



CITY COUNCIL REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

December 01, 2020 - 6:00 PM

AGENDA

Please register for Regular City Council Meeting

<https://attendee.gotowebinar.com/register/2923586433681497360>

After registering, you will receive a confirmation email containing information about joining the webinar.

To watch live meetings: https://c.streamhoster.com/embed/media/W6sdC9/xAllQfSsmm0/vpfQhcsApYv_5?preview=1

CALL TO ORDER

Pledge of Allegiance

Roll Call

Civility Invocation

1. Civility Invocation

CONSENT AGENDA

2. Approve Agenda

3. Approve November 17, 2020 Meeting Minutes

CITIZEN COMMENT—Three (3) Minute Time Limit

NEW BUSINESS / ACTION ITEMS

4. Resolution 2020-42 A Resolution of the City Council of the City of Salida, Colorado, Amending, Consolidating and Clarifying the City's Electronic Participation Policy for the use in the Event of a Local Emergency Declaration

5. Declaration of Extension of State of Local Emergency – COVID-19 Action Plan Implementation

6. Ordinance 2020-12 An Ordinance of the City Council of the City of Salida, Colorado, Concerning Elections, and Creating a New Section 2-1-60 of the Salida Municipal Code to Create a Process for Addressing Complaints Alleging Campaign Finance Law Violations in City Elections

7. Request for Reimbursement for the Emergency Response Fund – Chaffee County Community Foundation

8. Designation of Voting Members of the Colorado Association of Ski Towns

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2630 at least 48 hours in advance.

Council Reports

- Critelli, Kasper, Pappenfort, Pollock, Shore, Templeton

Mayor Report

Treasurer Report

ADJOURN



City Clerk | Deputy City Clerk

Mayor P.T. Wood

CIVILITY INVOCATION

We are here working together to create a thriving community. It is the intention of the Salida City Council to promote civil communication by adopting the following guidelines for speaking to the public in the City Council Chambers. It is our hope that by acting in this manner we can help create a safe space for people to share their perspectives and opinions:

- We honor the opportunity to be engaged in the process of governance for the benefit of our community.
- We acknowledge that each of us brings a unique perspective to this conversation and that our perspectives may differ.
- We challenge ourselves to value varying points of view and hold all contributions as equally important.
- We understand and accept that while we may sometimes disagree, we can always be courteous and kind.
- We commit to respectful language, avoiding rumor, harsh criticism or personal accusation, even when feeling emotionally charged.
- We will, to best of our ability, speak thoughtfully and listen with attention, respect, and curiosity.
- We are confident that there may be even better solutions than any of us have thought of, which may be discovered through civil conversations.
- We commit to the City of Salida being a hate-free zone and declare and affirm a policy of non-discrimination on the basis of a person's race, color, religion, ancestry, national origin, age, sexual orientation, gender, gender identity, marital status, military or veteran status, socio-economic class, medical condition, or physical or mental disability.



CITY COUNCIL REGULAR MEETING

448 E. 1st Street, Room 190 Salida, Colorado 81201

November 17, 2020 - 6:00 PM

MINUTES

CALL TO ORDER

Pledge of Allegiance

Roll Call

PRESENT

Council Member Alisa Pappenfort

Council Member Dan Shore

Council Member Harald Kasper

Council Member Jane Templeton

Council Member Justin Critelli

Council Member Mike Pollock

Mayor PT Wood

Treasurer Merrell Bergin

CIVILITY INVOCATION

CONSENT AGENDA

Administrator Nelson advised the Elk's Special Event Applications had been withdrawn from the Consent Agenda.

Council Member Shore moved to remove the Community Center Construction Contract Discussion to the first item on New Business, Seconded by Council Member Kasper.

Voting Yeas: Council Member Pappenfort, Council Member Templeton, Council Member Critelli, Council Member Pollock

The Motion Passed.

Council Member Shore motioned to combine and approve the amended Consent Agenda, Seconded by Council Member Critelli.

Voting Yeas: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

The Motion Passed.

1. Approve Agenda

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2. Approve November 2, 2020 Meeting Minutes
3. Approve 2021 Chaffee County Search and Rescue Car Show
4. Approve Chaffee County Services Contract for Recycling

CITIZEN COMMENT—Three (3) Minute Time Limit

Letter from Chaffee County Hospitality Inc.

Adam Martinez gave a PROST Board Update.

NEW BUSINESS / ACTION ITEMS

Community Center Discussion

Council Member Templeton moved to approve the IICDN Community Center Construction Contract with a contingency for radon and sound mitigation at a later date. Seconded by Council Member Shore.

Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli,

Voting Nay: Council Member Pollock

The Motion Passed.

LIQUOR LICENSING AUTHORITY

Public Hearing – A Hearing to review a Transfer of a Hotel and Restaurant Liquor License from Quincy’s Inc. dba Quincy’s to Santa Fe Trail Bar and Grill dba Santa Fe Trail Bar and Grill for the City of Salida, 710 Milford Street.

Mayor Wood, acting as presiding officer of the Authority, opened the public hearing. City Attorney Williams entered the City Administrator and City Clerk’s Administrative Report and Investigative Findings into the record on behalf of the City and, based upon all the documentation and evidence set forth therein, as well as the applicable statutory and case law, recommended not approving the Liquor License Transfer. City Police Chief Johnson then testified that it was the conclusion of the Police Department that the approval of the liquor license transfer was not appropriate due to Andrew Romero’s extensive criminal history, and several cases involving alcohol and serving minors. After the City presented its evidence and witnesses, Mayor Wood called the Applicant to present its case. The Applicant did not attend the hearing, or present testimony or evidence, either in Council chambers in-person or remotely on the GoToWebinar forum. The Mayor then called for any public comment, or testimony from parties in interest. There

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were no comments, and no oral or written testimony submitted, and the Mayor then closed the public hearing. The members of the Authority then deliberated, asked pertinent questions and considered all evidence and testimony in front of them.

Council Member Critelli moved to deny the application as of November 17, 2020, for a Transfer of Ownership Hotel and Restaurant Liquor License for Santa Fe Trail Bar and Grill LLC dba the Santa Fe Bar and Grill located at 710 Milford Street, Salida, Colorado, for the following reasons:

1. A public hearing has been held and the Authority has considered all the evidence in the record, and testimony given; all reasonable State and local requirements of this transfer application; and all other pertinent matters affecting the qualifications of the Applicant for the conduct of the type of business proposed.
2. State liquor law prohibits a liquor license to be issued or held by a person (or a business entity with interest by a person) whose character, record and reputation are not satisfactory to the licensing authority. When determining these factors, a licensing authority must take into consideration relevant criminal convictions, and pertinent circumstances connected with such convictions, that affect the qualifications of the applicant for the conduct of the proposed business. The licensing authority must also consider any information the applicant provides regarding your criminal records, including character references, educational achievements and evidence of rehabilitation, especially those pertaining to the period of time between the applicant's last criminal conviction and the consideration of his application for a license. Misrepresentations of material fact on the liquor license application also are likely factors to disqualify the applicant.
3. The record and testimony established at the public hearing demonstrates that the sole member of the Applicant LLC has relevant criminal convictions, and pertinent circumstances connected with such convictions, that will likely affect Applicant's qualifications to conduct the proposed business, has relationship to the sale and service of alcohol, are crimes of moral turpitude, and tend to show that the Applicant cannot comply with his duties under the Liquor Code.
4. The Applicant has not submitted mitigating information, documentation, or evidence regarding the criminal history record of Andrew Romero.
5. Additionally, the Applicant made a significant misrepresentation of material fact regarding Andrew Romero's criminal conviction history in the submitted Individual History Record, which was signed, under oath and declared "under penalty of perjury that [the] application and all attachments are true, correct, and complete to the best of my knowledge."
6. These egregious misrepresentations of material fact, made and affirmed under penalty of perjury, are additional relevant factors disqualifying the Applicant from holding a liquor license."

Seconded by Council Member Kasper. Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

The Motion Passed Unanimously.

