



551 Hot Springs Boulevard
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**TOWN COUNCIL MEETING AGENDA
THURSDAY, SEPTEMBER 22, 2016
Town Hall Council Chambers
551 Hot Springs Blvd
5:00 p.m.**

- I. **CALL MEETING TO ORDER**
- II. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**
- III. **PUBLIC COMMENT** – *Please sign in to make public comment*
- IV. **CONSENT AGENDA**
 1. **Approval of the September 6, 2016 Meeting Minutes**
 2. **Approval of August Financial Statement and Accompanying Payments**
 3. **Liquor Licenses**
 - a. **Liquor License Renewal – Rez Hill Grill at 158 Hot Springs Blvd**
 - b. **Special Events Permit – Giving Every Child Knowledge of the Outdoors (GECKO) Mountain Chile Cha Cha October 1, 2016 at Town Park on Hermosa Street**
 - c. **Special Events Permit – Town of Pagosa Springs Festival of Trees December 2, 2016 at the Ross Aragon Community Center**
 4. **Community Center Rental Fee Waiver Request for Chamber of Commerce**
- V. **REPORTS TO COUNCIL**
 1. **Featured Department Head Reports**
 - a. **Municipal Court Department**
 - b. **Projects Department**
 2. **Sales Tax Brief**
 3. **Lodgers Tax Brief**
- VI. **NEW BUSINESS**
 1. **Award of Contract for Comprehensive Plan Update**
 2. **Approval of Personnel Handbook**
 3. **Renewal with Cigna for Health Insurance**
 4. **Medical Insurance Premium Exemption for Months of Nov & Dec 2016**
 5. **Appointing Council Member Representatives to Region 9, Pagosa Springs CDC and Pagosa Springs Area Tourism Board**
 6. **Application for Smart Growth Technical Assistance Grant Application**
 7. **Resolution 2016-14, Refunding Resolution (South 8th Street Project)**
- VII. **OLD BUSINESS**
 1. **Ordinance 848, Second Reading, South 8th Street Financing Authorizing Ordinance**

2. Hudson vs Hessman with Possible Executive Session Pursuant to C.R.S. 24-6-402(4)(b) for Conference with Attorney to Receive Legal Advice

VIII. PUBLIC COMMENT – *Please sign in to make public comment*

IX. COUNCIL IDEAS AND COMMENTS

X. NEXT TOWN COUNCIL MEETING OCTOBER 4, 2016 AT 5:00 PM

XI. ADJOURNMENT

**Don Volger
Mayor**



AGENDA DOCUMENTATION

LIQUOR LICENSES:IV.3

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: BILL ROCKENSOCK, POLICE CHIEF

PROJECT: LIQUOR LICENSE RENEWALS

ACTION: DISCUSSION AND POSSIBLE ACTION

BACKGROUND

Businesses granted liquor licenses by the State of Colorado and the Town of Pagosa Springs are required to renew their liquor license annually. The Town Council, as the Local Licensing Authority, has requested that the Police Department provide them with information on police contacts with these businesses in consideration of their renewal application.

Annually, the Police Department works with the Colorado Liquor Enforcement Division to conduct compliance checks on businesses within the Town of Pagosa Springs holding liquor licenses throughout the year, Officers do perform random checks/walk thru of businesses selling liquor in the town limits.

The vendors listed below have requested a renewal of their liquor license. Based upon a local records check, the Police Department has found the following:

Rez Hill Grill – Since January 1, 2016, there were no documented liquor violations at Rez Hill Grill, located at 158 Hot Springs Blvd.

With Regard to Special Events Permits:

GECKO Mountain Chile Cha Cha at Town Park – there have been no documented liquor violations associated.

Festival of Trees at Ross Aragon Community Center – there have been no documented liquor violations associated.

ATTACHMENT(S):

None

RECOMMENDATION

It is the recommendation of the Police Chief that the Town Council,

Consider the above information when determining approval of liquor license renewals.



AGENDA DOCUMENTATION

CONSENT AGENDA: IV.4

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 22, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: COMMUNITY CENTER FEE WAIVER – TINY HOMES PRESENTATION
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

As stated in the adopted 2016 Goals and Objectives, Workforce/Attainable Housing is a significant issue and, as a result, priority for the Town of Pagosa Springs.

The Community Development Corporation (CDC) applied for an assistance grant through the state's Office of Economic Development and Information Technology (OEDIT) Blueprint 2.0 grant initiative for the purpose of exploring the various aspects of the Tiny Homes movement. Pagosa Springs was one of three communities in the state that received the grant. Region 9 also gave a letter of support for our grant request.

The CDC is hosting a presentation in conjunction with the state staff members from OEDIT on October 31st at the Community Center. The CDC has requested the fees for the room rental be waived since it is a presentation being held by a state office and is consistent with the goals of the Town Council to further different options for affordable housing.

ATTACHMENTS

- None

FISCAL IMPACT

If the Town were to waive the designated fees for the use of the Community Center rooms, it amounts to a total of \$175.00. Costs are itemized as follows:

- Room Rental \$25 x 7 hours = \$175.00

2016 TOWN COUNCIL GOALS & OBJECTIVES

Included in the Town Council's adopted 2016 Goals & Objectives is Goals #3 which aims to "Promote a vital local economy by supporting economic development and tourism." Within Goal #3 is the specific action of "Encourage Workforce Housing Development" as part of Objective 3.3: "Energize General Economic Development Efforts."

RECOMMENDATIONS

Possible actions by the Town Council include:

1. "Move to approve waiving of fees at the Community Center for the purpose of supporting the Tiny House presentation by OEDIT."
2. "Move to NOT waive the fees at the Community Center."
3. Direct staff.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: V.1.A

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 22, 2016

FROM: CANDACE DZIELAK, COURT ADMINISTRATOR

PROJECT: MUNICIPAL COURT, DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

IN-COURT ACTIVITY UPDATE AND SUPERVISION CASELOAD UPDATE

COURT SESSIONS ~ Three (3) court sessions were conducted in August 2016.

Pagosa Springs Municipal Court August 2016 Case Characteristics				Pagosa Springs Municipal Court Current Supervision Caseload September 6, 2016		
Total Cases Docketed	31				Total	% of Caseload
Traffic	15			Cases Under Supervision	78	—
Adults		15		Juveniles	26	33.33%
Juveniles		0		Adults	52	66.67%
Criminal	16			Males	51	65.39%
Adults		15		Females	27	34.61%
Juveniles		1		TOTAL WORKLOAD UNITS	188.04	

CONTINUING EDUCATION

- The Court Administrator attended the Colorado Association for Municipal Court Administration (CAMCA) Training and Conference in Lakewood, Colorado. The training addressed:
 - The impact of marijuana legalization on the Municipal Court system,
 - The important role of probation in the court system
 - The appeals process, and
 - The impact of HB 16-1309, HB 16-1311, and SB 16-116 on the operations and budgets of municipal courts.

COLLECTIONS

- Collins Cockrel & Cole have drafted an ordinance to allow Municipal Court staff to refer unpaid monetary amounts, ordered by the Municipal Judge, to collections. The Court Administrator expects to have a final draft of the ordinance ready for Council review at the October 20, 2016, mid-month Council meeting.

PROSECUTOR PRO-TEM

- On September 13, 2016, Attorney Kenneth Miller notified the Court Administrator of his intent to resign his position as Prosecutor Pro-Tem. The Court Administrator will update Council with the effective date of Attorney Miller's resignation when it is finalized. The Court Administrator will keep Council apprised of the hiring process as it progresses.

JUDGE PRO-TEM

- Judge Diane Knutson was the presiding Judge in August. She enjoys her work at Judge Pro-Tem, and will continue in that role for 2017.

2017 BUDGET

- Court staff is preparing the budget request for 2017. As part of her ongoing training, and to gain familiarity with Municipal Court operations, Deputy Court Clerk Amber Johnson is assisting with budget preparation.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: V.1.B

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: SCOTT LEWANDOWSKI SPECIAL PROJECTS

PROJECT: SPECIAL PROJECTS DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

1. INFRASTRUCTURE

CENTENNIAL PARK BATHROOMS

The bathrooms are under construction at this time. Due to the fact that the fixtures are on back order, the anticipated completion is slated for mid October 2016.

YAMAGUCHI SKATE PARK PHASE TWO

Phase 2 is complete ahead of schedule and staff would like to hold a ribbon cutting on October 1 to show case the project. Staff would like to thank all of in-kind service providers, the Skater's Coalition, and Artisan Skateparks. Parks and Recreation department will do park clean up/ landscaping in the future.

CLIMBING BOULDER

Staff recently selected ID Sculpture to fabricate and install a climbing boulder at Town Park. Staff will provide the concrete slab and wood chip surfacing for the piece. Installation is tentatively scheduled for the week of October 17th. This project is ahead of schedule due to the speedy nature of the contractor.

2. TRAILS, SIDEWALKS, AND ROADS

TOWN TO LAKES TRAIL

East Phase surveying and environmental work has been completed and work will shift towards construction starting this week. Staff is working closely with the school and contractor to minimize the impact on traffic associated with the project. Estimated completion date is November 2016.

West Phase walk through occurred on the 20th and a bid opening will happen on the 29th. Staff will bring back award recommendations in October.

Harman Hill Phase is still seeking funding in order to be poised for construction. In the meantime, staff is in the process of securing a firm for the design phase. Please refer to the Safe Routes to School Project update.

SAFE ROUTES TO SCHOOLS

Staff conducted qualification interviews with three firms: Davis Engineering, Bohannon Huston, and SGM. The result of those interviews yielded Bohannon Huston as the most qualified firm per our rating system for this project. Per Federal purchasing guidelines, staff has entered into negotiations with Bohannon Huston to establish a reasonable price for the design and engineering for both Harman Hill and the Safe Routes to Schools.

Design and construction for Harman Hill and Safe Routes to Schools will be conducted in 2017 and 2018.

SOUTH 8TH STREET

The Contractor has started on the 100 block with asphalt removal. The contractor is taking one block at a time and is anticipated to finishing both the 100 and 200 blocks with asphalt and curb and gutter. Trail work will be done in 2017.

HOT SPRINGS PEDESTRIAN BRIDGE

Staff provided Big R Bridge with final approval for the bridge last week and fabrication will take three weeks. Staff has worked with Davis Engineering to advertise for a firm to conduct removal and installation of the old and new bridges. That work is tentatively slated for October 2016. Staff will continue to work closely with John Hale the buyer of the old bridge to ensure a smooth transition.



AGENDA DOCUMENTATION REPORTS TO COUNCIL: V.2

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 22, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: JULY 2016 SALES TAX REVENUE REPORT
ACTION: DISCUSSION

CURRENT MONTH SALES TAX & LODGERS TAX REVENUE

This report represents the information for July 2016 for sales tax and shows an *increase* of **5.7%** compared to July 2015. Total sales tax revenue for July 2016 for the Town is \$485,115 with that divided equally between the General Fund and the Capital Improvement Fund (\$242,557 going to each). In July 2015, the total amount received was \$459,095. The sales tax received in July 2016 is \$26,020 more than the same month in 2015.

July 2016 is the best July on record. Since July has always been the best sales tax month of the year, this means July 2016 is the best ever of any month on record.

However, there has to be some thought given to the notion that we may be hitting a ceiling in terms of capacity for the community and that sales tax for July may be hitting a plateau. For additional comparison, and as noted above, July 2016 is almost 6% higher than July 2015, but July 2015 was 21% higher than July 2014. It would certainly seem that is a result of Wal-Mart entering into the community in addition to the increased general activity.

Compared to 2016 Budget

The sales tax projection for the adopted 2016 budget is a total of \$4,352,566 or \$2,176,283 each for the General Fund and the Capital Improvement Fund representing a 7% increase over the estimated year end for 2015. The month of July 2016 yielded \$242,557 for the General Fund and exactly the same amount for the Capital Improvement Fund. Premised upon the 10 year monthly average, the expectation is the Town should have received in July for each Fund about \$265,507. The variance for July 2016 is \$-22,950 or 9% *less* than budget. As a result, year to date, we are ahead of budget by approximately \$74,393, or 6%. Please see Exhibit A.

ANALYSIS

Resolution 2016-01 mandates 2016 expenditure reductions if sales tax revenues decline from the average revenue of the past two years. The application of the Resolution requires a monthly analysis that averages several months/years of revenue, to smooth out the impact of significant swings in sales tax collections:

	<u>2104</u>	<u>2015</u>	<u>Avg.</u>	<u>2016</u>	<u>% Change</u>
May	265,652	321,291	293,472	319,772	+8.96%
June	344,899	413,514	379,207	468,925	+23.6%
July	378,165	459,095	418,630	485,115	+15.6%

Everything continues to be positive. Application of paragraphs 5 and 5(b) of the Council's policy calls for **NO** reduction of budgeted expenditures since the reduction is not more than 5%

ATTACHMENT(S)

Exhibit A

RECOMMENDATION

Informational, no action required.

**Town of Pagosa Springs
2016 Sales Tax Estimate
General Fund**

<u>Month</u>	<u>2016 Estimated</u>	<u>2016 Actual</u>	<u>Variance</u>	<u>10 Year Ave. % Collection</u>	<u>Percent Above Budget</u>
January	145,811	157,611	11,800	6.7%	8%
February	139,282	150,211	10,929	6.4%	8%
March	161,045	193,947	32,902	7.4%	20%
April	134,930	145,731	10,801	6.2%	8%
May	158,869	159,886	1,017	7.3%	0.6%
June	204,571	234,463	29,892	9.4%	15%
July	265,507	242,557	(22,950)	12.2%	-9%
August	204,571			9.4%	
September	206,747			9.5%	
October	178,455			8.2%	
November	161,045			7.4%	
December	215,452			9.9%	
TOTAL	2,176,283	1,284,406	74,393	100.0%	
Percent Ahead of Estimate	6%				



AGENDA DOCUMENTATION REPORTS TO COUNCIL: V.3

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 22ND, 2016

PROJECT: LODGING TAX UPDATE
ACTION: UPDATE AND DISCUSSION

TOURISM BOARD MEETINGS

The Tourism Board held a planning retreat on Wednesday, August 24th. The September meeting was held on Tuesday, September 13th. The October meeting will be held on Tuesday, October 11th at 4pm at the Visitor Center.

EVENTS SUBCOMMITTEE MEETING

The events subcommittee met on Wednesday, September 7th to discuss funding processes and restructuring applications based on discussions during the retreat. In order to achieve the key objectives identified with the events survey, the subcommittee instructed staff to draft the following:

- Event Funding Application - shorter, easier to complete; no requirement using funds for marketing of event; available for smaller allocations; available for funding during peak times
- Marketing Grant - marketing specific funds; \$1 for \$1 grant preferred (or equal in kind donations); detailed marketing plans submitted and approved, changes to marketing plans must be approved by subcommittee - larger amounts of funding available
- Develop scorecard to help guide subcommittee to weight funding based on desired outcomes of more events and more shoulder season events
- Develop plan to attract marquee events / event organizers

LODGERS TAX FINANCIAL REPORT

The most recent lodging tax report has been provided for review. With all payments received, July 2016 reflects a 15.34% increase over 2015, or \$10,842. Year to date, collections are up 11.87%, or \$35,230 over 2015.

VISITOR CENTER UPDATE

Traffic to the visitor center during the month of August was up slightly over 2015 with 12,770 visitors - an increase of 176 over 2015 (2015 saw 12,595 visitors). Below is the average traffic / day of week for June - August 2016

	June	July	August
Sunday	402	495	334
Monday	573	677	468
Tuesday	441	644	444
Wednesday	469	622	468
Thursday	388	558	437
Friday	398	548	372
Saturday	327	454	363

GROUP TRAVEL UPDATE

Significant efforts have been made in recent years to attract groups, tour buses and ski clubs. Demand continues to increase, however, our current hotel inventory does not meet most their needs (price, quality, service, size). Additionally,

we have limited restaurants that can guarantee a group of 40-50 seating, even with advanced notice. Director recommends not actively pursuing these markets until the concerns of Tour Operators are addressed.

SOCIAL MEDIA PROMOTION & UPDATE

We have signed up to take over the Colorado Instagram account the last week of September, which should be nicely timed to promote fall color. Additionally, we will participate in the next Facebook co-op in early November, hopefully timed for the start of ski season.

SHOULDER / OFF SEASON PROMOTIONS

The During the last Town Council report, it was asked what specifically the Tourism Board did to promote the shoulder seasons. Below are a few of the areas the Tourism Board has focused on specifically to address shoulder and water seasons:

- Group, tour bus, international, meetings and ski clubs - all have been targets in recent years; we have challenges to address before we can yield broader results; international efforts have proved most effective, as German and Japanese markets travel independently; additionally Tourism Board hosted and organized SW Tourism Summit in April and will assist with CAST Meeting in October
- Event funding - Board continues to adjust funding application to drive events during the shoulder season; recently held retreat and subcommittee meetings to discuss additional ways to achieve this goal
- Previous promotions - Taste of Pagosa launched in April 2014, limited interest from local businesses to offer discounts to drive off season visitation; Holiday Palooza campaign from Thanksgiving through New Years to promote Pagosa as a winter / holiday destination; campaign #FallforPagosa developed to engage fall visitors with social media - limited engagement
- Ad buys / placement target spring, fall and winter - creative is switched out based on season; for example, new CTO custom out of state email blast promoted Pagosa as a fall road trip destination - email reached over 600,000 subscribers
- Travel planner addresses 4 unique seasons - updated version (being printed) includes sample itineraries for each season - over 40,000 distributed in 2016 so far
- Visitor Experience - visitor center provides "loaner" blaze orange vests for visitors to get out on trails during rifle season; specific training for volunteers to address off-season / winter activities and businesses

Very little of the marketing budget is spent directly on promoting summer in Pagosa. The 2017 marketing plan will include a detailed calendar to better convey visually where the Tourism Board's marketing efforts occur in a calendar year.

MISCELLANEOUS PROJECTS

The staff has been focused on multiple projects, besides assisting visitors in town:

- New website - content has been added in CMS; developers focused on Itinerary Builder tool which has recently expanded in scope to provide the ability to develop more customized itineraries; launch date seems likely for October
- Travel Planner Update - reprints of Travel Planner are underway; new content added for Airport and FBO services, movies filmed in the area and sample seasonal itineraries. Updated planners should arrive by the end of September.
- Crowdriff Platform - new social media strategy is being launched
- Marketing placement - Marketing Pagosa as a destination is typically a season ahead - recent efforts have focused on Fall and Winter promotions, as well as 2017 planning
- Video Development - an RFP has been drafted to locate a video editor to take our comprehensive library of raw footage to hundreds of videos that we can use for promotions
- Press & Media - hosted Dallas Morning News for upcoming feature on Hot Springs Loop, hosting La Historia (French publication) Sept 16th to upcoming feature on Chimney Rock; working with Wolf Creek Ski Area for multiple winter requests

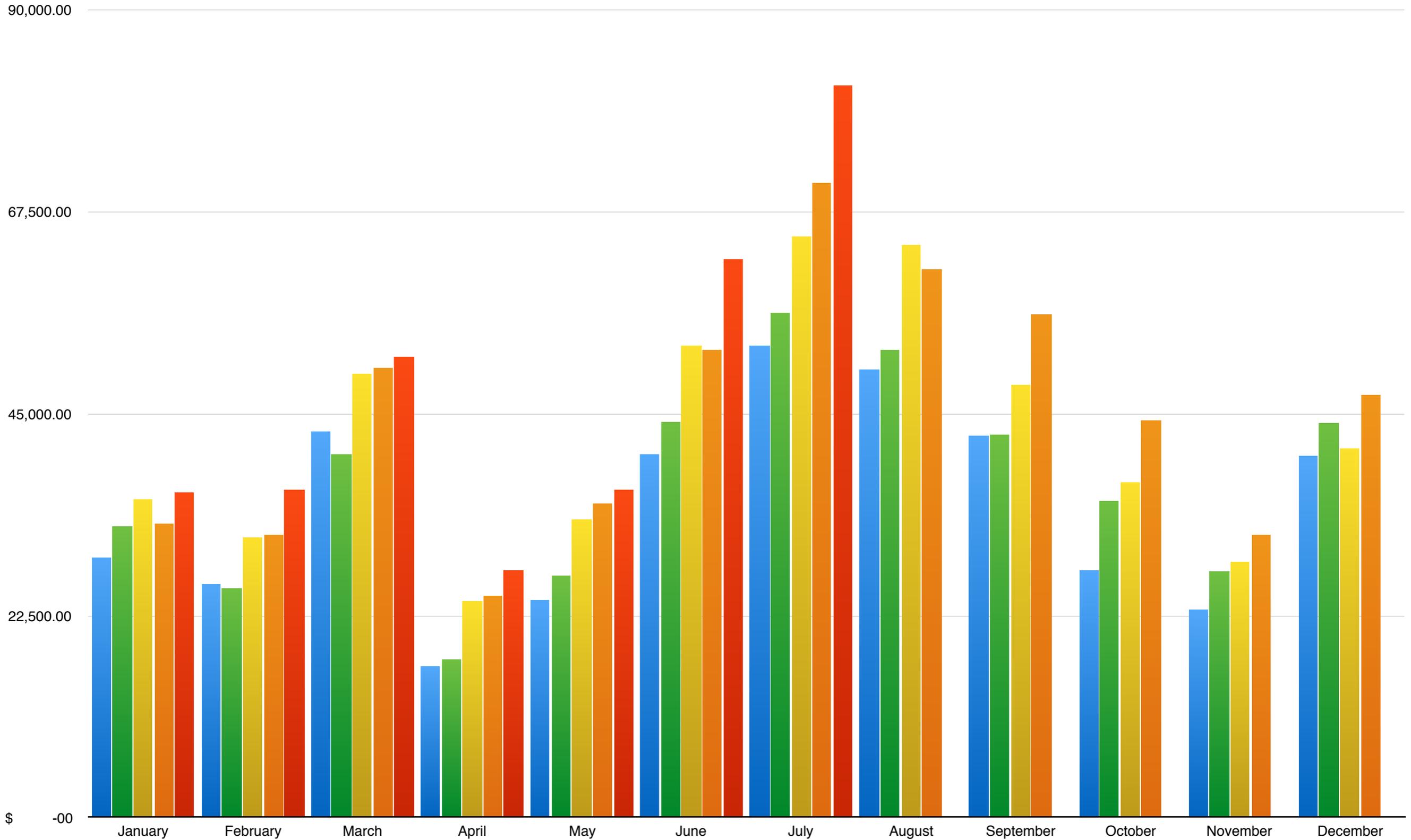
Town of Pagosa Springs Monthly Lodgers Tax Collections												
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	% Change 2016 vs 2015	% Change since 2007
January	\$ 22,904	\$ 23,544	\$ 24,228	\$ 27,295	\$ 26,944	\$ 28,916	\$ 32,500	\$ 35,390	\$ 32,822	\$ 36,191	10.26%	58.01%
February	\$ 20,543	\$ 17,002	\$ 19,361	\$ 21,960	\$ 21,825	\$ 26,003	\$ 25,511	\$ 31,222	\$ 31,453	\$ 36,512	16.08%	77.73%
March	\$ 33,516	\$ 31,216	\$ 29,925	\$ 34,929	\$ 37,350	\$ 43,034	\$ 40,383	\$ 49,399	\$ 50,036	\$ 51,380	2.69%	53.30%
April	\$ 15,879	\$ 12,500	\$ 15,186	\$ 15,765	\$ 16,831	\$ 16,912	\$ 17,607	\$ 24,064	\$ 24,692	\$ 27,562	11.62%	73.57%
May	\$ 20,590	\$ 19,276	\$ 21,949	\$ 21,049	\$ 21,758	\$ 24,283	\$ 26,943	\$ 33,230	\$ 34,998	\$ 36,577	4.51%	77.64%
June	\$ 31,804	\$ 29,041	\$ 32,622	\$ 37,539	\$ 36,091	\$ 40,508	\$ 44,148	\$ 52,611	\$ 52,040	\$ 62,207	19.54%	95.60%
July	\$ 43,728	\$ 44,693	\$ 50,125	\$ 51,932	\$ 57,317	\$ 52,572	\$ 56,191	\$ 64,681	\$ 70,696	\$ 81,538	15.34%	86.47%
August	\$ 35,610	\$ 38,092	\$ 42,308	\$ 41,714	\$ 44,944	\$ 49,949	\$ 52,183	\$ 63,775	\$ 61,073			
September	\$ 36,500	\$ 32,364	\$ 35,610	\$ 41,333	\$ 44,020	\$ 42,500	\$ 42,615	\$ 48,244	\$ 56,080			
October	\$ 25,265	\$ 22,041	\$ 25,765	\$ 28,858	\$ 30,662	\$ 27,483	\$ 35,282	\$ 37,304	\$ 44,219			
November	\$ 14,866	\$ 16,232	\$ 19,816	\$ 21,348	\$ 27,542	\$ 23,180	\$ 27,340	\$ 28,446	\$ 31,451			
December	\$ 31,652	\$ 31,935	\$ 35,457	\$ 40,198	\$ 41,931	\$ 40,345	\$ 43,900	\$ 41,094	\$ 47,075			
Total	\$ 332,857	\$ 317,936	\$ 352,350	\$383,919	\$ 407,214	\$415,684	\$444,602	\$509,458	\$536,635	\$331,967		
\$\$ Difference (over previous year)		\$ (14,921)	\$ 34,414	\$ 31,569	\$ 23,295	\$ 8,470	\$ 28,917	\$64,856	\$62,407	\$35,230		
% Difference		-4.48%	10.82%	8.96%	6.07%	2.08%	6.96%	14.59%	5.33%	11.87%		

		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	% Change
Q1	Town	\$76,963.56	\$71,762.00	\$73,513.78	\$84,183.98	\$86,118.70	\$97,953.00	\$98,393.62	\$116,010.30	\$114,311.00	\$124,083.00	8.55%
	County	NA	NA	NA	NA	NA	\$16,245.23	\$18,769.34	\$22,116.79	\$25,952.02	\$18,416.26	-29.04%
	Combined	NA	NA	NA	NA	NA	\$114,198.23	\$117,162.96	\$138,127.09	\$140,263.02	\$142,499.26	1.59%
Q2	Town	\$68,272.65	\$60,817.00	\$69,757.11	\$74,353.26	\$74,679.71	\$81,703.10	\$88,697.87	\$109,904.75	\$111,730.00	\$126,346.00	13.08%
	County	NA	NA	NA	NA	NA	\$19,925.20	\$17,173.05	\$18,623.89	\$16,326.35	\$33,172.37	103.18%
	Combined	NA	NA	NA	NA	NA	\$101,628.30	\$105,870.92	\$128,528.64	\$128,056.35	\$159,518.37	24.57%
Q3	Town	\$115,838.05	\$115,148.75	\$128,042.61	\$134,978.55	\$146,280.99	\$145,020.43	\$150,988.63	\$176,699.10	\$187,849.00		
	County	NA	NA	NA	NA	NA	\$30,041.11	\$23,760.77	\$35,975.64	\$47,764.82		
	Combined	NA	NA	NA	NA	NA	\$175,061.54	\$174,749.40	\$212,674.74	\$235,613.82		
Q4	Town	\$71,782.55	\$70,208.15	\$81,036.85	\$90,403.58	\$100,134.59	\$91,007.94	\$106,521.65	\$106,843.65	\$122,745.00		
	County	NA	NA	NA	NA	NA	\$19,761.88	\$23,854.14	\$26,407.32	\$28,109.20		
	Combined	NA	NA	NA	NA	NA	\$110,769.82	\$130,375.79	\$133,250.97	\$150,854.20		
Totals	Town	\$332,856.81	\$317,935.90	\$352,350.35	\$383,919.37	\$407,213.99	\$415,684.47	\$444,601.77	\$509,457.80	\$536,635.00		
	County	\$73,813.73	\$75,544.09	\$72,878.61	\$72,890.39	\$80,211.79	\$85,973.42	\$83,557.30	\$103,123.64	\$118,152.39		
	Combined	\$406,670.54	\$393,479.99	\$425,228.96	\$456,809.76	\$487,425.78	\$501,657.89	\$528,159.07	\$612,581.44	\$654,787.39		
% Growth	Town	NA	-4.48%	10.82%	8.96%	6.07%	2.08%	6.96%	14.59%	5.33%		
	County	NA	2.34%	-3.53%	0.02%	10.04%	7.18%	-2.81%	23.42%	14.57%		
	Combined	NA	-3.24%	8.07%	7.43%	6.70%	2.92%	5.28%	15.98%	6.89%		

Town Collections by Month

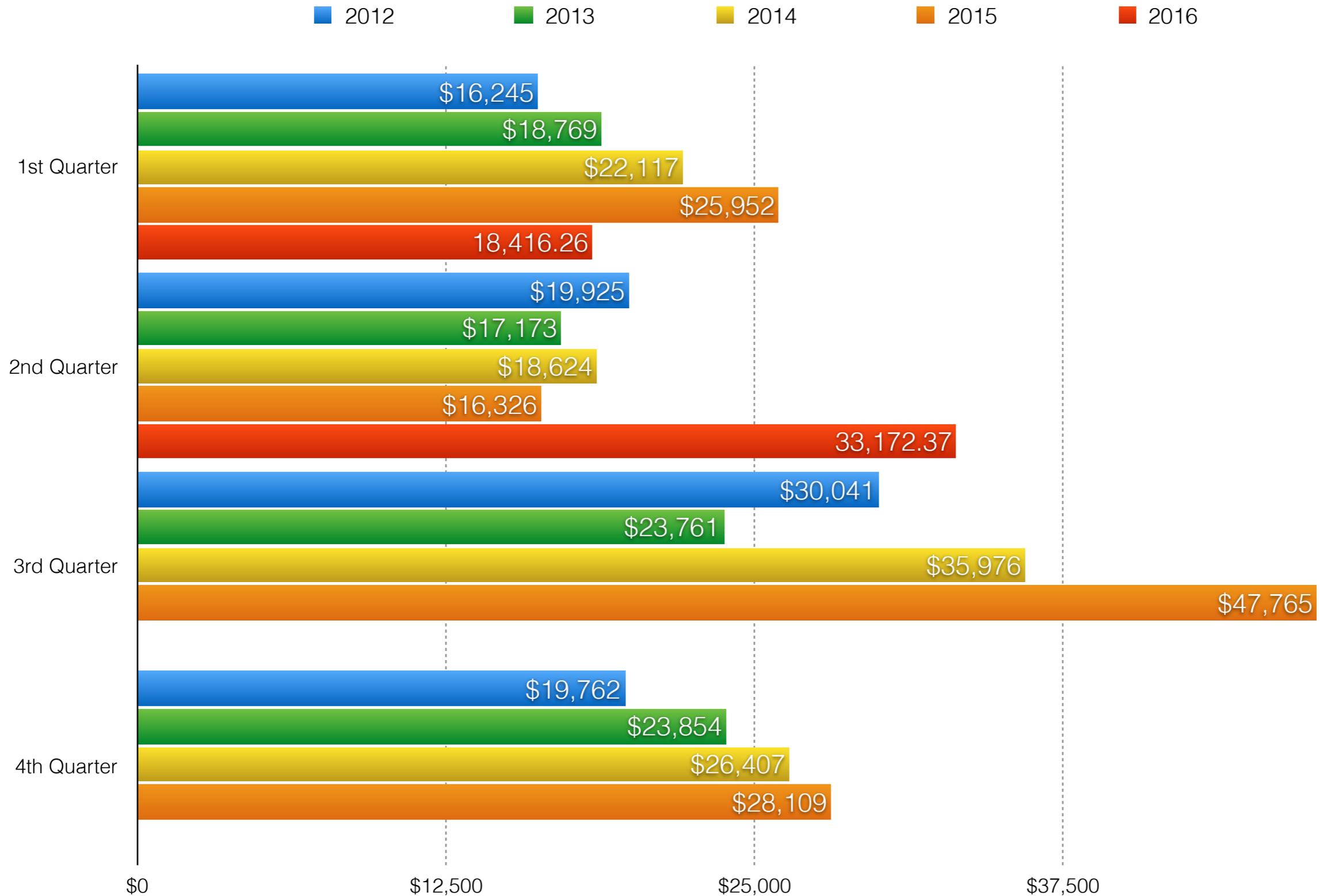
(2012 - 2016)

2012 2013 2014 2015 2016



County Collections by Quarter

(2012 - 2015)

