

**AGENDA for a Special Meeting  
of the Board of Trustees of the Town of Fairplay, Colorado  
Monday, March 23, 2020 at 4:00 p.m. at the Fairplay Town Hall Meeting Room  
901 Main Street, Fairplay, Colorado**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF AGENDA**
- V. NEW BUSINESS**
  - A. Should the Board Approve Adoption of Resolution No. 11, Series of 2020, Entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, EXTENDING THE TOWN OF FAIRPLAY EMERGENCY DECLARATION OF MARCH 19, 2020."?**
  - B. Should the Board Approve Adoption of Resolution No. 12, Series of 2020, Entitled, "A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN ELECTRONIC PARTICIPATION POLICY FOR USE IN THE EVENT OF A LOCAL EMERGENCY DECLARATION."?**
  - C. Other New Business**
- VI. EXECUTIVE SESSION – Pursuant to C.R.S. 24-6-402 (4) (f) to discuss a personnel matter relating to the position of Police Chief.**
- VII. ADJOURNMENT**

*This agenda may be amended.*

*Posted at Fairplay Town Hall, Fairplay Public Library, Fairplay Post Office, and Town of Fairplay Website on Thursday, March 19, 2020.*



**TOWN OF FAIRPLAY  
RESOLUTION 2020 – 11**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF  
FAIRPLAY, COLORADO, EXTENDING THE TOWN OF FAIRPLAY  
EMERGENCY DECLARATION OF MARCH 19, 2020**

**WHEREAS**, COVID-19 is a highly contagious virus that has spread throughout the United States, including the State of Colorado; and

**WHEREAS**, COVID-19 may cause serious illness and death, especially with respect to elderly persons or those with underlying health conditions; and

**WHEREAS**, on January 30, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 a “public health emergency of international concern”; and

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services declared COVID-19 a public health emergency; and

**WHEREAS**, on March 10, 2020, in response to the spread of COVID-19, Governor Polis declared a state of emergency; and

**WHEREAS**, on March 19, 2020, Park County declared a local disaster; and

**WHEREAS**, the Colorado Department of Public Health has issued orders to prohibit gatherings of 10 persons or more, ordered restaurants, bars, schools and gyms closed for 30 days, which orders collectively and individually will have direct impact on the Fairplay economy and the economic well-being of Fairplay businesses; and

**WHEREAS**, pursuant to the Colorado Disaster Emergency Act, the Town has identified a local disaster currently present in the Town in connection with 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**, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the Town to take immediate actions for public safety, health and welfare; and

**WHEREAS**, pursuant to §24-33.5-709(1), C.R.S., the Town Administrator, as chief executive officer of the Town, declared a local disaster emergency on March 19, 2020, attached hereto as Exhibit A; and

**WHEREAS**, pursuant to § 24-33.5-709 (1), C.R.S., the declaration shall not be continued or renewed for a period in excess of seven days except 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 Administrator 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 FAIRPLAY, COLORADO:**

**Section 1.** The Board of Trustees hereby confirms, determines, and declares that the spread of COVID-19 virus through Fairplay, Colorado, poses an imminent threat of widespread or severe damage, injury or loss of life or property requiring emergency action to avert danger or damage.

**Section 2.** 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, including, but not limited to aid and assistance requested or required to support Park County, Colorado, and to avail the Town to any financial assistance available from Park County, the State of Colorado or the United States federal government.

**Section 3.** The Town Administrator 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 Administrator to implement steps for long term continuity of government services.

**Section 5.** That the Board of Trustees hereby ratifies and adopts the actions of the Town Administrator and hereby extends the Declaration of Local Disaster Emergency until such time as the Board of Trustees terminates such declaration.

**Section 6.** That the Town Clerk is directed to ensure this resolution and declaration is promptly filed with the Park County Clerk and Recorder, the Colorado Office of Emergency Management and the Park County Emergency Manager.

