



BOARD OF TRUSTEES MEETING

Thursday, August 11, 2022 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

In-person & LIVE STREAM available at Town website

AGENDA – REVISED 8/10/2022

This agenda is subject to revision 24 hours prior to commencement of the meeting.

Call to Order

Pledge of Allegiance

Roll Call

Consent Agenda

Items under the consent agenda may be acted upon by one motion. If, in the judgment of a board member, a consent agenda item requires discussion, the item can be placed on the regular agenda for discussion and/or action.

1. Minutes from July 28, 2022 Meeting

Staff/Department Reports

2. Water
3. Public Works including Roads & Park Maintenance
4. Police
5. Fire
6. Administration
7. Attorney
8. Administrator/Clerk

Public Comment

Public comments are encouraged to be emailed to the Town office at info@palmerlake.org with subject line of Public Comment (48 hour prior to meeting) and shall be announced, distributed, and addressed at the meeting. Otherwise, please step to the microphone, state your name and address for the record and address the Board on matters not on the agenda. Please note that the Board will not take action

on your concern but may refer it to staff and/or to a future meeting agenda. Public members are allowed up to 3 minutes for comments. Thank you!

Business Items

- [9.](#) Special Event Application - 2022 Palmer Lake 0.5K Race (10/09) - Awake Palmer Lake
- [10.](#) Special Event Application - Masa Ito Concert (10/15) - Palmer Lake Arts Council
- [11.](#) Special Event Application - Cross Country Meet (9/7) - Lewis Palmer Middle School
- [12.](#) Resolution 39-2022 to Authorize IGA with El Paso County for November 8 Election
- [13.](#) Resolution 40-2022 to Approve Use of Technology (Communication) Policy
- [14.](#) Direction to Rezone Lakeview Estates from R3 to R10,000 (Action in 1992)
- [15.](#) Consider Ordinance to Allow Adult Use Cannabis Sales
- [16.](#) Consider Resolution to Put Ordinance for Adult Use Cannabis Sales to the Ballot
- [17.](#) Consider Resolution to Put Mill Levy Increase to the Ballot

Board Reports**Next Meeting (8/25) and Future Items****Convene to Executive Session**

For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators under C.R.S. 24-6-402(4)(e) – town property, possible annexation; and for the purpose of conference with an attorney for the purpose of receiving legal advise on specific legal questions under C.R.S. 24-6-402(4)(b) - CORA request; and personnel matter under C.R.S. 24-6-402(4)(f) - Town Administrator.

Reconvene to Open Session**Adjourn**

Americans with Disabilities Act

Reasonable accommodations for persons with a disability will be made upon request. Please notify the Town of Palmer Lake (at 719-481-2953) at least 48 hours in advance. The Town of Palmer Lake will make every effort to accommodate the needs of the public.



BOARD OF TRUSTEES MEETING

Thursday, July 28, 2022 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

MINUTES

Call to Order. Mayor Bass called the meeting to order at 5:01 PM.

Pledge of Allegiance

Roll Call. Present: Mayor Bill Bass, Trustees Darin Dawson, Jess Farr, Karen Stuth. Trustee Nicole Currier arrived at 5:10 and Sam Padgett arrived at 5:25 PM. Excused: Trustee Glant Havenar.

Introduction/Presentation

1. Presentation of 2021 Financial Audit, Green & Associates. Mr. David Green provided background to the audit process and reviewed the Independent Auditor Report and the 2021 statement of net position and financials. Trustee Stuth inquired about the firm addressing the needs of the town and Mr. Green stated the audit is to review the actual to budget not future needs. Trustee Dawson asked Mr. Green to expand on the importance of separation of duties for financial controls. Mayor Bass commended the staff on the changes to improve processes.
2. Presentation of Draft Water Accounting Study, GMS Engineering. Mr. David Frisch introduced GMS staff including Mr. Tom McClernan and Mr. Mark Leasure and provided the background to the study to consider serving current and future needs of the town relating to water. This study was conducted on the current town boundary limits. GMS staff reviewed the water resource summary provided to the Board in 2021 and identified three priorities - critical needs - including cost and impact to the Town. 1) Need a new Arapahoe well, improvements to the treatment plant to add a third filter for additional capacity, and replacement of existing distribution system (\$4.7m). 2) Need to loop and reinforce distribution improvements (\$1.2m). 3) Consider extension of distribution to serve southeast portion of town currently on wells (\$4m). Funding was reviewed primarily identifying the Colorado Drinking Water Revolving Loan Fund. GMS asked for feedback from Board members and staff to finalize the report. Mr. Matt Stephens inquired about the emergency interconnect to the Monument line along Hwy 105. Mr. Frisch responded the interconnect is a valve not currently connected to Town lines but in preparation of future possible development and emergency use. Mr. Roger Moseley inquired about development in the Red Rock Ranch area.

Consent Agenda

MOTION (Dawson, Stuth) to approve the consent agenda including items: 3) Minutes from July 14, 2022 Meeting; 4) Checks over \$15,000 to Visual Labs and Peak Fencing; 5) Financials (June). Roll call vote – aye 6; nay 0. Motion passed.

Staff/Department Reports

6. Attorney. None.

7. Administrator/Clerk. Collins provided a report of the Fire and Police Chief hosting an open house at the Firehouse on Monday, 8/1 at 5p; the acceptance of donated fire hose by the Fire department from Tri-lakes Monument Fire District; the Public Works acceptance of dirt to fill the south end of the lake area as well as millings to improve particular roadways – saving the town thousands of dollars; the status of the master plan activity including separate Board consideration of the 3-mile annexation plan; and mentioned an upcoming meeting to review GOCO grant funding.

Mr. Kevin Dreher stated his concern of potential increased speed on Suncrest with millings. Collins noted that speeding would be addressed by PD for patrol and enforcement.

Public Comment

Mr. Kurt Ehrhardt addressed the Board about concerns of the Elephant Rock trailer park being an unsafe area. Mr. Roger Moseley inquired about Board member attendance to meetings.

Business Items

8. Special Event - National Night Out (8/02). Chief Vanderpool and Tish Torweihe explained the partnership of Police and community for NNO. An invitation was made for the public to join in at the Town Hall/green on Tuesday, August 2 at 6 PM. There will be music and goodies for all ages.

Mayor Based moved to item 11 and 12 for guests in attendance.

11. Request for Public Display - Landscaping at Museum/Library. Collins provided background of Town staff approaching the Art group to consider assisting in promoting local artist work in the town hall and outside areas. These items are before the Board pursuant to the ordinance adopted in 2020 relating to public display of art. Mr. Lynn Roth explained the details of installing two pedestals in the landscape area and selection process for outdoor sculpture. MOTION (Dawson, Padgett) to allow the Art Council to place and the jury to select the art as presented. Roll call vote – aye 6; nay 0. Motion passed.

12. Request for Public Display - Wall Art in Town Lobby. Mr. Dennis Book reviewed the art pieces to display on the town office lobby wall and the wood art piece for the town hall intended to cycle on a six-month basis. Collins noted the office will not be a point of sale but promote local artist work. MOTION (Dawson, Stuth) to approve the art and plans as presented. Roll call vote – aye 6; nay 0. Motion passed.

9. Special Event - Palmer Lake Historical Society Chautauqua Assembly (8/06). Julia Stambaugh explained the historic Chautauqua event on August 6 at 1p describing the activities and request to waive fees. MOTION (Dawson, Stuth) to approve the event and waive the fee. Roll call vote – aye 6; nay 0. Motion passed.

10. Special Event - Pikes Peak Library Concert Series (8/12, 8/19, 8/26). Julia reviewed the scheduled concert series on the green for the library and request to waive the fee. Music is not planned to be amplified. MOTION (Padgett, Farr) to approve the concert series and waive the fee. Roll call vote – aye 6; nay 0. Motion passed.

13. Review of Guidelines for Questions on the Ballot. Mayor Bass asked if all members reviewed the memo provided by Attorney Krob. Review took place to not expend town funds to promote questions once questions are set for the ballot. Board members can speak to questions on personal time.

14. Direction on Tri-lakes Fire District Proposal. Members noted that the general consensus from the public was to not merge with Tri-lakes Fire District. MOTION (Dawson, Stuth) to direct staff to reject the proposal. Motion passed.
15. Direction on Mill Levy Increase. Discussion took place about the type of language to consider for a mill levy increase including option to stagger over years. Discussion took place about the explanation of a question (pro/con statement) and if the Board wanted to also consider a Resolution to support the question. It was a general Board consensus to direct staff to draft language in a few ways – to stagger and leave the amount and the year blank and to draft simple language. Attorney Krob stated he will run the language by Bond Counsel prior to finalizing.
16. Direction on Adult Use Cannabis Sales. Attorney Krob explained the options to consider Adult Use Cannabis by amending the town ordinance or review a question for the ballot to allow it. MOTION (Farr, Stuth) to direct staff to draft an ordinance to allow it. Discussion ensued about concerns around the impact to the town and addressing those concerns. Members stated positions about putting it to the ballot or voting as a Board. Issues about odor and restrictions were raised. Options of how to present the ordinance were discussed. Mayor Bass addressed the vote for the motion made. Roll call vote - aye 2; nay 4 (Currier, Dawson, Bass, Padgett). Attorney Krob identified various ways to identify the framework to operate Adult Use Cannabis. Mayor Bass read Trustee Havenar’s position on the mill levy increase to be staggered and Adult Use Cannabis to consider at the Board. Consensus was to direct staff to bring back a draft ordinance form in entirety for review and a resolution of a question to allow Adult Use Cannabis.

Mr. Rich Kuester advised the Board that it is fiscally irresponsible of members to reject a revenue source and then ask for a mill levy increase from the residents. He suggested making it as simple as possible. Mr. Bill Dandino offered his opinion that the Board should put the questions to the ballot. Mr. Kevin Dreher suggested the mill levy be written with a sunset provision and stated voting should be up to the people.

Board Reports. Trustee Stuth announced that PLEDG is conducting a business symposium on September 22 in partnership with the Pikes Peak Small Business Development. Go to www.palmerlakecolorado.org for more information. “Shop Local” window clings are available.

Convene to Executive Session. MOTION (Padgett, Dawson) to convene to executive session at 7:59 PM for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) - rezoning of Lakeview Heights (R-3 to R-10,000). Roll call vote – aye 6; nay 0. Motion passed.

Reconvene to Open Session. MOTION (Padgett, Dawson) to reconvene to open session at 8:34 PM. Roll call vote – aye 6; nay 0. Motion passed.

Adjourn. MOTION (Currier, Dawson) to adjourn at 9:35 PM. Motion passed.

Mayor Bill Bass

ATTEST: Dawn A. Collins, Town Clerk

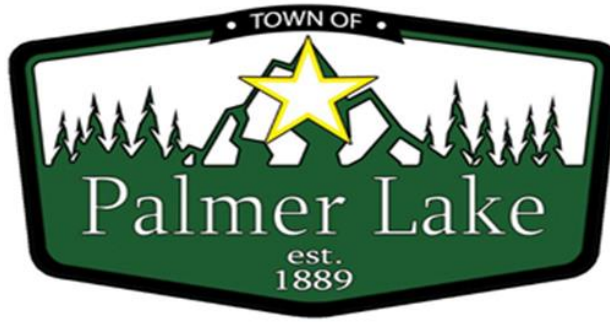
Town of Palmer Lake Monthly Water Usage

**Month
Year July
2022**

	Gallons	Acre Ft
Surface Water	2,435,000	7.47
Well A2	3,869,000	11.87
Well D2	0	0
Total	6,304,000	19.35
Avg. Gal/Day	203,000	0.62

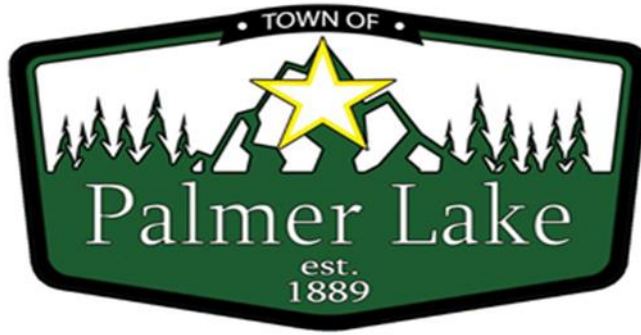
Release To Lake 4.88 AF Max Allowed = 8.4 AF / Month
Release Glen Park Evaporation 0 AF
Water system 0 AF

Total 8.37 AF



Board of Trustees Summary Sheet

	JULY 2022
Title	Public Works Department Monthly Report
Date	8/11/2022
Contact	Jason Dosch
Summary	<p>Graded roads Patched Potholes Applied dust control on Town roads Cut tree limbs from ROW and chip branches Cleared drainage ditches Replaced and repaired street signs Performed routine maintenance on equipment and playground equipment Emptied trash cans at Lake Rec. area/Cleaned bathroom at Lake Performed playground inspections Planted flowers and maintained area around the Town office and Town Hall Mowed grass at Elephant Rock property Set up and tear down seating and tables at Town Hall for meetings and events Attended Parks Committee meetings Attended Special events permit meetings Removed dead deer from ROW Attended TAC meeting at PPACG Performed maintenance on parking kiosk at Trailhead parking lot Received dirt for south end of Palmer Lake Installed new signage at reservoir parking lot and Trail</p>
Training	
Other Activity	<p>Working with CDOT Environmental and GMS Eng. for \$200,000 in stimulus funds for bridge maintenance Planning Palmer Lake Elementary School Road Improvement project with Federal Grant funding Planning upgrades for Suncrest Rd., Platte Ln., and Durango Way with millings from Kiewit Construction</p>



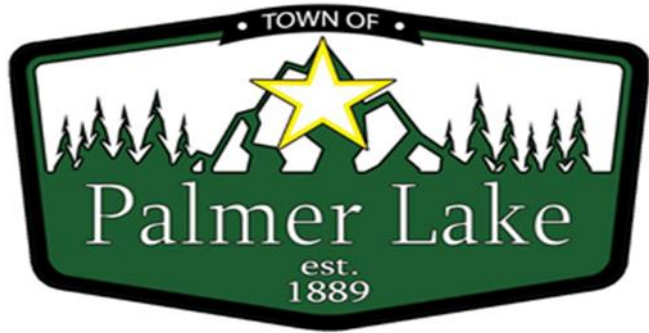
Board of Trustees Summary Sheet

July 2022	
Title	Police Monthly Report
Action	N/A
Date	7/1-7/31/2022
Contact	J. Vanderpool
Summary	In the Month of July 2022, PLPD issued 65 citations and responded to 338 calls for service, a significant increase from the previous month. A new kiosk parking enforcement plan was set in place, and an honor guard unit was established utilizing an outside charitable donations organization for funding.
Training	All PLPD Officers attended a driving course at Palmer Ridge High School, which placed emphasis on safe backing, traction control, safe emergency operation, pursuit policies and procedures, as well as the criminal/civil/municipal liabilities associated with these actions.
Photographs	The attached photographs are of the above stated training. Reserve Officer Gene Ramirez is a certified law enforcement driving instructor, and provided excellent instruction the department.
Other Actions	PLPD Officers worked in conjunction with EPSO SWAT, Monument Police Department, and HSI to successfully execute a high-risk search warrant on a violent suspect who made credible threats to kill any law enforcement he

	encountered. As a result of the professionally executed operation, all parties involved were not injured and arrests were made. Several illegal weapons were confiscated to include multiple firearms. Schedule 2 narcotics were also located and removed from the streets of Palmer Lake during the execution of this search warrant.
Active investigations	Palmer Lake PD officers are actively investigating several drug related cases of which 3 arrests have been made and another arrest warrant has been obtained for a 4 th suspect. The department is actively staffing (through grant funds) a DUI car and has shown great success in DUI arrests within Palmer Lake. A reservoir patrol has been activated aimed at keeping the trails and water clean and safe for all.
Calls for service	Officers responded to 338 calls for service this month. These calls ranged in nature from parking complaints to sexual assault and suicidal check the welfares.
Code Enforcement	Code enforcement has their hand's full, with multiple issues throughout town. The Officer continues to field calls as they come in and has been successful at resolving these issues consistently. Code enforcement officers have been working with town residents to correct the violations. The code enforcement officer is continuing her work getting the local businesses up to date with their business licenses.
S.T.E.P.	S.T.E.P. was instituted in March of last year and is making a positive impact. Accidents are becoming more infrequent as well as speeding through the main part of town and surrounding areas. The program will continue to produce traffic enforcement in conjunction with keeping the roads more safe as the time in practice goes by.







