
Town of Sedgwick

Emergency Meeting Agenda

Tuesday, March 24, 2020 at 10 Am

Public Comments on Items Not Subject to Public Hearing

We honor the Open Records – SunShine Law, although with the Covid – 19 Pandemic we are encouraging the public to stay home if at all possible. There is only 10 people at one time allowed in one location. With that said we are posting on our website the resolutions being decided on for you to review, you may call in or email any positions or questions.

- I. Call to Order
- II. Pledge Allegiance
- III. Comments from The Public
- IV. New Business
 - o Resolution 20-3 & 20-4
 - i. Resolution 20-3
 - 1.
 - ii. Resolution 20-4
 - 1. Electronic Participation Policy
 - o Cancel April 14, 2020 Regular Meeting
- V. Call to Adjourn

RESOLUTION NO. 20-3

**A RESOLUTION EXTENDING THE EMERGENCY ORDER DECLARING A
DISASTER IN AND FOR THE TOWN OF SEDGWICK**

WHEREAS, the President of the United States has declared a federal state of emergency regarding the COVID-19 pandemic; and

WHEREAS, the Governor of Colorado on March 10th, 2020 has declared a state of emergency regarding the pandemic; and

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

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; and

WHEREAS, on March 17th, 2020, the Mayor of the Town of Sedgwick, pursuant to C.R.S. § 24-33.5-709, executed an Order Declaring of Local Disaster Emergency in and for the Town of Sedgwick (the “Mayor’s Declaration”); and

WHEREAS, C.R.S. § 24-33.5-709(1) provides the Mayor’s Declaration shall not be continued or renewed for a period in excess of seven (7) days unless the Town Board of Trustees approves a longer duration; and

WHEREAS, COVID-19 pandemic is causing widespread human, economic impact and strain on the public, the medical system, first responders, and many businesses; and

WHEREAS, pursuant to C.R.S. 24-33.5-709 and for the immediate preservation of public health, welfare and safety, the Town Trustees and the Town Mayor declare a local disaster emergency in the Town of Sedgwick by continuing the Mayor’s Declaration as set forth herein.

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

Section 1. Emergency Declaration. The Town Board of Trustees hereby finds and declares there to be a local disaster emergency in the Town of Sedgwick, to wit, the occurrence of imminent threat of widespread or severe damage, injury or loss of life or property, resulting from the COVID-19 Pandemic requiring emergency action to avert danger or damage, and that the Order Declaring a Local Disaster Emergency in and for the Town of Sedgwick executed by the Mayor of the Town of Sedgwick on March 17, 2020 shall be continued in effect until May 31, 2020.

Section 2. Notice. This Declaration shall be given prompt and general publicity, and shall be filed promptly with the County Clerk and Recorder, the Town Clerk, or another authorized recordkeeping agency, and the Colorado Division of Homeland Security and Emergency Management (CDHSEM).

Section 3. Closure of Town Hall. Town Hall shall be closed to the public, with the

exception of the lobby entry way for the purpose of the Election Drop Box access. Only Essential Staff, Elected Officials, and Elections Officials and Judges will be allowed past the lobby entry way, and never to allow over 10 people at a time. The Town will continue to provide essential services to the community, including water, sewer and trash services. Please contact Town Hall for any additional assistance or service needs: Call: (970) 463-8814 or by email: SedgwickCo@Pctelcom.coop.

This resolution passed by a vote of the Board of Trustees of the Town of Sedgwick.

INTRODUCED, READ, APPROVED AND ADOPTED This ___ day of March 2020.

ATTEST:

TOWN OF SEDGWICK

Heather Moore, Town Clerk

Wayne Price, Mayor

RESOLUTION NO. 20-4

**A RESOLUTION APPROVING A POLICY REGARDING ELECTRONIC PARTICIPATION
IN PUBLIC MEETINGS.**

WHEREAS, the Board of Trustees finds that while electronic participation during meetings of the Board can be a useful tool that is not prohibited by law, such participation has inherent limitations and therefore should be limited and governed by a specific policy; and

WHEREAS, the Board of Trustees therefore desires to adopt the policy set forth herein for electronic participation in meetings of the Board.

