

The March 16, 2020 special meeting of Frisco Town Council, regarding COVID-19 strategy and response, is open to the public. Yet, in light of advice from the Colorado Department of Public Health and Environment, we do not recommend that the public attend this meeting. We invite the public to watch the Town of Frisco's coverage of this meeting via Facebook Live at <https://www.facebook.com/TownofFriscoColoradoGov/>.

**RECORD OF PROCEEDINGS
SPECIAL MEETING AGENDA OF THE
TOWN COUNCIL OF THE TOWN OF FRISCO
MARCH 16, 2020
5:00PM**

STARTING TIMES INDICATED FOR AGENDA ITEMS ARE ESTIMATES ONLY AND MAY CHANGE

Call to Order: Gary Wilkinson, Mayor

Roll Call: Gary Wilkinson, Jessica Burley, Daniel Fallon, Rick Ihnken, Hunter Mortensen, Deborah Shaner, and Melissa Sherburne

Public Comments: Citizens making comments during Public Comments or Public Hearings should state their names and addresses for the record, be topic-specific, and limit comments to no longer than three minutes.

NO COUNCIL ACTION IS TAKEN ON PUBLIC COMMENTS. COUNCIL WILL TAKE ALL COMMENTS UNDER ADVISEMENT AND IF A COUNCIL RESPONSE IS APPROPRIATE THE INDIVIDUAL MAKING THE COMMENT WILL RECEIVE A FORMAL RESPONSE FROM THE TOWN AT A LATER DATE.

New Business:

Agenda Item #1: Resolution 20-10, a Resolution of the Town Council of the Town of Frisco, Colorado, Adopting an Electronic Participation Policy for Use in the Event of a Local Emergency Declaration STAFF: NANCY KERRY 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Agenda Item #2: Ordinance 20-07, an Emergency Ordinance of The Town of Frisco, Colorado, Concerning the Coronavirus (COVID-19) Public Health Emergency and Providing Emergency authority; and Providing for the Immediate Effective Date of this Ordinance STAFF: NANCY KERRY 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Agenda Item #3: General Discussion/Action on COVID -19 Response STAFF: NANCY KERRY 1) MAYOR OPENS PUBLIC HEARING 2) STAFF REPORT 3) PUBLIC COMMENTS 4) MAYOR CLOSSES PUBLIC HEARING 5) COUNCIL DISCUSSION 6) MOTION MADE 7) MOTION SECONDED 8) DISCUSSION ON MOTION 9) QUESTION CALLED

Adjourn:

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
RESOLUTION 20-10**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO, ADOPTING AN ELECTRONIC PARTICIPATION POLICY FOR USE IN THE EVENT OF A LOCAL EMERGENCY DECLARATION.

WHEREAS, the Town of Frisco ("Frisco" or the "Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Town of Frisco Home Rule Charter (the "Charter"); and

WHEREAS, Section 3-3 of the Charter provides that a majority of members of the Council in office at the time shall constitute a quorum for the transaction of business at a Council meeting; and

WHEREAS, pursuant to Section 24-33.5-709 of the Colorado Revised Statutes, the Town Manager and Town Council 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, Town Council has determined that it is in the best interest of the public health, welfare, and safety of the residents of the Town of Frisco to adopt an Emergency Electronic Participation Policy.

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO, THAT:

Section 1. The following policy is hereby adopted to be used in accordance with its terms. A Council member's participation in a Council meeting by electronic means pursuant to the following policy shall constitute attendance at the meeting for purposes of Town Charter section 3-1(b).

**ELECTRONIC PARTICIPATION POLICY
FOR TOWN COUNCIL MEETINGS DURING A LOCAL DISASTER EMERGENCY**

Purpose.

The purpose of this Policy is to specify the circumstances and means under which the Town Council 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 Town Council 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 Town Council 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 Town Council shall only utilize the policies contained herein upon the adoption by the Town Council of a resolution declaring, or the Town Manager declaring, a local disaster emergency pursuant to Section 24-33.5-709, Colorado Revised Statutes.

Statement of General Policy.

The Town Council may conduct a regular or special meeting of the Town Council by electronic means only in accordance with this Policy.

Emergency Situations.

- A. In the event a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the Town Council 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:
- B. A local disaster emergency has been declared pursuant to Section 24-33.5-709, Colorado Revised Statutes; and
- C. The Town Manager or the Town Council 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
- D. All members of the Town Council, 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
- E. Members of the public can hear the Town Council's proceedings and are afforded opportunities to participate in public comment; and
- F. All votes are conducted by roll call; and
- G. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and
- H. 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 Council may participate by telephone, and the right of the public to monitor the meeting from another location.