Board of Trustees Summary Sheet

Title	Palmer Lake Fire Department																					
Action	To provide the most professional and highest level of emergency and prevention services to the citizens and visitors of the Town of Palmer Lake																					
Date	08/01/2021																					
Contact	Christopher McCarthy, Fire Chief																					
Summary	<p style="text-align: center;">Breakdown of Incident Types July 2022 Emergency Reporting</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Incident Type</th> <th>Count</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Rescue and EMS</td> <td>22</td> <td>56.4%</td> </tr> <tr> <td>Fires</td> <td>8</td> <td>20.5%</td> </tr> <tr> <td>Service Call</td> <td>4</td> <td>10.3%</td> </tr> <tr> <td>Good Intent</td> <td>2</td> <td>5.1%</td> </tr> <tr> <td>False Alarm</td> <td>2</td> <td>5.1%</td> </tr> <tr> <td>Special Incident Type</td> <td>1</td> <td>2.6%</td> </tr> </tbody> </table> <p style="text-align: right; font-size: small;">meta-chart.com</p>	Incident Type	Count	Percentage	Rescue and EMS	22	56.4%	Fires	8	20.5%	Service Call	4	10.3%	Good Intent	2	5.1%	False Alarm	2	5.1%	Special Incident Type	1	2.6%
Incident Type	Count	Percentage																				
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False Alarm	2	5.1%																				
Special Incident Type	1	2.6%																				

MAJOR INCIDENT TYPE	# INCIDENTS	% of TOTAL
Fires	8	20.51%
Rescue & Emergency Medical Service	22	56.41%
Service Call	4	10.26%
Good Intent Call	2	5.13%
False Alarm & False Call	2	5.13%
Special Incident Type	1	2.56%
TOTAL	39	100%

Significant Events:

July 4th: 5 requests for service

- Units Upstaffed:
 - E2015
 - Br 2045
 - Br 2040
 - UTV 2052
 - M 2071

Training:

EMS: Case Study and Protocol review, Medical and Trauma scenarios
 Fire: Firefighter Skills, MAYDAY, Forcible Entry, Ventilation, HazMat, Driver/Operator and Wildland Training, and EEO Training
 Total: 481.92 hours

Grant Status:

Phase I (Road Widening) Mitigation Grant for Upper Reservoir complete.

Phase II (Mitigation work at Upper Reservoir) Set to begin Week of 8//8.

Tri-Lakes Women's Club generously donated a much needed refrigerator to the department.

Work continues on planning for Assistance to Firefighters Grants (Federal AWG grant).

Application work for Brothers Helping Brothers and Gary Sinese Foundation Grants continues.

Issues	None at this time













CONTACT US REPORT - JULY 2022

	Submitted Time	First Name	Subject
1	07/06/22 - 9:12 PM	Kaylie	Pavilion reservation
2	07/09/22 - 4:30 PM	Scott	Lock on gate
3	07/13/22 - 2:12 PM	Lindsey	Goats
4	07/16/22 - 12:37 PM	Susan	Pavilion reservation
5	07/19/22 - 2:46 PM	Robyn	Commercial office lease rates
6	07/20/22 - 10:11 AM	Lauren	Citation number
7	07/24/22 - 1:13 PM	Haraceli	Issues with neighbor
8	07/27/22 - 9:10 AM	Mark	Drainage on South Valley & Hight St

LAND USE Permits for July 2022

Item 6.

ADDRESS	TYPE OF WORK	EXPIRATION	# of Taps	REGIONAL NUMBER
			1037	
	TYPE	AMOUNT		
	Remodel	1		
	Re-roofs	1		
**1 tap is in a garage in an existing home	Single Family	2	1039	
	Other	6		
	TOTAL	10		

Dawn Collins

Subject: FW: Board agenda

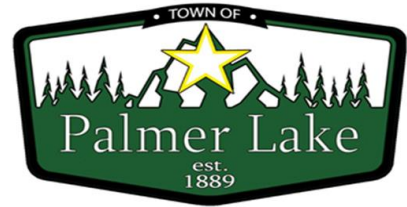
Here are the numbers for July. The numbers below are for YTD

\$ 8,003.00	Gross Collections	(1510	Transactions)
\$ (453.00)	Fees		
<u>\$ (70.00)</u>	Monthly T2 Svc charge		
\$ 7,480.00	Net Collections - July		

Thank you,

Julia

Julia Stambaugh
Deputy Town Clerk/Administrative Supervisor
Town of Palmer Lake
719.481.2953
Julia@palmer-lake.org
www.townofpalmerlake.com



Item 9.

**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - MEMO SUMMARY**

DATE: August 11, 2022	ITEM NO.	SUBJECT: SPECIAL EVENT APPLICATION –
Presented by: Deputy Clerk Julia Stambaugh		The 8 th Annual 2022 Palmer Lake .5K Run

Recommended Action

To approve the event to take place as presented and endorsed by Staff.

Background

The Palmer Lake Restoration Committee is seeking the Board’s approval to allow this event to take place at the Palmer Lake Recreation Area. This year’s event will be held on Sunday, October 9, 2022, with a start time of approximately 10:30 am. They anticipate using the park area between 9:00AM to NOON. This annual event is a fundraiser for Awake Palmer Lake, and designed to be a “race for the rest of us”, and is intended to be “a time of fun, good costumes and goodwill.” The route will begin at the east side parking lot, moving around the lake and across the pedestrian bridge. This “full 500-meter walk/run/crawl supported by a donut feed station at the halfway point, to carbo load for that home stretch, and a coupon for an age-appropriate beverage at O’Malley’s.”

The coordinators anticipate around 500 participants and spectators this year. Their staging and tee shirt sales will be setup at the lake’s Pavilion. The finish line will be to the west of the Pedestrian Bridge, where participants, and spectators, can visit sponsor booths/tents. The participants can then move on to O’Malley’s where they can visit additional sponsor booths and redeem their coupons. O’Malley’s will be sponsoring a beer garden on their property. It is not a part of the .5K Run, and no liquor licensing will be required by the event.

There will be volunteers along the route to help direct the runners/walkers, as well as direct traffic to the public parking areas. The Police department requests the volunteers guide people to the crosswalks when crossing Highway 105. They, along with Fire, will also be monitoring the area, but instructed the event to dial 911 in the event of an emergency. The event does not anticipate the need for additional portable restrooms. The volunteers will begin clean-up soon after the run is complete.

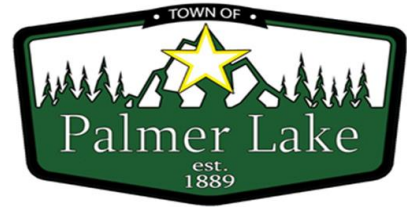
The event coordinator is also requesting a waiver of the application fee of \$100.

2022 Palmer Lake .5K

- * Route in Yellow, event ends at O'Malley's Steak Pub;
- * Parking areas in Blue
- * Sponsor Booths in Green

Item 9.





Item 10.

**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - MEMO SUMMARY**

DATE: August 11, 2022	ITEM NO.	SUBJECT: SPECIAL EVENT APPLICATION –
Presented by: Deputy Clerk Julia Stambaugh		Palmer Lake Arts Council presents the Masakazu Ito Concert

Recommended Action

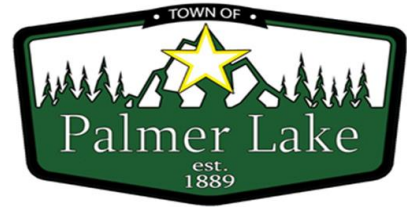
To approve the event to take place in the Palmer Lake Town Hall as presented and endorsed by Staff.

Background

The Palmer Lake Arts Council is pleased to host the premiere guitarist, Masakazu Iko, to help raise funds to benefit community arts through the Palmer Lake Arts Council. Following his solo debut in Tokyo 1987, Mr. Iko won top prizes in seven major international guitar competitions. He then marked his concerto debut in 1990, along with Joaquin Rodrigo and the National Repertory Orchestra, in Breckenridge, Colorado. Of his 1995 performance at the Luckman Theatre in Los Angeles, the LA Times wrote, “Ito displayed conspicuous skill and tonal range...[he] proved himself to be a clean and technically adroit player.” He has also performed diverse repertoires with numerous symphony orchestras. The Denver Post wrote of his gift, “Guitarist Masakazu Ito further contributed to the overall spellbinding performances.”

The event is scheduled for October 15, 2022, from 5:00PM to 7:00PM. Wine will be served. The event coordinator has applied for a Special Event Liquor Permit, and alcohol will not be permit outside the Town Hall. IDs will be checked at the door. The event is expected to draw approximately 100 people, and is not expected to cause parking issues. However, there will be volunteers on site to help guide vehicles to designated parking areas, which include the Rock House Ice Cream Shop, Wilson’s Corner, at the Baseball Field, and along some of the side streets. Fire and Police should not be impacted by this event, and the coordinator has been instructed to call 9-1-1 in the event of an emergency.

The event is requesting the \$100 application fee be waived.



**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - MEMO SUMMARY**

DATE: August 11, 2022	ITEM NO.	SUBJECT: SPECIAL EVENT APPLICATION – Lewis Palmer Middle School Cross Country Meet
Presented by: Deputy Clerk Julia Stambaugh		

Recommended Action

To approve the event to take place as presented and endorsed by Staff.

Background

The Lewis-Palmer Middle School Cross Country Race is a running event, which will host District 38’s eight middle schools serving 6th, 7th and 8th grade students. The event is set to take place on September 7, 2022, from Noon to 6:30PM, with the running of the course from approximately 3:45pm to 6:00pm. Set up will be from 12 – 1PM. There will be approximately 500 children and 200+ spectators. The starting times will be staggered by grade and also by boys and girls. This is a one-mile course starting at the New Santa Fe Trailhead, making a loop on the trail and then continues around Palmer Lake. The event coordinator, Bill Kissell has received a permit from El Paso County to use the Santa Fe Trail.

The event has requested the Fire Dept. be on stand-by for any medical emergency. Each school will send a team of coaches, who will supervisor their students. The school coaches are certified in CPR, First Aide, and AEDs. Also, each school will provide medical kits to their staffs. In the event of an emergency, they will call 911. The event will provide three porta-potty units to be delivered the day before and picked up the day after the event.

The Police Dept. block the entrance to the Palmer Lake Recreational Park’s parking lot, during the event, to allow for the school buses to drop off and pick up their students. PD will send officers to help with traffic control. The event had instructed the bus drivers to come off I-25 at County Line Rd and then turn into the Park. Traffic will also be coming from the south on Highway 105.

The event is requesting the \$100 application fee be waived.

Town of Palmer Lake
42 Valley Crescent
P.O. Box 208
Palmer Lake, Colorado 80133
Phone: (719) 481-2953 Fax: (719) 488-9305

APP. FEE	_____
INSURANCE	_____
MAP/PLAN	_____

**APPLICATION TO CONDUCT A SPECIAL EVENT OR
PUBLIC FUNCTION ON PUBLIC RIGHT-OF-WAY**

Each question should be fully and accurately answered. No action can be taken on this application until all questions have been answered. Use blank paper if you need additional writing space. PLEASE PRINT, except for signature.

Organization/Applicant Name Lewis-Palmer Middle School Application Date _____
 Designated Representative Bill Kissell
 Mailing Address 1116 Woodmoor Dr. Monument, CO 80132
 Phone (work) 719-488-4776 (home) _____ e-mail bkissell@lewispalmer.org Tax _____
 Event Name LPMs Cross Country Meet Event Date Wednesday, Sept. 7, 2022
 Event Time(s) (inc. setup/takedown): from 12:00pm to 6:30pm Day of _____
 Week Wednesday
 Event Description Cross Country Meet

Estimated Number of Participants 500 Estimated Number of Spectators 200
 Proposed Route (please attach map and traffic control plan) Attached - No road closures necessary
 Estimated cost of road closure and/or traffic control (payable to Town of Palmer Lake) _____

If this application is approved, the undersigned hereby agrees to (1) pay the total cost for conducting any road closure or traffic control related to the special event described in the application to Town of Palmer Lake, (2) submit payment of the total estimated cost of the special event to Town of Palmer Lake prior to consideration of the application by the Board of Trustees, and (3) provide a certificate of general liability and auto liability insurance coverage in an amount specified by the Town of Palmer Lake for any claim, including those of participants and spectators, that may arise from the special event; and to name the Town of Palmer Lake, its officials, officers, employees and agents as additional insured's.

