



BOARD OF TRUSTEES

Thursday, March 10, 2022 at 5:00 PM

Tri Lakes Chamber House, 300 Hwy 105, Monument

In-person

LOCAL LICENSING AUTHORITY

Call to Order

1. Consideration to Replace Member on Ugly Mug LLC Liquor License (Primrose)

Adjourn

AGENDA

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

Call to Order

Pledge of Allegiance

Roll Call

Mayor's Message

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.

- [2.](#) Minutes from February 24, 2022 Meeting
- [3.](#) Resolution 18-2022 to Correct Administrative Error in Leave Donation Policy

Staff/Department Reports

- [4.](#) Water
- [5.](#) Public Works including Roads & Park Maintenance
- [6.](#) Police
- [7.](#) Fire

8. Administration
9. Attorney
10. 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

- [11.](#) Resolution 19-2022 to Appoint Members Parks Commission
- [12.](#) Direction for Use of Water at Ballfield
13. Preliminary Review of FAMLI - State-run Paid Family Medical Leave Insurance program

Board Reports**Next Meeting (March 24) and Future Items****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.

SUMMARY OF APPLICATION MODIFICATION
Hotel and Restaurant Liquor License Application

The Ugly Mug LLC
d/b/a The Ugly Mug

- Applicant: The Ugly Mug LLC is a Limited Liability Company
 - The LLC has been held by two individuals who own 50% each - Alicia Gatti (of Palmer Lake) and Mark Ashley (of Palmer Lake) – THIS REVIEW IS TO CONSIDER ONAN FLOYD TO REPLACE MEMBER MARK ASHLEY
 - The entity is in good standing and all filings are complete as filed with the Colorado Secretary of State
 - The LLC is doing business as The Ugly Mug
- Premises: The proposed premises is the building located at 11 Primrose St., Suite B in Palmer Lake, CO. The entirety of the upstairs (main) level as well as a meeting room on the upper level and storage in lower level.
 - This location is eligible to be licensed.
 - The property is possessed through a lease agreement between The Palmer Lake Express Ltd and The Ugly Mug LLC. This lease was enacted on August 1, 2020 and is effective for a minimum of one year.
- License Type: The establishment has a Hotel and Restaurant class liquor license.
- Applicant Eligibility: THE NEW MEMBER DOES NOT HAVE ANY DISQUALIFYING CRITERIA SHOWN ON THE APPLICATION.
 - Manager: The license will be managed by ONAN FLOYD, REPLACING MARK ASHLEY, and does not require any additional criteria to be named as Manager.
- Criminal History: REQUIRED HISTORY FORMS AND FINGERPRINTS have been submitted to CBI for processing.

:dc



BOARD OF TRUSTEES

Thursday, February 24, 2022 at 5:00 PM

Tri-Lakes Chamber Office Community Room, 166 2nd St, Monument

MINUTES

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

Pledge of Allegiance

Roll Call. Present: Mayor Bill Bass, Trustees Karen Stuth, Darin Dawson, Sam Padgett, Jessica Farr.
Excused: Trustees Nicole Currier and Glant Havenar.

Consent Agenda. MOTION (Farr, Stuth) to approve the consent agenda including Minutes from February 10, 2022 Meeting and Financials (January). Roll call vote – aye (5); nay (0). Motion passed.

Staff/Department Reports

4. Attorney – none.
5. Administrator/Clerk. Collins invited Fire Chief McCarthy to report on the status of the mitigation grant. Miller Timber will conduct chipping of narrow areas on the reservoir access road to pass with equipment. A proposal is forthcoming. McCarthy also updated the Board about distributing COVID at-home rapid tests and equipment donated by Castle Rock, approximate value of \$40,000. Trustee Farr inquired about any issues with the new kiosk installation. Sgt Lundy stated none at this time. Collins reported on the completion of the ramp project and execution of the library lease. The library intends to re-open on March 2. The town hall is in finishing stages and will complete the technology updates in next two weeks. Collins requested agreement to create an adhoc Grants Committee to assist with researching, writing for better management of town grants. A resolution will come back to the Board. The master plan survey has a deadline of 2/28 and staff and advisory members are currently conducting mapping exercises. With installation of the new parking kiosk, a regular report was requested by the Board. Collins reported that the equipment on the Fletcher property is completely removed and the property owner is preparing to lease the property. Staff will participate in an on-site meeting with BNSF reps next week. Collins lastly inquired about a next Board retreat date.

Public Comment. None.

Business Items

6. Resolution 13-2022 to Appoint Board Member to PPRBD Advisory Board. Collins offered correction of term ending December 2022 on this resolution and the next. MOTION (Farr, Stuth) to approve Resolution 13 to appoint Mayor Bill Bass to the Pikes Peak Regional Building Advisory Board for 2022. Roll call vote – aye (5); nay (0). Motion passed.

