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Debra A Green  
Park County Clerk

**PARK COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 2020-08**

**A RESOLUTION SETTING FORTH PROCEDURES FOR HOLDING PUBLIC MEETINGS AS VIRTUAL MEETINGS**

**WHEREAS**, on January 30, 2020, the World Health Organization (WHO) declared the worldwide outbreak of COVID-19 a “public health emergency of international concern.” On January 31, 2020, the United States Department of Health and Human Services declared the virus a public health emergency. On March 11, 2020, WHO declared COVID-19 a pandemic, pointing to the sustained risk of further global spread; and

**WHEREAS**, Article IV, Section 2 of the Colorado Constitution and relevant portions of the Colorado Disaster Emergency Act, codified at C.R.S. § 24-33.5-701, et seq., provide procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters; and

**WHEREAS**, on March 10, 2020, the Governor of the State of Colorado memorialized a verbal order from the previous day declaring that the presence of COVID-19 in Colorado constitutes a disaster emergency; and

**WHEREAS**, on March 18, 2020 by its order, the Colorado Department of Public Health limited mass gatherings to no more than ten (10) people, which order was amended by Order 20-23, which expressly exempts county government buildings where essential government services are offered; and

**WHEREAS**, on March 19, 2020, the Colorado Department of Public Health and Environment closed all bars, restaurants, theaters, gymnasiums, casinos, nonessential personal services facilities, and horse track and off-track betting facilities statewide; and

**WHEREAS**, on March 19, 2020, Park County declared a local state of emergency pursuant to C.R.S. § 24-33.5-703(3); and

**WHEREAS**, on March 22, 2020, the Governor of the State of Colorado issued Executive Order D 2020 013 “Ordering Colorado Employers to Reduce In-Person Workforce by Fifty Percent Due to the Presence of COVID-19 in the State.” This Executive Order directs “all Colorado employers to implement tele-work or other work from home capabilities to the greatest extend possible;” and

**WHEREAS**, the coronavirus (COVID-19) has been confirmed to exist in Park County; and

**WHEREAS**, the Park County Board of County Commissioners (“BOCC”) confirms that protecting public health is the BOCC’s top priority; and

**WHEREAS**, the BOCC is empowered by Section 30-11-101(2), C.R.S., to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise prescribed by law; and

**WHEREAS**, the Section 30-10-303, C.R.S. provides that the BOCC shall meet “on a regular and published schedule, as determined by resolution of the board;” and

**WHEREAS**, the Section 24-6-402(1)(b), C.R.S. defines “meeting” as “any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication;” and

**WHEREAS**, the BOCC finds and determines that the adoption of this resolution is necessary for the promotion of health and the suppression of disease; and

**WHEREAS**, the BOCC further finds and determines that the adoption of this resolution is proper under Section 30-10-101(2), C.R.S., and other applicable law.

**NOW, THEREFORE, BE IT RESOLVED BY THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:**

Section 1.

Virtual Meetings.

- (a) In the event the BOCC is unable to conduct its regular meetings at its regular meeting location, because meeting in-person would not be prudent due to a public health emergency or other unforeseen circumstances affecting the County, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum participation, but only for meetings during which no quasi-judicial matters will be heard.
- (b) Meetings of the BOCC by telephone, electronically, or other means may be held subject to the following conditions:
  - (1) The County Manager determines that meeting in person would not be prudent because of a public health emergency or other unforeseen circumstances affecting the County;
  - (2) All members of the BOCC can hear one another or otherwise communicate with one another and can hear or read all discussion, comment, and testimony in a manner designed to provide maximum notice and 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 one member of the BOCC is present at the regular meeting location, unless not feasible due to the public health emergency or other unforeseen circumstances;
  - (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.
- (c) In the event the BOCC will conduct a virtual meeting pursuant to this resolution, the County Clerk shall provide public notice of the following:
- a. The declaration of emergency;
  - b. That a meeting of the BOCC will be conducted by telephone, electronically, or other means;
  - c. The right of the public to monitor the meeting by telephone, electronically, or other means; and
  - d. The means by which the public can monitor the meeting by telephone, electronically, or other means.
- (d) The County shall initiate the meeting by telephone, electronically, or other means not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the County Clerk shall make one attempt to re-initiate the connection.
- (e) The procedures and conditions provided for herein shall also apply the Park County Planning Commission and Board of Adjustments and other current and active boards that act in an advisory capacity for the BOCC.

Section 2.

Conflict With Other Resolutions: If any provision of this resolution conflicts with any other resolution, this resolution shall control.

Section 4.

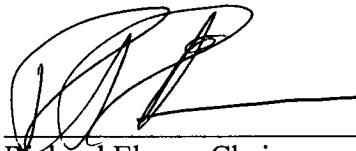
Authority. The Park County BOCC hereby finds, determines and declares that it has the power to adopt this resolution pursuant to the provisions of Sections 30-11-101(2) and 24-6-401, et seq. C.R.S., and the powers possessed by statutory counties in Colorado.

Section 7.

If any provision of this resolution or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provisions or applications. The provisions of this resolution are expressly declared to be severable.


Moved, seconded, and approved this 26 day of March, 2020.

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**



Richard Elsner, Chairperson

ATTEST:

  
County Clerk