The undersigned accepts that any cost in excess of the estimated cost must be paid to the Town of Palmer Lake following the event. If the estimated cost exceeds the actual cost, the balance will be refunded. In the event the Applicant fails to pay any such excess upon demand, and the Town of Palmer Lake files suit to recover said amount, the Town of Palmer Lake shall be awarded the amount owed plus its reasonable attorney's fees and costs.

I, the undersigned, certify that all information in this application is true and complete. I understand that any false information or omission may disqualify me from further consideration and may justify dismissal of this event if discovered at a later date.

I understand that if this application is approved, it is conditioned upon compliance with the policies and procedures of the Town of Palmer Lake governing special events.

I certify that the statements contained herein or attached hereto are true, accurate and complete to the best of my knowledge and belief.

Name of Organization Lewis-Palmer Middle School
 By Bill Kissell Title Athletic Director Date 8/4/2022

Lewis-Palmer Middle School

1776 Woodmoor Drive

Monument, CO 80132

(719) 488-4776 FAX (719) 488-4780



FAX

To: Town of Palmer Lake From: Lewis-Palmer Middle School
(Kari Ehresman)

Fax No.: 719-488-9305 Pages: 4

Phone No.: _____ Date: 5/31/22

Re: Special Event Application - Cross Country Meet

Urgent For Review Please Comment Please Reply

This Fax is intended for the use of the recipient only.

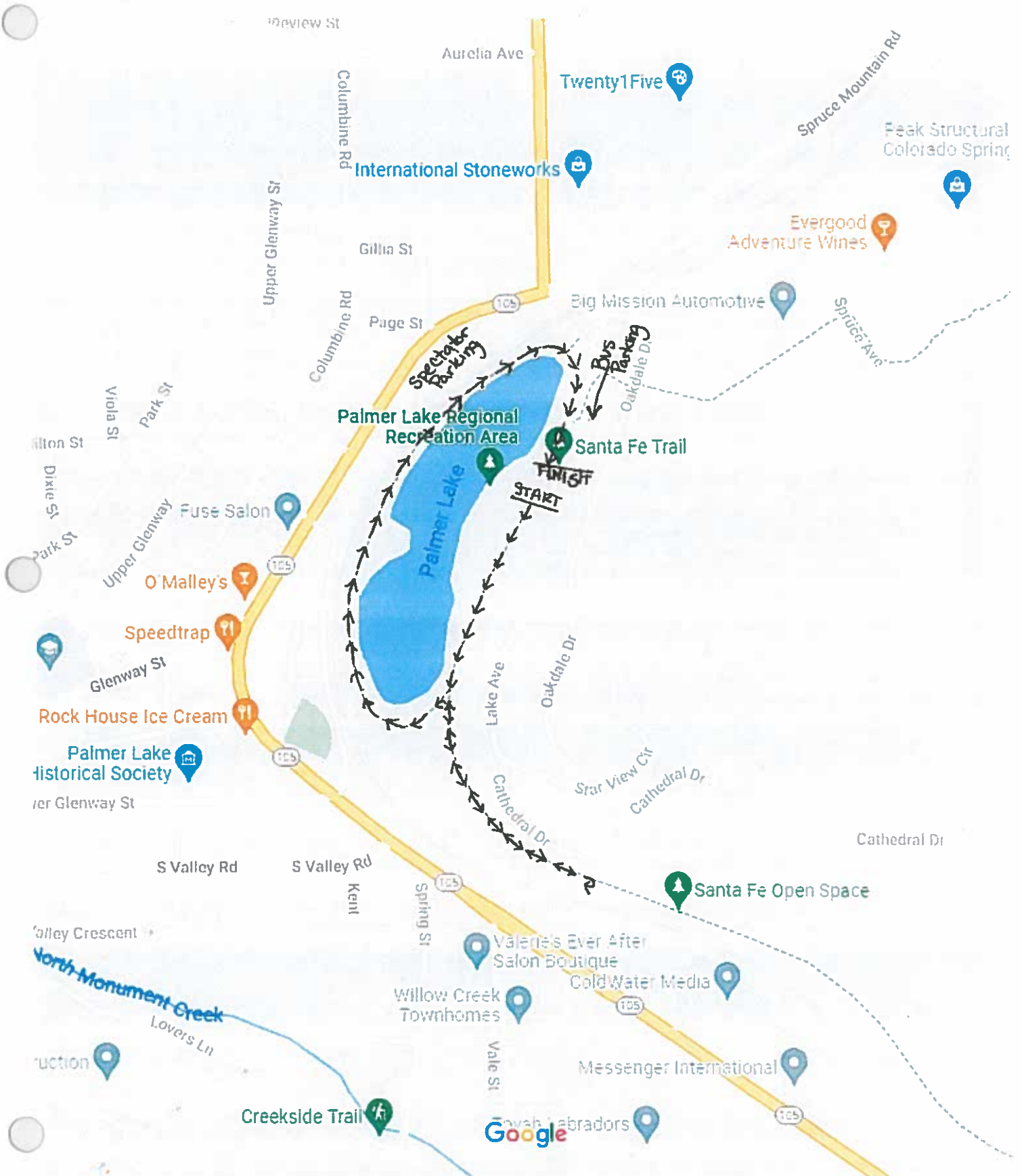
INSTRUCTIONS/COMMENTS:

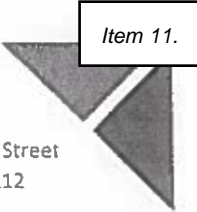
The \$200 check will be mailed shortly from our district Admin. building.

per Julia - will not need the \$100 check due to BOT will waive it.

Confidentiality Notice

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering the message solely to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by phone and return original message to us at the above address via the U.S. Postal Service.





Certificate of Coverage

303.722.2600
 www.cdsip.org
 6857 South Spruce Street
 Centennial, CO 80112

Toll-Free: 800.332.3556
 Fax: 303.722.7888
 @CSDSIP

07/01/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER, AUTHORIZED REPRESENTATIVE, AND THE CERTIFICATE HOLDER.

Member: LEWIS PALMER SCHOOL DISTRICT #38
Attention: Robert Foster
Mailing Address: PO BOX 40
 MONUMENT, CO 80132
Policy Number: 2138-21-00139
Policy Period: 07/01/2021 to 07/01/2022

THIS IS TO CERTIFY THAT THE COVERAGES LISTED BELOW HAVE BEEN ISSUED TO THE MEMBER ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE COVERAGES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, DEFINITIONS AND CONDITIONS OF SAID COVERAGE FORMS. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Coverages		Limits/Deductibles
School Entity Liability Coverage Occurrence Form	Each Occurrence, School Leaders Wrongful Act & Employment Wrongful Act	\$3,000,000
	Annual Aggregate Limit	\$15,000,000
	Medical Expense (Per Person/ Per Accident)	\$1,000/\$10,000
School Auto Coverage Any Auto, Hired and Non-Owned	Limit Per Accident	\$3,000,000
	Medical Payments	\$5,000
	Auto Physical Damage Coverage	\$5,000
Property Coverage Special Form	Building/Business Personal Property Limit	\$211,271,498
	Property Damage To Premises Rented To You	\$500,000

Description of Operations/Locations/Vehicles/Special Items

Certificate Holder has been included as an Additional Insured on the Member's School Entity Liability Coverage for "bodily injury", "personal injury" or "property damage" caused by the Member's negligence if required by written contract or agreement subject to the policy terms and conditions with respect to Palmer Lake Invitational held September 1, 2021 at Palmer Lake Trailhead 3:45 to 5:45

Certificate Holder:

El Paso County

Cancellation: SHOULD THE ABOVE DESCRIBED POLICY BE CANCELLED BEFORE THE EXPIRATION DATE, WE WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

Authorized Representative

Lewis-Palmer Middle School
2022 6th, 7th, and 8th Grade Cross Country Invitational

To: Town of Palmer Lake

Lewis-Palmer Middle School is requesting to hold its annual Cross-Country Invitational to be held on Wednesday, September 7th at Palmer Lake Trailhead. We will use a portion of the New Santa Fe Regional Trail and have submitted the necessary paperwork to El Paso County Parks and Recreation.

Directions for the Public: Palmer Lake Trailhead of the Santa Fe Trail: 1-25 north to exit 161. Turn left on Hwy 105. Follow Hwy 105 towards Palmer Lake. Busses ONLY: 1-25 to exit 163 on County Line Rd, west. Turn left into Trailhead parking lot to drop off.

Information Regarding Parking: Parking is SEVERELY limited within the parking lot at the trailhead. **Parking will be limited to school busses. Overflow parking is across the railroad behind the businesses of Palmer Lake.** No parking in the small lot to the North (Welding business). **That lot is owned by the railroad and they tow...they are quick about it and it is EXPENSIVE.** Carpooling will be encouraged.

Race Course: Races will begin near the volleyball area. Runners will run down the trail to the midway point and then return towards the lake on the same trail, turn left, run around the lake to a finish line at the entrance to the trail head. Map is attached.

Race Times:

12:00 PM -2:45 PM - Course setup and markers

2:45 PM - 3:30 PM - Athlete arrival and coaches meeting

3:45 PM - Races begin

4:45 PM - 6:00 PM - Clean up, course marking removal

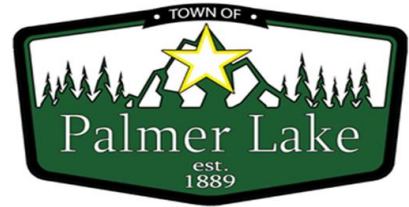
We will adjust our times if necessary to ensure all participants have arrived and completed the course

Attached is a map of the course. Signage to alert the public will be posted 2 weeks prior to the event.

Traffic Control: We are requesting 1 police officer to help with bus parking at the entrance to Palmer Lake trailhead. LPMS acknowledges that we will need to pay for the officer's time.

EMS: All league Cross-Country coaches are CPR/AED & First Aid certified. Should it be necessary, EMS will be contacted in the event of a life threatening emergency for anyone associated with the Cross-Country meet.

Restrooms: 3 Portable restrooms will be delivered 1 day prior to the event and removed the day after the event.



Item 12.

**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: August 11, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Resolution to Approve IGA with El Paso County for November 8 Election

Background

With Board approval, the IGA establishes the coordination of the November 8 election activity with El Paso County, saving the Town thousands of dollars. The IGA is due back to the County before the end of August. All ballot material is also intended to be final by the end of August, with the exception of candidate paperwork. The deadline for any cured signatures is 9/2. The drawing for ballot placement is scheduled for 9/6.

Recommendation

Approve the Resolution to approve the IGA with El Paso County for the fall election.

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 39-2022

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE EL PASO COUNTY CLERK AND RECORDER
AND THE TOWN OF PALMER LAKE REGARDING THE CONDUCT OF A
COORDINATED ELECTION TO BE HELD ON NOVEMBER 8, 2022**

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado;

WHEREAS, the Town will hold its regular election on November 8, 2022, and desires to participate in the coordinated election with the El Paso County Clerk and Recorder; and

WHEREAS, the Board of Trustees believes the participation in the coordinated election will be in the best interest of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:**

1. Pursuant to C.R.S. 31-10-102.7, the Town will adopt, utilize, and follow the elections provisions of the Uniform Election Code of 1992, articles 1 to 13 of Title 1, C.R.S. as amended, "The Code."
2. The Town will participate in the General Election in accordance with the terms and conditions of the IGA, attached here to as Exhibit A, including the guidelines schedule attached to Exhibit A as it relates to the November 8, 2022, General Election.
3. The Town designates Dawn A. Collins, Town Administrator/Clerk, as the Designated Election Official, to serve as a liaison between Coordinated Election Official and the Town.
4. Mayor Bill Bass is hereby authorized and designated to execute the IGA with El Paso County.
5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

6. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 11TH DAY OF AUGUST, 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor

INTERGOVERNMENTAL AGREEMENT
BETWEEN
EL PASO COUNTY CLERK AND RECORDER
AND
Town of Palmer Lake
Regarding the Conduct and Administration of the
November 8, 2022
GENERAL ELECTION



Prepared by:

Chuck Broerman
El Paso County Clerk and Recorder
1675 West Garden of the Gods Road
Suite 2201
Colorado Springs, CO 80907
(719) 575-VOTE (8683)

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into by and between the **EL PASO COUNTY BOARD OF COUNTY COMMISSIONERS** ("County"); **THE EL PASO COUNTY CLERK AND RECORDER** ("County Clerk") and Town of Palmer Lake ("Jurisdiction"), collectively referred to as the "Parties."

WITNESSETH

WHEREAS, pursuant to Colorado Revised Statutes (C.R.S. or the "Code") § 1-7-116(2), as amended, and the Rules of the Colorado Secretary of State (the "Rules"); the County Clerk and the Jurisdiction are required to enter into an agreement for the administration of their respective duties concerning the conduct of the November 8, 2022, General Election ("Election"); and

WHEREAS, the County Clerk and the Jurisdiction are authorized to conduct elections as required by law;

WHEREAS, the Colorado Constitution, Section 20 of Article X, requires the production of a mailed Ballot Issue Notice (also known as a "TABOR" notice) concerning certain ballot issues that will be submitted to the electors of the County and the Jurisdiction; and

WHEREAS, the Jurisdiction has certain candidates, ballot issues and/or ballot questions to present to its eligible electors and shall participate in this General Election.

NOW, THEREFORE, for and in consideration of the promises contained herein, the sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. This election shall be conducted as a General Election in accordance with the Uniform Election Code of 1992 (Articles 1-13 of Title 1, C.R.S.). The election participants shall be required to execute agreements with El Paso County for this purpose and may include any jurisdiction type, eligible to conduct such an election within the El Paso County limits and the State of Colorado.
2. This election shall be conducted by El Paso County as a Mail Ballot Election.
3. FURTHER, the Parties agree as follows:

ARTICLE ONE
PURPOSE AND GENERAL MATTERS

1.0 **DEFINITIONS:**

- A. **"Coordinated Election Official"**, (hereinafter **"CEO"**) shall mean the El Paso County Clerk and Recorder as referenced in C.R.S. § 1-7-116(1)(a). The CEO shall act within the Code and Rules and, as such, shall conduct the election for the Jurisdiction for all matters in the Code and the Rules which require action by the CEO.
- B. **"Colorado Election Code"** or **"Code"** shall mean any part of the Uniform Election Code of 1992 (Articles 1-13 of Title 1, C.R.S.), as well as the Colorado Constitution, and the State of Colorado Secretary of State (SOS) Rules.
- C. **"Coordinated Election"** shall mean an election where more than one jurisdiction with overlapping boundaries or the same electors holds an election on the same day and the eligible electors are all registered electors, and the County Clerk and Recorder is the Coordinated Election Official for the jurisdictions.
- D. **"Designated Election Official"** (hereinafter **"DEO"**), shall be identified by the Jurisdiction to act as the primary liaison between the Jurisdiction and the CEO or his designated contact person (defined below), and who will have primary responsibility for the conduct of election procedures to be handled by the Jurisdiction hereunder.
- E. **"IGA"** or **"Agreement"** shall mean Intergovernmental Agreement between the County and the Jurisdiction for election coordination.
- F. **"General Election"** means the election held on the Tuesday succeeding the first Monday of November in each even-numbered year.
- G. **"Jurisdiction"** shall mean those Jurisdictions or local governments participating in the General Election under the terms of this Agreement.
- H. **"Mail Ballot Packet"** shall mean the packet of information provided by the CEO to eligible electors in the mail ballot election. The packet includes the ballot, instructions for completing the ballot, and a return envelope. C.R.S. § 1-7.5-103(5).
- I. **"SOS"** shall mean the State of Colorado Secretary of State.