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF
SEDGWICK, COLORADO:**

Section 1. The proposed policy regarding Electronic Participation in Public Meetings is hereby approved in essentially the same form as accompanies this resolution

INTRODUCED, READ, and ADOPTED this 24th day of March, 2020.

TOWN OF SEDGWICK, COLORADO

Wayne Price, Mayor

ATTEST:

Heather Moore, Town Clerk

TOWN OF SEDGWICK
ELECTRONIC PARTICIPATION IN PUBLIC MEETINGS POLICY

I. Purpose.

The purpose of this Policy is to specify the circumstances under which a member of the Town Board of Trustees may participate in regular and special meetings by telephone or other electronic means of participation, such as video-conferencing ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the Town 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 (e.g., pointing at graphs and charts) during a speaker's presentation or testimony. The Town Board of Trustees finds that these limitations, inherent in Electronic Participation, may produce inefficiencies in meetings, increase the expense of meetings, and may alter the decision-making process.

II. Statement of General Policy.

A member of the Town Board of Trustees may participate in a meeting of the Town Board of Trustees by electronic means only in accordance with this Policy.

A. Non-Emergency Situations.

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

1. A member of the Town Board of Trustees may listen by telephone or other electronic means to any Town meeting. Such Board 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. The member of Town Board of Trustees may not participate nor vote in a quasi-judicial public hearing; however, the Board member may maintain the electronic connection and monitor and listen to the hearing. The member of Town Board of Trustees may participate and vote in legislative matters.

2. Listening telephonically or by electronic means is intended to be an infrequent or occasional substitution for physical attendance. For purposes of this policy, infrequent or occasional substitution for physical attendance shall mean no more than four (4) posted Town Board of Trustees meetings, including study sessions, per calendar year. Provided, however, a Board member may request Town Board of Trustees approval of Electronic Participation for more than four (4) posted Town Board of Trustees meetings in any calendar year in the event of unforeseen circumstances that warrant, in the sole discretion of the Town Board of Trustees, authorizing Electronic Participation for a Board member in excess of four (4) meetings in any calendar year. The Town Board of Trustees may, by majority vote of quorum present, declare a Board member's repeated use of Electronic Participation excessive and deny a Board member's privilege to use Electronic Participation for a specific meeting or meetings.

3. In the event that a Public Body holds an executive session pursuant to C.R.S. § 24-6-402, participants shall be authorized to attend by Electronic Participation. Any executive session conducted under this Policy shall be recorded electronically as provided for by statute.

4. The Town Board of Trustees may 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; e.g., where the telephone connection or connection by other electronic 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.

B. 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 Town Board of Trustees because meeting in-person is not practical or prudent due to a health pandemic or emergency situation 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. The Town Clerk 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; and

2. All members of the Town Board of Trustees 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. At least one member of the Town 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 are taken and promptly recorded, and such records are open to public inspection; and 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 Town Board of Trustees may participate by telephone, and the right of the public to monitor the meeting from another location. When an Emergency Situation exists, as determined by the Town Administrator or Mayor, public notice may be given only on the Town's official website, and need not be posted at established physical posting locations; the fact that such notice was not physically posted shall not invalidate any action taken at the subject meeting.

III. Arranging for Electronic Participation.

1. The Town Administrator or Town Clerk shall contact Public Body members at least twenty-four hours in advance of a regular or schedule meeting to provide notice of a meeting conducted under this Policy.

2. 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 or Planning Commission Secretary, as applicable, shall make at least three

attempts to re-initiate the connection.

IV. Effect of Electronic Participation.

A. Quasi-Judicial Matters.

Any quasi-judicial matter scheduled for a meeting held by Electronic Participation shall be continued by motion to the date and time of the next regular or special meeting of the Public Body to be held in person. If the Public Body is unable to determine when the next in-person regular or special meeting will be held, quasi-judicial matters scheduled for a meeting held by Electronic Participation shall be vacated and new public notice will be provided when such quasi-judicial matters are rescheduled.

B. Limited Applicability of Policy.

This Policy shall only apply to regular, emergency and special meetings (including study sessions) of the Town Board of Trustees of the Town of Sedgwick.

C. Reasonable Accommodations.

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