COUNCILORS, MAYOR AND CITY TREASURER REPORTS

Council Reports

Pollock relayed that he had worked and volunteered at the Community Center for years. He said he appreciated the work they do and was committed to partnering with them going forward.

Pappenfort wished the community a happy and safe Thanksgiving, asking that the community wear masks, wash hands, and take precautions to slow the spread of the virus.

Shore advised that a \$5,000 grant was awarded for an Elected Officials and Community Facilitated Program.

Kasper asked if the Public Art Commission could work towards art pieces for the City that would symbolize an inclusive and hate-free community.

Templeton seconded Pappenfort's comments and expressed dismay at individuals that weren't following basic virus precautions.

Critelli also agreed with Pappenfort and felt discomfort and confusion with employers that weren't requiring employees to wear masks or follow public health capacity guidelines.

Mayor Report

Wood said that on a recent CML call, regarding the virus, it was shared that small group gatherings were the cause of recent spikes.

He also joined a CC4CA call where they discussed greener outdoor heater options rather than using propane.

Treasurer Report

Bergin relayed that City sales tax was up 33% in September, the highest ever recorded. Retail driving the tax growth along with Accommodation and Food Service, Manufacturing, and Construction sectors. The City was \$800,000 under budget due to reduced spending by City Departments.

EXECUTIVE SESSION

For the purpose of discussing the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest in accordance with C.R.S. Section 24-6-402(4)(a), with the following additional details for identification purposes: regarding a lease of City property.

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Council Member Shore moved to enter into Executive Session, Seconded by Council Member Kasper.
Voting Yea: Council Member Pappenfort, Council Member Shore, Council Member Kasper, Council Member Templeton, Council Member Critelli, Council Member Pollock

The Motion Passed.

Council entered Executive Session at 7:31 p.m. and returned to the regular meeting at 7:48 p.m.

ADJOURN

Adjourned at 7:49 p.m.



City Clerk | Deputy City Clerk

Mayor P.T. Wood



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: December 1, 2020

ORIGINATING DEPARTMENT: Administration, Legal		PRESENTED BY: Drew Nelson
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ITEM: Resolution 2020-42 Amending, Consolidating and Clarifying the City’s Electronic Participation Policy for Use in the Event of a Local Emergency Declaration

BACKGROUND:

Amidst the ever changing impacts and realities of this historic global pandemic, staff has been adapting and pivoting as best we can on behalf of the community. This includes balancing the important considerations of health/safety, while maintaining open access to local government and ensuring the due process of fair hearings.

To that end, and due to the increase in COVID cases and the recent amendment of the City of Salida COVID 19 “Action Plan,” it has become apparent that the City’s “original” Electronic Participation Policy, adopted by Council via Resolution 2020-11 on March 17, 2020, must be updated and amended.

Also, staff feels it is helpful to consolidate and clarify all other City guidance relating to remote or virtual participation in public meetings and hearing. Therefore, this Resolution supersedes and incorporates all pertinent and still relevant portions of the City Clerk’s April 2020 “How to Participate in Virtual City of Salida Meetings,” and the June 2020 “Procedures for Quasi-Judicial Hearings in Adherence to COVID-10 Precautions,” implemented and approved by the Community Development Director and the City Planning Commission.

FISCAL NOTE:

There will be no notable fiscal cost or impact resulting from the amendment of this City’s Electronic Participation Policy.

STAFF RECOMMENDATION:

Staff, including administration, clerk, community development and legal, recommend approval of this Resolution and of the amended Policy.

SUGGESTED MOTION:

“I move to approve Resolution 2020-42, amending, consolidating and clarifying the City’s Electronic Participation Policy for Use in the Event of a Local Emergency Declaration.”

**CITY OF SALIDA, COLORADO
RESOLUTION NO. 42
(Series of 2020)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING, CONSOLIDATING AND CLARIFYING THE CITY'S ELECTRONIC PARTICIPATION POLICY FOR USE IN THE EVENT OF A LOCAL EMERGENCY DECLARATION

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to Section 24-33.5-709 of the Colorado Revised Statutes, the City has the authority to declare a local disaster or emergency; and

WHEREAS, pursuant to Salida Municipal Code (“Code”) Section 2-17-10, the City proclaimed a local state of emergency on March 13, 2020; and

WHEREAS, the City Council ratified the emergency declaration on March 17, 2020, and has since approved numerous Declarations of Extension of Local State of Emergency which also have implemented the City of Salida’s COVID-19 Action Plan; and

WHEREAS, also on March 17, 2020, because City government must continue to operate during a local disaster, pandemic or emergency, while taking measures to protect the health and welfare of its employees, officials and citizens, the City Council approved Resolution 2020-11 adopting an Electronic Participation Plan for Use in the Event of a Local Emergency Declaration; and

WHEREAS, to further assist participation in City government, while protecting the health and safety of all City residents, employees and businesses, in April 2020 the City Clerk announced and distributed instructions in entitled “How to Participate in Virtual City of Salida Meetings,” and in June 2020 the Community Development Director and the City Planning Commission approved and implemented “Procedures for Quasi-Judicial Hearings in Adherence to COVID-10 Precautions;” and

WHEREAS, City Council has determined that it is in the best interest of the public health, welfare, and safety of the residents of the City of Salida to amend and update its previously adopted Emergency Electronic Participation Policy, which also combines and clarifies all other City guidance relating to remote or virtual participation in public meetings and hearings.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:

Section 1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.

Section 2. City of Salida Resolution 2020-11 is hereby repealed and replaced by this Resolution 2020-42.

Section 3. A Council member's participation in a Council meeting by electronic means pursuant to the following policy shall constitute attendance at the meeting for purposes of Salida Municipal Code section 2-2-60. A City board or commission member's participation in a City board or commission meeting by electronic means pursuant to the following policy shall constitute attendance at the meeting for purposes of Salida Municipal Code section 2-7-50.

**ELECTRONIC PARTICIPATION POLICY
FOR CITY COUNCIL MEETINGS AND MEETINGS OF CITY BOARDS AND
COMMISSIONS DURING A LOCAL DISASTER EMERGENCY**

I. Purpose.

The purpose of this Policy is to specify the circumstances and means under which the City Council, and City boards and commissions, shall conduct regular and special meetings by telephone, internet, online or other electronic means of participation, such as video-conferencing that is clear, uninterrupted and allows two way communication for the participating members ("Electronic Participation").

II. Statement of General Policy.

The City Council, or a City board or commission, may conduct regular or special meeting and allow for Electronic Participation, upon the City's declaration of a local disaster emergency pursuant to Colorado Revised Statutes Section 24-33.5-709.

A. Emergency Situations.

Meetings may be held by telephone, internet, online, electronically, or by other means of communication if all of the following conditions are met:

1. A local disaster emergency has been declared pursuant to Section 24-33.5-709, Colorado Revised Statutes; and
2. All members of the City Council, or of the City board or commission, and at least one City staff member can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation; and
3. Members of the public can hear the City Council's, or City board or commission's, proceedings and are afforded opportunities to participate in public comment; and
4. All substantive votes are conducted by roll call.

III. Effect of Electronic Participation.

A. Quasi-Judicial Matters.

1. In the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature at a meeting at which this policy is in effect, the City shall advise the applicant and public of such circumstances.

2. City Councilmembers, Board members and Commissioners, applicants, staff and the public are asked to attend meetings virtually whenever possible utilizing the City's GoToWebinar platform. The GoToWebinar link will be at the top of the agenda. Questions may be submitted in writing up to 12pm the day of the meeting at publiccomment@cityofsalida.com. The meeting may also be viewed on the City of Salida Colorado YouTube channel, or Channel 191 on Charter Cable.

3. The in-person and/or electronic attendance and participation of City Councilmembers, Board members, Commissioners, applicant, appellant, staff and the public shall be governed by the City of Salida Action Plan and which listed "Tier" or "Level" of the pandemic the City is in at the time of the hearing.