J. **"SOS Election Calendar"** shall mean the most recent 2022 election calendar as published on the SOS website located at www.sos.state.co.us.

1.1 **GOAL:** The purpose of this Agreement is to set forth the tasks to be completed by the County Clerk and Recorder (CEO) and the Jurisdiction to conduct the election and to provide for the cost thereof.

1.2 **COORDINATED ELECTION OFFICIAL:** The County Clerk and Recorder shall act as the CEO in accordance with the Code and Rules and, as such, shall conduct the election for the Jurisdiction.

1.3 **CONTACT PERSON:** The CEO designates Angie Leath, or her designee, (Phone: 719-520-7325; email: angieleath@elpasoco.com) as the contact person to act as primary liaison between the CEO and the Jurisdiction. The contact person shall act under the authority of the CEO and shall have the primary responsibility for the coordination of the election with the Jurisdiction and completion of procedures assigned to the CEO herein. Nothing herein shall be deemed to relieve the CEO or the Jurisdiction from their official responsibilities for the conduct of the election.

1.4 **DESIGNATED ELECTION OFFICIAL:** The Jurisdiction shall appoint a Designated Election Official (DEO) to act as primary liaison between the Jurisdiction and the CEO. The Jurisdiction designates the below named person to act as the DEO for all matters under the Code and the Rules which require action by the DEO.

DEO name: _____

Primary phone: _____

Cell phone: _____

Email: _____

From the date of execution of this Agreement through the official certification of the final election results including any recounts, the DEO shall be readily available and accessible during regular business hours, and at other times when notified in advance by the County's contact person, for the purpose of consultation and decision-making on behalf of the Jurisdiction. In addition, the DEO is responsible for receiving and timely responding to inquiries made by their voters or others interested in the Jurisdiction's election. The DEO is responsible for providing the CEO with emergency contact numbers to be reached before and after office hours and on Election Day from 7:00 a.m. until the counting of the ballots

is completed. To the extent that the Code requires that an Election Official of the Jurisdiction conduct a task, the DEO shall conduct the same.

- 1.5 **APPLICABILITY:** This Agreement shall be construed to apply to that portion of the Jurisdiction within El Paso County, State of Colorado.
- 1.6 **TERM:** This Agreement shall start as of the date of the last party's execution of this Agreement and shall continue through the official certification of the November 8, 2022, General Election.
- 1.7 **LEGAL ADVICE:** The Jurisdiction understands that the CEO and his designees do not provide legal advice to the Jurisdiction. The CEO and his designees may provide information to the Jurisdiction concerning the CEO's understanding of applicable laws and rules, but it is the responsibility of the Jurisdiction to contact its own attorney for legal advice.
- 1.8 **RESPONSIBILITIES BEYOND THIS AGREEMENT:** The Jurisdiction understands that there may be additional obligations and responsibilities, legal, contractual, or otherwise, placed upon the Jurisdiction outside the terms of this IGA. The Jurisdiction further understands that it is the responsibility of the Jurisdiction to be aware of all obligations and responsibilities of the Jurisdiction.
- 1.9 **UPDATING OTHER COUNTIES:** For those Jurisdictions which extend beyond El Paso County, the Jurisdiction is responsible for keeping each county informed of any and all changes to its ballot language and Ballot Issue Notice language. It is also the Jurisdiction's responsibility to inform itself of all election procedures for each County.

ARTICLE TWO

DUTIES OF THE COUNTY CLERK AND RECORDER (CEO)

The CEO shall perform the following duties for the election for the Jurisdiction:

- 2.0 **VOTER REGISTRATION:** Supervise, administer and provide the necessary facilities and forms for all regular voter registration sites and voter service and polling centers.
- 2.1 **BALLOT PREPARATION:** Upon certification from the DEO pursuant to Section 3.4, the CEO shall layout the text of the ballot in a format that complies with the Code and the Rules. CEO shall provide ballot printing layouts and text for proofreading and for signature approval of the Jurisdiction. CEO shall certify the ballot content to the printer.

- 2.2 **VOTER LISTS:** Upon request of the Jurisdiction, create a list of the registered voters containing the names and addresses of each elector registered to vote in the Jurisdiction. This will not be a certified list but may be used for checking signatures on candidate petitions. The Jurisdiction shall pay the CEO for the cost of such list. The Jurisdiction may choose to receive the list on CD, via FTP site or as a printed copy. The fee for furnishing the list shall be as follows:
- List on FTP site = \$25.00
List on CD = \$25.00 plus \$1.25 CD charge
List as a printed copy = \$25.00 and \$.05 per page
- 2.3 **ELECTION PLAN:** The CEO shall file the proposed election plan with the Secretary of State as required by C.R.S. § 1-7.5-105 (1).
- 2.4 **ELECTION JUDGES/BOARD OF CANVASSERS/STAFF:** The CEO shall appoint, receive appointments as required by law, compensate, instruct and oversee election judges, the Board of Canvassers, and any qualified number of additional election staff to adequately serve the number of electors registered to vote in the General Election.
- 2.5 **ELECTION SUPPLIES:** The CEO shall provide all necessary equipment, forms and personnel to conduct the election, including the County's electronic vote counting equipment.
- 2.6 **LOGIC AND ACCURACY:** The CEO shall conduct three tests on all electronic voting equipment in accordance with C.R.S. § 1-7-509(1)(b) and Rules promulgated by the Secretary of State, including a hardware test, public logic and accuracy test, and a Risk Limiting Audit. The CEO shall select a testing board comprised of at least two persons, who are registered electors.
- The CEO shall conduct public testing of voting equipment prior to the commencement of voting. The public test shall be open to representatives of the political parties, the press and the public, pursuant to C.R.S. § 1-7-509(2)(b). The CEO shall select a testing board comprising of at least two persons who are registered electors. Notice of the fact that the public test will take place shall be posted in the designated public place for posting notices in the county for at least seven days before the public test.
- 2.7 **PREPARE AND MAIL BALLOT PACKETS:** The CEO shall prepare and mail all Mail Ballot Packets as required by C.R.S. § 1-7.5-107 and § 1-8.3-110.

- 2.8 **ELECTION DAY:** The CEO shall provide Election Day telephone and in person support from 7:00 a.m. to the conclusion of the unofficial count on election night.
- 2.9 **COUNTING OF BALLOTS:** The CEO shall conduct and oversee the process of counting the ballots and reporting the results by precinct. Establish backup procedures and voting sites should the need arise. Provide personnel to participate in the ballot counting procedures as accomplished by any electronic vote tabulating equipment used in the election. Provide personnel and all other necessary services for any recount as provided by the Code.
- 2.10 **STORAGE:** The CEO shall store all voted ballots and all other election materials for a minimum of twenty-five (25) months, to be saved in such a manner that they may be accessed by the participating jurisdictions, if necessary, to resolve any challenge or other legal questions that might arise regarding the election.
- 2.11 **PUBLIC NOTICE:** The CEO shall provide notice by publication of a mail ballot election as required by C.R.S. § 1-5-205.
- 2.12 **BALLOT ISSUE NOTICE:** The CEO shall determine the “least cost” method for mailing the Ballot Issue Notice and combine the text of the Ballot Issue Notice produced by the Jurisdiction with those of other Jurisdictions to produce the Ballot Issue Notice. The CEO will determine the order of the ballot and the order of the Ballot Issue Notice in the order of final ballot certification on a first received basis.

The CEO shall print, address, and mail the notice to “All Registered Voters” at each address of one or more active registered elector of the Jurisdiction. Nothing herein shall preclude the CEO from sending the Ballot Issue Notice to persons other than electors of the Jurisdiction if such sending arises from the CEO’s efforts to mail the Ballot Issue Notice at “least cost.”

- 2.13 **COSTS:** The CEO shall keep a careful and accurate accounting of all chargeable items to the Jurisdiction. Costs shall include but are not limited to: software and equipment usage, election judges and other associated election personnel, ballots and related election forms, printing, election supplies, public notices paid for by the CEO, legal costs, postage, rental charges, related computer hardware and technical support, and any other fees reasonably related to conducting the 2022 General Election.

The CEO shall charge each Jurisdiction taking part in the election a proportional share of the actual costs of the election. This proportional share shall be based upon the number of active voters eligible to vote

within each Jurisdiction involved in the election, the number of Jurisdictions participating, and may also include the number of ballot issues and/or items to be included on the ballot for each Jurisdiction.

Legal costs shall include but are not limited to any costs incurred by El Paso County to enforce a provision of this Agreement or to defend any legal or administrative action brought by a candidate or Jurisdiction as it relates to this Agreement or the November 8, 2022, General Election.

El Paso County shall be the sole determiner as to whether legal counsel outside of the El Paso County Attorney's office is required or warranted to bring or defend legal or administrative action as referenced in this Agreement.

- 2.14 **Voting and Ballot drop-off:** The CEO shall establish, voter service and polling centers, and ballot drop-off locations as required by law.

ARTICLE THREE

DUTIES OF THE JURISDICTION

- 3.0 **AUTHORITY:** The DEO shall provide the CEO with a copy of the ordinance or resolution stating that the Jurisdiction will follow the election provisions of the Code and that the Jurisdiction will participate in the General Election in accordance with the terms and conditions of this Agreement, including the time guidelines schedule attached hereto as these relate to the November 8, 2022, General Election. The ordinance or resolution will also name and authorize the DEO of the Jurisdiction or other designated person to execute this Agreement.
- 3.1 **CALL AND NOTICE:** The CEO shall publish the Notice as required by C.R.S. § 1-5-205. If other notices required by C.R.S. § 1-7-908 or any other constitutional or statutory reference are required by the Jurisdiction, it shall be the DEO's responsibility to comply with those requirements.
- 3.2 **PETITIONS:** The DEO shall perform all responsibilities required to certify any candidate, including write-in candidates, and/or initiative petition(s) to the ballot. Petitions for nominations shall be made available through the office of the DEO for the Jurisdiction. Signatures on all petitions shall be verified by the Jurisdiction.
- 3.3 **CAMPAIGN FINANCE:** The DEO understands that all candidates running for office must become familiar with the requirements of Article XXVIII of the Colorado Constitution, and Title 1, Article 45, C.R.S.

APPROPRIATE FILING OFFICE: The DEO understands that candidates for any school board or any committees formed to support or oppose any school district or special district ballot issue or ballot question must file paperwork with the Secretary of State's office. The DEO understands that candidates for municipal elections or any issue committee formed to support or oppose any municipal ballot issue or question must file paperwork with the municipal clerk of the applicable municipality.

- 3.4 **BALLOT PREPARATION and CERTIFICATION:** The DEO shall certify the list of candidates, ballot issues and/or ballot questions and the titles and summaries of each ballot issue or question in the format as described in the attached "Format Information Page" to the CEO exactly as the list is to be printed on the ballot as soon as the information is available but **no later than 5:00 p.m. on September 9, 2022.**

Certification is required by two methods any time prior to the above deadline:

Electronically by email to angieleath@elpasoco.com, and

A printed hard copy delivered to the Main Clerk & Recorder's office no later than 5:00 p.m. on September 9, 2022.

The Jurisdiction is to provide the phonetic pronunciation of each candidate's name to assist with the preparation of the audio ballot as required by SOS Rule 4.6.2.

The DEO shall email a recording of correct pronunciation to angieleath@elpasoco.com or call the CEO at (719) 520-6760 and leave an audio recording of the candidate's name in the voice mail box.

The Jurisdiction must indicate whether question(s) are a referred measure or an initiative from a citizen petition. The Jurisdiction understands and agrees that any ballot content submitted to the CEO after the above noted date may result in their candidates, issues or questions not being on the ballot. In such event, the Jurisdiction will be required to provide for its own election at its sole expense and the remaining terms and conditions of this Agreement will automatically terminate. Jurisdiction shall be solely responsible for the content of any ballot issue and/or ballot question, including the title and summary of any ballot issue and/or ballot question. The CEO may provide proofreading assistance (i.e. technical, grammatical, or syntactic proofing) but under no circumstance shall the CEO be responsible for the content or how it is presented to its voters.

The Jurisdiction understands that it must wait and that it must instruct ballot issue committees and coordinating entities to wait before the

numbering of a ballot issue and/or ballot question until the CEO has assigned a number to the respective ballot issue and/or ballot question.

With the passage of House Bill 21-1011, a sample ballot and an in-person ballot in Spanish must be available to voters in El Paso County. Jurisdictions must certify ballot content in both English and Spanish to the CEO by September 9, 2022. Please refer to C.R.S. §§ 1-5-901 through 907 for details on this requirement. The translation must be linguistically accurate, culturally appropriate, and technically consistent with the original documents.

3.5 **PROOFING:** The DEO shall proofread the layout and the text of the Jurisdiction's portion of the official ballots before authorizing in writing the printing of the ballots. Such authorization shall be made **WITHIN THREE (3) HOURS** of the CEO's email or fax transmission to the DEO. The expected date and time for this proofing will be between 8:00 a.m. and 5:00 p.m. on Thursday, 9/15/22 or Friday, 9/16/22. Should the DEO fail to contact the CEO within three (3) hours of the CEO's email or fax transmission, the CEO shall not be held responsible for any errors or omissions should they proceed with the printing of the ballots.

