



TOWN OF WIGGINS

**BOARD of TRUSTEES
SPECIAL MEETING**

**November 9, 2022 at 8:30 P.M.
(Approx. Time-Following Work Session)**

**304 CENTRAL AVENUE
WIGGINS, CO 80654**

***THE PUBLIC IS INVITED & ENCOURAGED TO ATTEND THE MEETING VIA ZOOM
OR WATCH ON YOUTUBE IF THEY ARE UNABLE TO ATTEND MEETING IN PERSON***

GO TO THE FOLLOWING SITE <https://us06web.zoom.us/j/88202736268> FOR THE MEETING LINK

SPECIAL MEETING AGENDA

I. INTRODUCTIONS

1. Call the Meeting to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda

II. CONSIDERATION OF RESOLUTION NO. 41-2022

- A Resolution Providing that Certain Elected and/or Appointed Officials of the Town of Wiggins Shall be Deemed not to be "Employees" within the Meaning of the Workers' Compensation Laws
1. Resolution No. 41-2022

III. REPORT FROM EXECUTIVE SESSION

IV. ADJOURNMENT

1. Closing Remarks by Mayor and Adjournment of Meeting



STAFF SUMMARY

Board of Trustees Special Meeting November 9, 2022

DATE: November 3, 2022

AGENDA ITEM NUMBER: 2

TOPIC: Resolution 41-2022 – Providing that Certain Elected and/or Appointed Officials of the Town of Wiggins Shall be Deemed not to be “Employees” within the Meaning of the Workers’ Compensation Laws

STAFF MEMBER RESPONSIBLE: Tom Acre, Town Manager

BACKGROUND:

Each year in conjunction with renewing our CIRSA Workers Compensation Policy, the town must file a statement of Exclusion of Uncompensated Public Officials with the Division of Worker’s Compensation. This statement allows us to exclude cover these officials from our worker’s compensation insurance.

SUMMARY:

The "Exclusion of Uncompensated Public Officials" statement must be filed not less than 45 days prior to the start of the policy year (no later than November 15, 2022) along with a copy of the ordinance or resolution exercising the option. The Board of Trustees must take action to exercise the option each year. The action is taken by adopting a resolution

FISCAL IMPACT:

Adopting this resolution and presenting the statement reduces our insurance cost through CIRSA.

APPLICABILITY TO TOWN OBJECTIVES AND GOALS TO PROVIDE SERVICES:

Approving the resolution complies with the Board of Trustees and staff desire to be good stewards of the Town’s financial resources.

OPTIONS AVAILABLE TO THE BOARD OF TRUSTEES:

The Board of Trustees could approve the resolution as presented, request additional amendments, or not approve this resolution.

MOTION FOR APPROVAL:

I make a motion to adopt Resolution 41-2022 - A Resolution Providing that Certain Elected and/or Appointed Officials of the Town of Wiggins Shall be Deemed not to be “Employees” within the Meaning of the Workers’ Compensation Laws

ACTION REQUESTED:

MOTION, SECOND, ROLL-CALL, VOTE.

(Resolutions require affirmative votes from the majority of Trustees present)

**TOWN OF WIGGINS
RESOLUTION 41-2022**

A RESOLUTION PROVIDING THAT CERTAIN ELECTED AND/OR APPOINTED OFFICIALS OF THE TOWN OF WIGGINS SHALL BE DEEMED NOT TO BE “EMPLOYEES” WITHIN THE MEANING OF THE WORKERS’ COMPENSATION LAWS

WHEREAS, C.R.S. § 8-40-202(1)(a)(I)(B) permits the Town of Wiggins to opt not to include certain elected and appointed officials under the Town of Wiggins’ workers’ compensation coverage; and

WHEREAS, such officials must not receive any compensation for services rendered as such, other than reimbursement of actual expenses; and

WHEREAS, said option may be exercised as to any category or combination of categories of such officials; and