4. If public in-person participation is permitted by the City of Salida Action Plan for the applicable "Tier" or "Level," there are limited opportunities for the public to attend the meeting in person and give testimony. During those opportunities, the City asks for the public's patience as it implements the following precautions:

- a. Six feet of social distancing required inside and outside the Council Chambers;
- b. Masks must be worn;
- c. Members of the public who wish to provide testimony in-person may wait outside the building by the northwest entrance after completing the public hearing sign-in. Each speaker will be escorted from outside to the lectern individually for their comments. After speaking they must exit the Chambers and the next speaker will be ushered in;
- d. Those requesting to attend in-person must not have any symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue and muscle or body aches. The self-evaluation symptoms will be posted outside the entrance to the Council Chambers;
- e. We request speakers limit their time giving testimony to three minutes each.

5. The order of the quasi-judicial hearing shall be:

- a. Staff report and recommendation followed by questions from the Council, Board or Commission;
- b. Applicant presentation followed by questions from the Council, Board or Commission;
- c. Chair shall invite the public to speak in the following order:
 - (i) In-person speakers, followed by
 - (ii) On-line speakers.
- d. Close the public hearing for discussion amongst the Council, Board or Commission.
- e. Motion is made; seconded and Council, Board or Commission vote.

B. Executive Sessions.

In the event that the City Council, or City board or commission, holds an executive session pursuant to Section 24-6-402, Colorado Revised Statutes, participants shall be authorized to attend via Electronic Participation. Any executive session conducted under this policy shall be recorded electronically as provided for by statute.

IV. How to Participate Electronically in Virtual City of Salida Meetings

A. How to Comment During the Live Meeting by Web or Phone:

1. Join the live meeting through the web link or phone number (with access code) provided at the top of all meeting agendas.
2. You will be joined into the meeting and automatically muted.
3. If you would like to provide Public Comment, via smartphone, please type in the question box indicating you would like to speak. After all smartphone requests have been addressed, all participants will be unmuted and we will reach out by last names. (For example, the Mayor or meeting Chair may say: “Now is the time for public comment. All members of the public will be unmuted. Please mute yourself or keep background noise to a minimum. If your last name begins with A through F you may now speak.”)
4. Please only join via Go to Meeting or phone meeting if you intend to participate. If you wish to simply view the meeting, see below.

B. How to Comment in Advance of a Live Meeting:

1. Visit www.cityofsalida.com or <https://cityofsalida.com/library/meetings/> to review agendas and packets.
2. For City Council and Planning Commission Meetings: You may submit comments any time until noon on the day of the meeting by sending an email to publiccomment@cityofsalida.com.

V. Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including work sessions) of the City Council of the City of Salida, and to regular and special meetings of any official City board or commission, unless otherwise provided by the City Council.

RESOLVED, APPROVED, AND ADOPTED this 1st day of December, 2020.

CITY OF SALIDA

By: _____

P.T. Wood, Mayor

[SEAL]

ATTEST: _____

City Clerk/Deputy City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: December 1, 2020

ORIGINATING DEPARTMENT: Administration		PRESENTED BY: Drew Nelson
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ITEM:

Declaration of Extension of State of Local Emergency – COVID-19 Action Plan Implementation

BACKGROUND:

As we are all quite aware, the worldwide COVID-19 pandemic has created an environment where federal, state and local governments Article XVII, Section 2-17-10 of the Salida Municipal Code states that when it appears to the Mayor that the general health, safety and welfare of the inhabitants of the City are threatened, he or she may declare a state of emergency by proclamation. After conferring with the Chaffee County Public Health, on Friday, March 13th, 2020, such an emergency declaration was approved by Mayor Wood to approve the City of Salida COVID-19 Action Plan. The City Council ratified the emergency declaration on March 17th, 2020, extending until April 25th, 2020. Eight extensions have been granted for the Declaration, with the most recent one ending on December 2nd. Staff has recently worked with Chaffee County Public Health to revise the City of Salida COVID-19 Action Plan to reflect changes to the State of Colorado’s COVID-19 Dial, identifying rates of infection, positivity rate, and hospitalizations as data points for moving up or down on the City’s Tiered response (both a clean and redline version are attached hereto for your review). Currently, the City is at Tier II in the Action Plan; however, upon approval of the revised plan, it is anticipated that the City will consider moving to Tier II of the Action Plan.

Section 2-17-30 establishes a term of no more than ten (10) days of for any emergency declaration. It also provides that the City Council may extend any proclamation issued by the Mayor for a period not to exceed forty (40) days by a two-thirds (2/3) vote. As issues related to COVID-19 continue, it is imperative that the City continues to follow the protocols established in the Action Plan.

FISCAL NOTE:

No direct costs immediately; however, costs may be incurred as this ever-evolving situation goes forward.

STAFF RECOMMENDATION:

Staff recommends approval by the City Council of a Declaration of Extension of Local State of Emergency to implement the City of Salida’s COVID-19 Action Plan, as currently established, until January 6, 2021, which is one day after the first regular City Council meeting in January.

SUGGESTED MOTIONS:

A City Councilmember should make a motion to approve a Declaration of extension of Local State of Emergency to implement the City of Salida’s COVID-19 Action Plan, extending until January 6, 2021, followed by a second and a roll call vote.

**CITY OF SALIDA, COLORADO
EXTENDING A LOCAL STATE OF EMERGENCY
REGARDING COVID-19 (CORONAVIRUS DISEASE 2019)**

FINDINGS AND CONCLUSIONS:

WHEREAS, COVID-19 is a highly contagious virus that has spread to numerous countries throughout the world, including the United States; and

WHEREAS, the virus may cause serious illness or death in certain cases, particularly for elderly and persons with underlying health conditions; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared the worldwide outbreak of COVID-19 a “global pandemic”, pushing the threat beyond the “global health emergency” it had announced in January; and

WHEREAS, on March 11, 2020, the Governor of the State of Colorado declared a state of emergency due to the presence of COVID-19 in Colorado; and

WHEREAS, on March 13, 2020, the Board of County Commissioners of Chaffee County declared a Local Disaster Emergency as authorized under C.R.S. § 24-33.5-703(3) to assist local governments in responding to and recovering from emergency events, including emergency epidemics and pandemics; and

WHEREAS, on March 17, 2020, the Salida City Council unanimously approved an initial Local State of Emergency regarding COVID-19, extending until April 25, 2020; and

WHEREAS, on April 21, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until May 6, 2020; and

WHEREAS, on May 5, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until June 3, 2020; and

WHEREAS, on June 2, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until July 8, 2020; and

WHEREAS, on July 7, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until August 4, 2020; and

WHEREAS, on August 4, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until September 2, 2020; and

WHEREAS, on September 1, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until October 7, 2020; and

WHEREAS, on October 6, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until November 4, 2020; and

WHEREAS, on November 2, 2020, the Salida City Council unanimously approved an extension of the Local State of Emergency regarding COVID-19 until December 2, 2020; and

WHEREAS, the Chaffee County Public Health Department anticipates that, due to the contagiousness of the illness and the fact that numerous travelers from around the world visit the County, Chaffee County will see cases of the virus and its transmission within the community; and

WHEREAS, Article XVII, Section 2-17-10 of the Salida Municipal Code authorizes the Mayor to declare a State of Emergency via proclamation when it appears that the general health, safety and welfare of the inhabitants of the City are threatened by general public unrest or riot, or by attack upon the State; and

WHEREAS, Article XVII, Section 2-17-30 allows for the City Council to extend any proclamation issued by the Mayor under Section 2-17-10 to be extended for a period not to exceed forty (40) days by a two-thirds (2/3) vote; and

WHEREAS, the City's current State of Local Emergency proclamation will expire on December 2, 2020, which does not coincide with the Governor of the State of Colorado's Safer-At-Home and in the Vast, Great Outdoors order, which is anticipated to be extended; and

WHEREAS, the cost and magnitude of responding to and recovering from the impact of the COVID-19 virus on local emergency services providers and medical services is anticipated to be far in excess of the community's available resources; and

WHEREAS, in response to the outbreak of COVID-19 in Chaffee County and the Salida community, and in light of the ongoing risk to public health and safety, at this time it is necessary to extend the existing Local State of Emergency.

