pay or paying it on the employee's behalf.

Employees may benefit from a municipality opting out because the municipality would have no financial responsibility for 50% of the premium. The municipality could choose to use that savings to benefit employees directly, such as by paying for some or all of the 50% premium for employees who participate individually.

Employment protections under the statute do not apply if a municipality declines participation in FAMLI, but the

Federal Family and Medical Leave Act (for employers with 50 or more employees in the current or prior year) and any local standards would still apply.

### **What are the costs and benefits for employees?**

Employees bear up to 50% of the premium (or 0.45% of their weekly wage) if the municipality participates or the employee chooses to participate individually. Employees who do not want to participate must still pay a premium if the municipality does not decline participation. Job protections defined in C.R.S. § 8-13.3-509, apply only if a municipality participates in the program.

By statute, an employee would receive a weekly benefit under FAMLI in the amount of 90% of their weekly wage that is equal to or less than 50% of the state average weekly wage, and 50% of their weekly wage that is more than 50% of the state

average weekly wage. Weekly benefits are capped at 90% of the state average weekly wage until 2025, when the maximum weekly benefit is limited to \$1,100 per week. The FAMLI Division suggests that an employee would receive benefits between 37% (\$1,100 based on a weekly wage of \$3,000 or more), 55% (\$1,100 based on a weekly wage of \$2,000), 68% (\$1,018 based on a weekly wage of \$1,500), 77% (\$768 based on a weekly wage of \$1,000), and 90% (\$450 based on a weekly wage of \$500) of the employee's weekly wage.

Benefits rules have not been finalized. The FAMLI Division provides a premium and benefits calculator on its website. Federal income tax may apply to benefits, but benefits are exempt from state income taxes.

### **How do we opt out?**

All municipalities are included in FAMLI by default, regardless of size. A municipality

may opt out and avoid the employer portion of premiums by a vote of a governing body. The opt-out procedure is governed by C.R.S. § 8-13.3-514 and administrative rules at 7 CCR 1107-2. Declination takes effect 180 days after the vote so employees can elect to individually participate in the FAMLI program if they choose. A municipality cannot decline part of FAMLI's provisions.

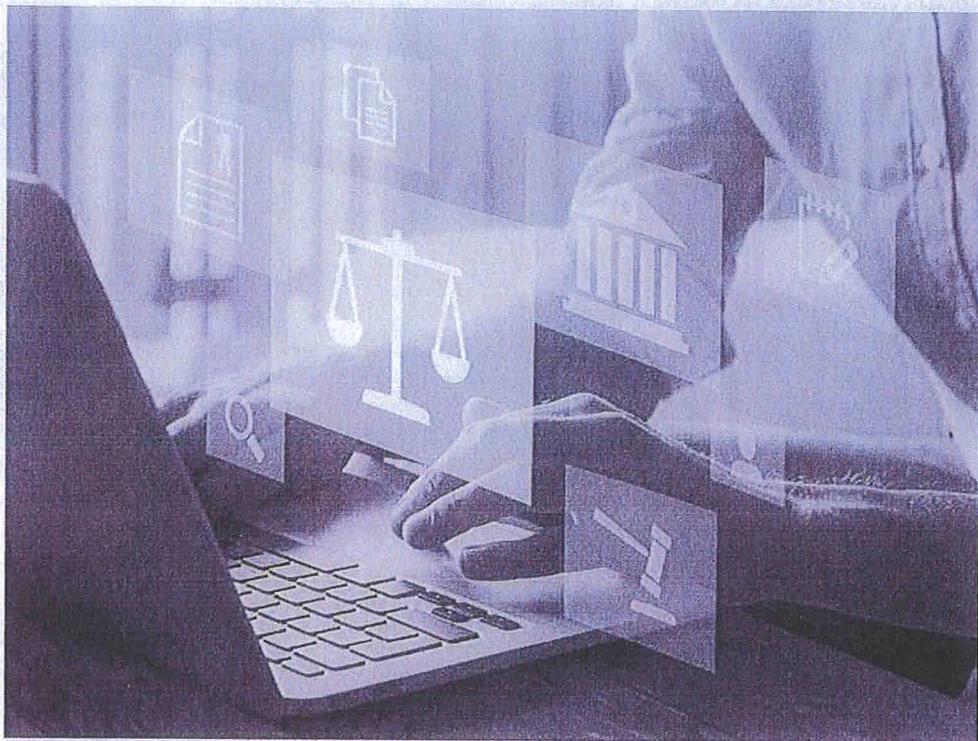
**Pre-vote notices:** The municipality must give prior notice of the vote in the same manner it notices other public business. Under the Colorado Open Meetings Law, this means at least 24 hours advance notice must be posted. Local requirements may apply.

Special notice must be provided to employees in writing before the vote indicating the voting process and providing an opportunity to submit comments to the governing body. Information about individual opt-in may also be required (see 7 CCR 1107-2: 2.6.A.4), although those standards likely apply only to post-vote notices. The rules do not indicate that email communication is not appropriate (7 CCR 1107-2: 2.6.A.2). Municipalities might consider both email and written communications to employees.

A description of the voting process could identify the local requirements for the governing body to approve an action, including the potential to make a motion, council or board deliberation, and vote requirements. Municipalities could also consider allowing both oral testimony at the meeting and a written comment option.

**Hearing and vote:** The vote must occur at least 180 days before the declination will be effective (This deadline appears to apply to an initial declination before the program even begins in 2023, but the rules are not clear). While a formal hearing is not required, the rules require the governing body to take testimony before voting. This could include both verbal and written comments from any interested person.

