

**TOWN OF RED CLIFF
RESOLUTION 7, SERIES 2020**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF RED CLIFF, COLORADO, DECLARING AN EMERGENCY AND ESTABLISHING RULES AND PROCEDURES FOR CALLING AND HOLDING VIRTUAL MEETINGS OF THE BOARD OF TRUSTEES

WHEREAS, the Board of Trustees is vested with authority to administer the affairs of the Town; and

WHEREAS, on March 10, 2020, the Governor of the State of Colorado recognized the Novel Coronavirus Disease (“COVID-19”) pandemic and declared a state of emergency; and

WHEREAS, the Mayor is authorized to declare a local emergency pursuant to the Colorado Disaster Emergency Act, C.R.S. §§ 24-33.5-701 *et seq.* (the “Act”); and

WHEREAS, the emergency conditions, as defined by the Act, caused by the COVID-19 pandemic persist and require additional and sustained action by the Town; and

WHEREAS, the Red Cliff Board of Trustees is empowered by C.R.S. § 31-15-401(1)(b) to do all acts and make all regulations necessary or expedient for the promotion of health and the suppression of disease; and

WHEREAS, in addition, Section 24-6-401 of the Colorado Statute further provides that all meetings of the Board of Trustees shall be open to the public; and

WHEREAS, due to the inconsistency and intensity of the presence of COVID-19, the Board of Trustees may have to immediately switch to virtual meetings; and

WHEREAS, in light of the closures of public facilities and other establishments as the result for this public health emergency and the need to ensure that government functions continue to operate as efficiently as possible for the benefit of the public during the course of the pandemic, the Board of Trustees desires to declare a local disaster emergency to ensure that all possible resources are available to the Town to address needs resulting from the pandemic and establish procedures for virtual meetings.

NOW, THEREFORE, be it resolved by the Board of Trustees of the Town of Red Cliff as follows:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Adoption. The emergency meeting rules and procedures set forth are hereby adopted by the Board of Trustees.

Section 3. Emergency Declaration. This resolution is necessary for the immediate preservation of the Town of Redcliff's peace, health or safety for the following reasons: (i) on March 10, 2020, Colorado Governor Jared Polis declared a state of emergency in response to COVID-19 (novel coronavirus); (ii) declaration of a "disaster emergency" gives the Governor broad powers to isolate and quarantine persons or property; (iii) county and district public health agencies also have the authority to close public places in the event of a health emergency; (iv) the Board of Trustees must be able to meet when and where necessary to carry out its duties while continuing to make its meetings open to the public. The Board of Trustees therefore declares a local disaster emergency within the Town of Red Cliff. The effect of this declaration shall be to allow for virtual meetings.

Section 4. Virtual Meetings. For the duration of the local disaster emergency in Red Cliff and to ensure the protection of the public health and safety of the general public, the Board of Trustees, and members of the public that may attend regular or special meetings of the Board of Trustees, the Mayor and Board members ("Trustees"), Town staff and Town consultants shall be authorized to participate by telephone, video conferencing, or other electronic means in any Board of Trustee regular or special meeting ("Electronic Participation").

- a. Such Board of Trustee members listening via telephone or other electronic means shall be deemed present for purposes of determining a quorum.
- b. The Board of Trustee members participating via electronic may not participate or vote in a quasi-judicial public hearing. However, the Trustees may maintain the electronic connection and monitor and listen to the hearing.
- c. The Board of Trustee members participating via Electronic Participation shall be authorized to participate and vote on all legislative and administrative matters.
- d. Electronic Participation is also available to Board of Trustee members during and executive session; provided, however, that a separate conference call or electronic meeting number or code shall be provided to the Board of Trustee members, the Town Attorney, the Town Administrator, and other staff members or other individuals specifically invited to participate in the executive session, in order to preserve the confidentiality of the executive session.
- e. The Board of Trustees may, by majority vote of the quorum present, discontinue the use of Electronic Participation by one or more members during a meeting where the participation results in delays or interference in the

meeting process, such as where the connection is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening members are unable to hear speakers.

- f. Whenever Board of Trustee members participate via Electronic Participation pursuant to this Order, the following additional rules shall apply:
 - a. All Board of Trustee members must be able to hear one another or otherwise communicate with one another and be able to hear all discussion and testimony in a manner designed to provide maximum notice and participation;
 - b. Members of the public participating via Electronic Participation must be able to reasonable hear all discussion, testimony, and votes;
 - c. All votes held at the meetings shall be conducted by roll call;
 - d. To the extent possible, full and timely notice shall be given to the public advising that the Board of Trustees will be participating in the meeting electronically; and
 - e. Participation in a regular or special Board of Trustees meeting by Electronic Participation in accordance with this Order shall be deemed attendance for the purposes of Section 2-3-20 and Section 2-3-30 of the Municipal Code.
- g. Whenever the public health emergency makes it imprudent or impossible for the Board of Trustees, or any Town board, commission, or committee, to meet at a previously scheduled date and time, such meeting shall be deemed to be postponed until a quorum of the Board of Trustees or Town board, commission, or committee is able to meet, not to exceed two (2) weeks.
- h. Any official act or meeting required to be performed at any regular location of the Board of Trustees is valid when performed via Electronic Participation.
- i. The provisions of this Section shall apply to all executive, legislative, and judicial branches, powers and functions conferred upon the Town and its officers, employees, and authorized agents by the Colorado constitution, Colorado statutes, the Town Municipal Code.

Section 5. Conflict. If any provisions of this Resolution conflict with any provision of the Board of Trustee's Rules of Order and Procedure or other Town policy, this Resolution shall control.

Section 6. Effective Date. This Resolution shall be in full force and effect immediately upon adoption.

INTRODUCED, READ, APPROVED, ADOPTED AND RESOLVED this 3rd day of November, 2020.

By: Art Fox
Mayor, ~~Duke Gerber~~ Pro Tem, Art Fox

ATTEST:

Melissa Matthews
Melissa Matthews, Town Clerk

