AGENDA

ACCESSING MEETING TRANSLATIONS
(Accediendo a las Traducciones de la Reunión)

To access written translation during the meeting, please scan the QR Code or click this link for up to 48 other languages (Para acceder a la traducción durante la reunión, por favor escanee el código QR o haga clic en el enlace para hasta 48 idiomas más):

https://attend.wordly.ai/join/FLUL-1105

Choose Language and Click Attend (Seleccione su lenguaje y haga clic en asistir)

Use a headset on your phone for audio or read the transcript can assist those having difficulty hearing (Use un auricular en su teléfono para audio o lea la transcripción puede ayudar a aquellos que tienen dificultades para escuchar).

Public comment is not typically heard at Study Sessions, but may be allowed by the Mayor with agreement of a majority of the Board.

This study session will be streamed live and available at www.estes.org/videos

5:00 p.m. Arborist Licensing.
(Director Muhonen and Supervisor Berg)

5:25 p.m. Use of Town Property for Vendors.
(Director Hinkle)

5:50 p.m. Governing Policies Update – Board/Staff Linkage.
(Town Administrator Machalek)

6:35 p.m. Future Study Session Agenda Items.
(Board Discussion)

6:40 p.m. Comments & Questions on Non-Agenda Items.

6:45 p.m. Adjourn for Town Board Meeting.

Informal discussion among Trustees concerning agenda items or other Town matters may occur before this meeting at approximately 4:30 p.m.
Report

To: Honorable Mayor Hall
   Board of Trustees

Through: Town Administrator Machalek

From: Brian Berg, Parks Supervisor
       Greg Muhonen, Public Works Director

Date: July 23, 2024

RE: Arborist Licensing for Tree Services Providers in Estes Park

Purpose of Study Session Item:
Provide the Town Board with information on Arborist Licensing.

Town Board Direction Requested:
Does the Town Board want staff to prepare an amendment to Chapter 5.20 of the Estes Park Municipal Code to require tree service providers to document their certification as an Arborist by the International Society of Arboriculture (ISA) prior to receiving a business license to perform this work in the town limits?

Present Situation:
- As stated on the Town’s website: A business license is required for each business, occupation, or profession within the Town of Estes Park which consists of selling goods, wares, merchandise or services, the performing or rendering of service for charge, the leasing, renting or furnishing of accommodation units, and the carrying on or engaging in any non-residential business. Each business conducted at a separate location, regardless of ownership, shall obtain and maintain a separate business license.
- The existing municipal code has only limited content pertaining to tree care (see the attached chapter 8.05 regarding Beetle-Infested trees). Tree service providers are currently allowed to obtain a Town business license without providing any documentation of knowledge or qualifications.
- In most of the Front Range communities, tree service workers are required to provide proof of insurance, ISA Certification, marked vehicles, and some version of written or field test when applying for a business license.
Proposal:
Bring a future ordinance for Town Board consideration that would require tree service providers to have the ISA Certified Arborist designation to obtain a business license to work within Town limits.

Advantages:
• Obtaining an ISA Certified Arborist credential requires three years of full-time experience in arboriculture and the ability to pass the certification exam. This process ensures that one acquires the necessary knowledge and experience to take care of trees safely and properly.
• There are many native and nonnative pests that can kill a tree in Estes Park. Tree service providers should know how to properly diagnose how a tree died and how to handle its wood material, to help ensure that other trees do not become infected.

Disadvantages:
• Requiring this qualification would require staff time from the Town Clerk’s Office, Code Enforcement, and the Town Arborist.
• Enforcement of this requirement would be a challenge, and likely occur on a complaint-only basis.

Finance/Resource Impact:
Unknown.

Level of Public Interest
Low.

Attachments:
1. ISA Code of Ethics
2. EPMC Chapter 8.05 Beetle Infested Trees
The International Society of Arboriculture, Inc. (ISA) is a voluntary, non-profit, professional association. ISA certifies qualified practitioners in the field of arboriculture, who have met the professional knowledge standards established by ISA.

Regardless of any other professional affiliation, this ISA Code of Ethics applies to those individuals seeking ISA certification (candidates), and all individuals certified by the ISA as (credential holders). The ISA Code of Ethics establishes appropriate and enforceable professional conduct standards, and explains the minimal ethical behavior requirements for credential holders and candidates. The ISA Code of Ethics also serves as a professional resource for arborists, as well as for those served by credential holders and candidates, with respect to such standards and requirements.