NOW THEREFORE, IT IS HEREBY DECLARED BY THE SALIDA CITY COUNCIL:

Section 1. The confirmed presence of COVID-19 in Chaffee County constitutes a Local State of Emergency, as defined in Article XVII, Section 2-17-10 of the Salida Municipal Code, not to exceed a term of forty (40) days.

Section 2. The effect of this declaration of Local State of Emergency shall continue the City's COVID-19 Action Plan, revised and effective as of December 1, 2020, attached hereto as Exhibit A, authorizing a tiered approach to proactively respond to changes in the COVID-19 situation as well as reflect the recommendations of our Federal, State, and Local Health Departments.

Section 3. This declaration shall be made effective immediately on December 1, 2020, and shall be in effect until January 6, 2021.

APPROVED, DECLARED AND ADOPTED on this 1st day of December, 2020.

CITY OF SALIDA, COLORADO

[SEAL]

ATTEST:

P.T. Wood, Mayor
City of Salida, Colorado

City Clerk



CITY OF SALIDA – COVID-19 ACTION PLAN

Purpose: To provide a comprehensive and tiered Action Plan to City of Salida officials in response to the ongoing COVID-19 pandemic. This Action Plan is intended to slowly escalate to proactively respond to changes in the situation as well as reflect the recommendations of our State and local Public Health Departments. This Action Plan is effective December 1, 2020, until further notice.

Authority: Per Sections 2-17-10 and 2-17-20 of the Salida Municipal Code, when it appears to the Mayor that the general health, safety and welfare of the inhabitants of the City are threatened, he or she may declare a state of emergency proclamation. The proclamation may impose a curfew within the City, may prohibit public or private assemblies, may impose restrictions on movement within the City and may contain other regulations necessary and proper to the maintenance of public peace, order and safety.

Tier I – Level Green/Blue

Heightened Awareness. The Colorado Department of Public Health and Environment (CDPHE) or Chaffee County Public Health Department (CCPH) have indicated that COVID-19 is in the state and are encouraging citizens to be aware and to focus on sanitization and hygiene. CDPHE and/or CCPH has placed Chaffee County in either Level Green or Level Blue on the State’s COVID-19 Dial, with Incidence Rates of up to 75 cases per 100,000 residents (or more than 15 cases in Chaffee County per two-week period), or when the percentage of positive tests is below 1.5%.

- Encourage employees to stay home if sick or to go home if exhibiting symptoms while at work. Employees will continue to use sick leave.
- Identify work spaces where employees can temporarily isolate if they are awaiting transportation to their home or medical care.
- Wash hands often, also use hand sanitizer often.
- Face coverings are required in indoor public settings.
- Heightened amount of environmental sanitation – Lysol, wipes, environmental germicide sprays, etc.
- Employees should refrain from traveling to conferences and/or meetings in other parts of the Country where cases of COVID-19 are expanding.
- Acquire/Inspect/Issue Personal Protective Equipment (PPE) to selected City Staff (gloves, masks, etc.).

- Meetings of the City Council, and of official City Boards and Commissions, will offer the option for remote attendance and participation.

Tier II – Level Yellow

Statewide Concern. CDPHE and/or CCPH have indicated multiple cases of COVID-19 within the Chaffee County. CDPHE and/or CCPH has placed Chaffee County in Level Yellow on the State’s COVID-19 Dial. Incidence Rates are between 75 and 175 cases per 100,000 residents (or between 15 and 35 cases in Chaffee County per two-week period), or when the percentage of positive tests is between 1.5% and 3%. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier II which, in addition to Phase I steps, include:

- Teleworking and staggered shifts authorized. Departments should utilize telework options for a limited number of employees to lessen the impact on Tech Services.
- Meetings of the City Council, and of official City Boards and Commissions, will offer the option to attend and participate remotely, and may take place in person following all physical separation requirements. Attendance by members of the public may occur based on room size/capacity and maintaining 6’ of distance between attendees.
- Employees should refrain of physical contact with each other and with members of the public. CDPHE and CCPH recommends a 6’ distance of separation.
- Employees should limit or eliminate any outside agency meeting attendance, unless able to be done remotely.
- City Departments should begin to limit internal meetings. Face coverings are required when meeting in person with other employees or while away from one’s office or desk.
- Employees who self-identify as high risk (having compromised immune systems, for example) should work from home.
- The City will take direction from CDPHE and CCPH.

Tier III – Level Orange/Red

Chaffee County Concern. Chaffee County Health has indicated multiple rising cases of COVID-19 within Chaffee County, with an Incidence Rate between 175 and 350 per 100,000 residents (or between 35 and 70 cases in Chaffee County per two-week period), or when the percentage of positive tests is between 3% and 5%. CDPHE and/or CCPH has placed Chaffee County in either Level Orange or Level Red of the State’s COVID-19 Dial. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier III which, in addition to Phase II steps, include:

- Employees will be directed to stay home (or go home) if they or any family member they live with is exhibiting any symptoms, or if they are high risk.
- Meetings of the City Council, and of official City Boards and Commissions, may take place in person following all physical separation requirements, and with the following limited

restrictions: in-person attendance of the public is limited to only applicants or appellants for quasi-judicial hearings. Remote attendance and participation by all parties, including City Councilmembers and staff, is strongly encouraged.

- Recreation programs shut down, including closure of Salida Hot Springs Aquatic Center, the SteamPlant Event Center, and the Rotary Scout Hut. Specific closure dates shall be established by Department Heads and announced via press release.
- Teleworking and staggered shifts authorized. Departments will continue to roll out additional measures or plans to allow employees to work remotely, when feasible.
- Departments must take additional steps they have identified to limit exposure between employees and between employees and members of the public.
- Reduced staffing in City buildings authorized. Departments will take steps to ensure City buildings are minimally staffed, and public access is very limited. Employees are encouraged to perform all tasks remotely, if possible. Face coverings must be worn at all times, including while in one's office or at one's desk.
- Heightened level of sanitization of spaces including additional germicide spraying.
- Selected City Staff have PPE on hand and begin utilization, as appropriate.
- Public events (other than official meetings of the City Council, or of official City Boards or Commissions) scheduled to take place in City-owned facilities are suspended until further notice. The Salida community is strongly encouraged to engage in social distancing and to postpone or cancel any gatherings where people will congregate in large numbers and/or in close contact with one another.
- Other steps as directed by CDPHE and CCPH.

Tier IV – Level Red/Purple

Full implementation of Response Plan. Tier IV may occur at such time as CDPHE and/or CCPH places Chaffee County in either Level Red or Level Purple on the State's COVID-19 Dial, with Incidence Rates in excess of 350 cases per 100,000 residents in Chaffee County (or more than 70 cases in Chaffee County per two-week period), or when the percentage of positive tests exceeds 5%, or schools are shut down, or hospitalizations exceed bed capacity at health facilities in Chaffee County, or at such other time as Salida deems it to be in the best interest of the organization and/or community. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier IV which, in addition to Phase III steps, include:

- City Buildings minimally staffed, no public access. Public will be directed to conduct business online, if feasible, or by phone. Non-essential services (City Hall Administration, City Hall Finance, Fire Station Administration, Police Station Administration, and Public Works Administration) are closed to the public. Public is encouraged to use digital and telephone communication, website access, online payments, and other ways of communication to conduct business with the City. Masks required at all times.

- In-Person attendance of meetings of the City Council, and of official City Boards and Commissions, shall be heavily restricted to only staff and select Elected or Appointed Officials who are necessary to be present to effectively run meetings. Any attendance and participation by the public, including applicants and appellants for quasi-judicial hearings, shall be conducted remotely only.
- Departments will fully enact Departmental plans. Teleworking options and staggered shift work maximized. Only essential services ongoing, unless able to be provided through employees working remotely.
- Incident Command may be set up locally or in coordination with County Authorities.
- Selected City Staff mandatory use of PPE.
- Other steps as directed by State and Local Health authorities, including support of their efforts.

