



## City Council Work Session

448 E 1st Street, Room 190 Salida, Colorado 81201  
December 1, 2025 at 6:00 PM

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### Agenda

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Please register, **BY 4:30 pm the day of the Work Session** for City Council Work Session  
[https://zoom.us/webinar/register/WN\\_AlrC-BsIRNiigokU1E5K4w](https://zoom.us/webinar/register/WN_AlrC-BsIRNiigokU1E5K4w)  
After registering, you will receive a confirmation email containing information about joining the  
webinar. To watch live meetings:  
<http://www.youtube.com/@cityofsalidacolorado>

#### Discussion Items

1. South Arkansas River Restoration Project Update
2. Consideration of a Letter of Support for the Williams Family Ranch Property Conservation Easement Funding via Colorado Water Conservation Board (CWCB) Grant
3. Council training – Sam Light, CIRSA Deputy Executive Director/General Counsel

#### Adjourn

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 448 E. 1st Street, Ste. 112, Salida, CO 81201, Ph.719-530-2626 at least 48 hours in advance.

# SOUTH ARKANSAS RIVER RESTORATION PROJECT 60% DESIGN PLAN PRESENTATION

Chris Lamson & Nathan Ward

Collegiate Peaks Chapter of Trout Unlimited

Upper Arkansas Watershed Partnership

# Stream health assessment summary



Stream Health Report Card: South Arkansas River, SWCC-Wyckoff-Smith segment			
Flow regime	C-	Total Volume	C-
		Peak Flow	C
		Base Flow	D+
		Rate of Change	B-
Materials supply	B-	Sediment Supply	B
		Organics (wood, detritus)	C+
		Temperature	B-
Water quality	B	Nutrients, organics	B
		Chemical Conditions, inorganics	B+
		Land use and buffer	C
Landscape support	C	Terrestrial habitat connectivity	C-
		Aquatic habitat connectivity	B+
		Frequently saturated area	D+
Riverscape hydrology	D	Valley bottom/ASC	D-
		Flood-prone area	D
		Geomorphic plasticity	D
Riverscape dynamics	D	Fluvially active zone	D
		Stream evolution	D-
		Riparian extent	D
Riparian vegetation	D	Biodiversity and endemism	C
		Regeneration/succession	D-
		Riparian heterogeneity	D+
Physical heterogeneity	D	Aquatic heterogeneity	D-
		Micro-scale heterogeneity	D+
		Trophic structure	B-
Aquatic biota	C+	Biodiversity and endemism	C+
		<b>Riverscape health</b>	<b>C-</b>

Stream Health Report Card: South Arkansas River, Vandevener-Snyder segment			
Flow regime	C-	Total Volume	C-
		Peak Flow	C
		Base Flow	D+
		Rate of Change	B-
Materials supply	B	Sediment Supply	B
		Organics (wood, detritus)	B-
		Temperature	B-
Water quality	B	Nutrients, organics	B
		Chemical Conditions, inorganics	B+
		Land use and buffer	C
Landscape support	C	Terrestrial habitat connectivity	C-
		Aquatic habitat connectivity	B+
		Frequently saturated area	C-
Riverscape hydrology	C	Valley bottom/ASC	B-
		Flood-prone area	C+
		Geomorphic plasticity	B-
Riverscape dynamics	C+	Fluvially active zone	C+
		Stream evolution	C+
		Riparian extent	C
Riparian vegetation	C	Biodiversity and endemism	B-
		Regeneration/succession	C
		Riparian heterogeneity	C
Physical heterogeneity	C-	Aquatic heterogeneity	D+
		Micro-scale heterogeneity	C-
		Trophic structure	B-
Aquatic biota	C+	Biodiversity and endemism	C+
		<b>Riverscape health</b>	<b>C</b>

Stream Health Report Card: South Arkansas River, Lowry-Treat segment			
Flow regime	C-	Total Volume	C-
		Peak Flow	C
		Base Flow	D+
		Rate of Change	B-
Materials supply	B-	Sediment Supply	B
		Organics (wood, detritus)	C+
		Temperature	B-
Water quality	B	Nutrients, organics	B
		Chemical Conditions, inorganics	B+
		Land use and buffer	C-
Landscape support	C-	Terrestrial habitat connectivity	D+
		Aquatic habitat connectivity	B
		Frequently saturated area	D
Riverscape hydrology	D	Valley bottom/ASC	D+
		Flood-prone area	D
		Geomorphic plasticity	C-
Riverscape dynamics	D	Fluvially active zone	D
		Stream evolution	D+
		Riparian extent	D
Riparian vegetation	D+	Biodiversity and endemism	B-
		Regeneration/succession	C
		Riparian heterogeneity	D+
Physical heterogeneity	D	Aquatic heterogeneity	D
		Micro-scale heterogeneity	D+
		Trophic structure	B-
Aquatic biota	C+	Biodiversity and endemism	C+
		<b>Riverscape health</b>	<b>C-</b>

Stream Health Report Card: South Arkansas River, Two Rivers segment			
Flow regime	C-	Total Volume	C-
		Peak Flow	C
		Base Flow	D+
		Rate of Change	B-
Materials supply	B-	Sediment Supply	B
		Organics (wood, detritus)	C+
		Temperature	B-
Water quality	B	Nutrients, organics	B
		Chemical Conditions, inorganics	B+
		Land use and buffer	D
Landscape support	D+	Terrestrial habitat connectivity	D+
		Aquatic habitat connectivity	B-
		Frequently saturated area	D
Riverscape hydrology	D-	Valley bottom/ASC	D-
		Flood-prone area	F+
		Geomorphic plasticity	D-
Riverscape dynamics	D-	Fluvially active zone	D-
		Stream evolution	D-
		Riparian extent	F+
Riparian vegetation	D	Biodiversity and endemism	C
		Regeneration/succession	D+
		Riparian heterogeneity	D
Physical heterogeneity	D	Aquatic heterogeneity	D
		Micro-scale heterogeneity	D+
		Trophic structure	B-
Aquatic biota	C+	Biodiversity and endemism	C+
		<b>Riverscape health</b>	<b>D+</b>

# COLLABORATORS AND STAKEHOLDERS

- Upper Arkansas Watershed Partnership
  - Collegiate Peaks TU
  - Central Colorado Conservancy
  - Arkansas River Watershed Collaborative
  - Upper Arkansas Conservation District
  - GARNA
- Design Team
  - WaterVation
  - HydroGeo Designs
  - 107° West Designs
- Colorado Water Conservation Board (CWCB)
- Colorado TU
- National TU
- Colorado Parks & Wildlife
- National Park Service
- City of Salida
- Two Rivers Owners Association
- Southwest Conservation Corps
- Salida Parks, Open Space & Trails (SPOT)
- Rob & Denise Wikoff
- Jodie & Barry Snyder
- Triview Metropolitan District
- Lodgco Hospitality



