



SPECIAL MEETING AGENDA
FOR THE BOARD OF TRUSTEES
OF THE TOWN OF BUENA VISTA, COLORADO
March 18, 2020

Special Virtual Meeting at 5:30 PM
(Meeting will not be held at the Buena Vista Community Center)

Conferencing Access Information: <https://zoom.us/j/418324902>
Join via phone at 301-715-8592 Meeting ID: 418 324 902

**THE BOARD OF TRUSTEES MAY TAKE ACTION ON ANY OF THE FOLLOWING AGENDA
 ITEMS AS PRESENTED OR MODIFIED PRIOR TO OR DURING THE MEETING, AND
 ITEMS NECESSARY TO EFFECTUATE THE AGENDA ITEMS**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. AGENDA ADOPTION

The Board approves the agenda at the start of the meeting including modifications.

V. BUSINESS ITEMS

A. Town of Buena Vista Board of Trustees Remote Participation and Remote Meetings Policy
The Trustees will consider adopting a Trustees Remote Participation and Remote Meeting Policy.

B. Should the Board of Trustees approve adoption of Resolution No. 20, Series 2020, entitled
**“A RESOLUTION CONSENTING TO AND EXTENDING THE ORDER DECLARING A LOCAL
 DISASTER EMERGENCY IN AND FOR THE TOWN OF BUENA VISTA, COLORADO.”?**
The Board will consider extending the Order declaring a local disaster emergency.

VI. PUBLIC COMMENT

Citizen participation where the public can sign up prior to the start of the meeting by entering your name, address, and subject to be discussed in the Zoom Chat box, or by emailing the information to bvclerk@buenavistaco.gov. Neither Town Board nor Town staff should be expected to respond to matters raised in the Public Comment segment of Board meetings. Nevertheless, Board members will always retain the right to ask questions of the speaker and to respond then or at a later time to remarks made by any citizen.

VII. TRUSTEE/STAFF INTERACTION

The Board discusses items with staff and staff can bring up matters not on the agenda.

XI. ADJOURNMENT

**TOWN OF BUENA VISTA BOARD OF TRUSTEES
REMOTE PARTICIPATION AND REMOTE MEETINGS POLICY**

I. Purpose.

The purpose of this Policy is to specify the circumstances under which a member of the Board of Trustees ("Member") may participate in regular and special meetings by telephone or other electronic means of participation, such as video-conferencing ("Remote Participation") and the situations under which the meeting itself may be held without the physical presence of Members at the designated meeting location (a "Remote Meeting").

II. Statement of General Policy.

A Member may participate in a meeting of the Board of Trustees by remote, electronic means in accordance with this Policy.

A. *Non-Emergency Situations.*

Remote Participation in non-emergency situations shall be made available and shall be limited as follows:

1. A Member may listen by telephone or other electronic means to any Board of Trustees meeting. Such Member listening via telephone shall be deemed present for purposes of determining a quorum, but only for meetings during which no quasi-judicial matters will be heard or considered. In non-emergency situations, the Member may not participate nor vote in a quasi-judicial public hearing; however, the Member may maintain the remote connection and monitor and listen to the hearing. The Member may participate and vote in legislative matters.

2. Listening telephonically or by remote means is intended to be an infrequent or occasional substitution for physical attendance, and there is a general preference for in-person meeting attendance except in emergency situations. The Board of Trustees may, by majority vote of a quorum present, declare a Member's repeated use of Remote Participation excessive and deny a Member's privilege to use Remote Participation for a specific meeting or meetings.

3. At least one Member of the Board of Trustees shall be present at the regular meeting location.

4. Remote Participation may also be made available to a Member during an executive session.

5. The Board of Trustees may discontinue the use of Remote Participation by one or more Member during a meeting when the Remote Participation results in delays or interference in the meeting process; *e.g.*, where the telephone connection or connection by other remote means is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening member is unable to

hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

6. In non-emergency situations, remote participation shall only constitute actual attendance for purposes of establishing a quorum for meetings during which no quasi-judicial matters will be heard or considered.

B. *Emergency Situations.*

Remote Participation or Remote Meetings in emergency situations shall be made available 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 a health pandemic or emergency affecting the Town. In emergency situations, Remote Meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum practical notice. Remote Participation and Remote Meetings may be held if all of the following conditions are met:

1. The Town Administrator or the Mayor determines that meeting in person is not practical or prudent, because of a health pandemic or declaration of emergency affecting the Town;
2. All Members 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;
3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the pandemic or emergency;
4. In emergency situations, Remote Participation shall constitute actual attendance of Members for all purposes, including without limitation, voting on quasi-judicial matters, provided that the applicant in the quasi-judicial matter consents to the Remote Participation or Remote Meeting and waives in writing all possible procedural objections. At the applicant's discretion, the matter may be continued to another meeting;
5. All votes are conducted by roll call; and
6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection.