3.6 **SPECIAL DISTRICTS – PROPERTY OWNER VOTER LISTS:** Participating Jurisdictions that are required to permit taxpaying electors as defined by C.R.S. § 32-1-103(5) to vote in their elections, must provide a list of those eligible electors to the CEO. The list must include eligible electors which are included on the Assessor's property owner list and are not included on the registered voter list. The Jurisdiction is also responsible for verifying that each of the eligible electors on their prepared list is registered to vote in the State of Colorado. This process may be accomplished by requesting access to the Voter Lookup website available on the Colorado Secretary of State's web site: <https://www.sos.state.co.us/voter-classic/auth/login.xhtml>. DEOs must order from the assessor the initial list of all owners of taxable real and personal property situated within the district no later than September 23, 2022, and a supplemental list no later than October 14, 2022.

The CEO will mail affidavits to each eligible elector residing outside of the district included on the property owner list provided by the DEO. Each eligible elector who resides outside the district but is registered to vote in the State of Colorado, must complete, sign and return the affidavit to the County Clerk. Upon receipt and verification of the completed affidavits, the CEO will mail each eligible elector a mail ballot packet. Those electors who reside within the district will not be required to complete the affidavit. The affidavit must be received by October 31, 2022, to receive a mail ballot packet. After October 31, 2022, the property owner must go to a Voter Service and Polling Center for a ballot.

The list of eligible property owners must be submitted to the CEO no later than September 23, 2022, and must include the voter's full name, mailing address, property address within the district, and Colorado Voter ID number.

- 3.7 **BALLOT ISSUE NOTICE:** The Jurisdiction shall prepare, and be solely responsible for, the language for the Notice for each ballot issue relating to Section 20, Article X of the Colorado Constitution. The language shall consist only of a concise title in the format as described in the attached "Ballot Issue Notice Example Page", and pro and con summaries each of 500 words or less. The Ballot Issue Pro/Con comments shall be delivered to the Jurisdiction's DEO **by noon on September 23, 2022.** The Ballot Issue Notice including the summarized comments shall be delivered to the CEO **by 5:00 p.m. September 26, 2022,** for inclusion in the Notice.

For Special Districts submitting a ballot issue measure to the ballot, the CEO shall mail Ballot Issue Notices to each household with at least one active registered voter as well as each household included on the property owner list provided from section 3.6 of this IGA. The Notice may include only those ballot issues that electors receiving the Notice are eligible to vote on based upon their residential address.

- 3.8 **ELECTION DAY:** The Jurisdiction shall provide support on Election Day via the contact phone number provided in this agreement.
- 3.9 **RECOUNT:** The Jurisdiction shall be responsible for costs of a recount pursuant to C.R.S. § 1-10.5-101 and § 1-11-215 except for costs collected from an "interested party" pursuant to C.R.S. § 1-10.5-106 which shall be collected by the entity conducting the recount.
- 3.10 **PAYMENT OF COSTS:** The Jurisdiction shall reimburse the County for such costs allocated to the Jurisdiction within thirty (30) days of date of final billing.
- 3.11 **ESTIMATED COSTS:** The estimated cost for the Jurisdiction's portion of the election is approximately \$2,120.02. It is understood and agreed that this is a cost estimate and the actual cost may be higher or lower depending on questions presented to the Jurisdiction's electorate and the number of Jurisdictions that participate in the General Election. The Jurisdiction further agrees to pay a deposit of \$1,060.01 which is 50% of the estimated cost to the CEO at the time the ballot certification is submitted to the CEO but no later than 5:00 p.m. Friday, September 9, 2022. The CEO will maintain the deposit in a separate account and will remit any funds not used for the election to the Jurisdiction.

ARTICLE FOUR
CANCELLATION OF THE ELECTION

- 4.0 In the event that the Jurisdiction resolves not to hold the election, then the Jurisdiction shall comply with the provisions of C.R.S. § 1-5-208 and notice of such resolution shall be immediately provided to the CEO. The Jurisdiction shall within thirty (30) days promptly pay the CEO the Jurisdiction's proportional share of the activities of the CEO relating to the election incurred both before and after the receipt of such notice. The Jurisdiction shall provide notice by publication (as defined in the Code) of the cancellation of the election and a copy of the notice shall be posted in the office of the CEO, in the office of the DEO, at the primary location of the Jurisdiction, and, if the Jurisdiction is a special district, in the office of the Division of Local Government.

ARTICLE FIVE
LIABILITY

- 5.0 The Jurisdiction agrees to indemnify, defend, and hold harmless the County to the extent permitted by law, from any and all loss, costs, demands or actions arising out of or related to any actions, errors or omissions of the Jurisdiction in completing its responsibilities relating to the November 8, 2022, General Election. Nothing in this provision shall be deemed to waive or otherwise limit the defense available to the Jurisdiction and the County under the Colorado Government Immunity Act. This Agreement shall not be construed to create any rights or benefits for any person who is not a party to this agreement.

ARTICLE SIX
MISCELLANEOUS

- 6.0 **APPROPRIATION:** Both the County and the Jurisdiction intend and commit to use all good faith and due diligent efforts to honor their respective financial obligations as set forth in this Agreement.
- 6.1 **NOTICES:** Any and all notices required to be given by the Parties by this Agreement are deemed to have been received and to be effective: 1) three (3) days after the same shall have been mailed by certified mail, return receipt requested; 2) immediately upon hand delivery; or 3)

immediately upon receipt of confirmation that a fax or email was received; to the address of the Parties as set forth below or to such Party or addresses as may be designated hereafter in writing:

To County Clerk: Angie Leath, Director of Elections
and Recorder's El Paso County Clerk and Recorder
contact person P.O. Box 2007
Colorado Springs, Colorado 80901-2007
FAX: 719-520-7327

With a copy to: El Paso County Attorney
200 South Cascade Avenue
Suite 150
Colorado Springs, Colorado 80903-2208

To Jurisdiction: _____
Attn: _____
Address: _____
City, State, Zip _____

- 6.2 **AMENDMENT:** This Agreement may be amended only in writing and following the same formality as the execution of this Agreement.
- 6.3 **INTEGRATION:** The Parties acknowledge that this written Agreement, constitutes the sole agreement between them relating to the subject matter hereof, and that no Party is relying upon any oral representation made by another Party or employee, agent or officer of that Party.
- 6.4 **CONFLICT OF AGREEMENT WITH LAW, IMPAIRMENT:** In the event that any provision of this Agreement conflicts with the Code, other statute, rule or valid prior resolution duly adopted by the El Paso County Board of County Commissioners, this Agreement shall be modified to conform to such law, resolution or ordinance. No subsequent resolution or ordinance of the Board of County Commissioners or the governing body of the Jurisdiction shall impair the rights of the CEO or the Jurisdiction hereunder without the consent of the other party to this agreement.
- 6.5 **TIME OF ESSENCE:** Time is of the essence of this Agreement. The statutory time requirements of the Code shall apply to the completion of the tasks required by this Agreement.



6.6 Additional DEO and District Contact Information

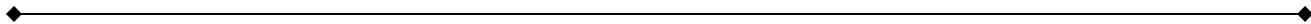
Jurisdiction Name: _____

Business Hours: _____

Telephone Numbers (during normal business hours):

Emergency Telephone Numbers (before and after normal business hours):

Election Day contact information:



ATTACHMENTS:

1. Format Information Page
2. Ballot Issue Notice Example Page
3. Sample Candidate Ballot Layout
4. 2022 Election Calendar

IN WITNESS WHEREOF, the Parties have hereto signed this Agreement to be effective as described in Article One, section 1.7 of this agreement. Pursuant to Resolution No. 22-229, the El Paso County Clerk and Recorder (CEO) is authorized to execute this Agreement on behalf of the Board of County Commissioners, El Paso County, Colorado.

County Signatures below

El Paso County Clerk and Recorder

Date: _____

APPROVED AS TO FORM:

County Attorney's Office

Date: _____

Signatures from the Jurisdiction below

Jurisdiction Name:

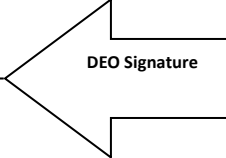
Signature of DEO

Date: _____

APPROVED AS TO FORM:

Jurisdiction's Legal Counsel

Date: _____



Certification Format Information Page

Ballot certification is required in two formats:

- Printed hard copy; and,
- Electronic copy. The electronic version must be provided using Microsoft Word. No PDF versions will be accepted.

The electronic copy must be emailed to angieleath@elpasoco.com. Both the printed hard copy and electronic copy must be received at the main Clerk & Recorder's Office location at 1675 Garden of the Gods Rd., Suite 2202, Colorado Springs, CO 80907, as soon as possible, but no later than 5:00 p.m. on September 9, 2022.

Important: Per Rule 4.5.5(f)(4) – Ballot questions and issues are numbered or lettered in the order in which the measures are certified to the ballot by the DEO. Submissions are considered certified once one of the two required submissions, either electronic or printed hard copy, have been received by the CEO.

ELECTRONIC VERSION: These requirements apply to the ballot content, as well as the Ballot Issue Notice information. Email using Microsoft Word is acceptable.

SPACING: All text must have single line spacing.

TEXT: For Ballot Issues, all ballot issue text must be typed in CAPITAL LETTERS.

Pro/Con statements must appear in upper and lower case.

Ballot Questions must be typed in upper and lower case.

TABLES/COLUMNS: Do not use columns or tables setting up files as these are difficult to reformat. Use TABS to put information in rows and/or columns.

AUDIO RECORDING: If the ballot certification includes candidates, the DEO shall email a recording of the correct pronunciation of each candidate's name to angieleath@elpasoco.com or call (719) 520-6760 to leave an audio recording of each candidate's name in the voice mail box.

This page is provided for your reference. It may be removed prior to returning the signed IGA to the Clerk and Recorder’s office.

**Ballot Issue Notice
Example Page**

NOTE: The information provided here is offered as a suggestion for the sake of uniformity and convenience to the voters based upon the Constitutional language of TABOR. Jurisdictions should consult with their legal counsel to determine if your data should be supplied as suggested.

[DISTRICT NAME]

Designated Election Official:

[Name of DEO]

[Title]

[Address]

[City, State, Zip]

[Phone number]

NOTICE OF ELECTION [TO INCREASE TAXES] [TO INCREASE DEBT] [ON A
CITIZEN PETITION] [ON A REFERRED MEASURE]

[DISTRICT NAME]

EL PASO COUNTY, STATE OF COLORADO

Election Date: [Insert Election Date]

Election Hours: [7:00 A.M. to 7:00 P.M.]

[Insert Question Number]

Ballot Title and Text:

[ALL TEXT IN UPPERCASE. This is the same language provided with original ballot certification.]

Information:

The below information is not required with your ballot certification on 9/3/21. It is required with your Ballot Issue Notice submission which is due on 9/20/21.

Fiscal Year Spending Information:

Year (Current fiscal year estimated) [\$?,000,000]

Year (Actual) [\$?,000,000]

Year (Actual) [\$?,000,000]

Year (Actual) [\$?,000,000]

Year (Actual) [\$?,000,000]

Overall percentage change in fiscal year spending: [Insert % of overall change]

Overall dollar amount change: [Insert \$ amount of change]

Estimated maximum dollar amount of tax increase for [insert year]: [amount of increase]

Estimated [insert year] fiscal year spending without tax increase: [amount of spending]

Information on Current Bonded Debt:

Principal amount:	[\$?,000,000]
Maximum annual repayment cost:	[\$?,000,000]
Total repayment cost:	[\$?,000,000]

Information on Proposed Bonded Debt:

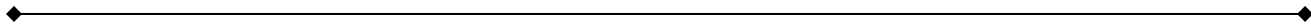
Principal amount:	[\$?,000,000]
Maximum annual repayment cost:	[\$?,000,000]
Total repayment cost:	[\$?,000,000]

Summary of written comments for the proposal:

- [Summary statements or paragraphs for the proposal must be filed 45 days before the election. See C.R.S. 1-7-901(4)]
- [Summaries must be 500 words or less and accurately summarize all written comments.]
- [Summaries may not contain names of persons or private groups that are for or against the proposal.]
- [If written comments are not filed, state "No comments were filed by the constitutional deadline."]

Summary of written comments against the proposal:

- [Summary statements or paragraphs against the proposal must be filed 45 days before the election. See C.R.S. 1-7-901(4)]
- [Summaries must be 500 words or less and accurately summarize all written comments.]
- [Summaries may not contain names of persons or private groups that are for or against the proposal.]
- [If written comments are not filed, state "No comments were filed by the constitutional deadline."]



Sample Candidate Ballot Layout

DISTRICT NAME
Name of Office
Length of Term
(Vote for not more than?)

_____ Candidate's name

_____ Candidate's name

_____ Candidate's name

_____ Candidate's name

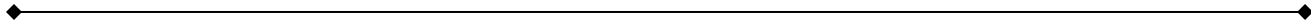
_____ Candidate's name

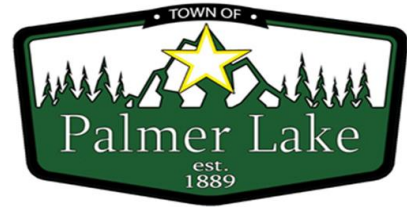
DISTRICT NAME
Name of the Office
Length of Term
(Vote for not more than?)

_____ Candidate's name

_____ Candidate's name

_____ Candidate's name





Item 13.

**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: August 11, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Resolution to Adopt the Use of Technology (Communication) Policy

Background

This is the final policy referenced in the Employee Handbook. Though it is nearly impossible to be 100% secure, the purpose of this policy is to create guidelines for technology use to protect town devices and town information.

Recommendation

Approve the Resolution to adopt the Use of Technology/Communication policy.

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 40-2022

**A RESOLUTION TO APPROVE THE USE OF TECHNOLOGY
(COMMUNICATION) POLICY FOR THE TOWN OF PALMER LAKE**

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, the Town of Palmer Lake encourages the use of electronic media and services to communicate efficiently and effectively for the purpose of Town business; and

WHEREAS, general guidelines are important for governing the use of electronic media and devices.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Board of Trustees for the Town of Palmer Lake hereby adopts the Use of Technology (Communication) Policy, attached hereto.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 11th DAY OF AUGUST 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor



USE OF TECHNOLOGY (COMMUNICATION) POLICY			
ISSUE DATE:	AUGUST 2022	REVISION DATE:	

I. PURPOSE

To better serve our citizens and give our employees the best tools to do their job, the Town of Palmer Lake will continue to adopt and make use of new means to communicate and exchange information. Employees and officials may have access to one or more forms of electronic media and services, including, but not limited to computers, email, telephones, cellular phones, voice mail, fax, wire services, online services, networks, internet.

