Board of Trustees
REGULAR MEETING
Thursday, March 19, 2020, 5 p.m.
Cedaredge Civic Center, Grand Mesa Room
140 NW 2nd Street, Cedaredge, Colorado

AGENDA
[A] denotes an action item

Out of an abundance of caution around COVID-19 all agenda items that are not time sensitive have been postponed until the April Board of Trustees meeting.

1) Call to Order & Pledge of Allegiance

2) Roll Call

3) Agenda Approval **[A]**

4) Resolution 09-2020: COVID-19 Emergency Declaration **[A]**

5) Ordinance 2020-02: Allowing Virtual Meetings in the Event of an Emergency **[A]**

6) Executive Session **[A]**
    a. C.R.S. 24-6-402(f)(I): *Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.*
    Topic: Town Administrator Performance Evaluation

7) Adjourn **[A]**

RESOLUTION NO. 09-2020

**A RESOLUTION OF THE BOARD OF TRUSTEES
OF THE TOWN OF CEDAREDGE, COLORADO, DECLARING A
DISASTER EMERGENCY DUE TO THE COVID-19 VIRUS**

WHEREAS, on March 10, 2020, Governor Jared Polis declared a state of emergency in the State of Colorado due to the existence of COVID-19, a highly contagious virus and, on March 11, 2020, the World Health Organization declared COVD-19 to be a pandemic;

WHEREAS, On March 13, 2002, the President of the United States declared a National Emergency due to COVID-19;

WHEREAS, the Board of Trustees of the Town of Cedaredge (Trustees) recognizes that COVID-19 poses a significant risk to the public health, safety and welfare of its citizens;

WHEREAS, on March 17, 2020, the Colorado Governor, through the State Department of Public Health (CDPHE), closed all restaurants, bars, theaters, gyms and casinos to ingress, egress, use or occupancy by members of the public in Colorado, take out excepted, for 30 days;

WHEREAS, the Town of Cedaredge Municipal Code, 8.50.020 sets forth the procedure for declaring a disaster emergency and the effect of such a declaration; and

WHEREAS, to the protect life and property and preserve critical resources, the Trustees find that the Town is threatened by the COVID-19 and this declaration is necessary to mobilize emergency response and the furnish of aid and assistance.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Town of Cedaredge, Colorado that;

1. It is hereby determined and declared that the presence of the COVID-19 virus within the Western Slope constitutes a local disaster emergency that warrants the mobilizing of emergency response and the furnishing of aid and assistance.

2. This Town of Cedaredge Disaster Emergency Declaration shall be promptly filed with the Town Clerk, the Delta County Clerk and Recorder and with the Colorado Division of Homeland Security and Emergency Management.

3. This Declaration shall remain in effect until further notice.

4. This Declaration is necessary for the public health, safety and welfare of the citizens of Town of Cedaredge, State of Colorado.

5. In connection with this declaration of emergency, there are hereby issued the following directives:

a.   The Mayor and Town Administrator are hereby authorized to postpone or cancel any and all Town-sponsored events and meetings.

b.   The Mayor and Town Administrator are hereby authorized to close or limit public access to Town-owned facilities, including Town Hall.

c.   The Mayor and Town Administrator are hereby authorized to cause any or all public meetings of the Board of Trustees to be conducted as virtual meetings under Cedaredge Municipal Code, 8.50.035 as outlined in Emergency Ordinance 2020-02.

d.   The Mayor and Town Administrator may take such other actions they deem necessary for the immediate preservation of health and safety during the COVID-19 outbreak, including those actions set forth in Cedaredge Municipal Code, 8.50.

Resolved this 19th day of March, 2020, by the Board of Trustees of the Town of Cedaredge, Colorado.

ATTEST:

_____
Gene Welch, Mayor

_____
Kami Collins, Town Clerk

TOWN OF CEDAREDGE COLORADO

ORDINANCE NO. 2020-02

AN EMERGENCY ORDINANCE AMENDING CHAPTER 8 OF THE CEDAREDGE MUNICIPAL CODE TO ADD SECTION 8.50.035 ALLOWING VIRTUAL MEETINGS IN THE EVENT OF A LOCAL DISASTER EMERGENCY DECLARATION, IF NECESSARY.

WHEREAS, the Town of Cedaredge, Colorado is a municipal corporation duly organized and existing under its Home Rule Charter adopted pursuant to Article XX of the Constitution of the State of Colorado; and

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

WHEREAS, on March 10, 2020, Governor Jared Polis declared a state of emergency in the State of Colorado due to COVID-19 and, on March 11, 2020, the World Health Organization declared COVD-19 to be a pandemic;

WHEREAS, on March 19, 2020, the Board of Trustees declared a disaster emergency due to COVID-19 to protect to the public health, safety and welfare;

WHEREAS, to be able to conduct Town business during the COVID-19 outbreak and during other emergency situations, including, but not limited to, those involving pandemics, extreme weather events or natural disasters, the Board of Trustees desires to implement procedures to allow Town meetings to be conducted remotely; and

WHEREAS, the Board of Trustees finds this ordinance is immediately necessary for the preservation of public peace, health, or safety and is passed as an emergency ordinance under Cedaredge Home Rule Charter, 1-12.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CEDAREDGE, COLORADO, as follows:

SECTION 1:

Section 8.50.035 is hereby added as follows:

8.50.035 Virtual Meetings

A. In the event a local disaster emergency is declared under 8.50 of the Town of Cedaredge Municipal Code, Town meetings may be conducted by telephone, electronically, or by other means of communication to provide maximum practical notice, only if the following conditions are met:

1. The Town Administrator or Mayor determines that meeting in person would not be prudent because of a health pandemic or declaration of disaster emergency affecting the Town.

2. All members of the Board of Trustees can hear one another, or otherwise communicate with one another, and able to hear or read all discussion and testimony in a manner designed to provide maximum participation.

3. Members of the public can hear or read all discussion, testimony, and votes, in a manner designed to provide maximum notice and participation.

4. At least on member of the Board of Trustees is present at the regular meeting location, unless not feasible due to the pandemic or emergency declaration.

5. All votes are conducted by roll call.

6. Minutes of the meeting conducted by telephone, electronically, or other means are taken and promptly recorded, and such records are open to public inspection.

7. Telephonic participation shall only constitute actual attendance for purposes of establishing a quorum for meetings to which no quasi-judicial matters will be heard or considered.

8. This in person meeting waiver only applies to regular and special meetings (including work sessions) of the Town of Cedaredge Board of Trustees.

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

SECTION 2: SERVERABILITY

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgement shall not affect application to other persons or circumstances.

SECTION 3: EMERGENCY

This Emergency Ordinance is effective immediately under Section 1-12 of the Town of Cedaredge Home Rule Charter.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED this 19th day of March 2020 by the affirmative vote of every member of the Board of Trustees or

by the affirmative votes equal to a quorum plus one (1), whichever is less, present at the Regular Meeting held on March 19, 2020.
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_____

Eugene (Gene) Welch, Mayor

Attest:

_____

Kami Collins, Town Clerk