



Keystone Town Council Agenda

The Keystone Town Council will have a Regular Meeting on June 11, 2024, at 7:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

- I. CALL TO ORDER, ROLL CALL
- II. APPROVAL OF AGENDA
- III. COMMUNICATIONS TO COUNCIL
 - A. *Public Comment (Pursuant to Resolution 2024-18, comment is limited to non-agenda items only; 3-minute time limit please)*
- IV. CONSENT AGENDA
 - A. FIRST READING OF ORDINANCES
 1. Ordinance 2024-O-07, An Ordinance of Town Council of the Town of Keystone, Colorado, Adopting Short-Term Rental Regulations
 2. Ordinance 2024-O-08, An Ordinance of Town Council of the Town of Keystone Colorado, Amending Ordinance No. 2024-O-05, Town Of Keystone Land Use Code, And Declaring An Emergency
 - B. RESOLUTIONS – NONE
 - C. MEETING MINUTES
 1. May 28, 2024 – Meeting Minutes
 - D. EXCUSED ABSENCES
 - E. OTHER
 1. Accounts Payable List 4/16-5/23/2024
- V. DISCUSSION
 - A. CONSIDERATION OF ORDINANCES (SECOND READING/PUBLIC HEARING) -- NONE
 - B. RESOLUTIONS
 1. Resolution 2024-47, A Resolution of Town Council of the Town of Keystone, Colorado, Approving Reimbursement of Incorporation Expenses

2. Resolution 2024-48, A Resolution of Town Council of the Town of
Keystone, Colorado, Adopting a Travel Policy

3. Resolution 2024-49, A Resolution of Town Council of the Town of
Keystone, Colorado, Adopting a Town Purchasing Policy

C. OTHER –NONE

VI. PLANNING MATTERS – NONE

VII. REPORT OF TOWN MANAGER AND STAFF

VIII. REPORT OF MAYOR AND COUNCIL

IX. OTHER MATTERS (Town Manager/Mayor/Councilmember may bring up items on
other matters that are not on the agenda)

X. SCHEDULED MEETINGS

XI. EXECUTIVE SESSION

XII. ADJOURNMENT

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Town of Keystone <no-reply@co.colorado.gov>

Tue 5/28/2024 6:33 PM

To:Maddy Sielu <msielu@keystoneco.gov>

Submitted on Tuesday, May 28, 2024 Submitted by: Anonymous Submitted values are: *Your Name* Beth Veath *Your Email* bveath@bjpc.com [1] *Subject* STR licenses *Message* If you pass this legislation you will be affecting our condominiums' value. Other locations that have are forcing people to sell. I am currently losing money renting long term to a local. I probably plan to go back to STR after the lease is up. If this passes I will be listing 1 of my 2 condos for sale. [1] <mailto:bveath@bjpc.com>

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Town of Keystone <no-reply@co.colorado.gov>

Tue 5/28/2024 5:26 PM

To:Maddy Sielu <msielu@keystoneco.gov>

Submitted on Tuesday, May 28, 2024 Submitted by: Anonymous Submitted values are: *Your Name* Rob Schwager *Your Email* 1smartdok@gmail.com [1] *Subject* STR issue *Message* Thanks for nothing guys. I've owned in Keystone since 2005, and this STR business has been nothing but a money grab from the start. Somehow I naively thought you were going to be better than this, but clearly once a bunch of politicians get fat on fees, their gluttony prevails forever. I'm not opposed to licensing per se, but hikes in property taxes, KNC fees, and HOA fees, along with what I'm pretty sure will at least equal, if not exceed the fees Summit County was imposing on us for STR's, just makes ownership barely palatable. Is it your plan to cede everything back to Vail resorts ultimately? Are you going to charge them for these fees, since they already control the voting power-even though they may not have title to actual properties? Disgusted with what I'm reading so far. [1] <mailto:1smartdok@gmail.com>

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Town of Keystone <no-reply@co.colorado.gov>

Tue 5/28/2024 4:25 PM

To:Maddy Sielu <msielu@keystoneco.gov>

Submitted on Tuesday, May 28, 2024 Submitted by: Anonymous Submitted values are: *Your Name* Donald V Jensen *Your Email* dj2dmj@icloud.com [1] *Subject* STR language and definitions *Message* As a long time owner of a condo at Gateway, a consistent building built for short term to long term rentals, depending on definitions (page 1, 11th Wheras noting REASONABLE) I seek to have the Keystone ordinance language lead the county in the following ways. While the work session document is intended for conversation, it is critical to allow for amendments throughout the years ahead as clarifications via law or common sense influence sections you will ultimately allow. Create a list of the excluded buildings per Section B. Applicability Page 5, Section b. ...all necessary materials to determine THAT THE vs. IF the transfer meets... Section 10. Occupancy As example, occupants should specifically exclude children below drivers license age. There is no point in forcing families with children to rent oversize units and penalize ownership entities whether corporate or simple partnerships. A 4 br unit with a hide a bed for youth, or the ability to have a crib for an infant, should not be counted as a maximum of 8 individuals plus 4. A bunk bed should be allowed in a bedroom to accommodate youth. Parents and older children should not be forced to sleep together if the unit provides ample ways to not impact parking stalls which is the dominant concern to the community. If you can't drive, then exclude by rule. Second, the owners of any unit should be allowed the opportunity to use their home with the desired amount of guests, even if their STR license when renting to the general public may have a definitional limitation. Having my granddaughter bring a friend(s) to ski or hike along with parents and other adult guests is not a burden and is why we want tourists to consider Keystone and Summit County in general. 3 and 4 BR homes and condos are usually set up for the extra children and Keystones STR criteria should be crystal clear you want families not to be punished by bringing extra children to enjoy the mountains, no matter what season. a 3 or 4 br unit should be able to accomodate greater than 10 to 12 occasionally and the listing of units in Keystone should by rule not count children as impacts to BR and occupancy counting. Recommend changing the max language to specially waive residency numbers when ownership families are staying in the unit. [1] <mailto:dj2dmj@icloud.com>

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Town of Keystone <no-reply@co.colorado.gov>

Tue 5/28/2024 3:33 PM

To:Maddy Sielu <msielu@keystoneco.gov>

Submitted on Tuesday, May 28, 2024 Submitted by: Anonymous Submitted values are: *Your Name* Bob Cottrell *Your Email* bob@bobcottrell.com [1] *Subject* Short-Term Rental Ordinances *Message*

With the town being new and having a clean slate, I urge you to be thorough, thoughtful and even original as you examine whether you need the type of STR ordinance structure you are contemplating. Throughout the '90s, '00s and '10s, short term rentals of properties at Keystone hummed along just fine with no government regulation of them. Consider that the default position might more appropriately be NO regulation, not an ordinance that ties people up in bureaucracy. I further urge you to not be so fixated on violations, which by all the data collected in Summit County to date, appear to be negligible. Many council and staff remarks at meetings and in the media make it seem as if you have a solution in search of a problem. Violations have not been--nor is there any trend indicating that they will be--a problem that should occupy much of the discussion or drafting of this ordinance. In what follows, I share findings from the study referred to below: "Summit REALTORS® (now part of Altitude REALTORS) worked with the Western Mountain Resort Alliance (of which both Summit and Steamboat are members) and the National Association of REALTORS to commission a comprehensive study by RRC/Inntopia on the economic impacts of STRs, STR regulations, and whether restrictions on STR's created more workforce housing. It was extraordinarily important to us to work with a research firm that is respected by our local governments and would provide an unbiased study. We wanted to know the facts and know our elected officials and staff do, too." "A new study commissioned by the Western Mountain Resort Alliance (WMRA), with financial support from the National Association of REALTORS®, and conducted by RRC Associates and Inntopia, makes an unbiased review of the economic activities surrounding short-term rentals (STRs) and reveals the significant economic and social contributions STRs have in Colorado's mountain communities. Examining the impacts in Summit County, the study highlights the positive role STRs play in supporting local businesses, creating jobs, and providing diverse accommodation options for visitors." Key Findings: Economic Powerhouse: STRs contribute significantly to local economies, generating millions in tax revenue and supporting thousands of jobs. The study estimates that STRs in Summit County generated over \$1.7 billion in economic activity in 2023, directly supporting 7,693 jobs. Housing Market: The study found that STRs were unlikely to be a major cause of increased housing prices in 2018-2022. Additionally, STRs generate more economic activity – and more funding for affordable housing – than second homes that are not used as STRs. Please stay mindful that regulations for STRs should balance the interest of property owners, residents and visitors to foster sustainable tourism development, the driving engine of the new town. I urge you to work collaboratively with stakeholders, including REALTOR Associations and small businesses in town, to develop balanced regulations that support responsible STR growth. The study I refer to underscores the need for data-driven policymaking to ensure regulations are based on accurate information and that they are tailored to challenges actually facing the community. [1] mailto:bob@bobcottrell.com

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Town of Keystone <no-reply@co.colorado.gov>

Tue 5/28/2024 3:14 PM

To:Maddy Sielu <msielu@keystoneco.gov>

Submitted on Tuesday, May 28, 2024 Submitted by: Anonymous Submitted values are: *Your Name* David Cooper *Your Email* dacooper98@yahoo.com [1] *Subject* NO to STR Ordinances, Fees, Restrictions *Message* Good Afternoon, As a home owner in Keystone, I implore you not to take up any additional ordinances, fees, or restrictions on STR in Keystone. Our current situation makes Keystone very appealing to property owners which in turn provides great economic benefit to the town of Keystone and it's residents. Please do not drive this business out of our great area. Thank you, David Cooper [1] <mailto:dacooper98@yahoo.com>

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Town of Keystone <no-reply@co.colorado.gov>

Mon 5/27/2024 5:44 PM

To:Maddy Sielu <msielu@keystoneco.gov>

Submitted on Monday, May 27, 2024 Submitted by: Anonymous Submitted values are: *Your Name* Guy Schlacter *Your Email* gschlact@gmail.com [1] *Subject* Keystone STR Ordinance and Regulation comments for public discussion *Message* Hello, I appreciate the ability to email into the council for the STR ordinance review and would like to share some comments to express. 1. I don't understand the need to have separated STR ordinances or regulations for noise, parking, garbage, lighting, pets, health and safety requirement, or any other neighborly behavior that occurs between residential properties. Any behavior or violation that can occur at an STR can occur just as easily occur by any permanent resident (long term renter), short term renter, or any property owner or guest at a residence in Keystone. Requiring any residence to follow the residential ordinances and regulations should be the goal with a common requirement to resolve such bad actors. 2. For many years, there were no fees or regulations on short term rentals, why is it necessary now? Why vote a \$250 fee? It has been said there are nearly 2000 STRs in Keystone with only 17 'hotline' incidences. Assuming each STR had at least ten reservations during this period, the incidence rate is 0.08% per booking. Is that worth any fee or staff bandwidth to manage? How many incidences were called into police that were Not STRs in the corresponding period? I suggest having ordinances and regulations, just make the globally apply to all residences. 4. All residents and residences should be forced to register with the Town of Keystone by their owners, not just STRs. There are plenty of transient people in LTRs, guests, and empty homes where officials should have registered contact info and know who the occupants are living in the town. 3. Please consider moving any programs or infrastructure financial burden caused by tourism visits for local town government, away from singling out STRs to should the financial burden. Instead, utilize sales and/ or resort sales tax options since all town businesses and resort benefit from tourism sales. If necessary. Maybe these tourism taxes can be seasonal so as to protect local residents spending in local businesses. Thank you, Guy Schlacter The Gateway Lodge [1] <mailto:gschlact@gmail.com>

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Town of Keystone <no-reply@co.colorado.gov>

Thu 6/6/2024 4:57 PM

To:Maddy Sielu <msielu@keystoneco.gov>

Submitted on Thursday, June 6, 2024 Submitted by: Anonymous Submitted values are: *Your Name* Kc
Your Email cravenk7@yahoo.com [1] *Subject* River Run Road *Message* Hi Keystone Town Council,
I am writing this email to bring some attention to River Run Road. As you know, there is a lot of
construction happening on this road and its becoming extremely unsafe for cyclists and pedestrians.
Everyday there are construction workers driving 40mph on a 15mph road that is 300 yards long. Trucks
parking wherever in the road, effectively making it a one lane road and creating blind spots for cyclists
and foot traffic. River Run Road is a county road, which means no on street parking. The situation on
this road daily, primarily weekdays, is cause for concern, someone is going to get hurt. More slow
signs? Speed Bumps? Police Prescence? Something needs to be done before someone is injured. [1]
mailto:cravenk7@yahoo.com

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Madeleine Sielu, Town Clerk
DATE: June 11, 2024 – Regular Meeting
SUBJECT: [FIRST READING] Ordinance 2024-O-07, An Ordinance of Town Council of the Town of Keystone, Colorado, Adopting Short-Term Rental Regulations

Executive Summary:

The Town is expected to take on enforcement and administration of Short-Term Rental licenses on October 1, 2024. To do this, the Town needs to adopt a code concerning the regulation of short-term rentals.