I. Responsibilities to ISA, the profession and the public.

A. Compliance with all organizational rules, policies and legal requirements. Credential Holders and candidates must:

1. Comply with all applicable laws, regulations, policies and ethical standards governing professional practice of arboriculture.

2. Comply with all accepted professional standards related to arboriculture practice, including national practice standards and policies.

3. Provide accurate, complete, and truthful representations concerning all certification and renewal information.

4. Maintain the security of ISA examination information and materials, including the prevention of unauthorized disclosures of test information.

5. Cooperate with ISA concerning ethics matters and the collection of information related to an ethics matter.

6. Report to ISA, in a timely manner, their personal conduct that may violate any provision of the ISA Code of Ethics or the Ethics Case Procedures.

7. Refrain from behavior or conduct that is clearly in violation of professional, ethical, or legal standards related to occupational services and/or activities.
II. Responsibilities to clients, employers, employees, and the public.

A. Responsibilities concerning the performance of professional services. Credential holders and candidates must:

1. Deliver safe and competent services with objective and independent professional judgment in decision-making.

2. Recognize the limitations of their professional ability and provide services only when qualified. The credential holder/candidate is responsible for determining the limits of his/her own professional abilities based on qualifications, education, knowledge, skills, practice experience, and other relevant considerations.

3. Make a reasonable effort to provide appropriate professional referrals when unable to provide competent professional assistance.

4. Maintain and respect the confidentiality of sensitive information obtained in the course of professional activities unless: the information is reasonably understood to pertain to unlawful activity; a court or governmental agency lawfully directs the release of the information; the client or the employer expressly authorizes the release of specific information; or, the failure to release such information would likely result in death or serious physical harm to employees and/or the public.

5. Properly use professional credentials, and provide truthful and accurate representations concerning education, experience, competency and the performance of services.

6. Provide truthful and accurate representations to the public in advertising, public statements, and other representations, and in the preparation of estimates concerning costs, services and expected results.

7. Recognize and respect the intellectual property rights of others and act in an accurate, complete, and truthful manner, including activities related to professional work and research.

B. Responsibilities concerning conflicts of interest and appearances of impropriety. Credential holder and candidates must:

1. Disclose to clients or employers significant circumstances that could be construed as a potential or real conflict of interest or an appearance of impropriety.

2. Avoid conduct that could cause a conflict of interest with a client, employer, employee, or the public.
3. Assure that a conflict of interest does not compromise legitimate interests of a client, employer, employee, or the public and does not influence or interfere with professional judgments.

4. Refrain from offering or accepting significant payments, gifts or other forms of compensation or benefits in order to secure work or that are intended to influence professional judgment.

C. Responsibilities concerning public health and safety. Credential holders and candidates must:

1. Follow appropriate health and safety procedures, in the course of performing professional activities, to protect clients, employers, employees, and the public from conditions where injury and/or other harm are reasonably foreseeable.

2. Inform appropriate government representatives or agencies when aware of an activity or circumstance that may cause an unsafe condition or violate legal requirements.
8.05.010 - Definitions.

In this Chapter, the following words shall have the following meanings, unless the context clearly requires otherwise:

- **Destruction** means cutting and chipping an infested tree; or other method of disposing of an infested tree approved by the Director.

- **Director** means the Public Works Director of the Town or his or her designated agent(s).

- **Douglas fir beetle** means the species *Dendroctonus pseudotsugae*.

- **Infested tree** means (i) a tree, alive or dead, which is infested with the mountain pine beetle, spruce ips beetle and/or Douglas fir beetle; and (ii) any species or variety of tree that is dead or substantially dead, and all deadwood to which the bark is still attached which, because of their condition, may serve as a breeding place for the mountain pine beetle, spruce ips beetle and/or Douglas fir beetle.

- **Mountain pine beetle** means the species *Dendroctonus ponderosae*.

- **Occupant** means any person in physical possession of any lot, tract or parcel of real property located within the corporate limits of the Town who is not the owner of such property. For the purposes of this Chapter, occupant does not include the owner of an easement or right-of-way across property.

- **Owner or landowner** means any person who owns any lot, tract or parcel of real property located within the corporate limits of the Town.

- **Person** means an individual, association, partnership, corporation or other legal entity.

- **Property** means any lot, tract or parcel of real property located within the corporate limits of the Town.

- **Spruce ips beetle** means the species *Ips hunter* and *Ips pilitrons*.