ARKANSAS RIVER

PROJECT AREA

U.S. HWY 50

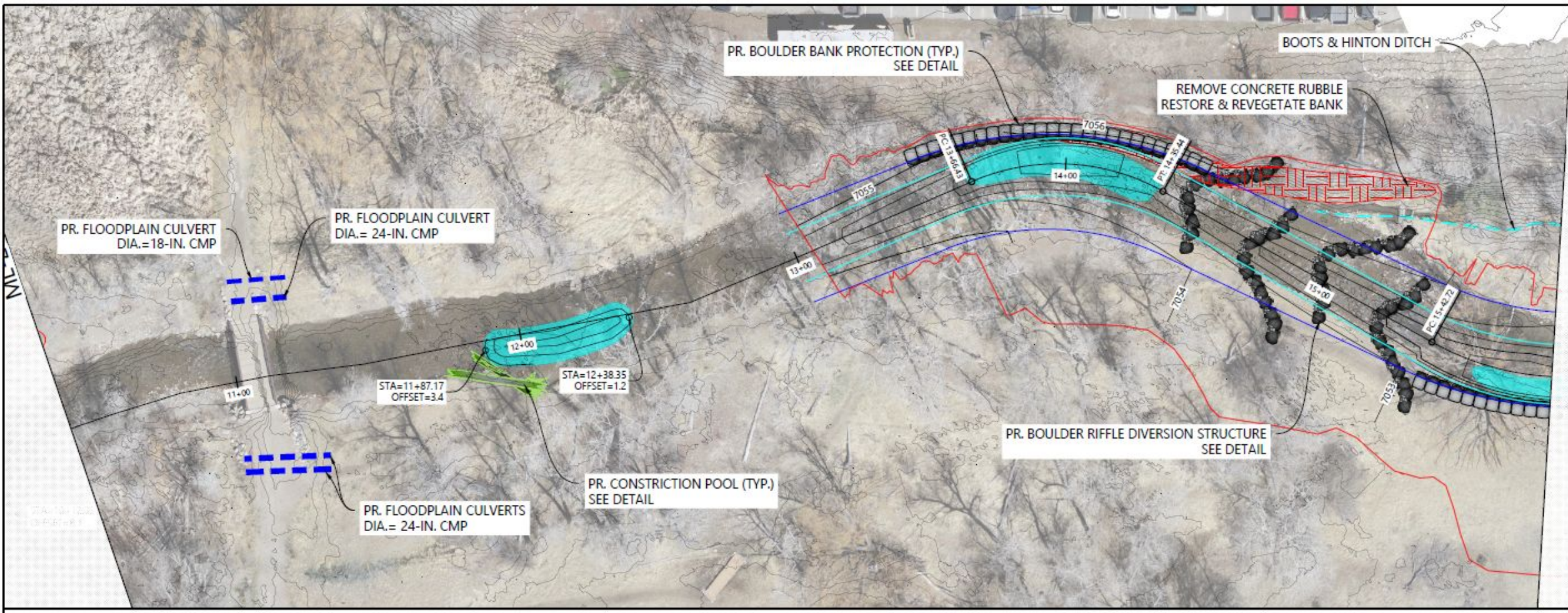
S. ARKANSAS RIVER

CR 107

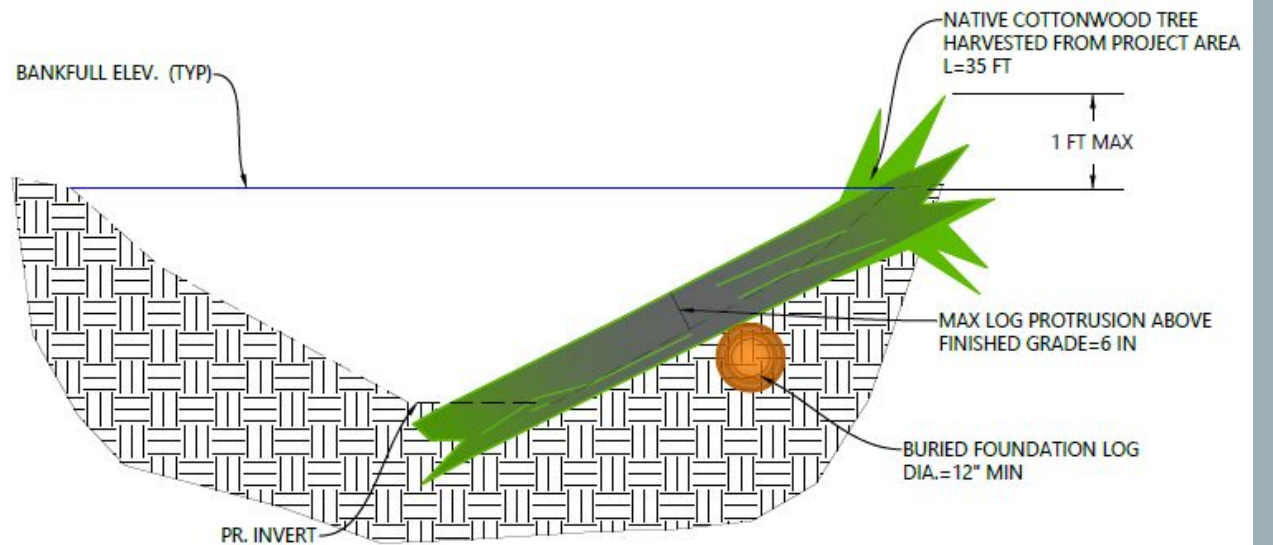
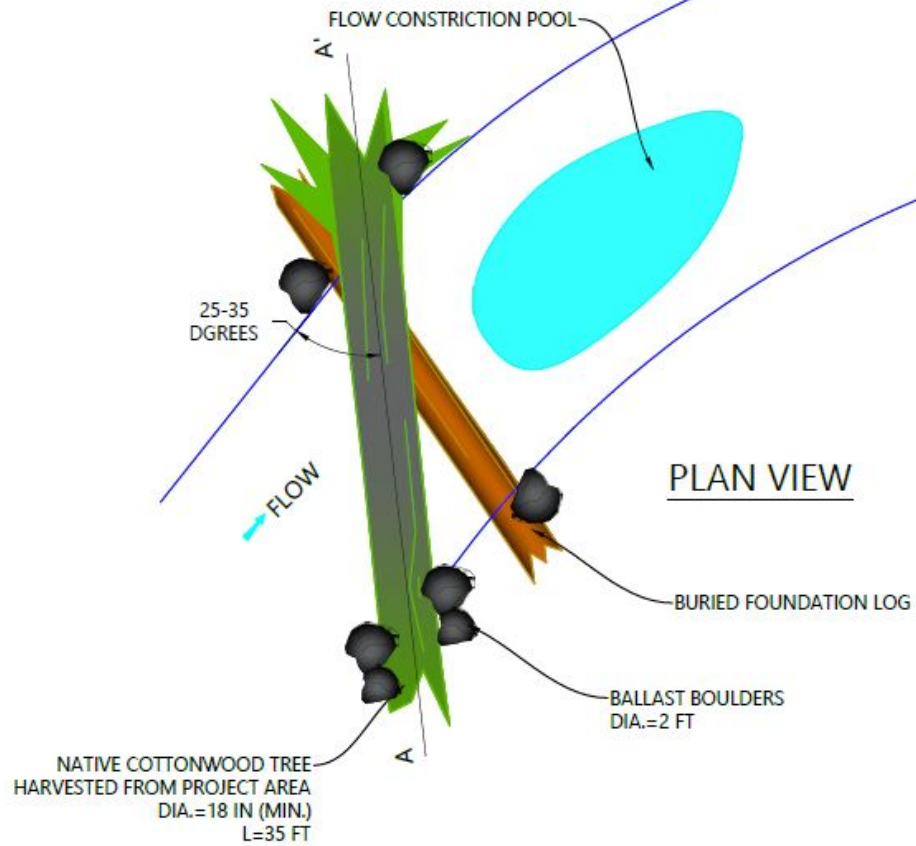
PROJECT LOCATION