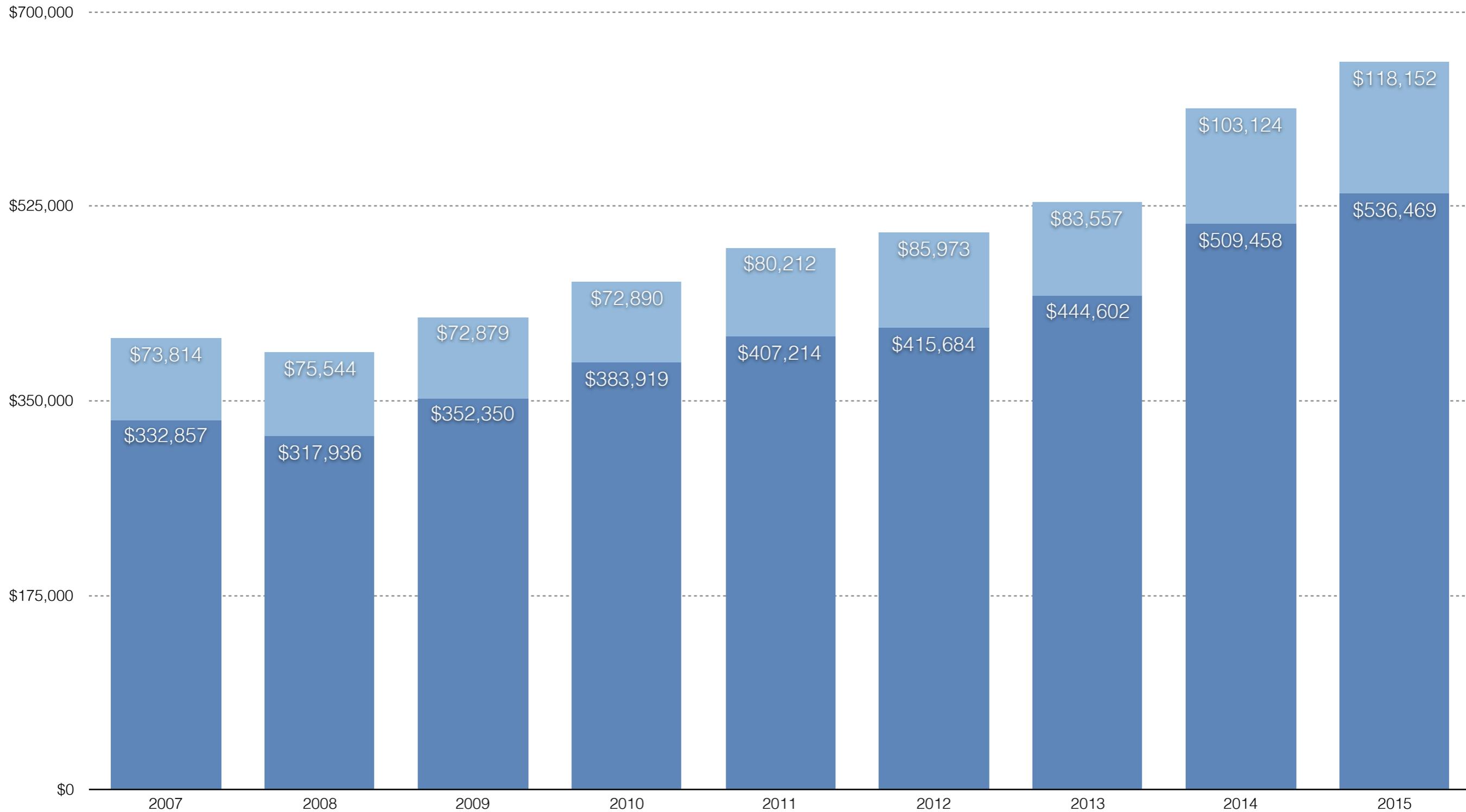


Total Collections by Year

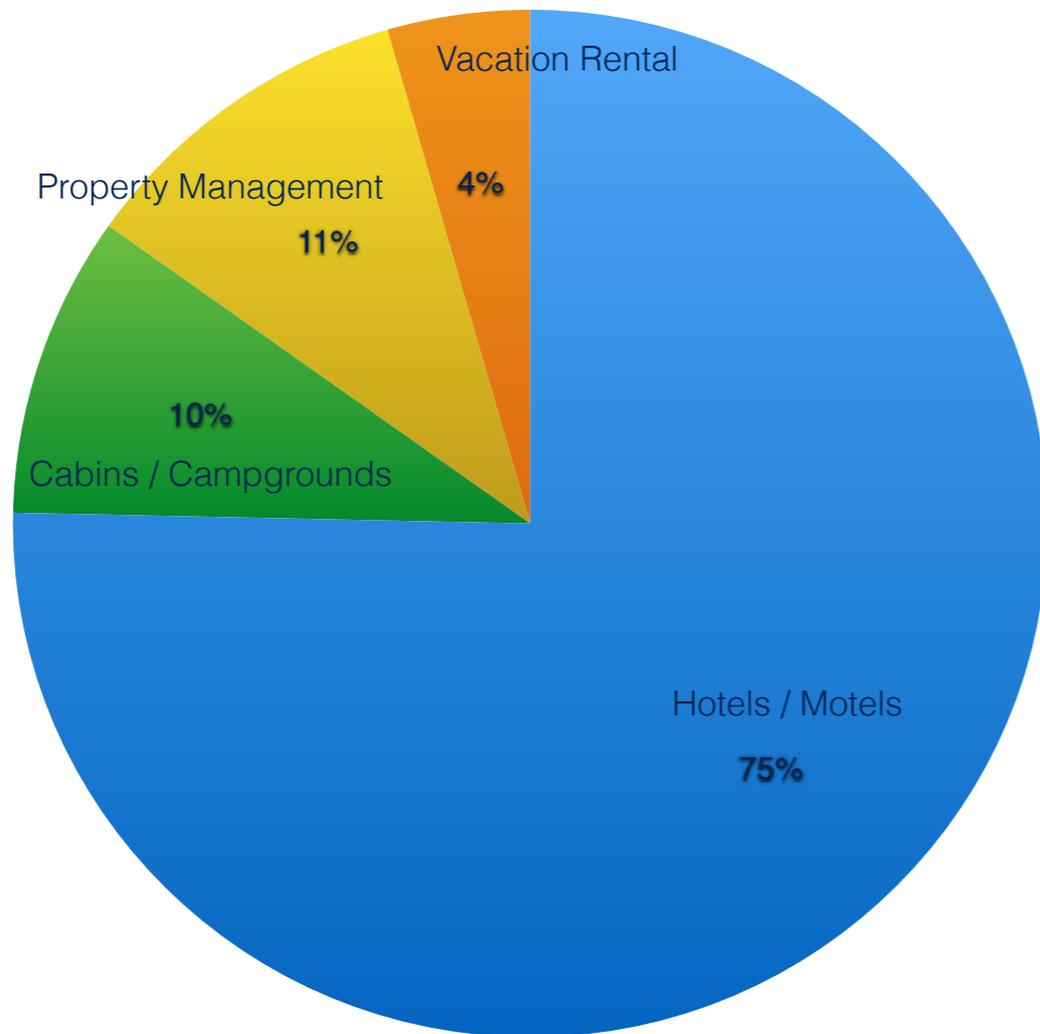
(2007 - 2015)

Town

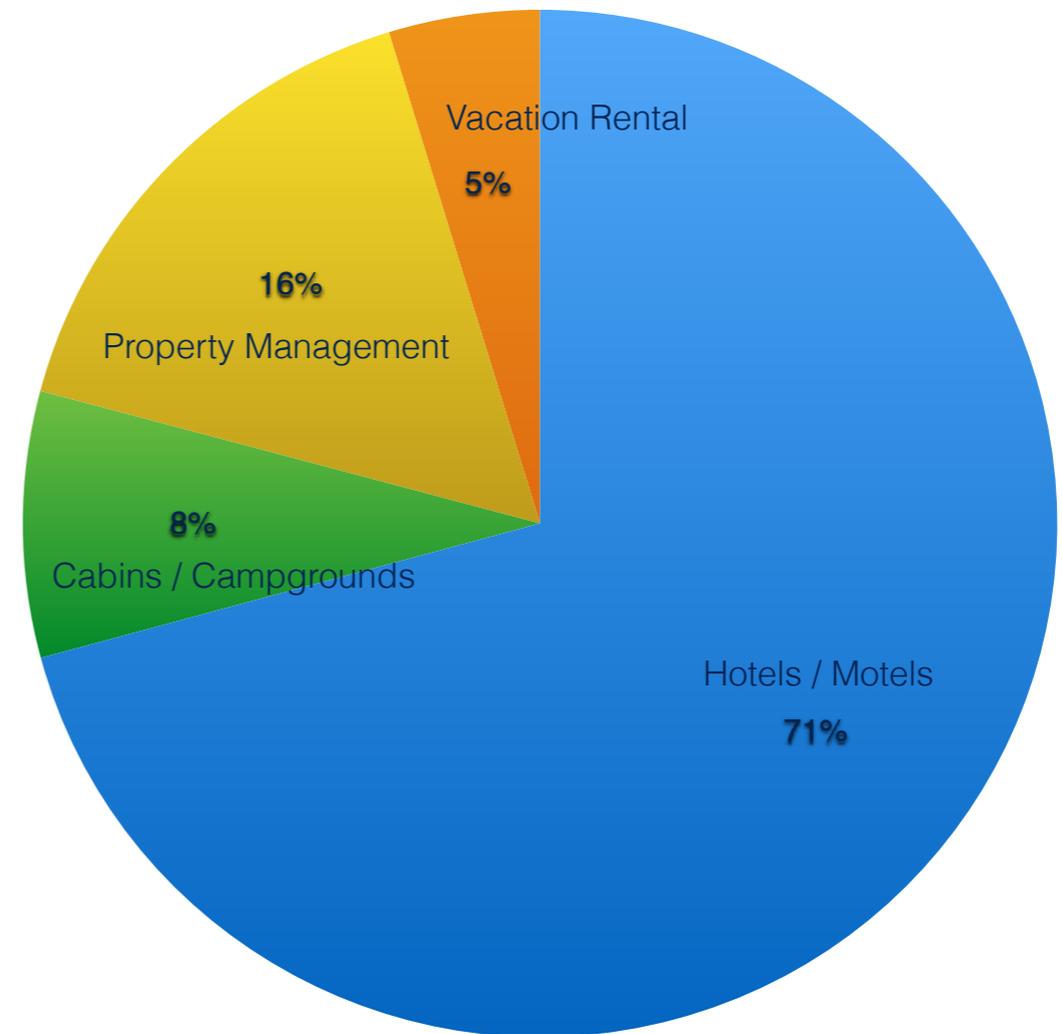
County



Collections by Property Type



July 2015

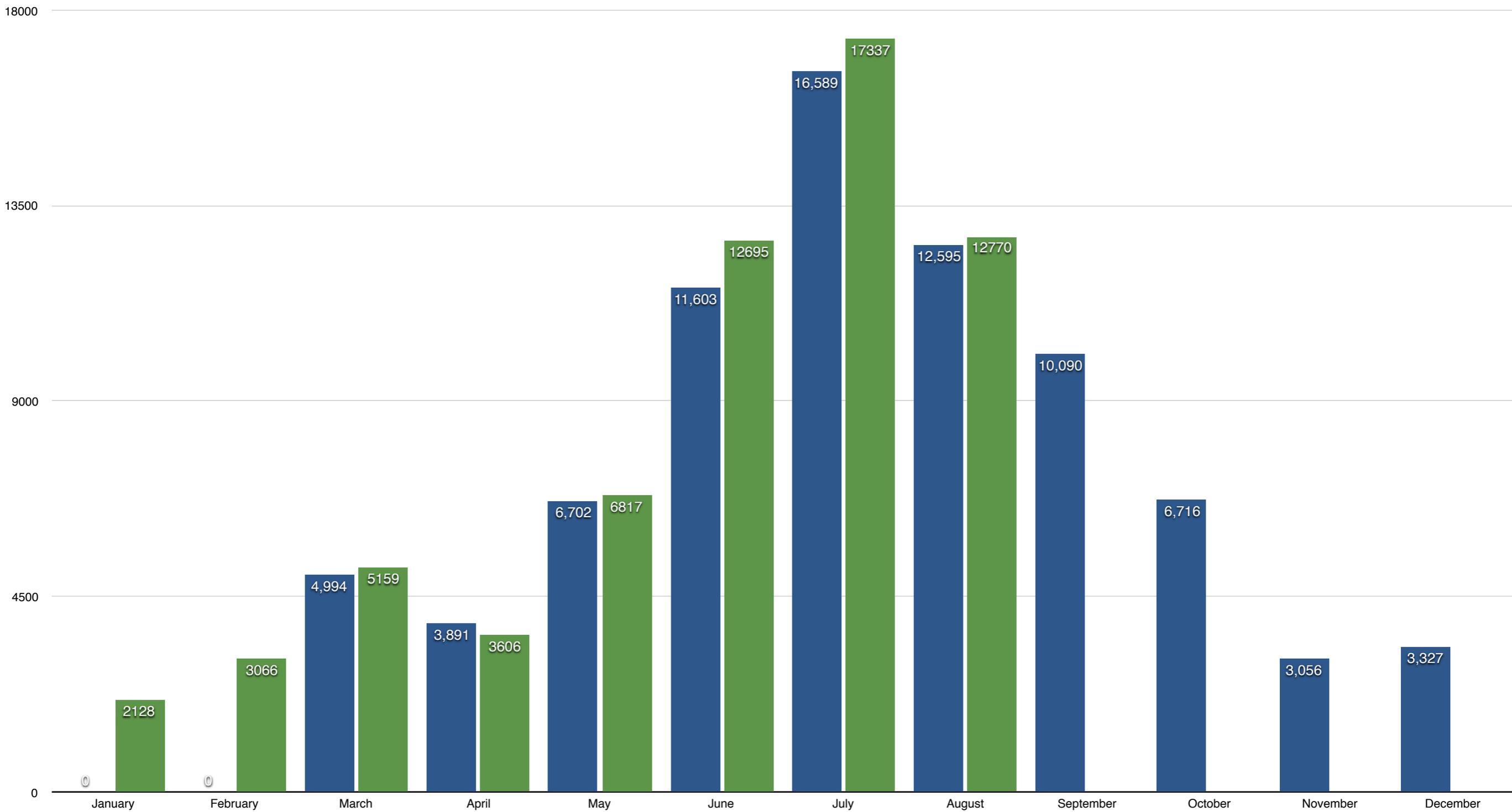


July 2016

Visitor Center Traffic

■ 2015 (Traffic less Chamber / Mtgs)

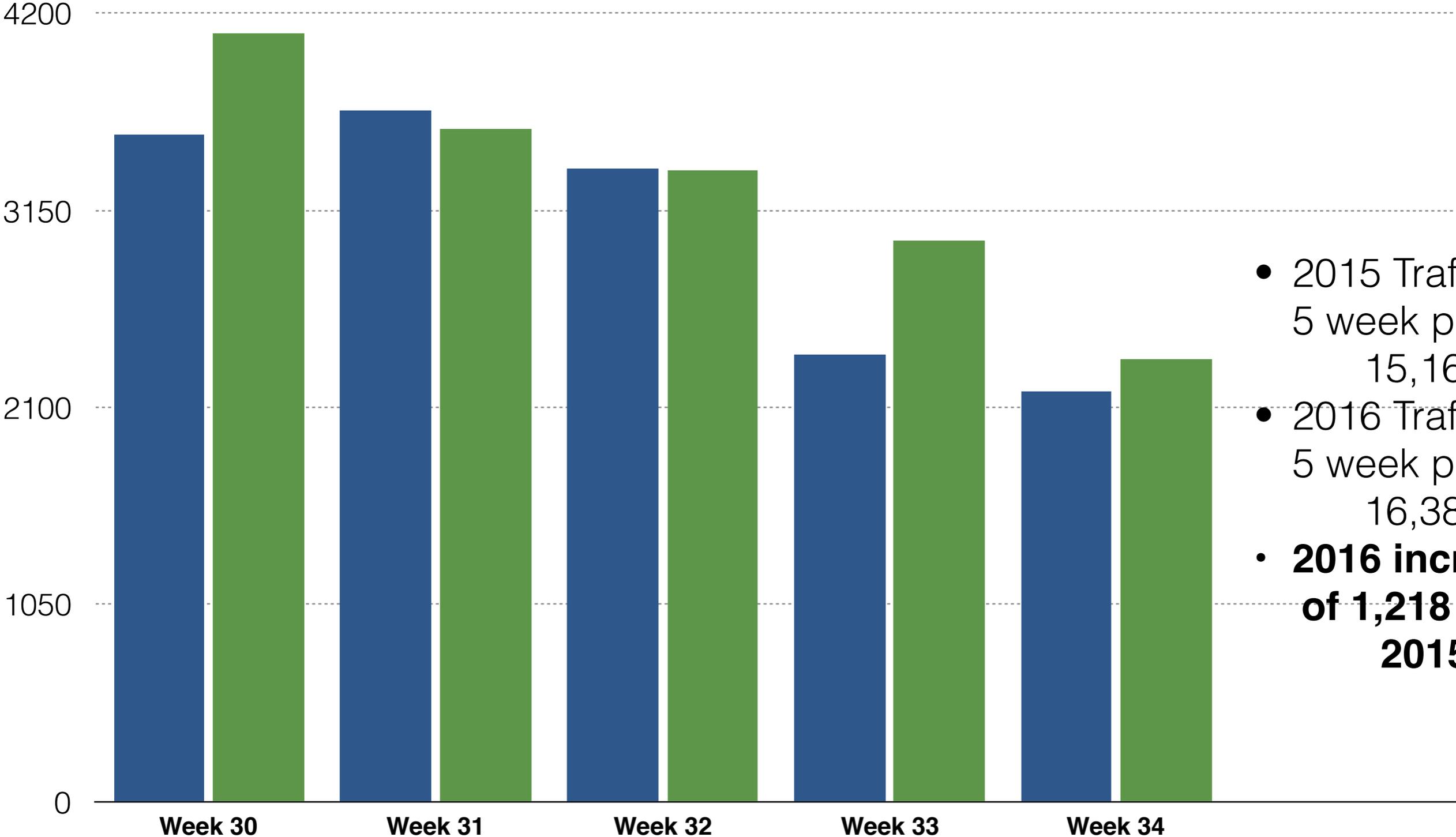
■ 2016 (Traffic less Chamber / Mtgs)



2015 - 2016 Week over Week Visitor Center Traffic

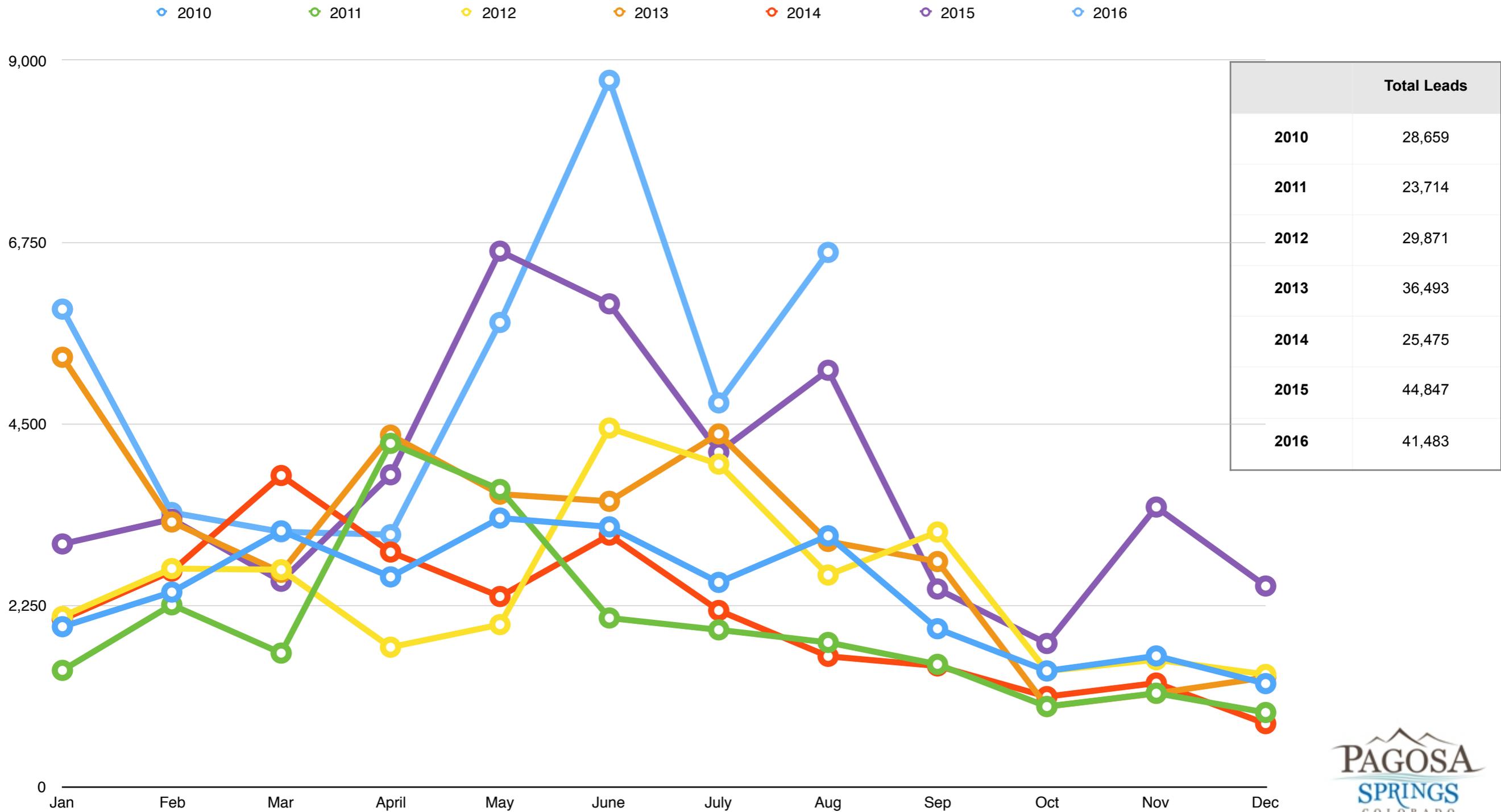
■ 2015

■ 2016



- 2015 Traffic for 5 week period: 15,169
- 2016 Traffic for 5 week period: 16,387
- **2016 increase of 1,218 over 2015**

Vacation Planner Requests by Month



Total Lead Collection by Month

	Jan	Feb	Mar	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
2010	1984	2413	3171	2601	3330	3221	2533	3110	1959	1436	1622	1279	28,659
2011	1443	2255	1657	4255	3684	2092	1945	1789	1518	995	1160	921	23,714
2012	2111	2704	2690	1730	2010	4445	3998	2624	3157	1435	1575	1392	29,871
2013	5322	3281	2658	4357	3626	3537	4372	3040	2791	995	1158	1356	36,493
2014	2,074	2,672	3,857	2,909	2,358	3,118	2,185	1,617	1,498	1,118	1286	783	25,475
2015	3,009	3,316	2,547	3,866	6,636	5,984	4,147	5,161	2,451	1,776	3,466	2,488	44,847
2016	5,918	3,398	3,159	3,124	5,753	8,753	4,757	6,621					41,483

2016 Planning Retreat

Mission Statement

The mission of the Pagosa Springs Area Tourism Board is to raise awareness of Pagosa Springs as a vacation destination and improve visitor experience. The result is a solid, growing tourism industry that generates economic prosperity for the residents of Pagosa Springs.

Review of 2013 - 2015 Goals

2013 - 2015 Goals: Overall

Goal	2013 Progress	2016 Update
Increase lodging tax collections by 15 to 20%, with 50% annual occupancy rate	In 2013, lodging taxes increased 6.72% over 2012; TTC Director will run 2013 occupancy data prior to retreat	As of 2015, town collections has increased 20.7% over 2013; 2016 is currently 10.79% above 2015
Work to have 2 mile stretch of San Juan River through downtown designated catch and release	Town Council approved letter being sent to Parks & Wildlife; Jim White is impressed with stocking efforts and fish retainment; seems promising for consideration in 2015	Parks & Wildlife 5 year plan; need to fund creel surveyor to collect data to advance further; P&W did a study; attempt was made, no progress

2013 - 2015 Goals: Events

Goal	2013 Progress	2016 Update
Develop robust and more complete Annual Event Calendar	Purchasing infrastructure items for event organizers to use at no cost	Part of the reason we are here today!
Recruit outside event organizers to host events in Pagosa	ongoing	Part of the reason we are here today!

2013 - 2015 Goals: Marketing

Goal	2013 Progress	2016 Update
Increase direct referrals to lodging partners through central reservation system (no specific number identified, given only 7 months of referral data)	Over 31,000 searches were performed using booking engine in 2013; more than 17,000 direct referrals	Searches have been flat or increased slightly; industry has changed significantly since we added booking engine - now so many ways to book lodging
Double page views on website	Increased page views from 1.3 million to 1.9 million	Over 4 million page views annually
Increase facebook fan base (to at least 10,000 fans) while maintaining strong page interaction (10-20% of fan base)	Fan base grew to 8,600; Pagosa fan page shows strongest PTAT (engagement) amongst similar destinations - Internet Honey report	Currently, 14,615 fans
www.visitpagosasprings.com placed in top 2 on page 1 of organic search results	Enhanced SEM / google adwords efforts in 2013	Still strong
Increase Social Media Presence	added Instagram in 2013; increased fan bases across all sites; extremely active on facebook, instagram and twitter; presence on google+, youtube, pinterest, foursquare	Added Crowdriff platform; new website launch will add social components

2013 - 2015 Goals: Fulfillment

Goal	2013 Progress	2016 Update
Move towards electronic delivery of visitor information	upgrade website CMS to more easily accommodate	Mobile website; New Travel Planner available as interactive flip book with links and video; mobile and social media friendly
Develop plan to incorporate technology for delivery of visitor information throughout town (kiosks, hotel lobby, etc)	Included in Visitor Information Program	Implemented information kiosks with looping video at multiple locations in community (Center for Arts, Chimney Rock, Airport, Wyndham, etc)

2013 - 2015 Goals: Visitor Center

Goal	2013 Progress	2016 Update
Create dynamic visitor center	Added touch screen monitor in 2013; developed plan per Town Council direction for Visitor Information Program	Multiple monitors with looping videos, two touch screen monitors, outdoor brochure holders to provide key information 24/7
Develop plan for new visitor center	Goal was originally pursuing state welcome center, Town Council tasked TTC with developing Visitor Information Program and upon acceptance of plan, tasked TTC with implementation	Visitor Information Program successfully implemented; traffic increasing

2013 - 2015 Goals: Wayfinding & Signage

Goal	2013 Progress	2016 Update
Continue to implement Signage Plan	enhanced river overlook with new signs, shades and flowers in 2013; add solar at gateway signs for sign cabinet installation in Spring 2014; progress continues.	Landscaping at Gateway signs on hold due to easement issues; visitor center staff has done great job with flowers at overlook and at visitor center in 2016

Event & Infrastructure Survey

Types of Events to Fund

Ranked most interested first:

1. Local events that bring some visitors to town (during shoulder seasons) - 100%
2. Event organizers to bring new marquee, annual events to town (typically request 2-3 year start-up funding) - 87.5%
3. Event organizers that want to bring a large, one time event to town (typically request local support services; event investment for return in tax collections) - 75%

Not as sure:

1. Synergistic: Events that that may not specifically bring visitors to town, but provide something else for them to do while they are here; often held during holiday or summer season - 37.5% interested, 25% not interested, 37.5% in the middle
2. Local events that bring some visitors to town (during peak tourism season) - 37.5% interested, 50% not interested, 12.5% in the middle

Event Funding Priorities

1. Weight funding amounts based on event audience (attracts visitors or provides existing visitors more to do) - 77.7%
2. Weight funding amounts based on time of year (more for shoulder season, less for peak) - 77.7%
3. Weight funding based on local advertising vs external audience - 77.7%
4. Require funds be only used for marketing the event - 66.6%

Less Important:

1. Limit total amount of funds available to event organizers (over multiple calendar years) - 66.6% - however, 33.3% not important
2. Require events to show a return on investment to receive future funding - 55.5%
3. Limit the number of years event organizers are eligible for funding - 44.4%

Event Funding Concerns

1. Event Organizers not becoming self-sufficient or locating additional sponsors (87.5%)
2. Lack of shoulder season events (87.5%)
3. Funding events that are not growing or increasing attendance (87.5%)
4. Lack of new events (75%)

Slightly Less Important:

1. Funding events held during peak times (62.5%)
2. Event organizers using funds to increase event profits (62.5%)
3. Using funds for expenditures outside of approved marketing plan (62.5%)

Types of Event Marketing

Not the Best Use of Funds:

1. Branded Event Items - 87.5%
2. Local Advertising (reaches visitors once they are in town) - 50%

Great Use of Funds:

1. External Marketing (reaches visitors before they reach town) - 100%
2. Ad Placement (print, paid social, banner ads, etc) - 87.5%
3. Niche Marketing (advertising specifically to the event audience) - 75%

Closer to the middle:

1. Advertising / Marketing Design Expenses
2. Website Expenses
3. Printing Expenses (Posters, postcards, rack cards)

Tracking Return on Investment

- 50.0%: Have a standardized online survey for event participants to complete (4)
- 25.0%: Invest in 3rd party tool to provide standardized results (\$5,000) (2)
- 12.5%: Rely on event organizers to track and provide results to Tourism Board (1)
- 12.5%: View "Other" Answers - none were indicated

Types of Infrastructure

Most Interested:

1. New or Additional Amenities (climbing / bouldering rocks, disc golf, etc) - 100%
2. Enhanced Scenic River Overlook - 87.5%
3. Beautification (landscaping, flowers, etc) - 75%
4. Fish Stocking - 75%
5. Trails - 62.5%**

Not as sure:

1. Infrastructure Equipment (for example: trail building equipment) - 25% Very Interested, 12.5% Interested, 37.5% Not Interested, 25% in the middle
2. Infrastructure requested by event organizers - no one very interested; 37.5% Interested, 37.5% Not Interested, 25% in the middle

Wayfinding / Signage

1. Piedra Road Wayfinding / Directional Signs
 1. No one selected “Very Interested”; 37.5% “Not Interested”, 37.5% middle, 25% “interested”
2. Additional Wayfinding / Directional Signs
 1. No one selected “Very Interested”; 37.5% “Not Interested”, 12.5% middle, 50% “interested”



DRAFT Minutes

Pagosa Springs Area Tourism Board

Tuesday, September 13th, 2016

Pagosa Springs Visitor Center

11 am

Meeting called by: Steve Wadley

Attendees: Voting Members; Don Volger, Larry Fisher, Nick Tallent, Steve McKain, Criselda Montoya, Jon Johnson, Lee Riley

Absences: Stephen Durham, Steve Wadley

Non Voting Attendees; Jennifer Green, Greg Schulte

Please review: July Meeting Minutes

Please bring: Agenda, Committee reports

1. Call to Order
2. Determination Of Quorum (5)
3. Approval of Minutes – July
 - a. Jon Johnson motioned to approve July meeting minutes, Steve McKain seconded, all approved
4. Chair Report
 - a. No update
5. Kevin Metzler asked to address the tourism board regarding a letter of support from tourism board discussed during the July meeting for SW Adventure Tours
 - a. Mr. Metzler read a letter expressing concerns that the Tourism Board would provide a letter of support to a competing business
 - b. Greg Schulte explained that the discussion had been tabled as the Board was not aware of the issues surrounding Southwest Adventure Tours operating without a license this summer when they discussed the topic in July. Additionally, Greg explained that the PUC application process was lengthy and the Tourism Board did not need to be involved at this stage.
6. Tourism Director Report – Jennie Green

a. Group Travel Update

1. Significant efforts have been made in recent years to attract groups, tour buses and ski clubs. Demand continues to increase, however, our current hotel inventory does not meet most their needs (price, quality, service, size). Additionally, we have limited restaurants that can guarantee a group of 40-50 seating, even with advanced notice. Director recommends reevaluating efforts for the group market until Tour Operator concerns are addressed.

ii. Governor's Conference on Tourism

1. The 2016 Governor's Conference on Tourism will be held in Breckenridge September 14th - 16th. The Hot Springs Loop has been nominated for the "Outstanding Marketing Achievement" award. Additionally, the Director will be speaking during two sessions, a panel discussion on capacity issues during the CADMO meeting and a CTO presentation the Marketing Matching Grant program.
2. Director and Criselda Montoya attending; both will investigate funding sources from DMOs for various activities for comparison and to assist Tourism Board with future priorities, if possible

6. Treasurers Report - Nick Tallent

a. Monthly Town Lodging Receipts report - Update

1. The most recent lodging tax report has been provided for review. With all payments received, July 2016 reflects a 15.34% increase over 2015, or \$10,842. Year to date, collections are up 11.87%, or \$35,230 over 2015.

7. Subcommittee Reports

a. Budget

1. 2017 Budget Preparation

- a. Board agreed to have Director provide draft budget via email; a special meeting will be called to discuss specific areas if needed; Board will review in detail during October meeting

b. Marketing

- i. Focused on Fall and Winter ad placement
- ii. Planning for 2017 underway; marketing subcommittee meeting will be scheduled when a plan is available to review and discuss

c. Events & Infrastructure - Larry Fisher

i. Revised 2017 Funding Applications

a. Group discussed the outcome of the events subcommittee meeting held on 9/7/16; in order to achieve the key objectives identified with the events survey, the subcommittee instructed staff to draft the following:

- i. Event Funding Application – shorter, easier to complete; no requirement using funds for marketing of event; available for smaller allocations; available for funding during peak times
- ii. Marketing Grant – marketing specific funds; \$1 for \$1 grant preferred (or equal in kind donations); detailed marketing plans submitted and approved, changes to marketing plans must be approved by subcommittee – larger amounts of funding available
- iii. Develop scorecard to help guide subcommittee to weight funding based on desired outcomes of more events and more shoulder season events
- iv. Develop plan to attract marquee events / event organizers

ii. Update on climbing / bouldering rocks in town parks

a. Greg Schulte provided update; new climbing rock has been ordered and will be installed in Town Park; distributed a photo of the new rock

d. Wayfinding and Signage – Steve McKain / Jon Johnson

i. Scenic River Overlook

1. Reynold's & Ash received award for soil sampling and design options for scenic overlook; work has begun
2. Anticipate to receive cost estimates for various design concepts to assist with budget process

ii. Update on various projects

1. Group expressed concerns with landscaping, summer flowers and beautification throughout town
2. Group discussed efforts they have attempted and how to proceed
 - i. Nick Tallent motioned to investigate the Tourism Board hiring seasonal employee to handle beautification efforts, specifically planting and watering flowers throughout town, Jon Johnson seconded, all approved

e. Visitor Center

- i. Traffic to the visitor center during the month of August was up slightly over 2015 with 12,770 visitors – an increase of 176 over 2015 (2015 saw 12,595 visitors).

f. Tax Compliance

- i. No Update – awaiting feedback from County staff on new remittances to pay commissions to MuniRevs

8. Old Business

9. New Business

a. Public Comment

b. Tourism Board Ideas and Comments

10. Adjournment

- a. Jon Johnson motioned to adjourn, Larry Fisher seconded, all approved



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:V

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 22, 2016

FROM: ZACH RICHARDSON, DEPARTMENT OF BUILDING & FIRE SAFETY

PROJECT: DEPARTMENT REPORT
ACTION: UPDATE AND DISCUSSION

BUILDING PROJECTS:

The Department issued the following building permits:

	JULY 2016	AUGUST 2016	YEAR TO DATE
<i>Commercial - Addition</i>	1	1	5
<i>Commercial – Improvement</i>	1	3	15
<i>Commercial – New</i>	0	1	1
<i>Misc-Accessory Structures</i>	0	0	0
<i>Residential – Addition</i>	0	1	9
<i>Residential – Improvement</i>	0	1	5
<i>Residential – New</i>	1	2	9
<i>Permits Issued</i>	3	9	44
<i>Total Project Valuation:</i>	\$267,000	\$4,559,606	\$14,487,725

As of this report, the Department has 134 active building permits.

BUILDING/CODE INFRACTIONS:

The Department continues to work with legal counsel to follow-up on building code and nuisance violations. A municipal court hearing took place on July 21 for one nuisance infraction – trash and inoperable vehicles. It was agreed that the owner complies within 60-days. Staff noted that progress is being made and a follow-up court date is set for 9/29/16. The second nuisance infraction for accumulated trash and debris is scheduled for municipal court on September 15.

The Code Board of Appeals meet in July to hear an appeal received from 56 Talisman Drive-Thompson Village Center for failure to perform inspections and provide reports to the Town for the building’s smoke or fire safety systems. The Board dismissed the case after the appellant withdrew the appeal during the hearing. The property owner discussed with staff of how he could come into compliance and agreed to continue to work with staff to resolve the infractions.

Staff has been very busy with fire code and business license inspections.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL:V

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: DENNIS FORD, MAINTENANCE SUPERVISOR

PROJECT: MAINTENANCE DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

MAINTENANCE UPDATE

An annual inspection of the Town Hall, Community Center, and Visitor Center was completed to check for any safety, security, or maintenance issues. Several minor items were identified and have been addressed. Routine maintenance and system inspections have been completed on schedule and in compliance with guidelines.

Attended Snow and Ice Conference for training on hazards of snow removal. Staff continues to do daily tasks.

TOWN HALL

We are still experiencing issues with the Town Hall air conditioning unit. The pump went out on the system and a new one was installed. There is a persistent issue with the unit cycling properly. Staff has been working with Trane, the manufacturer of the unit, to resolve the issue. The technician stated that the unit is sound but there is a glitch that is preventing the system to cycle back on when it shuts down. Trane is scheduled to work on the unit next week.

COMMUNITY CENTER

All meeting rooms and the multi-purpose room at the Community Center have been painted.

VISITOR CENTER

Projects at the Visitor Center have been completed.



AGENDA DOCUMENTATION

REPORT TO COUNCIL: V

PAGOSA SPRINGS TOWN COUNCIL
September 22, 2016

FROM: DARREN LEWIS, PARKS & RECREATION DIRECTOR

PROJECT: COMMUNITY CENTER AND PARKS AND RECREATION DEPARTMENT REPORT

ACTION: UPDATE

PARKS AND RECREATION COMMISSION UPDATE

There was a meeting Tuesday, September 13, 2016. There was not a meeting in August.

RECREATION PROGRAMS UPDATE

Youth Soccer ages 5-12 season started September 7th. Season will end the first week of October.

Gymnastic session started September 7th for ages 3 and up. Session will be four weeks.

Youth Basketball Registration ages 7-8 are being accepted through October 3rd.

Gymnastic registration being accepted for next session starting October 5th.

PARKS UPDATE

Yamaguchi skate park bowl should be completed this month.

New clay for the Yamaguchi baseball field should be installed by the end of October.

New shade structure at Yamaguchi Park should be installed by the first week of October.

Contract awarded for climbing boulder in Town Park. Construction to begin in October, 2016.

New drinking fountain ordered for South Park as well as new fencing for the south side of the volleyball court

Dirt was added to the Town Park athletic field to level the field. Grass will be planted as soon as the junior high football team is done with their usage of the field.

Community Center

Summer Youth Camp was a success. Plenty of positive feedback.

Exercise room continues to be popular.