8.05.020 - Duty of landowner and occupant to permit inspection.

An owner or occupant, whose property may have located on it one (1) or more infested tree(s), shall allow the Director to enter such property for the purpose of immediate inspection of the trees located upon such property when at least one (1) of the following events has occurred:

1. The owner or occupant has requested the inspection;
2. A neighboring landowner or occupant has reported a suspected infested tree and requested an inspection; or
3. The Director has made a visual observation from a public right-of-way or area and has reason to believe that infested tree or trees exist on the property of the owner or occupant.

8.05.030 - Inspection for infested trees.

(a) Subject to the requirements and limitations of this Section, the Director shall have the right to enter upon any property, whether public or private, during reasonable hours for the purpose of inspecting for the existence of an infested tree when at least one (1) of the three (3) events described in Section 8.05.020 has occurred. However, no agent or employee of the Town shall enter upon any property to inspect for an infested tree without the permission of the owner or occupant or without an inspection warrant issued pursuant to this Section.

(b) If verbal permission to inspect the property is not obtained from the affected owner or occupant, the Town shall send written notice to the landowner and any occupant of the property advising that the Director desires to inspect the property for an infested tree. The notice shall be sent by certified mail. The notice may be sent to the landowner at the address to which tax notices are sent according to the records of the County Treasurer and to the occupant at the property address. Alternatively, the Director may personally serve such notice upon the owner or occupant. Where possible, inspections shall be scheduled and conducted with the concurrence of the owner or occupant.

(c) If permission to enter upon and inspect the property is not obtained within ten (10) days after the notice described in Subsection (b) of this Section has been received, or within ten (10) days of date of service if the notice is personally served, the Director may request that an inspection warrant be issued by the Municipal Court. The Municipal Court Judge may issue an area-wide inspection warrant pursuant to this Section unless otherwise prohibited by law.

(d) In case of an emergency involving imminent danger to public health, safety or welfare, the Director may enter the property to conduct an emergency inspection without a warrant and without complying with the requirements of this Section.

8.05.040 - Notice of infestation and removal.

(a) If the Director determines that the property contains one (1) or more infested trees, the Director shall notify the owner and any occupant of the property. Such notice shall be given either by certified mail or personal delivery.

(b) The notice shall:
1. Advise the owner and occupant that the property contains one (1) or more infested trees;
2. Advise the owner and occupant of Town-approved methods for the removal and destruction of infested trees; and
3. Advise the owner and occupant that all infested trees must be removed within ten (10) days following receipt of the notice, or that an acceptable plan and schedule for removal of the infested trees must be submitted to the Director within such ten-day period.

8.05.050 - Abatement order.

(a) In the event the owner fails to comply with the Director’s notice as described in Section 8.05.040 by removing the infested trees or submitting an acceptable schedule for such removal within the applicable ten-day period, the Town has the authority to provide for and complete the removal by obtaining and acting on an abatement order.

(b) Upon the expiration of the period of notice, or at any time thereafter, if the required action has not taken place, the Town may apply to the Municipal Court for an abatement order.

(c) An application for an abatement order shall be accompanied by an affidavit affirming that:
1. The Director has determined that the subject property has one (1) or more infested trees;
2. The Director has complied with the notice requirements of Section 8.05.040; and
3. The owner has failed to remove the infested trees, has failed to submit an acceptable plan for removal of the infested trees within the required time or has failed to remove the infested trees pursuant to the accepted plan.

(d) The Town shall give notice to the owner and any occupant of the property of its application for an abatement order either by certified mail or by personal service of the notice.

(e) The notice of application for an abatement order shall include a copy of the Town's application and its affidavit in support thereof, as well as the date, time and place at which the Town will appear before the Municipal Court to request entry of the abatement order.

(f) At the stated time, date and place, the Municipal Court Judge shall review the Town's application for an abatement order, the affidavit and any statement of the Town offered in support thereof, as well as any statement and evidence presented by the owner or occupant, if present.

(g) The Municipal Court Judge shall issue an abatement order if:
1. The subject property has one (1) or more infested trees;
2. The Director has complied with the notice requirements of Section 8.05.040; and
3. The owner has failed to remove the infested trees, has failed to submit an acceptable plan and schedule for removal of the infested trees within the required time or has failed to remove the infested trees pursuant to the accepted plan.
An owner is responsible under this Chapter for any infested trees permitted to remain on the owner’s property after the Director has given notice of a violation pursuant to Section 8.05.040.