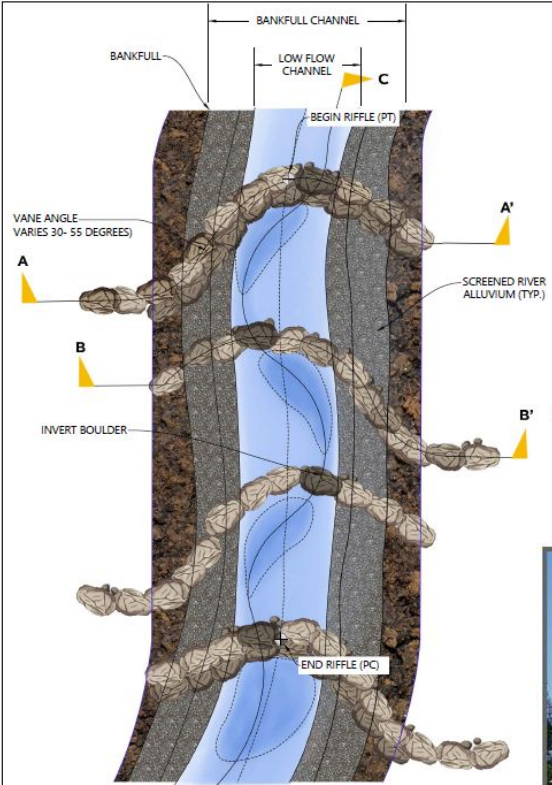






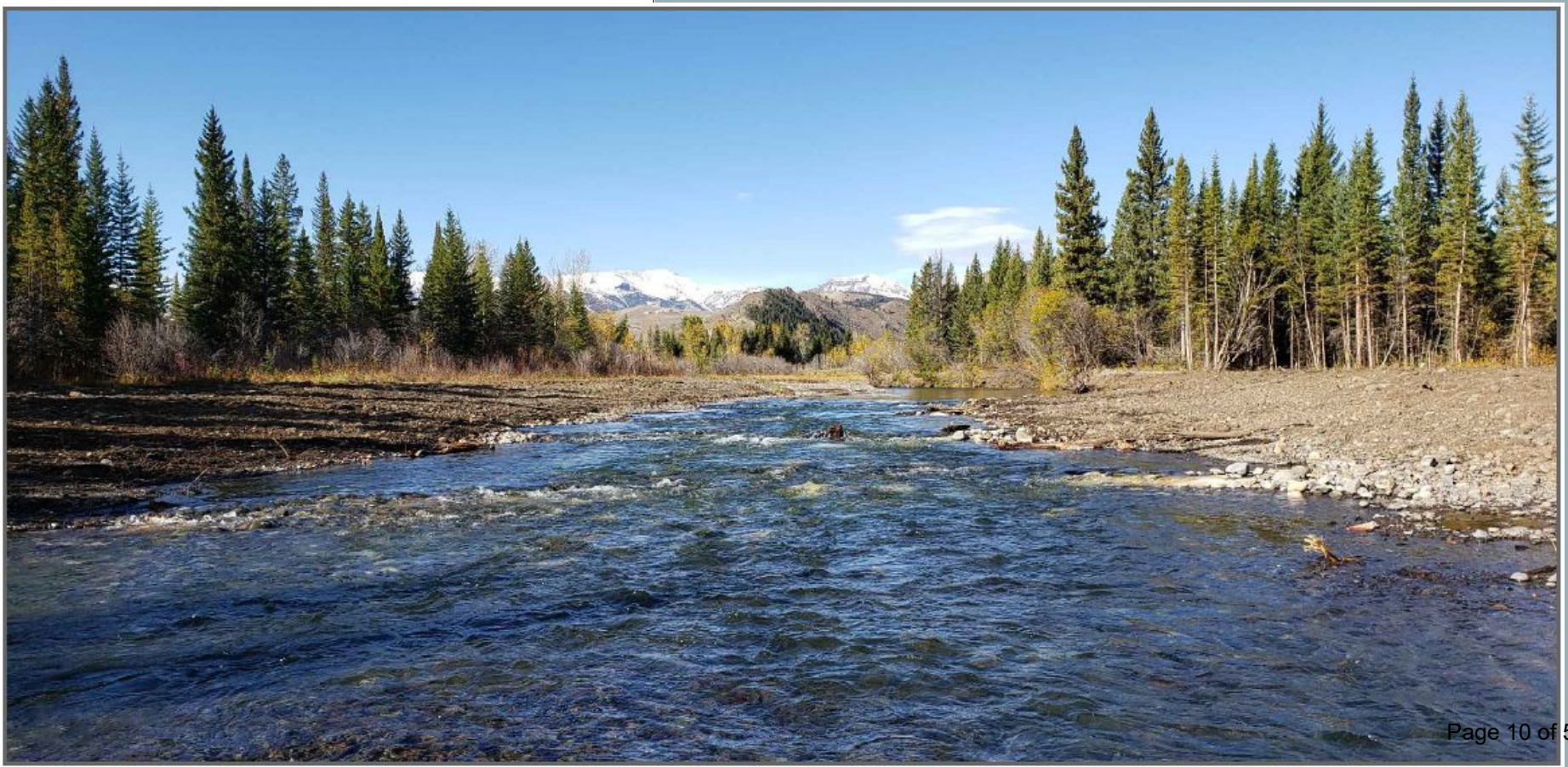
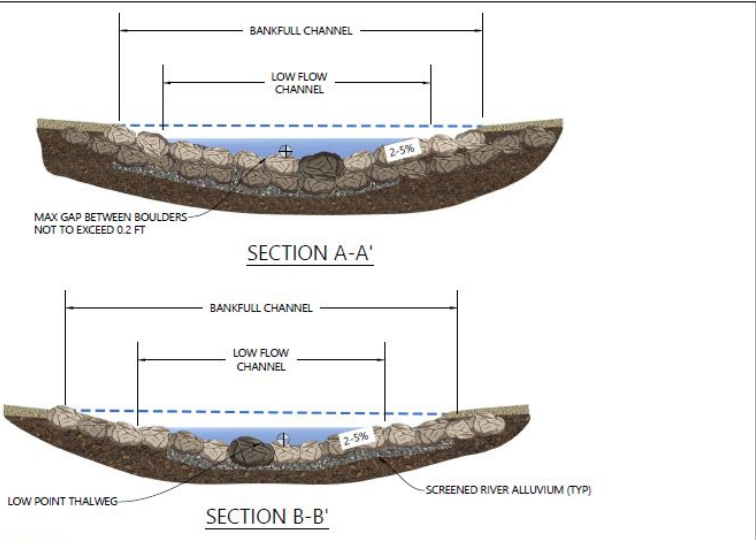
# CONSTRICTION POOL DETAIL

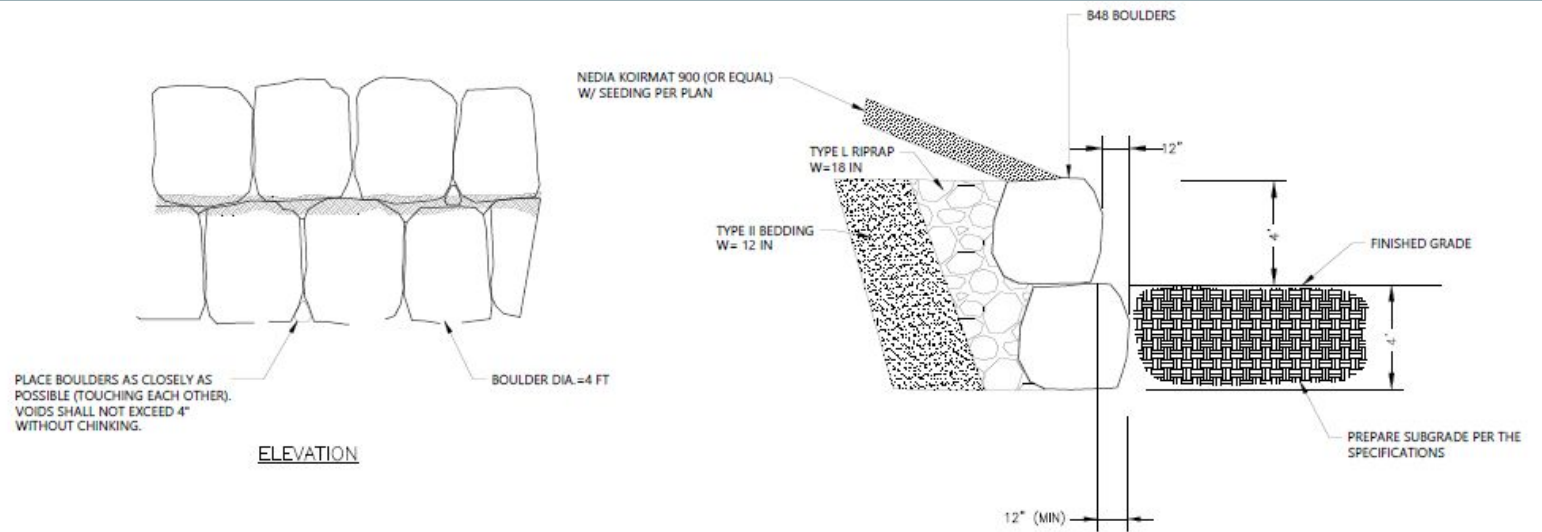




**C'  
PLAN VIEW**

- NOTES:
1. THE NUMBER OF VANE ARMS COMPRISING THE VIEW/GRADING SHEETS.
  2. THE DROP BETWEEN VANES SHALL NOT EXCEED 0.1 FT.
  3. THE VANE INVERT SHALL BE SET BASED ON THE PROFILE SHEETS AND SHALL BE WITHIN 0.1 FT OF THE INVERT.
  4. BACKFILL VANES WITH SELECT MATERIAL PLACEMENT SUCH THAT FUTURE SETTLEMENT OF THE VANES SHALL BE WITHIN 0.1 FT OF THE INVERT.
  5. SCREENED RIVER ALLUVIUM SHALL BE USED TO BACKFILL THE VANES FROM THE BACK OF THE INVERT.
  6. THE INVERT OF THE BOULDER VANE IS OFFSET FROM THE INVERT OF THE CHANNEL. THE INVERT SHALL BE SET BASED ON THE PROFILE SHEETS.





