



IGNACIO TOWN BOARD MEETING
WEDNESDAY, May 20, 2015 - 7:00 PM
570 Goddard—Ignacio Town Hall

**6:30 EXECUTIVE SESSION UNDER C.R.S. SECTION 24-6-402(4)(b) to SEEK LEGAL
ADVICE IN THE TOWN HALL – TOWN MANAGER’S OFFICE**

- I. CALL REGULAR MEETING TO ORDER: PLEDGE OF ALLEGIANCE AND ROLL CALL**
- II. PUBLIC COMMENTS:** The Town Board values public comment and expects speakers to be courteous showing how one can respectfully disagree with others’ views. Comments will address only the Board and may be limited to 5 minutes per person. Please do not comment on items listed on the Agenda as opportunity will be given to comment during these discussions.
- III. APPROVAL OF MINUTES:** April 15, 2015, April 22, 2015 and May 6, 2015
- IV. UNFINISHED BUSINESS:**
 - A. Payroll Costs Savings – Approve Policy Changes**
 - B. Review Meeting Representatives**
 - C. Update on Alternatives for Interim Town Manager**
- V. NEW BUSINESS**
 - A. Mosquito Control Contract Renewal (3 years)**
 - B. Gaming Grant Application Approval**
- VI. STAFF REPORTS**
 - A. Police Department**
 - B. Public Works**
 - C. Treasurer**
 - D. Planning**
 - F. Town Manager**
 - G. Attorney**
- VII. TRUSTEE REPORTS**
- VIII. ADJOURNMENT**

**Regular Meeting
of the Town Of Ignacio Board of Trustees
Wednesday, April 15, 2015**

I. CALL REGULAR MEETING TO ORDER: PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Stella Cox called the Regular Meeting to order at 7:03 p.m. **Trustees Present:** Mayor Protem Alison deKay, Thomas Atencio, Edward Box III, Dixie Melton and Cecilia Robbins. **Staff:** Lee San Miguel, Town Manager; Georgann Valdez, Town Clerk; Dan Naiman, Community Development Coordinator; Jackie Mejia, Front Desk Clerk and IT, David Liberman, Town Attorney and Jeremy Schultz, Public Works. **Audience:** Rudy Mestas, Johnny Valdez and Chuck Farago for the Southern Ute Growth Fund.

II. PROCLAMATION: EARTH DAY APRIL 22, 2015

III. PUBLIC COMMENT: NONE

IV. APPROVAL OF MINUTES: Trustee Melton moved to approve the minutes of March 18, 2015 and April 1, 2015. Trustee Box seconded. The motion passed by unanimous voice vote.

V. UNFINISHED BUSINESS:

- A. Trustee Atencio moved to amend the Agenda to address Item E and F (Mediation) before the A and B (Town Manager Evaluation) Mayor Protem deKay seconded. The motion passed by unanimous voice vote.**
- B. Executive Session under C.R.S. Section 24-6-402(4)(b) – Legal Advice: Mediation Update: Mayor Protem deKay moved to go into Executive Session under C.R.S. Section 24-6-402(b) to seek Legal Advice. Trustee Melton seconded. The motion passed by unanimous voice vote. Time is 7:14 and the Regular meeting was closed. The Executive Session concluded at 7:56 p.m. and was held for the purpose previously stated.**
- C. Mediation Action: Mayor Protem deKay moved to have the Town Board take responsibility of seeking mediation for Town Staff. Mayor Cox will make the contact and the Board will move forward after the Board gets an update from her. Trustee Melton seconded. The motion passed by 6-1 with Trustee Atencio voting no.**
- D. Executive Session under C.R.S. Section 24-6-402(4)(f) to discuss a Personnel Matter Town Manager Evaluation: Mayor Protem deKay moved to go into Executive Session under C.R.S. Section 24-6-402(f) to discuss a Personnel Matter. Trustee Melton seconded. The Motion passed by unanimous voice vote. The time is 8:00 and the Regular Meeting is closed. The Executive Session concluded at 8:30 p.m. and was held for the purpose previously stated.**

- E. Town Manager Evaluation Action:** Trustee Atencio moved to terminate Mr. San Miguel, and to pay him out his severance package. The motion died due to lack of a second. Mayor Protem deKay moved to wrap up the Town Manager's Evaluation and authorized a change in previous pay increase to 1.5 %, retroactive to anniversary date of November 18, 2014. Trustee Robbins seconded. The motion passed 5-2; with Trustee Atencio and Mayor Cox voting no. Recommendation from Mayor Cox was to extend Mr. San Miguel's anniversary date to Feb 16, 2016. Mayor Protem deKay suggested exploring more frequent evaluations, possibly every three months. A Town Manager performance review will be placed on the July 1 Agenda.
- F. Email Rules Summary from Town Attorney:** Mr. Liberman gave the Board background material on Open Meetings Law and Open Records Law. He spoke briefly on sending emails; Board dealing with public business, and the public asking for emails about public business. Other communities have a policy where Board of Trustees do not communicate with each other between meetings to avoid this type of concern. They can receive emails from town staff but should not send email between Board Members regarding public business. Board Members need to be concerned about Open Records Act, and should consider having separate email accounts for Town business and one that the Town has access to. For Open Records requests they can get records as requested. If the Board is going to discuss pending legislation or public business, they should consider a meeting, give notice of meeting, take action, and take minutes. Two Board Members are allowed to discuss public business, but should avoid communication between three or more. They may respond to staff, but do not 'reply all'; one way communications to the Board is permissible. This also includes texts and any electronic communications. Board Members should avoid texts.