The rules require that the vote follow the entity's procedures for formal votes and be a "decision by an affirmative vote of the local government's governing body



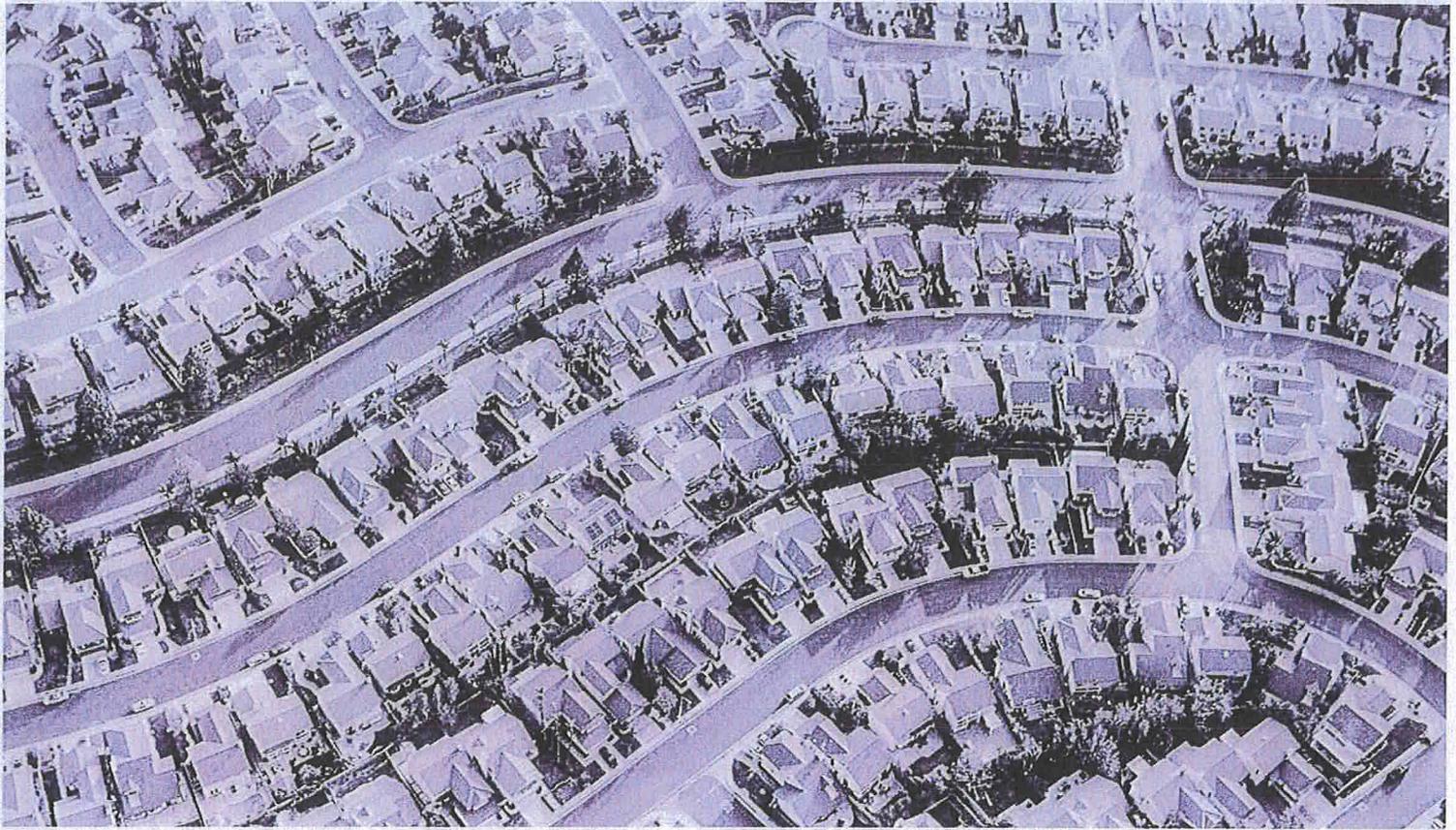
to decline participation in the [FAMLI] program" (7 CCR 1107-2: 2.6.A). The rules do not indicate that any formal approval mechanism is required, unless one is required by local standards. A motion, resolution, or ordinance may suffice but could modify the "voting process" that needs to be detailed to employees in the advance notice. At a minimum, the document should probably include language indicating that notice was given to employees and the public as required, testimony was taken, and that the body voted affirmatively to decline participation in the FAMLI program.

**Post-vote actions:** After a vote to decline participation, the municipality must provide several notices. First, the municipality must provide written notice to the FAMLI Division "memorializing the decision" and identifying the date of the vote. The rules are silent on the timing of notice to the FAMLI Division; prompt action is advised. The FAMLI Division has suggested that a letter would be sufficient and expects to have an electronic portal for submissions ready in late 2022. A certified record of the meeting (e.g., minutes showing the motion, vote, and date; resolution; ordinance) with a cover letter would provide a more concrete explanation of the vote and demonstrate compliance with other requirements (7 CCR 1107-2: 2.5.A and, 2.6.A).

Second, the municipality must provide written, individual notices to employees within 30 days after the vote. This notice must indicate the vote to decline coverage and "the impact toward FAMLI, or other paid family and leave insurance coverage" (7 CCR 1107-2: 2.6.A.3). The notice must explain the difference between the FAMLI program and any private plan offered by the local government and identify FMLA eligibility and other local benefits.