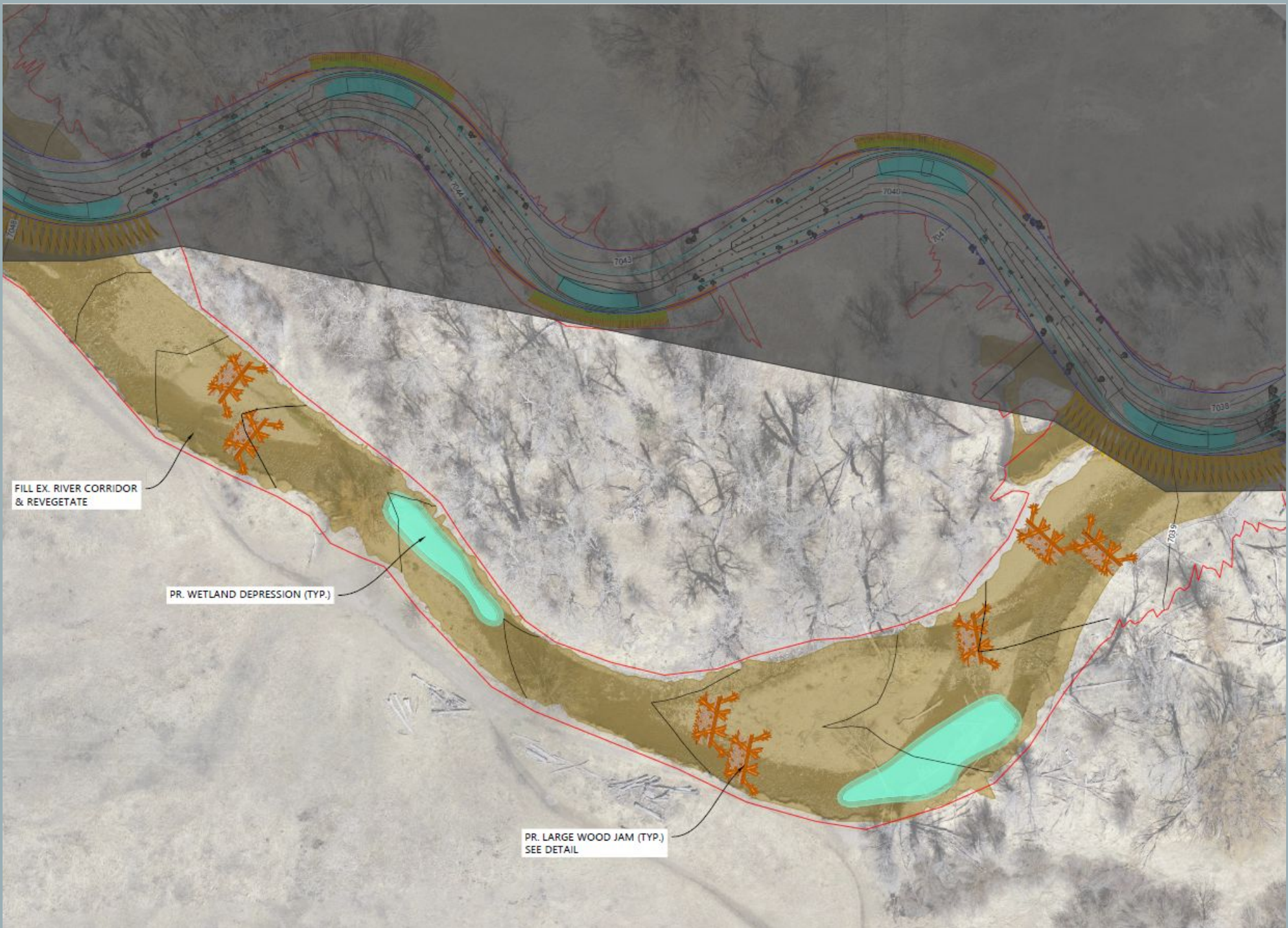
**NOTES:**

1. BOULDER STACKED WALL EDGE HEIGHT VARIES. SEE PROJECT PLANS FOR DETAILS.
2. BOULDER STACKED WALL EDGE NOT TO BE GROUTED.
3. MIN BURY DEPTH BELOW GRADE IS 4 FEET.





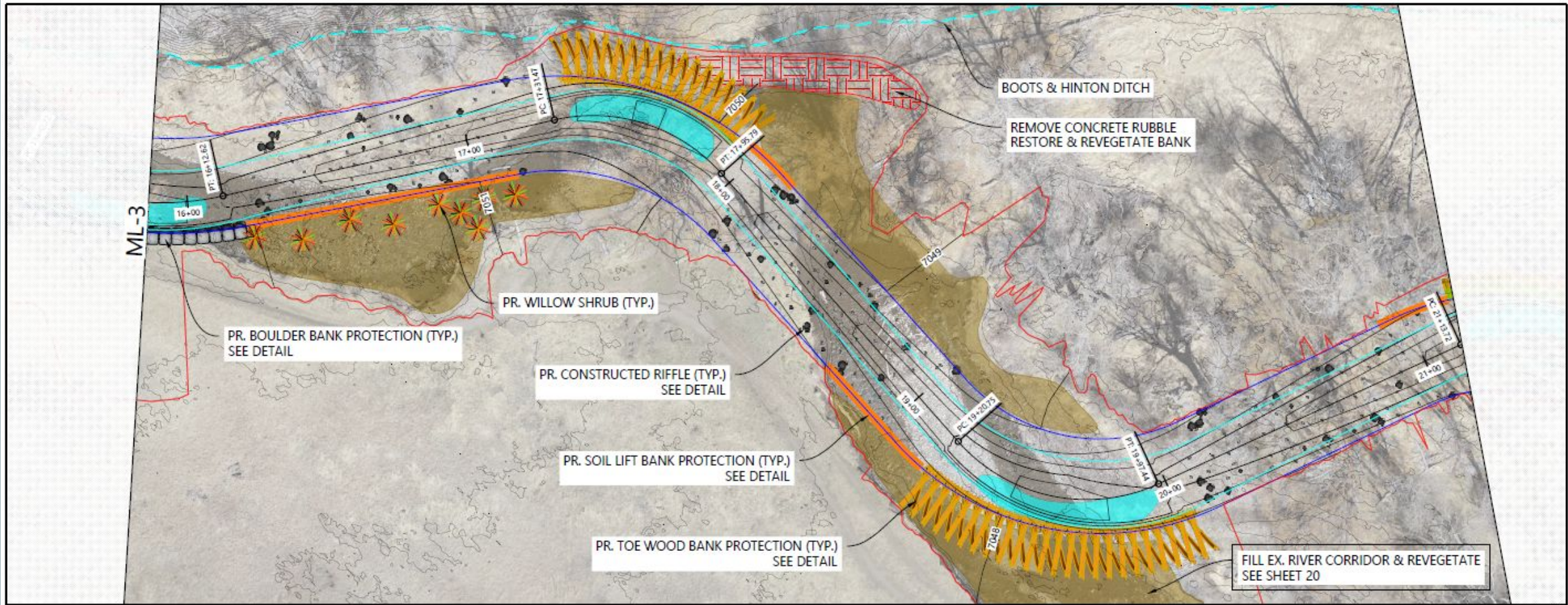




FILL EX. RIVER CORRIDOR  
& REVEGETATE

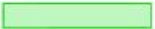
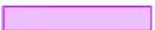

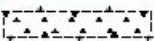
PR. WETLAND DEPRESSION (TYP.)

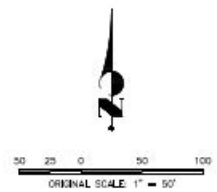
PR. LARGE WOOD JAM (TYP.)  
SEE DETAIL





**LEGEND**

FULL SIZED FIELD (350' X 200')	
U12 FIELD (240' X 150')	
20' SPECTATOR BUFFER	
WETLAND AREA	



FIELD LAYOUT EXHIBIT  
 SOUTH ARK NEIGHBORHOOD  
 JOB NO. 25314.00  
 10/02/25  
 SHEET 1 OF 1



Central 937-740-8888 • Colorado Springs 719-598-2888  
 Fort Collins 970-694-8888 • www.jrengineering.com







WETLAND  
MAPPING  
AREA  
BEYOND  
FLOODPLAIN  
MAP

SCALE IN FEET



BOARDWALK ON ANY  
WATERVATION COLOR  
VALUE, TYPICALLY  
.002' TO 1.5' AREAS

CRUSHER FINES TRAIL ON  
DRIER HIGH GROUND

THE HARDENED BANK AREA IS IN  
A STRAIGHT REACH, AND WOULD  
ALLOW PEOPLE & DOGS TO  
ACCESS THE WATER'S EDGE  
(CONFIRM W/ WATERVATION)

SIGNING AND INTERPRETIVE  
PLANNING FALLS INTO OUR  
3RD PHASE OF THIS PROJECT  
- THESE OVERLOOKS/  
INTERPRETIVE DECKS ARE  
LOCATED AT POTENTIAL  
INTERESTS

5-YR Flood Depth (ft)
Value
0.001977 - 0.5
0.501 - 1
1.001 - 1.5
1.501 - 2
2.001 - 5.518555

CITY OF SALIDA VANDAVEER PROPERTY FLOODPLAIN 300 F

## NEXT STEPS

- Outreach to stakeholders and public for feedback on 60% design
- Fundraising for 100% design
- Select contractor and obtain final design planset
- Fundraising for permitting and construction
- Permitting (City, state, county, USACOE, FEMA)
- In-stream construction
- Revegetation (Volunteers!!!!)
- Trail construction
- Educational trail experience design and installation
- Ecosystems Learning Center

**QUESTIONS?**

**THANKS FOR COMING!**



# City Council Work Session Memo

<b>Department</b> Community Development	<b>Presented By</b> Bill Almquist - Community Development Director	<b>Date</b> December 1, 2025
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## Agenda Item

Letter of Support Consideration for Williams Family Ranch Property Conservation Easement Funding via Colorado Water Conservation Board (CWCB) Grant

## Background

The Central Colorado Conservancy (CCC) is working with the Williams family to place a conservation easement on their 37-acre agricultural use property at 315 Poncha Blvd. To date, they have secured funding from various entities, inc. Chaffee Common Ground, State of Colorado, and others for due diligence and other leg work related to the process. CCC is now pursuing funding through the Colorado Water Conservation Board (CWCB) to assist with acquisition costs. Though not necessary for the grant, CCC has requested that the City of Salida City Council provide a letter of support to include in the CWCB application.

