

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

Resolution No. 5  
Series 2023

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

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

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

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

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

Section 1. Effective with the policy year starting on January 1, 2024, the following categories of elected and/or appointed officials who receive no compensation for service rendered as such, other than reimbursement of actual expenses, shall be excluded from the definition of “employee” for purposes of workers’ compensation coverage, and shall not be covered under the Town of Pitkin’s workers’ compensation coverage:

- a. Zoning Board of Adjustment;
- b. Cemetery Board;
- c. Environmental Health Agent;
- d. Street Commissioner;
- e. Ditch Commissioner;
- f. Town Hall Commissioner(s); and
- g. Parks and Recreation Commissioner;

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

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

INTRODUCED, READ, and ADOPTED this 9<sup>th</sup> day of October 2023.

By: \_\_\_\_\_  
Eddy Balch, Mayor

Attest:

\_\_\_\_\_  
Sara Gibb, Town Clerk