7. Resolution 14-2022 to Appoint Board Member to Awake The Lake (ATL). Discussion took place about Nicole's position on ATL and whether voting took place. MOTION (Stuth, Dawson) to approve Resolution 14-2022 to appoint Trustee Currier to ATL for 2022. Roll call vote – aye (5); nay (0). Motion passed.
8. Resolution 15-2022 to Approve Employee Leave Donation Policy. Collins stated the two policy items were to continue completion of the policies to support the employee handbook. The employee leave donation allows for one employee to offer unused sick leave to another employee for emergency purpose. MOTION (Dawson, Padgett) to approve Resolution 15-2022. Roll call vote – aye (5); nay (0). Motion passed.
9. Resolution 16-2022 to Approve Drug Free Workplace Policy. MOTION (Dawson, Padgett) to approve Resolution 16-2022 as presented. Roll call vote – aye (5); nay (0). Motion passed.
10. Resolution 17-2022 to Authorize Agreement with Coast Professional Inc for Debt Collection. Collins explained the change in law in which unpaid court fines are no longer reported to the DMV for collection. Municipal Courts need a debt collection plan in place when past due payments go uncollected after 60 days. This agency will keep 18% of collected fees. MOTION (Farr, Stuth) to approve Resolution 17-2022 to authorize the agreement with Coast Professional for collections. Roll call vote – aye (5); nay (0). Motion passed.
11. Ordinance 5-2022 to Adopt No Parking on Specific Roadways (Walnut, Lovers Lane). Discussion took place about problem areas specifically in the Glen trailhead area anticipated with new kiosk installed. The PD desired a clear means of enforcement. Board members inquired about residential areas of Walnut and parking by property owners. Sgt Lundy was present and spoke to the problem areas primarily in the park area. MOTION (Stuth, Farr) to approve Ordinance 5-2022 with amended language to reflect the specific area identified on Walnut. Roll call vote – aye (5); nay (0). Motion passed.

Board Reports. Trustee Stuth announced that the PLEDG website is active. Mayor Bass commended the group of volunteers for continues hard work. Mayor Bass noted the Tri-lakes Chamber luncheon he attended along with Trustees Havenar and Stuth, and Dawn Collins. He encouraged the Board to consider participating in upcoming Chamber events.

Next Meeting (March 10) and Future Items, Next Retreat Date. Mayor Bass inquired about a next retreat date. Board members agreed to Friday, March 4, to begin at noon.

Convene to Executive Session. MOTION (Padgett, Farr) to convene to executive session at 5:34 PM 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) – possible annexation. Roll call vote – aye (5); nay (0). Motion passed.

Reconvene to Open Session. MOTION (Stuth, Farr) to reconvene to open session at 6:17 PM. Roll call vote – aye (5); nay (0). Motion passed.

Adjourn. MOTION (Padgett, Farr) to adjourn at 6:17 PM. Roll call vote – aye (5); nay (0). Motion passed.

Mayor William Bass

ATTEST: _____
Dawn A. Collins, Town Clerk

TOWN OF PALMER LAKE, COLORADO

RESOLUTION NO. 18-2022

A RESOLUTION TO CORRECT AN ADMINISTRATIVE ERROR ON POLICY FOR EMPLOYEE LEAVE DONATION 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, Colorado, employees may request or desire to donate benefitted leave to another eligible employee; and

WHEREAS, the Town encourages assistance for particular situations but recognizes that there are guidelines to consider for the protection of employees; and

WHEREAS, the attached Employee Leave Donation Policy is corrected to address such guidelines.

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 corrected Employee Leave Donation Policy, attached here to as Exhibit A.
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.

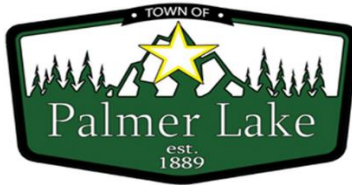
INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 10th DAY OF MARCH 2022.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
William Bass
Mayor



PAID LEAVE DONATION POLICY			
ISSUE DATE:	February 2022	REVISION DATE:	March 2022

I. PURPOSE

The Town recognizes that employees may encounter unexpected personal emergencies that result in a need for additional time off that is in excess of available paid leave time. This policy is to address those situations when an employee may donate a portion of accrued but unused vacation time. This policy is strictly voluntary.

II. POLICY

Employees eligible to accrue vacation time may donate and/or receive accrued but unused vacation time in accordance with the following terms.

A recipient of donated time must exhaust all of his/her available leave time and may *not* be covered by Worker’s Compensation. A recipient may initiate, or request, the donation process in anticipation of exhausting his/her accrued time. In no case may donated leave time cause a recipient to exceed 40 hours of pay (overtime) but may supplement the paycheck of a recipient up to the average of regular scheduled work hours in a typical pay period.

Reasons to Donate

1. Medical Emergency. Paid leave may be donated where the recipient has a major illness, injury or other medical condition that is life threatening and/or requires inpatient, hospice or emergency care for a prolonged period of time.
2. Family Medical Emergency. Paid leave may be donated where the recipient is providing care for an immediate family member including spouse or domestic partner, child (by birth, adoption or foster care; over 18 but unable to care for themselves because of a serious health condition) and parent (biological, foster, adoptive, stepparent, legal guardian, in-law) who has a major illness, injury or other medical condition that is life threatening and/or requires inpatient, hospice or emergency care for a prolonged period of time. A family medical emergency may also include extended time off following the death of an immediate family member.

Donation Guidelines. Donated leave time shall include accrued but unused vacation only. Employees who donate paid leave time must adhere to the following requirements:

- Donation must be made in one hour increments
- More than one employee may donate to the same recipient
- Employee’s total number of donated hours cannot exceed 160 hours within a calendar year
- Employees ineligible for paid leave time may not receive donated paid leave

- Employees decision to donate may not be revoked
- A recipient may receive a maximum of 240 hours in a calendar year

Process to Donate. Employees who wish to receive accrued time or to donate accrued time to another employee must submit a letter explaining the circumstance and identifying the reason to donate or receive time and submit it to the Town Administrator. Requests to donate are subject to approval from Administration.

