



TOWN BOARD WORK SESSION

August 11, 2025 - 5:30 PM

1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

To view Town Board meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

WORK SESSION AGENDA ITEMS

1. Board/Manager/Attorney Monthly Meeting
2. FAMLI Limited Participation Opt Out - J. Butcher Trujillo, Director of Human Resources/Risk Management
3. EV Usage and Golf Cart Speeds Ordinance Discussion - J. Paul, Sergeant; T. Smith, Master Police Officer
4. Future Meetings Agenda

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.



MEMORANDUM

Date: August 11, 2025
To: Mayor and Town Board
From: Jennifer Butcher, HR Director
Re: FAMLI Limited Participation Opt Out - J. Butcher Trujillo, Director of Human Resources/Risk Management
Item #: 2.

Background / Discussion:

Please reference Colorado FAMLI Limited Participation Opt Out Memo (attached)

Financial Impact:

None

Relationship to Strategic Plan:

N/A

Recommendation:

Town of Windsor to fully opt out of the Colorado FAMLI program

CC:

Attachments:

1. FAMLI Memo to the Board_FINAL
2. 7 CCR 1107-2 Local Government Rules Effective 1.1.25
3. Resolution No. 2022-31 - FAMLI Opt Out



MEMORANDUM

To: Shane Hale, Town Manager
Dan Money, Town Attorney
Town of Windsor Board Members

From: Jennifer Butcher Trujillo, Human Resources Director

Date: August 11, 2025

Subject: Request for a Vote on Colorado's Family and Medical Leave Insurance (FAMLI) Program Participation

ATTACHMENTS: DEPARTMENT OF LABOR AND EMPLOYMENT 7 CCR 1107-2, TOWN OF WINDSOR RESOLUTION NO. 2022-31

The purpose of this memorandum is to request that the Town Board reconsider the town's limited participation in the Colorado's Family and Medical Leave Insurance (FAMLI) program.

Colorado FAMLI Local Government Participation

As a background, in accordance with Colorado's Family and Medical Leave Insurance (FAMLI) program, local governments were given the option to either participate as an employer or to decline employer participation, allowing individual employees to opt in on their own.

The FAMLI regulations require that a new vote be held at least every 8 years, but a vote may be held at any time before then, at the discretion of the local government's governing body.

Town of Windsor- Current Administrative Participation

Following discussions in work sessions regarding the pros and cons of the FAMLI program and determining that town employees would enjoy better benefits without the town opting in, the Town Board voted to decline employer participation in the FAMLI program on June 27, 2022. However, the Town Board committed to another option afforded by the state—namely, providing administrative support to individual employees who chose to participate independently. This administrative support entails deducting employee premiums from employee paychecks, reporting, and remitting these premiums to FAMLI on their behalf.

To date, the town has had one employee opt in to individual participation in the FAMLI program. This individual is no longer employed with the town. Despite the lack of participation, administrative support tasks (e.g., communications, payroll processing, deductions tracking, reporting, and remitting) continue to place a disproportionate administrative burden on staff. The ongoing effort to remain compliant, even without any active participants, is inefficient.

As mentioned in earlier in this memo, the FAMLI program isn't viewed as a benefit to our staff because our existing benefits package is more generous than the state run program. Since we've only had one employee sign up for the program since its inception and that employee is no longer with the town, Staff

believes that it is in the town's best interest to fully opt out of the Colorado FAMLI program.

As a final note, this action does not impact employees' ability to independently participate in the program. Under Colorado law, individual employees may still opt in directly through the State FAMLI Division and remit premiums themselves, should they choose to do so.

Action Requested:

If the Town Board supports this idea, Staff will schedule your formal consideration at an upcoming regular meeting.