The Town encourages use of these media to communicate efficiently and effectively. However, all employees and officials should remember that electronic media, and services provided, is the property of the Town of Palmer Lake and the purpose is to facilitate Town business. **Note: All communications made by employees and officials are representing the Town of Palmer Lake.**

This policy cannot lay down rules to cover every possible situation. The purpose of this policy is to express general guidelines governing the use of electronic media and services.

II. POLICY

The following is procedure to this policy.

1. Access and Authority

- a. Each supervisor shall determine which employees in their department shall have access to the various media and services, based on business practices and necessity and which shall have authority to communicate on behalf of the Town.

- b. The provisions of this policy shall apply to the use of Town owned/provided equipment and/or services from home or other locations off Town premises. Town owned equipment (i.e., laptop, phone) may be removed from Town premises solely for Town work related purposes pursuant to prior authorization from the supervisor.

2. Prohibited Communications

- a. Electronic media cannot be used for knowingly transmitting, retrieving or storing any communication that is:
 - i. Personal business on Town time (i.e., sports pools, games, shopping, correspondence or other non-business-related items/documents), except as otherwise allowed under #3 below;
 - ii. Discriminatory or harassing;
 - iii. Derogatory to any individual or group;
 - iv. Obscene, defamatory or threatening; or
 - v. For any purpose that is illegal or contrary to the Town's policy or business interests.

b. For the protection, integrity and security of the Town's system, electronic media shall not be used to download or transfer software, unless authorized by the supervisor.

3. Personal Use

a. Except as otherwise provided, electronic media and services are provided by the Town for employee business use during Town time. Limited, occasional, or incidental use of electronic media (sending or receiving) for **personal non-business** purposes is permitted as set forth below:

- i. limited to breaks, lunch or immediately before/after work;
- ii. must not interfere with the productivity of the employee or his or her co-workers;
- iii. does not involve any prohibited activity;
- iv. does not consume system resources or storage capacity on an ongoing basis;
- v. does not involve large file transfers or otherwise deplete system resources available for business purposes.

b. Town telephones and cellular phones are to be used for Town business; however, brief, limited personal use is permitted during the workday.

c. Employees should not have any expectation of privacy with respect to personal use of the Town's electronic media or services.

Note: Use of Personal Devices - Do not connect personal devices to Town "Internal" networks.

4. Access to Employee Communications

a. Electronic information created and/or communicated by an employee using email, word processing, utility programs, spreadsheets, voice mail, telephones, Internet and bulletin board systems, desktop faxes, and similar electronic media is **public information** and may be accessed and monitored by the Town. The Town respects its employees' desire to work without surveillance. However, the Town reserves and intends to exercise the right, at its discretion, to review, monitor, intercept, access and disclose all messages created, received or sent over the electronic communication systems for any purpose including, but not limited to: cost analysis; resource allocation; optimum technical management of information resources; and detecting use which is in violation of Town policies or may constitute illegal activity. Disclosure will not be made except when necessary to enforce the policy, as permitted or required under the law, or for business purposes.

b. Any such monitoring, intercepting and accessing shall observe any and all confidentiality regulations under federal and state laws.

5. Security

A security policy exists to reduce the Town's exposure to cyber risks. The top three risks include unpatched software, social engineering, and poor passwords. The software risk is addressed by Administrative Privilege Policy and Network/Device monitoring. The social engineering risk is addressed by the Downloads Policy and by building "human firewalls" through training and phishing campaigns. The poor password risk is addressed by the Password Policy.

a. Browser Download Settings. All Town domain user accounts have permissions to download files. All Town browsers shall be set to **“Ask where to save each file before downloading.”** For an intentional download, this helps the user know where the file has been saved. For an unintentional download, this alerts the user to a download attempt which can then be cancelled.

b. Passwords. Strong passwords will result in better security by incorporating lessons learned from past public data breaches. Where this policy conflicts with a compliance requirement (e.g., CJS), the compliance requirement shall prevail. Periodic password resets are not required.

✓ **MANDATORY:**

- Each password shall be unique. Do not use a password that is the same or very similar to one used on any other computers or websites at work or home.
- Passwords shall be complex, that is, contain at least one each uppercase letter, lowercase letter, number, and special character.
- Passwords shall be at least 12 characters long.
- Keep passwords secret. Do not share them or leave them written down in your workspace.
- Use Multi-Factor Authentication (MFA) wherever possible.

✓ **RECOMMENDED:**

- Each “password” should really be an uncommon “passphrase.” Do not use a single word (e.g., password) or a commonly used phrase (e.g., iloveyou).
- Consider using spaces and standard punctuation to increase length and complexity.
- Make passwords hard to guess even by those who know a lot about you.
- Use a password manager to encourage stronger passwords (add randomness and increase length) and make password management easier.

6. Appropriate Use

a. Employees and officials must respect the confidentiality of other individuals' electronic communications. Employees are prohibited from engaging in, or attempting to engage in:

- i. Monitoring or intercepting the files or electronic communications of other employees or third parties;
- ii. Hacking or obtaining access to systems or accounts they are not authorized to use;
- iii. Using other people's logins or passwords; and
- iv. Breaching, testing, or monitoring computer or network security measures.

b. No email or other electronic communications can be sent that attempt to hide the identity of the sender or represent the sender as someone else.

c. Electronic media and services should not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

d. Anyone obtaining electronic access to other organizations', business', companies', municipalities', or individuals' materials must respect all copyrights and cannot copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner.

Employees must understand that the unauthorized use or independent installation of non-standard software or data may cause computers and networks to function erratically, improperly,

or cause data loss. Employees are not allowed to download any applications or software on any Town device. All updates on Town devices will be conducted through town staff and approved by the Town Administrator or designee.

Most of the Town's computing facilities automatically check for viruses before files and data which are transferred into the system from external sources are run or otherwise accessed. On computers where virus scanning takes place automatically, the virus scanning software must not be disabled, modified, uninstalled, or otherwise inactivated. If you are uncertain as to whether the workstation you are using is capable of detecting viruses automatically, or you are unsure whether the data has been adequately checked for viruses, you should contact designated Town staff.

Anyone receiving an electronic communication in error shall notify the sender immediately. The communication may be privileged, confidential and/or exempt from disclosure under applicable law. Such privilege and confidentiality shall be respected.

Note: Use of Town Devices - Do not connect town devices to public WiFi (for example, do not connect your town laptop to a coffee shop WiFi).

Note: Use of Web Portals - Do not login town or personal devices to town-related web portals on unknown public networks (e.g., coffee shop WiFi).

6. Encryption

Employees who use encryption on files stored on a Town computer must provide their supervisor with a sealed hard copy record (to be retained in a secure location) of all the passwords and/or encryption keys necessary to access the files. Personal identifiable information requiring encryption includes the following items: address, date of birth, social security number, medical information, financial account information, driver's license, full face photos and other comparable images.

7. Participation in online forums

a. Employees should remember that any message or information sent on Town-provided facilities to one or more individuals via an electronic network (for example: Internet mailing lists, bulletin boards, and online services) are **statements identifiable and attributable to the Town.**

b. The Town recognizes that participation in some forums might be important to the performance of an employee's job. For instance, an employee might find the answer to a technical problem by consulting members of a newsgroup devoted to the technical area.

c. Employees are encouraged to include the following disclaimer in their postings to public forums: *"The views, opinions, and judgments expressed in this message are solely those of the author. The message contents have not been reviewed or approved by the Town of Palmer Lake."*

d. Employees should note that even with a disclaimer, a connection with the Town exists and a statement could be imputed legally to the Town. Therefore, employees should not rely on disclaimers as a way of insulating the Town from the comments and opinions they contribute to forums. Instead, employees must limit their discussion to matters of fact and avoid expressing

opinions while using the Town's systems or Town provided account. Communications must not reveal confidential information and must not otherwise violate this or other Town policies.

8. Policy Violations

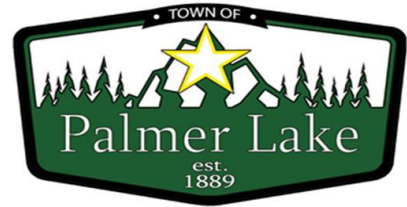
Employees who abuse the privilege of Town-facilitated access to electronic media or services risk having the privilege removed for themselves and possibly other employees, are subject to discipline, up to and including termination and may be subject to civil liability and criminal prosecution.

9. Incident Response

In the case of suspected malware or cyberattack, follow these steps:

- a. Contact the Town IT consultant immediately
- b. Pull the plug – remove the affective device(s) from the network quickly by unplugging the cable, disconnect from WiFi or disconnect the power completely
- c. Change passwords as soon as possible – change all passwords on the affected device

Electronic communications may reside on the system in different recoverable forms (system backup, sent mail folders, spool queues, etc.). Employees and officials should not assume that deleting an electronic communication removes all incidents of its existence. If there is a review of the information or an investigation, litigation, or other proceeding that requires or makes desirable the review or production of Town records, it is likely that electronic communications will be requested and potentially disclosed. Moreover, employees should not delete any communications that are public record under C.R.S. Title 24 Public Records law.



**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: August 11, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Direction for Rezoning from R-3 to R-10,000 (Action in 1992)

Background

As previously informed, in 1992, activity to rezone Lakeview Estates took place with the Planning Commission and the Board of Trustees.

The first consideration was in February 1992 by the Planning Commission, and the Commission moved to go ahead with all rezoning procedures including sending letters, posting notice and publication for an April hearing.

On April 23, after much discussion, the Planning Commission moved to recommend rezoning the area from R-3 to R-10,000 and recommend a variance be granted if a hardship is not self-imposed and the fee waived. The motion passed.

On May 14, 1992, the Board of Trustees moved to refer the rezoning back to the Planning Commission. No discussion explaining why was recorded in the minutes.

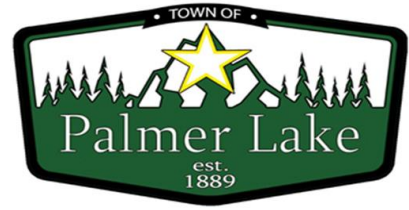
On June 25, 1992, the Planning Commission reconsidered the rezoning and moved to recommend that the area of Lake Shadows and Lakeview Heights be rezoned from R-3 to R-10,000 and a request for a variance be granted if a hardship is not self-imposed and the fee waived. The motion passed.

On July 9, 1992, after much discussion, the Board of Trustees moved to approve the rezoning with the recommendations of the Planning Commission adding a recommendation to the Board of Adjustment that variances be granted and the variance fee waived. The motion passed.

Following such action, an ordinance should have been brought back to the Board to officially rezone the area. An ordinance amending the zoning cannot be located; thus, staff concern is that the public may not be properly informed. Although the rezoning is noted on the zoning map as R-10,000 typical notice is the publication of the ordinance following Board adoption.

Recommendation

Staff recommends that the Board direct staff to issue a letter to all current property owners of this rezoning activity including the date which the Board will consider an ordinance to officially rezone the property to R10,000. Publication of the ordinance by title will follow as required.



Item 15.

**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: August 11, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Consideration of Adult Use Cannabis Sales by Ordinance or Put to Ballot by Resolution

Background

As previously discussed and directed, both an Ordinance allowing Adult Use Cannabis Sales and a Resolution to put the question to the ballot are before you to be considered and acted on.

PALMER LAKE, COLORADO

ORDINANCE NO. ____-2022

AN ORDINANCE AMENDING CHAPTER 5.20 OF TITLE 5 OF THE PALMER LAKE TOWN CODE TO ESTABLISH REGULATIONS FOR LICENSING OF RETAIL MARIJUANA STORES WITHIN THE TOWN OF PALMER LAKE

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, previously the Board of Trustees adopted regulations relating to Medical Marijuana facilities within the Town, said regulations appearing in Chapter 5.20 of the Town Code; and,

WHEREAS, Amendment 64, by adding Section 16 to Article XVIII of the Colorado Constitution, authorizes municipalities to establish licensing and regulations of marijuana establishments in a manner similar to alcohol; and

WHEREAS, the Board of Trustees, finds it in the best interest of the citizens of the Town of Palmer Lake to establish licensing and regulations for retail marijuana stores within the Town of Palmer Lake.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE AS FOLLOWS:

1. Chapter 5.20 of Title 5 of the Palmer Lake Town Code is hereby amended to allow for Retail Marijuana Store(s) by deleting the strikethrough language and adding the underlined language as indicated below, with said amended Chapter 5.20 to read in its entirety as follows:

CHAPTER 5.20. MARIJUANA (MEDICAL AND RETAIL)

5.20.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amendment 20 means a voter-initiated amendment to the state constitution adopted November 7, 2000, codified as section 14 of article 18 to the state constitution.

Amendment 64 means a voter-initiated amendment to the state constitution adopted November 6, 2012, codified as section 16 of article 18 to the state constitution.

Annual license fee shall be an amount paid to the town for the privilege of holding a license issued under this chapter, the amount of which shall be set by the town board of trustees by resolution and amended from time to time, and which shall be set to recoup the town costs of administration and enforcement under this chapter.

Applicant means a corporation, partnership, limited liability company, or natural person over 18 years of age which or who has submitted an application for a license pursuant to this chapter.

Application means an application for a license or renewal of a license submitted pursuant to this chapter.

Application fee shall be an amount paid to the town for the processing of a license or renewal of a license issued under this chapter, the amount of which shall be set by the town board of trustees by resolution and amended from time to time and which shall be set to recoup the town costs of processing applications for licenses under this chapter.

Day means a calendar day, unless otherwise noted.

Good cause.

1. For the purpose of denying a license or renewal under this chapter, the term "good cause" means:
 - a. The licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this chapter and any rule and regulation promulgated pursuant to this chapter or under applicable state law;
 - b. The licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued, or that were placed on its license in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings; or
 - c. The licensed establishment has been operated in a manner that adversely affects the public health, welfare or safety of the town.
2. Evidence to support such a finding can include, but is not limited to:
 - a. A continuing pattern of offenses against the public peace, as defined in title 9;
 - b. A continuing pattern of drug-related criminal conduct within the premises of the licensed establishment;
 - c. A continuing pattern of criminal conduct directly related to or arising from the operation of the licensed establishment;
 - d. A felony associated with the owner or manager of the licensed establishment, one or more of its owners or managers;
 - e. Failure to provide correct information for each person required in section 5.20.030(d);
 - f. Failure to pay sales taxes in full by the deadlines specified by this town Code.

License means a license to operate a retail marijuana cultivation facility, a retail marijuana products manufacturer, a medical marijuana center, an optional premises medical marijuana

cultivation operation, and/or a medical marijuana-infused products manufacturer issued by the town pursuant to this chapter.