Conversion of Donated Hours. Donated hours of leave will be converted to the recipient rate of pay to ensure the dollar value does not negatively impact the fiscal responsibility of the Town.

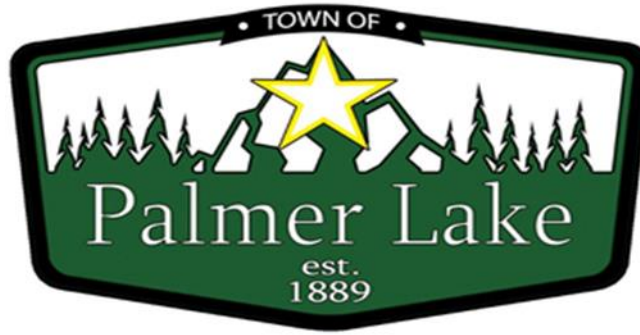
Town of Palmer Lake Water Use

1989 - 2021

Reservoir Capacity = 144.2 Ac. Ft.

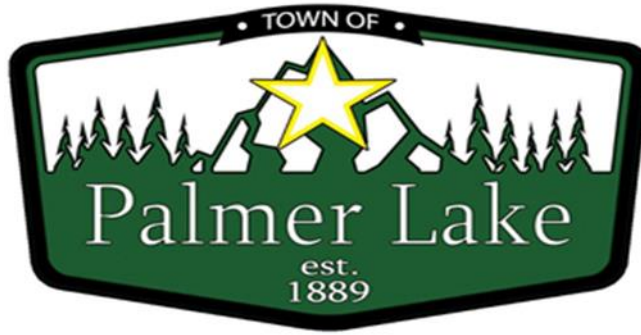
46,988,000 Mil. Gal.

Year	# Taps	Total Mil. Gal.	SW Ac. Ft.	GW Ac. Ft.	Total Ac. Ft.
1989	580	80,979,000	248.52		248.52
1990	589	75,160,000	230.66		230.66
1991	597	73,103,000	224.34		224.34
1992	604	76,815,000	235.74		235.74
1993	626	82,157,000	252.13		252.13
1994	667	78,869,000	242.04		242.04
1995	680	74,091,000	227.38		227.38
1996	696	83,245,000	255.47		255.47
1997	715	73,504,000	225.57		225.57
1998	742	78,954,000	242.3		242.3
1999	781	80,029,000	245.6		245.6
2000	794	90,293,000	277.1		277.1
2001	845	84,721,000	260		260
2002	884	66,958,000	205.49		205.49
2003	899	68,351,000	209.76		209.46
2004	911	70,729,000	176.86	40.20	217.06
2005	923	74,460,000	158.41	70.10	228.51
2006	935	77,210,000	176.75	60.20	236.95
2007	942	78,461,662	196.09	44.70	240.79
2008	944	81,378,028	179.97	69.77	249.74
2009	944	70,429,435	145.73	70.41	216.14
2010	948	71,742,615	124.16	96.01	220.17
2011	948	66,819,006	107.58	97.48	205.06
2012	951	70,963,831	133.98	83.8	217.78
2013	953	61,936,835	130.17	59.92	190.09
2014	955	59,209,646	152	29.72	181.72
2015	959	65,472,079	155.18	45.76	200.94
2016	966	67,554,127	140.47	66.86	207.33
2017	974	66,472,375	166.71	37.3	204.01
2018	983	58,388,557	133.04	46.16	179.2
2019	1001	63,084,000	121.81	71.8	193.61
2020	1023	64,723,000	120.12	78.52	198.64
2021	1035	68,205,000	123.61	85.69	209.3



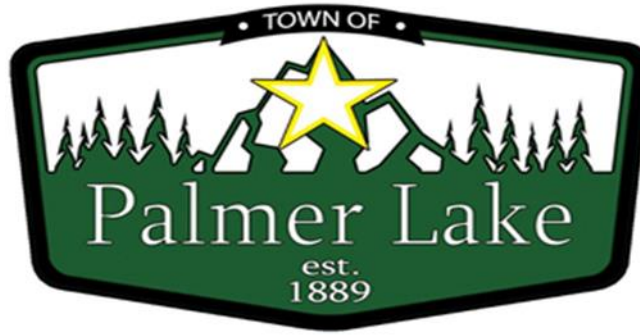
Board of Trustees Summary Sheet

	February 2022
Title	Department Monthly Report
Date	3/10/2022
Contact	Jason Dosch
Summary	<p>Graded roads Patched Potholes Cut tree limbs from ROW Replaced and repaired street signs Performed routine maintenance on equipment Emptied trash cans at Lake Rec. area Performed playground inspections Attended Parks Committee meetings Attended Special event review meetings Removed dead deer from ROW Plowed snow and sanded Town streets and parking lots Kept Town offices and bridge sidewalks clear of snow and ice Install parking kiosk at Trailhead parking lot Helped with Winterfest</p>
Training	Parking kiosk
Other Activity	<p>Planning Palmer Lake Elementary School Road Improvement project with Federal Grant funding Working with CDOT for \$200,000 in stimulus funds for next year for bridge upkeep Supported Water Dept. on water breaks</p>