The employee notice (and possibly the pre-vote notice) must also provide information on the right of the employee to voluntarily opt in to FAMLI pursuant to C.R.S. § 8-13.3-514, and FAMLI Division contact information (7 CCR 1107-2: 2.6.A.4).

Third, the municipality must post the post-vote notice in a "conspicuous and accessible place in each establishment where employees are employed" (7 CCR 1107-2: 2.6.A.4). Email notice or posting on a web- or app-based platform is recommended and is required for employers with no physical workplace and for employees who work through a web- or app-based platform or work remotely.



**Special Notice Standards:** The post-vote notice, at a minimum, and potentially all notices must be provided in English and any language representing the first language spoken by at least 5% of the municipality's workforce.

The FAMLI Division will make posters and notices available, but municipalities must request the materials and should expect to pay printing and mailing costs. Notices and posters in languages other than English or Spanish must be specially ordered.

**Declination renewal:** The declination must be renewed every eight years or the municipality is automatically added back in to FAMLI (7 CCR 1107-2: 2.5.C). The rules require "a similar vote process and margin." That likely means the same number of votes needed to approve an action, not passage by the exact same number of votes as the prior declination.

### **How do we opt back in to the FAMLI program?**

A municipality that previously opted out of the FAMLI program may opt back in by affirmative vote "of a quorum of the governing body" at the beginning of the annual local budgeting cycle, as determined by the municipality (7 CCR 1107-2: 2.5 and 2.6). Coverage would begin no later than the quarter after the vote and submission of one quarter's premium. Municipalities who opt into FAMLI must stay in the program for at least three fiscal years.

Opting back in also involves employee notice requirements. No more than 90 days after the vote, individual employees who opted in must be personally notified in writing that the municipality has opted back into FAMLI. The notice must include the date for the municipality's first submittal of quarterly premiums and any potential lapses or changes in benefits eligibility. The local government must publicly post a notice of the date the employer will begin paying FAMLI premiums and when coverage is expected to start. Employees who did

not opt in must also be notified in writing, both publicly and personally, no later than 180 days after the vote to opt back into FAMLI. The notice must contain a detailed explanation of employee rights under the FAMLI program, including program requirements, benefits, claims processes, payroll deductions, premiums, and employee protections like the right to job protection and benefit continuation and protection against retaliatory or discriminatory information, among other things.

### **Anticipate updates to FAMLI program.**

Municipalities must act now to determine if they want to participate in the FAMLI program, but they should expect updates throughout 2022. Several administrative regulations have yet to be finalized, including benefits rules and the interaction between FAMLI and other federal and state leave laws. The Colorado Supreme Court is also considering a court challenge to the premium requirement that might be decided this year.



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# Knowledge

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**Fax:** (970) 984-2716  
[www.newcastlecolorado.org](http://www.newcastlecolorado.org)

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## Memorandum

**To:** Mayor and Council

**Subject:** Council Agenda Item – Ordinance TC 2022-10 Residential EV Charging

**From:** David Reynolds & Paul Smith

**Date:** 06/21/22

**Purpose:**

The purpose of this agenda item is to consider Ordinance TC 2022-10 amending Municipal Code Section 15.10.020 requiring electric vehicle charging capacity in new residential dwellings.

During Council meetings held on February 1, 2022 and April 5, 2022 staff was directed to learn more about the costs, impacts, feasibility, code concerns, need, and other questions related to mandating this proposed code. Staff conferred with Garfield Clean Energy, other municipalities, and the International Code Council regarding this idea. During the April 5<sup>th</sup> Council meeting, staff was asked to prepare an ordinance which would make the needed code changes and return to Council for ordinance consideration.

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. TC 2022-10**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING  
SECTION 15.10.020 OF THE NEW CASTLE MUNICIPAL CODE FOR THE  
REQUIREMENT OF ELECTRIC VEHICAL CHARGING CAPACITY IN NEW  
RESIDENTIAL DWELLINGS

WHEREAS, pursuant to Article IV of the Charter of the Town of New Castle ("Town") and C.R.S. § 31-16-202, the Town is authorized to adopt codes by reference; and

WHEREAS, the Town has previously adopted by reference the 2015 edition of the International Residential Code (the "the Code");

WHEREAS, the Town Council ("Council") has recommended adding a provision to the Code which provides electrical vehicle charging capacity in new residential homes as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE NEW CASTLE TOWN COUNCIL AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Council.
2. Code Amendment. New references R309.6 and R309.6.1 shall be added to Section 15.10.020 of the Municipal Code succeeding the prior reference R306.5. All existing amendments in 15.10.020 shall remain unchanged and in full force and effect.

**15.10.020 - Amendments.**

Section R309.6 is added as follows:

**R309.6 – Electrical Vehicle Charging Capacity.** Newly constructed single family or multi-family dwellings, with a dedicated attached or detached garage, shall facilitate future installation and use of electric vehicle (EV) chargers. For each dwelling unit, a 208/240-volt individual branch circuit or a listed raceway to accommodate a future individual branch circuit shall be installed. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of the EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel or subpanel circuit directory shall provide capacity to install a 50-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent device. EV supply equipment shall be installed in accordance with NFPA 70.

Exception: Additions and alterations to existing single family or multi-family dwellings are exempt from this requirement.

Section R309.6.1 is added as follows:

**R309.6.1 EV Charging Identification.** The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV CAPABLE".

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on June 21, 2022, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on July 19, 2022, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk

# Memo

**To:** Mayor and Town Council  
**From:** Melody Harrison  
**Date:** June 21, 2022  
**Re:** Ordinance TC 2022-6 – Regarding Contempt of Court Penalties

---

The purpose of this agenda item is to amend municipal Code section 2.08.080 regarding the fines imposed on persons found in contempt of court.