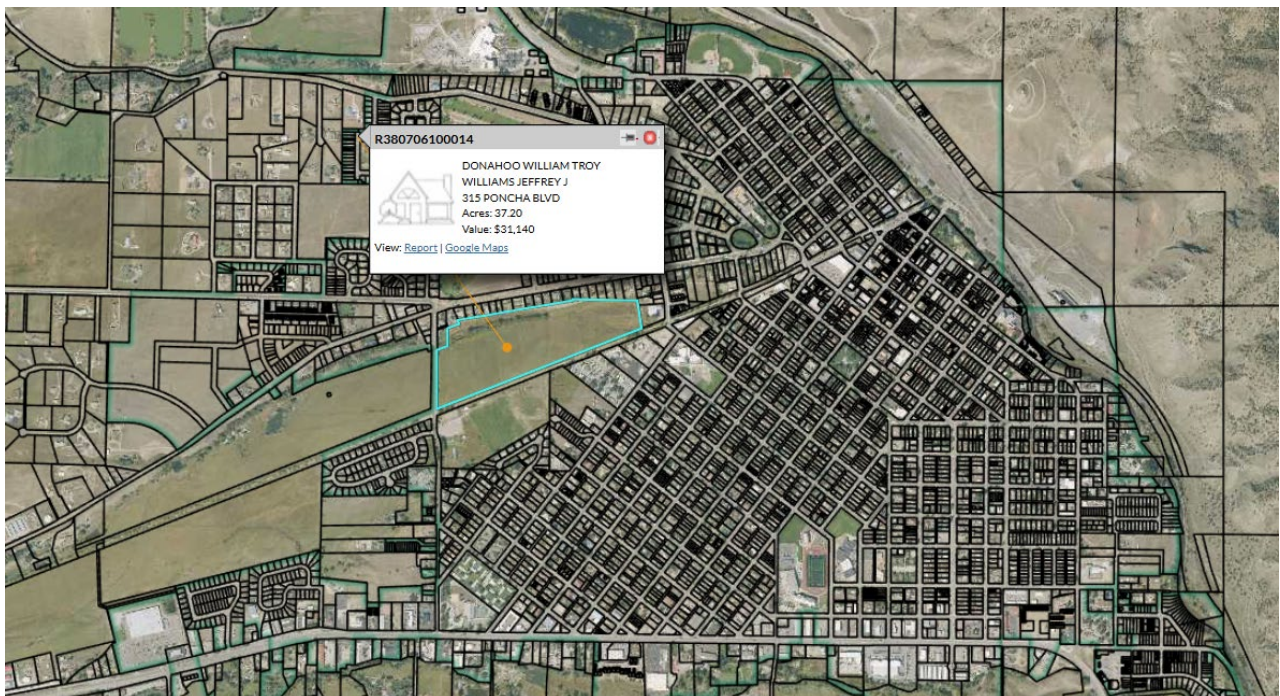


Figure 1: Vicinity Map of Williams Ranch



# City Council Work Session Memo

<b>Department</b> Community Development	<b>Presented By</b> Bill Almquist - Community Development Director	<b>Date</b> December 1, 2025
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Figure 3: View of Williams Ranch Property from Monarch Spur Trail

For Council’s information, the City’s Future Land Use Map (FLUM) designated this particular property as “Agricultural Reserve”—one of only two properties within City limits with such a designation—and contains considerable wetlands throughout the property.

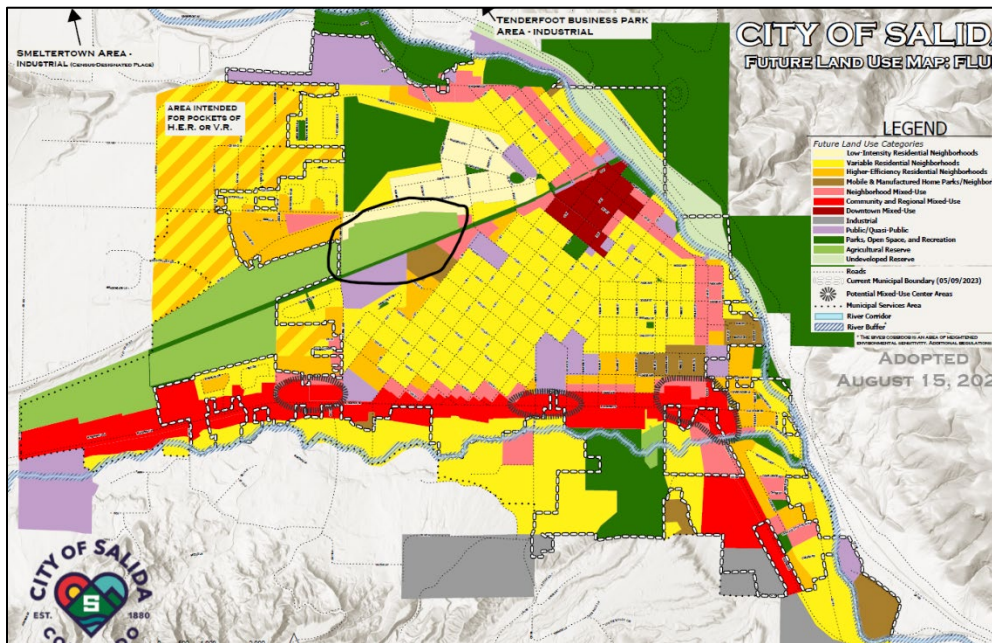


Figure 2: Future Land Use Map with Subject Property Circled



## City Council Work Session Memo

<b>Department</b> Community Development	<b>Presented By</b> Bill Almquist - Community Development Director	<b>Date</b> December 1, 2025
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### **Requested Direction from Council**

There is a very tight deadline to provide such a letter (before midnight on 12/1, the evening of this work session), so staff asks that Council provide direction as to providing a letter of support for the grant. A draft of the letter has been provided and would be signed by the Mayor and provided immediately after the work session.

### **Attachments:**

Draft Support Letter

CCC-Provided Summary of Williams Ranch Conservation Easement Project

CCC-Provided Williams Ranch Map and Location Guide



12/01/25

Colorado Water Conservation Board  
1313 Sherman Street, Room 718  
Denver, CO 80203

RE: Support for Central Colorado Conservancy Williams Ranch Conservation Easement Project, Submitted to the Colorado Water Conservation Board's Water Plan Grant:

Dear Colorado Water Conservation Board,

We are writing to express our support for Central Colorado Conservancy's project to place a perpetual conservation easement on the Williams Ranch property, located within the city limits of Salida, Colorado. This project represents a critical step toward conserving open space, sustaining local agriculture, and protecting wildlife habitat.

The Williams Ranch is one of the last undeveloped and only agriculturally productive parcel within Salida's city limits. The ecological, agricultural, and community benefits of this project are numerous. The land provides habitat for migratory birds, deer, and bear, and its small pond and cottonwood grove offer vital refuge for wildlife in an increasingly urbanized area. The property is highly visible and situated adjacent to the Monarch Spur Trail, a community trail and corridor for safe, non-motorized access to downtown Salida.

This project supports the ongoing agricultural use of the property by the Williams family, who currently raise cattle and grow hay. The ranch can continue to serve as a model of sustainable land use within the city. Preserving this land not only supports local food systems but also serves as an example for residents and visitors to understand the value of agriculturally productive land.

Thank you for considering this important project. We hope you will join us in support of the conservation of this property.

Sincerely,

Justin Critelli  
Mayor  
City of Salida

Central Colorado Conservancy is working with the Williams family to place a perpetual conservation easement on 37 acres in Salida. The Williams Ranch property is one of the last undeveloped and agriculturally productive properties within the city limits of Salida. The town of Salida has rapidly developed, which has not left much open space of this size. Conserving this property will build upon another community centered project that was led by Central Colorado Conservancy. The Monarch Spur trail that borders the entire southern end of the Williams Ranch was developed in partnership with the Greater Arkansas River Nature Association (GARNA), City of Salida, and Salida Parks, Open-space and Trails (SPOT). This project turned a defunct rail line into several miles of bike path that connects Salida to Poncha Springs. The project also worked to restore areas alongside the trail and placed interpretive signage that describes the history of the area and the need for protection of wildlife habitat. Keeping the Williams Ranch property undeveloped will preserve the viewshed from the Monarch Spur trail. The trail provides a safe and scenic path accessible to all kids and adults to commute to school or work in downtown Salida from the surrounding neighborhoods.

The Williams Ranch is a highly visible and beloved property from any of the high points around the area, including Methodist Mountain and the Arkansas Hills trail system. If this land was to be developed, it would change the viewshed of the entire City of Salida. The visibility of this property makes it an excellent example for educating people on the importance of private land conservation and conservation of agricultural land. This property is known by most people in Salida and will be an outstanding project to highlight success in private land conservation amidst urbanization.

Placing this ranch under conservation easement will be a key tool in allowing the landowners to continue to work the land. The family runs cattle and grows hay on this property and on another 38 acres they own and 105 acres of leased land elsewhere in Chaffee County. Currently, the Williams family runs cattle and makes hay on this property. The highly visible nature of this property makes it a great example of a working ranch that can be viewed by anyone who drives, walks, or bikes past.