In case of an emergency involving imminent danger to public health, safety or welfare, the Town may authorize immediate removal of any infested tree without notice or an abatement order.

The Town may pursue the remedies set forth in this Section with or without filing a complaint in the Municipal Court, at the Town’s sole discretion.

The owner shall be assessed twice the whole cost of removal of the infested trees from the property, including administrative fees incurred by the Town. If all of the costs and charges incurred by the Town are not paid within thirty (30) days of the date of the assessment, the unpaid costs shall be certified to the County Treasurer for collection in the same manner as real property taxes.

(Ord. 08-08 §1, 2008)

8.05.060 - Unlawful acts.

(a) It shall be unlawful and a violation of this Code for any owner to fail or refuse to remove all infested trees from his or her property within the time period provided for in a notice of violation sent by the Director pursuant to Section 8.05.040 of this Chapter.

(b) It shall be unlawful and a violation of this Code for any owner or occupant to deny the Director access to the property owned or occupied by the owner or occupant if the Director presents an inspection warrant issued pursuant to this Chapter.

(c) It shall be unlawful and a violation of this Code for any person to expose for sale, offer for sale, transfer, give away or offer to give away any infested tree anywhere within the Town.

(Ord. 08-08 §1, 2008)

8.05.070 - Applicability.

The provisions of this Chapter shall apply to all public and private lands within the corporate limits of the Town.

(Ord. 08-08 §1, 2008)
Report

To: Honorable Mayor Hall  
   Board of Trustees

Through: Town Administrator Machalek

From: Robert Hinkle, Events & Visitor Services Director

Date: July 23, 2024

RE: Use of Town Property for Vendors

Purpose of Study Session Item:
During the 2025 Town Board Strategic Planning Session, there was interest in further discussion of use of Town property for vendors at events downtown.

Town Board Direction Requested:
Informational and no direction needed at this time.

Present Situation:
There are currently 17 events downtown that have vendors produced by:
   - Non-profits, 7 events
   - Private, 4 events
   - Town of Estes Park, 4 events
   - Visit Estes Park, 2 events

Proposal:
No proposal at this time.

Advantages:
- Events attract guests downtown.
- Positive economic impact for the Town

Disadvantages:
- Downtown businesses could lose sales to event vendors
- Events utilize parking downtown

Finance/Resource Impact:
No Budget impact at this time.

Level of Public Interest
Low Public Interest

Attachments:
1. Use of Town Property for Vendors Presentation
Use of Town Property for Vendors

In 2023 there were 17 events downtown with vendors
- Nonprofits - 7 events
- Private - 4 events
- Town of Estes Park - 4 events
- Visit Estes Park - 2 events
Pricing

Bond Park
• $1,000 Weekend & Holidays
• $500 Weekend nonprofit (Includes Holidays)
• $400 Weekday
• $200 Weekday nonprofit

Performance Park
• $200 per day
• $100 Nonprofit per day

Bond Park Events

March
Frozen Dead Guy Days IceBreaker – 1 day
• Visit Estes Park, 500 Attendance
• 2 Food Vendors

April
Bigfoot Days – 1 day
• Town of Estes Park, 3,000
• 3 Food Vendors, 26 Vendors
Bond Park Events cont.

**May**
- Duck Race Festival – 1 day
  - Estes Park Rotary, 2,000
  - 3 Food Vendors, Non-profit Booths

  Estes Art Market – 3 day
  - Fine Arts Guild of the Rockies, 9,000
  - 76 Vendors

Bond Park Events cont.

**August**
- Estes Park Wine Festival – 2 days
  - The Bowers Group, 1,500 Attendance
  - 6 Food Vendors, 55 Vendors

  Handmade in Colorado – 3 days
  - Colorado Events, 5,000
  - 70 Vendors
**September**
Labor Day Arts & Craft Festival – 3 days
- Estes Valley Sunrise Rotary, 9,000
- 90 Vendors

Fine Arts & Crafts Festival - 2 days
- Fine Arts Guild of the Rockies, 5000
- 100 Vendors

Autumn Gold - 2 days
- Estes Valley Sunrise Rotary, 2500
- Food and Beer Vendors

**October**
Elk Fest - 2 days
- Town of Estes Park, 10,000
- 11 Food Vendors, 39 Vendors

Pumpkins & Pilsners - 1 day
- Estes Park Education Foundation, 3,000
- Food and Beer Vendors
Bond Park Events cont.