As council may recall, earlier this year Ordinance TC 2022-2 was approved increasing the fines for general penalties up to \$2,650.00 in accordance with HB19-1148. This change allows flexibility for the municipal judge to impose fines against any person or party who violates provisions of the municipal code.

Municipal Judge Amanda Maurer, at the April 19, 2022, council meeting, spoke with council and suggested that the penalty for contempt of court also be increased to the allowable \$2,650.00. This will provide more flexibility for the municipal judge as well as providing consistency in the municipal code.

Staff recommends approval of Ordinance TC 2022-6.

*Melody L Harrison, CMC*

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE 2022-6**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL  
AMENDING THE MUNICIPAL CODE REGARDING CONTEMPT OF  
COURT AND FAILURE TO APPEAR.

WHEREAS, the Town currently does not have an independent municipal code provision for the imposition of charges or penalties arising out of contempt of an order from the municipal court; and

WHEREAS, similarly, the Town does not currently have a municipal code provision imposing a penalty for the failure to appear at a required court proceeding; and

WHEREAS, the lack of these penalty provisions has become an issue in the efficient management and operations of the municipal court; and

WHEREAS, the New Castle Municipal Court is a court of record; and

WHEREAS, the Town desires to consider amendments to the New Castle Municipal Code to permit New Castle law enforcement personnel to issue citations and the municipal judge to impose contempt remedies for failure to abide by court order and for failing to appear at a scheduled court date.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.
2. Amendment. The Town Council hereby repeals and reenacts the following sections of Town of New Castle Municipal Code:

**2.08.080 Contempt of Court**

A. The municipal judge is authorized to find any person properly before the court in contempt for failing to follow or abide by a lawful order or act of the court. Such contempt may be direct or indirect.

B. Any person found in contempt of court by failing to perform a lawful act required by or otherwise made mandatory by this Code or the Municipal Court shall be punished by a fine not to exceed ~~one thousand~~ dollars (~~\$1,000.00~~) **two thousand six hundred fifty dollars (\$2,650.00)** and imprisonment not to exceed a term of ten (10) days.

C. In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on June 7, 2022, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on June 21, 2022, read by title and number, passed with amendment as set forth herein, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk

# Memo

**To:** Mayor and Town Council  
**From:** Melody Harrison  
**Date:** June 21, 2022  
**Re:** Ordinance TC 2022-7 – Regarding Court Fees

---

The purpose of this agenda item is to amend municipal code section 2.08.070 regarding court costs.

Municipal Judge Amanda Maurer, at the April 19, 2022, council meeting, spoke with council and suggested that the court costs be adjusted to align with what other jurisdictions in Garfield County charged. The adjustments are:

- A \$5.00 increase to the court costs for violations of the Model Traffic Code
- A \$5.00 increase to the court costs for all other violations

In addition, Judge Maurer suggested increasing the police training surcharge by \$8.00 taking that up to \$18.00, and with the \$2.00 surcharge for the Dennis Mahan Memorial Scholarship surcharge equaled an even \$20.00.

Staff recommends approval of Ordinance TC 2022-7.

*Melody L Harrison, CMC*

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE 2022-7**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL  
AMENDING THE MUNICIPAL CODE CONCERNING THE IMPOSITION OF  
MUNICIPAL COURT COSTS.

WHEREAS, the Town of New Castle (“Town”) Municipal Court is a court of record; and

WHEREAS, the Town is authorized pursuant to § 13-10-113(3) of the Colorado Revised Statutes and through its home rule powers to impose court costs; and

WHEREAS, the court costs that may be assessed by the Town Municipal Court are set forth in Section 2.08.070 of the Town Municipal Code; and

WHEREAS, the Town’s municipal court costs are intended to defray the expenses incurred by the Town related to the operation of the Municipal Court; and

WHEREAS, the court costs have not changed since 2012 and the cost of living and rate of inflation has continued to rise since that year; and

WHEREAS, Town Staff has conferred with the Municipal Judge, reviewed neighboring municipalities’ municipal court costs and considered the increase of property values, cost of living increases and rate of inflation; and

WHEREAS, Town Staff recommends the adoption of a revised court cost schedule as set forth herein; and

WHEREAS, the Town Council now desires to amend to the New Castle Municipal Code to increase certain Municipal Court costs.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

2. Amendment. The Town Council hereby repeals and reenacts the following sections of Town of New Castle Municipal Code as follows:

**2.08.070 - Imposition of court costs.**

The municipal judge is empowered, in his or her discretion, to assess the following costs against any defendant (or in the case of an unemancipated minor defendant, such minor and his or her parents or legal guardians) who is found guilty of violating any of the ordinances of the town, against a defendant who is granted a deferred prosecution or deferred sentence, or against a defendant cited for operating a motor vehicle without insurance or for failing to present evidence

of insurance:

- A. Court Costs. In addition to the actual cost of witness fees and juror fees for a trial and such other costs as may be required by the Colorado Municipal Court Rules of Procedure, ~~twenty five dollars (\$25.00)~~ thirty dollars (\$30.00) per action filed in municipal court for violation of the Model Traffic Code; ~~thirty dollars (\$30.00)~~ thirty five dollars (\$35.00) per action filed in municipal court for all other violations;
- B. Witness Fees. Three dollars (\$3.00) per day or part of a day in which the witness is actually in court plus mileage at the current IRS rate per mile for each mile actually and necessarily traveled from the witness' residence to the court;
- C. Jury Fee. Six dollars (\$6.00) per day for actual jury service or three dollars (\$3.00) per day of service on the jury panel alone, plus mileage at the current IRS rate per mile for each mile actually and necessarily traveled from the juror's residence to the court, but in any event not less than the twenty-five dollar (\$25.00) fee to be paid to the court to request a jury trial pursuant to the Municipal Court Rules of Procedure;
- D. Bench Warrant Fee. Fifty dollars (\$50.00) per warrant issued plus any costs incurred for transporting the defendant from his or her place of arrest to the town;
- E. Probationary or Other Services. Actual costs incurred either by the town or the defendant for probationary or treatment services for the defendant or useful public service by the defendant as such may be ordered by the court;
- F. Letter Fee. Five dollars (\$5.00) per letter for any letter sent to a defendant where the defendant has failed to respond to a written notice of court or a summons. Such letter fee shall not limit the court's ability to fine or sentence a defendant for contempt for such failure to respond.
- G. Jail Costs. Actual per day cost charged to the town by any county jail or any county sheriff for each day a defendant is sentenced to jail plus any fees charged to the town for services of any county bond commissioner for such defendant;
- H. Deferred Judgment and Deferred Prosecution Fee. Fifty dollars (\$50.00) per deferred judgment or deferred prosecution issued;
- I. Certified/Restricted Delivery Mailing Fee. Actual costs for certified/restricted delivery mailing of notices to a defendant where the defendant has failed to respond to a written notice of the court or a summons or has failed to make payment as directed by the court;
- J. Surcharge. In addition to any court costs or other costs imposed by this section, there shall be assessed against each defendant, upon conviction, the following surcharges:
1. ~~Ten dollars (\$10.00)~~ Eighteen dollars (\$18.00), which surcharge shall be remitted to the town and used exclusively for the purpose of training police officers in the performance of their duties, and
  2. Two dollars (\$2.00), which surcharge shall be remitted to the town exclusively for the Dennis J. Mahan Memorial Scholarship Fund;

K. Suspended Sentence Fee. Fifty dollars (\$50.00) for each action in which the municipal judge suspends all or part of a sentence, to compensate the municipal court for monitoring such action to ensure compliance with the conditions of the suspension;

L. Motor Vehicle Insurance Fee. Ten dollars (\$10.00) for each action in which a defendant is cited for operating a motor vehicle without insurance or for failing to present evidence of insurance, which defendant later presents proof of having insurance in effect at the time of the alleged violation. The purpose of this fee is to compensate the municipal court for costs associated with processing the citation through the municipal court.

M. **Sealed records fee. Sixty five dollars (\$65.00) for all actions sealed pursuant to C.R.S. Sec. 24-72-702.5.**

3. Effective Date. This Ordinance shall be effective fourteen days after final publication pursuant to section 4.3 of the Town Charter.

INTRODUCED on June 7, 2022, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado on June 21, 2022, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk

# Memo

**To:** Mayor and Town Council  
**From:** Melody Harrison  
**Date:** June 21, 2022  
**Re:** Ordinance TC 2022-8 – Implementing a Voter-Approved Lodging Tax Increase

---

The purpose of this agenda item is to amend municipal code chapter 3.32 regarding lodging tax.

Ordinance TC 2022-8 implements a lodging tax increase of 2.5% that was approved by the voters at the April 5, 2022 regular municipal election. Because there is an existing approved lodging tax of 2.5%, to total collection will be 5% beginning January 1, 2023.

Staff recommends approval of Ordinance TC 2022-8.

*Melody L Harrison, CMC*

**TOWN OF NEW CASTLE, COLORADO**  
**ORDINANCE NO. TC 2022-8**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE,  
COLORADO, AMENDING CHAPTER 3.32 OF THE NEW CASTLE MUNICIPAL CODE  
TO ADOPT AND IMPOSE A VOTER-APPROVED INCREASE OF THE LODGING TAX

WHEREAS, Article XI of the Town of New Castle Home Rule Charter authorizes the Town of New Castle (“Town”) to levy and collect taxes for municipal purposes subject to the requirements of the Colorado Constitution for voter approval; and

WHEREAS, pursuant to Resolution No. 6, Series of 2022, the Town Council submitted a ballot question to the eligible electors of the Town at the April 5, 2022, regular election requesting authorization to increase the lodging tax from 2.5% to 5% on the price paid or charged for the leasing or renting of rooms or other accommodations in commercial lodging within the Town for less than 30 days; and

WHEREAS, a majority of eligible electors voting on said ballot question voted in the affirmative and approved the tax rate increase; and

WHEREAS, the Town Council desires to adopt and impose the voter-approved lodging tax rate of 5% and amend Chapter 3.32 of the New Castle Municipal Code accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings of the Town Council.
2. Adoption of Tax. Commencing on January 1, 2023, the Town Council hereby approves the levy and collection of a lodging tax of 5% on the price paid or charged for the leasing or renting of rooms or other accommodations in commercial lodging within the Town for less than 30 days. Revenue received by the Town from the tax shall be used for economic development, community enhancements, or marketing of the Town.
3. Amendment. The Town Council hereby amends Chapter 3.32 of the New Castle Municipal Code as follows, with added language in **bold** and underlined and removed language ~~stricken~~. Those provisions of the Municipal Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

**3.32.010 – Purpose.**

The purpose of this chapter is to impose a ~~two and one-half~~ **five** percent tax on the purchase price paid for short-term lodging.