VI. NEW BUSINESS:

- A. Four Corners Motorcycle Rally –** Johnny Valdez, new owner of Four Corners Motorcycle Rally spoke to the Board, Staff and audience regarding his plans for the 2015 motorcycle rally to be held at the Sky Ute Downs. He gave a lengthy history of the previous rallies, attendance, locations, vendors, the Chamber's involvement, establishment of Ignacio Chamber Events, LLC (ICE); the loan from Region 9; and the revenue gained from the Rally. For the past few years, the Rally has seen a decline in attendance, in vendors and in revenue, losing up to \$80,000. In 2012, Mel Silva, past Chamber President asked the Town to put a moratorium on vendors in town, which was not legal, per the Town's Attorney. The Chamber agreed to pay the Town \$5000, and Board Members were asked to increase the vendor fee to \$800 to discourage vendors setting up in Town, which they did for 2012.

Mr. Valdez is working on a 3-year contract for the Sky Ute Event Center with the Growth Fund, needing final approval from Tribal Council. Mr. Valdez stated he owns the Rally and asked for better communication from the Board. Mr. Valdez offered the Town \$2500 stating he did not want to hurt businesses that want the Rally. His vendor fee in the Event Center is \$400. Trustee Robbins stated people were contacting Town Hall and

the Board needed to make a decision on vendor fees, and we know the Town is responsible to meet the vendor's needs. Mayor Protem deKay asked, "Why do you want to give us money?" Mr. Valdez said he's not asking the Board for anything at this time, but suggested the Town keep the vendor fee equal to his. The Board thanked Mr. Valdez for coming before the Board stating it is key to have communication and conversation and the Town has to make money from the vendors to offset the costs.

Mr. Valdez stated the website is up, tickets are selling, RV sites are filling up, vendors are registering and paying and sponsors are coming in. Trustee Atencio asked Mr. Valdez to come sit on the Town's committee to discuss the Rally. Chuck Farrago, representing Bruce Valdez from the Growth Fund said they are working on the Agreement and believe the Rally is good for town, region and tribal membership; if this Rally fails, everybody loses.

- B. Payroll Cost Savings Work Session Date:** A brief discussion was to hold the work session on the same date as the discussion regarding the mediation. The Board would like to discuss goals for mediation, general questions, and criteria to develop a plan to proceed. The meeting was scheduled for 6:00 p.m. on April 22; staff members that want to be involved in the discussion of the payroll cost savings are welcome; the second part of the meeting will be held in Executive Session to discuss the mediation process.
- C. W.C.A. Transit Waste LLC CPI Increase:** From 11.25 to 11:40 for single cart; \$17.25 to \$17.50 for second cart and from \$23.25 to @3.60 for third Cart. Mayor Protem deKay moved to approve the Transit Waste 1.32% CPI increase. Trustee Melton seconded. **The motion passed by unanimous voice vote.**
- D. Ordinance #320 – Amend Municipal Code, Chapter III, Land Use: Downtown Design Guidelines:** The Draft was approved by Planning Commission last week at their meeting. Mayor Protem moved to adopt Ordinance #230 amending the Municipal Code, Chapter III, Land Use: Downtown Design Guidelines. Trustee Atencio seconded. **The motion passed by unanimous voice vote.**
- E. Board Meeting Dates and Time (Earlier) Discussion:** Following a brief discussion, suggestions and ideas, there was no change to meeting time or dates but the Board agreed that if a meeting could be canceled, they would favor a break.
- F. Schedule Town Attorney Review (Annual Review per Contract Date May 13, 2014).** Mr. San Miguel stated that other entities do not do reviews for their attorney and Mr. Liberman said his other clients do not do reviews. It will be placed on the May 6 Agenda to renew his contract.

VII. STAFF REPORTS:

- A. Police Report:** Discussion items included boom boxes, police patrol around school zones, speeding, staff driving to work in Town vehicles, and blocked roads by parked

vehicles. Questions that come to Board members should be addressed to the Chief by the citizen.

- B. Public Works:** Updating and uploading the gas files to the Google Drive is being done by Boyd. The irrigation leak on Tranquilo Court was repaired; the treated water leak has yet to be located and may require a leak detection firm at a cost of \$4000 to \$6000, which is not in the budget. The GIS Mapping software is waiting on the agreement with Tribal Utilities. Mr. San Miguel stated the Town needs to acquire licenses for users and a server. This new system will help with location of utility lines which Public Works has had concerns with. The water meter calibration was questioned by Trustee Atencio.
- C. Treasurer:** Auditor presentation by phone was approved by the Board by consensus.
- D. Community Development Coordinator: No questions**
- E. Town Manager: Economic Alliance:** Housing is an issue, expensive to build in La Plata County; Karen Iverson RHA brought a few people to visit the site; RFP on drawings will be out soon; RHA looking at getting in to the development field; with RHA as the developer and manager the property, the Town would donate the land to RHA. We will be having a conversation with Ken Charles at DOLA to discuss this possibility. Ignacio could be a pilot project.
- F. Attorney:** Areas covered during the month include: Email policy discussion; work with BP notice oil and gas interest under lease and raw water Rights of way.