WHEREAS, said option may be exercised for any policy year by the Town of Wiggins Board of Trustees by the filing of a statement with the division of Workers’ Compensation of the Colorado Department of Labor and Employment not less than 45 days before the start of the policy year for which the option is to be exercised.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF WIGGINS:

Section 1. Effective with the policy year starting January 1, 2023, the following categories of elected and/or appointed officials who receive no compensation for service rendered as such, other than reimbursement of actual expenses, shall be excluded from the definition of an “employee” for purposes of workers’ compensation coverage, and shall not be covered under the Town of Wiggins’ workers’ compensation coverage:

- a. Planning and Zoning Commission

Section 2. The Town Clerk shall transmit a copy of this resolution to each official who is a member of the bodies identified in Section 1, above.

Section 3. The Town Clerk shall transmit a copy of this resolution to the Colorado Intergovernmental Risk Sharing Agency (CIRSA) and to the Division of Workers’ Compensation of the Colorado Department of Labor and Employment.

INTRODUCED, READ AND ADOPTED THIS 9TH DAY OF NOVEMBER, 2022.

TOWN OF WIGGINS, COLORADO

Christopher Franzen, Mayor

ATTEST:

Tom Acre, Interim Town Clerk

EXCLUSION OF UNCOMPENSATED PUBLIC OFFICIALS

Name of Agency: Town of Wiggins

Federal Employer Identification #(FEIN): 84-0704236 Business Phone #: (970) 483-6161

Mailing Address: 304 Central Avenue
Street or P.O. Box / Suite #

<u>Wiggins</u>	<u>CO</u>	<u>80654</u>
City	State	Zip

If Self-Insured Employer, enter the Permit Number: _____

If not Self-Insured, enter the workers' compensation insurance carrier name and policy number:

<u>CIRSA</u>	<u>WC2023EPP00202</u>
Insurance Carrier Name	Policy Number

Upcoming Policy Period: From: 01/2023 To: 12/2023
Month / Year Month / Year

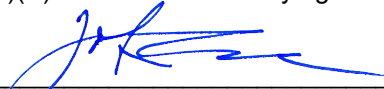
List the Governing Body for the Agency, Category of uncompensated officials (i.e. board, commission, etc.) or any combination of categories of such officials that you are opting to exclude from coverage for the upcoming policy year and Names of Officials (Attach additional pages if needed):

Name of Governing Body: Town of Wiggins - Planning and Zoning Commission

Category	Name of Official
<u>Commission</u>	<u>Jerry Avey</u>
<u>Commission</u>	<u>Stan Baumgartner</u>
<u>Commission</u>	<u>Jim Musgrave</u>
<u>Commission</u>	<u>Jeff Palmer</u>

C.R.S. section 8-40-202(1)(a)(I)(B) provides an option to exclude from workers' compensation insurance coverage uncompensated elected or appointed officials. You must promptly notify each official of your exercise of the option to exclude them. This form must be filed with the Division of Workers' Compensation not less than forty-five (45) days before the start of the policy period for which the option is to be exercised. Attach governing body's resolution.

By signing this form, you are certifying that the above-named uncompensated, elected or appointed public officials are designated to be excluded from worker's compensation coverage for the upcoming policy year, pursuant to C.R.S. section 8-40-202(1)(a)(I)(B). You are also certifying that these officials have been notified of this exclusion.

Signature: 

Print Name: Tom Acre

Date: 11/02/2022 Title: Town Manager

Submit this form with the Governing Body's Resolution to: Division of Workers' Compensation, Coverage Enforcement Unit, 633 17th St., Suite 400, Denver, CO 80202-3626. If insured, please make a copy of this completed form and send it to your insurance carrier. If you have any questions, contact the Division of Workers' Compensation Customer Service Unit at 303.318.8700.

C.R.S. section 10-1-128(6)(a) states: " It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies."

EXCLUSION OF UNCOMPENSATED PUBLIC OFFICIAL
(Additional Page)

Name of Governing Body: _____ Town of Wiggins - Planning and Zoning Commission

Category

Name of Official

Commission

Don Ronning