**3.32.030 – ~~Two and one-half~~ Five percent tax imposed.**

There is imposed on all short-term lodging a tax equal to ~~two and one-half~~ five percent of the purchase price paid for such lodging. For purposes of this section, the "purchase price" shall exclude the sale of any goods, services or commodities other than lodging and otherwise taxed under Chapters 3.04 and/or 3.08.

4. Effective Date. This Ordinance shall be in force and take effect on January 1, 2023.

5. Severability. Each section of this Ordinance is an independent section and a holding of any section or part thereof to be unconstitutional, void, or ineffective for any cause or reason shall not be deemed to affect the validity or constitutionality of any other section or part thereof, the intent being that the provisions hereof are severable.

INTRODUCED on June 7, 2022, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on June 21, 2022, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN COUNCIL OF THE TOWN OF  
NEW CASTLE, COLORADO

By: \_\_\_\_\_  
Art Riddile, Mayor

ATTEST:

\_\_\_\_\_  
Melody Harrison, Town Clerk

**TOWN OF NEW CASTLE, COLORADO**  
**RESOLUTION NO. TC 2022-17**

A RESOLUTION OF THE NEW CASTLE TOWN COUNCIL APPROVING A(N)  
INTERGOVERNMENTAL AGREEMENT WITH GARFIELD COUNTY AND OTHER  
MUNICIPALITIES WITHIN THE COUNTY.

WHEREAS, Garfield County, the Town of New Castle (“Town”) and the other municipalities within Garfield County desire to work together to provide a county-wide mosquito control and program; and

WHEREAS, the Town will benefit from such a program and its services; and

WHEREAS, the Town Council finds that entering into the Intergovernmental Agreement (“IGA”) attached hereto as Exhibit “A” will further the Town’s goals and is in the Town’s best interests.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW CASTLE TOWN COUNCIL:

1. Recitals. The foregoing recitals are incorporated by reference as findings and determinations of the Council.
2. Adoption. Pursuant to Section 14.4 of the Town Charter, the Town Council hereby approves the IGA attached as Exhibit A and authorizes the Mayor to execute the same.

INTRODUCED, PASSED, AND ADOPTED by a vote of \_\_\_ to \_\_\_ at a regular meeting of the New Castle Town Council held on June 21, 2022.

TOWN COUNCIL OF TOWN OF  
NEW CASTLE, COLORADO

\_\_\_\_\_  
Mayor Art Riddile

ATTEST:

\_\_\_\_\_  
Town Clerk Melody Harrison, CMC

**INTERGOVERNMENTAL AGREEMENT FOR MOSQUITO CONTROL - 2022**

THE PARTIES to this Intergovernmental Agreement for Mosquito Control ("IGA") are the **BOARD OF COUNTY COMMISSIONERS OF GARFIELD COUNTY, STATE OF COLORADO**, (hereinafter referred to as "County"); the **CITY OF GLENWOOD SPRINGS, STATE OF COLORADO**, (hereinafter referred to as "Glenwood"); the **TOWN OF CARBONDALE, STATE OF COLORADO**, (hereinafter referred to as "Carbondale"); the **CITY OF RIFLE, STATE OF COLORADO**, (hereinafter referred to as "Rifle"); the **TOWN OF SILT, STATE OF COLORADO**, (hereinafter referred to as "Silt"); the **TOWN OF NEW CASTLE, STATE OF COLORADO**, (hereinafter referred to as "New Castle"); and the **TOWN OF PARACHUTE, STATE OF COLORADO**, (hereinafter referred to as "Parachute").

**WHEREAS**, the parties to this IGA are authorized by Section 29-1-201, *et seq.*, C.R.S., as amended, to provide for joint funding and cooperation to provide services and functions which each is otherwise lawfully authorized to provide; and

**WHEREAS**, the parties to this IGA desire to cooperate in funding and making available a County-wide mosquito control and education program; and

**WHEREAS**, a coordinated effort by the County and the municipalities within the County will permit a more effective mosquito control and education program and specifically will aid control of the mosquito species responsible for the spread of West Nile Virus.

**NOW, THEREFORE**, in mutual consideration of the premises and the covenants and promises set forth below, the parties to this IGA agree as follows:

1. PROJECT. The Project that is the subject of this IGA is a comprehensive integrated larval and adult mosquito control program, on public and private property throughout Garfield County that will be designed specifically for Garfield County and the municipalities by an independent contractor. The Project will provide surveillance, identifying mosquito breeding habitats and areas with high numbers of mosquito larvae and adults, with an emphasis on Culex mosquitoes. Surveillance will include the use of GIS mapping technology. The Project will include the use of chemical pesticides for adult and larval mosquito control in a manner safe to citizens, the environment and pets. Chemical applications will only be done when the elected officials of each pertinent jurisdiction, or their designated staff member, determine that mosquito levels have reached a threshold that poses a public health risk. Each jurisdiction is responsible for working with the Contractor to

ensure that their jurisdiction is in compliance with the Federal Clean Water Act and the Colorado Discharge Permit System as administered by the Colorado Department of Public Health and Environment. The independent contractor will also provide community outreach and public education.

2. PROJECT COSTS. The cost for the entire Project that is the subject of this IGA shall not exceed One Hundred Ninety Thousand Dollars Two Hundred Eighty-One Dollars and No Cents (\$190,281.00), with each town and city contributing the amounts set forth below for a total contribution of Fifty-Five Thousand Seven Hundred Fifty Dollars and No Cents (\$55,750.00) of the Project Cost. The remainder will be contributed by the County for the thirty-four (34) square miles of service area outside of the municipalities.