Board of Trustees Summary Sheet

	February 2022
Title	PW - Parks Monthly Report
Date	3/10/2022
Contact	Jason Dosch – Parks Commission
Summary of Volunteer Hours	<p>15 Hours = Meetings 79 Hours = Winterfest: Broomball, planning, meetings with police, fire department and town officials, shoveling rinks, social media, emails, calls, driving for supplies, retail apparel design review pickup, event day 4 Hours = Other meetings, BNSF RR, BSA, ATL 20 Hours = Fireworks, emails, calls, zoom meetings and in person meetings, special events and liquor license forms, bands, AMR schedule, drawing maps, coordinating 2 sub committees for marketing strategies, vendors, volunteers, creating new online accounts, organizing and inventory of storage unit 22 Hours = Other duties, 5 year plan, researching and updating 2022 parks projects, POC updates, previewing parks meeting minutes and agendas, shed inventory and rearranging; researching materials, arranging cost of the Glen Park swing and hill curbing cushioning; spreadsheets</p>
Total Hours	140
Events	Winterfest 2/12



Board of Trustees Summary Sheet

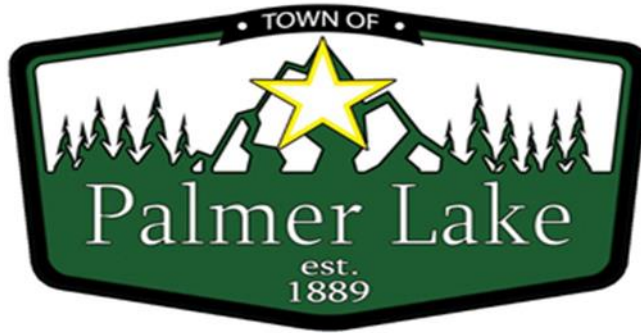
	Feb-Mar 2022
Title	Police Monthly Report
Action	N/A
Date	2/1-2/28/2022
Contact	J. Vanderpool
Summary	In the Month of February 2022, the PLPD conducted 51 traffic stops and issued 26 citations. Also, in the month of February 4 Traffic Accidents were investigated.
Training	Officers attended different trainings this month to including, SFST, RMS training, and Computer Security.
Photographs	The attached photographs of the suspect in the attempted murder and of Winterfest.
Other Actions	The Palmer Lake Police Department received a call in reference to a stabbing in the 800 block of Meadow Lane. Upon arrival Officer Bentley engaged the suspect and got medical assistance for both victims. Officer Bentley along with El Paso County Deputy Dahn were able to subdue the suspect and take him into custody. Due to the extent of this case, the El Paso County Sheriff's Office graciously took control of the scene and are assisting the PLPD with the investigation. The suspect remains in custody, for Attempted Murder, and Assault Charges. PLPD Officers participated in Winterfest 2022.

Active investigations	Palmer Lake PD officers have also investigated several Criminal Mischief cases, an Arson, and a Domestic Violence case.
Calls for service	Officers responded to 236 calls for service this month. 203 of these calls were in the Town of Palmer Lake, 33 were outside of town.
Code Enforcement	Code enforcement officers have been working with town residents in an effort to correct code violations throughout the town. Violators who have not complied or corrected their violations have been cited into court.
S.T.E.P.	S.T.E.P. was instituted in March of last year and seems to be making a difference.





Item 6.



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	03/04/2020												
Contact	Christopher McCarthy, Fire Chief												
Summary	<div style="border: 1px solid black; padding: 10px;"> <table border="1" style="margin-top: 10px; width: 100%; text-align: center;"> <thead> <tr> <th>Category</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>Fires</td> <td>2</td> </tr> <tr> <td>Rescue & Emergency Medical Services</td> <td>1</td> </tr> <tr> <td>Hazardous Condition - No Fire</td> <td>1</td> </tr> <tr> <td>Service Call</td> <td>2</td> </tr> <tr> <td>Good Intent Call</td> <td>1</td> </tr> </tbody> </table> <p style="text-align: right; font-size: small;">meta-chart.com</p> </div>	Category	Count	Fires	2	Rescue & Emergency Medical Services	1	Hazardous Condition - No Fire	1	Service Call	2	Good Intent Call	1
Category	Count												
Fires	2												
Rescue & Emergency Medical Services	1												
Hazardous Condition - No Fire	1												
Service Call	2												
Good Intent Call	1												

Incident Type	Incident Total	Percent Total
118 - Trash or rubbish fire, contained	2	9.09%
321 - EMS call, excluding vehicle accident with injury	16	72.73%
444 - Power line down	1	4.55%
522 - Water or steam leak	2	9.09%
600 - Good intent call, other	1	4.55%
Incident Total	22	

Significant Events:

None

Training:

EMS: Case Study and Protocol review, Medical and Trauma scenarios

Fire: Fire Instructor I, II and III, Fire Officer I and II, Firefighter Skills, Driver/Operator Pumper, and Wildland Training.