**November**
Tree Lighting
- Town of Estes Park, 500
- 4 Vendors

**December**
Glow in the Park - 2 days
- Visit Estes Park, 1,000
- Beer and Food Vendors

Visitor Center

**June-September (Thursday)**
Estes Valley Farmers Market
- Estes Valley Farmers Market, 1000
- 30 Vendors
George Hix Plaza

**March**
Whiskey Warmup - 1 day
• Town of Estes Park, 600
• 1 Food Vendor, 29 Vendors

**June-September**
Provence in the Rockies (Monday)
• Fehlman Enterprises, LLC, 500
• 6-10 Vendors

Performance Park

**June**
Friends of Folk Festival - 1 day
• Estes Arts District, 750
• 2 Food Vendors, Beer/Wine, 4 Vendors
Economic Impact of Town Events

**Economic Impact of Town Events**

**Whiskey Warmup**
- Event Revenue $34,986
- Lodging $53,539
- Total Spending Per Day/Excluding Lodging $116,256
- Total Direct Spending $204,781

**Bigfoot Days**
- Event Revenue $25,651
- Lodging $142,472
- Total Spending Per Day/Excluding Lodging $304,657
- Total Direct Spending $472,780

Director of Events & Visitor Services

Questions?
Report

To: Honorable Mayor Hall
   Board of Trustees

From: Town Administrator Machalek

Date: July 23, 2024

RE: Governing Policies Update – Board/Staff Linkage

Purpose of Study Session Item:
Review updates to Town Board Governing Policies Category 2 (Board/Staff Linkage). This is the second in a series of four sessions to review updates to the Board’s Governing Policies.

Town Board Direction Requested:
- Do the proposed edits meet the needs of the Board?
- Are there additional edits or clarifications desired?

Present Situation:
Category 2 of the Town Board Governing Policies details the governance connection between the Town Board and staff. The Board of Trustees’ official link to the operation of departments of Town Government and staff is the Town Administrator.

Proposal:
An updated and redlined copy of Town Board Governing Policies Category 2 is attached. In addition to numerous typographical edits, significant recommendations include:
- Clean up of Policy 2.0, ensuring that the policy references link back to the text of each section;
- Referencing the new Delegation of Contract Signature Authority in the appropriate places (Policy 1101);
- Cleaning up the “Town Administrator Job Description” section; and
- Eliminating the “3.0 General Executive Constraint” section of 2.3.7 (Town Administrator Performance Expectations Review Schedule) since this is a heading for the Staff Limitations section, not a specific policy that is reported on.
Advantages:
• Continuing to update the Town Board’s Governing Policies will help to ensure that these policies stay relevant and are well-suited to aid the Board with its governing responsibilities.

Disadvantages:
• None.

Finance/Resource Impact:
No direct financial impact.

Level of Public Interest
Low.

Attachments
1. Town Board Governing Policies Category 2 (Board/Staff Linkage)
# TOWN OF ESTES PARK
## GOVERNING POLICIES MANUAL

## Table of Contents

### Category 2. Board/Staff Linkage

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The Board of Trustees’ official link to the operation of departments of Town Government and staff is the Town Administrator.

2.1 The Board of Trustees’ job is generally confined to establishing the broadest policies; implementation and subsidiary decision making is delegated to the Town Administrator.

2.2 As the Board’s primary link to the operations of Town government, the Town Administrator’s performance will be considered to be synonymous with organizational performance (within the scope of the Town Administrator’s authority).

2.3 The Board of Trustees will systematically and rigorously monitor Town Administrator job performance to determine the extent to which goals are being achieved and whether operational activities fall within boundaries established in management limitations policies. Monitoring Town Administrator performance is synonymous with monitoring organizational performance against Board policies and Staff Limitations. Any evaluation of Town Administrator performance, formal or informal, may be derived only from these monitoring criteria.

2.4 The Town Attorney represents the Board of Trustees as specified in the Estes Park Municipal Code 2.24.020 (3) and anyone acting on its behalf so long as they are not acting in conflict with the Board of Trustee or its policies.
Policy Type: Board/Staff Linkage

Policy: 2.1

Policy Title: Delegation to the Town Administrator

Revised:

The Board of Trustees’ job is generally confined to establishing the broadest vision and policies. Implementation and subsidiary decision making is delegated to the Town Administrator as specified in the Estes Park Municipal Code 2.28.