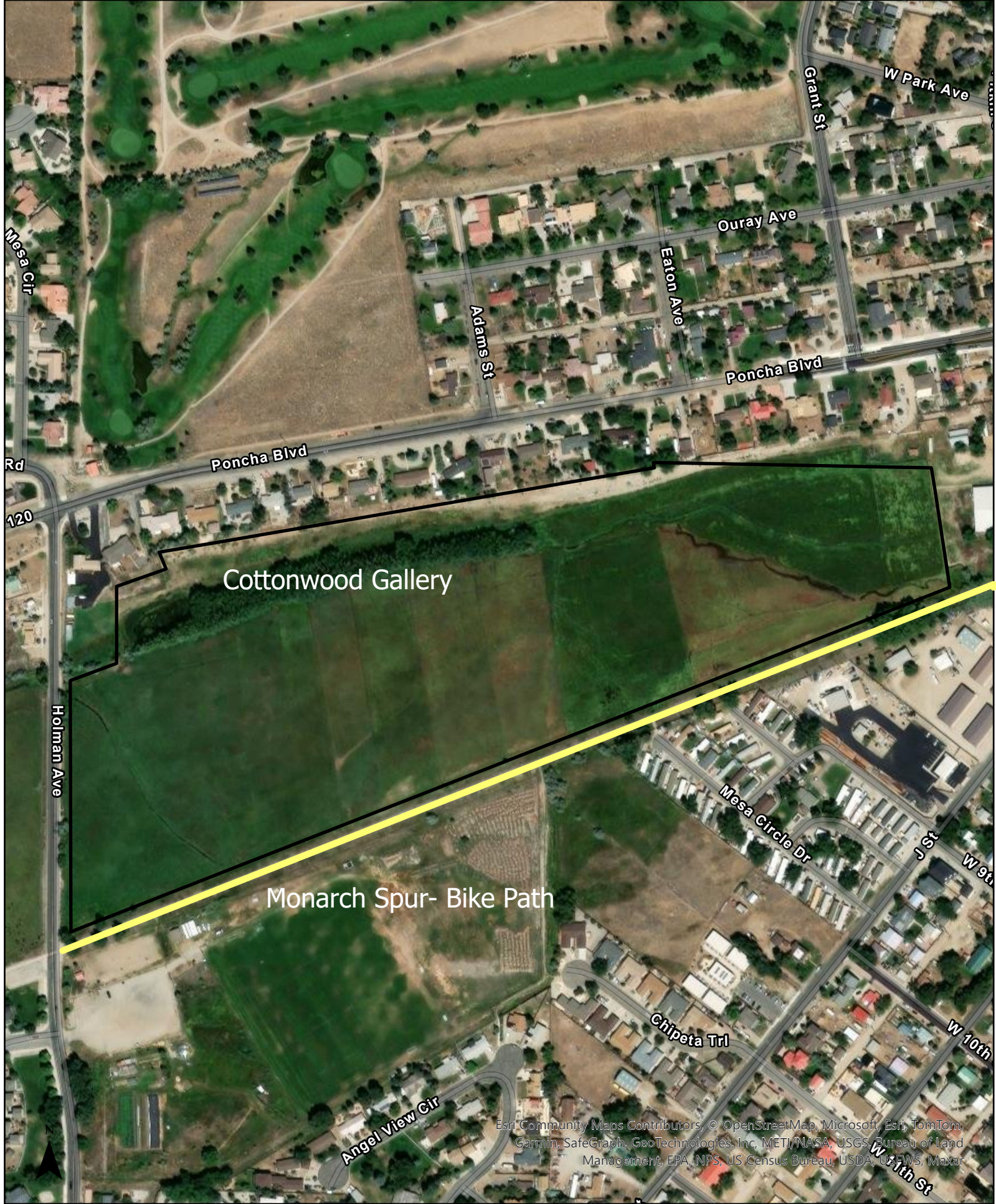
This property provides refuge for many different species of wildlife, including migratory birds, deer, and bear. Geese nest on the property every year. There is a small pond in the northwest corner of the property created from natural seepage that has allowed a cottonwood gallery to grow along the entire northern border of the property. This small forested area has created habitat and cover for wildlife species in an area that has almost completely developed. The entire property is considered to be wetlands (FWS Wetland Inventory). This is due to the high level of seepage that the property has created a wet meadow environment for large parts of the year.

The property has 3 CFS senior water rights coming from the Murray Ditch (appropriated 1896, adjudicated in 1890) and the Briscoe Ditch (appropriated 1876, adjudicated in 1890) both originating from the South Arkansas, as well as natural seeps and springs. The landowners plan to encumber the water rights with the conservation easement. The deed of conservation easement will allow for very flexible future leasing agreements for the water, with the approval of the Conservancy. This property is the terminus for the Murray and Briscoe ditch, before they empty back into the Arkansas River. The property provides a final place for filtration and groundwater infiltration of the irrigation water before it returns to the Arkansas. The Morrison ditch also runs alongside the property.

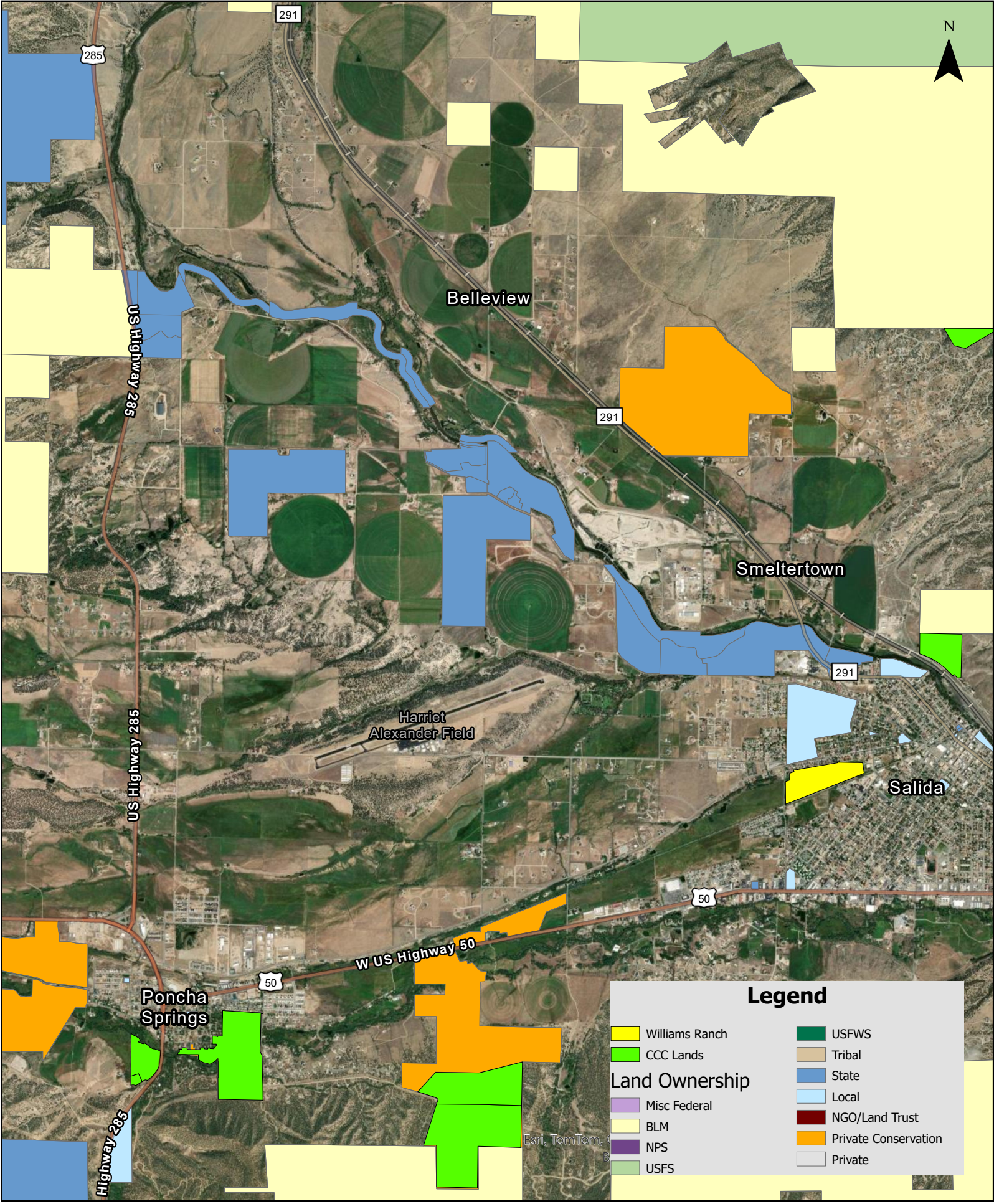
The conservation of this property is in alignment with the goals of the City of Salida. They are motivated to conserve some of the last open space that is undeveloped within the city limits. The ranch is highly

developable and the current zoning on the property would allow for heavy development if the property was to be sold and subdivided.

The Conservancy is planning to submit an application to the Colorado Water Conservation Board's Water Plan grant program for around \$300,000 for land acquisition funds. We have already secured \$77,000 for transaction cost assistance from Chaffee Common Ground. Placing a property under conservation easement requires rigorous due diligence documentation to be produced, including a baseline inventory report, initial environmental screenings, and a qualified conservation easement appraisal. Transaction costs for conservation easements are around \$75,000 minimum and can range upwards of \$100,000, depending on the project.



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, Maxar



# Williams Ranch Location



## CITY COUNCIL WORK SESSION MEMO

<b>DEPARTMENT</b> Administration	<b>PRESENTED BY</b> Christy Doon - City Administrator	<b>DATE</b> December 1, 2025
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### **AGENDA ITEM**

Council training – Sam Light, CIRSA Deputy Executive Director/General Counsel

### **BACKGROUND**

Colorado Intergovernmental Risk Sharing Agency provides risk and liability training to elected officials. Staff invited Sam Light to Salida to provide Ethics, Liability and Best Practices training.