Arranging for Electronic Participation.

- A. The Town Manager shall contact Council members as soon as reasonably possible in advance of a regular or special meeting to provide notice of a meeting to be 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.

Effect of Electronic Participation.

Quasi-Judicial Matters.

- A. 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 Town Council schedules a regular meeting at which a quorum will be physically present.

Executive Sessions.

In the event that the Town Council holds an executive session pursuant to Section 24-6-402, Colorado Revised Statutes and Section 3-4 of the Town’s Home Rule Charter, 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.

Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including work sessions) of the Town Council of the Town of Frisco, unless otherwise provided by the Town Council.

INTRODUCED, READ AND ADOPTED THIS 16TH DAY OF MARCH 2020.

Town of Frisco, Colorado:

Gary Wilkinson, Mayor

ATTEST:

Deborah Wohlmuth, CMC, Town Clerk

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
EMERGENCY ORDINANCE 20-10**

AN EMERGENCY ORDINANCE OF THE TOWN OF FRISCO, COLORADO, CONCERNING THE CORONAVIRUS (COVID -19) PUBLIC HEALTH EMERGENCY, DECLARING AN EMERGENCY AND PROVIDING EMERGENCY AUTHORITY; AND PROVIDING FOR THE IMMEDIATE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a statewide state of emergency in response to coronavirus (COVID-19); and

WHEREAS, on March 14, 2020, the President of the United States declared a national emergency in response to the coronavirus (COVID-19); and

WHEREAS, the World Health Organization has declared the coronavirus (COVID-19) to be a worldwide pandemic; and

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

WHEREAS, the Town Council of the Town of Frisco confirms that protecting public health is the Council's top priority; and

WHEREAS, the Town Council is empowered by Section 31-15-401(1)(b), C.R.S., to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the Town Council finds and determines that the adoption of this ordinance is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Town Council further finds and determines that the adoption of this ordinance is proper under Section 31-15-401(1)(b), C.R.S., and other applicable law.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO THAT:

Section 1. Title. This ordinance shall be known and may be cited as the "Town of Frisco Coronavirus (COVID-19) Ordinance."

Section 2. Intent. It is the intent of this Ordinance to provide the necessary organization, powers, and authority to enable the timely and effective use of all available Town resources to prepare for, respond to, and recover from the declared local public health emergency. This ordinance is intended to grant as broad a power as is permitted within the letter and spirit of the Town Charter and the Council-Manager form of government, and this ordinance shall be interpreted in accordance with such intent. The Town Council retains all power to direct the Town Manager during the pendency of the current coronavirus (COVID-19) public health emergency.

Section 3. Public Health Emergency Declared. The Town Council hereby declares that a public health emergency relating to the coronavirus (COVID-19) exists within the Town. Such circumstance is referred to in this ordinance as the “public health emergency.” The public shall be notified of this declaration through general dissemination to the news media, posting on the Town website, or other means of publicity intended to advise the general public.

Section 4. Duration of Declaration of Public Health Emergency. The declaration of the public health emergency as provided in Section 3 of this ordinance shall remain in effect until the Mayor declares that the emergency has passed.

Section 5. Powers: Until the Mayor declares that the public health emergency has passed the Town Manager has full power and authority to take the following actions and issue the following orders:

- A. any action necessary for the protection of life and property, including, but not limited to, establishing regulations governing conduct related to the cause of the public health emergency;
- B. an order establishing a curfew during such hours of the days or nights and affecting such categories of persons as may be designated;
- C. an order to direct and compel the evacuation of all or a part of the population from any stricken or threatened areas within the Town if the Town Manager deems this action is necessary for the preservation of life, property or other public health emergency mitigation, response or recovery activities and to prescribe routes, modes of transportation and destination in connection with an evacuation;
- D. an order controlling, restricting, allocating or regulating the use, sale, production or distribution of food, water, clothing, and other commodities, materials, goods, services and resources;
- E. with the consent of the Mayor, an order requiring the closing of businesses deemed nonessential by the Town Manager;
- F. suspend Town board and commission meetings to include, but not be limited to, meetings of the Planning Commission, or modify meeting rules to allow for telephone, teleconferencing or meeting by other electronic means;
- G. as it relates to the Town’s response to COVID-19, appropriate and expend funds, execute contracts, authorize the obtaining and acquisition of property, equipment, services, supplies and materials without the strict compliance with procurement regulations or procedures;
- H. transfer the direction, personnel, or functions of Town departments and agencies for the purposes of performing or facilitating public health emergency services;
- I. utilize all available resources of the Town as may be reasonably necessary to cope with this public health emergency whether in preparation for, response to, or recovery from this public health emergency;