VIII. TRUSTEE REPORTS: Mayor Cox informed the Board of a scholarship available to a community member; the letter was forwarded to the school superintendent, Dr. Rocco Fuschetto. We received a response from Chairman Frost on the taxation issue; the letter will be sent it to Mr. Liberman and Mr. San Miguel. The Southwest Outdoor Expo will be May 30-31 at the Sky Ute Events Center. Trustee Box will represent the Board at IHS Graduation. 2015 CML Conference was discussed, the Town Manager and Trustee Robbins will attend; The Mayor would like events as the San Ignacio Fiesta, the Ute Fair, the Expo and the Rally on the Google Calendar. Trustee Atencio is having problems with his Chromebook.

IX. ADJOURNMENT: Being no further business before the Board, Mayor Cox adjourned the meeting at 10:28 p.m. The next regular meeting will be May 6, 2015, at 7:00 p.m. at the Abel F. Atencio Community Center at 570 Goddard Avenue.

Stella Cox, Mayor

Date

Attest: Georgann Valdez, Town

**Special Meeting
of the Town Of Ignacio Board of Trustees
Wednesday, April 22, 2015**

I. CALL SPECIAL MEETING TO ORDER: PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Stella Cox called the Special Meeting to order at 6:02 p.m. **Trustees Present:** Mayor Protem Alison deKay, Thomas Atencio, Edward Box III, Dixie Melton and Cecilia Robbins. **Staff:** Lee San Miguel, Town Manager; Georgann Valdez, Town Clerk; Lisa Rea, Town Treasurer; Kirk Phillips, Chief of Police; Jackie Mejia, Front Desk Clerk and IT; James Brown, Public Works Director, and Jeremy Schultz, Public Works.

II. PUBLIC COMMENT: NONE

III. UNFINISHED BUSINESS:

A. PAYROLL COST SAVINGS WORK SESSION: Ms. Rea reported staff met to review the recommendation made by her and by Mr. San Miguel. If the Board agrees to staff's recommendations, they will be implemented into the policy. Recommendations include: Keeping the maximum compensatory time at 80 hours within any calendar year, for all departments with the exception of IPD. Every effort will be made to use them by year end; any earned in December can be rolled over to the coming year. Any unused comp time at the end of the year will be paid out, but with good management, this should be minimal. Public Works will make every effort to manage the on-call hours. The Public Works Director's position will remain non-exempt; due to his field work this does not qualify his position as exempt, per FLSA (Federal Labor Standards Act). Administrative Day pay is for administrative personnel only. All essential and emergency response personnel will work their normal hours; this includes fire, police and public works, all of which are responsible for the safety of the town's residents. Administrative Days are called by the Mayor or the Town Manager.

The Comp time and On-call were discussed at length. Trustee Atencio suggested eliminating comp time altogether and paying employees overtime, as an employee would be paid at the same rate, and would eliminate tracking of comp time. Paying employees overtime vs. comp time will cost the Town more money; comp time is paid out in time. Public Works Employee Jeremy Schultz stated the public works staff is getting paid straight time for their on-call week. Ms. Rea said that is what the policy states and that any time an employee is called out, they are paid at overtime rate. Supervisors are encouraged to send employees home early when they are on call. Mr. Brown stated during the summer it's not always possible because of the heavier work load, also this leaves the department short staffed and services need to be provided to the citizens. A seasonal full-time employee is hired during the summer months.

Trustee Robbins would like some method be established to have the employee use his comp time so the Town does not owe the employee 80 hours of pay at the end of the year. If the Town would consider eliminating the comp time, Mayor Protem deKay asked if hiring a new employee would be the better option. The Board weighed the option of paying overtime.

Management is strongly encouraged to have employees use up their comp time hours before years' end. If Comp time is eliminated, Ms. Rea recommended it for the 2016 Budget Year because it's not in the 2015 Budget to pay overtime, and to use up the employees' comp time hours this year. No action was taken on the issue but will be placed on the May 6 Agenda to approve policy changes.