2.1.1 Only decisions of the Board of Trustees, by majority vote, are binding on the Town Administrator.

2.1.2 With the exception of the Town Attorney and the Municipal Judge, the Town Administrator shall have line authority over all Town departments. This authority shall include supervision and control over day-to-day functions and management decisions required to carry out the objectives of the Board of Trustees.

2.1.3 The policies, goals, and objectives of the Board of Trustees direct the Town Administrator to achieve certain results; the policies permit the Town Administrator to act within acceptable boundaries of prudence and ethics. With respect to the policies, the Town Administrator is authorized to make all decisions, take all actions, and develop all activities as long as they are consistent with any reasonable interpretation of the policies of the Board of Trustees.

2.1.4 The Board of Trustees may change its policies, thereby shifting the boundary between Board and Town Administrator domains. Consequently, the Board may change the latitude of choice given to the Town Administrator, but so long as any particular delegation is in place, the Board will respect and support the Town Administrator’s choices. The Board will not allow the impression that the Town Administrator has violated policy when the Town Administrator supports an existing policy.

2.1.5 No individual member of the Board of Trustees has authority over the Town Administrator. Information may be requested by individual Board members, but if such request, in the Town Administrator’s judgment, requires a material amount of resources or is detrimental to other established priorities, the Town Administrator may ask for majority Board action on such a request.

2.1.6 It is understood that at times it may be in the best interest of the Town to waive or grant exceptions to adopted Board policy. The Town Administrator shall request Board approval for any policy waiver or exception prior to its implementation.
2.1.7 Should the Town Administrator deem it necessary to, or inadvertently, violate a Board policy, he or she shall promptly inform the Board of Trustees. Informing is simply to guarantee no violation may be intentionally kept from the Board, not to request approval. Board response, either approving or disapproving, does not exempt the Town Administrator from subsequent Board judgment of the action.

2.1.8 The following decisions shall be the responsibility of the Board of Trustees. Implementation and subsidiary decision making for all other items is delegated to the Town Administrator.

1. Establishment and approval of all Utility Rates.
2. Establishment and approval of Community Development Fees.
3. Establishment of purchasing approval limitations contained in the Town Procurement Policy.
4. Approval of any increase to staffing levels. The Town Administrator may approve positions funded by grants, which would not impose additional costs to the Town in addition excess of the grant funds, and any temporary positions for which existing budgeted funds are allocated.
5. All changes to the Town Budget as allocated and adopted by the Board of Trustees.
6. Any sale, purchase, or lease of real property.
7. Any changes to employee benefits.
8. Any issue that, in the opinion of the majority of the Board of Trustees, concerns a substantial policy determination and/or is of a controversial nature with the public that warrants Board involvement.
9. Approval of Intergovernmental Agreements, subject to the provisions of the Town Procurement Policy and Policy 1101 (Delegation of Contract Signature Authority).
10. Approval of any substantive change to the scope, design, development, or construction of any capital project.
Policy Type: Board/Staff Linkage

Policy: 2.2

Policy Title: Town Administrator Job Description

Revised:

As the Board’s primary link to the operations of Town government, the Town Administrator’s performance will be considered to be synonymous with organizational performance (within the scope of the Town Administrator’s authority). The official job description for the Town Administrator shall be adopted by the Town Board and incorporated by reference in the Employment Agreement between the Town and the Town Administrator. The Town Administrator’s job contributions can be stated as performance in two areas:

2.2.1 Board outcomes are met and policies are followed.

2.2.2 Town government operates within the boundaries established in Governing Policies Category Three – Staff Limitations Board policies on STAFF LIMITATIONS.

2.2.3 The official job description for the Town Administrator shall be the as adopted by the Town Board and as incorporated by reference in the Employment Agreement between the Town and the Town Administrator.
The Board of Trustees will systematically and rigorously monitor Town Administrator job performance to determine the extent to which goals are being achieved and whether operational activities fall within boundaries established in management limitations policies. Monitoring Town Administrator performance is synonymous with monitoring organizational performance against Board policies and Staff Limitations. Any evaluation of Town Administrator performance, formal or informal, may be derived only from these monitoring criteria. Accordingly:

2.3.1 The purpose of monitoring is simply to determine the degree to which Board policies are being met. Information which does not do this will not be considered to be monitoring. Monitoring will be as automatic as possible, using a minimum of Board time so that meetings can focus on creating the future.