Total: 325.5 hours







CONTACT US REPORT - FEBUARY - 2022

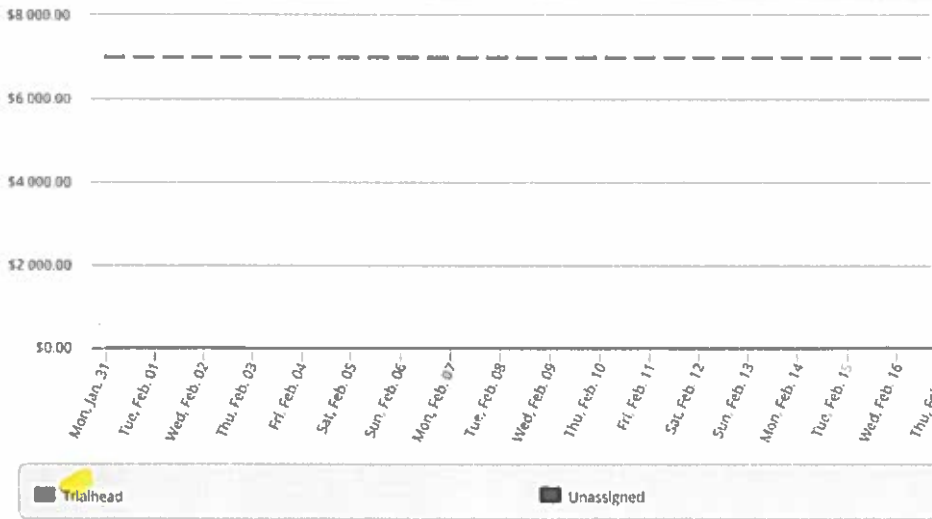
	Submitted Time	First Name	Subject
1	02/01/2022 - 6:33 pm	Gloria	Guest Article
2	02/06/2022 - 2:45 PM	K	Marijuana Pot Store
3	02/09/2022 - 1:07 PM	John	Short Term Rental - Tax
4	02/21/2022 - 11:00 AM	Alicia	Pavilion Rental
5	02/28/2022 - 12:37 PM	Kelsey	Application for Construction

Item 8.

T2 Iris

LAST week ~ FEB. 2022

TOTAL REVENUE BY DAY



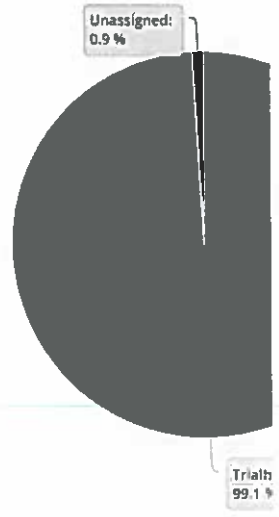
TOTAL REVENUE LAST 30 DAYS

\$1 224.30

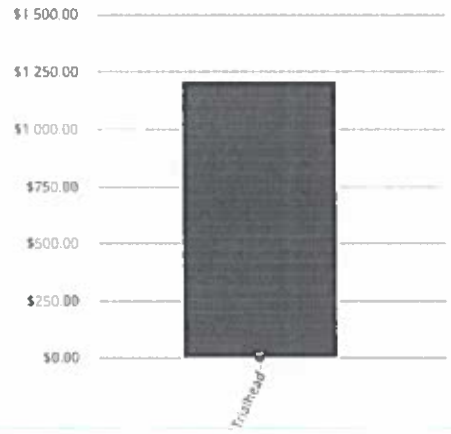
TOTAL REVENUE LAST 7 DAYS

\$508.80

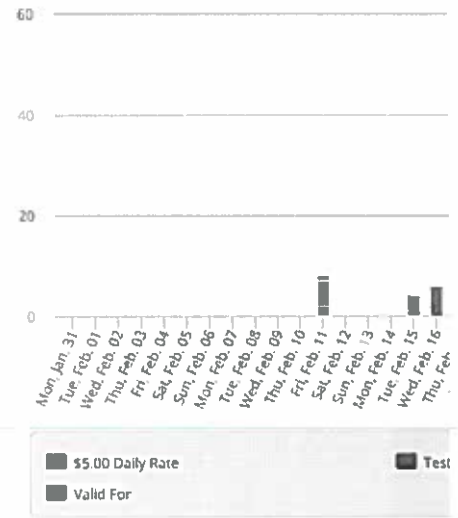
TOTAL REVENUE BY LOCATION



TOTAL REVENUE BY LOCATION



PURCHASES BY RATE



TOP 5 LOCATIONS LAST 30 DAYS

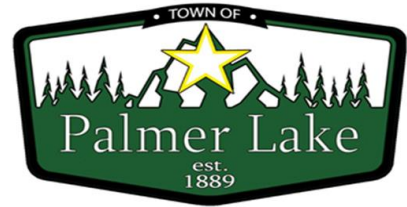
Location	Revenue
Trialhead	\$1 213.70
Unassigned	\$10.60

BOTTOM 5 LOCATIONS LAST 30 DAY

Location	Revenue
Trialhead	\$1 213.70
Unassigned	\$10.60

TOP 5 PAY STATIONS LAST 30 DAY

Pay Station	Revenue
Trialhead	\$1 224.30



Item 11.

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

DATE: March 10, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Resolution to Appoint Parks Commission Members

Background

The vacant seats for Parks Commission were reviewed Monday, 3/7 at the Parks Commission meeting.

The resolution will note the members recommended for Board approval of appointment for the terms noted.