### **REQUESTED DIRECTION FROM COUNCIL**

Please feel free to ask questions during the training. If you would like anything more in-depth, please let me know.



# Ethics, Liability & Best Practices

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City of Salida City Council Presentation 12.1.25

Presented by Sam Light, CIRSA Deputy Executive Director/General Counsel



CITY OF  
**SALIDA**  
COLORADO

# About the Colorado Intergovernmental Risk Sharing Agency

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- Not a commercial insurance company; CIRSA is a Colorado public entity self-insurance pool for property, liability, and workers' compensation coverages. Visit our website at [www.cirsa.org](http://www.cirsa.org).
- Formed in 1982 by an intergovernmental agreement of 18 municipalities pursuant to CML study committee recommendations. Total membership today stands at 295 member municipalities and affiliated legal entities.
- Member-owned and member-governed,, we seek to be continually responsive to the risk management needs of our membership. CIRSA Board made up entirely of municipal officials.
- No profit motive – sole motive is to serve our members effectively and responsibly.
- CIRSA views proactive approaches to risk management as critical member services – is a win-win. We have the largest concentration of liability-related experience and knowledge directly applicable to Colorado municipalities.

# Introduction

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## Presentation Overview

- Best practices that will enhance your effectiveness and success as municipal officials – which in turn will reduce risk for the City and you individually. Topics we will touch on include:
  - The role of public official
  - Transparency - open meetings – open records
  - The City’s organizational structure & liability
  - Ethics & personal conduct
  - Due process requirements
- Presentation is a training resource only; is not intended to address or provide legal advice on any specific, pending issues.

# Suggestion One: Commit to the Role of Public Official

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- Being a public official means your role has changed:
  - Citizen → government official (24/7!)
  - Outsider → insider
  - Critic/proponent → representative-ambassador-fiduciary
- The role requires an understanding that in the eyes of the community, you are always a public official.
- “The holding of public office or employment is a public trust, created by the confidence which the electorate reposes in the integrity of...local government officials and employees.”

# The Role of Public Official

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- Within a municipal/public entity structure, effective governance and effective risk management requires continual recognition that you are **fiduciaries**.
- Among other attributes, the fiduciary responsibility of service on an elected, multi-member, public governing body requires:
  - Recognition of broader public interest.
  - The ability to place the City's interests and the public interest above narrow, personal, single-issue or other interests.
  - A commitment to consider matters on their merits alone.

# The Role of Public Official

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•As local government officials, part of your role is delivering good governance which, at root, is based both practically and legally on a few core concepts:

- **Openness & Transparency** (open meetings/records laws);
- **Fundamental Fairness** (due process);
- **Predictability & Evenhandedness** (equal protection, certiorari claims, etc.); and
- **Civility & Mutuality of Respect**

# Suggestion Two: Honor Transparency

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- Commit to the “openness” and other requirements of the Open Meetings Law (OML). Applies to the Council and any other City “local public body”.
  - The “openness” clause of the OML applies to 3 or more or a quorum, whichever is less. Requires discussion of public business to take place at a meeting open to the public.
  - And, if action will be taken or a quorum will be present, there must be timely notice—agenda posted at least 24 hours in advance.
  - Action by the Council or any other local public body must be taken in an open meeting.
  - A “meeting” includes any gathering to discuss public business, in person, by phone, or electronically (e-mail, etc.).

## Two: Transparency – Other Issues

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- Using email? See CIRSA Handout and this CIRSA article: <https://www.cirsa.org/news/how-the-colorado-open-meetings-law-applies-to-elected-officials-email/>).
- What about one-on-one discussions?
- Using social media? Be cognizant of social media risks; see <https://www.cirsa.org/wp-content/uploads/2019/06/Social-Media-Use-by-Elected-Officials.pdf>.
- Separate from compliance with the openness requirement of the OML, note correspondence of elected officials is generally a matter of public record (with only limited exceptions).
- Therefore, recognize that electronic communications discussing public business may be subject to disclosure under CORA, and may also be subject to the civil discovery process.

# Two(b): Protect the City's Confidences

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- The OML permits executive sessions for discussion of only a limited number of authorized topics and following specific procedures. Authorized topics most frequently used:
  - Conference with legal counsel for legal advice/specific legal questions.
  - Matter subject to negotiation (but only for developing strategy, determining positions and instructing negotiators).
  - Personnel matters, unless the person subject to session has requested open discussion. This authority does not extend to discussion of general personnel policies or Council members.
- Must follow detailed procedures. Use a script and make sure your executive session procedures are set up to comply with OML!
- Make sure your procedures are also set up to protect the City's confidential information.

# Two(b): Protect the City's Confidences

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## A Scenario

In executive session the Council develops a strategy for negotiating a purchase of a piece of vacant land from a property owner. A confidential appraisal states the parcel is worth \$200,000-225,000 and the Council instructs the City Administrator to meet with the owner and negotiate for a purchase price of \$200,000. Council Member Smith sees the owner the next day and tells her the City is willing to pay \$200,000 for the parcel and may go as high as \$225,000 as the City's appraisal says it may be worth that much.

Problems?

## Two(c): Transparency – Meeting Best Practices

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- Plan for...and lay the groundwork for...orderly & productive public meetings! Best practices:
  - Follow and stay on your agenda during the meeting. To ensure OML compliance, avoid adding items and avoid straying into discussion or action on items not on agenda.
  - Maintain a degree of formality – use titles, insist speakers be recognized, etc.
  - Develop and follow practical rules dealing with common meeting issues:
    - Public comment periods-time limits, avoid back-and-forth.
    - Sequencing of proceedings–don't be ad hoc.
    - Council discussions—e.g., one turn each before speaking a second time.
- Use rules of procedure to facilitate, not debilitate, getting work done.

# Suggestion Three: Commit to Supporting the City Structure

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- An important risk management principle for everyone within the organization is to recognize and honor their role—it is important that everyone “swim in their lane” to avoid risks of liability, including the risk of personal liability!
  - You have protection from personal liability under Colorado Governmental Immunity Act (CGIA) if you are “within the scope of employment” (SOE) and not acting “willfully and wantonly.”
  - Means everyone needs to know and respect their “job description.”
  - Conduct that is “outside the scope” or “willful and wanton” can result in a loss of governmental immunity and create liability, including the potential of personal liability for you.

# Supporting the City Structure

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- It can also result in potential loss of insurance coverage. Public official liability (POL) policies follow “course and scope” and “willful and wanton” concepts. That is, they extend coverage to elected and appointed officials “in their capacity as such” (or similar) and have provisions excluding coverage where liability is based on willful & wanton conduct, fraud, ill-gotten gain, or criminal or malicious acts.
- The CGIA provides a form of qualified immunity for state claims, but it is not an absolute shield. At the federal level, another form of qualified immunity protects public officials from liability for civil damages “insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.”
- Recognize that certain liability risks—in particular “willful and wanton” and civil rights claims—can be exacerbated by “bad facts” that suggest (or are perceived to be based upon) retaliatory, reactive or rogue conduct.

# Supporting the City Structure

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- What is the City structure? What is your “job description”? For background:
- The City of Salida operates as a statutory city, with a council-administrator structure.
  - **City Council:** Legislative and corporate authority (i.e., Policy and Governance)(CRS 31-4-101; Code 2-2-10); Mayor serves as presiding officer (CRS 31-1-102; Code 2-2-20).
  - **City Administrator:** Administrative head of the City government under the direction and control of Mayor and Council (i.e., Administration). Oversees and is responsible for the “day-to-day” municipal operations. (Code 2-3-70).
- By statute, ordinance, etc., certain duties are performed by Council and certain duties are performed by staff. These allocations of authority and responsibility not only define the organization’s structure; they define “scope of employment” for everyone in it.

# Supporting the City Structure

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## Where Does the City Council Focus its Efforts?

**Ownership**



**Governance**



**Management**



**Supervision**



**Front Line Employment**

## Legislative and Corporate Governance is:

- Policy-setting, big picture, and forward-looking, rather than dealing with day-to-day, and rather than making reactive, case-by-case decisions as issues arise, or after-the-fact.
- Examples: General ordinances, annual budget, decisions regarding corporate assets, appointment and oversight of Council direct reports, corporate and quasi-judicial matters reserved to the Council.
- The governing body should:
  - Have longest time horizon—looks down the road.
  - Have broad interests in mind.
  - Use the CEO (City Administrator) as a resource.
  - Work together in their fiduciary role to protect the City as an entity and the Council as an institution.

# Supporting the City Structure

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- Tips to support the structure and avoid risk and concerns around “role discipline” and “scope”:
  - Recognize that elected officials act primarily as a BODY, and exercise responsibilities mainly by VOTING in a PUBLIC MEETING. While each member holds a fraction of the body’s power, that power can’t be exercised individually. It can only be exercised by the Council as a whole.
  - Respect the delegations of authority already made via state law, your ordinances and organizational structure. Those allocations work to serve and protect the City, the Council, and its members, if honored.
  - If you find yourself about to act in terms of “I” rather than “We”...that’s a red flag. Ask whether you have authority to act (and if you don’t, don’t do it).
  - Another warning sign: He/she/they did what?!

