

TOWN OF BAYFIELD, COLORADO

ORDINANCE NO. 485

AN ORDINANCE AMENDING CHAPTER 2 OF THE BAYFIELD MUNICIPAL CODE TO AMEND SECTION 2-1 (a) (1) ADDING AN OPTION TO WITHDRAW OR RESTRICT REMOTE MEETING PARTICIPATION.

WHEREAS, the Town of Bayfield, Colorado is a municipal corporation duly organized and existing as a State of Colorado incorporated Statutory Town; and

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

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 desired to implement procedures to allow Town Board meetings to be conducted remotely by adopting and enacting Ordinance No. 433 on March 24, 2020; and

WHEREAS, remote meetings were enacted for purposes of conducting meetings in emergency situations; and

WHEREAS, despite the continued declaration of emergency in the State of Colorado due to COVID 19, amongst other viruses, the Board of Trustees' meetings in person have greater value when they can be conducted utilizing all mitigation measures available no emergency condition exists; and

WHEREAS, adding an option to withdraw a remote link from the agenda or restrict remote meeting participation shall not restrict any person to observe via remote attendance, if available.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BAYFIELD, COLORADO, AS FOLLOWS:

Sec. 2-1 (a)

(1) Remote meetings.

- a. Authorization for a remote meeting; declaration of state of emergency: When an in-person meeting is not reasonable or prudent to protect the public health, safety or welfare, the Mayor may, by providing written notice to the Town Manager and each Trustee declare a state of emergency and direct that a Board of Trustee meeting be conducted remotely. A state of emergency may arise from, among other reasons, an epidemic or pandemic, extreme weather events, natural disasters or damage to roads or other transportation facilities. The Mayor's written notice of a declaration of emergency shall be provided by hand delivery or electronic mail, be posted on the front entryway of Town Hall and, as soon as practicable, on the Town's website and be included in the minutes of the remote meeting. A remote meeting shall be considered a regular meeting or special meeting, as applicable, and, except as set forth herein or otherwise impractical, all meeting requirements shall apply to the remote meeting.
- b. Type of remote meeting; notice: In the discretion of the Town Manager, remote meetings may be conducted by telephone, video conferencing or other electronic means. The Town Manager shall endeavor to ensure that the Board of Trustees, Town staff and the public are able to hear or read the

discussion and testimony presented during the remote meeting. The Town Manager shall provide direct notice regarding the manner in which to participate in the remote meeting to the Board of Trustees and Town staff and shall post notice for the benefit of the public on the front entryway of Town Hall and, as soon as practicable, on the Town's website.

- c. Public participation: The Town Manager shall take reasonable and practical measures to ensure that each remote meeting is open to the public and provides the public with an opportunity to be heard, unless public participation is not practicable or feasible due to the emergency situation. If public participation is not available, any action taken at the remote meeting shall be effective only until the next meeting that allows for public participation. At that next meeting, the Board of Trustees may ratify any action taken at the remote meeting that did not allow for public participation. If the Board of Trustees fails to ratify the action, such action shall be deemed rescinded.
- d. Voting: All votes during a remote meeting shall be conducted by roll call.
- e. Minutes: Minutes of the remote meeting shall be taken and retained in the records of the Town and shall be open to public inspection.
- f. Public meeting with remote public participation: To protect the public health, safety or welfare, in lieu of a remote meeting, the Mayor may request, but not require, that members of the public participate in a public meeting remotely. In such case, the Mayor shall direct the Town Manager to provide notice to the public that attendance at a public meeting is discouraged by posting such message on the front entryway of Town Hall and on the Town's website. The Town Manager's notice shall include the manner in which the public may attend and be heard at the meeting remotely.
- g. Conditions to withdraw a remote option or restrict remote meeting participation: When conditions for a meeting can reasonably be mitigated to avoid and protect against harms identified in Section 2-1 (a) (1) a. declared emergencies, the Town Manager has the discretion to prepare the agenda and withdraw the remote option. In the event a remote option is available, participation will be restricted to Board of Trustee members, presenting applicants, consultants or members of the public that have indicated, a minimum of thirty-six (36) hours in advance of the meeting start date and time, the agenda item and their desire to participate via a remote link. Participation restrictions in place for remote meetings shall not restrict any person to observe via remote attendance if available.


Effective thirty (30) days after publication of title.

ADOPTED AND ORDERED PUBLISHED THIS 20th day of December 2022.

**The Town of Bayfield, Colorado
MAYOR:**



Ashleigh Tarkington

ATTEST: 

Amber Abdella, Deputy Town Clerk