Background:

On May 14, 2024, Staff provided an overview for Town Council regarding the existing Short-Term Rental regulations in unincorporated Summit County. Town Council directed staff to return to the following Work Session with a proposed ordinance that incorporated Council feedback. Staff brought a draft of the proposed ordinance to the Work Session on May 28, 2024, for Council's review. Council asked staff to bring the ordinance back for first reading after making the following updates:

- Including a section on the renewal process, to include criteria for renewal of Short-Term Rental Licenses.
- Removing the language requiring the Responsible Agent to respond in person within one hour, to reflect that resolution is required within one hour, allowing the Responsible Agent to potentially resolve the issue remotely.

- Designating the Town Manager or designee as the person to manage the appeal process, if a license is denied.

Alternatives:

Town Council may provide alternative direction on the adoption of short-term rental code.

Financial Considerations:

N/A.

Previous Council Actions:

Town Council discussed the adoption of a Short-Term Rental ordinance at the Work Sessions on May 14 and May 28, 2024.

Next Steps:

If approved, the second reading and public hearing will be scheduled for June 25, 2024.

Suggested Motions:

Because this item is on the consent agenda, a motion to approve the consent agenda will approve this ordinance on first reading.

Attachment:

- Ordinance 2024-O-07, An Ordinance of Town Council of the Town of Keystone, Colorado, Adopting Short-Term Rental Regulations

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-07**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ADOPTING SHORT-TERM RENTAL REGULATIONS**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, the land that was eventually incorporated into the new Town of Keystone was located in and governed by Summit County, Colorado; and

WHEREAS, the Town is a resort-community and known for its beautiful mountain setting and world-class recreation opportunities; and

WHEREAS, the Town of Keystone is a tourist-based economy; and

WHEREAS, it is important that there are available short-term rental accommodations to those people wanting to visit and spend time in the Town; and

WHEREAS, beginning on October 1, 2024, the Town will provide the service of regulation of short-term rentals in the Town boundaries; and

WHEREAS, recognizing the importance of the tourist-based economy and the availability of short-term rental accommodations, Town Council desires to balance these needs with the potential impacts of short-term rental accommodations on neighbors; and

WHEREAS, the rental of a short-term rental by the property owner is the operation of a business; and

WHEREAS, the Town has the power to regulate businesses that operate within the Town under several laws, including, but not limited to (i) C.R.S. § 31-15-501 (concerning municipal authority to regulate businesses); (ii) C.R.S. § 31-15-401 (concerning municipal police powers); (iii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the powers contained in the Keystone Home Rule Charter; and

WHEREAS, the Town Council desires to adopt short-term rental regulations consistent with the previously applicable Summit County short-term rental regulations applicable to the Summit County Resort Overlay Zone; and

WHEREAS, the Town Council has determined that these regulations on short-term rentals will strike a balance. The regulations aim to support the Town's tourist-based economy by ensuring adequate accommodations and offering visitors the chance to immerse themselves in the town's stunning mountain scenery and top-tier recreational offerings. Additionally, the regulations seek to establish reasonable guidelines to foster harmonious relations among neighbors.

THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, ORDAINS:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. The Town Council adopts the following regulations, Short-Term Rental Regulations, for the licensing of short-term rentals in the Town.

SHORT-TERM RENTAL REGULATIONS

A. Purpose.

The purposes of these regulations are:

1. Reasonably regulate and allow short-term rentals of residential real property;
2. Provide for short-term accommodations and establish operating standards to reduce impacts on adjacent neighbors resulting from short-term rentals; and
3. Designate a department of Town of Keystone to process applications for licenses for short-term rentals and provide the structure by which such entity will process and review the applications.
4. Provide a manner for submission and enforcement of neighbor complaints related to impacts of the use of short-term rentals.

B. Applicability.

The regulations set forth in this Ordinance shall apply to short-term rental Property only, as defined herein. This Ordinance shall not apply to the furnishing of lodging services in hotels, motels, lodges, or units within a building operating akin to that of a hotel/motel with a central check-in located within such facility, or to long-term leases.

C. Definitions.

Unless otherwise defined herein, the words and terms used in these regulations shall have the meaning as set forth in the Town of Keystone Land Use Code ("Land Use Code"), Ordinance No. 2024-O-05.

- a. *Advertise* means any act, method or means of drawing attention to a short-term rental for purposes of promoting the same for rent or occupancy.

- b. *Booking* means an agreement to rent a unit for a period of less than 30 consecutive days for an exchange of consideration.
- c. *Licensee* shall mean the person to whom a short-term rental license has been issued by the Town Clerk.
- d. *Rent* means allow the use of real property for a period of time. Rent includes such terms as lease, let, and borrow.
- e. *Short-term rental* (or "STR") means the rent for any form of consideration of a dwelling, dwelling unit, accessory dwelling unit, or portion of any dwelling unit to a particular person or persons for periods of time less than thirty (30) days. A short-term rental is a use that is accessory to the primary or principal use of such dwelling or dwelling unit..

D. Procedures.

1. Licensing Authority. The Town of Keystone Town Clerk is hereby designated as the licensing authority and enforcement agency for all STR applications and operations and is responsible for collecting fees, providing an application system, assisting the applicant with the application process, and monitoring and enforcement of these regulations and any applicable sections of the Land Use Code (collectively, the "STR Regulations"). The Town Clerk shall be authorized to promulgate all reasonable administrative rules and procedures necessary for the operation and enforcement of the STR Regulations.
2. License Required. No person or entity may advertise or operate an STR without a valid license.
3. Review Process. An application for an STR license shall be reviewed by the Town Clerk in accordance with the applicable criteria set forth in these regulations.
4. Review Criteria. The Town Clerk shall consider all of the required application materials and submissions and determine that all criteria have been met and required materials submitted prior to issuing an STR license.
5. Decision. A decision regarding the issuance of a license under these regulations shall be issued by the Town Clerk within 30 days once the application has been deemed complete.
6. Appeal. If an application for a short-term rental license is denied, the applicant may appeal that decision to the Town Manager or designee within ten (10) days of receipt of written notice of such denial; otherwise, the license denial shall be final and not subject

to appeal. If the Town Manager or designee uploads the denial of the short-term rental license, the applicant may appeal the Town Manager's denial decision within ten (10) days of receipt of written notice to the Town Council. The denial of a short-term rental license is an administrative decision.

7. Length of Validity and Renewal.

- a. A short-term rental license shall expire on September 30 of the calendar year following the year of initial license issuance, or when title of the short-term rental property transfers to a new owner, whichever occurs first. Each change in ownership of a short-term rental property shall require a new license, unless meeting one of the exceptions as listed in Section B.8. below.
- b. An application for renewal of a short-term rental license shall be submitted within the renewal period established by the Town Clerk.
- c. A short-term rental license which is not submitted for renewal during the established renewal period shall be considered expired and the property owner is required to submit a new license application.
- d. Upon receipt of a timely renewal application, the Town Clerk will review the application and administratively approve the renewal of the license, provided that for the year immediately preceding the date of renewal the following conditions are found by the Clerk to be fully satisfied:
 - i. The applicant for license renewal was the original applicant for the license to be renewed;
 - ii. The applicant continues to meet all requirements for issuance of a license provided by Section F.2;
 - iii. The applicant or the property is not presently in violation of this Article, other provisions of the Municipal Code, or conditions imposed upon the license;
 - iv. The applicant has not been cited for, charged with, or determined to be in violation more than three (3) times during the prior calendar year of a provision of this Article, other provisions of the Municipal Code, or a condition imposed upon the license;
 - v. The previously issued short-term rental license is current and valid and has not been suspended during the prior calendar year; and

vi. The property has no outstanding local or state tax obligations.

If any one of the conditions of this subsection (d) are not satisfied, the Town Clerk shall deny the renewal application.

The Town Clerk is authorized to issue a conditional renewal requiring the license holder to promptly remedy or resolve one (1) or more issues that otherwise would necessitate rejection or denial of the application or license renewal. The license holder's failure to timely satisfy a condition of license renewal shall, without any formal action other than notice to the license holder, result in the revocation of the license renewal as if the renewal was rejected upon initial application and never issued.

- e. Applicants whose application for renewal is denied pursuant to subsection d. of this Section may appeal the Town Clerk's decision in accordance with Section J.6.d.
- f. The owner of property for which a renewal application is denied in accordance with subsection d. above shall be ineligible to apply for a new license for a period of one (1) year from the date of rejection of the renewal application.
- g. Open Permits. When there is an open building permit or septic permit for an upgrade, remodel, or demolition, the STR license will remain in effect subject to annual renewal; however, no rentals may occur until the permit has received all final approvals, including a Certificate of Completion, Certificate of Occupancy, or Temporary Certificate of Occupancy, if required.

8. Transfer of Ownership.

- a. Ownership of a license may not be transferred, unless meeting one of the exceptions as listed herein.
 - i. The transfer of title to real property when there is no consideration if the grantee is a member of the grantor's immediate family. For purposes of this section, a family transaction shall mean between parents and children, spouses or domestic partners, siblings, grandparents and grandchildren, or other similar family relationship.
 - ii. The transfer of title to real property from a grantor to a trust established by the grantor.

- iii. The transfer of title to real property from a grantor to a limited liability company or another form of business entity recognized by Colorado law so long as the grantor has a controlling interest in such limited liability company or other business entity. Any transfer of title wherein the majority interest is no longer held by the same party or parties as who *originally* obtained the STR license shall be considered a non-exempt transfer and a new license will need to be obtained.
 - iv. Any transfer of the property between the same parties creating or terminating a joint tenancy in such property.
 - v. The transfer of title or change of interest in real property by reason of death, pursuant to a will, the law of descent and distribution, or otherwise.
 - vi. The transfer of title without consideration for the purpose of confirming, correcting, modifying, or supplementing a transfer previously recorded; making minor boundary adjustments; removing clouds of titles; or granting rights-of-way, easements, or licenses.
 - vii. The transfer of title pursuant to any decree or order of a court of record quieting, determining, or vesting title. The transfer of title between spouses or former spouses made pursuant to a separation agreement, decree of legal separation, or dissolution of marriage.
- b. Either prior to or within 30 days after the transfer, a property transfer purportedly meeting the requirements of this section, the new owners shall contact the Town Clerk and provide all necessary materials to determine if the transfer meets the exempt criteria above.

9. Property Owner. The owner of the STR Property shall be the holder of the license and is called the licensee. A property manager or other individual may submit the application for an STR license on behalf of the Property owner; however, the Town Clerk issues the license to the Property owner and the Property owner has responsibility for compliance with the STR Regulations.

10. Maximum Occupancy.

- a. Maximum occupancy at any time may not exceed the following, unless further restricted by an on-site wastewater treatment system (OWTS), and shall be in accordance with Section D.10.b:

- i. Single family, duplex and townhome units: a) two (2) persons per bedroom plus four (4) additional occupants; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy.
 - ii. Condominium units: a) two (2) persons per bedroom plus four (4) additional occupants, or two (2) persons per bedroom plus two (2) additional occupants in buildings with interior egress components less than 44 inches wide and without a sprinkler system; OR b) 1 person per 200 square feet of living area, whichever allows for a greater occupancy. When a condominium unit contains an approved lock-off room that meets the definition of a lock-off room set forth in Chapter 15 of the Town Land Use Code, the lock-off room shall be allowed a total of 4 occupants.
 - iii. Properties requesting occupancy in excess of 19 must first obtain a Class 2 Conditional Use Permit as required by the Town Land Use Code.
- b. STRs on on-site wastewater treatment systems (OWTS): the maximum overnight occupancy of the unit shall be limited to the capacity established on the OWTS permit. OWTS systems in Summit County are typically designed to accommodate a maximum occupancy of 2 persons per bedroom.
 - c. For the purposes of these regulations, a loft which meets the Building Department requirements for a potential sleeping room shall be allowed 2 occupants. Studios will be treated as one-bedroom units for the purposes of this Section.
 - d. Occupancy as permitted in the license is the total number of persons who may be at the Property at any one time.