Planning Halloween event in Town Park for the kids on Saturday October 22, 12 p.m. – 2 p.m.

**** Extremely pleased with staff efforts in all three departments****



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: V

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: JAMES DICKHOFF, PLANNING DIRECTOR

PROJECT: PLANNING DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

HISTORIC PRESERVATION BOARD (HPB) UPDATE

Meeting Minutes from August 10 and 24, are attached.

The HPB has been discussing our area museums and their importance as an educational repository of Pagosa Springs history and artifacts. The HPB is anticipating Town Council discussing museums in the very near future with the expected funding request by the San Juan Historical Museum.

PLANNING COMMISSION (PC) UPDATE

Meeting Minutes from August 9 and 23, are attached.

The Planning Commission conducted a mobile workshop on September 13th, a means to look at zoning districts, Town Voluntaries and infrastructure needs. The work session proved beneficial and generated a list of infrastructure gaps and improvements for consideration.

WATER WORKS FACILITY

The historic water works facility committee continues to meet and prepare to present potential repurposing ideas to the public at a public meeting TBD. The intent is to look at the possibilities the opportunity site may have and present their finding to Town Council, prior to Town Council formally accepting the recently awarded \$166,000 SHF restoration grant.

RUMBAUGH CREEK BRIDGE UPDATE

We have received correspondence from SHF that the construction plans are approved. Staff has drafted a RFP and is waiting on HPB comments prior to advertising for construction bids. The majority of the project will occur in 2017. We will endeavor to ensure the arch and retaining wall supporting structures are placed in 2016.

MAIN STREET MURAL

The mural artwork replacement is currently being advertised for proposals and bids. Bids are due by October 14.

SMALLER LOT SIZES IN THE R-12 AND R-18 DISTRICT

The Planning Commission would like to secure a work session date with Town Council and representatives from the housing committee as directed by Town Council on May 19, 2016. Staff recommends an early October work session be considered.



TOWN OF PAGOSA SPRINGS
Historic Preservation Board
Regularly Scheduled Meeting Agenda
Wednesday, August 10, 2016 @ 5:45p.m.
Town Hall, 551 Hot Springs Blvd.

- I. **Call to Order / Roll Call:** Chair Peggy Bergon calls the meeting to order at 5:48PM. Present were Board members Judy James and Vice Chair Lindsey Smith. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak. John and Jean Taylor from the San Juan Historical Society were also in attendance. HPB member Andre Redstone arrived at 6:04PM.
- II. **Announcements:** Lindsey Smith provides an update on how the Fair went. Overall, the HPB table was very popular and this may be something to consider for next year.
- III. **Approval of Minutes:**
Approval of the July 27, 2016 HPB Regularly Scheduled Meeting Minutes: On page 3 at the bottom of B, it should say “any” instead of “nay.” Staff will look into revising the minutes for having the “fence” statement attributed to Chrissy Karas and not Peggy Bergon in the minutes pertaining to Jeff Greer’s fence.
- IV. **Public Comment:** NONE
- V. **Decision Items:**
 - A. **Mural Replacement RFP Review:** Staff had extensive conversations with the high school art teacher, but the schools just don’t have the capacity at this time to handle a project of this size. It has been discussed to provide extra points towards proposals attributed to incorporating a student aspect into the project. Judy James feels that the aspect of a student component should be completely left up to the bidders. Trying to incorporate such a component may push back the timeline too far. Lindsey Smith would like a rewrite of the second paragraph on the first page to reflect item one of the material restrictions. Typically, staff will advertise the RFP for three weeks and then staff and a small committee will evaluate the proposals. Then, interviews will be held and a recommendation will be presented to Town Council. Overall, this process could take up to 8 weeks before selecting the final artist. Peggy Bergon would like to know what will happen to the old mural. As of right now, the future of the mural is uncertain. Andre Redstone would like a plan of how to handle each mural or artwork at the end of each term for roughly a 5-year lifespan. He suggests an auction, the artist could buy it back, or possibly the Town could have the right to move the installation to somewhere else. Andre Redstone would like clarification on what does the word “qualified” means to the language of the RFP. It is in reference to the qualifications listed on page 4. Staff will remove the word “qualified” from the language of the RFP. Andre Redstone asks how the quality of work will be addressed. In the contract, if the quality of work does not live up to the \$10,000 expected project that will be considered within the contract language. Staff will provide an updated RFP at the next meeting.
 - B. **Museum Support Letter and Funding:** The Board of County Commissioners and Town Council will be hearing the requested \$60,000. Jean Taylor says that the museum is doing well in terms of memberships and donations. As of right now, the museum does have the funding to stay open through 2017. At that time, they may be pursuing money for repairs and staffing the museum. At the present time, they would like to get their finances in order and then they will have a better idea of how much money to potentially request. The \$60,000 originally requested in not needed at this time. Lindsey Smith is very happy to hear that the museum is looking up. Andre Redstone says that the museum support letter has been in the Town Council agenda several times and they have not acknowledged the letter. He feels that this issue is very important considering the grants and other activities happening on the site. Peggy Bergon feels that the HPB could provide an updated letter of support for funding once the museum has their finances in order. Andre Redstone feels that Town Council is still unaware of the Board’s support of the museums and he

would still like to bring it to the Town Council's awareness. It continues to lay a foundation for the Waterworks Committee and for the other museums in Town. He feels that staff should continue to push the letter on the agenda to show the HPB's support in working in conjunction with the museums. Planning Director James Dickhoff says that he has presented the letter twice to Town Council and the Mayor is aware of the letter. Planning Director James Dickhoff will collaborate with the Town Manager and Mayor on how to get the letter recognized more with Town Council. Lindsey Smith agrees that the HPB would like acknowledgement of the letter from Town Council, but also agrees that they should wait until a more concrete letter could be crafted after the museum gets their finances in order with a 3-5-year financial plan through their financial planner. John Taylor says that there was a split mindset with the County when they first took over the museum, but now everyone understands that the Taylors are working hard to ensure they will not close. Jean Taylor says that they have been asked to combine with the Fred Harman Museum. She supports this idea, but at the present time this is a difficult endeavor. Lindsey Smith asks if it's possible to have a general Museum Board that oversees all of the museums in Town. Andre Redstone says that potentially, the HPB could help facilitate the selection of such a Board. Planning Director James Dickhoff says that the HPB could present an agenda item at a future Town Council meeting to discuss the possibility of creating a committee or task force to look at the museums in general. Peggy Bergon would like to contact the Fred Harman museum and start a conversation with them. Andre Redstone agrees that they should be including the Fred Harman museum. Planning Director James Dickhoff suggests the HPB attending a Fred Harman Museum Board meeting and discussing this item. He will discuss these items with the Mayor and the Town Manager.

VI. Discussion Items:

- A. Waterworks Committee: Peggy Bergon would like to address why the committee is not ready to go to the public. Planning Director James Dickhoff provides an update on the Bridge and Waterworks site. He says staff has considered placing both construction projects out to bid together. At the most recent committee meeting, it was determined to have staff outline a basic public work session outline. At the next meeting, the committee will determine if they are ready to go to the public. Staff will also be finalizing with SHF, what exactly can be done with the site in terms of development and the 20 year restrictions. Andre Redstone says that the new feedback from the new SHF staff person is pivotal to what the committee can bring to the public. He would like to see what exactly can be done with this new grant for the Waterworks site. Andre Redstone says that the committee was formed to flush out all of the potential ideas for the site and then gain feedback from the public. He agrees that the committee will be involved in facilitating the update of the Comprehensive Plan. He feels that this could change how they go to the general public. Planning Director James Dickhoff says that the committee will ultimately have an outcome of a document of potential opportunities for the site. Elements of this could be incorporated into the new Comprehensive Plan. Andre Redstone wants to ensure the committee has a reasonable plan to present to Town Council in regards to matching funds for the grant. Lindsey Smith says that the committee's next steps are to better understand the limits of the site and then flush out several ideas to present to the public and solicit feedback. Then the committee will present these findings to the HPB and then recommendations will be presented to Town Council. Andre Redstone would like to
- B. October 4, 2016, 1:15pm Bus Tour History Talk Volunteer: Associate Planner Rachel Novak provides an update on this. They are willing to provide \$200.00 as a flat fee and then donations at the guest's discretion. It is recommended to have at least 2 people per group of 27 people for a total of 4 volunteers. Andre Redstone would like to spend more time discussing the Town's story instead of just the downtown area. The Tour will start at the Overlook, then cross the street to Goodman's, and then go down Lewis Street. Jean Taylor from the museum has some potential volunteers for this event. The Town can also provide Walking Tour Brochures for the event.
- C. Waterworks Site: Listing as an Endangered Place: Associate Planner Rachel Novak provides an update from Rebecca Goodwin. She asks the HPB if they mind getting this project on the radar of out of state entities. Andre Redstone says that Rebecca Goodwin asked Architect Courtney King has there been a

negative connotation about the site. Jean Taylor says that they pursued a project back in 2009 through the State Historical Society and they were told no that they couldn't do anything with the site. Lindsey Smith is concerned that a significant, negative connotation will be placed to the site if it gets listed as an endangered place. She is concerned that people may think that the Town is wasting money on the site. Peggy Bergon feels that having the outreach process with the public about the site will help this issue. Andre Redstone feels that this could potentially have very negative consequences. Staff will reach out to Rebecca Goodwin on the deadline before making any decisions.

- D. Certified Local Government (CLG) Annual Report: Staff can email out the final CLG Annual Report for HPB's review.
- E. 2016 HPB Budget and 2017 Budget preparations: Planning Director James Dickhoff discusses these budget items with the HPB. Staff is currently considering the 2017 budget and the HPB should submit project goals for next year. Peggy Bergon would like to have this as a discussion item at the next meeting. Andre Redstone would like to be able to see a more finalized 2017 budget before suggesting ideas for projects to pursue next year. Andre Redstone suggests possibly looking for grants or money for the museums. Jean Taylor says that she is currently pursuing other options for funding, but she does say that they need to find more resources. Rural Philanthropy Days may be a good consideration for the HPB to attend or staff can find time to attend.
- F. Chili Cha Cha Participation: Planning Director James Dickhoff has reached out to Morgan Murri about the event and they may be able to make some time for the HPB to host an event or participate in some other way. It has been discussed to have the poster contest winners announced or presented here. Judy James suggests possibly having the presentation at the schools. Lindsey Smith suggests sponsoring a performance and have a banner referencing the HPB.

VII. Reports and Updates:

- A. Planning Director Report: The Planning Director James Dickhoff provides an update.
- B. Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration: NONE
- C. Upcoming Town Meeting Schedules

VIII. Public Comment: NONE

- IX. Adjournment:** Judy James motions to adjourn. Lindsey Smith seconds. Unanimously approved. The meeting adjourns at 8:15PM.

HPB Board Members

Peggy Bergon: HPB Chairperson, **Lindsey Smith:** HPB Vice-Chairperson
Chrissy Karas: HPB Regular Member, **Andre Redstone:** HPB Regular Member,
Judy James: HPB Regular Member, **Brad Ash:** Alternate Member

HPB Mission Statement

"Moving Forward While Preserving the Past"

To provide leadership, engage and encourage partnerships within our community of Pagosa Springs and Archuleta County, increase public appreciation by creating awareness, promoting the preservation of our irreplaceable diverse cultural heritage, architecture, and economy *while* sharing the stories of our past with ideas for the future.



TOWN OF PAGOSA SPRINGS
Historic Preservation Board
Regularly Scheduled Meeting Agenda
Wednesday, August 24, 2016 @ 5:45p.m.
Town Hall, 551 Hot Springs Blvd.

- I. **Call to Order / Roll Call:** Vice Chair Lindsey Smith calls the meeting to order at 5:45PM. Present were regular members Chrissy Karas and Andre Redstone. Also present were Planning Director James Dickhoff, Associate Planner Rachel Novak, and Jean and John Taylor from the San Juan Historical Society.
- II. **Announcements:** Chair Peggy Bergon has resigned her position with the Board. An election for Chair and potentially Vice Chair will be held at the next, regularly scheduled HPB meeting. Staff will ask if Peggy Bergon would like to be an alternate member.
- III. **Approval of Minutes:**
Approval of the August 10, 2016 HPB Regularly Scheduled Meeting Minutes: Andre Redstone motions to postpone the approval of the minutes until the next meeting. Chrissy Karas seconds. Unanimously approved.
- IV. **Public Comment:** NONE
- V. **Decision Items:**
 - A. **Mural Replacement RFP Review:** Staff has included an updated copy of the RFP within the staff report. Andre Redstone motions to defer the decision to recommend the Mural Replacement RFP to Town Council until the end of the Day Monday, August 29, 2016. Chrissy Karas seconds. Unanimously approved.
 - B. **Waterworks Site, Listing as an Endangered Place:** Associate Planner Rachel Novak updates the Board on Rebecca Goodwin's nomination. Andre Redstone does not see the value in the nomination and this nomination has the potential to misconstrue the site with a negative connotation. Lindsey Smith notes a paragraph within Rebeca's nomination form. She says that the potential to have CPI as a partner for the future of the site is extremely valuable. Andre Redstone is concerned about the local perception for the listing of the site as an endangered place. He would like to hear what Jean and John Taylor feel about this. Jean Taylor says that the nomination is confusing and she really isn't sure if this is the right choice for Pagosa Springs. Andre Redstone says that the site is only locally listed and listing this site on the Endangered Places List will not change this status or any other status. Lindsey Smith says that overall this Endangered Places List is for a collective of information to be given to the public. Planning Director James Dickhoff says that this could potentially have an immediate benefit because the site will be restored through an SHF grant and represented as a success story at the Saving Places Conference. Andre Redstone motions that the Town of Pagosa Springs Preservation board is in support to nominate the Waterworks Site as an endangered place. Chrissy Karas seconds. Unanimously approved.
 - C. **October 4, 2016, 1:45PM Bus Tour - Historic Walking Tour Volunteers:** Associate Planner Rachel Novak provides an update from the tour guide. The tour guides need a 100% commitment from at least two volunteers for walking tours. Jean Taylor says that she and John can provide a detailed presentation at the Overlook. Chrissy Karas motions for the Board to commit to at least one person for a presentation at the Overlook, accept the \$100 from the guests, and to pass around a container for donations. Andre Redstone seconds. Unanimously approved.
- VI. **Discussion Items:**
 - A. **Waterworks Committee:** The next meeting for the committee is set for 08/31/16 at noon. Staff is finalizing an agenda for this meeting to help guide discussions on how and when to engage the public. Andre Redstone would like the HPB to weigh in on the implications of the SHF grant not being able to

- be repaid and the 20year restriction. Planning Director James Dickhoff says that there isn't a way to pay back the grant. This just means that any work or renovations done to the property, the Town must go through SHF for their approval. There is no funding for redevelopment, but there is a potential for a public-private partnership. Staff will provide a copy of the grant contract in about 2 months for review. There will be a 2 month opportunity to accept the grant and then a 2 month time period to review the grant contract. Then, there is a 2 year time limit to complete the project. Andre Redstone says that this should give the committee enough time to engage the public and provide ideas for discussion. This window of time needs to be used wisely.
- B. 2017 Budget Preparations: The cutoff for the HPB to provide staff with project ideas is early October. The Board has discussed many projects in the past and now is a good opportunity to bring those to light. Staff suggests a walking work session to really assess what the Historic Business District needs. Andre Redstone would like to see the budget as line items and he would like to see the HPB participate in more comprehensive public engagement. This could be a meet and greet with the public at the Community Center. Another line item, suggested by Andre Redstone, could be to designate funds for professional services on discussions and engagement. For example how to engage the public on the museums. Andre Redstone would like to see more local leaders and more Board members attend the Saving Places Conference. Chrissy Karas would like to see more properties locally listed with the Town. Andre Redstone agrees with Jean Taylor to improve the Historic District Walking Tour Brochure. There is also a line item for interpretive signage based on an award of a grant. Lindsey Smith would like to have a walking work session to help solidify these ideas.
 - C. Chili Cha Cha participation: The HPB has expressed interest in possibly sponsoring a performance and/or advertising with a banner. Lindsey Smith is trying to coordinate the potential of having Aztec Dancers at the event. Andre Redstone says the Jicarilla Drummers are an option, but the Board will need to confirm if alcohol will or will not be served at the event. The Spanish Dancers whom cancelled at the Fair could also potentially be considered at this event. Staff can reach out to the schools to present the student poster contest winners with their awards and get a group photo.
 - D. Rural Philanthropy Days: Staff provides an update on this year's event: It will be held in Summit County from September 28-30 and the conference will not be held in SW Colorado until June 2018. It was the HPB's intention to seek resources for helping the museums at this event. Andre Redstone would also like to see what the grant and funding opportunities are for cultural development within Pagosa Springs. Andre Redstone suggests having Jean and John Taylor attend the event, along with at least one HPB member. Staff recommends coordinating these efforts with Mary Jo, with the Chamber of Commerce.

VII. Reports and Updates:

- A. Planning Director Report: Planning Director is present to answer any questions for the HPB. Andre Redstone asks about possibly combining the Rumbaugh Creek Bridge project with the Waterworks project. He says that the overages tend to grow with contractors and is there still a possibility to bid these out separate. Planning Director James Dickhoff says that there were elements out of staff's control that put the Bridge project back. The benefit to starting the Bridge project this year is to get supports in place, but this could pose a threat in the spring runoff season. Ultimately, having the same contractor perform the construction for both projects could prove to be beneficial. Andre Redstone agrees that the proximity of the two projects is important to acknowledge, but there are benefits to starting the Bridge project this year, especially because the two projects are very different. Chrissy Karas would like staff to let SHF staff know that the Bridge might be compromised after the spring runoff.
- B. Opportunity for HPB members to briefly present ideas and suggestions as well as potential future agenda items for the HPB's consideration: Chrissy Karas and Andre Redstone would like to ensure staff makes clear that the Comprehensive Plan Update incorporates the Historic Buildings, District, and their significance. Staff will be asking for participation from all of the Board's in Town for the steering

committee for this project. Andre Redstone would like the HPB to review the design standards for the Historic Business District and how other design standards could be applied elsewhere in Town. He would also like to also have discussions on the Courthouse and its impacts on the District. Andre Redstone would like to assist the County with further design opportunities and assessments in the future. Overall, the HPB has an interest in assisting with this matter.

C. Upcoming Town Meeting Schedules

VIII. **Public Comment:** NONE

IX. **Adjournment:** Chrissy Karas motions to adjourn at 7:35PM. Andre Redstone seconds. Unanimously approved.

HPB Board Members

Peggy Bergon: HPB Chairperson, **Lindsey Smith:** HPB Vice-Chairperson
Chrissy Karas: HPB Regular Member, **Andre Redstone:** HPB Regular Member,
Judy James: HPB Regular Member, **Brad Ash:** Alternate Member

HPB Mission Statement

"Moving Forward While Preserving the Past"

To provide leadership, engage and encourage partnerships within our community of Pagosa Springs and Archuleta County, increase public appreciation by creating awareness, promoting the preservation of our irreplaceable diverse cultural heritage, architecture, and economy *while* sharing the stories of our past with ideas for the future.



**Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, August 9, 2016 at 5:00PM**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to order / Roll Call:** Commissioner Chair Maez calls the meeting to order at 5:00PM. Present were Commissioner Parker, Commissioner Giles, and Commissioner Adams arrived at 5:03PM. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak.

- II. **Announcements:** NONE

- III. **Approval of Minutes**
 - A. *Approval of the June 28, 2016 Planning Commission meeting minutes:* Commissioner Parker moves to approve the minutes as presented. Commissioner Giles seconds. Unanimously approved.

- IV. **Public Comment**
 - A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* NONE

- V. **Design Review Board**
 - A. *Major Design Review Application for 341 Harman Park Drive, Climate Controlled Mini Storage:* Planning Director James Dickhoff introduces the project. The Design Review Board did already approve their MDR application, but the applicant has made significant changes to the approved design. This is a revised application from the MDR approval at the May 24th meeting. All of the new designs presented to the Board are within compliance of the LUDC. Architect Brad Ash discusses some of the alterations to the plans. The original buildings have been changed to single story structures, except for the main building. The applicant intends to leave as many trees on the site as possible. The applicant also intends to address the dumpster enclosure and other shielding issues at the administrative level. Commissioner Adams asks about having a requirement for the pitch of a roof. Planning Director James Dickhoff says no. There is no such criterion for the pitch of roofs. Planning Director James Dickhoff presents further public comment letters on the project. Brad Ash says that the natural vegetation along the property lines will be maintained. Commissioner Parker asks about having the same columns on all of the buildings to ensure a similar building design. Commissioner Parker likes the modulation in the roof and the windows. He feels overall the new designs have met the previously discussed design elements for the main building. Commissioner Parker addresses some of the landscaping issues throughout the site and which trees will be removed. Brad Ash says that about 6 trees will be removed. Commissioner Adams asks about the new SW elevation and about having the side be completely flush. Brad Ash says the bump outs are 4inches and the roof overhangs are 6inches. Commissioner Parker suggests having bark beds instead of rock beds to ensure the longevity of any planted foliage. Overall, the main building for design is acceptable as presented. Brad Ash says the exterior materials used are stucco, metal wainscot, metal roof, and steel metal columns throughout all of the buildings. All of the bump outs will still provide at least 2inches of clearance for drip from the roof. The wainscot is about 3feet tall around the building. The Board feels that the new building is in need of a roof modulation for breaking up the roof. The structure also seems too “boxy.” As this is a fabricated metal building,

modulating the roof may be too difficult and expensive. Planning Director James Dickhoff suggests perhaps offsetting one side of the roof with the other and possibly creates a steeper pitch to the roof. Brad Ash says that having a steeper awning would be possible and not affect the budget, along with having a gabled entry. Commissioner Giles wants to ensure the design will not affect the applicant's ability to utilize their space to the fullest. Commissioner Parker feels that the building is a bit too flat. Brad Ash says the roof is modulated with the awning and the applicants have just offered to provide a gabled entry way. The SW side is the only side not having true modulation and this side faces the new lots 24 and 66 Red Ryder Court. Commissioner Adams would like to see the pitch change in the awning and have it try to go all the way around the building. Applicant Kelly Dunn says that the SW corner of the building faces a hill and follows the natural contours of the site. Commissioner Adams is concerned about future development facing this side of the building. Brad Ash says that this side of the building will currently be shielded by trees and potentially in the future by another building. He says that having the awning be a 5/12 pitch and including a gabled entry is fair. Planning Director James Dickhoff is also concerned with the roof line and about setting precedence for design. He feels that the larger, main building was excellently designed for roof modulation. He also suggests brainstorming ideas on how to modulate the roof on the new, single story structure. Brad Ash says that the only way to break up the roof without changing the pitch would be a clear story that goes the full length of the building. Planning Director James Dickhoff says that the size of this would need to be proportional to the rest of the building. Brad Ash says this would be 8feet wide by 4feet tall with a 5/12 pitch. This would go from façade to façade to help break up the side facades as well. Applicant Kelly Dunn is willing to put a steeper pitch on the awnings and then have the clear story go 1/3 the length of the building. This would come in 25feet from both ends and have the clear story go in the middle of the roof, approximately a 5/12 pitch and 8feet wide and 4feet tall with no gable entrances and a 5/12 pitch awning. The floor is open to public comment. No comments were received. Commissioner Giles moves to approve the Pagosa Climate Control Storage, Inc MDR application submitted, finding the application to be in substantial compliance with the Town's adopted LUDC, contingent on the following items: a) the applicant shall provide a snow storage plan or exhibit indicating snow storage areas, the square feet to be cleared and the square feet of storage area. b) the applicant shall provide design details regarding dumpsters/trash collection area and the screening of such. c) provide pedestrian crossing markings designating the route through the driveway area. d) provide revised landscape plans indicating parking lot trees and locations. e) exterior lighting plan or proposed fixtures were not included in the application submittals. If exterior lighting is to be incorporated, the applicant shall provide an illumination plan and LUDC compliance will be determined after installation of fixtures. f) provide proof of State Storm Water Management Plan Permit prior to building permit issuance. g) each additional project phase requires the submission of a MDR application. h) the addition of a roof peak clearstory approximately 8feet wide by 4feet in height and a minimum of 100 feet long with a 5/12 roof pitch centered on the roof i) revise the porch roofs to include a 5/12 roof pitch. Commissioner Parker seconds. Unanimously approved.

VI. Planning Commission

A. *Conditional Use Permit for Climate Controlled Mini Storage at Red Ryder Court:* Commission Chair moves this item prior to the design review board. Planning Director James Dickhoff provides an overview of the project. This is a very similar process to the CUP for the other mini storage units nearby. Applicant Kelly Dunn also owns the other units at 341 Harman Park Drive. Applicant Kelly Dunn, 1284 Wheeler, Discusses the project. Prior to purchasing the property, he would like to ensure mini storage and/or a gym is permitted on the lots. This project model will be exactly the same as their other project at 341 Harman Park Drive. Commissioner Adams asks if the properties

will be connected with another road. Kelly Dunn says that there may or may not be another road, but in the future there is room to accommodate one in the rear of the properties. The applicant is looking to have an indoor sports facility and gym to potentially include pickle ball courts, a rock wall, tennis courts, etc. If this idea does not work, he would like to ensure they could convert the building into storage units. Commissioner Parker asks if the applicant intends to combine the lots. Kelly Dunn says that he is not sure at this point. Planning Director James Dickhoff provides an explanation on how the lots could be consolidated. Commissioner Parker asks if these buildings would be in addition to the ones on the other lot. Kelly Dunn says yes, that these buildings will be in addition to the ones already approved. Commissioner Adams asks if the applicant is scaling back on the original plan. Applicant Kelly Dunn says yes. The costs of adding an elevator, a second story, and impact fees proved to be too much. The intention of the applicant is to build building number one and two together and then building three on Red Ryder. Commissioner Parker asks about the phase one. It would include buildings one, two, and three. Overall, these decisions will be based upon demand. Planning Director James Dickhoff says that a change in the original use of a mini storage to something like a coffee shop would not require the applicant to come back for review. That would be a use by right. Planning Director James Dickhoff goes over the criteria for the application, which is basically identical to the 341 Harman Park Drive CUP application. The Harman Park subdivision does handle their own waste water that then ties into the Town's. General comments about the extent of the development from neighbors were provided to the Planning Commissioners. These comments are from property owners within 300ft of 24 and 66 Red Ryder Court. The floor is opened to public comment. No comments were received. Commissioner Adams moves to approve the conditional use permit for 24 and 66 Red Ryder Court to allow the development and operation of an indoor climate controlled mini storage business with the following conditions: a) the applicant shall submit a MDR application in compliance with the development criteria set forth in the LUDC section 2.4.6.E. b) the applicant shall submit a building permit application within 6 months or renew the CUP application, c) noise, odors, and visual conditions of the site shall be monitored and regularly maintained in a manner to prevent adverse impacts to surrounding properties. d) the business shall ensure that all overhead /storage doors remain closed unless under current use, e) other contingencies as determined by the Planning Commission, which is none. Commissioner Parker seconds. Unanimously approved.

VII. Public Comment

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* Commissioner Chair Maez appoints Commissioner Parker as Chair for the remaining of the meeting. None received.

VIII. Reports and Comments

A. *Staff Report_ Projects, Updates and Upcoming Development Applications:* Planning Director James Dickhoff discusses his updates. The Historic Preservation Board coordinated many events for the Archuleta County Fair and have plans to assist with the Chili Cha Cha. The HPB did complete a sandwich board survey in the Historic District and those results will be presented with recommendations to Town Council. Associate Planner Rachel Novak submitted an SHF grant for restoring the waterworks site and water tanks for about \$167,000. The Town has been awarded the grant for the full amount. The waterworks site planning committee is still meeting to assess the various ideas and potential for the future of the site. This site is identified as an opportunity site within the Comprehensive Plan and the committee will be an important component of the Comprehensive Plan update. Greg Giles volunteers to be part of any efforts with this project in the

future. An RFP for replacing the mural on Main Street is in the process of being updated. It was originally pursued as a student project, but the high school art teacher feels that they just don't have the capacity to create a project at this scale as of yet. The RFP will not be limited only to paint, and should be ready to put to bid soon. If youth could be involved in the project somehow could be considered "extra credit" criteria for evaluating the proposals. Staff has extended the search for new PC members to August 31, 2016. The Planning Director discusses the Safe Routes to Schools grant and the SOQ received from consultants for the project. Town Council did award the east phase of the trails project from 8th street to 10th street. The S. 8th street project was also awarded as well. The goal this year is to get pavement on the ground, along with curb and gutter. The west phase of the trails project is close to going to bid. This phase will go from Pinion Causeway and behind the Parelli building and end up at the Center Point Church. Staff was approved to pursue the annexation off Mill Creek Road. Staff did receive six proposals for updating the Town's Comprehensive Plan. Staff would like a couple PC members to assist in evaluating the consultant proposals. The DDA failed through Town Council.

- B. *Planning Commission – Comments, Ideas and Discussion:* Commissioner Adams discusses the proposed development on Apache Street to clean up the property.
- C. *Upcoming Town Meetings Schedule:*
- X. **Adjournment:** Commissioner Giles moves to adjourn. Commissioner Adams seconds. Unanimously approved. Meeting adjourns at 7:26PM.

Commission Chair, Ron Maez



**Planning Commission, Board of Adjustments & Design Review Board
Regular Scheduled Meeting Agenda
Tuesday, August 23, 2016 at 5:30p.m.**

Town Hall, Council Chambers, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147

- I. **Call to order / Roll Call:** Commission Chair Maez calls the meeting to order at 5:30PM. Present were Commissioners Adams, and Giles. Also present were Planning Director James Dickhoff and Associate Planner Rachel Novak. Commissioner Parker arrived at 6:05PM.
- II. **Announcements:** NONE
- III. **Approval of Minutes**
 - A. *Approval of the August 9, 2016 Planning Commission meeting minutes:* Commissioner Adams moves to approve the minutes as presented. Commissioner Giles seconds. Unanimously approved.
- IV. **Public Comment**
 - A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* NONE
- V. **Design Review Board**

NONE
- VI. **Planning Commission**
 - A. *Conditional Use Permit for Placement and Operation of Ice Skating Rink in South Park:* Planning Director James Dickhoff discusses the project for placing an ice skating rink in the winter months at 550 S. 8th Street. The rink would go over top of the existing courts in the park and a building will be installed to house the ice maintenance equipment and there will also be a skate rental station installed as well. Currently, this will be a temporary installment until a time when the applicants can afford an over roof structure and this location may or may not be considered as a permanent location. The skate rental shack will be either on the north end of the courts (opposite the rink) or on the western side, outside of the fenced area. The proposed equipment shed will be placed on a concrete pad and will need to be heated/insulated. The parks staff supports bringing this building into compliance to match the style of the other buildings within the parks. There aren't any buildings within the parks that are metal, but a deferred compliance has been discussed after a successful skate season. There will be a 20ft shade cloth applied around/over the rink and the support post will be within concrete, which will also be removable. Staff will need to monitor the noise from the lights and general use, but overall this could fall under the Town's construction elements, which allows construction up to 10:00PM at night. The applicant says that this is a trial year at this location, but there is a potential to have this as a permanent installment with an overhead roof. If this location does work, the applicant hopes to do away with the generator for the lights and a quieter option would be installed. The equipment shed could potentially be the bottom third metal and the rest of the siding matches the other materials on the site. Planning Director James Dickhoff says that both Parks and Recreation and the Town Council support this idea. The applicant went door-to-door and placed a door hanger on all properties within 300feet of

the project site, in addition to staff administratively notifying the public as well. There are 6 criteria items that the proposed project must meet and after an analysis, the Planning Director feels that this project meets all 6 criteria items. The Planning Director would like the planning commission to discuss the exterior of the proposed metal shed structure. He also suggests deferring this until next season as this is a trial year and in the long term staff would want to ensure the design criteria is being met. Planning Director James Dickhoff would like to ensure the applicant will keep the area clean as this is within a neighborhood. Any noise or light complaints will be addressed by staff and it is expected the applicant will work with staff on any issues that will arise. Commissioner Maez asks if the restrooms will be in use during the winter months. Planning Director James Dickhoff says no. There will be two portable restrooms on site that will be removed after the season. The floor is opened to public comment. Steven Chaney of the public is concerned about the pickle ball players in the area. He says that they are in support of the ice rink, but he wants to ensure that any permanent structures will not impede their use in the summer months. Commissioner Adams asks which other applicant the commission gave a year to try different items to see if they would work. Planning Director James Dickhoff says the paintball park was given a year to see if their parking arrangement would be sufficient. Commissioner Adams asks how large of a building does the applicant need. The applicant says that it would need to be large enough to house ice maintenance equipment, foam boards, the generators, general storage, etc. All of the labor will be donated for this project. Commissioner Maez feels that the biggest issue is the metal siding on the shed. The applicant agrees that he would like to do it right the first time. Commissioner Maez also would like to see the skate shed on the outside of the courts, but on a trial basis this year he feels that having it be on the courts is appropriate. The applicant also says that if by chance the skate rink does not work well at this location, the shed building could be purchased by the Town and the Parks and Recreation Department could utilize the space. The applicant is anticipating the rink to run from November to February and the ice should be melted by mid April with the court skate shed removed. Planning Director James Dickhoff suggests including the following two items within the motion: D) Remove the skate rental shed from the courts which would be approximately mid April. E) Work with staff on the metal building design to be consistent with the existing metal structure. Commissioner Adams moves to approve a Conditional Use Permit for 550 South 8th Street for the placement and use of South Park for the proposed Ice Skating Rink, with the following conditions: A) The Applicant shall provide daily maintenance of the site to ensure an acceptable visual appearance. B) This Conditional Use Permit is valid for one year. Additional years require an additional Conditional Use Permit. C) The Applicant shall ensure all exterior lighting sources are compliant with the Town's Exterior Lighting Regulations. D) Remove the skate rental shed from the courts which would be approximately mid April. E) Work with staff on the metal building design to be consistent with the existing park structure. Commissioner Giles seconds. Unanimously approved.

VII. Public Comment

A. *Opportunity for the public to provide comments and to address the Planning Commission on items not on the Agenda:* Commission Chair Maez left the meeting at 6:30PM. He selects Commissioner Adams to act as Chair for the remainder of the meeting.

VIII. Reports and Comments

A. *Staff Report_ Projects, Updates and Upcoming Development Applications:* Planning Director James Dickhoff discusses updates with the Commission. The Town was awarded an SHF grant for restoring

the Waterworks site tanks for approximately \$167,000. The award will be presented to Town Council soon to officially approve the funds. There are plans to extend the Riverwalk through this site, including a new pedestrian bridge to the River Center. Commissioner Parker asks about what other funds are available if the Town accepts the grant. Planning Director James Dickhoff says these funds are solely for restoring the site. It may be best to pursue a public-private partnership for future development. Both the Rumbaugh Creek Bridge restoration and the Waterworks tanks will be bid together for a better price over the winter for construction in the spring. The east phase of the Town to Lakes Trail and the 8th Street construction will be starting soon. The west phase of the Town to Lakes Trail is waiting for CDOT approval. The Comprehensive Plan Update is moving forward. The review committee has selected four consultants to interview next week. Planning Director James Dickhoff says that Town Council would like to fill all of their vacant seats before they have discussions on smaller lot sizes with the Planning Commission. He also recommends a mobile work session to really see the Town's boundaries, infrastructure deficiencies, and zoning issues. Commissioner Adams suggests a Tuesday from 2:00PM-5:00PM, possibly on the September 13th meeting. The Planning Director is finalizing his 2017 budget and ideas for projects to pursue in 2017 should be submitted soon.