- B. Executive Session under C.R.S. Section 24-6-402(4)(f) – Personnel: Mediation. Trustee Melton moved to go into Executive Session under C.R.S. Section 24-6-402(f) to discuss a Personnel Matter: Mediation. Trustee Box seconded. The motion passed by unanimous voice vote. Time is 6:52 and the Regular meeting was closed. The Executive Session concluded at 7:52 p.m. and was held for the purpose previously stated.**
- C. Mediation Action: Trustee Robbins moved to continue with mediation. The motion was seconded by Trustee Atencio. Trustee Melton would like some limitation on the cost, and hiring a local firm to do the mediation. The quote for mediation came in at \$4500, and Trustee Melton would not want it to exceed that. Trustee Atencio would like a time frame for the mediation to be completed. It was clarified that the Board would be interviewing and hiring the mediator. The motion was amended to say the Board would like to continue with mediation, that the costs not exceed \$4500 and the final report should be to the Board in 30 days. Trustee Atencio seconded. The motion failed in a tie, with Trustees Atencio, Melton and Robbins voting yes and Mayor Cox, Mayor Protem deKay and Trustee Box voting no. Mayor Protem deKay stated that although she did not vote for the mediation, there is still expectation of the Town Manager to do the team building. Mr. San Miguel stated the team building may not cost \$4500, but seeking assistance to do team building would be step in the right direction. Trustee Robbins made a motion to proceed with team building, seeking assistance outside of staff, with a limitation of \$3000 and completed within 30 days. Trustee Atencio would like to hear from the employees if mediation or team building would help. Find out if there is even willingness for the employees to participate and stated we don't want any more employees to leave. The motion failed due to lack of a second. Mayor Protem deKay moved that the Town Manager proceed with team-work activities he deems necessary with this staff and if he wants to spend money on one of those activities, he can bring it before the Board. Motion was withdrawn. Trustee Melton moved to do an anonymous survey of staff, asking them if they would participate in team building activities and if they feel that it would be beneficial. Once the responses are received from Staff, the Board can proceed with the mediation process. Mayor Protem deKay seconded. The motion passed by 5-1 with Mayor Cox voting no. Trustee Atencio suggested the survey ask staff for comments.**
- D. Executive Session under C.R.S. Section 24-6-402(4)(f) to discuss a Personnel Matter Town Manager: Mayor Protem deKay moved to go into Executive Session under C.R.S. Section 24-6-402(f) to discuss a Personnel Matter: Town Manager. Trustee Box seconded. The Motion passed by unanimous voice vote. The time is 8:13 and the Regular Meeting is closed. At 9:07, Ms. Rea and Chief Phillips were called into the Executive Session. The Executive Session concluded at 9:25 p.m. and was held for the purpose previously stated.**

E. Town Manager Action: Trustee Atencio moved to terminate Mr. San Miguel, without cause and provide him with his severance package. Trustee Robbins Seconded. The Motion passed by 5-1 vote with Mayor Protem deKay voting no. The Termination is effective immediately.

Trustee Robbins recommended appointing Chief Phillips and Lisa Rea as co-managers. Mayor Cox asked them if they were willing to jointly act as co-interim managers. They both agreed. This appointment will be until the next Board meeting, May 6 until a more permanent arrangement can be made.

IV. ADJOURNMENT: Being no further business before the Board, Mayor Cox adjourned the meeting at 9:33 p.m. The next regular meeting will be May 6, 2015, at 7:00 p.m. at the Abel F. Atencio Community Center at 570 Goddard Avenue.

Stella Cox, Mayor

Date

Attest: Georgann Valdez, Town

**Regular Meeting
of the Town Of Ignacio Board of Trustees
Wednesday, May 6, 2015**

I. CALL REGULAR MEETING TO ORDER: PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Stella Cox called the Regular Meeting to order at 7:00 p.m. **Trustees Present:** Mayor Protem Alison deKay, Thomas Atencio, Lawrence Bartley, Edward Box III, Dixie Melton and Cecilia Robbins. **Staff:** Kirk Phillips, Interim Town Manager; Georgann Valdez, Town Clerk; Dan Naiman, Community Development Coordinator; Jackie Mejia, Front Desk Clerk and IT, David Liberman, Town Attorney. **Audience:** Cathy Calderwood, Emily Meisner, Cody Gross, Pat Senecal, Lauren Patterson, Josh Bertrand, Rudy Mestas, Carol Mc Williams, Wes Crume, and Victor Atencio.

- II. PUBLIC COMMENT:** Mr. Victor Atencio reported that he and his wife were assaulted and robbed in their home and his concern that the incident was never reported in the Pine River Times, the Durango Herald or the Southern Ute Drum. He would like the public to know so other citizens do not have to experience what he and Mrs. Atencio went through.

Emily Meisner requested the Board replace Mr. San Miguel on the Economic Alliance. Mayor Cox reported it was on the Agenda.

III. PRESENTATIONS:

- A. IGNACIO CHAMBER OUTDOOR EXPO:** Cathy Calderwood and Emily Meisner promoted the 2015 Southwest Colorado Outdoor Expo to be held at the Sky Ute and Fairgrounds May 30-31, 2015. Over \$65,000 in sponsorships from outdoor businesses from across the region will have product demonstrations, informational seminars and fun events for the entire family. VIP Friday May 29 from 5-7; Board Members are invited to attend the sneak-peak event. The EXPO will run on Saturday, May 30 from 9 to 5 and Sunday, May 31 from 9 to 4; Entry fee is \$5/person or \$10/family. Ms. Meisner asked the Town for barrels and cones to block off handicapped parking; two Town spider electrical boxes, two truck-loads of dirt (with promise to return everything after the event) and staff to haul it to the event site; the Board approved by consensus. The event promises increased tax revenue and good exposure for the Town. Tickets are available at the Chisolm Trail RV, the Patio, Southwest Ag, Morehart Murphy and at the gate.
- B. CELEBRATING HEALTHY COMMUNITY COALITION:** Cody Gross and Pat Senecal from Celebration Healthy Communities Coalition reported on surveys taken in La Plata County schools in 2013 - 2015. This survey asked 1000 6th – 12th graders in LPC how many of the 40 Development Assets they perceive themselves as having. Research shows that the developmental assets are the essential building blocks youth need to thrive and the more assets youth have the less likely they are to engage in risky behaviors and the more likely they are to succeed in all areas of their lives; positive experiences and qualities that help influence choices young people make and help them become caring

responsible adults. Strengths among LPC youth are family support, achievement motivation, integrity and positive view of person's future. Data shows that the LPC youth, with programs focused more on youth and family, such as Character Counts, youth advisory committees and support in funding and training from the Coalition, there has been a decrease in the use of alcohol, tobacco and marijuana; youth are making healthy choices. The Board is invited to join the Coalition's July lunch meeting at Shoshone Park. The Coalition is hiring a high school student for summer.