E. Responsible Agent Required

- 1. Responsible Agent. Each licensee of a short-term rental Property shall designate a person or company to serve as the responsible agent ("Responsible Agent"). A licensee of a short-term rental Property may designate themselves as the Responsible Agent.
 - a. The Responsible Agent shall have access and authority to assume management of the unit and take remedial measures. The Responsible Agent shall be available 24 hours per day, 7 days per week to respond to

complaints, issues of concern, and violations related to these short-term rental regulations. The Responsible Agent, or their designee, must be able to affirmatively respond to complaints within an hour of notification of such complaint. Failure of a Responsible Agent to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation.

- b. In the event of a fire ban within Summit County, the Responsible Agent is required to notify renters of the current fire restrictions and provide renters with instructions on how to access the Summit County Alert System for real-time emergency information during their stay.
- c. The licensee shall keep all property management and Responsible Agent information updated with the Town and in the STR unit.

F. Application

1. Application. The owner shall file a complete application for a short-term rental license with the Town Clerk through the established application system. The application shall not be deemed complete until all required information is submitted.

2. Application Materials. An application for a short-term rental license shall include the following:

- a. Application materials shall include all information and materials as set forth in these regulations as required in the application system.
- b. Contact information for Owner, property manager, if applicable, and Responsible Agent, including names, mailing address, phone number, and email. The licensee is required to keep all contact information up to date.
- c. Application fee as established by the Town Council by resolution.
- d. Self-Compliance Affidavit, signed by the owner under penalty of perjury, certifying compliance with the STR Regulations.
- e. Documentation listing all owners of a property, including form of ownership and percentage share, as applicable.
- f. Designation of Responsible Agent including contact information who shall be available 24 hours per day, 7 days per week, in accordance with the requirements set forth in Section E.1. above.

- g. If applicable, documentation of water supply and septic capacity adequate to serve the proposed use, including but not limited to improvements such as hot tubs. Such documentation shall include submittal of well permit, OWTS permit, and pumper report.
- h. A parking plan or description for the Property, which complies with the parking requirements set forth in Section G.2.a. below.
- i. A waste disposal plan or description for the Property, which complies with the requirements set forth in Section G.2.b below.
- j. Proof of all required state and local sales tax licenses.
- k. Owner shall certify that they have read and understood the Good Neighbor Guidelines, and shall make these guidelines available to all renters in the rental agreement and by posting it in a prominent location within the STR.

G. Standards And Operating Requirements

1. Health and Safety.

- a. All improvements on the Property shall be permitted by the applicable Building Inspection Department, Environmental Health Department, Engineering Department, and all other applicable agencies. Buildings, structures, or rooms shall not be used for purposes other than those for which they were designed or intended, i.e. rooms not approved as "sleeping rooms" by the Building Inspection Department shall not contain beds.¹
- b. Roofs, floors, walls, foundations, ceilings, stairs, handrails, guardrails, doors, porches, all other structural components and all appurtenances thereto shall be capable of resisting any and all forces and loads to which they may be normally subjected, and shall be kept in sound condition and good repair.
- c. Smoke detectors, carbon monoxide detectors and fire extinguishers shall be installed and operable per C.R.S. § 38-45-104, and all wood-burning fireplaces and stoves shall be cleaned on an annual basis.

¹ The Building Inspection Department refers to bedrooms as a sleeping room/ area. The Town Land Use Code and these regulations use the term bedroom which is defined in Chapter 15 of the Town Land Use Code and which definition is the same as the definition of sleeping room/area in the International Residential Code.

- d. An operable toilet, sink, and either bathtub or shower shall be located within the same building, and every room containing a toilet or bathtub/shower shall be completely enclosed by walls, doors, or windows that will afford sufficient privacy.
- e. There shall be a sufficient number of waste receptacles to accommodate all waste generated by those occupying the short-term rental Property.
- f. Partial home short-term rentals are rentals of rooms within a dwelling unit where access and cooking facilities are shared by other occupants within the home. Partial-home rentals may not be advertised as separate units, such as but not limited to, a separate lockoff, studio, or apartment; and advertisements for such Properties shall contain language about shared access and cooking facilities.
- g. Outdoor fire pits on a Property shall be permanently installed improvements that are permitted and inspected by the applicable fire district and/or the Building Inspection Department, if required per applicable building and fire code requirements. STR owners/applicants should check with their applicable fire district and the Building Inspection Department to determine if permits are needed. The use of portable outdoor fireplaces is prohibited.
- h. Electrical panels shall be clearly labeled.
- i. All short-term rental properties shall have reliable cellular or VoIP service available or provide access to a landline telephone to enable renters to call 911 in the event of an emergency.
- j. Sanitary Standards and Rules for Public Accommodations. Where Applicable, all short term rental Property owners shall understand and maintain compliance with the Sanitary Standards and Regulations for Public Accommodations set forth in the Code of Colorado Regulations, Official Publication of the State Administrative Rules Section 6 CCR 1010-14. The purpose of these regulations is to provide minimum requirements for the protection of the health and safety of the occupants of public accommodations and community residents. All hot tub/spa installations require both a building permit and an electrical permit from the Building Inspection Department, in accordance with applicable regulations and compliance with Section G.I.ii below, if applicable. Hot tubs/spas and swimming pools shall be properly maintained in a way to prevent the spread of illness and shall comply with the requirements set forth in the Colorado Regulation Pertaining to Swimming Pools and Mineral Baths 5 CCR 1003-

5.

k. Occupancy of a recreational vehicle is prohibited on any Property that has obtained a short-term rental license.

l. STRs on Well or Septic:

i. If a short-term rental Property is connected to an On-site Wastewater Treatment System (OWTS) for sewer service, a septic tank pumping shall be completed by a Summit County Licensed System Cleaner every 3 years, or more frequently as determined by the Summit County Environmental Health Department during each County review of a STR license renewal application for the Property.

(a) Upon initial application, a pumping report will be accepted within 3 years of the date of that inspection. If the OWTS is in a state of malfunction, the Short-Term Rental license will not be issued until repairs are made and approved.

ii. If a short-term rental Property is served by an on-site well for domestic water use, an adequate water supply in terms of quantity, quality, and dependability for the proposed use per the Colorado Primary Drinking Water Regulation 5 CCR 1002- 1 1 where applicable. In addition, if the property has an improvement such as a hot tub, such Property shall be served by a well that is permitted for such use.

2. Site Plan and Operations.

a. Parking: A minimum of one (1) parking space is required per unit, up to a maximum of five (5) vehicles permitted to be parked outdoors on any Property.

i. Designated parking spaces shall comply with all applicable parking requirements set forth in Section 3700 of the Land Use Code. All vehicles shall be parked on-site in designated parking areas; parking is prohibited on Town roads, in any landscaped area, or in a manner that blocks egress for adjacent residents (driveways, sidewalks, alleys or mailboxes).

ii. The allowable number of parking spaces / vehicles shall be clearly stated in all short-term rental advertising. A copy of the approved parking plan for the short- term vacation rental Property shall be

provided to all renters in the rental agreement and posted in a prominent location within the Property.

- iii. A Property owner may request an increase in the maximum number of allowed parking spaces through a Conditional Use Permit if the proposed parking meets all applicable regulations and criteria, and is found to be consistent with neighborhood character, including location and visual buffering from adjacent properties.
- b. Waste Disposal and Collection: All short-term rental Properties shall provide a waste disposal and collection plan to ensure that waste containers are not left outdoors where they can cause issues for wildlife or snow removal operations. The proposed waste disposal and collection plan shall be reviewed and approved during initial license review and during review of any license renewals, if needed. Waste disposal plans shall comply with all applicable regulations including the Summit County Disposal District Regulations. Examples of acceptable waste disposal and collection plans may include but are not limited to:
- i. Indoor storage of waste with concierge/valet collection service provided by the waste hauler at the time of pickup.
 - ii. Storage of waste containers in garage, with waste containers to be put out by the Responsible Agent no earlier than 6:00 a.m. and returned to the garage by 7:00 p.m. on the day of pickup.
 - iii. Waste disposal is managed by the development's homeowner's association, and renters will be instructed on the location and requirements for waste disposal.
 - iv. Waste is stored in bear proof containers located outside of the right-of-way and any snow storage areas.
- c. Noise: Renters shall be informed of the applicable noise ordinance, which is enforced by law enforcement.
- d. Outdoor Lighting: All outdoor lighting shall comply with the exterior lighting requirements set forth in Section 3505.07 of the Land Use Code.
- e. Pets: If pets are allowed, renters shall be informed of applicable requirements for controlling pets, pet waste disposal, and barking/noise provisions set forth in the applicable animal control regulations; such regulations are enforced by law enforcement. All short-term rental

Properties shall comply with the animal regulations set forth in Section 3802 of the Land Use Code, and all pet food shall be stored indoors.

- f. Winter Traction and Snow Removal: Renters shall be informed in advance of arrival and via the Good Neighbor Guidelines of winter driving conditions and the need for appropriate vehicle traction, including Colorado Department of Transportation's Traction Law. Snow shall be removed from parking areas as necessary to accommodate the approved parking plan.

3. Good Neighbor Guidelines and Practices. The Town Clerk shall promulgate Good Neighbor Guidelines setting forth various recommended and/or required practices for STR owners and their renters. Licensees shall endeavor to have their renters abide by the Good Neighbor Guidelines in a reasonable and effective manner. This may include changing or altering rental practices to address repeat concerns; for example, posting clear quiet hours for hot tub use, establishing a multi-night minimum for renters, clearly communicating and monitoring number of vehicles allowed, renting to fewer guest than allowed by the maximum occupancy provisions, or other practices to mitigate impacts in the neighborhood.

H. Signage

1. A Licensee shall post a sign or notice conspicuously inside the short-term rental Property, which includes the Responsible Agent's current contact information and/or the owner's current contact information, the street address of the short-term rental Property and the short-term rental license number.
2. The Good Neighbor Guidelines, permitted occupancy, parking plan, and waste disposal requirements, including location of recycling centers, shall be posted in a prominent location within the short-term rental Property.
3. Any exterior signs advertising a short-term rental must first be reviewed and approved in accordance with the sign regulations contained in Chapter 9 of the Land Use Code.

I. One Party Rental, Advertising

1. Unless approved as a Bed and Breakfast per the Land Use Code, a short-term rental property shall not be rented to more than one booking party at a time.
2. All advertising for a short-term rental Property shall include the Town of Keystone short-term rental license number, immediately following the accurate description of the short-term rental Property as reflected by Town records, along with the permitted occupancy, permitted bedroom count, and parking limitations.

H. Taxes

1. All property taxes lawfully assessed against a short-term rental unit shall be paid according to the taxing requirements prior to approval of the short-term rental license, and payment of such taxes shall continue thereafter. Non-compliance with the payment of any taxes may result in suspension, revocation, non-renewal, or denial of the short-term rental license.

I. Notice

1. Any notice of violations, hearings, or other legal matters given to an owner is sufficient if sent by first-class mail to the address provided by the owner on the most recent permit or renewal application. Notice given to the Responsible Agent, by first-class mail, except as provided in Section J.6, to the address provided by the licensee, shall also be sufficient to satisfy any legal notice to the owner under these regulations.

2. The Town Clerk may send notice of administrative matters such as renewals, newsletters, updates, etc. via email to the registrant email address provided by the licensee on the most recent license or renewal. Failure to provide an accurate email address may result in a licensee or registered agent not receiving important information.

J. Violations, Enforcement And Revocation

1. Obligation for Ongoing Compliance of Licensee.

- a. Issuance of a license is expressly contingent upon the licensee maintaining compliance with all requirements set forth in the STR Regulations. If at any time a licensee fails to maintain such compliance as is required, the licensee shall be in violation of these regulations.
- b. A licensee shall avoid any illegal, dangerous, or harmful practices or conditions which are detrimental to the public property, health, welfare, peace or safety.
- c. A licensee shall neither advertise nor operate an STR on the Property during the period the STR license is revoked or suspended.

2. Complaints and Remedies for Non-Compliance.

- a. Complaints concerning a short-term rental Property shall be first directed to the Town's STR Hotline. The STR Hotline will submit the complaint to the Responsible Agent. The Responsible Agent shall respond to the complaint,

including visiting the site if necessary. Failure of a Responsible Agent to affirmatively respond to a complaint and attempt to resolve such complaint within an hour of notification shall be considered a violation of the Ordinance.

- b. The Town will receive reports of complaints from the STR Hotline. The Town Clerk may investigate any complaint received, in order to determine if it is a substantiated complaint which may result in a documented violation of any provision(s) of these regulations. Violations of these regulations shall be subject to the enforcement provisions set forth herein. If violations are not corrected or if there are repeat offenders of the requirements, performance standards, conditions or restrictions in these regulations, the Town may pursue action as provided for herein, including but not limited to suspension or revocation of the rental license.