- B. Planning Commission – Comments, Ideas and Discussion: Commissioner Giles feels that a light at HWY 160 and HWY 84 could potentially help break up traffic downtown. He also feels that walking on the bridge in front of the museum is dangerous and it's too bad that the proposed pedestrian bridge in that area is so far off. He asks if there is a way to speed up this process. The Planning Director says that the earliest a pedestrian bridge could be installed would be in 2018. Commissioner Giles is also concerned about the general safety at crosswalks. The Planning Director says that the next step would be an expensive "Hawk System" which is basically a stoplight at the crosswalks. He recommends a flag program and better interpretive signage for crossers before that option is considered. Commissioner Adams is concerned about the vacant buildings that will be taken with the McCabe Creek project. He suggests a few signs that tell people what the project is and that these buildings will be demolished. Commissioner Adams also suggests a "Pride in Pagosa" program to address the Town's gateways and roadways in terms of maintenance and weeds.

- C. Upcoming Town Meetings Schedule.

IX. Adjournment: Commissioner Parker moves to adjourn. Commissioner Giles seconds. Unanimously approved. he meeting adjourns at 7:15PM.

Commission Chair, Ron Maez



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: V

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: **WILLIAM ROCKENSOCK, CHIEF OF POLICE**

PROJECT: POLICE DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

POLICE DEPARTMENT INCIDENT REPORTING

The Pagosa Springs Police Department Statistics for August, 2016

Officers responded to 393 calls for service.

Officers responded to 35 agency assist calls

Officers completed 50 incident / offense reports

Officers completed 17 accident investigation reports.

OFFICER TRAINING UPDATE

Training for July 2016

Daily training bulletins are administered to each officer by Lexipol to keep current on Police Department Policy and Procedure.

Officers are provided with online training 24 hours a day with Policeone Academy.

Officer Brown completed DRE marijuana update training

Chief Rockensock completed Forensic Digital Evidence training

YTD all officers have completed required POST training hours for 2016

RECRUITING UPDATE

The police department, currently, has one full time opening for a patrol officer.

The department is advertising and in the process of hiring for a police recruit to send to the fall law enforcement academy.

COMMUNITY EVENTS UPDATE

The police department has been awarded **\$8,820.00** for the law Enforcement Assistance Funding (LEAF) grant from CDOT for 2016 – 2017 state fiscal year. The police department has been awarded **\$ 8,820.00** for the High Visibility Enforcement (HVE) campaign for the 2016 – 2017 state fiscal year.

CAPITAL IMPROVEMENTS UPDATE

NONE



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: V

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 22, 2016

FROM: CHRIS GALLEGOS, PUBLIC WORKS DIRECTOR

PROJECT: PUBLIC WORKS DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

STREETS UPDATE

The Streets crew was busy taking care of pot holes, signs and moving material at the sewer lagoons. Preparation for Folk Fest to include signage, barricades, parking, monitoring the area, etc. Working on equipment in preparation for inspections. Crew worked on lighting at the Riverwalk and on Main Street. Installed culvert at San Juan alley.



AGENDA DOCUMENTATION

REPORTS TO COUNCIL: V

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: APRIL HESSMAN, CMC, TOWN CLERK

PROJECT: TOWN CLERK DEPARTMENT REPORT

ACTION: UPDATE AND DISCUSSION

CLERK'S OFFICE UPDATE

Budget: Town Administration staff has been working diligently with the Town departments to complete a preliminary budget. Staff has begun meeting with the Town Clerk and Town Manager to review budget requests and end of year estimates. The preliminary budget will be presented to the Town Council at the October 4th meeting as required by law. The Council will conduct budget work sessions to determine goals and presentations from staff.

Business: Staff received almost half of the amount of sales tax distribution directly from the Colorado Department of Revenue in September. After auditing their receipts, the County transferred the balance to the Town's account. The Clerk and HR/Records Clerk attended an informative vendor fair in Arvada on September 9th. Over 18 vendors were available for presentations on records management, agenda management, and workflow. Staff will be providing Town Council with options for improving transparency and public request responsiveness through a centralized management system.

Training: The Town Clerk and Deputy Clerk will be attending a liquor licensing update class in October. There are many changes at the State level that staff needs training on. The Deputy Clerk will attend "Front Desk Safety" class in Durango in October. This is provided through the Fred Pryor training program which the Town is a member.

Property Loss Audit: Larry Cardamone from CIRSA was scheduled to conduct the annual property loss audit on September 19th. The audit covers training, procedures, and walk thru inspections of facilities and parks. Results of the audit will be sent to the Town within 30 days or less. Positive performance on the audit may result in a premium rebate for 2018.

Citizenserve: Staff continues to work with Citizenserve on customizing the user interface to the Town's specifications. Work is nearing completion on the planning and business license modules. The program is being reviewed this Thursday and we will know if we are able to launch the completed program by the end of this month.

PERSONNEL

Recruitment: The Town currently has one open position in the Police Department for an officer/recruit. The position is currently advertised in the Pagosa Sun and on the Town's website. Applications will be accepted through the end of September.

Insurance: Staff requested bids for health insurance coverages and will be presenting findings and recommendation to the Council on September 22, 2016. Premiums for the dental and vision insurance coverage remained the same with no increase. Staff is preparing for its Open Enrollment Meeting scheduled for October 6, 2016.

Policies and Procedures: Review and updates of the Town's Personnel Handbook has been completed. Staff continues to work with each Department to update the Town's Safety Manual to include documented policies for hazardous operations, safety training, accident reporting, and inspections.



AGENDA DOCUMENTATION

NEW BUSINESS: VI.1

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: JAMES DICKHOFF, PLANNING DEPARTMENT

PROJECT: COMPREHENSIVE PLAN UPDATE CONSULTANT SELECTION

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

Town Staff advertised a Request for Proposals (RFP) for an update to the 2006 Comprehensive Plan. We received six (6) proposals before the submittal deadline.

A RFP review committee comprising of Mayor Don Volger, Town Council Member David Schanzenbaker, Planning Commissioners Peter Adams and Cameron Parker, Architect Courtney King, and Planning Staff members Rachel Novak and James Dickhoff reviewed the 6 proposals and selected four consultants for conducting interviews.

ANALYSIS

The committee considered number of factors including:

- 1) Consultants provided written response to the RFP request.
- 2) Results of reference checks.
- 3) Answers to questions and consultant's presentation during the physical interviews.
- 4) Consultants knowledge of Pagosa Springs.
- 5) Community involvement methodology and approach.
- 6) Consultants team and sub-contractors experience, qualifications and capabilities.
- 7) Consultants proposed timeline and project costs.

The comprehensive plan update project is anticipated to take 6-9 months in total. After adoption by Town Council, LUDC code revisions will need to be considered to support the concepts within the Comp Plan.

Prior to the interviews Rachel Novak conducted reference checks on all 4 finalists and provide the results to the review prior to the interviews.

After the interview process, all committee members selected the same two consultants as the top two consultant finalists, Sites Southwest and SE Group, both with a project cost of \$75,000. SE Group was determined, by vote, as the top candidate.

On September 13, 2016, the Planning Commission was presented the selection committee's recommendation, and unanimously recommended that Town Council concur with the committee's recommendation to select SE Group to prepare the update to the Town of Pagosa Springs Comprehensive Plan.

SE Group is a national firm with offices in Colorado, Vermont, Utah and Idaho. They specialize in developing plans for mountain communities. The assigned Team Project Manager is Chris Hawkins from Alpine Planning in Ridgeway, Colorado. Additional SE Group team members will be out of their Frisco, Colorado office. The team also includes Ann Bowers, Allison Crumb and Andrew McFadden from Fehr & Peers for transportation planning and connectivity.

ATTACHMENT

SE Group Firm background and scope of work.

FISCAL IMPACT

The Town has budgeted \$75,000 for the Comprehensive Plan Update in 2016, however, the majority of the work will be completed in 2017. It is estimated approximately \$15,000 will be expensed in 2016 and the remaining \$60,000 in 2017.

ALTERNATIVE ACTIONS

- 1) Award the Comprehensive Plan Update project to SE Group.
- 2) Deny Awarding the Comprehensive Plan Update project to SE Group.
- 3) Direct Staff Otherwise.

Firm Background

Sno.Engineering, Inc., dba **SE Group**, was formed in 1958 in the State of New Hampshire. We are a strategic planning, permitting, and design firm and are leading experts in working with mountain resorts and small-town, rural communities alike.

SE Group currently employs 24 people, working in the following key areas:

- Community Planning and Design
- Environmental Permitting and Planning
- Resort Planning and Design

Our offices are strategically located in the following communities to best serve our clients:

COLORADO

323 W. Main Street
Suite 201
Frisco, CO 80443
970.668.3398

VERMONT

131 Church Street
Suite 204
Burlington, VT 05401
802.862.0098

UTAH

4609 South 2300 East
Suite 102
Salt Lake City, UT 84117
801.944.2584

IDAHO

220 S. Second Ave.
Suite 201
Ketchum, ID 83340
206.979.8743

In collaboration with local Colorado firms Fehr & Peers and Alpine Planning, LLC, we are pleased to submit this proposal for consulting services to assist the Town of Pagosa Springs in an update of its current Comprehensive Plan.

SE Group's Community Planning team benefits from nearly 60 years of company experience working with, creating, and sustaining some of the world's most beautiful places—including many right here in Colorado. Our company focus is in communities influenced by a strong commitment to sustaining the natural environment, who are shaped by visitation and tourism, who promote and encourage access to the outdoors, and who value planning to establish a strong economic framework for the future. Through the years, the SE Group team has become leading experts in working in places where "quality of life" is often the defining community objective. We bring that experience to our clients, and to every community planning project.

Pagosa Springs is a community with a rich history and strategic location. Its proximity to Wolf Creek Ski Area and the San Juan National Forest, makes it a prime destination for visitors who enjoy the tremendous regional recreational offerings. Its unique and special hot springs encourages locals and visitors alike to "Refresh, Restore and Reconnect." This strong influence of tourism influences both the day-to-day issues the community faces and affords opportunities to enhance the quality of life in ways that appeal to those who call Pagosa Springs home and those who come to visit.

In organizing our team for this project, SE Group reached out to a diverse set of professionals that would bring both new and seasoned perspectives to the effort.

SE Group has a diverse and broad perspective on mountain resort communities. While our Frisco-based team of planners and environmental professionals have decades of relevant experience in Colorado mountain resort and community development, they are also part of a larger SE Group team. With major offices in Vermont and Salt Lake City, our combined team has worked across the nation, and in other parts of the world, helping shape how mountain resorts evolve and how mountain communities respond to this evolution. From these diverse experiences, we have learned that finding shared values and perspectives is essential—these are what help align priorities within a community and enable its forward progress. We also know that this process is not easy.

Building an engagement process that enables robust community dialogue will be paramount. We've recently completed plans in Silverthorne (“Blueprint Silverthorne”), Nederland (Comprehensive Plan Update), and Ridgway (Land Use Plan and Design Standards)—all Colorado mountain towns that have their own unique needs and perspectives. We have also recently completed a Trails Master Plan for Estes Park which included a significant amount of effort integrating recreational access and community infrastructure.

An important element within our planning process is “economic thinking.” Understanding the potential economic value of land use decisions, not simply their fiscal impact, is an important long-term perspective that many resort-influenced communities are gravitating towards. In this context, economic impacts refer to benefits received by local residents and businesses while fiscal impacts only consider effects to town revenues and expenses. Recent efforts in Estes Park, the Mad River Valley in Vermont and for the Teton Village Association on this topic have helped us gain new perspective on how the various economic sectors within resort-influenced communities might align and, perhaps more importantly, how they contribute to the long-term health of a place. Working in communities influenced by tourism and recreation is our company's primary focus.

Chris Hawkins of **Alpine Planning, LLC** will be our team's primary point of contact with Pagosa Springs. His office location in Ridgway makes team to identify both “carrots” and “sticks” within the code that can help incentivize and shape future development. Having recently assisted SE Group with the Clear Creek County Master Plan update, Chris will focus on engagement with key stakeholders and the broader community and work to understand existing regulations and policies and making strategic recommendations (coordinated with the broader team) that facilitate the implementation process of plan goals and priorities. Chris has extensive experience in workforce and affordable housing issues, having been a community planner in



places like Summit County and Mountain Village. He facilitated the updates the Telluride Master Plan and the Mountain Village Comprehensive Plan. While in Telluride, Chris also facilitated the creation of affordable housing requirements for single-family homes and periodically reviewed the generation rates for housing by surveying housing studies conducted in ski resort-influenced communities. Chris also was charged with increasing the required affordable housing mitigation rate for commercial development and updating the affordable housing payment in-lieu amount. This practical government experience in mountain resort communities will be invaluable to this effort.

The issue of community mobility and connectivity is particularly important in mountain and recreation-influenced communities. Walkability is not simply a good planning principal, it's part of the recreational experience that makes places like Pagosa Springs attractive to those who visit or live in the community. Helping our team sort out the complexities of this issue is **Fehr & Peers**. Fehr & Peers have a deep well of experience in the evaluation of parking and mobility within tourism-influenced communities that will be useful in addressing this issue for peak demand periods and sensitive to particular Comprehensively Planned Areas. Additionally, SE Group's recent work for the Town of Silverthorne (also working with Fehr and Peers) addressed the complexities of traffic from tourism and recommended strategies to assure multi-modal connectivity was prioritized to align with the community's goals and objectives.

The importance of the natural environment and the promotion of environmental stewardship are aspects of planning that the SE Group team fully embraces. A important focus of our team's efforts in Colorado is assisting the U.S. Forest Service in the review and evaluation of resort-oriented development. We know that the environmental process is one of balance and our thoughtful approach to environmental review assures that critical issues are communicates, impacts are understood, and outcomes reflect establish objectives. Our recent and award-winning work on the Hunter Creek-Smuggler Mountain Cooperative Plan is a testament to this focus where sustainability was achieved through a collective engagement process and the establishment of shared values and goals. Our experience with the efforts of the region, including working with the U.S. Forest Service on its environmental review of the expansion plans at the Wolf Creek Ski Resort, will be brought into this environmental and sustainability aspects of this planning effort.

Overall, the composition of this planning team is focused on addressing the important elements of the RFP, being approachable and flexible throughout the process, and bringing new and diverse perspectives from both inside and outside the region to help explore creative ways for Pagosa Springs to move forward.



Project Team

Our seasoned and multi-disciplinary team for the Town of Pagosa Springs 2016 Comprehensive Plan Update project includes:

- Community Planners
- Land Planners
- Landscape Architects and Urban Designers
- Transportation Planners and Analysts
- Market and Real Estate Analysts
- Experts in environmental policy, regulation, and entitlement
- Public Engagement + Process Participation Specialists

Key personnel for this project are identified in the following table. Mark Kane, of SE Group (the Prime Contractor), will serve as the Principal in Charge. Chris Hawkins (Alpine Planning) will serve as the Project Manager and will coordinate the day-to-day efforts of the project team. Resumes of all key staff are provided on the following pages.

Through this proposal we confirm to you that our team has the capacity to carry out the development of the Town of Pagosa Springs 2016 Comprehensive Plan Update. We submit this statement with regard to our skills and expertise, project management, and the amount of time we can commit to the project.



Methodology + Approach

The RFP outlined eleven (11) important “services” that the Town would like assistance with during the execution of the work. In reviewing the RFP, we have fine-tuned this list into six critical project “components” that cover all of the services described, but consolidate them in ways we believe might be advantageous. The six critical elements are:

1. Conduct a **thorough review and evaluation of the existing plans** including the Comprehensive Plan, the Downtown Master Plan, Regional Parks, Recreation Open Space and Trails Master Plan, Archuleta County Housing Needs Assessment, etc. The Project Team will place a heavy emphasis on understanding the vision, goals and policies that these documents articulate. In addition, our team will work to expand upon and update baseline demographic, housing, and workforce datasets.
2. **Establish a strong community engagement plan** by creating an effective Steering Committee, working in close coordination with Town staff, outreaching to a broad stakeholder base, and having regular and valuable interactions with the Planning Commission and Town Council. Our process will assure public engagement is robust and effective and brings forward new perspectives and ideas whenever possible. In addition to baseline outreach in support of plan development, the Project Team is suggesting some possible “additional” assistance to move the plan forward through adoption.
3. **Explore and articulate a sound economic development strategy** that focuses on expanding year-round activity, strengthening tourism, diversifying the economic base, and enhancing the quality of life for residents and visitors alike. Evaluate and **align economic “thinking” with the long-term fiscal planning objectives of the community** to assure that future investments consider both short-term impacts on fiscal conditions and potential long-term economic benefits.
4. **Re-evaluate both future land uses and the urban form within the community**, particularly downtown and emphasize community mobility (multi-modal) and the resident/visitor experience. Explore the interplay between underlying zoning and land use intent and use visuals and graphics to help communicate how new infill or redevelopment projects might align with the objectives of the Comprehensive Plan. Provide alternative visions if appropriate to reflect the perspective(s) of the community vision.
5. **Provide recommendations for policy and action that build upon the community’s vision**, reflect the input of public engagement, understand the realities that the community faces and that are both feasible and cost-effective in implementation. Dovetail policy recommendations with specific recommendations for changes to the Land Use and Development Code, strengthening and supporting the community’s position to shape future land use and development outcomes.
6. **Culminate the above work into a Comprehensive Plan document that reflects the community**, its values and vision, and can function as a useful guidebook in the years to come.

SCOPE OF WORK

Our Project Team is proposing a three-phase process to develop the update to the Comprehensive Plan. Associated with each phase are key tasks, actions, and efforts we believe are necessary to create a plan that reflects the community's vision. Public meetings and engagement steps are identified within each phase.

PHASE 1 – ESTABLISHING THE FOUNDATION

During Phase 1, our Project Team will work to develop the foundation for the Comprehensive Plan. Through engagement with the Steering Committee, outreach to key property owners, developers and stakeholders, detailed baseline assessment of market, regulatory and physical conditions, and community input on key elements for the plan, the Project Team will help establish the foundation on which the Comprehensive Plan can be built.

Task A: Project Initiation

- Kick-off meeting with the Point of Contact (POC) for the Project. Establish final project work plan, engagement plan, meeting schedules, contracting provisions, etc. Coordinate engagement with the POC to allow for video/audio conferencing for some team members as appropriate or necessary.
- Establishment of a detailed base map for the study area including collection of data from GIS Data, CDOT, Archuleta County GIS, gathering of LIDAR elevation data, and photographic reconnaissance.
- Establishment of a project Dropbox for digital file exchange between team members and the POC.
- Coordination with the Town on consolidating any email lists or other outreach mechanisms (i.e., community newspapers, local radio, newsletters, water or sewer bill mailings, etc.)
- Establishment of a project website for public communication—identify a project “Theme” or brand. Upload or provide content to communicate the Project’s purpose, timeline, key engagement events, etc. Based on our past relationship with the Town, the hosting of this site would be completed by the Town, but with content/branding support by the Project Team.

Task B: Steering Committee and Stakeholder Engagement

- Meeting with the Steering Committee to review study objectives and goals, determine key stakeholders to reach out to, review base mapping and get local knowledge, etc.
- Meeting with key stakeholders – establish existing issues using questionnaire. During the stakeholder engagement, we would conduct outreach to key property owners, developers, etc. This may include face-to-face and/or telephone interviews. Project team members will visit the community during this effort. A particular focus will be on assuring we reach both year-round and part-time residents.

Task C: Baseline Assessment of Existing Conditions

- Review the existing land use code and ordinances to evaluate current density, use and design requirements, review past studies and documents.
- Review existing studies and plans.
- Fehr & Peers will summarize the existing vehicular network, including a roadway vehicle count figure (based on counts provided by the Town) and inventory of previously proposed projects in the Town, incorporating 2010 Access Control Plan to account for potential highway improvements. Existing and future parking needs will be assessed. Given the expected growth within the Town and region, future transit opportunities will be accounted for. Pedestrian and bicycle components such as recommended

walkways, enhanced corridor connections and bikeways or trails will also be drawn from the Town to Pagosa Lake Master Trail Plan and enhanced to fit the future needs of the community.

- Conduct site walk with Planning Staff to review existing development; review existing land use and urban development pattern with Town staff and identify a working list of issues/concerns.
- Assessment of the current regional and local market conditions and establish the economic and demographic framework for the project using published statistics from federal, state and local data sources, including Colorado State Demography Office; Bureau of Economic Analysis and Bureau of the Census, U.S. Department of Commerce; and Bureau of Labor Statistics, U.S. Department of Labor. Analyze the demographic characteristics of resident and tourist markets, such as population, growth patterns, age profile, household income, and spending patterns. Examine economic and industry data such as business composition and activity, worker flows and characteristics, and the role of tourism and other industry sectors in the overall economy. This market research will also include an evaluation of local and regional real estate and economic trends from both within Colorado and elsewhere. This “comparable” analysis from an economic and development perspective is something SE Group recently completed in Teton Village and was very beneficial in establishing context to economic and demographic trends.
- Collect relevant fiscal data from the community, and identify revenues and baseline expenditures from town budgets. Review and long-term budget forecasts and/or capital improvement planning data.
- Review existing housing data and trends through a combination of background research and conversations with key partners in workforce housing. In this analysis, consider job generation rates from both traditional employment and as a byproduct of residential development. Review and apply, as appropriate the recent Archuleta County Housing Report (2016) and the 2008 Housing Assessment prepared by EPS, as tools in this assessment. Use more recent census information to inform this assessment. Use a combination of quantitative data and qualitative information from stakeholder discussions with area businesses and the resort in formulating the appropriate perspective on job/workforce generation.
- Review of the current real estate market conditions in the area, including profiling existing demand and supply for residential and commercial uses, development activity, sales and leasing.

KEY COMMUNITY ENGAGEMENT ELEMENTS

- STEERING COMMITTEE MEETINGS - Throughout each phase of the work
- THREE (3) COMMUNITY OPEN HOUSE EVENTS - Presentations and Interactions
- TWO (2) WORKSHOPS - Exploring specific plan themes and issues
- INTERACTIONS WITH PLANNING COMMISSION/TOWN COUNCIL - Maximize buy-in as early as possible in the process
- USE OF WEB SITE - Provide platform for community communication and input
- WEB-BASED SURVEYS AND POLLS - To build upon and follow-up from OPEN HOUSE or WORKSHOP events
- USE OF LOCAL MEDIA - Newspaper/Radio/Flyers to get the word and message out

Task D: Employee Housing Analysis

- Comparable community review of workforce housing regulations and policies to create list of comparable community best practices for workforce housing, current mitigation rates, and innovative programs to create more workforce housing.
- Review housing inventory, housing demand, demographic trends related to housing, employee retirement trends and related data to provide specific workforce housing recommendations.
- Conduct survey of workforce housing units in the Town to achieve these subtasks, especially housing issues, housing desires, and retirement plans.
- Conduct land use review with Town staff within the Town and surrounding incorporated area to determine if there are any new sites, existing buildings or opportunities for new workforce housing.
- Review of current Standards for Restrictive Housing in the Land Use and Development Code to create Comprehensive Plan policies for any needed changes.
- Provide new workforce housing goals and policies for the Comprehensive Plan.

Task E: Community Open House #1

Upon completing the baseline assessment review, the Project Team will initiate a more substantive community engagement process. This first meeting will focus on two primary objectives: 1) communicating and discussing what issues/concerns and challenges Pagosa Springs faces today, and 2) how that might alter or adjust the community vision. To facilitate this conversation, the Project Team will help organize a public open house (advertised through the community website and/or local media sources) that will include an analysis of ongoing trends, an overview presentation of key issues; an interactive and hands-on participation element (maybe including keypad polling); and a small group exercise (dividing participants up into smaller focus groups).

We expect this first meeting to bring out additional issues and themes that will be explored as the process unfolds.



Task F: Creating the Foundation of the Plan

- Meet with the Staff and Steering Committee to debrief from meetings and initial data review.
- Consolidate the above data into a brief “Foundations” document and review with the Steering Committee.
- Present the “Foundations” results at a public meeting and seek additional input and guidance towards the Vision. Use Keypad polling to gauge alignment on the vision and/or where the Project Team should explore ideas. Publish the public meeting as a webinar online through the project website.

PHASE 2 – EXPLORATION OF THE VISION

Phase 2 will build upon the Foundation and begin to explore the Vision for Pagosa Springs in more detail. We see this task as two-pronged: an exploration of policy framework that helps support the Vision and an examination of the land use pattern and built form the policies might support. The Project Team will conduct explore urban design alternatives, inviting the participation of the Steering Committee. All of the alternatives will be respectful of the underlying foundation and market work, but might explore different land use or market “themes”: increasing density, orienting towards cultural tourism, expanding the public realm, etc. The Project Team will work closely with the Steering Committee to fine-tune the alternatives and then present them at a public meeting.

Task A: Establishing a Vision

- Meet with the Steering Committee and Town Council/Planning Commission to review the Foundations document and public inputs from Phase 1. Brainstorm on the current Vision for Pagosa Springs and explore alternatives; considering public input from the survey and open houses. Collectively consider major “themes” that the update should consider.
- Meet with Staff to review the Vision ideas and determine how existing policies are working and how these themes might adjust accordingly.



Task B: Community Engagement – The Pagosa Springs Vision - Workshop Series

Getting strong community buy-in on the vision and key policy issues for Pagosa Springs will be critical. The Project Team proposes to conduct a series of two (2) workshops during this phase to introduce key themes of the Plan, get community perspective and insight and use this interaction as a way of supporting development of policies.

- Work with the POC to develop a series of news articles and outreach efforts increase community awareness of the Workshop Series.
- Prepare landing page elements for each workshop series and post on the Project Web Site
- Invite key stakeholders to each event to participate
- Conduct two public workshops. Each workshop would include a brief overview presentation of the key themes or issues and have a series of “stations” at which participants could offer comments, suggestions, raise concerns or cite opportunities. Key Project Team members would be available at each Workshop. Steering Committee and/or Staff would be asked to help facilitate public input.
 - » Workshop #1 - Focus inputs on Vision, Existing and Future Land Use, Natural Environment and Sustainability
 - » Workshop #2 - Focus on Economic Development, Tourism, Transportation and Trails (Recreation)
- Provide final public materials to the POC for distribution on the Project web site including a webinar of the final presentation. Follow-up each workshop with a brief community survey (sent to attendees and broadcast to wider audience) on each theme.
- Summarize and consolidate public comments from the workshop series and share them with the Steering Committee and/or Town Council/Planning Commission.

Task C: Establishing a Policy Framework

Establish a set of policy framework statements addressing issues such as housing, transportation, land use, culture/arts, and economic development that reflect and support the Vision and relate to goals/strategies within the Comprehensive Plan. Use the information from the workshop series to help align policy statements with community inputs.

- Share draft Vision and Policy Framework statements with the Steering Committee for feedback. Provide also a draft future land use “concept” showing key opportunities uncovered during Phase 1 and through public inputs.
- Based on the input received, refine the Vision and formalize a Policy Framework and future land use concept with supportive draft graphics. Consolidate the Future Land Use Vision into a unified plan.
- Evaluate the impact of the consolidated Vision from above through a series of plan elements;
 - » Transportation – evaluate impact of future land use on parking demand, circulation and community mobility. Establish policy priorities to address these impacts including parking demand strategies, TDM, etc. Review transit options in support of the Future Land Use Vision, including aerial conveyances and define policies that help frame these potential solutions.
 - » Housing – using the baseline analysis, consider the impact of future land use on housing needs and workforce generation. From this, identify new programs, opportunities and current underutilized resources to create more workforce housing to serve the community; provide new workforce housing policies focused on maintaining, improving and increasing workforce housing opportunities in the community.

- » Economic Development – evaluate the economic development aspects of the Future Land Use Vision by applying the framework learned in Phase 1 and through a comparative analysis with other, similar communities. Highlight the economic benefit of the Vision in creating a more balanced economy, broadening the season (i.e., multi-season thinking), finding tools that support quality of life and encouragement of employment that is more diverse, etc. Economic development strategies will consider the importance of tourism, but will also explore economic opportunities in other sectors that play to the community’s comparable advantage. For example, Pagosa Springs may be able to leverage its unique community amenities and high quality of life to attract and/or retain employers and small businesses. Address ongoing fiscal position of the community in light of economic development direction. Consider and apply future growth projections into the evaluation of both economic and fiscal policies.
 - » Urban Design – articulate the urban design strategies and supportive policies that promote the Future Land Use Vision. Include policy recommendation that address potential changes to the land use code and/or process and specifically the “Planning Areas” outlined in the 2006 Comprehensive Plan. Exploring design opportunities within these areas for infill development or adaptive reuse options will be explored.
 - » Sustainability and Environmental Analysis – review the Future Land Use Vision against established policies for environmental stewardship and make additional recommendation on how to define specific metrics (energy consumption, commuter miles, etc.) that might help support policy goals.
- Review the above policy elements in draft form with the Steering Committee and Staff.

Task D: Community Open House #2 – Presenting the Vision

- Based on the feedback, formalize the above work into policy statements that reflect the above Vision, recognizing the need for future flexibility, phasing and adaptability to respond to changing market conditions, individual developer/property owner needs and community sentiment.
- Consolidate the efforts above into the “Pagosa Springs Vision” document—graphic rich that consolidates the inputs in the process.
- Present a draft version of the Pagosa Springs Vision document to the Steering Committee and Town Council/Planning Commission.



SE Group has been responsive to the Town's needs and the end product has been well received as a guide to shaping the outcome of future development within our town and in particular our town core. SE Group did a terrific job of encapsulating the community attitudes and opinions in ways that illustrated unique challenges and opportunities for the community.

*-Mark Decoteau, Town Manager,
Waterville Valley*

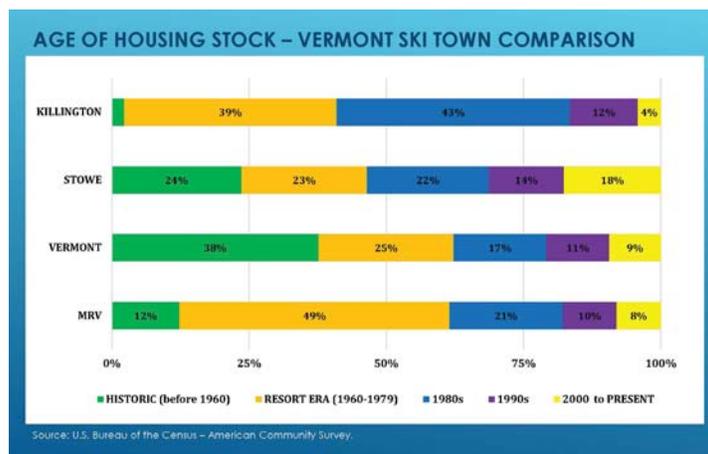
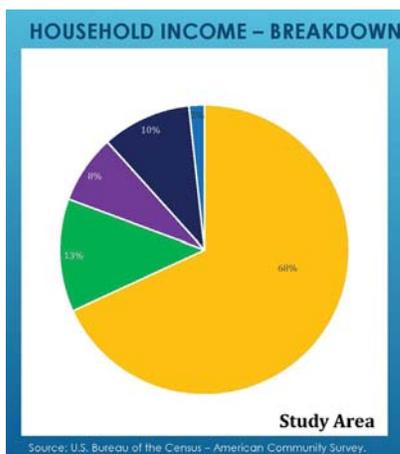
- Present the draft Vision document to the Public at an Open House. Work with the POC and Steering Committee to assure as robust attendance as possible, hopefully aligning the meeting with another community event. Provide graphics and supportive materials to the Town for distribution to residents via the project website in advance. Include a web link following the meeting to gather comment and input from the Pagosa Springs community.

PHASE 3 – COMMUNICATING THE PLAN

Phase 3 will pull all the threads together into a final Comprehensive Plan document that addressed the foundation and the vision established above. Our experience is that the process of finalizing the plan requires some constructive give and take and we are committed to devoting that time to do so. We envision several important interactions with the Steering Committee and/or Planning Commission/Town Council during this effort to fine tune policies and clarify intent.

Task A: Drafting the Comprehensive Plan

- Meet with the POC and Staff to review the comments on the Pagosa Springs Vision. Meet with the Steering Committee to review all community comments. Finalize changes in the Vision Plan, including policy approaches based on this input. Update graphics and materials accordingly.
- Finalize a future land-use summary of the plan indicating appropriate densities, land use mixes, parking allocations, circulation and trail systems, building areas, etc. Finalize recommendations for land-use code changes to facilitate the Future Land Use Vision.
- Finalize the market basis for the Plan indicating its anticipated position, key strategies to consider for future implementation (tax policies, capital improvement, downtown improvement district, etc.), and unique elements for branding and marketing of the opportunity. Highlight these element within the policies of the Plan
- Prepare a financial analysis that evaluates the potential revenues and costs of the Future Land Use Vision based on the mix of anticipated land uses, approximate building square footage, and public costs of development for the identified program. Determine the revenue potential for the projects identified in the Future Land Use Vision based on factors and prices identified in the market analysis in Phase 1. Where possible identify building operating and maintenance costs for public buildings and facilities using industry standards and from interviews with local propertymanagers as appropriate. Maintain this information at a “high elevation” given the conceptual nature of the effort.



- Finalize transportation, housing, urban design, economic development, recreation and sustainability components. Refine policies to reflect community and Steering Committee inputs.
- Prepare initial “implementation measures” matrix, consolidating key strategies appropriate for specific initiatives.
- Summarize the above work, including the Foundations and Vision elements, into a first draft of the Pagosa Springs Comprehensive Plan. Provide this document in MS Word format to facilitate ease of editing. Organize the plan based on an agreed upon outline. Use graphics, photographs and illustrations to help communicate plan elements and strengthen the narrative.

Task B: Reviewing the First Draft Plan

- Meet with Pagosa Springs POC and Staff to review the first draft.
- Meet with the Steering Committee on two (2) occasions to present and review the first draft. Document committee comments and provide a summary of “Responses” based on Project Team feedback. The Project Team would look to the POC for assistance in this review to help facilitate interactions. Some team members may participate in review meetings via phone and/or Skype.
- Conduct a joint meeting of the Town Council and Planning Commission to review the draft plan, soliciting input and comment
- Document all comments received during this step.
- Update the first draft based on the comments received.

Task C: Open House #3 – Presenting the Draft Plan

- Hold a public open house, coordinating the timing and marketing of the meeting with the POC, to present the Draft Plan.
- Align this open house as part of a Planning Commission meeting. Highlight in the Plan how the elements of the Vision are supported by new and updated policies.
- Allow and solicit comments at the meeting and following via the project website.

Task D: Refine Draft Plan

- Based on the feedback above, prepare a final Draft Comprehensive Plan document.

Task E: Open House #4 – Presenting the Final Draft Plan

- Hold a public open house, coordinating the timing and marketing of the meeting with the POC, to present the Final Draft Plan.
- Align this open house as part of a Town Council meeting.
- Highlight in the Plan how the elements of the Vision are supported by new and updated policies. Outline the comments received to date and how they were addressed. Allow and solicit comments at the meeting and following via the project website.

Task F: Finalize Plan Document

- Incorporate final comments into the Final Plan document.
- Distribute the Plan Document to the Town in Word format.
- Submit the Plan to the Town Council for adoption.
- Coordinate delivery of the Final Plan document to the Town for posting on the web site.



AGENDA DOCUMENTATION

NEW BUSINESS:VI.2

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: GREGORY SCHULTE, TOWN MANAGER
AND APRIL HESSMAN, TOWN CLERK

PROJECT: APPROVAL OF PERSONNEL HANDBOOK

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

In order to provide a framework for uniform and consistent administration, the Town has used a Personnel Handbook to establish personnel rules and guidelines. In order for a Personnel Handbook to be effective, it should reflect best practices and adapt to changing circumstances and applicable laws.

The last update to our Personnel Handbook was in February 2009. As a result, staff was directed by the Town Manager to perform a comprehensive review and update of our handbook. Although the core of our policies remained the same, the handbook was modified to ensure that the policies were well communicated for both readability and understanding; as well as, to ensure continued compliance with employment laws.