IV. UNFINISHED BUSINESS:

Mayor Cox removed items from the Agenda as they were discussed at staff level with Mayor Cox, Mayor Protem deKay, Interim Town Manager Kirk Phillips and Lisa Rea. Under Unfinished Business: Items C. Accept Lisa's Resignation, F. Mediation Survey Results and under New Business: Item C. Review the Treasurer's Job Description.

- A. Payroll Cost Savings – Approve Policy Changes:** The Board agreed to revisit the recommendations from Lisa at the May 20 meeting. There were still issues with Comp Time and would address this at budget preparation. The Board requested a copy of the March 18 recommendations to review before the May 20 meeting.
- B. Town Attorney Contract Renewal:** Trustee Atencio moved to renew Mr. Liberman's contract and to re-appoint him with the rest of the officers of the Town, Chief of Police, Town Clerk, Town Treasurer, Town Attorney and Judge after each Regular Biennial Election. Mayor Protem deKay seconded. The motion passed by unanimous voice vote.
- C. Accept Lisa Rea's Resignation and Accept Terms to Assist Town until Position is Filled:** Removed as previously stated
- D. Remove Lee San Miguel as Signer from all Town Accounts:** Trustee Melton moved to remove Lee San Miguel as signer on all Town Accounts. Trustee Box seconded. The motion passed by unanimous voice vote.
- E. Appoint Dan Naiman, Community Development Coordinator to Boards and Discuss Additional Duties.** Dan Naiman is currently working for the Town on a part-time basis (32 hours/week) with no benefits. He is willing to take on many of the Town Managers duties and become a full-time employee with benefits and will represent the Town on many of the Boards previously attended by the Town Manager. After a brief discussion the Board agreed to Dan's terms. Trustee Atencio moved to hire Dan Naiman as full-time Community Development Coordinator, with benefits with added duties at a 19% increase in salary or \$28.75 per hour. Trustee Bartley seconded. The motion passed by unanimous voice vote. Mr. Naiman will represent the Town on the Regional Housing Alliance, La Plata Economic Development Alliance, Southwest Colorado Council of Governments, Southwest Transportation Planning Region, and SUCAP. Mr. Naiman stated he had a momentum going with code revisions; the Board encouraged

maintaining local, state and tribal relations; not to take on more than he could handle; and if he could not attend the meetings, to contact the Alternate so as not to affect other parts of the job.

F. Mediation Survey Results: Removed as previously stated

G. Appoint Interim Town Manager and Discuss Alternatives: Mayor Cox, Mayor Protem deKay, Acting Town Manager Kirk Phillips met with Ken Charles from the Department of Local Affairs. Mayor Protem deKay moved to appoint Kirk Phillips as interim Town Manager with the financial advice from Lisa Rea on Wednesdays and weekends as needed. Trustee Melton seconded. The motion passed by unanimous voice vote.

Mayor Cox asked Town Attorney David Liberman to send information as to alternatives the Board might consider. Mr. Liberman stated he only sent it to the Mayor but will forward the information to the remainder of the Board. Mr. Charles suggested the Town maintain its current form of government with a Town Manager/Council. He recommended two individuals as interim town manager until a decision is made, Mark Garcia from Pagosa and Steve Rabe from Canon City. They can come in and assess the issues, remain as long as needed and for as many days as needed, with negotiable terms; while the Board decides what they want in a Town Manager. This will give the Board the opportunity to not to rush the process and help with the search and hiring a new Town Manager. Mr. Charles will contact both and report back to the Mayor.

Trustee Atencio disagreed and said before the Town was run by a Mayor and supervisors who answer to the Mayor; felt the Town does not need a town manager; town managers hired in the past have used the Board as an advisory board, to rubber stamp their decisions and the Board has little or no authority. He feels the supervisors should be responsible for the day to day operations. Mayor Protem deKay, Trustees Melton, Box and Bartley expressed their opinions and stated that a Town Manager is needed as the regulations, codes and grant requirements change. Without a town manager, more duties will fall on the Board. A town manager is needed for day to day decisions, write and manage the grants, and interact with supervisors, represent the Town and with the local and tribal agencies. Mayor Protem explained the interim managers are experienced in what they do; the majority of the Board favored the idea of hiring an interim town manager while the Board decides what they want in a town manager. Mayor Protem deKay stated the Board can have a candid discussion between the interim and the Board, learn how we can help the manager and allow them to do their work; someone from the outside may work better; not someone who is trying to impress the Board. Both Garcia and Rabe are wrapping up their jobs. The Mayor will have update for next board meeting.

V. NEW BUSINESS:

A. TP Lounge Liquor License: Mayor Protem deKay moved to renew the TP Lounge Liquor License. Trustee Bartley seconded. The motion passed by unanimous voice vote.

