

**TOWN OF CARBONDALE, COLORADO
BOARD OF TRUSTEES**

**RESOLUTION NO. 6
SERIES OF 2021**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
CARBONDALE, COLORADO, PROVIDING FOR TERMINATION OF THE
DECLARATION OF LOCAL DISASTER EMERGENCY AND THE TOWN'S 2020
MASK ORDER**

WHEREAS, by adoption of Board of Trustee Resolution No. 6, Series of 2020 on March 17, 2020, and the Declaration of Local Disaster Emergency by the Town Manager on March 17, 2020, the Town of Carbondale previously declared a local disaster in the Town of Carbondale due to the COVID-19 outbreak; and

WHEREAS, the Town Board subsequently adopted Ordinance No. 5, Series of 2020 on May 12, 2020 (the "Mask Order"), which required that persons utilize face coverings within the Town of Carbondale during the COVID-19 Pandemic whenever public interaction is likely; and

WHEREAS, in recent weeks, effective vaccines for COVID-19 have begun to become available to all Carbondale area residents over the age of 16; and

WHEREAS, on April 15, 2021, the Colorado Department of Public Health and Environment ("CDPHE") issued Public Health Order ("PHO") 20-38, which superseded PHO 20-36 regarding the COVID-19 Dial and PHO 20-29 involving voluntary and elective surgeries; pursuant to new PHO 20-38, although the Dial and applicable guidance will remain a viable measure of virus activity and of ongoing safeguards, statewide restrictions will no longer accompany the Dial designations and, instead, PHO 20-38 implements reduced statewide restrictions for individuals, businesses, activities, and hospital reporting requirements in the ongoing prevention of the spread of COVID-19 in Colorado; and,

WHEREAS, pursuant to PHO 20-38, sub-sections 1.A.1 (a)-(h), face coverings are still required in certain indoor settings, face coverings are no longer required by the State outdoors or in most Public Indoor Spaces unless and until a one-week incidence rate in excess of 35 per 100,000 is reached, in which case face coverings will be required within Public Indoor Spaces where 10 or more unvaccinated individuals or individuals of unknown vaccination status are present; and,

WHEREAS, on April 19, 2021, the Garfield County Board of County Commissioners, acting as the Board of Health, adopted Resolution 21-13 in order to provide additional local guidance on COVID-19 restrictions following the relaxation of certain of the prior statewide restrictions; and

WHEREAS, on May 2, 2021, Governor Polis issued Executive Order 2021 095 for purposes of amending prior Executive Orders regarding face coverings to clarify that individuals

are permitted to remove their medical or non-medical face coverings in Public Indoor Spaces if 80% of the individuals in the Public Indoor Space have shown proof of vaccination; and

WHEREAS, although the Town of Carbondale recognizes that the pandemic is not over, and that as State restrictions decline the burden of preventing virus spread becomes more of a local issue, with the availability of vaccines in the Carbondale area, the Board of Trustees finds that it is appropriate to terminate the Town's prior Declaration of Local Disaster Emergency, and for the Town to instead adopt the guidance set forth below.

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

Section 1. Upon the Board of Trustees' adoption of this Resolution, the Town Manager is directed to issue a declaration that the COVID-19 public health emergency has abated at the present time.

Section 2. Contemporaneously with the adoption of this Resolution, the Town is adopting Ordinance No. 5, Series of 2021, for purposes of implementing new local face covering requirements that align with the revised State of Colorado requirements listed above.

Section 3. The Board of Trustees also encourages all Carbondale citizens to continue to follow all five containment strategies that have shown to be effective in slowing the spread of the COVID-19 virus, including:

- a. Wash your hands;
- b. Wear a mask while indoors and continue to remain at least 6 feet away from non-household contacts who are not fully vaccinated;
- c. Avoid large crowds;
- d. Stay home when sick and seek testing for COVID-19 right away; and
- e. Isolate or quarantine if you test positive or have been in close contact with someone who tests positive.

Section 4. The Board of Trustees also encourages all area residents to remain aware of the COVID-19 metrics that Garfield County Public Health will continue to publish on the County's website.

Section 5. The attached "Exhibit A" will remain in effect for electronic meetings as long as the Town Board and Planning Commission meet remotely or meet in hybrid in-person/remote meetings.