Of note were updates and clarification in the following areas:

1. Equal Employment Opportunity – updated to reflect current changes in the law.
2. Privacy Policies – as pertains to medical information and social security numbers.
3. Family Medical Leave Act (FMLA) – the Town is not required to provide FMLA; policy notifies employees of the existence of FMLA but acknowledges that the Town does not offer FMLA benefits because its employees are not “covered employees.”
4. Drug Policy – the Town’s drug policy was updated; however, continues to be a “zero tolerance policy” regardless of whether it is on duty, off duty, or recreational or medical.

The revised Personnel Handbook has been reviewed by legal counsel and their suggestions/edits have been incorporated.

ATTACHMENTS

Personnel Policy Handbook

FISCAL IMPACT

None

RECOMMENDATION

Possible actions by the Town Council include:

- 1) Move to approve the revised Personnel Handbook
- 2) Move to not to approve the Personnel Handbook and direct staff



TOWN OF PAGOSA SPRINGS

PERSONNEL HANDBOOK

DRAFT

Effective Date:

MMM DD, 2016

Created by:

Town of Pagosa Springs

551 Hot Springs Blvd

Pagosa Springs, CO 81147

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INTRODUCTION

Welcome!

On behalf of your colleagues and the Town Council, I welcome you to the Town of Pagosa Springs (Town) and wish you every success here. We believe that each employee contributes directly to the Town's growth and success, and we hope you will take pride in being a member of our team.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the Town.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

Greg Schulte
Town Manager

INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the Town and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Town to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the Town continues to grow, the need may arise and the Town reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or the Town to end our relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

Additionally, the policies in this Handbook are not intended to supersede the Town's ordinances, or other applicable laws; in case of any conflict between these policies and such charter, ordinances, or laws, the latter shall prevail. Any matter not specifically covered by this Handbook may be administered by the Town Manager in a manner not inconsistent with this Handbook.

ORGANIZATION AND ADMINISTRATION

The Town of Pagosa Springs was incorporated in 1891 and became a home rule municipality in 2003. Per the home rule charter, the Town is organized under a Council-Manager form of government served by a six-member Town Council and an elected Mayor. A full-time Town Manager administers the affairs of the Town for the Council.

PUBLIC PERCEPTION AND CUSTOMER RELATIONS

Every employee represents the Town to the public. The way we do our jobs presents an image of our entire Town. The Public judges all of us by how they are treated with each employee contact. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to the public.

Individuals who wish to lodge specific comments or complaints should be directed to the immediate supervisor for appropriate action. Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves, but also of the professionalism of the Town. Positive customer relations enhance the public's perception or image of the Town.

IMPORTANT

The policies contained in this Personnel Handbook do not represent a contract, nor should they be relied upon as binding, inflexible promises made by the Town. The Town reserves the right to interpret and change or rescind these policies at any time, as well as the right to determine their meaning, purpose, and effect. The Town also reserves the right, in its sole discretion, to determine whether, and to what extent, these policies and procedures should be applied in any given circumstance. No personal contract or agreement shall be implied by these policies or the statement of any employee of the Town, unless in writing, signed by the Mayor, or where required the Town Council.

These policies apply to all Town employees, except the overtime compensation policies, which do not apply to positions that are classified as “exempt” by the Town pursuant to the federal Fair Labor Standards Act (“FLSA”).

EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the Town, and I understand that I should consult the Human Resources Office regarding any questions not answered in the handbook.

I have entered into my employment relationship with the Town voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Town can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the Town's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Town Manager and/or the Town Council has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

SECTION 1: EMPLOYMENT

101 AT-WILL NATURE OF EMPLOYMENT

Effective Date: ##/##/####

Revision Date:

Employment with the Town is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the Town may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. Nothing in this handbook is intended to modify the Town's at-will employment policy.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Town and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time, at the Town's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Town Manager or, where required, by Town Council.

102 EMPLOYEE RELATIONS

Effective Date: ##/##/####

Revision Date:

The Town believes the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe the Town amply demonstrates its commitment to employees by responding effectively to employee concerns.

103 EQUAL EMPLOYMENT OPPORTUNITY

Effective Date: ##/##/####

Revision Date:

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Town will be based on merit, qualifications, and abilities. The Town does not discriminate in employment opportunities or practices on the basis of race, creed, color, religion, sex, national origin, ancestry, age, disability, sexual preference, gender identity or expression, marital or military status, or political affiliation, or any other characteristic protected by law, subject to reasonable requirements of the Town as may be permitted by law.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Office. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

104 IMMIGRATION LAW COMPLIANCE

Effective Date: ##/##/####

Revision Date:

The Town is committed to employing only United States citizens and individuals who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Office. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

105 DISABILITY ACCOMMODATION

Effective Date: ##/##/####

Revision Date:

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis and employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Reasonable accommodations are available to all employees where a disability affects the employee's performance of job functions, subject to reasonable requirements of the Town as may be permitted by law.

This policy is neither exhaustive nor exclusive. The Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

106 BUSINESS ETHICS AND CONDUCT

Effective Date: ##/##/####

Revision Date:

The successful operation and reputation of the Town is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity. The continued success of the Town is dependent upon the public's trust and we are dedicated to preserving that trust. Employees owe a duty to the Town, the Town Council, and the public to act in a way that will merit the continued trust and confidence of all.

The Town will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the Town Manager for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Town employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment. Town employees shall abide by C.R.S. §24-18-104, "Rules of conduct for all public officers, members of the general assembly, local government officials, and employees." Town employees shall also abide by the Town's Code of Ethics adopted by Ordinance 717 on September 2, 2008.

107 CONFLICTS OF INTEREST

Effective Date: ##/##/####

Revision Date:

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Town wishes to operate. The purpose of these guidelines is to provide general direction so employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Town Manager for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative they disclose to an officer of the Town as soon as possible the existence of any actual or potential conflict of interest so safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Town does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Town.

108 JOB POSTING

Effective Date: ##/##/####

Revision Date:

Generally, job openings will be posted at Town Hall and disseminated through the email system, and normally remain open for 21 days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities). However, the Town reserves its discretionary right to not post a particular opening.

Employees may indicate their interest in open positions and advance within the Town according to their skills and experience. To be eligible to apply for a posted job, employees must have performed competently for at least 365 calendar days in their current position. Employees who have a written warning on file, or are on probation or suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a job posting application to the Human Resources Office listing job-related skills and accomplishments. It should also describe how their current experience with the Town and prior work experience and/or education qualifies them for the position.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the Town.

109 ORIENTATION AND TRAINING

Effective Date: ##/##/####

Revision Date:

New employees will be provided information concerning the Town's pay plan, personnel policies, employee benefits, promotional opportunities, safety and training programs, and other Town policies and programs having a bearing on employment.

It shall be the responsibility of each supervisor to orient, or assure orientation is provided to all new employees in regard to policies, goals, objectives, and job related policies and programs, and any other matter having a bearing on such person's employment in the

department assigned. In general, costs for training sessions approved by the department but not sponsored by the Town and held away from Town facilities will be paid out of individual departmental training budgets.

110 ELIGIBILITY FOR REHIRE

Effective Date: ##/##/####

Revision Date:

Former employees who left employment with the Town of Pagosa Springs in good standing may be considered for rehire. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for rehire. A former employee who is rehired will be considered a new employee from the date of re-employment unless the break in service is fewer than three (3) months. If the break in services is fewer than three (3) months, the rehired employee will retain his/her original hire date, and the employee will not have an introductory period. Additionally, the rehired employee's accrual rate for Personal Time Off (PTO) will be the same rate as when the employee separated from the Town's employment. Length of service for the purpose of benefits is governed by the terms of each benefit plan. Employees who retire may be eligible, in certain circumstances, to be considered for rehire. Any former employee who is rehired will be required to take a pre-employment drug test.

111 HIRING OF RELATIVES

Effective Date: ##/##/####

Revision Date:

The employment of close relatives or individuals involved in a dating relationship in the same department can be disruptive to the workplace. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a close relative is anyone of equal or greater relationship than a first cousin, whether by birth or adoption, a spouse, civil union or domestic partner and any individuals related by blood or adoption and living in the same household. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Close relatives and individuals involved in a dating relationship may not occupy positions where one would directly or indirectly exercise supervisory, appointment, dismissal or disciplinary authority over the other; where one would have access to the Town's confidential information including personnel records and payroll; or where one would audit, receive, or be entrusted with moneys received or handled by the other in the course of employment. The Town reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

When employees of the Town become related or establish a dating relationship and their working relationship is prohibited by this policy, one employee will be required to transfer to another position, provided a position is available, or to resign. If neither affected employee voluntarily transfers or resigns, the Town Manager shall terminate or transfer one of the employees, at his discretion.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

112 OUTSIDE EMPLOYMENT

Effective Date: ##/##/####

Revision Date:

Employees may hold outside jobs as long as they meet the performance standards of their job with the Town. All employees will be judged by the same performance standards and will be subject to the Town's scheduling demands, regardless of any existing outside work requirements. If the Town determines an employee's outside work interferes with performance or the ability to meet the requirements of the Town as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Town.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the Town for materials produced or services rendered while performing their jobs.

SECTION 2: EMPLOYMENT STATUS AND RECORDS

201 EMPLOYMENT CATEGORIES

Effective Date: ##/##/####

Revision Date:

It is the intent of the Town to clarify the definitions of employment classifications so employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the Town.

Each employee is designated as either *NONEXEMPT* or *EXEMPT* from federal and state wage and hour laws. *NONEXEMPT* employees are entitled to overtime pay under the specific provisions of federal and state laws. *EXEMPT* employees are excluded from specific provisions of federal and state wage and hour laws. An employee's *EXEMPT* or *NONEXEMPT* classification may be changed only upon written notification by the Town Manager.

In addition to the above categories, each employee will belong to one other employment category, as follows:

REGULAR FULL-TIME employees are those who are regularly scheduled to work more than 32 hours per week. Generally, they are eligible for the Town's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are regularly scheduled to work less than 32 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the Town's other benefit programs.

REGULAR EMPLOYMENT. Employees are considered to be employed in a "regular position" if the position is identified and funded in the annual budget and the position is expected to be for a duration longer than a temporary or seasonal employee. The use of the term Regular Employee is not intended to imply that the employee is hired pursuant to a contract of employment or to otherwise modify the at-will employment relationship of any Town employee.

TEMPORARY OR SEASONAL employees are those who have established an employment relationship with Town but who are assigned to work on a seasonal, temporary, intermittent and/or unpredictable basis. A position is considered to be temporary if it is reasonably expected at the time the position is filled that the position will terminate within a period of months, even though the precise termination date may not be known. A seasonal employee is an employee who is hired to perform duties only during certain specified seasons of the year. While temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of Town's other benefit programs.

202 ACCESS TO PERSONNEL FILES

Effective Date: ##/##/####

Revision Date:

The Town maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the Town, and access to the information they contain is restricted, subject to the Colorado Open Records Act. Generally, only supervisors and management personnel of the Town who have a legitimate reason to review information in a file are allowed to do so. All personnel records are maintained in compliance with the laws related to public records. No documents shall be released from a personnel record, except as required by the Open Records Act, without a written request from the employee designating the documents to be released and the person or entity to which the release is to be made, and indemnifying and holding harmless the Town from liability, claims, and demands resulting from such release.

Employees who wish to review their own file should contact the Human Resources Office. With reasonable advance notice, employees may review their own personnel files, except for any employment recommendations or references contained therein, in

the Town's offices and in the presence of a Human Resources representative. An employee shall have the opportunity to submit a letter to the file, responding to or rebutting information contained in his/her file.

203 EMPLOYMENT REFERENCE CHECKS

Effective Date: ##/##/####

Revision Date:

Unless required by a valid court order or the law, at the written request of the subject employee, or the employee provides a signed written release, the Town will furnish only the following information about past or present Town employees:

- a) Dates of employment
- b) Current job title or job title at date of separation from employment
- c) Verification of salary information

No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry, unless the release is authorized or required by the Colorado Open Records Act. All requests for information regarding past or present Town employees shall be directed to the Human Resources Office.

204 PERSONNEL DATA CHANGES

Effective Date: ##/##/####

Revision Date:

It is the responsibility of each employee to promptly notify the Town of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Human Resources Office.

205 EMPLOYMENT APPLICATIONS

Effective Date: ##/##/####

Revision Date:

The Town relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

206 PERFORMANCE EVALUATION

Effective Date: ##/##/####

Revision Date:

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, ongoing basis. Formal performance evaluations are generally conducted at the end of an employee's initial period (6 months) in any new position. This introductory period allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. *The performance of all employees is generally evaluated according to an ongoing 12-month cycle, beginning at the calendar-year end.* Nothing in this policy should be construed as granting employees a right to an evaluation.

Merit-based pay adjustments or bonuses may be awarded by the Town in an effort to recognize outstanding employee performance. The decision to award such an adjustment is dependent upon numerous factors, including, but not limited to, the information documented by this formal performance evaluation process.

All evaluation forms, following completion, shall be signed by the supervisor and the employee, and then forwarded to the Town Manager for review and approval. The evaluation process permits oral and written responses by the employee being evaluated. Original, signed performance evaluations are filed in the employee's personnel file.

207 JOB DESCRIPTIONS

Effective Date: ##/##/####

Revision Date:

The Town makes every effort to create and maintain accurate job descriptions for all positions within the Town. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section, and a work environment section.

The Town maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

The Human Resources Office and the Department Head prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact the Human Resources Office if you have any questions or concerns about your job description.

208 SALARY ADMINISTRATION

Effective Date: ##/##/####

Revision Date:

The salary administration program at the Town was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to our success, the Town is committed to paying its employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in other organizations in the area. The Town Manager administers the pay plan adopted by the Town Council and establishes a pay range for each job classification.

Compensation for every position is determined by several factors, including job analysis and evaluation, the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers. The Town periodically reviews its salary administration program and restructures it as necessary. Merit-based pay adjustments or bonuses may be awarded in conjunction with outstanding employee performance documented by the performance evaluation process, as well as other contributing factors.

Employees should bring their pay-related questions or concerns to the attention of their immediate supervisors, who are responsible for the fair administration of departmental pay practices. The Human Resources Office is also available to answer specific questions about the salary administration program.

209 MEDICAL INFORMATION PRIVACY

Effective Date: ##/##/####

Revision Date:

The Town is committed to maintaining and protecting the confidentiality of our employees' personal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Human Resources Office is the designated Privacy Officer for all employee medical information.

210 SOCIAL SECURITY NUMBER PRIVACY

Effective Date: ##/##/####

Revision Date:

To protect employees' personal information, Town prohibits the use of employees' Social Security numbers for identification purposes, except as allowed by law. The Town will not:

- Publicly post or publicly display in any manner an employee's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- Print an employee's Social Security number on any card required for the employee to access products or services provided by the Town.
- Require an employee to transmit his or her Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- Require an employee to use his or her Social Security number to access an Internet web site, unless a password or unique personal identification number or another authentication device is also required to access the Internet web site.
- Print an employee's Social Security number on any materials that are mailed to the employee, unless state or federal law requires the Social Security number to be on the document to be mailed.

However, Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process; or to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the Social Security number.

In instances where the Town previously used an employee's Social Security number in a manner inconsistent with this policy, it will continue using that employee's Social Security number in that manner, if all of the following conditions are met:

- The use of the Social Security number is continuous. If the use is stopped for any reason, the conditions listed above will apply.
- The employee is provided an annual disclosure that informs the employee that he or she has the right to stop the use of his or her Social Security number in a manner prohibited by those conditions listed above.

A written request by an employee to stop the use of his or her Social Security number in a prohibited manner will be implemented within 30 days of the receipt of the request. There will be no fee or charge for implementing the request. The Town will not deny services to an employee because the employee makes a written request to stop the use of his or her Social Security number. The Town will continue to collect, use, or release Social Security numbers as required by state or federal law, and may use Social Security numbers for internal verification or administrative purposes.

Employees who have questions about this policy or who feel their Social Security number has been used inappropriately by the Town should contact the Human Resources Office.

SECTION 3: BENEFIT PROGRAMS

301 EMPLOYEE BENEFITS

Effective Date: ##/##/####

Revision Date:

Regular full-time employees, working a minimum of 32 hours per week, are eligible for benefits, such as group medical, dental, vision, life, and disability insurance coverage programs through the Town. Unless noted otherwise in these policies, regular part-time and temporary or seasonal employees are not eligible to receive benefits including insurance, retirement, leave, and holidays. The Town covers all employees in the manner prescribed by law for Social Security, workers' compensation, and unemployment insurance.

In the event the handbook information conflicts with the actual terms and conditions of coverage, the latter governs. For detailed information describing the insurance coverages or to obtain Summary Plan Descriptions, contact the Human Resources Office.

302 HEALTH, DENTAL, AND VISION INSURANCE

Effective Date: ##/##/####

Revision Date:

Regular full-time employees and their dependents are eligible to participate in the Town's medical, dental, and vision insurance programs on the first day of the month following their date of hire and subject to all terms and conditions of the agreement between the Town and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee and his/her qualified dependents for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) Policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees.

303 BENEFITS CONTINUATION (COBRA)

Effective Date: ##/##/####

Revision Date:

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. It is the responsibility of the employee to notify the Human Resources Office of any qualifying events stated above in order to comply with the distribution of COBRA notifications for continued coverage.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town's group rates plus an administration fee. Town provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Town's health insurance plan. The notice contains important information about the employee's rights and obligations.

304 FLEXIBLE SPENDING ACCOUNT (FSA)

Effective Date: ##/##/####

Revision Date:

The Town provides a Flexible Spending Account (FSA) program that allows employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions made to the FSA can be used to pay for predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Participation in the Health Care and/or Dependent Care FSA is optional and determined on an annual basis for the plan year. You must enroll for each plan year.

Details of the Flexible Spending Account program are described in the Summary Plan Description (SPD). Contact the Human Resources Office for more information on the Flexible Spending Account program and to obtain enrollment and reimbursement forms and worksheets with examples of reimbursable and non-reimbursable expenses.

305 WORKERS' COMPENSATION INSURANCE

Effective Date: ##/##/####

Revision Date:

Employees are covered for employment-related injury or illness by the Colorado Worker's Compensation Act. Under the Act, an employee may receive benefits for missing work as a result of an employment-related injury or illness. Delay in reporting a work-related injury or illness may result in a reduction of benefits under the Act.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately, but no later than seventy-two (72) hours following the accident, no matter how minor an on-the-job injury may appear. Employees shall cooperate in a timely manner with written reports, forms and other requests required by the supervisor, the Town Council or its agents, insurance companies, or other authorities.

If medical treatment is needed, it must be provided from a Town-designated provider. In the event a workers' compensation injury requires time off from work, the employee may, at his/her option, use accrued PTO, Comp Time, or Prior Sick Leave to supplement workers' compensation benefits not to exceed his/her regular salary for the applicable period.

The Town will attempt to reasonably accommodate an employee who is released by his/her physician for modified duty after a workers' compensation injury or illness. Modified duty must be approved by the Town Manager in coordination with the employee's department head.

306 MODIFIED DUTY/TEMPORARY REASSIGNMENT

Effective Date: ##/##/####

Revision Date:

Modified duty or temporary work reassignment may be considered when a full time employee is unable to perform his/her regular duties due to a work-related injury or illness. The types of modified duty/temporary job reassignment available may include:

1. Job restructuring by reallocating or redistributing of appropriate job functions, or by altering when and/or how such functions are performed.
2. Reassignment to another, vacant position, if appropriate.
3. Other methods as warranted.

The following conditions must be met by an employee seeking modified duty/temporary reassignment:

1. The employee must provide a WORK STATUS form from the designated physician indicating he/she is unable to perform his/her regularly assigned duties. The form must contain the physician's estimation of the time frame the condition is expected to exist, and a statement from the physician releasing the employee to return to work for the modified duty/temporary reassignment. Limitations or restrictions shall be specifically documented on the WORK STATUS form by the physician; the physician shall also verify on the form that the modified duty or temporary re-assignment can be performed by the employee and is within the employee's limitations or restrictions.
2. The department head must determine that modified duty/temporary reassignment is available within the department or another department, that the modified duty/temporary reassignment is consistent with the limitations and restrictions indicated by the physician, and that the modified duty/temporary reassignment is not imposing undue hardship on operations. If the reassignment is to a position created as a temporary job, the duration of assignment shall be limited to the temporary period established for the job.

The department head will be responsible for overseeing the modified duty/temporary reassignment and tracking the number of hours worked by the employee each week.

Regular updates from the physician may be required by the department head during the modified duty/temporary reassignment period. All information from the physician shall be collected and maintained on separate forms in separate medical files and shall be treated as a confidential medical record except as otherwise permitted or required by law.

The modified duty/temporary reassignment shall be evaluated every two weeks by the employee's department head and the Town Manager, regarding continuation or termination of modified duty/temporary reassignment.

A physician's release authorizing the employee to return to full regular duty shall be required before the employee may be returned to his/her original position. In no way shall modified duty/temporary reassignment confer any continuing right on the employee to occupy the position as modified, or the position to which he/she is temporarily reassigned, or any other position.

An employee who refuses a medically authorized modified employment may be subject to reduction or termination of certain workers' compensation benefits as provided by law.

Modified duty/temporary reassignment is not available for a non-work related injury or illness.

307 LIFE INSURANCE

Effective Date: ##/##/####

Revision Date:

Life insurance offers you and your family important financial protection. The Town provides a basic life insurance plan for regular full-time employees. Additional supplemental and/or dependent life insurance coverage may also be purchased.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between Town and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees.

308 RETIREMENT SAVINGS PLAN

Effective Date: ##/##/####

Revision Date:

In addition, the Town provides regular full-time employees the following retirement plans:

401(a) Retirement Plan – A mandatory retirement plan, each employee is required to contribute 5% of their gross monthly wages into the plan and the Town will match the employee’s contribution of 5%. The Town’s contribution is subject to a 5-year vesting schedule based on years of service. After the first year of service, an employee is vested for 20% of the Town’s total contribution with additional vesting in increments of 20% on anniversary dates until 100% vested at the completion of five years of service with the Town.

457 Deferred Compensation Plan – The 457 Deferred Compensation Plan is a voluntary supplemental retirement plan that allows employees to defer an additional amount of their wages for investment. This plan allows the employee to choose either pre-tax or after-tax (Roth) deferrals.

Fire and Police Pension Association (FPPA) Pension Plan (sworn police officers only) – Officers in the Police Department are covered under the FPPA pension plan as provided by law and instead of participation in social security.

Complete details of the retirement plans are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Office for more information about the retirement plans.

309 SHORT-TERM DISABILITY

Effective Date: ##/##/####

Revision Date:

The Town provides a short-term disability (STD) benefits plan to eligible employees (after one year of service) who are unable to work because of a qualifying disability due to an injury or illness. Eligible employees may participate in the STD plan subject to all terms and conditions as outlined by the Town.

Disabilities arising from pregnancy or pregnancy-related illness are treated the same as any other illness that prevents an employee from working. Disabilities covered by workers' compensation are excluded from STD coverage.

Details of the STD benefits plan including benefit amounts, when they are payable, and limitations, restrictions, and other exclusions are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Office for more information about STD benefits.

310 EDUCATIONAL ASSISTANCE

Effective Date: ##/##/####

Revision Date:

The Town wants to encourage a healthy, better educated, and highly skilled work force. This tuition reimbursement policy has been established to meet this goal. Any employees who has completed one year of employment with the Town at the time courses begin may be eligible for this benefit.

Courses related to an employee’s job or courses taken through accredited institutions may be eligible for reimbursement. Courses may or may not be part of a degree program. Courses paid for as part of an employee’s regular job training are not covered by this policy. Non-accredited courses such as Spanish language, computer skill development, and other skill development that are demonstrably relevant to an employee’s job may be reimbursed upon review and approval by the Town Manager.

Tuition reimbursement may be authorized for post high school or vocational courses leading to a degree that is relevant to the employee's position or promotional opportunities within the Town. Consideration of requests by an employee for education assistance is dependent upon the availability of funds and the relevance of the course and/or the degree being pursued to the employee's position or line of promotion. Only courses taken through an accredited college, university or vocational training which are relevant to the employee's current position or in the direct line of promotion will be considered for reimbursement. Eligible courses should also provide technical knowledge or skill that will improve the employee's ability to perform on the job.

Requests for tuition reimbursement should be pre-approved by the Town Manager and should be completed prior to registration. Approval will be based upon relevancy, job performance, training priorities, and the availability of funds. Funds will be distributed

on a first-come, first-served basis. Upon completion of the course, an official copy of the grade report, a statement of tuition fees paid, and any necessary receipts must be submitted for reimbursement.

In order to obtain the reimbursement authorized, the employee must successfully complete the course attaining a "C" grade or better (2.0 or above on a 4.0 scale) or a "Pass" in a Pass/Fail course. It is anticipated that course work will be undertaken during non-work hours. Flexible working hours may be allowed by the Department Head to accommodate the employee's course schedule.

The maximum reimbursement amount will be \$1,500 per calendar year per employee, depending on the availability of funds. Reimbursement will not be allowed for books, lab fees, travel expenses, material or other costs. Employees accepting education assistance agree to repay to the Town the amount of assistance received if they do not remain employed by the Town for one year following completion of the course for which reimbursement is received.

SECTION 4: LEAVE

Employees who must be absent from work are expected to notify their supervisor within a reasonable time to accommodate work schedules. If an employee knows that he or she will need to take time off in advance, the employee must submit a request to use Paid Time Off (PTO, as described in this Section 4) must be submitted to the employee's supervisor.

If an employee cannot give advance notice of the need for time off due to circumstances beyond his or her control, such as illness, the employee must call his or her supervisor at least one (1) hour before his or her scheduled starting time, if possible. All leave requests must be approved by a supervisor. Requested leave may be denied and approved leave may be rescinded when overriding Town needs dictate the employee's presence is required at work.

No leave period or combination of leaves will be authorized beyond 12 consecutive weeks except as specifically authorized by the Town Manager.

401 PERSONAL TIME OFF (PTO)

Effective Date: ##/##/####

Revision Date:

Paid Time Off (PTO) is an all-purpose time-off policy for eligible employees to use for vacation, illness or injury, and personal business. It combines traditional vacation and sick leave plans into one flexible, paid time-off policy. PTO is a benefit by the employer and carries no entitlement.

Regular full-time employees begin to accrue PTO immediately upon employment and may utilize PTO in increments of no less than one-half hour subject to supervisory approval and accrual. In no event may PTO be used in advance of accrual. It is the responsibility of the Department Head or the designee to determine when and in what amount the leave may be granted. PTO shall be coordinated in advance with the employee's supervisor.

Regular full-time employees (scheduled for 2,080 hours per year) shall accrue the following amount of PTO on an annual basis, prorated into twenty-six (26) pay periods based on the exempt or non-exempt status. PTO accruals shall increase to the next level beginning with the pay period that includes the employee's appropriate anniversary date. Part-time employees accrue a prorated amount of PTO calculated by multiplying the above amounts by the percentage rate of hours regularly scheduled to work compared to forty (40) hours. Seasonal and temporary are not eligible for PTO.

Years of Service	PTO Hours for Regular Full-Time Non-Exempt Employees	PTO Hours for Regular Full-Time Exempt Employees
0-2	144 hrs annual or 5.54 hrs per pay period	184 hrs annual or 7.08 hrs per pay period
3-5	160 hrs annual or 6.15 hrs per pay period	192 hrs annual or 7.38 hrs per pay period
6-8	176 hrs annual or 6.77 hrs per pay period	200 hrs annual or 7.69 hrs per pay period
9-11	200 hrs annual or 7.69 hrs per pay period	216 hrs annual or 8.31 hrs per pay period
12-14	224 hrs annual or 8.62 hrs per pay period	232 hrs annual or 8.92 hrs per pay period
15-17	232 hrs annual or 8.92 hrs per pay period	248 hrs annual or 9.54 hrs per pay period
18-20	240 hrs annual or 9.23 hrs per pay period	
20+	248 hrs annual or 9.54 hrs per pay period	

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn PTO. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

PTO is paid at the employee's base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

As an additional condition of eligibility for PTO, an employee on an extended absence for illness or injury must apply for any other available compensation and benefits, such as workers' compensation. PTO will be used to supplement any payments an employee is eligible to receive from state disability insurance, workers' compensation, or Town-provided disability insurance programs. The combination of any such disability payments and PTO cannot exceed the employee's normal weekly earnings.

The maximum PTO an employee may accumulate is two hundred forty-eight (248) hours. When an employee reaches 248 hours of accrued by unused PTO, the employee will cease to accrue PTO until the employee uses PTO and brings the available amount below the cap of 248 hours.

Upon separation of employment, employees will be paid for unused PTO earned through the last day of work not to exceed 248 hours, paid out hour-for-hour at the employee's pay rate for the previous year.

402 UNSCHEDULED PERSONAL TIME OFF (PTO)

Unscheduled PTO should be requested as soon as an employee knows that illness or any other emergency will require absence from work, preferably one day in advance. An employee shall personally communicate this fact to the supervisor or his/her designee, as early as reasonably required by the individual department. Such notification shall be made each time a scheduled work shift will be missed unless authorization has been granted by the supervisor for a prolonged absence of a specified duration. Absences not reported in accordance with these provisions may be subject to disciplinary action.

Verification of Need for Unscheduled PTO – The employee may be required to furnish medical verification, or other proof that any unscheduled use of PTO was unavoidable, to his/her Department Head or the Town Manager. In the case of any unscheduled use of PTO due to personal illness or injury, the Town may require, at the expense of the employee, medical confirmation that the employee is fit to return to work.

Excessive Use of Unscheduled PTO – The unscheduled use of PTO, which is considered excessive by the Town, may be subject to discipline. Abuse of unscheduled leave may be subject to disciplinary action up to and including discharge. Excessive use of unscheduled PTO shall be documented to the employee's personnel file and will reflect negatively on the employee evaluation. All consecutive workday absences shall be considered as one occasion for the purpose of this policy.

403 LEAVE OF ABSENCE WITHOUT PAY

Effective Date: ##/##/####

Revision Date:

Leave of Absence without Pay may be granted by the Town Manager when an employee has exhausted all of his/her PTO and his/her absence from work is for reasons beyond their control. PTO is not earned when an employee is on Leave without Pay status and holidays that fall within this period are not paid.

404 PRIOR SICK LEAVE

Effective Date: ##/##/####

Revision Date:

Effective October 1, 2007, the Town transitioned from a traditional policy of vacation, personal days, and sick leave to a combined general policy of Personal Time Off (PTO) as outlined in Section 307 above. Consequently, the Town does not currently provide a separate Sick Leave benefit. However, in order to not adversely affect employees hired prior to September 30, 2007 that accrued a sick leave balance, any unused sick leave was converted to "Prior Sick Leave." *Prior sick leave* may be used by those employees for short term disability, maternity leave, or family leave, from the first day such disability or leave is designated.

Upon retirement, resignation, or reduction in force, employees with a prior sick leave balance will be paid up to two hundred forty (240) hours of prior sick leave at their rate of pay on October 1, 2007. Any prior sick leave at discharge from employment with the Town as referenced in Section 706 will be forfeited and not paid for by the Town.

405 HOLIDAYS

Effective Date: ##/##/####

Revision Date:

The Town will grant paid holiday time off to all regular full-time employees on the holidays listed below during the benefit year (calendar). Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) for eight hours per holiday.

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)
- New Year's Eve (December 31)

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will be paid their wages at their straight-time rate for hours worked on the holiday and they may flex the holiday within the same pay period with approval from their supervisor or receive holiday pay in the form of compensatory time (at a straight-time rate). Holidays can only be taken in increments of eight (8) hours.

In addition to the recognized holidays previously listed, eligible employees will receive one (1) floating holiday in each benefit year following 365 days of service as a regular full-time employee. Floating holidays must be scheduled with the prior approval of the employee's supervisor and taken in eight (8) hours increments. All holidays are classified as "floating" holidays for all sworn officers in the Police Department due to the complexities of their schedules and shifts. Unused floating holidays for all employees do not rollover into the next benefit year, they are use or lose.

If an employee's religious beliefs require observance of a holiday not included in the holiday schedule, the employee may, with his/her Department Head's approval, take a day off using PTO, compensatory time, a floating holiday, or leave without pay.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

Town Council reserves the right to amend any of these holidays.

406 BEREAVEMENT LEAVE

Effective Date: ##/##/####

Revision Date:

Regular full-time employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. The supervisor may, in his/her discretion, grant up to five (5) days with pay based upon distance to be traveled and mode of transportation.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements.

The Town defines "immediate family" as the employee's spouse, parent, child, sibling, grandparents, or grandchildren; and the parents, siblings, or children of the employee's spouse.

Bereavement leave shall not be granted for settlement of estates or for any other matter except required time to travel to, attend, and return from the funeral. Leave taken in excess of that required to attend the funeral shall be charged as PTO, or leave without pay, as determined appropriate by the Department Head.

407 PAID MATERNITY LEAVE

Effective Date: ##/##/####

Revision Date:

The Town provides a paid Maternity Leave benefit (STD) to regular full-time employees after six (6) months of regular full-time employment with the Town. Temporary employment does not count toward the six (6) months requirement. Maternity leave is for a period of two hundred forty (240) regularly scheduled work hours.

An employee is required to use accrued PTO or Prior Sick Leave during the first forty (40) regularly scheduled work hours of maternity leave. If the employee does not have enough PTO or Prior Sick Leave, the employee may choose to use compensatory time, if applicable, or request Leave without Pay, if qualified.

An employee will receive 60% of normal salary during the remaining 200 regularly scheduled work hours of maternity leave. After the onset of the 60% maternity leave benefit, remaining PTO, Prior Sick Leave, and compensatory time may be used to supplement the maternity leave benefit to equal an employee's regular pay during the maternity leave.

The Town will continue its normal Social Security contributions, if applicable, normal retirement contributions, and insurance contributions, from both the Town and the employee, during the maternity leave period.

While off work during maternity leave, an employee will not accrue PTO. If a declared holiday falls within an employee's period of maternity leave, the employee will receive a holiday leave benefit in accordance with the holiday leave provisions in Section 310 of this handbook.

408 PAID FAMILY LEAVE

Effective Date: ##/##/####

Revision Date:

Only employees designated as regular full-time employees are eligible for paid family leave after six (6) months of regular Town employment. Any time as a temporary or seasonal employee does not count toward the six (6) months requirement for family leave. Family leave is available for a maximum of eighty (80) regularly scheduled work hours.

An eligible employee may take family leave for one or more of the following reasons:

- a) Father's attendance at the birth of his child
- b) Parent's care of a newborn after the birth of his or her child
- c) Placement of a son or daughter with the employee for adoption or foster care
- d) To care for an immediate family member who has a serious health condition, as defined by the Family Medical Leave Act

For purposes of this policy, an employee's "immediate family" includes his or her spouse, children, parent, grandparents, grandchildren or siblings, and the parents, siblings, or children of the employee's spouse.

An employee is required to use accrued Personal Time Off (PTO) or Prior Sick Leave during the first forty (40) regularly scheduled work hours of family leave. If the employee does not have enough PTO or Prior Sick Leave, the employee may choose to use compensatory time, if applicable, or request Leave without Pay, if qualified.

An employee will receive 60% of normal salary during the remaining forty (40) regularly scheduled work hours of family leave. After the onset of the 60% family leave benefit, remaining PTO, Prior Sick Leave, and compensatory time may be used to supplement the family leave benefit to equal an employee's regular pay during the family leave.

The Town will continue its normal Social Security contributions, if applicable, normal retirement contributions, and insurance contributions, from both the Town and the employee during the family leave period. While off work during family leave, an employee will not accrue PTO. If a declared holiday falls within an employee's period of family leave, the employee will receive a holiday leave benefit in accordance with the holiday leave provisions in Section 405 of this handbook.