2.3.2 A given policy may be monitored in one or more of three ways:

   A. Internal Report: Disclosure of compliance information to the Board of Trustees from the Town Administrator.

   B. External Report: Discovery of compliance information by a disinterested party who is selected by and reports directly to the Board of Trustees. Such reports must assess executive performance only against policies of the Board, not those of the external party unless the Board has previously indicated that party’s opinion to be the standard.

   C. Direct Board Inspection: Discovery of compliance information by a Board member or the Board of Trustees as a whole. This is a Board inspection of documents, activities, or circumstances directed by the Board which allows a “prudent person” test of policy compliance.

2.3.3 In every case, the Board of Trustees will judge whether (a) the Town Administrator’s interpretation is reasonable, and (b) whether data demonstrate accomplishment of, or compliance with, the Town Administrator’s interpretation.

2.3.4 In every case, the standard for compliance shall be “any reasonable Town Administrator interpretation” of the Board of Trustees’ policy being monitored. However, the Board of Trustees is the final judge of reasonableness, and will always judge with a “reasonable person” test (what a reasonably prudent person...
would do in that context). Interpretations favored by individual board members or by the Board of Trustees as a whole do not constitute a “reasonable person” test.

2.3.5 Actions determined to be not compliant with a reasonable interpretation of Board of Trustees’ policies will be subject to a remedial process agreed to by the Town Board.

2.3.6 The Board of Trustees will conduct an annual formal evaluation of the Town Administrator which will include a summary examination of the monitoring data acquired during that period.

2.3.7 **Town Administrator Performance Expectations Review Schedule**

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<th>Governing Policy</th>
<th>Type</th>
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<td>3.0 General Executive Constraint</td>
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<td>Annually</td>
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<td>3.1 Customer Service</td>
<td>Internal</td>
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<td>3.2 Treatment of Staff</td>
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<td>3.4 Financial Condition and Activities</td>
<td>Internal</td>
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<tr>
<td></td>
<td>External</td>
<td>Annually</td>
<td>June</td>
</tr>
<tr>
<td>3.5 Asset Protection</td>
<td>Internal</td>
<td>Annually</td>
<td>March</td>
</tr>
<tr>
<td>3.6 Emergency Town Administrator Backup and Replacement</td>
<td>Internal</td>
<td>Annually</td>
<td>March</td>
</tr>
<tr>
<td>3.7 Emergency Preparedness</td>
<td>Internal</td>
<td>Annually</td>
<td>April</td>
</tr>
<tr>
<td>3.8 Compensation and Benefits</td>
<td>Internal</td>
<td>Annually</td>
<td>September</td>
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<tr>
<td>3.9 Communication and Support to the Board</td>
<td>Internal</td>
<td>Annually</td>
<td>March</td>
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<tr>
<td>3.10 Capital Equipment and Improvements</td>
<td>Internal</td>
<td>Annually</td>
<td>March</td>
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<tr>
<td>3.11 Quality of Life</td>
<td>Internal</td>
<td>Annually</td>
<td>March</td>
</tr>
<tr>
<td>3.12 Internal Procedures</td>
<td>Internal</td>
<td>Annually</td>
<td>July</td>
</tr>
<tr>
<td>3.13 Town Organizational Plan</td>
<td>Internal</td>
<td>Annually</td>
<td>July</td>
</tr>
</tbody>
</table>

Commented [TM1]: This is a heading, not a specific policy.
The Town Attorney represents the Board of Trustees as specified in the Estes Park Municipal Code 2.24.020 (3) and anyone acting on its behalf so long as they are not acting in conflict with the Board of Trustee or its policies.

2.4.1 Ethical Obligation of Town Attorney

2.4.1.1 The Town Attorney at all times will be guided by, and subject to, the Colorado Rules of Professional Conduct for Attorneys and specifically Rule 1.13 Organization as Client.

2.4.2 Accountability of the Town Attorney

2.4.2.1 The Town Attorney shall report directly to the Town Board. The purpose of the Town Attorney is to ensure that the Board’s actions take place with competent and prudent legal counsel and representation.

2.4.2.2 The Town Attorney is accountable to the Board acting as a body, never to any individual Board member or group of members, nor to the Town Administrator.

2.4.2.3 If individual Board members request information or assistance without Board authorization, the Town Attorney may refuse such requests that require, in his/her opinion, an inappropriate amount of staff time or funds or is disruptive. In such a case, the requesting member may choose to bring the request to the Board.