Mayor P.T. Wood asks that the community remain vigilant during these challenging times. “Chaffee County Public Health has worked very hard to get our community through a tumultuous period while keeping our business community intact. It is critically important that we increase our efforts to limit the spread of the disease to the greatest extent possible as we head into the upcoming winter months. Remember that Chaffee’s Got Heart:

- **Hang at Home if Sick**
- **Excel at Handwashing**
- **Always Wear a Mask in Public**
- **Respect Social Distancing**
- **Test if You Have Symptoms**





CITY OF SALIDA – COVID-19 ACTION PLAN

Purpose: To provide a comprehensive and tiered Action Plan to City of Salida officials in response to the ongoing COVID-19 pandemic. This Action Plan is intended to slowly escalate to proactively respond to changes in the situation as well as reflect the recommendations of our State and local Public Health Departments. This Action Plan is effective ~~March 13~~ December 1, 2020, until further notice.

Authority: Per Sections 2-17-10 and 2-17-20 of the Salida Municipal Code, when it appears to the Mayor that the general health, safety and welfare of the inhabitants of the City are threatened, he or she may declare a state of emergency proclamation. The proclamation may impose a curfew within the City, may prohibit public or private assemblies, may impose restrictions on movement within the City and may contain other regulations necessary and proper to the maintenance of public peace, order and safety.

Tier I – Level Green/Blue

Heightened Awareness. ~~The CDC – Colorado Department of Public Health and Environment (CDPHE) and local health authorities or Chaffee County Public Health Department (CCPH) have indicated that COVID-19 is in the U.S. state and are encouraging citizens to be aware and to focus on sanitization and hygiene. CDPHE and/or CCPH has placed Chaffee County in either Level Green or Level Blue on the State’s COVID-19 Dial, with Incidence Rates of up to 75 cases per 100,000 residents (or more than 15 cases in Chaffee County per two-week period), or when the percentage of positive tests is below 1.5%.~~

- Encourage employees to stay home if sick or to go home if exhibiting symptoms while at work. Employees will continue to use sick leave.
- Identify work spaces where employees can temporarily isolate if they are awaiting transportation to their home or medical care.
- Wash hands often, also use hand sanitizer often.
- ~~Cover mouth with arm/elbow if coughing~~ Face coverings are required in indoor public settings.
- Heightened amount of environmental sanitation – Lysol, wipes, environmental germicide sprays, etc.

- Employees should refrain from traveling to conferences and/or meetings in other parts of the Country where cases of COVID-19 are expanding.
- Acquire/Inspect/Issue Personal Protective Equipment (PPE) to selected City Staff (gloves, masks, etc.).
- Meetings of the City Council, and of official City Boards and Commissions, will offer the option for remote attendance and participation.

Tier II – Level Yellow

Statewide Concern. ~~The Colorado Department of Health and Environment (CDPHE)~~ CDPHE and/or CCPH have indicated multiple cases of COVID-19 within the ~~State of Colorado~~ Chaffee County. CDPHE and/or CCPH has placed Chaffee County in Level Yellow on the State’s COVID-19 Dial. Incidence Rates are between 75 and 175 cases per 100,000 residents (or between 15 and 35 cases in Chaffee County per two-week period), or when the percentage of positive tests is between 1.5% and 3%. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier II which, in addition to Phase I steps, include:

- ~~Trial~~ Teleworking and staggered shifts authorized. Departments should, on a very limited basis, begin to set up utilize telework sites options for a limited number of employees to lessen the impact on Tech Services.
- Meetings of the City Council, and of official City Boards and Commissions, will offer the option to attend and participate remotely, and may take place in person following all physical separation requirements. Attendance by members of the public may occur based on room size/capacity and maintaining 6’ of distance between attendees.
- Employees should refrain of physical contact with each other and with members of the public (i.e. ~~handshakes, hugging, etc.~~). ~~CDC~~ CDPHE and CCPH recommends a 6’ distance of separation.
- Employees should limit or eliminate any outside agency meeting attendance, unless able to be done remotely.
- City Departments should begin to limit internal meetings. Face coverings are required when meeting in person with other employees or while away from one’s office or desk.
- Employees who self-identify as high risk (having compromised immune systems, for example) should work from home. ~~If sick, no sick leave required — will treat as regular time. This provision would temporarily suspend Section 3.5.E. of the City of Salida Personnel Manual requiring medical certification of illness. This includes any part-time employees currently ineligible for sick leave.~~
- The City will take direction from ~~State and Local Health authorities~~ CDPHE and CCPH.

Tier III – Level Orange/Red

Chaffee County Concern. Chaffee County Health has indicated multiple rising cases of COVID-19 within the Region Chaffee County, with an Incidence Rate between 175 and 350 per 100,000 residents (or between 35 and 70 cases in Chaffee County per two-week period), or when the percentage of positive tests is between 3% and 5%. CDPHE and/or CCPH has placed Chaffee County in either Level Orange or Level Red of the State’s COVID-19 Dial. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier III which, in addition to Phase II steps, include:

- Employees will be directed to stay home (or go home) if they or any family member they live with is exhibiting any symptoms, or if they are high risk. ~~Employees staying home will not be required to use sick leave, but will treat it as regular pay. This provision would temporarily suspend Section 3.5.E. of the City of Salida Personnel Manual requiring medical certification of illness. This includes any part-time employees currently ineligible for sick leave.~~
- Elimination of any City meetings or events (unless able to be done remotely). Meetings of the City Council, and of official City Boards and Commissions, may take place in person following all physical separation requirements, and with the following limited restrictions: in-person attendance of the public is limited to only applicants or appellants for quasi-judicial hearings. Remote attendance and participation by all parties, including City Councilmembers and staff, is strongly encouraged.
- Recreation programs shut down, including closure of Salida Hot Springs Aquatic Center, the SteamPlant Event Center, and the Rotary Scout Hut. Specific closure dates shall be established by Department Heads and announced via press release.
- Teleworking and staggered shifts authorized. Departments will continue to roll out additional measures or plans to allow employees to work remotely, when feasible.
- Departments must take additional steps they have identified to limit exposure between employees and between employees and members of the public.
- ~~City buildings reduced~~ Reduced staffing in City buildings authorized. Departments will take steps to ensure City ~~b~~ buildings are minimally staffed, ~~but and public spaces are access is~~ very limited. Employees are encouraged to perform all tasks remotely, if possible. Face coverings must be worn at all times, including while in one’s office or at one’s desk.
- Heightened level of sanitization of spaces including additional germicide spraying.
- Selected City Staff have PPE on hand and begin utilization, as appropriate.
- Public events (other than official meetings of ~~City boards~~ the City Council, or of official City Boards or Commissions) scheduled to take place in City-owned facilities are suspended until further notice. The Salida community is strongly encouraged to engage in social distancing and to postpone or cancel any gatherings where people will congregate in large numbers and/or in close contact with one another.
- Other steps as directed by ~~State and Local Health authorities~~ CDPHE and CCPH.

Tier IV – Level Red/Purple

Full implementation of Response Plan. Tier IV may occur at such time as ~~Chaffee County Public Health recommends regionwide social spacing~~ CDPHE and/or CCPH places Chaffee County in either Level Red or Level Purple on the State’s COVID-19 Dial, with Incidence Rates in excess of 350 cases per 100,000 residents in Chaffee County (or more than 70 cases in Chaffee County per two-week period), or when the percentage of positive tests exceeds 5%, or schools are shut down, or hospitalizations exceed bed capacity at health facilities in Chaffee County, or at such other time as Salida deems it to be in the best interest of the organization and/or community. When directed by the Mayor, City Administrator, or their delegate, the City will move its response to Tier IV which, in addition to Phase III steps, include:

- City Buildings minimally staffed, no public access. Public will be directed to conduct business online, if feasible, or by phone. Non-essential services (City Hall Administration, City Hall Finance, Fire Station Administration, Police Station Administration, Public Works Administration) are closed to the public. Public is encouraged to use digital and telephone communication, website access, online payments, and other ways of communication to conduct business with the City. Masks required at all times.
- In-Person attendance of meetings of the City Council, and of official City Boards and Commissions, shall be heavily restricted to only staff and select Elected or Appointed Officials who are necessary to be present to effectively run meetings. Any attendance and participation by the public, including applicants and appelants for quasi-judicial hearings, shall be conducted remotely only.
- Departments will fully enact Departmental plans. Teleworking options and staggered shift work maximized. Only essential services ongoing, unless able to be provided through employees working remotely.
- Incident Command may be set up locally or in coordination with County Authorities.
- Selected City Staff mandatory use of PPE.
- Other steps as directed by State and Local Health authorities, including support of their efforts.