409 FAMILY AND MEDICAL LEAVE

Effective Date: ##/##/####

Revision Date:

The Town has fewer than 50 employees and therefore its employees are not eligible for leave under the Family and Medical Leave Act. Employees may be eligible for up to twelve (12) weeks of unpaid family and medical leave per year ("Family and Medical Leave") for the following reasons:

- a) Incapacity due to pregnancy, prenatal medical care, or child birth.
- b) To care for the employee's child after birth, or placement for adoption or foster care.
- c) To care for the employee's spouse, domestic, or civil union partner, son or daughter, or parent, who has a serious health condition.
- d) Serious health condition that makes the employee unable to perform the essential functions of his or her position.
- e) Because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member. For purposes of this policy, "covered military member" means a member of the National Guard or reserve forces or a retired member of the Armed Forces or reserve forces who is on active duty or has been notified of an impending call or order to active duty. Any of the following are considered a "qualifying exigency," as long as they arise from the covered military member's call or notice of an impending call to active duty.
 - a. Short-notice deployment (if a covered military member is notified of an impending call or order to active duty seven (7) or fewer calendar days prior to the date of deployment, the employee may take leave during that 7-day period to address any issues arising from the call or order); or
 - b. Military events and related activities (to attend an official ceremony, program or event sponsored by the military or to attend family support or assistance programs and informational briefings); or
 - c. Childcare and school activities (with respect to the child of the covered military member, to arrange a change to existing childcare, to provide childcare on an urgent, immediate need basis, to enroll in or transfer to a new school or day care facility when necessary due to the call to active duty status, and to meet with school or day care staff);
 - d. Financial and legal arrangements (to make or update such arrangements to address the covered military member's absence); or
 - e. Counseling; or
 - f. Rest and recuperation (to spend up to five (5) days in each instance with a covered military member who is on short-term, temporary rest and recuperation leave during deployment);
 - g. Post-deployment activities (to attend official military events, such as arrival ceremonies and reintegration briefings, during the 90-day period following termination of active duty status, or to address issues related to the death of the covered service member); or
 - h. Additional activities arising from the call to active duty, as long as the Town and the employee agree that the activity is a "qualifying exigency" and agree to the timing and duration of the leave.
- f) Because of a serious injury or illness incurred in the line of duty of employee's spouse, son, daughter, parent, or next of kin who is a current member of the Armed Forces, including a member of the National Guard or Reserves ("Military Caregiver Leave"). Employees taking Military Caregiver Leave may take up to twenty-six (26) weeks of leave during a single twelve-month period to care for a covered service member with a serious illness incurred in the line of duty on active duty. Military Caregiver Leave may not be taken to care for former service-members on the permanent disability retired list.

The amount of Family and Medical Leave and Military Caregiver Leave available will be determined based on a “rolling” twelve-month period, meaning that the amount of leave available to an eligible employee at any given time is twelve weeks (or twenty-six weeks in the case of Military Caregiver Leave) less the amount of Family and Medical Leave or Military Caregiver Leave used during the preceding twelve months. The total leave taken for any purpose during a single twelve-month period may not exceed twenty-six (26) weeks, regardless of whether an employee is eligible for Military Caregiver Leave and another type of Family and Medical Leave in the same twelve-month period.

Eligibility for Leave

Eligibility for leave is as follows:

- a) Any employee who has been employed by the Town at least 12 months and has worked at least 1,250 hours during the 12 months preceding the commencement of leave of absence is eligible for Family and Medical Leave if certain conditions are met.
- b) Employees who return to work from Family and Medical Leave will be returned to their same job or an equivalent position. Certain highly compensated employees (key employees) may have limited reinstatement rights.
- c) If the necessity for leave is foreseeable, the employee must notify his supervisor of the request for leave 30 days prior to the first day of leave, or as soon as is practicable. If the leave is foreseeable based on a planned medical leave, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt departmental operations. If the leave is unforeseeable, the employee is expected to give notice to the employer of the need for Family and Medical Leave as soon as practicable under the circumstances, i.e., within one or two working days.
- d) An employee requesting leave must complete a Leave Request Form, stating the reason for the leave, the starting date, and the planned date of return to work. Medical certification is required for any serious health condition and must specify the work restrictions and the duration of the work restriction. For leaves stemming from the medical condition of a family member, the medical statement must specify that the employee is needed to care for the family member. The Town may require second and third medical opinions at the Town’s expense.
- e) Employees who intend to take Family and Medical Leave or Military Caregiver Leave must give at least thirty (30) days’ notice when circumstances permit. When advance notice is not possible, an employee needing leave must call his or her supervisor to report an absence from work, as practicable

Definition of a Serious Health Condition

A serious health conditions is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents a qualified family member from participating in school or other daily activities.

Leave Duration

Each eligible employee may be granted medical and/or family leave for up to 12 weeks (26 weeks for Military Caregiver Leave) during a 12-month period. The 12-month period is measured forward from the date an employee’s first Family and Medical Leave begins. In cases in which both spouses or civil union partners who both work for the Town, the spouses are limited to an aggregate of 12 weeks (26 weeks for Military Caregiver Leave) of leave during this 12-month period unless the leave is necessitated by the serious health condition of the employee or that of the employee’s spouse or child.

Employees will be required to use all accrued compensatory time and PTO leave at the beginning of any Family and Medical Leave, except that the employee may retain a balance of 8 hours of PTO leave. Employees shall be paid on leave while they are using accrued PTO or compensatory time. After all accrued PTO and compensatory time is used, Family and Medical Leave or Military Caregiver Leave shall be unpaid.

Benefits During Leave

If an employee is on the Town’s health plan, the benefits continue while on Family and Medical Leave. Employees must continue to pay their portion of any insurance premiums while on leave. As with other types of unpaid leave, PTO and holiday leave will not accrue when an employee is on unpaid status. Bereavement leave or jury duty pay are not granted if on unpaid leave. However, employment benefits accrued by the employee up to the day on which Family and Medical leave of absence begins are not lost.

In the event that the employee fails to return from Family and Medical Leave, the employee may be liable for the premiums paid by the Town to maintain insurance coverage unless:

- a) The employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition of the employee or a family member; or
- b) The failure to return stems from circumstances beyond the control of the employee.

Return from Leave

An employee on leave is required to report periodically on their status and intent to report to work. An employee returning from leave will be reinstated to the same or an equivalent position when possible. Certain highly compensated employees may have limited reinstatement rights. Medical certification is required verifying an employee's ability to return to work from medical leave. Failure to return to work on the day after the expiration of leave will normally result in separation of employment.

Reduced Work Schedule/Intermittent Leave

In a limited circumstance as described below, an employee who is eligible for Family and Medical Leave may request and be permitted to work on a reduced schedule or receive periodic time off from work. Employees taking reduced work schedules or intermittent leave, the Town reserves the right to temporarily transfer the employee to a comparable position that better accommodates the employee's recurring periods of leave. The Town may review the individual circumstances involved in considering a reduced schedule or intermittent leave requests. The Town may take into account the needs of the employee's department, the employee's length of service, and the employee's duties, workload and job performance in making such decisions. Any time off permitted, based on a reduced work schedule or intermittent leave, will be treated in the same manner as other absences under the family and medical leave policy and such absences will be applied against the leave permitted under this policy.

410 MILITARY LEAVE

Effective Date: ##/##/####

Revision Date:

Full-time employees who are members of the National Guard or reserve forces are entitled to military leave without loss of pay, benefits or status for no more than fifteen (15) working days each calendar year while they are engaged in training or other service under orders. Any employee who is required to continue in military service beyond the time allowed for military leave shall be afforded leave without pay for the duration of his or her service and shall be reinstated to full employment rights upon separation from military service as required by law, provided he or she reports to the Town for work within ninety (90) days from such separation.

Employees on military leave are paid the difference between their regular straight time pay and the pay received for military service for up to ten (10) working days per calendar year. To receive such pay, an employee must provide a military pay statement verifying the amount received by him or her for military service. Accrued PTO may be used for any unpaid portion of an employee's military leave.

When circumstances permit, employees taking military leave shall submit a written request for leave at least thirty (30) days in advance of the time they are scheduled for active duty or training.

Continuation of health insurance benefits is available as required by the Uniformed Services Employment and Reemployment Rights Act (USERRA) based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Human Resources Office for more information or questions about military leave.

411 JURY DUTY/COURT TIME

Effective Date: ##/##/####

Revision Date:

A regular full-time employee who is summoned for jury duty or subpoenaed in connection with his/her employment during a regularly scheduled work time shall be compensated for the scheduled hours. A copy of the subpoena or order requiring such duty must be submitted with a leave request in order for such compensation to be paid. As a condition of the receipt of such pay, any stipend paid to the employee for jury service or as a witness fee must be paid to the Town or an equivalent amount deducted from the employee's pay.

412 VOTING

Effective Date: ##/##/####

Revision Date:

Any employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two hours for the purpose of voting. No such paid leave shall apply to any employee whose work schedule is such that there are three or more hours between time of opening and the time of closing of the polling site during which the employee is not required to be on the job.

413 NURSING MOTHERS

Effective Date: ##/##/####

Revision Date:

The Town will provide a private space and time will be permitted for nursing mothers to express milk during the workday. The time permitted typically will not exceed the normal time allowed for lunch and breaks. If additional time is needed above and beyond normal breaks/meal time, the supervisor and employee will agree upon a plan which might include the employee using PTO, arriving at work earlier, or leaving later. Employees requiring this accommodation should contact Human Resources.

SECTION 5: TIMEKEEPING/PAYROLL/WORK HOURS

501 TIMEKEEPING

Effective Date: ##/##/####

Revision Date:

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the Town to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Overtime work must always be approved before it is performed.

The Town uses online timekeeping software for employees to report their time worked and manage the time approval process. It is the employees' responsibility to enter their time and certify the accuracy of the time recorded. The employee's supervisor will review and approve the time record prior to submitting it to payroll for processing. An employee "electronically signs" and certifies that the time report is accurate when they electronically submit their time record to their supervisor.

Employees should submit their time record by no later than 10:00 am on the Monday prior to a scheduled payday in order to allow department heads time to review and approve them for submission to Payroll by close of business.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

502 OVERTIME

Effective Date: ##/##/####

Revision Date:

When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity to volunteer for overtime work assignments, or the Town may require employees to work overtime. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, PTO, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

For all non-exempt employees, overtime is defined as authorized hours worked in excess of:

- a) Forty (40) hours in a seven (7) day week; or
- b) 86 hours within a 14-day work period for sworn law enforcement officers.

Regular full-time and regular part-time employees receive Compensatory Time (Comp Time) in lieu of pay for overtime earned at a rate of one and one-half times their hourly rate. Seasonal employees are paid out overtime at a rate of one and one-half times their hourly rate.

By mutual agreement between the employee and supervisor, an employee may work beyond his or her regularly scheduled shift without incurring overtime, provided however, that the employee shall be compensated for authorized overtime hours worked when required by FLSA.

Employees who work overtime without receiving prior authorization from the supervisor may be subject to disciplinary action, up to and including possible termination of employment.

503 COMPENSATORY TIME

Effective Date: ##/##/####

Revision Date:

It is understood that in agreeing to work for the Town, regular full-time and regular part-time employees agree to accept compensatory time of one and one-half (1.5) hours for each hour of overtime worked.

Compensatory Time – Non-exempt Full-time Employees

Employees are expected to work necessary overtime when requested to do so, and non-exempt full-time employees will receive time and one-half compensatory time for time worked exceeding 40 hours in any given work week or 80 hours in a two-week work period for sworn law enforcement officers.

Compensatory time off must be requested by the employee and authorized by the appropriate supervisor. If time off is not practical, the supervisor can deny a compensatory time request and opt for payment of compensatory time with Town Manager approval.

Exempt Employees

An employee in an exempt position is being paid to perform work which may not necessarily be completed in his or her normal work week and is therefore not entitled to overtime compensation or compensatory time. For exempt employees, work hours include attendance at regularly scheduled meetings or events related to an employee's position as determined by the Town Manager.

When an exempt employee is engaged in a project which specifically requires overtime work to accommodate a number of meetings outside of normal working hours, or to meet unavoidable deadlines, scheduling constraints imposed upon the Town, or other compelling cause, the Department Head may authorize a flexible work schedule for that employee, when possible, to reduce the number of extra hours required.

Accumulated Compensatory Time

Non-exempt employees shall be allowed to accumulate no more than 180 hours of unused compensatory time. Any non-exempt employee may be directed to use accrued but unused compensatory time where he or she has accumulated the maximum permissible number of hours or, in the alternative, the employee may be precluded from earning additional compensatory time until hours are used (and will be paid at 1.5 times regular wages for any additional hours of overtime). The Town Manager may, depending on available revenues, reimburse employees for accrued but unused compensatory time over 40 hours at the overtime rate in effect when earned. Non-exempt employees shall use compensatory time accrued within ninety (90) days of earning it whenever possible.

Upon separation from employment or retirement, unused compensatory time will be paid for accrued but unused compensatory time at the higher of the employee's final regular rate of pay or the average regular rate during his or her last three years of employment.

Employees promoted from a non-exempt position to an exempt position will be paid out accumulated compensatory time prior to the effective date of promotion.

504 PAYDAYS

Effective Date: ##/##/####

Revision Date:

All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. In the event a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the Town. Employees will receive an itemized statement of wages when the Town makes direct deposits.

Scheduled paydays are posted conspicuously in each Town building. Copies of the payday schedule can be obtained by contacting the Human Resources Office.

505 SEPARATION FROM EMPLOYMENT

Effective Date: ##/##/####

Revision Date:

Separation of employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment is ended:

Resignation

Resignation is a voluntary act of separation from employment initiated by the employee. When an employee leaves Town employment for personal reasons it is requested, in the spirit of good faith, to provide, in writing, as much notice as possible to the direct supervisor and the Department Head, the anticipated separation date. An employee wishing to leave employment with the Town should submit a written resignation to his/her immediate supervisor. As a professional courtesy to the Town, the notice should be provided at least two (2) weeks in advance of the effective date of separation. The adequate notice period should not include holiday hours or scheduled Paid Time Off (PTO). The last day of employment must actually be a work day and not a PTO or paid holiday.

An employee, who, without authorization, fails to report for work for three (3) consecutive working days, may be considered to have resigned voluntarily as of the end of the third consecutive day. The Department Head shall provide written notice to the employee that the resignation has been accepted and the position has been declared vacant.

Reduction in Force

When warranted by changes in Town operations or by fiscal circumstances, the Town budget may be amended to impose a reduction in force in one or more departments. The Town Manager shall then notify the affected employee or employees, if reasonably possible, at least two weeks in advance of such reductions.

A reduction of the number of employees in any department shall be made in the following order:

- a) Temporary or seasonal employees; then
- b) Introductory period employees; then
- c) Regular full-time and part-time employees.

If an eligible list exists for a position in which a reduction in force has occurred, the name of each employee to whom the reduction applies shall be placed at the highest ranking on the eligible list for a period not to exceed one year.

Discharge

Employment with the Town is terminable at-will. Any employee may be discharged with or without cause, at the sole discretion of and without prior notice from the Town Manager.

Human Resources will provide separating employees with an exit questionnaire and overview outlining the separation process and requirements, including the return of Town issued property. Unless the separation is involuntary, final pay checks (including PTO, required premiums, etc.) will be processed on the next regularly scheduled payroll date. An employee who fails to return Town property upon separation may have the estimated cost of the property reduced from his or her final check and may be subject to criminal charges.

506 ADMINISTRATIVE PAY CORRECTIONS

Effective Date: ##/##/####

Revision Date:

The Town takes all reasonable steps to ensure employees receive the correct amount of pay in each paycheck and employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Human Resources Office so corrections can be made as quickly as possible.

507 PAY DEDUCTIONS AND SETOFFS

Effective Date: ##/##/####

Revision Date:

The law requires the Town make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Town also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base". The Town matches the amount of Social Security taxes paid by each employee.

The Town offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. Pay setoffs are pay deductions taken by the Town, usually to help pay off a debt or obligation to the Town or others.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, contact the Human Resources Office.

In addition, it is the policy of the Town to comply with the salary basis requirements of the FLSA for exempt employees. The Town prohibits all managers from making any improper deduction from the salary of an exempt employee in violation of the FLSA. That means that deductions may be made from an exempt employee's pay (leave without pay) when an exempt employee is absent from work for personal reasons, including sickness or disability, and does not have any remaining accrued PTO, or for unpaid disciplinary suspensions imposed by the Town in good faith for workplace conduct rule infractions. If an exempt employee believes an improper deduction has been made to his or her salary, this information should be reported to the Town Manager. Reports of improper deductions will be promptly investigated and if it is determined an improper deduction has occurred, the employee will be promptly reimbursed.

508 SEVERANCE PAY

Effective Date: ##/##/####

Revision Date:

The Town may provide severance pay to long-term employees who leave employment with the Town in good standing, as determined by the Town in its sole discretion, and who have worked for the Town as regular full-time employees in excess of ten (10) years, as follows:

- a) Over ten (10) years of service and less than fifteen (15) years of service – one (1) month's pay at rate as of date of separation.
- b) Over fifteen (15) years of service and less than twenty (20) years of service - two (2) month's pay at rate as of date of separation.
- c) Over twenty (20) years of service - three (3) month's pay at rate as of date of separation.

Specifically excluded from benefits under this provision are employees who: were hired as temporary employees for a specified period of time, and employees who were offered but refused to accept another suitable position with the Town.

SECTION 6: WORK CONDITIONS

601 SAFETY

Effective Date: ##/##/####

Revision Date:

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the Town has established a workplace safety program. This program is a top priority for the Town. The Human Resources Office has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The Town provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. A labor-management safety committee, composed of representatives from throughout the Town, has been established to help monitor the Town's safety program and to facilitate effective communication between employees and management about workplace safety and health issues.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the Human Resources Office. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Human Resources Office or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

602 WORK SCHEDULES

Effective Date: ##/##/####

Revision Date:

The normal work schedule for all general employees is 8 hours a day, 5 days a week, Monday thru Friday from 8:00 am to 5:00 pm. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult their supervisor to request participation in the flextime program.

603 SMOKING

Effective Date: ##/##/####

Revision Date:

In keeping with Town's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace. This policy applies equally to all employees, customers, and visitors.

604 REST AND MEAL PERIODS

Effective Date: ##/##/####

Revision Date:

Each workday, full-time nonexempt employees are provided with 2 rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.

All full-time regular employees are provided with one meal period of 60 minutes in length each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

605 USE OF EQUIPMENT AND VEHICLES

Effective Date: ##/##/####

Revision Date:

Town vehicles may be used only for the purposes and in the manner authorized by the Town Manager. Only authorized, qualified, and licensed employees may operate Town vehicles. Only authorized Town employees and other persons on Town-related business may ride as passengers in Town vehicles. All vehicles shall be operated in accordance with all applicable traffic laws, and vehicle operators shall be responsible for the condition and proper use of the vehicles. When using equipment, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees shall notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

There shall be no tobacco or marijuana use at **any** time in Town vehicles. ***Seat belts must be used at all times while operating a Town vehicle.***

606 EMERGENCY CLOSINGS

Effective Date: ##/##/####

Revision Date:

At times, emergencies such as severe weather, fires, floods, or power failures, can disrupt company operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as PTO or compensatory time.

607 BUSINESS TRAVEL EXPENSES

Effective Date: ##/##/####

Revision Date:

The Town will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the employee's supervisor.

Employees whose travel plans have been approved are responsible for making their own travel arrangements. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Town. Employees are expected to limit expenses to reasonable amounts. Per diem may be requested and granted in the Police Department for travel that will be reimbursed through POST scholarships according to their policy.

Expenses reimbursed may include the following:

- a) Airfare or train fare for travel in coach or economy class or the lowest available fare.
- b) Car rental fees, only for compact or mid-sized cars.
- c) Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- d) Taxi fares, only when there is no less expensive alternative.
- e) Mileage costs for use of personal cars, only when less expensive transportation is not available, based upon GSA mileage reimbursement amount.
- f) Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
- g) Cost of meals, no more lavish than would be eaten at the employee's own expense.
- h) Tips not exceeding 20% of the total cost of a meal or 15% of a taxi fare.
- i) Charges for telephone calls, fax, and similar services required for business purposes.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their department head when travel advances are needed.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such nonbusiness travel are the responsibility of the employee. Vehicles owned, leased, or rented by the Town may not be used for personal use without prior approval.

When travel is completed, employees should submit receipts for all individual expenses. Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

608 CELLULAR TELEPHONES

Effective Date: ##/##/####

Revision Date:

The Town may require some employees, based on the employee's job requirements, to carry cellular telephones. Upon the recommendation of the department head and approval of the Town Manager, employees determined to have a business need for a cellular telephone will be provided the following options:

- a) A monthly allowance, in an amount to be determined by the Town, if the employee chooses to use the employee's personal cellular telephone phone ("Employee-owned"); or

- b) A cellular telephone paid for and provided by the Town (“Town-owned”).

The business need for a cellular telephone may be withdrawn at any time at the discretion of the Town Manager, Department Head, or his/her designee.

Town-owned Cellular Telephones

A Town-owned cellular telephone must be secured and its whereabouts known at all times by the employee. All Town-owned cellular telephones are the property of the Town of Pagosa Springs. Upon leaving a Town position, all Town-owned cellular phones and related equipment must be returned to the Town. Failure to return such telephone and equipment to the Town may result in the cost of the telephone and the equipment being charged against the final monies due to the employee or other collection action by the Town.

Town-owned cellular telephones are the responsibility of the employee. Employees must notify their supervisor immediately of any problems with their assigned cellular telephone or related equipment, including loss, theft, or damage. A copy of the Town Incident report must accompany a replacement request due to loss. A copy of the police report must accompany a replacement request due to theft. Employees may be financially responsible for the assigned cellular telephone if:

- a) It is lost or damaged while in the care of employee, as a result of the employee's negligence.
- b) It is not returned by an employee within the specified period of time or is damaged upon its return.
- c) It is damaged due to failure to adhere to maintenance or operational policies.

Town-owned cellular phones may not be used at any time in violation of state or federal laws, or Town and Departmental policies, procedures, work rules, etc. The use of Town-owned cellular telephones to transmit or receive inappropriate communication is strictly prohibited and may result in disciplinary action. Inappropriate communication includes, but is not limited to: discriminatory, hostile, suggestive, obscene, harassing, or otherwise unsuitable language and content.

Town-owned cellular telephones are intended for business-related calls only and personal calls are not permitted. Cellular telephone invoices may be regularly monitored. Personal calls that create an added expense for the Town shall be fully reimbursed to the Town. Users may be requested to justify any or all calls on a Town-owned cellular telephone.

Employees are hereby notified that their communications via Town-owned cellular telephones are not private. Bills, text messages, photographs, call logs, and other communications on Town-owned cellular telephones are subject to potential disclosure pursuant to the Colorado Open Records Act, Colorado Revised Statutes §§24-6-101 *et seq.* (“CORA”)

Employee-owned Cellular Telephones

Employee-owned cellular telephones are the sole responsibility of the employee. Employees must notify their supervisor immediately of any problems with their personal cellular equipment and the timing of when replacement cellular telephone will be obtained. Employees are responsible for promptly obtaining replacement equipment. The Town will not reimburse the employee for loss, theft or damage to the Employee-owned cellular telephone or related equipment.

Employees are solely responsible for Employee-owned cellular telephone plans with cellular telephone service providers. The Town will not reimburse or otherwise pay for costs incurred by an employee for use of the Employee-owned cellular telephone that exceeds the terms of the employee’s cellular telephone plan.

Employees are hereby notified that their Town communications via Employee-owned cellular telephones may not be private. Bills and other communications regarding Employee-owned cellular telephones may be subject to potential disclosure pursuant to CORA. If the Town receives a CORA request that concerns an Employee-owned cellular telephone, the Town will request the employee to provide such information to the Town. The employee is solely responsible for any expenses related to producing those records including the cost of any attorney fees to defend or otherwise prevent release of the records.

Using Cellular Telephones/Handheld Devices While Driving

Except in emergency situations, employees are prohibited from using handheld cellular telephones or other handheld devices to conduct business while driving a motor vehicle or operating motorized equipment. The employee should safely pull off the road and come to a complete stop before texting, dialing or talking on the cellular telephone or another handheld device. Employees may utilize a hands-free device to use a cellular telephone so long as such use does not interfere with the safe operation of a motor vehicle or motorized equipment.

609 COMPUTER AND EMAIL USAGE

Effective Date: ##/##/####

Revision Date:

Computers, computer files, the email system, and software furnished to employees are Town property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email usage may be monitored.

The Town strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Users of Town computers and e-mail systems are responsible for their appropriate use. All illegal and improper uses of the e-mail system, including but not limited to pornography, obscenity, harassment, solicitation, gambling and violating copyright or intellectual property rights are prohibited. In addition, use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale is prohibited. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Use of the computers and e-mail system for which the Town will incur an expense without express permission of a supervisor is prohibited.

Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other nonbusiness matters.

The Town purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Town does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Town prohibits the illegal duplication of software and its related documentation.

Electronic messages are not for private or confidential matters. Because there is no guarantee of privacy or confidentiality, other avenues of communication should be used for such matters.

In order to keep Town e-mail and computer systems secure, users shall not leave the terminal signed on when unattended and shall not leave their password available in an obvious place near the terminal or share their password with anyone except the e-mail system administrator.

Electronic messages are not private. The Town retains the right to monitor, review, store and disclose all information sent over the Town e-mail system at any time for any reason, without notice to the employee.

Except as provided herein, Town employees are prohibited from accessing another employee's e-mail without the express consent of the employee. All Town employees are advised that e-mail messages can be retrieved even if they have been deleted and that statements made in e-mail communications can form the basis of various legal claims against the individual author or the Town.

E-mail sent or received by the Town or the Town Council and employees may be considered a public record subject to public disclosure or inspection under CORA.

Town employees shall be subject to disciplinary action, including termination, for violation of this guideline and regulation.

Employees should notify their department head, the Human Resources Office or the Town Manager upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

610 INTERNET USAGE

Effective Date: ##/##/####

Revision Date:

Internet access to global electronic information resources on the World Wide Web is provided by the Town to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and

productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the Town and, as such, is subject to disclosure under CORA. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of the Town. As such, the Town reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or another person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by the Town in violation of law or Town policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- a) Sending or posting discriminatory, harassing, or threatening messages or images
- b) Using the organization's time and resources for personal gain
- c) Stealing, using, or disclosing someone else's code or password without authorization
- d) Copying, pirating, or downloading software and electronic files without permission
- e) Violating copyright law
- f) Failing to observe licensing agreements
- g) Engaging in unauthorized transactions that may incur a cost to the Town or initiate unwanted Internet services and transmissions
- h) Sending or posting messages or material that could damage the Town's image or reputation
- i) Participating in the viewing or exchange of pornography or obscene materials
- j) Sending or posting messages that defame or slander other individuals
- k) Attempting to break into the computer system of another organization or person
- l) Refusing to cooperate with a security investigation
- m) Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- n) Using the Internet for political causes or activities, religious activities, or any sort of gambling
- o) Jeopardizing the security of the organization's electronic communications systems
- p) Sending or posting messages that disparage another organization's products or services
- q) Passing off personal views as representing those of the organization
- r) Sending anonymous email messages
- s) Engaging in any other illegal activities

611 WORKPLACE MONITORING

Effective Date: ##/##/####

Revision Date:

Workplace monitoring may be conducted by the Town to ensure quality control, employee safety, security, and customer satisfaction. Computers furnished to employees are the property of the Town. As such, computer usage and files may be monitored or accessed.

Employees can request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate business reason to protect confidentiality or an ongoing investigation.

Because the Town is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

612 TELECOMMUTING

Effective Date: ##/##/####

Revision Date:

Telecommuting is the practice of working at home or at a site near the home instead of physically traveling to a central workplace. It is a work alternative that the Town may offer to some employees when it would benefit both the Town and the employee.

Employees who believe telecommuting can enhance their ability to get the job done should submit a written request to their managers proposing how it will benefit Town and themselves. The request should explain how they will be accountable and responsible, what equipment is necessary, and how communication barriers will be overcome. The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the Town.

The employee's compensation, benefits, work status, work responsibilities, and the amount of time the employee is expected to work per day or per pay period will not change due to participation in the telecommuting program (unless otherwise agreed upon in writing). The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as they were before the employee began telecommuting. Changes to this schedule must be reviewed and approved in advance by the employee's supervisor.

During working hours, the employee's at-home workspace will be considered an extension of Town's workspace. Therefore, workers' compensation benefits may be available for job-related accidents that occur in the employee's at-home workspace during working hours. All job-related accidents will be investigated immediately.

The Town assumes no responsibility for injuries occurring in the employee's at-home workspace outside the agreed-upon work hours. The employee agrees to maintain safe conditions in the at-home workspace and to practice the same safety habits as those followed on the Town's premises. In the case of an injury while working at home, the employee will immediately report the injury to the Human Resources Office to get instructions for obtaining medical treatment.

Telecommuting is an alternative method of meeting the needs of the Town and is not a universal employee benefit. As such, the Town has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.

613 WORKPLACE VIOLENCE PREVENTION

Effective Date: ##/##/####

Revision Date:

The Town is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the Town has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Town without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

The Town will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The Town encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Office before the situation escalates into potential violence. The Town is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

SECTION 7: DRUG AND ALCOHOL USE

701 DRUG-FREE WORKPLACE

Effective Date: ##/##/####

Revision Date:

The Town is a drug-free workplace as required by the Drug-Free Workplace Act. The Town strictly prohibits the use or possession on Town premises of alcoholic beverages of any kind and drugs other than those prescribed by a physician or obtained from a legal over-the-counter source. For purposes of this policy, marijuana is considered an illegal drug, regardless of whether it is used for medical or recreational purposes in accordance with Colorado law.

No employee is permitted to report for duty while impaired by or under the influence of alcohol or drugs to the slightest degree. Any employee who reports to work impaired by or under the influence of drugs (including marijuana) or alcohol shall be relieved of his or her duties immediately and without pay, and may be subject to additional disciplinary action.

Employees are expected to use prescription or legal over-the-counter drugs in an appropriate manner and dosage and are expected to know whether the appropriate use of such drugs may impair their ability to perform their jobs safely and competently. If an employee becomes aware that a prescription or legal over-the-counter drug is impairing his or her job performance, the employee should notify his or her supervisor. An employee may be required to use accrued paid time off in order to address and remedy any situation where job performance is impaired.

An employee's violation of this prohibition, or any other drug abuse violation, may result in disciplinary action up to and including discharge. While the Town does not have a formal employee assistance program, the use of other available resources, including any health insurance coverage, is encouraged for any employee desiring drug counseling or rehabilitation.

As required by the Drug-Free Workplace Act, each employee engaged in the performance of any federal grant, as a condition of employment, must:

- a) Abide by the terms of this policy; and
- b) Notify the Town in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction. Upon notification of any such conviction, the Town shall take action in compliance with the Drug-Free Workplace Act and Regulations.

702 DEFINITIONS

For the purposes of these policies, the following definitions apply.

- a) **CDL Employee.** An employee whose job description requires him or her to hold a commercial driver's license under Colorado law.
- b) **Safety Sensitive Employee.** A safety sensitive employee is one that holds a position identified by the job descriptions as safety sensitive, ordinarily, but not limited to, those employment positions where drug and alcohol use presents a direct threat to the public at large.
- c) **Illicit Use of Drugs.** The *Illicit Use of Drugs* means the on-the-job or off-the-job unauthorized use by an employee of a controlled substance, as defined by federal law or the misuse of prescription drugs, over-the-counter drugs or other substances known to affect a person's ability to safely or efficiently perform job duties.
- d) **Marijuana or Marijuana Product.** *Marijuana or Marijuana Product* means any product that contains Tetrahydrocannabinol or THC.
- e) **Impaired by Alcohol.** CDL and Safety Sensitive employees are *Impaired by Alcohol* if alcohol testing under this policy indicates an alcohol concentration of 0.04 or more grams of alcohol per 210 liters of breath or per 100 milliliters of blood. All other employees are *Impaired by Alcohol* if alcohol testing under this policy indicates an alcohol concentration of 0.05 or more grams of alcohol per 210 liters of breath or per 100 milliliters of blood.

703 DRUG AND ALCOHOL TESTING

All Town employees required to hold commercial drivers' licenses shall be subject to a drug and alcohol testing program that fulfills the requirements of Code of Federal Regulations Title 49, Part 382. Tests shall be conducted under the following circumstances:

- a. Each such employee shall be tested before the first time they perform any safety-sensitive function for the Town. Such functions including driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading or unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work related to vehicle maintenance or operation. Pre-employment tests shall be required only after an applicant is offered a position.
- b. Alcohol and controlled substance tests shall be conducted after any accident involving any safety-sensitive function. Such tests shall be conducted as soon as is practicable following an accident if the accident involved personal injury, property damage, or a citation for a moving traffic violation. Employees involved in accidents shall make themselves available for testing unless they need immediate medical attention, and shall not use alcohol for eight hours after any accident or until after a post-accident alcohol test, whichever occurs first.
- c. Tests shall be conducted on a random basis at unannounced times throughout the year. Such random tests shall be conducted just before, during, or just after the performance of safety-sensitive functions.
- d. Tests shall be conducted when a supervisor or Town official trained in accordance with law has reasonable suspicion that an employee has violated the Town's alcohol or drug prohibitions. Reasonable suspicion must be based on specific, contemporaneous observations concerning the employee's appearance, behavior, speech or body odors. Such observations may include indications of the chronic and withdrawal effects of controlled substances.
- e. A drug or alcohol test shall be conducted if and when an employee who has violated the Town's drug or alcohol prohibition returns to performing safety-sensitive duties. No employee may be assigned to a safety-sensitive position until a return-to-duty drug test is administered with a negative result.
- f. An employee who violates the Town's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Such follow-up testing shall be conducted just before, during, or just after the performance of safety-sensitive functions.

Testing procedures and facilities used for tests shall conform with the Code of Federal Regulations, Title 49, Section 40, et seq.

Any driver who refuses to submit to a drug or alcohol test required by this guideline shall not perform or continue to perform safety-sensitive duties and will be subject to discipline up to and including dismissal. An employee will be deemed to have refused to submit to testing if he or she is unavailable or fails to provide samples sufficient for testing absent any medical necessity. Verified positive tests for alcohol or drugs (including marijuana) shall subject employees to disciplinary action up to and including dismissal.

In addition, any employee may be subject to reasonable suspicion or post-accident drug testing as described in this Section.

704 EMPLOYMENT-RELATED TESTING.

Safety-Sensitive Positions

The Town may require drug testing, finger printing, and/or Federal or state background checks of employees engaged in safety or security sensitive functions, including positions that involve operation of Town vehicles not requiring a CDL. Tests shall be conducted in accordance with the law and in a manner that ensures accuracy and limits access to the test results.

Reasonable Suspicion Testing

An employee must submit to immediate drug and alcohol testing if reasonable suspicion exists to believe that the employee may be using drugs and alcohol in violation of this policy. Reasonable suspicion may be based on visual or other evidence that an employee is under the influence of, or using or possessing drugs or alcohol at the workplace. Indications of drug and alcohol use include, but are not limited to: slurred speech; lack of balance; excessive aggressiveness; docility or drowsiness; the detection or smell of drugs

or alcohol; an employee's unusual demeanor, appearance or conduct; irrational, threatening or violent behavior. Reasonable suspicion testing requires prior approval by the Town Manager.

Post-Accident and Post-Incident Testing

An employee may be subject to immediate drug and alcohol testing after an on-the-job accident or incident involving a Town vehicle, equipment, property or personnel, or involving the employee's personal vehicle while on Town business, under the circumstances described below.