**APPROVED AND ADOPTED THIS 23RD DAY OF MARCH 2020.**

TOWN OF FAIRPLAY, COLORADO

\_\_\_\_\_  
Frank Just, Mayor

Attest:

\_\_\_\_\_  
Tina Darrah, Town Clerk

**EXHIBIT A**

**A DECLARATION OF LOCAL DISASTER EMERGENCY  
March 19, 2020**

WHEREAS, COVID-19 is a highly contagious virus that has spread throughout the United States, including the State of Colorado; and

WHEREAS, COVID-19 may cause serious illness and death, especially with respect to elderly persons or those with underlying health conditions; and

WHEREAS, on January 30, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 a "public health emergency of international concern"; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared COVID-19 a public health emergency; and

WHEREAS, on March 10, 2020, in response to the spread of COVID-19, Governor Polis declared a state of emergency; and

WHEREAS, on March 19, 2020, Park County declared a local disaster; and

WHEREAS, pursuant to the Colorado Disaster Emergency Act, the Town has identified a local disaster currently present in the Town in connection with 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, it would be appropriate and in the interests of the public health and safety, and would further protect property, for the Town to take immediate actions for public safety, health and welfare; and

WHEREAS, pursuant to §24-33.5-709(1), C.R.S., the Town Administrator, as chief executive officer of the Town is authorized to declare a local disaster emergency.

**NOW, THEREFORE, THE TOWN ADMINISTRATOR OF THE TOWN OF FAIRPLAY HEREBY DECLARES THE FOLLOWING:**

**Section 1.** There is a local disaster emergency in the Town of Fairplay, Colorado arising from the spread of COVID-19 which has resulted in the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property requiring emergency action to avert danger or damage.

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

**Section 3.** Town of Fairplay residents, businesses and visitors are encouraged to remain informed, follow the U.S. Center for Disease Control guidance for mitigation strategies for communities with local COVID-19 transmission.

**Section 4.** This declaration shall be effective upon the date and time given below and shall remain in effect for a period not to exceed seven days thereafter except by or with the consent of a majority of the members of the Board of Trustees. Two copies will be filed promptly with the Park County Emergency Manager, the Colorado Office of Emergency Management, the Park County Clerk and Recorder and the Town Clerk.

Dated: March 19, 2020, Time: 9:40 a.m.

THE TOWN OF FAIRPLAY



Tina Darrah, Town Administrator

ATTEST



Mason Green, Assistant Town Administrator



**RESOLUTION 2020-12**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, ADOPTING AN ELECTRONIC PARTICIPATION POLICY FOR USE IN THE EVENT OF A LOCAL EMERGENCY DECLARATION.**

**WHEREAS**, Section 2-2-80 of the Fairplay Municipal Code provides that three Board of Trustees members must attend a meeting to form a quorum to conduct business; and

**WHEREAS**, pursuant to §24-33.5-709, C.R.S., the Town Administrator and Board of Trustees have authority to declare a local disaster or emergency; and

**WHEREAS**, Town government must continue to operate during a local disaster or emergency, while taking measures to protect the health and welfare of its employees and officials; and

**WHEREAS**, The Board of Trustees has determined that it is in the best interest of the public health, welfare, and safety of the residents of the Town of Fairplay to adopt an Emergency Electronic Participation Policy.

**NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FAIRPLAY, COLORADO, THAT:**

**Section 1.** The above recitals are hereby incorporated as findings by the Board of Trustees of the Town of Fairplay.

**Section 2.** The Board of Trustees of the Town of Fairplay hereby adopts the Emergency Electronic Participation Policy, attached hereto as **Exhibit A**.

**Section 3.** The Electronic Participation Policy adopted herein shall only apply upon the adoption of a resolution by the Fairplay Board of Trustees declaring a local disaster emergency or the Town Administrator declaring a local disaster emergency pursuant to Section 24-33.5-709 of the Colorado Revised Statutes.

**APPROVED AND ADOPTED THIS 23<sup>rd</sup> DAY OF MARCH, 2020.**

TOWN OF FAIRPLAY, COLORADO

\_\_\_\_\_  
Frank Just, Mayor

ATTEST:

\_\_\_\_\_  
Tina Darrah, Town Clerk

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

**I. Purpose.**

The purpose of this Electronic Participation Policy ("Policy") is to specify the circumstances and means under which the Fairplay Board of Trustees ("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 Administrator declaring, a local disaster emergency pursuant to §24-33.5-709, C.R.S.

**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 §24-33.5-709, C.R.S.; and
2. The Town Administrator 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's proceedings and are afforded opportunities to participate in public comment; and

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; 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 Administrator shall contact Council 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 §24-6-402, C.R.S., 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. Applicability of Policy.**

This Policy shall only apply to all regular and special meetings (including work sessions) of the Board of Trustees, Fairplay Board of Adjustment, and all other Town of Fairplay boards or committees established by the Fairplay Board of Trustees.

**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 or any other Board or Commission full and equal access to applicable meetings.