~~Mayor P.T. Wood is encouraging the greater Salida and Chaffee County community to work together during this time. “It is imperative that we understand the impact of this pandemic on our community, and we know that collective action on preventative hygiene and minimizing social gatherings will significantly reduce the long term impacts on Salida,” he said. “These short-term measures will build upon our resiliency and strength. We have one goal in mind — to mitigate the possible spread of the disease and avoid a longer term risk to our community. The City of Salida is asking your cooperation in proactively implementing these measures.”~~

Mayor P.T. Wood asks that the community remain vigilant during these challenging times. “Chaffee County Public Health has worked very hard to get our community through a tumultuous period while keeping our business community intact. It is critically important that we increase our efforts to limit the spread of the disease to the greatest extent possible as we head into the upcoming winter months. Remember that Chaffee’s Got Heart:

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- Always Wear a Mask in Public
- Respect Social Distancing
- Test if You Have Symptoms





MEMORANDUM

TO: Mayor P.T. Wood, Salida City Council

FROM: Geoffrey Wilson, Asst. City Attorney
CC: Nina P. Williams, City Attorney

DATE: November 30, 2020

RE: **Complaint and hearing process for election complaints**

Introduction

The attached draft ordinance creates a process for reviewing and conducting hearings on complaints alleging violation of the campaign finance laws in City elections.

Prior to 2019, complaints alleging violations of Art XXVIII of the Colorado Constitution or the State Fair Campaign Practices Act (FCPA) in municipal elections were filed with the Secretary of State. During its 2019 regular session, the Colorado General Assembly enacted SB19-232, which changed this process, providing instead that “any complaint arising out of a municipal campaign finance matter must be exclusively filed with the clerk of the ...municipality.” (codified at C.R.S. 1-45-111.7(9)(b))

The passage of SB19-232 has resulted in municipalities across Colorado adopting local complaint procedures, in order to address campaign finance complaints that may arise in their local elections. Many of these ordinances adopt a procedure similar to that set forth by the General Assembly in SB19-232 for processing such complaints in State elections.

Proposed Code Amendment

The proposed amendment to the City Code is modeled after the complaint process set forth in SB19-232 for complaints filed with the State, as well as various municipal ordinances implementing local complaint processes in the wake of the State legislation. This complaint process will address alleged violations of the campaign finance laws; complaints alleging violations of other election codes governing City elections will be pursued under those Codes, and applicable City ordinances. The proposed ordinance includes the following elements:

- Creates a detailed process for filing a complaint in writing, followed by initial review by the municipal clerk.
- Authority of the clerk to dismiss the complaint, provide an opportunity to cure deficiencies in the complaint, or set the complaint for a hearing.
- A process for the conduct of a hearing by an independent hearing officer.
- Authority of the hearing officer to impose penalties of at least twice the amount contributed, received or spent unlawfully, a daily civil penalty for delinquent filings, as well as other penalties.

CITY OF SALIDA, COLORADO
ORDINANCE NO. 12
 (Series of 2020)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, CONCERNING ELECTIONS, AND CREATING A NEW SECTION 2-1-60 OF THE SALIDA MUNICIPAL CODE TO CREATE A PROCESS FOR ADDRESSING COMPLAINTS ALLEGING CAMPAIGN FINANCE LAW VIOLATIONS IN CITY ELECTIONS

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to its statutory authority, the City, acting through its City Council (“Council”), is authorized to enact and update City ordinances as necessary to provide a process for addressing complaints alleging violation of campaign finance laws in municipal elections, and

WHEREAS, in its 2019 Regular Session, the Colorado General Assembly adopted SB19-232, which provides, among other things, that “any complaint arising out of a municipal campaign finance matter must be exclusively filed with the clerk of the ...municipality”; and

WHEREAS, the 2019 legislation necessitates creation of a process by which the City may address complaints alleging violations of the campaign finance laws applicable in City elections, which update also presents an opportunity to clarify which laws govern City elections; and

WHEREAS, the City Council therefore now desires to amend the Salida Municipal Code to add a new section to Chapter 2, Article I, concerning Elections, entitled “Enforcement of third-party complaints” to create such a process and to comply with State law.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO:

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

Section 2. A new Section 2-1-60 is hereby created and added to Chapter 2, Article I of the Salida Municipal Code, concerning Elections, to read as follows:

Sec. 2-1-60. – Enforcement of third-party complaints.

- (a) Any person who believes a violation of Article XXVIII of the Colorado Constitution, or the Fair Campaign Practices Act (Section 1-45-101 et seq., C.R.S.), as amended by this Code, has occurred related to a City election may file a written complaint with the City Clerk.

- (b) Complaints must be filed no later than ninety (90) calendar days after the complainant knew or should have known by the exercise of reasonable diligence of the alleged violation.
- (c) A written complaint filed with the City Clerk shall include the City Clerk's complaint cover sheet which must include the following information:
 - (1) The name, address, e-mail address, telephone number and signature of the complainant (if the complainant is represented by counsel, include the counsel's name, address, e-mail address, telephone number and signature along with the name, address, e-mail address, telephone number and signature of the complainant);
 - (2) The name and, if known, the telephone number and address of the respondent(s) (or each person alleged to have committed a violation);
 - (3) The particulars of the violation; and
 - (4) Optionally, documentation or other evidence supporting the allegation.
- (d) If an incomplete complaint is received, the date on which the originally filed complaint was received is considered the filed date if a complete copy is received within three (3) business days of notification from the City Clerk that the complaint was incomplete.
- (e) A complaint may be submitted by fax or electronic mail if a signed original is received by the City Clerk no later than three (3) business days thereafter.
- (f) Initial Review.
 - (1) The City Clerk will review the complaint to determine:
 - a. Whether the complaint was timely filed; and
 - b. Whether the complainant has specifically identified one or more violations of Article XXVIII of the Colorado Constitution OR the Fair Campaign Practices Act (Section 1-45-101 et seq., C.R.S.), as amended, or any rules adopted and promulgated by the City Clerk concerning campaign and political finance.
 - (2) Within ten (10) business days of receiving the complaint, the City Clerk must take one (1) or more of the following actions:
 - a. If the City Clerk determines that the complaint was not timely filed, or has not specifically identified one (1) or more violations of Article XXVIII of the Colorado Constitution OR the Fair Campaign Practices Act (Section 1-45-101 et seq., C.R.S.), as amended, the City Clerk will dismiss the complaint and notify the complainant and

respondent of the reasons for dismissal. The City Clerk's dismissal is a final decision, and subject to review under Rule 106, C.R.C.P.

- b. If the City Clerk determines that the complaint alleges one (1) or more curable violations as described in subsection (g), the City Clerk will notify the respondent(s) and provide an opportunity to cure as described in Subsection (g).
- c. If the City Clerk determines that the complaint alleges (1) one or more violations, and that the asserted violations may not be curable as described in Subsection (g), the City Clerk will take the actions set forth in Subsection (h).

(g) Curing violations.

- (1) Upon the City Clerk's determination that a complaint alleges a failure to file or otherwise disclose required information, or other curable violation of an obligation under Article XXVIII of the Colorado Constitution or the Fair Campaign Practices Act (C.R.S. 1-45-101 et seq.), the City Clerk will notify the respondent(s) by email, or by United States mail if email is unavailable, of the curable deficiencies alleged in the complaint.
- (2) Respondents shall have ten (10) business days from the date the notice is mailed to file an amendment to the relevant report or reports that cures any deficiencies specified in the notice.
- (3) After the period for cure, the City Clerk will determine, within five (5) business days, whether the respondent(s) cured the violation(s).
 - a. If the Clerk determines that respondent cured the violations, the Clerk shall dismiss the complaint and notify complainant and respondent of such dismissal.
 - b. If the Clerk determines that respondent failed to cure the violation, the clerk shall notify respondent of such determination, together with the fine or other penalty imposed.
 - c. The respondent shall have ten (10) business days from the date of the Clerk's notice of determination to either pay the fine and accept any penalty imposed or contest the violation by submitting to the Clerk a request for a hearing.