- a) Unless unable to do so because of a serious injury, an employee involved in an on-the-job accident or incident must immediately report it to the employee's supervisor, who will notify the Department Head.
- b) The Department Head will determine whether an employee must submit to post-accident or post-incident drug and alcohol testing. Post-accident and post-incident testing is permissible under the following circumstances:
 - 1) There is reasonable suspicion that the employee is under the influence of drugs or alcohol; or
 - 2) The employee receives a citation (or there is other reasonable indication of the employee's fault) and there is bodily injury or fatality; or
 - 3) The employee receives a citation (or there is other reasonable indication of the employee's fault) and there is property damage or direct incident costs reasonably ascertained to exceed \$1500.00; or
 - 4) The employee suffers an on-the-job injury requiring a visit to a medical provider and there is other reasonable indication of the employee's fault; or
 - 5) The employee failed to follow operational or safety protocol, causing or potentially causing a serious operational incident.
- c) An employee subject to drug and alcohol testing after an accident or incident will be escorted to an approved testing facility for immediate testing, and shall not use alcohol until the alcohol test is performed, or until eight hours after the accident or incident, whichever is first.
- d) If seriously injured as a result of an accident or incident and unable to provide a sufficient breath or urine sample as required by this policy, the employee must authorize the release of medical records to determine if alcohol or drugs were detected. An employee who fails to immediately report any accident or an incident resulting in a serious injury, or who refuses to release medical records of drug and alcohol tests under these circumstances will be subject to corrective action up to and including termination.

Timing and Location of Drug and Alcohol Testing

Drug and alcohol tests should be performed *as soon as possible* after the determination that ***reasonable suspicion or post-accident or post-incident*** testing is appropriate.

- a) If alcohol testing is not performed within two hours of a reasonable suspicion determination, the reason for the delay must be documented by the persons involved in the determination. The documentation will be kept by the Human Resources Office. Contribution to the delay by the employee is cause for disciplinary action, up to and including termination.
- b) Drug and alcohol testing of employees will be performed by a testing facility approved by the Town.
- c) If testing is delayed more than eight hours after the determination of reasonable suspicion, drug testing, but not alcohol testing, will still be performed.

Return to Work After Drug and Alcohol Testing

An employee's return to work after being required to submit to drug and alcohol testing is dependent on such factors as the employee's job description, the results of the testing, and the reason for the testing.

- a) An employee referred for drug and alcohol testing based on reasonable suspicion or an accident may not return to work until released to return to work by the employee's supervisor. Time off work under this section will be paid.
- b) An employee referred for random or biennial alcohol testing may return to work immediately after alcohol test results are obtained except under the following circumstances:

- 1) Any employee *Impaired by Alcohol* will be suspended with pay pending correction action;
 - 2) CDL and Safety Sensitive employees and any employee whose job description requires driving whose alcohol test results indicate the Use of Alcohol, will be required to take personal leave until a breath alcohol test indicates an alcohol concentration below 0.02 grams of alcohol per 210 liters of breath or per 100 milliliters of blood; or
 - 3) Substantial safety concerns are at stake.
- c) An employee may return to work pending the Town's receipt of negative test results.

705 PRE-EMPLOYMENT DRUG TESTING

Effective Date: ##/##/####

Revision Date:

As a condition of employment, the Town requires all employees to submit to a pre-employment drug test. Employee drug and alcohol test results will be kept confidential to the extent required by law. The Human Resources Office is the custodian of records related to drug and alcohol tests.

706 CORRECTION ACTION FOR VIOLATIONS OF DRUG AND ALCOHOL POLICY

Employees are subject to corrective action for any violation of the Town's drug and alcohol policies, up to and including termination. Corrective action may be based on the results of drug and alcohol tests conducted by the Town or by any federal, state, or local officials having independent authority to test the employee for drug and alcohol use.

Termination Mandatory

An employee will be terminated if any one of the following conditions is met:

- a) A drug or alcohol test required by this policy determines the employee engaged in the *Illicit Use of Drugs* or was *Impaired by Alcohol* or used any *Marijuana* or *Marijuana Product*, and the employee holds a job description that requires a CDL or a driver's license or is identified as Safety Sensitive;
- b) A drug or alcohol test required by this policy determines the employee engaged in the Illicit Use of Drugs or was Impaired while operating a Town vehicle or equipment or the employee's personal vehicle on Town business;
- c) When referred for drug and alcohol testing, the employee refuses to submit the required urine or breath specimen;
- d) The employee refuses to authorize the release of drug or alcohol testing results performed by a health care provider after an accident for which the employee may be at-fault, and testing is warranted under this policy; or
- e) The employee tampers with or attempts to tamper with a urine or breath specimen collected for testing.

SECTION 8: EMPLOYEE CONDUCT & DISCIPLINARY ACTION

801 EMPLOYEE CONDUCT AND WORK RULES

Effective Date: ##/##/####

Revision Date:

The Town expects all employees to conduct themselves pursuant to the highest professional, business, and ethical standards and will not tolerate misconduct. The Town, through its Board, management and supervisors, retains the right to take such disciplinary action as it deems appropriate in any given circumstance. Whether an employee's performance, conduct, or behavior warrants disciplinary action is within the Town discretion. The Town does not intend by these policies to create any expectation that any employee will be assured of any particular form of disciplinary action, such as warnings, notice, or any form of progressive discipline, prior to discharge. To ensure orderly operations and provide the best possible work environment, the Town expects employees to follow rules of conduct that will protect the interests and safety of all employees and the Town.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- a) Theft or inappropriate removal or possession of property
- b) Falsification of timekeeping records
- c) Working under the influence of alcohol or illegal drugs
- d) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- e) Fighting or threatening violence in the workplace
- f) Boisterous or disruptive activity in the workplace
- g) Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- h) Insubordination or other disrespectful conduct
- i) Violation of safety or health rules
- j) Smoking in prohibited areas
- k) Sexual or other unlawful or unwelcome harassment
- l) Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- m) Excessive absenteeism or any absence without notice
- n) Unauthorized absence from work station during the workday
- o) Unauthorized use of telephones, mail system, or other employer-owned equipment
- p) Unauthorized disclosure of confidential information
- q) Violation of personnel policies
- r) Unsatisfactory performance or conduct

Employment with the Town is at the mutual consent of the Town and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

802 SEXUAL AND OTHER UNLAWFUL HARASSMENT

Effective Date: ##/##/####

Revision Date:

The Town is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated. The Town provides ongoing sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- a) Unwanted sexual advances.
- b) Offering employment benefits in exchange for sexual favors.
- c) Making or threatening reprisals after a negative response to sexual advances.
- d) Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- e) Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- f) Verbal sexual advances or propositions.
- g) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- h) Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If you experience or witness sexual or other unlawful harassment in the workplace, report it immediately to your supervisor. If the supervisor is unavailable or you believe it would be inappropriate to contact that person, you should immediately contact the Human Resources Office or any other member of management. You can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Human Resources Office or any member of management so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

803 ATTENDANCE AND PUNCTUALITY

Effective Date: ##/##/####

Revision Date:

To maintain a safe and productive work environment, the Town expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Town. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

804 PERSONAL APPEARANCE

Effective Date: ##/##/####

Revision Date:

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Town presents to customers and visitors.

During business hours or when representing the Town, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position. This is particularly true if your job involves dealing with customers or visitors in person.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

Without unduly restricting individual tastes, the following personal appearance guidelines should be considered:

- a) Shoes must provide safe, secure footing, and offer protection against hazards as appropriate for your work environment.
- b) Shorts should not be worn in the office setting but are permissible dependent upon job function and safety guidelines.
- c) Mustaches and beards must be clean, well-trimmed, and neat.
- d) Offensive body odor and poor personal hygiene is not professionally acceptable.
- e) Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.
- f) Facial jewelry, such as eyebrow, nose, lip, and tongue piercings, is not professionally appropriate and must not be worn during business hours.
- g) Visible offensive tattoos and similar body art must be covered during business hours.

805 DISCIPLINE

Effective Date: ##/##/####

Revision Date:

It is the responsibility of all employees to observe all the regulations, policies and procedures adopted to ensure the efficient, effective and safe operation of the Town. A violation of these regulations, policies and procedures will result in appropriate disciplinary action including the possible dismissal of employment.

Employees shall be informed of any performance problems and/or work rule violations subsequent to the incident. Employees will be given the opportunity to read and respond to any written disciplinary actions. An employee's signature on such records signifies only that the record has been received and examined by the employee.

The Town favors progressive disciplinary action; however, the level of discipline to be imposed for infractions shall be that which the Town, through its Town Manager, deems appropriate under the circumstances. Use of progressive discipline shall in no way limit or restrict the Town's employment at-will powers. Town management retains the right to determine in its discretion, that any of the following disciplinary actions is appropriate without using lower levels of discipline:

Oral Warning or Reprimand

The employee is orally counseled as to the unsatisfactory areas of work, and methods of improvement. A notation of the date and reason for reprimand may be made to the employee's personnel file.

Written Reprimand

The employee is issued a written reprimand which includes a statement of the problem and a notation to the effect that the problem was discussed with the employee. A copy of the reprimand may also place the employee back in an introductory period for a specified time.

Suspension with or without Pay

An employee is suspended from employment for any number of days which shall be accompanied by a written statement, signed by the employee and his or her supervisor, setting forth the fact of the suspension, the reason for the suspension and the duration of the suspension. Depending on the seriousness of the problem, the suspension can be without pay.

Disciplinary Demotion

The employee is placed into a position with a lower compensation rate for disciplinary reasons which must be reflected by a written statement placed in the demoted employee's personnel file stating that the demotion was for disciplinary purposes and setting forth the reason for the discipline.

Discharge

The employee is discharged from employment.

806 GRIEVANCES

The grievance procedure is available to any employee for the resolution of complaints, disputes, or concerns regarding the interpretation or application of Town policies regarding discipline. Any such dispute, complaint, or concern may be raised as a grievance pursuant to the grievance procedure. The grievance procedure shall not apply to disciplinary suspensions without pay, demotions or discharge decisions. The availability of the grievance procedure shall in no way limit or restrict the Town's employment at-will powers.

The grievance procedure is intended to provide a formal process for the resolution of grievances. It is not, however, intended to be a substitute for healthy and appropriate communication between employees and supervisors, nor is it intended that the grievance procedure be used to harass supervisors or interfere with the operations of the Town. Before the grievance procedure is started, employees should attempt to resolve disputes, complaints, and concerns with their immediate supervisors by discussing such matters informally.

The grievance procedure shall consist of the following steps:

Step 1

An employee may present a written complaint to his or her immediate supervisor setting forth the subject of the grievance, identifying the policy or policies at issue, and requesting consideration pursuant to this procedure. The employee and the supervisor shall confer on the matter and the supervisor shall respond to the complaint, orally or in writing, within two (2) working days. All supervisors shall immediately advise the Town Manager of the filing of any grievance.

Step 2

If the grievance is not resolved at Step 1, the employee may, within five (5) working days of the supervisor's response, request in writing that a meeting be held between the employee and the next higher level supervisor. Such request shall also specify the nature of the grievance and the policy or policies at issue. The employee and the next higher level supervisor shall meet as soon as is practicable thereafter and the next higher level supervisor shall respond to the grievance in writing within two (2) working days of that meeting, circumstances permitting.

Step 3

If the grievance is not resolved at Step 2, the employee may, within five (5) working days after receiving the Step 2 response, request in writing that a meeting be held between the employee and the Town Manager. The employee and the Town Manager shall meet as soon as is practicable and the Town Manager shall respond to the grievance within two (2) working days, circumstances permitting. The decision of the Town Manager shall be final.

Any grievance not pursued to the next step within the time specified shall be considered resolved. The time limits for taking any action under this policy may be extended by agreement. The failure of any Town supervisor to respond to a grievance within the time limits specified in the policy or agreed upon should be reported to the next higher level supervisor. An employee filing a grievance shall have the sole right to determine whether to pursue a grievance from one step to the next. An employee supervised by the Town Manager shall be able to utilize Step 1 of this grievance procedure only.

807 RETURN OF PROPERTY

Effective Date: ##/##/####

Revision Date:

Employees are responsible for all Town property, materials, or written information issued to them or in their possession or control.

Employees must return all Town property immediately upon request or upon termination of employment. Where permitted by applicable laws, The Town may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Town may also take all action deemed appropriate to recover or protect its property.

808 POLITICAL ACTIVITIES

Town employees may participate in political or partisan activities of their choosing provided that Town resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on Town time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities.

Any Town employee who meets with or may be observed by the public or otherwise represents the Town to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on Town property or Town time, for a contribution for a partisan political cause.

Except as noted in this policy, Town employees are otherwise free to fully exercise their Constitutional First Amendment rights.



AGENDA DOCUMENTATION

NEW BUSINESS:VI.3

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: APRIL HESSMAN, TOWN CLERK

PROJECT: RENEWAL WITH CIGNA FOR HEALTH INSURANCE

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Town began coverage with Cigna in November 2010 after RHPI filed bankruptcy. When Cigna stepped in they backdated our claims to help to protect our employees. The level of benefits for the employees has had minimal changes (only as dictated by the Affordable Care Act) and the level of service provided by Cigna both administratively and for claims management has been exceptional. Increases on premiums with Cigna has been very competitive in the health insurance marketplace with the Town experiencing very low renewal increases. Current statistics show increases in premiums on some health insurance plans as high as 36%. During our time with Cigna, the Town has received over \$105,735 in credits based on our claims experience over the last five years.

Staff asked Benefit Health Advisor, the Town's benefit broker, to request proposals for the Town's health insurance for the coverage period November 1, 2016 to October 31, 2017 in an effort to test the market for alternatives. Of the five companies that responded, Cigna came in with the second lowest bid offering a renewal rate of just 3% premium increase over the Town's current rates. Rocky Mountain Health Plans provided a lower bid, however the level of benefits for employees was not comparable to current coverage with increases in deductibles, copays and out of pocket limits. United Healthcare returned the highest bid and is in discussions to purchase Rocky Mountain Health Plans. Factoring in the potential premium rebates received from Cigna, the difference in savings is negligible. The Town is tracking to receive another credit in 2016 comparable to the rebate received for the last plan year in the amount of approximately \$35,000. Note that Cigna only pays out the premium rebates on plans that are renewed.

The employees have been diligent in healthy actions which have led to the low premium increase rate of just 3% for the next plan year and large experience credits over the last few years. As a point of reference, last year, the Town had a 0% increase in premiums with Cigna. The 3% increase in premiums for the 33 employees who are enrolled in the plan amounts to approximately \$14,429 of which \$2,327 would be assigned to the employees if the current split is continued. The Town received an experience credit of \$35,340 in February of 2016 for the 2014-2015 plan year. Staff is requesting the \$2,327 employee portion of the 3% premium increase be absorbed by the Town using a small portion of the \$35,340 experience credit received in February of 2016.

FISCAL IMPACT

The preliminary 2017 budget to be presented to council will represent the 3% offer provided by Cigna with the Town absorbing the \$2,327 employee portion of the increase. The health account balance is approximately \$110,000.

RECOMMENDATION

Staff recommends that Town Council discuss and then by motion:

Approve renewing health insurance with Cigna at a 3% increase for November 1, 2016 to October 31, 2017 and absorbing employee portion of the increase of \$2,327.

Or

Deny renewing health insurance with Cigna and direct staff.



AGENDA DOCUMENTATION

NEW BUSINESS:VI.4

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: GREGORY J SCHULTE, TOWN MANAGER

PROJECT: MEDICAL INSURANCE PREMIUM EXEMPTION FOR MONTHS OF NOV. & DEC. 2016

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

The Town of Pagosa Springs provides health insurance coverage for employees and their dependents through Cigna. Premiums paid to Cigna cover administrative services, coverage for large claims (specific) and small claims (aggregate). When the Town’s claims are below the amount set aside, the Town receives a portion of the amount back upon renewal. For the previous policy year, November 2014 – October 2015, the Town received \$35,340 as an experience credit from Cigna. If our claims run over the projected amount, Cigna picks up these claims under the specific and aggregate coverage we purchase. Therefore, the Town will never pay more than the budgeted amount in a plan year.

In an effort to encourage Town employees to continue to maintain a healthy lifestyle and reward them for positively managing their health care, it is proposed that the Council exempt the employees from paying their portions of the medical premium during the months of November and December 2016. Thirty-three (33) employees currently contribute \$6,845 per month to pay the medical premiums to Cigna.

The average savings for employees based on current structure is as follows (PPO Plan):

Type of Coverage	1 Month Premium	2 Months Premium
Employee Only	\$45.00	\$90.00
Employee + Spouse	\$432.47	\$864.94
Employee + Children	\$353.84	\$707.68
Family	\$629.04	\$1,258.08

FISCAL IMPACT

The employee portion of medical insurance premiums equate to \$6,845 per month if the Town absorbs the 3% increase, or \$7,039 if the 3% increase is shared with employees. In February 2016 the Town received an experience credit from Cigna for a cumulative premium surplus of \$35,340. The Town retains a Health Trust Account, with a current balance of approximately \$110,000, where accumulated savings are held.

RECOMMENDATION

Possible actions by the Town Council include:

- 1) Move to approve exempting Town employees from paying the employee portion of medical insurance premiums for the months of November and December 2016.
- 2) Move to deny exempting Town employees from paying the employee portion of medical insurance premiums for the months of November and December 2016.



AGENDA DOCUMENTATION

NEW BUSINESS: VI.5

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: APPOINTING REPRESENTATIVES TO REGION 9, PAGOSA SPRINGS CDC, AND PAGOSA SPRINGS AREA TOURISM BOARD
ACTION: DISCUSSION

BACKGROUND / DISCUSSION:

The Town of Pagosa Springs participates on various Boards and Commissions, with many of them being regional in nature. Due to the turnover with Council Members recently, there are three vacancies. The description and details of the three vacancies are as follows:

Region 9 Economic Development District of SW Colorado, Inc. is a non-profit, 501(c)6 public/private partnership that promotes and coordinates economic development efforts throughout Southwest Colorado. Incorporated in 1989, Region 9 is led by a board of directors comprised of representatives from the 17 local governmental jurisdictions and 9 from the private sector. Region 9 serves the counties of Archuleta, Dolores, La Plata, Montezuma and San Juan, and the cities and towns within those regions, as well as the Southern Ute and the Ute Mountain Ute Indian Tribes. Region 9 meets quarterly, usually in Durango, and the next meeting will be in January.

The Pagosa Springs Community Development Corporation (CDC) serves as the lead economic development organization for Archuleta County and Pagosa Springs focusing on business attraction, retention, and expansion. The CDC works closely to build economic development networks among a variety of constituents including Archuleta County businesses, Region 9 Economic Development District, the Southwest Colorado Small Business Development Center at Fort Lewis College in Durango, Colorado Office of Economic Development and International Trade, and Colorado Department of Local Affairs. The CDC also helps administer Enterprise Zone Tax credits that provide tax incentives to encourage businesses to locate and expand in designated economically distressed areas of the state. It also gathers, interprets and presents data about the economic health of Archuleta County. The CDC Board meets every other month on the 2nd Wednesday from 5:30 – 7:30 pm, and also holds a monthly work session on the 4th Tuesdays from 11-1 pm.

The Pagosa Springs Area Tourism Board is the successor organization to the Town Tourism Board as it now includes funding and presentation from Archuleta County. The Board advises on the direction of the tourism efforts and recommends the tourism funding of over \$500,000 per year. The Board meets monthly on the 2nd Tuesdays at 4:00 pm and designated committees meet as needed.

The Town needs to designate a representative for each organization. Typically the Town Manager serves as an alternate for Region 9 and the CDC in the event the Council Member is unable to attend the meetings. The Town Manager normally attends the Tourism meetings.

ATTACHMENT(S):

- None

RECOMMENDATION:

The Town Council may consider the following recommendations:

1. MOVE TO APPROVE THE FOLLOWING TOWN OF PAGOSA SPRINGS DESIGNATIONS:

- **COUNCIL MEMBER _____ SHALL BE THE PRIMARY REPRESENTATIVE FOR REGION 9 WITH _____ (COUNCIL MEMBER X OR TOWN MANAGER) AS THE ALTERNATE.**

- **COUNCIL MEMBER _____ SHALL BE THE PRIMARY REPRESENTATIVE FOR THE PAGOSA SPRINGS CDC WITH _____ (COUNCIL MEMBER X OR TOWN MANAGER) AS THE ALTERNATE.**

- **COUNCIL MEMBER _____ SHALL BE THE PRIMARY PRESENTATIVE FOR THE PAGOSA SPRINGS AREA TOURISM BOARD WITH _____ (COUNCIL MEMBER X OR TOWN MANAGER) AS THE ALTERNATE.**



AGENDA DOCUMENTATION

NEW BUSINESS: VI.6

PAGOSA SPRINGS TOWN COUNCIL

SEPTEMBER 22, 2016

FROM: JAMES DICKHOFF AND RACHEL NOVAK, PLANNING DEPARTMENT

PROJECT: SMART GROWTH AMERICA TECHNICAL ASSISTANCE GRANT APPLICATION

ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE / BACKGROUND

Town Planning Department Staff has recently attended a webinar session regarding an opportunity to apply for free Technical Assistance from Smart Growth America, in the form of one to two day workshops for communities interested in learning and implementing smart growth.

“Smart Growth America advocates for people who want to live and work in great neighborhoods. They believe smart growth solutions support businesses and jobs, provide more options for how people get around and make it more affordable to live near work and the grocery store. Their coalition works with communities to fight sprawl and save money. Smart Growth America is a national organization dedicated to researching, advocating for and leading coalitions to bring smart growth practices to more communities nationwide. From providing more sidewalks so people can walk to their town center to ensuring that more homes are built near public transit or productive farms remain a part of our communities, smart growth helps make sure that people across the nation can live in great neighborhoods.”

Smart Growth America is offering workshops to 6 communities, 3 of which will be communities with a population under 22,000. Applicants can choose from one of the following workshop subjects

ANALYSIS

The grant application deadline is Oct 6th with award notifications on November 9th. The workshops available through this free opportunity are one of several types of technical assistance we offer for communities and departments of transportation. TOPS can choose from one of the following workshops:

Implementing Smart Growth 101

Smart growth strategies help towns and cities across the country grow stronger economically by using land strategically, making the most of existing resources and using public funds to catalyze private development. Yet many communities face barriers or are uncertain how to implement smart growth. As a national leader in the field, Smart Growth America has accumulated extensive experience working with communities to realize the benefits of smart growth. The Implementing Smart Growth 101 workshop draws on this expertise to provide actionable steps that the community can use to overcome the barriers to smart growth and build stronger economies now and for generations to come.

(Re)Building Downtown

SGA’s (Re)Building Downtown workshops help communities create walkable development quickly and efficiently. We help local public officials clarify local challenges and identify strategies to do this; including improving regulations for land use, establishing clear public investment practices, and reforming administrative processes. We also work collaboratively to develop data-driven policy arguments to demonstrate the benefits of walkable downtown development.

Planning for economic and fiscal health

Smart growth policy can help communities save money now, reduce their liabilities for the future and use targeted investment to spur economic development. The “planning for economic and fiscal health” workshop draws on successful private and public sector lessons to help local leaders foster smart growth communities that cost their taxpayers less to build, run and maintain. This workshop first brings you the latest lessons in how smart growth saves money for local

governments, makes money for businesses and is integral for the long-term fiscal and economic health of the community. Using an interactive and hands-on method, the workshop then shows how to apply these lessons in your community.

Fiscal Impacts of Alternative Development Patterns

A one-day technical assistance workshop that provides for education and about the opportunities and costs related to differing development patterns through use of a fiscal analysis model that accounts for increased cost efficiencies associated with denser development patterns. The model includes a variety of public revenues and costs to help calculate how using compact development strategies can help a local government's bottom line. This model illustrates the connection between local land use planning and regulations and the future economic and fiscal health of municipalities and regions.

Sustainable Land Use Code Audit

Audits of local land use codes are being undertaken by an increasing number of communities that recognize their zoning and subdivision regulations are an important key to long-term sustainable development patterns and practices and economic growth. These code audits examine 10-12 sustainability issues such as energy conservation, renewable energy, and community health that are chosen by the community and provide an assessment of barriers and regulatory gaps in the codes to attaining community sustainability goals in these areas and potential implementation strategies.

Complete Streets Workshops

Complete Streets policies ensure that all future street projects respond to the needs of everyone using the roadway. These Workshops help communities set new priorities for transportation investments, write a policy and tackle implementation challenges. Three distinct workshops, each one-day long, meet the needs of communities at different stages of Complete Streets familiarity:

1. Laying the Foundation for Complete Streets introduces the complete streets concept and its benefits, and gives participants a chance to try out some Complete Streets planning tools during small group exercises.
2. Policy Development helps participants start to develop a policy customized to their community. Through small group exercises, participants compare existing practice to Complete Streets policy models, identifying the critical elements to include in a new policy.
3. Policy Implementation helps participants identify ways to more effectively implement their policies. Participants learn how to change their transportation decision-making process to routinely balance the needs of all users. They also learn the four steps to Complete Streets implementation and best practices in tackling issues such as limited right of way, costs concerns, balancing user needs, and new street classification systems.

Complete Streets Consortium Series

The Complete Streets Consortium Series is designed to assist communities in implementing Complete Streets policies. Taking what we have learned delivering our stand Complete Streets Technical Assistance, the Complete Streets Consortium Series delivers three workshops to three municipalities within the same state. The three municipalities come together to form a consortium, apply as one, and receive the workshops over the span of a couple of months. As with the standard Complete Streets workshops, the Consortium Series workshops will be tailored to local contexts and barriers to Complete Streets implementation. The Complete Streets Consortium Series presents a great opportunity to work on Complete Streets implementation, but also to enhance relationships with other communities in your state as well as those with state agencies.

Parking Audits

Parking audits provide a neutral setting where an impartial parking expert can evaluate local policies and practices and offer advice based on the state of the practice, with an emphasis on what works well and what should be avoided. The audit can be community-wide or can focus on a specific district.

Cool Planning: Local Strategies to Slow Climate Change

The Cool Planning: Local Strategies to Slow Climate Change workshop seeks to actively involve communities in the process of finding solutions that can be implemented at the local level to slow climate change. Specific community development, land use, and transportation planning techniques can enable communities to reduce their carbon footprints and will be covered in depth in this workshop. The workshop will draw on a technical assistance team that has facilitated hundreds of smart growth and sustainable community development presentations, programs, and workshops in communities across the US and abroad.

Interactive exercises will be integrated into the program to engage participants and get them thinking about how they can get involved. Publications and resources available to help communities will be referenced. Available tools that can be used to monitor a community's progress will be presented, including walkability index/scoring tools (www.walkscore.com), D-variable analysis, surveys, focus groups and interviews, audits, and other methods/indicators.

Using LEED-ND to accelerate the development of sustainable communities

The planning and development of sustainable communities can be accelerated through local government leveraging of the LEED for Neighborhood Development (ND) rating system. This one-day workshop teaches local government staff a three-step leveraging process:

- 1) identifying ND-eligible lands;
- 2) catalyzing projects on those lands; and
- 3) amending land-use and transportation plans to expand eligible land supply and improve vicinity conditions so as to increase achievable ND points.

After attending the webinar, the Planning Staff believes the one of following sessions would be a good fit for our community:

#1 - Implementing Smart Growth 101

#2 - (Re)Building Downtown

#3 - Planning for economic and fiscal health AND Fiscal Impacts of Alternative Development Patterns

ATTACHMENT

More detailed descriptions of each technical assistance topic.

FISCAL IMPACT

The Town has no cash matching obligations. The Town will be obligated to provide staff time, a venue for meetings, food and beverage only if TOPS wishes, and to provide 3 status reports to Smart Growth over the following year. The Town Planning Department is capable of providing these requirements.

ALTERNATIVE ACTIONS

POSSIBLE ACTIONS BY COUNCIL INCLUDE:

- 1) Direct Staff to apply for the Smart Growth America Technical Assistance for the "Session Name" session.
- 2) Deny applying for the Smart Growth America Technical assistance



Tool: Implementing Smart Growth 101

Provider: Smart Growth America

Summary:

Smart growth strategies help towns and cities across the country grow stronger economically by using land strategically, making the most of existing resources and using public funds to catalyze private development. Yet many communities face barriers or are uncertain how to implement smart growth. As a national leader in the field, Smart Growth America has accumulated extensive experience working with communities to realize the benefits of smart growth. The Implementing Smart Growth 101 workshop draws on this expertise to provide actionable steps that the community can use to overcome the barriers to smart growth and build stronger economies now and for generations to come.

Description:

The Implementing Smart Growth 101 workshop provides best practices to local leaders in urban, suburban and rural communities working to create housing and transportation choices near jobs, shops and schools. Our technical assistance will provide the resources to refine and implement local priorities with smart growth strategies that make sense for your community. The one-day workshop will help the community become familiar with the ten principles of smart growth:

- Mixed land uses
- Take advantage of compact building design
- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development towards existing communities
- Provide a variety of transportation choices
- Make development decisions predictable, fair and cost effective
- Encourage community and stakeholder collaboration in development decisions

Local leaders and the technical assistance team then work on how to apply these principles in a way that makes sense for the community through a hands-on session.

Topics to be explored include:

- How to set smart growth goals
- How to develop an action plan for implementation using a foundational community planning document such as the transportation capital budget, comprehensive plan or zoning code
- A shift in funding allocations and economic development plans
- Crafting new policy
- Amending core planning documents



Assistance provided with grant support from US EPA's Office of Sustainable Communities under their Building Blocks for Sustainable Communities Program.



Tool: (Re)Building Downtown

Provider: Smart Growth America

Summary:

SGA's (Re)Building Downtown workshops help communities create walkable development quickly and efficiently. We help local public officials clarify local challenges and identify strategies to do this; including improving regulations for land use, establishing clear public investment practices, and reforming administrative processes. We also work collaboratively to develop data-driven policy arguments to demonstrate the benefits of walkable downtown development.

Description:

Recipients will receive one workshop that brings together elected officials (executive and legislative) and their senior staff, community leaders, downtown business owners developers, agency officials, planners, engineers, and legal experts in order to facilitate a dialogue on how to create a thriving downtown. Invitations to the workshop are sent to as wide of a cross-section of the community to ensure a diversity of perspectives and strong buy in for the action plan.

As millennials seek out thriving, busy downtown spaces, communities across the country are working to create more exciting, inclusive spaces for their residents. This workshop will work with and create momentum among residents for a thriving downtown center. Over the course of the workshop, we will emphasize how a thriving downtown provides increased accessibility to resources, job opportunities, and boosts a community's bottom line.

The workshop will produce a discussion and next steps memo detailing development and redevelopment strategies and priorities, the pipeline of public works and capital projects, public engagement and outreach efforts, and the resources available and needed to support the downtown revitalization. SGA staff will assess critical success factors such as the mix of land uses, and will use these factors as well as input from the workshop to create recommendations for the recipient such as a target mix of housing, commercial and other uses that advance the goals for downtown revitalization.

Assistance provided with grant support from US EPA's Office of Sustainable Communities under their Building Blocks for Sustainable Communities Program.





Tool: Planning for economic and fiscal health

Provider: Smart Growth America

Summary:

Smart growth policy can help communities save money now, reduce their liabilities for the future and use targeted investment to spur economic development. The “planning for economic and fiscal health” workshop draws on successful private and public sector lessons to help local leaders foster smart growth communities that cost their taxpayers less to build, run and maintain. This workshop first brings you the latest lessons in how smart growth saves money for local governments, makes money for businesses and is integral for the long-term fiscal and economic health of the community. Using an interactive and hands-on method, the workshop then shows how to apply these lessons in your community.

Description:

The first half of the technical assistance workshop focuses on the ways in which smart growth approaches save the community money, including:

- increasing tax revenues and reducing tax burdens
- attracting new businesses
- increasing the efficiency of the labor market
- providing greater stability in times of uncertainty and rising energy costs
- investing public funds to stimulate private investment
- increasing local capital circulation
- providing a foundation for long term fiscal and economic health and competitiveness

Participants will also learn how to overcome serious barriers to implementing smart growth including:

- a lack of understanding of the relationship between development and municipal costs and revenues
- the importance of growing small and mid-size businesses
- the role of adjacency to value creation

This smart growth foundation is then applied in the second half of the day when the technical assistance team joins participating community members to look at the community’s economic development plans and projects to evaluate how the current situation compares to smart growth principles. Working with the community, the team will create specific changes to strategy and identify next steps in planning for fiscal and economic health that makes sense for the community, which may include suggestions for changes to the capital budgeting process, permitting process, regulatory framework and direction of economic development incentives. A follow-up implementation memo will gauge progress and leave the community with further actionable next steps.





Tool: Fiscal Impacts of Alternative Development Patterns

Provider: Smart Growth America

Summary:

A one-day technical assistance workshop that provides for education and about the opportunities and costs related to differing development patterns through use of a fiscal analysis model that accounts for increased cost efficiencies associated with denser development patterns. The model includes a variety of public revenues and costs to help calculate how using compact development strategies can help a local government's bottom line. This model illustrates the connection between local land use planning and regulations and the future economic and fiscal health of municipalities and regions.

Description:

Recipients of the workshop will already need to have completed the Planning for Economic and Fiscal Health Workshop or are applying for the two at the same time. Most fiscal impact analyses rely on a simple average-cost approach, which assumes that each new resident or job will add the same cost, regardless of whether they live or work in a low-density development or a compact, walkable development. By more accurately accounting for the costs of different development patterns, this analysis and workshop help local decision-makers to better understand the fiscal consequences of land use decisions and make informed decisions for their communities. This technical assistance program focuses on public fiscal impacts of land use decisions, the workshop will be open to local government staff and other community stakeholders as appropriate. An in-person presentation of the report findings will be provided for key officials and stakeholders.

By the end of the workshop, community leaders and key stakeholders will gain a better understanding of the fiscal impacts of land use decisions and will be able to make fiscally sound choices regarding future development patterns. SGA staff will put together the workshop, as well as a fiscal analysis report tailored to the partner community. The fiscal analysis report will report will include a local market assessment and an analysis of the fiscal impacts of different growth strategies.

Assistance provided with grant support from US EPA's Office of Sustainable Communities under their Building Blocks for Sustainable Communities Program.





Tool: Sustainable Land Use Code Audit

Provider: Smart Growth America and Clarion Associates

Summary:

Audits of local land use codes are being undertaken by an increasing number of communities that recognize their zoning and subdivision regulations are an important key to long-term sustainable development patterns and practices and economic growth. These code audits examine 10-12 sustainability issues such as energy conservation, renewable energy, and community health that are chosen by the community and provide an assessment of barriers and regulatory gaps in the codes to attaining community sustainability goals in these areas and potential implementation strategies.

Areas of potential focus include:

The focus areas for the code audit are chosen by the community and can include topics such as:

- renewable energy
- energy conservation
- climate change
- recycling
- community health
- water conservation
- housing diversity
- urban agriculture
- green infrastructure and water quality
- outdoor lighting
- natural resource protection

The presentations and discussions will also cover costs and benefits of sustainable code provisions and implementation strategies.

How it works:

- One-day session with community leaders and staff begins with an overview (typically 1 hour) that answers the question: What is a sustainable development code and why undertake a sustainable code diagnosis?
- Short presentations on the economic and other benefits of sustainable code provisions; specific sustainability topics such as renewable energy and water conservation, addressing barriers, incentives, and regulatory gaps.
- Examples of best practices from around the nation
- Hands-on working session with local officials to conduct an initial sustainable code assessment

Outcomes:

- Hands-on initial assessment of local zoning and subdivision ordinances
- Understanding of code issues inhibiting sustainable development patterns and growth.
- Know-how to conduct a detailed code assessment
- Tips and advice on implementation



Assistance provided with grant support from US EPA's Office of Sustainable Communities under their Building Blocks for Sustainable Communities Program.



Tool: Complete Streets Workshops

Provider: Smart Growth America and the National Complete Streets Coalition

Summary:

Complete Streets policies ensure that all future street projects respond to the needs of everyone using the roadway. These Workshops help communities set new priorities for transportation investments, write a policy and tackle implementation challenges. Three distinct workshops, each one-day long, meet the needs of communities at different stages of Complete Streets familiarity:

1. Laying the Foundation for Complete Streets introduces the complete streets concept and its benefits, and gives participants a chance to try out some Complete Streets planning tools during small group exercises.

2. Policy Development helps participants start to develop a policy customized to their community. Through small group exercises, participants compare existing practice to Complete Streets policy models, identifying the critical elements to include in a new policy.