3. Enforcement. Enforcement of these regulations shall be by the Town Clerk and law enforcement, as deemed necessary and appropriate.

4. Violations. Violations of the STR Ordinance shall be a civil infraction and may be punishable as administrative violations.

5. Graduated Administrative Fine Schedule. A graduated administrative fine schedule is hereby adopted:

- a. 1st: \$250
- b. 2nd: \$750
- c. 3rd or more: \$1,000

6. Revocation.

- a. A license issued pursuant to these regulations *may* be revoked by the Town Clerk following a hearing for *any* violation of the Ordinance.
- b. The Town Clerk *may* commence revocation proceedings if any of the below occurs:
 - i. A licensee has been issued 2 or more citations within a 3-month period;
 - ii. A licensee has had 3 or more documented violations within a 3-month period;

- iii. A licensee submits a license application or other document as part of the license review process that contains or represents fraud, intentional misrepresentation, or a false statement of material fact;
 - iv. A licensee has violated or is currently violating the STR Ordinance or the prior in a manner that significantly endangers the public health, safety, and/or welfare;
 - v. A licensee fails to pay sales and/or property taxes as required.
- c. Hearing on Revocation:
- i. Notice of a hearing pursuant to this Section be given to a licensee in writing at the address shown on the license application, and to the Responsible Agent identified in the license application. Such notice shall be mailed via certified mail at least fourteen (14) calendar days prior to the date set for the hearing.
 - ii. The licensee may appear with or without representation, and may appear remotely by telephone or video conference.
 - iii. The licensee may present evidence at the hearing and shall provide copies of such evidence to the hearing officer at or before the hearing.
 - iv. The hearing officer shall consider the following:
 - (a) The nature and seriousness of the violation
 - (b) Impact of the violation on the neighborhood and/or community
 - (c) Corrective action, if any, taken by the licensee or the designated Responsible Agent
 - (d) Prior violations
 - (e) The likelihood of recurrence of the violation or violations
 - (f) Entirety of the circumstances surrounding the violation

- (g) Willfulness or lack thereof on the part of the licensee
 - (h) Length of time the licensee has held a license
 - v. The hearing officer shall be the Town Manager or designee
 - vi. Following the hearing, if the hearing officer determines that a violation or violations has occurred and good cause exists for the imposition of a sanction against the licensee, the hearing officer may impose the following sanctions:
 - (a) License suspension for a time period not to exceed six months.
 - (b) License revocation.
 - (c) Conditions on the operation of the STR reasonably related to the violation(s), and to which the licensee agrees in lieu of revocation or suspension.
 - vii. Any action taken pursuant to this Section J.6. shall be commensurate with the seriousness of the violation(s) and the action or lack thereof taken by the licensee to resolve the violation(s).
 - viii. The hearing officer shall provide his or her decision in writing to the licensee within 15 days of the hearing.
 - ix. Individuals or entities who have had their license revoked may reapply for a new license after the expiration of one year from the time of revocation, unless a longer period of time is imposed by the hearing officer, which period of time shall not exceed 3 years.
- d. Appeals of License Revocations.
 - i. A licensee who has had their STR license revoked or suspended may appeal the revocation or suspension to the Town Council by emailing, mailing, filing, or otherwise submitting a letter of appeal to the Town Manager within ten (10) days after the date the letter of decision by the hearing officer is emailed. The date of an appeal letter shall be the time it is marked as received by the Manager's Office.

- x. The Town Council shall conduct a de novo hearing on the appeal at a regular or special meeting held within 30 days of the date of the appeal letter.
- xi. Any such hearing shall be conducted pursuant to the parameters set forth in Section 13200 of the Land Use Code.

7. Costs of Enforcement, Revocation, and Appeal. In the event it is necessary for the Town to take action for enforcement of the STR Ordinance, there shall be added to any fees due hereunder all reasonable costs and fees incurred by the Town, including reasonable attorney fees.

8. Additional Remedies. In addition to the remedies set forth herein and in the Land Use Code, the Town reserves the right to employ all other remedies that may exist at law and in equity to enforce the STR Regulations.

K. Licensing Fees

Licensing fees shall apply at the time of application and shall be established and updated by the Town Council by resolution.

L. Compliance Timeline

1. Pre-Existing Licenses. All STR licenses approved by Summit County prior to the effective date of Ordinance 2024-O-07 will be transferred to the Town of Keystone and the Town of Keystone will honor the existing license number.

2. New Licenses. Upon the effective date of these regulations, all new applications for an STR license will be subject to all applicable provisions of these regulations.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after publication for purposes of processing renewal applications on existing licenses with Summit County. This ordinance shall take effect on October 1, 2024, for purposes of issuing new licenses and enforcement.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON _____, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor
ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ___ IN FAVOR AND ___ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor
ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
Lindsay Hirsh, Community Development Director
FROM: Jennifer Madsen, Town Attorney
DATE: May 28, 2024 – Council Meeting
SUBJECT: [FIRST READING] 2024-O-08, An Ordinance Of Town Council Of The Town Of Keystone, Colorado, Amending Ordinance No. 2024-O-05, Town Of Keystone Land Use Code, And Declaring An Emergency

Executive Summary:

This Ordinance changes the process for communicating to Town Council land use decisions on Class 2 reviews and the process for Town Council appealing those decisions.

Recommendation:

Staff recommends that Council approve Ordinance 2024-O-08 on first reading.

Background:

Town Council adopted by reference the Summit County Land Use and Development Code through Ordinance No. 2024-O-05 on April 23, 2024. Since then, it has been identified that Town Council desires to make amendments to the process of review of the planning department decisions on Class 2 land use applications. In particular, Town Council expressed an interest in decisions related to Class 2 reviews of accessory dwelling units on duplex lots, medical marijuana centers and medical marijuana infused products manufacturing facilities, medical marijuana optional premise cultivation facility, and residential cultivation of medical marijuana.

In addition, Town Council has directed that when notice of a land use application is required that the notice also be provided to the home owner's association.

Ordinance 2024-O-08 amends the process for communicating all decisions on Class 2 reviews. In addition, planning department provides notice of the decision to the applicant, the Town Manager, and Town Council. The planning department will also schedule the notice of action as an agenda item on the next Town Council meeting. A decision to appeal (or call up) that decision must be made within 21 days. Consistent with the Home Rule Charter, Town Council decides to appeal by an affirmative vote of the majority of the Town Council present at that meeting. This process is changed for all Class 2 reviews.

Ordinance 2024-O-08 also amends the notice provisions to require that notice of applications must be sent to homeowners associations within 300 feet of the property subject to the application.

Alternatives:

Town Council may provide alternative direction on the amendments to the Land Use Code.

Financial Considerations:

There are no financial considerations applicable to this ordinance.

Previous Council Actions:

The Community Development Director discussed these processes with Town Council at the work session on May 28.

Next Steps:

If Council approves this Ordinance on first reading, it will be scheduled for second reading and public hearing on July 9.

Suggested Motions:

Because this ordinance is on the Consent Agenda, a motion to approve the consent agenda will approve this ordinance.

Attachment:

- Ordinance 2024-O-08, An Ordinance Of The Town Council Of The Town Of Keystone, Colorado, Amending Ordinance No. 2024-O-05, Town Of Keystone Land Use Code, And Declaring An Emergency

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-08**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, AMENDING ORDINANCE NO. 2024-O-05, TOWN OF
KEYSTONE LAND USE CODE, AND DECLARING AN EMERGENCY**

WHEREAS, the Town of Keystone (“Town”) is a home rule municipal corporation created pursuant to Article XX of the Colorado Constitution; and

WHEREAS, on April 23, 2024, through Ordinance No. 2024-O-05, the Town adopted by reference the *Summit County Land Use and Development Code*, subject to such amendments and revisions deemed necessary to properly and appropriately apply the adopted code to property within the Town of Keystone and has labeled it the Town of Keystone Land Use Code; and

WHEREAS, the Town Council has expressed an interest in considering land use applications for class 2 reviews of accessory dwelling units on duplex lots, medical marijuana centers and medical marijuana infused products manufacturing facilities, medical marijuana optional premise cultivation facility, and residential cultivation of medical marijuana; and

WHEREAS, the Town Council desires to amend certain sections of the Town of Keystone Land Use Code related to class 2 reviews and notice requirements to Homeowners Associations.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Section 2 of Ordinance 2024-O-05 adopted by Reference the *Summit County Land Use and Development Code*, as such code existed on May 1, 2024, (the “County Code”) with amendments. The following are additional amendments and requirements:

CHAPTER 12. DEVELOPMENT REVIEW PROCEDURES

- Section 12000.15(B) regarding Notice of Action for Class 2 Development Review Applications is deleted in its entirety and replaced with the following:

B. Class 2 Development Review Applications: For all Class 2 development review applications, the Planning Department shall send written notice of its decision to the Town Council and the Town Manager, and the applicant within four (4) calendar days after the date action is taken. Notice to the

applicant shall include any conditions of approval or findings for denial. The Planning Department will schedule the notice of action as an agenda item on the next Town Council meeting. Failure to send written notice within four (4) calendar days shall not invalidate the action taken, but merely shall extend the period in which the applicant may appeal (as provided for in Section 12000.16) by the number of days that giving of notice is delayed beyond four (4) calendar days. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be submitted to the Planning Department.

- Section 12000.16(B) and (C) regarding Effective Date and Appeal are deleted in their entirety and replaced with the following:

B. Class 2 Development Review Applications that Require Posted Notice Per Section 12000.10: Action on a Class 2 development review application that is required to have a posted notice in accordance with Section 12000.10 et seq. shall become effective twenty-one (21) calendar days after the date action is taken unless the action is appealed within this twenty-one (21) day period in accordance with the requirements of Section 13202. If the action on a Class 2 application is properly appealed, the Town shall not issue any permits associated with the project until the appeal is heard by the Review Authority per the provisions of Section 13200 et seq. and the Review Authority takes action to uphold or modify the approval. Appeals on Class 2 and 4 development review applications (except for Class 2 development review applications for townhouse plats, condo maps and duplex subdivision exemptions as provided for in Section 12000.16.B) may only be filed by: 1) the affirmative vote of a majority of the Town Council present at the meeting, 2) the applicant, or 3) other persons as provided for in Section 13202. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

C. Class 2 Development Review Applications that Do Not Require Posted Notice Per Section 12000.10: Action on a Class 2 application that does not require a posted notice per Section 12000.10 et seq. shall become effective on the date a decision is rendered unless a decision is appealed within twenty-one (21) calendar days in accordance with the requirements of Section 13202. After an administrative decision is rendered on a Class 2 application by the Planning Department, an appeal may be filed only by 1) the affirmative vote of a majority of the Town Council present at the meeting; or 2) the applicant. Appeals shall be filed, and hearings on appeals conducted, in accordance with the requirements of Section 13200 et seq.

CHAPTER 13. PUBLIC HEARINGS AND APPEALS

- Section 13103(B) regarding Noticing of Public Hearings is deleted in its entirety and replaced with the following:

B. Public Noticing Requirements: Applications shall be noticed in substantial compliance with the following provisions:

- 1. Class 1 Applications:** No legal notice of this administrative application process is required.
- 2. Class 2 Applications:** Certain Class 2 development review applications per the provisions of Section 12000.10.B require a posting notice in accordance with Section 13103.01.E. For Class 2 Development Review Applications that require posting per Section 12000.10, the posted notice shall serve as the notice of action to the public by including the date the decisions will be rendered and a date by which appeals must be submitted to the Planning Department. If the property is located in a Homeowners Association, notice will be provided to the Homeowners Association. Not all Class 2 development review applications require noticing.
- 3. Class 3 Applications:** Notice of the work session shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D.
- 4. Class 4 and 5 Applications:** Notice of the public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and 3) published as a legal advertisement in accordance with Section 13103.01.D. Notwithstanding the foregoing, a quasi-legislative amendment to the Official Zoning Maps only has to comply with the noticing provisions contained in Section 13103.01.C.6.
- 5. Class 6 Applications:** No legal notice of these applications is required except for: 1) final plats and final rezonings to PUD not concurrently heard and noticed with the required Class 5 application; 2) minor PUD modifications; and, 3) Class 6 development review process for the alterations or elimination of plat notes. For final plats and final zonings

not being concurrently heard with the Class 5 preliminary review applications, notice of the BOCC's public hearing shall be: 1) sent to all property owners and homeowners associations within 300 feet of the property boundary in accordance with Section 13103.01.F; 2) posted in accordance with Section 13103.01.E; and, 3) published as a legal advertisement in accordance with Section 13103.01.D. The Class 6 development review process for the alterations or elimination of plat notes shall be 1) noticed to all property owners within the affected subdivision, as well as any other direct beneficiaries or other parties directly affected by such notes, both in accordance with Section 13103.01.F, and 2) posted in accordance with Section 13103.01.E.