3. COUNTY RESPONSIBILITIES. The County shall be the coordinating entity and the contracting and fiscal authority for the Project. The County's responsibilities shall include the creation of the Request For Proposals ("RFP"), management of the RFP process, selection of the contractor and management of the contract. The County shall pay an amount not to exceed One Hundred Thirty-Four Thousand Five Hundred Thirty-One Dollars and No Cents (\$134,531.00) of the total Project Cost of One Hundred Ninety Thousand Two Hundred Eighty-One Dollars and No Cents (\$190,281.00), unless emergency services are required.

4. GLENWOOD SPRINGS RESPONSIBILITIES. Glenwood Springs shall be responsible for payment to the County of \$5,800.00.

5. CARBONDALE RESPONSIBILITIES: Carbondale shall be responsible for payment to the County of \$7,650.00.

6. RIFLE RESPONSIBILITIES: Rifle shall be responsible for payment to the County of \$20,800.00.

7. SILT RESPONSIBILITIES: Silt shall be responsible for payment to the County of \$5,600.00.

8. NEW CASTLE RESPONSIBILITIES: New Castle shall be responsible for payment to the County of \$6,300.00.

9. PARACHUTE RESPONSIBILITIES: Parachute shall be responsible for payment to the County of \$9,600.00.

10. PARTY RESPONSIBILITIES: All parties to this IGA shall cooperate with and assist the independent contractor chosen by the County to perform the work of the Project.

11. REMEDIES. If any of the cities or towns, identified in Paragraphs 4 through 9 above, fails to perform their payment obligation(s), the County may assume responsibility for the defaulting payment(s), and all other obligations of this IGA shall remain in full force and effect.

12. CONTRACT AWARD. The contract anticipated to define the Scope of Work needed for the Project shall be awarded by Garfield County pursuant to the terms of its Procurement Manual. The Notice to Proceed may be awarded prior to the payment obligations of the municipalities and towns being met.

13. INDEMNIFICATION. The parties acknowledge each is subject to the constitutional prohibitions against indemnification in Colo. Const. art XI, § 1. Neither can indemnify the other.

Nothing herein shall be interpreted as a waiver of governmental immunity to which each party would otherwise be entitled under Section 24-10-101, et seq., C.R.S., as amended.

14. APPROPRIATION. This IGA is contingent upon appropriation and budgeting for the costs required for the Project. Should any party fail to appropriate or have available sufficient funds to pay for the costs of its obligations set forth herein, this IGA shall be considered of no force or effect, except to the extent that the County has assumed the obligations of another party, as set forth herein. This IGA is not intended to, nor does it create a multi-year fiscal obligation as defined by Section 20, Article X of the Constitution of the State of Colorado.

15. EFFECTIVE DATE. This IGA shall be effective January 1, 2022 through December 31, 2022, no matter the date of execution.

16. AMENDMENT. This IGA may be amended by the parties solely through a written agreement signed by each.

17. FACSIMILES AND COUNTERPARTS. This IGA may be signed in counterparts, and facsimile signatures may be substituted for original signatures.

18. GOVERNING LAW. The laws of the State of Colorado shall govern the validity, performance and enforcement of this IGA. Venue for any action instituted pursuant to this IGA shall lie in Garfield County, Colorado.

19. AUTHORITY. Each person signing this IGA represents and warrants that said person is fully authorized to enter into

and execute this IGA and to bind the party represented to the terms and conditions hereof.

20. NOTICE. All notices required under this IGA shall be in writing and shall be hand delivered or sent by registered or certified mail, return receipt requested, postage prepaid to the addresses of the parties set forth below. Notice addresses may be changed without amendment to this IGA.

Notice to County: Board of County Commissioners  
Attn: County Manager  
108 8<sup>th</sup> Street, Suite 213  
Glenwood Springs, CO 81601  
Phone: (970) 945-9150  
Fax: (970) 384-5005

Notice to Glenwood: City of Glenwood Springs  
Attn: City Manager  
101 W. 8<sup>th</sup> St.  
Glenwood Springs, CO 81601  
Phone: 384-6400

Notice to Carbondale: Town of Carbondale  
Attn: Town Manager  
511 Colorado Avenue  
Carbondale, CO 81623  
Phone: (970) 963-2733  
Fax: (970) 963-9140

Notice to Rifle: City of Rifle  
Attn: City Manager  
202 Railroad Avenue  
P.O. Box 1908  
Rifle, CO 81650  
Phone: (970) 625-2121

Notice to Silt: Town of Silt  
Attn: Town Administrator  
231 N. 7<sup>th</sup> St., Box 70  
Silt, CO 81652  
Phone: (970) 876-2353

Notice to New Castle:      Town of New Castle  
   Attn: Town Administrator  
   450 W. Main  
   P.O. Box 90  
   New Castle, CO 81647  
   Phone: (970) 984-2311

Notice to Parachute:      Town of Parachute  
   Attn: Town Administrator  
   222 Grand Valley Way  
   Box 100  
   Parachute, CO 81635  
   Phone: (970) 285-7630

ATTEST:

**BOARD OF COUNTY COMMISSIONERS  
OF GARFIELD COUNTY, COLORADO**

\_\_\_\_\_  
Clerk to the Board

By: \_\_\_\_\_  
Chairman

Dated: \_\_\_\_\_

ATTEST:

**CITY OF GLENWOOD SPRINGS,  
STATE OF COLORADO**

\_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_

ATTEST:

**TOWN OF CARBONDALE  
STATE OF COLORADO**

\_\_\_\_\_  
Town Clerk

By: \_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

**CITY OF RIFLE  
STATE OF COLORADO**

By: \_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk

**TOWN OF SILT  
STATE OF COLORADO**

By: \_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk

**TOWN OF NEW CASTLE  
STATE OF COLORADO**

By: \_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Town Clerk

**TOWN OF PARACHUTE  
STATE OF COLORADO**

By: \_\_\_\_\_  
Mayor

Dated: \_\_\_\_\_

**Submit to Local Licensing Authority**

**EAT BISTRO & DRINKS  
 PO BOX 453  
 New Castle CO 81647**

Fees Due	
Renewal Fee	550.00
Storage Permit \$100 X _____	\$
Sidewalk Service Area \$75.00	\$
Additional Optional Premise Hotel & Restaurant \$100 X _____	\$
Related Facility - Campus Liquor Complex \$160.00 per facility	\$
<b>Amount Due/Paid</b>	<b>\$ 550.00</b>

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

## Retail Liquor or Fermented Malt Beverage License Renewal Application

Please verify & update all information below

Return to city or county licensing authority by due date

Licensee Name EAT BISTRO & DRINKS LLC		Doing Business As Name (DBA) EAT BISTRO & DRINKS	
Liquor License # 03-08289	License Type Hotel & Restaurant (city)		
Sales Tax License Number 320958300000	Expiration Date 07/18/2022	Due Date 06/03/2022	
Business Address 316 WEST MAIN STREET New Castle CO 81647			Phone Number 9703790093
Mailing Address PO BOX 453 New Castle CO 81647		Email mollymogavero@hotmail.com	
Operating Manager	Date of Birth 09.25.1972	Home Address 316 West Main Street - Newcastle CO 81647	Phone Number 970-379-0093
1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Are the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <u>2025-dec 31st</u>			
2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3b. If so, which are you renewing? <input type="checkbox"/> Delivery <input type="checkbox"/> Takeout <input type="checkbox"/> Both Takeout and Delivery			
4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation.  Yes  No

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation.  Yes  No

<b>Affirmation &amp; Consent</b>		
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.		
Type or Print Name of Applicant/Authorized Agent of Business	Title	
Molly Mogavero	Owner/Manager	
Signature	Date	
Molly Mogavero	6-6-2022	
<b>Report &amp; Approval of City or County Licensing Authority</b>		
The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.		
<b>Therefore this application is approved.</b>		
Local Licensing Authority For	Date	
Signature	Title	Attest

## Tax Check Authorization, Waiver, and Request to Release Information

I, Molly Mojaverro am signing this Tax Check Authorization, Waiver and Request to Release Information (hereinafter "Waiver") on behalf of EAT Bistros & Drinks (the "Applicant/Licensee") to permit the Colorado Department of Revenue and any other state or local taxing authority to release information and documentation that may otherwise be confidential, as provided below. If I am signing this Waiver for someone other than myself, including on behalf of a business entity, I certify that I have the authority to execute this Waiver on behalf of the Applicant/Licensee.

The Executive Director of the Colorado Department of Revenue is the State Licensing Authority, and oversees the Colorado Liquor Enforcement Division as his or her agents, clerks, and employees. The information and documentation obtained pursuant to this Waiver may be used in connection with the Applicant/Licensee's liquor license application and ongoing licensure by the state and local licensing authorities. The Colorado Liquor Code, section 44-3-101. et seq. ("Liquor Code"), and the Colorado Liquor Rules, 1 CCR 203-2 ("Liquor Rules"), require compliance with certain tax obligations, and set forth the investigative, disciplinary and licensure actions the state and local licensing authorities may take for violations of the Liquor Code and Liquor Rules, including failure to meet tax reporting and payment obligations.

The Waiver is made pursuant to section 39-21-113(4), C.R.S., and any other law, regulation, resolution or ordinance concerning the confidentiality of tax information, or any document, report or return filed in connection with state or local taxes. This Waiver shall be valid until the expiration or revocation of a license, or until both the state and local licensing authorities take final action to approve or deny any application(s) for the renewal of the license, whichever is later. Applicant/Licensee agrees to execute a new waiver for each subsequent licensing period in connection with the renewal of any license, if requested.

By signing below, Applicant/Licensee requests that the Colorado Department of Revenue and any other state or local taxing authority or agency in the possession of tax documents or information, release information and documentation to the Colorado Liquor Enforcement Division, and is duly authorized employees, to act as the Applicant's/Licensee's duly authorized representative under section 39-21-113(4), C.R.S., solely to allow the state and local licensing authorities, and their duly authorized employees, to investigate compliance with the Liquor Code and Liquor Rules. Applicant/Licensee authorizes the state and local licensing authorities, their duly authorized employees, and their legal representatives, to use the information and documentation obtained using this Waiver in any administrative or judicial action regarding the application or license.

Name (Individual/Business) <u>Molly Mojaverro</u>		Social Security Number/Tax Identification Number <u>126-68-6440</u>	
Address <u>316 W Main Street</u>			
City <u>New Castle</u>		State <u>CO</u>	Zip <u>81647</u>
Home Phone Number <u>970-379-0093</u>		Business/Work Phone Number <u>970-984-7330</u>	
Printed name of person signing on behalf of the Applicant/Licensee <u>Molly Mojaverro</u>			
Applicant/Licensee's Signature (Signature authorizing the disclosure of confidential tax information) <u>Molly Mojaverro</u>			Date signed <u>6-6-22</u>

**Privacy Act Statement**

Providing your Social Security Number is voluntary and no right, benefit or privilege provided by law will be denied as a result of refusal to disclose it. § 7 of Privacy Act, 5 USCS § 552a (note).