- (h) Upon receipt of a request for a hearing under subsection (g)(3)c., or upon the Clerk's determination that the complaint falls under subsection (f)(2)c., the City Clerk shall notify the City Administrator of the complaint, and the City Administrator, in consultation with the City Clerk and the City Attorney, shall refer the complaint to an independent hearing officer to hear and determine such complaint.

- (i) An informal hearing shall be scheduled as soon as practicable with due regard for the convenience and necessity of the parties but, unless an enlargement of time is granted as set forth in subsection (k), the hearing shall be held within fifteen (15) calendar days of referral of the complaint to the hearing officer.
- (j) Notice of the hearing and any applicable rules governing the hearing process shall be sent to the complainant and to the respondent(s), who shall also receive a copy of the entire complaint received by the City Clerk, within two (2) business days of the date of referral of the complete complaint to the hearing officer and may be delivered by electronic mail, or by United States mail if email is unavailable to the address of the complainant shown on the complaint form and to the respondent(s).
- (k) Upon written motion, the hearing officer may grant the subject of the complaint a continuance of the hearing of up to thirty (30) calendar days upon a showing of good cause.
- (l) Upon the request of either party, the hearing officer may issue an administrative subpoena requiring the attendance of a witness or party in relation to an alleged campaign finance violation, which shall be served on the party to whom it is directed by the requesting party pursuant to Rule 4 of the Colorado Rules of Civil Procedure. It shall be unlawful for a witness or party to fail to comply with such subpoena, and any person convicted of a violation hereof shall be punished in accordance with Chapter 1, Article IV of this Code, provided, however, that the municipal judge shall not have authority to impose any form of imprisonment for the same.
- (m) The hearing shall be electronically audibly recorded and held in substantial accordance with the provisions of Section 24-4-105, C.R.S., or such other rules as the City Clerk may have promulgated. The hearing may be held virtually, in the discretion of the hearing officer. At the hearing, the complainant and the respondent(s) shall be present and, in accordance with Section 24-4-105(7), C.R.S., the complainant shall have the burden of proof in similar manner as the proponent of an order.
- (n) Following hearing, the hearing officer shall issue a decision within seven (7) business days. The decision may be issued orally at the conclusion of the hearing or may be issued in writing, at the discretion of the hearing officer.
- (o) If the hearing officer determines after a hearing that a violation has occurred, the hearing officer's decision shall include any appropriate order, sanction or relief authorized hereunder and may include, without limitation, sanctions as follows:
 - (1) Impose a civil penalty of at least double and up to five (5) times the amount contributed, received or spent in violation of any contribution prohibition or limitation or in violation of a contribution reporting requirement.

- (2) Impose a civil penalty of twenty-five dollars (\$25.00) per day for each day that a statement or other information required to be filed pursuant to Article XXVIII of the Colorado Constitution or the Fair Campaign Practices Act (Section 1-45-101, et seq., C.R.S.), as amended by this Code, is not filed by the close of business on the day due.
- (3) Order disclosure of the source and amount of any undisclosed contributions or expenditures.
- (4) Order the return to the donor of any contribution made which was the subject of the violation.
- (p) The hearing officer's determination under subsections (n) and (o) is a final decision subject to review under Rule 106, C.R.C.P.
- (q) Candidates shall be personally liable for penalties imposed upon the candidate's committee.
- (r) Civil penalties may be collected in the similar manner as a municipal court judgment under this Code, including the use of a private collection agency.
- (s) In no event shall the City take any action, including referring the penalty debt to a collection agency as contemplated by subsection (r), but not including action of the collection agency, to collect civil penalties assessed hereunder after the date that is more than one (1) year from the date that the filing was due.
- (t) A party in any action brought pursuant to this Section shall be entitled to recovery of the party's reasonable attorney fees and costs from any attorney or party who has brought or defended the action, either in whole or in part, if the hearing officer finds any of the following:
 - (1) The action, or any part thereof, lacked substantial justification;
 - (2) The action, or any part thereof, was interposed for delay or harassment; or
 - (3) That an attorney or party unnecessarily expanded the proceeding by other improper conduct, including but not limited to abuses of discovery procedures authorized by this Section.

Notwithstanding any other provision of this subsection, no attorney fees shall be awarded unless the hearing officer has first considered the provisions of Sections 13-17-102(5) and (6), C.R.S. As used herein, *lacked substantial justification* means substantially frivolous, substantially groundless or substantially vexatious.

Section 3. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING, on December 1, 2020, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2020 and set for second reading and public hearing on the 15th day of December, 2020.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED IN FULL BY TITLE ONLY by the City Council on this 15th day of December, 2020.

City of Salida

Mayor P.T. Wood

ATTEST:

City Clerk/Deputy City Clerk



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: December 1, 2020

ORIGINATING DEPARTMENT: Administration		PRESENTED BY: Drew Nelson
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ITEM:

Request for Reimbursement for the Emergency Response Fund – Chaffee County Community Foundation

BACKGROUND:

On September 15, 2020, the Salida City Council approved an agreement with the Chaffee County Community Foundation (CCCF) to provide Coronavirus Relief Funds to non-profit organizations in the amount of \$91,760 (which would be reimbursed through the Department of Local Affairs and CARES Act money). This original allocation is nearly spent, and we continue to work with our partners at Chaffee County, the Town of Buena Vista, and CCCF to finish that program up before the CARES Act’s December 30, 2020 deadline.

In looking at future potential expenditures, CCCF and our partners discussed an opportunity to reimburse CCCF itself for the money provided to families and individuals through CCCF’s Emergency Response Fund, which the City of Salida helped seed fund in March of 2020 (original contribution of \$25,000, which has been reimbursed through CVRF). CCCF has granted \$377,222 to date through the Emergency Response Fund, which we believe a portion of which is eligible for reimbursement through CVRF as well. Administrators discussed the remaining amount of each organization’s CVRF funds, and determined an allocation as presented in CCCF’s attached letter. This would reimburse the Emergency Response Fund for money previously spent that was raised by the generosity of community members.

FISCAL NOTE:

CCCF has requested a reimbursement of \$123,611 of CVRF dollars, which is 50% of the amount not previously reimbursed. Currently, the City of Salida’s CVRF account is as follows:

Original Allocation:	\$516,899
1 st Reimbursement:	-\$117,750
CCCF CRV Program:	-\$91,760
Fire Dept. Cardiac Monitor:	-\$34,000
CDOT Main St. Grant:	-\$4,000
Internal PPE, Testing, Etc.:	-\$20,000
Remaining:	\$249,389
<u>CCCF ERF Request:</u>	<u>-\$123,611</u>
Remaining for Incidentals:	\$125,788

Staff believes that the proposed remaining amount of CVRF funds should be adequate until the deadline of December 30, 2020, as required by the CARES Act. It is unknown whether additional funding or stimulus will be made available in the near future, but we are closely watching the Colorado State Legislature's Special Session to monitor any changes this may bring for local municipalities, especially as it relates to sales tax reimbursement to local businesses.

It should be noted that this will require a budget amendment to the approved 2020 Annual Budget, which has already been scheduled for the second City Council meeting in December. Every budget amendment hearing is a public hearing, which has been posted publicly.

STAFF RECOMMENDATION:

Staff recommends approval of a reimbursement request for the Emergency Relief Fund to the CCCF in the amount of \$123,611.

SUGGESTED MOTIONS:

A City Councilmember should make a motion to approve a reimbursement request from the Chaffee County Community Foundation to reimburse the Emergency Response Fund in the amount of \$123,611 utilizing Coronavirus Relief Funds via CARES Act allocations, followed by a second and a roll call vote.