6. Extension of Noticing Area: The Community Development Director may extend the radius used for noticing as required by this section up to 2,000 feet based on the nature of the proposal, its potential impacts and the general character of the area.

7. Code Administrator Decisions on Code Interpretations and Use Determinations: Notice of the Code Administrator decisions on Code interpretations and use determinations may, at the discretion of the Code Administrator, be posted on the property impacted by such a decision in accordance with Section 13103.01.E.

8. Mineral Estate Notification: An applicant shall provide notice to mineral estate owners as required by C.R.S. § 24-65.5-100 et seq. as currently affected or hereinafter amended. Where an applicant provides any notice as may be required by C.R.S. § 24-65.5-100 et seq. and a mineral estate owner is notified, the County shall provide notice of subsequent hearings.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 4. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

Section 5. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 6. Emergency Declared; Effective Date. The Town Council hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. Absent passage of this Ordinance as an Emergency Ordinance, the Town risks the submission of applications for land use matters and other regulations without a land development code in place and there is no mechanism to process any land use applications without a land development code in place. Upon passage by a supermajority of Town Council members in office, as required by Section 6.6 of the Keystone Home Rule Charter ($\frac{3}{4}$ of all members in office), this Ordinance shall take effect immediately upon adoption.

INTRODUCED, READ AND PASSED AS AN ORDINANCE ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON JULY 9, 2024, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

I hereby certify that the above Ordinance was introduced to the Town Council of the Town of Keystone at its meeting of _____, 2024 and ordered published two times by title only in The Summit Daily newspaper on _____, 2024, and on _____, 2024, and in full on the Town web site.

ATTEST:

SEAL

By: Town Clerk or Deputy Town Clerk

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ___ IN FAVOR AND ___ OPPOSED AS AN EMERGENCY ORDINANCE ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney



Keystone Town Council Minutes

A Regular Meeting of the Keystone Town Council was held on May 28, 2024, at 7:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435. Full and timely notice of this meeting had been posted and quorum was present.

I. CALL TO ORDER, ROLL CALL

Mayor Riley called the meeting to order at 7:02 p.m. The roll was called and it was found there were present and participating at that time the following members: Councilmember Gretchen Davis, Councilmember Sarah Keel, Councilmember Carol Kerr, Councilmember Aaron Parmet, Councilmember Dan Sullivan, Councilmember Valerie Thisted, and Mayor Ken Riley.

II. APPROVAL OF AGENDA

Councilmember Keel moved to approve the agenda as presented. Councilmember Davis seconded. The motion passed unanimously, and the agenda was approved as presented.

III. COMMUNICATIONS TO COUNCIL

Mayor Riley opened the floor for public comment.
Donald Jensen spoke on the process of Short-Term Rental Licensing in the Town of Keystone.
Seeing no further members of the public wishing to speak, Mayor Riley closed the public comment period.

IV. CONSENT AGENDA

A. FIRST READING OF ORDINANCES – NONE

B. RESOLUTIONS - NONE

C. MEETING MINUTES

1. May 14, 2024 – Meeting Minutes

D. EXCUSED ABSENCES

1. Carol Kerr, June 11, 2024 – Excused – Virtual Attendance

Mayor Riley read the consent agenda into the record. Councilmember Kerr asked that the record reflect her intention to attend the meeting on June 11, 2024, remotely.

Councilmember Thisted moved to approve the consent agenda.

Councilmember Sullivan seconded. The motion passed unanimously, and the consent agenda was approved.

V. DISCUSSION

A. CONSIDERATION OF ORDINANCES (SECOND READING/PUBLIC HEARING) -- NONE

B. RESOLUTIONS

1. Resolution 2024-43, A Resolution of Town Council of the Town of Keystone, Colorado, Approving a Policy to Allow for Digital Signatures

Town Clerk Maddy Sielu introduced Resolution 2024-43, Approving a Policy to Allow for Digital Signatures.

Councilmember Davis moved to approve Resolution 2024-43.

Councilmember Kerr seconded. The motion passed unanimously, and Resolution 2024-43 was approved.

2. Resolution 2024-44, A Resolution of Town Council of the Town of Keystone, Colorado, Approving Professional Services Agreement with BlueVector AI

Town Clerk Maddy Sielu introduced Resolution 2024-44, Approving Professional Services Agreement with BlueVector AI.

Councilmember Sullivan moved to approve Resolution 2024-44.
Councilmember Thisted seconded. The motion passed unanimously,
and Resolution 2024-44 was approved.

**3. Resolution 2024-45, A Resolution of Town Council of the Town of
Keystone, Colorado, Amending the Development Fee Schedule to
Add Various Road and Bridge Fees**

Community Development Director Lindsay Hirsh introduced Resolution
2024-45 Amending the Development Fee Schedule to Add Various
Road and Bridge Fees.

Councilmember Kerr moved to approve Resolution 2024-45.
Councilmember Parmet seconded. The motion passed unanimously,
and Resolution 2024-45 was approved.

**4. Resolution 2024-46, A Resolution of Town Council of the Town of
Keystone, Colorado, Authorizing the Town of Keystone to Join
with other Local Governments as a Participant in the Colorado
Local Government Liquid Asset Trust to Pool Funds for
Investment**

Town Manager John Crone introduced Resolution 2024-46, Authorizing
the Town of Keystone to Join with other Local Governments as a
Participant in the Colorado Local Government Liquid Asset Trust to Pool
Funds for Investment.

Councilmember Davis moved to approve Resolution 2024-46.
Councilmember Keel seconded. The motion passed unanimously, and
Resolution 2024-46 was approved.

C. OTHER –

1. Membership in Intermountain Transportation Planning Region

Town Manager John Crone provided an update on the Intermountain Transportation Planning Region (IMTPR). The State is still making determinations about whether to split the region. At this time, the IMTPR has asked jurisdictions to hold off on signing the intergovernmental agreement. They've indicated that a motion from Town Council would allow for membership until an updated intergovernmental agreement is finalized.

Councilmember Sullivan moved to designate the Town Manager or designee as the Town of Keystone's representative for the IMTPR. Councilmember Parmet seconded.

Councilmember Davis moved to amend the motion to affirmatively indicate that the Town of Keystone would like to join the IMTPR and designate the Town Manager or designee as the Town of Keystone representative. Councilmember Parmet seconded. The motion to amend passed unanimously, and the amendment was approved.

The motion as amended passed unanimously, and the motion was approved as amended.

VI. PLANNING MATTERS

VII. REPORT OF TOWN MANAGER AND STAFF

Town Manager John Crone updated the Town Council on upcoming projects on Soda Ridge Rd. and Hwy 6 and indicated that staff would provide an update in an e-mail to the Town's e-mail list. He provided an update on the Town's work to paint over graffiti. He also indicated that staff planned to bring a social media policy, procurement policy, and nuisance ordinance to upcoming meetings.

VIII. REPORT OF MAYOR AND COUNCIL

Councilmember Sullivan shared that the Town would be recognized at the Colorado Municipal League Conference and be presented with a flag. Councilmember Kerr provided an update on the CML District dinner. Mayor Riley shared that he would be attending the Summit Roundup with Senator Hickenlooper and a meeting with Chris Sorensen before the next meeting. He also shared that the Town is expecting to hear back from the Summit County Housing Authority in late June, following their next meeting.

IX. OTHER MATTERS

Councilmember Thisted requested that staff provide a frequently asked questions page related to Short-Term Rentals on the Town website.

Councilmember Parmet asked that the staff continue to investigate additional options for enhancing the audio for Town Council meetings. He asked that the staff consider bringing forward information about the Dark Sky Certification process, noise ordinances, and bear safety.

X. SCHEDULED MEETINGS

XI. EXECUTIVE SESSION

XII. ADJOURNMENT

Seeing no further business to discuss, Mayor Riley adjourned the meeting at 8:23 p.m.

Town of Keystone
Accounts Payable List
Period: April 16 through May 23, 2024

Payables processed for the period indicated above:

PAYEES	AMOUNT	DESCRIPTION	REVIEWED, APPROVED BY
Adobe Inc.	3,509.88	annual software license	M. Sielu, J. Crone
Carahsoft Technology Corp	301.45	website hosting	M. Sielu, J. Crone
CEBT	2,515.30	health insurance premium May	M. Sielu, J. Crone
Employers Council Services Inc	5,390.00	payroll, human resources consultant	M. Sielu, J. Crone
FirstBank Credit Card Center	893.61	p-card charges thru 5/2	M. Sielu, J. Crone
Keystone Policy Center	21,500.00	Office Lease Feb-May	M. Sielu, G. Martinez
Marchetti & Weaver	15,778.80	Accounting Mar-Apr	M. Sielu, J. Crone
*Paylocity	757.82	payroll processing Apr & May	E.Cox, J Crone
Resultant	421.00	MS365 license Apr; .gov mitration software	M. Sielu, J. Crone
*Rocky Mountain Reserve	150.00	FSA funding	E.Cox, J Crone
SeaGrizzly, LLC	101.00	telephone provider May	M. Sielu, J. Crone
Town of Dillon	240.00	CML meeting dinner	M. Sielu, J. Crone
Verticomm (All Copy Products)	1,296.00	IT Managed Service Provider May	M. Sielu, J. Crone
Widner Juran LLP	37,236.20	legal services Mar-Apr	M. Sielu, J. Crone

Total Payables 90,091.06

Payrolls processed during the period indicated:	Paydate
Payroll Wages	Apr 19; May 3; May 17
Payroll Taxes & Liability Payments	Apr 19; May 3; May 17

Total Payroll 40,779.59

TOTAL ACCOUNTS PAYABLE 130,870.65 **TO BE APPROVED AND RATIFIED**

5/22/2024 0:00

Acronym Table

CEBT	Colorado Employee Benefits Trust
CIRSA	Colorado Intergovernmental Risk Sharing Agency
CML	Colorado Municipal League
FSA	Flexible Spending Account
NWCCOG	NorthWest Colodao Council of Governments
SIPA	Statewide Internet Portal Authority
WC	Workers Compensation

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
DATE: June 11, 2024 - Council Meeting
SUBJECT: Resolution 2024-47, A Resolution of Town Council of the
Town of Keystone, Colorado, Approving Payment of
Expenses Connected with Incorporation

Executive Summary:

The attached resolution provides for the repayment of incorporation expenses.

Background:

Colorado Revised Statute sec. 31-2-104(7) states that “all costs and expenses connected with such incorporation proceedings, including all election expenses and fees for necessary legal expenses, shall be paid by the governing body of the newly incorporated city or town within one year from the date of incorporation.” During the course of the incorporation of the Town, the Incorporation Committee incurred costs of \$166,913.16 that should be paid or reimbursed by the Town. Actual expenses were higher; however, the Incorporation Committee received donations that offset some of the expenses.

At the May 28, 2024, Work Session of the Town Council, the Council reviewed the expenses and instructed staff to prepare a resolution approving the repayment of eligible incorporation expenses. That resolution is attached hereunder. The resolution does allow for the Town Manager approval of any additional nominal expenses that may be submitted.

Alternatives:

None

Financial Considerations:

Approval will result in an expenditure of approximately \$166,913, which is less than the budgeted amount for this expenditure of \$180,000.

Previous Council Actions:

The expenditures were reviewed at the May 28, 2024, Council Workshop

Suggested Motions:

I move to approve Resolution 2024-47 Approving Payment of Expenses Connected with Incorporation.

Or

I move to approve Resolution 2024-47 Approving Payment of Expenses Connected with Incorporation with the following changes _____.

Or

I move to deny Resolution 2024-47 Approving Payment of Expenses Connected with Incorporation.

