

YUMA COUNTY COMMISSIONERS

March 26, 2020

Special Meeting Minutes¹


On March 26, 2020 at 4:30 p.m., the Yuma County Board of Commissioners met for a special meeting. Chairman Dean Wingfield, Commissioner Trent Bushner, Commissioner Robin Wiley, and Administrator Andrea Calhoon were present throughout the meeting with Chairman Wingfield and Commissioners Wiley and Bushner joining via teleconference.

Disaster Declaration Extension and Remote Meetings – The Commissioners considered Resolution 3-26-2020 A extending the Local Disaster Declaration and Resolution 3-26-2020 B establishing remote meeting procedures. **Commissioner Wiley moved to approve Resolution 3-26-2020 A Extending A Declaration of Local Disaster Emergency and Resolution 3-26-2020 B Setting Virtual Meeting Policies During Local Disaster Emergencies. Commissioner Bushner seconded the motion, which passed unanimously with the following votes: Commissioner Bushner – Aye, Commissioner Wiley – Aye, Chairman Wingfield - Aye.**

Local Disaster Updates – The Commissioners heard updates on various topics related to COVID19 pandemic disaster. Among topics reviewed were:

- An update on various information received related to financial support measures for local hospitals.
- Updates on local response efforts.

The meeting adjourned at 5:00 p.m. The next regular meetings of the Board of County Commissioners are on March 31, 2020 and April 16, 2020.



Dean Wingfield, Chairman



Andrea Calhoon, Administrator

ATTEST: 

Beverly Wenger, County Clerk



¹ Minutes prepared by Andrea Calhoon are a summary of discussions, not a verbatim account.





**BOARD OF COUNTY COMMISSIONERS
COUNTY OF YUMA, STATE OF COLORADO**

RESOLUTION: NO. 3-26-2020A

**RESOLUTION EXTENDING A
DECLARATION OF LOCAL DISASTER EMERGENCY**

WHEREAS, the Board of County Commissioners of Yuma County, State of Colorado, has convened a duly and lawfully called special meeting on the 26th day of March, 2020; and

WHEREAS, the Board of County Commissioners (“Board”) has the authority to exercise all County powers within Yuma County pursuant to Section 30-11-103, C.R.S.; and

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S., Section 24-33.5-701, et seq., Yuma County (the “County”) has the authority to declare a local disaster emergency in accordance with the specific terms of that statute; and,

WHEREAS, the County and its citizens are currently facing a significant public emergency from Coronavirus disease 2019 (“COVID-19”), a highly infectious disease which can cause upper respiratory infections that may be severe, and which are potentially fatal; and

WHEREAS, there have been two confirmed cases of COVID-19 in the County; and

WHEREAS, there is significant public concern regarding the potential effects of COVID-19 and its spread from person to person and there is an extreme likelihood of danger to human life; and

WHEREAS, the spread of COVID-19 can occur rapidly and with little warning and can result in consequences that the County must be face quickly and efficiently; and

WHEREAS, every effort must be made to preserve the County’s ability to respond to, recover from, and mitigate in the face of this incident; and

WHEREAS, the potential cost and magnitude of responding to and recovering from the impact of COVID-19 is far in excess of the County's available resources; and

WHEREAS, Colorado Governor, Jared Polis, by Executive Order D 2020 03, has declared a statewide disaster emergency due to the presence of COVID-19 in the state. The Executive Order identifies the potential for community spread and, among other things, activates disaster response and recovery aspects of applicable state, local, and interjurisdictional disaster emergency plans; and

WHEREAS, on March 13, 2020, the President of the United States, Donald Trump, declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to



section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”); and

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1) “A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed in excess of seven days except by or with the consent of the governing board of the political subdivision” and

WHEREAS, the Chairman of the Board of Yuma County Commissioners declared a local disaster emergency on March 20, 2020; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709(1), the Board of Yuma County Commissioners desires to extend the declaration of local disaster emergency.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Yuma County that:

A. Pursuant to C.R.S. § 24-33.5-709, it is hereby determined and declared that presence of COVID-19 constitutes a local disaster emergency that warrants the mobilizing of emergency response and the furnishing of aid and assistance.

B. Effectively immediately. All County facilities are closed to the public. All public business shall be conducted by appointment only.

C. Meetings of the Board of County Commissioners (the “Board”) and all other County boards and commissions shall be conducted by telephone, electronically, or by other means of communication. The County Manager shall take reasonable and practical measures to ensure that:

- 1) Each such meeting is open to the public at all times;
- 2) Each such meeting provides citizens a reasonable opportunity to be heard;
- 3) A reliable and public record is made and kept of each Commissioner’s vote cast at any at any such meeting.

In the case of an emergency requiring immediate action of the Board to protect public health, safety or welfare, the Board may convene an emergency meeting without any advance public notice or with such limited advance public notice as the Chair, County Manager, or other presiding officer finds feasible in the circumstances. At such emergency meeting, the Board may take any action within its authority that is necessary for the immediate protection of public health, safety or welfare; provided however, that any action taken at the emergency meeting shall be effective only until the next meeting that complies with the advance notice requirements of the Colorado Open Meetings Law. At that next meeting, the Board may ratify any action taken at the emergency meeting, if the action is not ratified it shall be deemed rescinded.



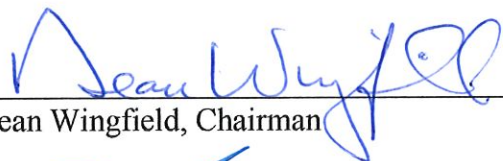
D. This Declaration shall be effective from the date of passage and shall continue for eight (8) weeks or until rescinded by a Resolution of the Board of County Commissioners.

