

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

**RESOLUTION NO. 6
SERIES OF 2020**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF CARBONDALE,
COLORADO, EXTENDING THE TOWN OF CARBONDALE EMERGENCY
DECLARATION OF MARCH 17, 2020 FOR COVID-19 LOCAL DISASTER**

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S., Section 24-33.5-701, et seq., the Town of Carbondale ("Town") has identified a local disaster currently present in the Town, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19 requiring emergency action to avert danger or damage and to protect public health; and

WHEREAS, the cost and magnitude of responding to and recovery from the impact of COVID-19 is far in excess of the Town's available resources; and

WHEREAS the Colorado Governor Jared Polis and Colorado Department of Public Health and Environment have indicated the likelihood of community transmission of COVID-19 within the Town of Carbondale at the present time; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709, on March 17, 2020, at 6:30pm Mountain Daylight Time, the Town Manager declared a local disaster emergency. A copy of the declaration is attached hereto. Pursuant to C.R.S. § 24-33.5-709(1), the declaration shall not be continued or renewed for a period of in excess of seven days except by or with the consent of the Board of Trustees; and,

WHEREAS, the Board of Trustees finds that it is appropriate and in the interests of the public health, safety, and welfare and would further protect property, for the Board of Trustees to ratify the actions of the Town Manager and to extend the declaration until such time as the Board of Trustees terminates such declaration.

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

Section 1. That the Board of Trustees hereby confirms, determines, and declares that there is a local disaster in Carbondale, Colorado, to wit, the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from COVID-19 virus, including the presences and likelihood of additional cases, requiring emergency action to avert danger or damage.

Section 2. That the effect of this declaration of disaster shall be to continue the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

Section 3. That the Town Manager is directed and authorized to continue coordination with internal and external partners and to direct Town staff as appropriate and necessary to address the local

disaster emergency.

Section 4. That the Board of Trustees directs the Town Manager to implement steps for long term continuity of government services.

Section 5. That the Board of Trustees of the Town of Carbondale hereby adopts the Emergency Electronic Participation Policy, attached hereto as **Exhibit A** to remain in effect so long as the local emergency declaration confirmed by this Resolution remains in effect.

Section 6. That, for so long as a local emergency declaration is in effect, the Town Manager and Town Finance Director shall be and are authorized to pay Town bills and invoices in ordinary course, provided that the Board of Trustees shall ratify such payment(s) at the next regularly-scheduled meeting of the Board of Trustees.


Section 7. That the Board of Trustees may, in the future, make a supplemental budget appropriation to defray expenses resulting from the present local emergency or any future decrease in Town revenues related to the same.

Section 8. That the Board of Trustees hereby ratifies and adopts the actions of the Town Manager and hereby extends the Declaration of Local Disaster Emergency until such time as the Board of Trustees terminates such declaration.

Section 9. That the Town Clerk is directed to ensure this resolution and declaration is promptly filed with Garfield County and shall be distributed to the appropriate representatives of the news media.


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 17th day of March 2020, at __p.m., Mountain Daylight Time



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 March 17, 2020.



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.