- B. Letter Supporting Region 9 to serve as Southwest Enterprise Zone Administrator: Mayor Protem deKay moved to support Region 9 to serve as Southwest Enterprise Zone Administrator. Trustee Robbins seconded. The motion passed by unanimous voice vote.**
- C. Review Town Treasurer Job Description: Removed as previously stated.**
- D. Cecilia Robbins submitted letter of resignation effective immediately. After trying to convince her to reconsider, Trustee Atencio moved to accept her resignation regretfully. Trustee Melton seconded. The motion passed by unanimous voice vote.**
- E. Mayor Cox stated the Board was invited to attend a service at the Community Church at 7:00 p.m. for the National Day of Prayer.**
- F. Town Attorney Liberman stated the Board has 60 days to fill the Board vacancy. The announcement will be placed on all the Town's posting places.**

VI. EXECUTIVE SESSION: Under C.R.S. Section 24-6-402(4)(b) to Seek Legal Advice: Mayor Protem deKay moved to go into Executive Session under C.R.S. Section 24-6-402(2)(b) to receive legal advice. Trustee Box seconded. The motion passed by unanimous voice vote. The regular meeting adjourned at 8:55 p.m. The Executive Session was held for the purpose previously stated. No action followed the Executive Session. The Executive Session concluded at 9:40 p.m.

VII. ADJOURNMENT: Being no further business before the Board, Mayor Cox adjourned the meeting at 9:42 p.m. The next regular meeting will be May 20, 2015, at 7:00 p.m. at the Abel F. Atencio Community Center at 570 Goddard Avenue.

Stella Cox, Mayor

Date

Attest: Georgann Valdez, Town

Meetings

Updated 5/6/15

Organization	What they Do	Time of Meetings	Location	Primary	Alternate	Contact Info	Secondary Staff Contact
La Plata County Economic Development Alliance	Economic Development	4-6pm 1st Monday	Alpine Bank Conference Room Durango La Plata County	Dan Naiman	Stella Cox	Exec Director Roger Zalmeraitis 259-1700 roger@yesipc.com	Office Manager Donna Hanes donna@yesipc.com
Alliance Investor Meeting	Economic Development	7:30-9am 2nd Tuesday	Fairgrounds Conference Room	Dan Naiman	Stella Cox	Same	
Southwest Colorado Council of Governments	Regional Government Organization	1:30-3:30 1st Friday	Anaszal Room La Plata County Courthouse	Dan Naiman		Exec Director Miriam Gillow-Wiles 779-4592 director@swccog.org	
Region 9 Economic Development District	Economic Development	9:30-11:30 AM 4th Thursday January 29, 2015	Locations Alternate Strater Hotel	Dan Naiman	Tom Atencio	Exec Director Ed Morlan 247-9621 ed@scan.org	Laura Lewis Maricini, Assistant Director laura@scan.org
Regional Housing Alliance La Plata County	Housing	3-5p 1st Wednesday	65 Mercado, Room 202 Three Springs	Dan Naiman 3 Yr. Term	<i>Not must attend. 1 Yr. Term</i>	Exec Director Karen Iverson 259-1418 karen@rhalpc.org	Pam Moore Deputy Director Pam@rhalpc.org
Southwest Transportation Planning Region	Transportation	9-12:00 Every other month	CDOT Facility - Hwy 160	Dan Naiman		Same as Region 9	247-9621
Colorado Municipal League - Policy Committee	Statewide Policy	8-12pm 1x Quarter	Denver, CO	Dan Naiman	Ed Box		
SUCAP		1st Thursday Noon	Peaceful Spirits	Dan Naiman	Ed Box, III	Exec Director Eileen Wasserbach 563-5417 sucap.org	
La Plata Youth Services		1st Tuesday 10-12	Durango Police Dept.	Kirk Phillips	N/A	Exec Director Steve Brittain 385-4440 lpys.org	
Multicultural Committee		1st Tuesday Noon	ISD Admin Bldg	Allison deKay	Ed Box, III	Chris deKay 563-0600	

Town of Ignacio

Human Resources

Payroll Savings Recommendations

Town of Ignacio

To: Town Board
From: Lisa Rea, Human Resources
Date: 3/18/2015

In order to come up with what I feel are fair and impartial recommendations, I reached out to other Colorado Municipalities to see how they handle Comp Time, On-Call Time and Exempt vs Non-Exempt. The following recommendations are consistent with my gathered responses.

Supervisors will be accountable for controlling overtime and excess regular time situations and the associated expense. Whenever possible, work schedules shall be adjusted to avoid or reduce routine overtime work. Supervisors will recognize that it will be considered a rare occasion to authorize overtime hours and that the use of comp time is always preferable. Scheduling of On-Call (Public Works only) and lunch breaks will be at the discretion of the supervisor, but every attempt will be made to be fair and accommodating whenever possible.

REGARDING COMPENSATORY AND OVERTIME:

Compensatory Time; How it works now:

Compensatory (comp) time may be requested in place of overtime pay at the same rate (one hour worked equals one and a half hour comp time) up to a maximum of 80 hours at any given point during the given year. Upon termination of employment, the employee shall be compensated for any unused comp time.

Public Safety (IPD) is the only department that is paid overtime in lieu of comp time. This is because they fall into the following category: Employees who must maintain a presence around the clock, three hundred-sixty-five days (365) per year.

Nowhere does our Policy address a time limit to use accumulated comp time. It does currently state that it may be carried over from year to year.