CVRF Request for Reimbursement to Emergency Response Fund

November 20, 2020

Dear Salida City Councilmembers, & County Commissioners, and Buena Vista Trustees,

It is with great humility and respect for your incredible leadership that I submit this request for your consideration. The Chaffee County Community Foundation (CCCF) requests reimbursement for a total of \$247,222 of documented expenses that were incurred between March 1st and September 30th, 2020 to help community in direct response to COVID-19. We request this amount to be funded jointly from your Coronavirus Relief Fund allocations.

We have taken many steps in calculating this reimbursement request to ensure this does not duplicate any dollar which CCCF has already received from each government partner for similar purposes. In addition, none of the requested reimbursements are tied to any current CVRF program CCCF is administering in partnership with the governments. A summary of how we made this calculation is shown on the next page, however in sum, CCCF expended a total of \$377,222 in direct COVID assistance to individuals and nonprofits.

These expenditures meet the letter and spirit of the CVRF program perfectly. If not but for COVID-19, none of these funds would have been expended. In addition, CCCF is keenly aware the pandemic and its negative impacts on our community are not over. By asking for this reimbursement to CCCF's Emergency Response Fund, we will ensure a strong a viable response to local needs into the future.

Thank you for your partnership, your leadership, and your consideration of this request. Because time is of the essence, I have, in coordination with each administrator, proposed funding amounts from each government.

These amounts are as follows:

- \$123,611 from the City of Salida
- \$113,611 from the Board of County Commissioners
- \$10,000 from the Town of Buena Vista

Sincerely,

Joseph Teipel
Executive Director
c. (303) 995-3595

joseph@chaffeecommunity.org

Emergency Response Fund Reimbursement Request

	Total	Notes
Salida Contribution	\$ 25,000	Excluded from request - already reimbursed to municipality from CVRF
Buena Vista Contribution	\$ 32,000	Excluded from request - already reimbursed to municipality from CVRF
County Contribution	\$ 25,000	Excluded from request - already reimbursed to county from CVRF
Salida School District	\$ 20,000	Excluded from request - unknown if associated with CVRF or other CARES Act dollars
Other non-governmental sources	\$ 348,132	
Total ERF Funds Raised (3/1 – 9/30)	\$ 450,132	
NPO Grants Awarded	\$ 82,850	Excluding \$28,0000 from request - this was tied to COVID through the Food Access Cohort grant program
Individual Assistance Grants Awarded	\$ 294,372	
Total Grants Given Out for COVID Assistance:	\$ 377,222	
	CVRF Request	
NPO Grant Direct Support Grant Program (3/1 – 9/30)	\$ 54,850	
Individual Direct Assistance Program (3/1 – 9/30)	\$ 294,372	
Less prior public support to ERF	\$ (102,000)	
	\$ 247,222	



REQUEST FOR CITY COUNCIL ACTION

Meeting Date: December 1, 2020

ORIGINATING DEPARTMENT: Administration		PRESENTED BY: Drew Nelson
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ITEM:

Designation of Voting Members of the Colorado Association of Ski Towns

BACKGROUND:

As members of CAST, the City Council is allowed voting membership for official actions of the organization. With the departure of Cheryl Brown-Kovacic from the City Council, there is an opening for an alternate voter (should Mayor Wood like to remain the primary voting member).

FISCAL NOTE:

None.

STAFF RECOMMENDATION:

Staff recommends that the City Council appoint primary and alternate voting designees for the Colorado Association of Ski Towns.

SUGGESTED MOTIONS:

A City Councilperson should make a motion "to appoint _____ as the primary voting designee, and _____ as the secondary voting designee for the Colorado Association of Ski Towns, followed by a second and a roll call vote.

CAST Voting Designees 11.23.2020

<u>Town</u>	<u>Primary Voting Designee</u>	<u>Title</u>	<u>email</u>	<u>Alt. Voting Designee</u>	<u>Title</u>	<u>email</u>
Aspen						
Avon	Jennie Fancher	Council Member	jfancher@avon.org			
Basalt				Ryan Mahoney	Manager	ryan.mahoney@basalt.net
Blue River	Toby Babich	Trustee	Babich.blueriver@gmail.com	Ken Robertson	Trustee	ken.blueriver14@gmail.com
Breckenridge	Eric Mamula	Mayor	mamula@colorado.net	Rick Holman	Manager	rickh@townofbreckenridge.com
Crested Butte	Jim Schmidt	Mayor	jschmidt@crestedbutte-co.gov	Dara MacDonald	Manager	dmacdonald@crestedbutte-co.gov
Dillon	Carolyn Skowyra	Mayor	cskowyra@townofdillon.com			
Durango	Dean Brookie	Council Member	deanbrookie@durangogov.org			
Estes Park						
Fraser	Philip Vandernail	Mayor	philip@o2creative.com	Jeff Durbin	Manager	jdurbin@town.fraser.co.us
Frisco				Nancy Kerry	Manager	NancyK@townoffrisco.com
Glenwood Springs	Debra Figueroa	Manager	debra.figueroa@cogs.us			
Grand Lake	Jim Peterson	Mayor	gdsolutions@hotmail.com			
Gunnison	Russ Forrest	Manager	rforrest@gunnisonco.gov			
Mt. Crested Butte	Janet Farmer	Mayor	jfarmer@mtcrestedbuttecolorado.us			
Mountain Village	Laila Benitez	Mayor	lailabenitez@mtnvillage.org	Kim Montgomery	Manager	kmontgomery@mtnvillage.org
Ouray	Greg Nelson	Mayor	nelsong@cityofouray.com	Glenn Boyd	Mayor Pro-Tem	boydg@cityofouray.com
Pagosa Springs	Andrea Phillips	Manager	aphillips@pagosasprings.com	Jennifer Green	Director of Tourism	sales@visitpagosasprings.com
Salida	P.T. Wood	Mayor	pt.wood@salidaelected.com	Cheryl Brown-Kovacic	Mayor Pro-tem	cheryl.brown-kovacic@salidaelected.com
Silverthorne	Ryan Hyland	Manager	ryan.hyland@silverthorne.org	Ann-Marie Sandquist	Mayor	asandquist@silverthorne.org
Silverton				Chris Tookey	Mayor	chris@frontier.net
Snowmass Village	Markey Butler	Mayor	mbutler@tosv.com	Clint Kinney	Manager	ckinney@tosv.com
Steamboat Springs	Heather Sloop	Council Member	hsloop@steamboatsprings.net	Gary Suiter	Manager	gsuiter@steamboatsprings.net
Telluride	Delanie Young	Mayor	dyoung@telluride-co.gov	Ross Herzog	Manager	rherzog@telluride-co.gov
Vail	Dave Chapin	Mayor	dchapin@vailgov.com			
Winter Park	Keith Reisberg	Manager	kriesberg@wpgov.com	Nick Kutumbos	Council Member	nkutumbos@wpgov.com

From: mbowes@coskitowns.com
To: [Margaret Bowes](#)
Subject: CAST Board Elections & Voting Designees-action needed
Date: Monday, November 23, 2020 10:47:20 AM
Attachments: [CAST Voting Designee List.xlsx](#)

Hello CAST Members,

Board elections will take place next month, with ballots sent/collected via email.

1. Please review your voting designees on the attached and send me any additions/changes by December 1. (A reminder that Associate Members do not vote.)
2. Are you interested in a board seat? We have three seats with terms ending December 31 and need at least one new elected official to serve.
 - Two year term on seat currently held by Dean Brookie, Mayor of Durango. Mayor Brookie is term limited.
 - Two year term on seat currently held by Dara MacDonald, Manager Crested Butte & CAST Vice-President. Dara is interested in serving another term.
 - Two year term on seat currently held by Nancy Kerry, Manager, Frisco. Nancy is interested in serving another term.

Ballots will be emailed to members by December 8. New Board terms will start January 1, 2021. The time commitment is minimal. Most business is handled virtually or in conjunction with regularly scheduled CAST meetings.

Rick Holman, Manager, Breckenridge and Todd Brown, Council, Telluride serve on the CAST board and their terms run through December 31, 2021.

Let me know if you have questions.

Best,

Margaret Bowes, Executive Director

Colorado Association of Ski Towns

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