Licensed establishment means the location at which the licensee is authorized to operate the business issued a license pursuant to this chapter.

Licensee means the person or lawful entity to whom a license has been issued pursuant to this chapter.

Licensing authority or *authority* means the town board of trustees or a board appointed by the town board of trustees.

Marijuana has the meaning set forth in Section 16(2)(f) of Article XVIII of the Colorado Constitution.

Medical marijuana has the meaning set forth in C.R.S. § 44-10-103(34).

Medical marijuana center has the meaning set forth in Col. Const. Art. XVIII, § 16.

Medical marijuana facility means medical marijuana center, optional premises cultivation operation, or medical marijuana-infused product manufacturing location.

Operational means open for active business, engaged in the collection of sales tax, holding regular hours of operation and available to provide products and services to patients and/or primary caregivers.

Optional premises cultivation operation shall have the meaning as set forth in C.R.S. § 12-43.3-104(11).

Paraphernalia means devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming Marijuana including, but not limited to, rolling papers and related tools, water pipes, and vaporizers.

Person means a corporation, partnership, limited liability company, or natural person. *Retail marijuana* has the meaning as set forth in C.R.S. § 44-10-103(57).

Retail marijuana cultivation facility has the meaning as set forth in C.R.S. § 44-10-103(60).

Retail marijuana establishment means a retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturer or a retail marijuana testing facility.

Retail marijuana products manufacturer has the meaning as set forth in C.R.S. § 44-10-103(62).

Retail marijuana store has the meaning set forth in C.R.S. § 44-10-103(63).

Retail marijuana testing facility has the meaning set forth in C.R.S. § 44-10-103(64).

5.20.020. Uses prohibited or restricted to operate by license only.

a. It is unlawful for any person to operate any retail marijuana establishment, except for a retail marijuana cultivation facility, ~~or a retail marijuana products manufacturer, or a retail marijuana store~~ subject to subsection (b) of this section within the town.

b. Subject to Subsection (d) of this section, it is unlawful for any person to use or permit the use of any property within the town related to retail marijuana or medical marijuana except for the operation of a retail marijuana cultivation facility, a retail marijuana products manufacturer, a medical marijuana center, an optional premises medical marijuana cultivation operation, ~~and a medical marijuana-infused products manufacturer, and a retail marijuana store~~ if and as a valid town-issued license and all state-required licenses have been issued and maintained at all times while any person is engaged in any such uses.

c. It is unlawful to make Marijuana grown for use available for sale in any manner other than through a Licensed Medical Marijuana Center in the town or by wholesale to other licensed establishments.

d. It is unlawful to grow marijuana for personal or caregiver use anywhere in the town of palmer lake other than as allowed by and in compliance with either or both this chapter and chapter 17.104. Nothing in this chapter shall be construed to prohibit private or non-commercial assembly for the purpose of consuming marijuana or marijuana products subject to the prohibition on marijuana clubs set forth in chapter 17.104.

5.20.030. Application restrictions; application and process for issuance of license.

a. At no time shall there be more than two persons holding licenses under this chapter. No application for any new license shall be considered or license issued unless such applicant either already holds a license under this chapter as of October 26, 2017, or is a transferee or proposed transferee of all such persons holding licenses issued as of the date of the transfer.

b. A person seeking to obtain a license pursuant to this chapter shall file an application with the town clerk in a form as shall be provided by the town clerk.

c. In addition to the license required pursuant to this chapter, all applicants for licenses under this chapter must also obtain all other town required approvals, licenses and permits related to the operation of the business licensed under this chapter to include without limitation and if applicable, any required land use approvals, state sales tax license, town business license, and any and all required building permits.

d. all applications for a license under this chapter shall contain the following information:

1. The applicant's name, address, telephone number and social security number;
2. Names and addresses of all officers, directors and managers, as appropriate;
3. In the case where there is more than one applicant or the applicant is a business entity, the applicant shall provide the names of each applicant or the names of each natural person who owns five percent or more of the ownership interest in the entity seeking the license;

4. The street address and unit number, if applicable, of the proposed licensed establishment and a complete description of the floor plans drawn to scale and specifications for the interior of the premises of the licensed establishment that were submitted to the state department of revenue;
5. If the applicant is not the owner of the proposed location of the proposed licensed establishment, a notarized statement from the owner of such property authorizing the submission of the application;
6. A complete set of fingerprints from those individuals required by the Colorado Medical Marijuana Code and Colorado Retail Marijuana Code to undergo a background investigation. The town shall have the authority to investigate the background of the applicant and all fingerprinted individuals.
7. Any additional information that the licensing authority or town administrator or town clerk reasonably determines to be necessary in connection with the investigation and review of the application.
8. any license application hereunder shall be accompanied by the application fee which shall be set by the town board of trustees by resolution. Incomplete applications, including failure to submit required fees, shall not be processed and shall be returned to the applicant.
9. Applications must be amended when there is a change to corporate structure, registered manager, and change of operation plan or modification of licensed premises by submitting an amendment on a form approved by the town clerk. Such change shall be subject to payment of any fee set by the town board of trustees by resolution and compliance with all other terms of this chapter.
10. An operations plan as required by section 5.20.200.

e. Upon receipt of a properly completed application, together with all information required in connection therewith, and the payment of the application fee, the town clerk shall refer copies of the application, redacting any unnecessary sensitive personally identifying or financial information, to:

1. The police department which shall obtain and review a criminal background history on all persons required to be fingerprinted and report to the licensing authority on the results of such investigation;
2. The planning commission which shall review the application for zoning compliance, land use regulations and limitations on location as set forth in subsection (d)(7) of this section and report to the licensing authority on the results of such investigation; and
3. Any other person or agency which the town determines should properly investigate and comment upon the Application.

5.20.040. Requirements for hearings and appeals from licensing authority determinations following hearing under this chapter.

- a. Notice Requirements.
 1. Notice of all hearings for new licenses under this chapter shall be scheduled between the clerk and the applicant based on the licensing authority meeting schedule and no additional written notice is required.
 2. Notice of hearings to show good cause why the town should not renew a license, or for revocations or suspensions shall be given by mailing a copy of the notice of the time, date place and subject of the relevant hearing to the applicant or licensee by regular mail and by certified mail, postage prepaid, at the address shown in the application or on the

license. Notice is deemed to have been properly given upon mailing. Notice shall be placed in the mail in accordance with this section delivered at least ten days before any such hearing.

b. Decisions of the licensing authority shall be quasi-judicial and final and subject to appeal to and review by the district court pursuant to C.R.C.P. Rule 106(a)(4).

5.20.050. Prohibited locations: permanent location required.

a. Prior to the issuance of a license under this chapter, the licensing authority shall determine whether the proposed location of the licensed establishment complies with the requirements of this section. Failure to comply with the requirements of this section shall preclude issuance of a license.

b. Location restrictions.

1. Consistent with the other requirements of this section, a licensed establishment may locate as a conditional use within the following zone districts within the town: (C2) Commercial Two Zone and (M1) General Industrial Zone.

2. There shall only be two licensed establishment locations permitted within the town, provided, however that at each such location, there may be conducted uses requiring one or more of the licenses issued under this chapter. A location shall be a single addressed structure. A location that occupies more than one suite or entrance door at the same street number and name shall be considered a single addressed structure.

3. Measured in same manner as liquor licensed establishments are measured from schools under state law, no Licensed Establishment shall be located:

a. Within 500 feet of a licensed child care facility.

b. Within 1,000 feet of a dedicated town park.

c. Within 1,000 feet of any permanent structure of a religious institution, educational institution or school (not to include home based religious meetings or schools), college or university, either public or private.

d. Within 1,000 feet of any halfway house or correctional facility.

e. Within 500 feet of any other licensed establishment.

f. Within 1,000 feet of any existing residential zone district boundary.

g. Upon any town-owned property.

c. Each licensed establishment shall be operated from the permanent location as shown on the license. No licensed establishment shall be permitted to operate from a moveable, mobile or transitory location.

d. The suitability of a location for a licensed establishment shall be determined at the time of the issuance of the first license for such licensed establishment location. The fact that changes in the neighborhood occur after the issuance of the license render the site unsuitable for location of a licensed establishment under this section shall not be grounds to suspend, revoke or refuse to renew the license as long as the license for the licensed establishment remains valid and in effect.

5.20.060. Standards for issuance of license.

The licensing authority shall issue a license under this chapter when, from a consideration of the application and from such other information as may otherwise be obtained, the licensing authority determines, by a preponderance of the evidence, that:

1. The application is complete and signed by the applicant.
2. The applicant has paid the application fee and any other fees required.
3. The application does not contain a material falsehood or misrepresentation.
4. The application complies with all of the requirements of this chapter.
5. The applicant is not prohibited by section 5.20.030(a) or by C.R.S. § 44-10-306 or 44-10-307, as applicable, to be a licensee. The applicant and any other individuals listed on the application may present written documentation with the application regarding his/her criminal history, including but not limited to evidence of mitigating factors, rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license.
6. The applicant has not otherwise failed to comply with the provisions of this chapter, the Colorado Medical Marijuana Code, Colorado Retail Marijuana Code or any implementing statutes and administrative regulations, as amended from time to time.
7. The zoning requirements and location restrictions set forth in this chapter are satisfied.
8. That the issuance of a license, for the square footage requested, is justified to meet the needs of the community.

5.20.070. Denial of license.

a. The licensing authority shall deny an application for a license or renewal of a license under this chapter, if the licensing authority determines that:

1. Information contained in the application or supplemental information requested from the applicant is found to be false in any material respect;
2. Good cause exists; or
3. The application or the applicant fails to meet any of the standards set forth in this chapter or in state law.

b. If an application is denied, the application fee shall not be refunded.

5.20.080. Authority to impose conditions on license.

The licensing authority shall have the authority to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this chapter and applicable law.

5.20.090. Decision by licensing authority.

a. The licensing authority shall consider an application at a public hearing held as soon as possible at a regular meeting of the licensing authority after receipt by the town clerk of the completed application and receipt of comments from all agencies or departments to which the application is referred.

b. The licensing authority may approve, deny, or approve with conditions the application. If an application is denied, the licensing authority shall set forth in writing the grounds for denial.

c. Notice of and appeal from the licensing authority decision shall be as set forth in section 5.20.040.

5.20.100. Contents of license.

a. Licenses shall contain the following information:

1. The name of the licensee;
2. The type of operation licensed;
3. The date of the issuance and of expiration of the license;
4. The address of the licensed establishment; and
5. Any special conditions of approval imposed upon the license.

b. A license must be signed by the town clerk or his designee to be valid.

5.20.110. Duration and renewal of license.

a. A license shall be valid for a period of one year and must be renewed on forms provided by the town clerk.

b. An application for the renewal of an existing license shall be made to the town clerk not less than 30 days prior to the date of expiration. No application for renewal shall be accepted by the town clerk after the date of expiration.

c. The applicant shall, at the time of an application to renew a license, not be delinquent on any applicable town fees or taxes.

d. At the time of the filing of an application for the renewal of an existing license, the applicant shall pay an annual license fee in an amount fixed by resolution by the town board of trustees.

e. The licensing authority may refuse to renew a license for good cause. For purposes of this section, the burden shall be upon the town to show at a hearing by a preponderance of the evidence that good cause exists to deny the renewal application. The licensee shall be notified of the hearing in accordance with section 5.20.040 to include the grounds upon which the town believes good cause may exist to not renew the license.

5.20.120. Transferability of license.

A license is transferable and assignable only in conformity with this chapter and applicable state law, to include the criteria of sections 5.20.030(a) and 5.20.060(1) through (6) and including any requirement that the town be notified of and approve in advance any transfer, to include transfer of capital stock or change of corporate or LLC structure in any licensee and the town may charge a fee for a transfer of ownership or change of corporate or LLC structure application in an amount set by the board of trustees by resolution.

5.20.130. Change of location.

An application for change of location shall follow the same procedures as an application for a new license, and the town may charge a fee for a change of location application in an amount set by the board of trustees by resolution.

5.20.140. Posting required.

The license of a medical marijuana center must be posted continuously in a conspicuous public location at the licensed establishment. All other licenses issued hereunder must be posted conspicuously in the licensed establishment.

5.20.150. Duties of licensee.

It is a violation of this Code for any licensee to fail to:

1. Comply with all the terms and conditions of the license, and any special conditions on the license;
2. Inform the town clerk in writing of any change to licensee's mailing address within 30 days of the change;
3. Comply with all of the requirements of this chapter;
4. Comply with all other applicable town ordinances;
5. Comply with all state laws and administrative regulations pertaining to the sale and use of marijuana, including, but not limited to, the Colorado Marijuana Code, C.R.S. § 44-10-101 et seq., and all applicable administrative regulations issued by the state department of revenue and the state department of public health and environment as amended from time to time;
6. Comply with all applicable federal laws, rules or regulations, other than a federal law, rule or regulation concerning the possession, sale or distribution of Marijuana that conflicts with Amendment 20 or Amendment 64 as adopted by the voters of the state;
7. Take all reasonable steps to discourage and correct objectionable conditions that constitute a nuisance such as, without limitation, traffic, noise and odor, in parking areas, sidewalks, alleys and areas surrounding the premises, and adjacent and nearby properties; and/or
8. Permit inspection of its records and operation, except for information required to be private pursuant to Amendment 20, by the town clerk or designee for the purpose of determining the licensee's compliance with the terms and conditions of the license.

5.20.160. Suspension or revocation of license.

a. A license may be suspended or revoked by the licensing authority for any of the following reasons:

1. Fraud, misrepresentation, or a false statement of material fact contained in the license application.
2. Violation of any of the provisions of this chapter or of town, state or federal law or regulation, other than federal law or regulation concerning the production, transportation, possession, sale or distribution of marijuana that conflicts with Amendment 20 or Amendment 64, as applicable to the type of license held.
3. Violation of any of the terms and conditions of the license, including any special conditions of approval imposed upon the license.

4. Cessations of operations at a licensed medical marijuana center for more than 30 days once operations commence.

b. A hearing to show cause why a license should not be suspended or revoked shall be scheduled before the licensing authority. The town clerk shall notify the licensee of the issuance of any such show cause hearing in accordance with the requirements of section 5.20.040. Such hearing may be continued for good cause.

c. The burden of proof at the hearing shall be on the town. If the licensing authority finds by a preponderance of the evidence that the allegations which gave rise to the show because hearing sustained, the licensing authority shall have the power to revoke, suspend and/or place additional reasonable conditions on the license. The licensing authority shall issue such order in writing to the licensee within ten days of the date of decision.