**TOWN OF PALMER LAKE
EL PASO COUNTY
STATE OF COLORADO**

RESOLUTION NO. 19-2022

**A RESOLUTION TO APPROVE APPOINTMENTS TO PARKS COMMISSION,
PALMER LAKE, COLORADO**

WHEREAS, Palmer Lake is a statutory town organized under Part 3 of Article 4 of Title 31 of the Colorado Revised Statutes; and

WHEREAS, pursuant to State Statute and the Palmer Lake municipal code, the Board of Trustees is authorized to fill the offices for the Town Parks Commission; and

WHEREAS, the Parks Commission members voted on March 7, 2022, to recommend approval of two applicants to fill two seats on the Parks Commission.

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

Section 1. The following identifies two individuals recommended by the Parks Commission to fill the two-year terms of appointment to the Parks Commission for the Town of Palmer Lake:

Two-Year term (ending January 2024)

- Cindy Powell
- Andy Maguire

Section 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.

Section 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.

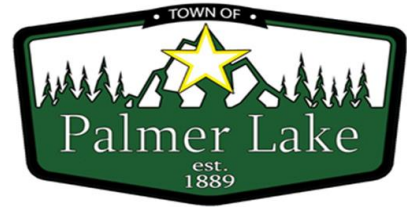
INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 10th DAY OF FEBRUARY 2022.

TOWN OF PALMER LAKE, COLORADO

William Bass, Mayor

ATTEST:

By: _____
Dawn A. Collins, Town Administrator/Clerk



TOWN OF PALMER LAKE
BOARD OF TRUSTEES - AGENDA MEMO

DATE: March 10, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Direction for Use of Water at Ballfield

Background

Awake the Lake is considering a grant opportunity with Scott’s to improve the ballfield. One of the requirements will be to water grass. This request was reviewed with the Parks Commission and although the vote was 4-0 in support of artificial turf for the outfield only, two members have contacted the office to reconsider the item, in favor instead of supporting partial grass field.

The approximate amount of watering is laid forth here –

The enclosed maps a total turf area of 32,465 square feet (1,923 infield and 30,388 outfield).

With 43,560 sf in an acre, this is 0.744 acres of land. Turf grass water requirements at 2.33 acre feet per acre, meaning that 0.744 acres of ballpark turf would require approximately 1.7 acre feet of water annually.

This is equivalent to approximately 5 single family homes - assuming 0.353 acre feet per SFE average consumption.

Thus, ballfield watering would be comparable to utilization of about 5 water taps from the estimated number.

Staff’s request of this item is for Board action to support – or not – the committed watering in order that ATL may apply for the Scott’s grant this week.

Palmer Lake

Little League Field Grass/Turf Area

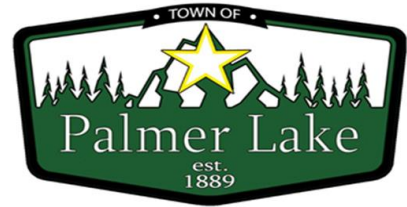
Item 12.



Google Earth

100 ft





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

DATE: March 10, 2022	ITEM NO.	SUBJECT:
Presented by: Town Administrator /Clerk		Preliminary Review of FAMLI

Background

Pursuant to the approved Proposition 118 in the November 2020 election, a state-run paid Family Medical Leave Insurance (FAMLI) program will take effect January 2023. It is an “opt out” plan for municipalities. This program will impact the town budget and employees if considered. It is my understanding the town is not required to provide a paid family and medical leave plan by state law.

This information is preliminary in nature for your review.

Staff will be gathering additional material as it is made available for consideration. The deadline to opt out of the 2023 plan is July 1, 2022; thus, we will begin reviewing this program. As more information becomes available about rules, we will bring this item back to you.

Action will be required by the second meeting in June.



What municipalities need to know about FAMLI

By Megan Decker, CML law clerk

In November 2020, Colorado voters approved Proposition 118, which paved the way for a state-run Paid Family Medical Leave Insurance (FAMLI) program. Although the program is not effective until January 2023, now is the time to start making decisions regarding your municipality and FAMLI participation and compliance. Local decisions can impact budgets, employee compensation, and human resources issues.

Overview of FAMLI

FAMLI provides workers 12 weeks of paid leave to take care of themselves or a family member during life events like injury, serious illness, or pregnancy. Participating employers and employees will contribute to premiums for FAMLI. Employers start collecting and remitting premiums Jan. 1, 2023, and benefits will be available starting Jan. 1, 2024.

Premiums are calculated under new administrative rules. A participating municipality must contribute 50% of the premium and the employee contributes the remainder. If a municipality does not participate, the employee is responsible for 50% of the premium and the municipality can, but need not, deduct the employee portion from payroll and remit it to the state. A municipality that miscalculates premiums is responsible for the difference and cannot collect that amount from the employee.

Opting out

All municipalities are included in FAMLI by default, but a municipality may opt out and avoid the employer portion of premiums by a vote of a governing body. The municipality must give prior notice of the vote in the same manner it notices other public business, must provide special notice to employees, and must take testimony before voting. Declination takes effect in 180 days so employees can

individually opt in to the FAMLI program at their own cost. Within 30 days of the vote, a municipality must provide various notices that include:

- An explanation of differences between the FAMLI plan and any municipal private plan
- Employee eligibility for job protection under the federal Family and Medical Leave Act
- Information on opt in to FAMLI
- Contact information

All notices, whether for opting out or back in, must be posted in conspicuous and accessible places where employees work. If the municipality does not maintain a physical workspace or has employees who telecommute, the notice must be posted in a conspicuous place through a web-based or app-based platform. Notices must be posted in English and any language representing the first language spoken by at least five percent of the local government's workforce.