DEPARTMENT OF LABOR AND EMPLOYMENT

Division of Family and Medical Leave Insurance

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

7 CCR 1107-2

2.1 Statements of Authority, Purpose, and Incorporation by Reference

1. This regulation is adopted pursuant to the authority in section C.R.S. § 8-13.3-501 et seq. and is intended to be consistent with the requirements of the State Administrative Procedures Act, C.R.S. § 24-4-101 et seq. (the “APA”), and the Paid Family and Medical Leave Insurance Act, C.R.S. § 8-13.3-501 through 524 (the “FAMLI Act”).
2. The general purpose of these rules is to exercise the authority of this Division to enforce and implement the FAMLI Act with regard to local governments.
3. Article XII Section 13 of the Colorado Constitution (2024), Article 13.3 of C.R.S. Title 8 (2024), Article 4 of C.R.S. Title 24 (2024), Article 1 of C.R.S. Title 29 (2024), Article 50 of C.R.S. Title 24 (2024); and 7 CCR 1107-1 (2024) are hereby incorporated by reference. Earlier versions of such laws may apply to events that occurred in prior years. Such incorporation excludes later amendments to or editions of the statutes. These statutes and regulations are available for public inspection at the Colorado Department of Labor and Employment, Division of Family and Medical Leave Insurance, 633 17th Street, Denver CO 80202. Copies may be obtained from this Division at a reasonable charge, or can be accessed electronically from the website of the Colorado Secretary of State. Pursuant to C.R.S. § 24-4-103(12.5)(b), the agency shall provide certified copies of the statutes and regulations incorporated at cost upon request or shall provide the requestor with information on how to obtain a certified copy of the material incorporated by reference from the agency originally issuing the statutes. All Division Rules are available to the public at famli.colorado.gov. Where these Rules have provisions different from or contrary to any incorporated or referenced material, the provisions of these Rules govern so long as these are consistent with Colorado statutory and constitutional provisions.
4. If any part of these rules is held invalid, the remainder shall remain valid, and if any part is held not wholly invalid, but in need of narrowing, it will be retained in narrowed form.

2.2 Definitions and Clarifications

1. Unless otherwise indicated, terms used here that are defined in the FAMLI Act have the same definition as they do under the FAMLI Act.
2. “Governing Body” has the same meaning as in C.R.S. § 29-1-102(12).
3. “Local Government” has the same meaning as defined at C.R.S. § 8-13.3-503(14), and is limited to Colorado local governments. “Local government” does not include: (1) a governmental entity with one or more employees in the state personnel system pursuant to Art. XII Section 13 of the Colorado Constitution and the State Personnel System Act, C.R.S. § 24-50-101 et seq.; or (2) a governmental entity for which premiums were paid pursuant to C.R.S. § 8-13.3-518(4)(b).
4. “Premium” has the same meaning as in 7 CCR 1107-1 Section 1.2.6.

2.3 Process and Notification of Program Declination

1. Local government employers are permitted to decline participation in the family and medical leave insurance program after a written notice has been delivered to the Division memorializing the decision by an affirmative vote of the local government's governing body to decline participation in the program. Such a vote must follow the local government's procedures for other votes of the governing body for similar decisions.
 - A. If a local government participates in the family and medical leave program on or after January 1, 2024, and later votes to decline participation, the declination will not take effect until at least 180 days after the vote, to allow individual employees the opportunity to opt into the benefits program pursuant to C.R.S. § 8-13.3-514, should individuals choose to elect coverage.
 - B. Public notice must be given in the same manner as any similar business before the governing body, and the local government must take/hear public comment prior to the vote if the local government has established procedures for public comment for similar business. The local government's employees must also be notified in writing prior to the vote and provided both information regarding the vote process and the opportunity to submit comments through a public process to the governing body.
 - C. Within 30 days following a local government declination vote, the local government must provide its local government employees with a written individual notice of the local government's declination vote and the impact toward coverage under the FMLI Act, or other paid family and leave insurance coverage. The written notice, must at a minimum, explain the differences between benefits offered by the state program and any other paid leave plan offered by the local government. The notice must also state which employees, if any, are eligible for job protection under the federal Family and Medical Leave Act (FMLA) benefits or other local provisions where applicable. The notice must also be delivered to all new employees hired after the date of the declination vote.
 - D. The written notice described at Section 2.3.1.C must contain information regarding the right of local government employees to voluntarily elect coverage pursuant to C.R.S. § 8-13.3-514, and the contact information for the Division. In addition to providing written notices to individual employees in accordance with Section 2.3.1.C of this rule, local government employers must also post a notice containing the information in a conspicuous and accessible place in each establishment where employees are employed; provided, however, in cases where the local government employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification must be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform. The individual and posted notices required in Sections 2.3.1.C and 2.3.1.D must be in English and in any language representing the first language spoken by at least five percent of the local government employer's workforce. The Division will create and make available to local government employers posters and notices containing the information required in this regulation, and local government employers may use the posters and notices to comply with the requirements of this section.
 1. It is the responsibility of the local government employer to request printed materials from the Division. Local government employers may be responsible for the printing and mailing costs of such materials.
 2. It is the responsibility of the local government to provide written notification to the Division of the local government employers interpretation needs of printed notices for languages other than English or Spanish.

2. Local governments without employees are not employers, and as such, do not need to register, vote, decline coverage, or otherwise participate in the family and medical leave insurance program.
3. The Division may presume that an entity is not a local government if the entity does not appear on a public list of local governments published by the Office of the State Auditor's Local Government Audit Division, the Colorado Department of Local Affairs, or the Colorado Department of Education. An entity not on those lists may overcome the presumption by submitting documentation sufficient to establish that it is a local government.