Attachment:

- Resolution 2024-47, Approving Payment of Expenses Connected with Incorporation

TOWN OF KEYSTONE
Summit County, Colorado

RESOLUTION 2024-47

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
APPROVING PAYMENT OF EXPENSES CONNECTED WITH INCORPORATION**

WHEREAS, on December 13, 2022, the Summit County District Court entered an order finding and determining that the territory of the proposed Town of Keystone and the circulated petitions met the requirements of C.R.S. § 31-2-101 and appointed nine individuals to serve as members of the Election Commission for purposes of organizing the incorporation election; and

WHEREAS, the Election Commission called for an election to be held on March 28, 2023; and at that election, the voters approved incorporation of the Town of Keystone, approved the formation of a Home Rule Charter Commission, and elected nine members to serve on the Charter Commission; and

WHEREAS, in accordance with C.R.S. § 31-2-103, the Election Commissioners have lodged a report regarding the incorporation election with the Summit County District Court. The Election Commission have confirmed the submission of certified copies of election documents to the Summit County Clerk and Recorder, the Colorado Department of Local Affairs, and the Colorado Office of the Secretary of State; and

WHEREAS, pursuant to C.R.S. §§ 31-2-209(5), 31-2-104, the Election Commission called for setting an election for the first election of officers of the Town Council; and

WHEREAS, on January 30, 2024, at a special election, the registered electors of Keystone, Colorado, elected a Mayor and six Councilmembers; and

WHEREAS, on February 8, 2024, the elected Mayor and six Councilmembers took the oath of office and were sworn in as the first members of the Keystone Town Council; and

WHEREAS, pursuant to Resolution No. 2024-01, the incorporation of the Town of Keystone was declared complete as of February 8, 2024, and pursuant to C.R.S. § 31-2-105; and

WHEREAS, Colorado law, C.R.S. § 31-2-104(7) provides that “all costs and expenses connected with such incorporation proceedings, including all election expenses and fees for necessary legal expenses, shall be paid by the governing body of the newly incorporated city or town within one year from the date of incorporation”; and

WHEREAS, Town Council desires to approve the repayment of all costs and expenses connected with the incorporation proceedings.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. Pursuant to C.R.S. § 31-2-104(7), expenses connected to the incorporation have been submitted to Town Council for payment. These expenses were discussed at the Town Council work session on May 28, 2024.

Section 2. The Town Council authorizes the payment of incorporation expenses as follows:

- | | | |
|----|----------------------------------|----------|
| A. | Keystone Incorporation Committee | \$99,263 |
| B. | Farnsworth | \$48,750 |
| C. | Interim Town Manager | \$18,900 |

Section 3. Town Council also authorizes the Town Manager to approve any additional nominal expenses connected with incorporation that may be submitted after the approval of this resolution.

Section 4. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of __ in favor and __ against, this ____ day of _____, 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
DATE: June 11, 2024 – Council Meeting
SUBJECT: Resolution 2024-48, A Resolution of Town Council of the
Town of Keystone, Colorado, Adoption of Travel
Reimbursement Policies and Procedures

Executive Summary:

The attached policy sets the rules and regulations for the payment of travel conducted by either employees or non-employees on behalf of the Town.

Background:

Staff members, elected officials, and appointed officials will often travel for meetings, trainings, and conferences. This travel is crucial for the efficient operation of the Town's government and the advancement of our staff and officials.

In order to facilitate this travel, the Town needs to adopt a policy that allows for the payment or reimbursement of the costs incurred by the traveler. The attached policy provides for this while ensuring that the Town operates in a fiscally prudent manner.

Many of the cost categories included in the policy are tied to rates published annually by the GSA. This provides an informed basis for making spending decisions. The policy also allows for the Town manager to make exceptions when the travel alternatives are outside of the GSA's calculations. Given the fact that many of the trainings and travel requirements will be based in resort towns where expenses are significantly higher than other areas in the country, these exceptions are a necessary part of the policy.

Staff will be bringing future policies that set regulations for use of vehicles.

Alternatives:

Require staff and officials to pay for their own training or travel.

Financial Considerations:

Dependent upon the travel approved by the Town Manager.

Previous Council Actions:

None

Suggested Motions:

I move to approve Resolution 2024-48 Adoption of Travel Reimbursement Policies and Procedures.

Or

I move to approve Resolution 2024-48 Adoption of Travel Reimbursement Policies and Procedures with the following changes _____.

Or

I move to deny Resolution 2024-48 Adoption of Travel Reimbursement Policies and Procedures.

Attachment:

- Resolution 2024-48, Adopting Travel Reimbursement Policies and Procedures
- Travel Reimbursement Policies and Procedures

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-48

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
ADOPTING TRAVEL REIMBURSEMENT POLICIES AND PROCEDURES**

WHEREAS, Colorado law, C.R.S. § 31-15-302(1) provides that a Town has the authority to “provide for payment of debts and expenses of the municipality”; and

WHEREAS, The Keystone Town Charter Articles 1 and 10 reaffirms the authority of the Town to make expenditures in the best interests of the Town; and

WHEREAS, Town Council desires to approve the reimbursement or payment of all costs and expenses connected with travelling for Town purposes.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Travel Reimbursement Policies and Procedures attached hereunder shall be adopted as the policies and procedures of the Town of Keystone

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of __ in favor and __ against, this _____ day of _____, 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

TRAVEL REIMBURSEMENT POLICY AND PROCEDURES

1. PURPOSE

This policy establishes uniform procedures for Town of Keystone reimbursement of travel expenses.

2. GENERAL

- a. **Applicability.** These Policies and Procedures apply to all employees, elected officials, and appointed officials who travel on behalf of the Town (“traveler”).
- b. **Responsibility.** It is the responsibility of both the traveler and the Town Manager to ensure compliance with the Town’s travel policies and procedures.

3. POLICY

- a. **Travel on Town Business.** It is the responsibility of both the traveler and the Town Manager to ensure that all travel charged to the Town, including transportation, lodging, meals, and incidental expenses, is necessary and accomplished for the benefit of the Town and that such travel is accomplished at the most economically reasonable cost.
- b. **Prior Approval of Travel.** All travel for the benefit of the Town must have prior approval of the Town Manager for payment or reimbursement of travel costs.
- c. **Tax-exempt Certificates.** All travelers should obtain a copy of the Town’s tax-exempt certificate and use it to waive taxes whenever possible.
- d. **Travel Expense Reimbursement and Advances.** The Town will reimburse certain reasonable and necessary expenses incurred by employees and non-employees for travel expenses and may pay in advance for the expenses. All reimbursements and advances are subject to the following rules and restrictions:
 - i. The amount of the reimbursement or advance does not exceed the maximum reimbursement rates established in these procedures for the period in which the travel is to be performed.

- ii. A reimbursement or advance is not available if travel is provided at no cost to the Town or provided by a non-employee.
 - iii. Full settlement of travel reimbursement claims should be made within thirty days after travel is completed. No additional reimbursements or advances will be made until settlement of outstanding reimbursement travel claims is fulfilled.
 - iv. Meals and other expenses which are covered in a pre-submitted registration fee may not be included in the request for reimbursement or advance.
- e. **Transportation.** The most economically reasonable transportation must be used to accomplish the purpose(s) of the trip.
- i. Whenever reasonable, only one vehicle should be used when more than one person is traveling to the same location.
 - ii. If available, a Town owned vehicle should be used for all authorized regional travel unless circumstances and conditions make the use of other types of transportation more advantageous to the Town. Receipts for gas purchases should be saved and given to the Town Manager upon completion of travel.
 - iii. The U.S. General Services Administration lists two rates for the use of privately-owned vehicles; a higher rate when a government owned vehicle is not available or when use of the private vehicle is approved, and a lower rate when a government owned vehicle is available and the employee elects to use their privately owned vehicle. The Town will reimburse mileage by utilizing this criterion. To view the current rates for milage go to <https://www.gsa.gov/travel/plan-a-trip/transportation-airfare-rates-pov-rates-etc/privately-owned-vehicle-pov-mileage-reimbursement>
 - iv. Rental or leased cars may be utilized when authorized by the Town Manager. Every effort should be made to rent from those agencies offering discounts for governmental employees.
- f. **Lodging and Meal Allowances.** Rates will be based on the current year's rates set by the U.S. General Services Administration. To view the current

rates for meals and lodging go to <https://www.gsa.gov/travel/plan-book/per-diem-rates> .

- i. Special Circumstances. When, in the judgment of the Town Manager, the above restrictions pose an undue hardship on the employee, extra compensation may be provided.
- ii. Reimbursement Exclusions. When overnight accommodations are furnished at no cost to the traveler, no reimbursement may be claimed for lodging. When meals are included in a conference or workshop registration fee, transportation fare, or are otherwise furnished at no additional cost to the traveler, no meal allowance may be claimed.
- iii. When making arrangements to attend a conference, if the hotel conference rates exceed the GSA rates, a minimum of three (3) comparable hotels must be obtained and turned in with the travel expenses.

g. Other Travel Expenses. In addition to the expenses referred to above, the following actual necessary and reasonable costs incurred in approved travel may be claimed on the Travel Expense Request for reimbursement:

- i. *Registration fees (receipt required)
- ii. *Local transportation costs actually paid by traveler. Receipt required if over \$20.00 for each individual ride in commercial vehicle.
- iii. * Parking fees (receipt required if over \$10.00)
- iv. *Rental car costs (receipt required)
- v. *Road toll charges
- vi. *Gratuities not to exceed 20% of total cost of bill
- vii. *Other incidental expenses if approved by the Town Manager

h. Non-reimbursable Expenses. Only those expenses detailed above are eligible for reimbursement or advanced payments. Any other expenditures by the traveler (including those listed below) ARE NOT AUTHORIZED for reimbursement:

- i. *Entertainment expense
- ii. *Personal expenses, such as laundry, valet services, etc.
- iii. *Cost of travel insurance or airfare change fees
- iv. *Cost of alcoholic beverages

4. APPROVAL

This Policy was approved by Town Council through Resolution No.

_____.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
DATE: June 11, 2024 – Council Meeting
SUBJECT: Resolution 2024-49, A Resolution of Town Council of the
Town of Keystone, Colorado, Adopting a Town Purchasing
Policy

Executive Summary:

The attached policy sets the rules and regulations for the purchasing of goods and services on behalf of the Town.

Background:

At the April 23, 2024, Town Council Workshop, the Council was presented with a draft purchasing policy. At that time, the Council felt that some of the limits were too low to allow for efficient operation of the Town's government. They asked staff to assess the limits, review the policies, and present the Purchasing Policy for approval.

The adoption of a well thought out purchasing policy is crucial for the Town because local governments use public money for the purchase of goods and services. An open, fair, documented, and competitive process is to be used whenever possible. The purchasing process' integrity, efficiency, and efficiency are critical elements of sound government practices.

The following are typically objectives of a procurement policy:

- To provide a uniform system to obtain supplies, materials, equipment, and services in an efficient and timely manner;
- To maximize the value of public funds;

- To facilitate responsibility and accountability with the use of Town resources;
- To ensure equal opportunity and competition among suppliers and contractors;
- To promote effective relationships and clear communication between the Town and its suppliers and contractors;
- To maintain an ethical system.

From an economic standpoint, competition in public purchasing is an indispensable means for improving the quality of purchases, encouraging innovation among suppliers, increasing the Town's latitude of choice and, most importantly, assuring the reasonableness of costs. Competition coupled with standardization and economies of scale will maximize the Town's opportunity to obtain the greatest value for the public money.

The purchasing policy as presented incorporates sound public procurement practices which help foster public confidence and ensure objectivity and fair treatment of all individuals and businesses doing business with the Town. Full and open competition is encouraged.

Additionally, the purchasing policy provides needed flexibility and procedural safeguards to allow procurement practices which are responsive to the needs of the Town when waivers or exemptions from formal procurement are deemed to be in the best interest of the Town.

After reviewing the policy, staff determined that it presented a sound, transparent framework for the Town's purchasing of goods and services. Staff did change the limits in certain cases. It raised Procurement Classification 1 limit from \$1,000 to \$5,000. This more accurately reflects the costs of many day-to-day products and services. To require these purchases to go through a formal procurement policy (Simple Procurement) would present an undue burden on Staff's time.

Staff also raised Procurement Classification 2 from \$10,000 to \$50,000. This classification allows for Town Manager approval of certain purchases after following the Simple Procurement policies as defined in the general policy. This allows staff to

contract for services and make product purchases that are necessary for the Town as such goods and services are needed rather than having to wait several weeks for Board approval. All of these purchases will have already been budgeted by the Council.

Alternatives:

Instruct staff to review the policy and make such changes as the Council requires.

Financial Considerations:

None.

Previous Council Actions:

The Council reviewed the policy at the April 23, 2024, Town Council Workshop.

Suggested Motions:

I move to approve Resolution 2024-49 Adoption of Town Purchasing Policy.

Or

I move to approve Resolution 2024-49 Adoption of Town Purchasing Policy with the following changes _____.

Or

I move to deny Resolution 2024-49 Adoption of Town Purchasing Policy.