F. This Declaration is necessary for the public health, safety, and welfare of citizens of this County of Yuma, State of Colorado.

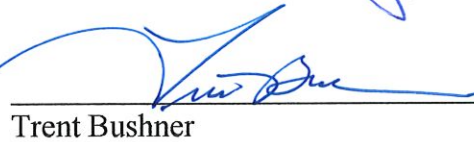
MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Yuma, State of Colorado, at a special meeting held on the 26th day of March, 2020. The above and foregoing Resolution was, on a motion duly made and seconded, adopted by unanimous vote of the Board of Yuma County Commissioners.

ADOPTED this 26th day of March, 2020.

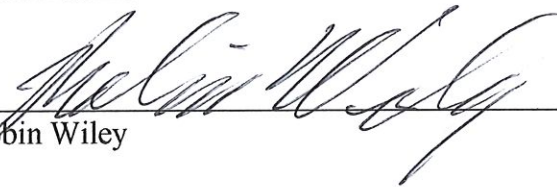
**THE BOARD OF COUNTY COMMISSIONERS
OF YUMA COUNTY, STATE OF COLORADO**



Dean Wingfield, Chairman



Trent Bushner



Robin Wiley

ATTEST:



Beverly A. Wenger, County Clerk



**BOARD OF COUNTY COMMISSIONERS
COUNTY OF YUMA, STATE OF COLORADO**

RESOLUTION: NO. 3-26-2020B

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF YUMA COUNTY, COLORADO, SETTING FORTH A
VIRTUAL MEETING POLICY DURING A LOCAL DISASTER EMERGENCY**

WHEREAS, the Board of County Commissioners of Yuma County, State of Colorado, has convened a duly and lawfully called special meeting on the 26th day of March, 2020; and

WHEREAS, the Board of County Commissioners (“Board”) has the authority to exercise all County powers within Yuma County pursuant to Section 30-11-103, C.R.S.; and

WHEREAS, pursuant to C.R.S. § 24-33.5-709, the Chairman of Board declared a local disaster emergency on March 20, 2020 (the “Declaration”) due to the ongoing Corona Virus Disease 2019 (“COVID-19”) outbreak; and

WHEREAS, on March 26, 2020 the Board extended the Declaration by Resolution; and

WHEREAS, Yuma County must continue to operate during the local disaster emergency, while taking measures to protect the health and welfare of its employees and officials; and

WHEREAS, the Board has determined that it is in the best interest of the public health, welfare, and safety of the residents of the Yuma County to adopt an Emergency Virtual Meeting Policy.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Yuma County that:

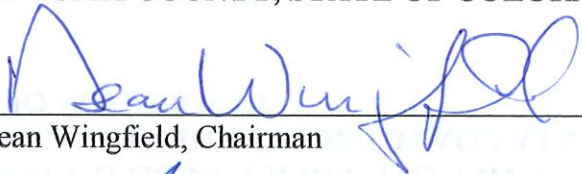
- A. The BOCC hereby adopts the Emergency Virtual Meeting Policy, attached hereto as **Exhibit A** and it shall only apply upon the adoption of a resolution by the BOCC declaring a local disaster emergency pursuant to C.R.S. § 24-33.5- 709 and this policy shall not be applicable once the declaration has been rescinded.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Yuma, State of Colorado, at a special meeting held on the 26th day of March, 2020. The above and foregoing Resolution was, on a motion duly made and seconded, adopted by unanimous vote of the Board of Yuma County Commissioners.

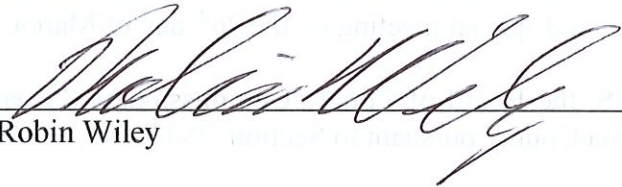


ADOPTED this 26th day of March, 2020.

THE BOARD OF COUNTY COMMISSIONERS
OF YUMA COUNTY, STATE OF COLORADO


Dean Wingfield, Chairman


Trent Bushner


Robin Wiley

ATTEST:

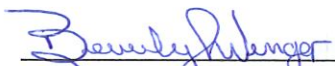

Beverly A. Wenger, County Clerk



EXHIBIT A

VIRTUAL MEETINGS DURING DISASTER EMERGENCY DECLARATION POLICY

The purpose of this Policy is to specify the circumstances and means under which the Yuma County Board of County Commissioner (BOCC) and other County Boards and Commissions may 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. Virtual meetings have inherent limitations because electronic participation effectively precludes a member of the BOCC or other County Boards and Commissions 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. In the event a Local Disaster Emergency is declared, the BOCC and other County Boards and Commission meetings may be conducted by telephone, electronically, or by other means of communication to provide maximum participation, only if the following conditions are met:

1. The County Administrator or Chair of the BOCC determines that meeting in person would not be prudent because of a health pandemic or declaration of disaster of local emergency affecting the County.
2. All members of the BOCC can hear one another, or otherwise communicate with one another, and are able hear or read all discussion 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. All votes are conducted by roll call.
5. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and
6. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, that some members of the BOCC, Commission, or Board may participate electronically, and the right of the public to monitor the meeting from another location or thru electronic participation.

Quasi-Judicial Matters. In the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature, the County shall advise the applicant of such circumstances and present the applicant with options for proceeding with the application. Upon notice from the County, the applicant shall authorize the County, in writing, to proceed with one of the following options.

- a. Conduct the public hearing under this policy with accommodations made for electronic participation by the public; or
- b. Suspend any and all review and decisions deadlines until such time that the local emergency is lifted, and the BOCC, Commission, or Board can schedule a meeting at which an in-person quorum will be present.