BE IT FURTHER RESOLVED that this Resolution shall be effective upon the date and

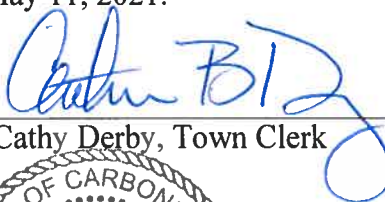
time given below.

INTRODUCED, READ AND ADOPTED by the Board of Trustees of the Town of Carbondale on the 11th day of May, 2021.



Dan Richardson, Mayor

I, Cathy Derby, duly appointed and acting Town Clerk do certify that the foregoing is a true and accurate copy of that resolution adopted by the Board of Trustees of the Town of Carbondale, Colorado, at a meeting held on May 11, 2021.



Cathy Derby, Town Clerk

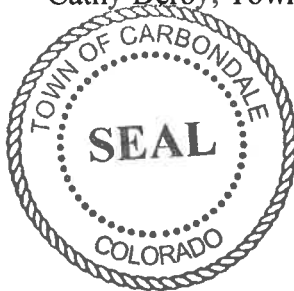


EXHIBIT A

ELECTRONIC PARTICIPATION POLICY AT TOWN OF CARBONDALE BOARD OF TRUSTEES MEETINGS DURING A LOCAL DISASTER EMERGENCY

I. Purpose.

The purpose of this Policy is to specify the circumstances and means under which the Board of Trustees shall conduct regular and special meetings by telephone or other electronic means of participation, such as video-conferencing that is clear, uninterrupted and allows two way communication for the participating members ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the Board of Trustees from contemporaneously observing documentary information presented during meetings; from fully evaluating a speaker's non-verbal language in assessing veracity or credibility; and from observing non-verbal explanations during a speaker's presentation or testimony. The Board of Trustees finds that these limitations, inherent in Electronic Participation, may produce inefficiencies in meetings, increase the expense of meetings, and alter the decision-making process. As such, the Board of Trustees shall only utilize the policies contained herein upon the adoption by the Board of Trustees of a resolution declaring, or the Town Manager declaring, a local disaster emergency pursuant to Section 24-33.5-709, Colorado Revised Statutes.

II. Statement of General Policy.

The Board of Trustees may conduct a regular or special meeting of the Board of Trustees by electronic means only in accordance with this Policy.

A. Emergency Situations.

In the event a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the Board of Trustees because meeting in-person is not practical or prudent due to an emergency affecting the Town, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum practical notice. Meetings may be held by telephone, electronically, or by other means of communication if all of the following conditions are met:

1. A local disaster emergency has been declared pursuant to Section

24-33.5-709, Colorado Revised Statutes; and

2. The Town Manager or the Board of Trustees determines that meeting in person is not practical or prudent, because of matters related to the declaration of local disaster emergency affecting the Town; and
3. All members of the Board of Trustees, and at least one Town staff member can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation; and
4. Members of the public can hear the Board of Trustees' proceedings and are afforded opportunities to participate in public comment; and
5. All votes are conducted by roll call; and
6. Minutes of regular and special meetings are taken and promptly recorded, and such records are open to public inspection; and
7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some members of the Board of Trustees may participate by telephone, and the right of the public to monitor the meeting from another location.

III. Arranging for Electronic Participation.

- A. The Town Manager shall contact Board of Trustee members at least twenty-four hours in advance of a regular or schedule meeting to provide notice of a meeting conducted under this policy.
- B. The Town shall initiate the Electronic Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the Town Clerk shall make at least three attempts to re-initiate the connection.

IV. Effect of Electronic Participation.

A. Quasi-Judicial Matters.

In the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature at a meeting at which this policy is in effect, the

Town shall advise the applicant of such circumstances and present the applicant with options for proceeding with the application. The applicant shall authorize the Town, in writing, to proceed with one of the following options.

1. Conduct the public hearing under this policy with accommodations made for electronic public participation; or
2. Suspend any and all review and decisions deadlines until such time that the local disaster emergency is lifted, and the Board of Trustees schedules a regular meeting at which a quorum will be physically present.

B. Executive Sessions.

In the event that the Board of Trustees holds an executive session pursuant to Section 24-6-402, Colorado Revised Statutes, participants shall be authorized to attend via Electronic Participation. Any executive session conducted under this policy shall be recorded electronically as provided for by statute.

V. Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including work sessions) of the Board of Trustees and Planning Commission of the Town of Carbondale.

VI. Reasonable Accommodations.

The Town shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide handicapped members of the Board of Trustees and Planning Commission full and equal access to Board of Trustees and Planning Commission meetings.