Attachment:

- Resolution 2024-49, Adopting of Town Purchasing Policy
- Town of Keystone Purchasing Policy

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-49

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO
ADOPTING A TOWN PURCHASING POLICY**

WHEREAS, Colorado law, C.R.S. § 31-15-302(1) provides that a Town has the authority to “provide for payment of debts and expenses of the municipality”; and

WHEREAS, The Keystone Town Charter Articles 1 and 10 reaffirms the authority of the Town to make expenditures in the best interests of the Town; and

WHEREAS, Town Council desires to approve a purchasing policy for the purpose of setting forth the procedures that the Town will use in the procurement of goods and services; and

WHEREAS, Town Council has determined that the Town of Keystone Purchasing Policy attached hereunder will provide for the efficient operation of government while providing transparency and protecting the assets of the Town.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town of Keystone Purchasing Policy attached hereunder shall be adopted as the Purchasing Policy of the Town of Keystone

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of __ in favor and __ against, this _____ day of _____, 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

Town of Keystone Purchasing Policy

I. AUTHORITY:

Approval of this Purchasing Policy by the Town Council authorizes the Town Manager to approve contracts, agreements, and purchase orders for goods and services up to the Town Manager Approval Amount (being \$50,000, as more fully set forth in this Policy) provided that sufficient funds have been budgeted and appropriated by the Town Council.

II. PURPOSE OF POLICY:

The Town of Keystone is funded by tax dollars. As such, the Town's Purchasing Policy and related procedures have been established in order to ensure that tax dollars are spent in an economical manner that meets the business needs of the Town. The purpose of this Purchasing Policy is to promote government efficiency, transparency, and wise and economical use of public funds to ensure that the Town's money is used to best serve the Town's residents and taxpayers. All procurement shall be accomplished in compliance with applicable and mandatory state and federal law. The purchasing levels set forth in this Policy are subject to optional annual review and may be increased by the Town Council based on inflation and other economic or other relevant factors.

III. USE OF POLICY:

This Policy has been developed for use by the Town Manager and other Town employees in order to assist the Town Staff with implementing the budgets and appropriations approved by Town Council on an annual basis. This Policy confers no rights, duties or entitlements to any vendors, bidders or proposers.

IV. SCOPE:

This Purchasing Policy applies to all purchases by the Town or any Town-governed general or special improvement district hereafter formed, unless otherwise specified by ordinance, resolution, other policy, or otherwise specifically exempted by this Policy. Notwithstanding anything in this Policy to the contrary, the Town shall comply with the requirements of any procurement or purchasing process obligation in any applicable and mandatory state or federal law or any funding or other agreement that requires specific purchasing procedures or requirements. No procurement, regardless of the amount, shall be initiated without annual appropriated funds being available for such purchase.

A. EXEMPTIONS

The following Purchases are exempt from the purchasing procedures set forth in this Policy but shall be subject to the procurement classifications set forth in Section VI (A) of this Policy:

A. Small Dollar Purchase – Purchases where the estimated total cost of the items or services is less than \$5,000 may be sent directly to the vendor by the Town Manager. Although

these purchases are exempt, competition is encouraged to ensure best value for products and services.

B. Professional Services – Services provided by those who possess a high degree of professional or specialized skill such as accountants, public finance specialists, architects, engineers and attorneys may be exempt from this Purchasing Policy. Such service providers must meet the minimum qualifications and standards for providing the service. The Town Manager has the discretion to require the Formal Procurement process for any professional services. As used in this Policy, “professional services” may include arranging for certain “on-call” services from firms providing professional or administrative office support services to the Town, including but not limited to engineering firms, special legal counsel on an as-needed basis, and firms providing mail distribution and other such services.

C. Extensions – Extension of existing contracts may be negotiated when a vendor offers to extend under the same conditions and at the same or lower price and such extension is determined to be in the best interest of the Town. Contract extensions are limited to two (2) one-year terms beyond the initial term.

D. Sole Source - Purchases that are obtainable, for practical purposes, from only a single or sole source due to distribution rights, intellectual property or other exclusive rights as determined by the Town Manager, upon a finding that, after reasonable inquiry, there is a single or sole provider of such goods or services within the local or general area. Sole source purchases in excess of Fifty Thousand Dollars (\$50,000) shall be subject to review and approval by Town Council.

E. Cooperative Purchasing – Purchases made through Cooperative Purchasing arrangements which combine the requirements of two or more political entities to obtain the advantages of volume purchase, reduction in administrative expenses, or other public benefits.

F. Government Purchases - Purchases from federal, state or other local government units.

G. Employment - Employment agreements or employee services, including short-term contract employees as may be needed from time to time. All Town employees shall be subject to the then-current personnel policies of the Town.

H. Emergency Purchases - Emergency Purchases shall extend to contracts for goods or services where time is of the essence for performance of the contract and the increased time to bid the contract would substantially impair the performance of the contract and/or result in an increased cost of performance. In emergency situations, the Town Manager has authority to make all necessary expenditures resulting from the emergency.

I. Real Property / Water Rights – Purchases of water rights or interests in real property.

V. DEFINITIONS:

“Award” means the acceptance of a quote, bid or proposal.

“Best Interest of the Town” means a discretionary determination that a decision is most advantageous to the Town.

“Best Value” means an assessment of the return which can be achieved based on the total life cycle cost of the procurement, where life cycle cost means the total cost associated with ownership; it includes the cost of the item, operating and maintenance cost and estimated disposal value; may include an assessment of the functionality of the item or service; the assessment may utilize a cost/benefit analysis to define the best combinations of quality, service, time, and cost considerations over the useful life or contract period.

“Bid” means an offer, as a price.

“Town” means the Town of Keystone, Colorado.

“Town Council” means the Town Council of the Town of Keystone, Colorado.

“Town Manager” means the Town Manager of the Town of Keystone, or the Town Manager’s designee, who shall serve as the purchasing manager on behalf of the Town. The Town Manager may delegate such authority to an employee, agent, or contractor of the Town and may delegate the role of purchasing manager for all, part, or selective types or classes of purchases. Notwithstanding any of the provisions of this Policy, the Town Manager may require any purchase to be subjected to a more formal purchasing process than is otherwise required under this Policy.

“Town Manager Approval Amount” means the dollar amount of a purchase which the Town Manager has authority to approve without review and approval by Town Council. As set forth in this Purchasing Policy, the Town Manager Approval Amount is Fifty Thousand Dollars (\$50,000).

“Contract” means a deliberate or written agreement between two or more parties to perform or not to perform a specific act or acts.

“Cooperative Purchasing” means the combining of requirements of two or more political entities to obtain the advantages of volume purchases, reduction in administrative expenses, or other public benefits.

“Emergency Purchase” means a Purchase for which the Town may suffer financial or operational loss, unless the goods and/or services are procured in the shortest amount of time possible. Emergency Purchases are intended to prevent or minimize further losses to the Town, or are intended to prevent or minimize the impacts on public health, safety, or welfare.

“Information and communication technology” (ICT) means information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples include computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment;

multifunction office machines; software; applications; Web sites; videos; and electronic documents.

“Invitation for Bid” (IFB) means a formal request to prospective vendors soliciting price quotations or bids; contains or incorporates by reference, specifications or scope of work and general terms and conditions.

“Pre-Qualified Bidder” means a potential bidder or proposer who meets Town-established or Town-imposed minimum standards of experience, financial ability, managerial ability, reputation, and work history for a specified class of goods, services, or projects.

“Purchase” means a purchase or acquisition of goods or services (including, but not limited to, construction services) by contract, lease, or otherwise.

“Purchasing Card Program” or “Program” means the purchasing card program described in Section VI.D. of this Policy.

“Request for Proposal” (RFP) means all documents used for soliciting formal competitive proposals. The RFP procedure permits negotiation of proposals and prices as distinguished from competitive bidding and an Invitation for Bid.

“Responsible Bidder” means a vendor who has the capability in all respects to perform in full the contract requirements and has the integrity and reliability to assure good faith performance.

“Responsive Bidder” means a vendor whose bid conforms in all material respects to the terms and conditions set out by the Town.

“Supplier/Contractor” means an actual or potential person or business that is willing to enter into a Purchase with the Town.

“Vendor” means one who sells goods or services; a supplier.

VI. POLICY

A. PROCUREMENT CLASSIFICATIONS

The following Procurement Classifications are established and the procedures to follow for each classification are set forth in Purchasing Processes in this Policy.

Procurement Classification	Purchasing Range *	Purchasing Process	Purchasing Approval Level of Authorization	Town Attorney Approval Required (for Form of Contract or Purchase Order)
1	Less than \$5,000	Small Dollar – Exempt	Town Manager	No
2	\$5,000 up to Town Manager Approval Amount (\$50,000)	Simple Procurement	Town Manager (including review by Town Finance Director)	Yes
3	Over Town Manager Approval Amount	Formal Procurement	Town Council by Resolution or other official action	Yes

** Per calendar year or per occurrence (as applicable). Splitting of purchases to stay within a particular classification is not permitted.*

B. PURCHASING PROCESSES

The following purchasing processes shall be followed depending on the Procurement Classification as set forth in this policy:

1. **Simple Procurement.** Simple Procurement is accomplished through simple purchase activities that are sound and appropriate as determined by Town’s Finance Director, considering the price of the service or good sought to be purchased. A reasonable and adequate number of price checks or quotes should be made by email, personal inspection, or discussions with vendors to ensure a quality product or service is obtained and best value is determined. Appropriate written notation of price quotes for comparison should be made for costs ranging from \$5,000 to \$50,000. The Town Manager, in their discretion, may accomplish Simple Procurement through the Quotations Solicitation (QS) Procedure or Letter or Proposal Procedure outlined below.
 - a. **Quotations Solicitation (QS) Procedure.** This process requires the Town Manager to solicit at least three written competitive firm price quotes through informal negotiation which is documented with a firm price quote in writing and

maintained on file. The Town Manager shall determine whether QS should issue in writing in order to obtain such competitive price and delivery quotes or whether verbal solicitation of written quotes is acceptable. Suppliers respond to the QS with firm quotations, and while price does not necessarily constitute the only consideration, as provided in the QS, generally the lowest-priced quotation is awarded the contract or order unless a demonstrable value is added by selection of another quotation. The Town Manager shall retain written records of the price quotes received for any purchases that are made in the \$5,000 - \$50,000 range.

- b. **Letter of Proposal Procedure.** This process requires the Town Manager to obtain at least three written competitive letters of proposal outlining the scope of work, performance standards and structure of costs. The Town Manager and other Town Staff, as determined by the Town Manager, shall review the proposals based upon the predetermined review criteria. The standard Town contract shall be fully executed, and all necessary insurance documentation shall be provided prior to the commencement of any work related to the contract.

The Town Manager reserves the right to call for formal bids at any time.

2. **Formal Procurement.** Formal Procurement is used for the procurement of goods and services above \$50,000 and shall be awarded through a **competitive sealed process** such as an Invitation for Bid (IFB) or Request for Proposal (RFP) process as approved by the Town Manager and reviewed by the Town Finance Director. The Town Manager shall maintain the firm price quotes on file for these purchases. The Town Manager shall consider all relevant factors in deciding which vendor to contract for the particular good(s) or service(s) involved. While price does not necessarily constitute the only consideration, generally the lowest-priced firm price quote shall be awarded the contract or order with the Town unless a demonstrable value is added by selection of another price quote. In all circumstances where a vendor other than the lowest-priced vendor is selected, the Town Manager shall document in writing why the particular vendor was selected. The standard Town professional services agreement (PSA), contract, or purchase order shall be utilized, and, where applicable, all necessary insurance documentation shall be provided to the Town prior to the commencement of any work related to the PSA or contract. In addition, prior to finalizing any purchase, the Town Finance Director shall review in order to confirm that funds have been appropriated and are available for the proposed purchase(s).

Formal Procurement Methods:

- a. **Invitation for Bid (IFB).** The IFB is a method of source selection in which the award is made to the responsive bidder and responsible bidder submitting the lowest cost bid determined to be in the best interests of the Town that complies with the detailed specifications and/or scope of work contained in the IFB. The IFB details the scope, qualifications, specifications and/or scope of work, and terms and conditions of the proposed contract or acquisition, including, if applicable, in the Town's discretion, any bonds or security required to secure any bid or performance. Bids shall be sealed and opened at the time and place as

set forth in the IFB. A tabulation of all received and opened bids shall be formulated and made available for public inspection.

i. Pre-Qualified Bidders. The Town may choose to advertise openly or, in the case of construction or other large projects, including service contracts, to submit the IFB only to Pre-Qualified Bidders that it has previously identified. In determining whether to issue an IFB only to Pre-Qualified Bidders, the Town Manager shall consider the best interests of the Town and whether a particular project or contract:

1. requires complex or unusual expertise or techniques;
2. involves a particularly tight time frame; or
3. involves experience in a very specific field; or
4. involves the construction of a public building or completion of any public works which project has a projected budget of \$50,000 or more.