2.4.2.4 Town Attorney accountability is for all resources, including personnel, under his or her control. Therefore, any accomplishments or violations due to actions of a subordinate of the Town Attorney are considered to be accomplishments or violations by the Town Attorney.

2.4.2.5 The Town Attorney may accomplish the “Job Products” of the position in any manner not imprudent, unethical, or in violation of the prohibitions listed below under “Limitations on Town Attorney Authority.”

2.4.2.6 The Town Attorney may use any reasonable interpretation of Board policies as they pertain to his/her authority and accountability. The Town
Attorney is authorized to establish all further policies, make all decisions, take all actions and develop all activities as long as they are consistent with any reasonable interpretation of the Board’s policies.

2.4.3 Job Products of the Town Attorney

2.4.3.1 Timely opinion on documents and contemplated decisions or actions of the Board, the Town Administrator or other Town Officials holding the authority to make such decisions. Requests to the Town Attorney to provide opinions about the wisdom of policy of decisions shall be discouraged.

2.4.3.2 Timely opinion on the legal ramifications of pending or actual laws, regulations, court decisions, and pending or threatened litigation.

2.4.3.3 Timely opinion on the legality or propriety under the law of the Board’s processes.

2.4.3.4 Timely opinion on the legality or propriety under the law of pending or actual acts or omissions of any Trustee, Board, Committee, Commission, the Town Administrator or other Town employee or official.

2.4.3.5 When requested or appropriate, alternate language or action to achieve Board or Town Administrator intentions in a lawful manner.

2.4.3.6 Timely and thoughtful advice and recommendations on the range of legal options available.

2.4.3.7 The Town Attorney shall endeavor to provide professional advice based upon the law as determined by the Town Attorney and also other considerations as may be appropriate to the decision. The Town Attorney should refrain from influencing policy based upon the personal belief of the attorney.

2.4.3.8 Litigation:

A. Advice regarding avoidance of litigation or settlement of potential litigation.

B. Timely provision to the Board and the Town Administrator on the status of settlement negotiations and all threatened/actual litigation.

C. Settlement of litigation, with authority as obtained from the Board set forth in Policy 1101 – Delegation of Contract Signature Authority.
D. Diligent and competent representation of the Board, the Town, and the Town’s officer’s agents and employees in litigation.

E. The Town may carry out its obligation to defend Town officials and employees from third party claims by using the services of the Town Attorney’s Office. The Town Attorney will be responsible for determining conflicts of interest in such defense and advise the Board and individuals involved. The Town Attorney may advise the Board to retain separate counsel to represent the Town, its individual officials, and/or employees.

2.4.3.9 Adequately brief the board on emerging legal issues and trends affecting the Town.

2.4.4 Limitations on Town Attorney Authority. The Town Attorney shall not:

2.4.4.1 Exercise authority over Town Administrator or staff.

2.4.4.2 Violate applicable codes of professional ethics and conduct.

2.4.4.3 Treat the public or staff in a disrespectful or unfair manner.

2.4.4.4 Incur expenditures or fiscal encumbrances beyond those authorized under Board Policy.

2.4.4.5 Unreasonably withhold information from the Town Administrator, nor shall the Town Attorney fail to cooperate with the Town Administrator in the performance of his/her official functions.

2.4.5 Evaluation of Town Attorney performance.

2.4.5.1 Town Attorney accountability is only for job expectations explicitly stated by the Board in this document. Consequently, the provisions herein are the sole basis of any subsequent evaluation of Town Attorney performance, though he or she may use any reasonable interpretation of the Board’s words.

2.4.5.2 The Board of Trustees will monitor the Town Attorney’s performance with respect to these expectations on a routine basis.

2.4.5.3 Any modification to the compensation paid the Town Attorney shall be as specified in the Estes Park Municipal Code, section 2.24.030.
August 13, 2024
- Commercial/Residential Insurance Overview
- Trailblazer Broadband Construction Update

August 27, 2024
- Wildlife Safety Efforts

September 10, 2024
- Project Scoping for Capacity Improvements on the Big Thompson River & Fall River

Items Approved – Unscheduled:
- Parking Enforcement Ordinance Updates
- Liquor License Process
- Curb and Gutter Philosophy
- Hosted Short Term Rentals
- Stanley Park Master Plan Implementation

Items for Town Board Consideration:
- None