2.4 Local Government Employer Participation

1. Local government employers are required to formally notify the Division in writing and provide both the date of the vote, and the local government's decision to decline participation in the family and medical leave insurance program.
 - A. Local governments which have previously declined participation in the family and medical leave insurance program pursuant to C.R.S. § 8-13.3-522, may subsequently elect coverage at any time by a vote of the governing body.
 - B. A local government may not decline participation in the family and medical leave insurance program in part. Any declination by a local government is a full declination of family and medical leave insurance program participation for that local government employer, except such an employer may enter into an agreement with an employee who elects coverage pursuant to C.R.S. § 8-13.3-514, whereby the employer agrees to provide administrative support to the employee with regard to the employee's program obligations, including but not limited to deducting premiums from the employee's wages and remitting premiums and wage reports to the Division on behalf of the employee.
2. A vote to decline coverage is not permanent. A local government which has previously declined coverage may vote to renew the declination no later than every eight years. The Division will notify the local government of the end of the eight-year declination period one year in advance. In the absence of a vote further declining coverage, the local government will become a covered employer immediately after the end of the eight-year declination period. The local government must inform the Division of a declination vote in writing which includes the date the vote was taken.
3. When a local government employer returns to coverage pursuant to these rules, the employer will be covered and subject to premium liability beginning on the earlier of: (1) the effective date specified by the local government employer in its notification to the Division; or (2) the first day after the local government employer's deadline to renew its declination has passed.
4. Local government employers that have previously declined participation and then subsequently elect or otherwise return to coverage under the family and medical leave insurance program pursuant to these regulations must remain in the program and pay premiums for a minimum of twelve complete calendar quarters after the elected coverage begins. If such an employer chooses to again decline participation, notice of such declination must be delivered in writing to the Division at least one complete calendar quarter in advance of the end of the twelve calendar quarter cycle pursuant to this regulation.
5. Employees must also be notified directly in writing, and at least 180 days before the pending or upcoming return to or withdrawal of coverage pursuant to this regulation.
 - A. Local government employers must display a notice containing the information required in this regulation in a conspicuous and accessible place in each establishment where

employees are employed; provided, however, in cases where the local government employer does not maintain a physical workplace, or an employee teleworks or performs work through a web-based or app-based platform, notification must be sent via electronic communication or through a conspicuous posting in the web-based or app-based platform.

- B. The written notice and posting must contain an explanation of employee rights under the FMLI program including but not limited to program requirements, benefits, claims process, payroll deductions and premiums, the right to job protection and benefit continuation under C.R.S. § 8-13.3-509, protection against retaliatory personnel actions or other discrimination, relevant contact information for the Division, and other pertinent information.
 - C. The notice and poster required by this regulation must be in English and in any language representing the first language spoken by at least five percent of the local governments employer's workplace. The Division will create and make available to local government employers posters and notices containing information required in this regulation, and local government employers may use the posters and notices to comply with the requirements of this section.
6. Local governments that decline participation in the family and medical leave insurance program are not subject to obligations or prohibitions contained in the FMLI Act or its implementing regulations, except where otherwise expressly provided in the FMLI Act or its implementing regulations. Local governments that decline participation in the family and medical leave insurance program are not entitled to any rights or protections contained in the FMLI Act or its implementing regulations, except where otherwise expressly provided in the FMLI Act or its implementing regulations.

2.5 Overpayments

In the event of an overpayment of premiums by a local government employee whose employer elects coverage after having previously declined coverage, any overpaid premiums will be repaid to the employee by the Division. The Division will ensure a continuation of coverage for local government employees who have individually opted into the benefits program pursuant to C.R.S. § 8-13.3-514, and ensure there is not a lapse in coverage prior to the local government's reinstatement of coverage.

TOWN OF WINDSOR

RESOLUTION NO. 2022-31

A RESOLUTION DECLARING THE TOWN OF WINDSOR'S DECISION TO OPT OUT OF EMPLOYER PREMIUM PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM (FAMLI) ACT PURSUANT TO COLORADO REVISED STATUTES SECTION 8-13.3-522, AND AFFIRMING THE TOWN'S INTENTION TO ASSIST EMPLOYEES WHO OPT IN PURSUANT TO SECTION 8-13.3-514, C.R.S.