5.20.170. Hours of operation.

Unless more restricted by state law, a licensed establishment may open to the public no earlier than 9:00 a.m. and shall close no later than 9:00 p.m. the same day. A medical marijuana center may be open seven days a week.

5.20.180. Signage.

All signage for a licensed establishment shall comply with the requirements of this Code. In addition, no licensee shall display a sign that contains the word "marijuana," "cannabis," or any other word or phrase commonly understood to refer to marijuana or a graphic/image of any portion of a marijuana plant, or paraphernalia associated with medicinal marijuana use.

5.20.190. Security and lighting requirements.

A licensee shall provide adequate security on the premises of a licensed establishment including, but not limited to, the following:

1. Surveillance. Security video surveillance cameras capable of recording installed and operational as required by state law.
2. Inventory. All saleable inventory of marijuana must be kept and stored in a secured, locked manner.
3. Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site.
4. Lighting. Exterior lighting that illuminates the exterior entrances, to include windows, of the business and otherwise complies with the lighting plan submitted as part of the operating plan.
5. Alarm system. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the dispensary at all times.
6. Emergency contact. A licensee shall provide the chief of police with the name, phone number, and mobile number of an on-site community relations staff person to whom the town may provide notice of any operating problems associated with the licensed establishment.

5.20.200. Operating plans.

In connection with the license application, the applicant shall provide a detailed operations plan and, upon issuance of a license, shall operate the medical marijuana facility in accordance with the plan. Such plan shall include:

1. Floor plan. A plan showing the layout of the dispensary and the principle uses of the floor area depicted. A center shall have a lobby waiting area at the entrance to the dispensary to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.
2. Storage. A center shall provide a storage plan which demonstrates compliance with section 5.20.260(b).
3. Security plans. A medical marijuana facility shall provide a security plan which demonstrates compliance with section 5.20.260.
4. Lighting plan. A medical marijuana facility shall provide a lighting plan in accordance with this code. Such plan shall also include any illumination for the purposes of cultivation and any mitigation controls to lessen adverse impacts to the surrounding properties.
5. Odor controls. A medical marijuana center, optional premises cultivation operation or medical marijuana-infused product manufacturing location shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from the dispensary. Such plan shall describe the ventilation system for the premises.
 - a. The odor control measure must, at a minimum, filter out the odor of marijuana so that the odor is not capable of being detected by a person with a normal sense of smell at the exterior of the dispensary or any adjoining business, parcel or tract of real property.
 - b. Odor control enforcement.
 1. For the purposes of measuring odor control, the code enforcement officer is hereby deemed to be a person with a normal sense of smell.
 2. Upon receiving a complaint regarding marijuana odor, the code enforcement officer, or his or her designee, shall visit the area and investigate and determine the cause of the odor.
 3. Not more than 24 hours after receiving a complaint and making an initial investigation, the code enforcement, or his or her designee, shall follow up with a second visit to determine if the cause of the odor has ceased.
 - c. It shall be unlawful for any person, firm, or corporation to fail to comply with any of the requirements of this subsection (5). Any person, firm, or corporation violating any of these provisions or failing to comply with any of these provisions is guilty of a municipal offense and shall be punished according to chapter 1.12.
6. A description of the products and services to be provided by the medical marijuana facility.

5.20.210. Taxes.

- a. For all licensed establishments required to collect a sales or an excise tax under town ordinances or state law, a valid sales tax license or other licenses as may be required under local or state law must be kept current.
- b. All medical marijuana center licensees shall collect and remit sales tax on all medical marijuana, paraphernalia and other tangible personal property sold by the licensee.

c. All licensees required to remit state and local excise tax on the first sale or transfer of retail marijuana shall timely remit such taxes in full.

5.20.220. Enforcement and penalties.

a. In the interest of public safety, officers of the police department may make application to the town's municipal court for a warrant to enforce the provisions of this chapter. Such application and any warrant issued pursuant thereto shall comply with the provisions in Rule 241 of the Colorado Municipal Court Rules of Procedure.

b. In addition to administrative penalties to include revocation or suspension of a license issued hereunder, any persons or entity convicted of a violation of any provision of this chapter shall be punished by a fine and/or imprisonment not to exceed the amounts set forth in section 1.12.010 for each offense committed.

c. Nothing herein shall limit the remedies available to the town at law or in equity to enforce the provisions of this chapter.

2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 11TH DAY OF AUGUST 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. ____

AN ORDINANCE APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS OF THE TOWN OF PALMER LAKE, COLORADO RELATED TO PERMITTING THE SALE OF RETAIL MARIJUANA FOR THE NOVEMBER 8, 2022 COORDINATED ELECTION

WHEREAS, on November 6, 2012 the voters of the State of Colorado approved Amendment 64 adding Section 16 to Article XVIII of the Colorado Constitution a limited exemption from criminal liability under Colorado law for people 21 and over to possess and cultivate marijuana for recreational use, and to establish the licensing and regulation of marijuana establishments in a manner similar to alcohol as described in Amendment 64; and,

WHEREAS, the Palmer Lake Board of Trustees (the “Board of Trustees”) subsequently passed Regulations in Title 5 of the Town Code relating to the licensing and regulation of marijuana establishments pursuant to the authority granted by Article XVIII, Section 16 of the Colorado Constitution, allowing for medical marijuana facilities but not retail marijuana facilities; and,

WHEREAS, the Board of Trustees has determined that a question should be placed on the ballot at its November 8, 2022 coordinated election, asking the voters of the Town whether they want to permit retail marijuana facilities.

NOW THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

- 1. The Town Board of Trustees hereby approves the form of and refers the following ballot question for submission to the registered electors to appear on the Town of Palmer Lake Coordinated Election, November 8, 2022:

RETAIL MARIJUANA STORES

SHALL THE TOWN OF PALMER LAKE, COLORADO ALLOW THE OPERATION OF RETAIL MARIJUANA BUSINESSES IN THE TOWN AND AMEND THE MUNICIPAL CODE BY THE ADDITION OF NEW SECTIONS PERMITTING, SUBJECT TO REGULATIONS TO BE ADOPTED BY ORDINANCES OF THE TOWN, CERTAIN ACTIVITIES RELATING TO MARIJUANA, AND BY SO DOING REPEAL AND AMEND PARTS OF TITLE 5, OR OTHER PORTIONS OF THE PALMER LAKE MUNICIPAL CODE, TO THE EXTENT THEY ARE INCONSISTENT WITH SUCH AUTHORIZATION, ALLOWANCE OF SUCH OPERATION BEING SUBJECT TO AND EXPRESSLY CONTINGENT UPON AND ONLY EFFECTIVE UPON ENACTMENT OF APPROPRIATE REGULATIONS BY THE PALMER LAKE BOARD OF TRUSTEES?

YES _____

NO _____

2. For purposes of C.R.S. § 31-11-111, this Ordinance shall serve to set the title and context for the ballot questions set forth herein and the ballot title for each such question shall be the text of the questions themselves.
3. The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.
4. The Mayor, the Town Attorney, and the Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Ordinance including the taking of all reasonable and necessary action to cause such approved form of ballot questions to be printed and placed on the ballot for the Palmer Lake Coordinated Election, November 8, 2022.
5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
6. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 11th DAY OF AUGUST, 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. ____

AN ORDINANCE APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS OF THE TOWN OF PALMER LAKE, COLORADO RELATED TO ADOPTING ORDINANCE _____ PERMITTING THE SALE OF RETAIL MARIJUANA FOR THE NOVEMBER 8, 2022 COORDINATED ELECTION

WHEREAS, on November 6, 2012 the voters of the State of Colorado approved Amendment 64 adding Section 16 to Article XVIII of the Colorado Constitution a limited exemption from criminal liability under Colorado law for people 21 and over to possess and cultivate marijuana for recreational use, and to establish the licensing and regulation of marijuana establishments in a manner similar to alcohol as described in Amendment 64; and,

WHEREAS, the Palmer Lake Board of Trustees (the “Board of Trustees”) subsequently passed Regulations in Title 5 of the Town Code relating to the licensing and regulation of marijuana establishments pursuant to the authority granted by Article XVIII, Section 16 of the Colorado Constitution, allowing for medical marijuana facilities but not retail marijuana facilities; and,

WHEREAS, the Board of Trustees has determined that a question should be placed on the ballot at its November 8, 2022 coordinated election, asking the voters of the Town whether they want to permit retail marijuana facilities.

NOW THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Town Board of Trustees hereby approves the form of and refers the following ballot question for submission to the registered electors to appear on the Town of Palmer Lake Coordinated Election, November 8, 2022:

RETAIL MARIJUANA STORES

SHALL ORDINANCE __2022 BE ADOPTED, AMENDING THE TOWN CODE TO ALLOW FOR THE LICENSING AND REGULATION OF RETAIL MARIJUANA BUSINESSES WITHIN THE TOWN OF PALMER LAKE, A COPY OF SAID ORDINANCE BEING AVAILABLE FOR REVIEW AT _____ website _____ OR AT THE TOWN HALL?

YES _____

NO _____

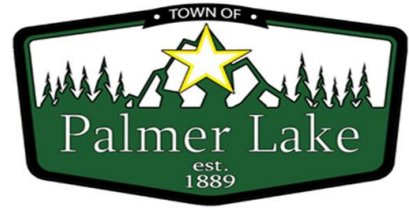
2. For purposes of C.R.S. § 31-11-111, this Ordinance shall serve to set the title and context for the ballot questions set forth herein and the ballot title for each such question shall be the text of the questions themselves.

3. The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.
4. The Mayor, the Town Attorney, and the Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Ordinance including the taking of all reasonable and necessary action to cause such approved form of ballot questions to be printed and placed on the ballot for the Palmer Lake Coordinated Election, November 8, 2022.
5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
6. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 11th DAY OF AUGUST, 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO



Item 17.

**TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO**

DATE: August 11, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Consideration of Resolution to Put Mill Levy Increase to the Ballot

Background

As previously discussed and directed, language for a Resolution to put a Mill Levy Increase to the ballot is provided for Board consideration.

Single increase

MILL LEVY INCREASE

SHALL THE TOWN OF PALMER LAKE, COLORADO TAXES BE INCREASED BY NOT MORE THAN \$_____ IN TAX COLLECTION YEAR 2023 AND BY WHATEVER ADDITIONAL AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY INCREASING THE GENERAL OPERATING MILL LEVY FROM _____ TO NOT MORE THAN _____ FOR GENERAL MUNICIPAL PURPOSES AND SHALL THE TOWN BOARD BE AUTHORIZED TO ADJUST THE RATE WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE DOES NOT EXCEED _____?

YES _____

NO _____

2 stepped increase

MILL LEVY INCREASE

SHALL THE TOWN OF PALMER LAKE, COLORADO TAXES BE INCREASED BY NOT MORE THAN \$_____ IN TAX COLLECTION YEAR 2023, AND BY WHATEVER ADDITIONAL AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY INCREASING THE GENERAL OPERATING MILL LEVY FROM _____ TO NOT MORE THAN _____ AND THEN NOT MORE THAN \$_____ IN TAX COLLECTION YEAR 202____ AND BY WHATEVER ADDITIONAL AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY INCREASING THE GENERAL OPERATING MILL LEVY FROM _____ TO NOT MORE THAN _____ FOR GENERAL MUNICIPAL PURPOSES AND SHALL THE TOWN BOARD BE AUTHORIZED TO ADJUST THE RATE WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE DOES NOT EXCEED _____?

YES _____

NO _____

Mill increase if retail sales does not meet threshold:

MILL LEVY INCREASE

SHALL THE TOWN OF PALMER LAKE, COLORADO TAXES BE

.....

IF TAXES COLLECTED FROM RETAIL MARIJUANA DO NOT GENERATE AT LEAST \$_____ IN REVENUE BY _____ OF 2023?

YES _____

NO _____

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. ____

AN ORDINANCE APPROVING A BALLOT QUESTION TO BE SUBMITTED TO THE VOTERS OF THE TOWN OF PALMER LAKE, COLORADO RELATED TO A MILL LEVY INCREASE FOR THE NOVEMBER 8, 2022 COORDINATED ELECTION

WHEREAS, Colorado Constitution, Article X, Section 20, (3)(a) states that ballot issues involving property tax increases shall be decided in a state general election, biennial local district election, or on the first Tuesday in November on odd-numbered years, and the next state general election is scheduled for November 8, 2022; and,

WHEREAS, the Palmer Lake Board of Trustees (the “Board of Trustees”) finds that the Town of Palmer Lake’s property tax revenues are not sufficient to pay for the expenses of operations and maintenance of the general municipal operations; and,

WHEREAS, the Board of Trustees finds that increasing property tax revenues will provide a secure and stable source of revenues for basic operations and maintenance; and,

WHEREAS, the Board of Trustees has determined that a question should be placed on the ballot at its November 8, 2022 coordinated election, asking the voters to approve an increase in property tax by way of a mill levy increase.

NOW THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:

1. The Town Board of Trustees hereby approves the form of and refers the following ballot question for submission to the registered electors to appear on the Town of Palmer Lake Coordinated Election, November 8, 2022:

MILL LEVY INCREASE

SHALL THE TOWN OF PALMER LAKE, COLORADO TAXES BE INCREASED BY NOT MORE THAN \$_____ IN TAX COLLECTION YEAR 2023 AND BY WHATEVER ADDITIONAL AMOUNTS ARE GENERATED ANNUALLY THEREAFTER BY INCREASING THE GENERAL OPERATING MILL LEVY FROM ____ TO NOT MORE THAN ____ FOR GENERAL MUNICIPAL PURPOSES AND SHALL THE TOWN BOARD BE AUTHORIZED TO ADJUST THE RATE WITHOUT FURTHER VOTER APPROVAL SO LONG AS THE RATE DOES NOT EXCEED____?

YES _____

NO _____

2. For purposes of C.R.S. § 31-11-111, this Ordinance shall serve to set the title and context for the ballot questions set forth herein and the ballot title for each such question shall be the text of the questions themselves.
3. The Town Clerk is authorized to correct typographical errors and omissions and to cause to be entered into any blanks of the ballot question the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.
4. The Mayor, the Town Attorney, and the Town Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Ordinance including the taking of all reasonable and necessary action to cause such approved form of ballot questions to be printed and placed on the ballot for the Palmer Lake Coordinated Election, November 8, 2022.
5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
6. Repeal. Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE TOWN BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 11th DAY OF AUGUST, 2022.

ATTEST: TOWN OF PALMER LAKE, COLORADO