My Recommendations:

First I would like to clarify how overtime is computed: Any nonexempt employee who performs work in excess of a regular 40 hour week shall be compensated with overtime pay or comp time. The Ignacio Police Department has elected the 14 Day,

Town of Ignacio

Human Resources

Payroll Savings Recommendations

80 hour schedule; therefore any officer who performs work in excess of a regular 80 hour pay period shall be compensated with overtime pay. For all personnel; paid time that is not actually worked; such as comp time, paid holidays, vacation leave, sick leave, funeral leave, jury duty hours and on-call hours shall not be considered "hours worked" for the purpose of computing overtime. Call back hours (Public Works only) are paid at the overtime rate and therefore are not included as time worked for the purpose of computing overtime. Only actual hours physically worked will be counted for the purposes of calculating overtime.

The FLSA states:

"Employees who have requested the use of comp time will be permitted to use such time within a reasonable period after making the request if use of the time does not unduly disrupt the operations of the unit. Mere inconvenience to an employer is insufficient reason to deny an employee's request to use comp time. Likewise, each employee who has accrued comp time off may be required to use the comp time within a reasonable period after receiving notice to do so. The notice will include the length of time in which a specified number of hours of comp time are to be used."

My response from other municipalities was slightly mixed on this subject. However, there were three things they all had in common:

- 1) That comp time is always preferable to overtime; as it reduces cost.
- 2) That there is a cap of allowable accumulation (ranging from 40 to 80 hours).
- 3) That there is a time limit in place to use it (ranging from 2 weeks to within the Calendar Year).

So, you have some options on changing the cap allowed and placing a time limit to use it.

I recommend the following:

As our current policy allows nonexempt employees to accumulate a maximum of 80 hours comp time, I recommend we maintain that. Hours reported in excess of this limit will be paid at overtime rates. Comp time must be used by December 31st of each year. Comp time accrued in December may be carried forward into the next calendar year.

Should the board wish to put a shorter time limit on the use of accumulated comp time; I would recommend that it be no less than two pay-periods; or a minimum of
P2 four weeks. It would also stand to reason that if you put a shorter time limit on the

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use of the comp time, that a smaller cap would make more sense.

Whatever you do decide, I recommend that the Supervisor of any employee currently holding an accumulation of comp hours instruct the employee to take time off (at his or her discretion) to use their hours before implementing the new policy. This will save the Town the expense of paying out comp time. Looking at the comp time currently accumulated, I would suggest starting the new policy on September 1st, 2015. This would allow the Supervisors enough time to schedule time off over the coming months to use up everyone's balance of hours.

REGARDING ON-CALL AND EXCESS REGULAR TIME:

On-Call Time; How it works now:

On-Call and Callback or Call-Out Time is provided for all non-exempt personnel who are requested to remain in contact with the Town to respond to possible service or emergency requests after their normal scheduled workday. Presently, our Public Works Department is the only department receiving On-Call pay.

If a Public Works employee is called out to an actual service or emergency call, they will be paid their overtime rate for the actual time worked, or a minimum of one hour (whichever is more).

The current Policy also appears contradictory on how comp time is used for on-call and call-out pay. It states:

"Public Works Positions: Public Works positions responsible for Water/Wastewater/Natural Gas operations that are required to or that are called out on weekends to monitor operations shall take comp time off at a rate of one and a half hour comp time for each hour worked on a weekend schedule during the following week. All comp time for a given weekend shall be taken within the pay period unless the Department Head determines that circumstances do not permit full exchange."

This is not being adhered to and rightly so. This part of the policy is in direct conflict with the part of the policy that allows an employee to accumulated 80 hours of comp time. It would be way too difficult to separate comp hours derived from on-call vs comp time derived from other overtime. Therefore, my recommendations will be an attempt to clarify and make it easier to understand. The Town's Policy does not state how the Town pays On-Call. Here is how it is being paid:

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On-Call Weekday Hours:

Monday 4pm to 8am =	16 hrs.
Tuesday 4pm to 8am =	16 hrs.
Wednesday 4pm to 8am =	16 hrs.
Thursday 4pm to 8am =	<u>16 hrs.</u>
Week-Day Subtotal:	64 hrs.

On-Call Week-End Hours:

Friday 4pm to Monday 8am =	<u>64 hrs.</u>
Week-End Subtotal:	64 hrs.

TOTAL ON-CALL HOURS PER WEEK: 128 hrs.

How On-Call is Paid:

ON-CALL IS PAID AT A RATE OF 1 HOUR PAID FOR EVERY 8 HOURS OF ON-CALL.

THEREFORE, 128 HOURS OF ON-CALL IN A WEEK DIVIDED BY 8 = **16 HOURS PAID PER WEEK.**

Pay-Out is as follows:

MONDAY:	2 hrs.
TUESDAY:	2 hrs.
WEDNESDAY:	2 hrs.
THURSDAY:	2 hrs.
FRIDAY:	0 none of Friday's (included in weekend).
WEEKEND:	<u>8 hrs.</u>
	16 Hrs. per Week.

NOTE: Only exception is that for a Holiday we pay 4 hrs. On-Call.