III. *Arranging for Remote Participation; holding a Remote Meeting.*

A. *Non-Emergency Situations.*

To arrange to participate via Remote Participation in a non-emergency situation, a Member shall:

1. Contact the Mayor, Town Administrator, or Town Clerk in advance of the meeting to determine if an arrangement for such participation via telephone conference or video conference is possible. Members shall endeavor to advise the Town of their intent to participate via Remote Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation.
2. The Town shall initiate the Remote 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 one attempt to re-initiate the connection.

B. *Emergency Situations.*

Remote Participation or Remote Meetings in an emergency situation shall be coordinated, to the extent possible, to ensure full and timely notice is given to the public. Notice shall set forth the time of the meeting, the fact that some Members may participate remotely, and the right of the public to monitor the meeting from a specified location. To the extent possible, if not inconsistent with the emergency situation, the meeting location shown in the meeting notice will be open to the public, and audio will be available so that all actions being taken can be heard.

IV. *Applicability of Policy.*

This Policy applies to regular and special meetings (including study sessions) of the Board of Trustees of the Town of Buena Vista. By order of the Mayor or Town Administrator, and consistent with an emergency situation, this Policy may be applied to other Town boards and commissions.

V. *Reasonable Accommodations.*

The Town shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide disabled Members full and equal access to meetings.

TOWN OF BUENA VISTA, COLORADO

RESOLUTION NO. 20

(Series of 2020)

**A RESOLUTION CONSENTING TO AND EXTENDING THE ORDER
DECLARING A LOCAL DISASTER EMERGENCY IN AND FOR
THE TOWN OF BUENA VISTA, COLORADO**

WHEREAS, the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), provides procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters and emergencies;

WHEREAS, pursuant to the Act, an "emergency" is an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures, and an "emergency epidemic" is cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, a local disaster emergency may be declared "only by the principal executive officer of a political subdivision," here, the Town Administrator;

WHEREAS, on March 17, 2020, the Town Administrator did issue an order declaring a local disaster, which order is attached hereto as **Exhibit A**;

WHEREAS, pursuant to Section 2-322 of the Code, a local disaster emergency may be declared unilaterally by the Town Administrator for a period of time not to exceed 48 hours, and no emergency so declared shall extend beyond the next regular or special meeting of the Board of Trustees, which must occur within 7 days following the initial declaration;

WHEREAS, pursuant to Section 2-322(d) of the Code, upon such declaration of a local emergency, the Board of Trustees shall assemble as soon as possible after the declaration of local emergency to review or continue the local emergency declaration;

WHEREAS, pursuant to C.R.S. § 24-33.5-709, such a declaration activates the response and recovery aspects of any applicable disaster emergency plans and authorizes the furnishing of aid and assistance under such plans;

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1) the declaration of a local emergency shall not be continued beyond a period of 7 days or removed except by action of the Board of Trustees;

WHEREAS, pursuant Section 2-322(b) of the Code, any such order shall be promptly filed with the Town Clerk, delivered to the Chaffee County Emergency Operations Manager, forwarded

to the State Office of Emergency Management, and, as soon as possible thereafter, the Town Administrator shall notify the Board of Trustees and the County Clerk; and

WHEREAS, because of the COVID-19 pandemic, which was recognized by the Governor of the State of Colorado on March 10, 2020, the Town of Buena Vista is suffering and has suffered a disaster emergency as defined in the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO as follows:

Section 1. The Town Board hereby consents to and supports the Order Declaring a Local Disaster Emergency in and for the Town of Buena Vista, Colorado.

Section 2. The Town Board hereby extends the Order Declaring a Local Disaster Emergency in and for the Town of Buena Vista, Colorado, **until April 15th, 2020**, unless sooner terminated by action of the Town Board, at which time the Order may be extended by action of the Town Board.

Section 3. This Resolution shall be given prompt and general publicity, filed with the Town Clerk and the Chaffee County Clerk and Recorder, and it shall be submitted to the Colorado Office of Emergency Management

RESOLVED, APPROVED, AND ADOPTED this 18th day of March, 2020.

TOWN OF BUENA VISTA

BY: _____
Duff Lacy, Mayor

ATTEST:

Paula Barnett, Town Clerk