If the Town chooses to issue the IFB only to Pre-Qualified Bidders, it may identify Pre-Qualified Bidders as an initial step and issue the IFB only to those Pre-Qualified Bidders. When possible, the Town will endeavor to identify and submit the IFB to no less than three (3) Pre-Qualified Bidders when it chooses to issue the IFB only to Pre-Qualified Bidders.

ii. Multi-Step Bid Procedure. Due to complexity of the services or products sought to be acquired, the Town may choose to engage in a multi-step sealed bid procedure. The multi-step sealed bid procedure may include issuance of an initial Request for Qualifications (RFQ) or similar document for the purpose of pre-qualifying a product or service based on specifications or experience prior to the submission of cost proposals. After pre-qualification, only the providers of products or services that meet the specifications or experience established in the RFQ will be permitted to submit cost proposals.

b. **Request for Proposal (RFP).** The RFP process is used when it is considered impractical or not advantageous to use the IFB method. Award is based on an evaluation of specified criteria, including price, and is made to the proposer whose proposal is determined to provide the best value for the Town. Sealed proposals shall be submitted at the time and place as set forth in the RFP. Only the names of the proposer will be read in public at the time proposals are due. Proposals will be evaluated by the Town Manager and other Town Staff as selected by the Town Manager in accordance with previously established evaluation criteria. This process may include discussions and negotiation between the Town and proposer(s).

c. **Cancellation.** Any IFB, RFP or other solicitation may be cancelled, and proposals or bids rejected in whole or in part when the Town Manager deems such cancellation or rejection in the best interests of the Town. The Town shall issue notice of cancellation to all proposers or bidders solicited.

C. PURCHASE OF INFORMATION COMMUNICATION TECHNOLOGY

The Town of Keystone is committed to ensuring that all persons with disabilities have access on an equal basis with all other citizens to the Town's programs, products, services, and information. Essential to meeting this objective is that all Town web and digital technologies are accessible to and usable by persons with disabilities. To this end, the Town supports the procurement of accessible information and communication technology (ICT) for compliance with HB21-1110, Colorado Laws for Persons with Disabilities, and accompanying rules, and the Americans with Disability Act, and Colorado Office of Information Technology (OIT)'s Rules Establishing Technology Accessibility Standards, 8 CCR 1501-11 (collectively "digital accessibility requirements").

These ICT Procurement Guidelines apply to all purchases of ICT, including purchase card purchases, solicitations (requests for procurement, requests for bids, contracts, p-card purchases, etc.) and responses thereto, and contracts for ICT products and services, which includes but is not limited to websites, web applications, software systems, electronic communications, e-learning, multimedia, and programmable user interfaces.

Process Steps

To facilitate the procurement of accessible ICT, the following steps should be implemented for products and services that fall within the scope of this procedure as described above:

Step 1. Evaluate the desired product with an accessibility checklist.

Step 2. Solicit accessibility information.

The Town shall require that bidders and vendors demonstrate that ICT provided to the Town conforms to or addresses the digital accessibility requirements.

For purchases that do not require an IFB, RFP, or RFQ, the ICT product's compliance with digital accessibility requirements must be evaluated. The required evaluation will depend on the ICT products exposure as provided in Step 1 above.

RFPs, IFBs and RFQs shall clearly define the Town's accessibility and useability criteria. The solicitations and procurement documents may include criteria that bidders and vendors demonstrate that ICT conforms to or addresses the applicable digital accessibility requirements. For example, bidders and vendors may be required demonstrate conformance by providing the following:

a. A narrative description of the [respondent's] experience in the IT accessibility domain signed by an authorized representative of the respondent; or

b. An attestation that the [respondent] conforms to the criteria or standard. For smaller (and less risky) procurements, a self-declaration of conformity may be sufficient, proportional, and practical. For larger procurements or procurements of enterprise products, additional information may be necessary. Vendors may optionally include supplemental information such as supporting evidence or third-party assessments. Examples of other relevant attestations that may be requested are:

i. A certificate, issued by an independent third party, as conformance verification (third-party certification).

ii. Request vendors (I) to clarify how vendors' products can be used to meet specific accessibility needs and requirements or (ii) to document their vendor's experience in accessibility and what business processes ensure the accessibility of the products.

iii. Request demonstrations of a vendor's product within the planned setting with the focus on its accessibility and application for different use cases including individual use and collaboration. These demonstrations should require the use of various assistive technologies. Both a listing of the use cases and assistive technologies should be identified in the RFP.

c. A completed Voluntary Product Accessibility Template (VPAT) also known as an Accessibility Compliance Report (ACR). If a VPAT is used, it must use the VPAT 2.4 template, which is based on WCAG 2.1 Level A/AA. The Information Technology Industry Council offers a free VPAT 2.4Rev WCAG (March 2022).

For enterprise purchases, procurement may include acceptance testing to verify the respondent meets Town's accessibility and useability criteria. This testing may include manual testing, automated testing, and/or testing by users with disabilities. The requirement for acceptance testing should be identified in the IFBs and RFPs.

The following is sample RFP language:

Requirements and Standards

Each information and communication technology (hereinafter referred to as "ICT") product or service furnished under this contract shall be accessible to and usable by individuals with disabilities in accordance with the Americans with Disabilities Act (hereinafter referred to as the "ADA") and other applicable federal laws and Colorado HB21-1110 and implementing regulations. For purposes of this clause, [the contractor] shall be considered in compliance with the ADA and Colorado HB21-1110 if it satisfies the requirements (including exceptions) specified in the regulations 28 CFR Part 35 related to digital accessibility requirements and technical standards under the ADA and specified in the regulations 8 CCR 1501-11 implementing Colorado HB21-1110, including the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA or higher, which are incorporated by reference, and the functional performance criteria.

Compliance may be demonstrated by an evaluation, as documented in writing, that the ICT "best meets" the technical standards and also the Town's business needs. Town staff shall be required to follow the "best meets" guidance in documenting the best meets analysis.

Compliance may also be demonstrated by an evaluation, as documented in writing, that making the ICT fully conform with the technical standards would constitute an undue burden, fundamental alteration, or pose a direct threat or is otherwise exempted under section 11.10 of OIT's regulations 8 CCR 1501-11.

Documentation

[The contractor] shall maintain and retain, subject to review by [the entity procuring the product or service], full documentation of the measures taken to ensure compliance with the applicable requirements and functional performance criteria, including records of any testing or simulations conducted. For each ICT subject to

the contract, the documentation shall include a description of conformance with applicable federal and state laws by means of either a Voluntary Product Accessibility Template (VPAT) or other comparable document, upon request.

Remediation

If [the contractor] claims its products or services satisfy the applicable requirement and standards specified in clause (a) and it is later determined by [contracting officer] that any furnished product or service is not in compliance with such requirements and standards, the [contracting officer] will promptly inform [the contractor] in writing of the noncompliance. [The contractor] shall, at no cost to [the entity procuring the product or services] repair or replace the non-compliant products or services within the period specified by [the contracting officer]. If the repair or replacement is not completed within the specified time, [the contracting officer] may cancel the contract, delivery or task order, or purchase or line item without termination liabilities or have any necessary changes made or repairs performed by employees of the entity or by another contractor, and [the contractor] shall reimburse [the entity procuring the product or service] for any expenses incurred thereby.

Definition

Information and communication technology means information technology and other equipment, systems, technologies, or processes, for which the principal function is the creation, manipulation, storage, display, receipt, or transmission of electronic data and information, as well as any associated content. Examples include computers and peripheral equipment; information kiosks and transaction machines; telecommunications equipment; customer premises equipment; multifunction office machines; software; applications; Web sites; videos; and electronic documents.

Step 3. Validate accessibility information received.

The Town is required to review the compliance of the ICT to the digital accessibility requirements. Validation may take place pre-award or post-award depending on the type of ICT product or service to be procured.

Step 4. Require Contract language.

The Town shall require that bidders and vendors demonstrate that ICT provided to the Town conforms to or addresses the digital accessibility requirements and the contractor agrees to the continuing obligation to meet these expectations. The Town may want to include provisions in the contract to require ongoing accessibility requirements, continued validation of the contractor's product or service to demonstrate that it meets the digital accessibility requirements, retention of the documentation demonstrating compliance, and indemnity and/or obligations related to digital accessibility.

D. PREPAYMENT OF CONTRACTS & PURCHASE ORDERS

Prepayment of purchase orders and contracts is discouraged. Prepayment is acceptable, however, for:

1. Small-Dollar Purchases (less than \$5,000), where prepayment is required by the supplier.
2. Any purchase under the Town Manager Approval Amount, under special circumstances, with the approval of the Town Council by Resolution.
3. Subscriptions, where usual business practices require payment in advance, but the term of any subscriptions shall not exceed one (1) year.
4. Memberships in professional associations, where such memberships have demonstrated value to the Town.
5. Equipment maintenance services or agreements, where such services are performed within the budget period.

E. PURCHASING CARD PROGRAM

The purpose of the Purchasing Card Program (the "Program") is to streamline and simplify the requisitioning, purchasing and payment processes for Small Dollar and Simple Procurement purchasing activities. The goals of the Program are to:

- Reduce the cost of processing Small Dollar and Simple Procurements
- Receive faster delivery of required goods and services required for effective administration of the Town's affairs
- Simplify the payment process

The Program will consist of one (1) credit card issued by such banking institution as the Town may do business with from time to time.

Initially, following the effective date of this Policy, only one (1) credit card shall be issued and such card shall be issued to the Town Manager. Additional cards may be issued to Town Department Heads (or Department Directors) with the written approval of Town Council, by majority vote.

The individual cardholder is the only person entitled to use the card and the card is not to be used for personal use. Cards issued under the Program may not be transferred from one Town employee to another. Use of any card issued under the Program for personal use may result in discipline up to and including termination. The Program is intended to be used for maintenance, repair, operating and other low value purchases needed for the administration of the Town's affairs, and which purchases are required to implement the budget and appropriations approved by Town Council during the relevant accounting period. Authorized purchases may include:

- Books and subscriptions
- Computer supplies
- Office supplies
- Professional membership dues
- Continuing education expenses*
- Hardware, spare parts, and tools
- Conference registration fees*
- Miscellaneous office supplies
- Short-term equipment rental
- Meal expenses associated with Town meetings

*In accordance with the Town's personnel policies, the Town may pay for or reimburse for job-related educational programs if approved in advance by the Town Manager and if the training is directly related to the employee's immediate job or anticipated promotional opportunities.

Unauthorized purchases

- Items for personal use
- Fuel for personal vehicle
- Long-term equipment leases
- Travel

Receipts for all purchases made under the Program shall be turned into the Town's Finance Director, together with any back-up documentation or other information as may be requested by the Finance Director from time to time. The Town's Finance Director shall reconcile all purchases made under the Program on a monthly basis and assign account codes to each such purchase to ensure that all purchases are accurately assigned to the proper fund or cost center in the Town's annual budget. The Town Council shall retain the right to temporarily suspend or terminate the Program.

F. LOCAL PREFERENCE

Town Staff is encouraged to use businesses located in Keystone whenever the procurement is less than the Small-Dollar Exempt amount. Businesses located within Keystone are encouraged to submit bids or proposals whenever there is an open bid or proposal or when they receive an invitation to do so. Where all award factors are equal, a preference for bid awards will be given to a bidder with its principal place of business located in the Town of Keystone.

G. ETHICS AND PROFESSIONAL CONDUCT

The Town will maintain the highest standards of integrity and professionalism, affording maximum objectivity and fair treatment in all business relationships. Any situation which limits fair and open competition should be avoided. The Town Manager shall act in good faith, and shall not accept any gifts, gratuities or other things of value from vendors which might influence or appear to influence purchasing decisions.

H. CONFLICT OF INTEREST

The Town Manager shall not make, participate in, or attempt to influence any decision if he or she knows or has reason to know that he/she has a financial interest in the outcome of that decision.

I. PROTEST POLICY AND PROCEDURE

Any actual or prospective bidder, contractor, or vendor who is aggrieved in connection with the solicitation or award of a contract may submit a letter of objection to the Town Manager providing specific reasons for the protest. The Town Manager will render a response within ten (10) business days of receiving the letter with a copy provided to Town Council.

VII. EFFECTIVE DATE:

This Purchasing Policy shall be effective upon approval by Town Council.

VIII. REVIEWED BY:

Town Manager

Date

IX. APPROVAL: June 11, 2024, RESOLUTION NO. 2024-49.

Mayor

Date

ATTEST:

Town Clerk

Date