My Recommendations:

First of all, I would recommend that any On-Call duties be scheduled on a rotating basis. Any employee who is On-Call is required to carry the on-call phone during his/her shift and to remain within the cellular coverage area for the on-call phone. The employee will be required to respond to any call within 30 minutes. The employee will refrain from consuming alcohol or medication that would inhibit his/her ability to perform the functions of the position including operating a vehicle.

Excess regular time occurs when the employee being paid for on-call hours physically works during those on-call hours. For Example:

Let's say Joe Black is On-Call for the Monday through Thursday shift of two paid hours a day (Shift is: 4pm to 8am each day). If he physically works an 8 hour shift each of the four days, he will earn 10 hours of regular pay per day for those four

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days (8 worked & 2 On-Call). This will give him a 48 hour week; hence 8 hours of excess regular-time. To minimize this excess cost, I recommend the hours be paid through comp time. This would mean that the supervisor would schedule Joe for a 6 hour shift on Monday through Friday. This can be done at his/her discretion; whether it is a long lunch or a shorter work day.

The same example works with the On-Call week-end shift. Let's say Joe Black is On-Call for the Week-end shift of 8 paid hours (Shift is: Friday 4pm to Monday 8am). If he physically works an 8 hour shift on Friday, he will earn 16 hours for the Friday/week-end (8 worked & 8 On-Call). This will give him a 48 hours week; hence 8 hours of excess regular-time. To minimize this excess cost, I again recommend the hours be paid through comp time. This would mean that the supervisor would schedule Joe off on Friday.

In the rare occasion that the immediate use of comp time when on-call is not possible, the Supervisor will allow the employee to accumulate those comp hours to be taken within the Board's approved time frame.

Excess regular time can also occur when an employee physically works more than 32 hours during a week with a Holiday. This can happen on occasion when a department is short staffed, when an employee is on a deadline or when there is an emergency repair (to name a few). To minimize this excess cost, I recommend the hours be paid through comp time whenever possible.

REGARDING EXEMPT VS. NON-EXEMPT:

There has been much talk and inquiry into the Public Works Director being Salary vs. Hourly (Exempt vs Non-Exempt). My responses from other municipalities indicated that 100% of them pay this position as Salary – Exempt. However, the following four criteria must be met to qualify for Exempt: (Supplied by Tami Tanoue; CIRSA General Counsel)

Administrative Exemption

To qualify for the administrative employee exemption, all of the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week;

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- The employee's primary duty must be the performance of office or non-manual
-

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work directly related to the management or general business operations of the employer or the employer's customers; and

- The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

Therefore, my recommendation must be to leave this position as Non-Exempt and hourly as our small department often demands manual work by our Public Works Director.

I realize that many small (all that I heard from) municipalities have chosen to make this position Exempt even though there would be occasional manual labor. Should the board choose to go this route, I would suggest considering a Salary based on a 48 hour week. I would also suggest that if you do this, that a contract be drafted.

REGARDING ADMINISTRATIVE TIME OFF:

Although this item was not part of the Board directive, I wanted to include it since these recommendations will undoubtedly involve changes to the Town's Human Resources Policies and Procedures Manual. This item has never been included in our Policy and I feel it needs clarification. Again, I reached out to other municipalities and got the same response from all.

If the Town Mayor or Town Manager declares an "Administrative Day" off in the interest of safety (like a Snow Day); it applies to administrative personnel only. This would include all office staff and any exempt personnel. The accepted policy is that all essential and emergency response personnel will work their normal hours. This includes Fire, Police and Public Works; all of which are responsible for the safety of the town's residents. This type of personnel does not reap the benefit of a paid "Administrative Day".

I recommend that we add this to our Human Resources Policies and Procedures Manual.

I will incorporate all of your decisions on these recommendations into the Town of Ignacio's Human Resources Policies and Procedures.

Thank you,
Lisa Rea,

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DANCING SPIRIT
COMMUNITY ARTS CENTER
IGNACIO, COLORADO

755 Goddard Ave • PO Box 414 • Ignacio, CO 81137 • (970) 563-4600



April 29, 2015

Mayor Stella Cox
Town of Ignacio
540 Goddard Avenue
P.O. Box 459
Ignacio, Colorado 81137

Dear Ms. Cox and the Town Board of Trustees,

As part of our Summer Arts Program, we would like to work with area artists and youth to create colorful flags for the Town light poles. We have selected that the theme for the flags will be the four seasons, to be created in four sets.

We respectfully request the Town's permission to work with the Town's Community Development Coordinator, Dan Naiman to develop and implement this project. The flag materials would be durable to allow them to last through each season, reusable, and designs would be created by youth in collaboration with our instructors to make sure that the content is acceptable for public display.

The project is part of Dancing Spirit's ongoing year-round classes, programming, and events that we create in collaboration with other area organizations and agencies. Dancing Spirit teachers work to create and deliver exceptional programs that foster local cultural values. We are successfully using strengths such as collective vision, respect for elders, stewardship, and cooperation among group members to create a community-wide culture identified with self-empowerment.

We look forward to a determination by the Town at your earliest convenience. Please contact me for any further information you might need. My email is: dancingspiritgallery@gmail.com and my direct line phone is: 970-769-1364.

Thank you for your time and consideration,

Kasey Correia
Center Coordinator

Dancing Spirit's core programs include workshops, therapeutic art classes, gallery presentations, and community revitalization initiatives rooted in art, culture, and healing. General membership is open to the community.