# Supporting the City Structure

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- Role discipline is particularly important in employee relations and administrative matters. Except for Council's direct reports, elected officials are not employee supervisors. Nor are they authorized to exercise administrative powers that by statute/ordinance are assigned to staff.
  - Don't get individually and improperly involved in personnel issues or administrative matters delegated to staff—remember your SOE!
  - Direct administrative matters to the Administrator, as your resource and point of contact to help get things done (and look good while doing it!)
- It's not that administrative matters are “hands off” for elected officials – you are entitled to ask questions and get information – but it's important to exercise role discipline to prevent entanglements, disempowerment, misunderstandings, and potential exposure to liability.

# Supporting the City Structure

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- Commit to personnel conduct that strengthens the WE - the governing body as an institution. This sometimes requires personal sacrifices, such as:
  - Setting aside a personal interest or agenda when there is lack of support.
  - Accepting “the Council has spoken” though one preferred a different outcome.
  - Accepting when “Our work is done”; i.e., the hand-off from Council → staff.
  - Following Council’s agreed-upon practices for use of staff time, communications with the media, interaction with outside entities & other City boards and commissions, etc.
  - Avoiding perceptions (internal or external) of “getting ahead” of or “speaking for” the voice of the Council where the Council has not yet spoken.

# Suggestion Four: Commit to Ethical Conduct

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- Become familiar with the ethics rules governing your conduct (e.g., Colorado Standards of Conduct, C.R.S. 24-18-201 *et seq.* & Council Handbook) The theme that runs through codes of ethics is: It is not permissible to use public office for private gain. Some key areas:
  - **Conflicts of Interest:** Disclose, recuse, don't vote, and don't influence other members.
  - **Confidential Information:** Don't disclose or use any City confidential information for personal benefit.
  - **Gifts:** Decline any gifts that seem to be connected to your service (and abide by gift rules).
- Avoid situations that may create an appearance of impropriety. Recognize that in matters of ethics, fair or not, sometimes perception = reality and reality = perception.

# Suggestion Five: Commit to Providing Due Process

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- Much of the time the Council and its members are acting as “legislators”—making general policies that apply generally—or handling corporate business matters of the Council.
- But sometimes you (and often, the Planning Commission) make decisions affecting a specific applicant’s property rights. For these “quasi-judicial” matters—e.g., land use applications before the Council—the members are essentially acting as judges. In this role you have heightened responsibilities to provide “due process” and a failure to provide due process exposes your Council decision to challenge and the City to liability.
- So, be familiar with the due process “rules of engagement” that apply to quasi-judicial matters.
- These rules have a familiar source: “No person shall be...deprived of life, liberty, or property, without due process of law.”

# Quasi-Judicial Rules of Engagement – The Big Risks

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- **Ex Parte Contacts:** As a judge, don't engage with one side or the other, or with your fellow quasi-judges, before or outside the hearing (ex parte contacts).
- **Lack of Impartiality:** As a judge, remain neutral; don't make up your mind before the hearing and don't make prejudicial pre-hearing statements.
- **Improper Handling of Conflicts of Interest:** As the judge, you must recuse yourself from the proceedings if you have a conflict of interest or other disqualifying circumstance.
- **Unsupported Decisions:** Your Council deliberations and decision on a quasi-judicial matter must be focused/based on the evidence presented at your hearing and upon relevant, existing criteria (i.e., the standards) that apply to the decision before you. In this role you must set aside personal opinions and preferences. In deliberations, use Sam's "Rule of Why."

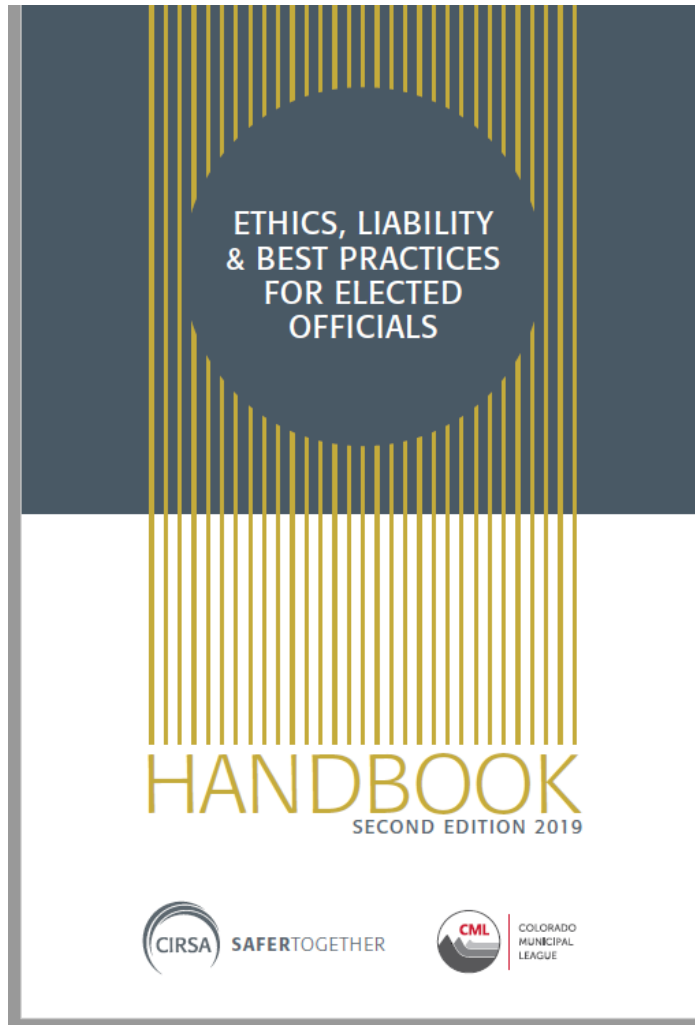
# Concluding Thoughts: Key “Takeaways” for Managing Risks

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- Embrace and provide good process—process is itself a government service
  - Follow transparency rules
  - Take the time you need & get the information you need to make sound decisions
  - Have focused and on-point deliberations—they lead to defensible decisions
  - Remember and embrace the policy/administrative distinction
  - Individually and collectively, stay within your authority and “SOE”
  - Know the rules, play by the rules, and apply them evenhandedly
  - Recognize the authority of Council (or other public body) is exercised collectively
  - Avoid conduct and decisions that may appear as arbitrary or retaliatory
  - Work collaboratively to fulfill your Council responsibilities - Embrace the fiduciary, stewardship, and “We” responsibilities of membership on a local public body
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- **Thank you for the opportunity to present!**

# Resources

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CIRSA Elected Officials Handbook:  
<https://www.cirsa.org/wp-content/uploads/2019/06/EthicsLiabilityBestPracticesHandbookForElectedOfficials.pdf>

Other CIRSA elected and appointed officials' resources: <https://www.cirsa.org/safety-training/elected-officials/>.

For more on quasi-judicial “rules of engagement”, see: <https://www.cirsa.org/wp-content/uploads/2020/05/Quasi-Judicial-Proceedings.mp4>, and [https://www.cml.org/docs/default-source/2024-conference-presentations/6-19-24-1045-cml-2024-qj-decision-making.pdf?sfvrsn=ee380f05\\_2](https://www.cml.org/docs/default-source/2024-conference-presentations/6-19-24-1045-cml-2024-qj-decision-making.pdf?sfvrsn=ee380f05_2).

# CIRSA Insurances Coverages – General Overview

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- **Liability** (Coverage for bodily injury, property damage, personal injury, etc.):

- General Liability
- Law Enforcement Liability
- Public Officials Errors and Omissions (Provides coverage for “wrongful acts;” e.g., alleged civil rights violations)
- Automobile Liability
- Optional: Uninsured/Underinsured Motorists

- **Property & Crime:**

- Buildings and contents, other categories of property, business interruption, etc.
- Auto physical damage - autos the City owns or is required to insure
- Crime - including employee dishonesty; theft, disappearance and destruction of money and securities; forgery or alteration; computer fraud; social engineering fraud

# CIRSA Insurances Coverages – General Overview

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- **Workers' Compensation & Employer Liability:** Per Requirements of Colorado Act
- **Cyber Coverages (Two Parts):**
  - First-Party: Breach Response Services, Business Interruption, Cyber Extortion Loss, Data Recovery Costs
  - Third-Party: Data & Network Liability, Regulatory Defense, Payment Card Liabilities
- **Optional Coverages Provided by Outside Carriers (partial list):**
  - Equipment Breakdown
  - No-Fault Water Line Rupture & Sewer Backup Coverage
  - Excess Crime Coverage
  - Sports Accident
  - Volunteer Accident Medical Plan (VAMP)
  - Special Events Liability

# Speaker Bio

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Sam Light is Deputy Executive Director/General Counsel for the Colorado Intergovernmental Risk Sharing Agency (CIRSA). Previously Mr. Light was a partner with the Denver law firm of Light | Kelly, P.C., specializing in municipal and other public entity law, insurance law and defense of public entities and elected officials. Sam is a frequent speaker on municipal law and has practiced in Colorado since 1993.