Administrative rules require that a municipality renew its decision to opt out of FAMLI every eight years. Otherwise, the local government will, by default, be opted back into the FAMLI program. **A vote to opt out starting in 2023 should occur by July 1, 2022, to ensure compliance with the timing requirements.**

Opting back in

A municipality that previously opted out of FAMLI may opt back in if the governing body elects FAMLI program coverage at the beginning of the annual local budgeting cycle. After the vote, the municipality must register as an employer with the FAMLI Division before collecting employer premiums. Coverage would begin no later than the first quarter after the municipality's notice to the FAMLI Division of the vote and submission of at least one quarter's premium amount on

behalf of the employer and its employees. Municipalities who opt into FAMLI must stay in the program for at least three fiscal years. The first year begins on the first day of employee coverage — not the first day a municipality collects premiums.

No more than 90 days after the vote, individual employees who opted in must be personally notified in writing that the municipality has opted back into FAMLI. The notice must include that date for the municipality's first submittal of quarterly premiums and any potential lapses or changes in benefits eligibility.

The local government must publicly post a notice of the date the employer will begin paying FAMLI premiums and when coverage is expected to start.

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

Additional resources

The Colorado Supreme Court recently agreed to hear an immediate challenge to FAMLI premiums brought under TABOR. The Denver District Court upheld the FAMLI premium requirement in 2021. Additional information regarding FAMLI can be found at famli.colorado.gov.

Correction: The Feb. 11 Legal Corner should have been attributed to Rachel Bender, CML associate counsel.

This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorney.

DEPARTMENT OF LABOR AND EMPLOYMENT

Division of FAML I

REGULATIONS CONCERNING LOCAL GOVERNMENT PARTICIPATION WITH THE PAID FAMILY MEDICAL LEAVE PROGRAM

7 CCR 1107-2

2.1 Authority

This regulation is adopted pursuant to the authority in section 8-13.3-522 C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 et seq. (the "APA"), C.R.S. and the Paid Family and Medical Leave Insurance Act, sections 8-13.3-501 through 524 et seq. (the "Act"), C.R.S.

2.2 Scope and Purpose

- A. This regulation will govern the Family and Medical Leave Insurance program pursuant to 8-13.3-522 C.R.S., concerning the process for local government employers to decline participation in the program.
- B. This regulation will govern the process of a local government electing into the FAML I Program, after initial declination.
- C. This regulation will govern the notification requirements of local government employers to their employees regarding any vote to decline FAML I coverage, the outcome of such a vote, and the ability of local government employees to voluntarily elect coverage as individuals.
- D. This regulation does not apply to any other employer classifications within the State of Colorado, including but not limited to people who are self-employed.

2.3 Applicability

The provisions of this section will be applicable to all local government entities within the State of Colorado.

If any part of these rules is held invalid, the remainder shall remain valid, and if any part is held not wholly invalid, but in need of narrowing, it will be retained in narrowed form.

2.4 Definitions

"FAML I" is defined as the Paid Family and Medical Leave Insurance Act, sections 8-13.3-501 through 524 (the "Act"), C.R.S.

"Fund" has the same meaning as in §8-13.3-503 (12) C.R.S.

“Division” has the same definition as 8-13.3-503 (5) C.R.S.

“Governing Body” has the same meaning as in both §31-1-101(4) C.R.S and §32-1-103(8) C.R.S.

“Local Government” has the same meaning as a county, city and county, city, or town whether home rule or statutory, or any school district or a special district created pursuant to the “Special District Act,” article 1 of title 32, C.R.S. and as outlined in 24-19-102. C.R.S., authority or other political subdivision of the state.

“Premium” is defined as the money payments required pursuant to 8-13.3-507 C.R.S., to finance the payment of family and medical leave insurance benefits and administer the family and medical leave insurance program.

2.5 Local Government Employer Participation

- A. Pursuant to Regulation 2.6, local government employers are required to formally notify the Division in writing and provide both the date of the vote, and the local government’s decision to decline participation in the FAML I program.
1. Local governments which have previously declined participation in the FAML I program pursuant to 8-13.3-522 C.R.S., may subsequently elect coverage by first registering as an employer with the FAML I Division prior to the collection of employer premiums.
 2. Local governments which have previously declined participation in the FAML I program pursuant to 8-13.3-522 C.R.S., may subsequently elect FAML I Program coverage at the beginning of the annual cycle relevant to the local government’s budgeting cycle.
 3. The ability of a local government to either decline participation in the FAML I program or elect coverage following a previous declination is subject to a vote of the governing body of each local government entity pursuant to this Regulation and Regulation 2.6 of 7 CCR 1107-2, A local government may not decline participation in the FAML I program in part. Any such declination of a local government is a full declination of FAML I program participation for that local government employer.
- B. Local government employers which have previously declined coverage and now wish to elect coverage of FAML I benefits for their employees pursuant to §§8-13.3-522 (3)(b) C.R.S., may subsequently elect coverage by an affirmative vote of a majority of a quorum of the local government’s governing body.
- C. A local government which has previously declined coverage must renew the declination through a similar vote process and margin no later than every eight years. In the absence of a vote further declining coverage, the local government will become a

covered employer. The local government must inform the Division of a declination vote in writing which includes the date the vote was taken.