3. Policy Implementation helps participants identify ways to more effectively implement their policies. Participants learn how to change their transportation decision-making process to routinely balance the needs of all users. They also learn the four steps to Complete Streets implementation and best practices in tackling issues such as limited right of way, costs concerns, balancing user needs, and new street classification systems.

Description:

Each workshop builds local capacity to implement Complete Streets and smart growth approaches and strengthens relationships between transportation practitioners, community stakeholders, and elected officials. The highly interactive daylong workshops typically help 20-30 targeted decision makers, community stakeholders, and agency professionals learn how to more effectively balance the needs of all users and routinely create and maintain Complete Streets. Two expert instructors— one with policy expertise, the other with design experience— are selected from a pool of nationally-recognized practitioners trained to provide these Workshops, providing scheduling flexibility and an array of experiences to best meet each community's needs.

At the end of each workshop, the instructors help attendees develop clear, appropriate, and strategic next steps based on the community's opportunities and strengths. These steps help build the local technical and political capacity to implement change over the long term. Several weeks later, one instructor and the Coalition's State and Local Policy Manager hold a follow-up call with 3-5 key decision makers from the workshop to progress and provide assistance and resources to maintain momentum.



Tool: Complete Streets Consortium Series

Provider: Smart Growth America and the National Complete Streets Coalition

Summary:

The Complete Streets Consortium Series is designed to assist communities in implementing Complete Streets policies. Taking what we have learned delivering our stand Complete Streets Technical Assistance, the Complete Streets Consortium Series delivers three workshops to three municipalities within the same state. The three municipalities come together to form a consortium, apply as one, and receive the workshops over the span of a couple of months. As with the standard Complete Streets workshops, the Consortium Series workshops will be tailored to local contexts and barriers to Complete Streets implementation. The Complete Streets Consortium Series presents a great opportunity to work on Complete Streets implementation, but also to enhance relationships with other communities in your state as well as those with state agencies.

Description:

Recipients of the Complete Streets Consortium Series will receive one workshop in each of the selected municipalities. These highly interactive workshops typically target 30-35 decision makers and provide robust training and support on implementation strategies. A core team of 8-10 people will be sent from each municipality to attend all three workshops. This ensures that relationships between communities grow as well as ensuring that municipalities are able to learn from one another.

Smart Growth America sends expert instructors with policy and design experience selected from a pool of nationally-recognized practitioners trained to provide these workshops, providing scheduling flexibility and an array of experiences to best meet each community's needs. Our experts cover a range of topics facing communities implementing Complete Streets policies. From land use to transit ridership to multimodal integration, the Complete Streets Consortium Series offers communities a wide-ranging look at how to overcome challenges in implementing Complete Streets Policies.

Each workshop includes the development of a Complete Streets implementation plan, which highlights the opportunities and necessary changes to fully support and enable Complete Streets policies. Alongside this plan is specific instruction on identifying and collecting data on key points in the implementation process. This includes an assessment of current performance measures as well as lessons on the collection and use of new performance measures. Both of these plans are delivered in the form of Next Steps Memos sent to communities shortly after the workshop concludes. Several weeks later, one instructor and the Coalition's State and Local Policy Manager hold a follow-up call with decision makers from the each municipality to progress and provide assistance and resources to maintain momentum.

Assistance provided with grant support from US EPA's Office of Sustainable Communities under their Building Blocks for Sustainable Communities Program.





Tool: Parking Audits

Provider: Smart Growth America and Charlier Associates, Inc.

Summary:

Parking audits provide a neutral setting where an impartial parking expert can evaluate local policies and practices and offer advice based on the state of the practice, with an emphasis on what works well and what should be avoided. The audit can be community-wide or can focus on a specific district.

Community Benefits:

Most Americans have grown up with the idea that auto parking should be plentiful and free. As a result, cities and commercial districts often struggle with parking policy and with implementation of supply and enforcement strategies. This issue is of crucial importance because parking policy can play a major role in encouraging infill and redevelopment and can also support a balanced, sustainable transportation system. By addressing all five elements of parking – demand, supply, economics, enforcement and administration – an audit helps local leaders and stakeholders see the issue in the context of overall growth management and economic strategies.

Subject Matter Covered:

A parking audit can concentrate on a specific district or neighborhood or can address citywide policies and programs (or both). This one-day program is designed to engage key stakeholders, which in the case of a commercial district might include local business and property owners, or in the case of a neighborhood could involve homeowners and residents. The audit can tackle specific issues like fee-in-lieu payments, on-street parking, shared parking or paid parking, among others. In some cases, a parking audit can help a community address much broader issues such as petroleum dependency and sustainability.

Outcomes:

- An engaging and enlightening evening public forum to provide information about the state of local parking practice nationally
- A locally-targeted set of how-to tools: ordinances, parking districts, zoning overlays and other strategies
- Answers to specific technical questions and problems
- Suggestions for low-cost ways to gather data and estimate demand
- Community members build a common vocabulary, debunk common myths, focus on shared values, build or validate common visions, and learn basic principles and practices
- Practical strategies for improving the built environment in ways that bring about increased economic vitality and greater sustainability





Tool: Cool Planning: Local Strategies to Slow Climate Change

Provider: Smart Growth America and Otak, Inc.

Summary:

The Cool Planning: Local Strategies to Slow Climate Change workshop seeks to actively involve communities in the process of finding solutions that can be implemented at the local level to slow climate change. Specific community development, land use, and transportation planning techniques can enable communities to reduce their carbon footprints and will be covered in depth in this workshop. The workshop will draw on a technical assistance team that has facilitated hundreds of smart growth and sustainable community development presentations, programs, and workshops in communities across the US and abroad.

Interactive exercises will be integrated into the program to engage participants and get them thinking about how they can get involved. Publications and resources available to help communities will be referenced. Available tools that can be used to monitor a community's progress will be presented, including walkability index/scoring tools (www.walkscore.com), D-variable analysis, surveys, focus groups and interviews, audits, and other methods/indicators.

A model workshop would include the following elements:

Part I: Why addressing climate change has to start at the local level

- How a global problem can be addressed at the local level
- How community design affects greenhouse gas (GHG) emissions

Part II: Local Strategies to slow climate change

- Grow cooler
- Grow more compact
- Get centered
- Mix up your land uses
- Recycle urban land and buildings
- Make streets complete
- Make way for pedestrians
- Make your community bicycle-friendly
- Get well-connected
- Put parking in its place
- Make way for transit and transit-oriented development
- Change travel habits
- Find better models for big trip generators
- Green your buildings
- Plant trees in your town or neighborhood



Part III: Taking Action

- Develop elements of a climate action plan
- Measure your plan's effectiveness

The importance of developing locally-based climate action plans will be highlighted in the program. While implementation of these plans can reduce transportation-related GHG and environmental impacts, they can also bring significant economic, national security, and health benefits, such as:

- Insulation against future gas price hikes
- Energy independence
- Retention of local dollars
- Lower transportation costs
- More active and healthier communities



Assistance provided with grant support from US EPA's Office of Sustainable Communities under their Building Blocks for Sustainable Communities Program.



Tool: Using LEED-ND to accelerate the development of sustainable communities

Provider: Smart Growth America and Criterion Planners

Summary:

The planning and development of sustainable communities can be accelerated through local government leveraging of the LEED for Neighborhood Development (ND) rating system. This one-day workshop teaches local government staff a three-step leveraging process:

- 1) identifying ND-eligible lands;
- 2) catalyzing projects on those lands; and
- 3) amending land-use and transportation plans to expand eligible land supply and improve vicinity conditions so as to increase achievable ND points.

Description:

The LEED for Neighborhood Development (ND) rating system combines the principles of smart growth, new urbanism, social equity, and green construction into the nation's first integrated system for certifying sustainable neighborhood development. This workshop focuses on the power of LEED-ND to accelerate green economic development. Research indicates that green neighborhoods produce more business opportunities, jobs, household savings, and fiscal benefits than conventional development. Jurisdictions that leverage LEED-ND to amplify its benefits will therefore garner a larger share of their region's green economic dividend.

This workshop reviews the ND rating system, highlights elements that interface with local regulations, and presents how cities and counties can leverage LEED-ND. First, participants learn about a GIS method for identifying properties that meet ND smart location criteria, including infill, adjacent, transit-served, and walkable sites. Catalyzing ND projects on those lands is step two, including removal of code barriers, establishment of incentives, and leadership on public lands. Case studies of city and county incentives around the country are presented, including financial and technical assistance measures; and participants have an opportunity to rate their own local codes for ND-friendliness. The final leveraging step explores ways in which land-use, transportation, and capital improvement plans can be strategically amended and funded over time to expand ND-eligible areas and improve ND scoring conditions in those areas.

Using this technique, a local government can set realistic long-term goals for:

- a) the percent of the jurisdiction that will eventually achieve ND location eligibility;
- b) creating infrastructure and transportation systems that equate to ND Silver, Gold, or Platinum criteria, and thereby count toward higher certification levels for projects served by those systems;
- c) the jobs, economic activity, and fiscal outcomes that are possible with ND leveraging.

A tool kit of resources for the leveraging process is distributed to participants, including the ND rating system annotated with local government interface points, and a planner's guide and model ordinance for leveraging.





AGENDA DOCUMENTATION

NEW BUSINESS: VI.7

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 22, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: RESOLUTION 2016-14, REFUNDING RESOLUTION (SOUTH 8TH STREET PROJECT)

ACTION: DISCUSSION AND POSSIBLE ACTION

BACKGROUND

At the July 21st Town Council meeting, the Council approved moving forward with financing the S. 8th Street Project through a lease purchase mechanism, specifically a Public Offering in the amount of \$2.685 million that included the refinancing of the Lewis Street Project.

At the August 2nd meeting, the Council approved a Reimbursement Resolution (Resolution 2016-12) that allows the Town to reimburse itself from the proceeds of the financing for the funds advanced to get the work started as soon as possible.

Lewis Street Lease Purchase

The Lewis Street lease purchase was initiated in 2011 for the 3 block improvements to Lewis Street with a project cost of approximately \$1.5 million. Since the Town already had a lease purchase for the Community Center, that was refinanced to include the cost of Lewis Street. The total 2011 loan was \$2,155,207.38.

The Community Center portion was completely paid off in 2014 and the remaining portion for Lewis Street was financed through 2021. The annual debt service for Lewis Street is approximately \$180,000 consisting of 2 payments of \$89,816 per year. As indicated above, the intent was to pay off the Lewis Street Loan in its entirety this year (2016) in conjunction with the financing of the South 8th Street project. Town Hall was the asset indicated as the collateral for the Lewis Street lease purchase.

As indicated above, the direction of the Council was to utilize the new financing to retire the balance of the Lewis Street lease purchase and to perform the S. 8th Street construction project. The termination of the 2011 Lewis Street lease purchase would remove it as an encumbrance on the Town Hall, allowing the new financing to proceed, and it would accrue a savings to the Town as well by retiring the debt sooner.

The attached Resolution formally authorizes the use of a portion of the proceeds from the new financing to release the Town Hall from the previous lease so that it is free and unencumbered for the new financing.

Attachments

- Resolution 2016-14

FISCAL IMPACT

The main fiscal impact associated with this Resolution is the early retirement of the Lewis Street financing. It is estimated the interest savings for the early retirement, as opposed to the planned payment in January 2017, is approximately \$6,000.

RECOMMENDATIONS

Possible actions by the Town Council include:

- 1. Move to APPROVE Resolution 2016-14.**
- 2. Move to DENY approval of Resolution 2016-14.**
- 3. Direct staff otherwise.**

RESOLUTION NO. 2016-14

A RESOLUTION AUTHORIZING AND APPROVING THE USE OF A PORTION OF THE PROCEEDS FROM THE TOWN'S PROPOSED LEASE PURCHASE TRANSACTION TO RELEASE THE TOWN HALL FROM A PREVIOUS LEASE IN FURTHERANCE OF THE PURPOSES SET FORTH IN ORDINANCE NO. 848 (SERIES 2016), AND PROVIDING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Town of Pagosa Springs ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003, as amended on April 3, 2012, April 23, 2013 and April 22, 2014; and

WHEREAS, the Town Council (the "Council") of the Town is duly organized, existing and acting as the governing body of the Town pursuant to the constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Ordinance No. 848 (the "Authorizing Ordinance"), the Council intends to demise to UMB Bank, n.a. (the "Trustee"), pursuant to that certain Site Lease to be dated as of its dated date (the "Site Lease") between the Town, as lessor, and the Trustee, as lessee, a leasehold interest in the Town Hall (the "Leased Property") for a lump-sum payment of not more than \$2,800,000 and sublease the Leased Property back from the Trustee pursuant to that certain Lease Purchase Agreement dated as of the date of the Site Lease (the "Lease") between the Trustee, as sublessor, and the Town, as sublessee; and

WHEREAS, the Town has previously entered into a Lease Purchase Agreement dated as of July 8, 2011 (the "2011 Lease") between the Town, as lessee, and Capital One Public Funding, LLC, as lessor, regarding Town Hall; and

WHEREAS, the termination of the 2011 Lease would remove it as an encumbrance on the Town Hall, allowing the Financing to proceed, and it would effect a savings to the Town in accordance with the provisions of the Public Securities Refunding Act, Article 56 of Title 11, C.R.S. (the "Refunding Act"); and

WHEREAS, the Council has determined that it is in the best interests of the Town and its residents to use a portion of the net proceeds from the Financing to terminate the 2011 Lease, by paying the purchase option price for the Town Hall, in accordance with the 2011 Lease in order to provide for the lease and lease-back of the Town Hall without unpermitted encumbrances pursuant to the Site Lease and Lease, respectively, in furtherance of the Project as set forth in the Authorizing Ordinance; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO:

Section 1. Ratification of Actions. All action heretofore taken, not inconsistent with the provisions of this Resolution, by the Council or the officers of the Town, directed toward the implementation of the Project, including all actions taken to effect the termination of the 2011 Lease, are hereby ratified, approved and confirmed.

Section 2. Findings; Authorizations. The Council hereby finds and determines, pursuant to the laws of the State of Colorado, that the exercise of the Town’s purchase option under the 2011 Lease is necessary, convenient, and in furtherance of the purposes set forth in Ordinance No 848 (Series 2016) and in the best interests of the Town and its inhabitants; and the Council hereby authorizes and approves the use of a portion of the net proceeds from the Financing to effect the termination of the 2011 Lease, by using such proceeds to pay the purchase option price for the Town Hall, in accordance with the 2011 Lease in furtherance of the Project. The Town hereby elects to apply all of the provisions of the Supplemental Public Securities Act, Part 2 of Article 57, Title 11, C.R.S. (the “Supplemental Securities Act”) and the Refunding Act to the extent applicable and not inconsistent herewith, to the Lease.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately and without reconsideration on the date of its passage.

RESOLVED AND PASSED this 22nd day of September, 2016.

Don Volger, Mayor

(SEAL)

ATTEST:

April Hessman, Town Clerk



AGENDA DOCUMENTATION

OLD BUSINESS: VII.1

PAGOSA SPRINGS TOWN COUNCIL
SEPTEMBER 22, 2016

FROM: GREGORY J. SCHULTE, TOWN MANAGER

PROJECT: ORDINANCE 848 – SECOND READING, AUTHORIZING ORDINANCE FOR THE SOUTH 8TH STREET PROJECT FINANCING
ACTION: DISCUSSION AND POSSIBLE ACTION

PURPOSE/BACKGROUND

At the July 21st Town Council meeting, the Council approved moving forward with financing the S. 8th Street Project through a lease purchase mechanism, specifically a Public Offering in the amount of \$2.685 million that included the refinancing of the Lewis Street Project.

At the August 2nd meeting, the Council approved a Reimbursement Resolution (Resolution 2016-12) that allows the Town to reimburse itself from the proceeds of the financing for the funds advanced to get the work started as soon as possible.

The next step was approval of the first reading for an Authorizing Ordinance for the financing of the South 8th Street Project held at the September 6th meeting. At the meeting the Council also approved staff to pursue securing an investment grade rating for the Town of Pagosa Springs and appropriate funding from General Fund Reserves in an amount not to exceed \$12,000 for this purpose. Getting a rating (assuming it is favorable) does help in the marketing of the COPs. The last time the Town secured a rating was in 2011. At that time the Town rated "A2." At the September 6th meeting, the Town Council directed staff to seek an investment grade rating.

ATTACHMENTS:

- Exhibit A: Ordinance 848
- Exhibit B: Financing Schedules
- Exhibit C: Timetable
-

The timeframe to accomplish the financing is expected to be accomplished by mid-November (See Exhibit C).

FISCAL IMPACT

As noted in earlier staff reports, the cost to complete the South 8th Street Project as well as refinance the Lewis Street Project is estimated at \$2.685 million. It is the recommendation of bond counsel and the underwriter to move that amount to \$2.8 million to account for the potential debt service reserve buyers would like to see. Regardless, the annual debt service payment is relatively the same at approximately \$170,000 (see Exhibit B).

RECOMMENDATION:

Staff believes the Town Council has two actions related to this financing. Possible motions for the Town Council to consider for each are:

1. **Move to APPROVE the Second Reading of Ordinance 848.**
2. **Move to DENY the Second Reading of Ordinance 848.**
3. **Direct staff otherwise.**

TOWN OF PAGOSA SPRINGS, COLORADO
ORDINANCE NO. 848
(SERIES 2016)

AN ORDINANCE AUTHORIZING A SITE LEASE AND LEASE PURCHASE AGREEMENT BETWEEN THE TOWN OF PAGOSA SPRINGS, COLORADO AND UMB BANK, N.A. (SOLELY IN ITS CAPACITY AS TRUSTEE) FOR THE PURPOSE OF FINANCING STREET IMPROVEMENTS; APPROVING NOT TO EXCEED \$2,800,000 PRINCIPAL AMOUNT OF CERTIFICATES OF PARTICIPATION, SERIES 2016 IN CONNECTION THEREWITH; AUTHORIZING OFFICIALS OF THE TOWN TO TAKE ALL ACTION NECESSARY TO CARRY OUT THE TRANSACTIONS CONTEMPLATED HEREBY; AND RELATED MATTERS

WHEREAS, the Town of Pagosa Springs, Colorado (the “Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter (the “Charter”); and

WHEREAS, pursuant to Section 1.4 of the Charter, the Town has all the power of local self-government and home rule and all power possible for a municipality to have under the Constitution and laws of the State of Colorado (the “State”); and

WHEREAS, pursuant to Section 10.6 of the Charter, the Town has the full authority, power and control over all Town-owned property, including but not limited to all power and authority to sell and lease such property; and

WHEREAS, in order to provide for the capital asset needs of the Town, the Town Council of the Town (the “Council”) has determined and hereby determines that it is necessary and in the best interests of the Town and its citizens that the Town undertake lease purchase financing of sites, buildings, equipment and other property for use by the Town for governmental or proprietary purposes; and

WHEREAS, the Council has determined that it is in the best interests of the Town and its residents to undertake a certain road reconstruction and improvement project (the “Project”); and

WHEREAS, the Town is the fee simple owner of the land and improvements constituting the Pagosa Springs Town Hall located at 551 Hot Springs Boulevard, Pagosa Springs, Colorado (the “Town Hall”); and

WHEREAS, for the purpose of providing funds for the construction of the Project, Certificates of Participation, Series 2016 (the “Series 2016 Certificates”) in an aggregate amount not to exceed \$2,800,000 will be sold and executed and delivered pursuant to an Indenture of Trust (the “Indenture”) entered into by UMB Bank, n.a. (the “Trustee”); and

WHEREAS, for the purpose of providing funds for the construction of the Project, the Council has determined to enter into a Site Lease (the “Site Lease”) of the Town’s interest in the Town Hall (the “Leased Property”) to the Trustee; and

WHEREAS, for the purpose of providing funds for the construction of the Project, the Council has determined to enter into a Lease Purchase Agreement (the “Lease”) with the Trustee with respect to the Leased Property; and

WHEREAS, in order to facilitate the sale of the Series 2016 Certificates, there will be prepared, executed and distributed a Preliminary Official Statement (the “Preliminary Official Statement”) and a final Official Statement (the “Official Statement”) summarizing the documents filed for public inspection with the Town Clerk in connection with this Ordinance (the “Ordinance”) and containing information about the Town, the Leased Property and other matters material to potential purchasers of the Series 2016 Certificates. At such time as the Preliminary Official Statement is available in substantially final form the Town Manager is authorized to certify that it is in near-final form and to authorize its distribution by UMB Bank, n.a. (solely in its capacity as underwriter) (the “Underwriter”).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows

Section 1. Ratification of Actions. All action heretofore taken, not inconsistent with the provisions of this Ordinance, by the Council or the officers of the Town, directed toward the implementation of the Project, including the preparation of the forms of Site Lease, Lease, Indenture and Official Statement and related documents, are hereby ratified, approved and confirmed.

Section 2. Findings; Authorizations. The Council hereby finds and determines, pursuant to the Town’s home rule powers and the laws of the State, that the Project is necessary, convenient, and in furtherance of the governmental purposes of the Town and in the best interests of the Town and its citizens; and the Council hereby authorizes the Project.

Section 3. Approval and Execution of Documents; Authorized Officers. The Site Lease, the Lease, the Indenture, the Certificate Purchase Agreement between the Town and the Underwriter (the “Certificate Purchase Agreement”) and the Official Statement, in substantially the forms filed in the office of the Town Clerk prior to the final adoption of this Ordinance, are in all respects approved, authorized and confirmed, and the Mayor of the Town is hereby authorized and directed to execute and deliver, and the Town Clerk of the Town or any Deputy or Assistant Town Clerk are hereby authorized and directed to affix the seal of the Town to, and attest, the Site Lease and Lease in substantially the forms filed with the Town Clerk, with such changes as are not inconsistent with the intent of this Ordinance and are approved by bond counsel or the Town Attorney. The Council hereby designates the Town Manager and the Town Clerk/Finance Director (and any persons authorized by law to act on their behalf in their absence) to act as “Authorized Officers” under the Lease and any related documents. In the event that bond insurance or other credit enhancement is deemed advantageous to the Town in connection with the Series 2016 Certificates by the Authorized Officers, they may insert provisions, not inconsistent herewith, required by the provider of such credit enhancement. Prior to the execution of the Site Lease, the Lease or any other instrument contemplated by this Ordinance, or the issuance of the Series 2016 Certificates, the final Base Rentals due under the Site Lease and Lease, and the principal amount, interest rates and other terms of the Series 2016 Certificates, not inconsistent herewith, shall be approved by a resolution of the Council (a

“Supplemental Resolution”) or a certificate executed by the Town Manager (the “Final Terms Certificate”).

Section 4. The Series 2016 Certificates. The Council hereby acknowledges and consents to the sale, execution and delivery of the Series 2016 Certificates pursuant to the Indenture. The Council hereby acknowledges and approves the forms, terms and provisions of the Series 2016 Certificates contained in the Indenture, in substantially the form filed with the Town Clerk prior to the final adoption of this Ordinance.

The Series 2016 Certificates shall be issued in a principal amount not to exceed \$2,800,000, shall mature not later than December 1, 2042, shall bear interest at a net effective interest rate not exceeding 4.75%, and may be made subject to redemption at redemption prices which may include redemption premiums not exceeding 110% of their principal amount, all as may be approved by Supplemental Resolution or Final Terms Certificate. The proceeds of the Series 2016 Certificates shall be used to accomplish the Project in the manner required under the Site Lease, the Lease and the Indenture.

Section 5. Additional Documents. The Town Clerk is hereby authorized and directed to attest all signatures and acts of any official of the Town in connection with the matters authorized by this Ordinance. The Mayor and the Authorized Officers are hereby authorized to execute and deliver for and on behalf of the Town any and all additional certificates, documents and other papers and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the transactions and other matters authorized by this Ordinance. The appropriate officers of the Town are also authorized to execute on behalf of the Town agreements concerning the deposit and investment of funds in connection with the transactions contemplated by this Ordinance.

Section 6. No General Obligation or Other Indebtedness. The obligation of the Town to make rental payments under the Lease is subject to annual appropriation by the Council and constitutes an undertaking of the Town to make current expenditures. No provision of this Ordinance, the Lease, the Indenture or the Series 2016 Certificates shall be construed as constituting or giving rise to a general obligation or other indebtedness or multiple fiscal year financial obligation of the Town within the meaning of any home rule, constitutional or statutory debt limitation nor a mandatory charge or requirement against the Town in any ensuing fiscal year beyond the current fiscal year. The Town shall have no obligation to make any payment with respect to the Series 2016 Certificates except in connection with the payment of the Base Rentals (as defined in the Lease) and certain other payments under the Lease, which payments are subject to termination and nonrenewal by the Town in accordance with the provisions of the Lease.

Section 7. Expression of Need; Reasonable Rentals. It is hereby found and determined that, under all of the circumstances of the transactions authorized hereby or contemplated by the Site Lease and the Lease, including the Town’s options to terminate the Site Lease and the Lease as provided therein, the reasonable value of the leasehold interest granted to the Trustee for a term not exceeding 40 years under the Site Lease will not exceed the amount paid by the Trustee for such interest.

The Town hereby declares its current need for the Leased Property, which is considered to be essential to the governmental operations of the Town. It is hereby declared to be the present intention and expectation of the Council that the Lease will be renewed annually until all of the Leased Property is acquired by the Town pursuant to the Lease; but this declaration shall not be construed as contractually obligating or otherwise binding the Town.

The Council hereby determines and declares that the Base Rentals due under the Lease, so long as they are within the limits provided in this Ordinance, will represent the fair value of the use of the Leased Property, and that the Purchase Option Price (as defined in the Lease) will represent, as of any date upon which the Town may exercise its option to purchase the Trustee's interest in such Leased Property, the fair purchase price thereof. The Council further hereby determines and declares that the Base Rentals due under the Lease and authorized hereby will not exceed a reasonable amount so as to place the Town under an economic or practical compulsion to renew the Lease or to exercise its option to purchase the Trustee's interest in the Leased Property pursuant to the Lease. In making such determinations, the Council has given consideration to the cost of acquiring and installing the Leased Property, the uses and purposes for which the Leased Property is employed by the Town, the term of the Site Lease, the use of the Leased Property pursuant to the terms and provisions of the Site Lease and the Lease, the Town's option to purchase the Trustee's leasehold interest in the Leased Property, the Town's right to cause the termination of the Lease by declining to appropriate funds, and the expected eventual vesting, release or reversion in or to the Town of both title to and possession of the Leased Property, free and clear of the Site Lease. The Council hereby determines and declares that the leasing of the Leased Property pursuant to the Lease will result in facilities of comparable quality and meeting the same requirements and standards as would be necessary if the acquisition and installation of the Leased Property were performed by the Town other than pursuant to the Lease. The Council hereby determines and declares that, after execution and delivery of the Lease, the maximum duration of the Lease, or the portion thereof allocable to any item of Leased Property separately identified in the Lease, will not exceed the weighted average useful life of such item or items of Leased Property.

Section 8. Severability. If any section, paragraph, clause or provision of this Ordinance or the Lease (other than provisions as to the payment of Base Rentals by the Town during the term of the Lease, provisions for the quiet enjoyment of the Leased Property by the Town during the term of the Lease, and provisions for the transfer of the Leased Property to the Town under the conditions provided in the Lease) shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 9. Repealer of Measures. All acts, orders, resolutions, ordinances or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof heretofore repealed.

Section 10. Qualified Tax-Exempt Obligation. The Town Council hereby designates the Lease as a "qualified tax-exempt obligation" for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 11. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

Section 12. Effective Date. This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 6th DAY OF SEPTEMBER, 2016.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Mayor

Attest:

Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 22nd DAY OF SEPTEMBER, 2016.

TOWN OF PAGOSA SPRINGS, COLORADO

By: _____
Mayor

Attest:

Town Clerk

CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ____ (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the ____ day of _____, 2016, and was published by title only, along with a statement indicating the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2016, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of September, 2016.

Town Clerk

(S E A L)

I, the duly appointed, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. ____ (Series 2016) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its regular meeting held on the __ day of _____, 2016, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on _____, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this ____ day of September, 2016.

Town Clerk

(S E A L)



Town of Pagosa Springs, Colorado

Certificates of Participation, Series 2016

TIMELINE OF EVENTS *

September 2016							October 2016						
S	M	T	W	Th	F	S	S	M	T	W	Th	F	S
28	29	30	31	1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30	31				

<u>Completion Date</u>	<u>Event</u>	<u>Responsible Party</u>
8/2/2016 Complete	Adopt Reimbursement Resolution	Town
8/11/2016 Complete	Due diligence questionnaire distributed	Kutak
8/29/2016 Complete	Draft Ordinance distributed	Kutak
9/1/2016	Due diligence questionnaire returned	Town
9/6/2016	Town Council Meeting - Ordinance 1st Reading	Town
9/12/2016	Publication Requirement Deadline - at least 10 days prior to second reading	Town
9/16/2016	First draft of Preliminary Official Statement ("POS")	Kutak
Wk of 9/19/2016	Due diligence conference call - POS	All
9/22/2016	Town Council Meeting - Ordinance 2nd Reading & Adoption	Town
Wk of 9/26/2016	Credit package sent to Standard & Poor's ("S&P") Rating Agency	UMB
Wk of 10/10/2016	Presentation/conference call with S&P	Town/UMB
Wk of 10/10/2016	Presentation/conference call with S&P	Town/UMB
Wk of 10/17/2016	Rating received and POS posted electronically	Town/UMB
Wk of 10/31/2016	Marketing of COP, Series 2016	UMB
Wk of 11/14/2016	Closing of COP, Series 2016	All

PRELIMINARY

Town of Pagosa Springs, Colorado

Certificate of Participation, Series 2016

A3 - DSR - As of 8.30.16

Sources & Uses

Dated 10/01/2016 | Delivered 10/01/2016

Sources Of Funds

Par Amount of Bonds	\$2,690,000.00
Planned Issuer Equity contribution	172,000.00

Total Sources **\$2,862,000.00**

Uses Of Funds

Total Underwriter's Discount (1.200%)	32,280.00
Costs of Issuance	101,500.00
Deposit to Debt Service Reserve Fund (DSRF)	174,155.00
Deposit to Project Construction Fund	2,100,000.00
Deposit to Payoff 2011 Lease Purchase Agmt	450,000.00
Rounding Amount	4,065.00

Total Uses **\$2,862,000.00**

FOR DISCUSSION PURPOSES ONLY
8/31/2016 | 11:25 AM

Town of Pagosa Springs, Colorado

Certificate of Participation, Series 2016

A3 - DSR - As of 8.30.16

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
12/01/2016	-	-	10,826.25	10,826.25
12/01/2017	105,000.00	0.750%	64,957.50	169,957.50
12/01/2018	105,000.00	0.900%	64,170.00	169,170.00
12/01/2019	110,000.00	1.050%	63,225.00	173,225.00
12/01/2020	110,000.00	1.250%	62,070.00	172,070.00
12/01/2021	110,000.00	1.400%	60,695.00	170,695.00
12/01/2022	115,000.00	1.600%	59,155.00	174,155.00
12/01/2023	115,000.00	1.750%	57,315.00	172,315.00
12/01/2024	115,000.00	1.850%	55,302.50	170,302.50
12/01/2025	120,000.00	2.000%	53,175.00	173,175.00
12/01/2026	120,000.00	2.100%	50,775.00	170,775.00
12/01/2027	125,000.00	2.350%	48,255.00	173,255.00
12/01/2028	125,000.00	2.550%	45,317.50	170,317.50
12/01/2029	130,000.00	2.750%	42,130.00	172,130.00
12/01/2030	135,000.00	2.850%	38,555.00	173,555.00
12/01/2031	135,000.00	3.000%	34,707.50	169,707.50
12/01/2032	140,000.00	3.100%	30,657.50	170,657.50
12/01/2033	145,000.00	3.200%	26,317.50	171,317.50
12/01/2034	150,000.00	3.300%	21,677.50	171,677.50
12/01/2035	155,000.00	3.400%	16,727.50	171,727.50
12/01/2036	160,000.00	3.500%	11,457.50	171,457.50
12/01/2037	165,000.00	3.550%	5,857.50	170,857.50
Total	\$2,690,000.00	-	\$923,326.25	\$3,613,326.25

Yield Statistics

Bond Year Dollars	\$32,273.33
Average Life	11.998 Years
Average Coupon	2.8609572%
Net Interest Cost (NIC)	2.9609778%
True Interest Cost (TIC)	2.9385006%
Bond Yield for Arbitrage Purposes	2.8162162%
All Inclusive Cost (AIC)	3.3371425%

IRS Form 8038

Net Interest Cost	2.8609572%
Weighted Average Maturity	11.998 Years

Town of Pagosa Springs, Colorado

Certificate of Participation, Series 2016

A3 - DSR - As of 8.30.16

Net Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	DSR	Net New D/S
12/01/2016	-	-	10,826.25	10,826.25	-	10,826.25
12/01/2017	105,000.00	0.750%	64,957.50	169,957.50	(1,306.16)	168,651.34
12/01/2018	105,000.00	0.900%	64,170.00	169,170.00	(1,306.16)	167,863.84
12/01/2019	110,000.00	1.050%	63,225.00	173,225.00	(1,306.16)	171,918.84
12/01/2020	110,000.00	1.250%	62,070.00	172,070.00	(1,306.16)	170,763.84
12/01/2021	110,000.00	1.400%	60,695.00	170,695.00	(1,306.16)	169,388.84
12/01/2022	115,000.00	1.600%	59,155.00	174,155.00	(1,306.16)	172,848.84
12/01/2023	115,000.00	1.750%	57,315.00	172,315.00	(1,306.16)	171,008.84
12/01/2024	115,000.00	1.850%	55,302.50	170,302.50	(1,306.16)	168,996.34
12/01/2025	120,000.00	2.000%	53,175.00	173,175.00	(1,306.16)	171,868.84
12/01/2026	120,000.00	2.100%	50,775.00	170,775.00	(1,306.16)	169,468.84
12/01/2027	125,000.00	2.350%	48,255.00	173,255.00	(1,306.16)	171,948.84
12/01/2028	125,000.00	2.550%	45,317.50	170,317.50	(1,306.16)	169,011.34
12/01/2029	130,000.00	2.750%	42,130.00	172,130.00	(1,306.16)	170,823.84
12/01/2030	135,000.00	2.850%	38,555.00	173,555.00	(1,306.16)	172,248.84
12/01/2031	135,000.00	3.000%	34,707.50	169,707.50	(1,306.16)	168,401.34
12/01/2032	140,000.00	3.100%	30,657.50	170,657.50	(1,306.16)	169,351.34
12/01/2033	145,000.00	3.200%	26,317.50	171,317.50	(1,306.16)	170,011.34
12/01/2034	150,000.00	3.300%	21,677.50	171,677.50	(1,306.16)	170,371.34
12/01/2035	155,000.00	3.400%	16,727.50	171,727.50	(1,306.16)	170,421.34
12/01/2036	160,000.00	3.500%	11,457.50	171,457.50	(1,306.16)	170,151.34
12/01/2037	165,000.00	3.550%	5,857.50	170,857.50	(175,461.16)	(4,603.66)
Total	\$2,690,000.00	-	\$923,326.25	\$3,613,326.25	(201,584.36)	\$3,411,741.89

PRELIMINARY

Town of Pagosa Springs, Colorado

Certificate of Participation, Series 2016

A3 - DSR - As of 8.30.16

Detail Costs Of Issuance

Dated 10/01/2016 | Delivered 10/01/2016

COSTS OF ISSUANCE DETAIL

Bond Counsel	\$50,000.00
Bank Counsel	\$15,000.00
Local Counsel	\$8,000.00
Trustee & Counsel Fees	\$5,000.00
POS/Official Statement	\$1,500.00
Title Insurance/Opinion	\$12,000.00
Miscellaneous	\$10,000.00
TOTAL	\$101,500.00

FOR DISCUSSION PURPOSES ONLY
8/31/2016 | 11:25 AM