WHEREAS, the Town of Windsor ("Town") is a Colorado home rule municipality with all powers and authority provided by Colorado law; and

WHEREAS, in November, 2020, Colorado voters approved Proposition 118, which paved the way for the establishment of the Paid Family Medical Leave Insurance ("FAMLI") insurance program; and

WHEREAS, the paid leave benefits provided under FAMLI, are not comparable to existing paid leave available to eligible Town employees; and

WHEREAS, the Town's existing short-term and long-term disability benefits provide a further safety net for most eligible Town employees in the event of unforeseen qualifying reasons; and

WHEREAS, the Town Board has reviewed survey results gathered by the Town's Human Resources Department, and has determined that the Town's employees generally favor existing paid leave and disability benefits over paid leave available under FAMLI; and

WHEREAS, the Town Board understands that some Town employees favor the availability of FAMLI benefits, and favor the Town assisting through payroll deductions for the employees who choose to opt into the FAMLI program; and

WHEREAS, prior to adopting this Resolution, the Town Board provided notice to the public and to the Town's employees, so that further comment could be received with respect to adoption of this Resolution; and

WHEREAS, § 8-13.3-522, C.R.S., provides that local government employers may decline participation in FAMLI by vote of the Town Board; and

WHEREAS, § 8-13.3-507 (5) permits local government employers to deduct the employee's share of the premium and remit all such premiums to the State, even if the local government employer has opted out of the program; and

WHEREAS, in consideration of the foregoing and the public health, safety and welfare, the Town Board desires to decline participation in the Colorado Paid Family and Medical Leave Insurance Program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

1. The Town of Windsor hereby declines employer premium participation in the Colorado Paid Family and Medical Leave Insurance Program.
2. Pursuant to § 8-13.3-507 (5), C.R.S., the Town of Windsor will facilitate the collection of employee-only premiums through payroll deductions and remittance of employee-only premiums to the Program Fund for all Town employees who elect coverage pursuant to C.R.S. § 8-13.3-514.
3. Notice of this Resolution shall be provided to the Colorado Division of Labor and Employment as provided by law.
4. Notice of this Resolution shall be provided to each and every Town employee within thirty (30) days.
5. The Town Manager is hereby directed to take all steps as required by law in light of this Resolution.

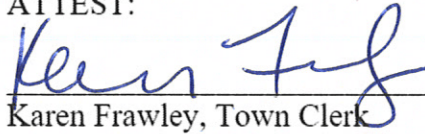
Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 27th day of June, 2022.

TOWN OF WINDSOR, COLORADO

By: _____

Paul Reinemeyer, Mayor

ATTEST:


Karen Frawley, Town Clerk





MEMORANDUM

Date: August 11, 2025
To: Mayor and Town Board
From:
Re: EV Usage and Golf Cart Speeds Ordinance Discussion - J. Paul, Sergeant; T. Smith, Master Police Officer
Item #: 3.

Background / Discussion:

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:



FUTURE TOWN BOARD MEETINGS

August 18, 2025 5:30 p.m.	Town Board Work Session (3 rd floor) WDA Downtown/5 th Street/Backlots Vision Discussion (M. Vance) Revenue Estimates
August 25, 2025 5:30 p.m.	Town Board Work Session Meet the Board – New Hires Annual Roadway Safety Review Building and Energy Code Discussion Sex Offender Ordinance Discussion
August 25, 2025 7:00 p.m.	Town Board Regular Meeting
September 1, 2025	Canceled – Labor Day Holiday
September 8, 2025 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Budget: Staffing Needs
September 8, 2025 6:45 p.m.	Kern Board Meeting
September 8, 2025 7:00 p.m.	Town Board Regular Meeting
September 15, 2025 5:30 p.m.	Town Board Work Session Budget: Capital Improvement Projects
September 22, 2025 5:30 p.m.	Town Board Work Session Meet the Board – New Hires Dig Smart Discussion Reserved Powers/Standardized Petition Process Discussion
September 22, 2025 7:00 p.m.	Town Board Regular Meeting
September 29, 2025	Canceled – 5 th Monday
October 4, 2025 (Saturday) 8:00 a.m.	Town Board Work Session Budget: Operating Requests
October 6, 2025	Canceled – 1 st Monday
October 13, 2025 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Front Range Energy – Carbon Storage Solutions Subsurface -

Easement Acquisition – Uwyo Connection

October 13, 2025
7:00 p.m.

Town Board Regular Meeting

October 20, 2025
5:30 p.m.

Town Board Work Session
Budget: Utility Rates for 2026

October 27, 2025
5:30 p.m.

Town Board Work Session
Meet the Board – New Hires
Colorado EV Charging Code and Landscape Code

October 27, 2025
7:00 p.m.

Town Board Regular Meeting

Future Work Session Topics

- Wildland Resiliency Code presentation - 2026
- Camping Ban
- November 10th – Budget – Wrap-Up/Revisions