- D. When a local government employer returns to coverage pursuant to Regulation §§ 2.5 (B) or §§ 2.5 (C) of 7 CCR 1107-2, coverage will begin no later than one quarter after the local government has notified the Division of a change of the vote to elect coverage pursuant to 7 CCR 1107-2, §§ 2.5 (B) or its deadline to renew its declination pursuant to 7 CCR 1107-2, §§ 2.5 (C) and have submitted at least one quarter's premium amount on behalf of both the employer and its employees into the fund.
- E. Local government employees who have individually opted into the benefits program pursuant to 8-13.3-514 C.R.S., will not pay a double premium amount, and must be given notice by the local government employer of a date corresponding with the beginning of a calendar quarter at which a premium amount will be submitted to the Division on their behalf.
1. The purpose of the notice by the local government employer of the date at which a premium amount will be submitted to the Division on behalf of an employer is to inform the employee of any potential lapses or changes in benefits eligibility.
 2. This notice must be delivered in writing and or through electronic communication to the employee by their local government employer no later than 90 days after the vote.
 3. The local government employer must also publicly post notice of the date of the first day the employer will begin paying FAMLII premiums and when coverage is expected to start.
- F. Eligible employees who have not been previously covered as individual participants employed by a newly participating local government will begin full benefit eligibility the first day of the following quarter after the premiums are received by the Division.
1. Local government employers that have previously declined participation and then subsequently elect or return to coverage under the FAMLII program must remain in the program for a minimum of three fiscal years corresponding to the date the local government elected coverage began.
 - a. The three year cycle begins on the first day of employee coverage.
 - b. The notice of the intent to decline future coverage must be delivered in writing to the Division no later than 90 days prior to the end of the three year cycle pursuant to this regulation.
 2. Employees must also be notified in writing, both posted and directly notified no later than 180 days of the pending or upcoming return to or withdrawal of coverage pursuant to this regulation.

- a. Local government employers will display a notice containing the information required in this regulation in a conspicuous and accessible place in each establishment where employees are employed; provided, however, in cases where the local government employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification will be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform.
- b. The written notice and posting will contain an explanation of employee rights under the FAMLI program including but not limited to program requirements, benefits, claims process, payroll deductions and premiums, the right to job protection and benefit continuation under 8-13.3-509 C.R.S., protection against retaliatory personnel actions or other discrimination, relevant contact information for the Division, and other pertinent information.
- c. The notice and poster required by this regulation will be in English and in any language representing the first language spoken by at least five percent of the local governments employer's workplace. The Division will create and make available to local government employers posters and notices containing information required in this regulation, and local government employers may use the posters and notices to comply with the requirements of this section.

2.6 Process and Notification of FAMLI Program Declination

- A. Local government employers are permitted to decline to participate in the FAMLI program after a written notice has been delivered to the FAMLI Division memorializing the decision by an affirmative vote of the local government's governing body to decline participation in the program. Such a vote will follow the local government's or special district's procedures for other formal votes of the governing body.
 1. A declination vote will not take effect with a resulting change in coverage until after 180 days after the vote, to allow individual employees the opportunity to opt into the benefits program pursuant to 8-13.3-514 C.R.S., should individuals choose to elect coverage.

2. Public notice must be given in the same manner as any other business before the governing body, and the local government will take/hear testimony prior to the vote, pursuant to the procedural rules of the governing body. The local government's employees must also be notified in writing prior to the vote and provided both information regarding the vote process and opportunity to submit comments through a public process to the governing body.

3. Within 30 days following a local government declination vote, the local government must provide its local government employees with a written individual notice of the local government's declination vote and the impact toward FAML I ,or other paid family and leave insurance coverage. The written notice, must at a minimum, explain the differences between benefits offered by the FAML I program and any private plan offered by the local government. The notice must also state which employees, if any, are eligible for job protection under the federal Family and Medical Leave Act (FMLA) benefits or other local provisions were applicable.

4. Written notices must contain information regarding the right of local government employees to voluntarily opt into FAML I benefits pursuant to 8-13.3-514 C.R.S., and the contact information for the Division. Local government employers will display a notice containing the information in a conspicuous and accessible place in each establishment where employees are employed; provided, however, in cases where the local government employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification will be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform. The notice and poster required in this regulation will be in English and in any language representing the first language spoken by at least five percent of the local government employer's workforce. The Division will create and make available to local government employers posters and notices containing the information required in this regulation, and local government employers may use the posters and notice to comply with the requirements of this section.

- (a) It is the responsibility of the local government employers to request printed materials from the Division. Local government employers may be responsible for the printing and mailing costs of such materials.
- (b) It is the responsibility of the local government to provide written notification to the Division of the local government employers interpretation needs of printed notices for languages other than English or Spanish.

B. The declination period is not permanent and participation must be reconsidered, and the Division notified at a minimum of every 8 years. The governing body may reconsider and elect coverage annually pursuant to 7 CCR 1107-2, Regulation 2.5.

2.7 Overpayments

Any overpayment by a local government employee whose employer opts back into the program will be repaid to the employee by the Division. The Division will ensure a continuation of coverage for local government employees who have individually opted into the benefits program pursuant to 8-13.3-514 C.R.S., and ensure no lapse in coverage prior to the local government's reinstatement of coverage.