- J. suspend or modify the provisions of any ordinance if strict compliance with such ordinance would in any way prevent, hinder or delay necessary action in coping with this public health emergency;
- K. accept services, gifts, grants and loans, equipment, supplies, and materials whether from private, nonprofit or governmental sources;
- L. make application for local, state or federal assistance;
- M. terminate or suspend any process, operation, machine, device or event that is or may negatively impact the health, safety and welfare of persons or property within the Town;
- N. delegate authority to such Town officials as the Town Manager determines reasonably necessary or expedient;
- O. limit the use of any Town-owned building, facility, or property as to time, manner, and permitted activities, including, but not limited to, limiting the permissible number of people that may lawfully occupy such building, facility, or property at any one time.
- P. close and prohibit the use of any Town-owned building, facility, or property;
- Q. exercise such powers and functions in light of the exigencies of this public health emergency, including, but not limited to, the waiving of compliance with any time consuming procedures and formalities, including notices, as may be prescribed by law pertaining thereto; or
- R. issue any and all other orders or undertake such other functions and activities as the Town Manager reasonably believes is required under the circumstances to protect the health, safety, welfare of persons or property within the Town of Frisco, or to otherwise preserve the public peace or abate, clean up, or mitigate the effects of the public health emergency.

The restrictions may be changed from time to time during the time frame of the declaration based upon the discretion of the Town Manager.

Section 6. Enforcement of Orders:

- A. The members of the Town's Police Department, code enforcement, and such other law enforcement and peace officers as may be authorized by the Town Manager are hereby authorized and directed to enforce the orders, rules, and regulations made or issued pursuant to this ordinance. All members of the public shall be deemed to have been given notice of all orders, rules, and regulations made or issued pursuant to this ordinance upon their dissemination to the news media or publication on the Town website or other means of publicity.
- B. Until the Mayor declares that the public health emergency has passed, no person shall:
 - 1. enter or remain upon the premises of any establishment not open for business to the general public, unless such person is the owner or authorized agent of the

establishment;

2. violate the provisions of this ordinance;
 3. violate any of the orders duly issued by the Town Manager or designee pursuant to Section 5 of this ordinance; or
 4. willfully obstruct, hinder, or delay any duly authorized Town officer, employee or volunteer in the enforcement or exercise of the provisions of this ordinance, or of the undertaking of any activity pursuant to this ordinance.
- C. It is unlawful and a misdemeanor offense for any person to violate any provision of this Section 6. Any person convicted of a violation of this section shall be subject to the penalties set forth in section 1-14 of the Town Code of the Town of Frisco.

Section 7. Authority To Enter Property: During the period of the public health emergency, a Town employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that there is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto the private land will allow the person to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize danger to lives or property from the declared public health emergency.

Section 8. Town Council Meetings: For the duration of the public health emergency, if a Town Council member reasonably determines that his or her personal attendance at a Town Council meeting would not be prudent, such Council member may listen by telephone, video conferencing, or other electronic means to any Council meeting (“Electronic Participation”) pursuant to the Town’s Electronic Participation Policy For Town Council Meetings During a Local Disaster Emergency.

Section 9. Access to Tabor Funds: During the current public health emergency the Town Manager shall have access to the Town’s emergency funds mandated by the Taxpayer’s Bill of Rights (TABOR) as set forth in Article X, Section 20, Subsection (5) of the Colorado Constitution, entitled “Emergency reserves.” Funds utilized pursuant to this ordinance shall be replenished no later than the conclusion of the fiscal year following the end of the current public health emergency.

Section 10. Conflict with Other Laws: If any provision of this Ordinance conflicts with the Town Charter, the Town Charter shall control. If any provision of this Ordinance conflicts with any provision of the Town Code of the Town of Frisco, or any provision of the Town’s policies, this Ordinance shall control.

Section 11. Police Power Finding. The Town Council of the Town of Frisco hereby finds, determines and declares that an emergency exists in the form of the Coronavirus (COVID-19) pandemic and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety. Accordingly, the Town Council determines that the adoption of this ordinance as an emergency ordinance is in the best interests of the citizens of the Town of Frisco.

Section 12. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to its home-rule authority and the provisions of Section 31-15-401(1)(b) C.R.S.

Section 13. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED THIS 10TH DAY OF MARCH, 2020.

TOWN OF FRISCO, COLORADO

Gary Wilkinson, Mayor

ATTEST:

Deborah Wohlmuth, CMC
Town Clerk