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Debra A Green
Park County Clerk

PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2020-42

**A RESOLUTION AMENDING RESOLUTION NO. 2020-08 TO ALLOW
QUASI-JUDICIAL MATTERS TO BE HEARD DURING VIRTUAL
MEETINGS AND PROVIDING PROCEDURES THEREFOR AND TO NO
LONGER REQUIRE VOTING CONDUCTED BY ROLL CALL DURING
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 20-28, as amended, which expressly exempts county government buildings where essential government services are offered; 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, the coronavirus (COVID-19) has been confirmed to exist in Park County; and

WHEREAS, the Park County Board of County Commissioners (“BOCC”) reaffirms 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 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, on March 26, by Resolution 2020-08, the Board of County Commissioners approved procedures for holding public meetings during local and state designated emergencies, and subject to the conditions provided for therein, authorized holding public meetings as virtual meetings, but only for meetings during which no quasi-judicial matters would be heard; and

WHEREAS, the BOCC finds and determines that due to the necessity to carry on critical government functions, including allowing for the holding of quasi-judicial hearings as the BOCC deems necessary, 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. Resolution No. 2020-08 Section 1(a) is hereby amended as follows:

In the event the Board of County Commissioners as the Board of County Commissioners and such other boards as it is authorized to comprise and convene pursuant to Colorado law, including but not limited to the Park County Board of Health and the Park County Liquor Licensing Authority (collectively referred to herein in the singular as “County Board” and the plural as “County Boards”), the Planning Commission or the Board of Adjustment 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.~~

Section 2. Resolution No. 2020-08 is hereby further amended to delete Section 1(b)(5), which states “All votes are conducted by roll call.”

Section 3. The Board of County Commissioners as the Board of County Commissioners and as the other County Boards, hereby adopt the following emergency meeting procedures for quasi-judicial matters:

A. Quasi-Judicial Matters. In the event that a quasi-judicial matter is scheduled for a public hearing at a meeting of any of the County Boards, the Planning Commission or the Board of Adjustment during the time a local or state-wide emergency is in effect, the County shall advise the applicant of such circumstances and present the applicant with two options for proceeding with the application. The applicant shall authorize the County, in writing, to proceed with one of the following options:

1. Conduct the public hearing under this Resolution, acknowledging all of the conditions and rules of procedure contained herein, including but not limited to Subsection E. hereof, with accommodations made for electronic public participation and waive any legal challenge to the hearing conducted electronically; or
2. Suspend scheduling of public hearings until such time as the local or state-wide emergency is lifted and the County schedules a regular meeting at which a quorum will be physically present.

B. In the event it is necessary to conduct a meeting electronically, the meeting shall be conducted using a platform like Zoom that shall be made available to the general public subject to the constraints of Resolution 2020-08. Notifications shall be posted on the County website.

C. Whenever the public health emergency makes it imprudent or impossible for any of the County Boards, Planning Commission, or Board of Adjustment to meet at a previously scheduled date and time, such meeting shall be deemed to be postponed until a quorum of such County Board, Planning Commission or Board of Adjustment is able to meet, not to exceed three (3) weeks.

E. If at any time, a determination is made that the conditions for holding virtual meetings as provided in Resolution 2020-08, as amended hereby, cannot be satisfied, the quasi-judicial hearing shall be suspended and the matter shall postponed to a date and time when the hearing can be resumed in satisfaction of all conditions, not to exceed three (3) weeks.

Section 4. Every provision of Resolution 2020-08, as amended hereby, shall apply to the County Boards.

Section 5. Every action heretofore taken by the BOCC since Resolution No. 2020-08 was passed is hereby confirmed and ratified.

Section 6. Conflict with Laws. If any provision of this resolution conflicts with any other resolution of the Board of County Commissioners, this resolution shall control.

Section 7. Effective Date. This resolution shall become effective immediately upon adoption.

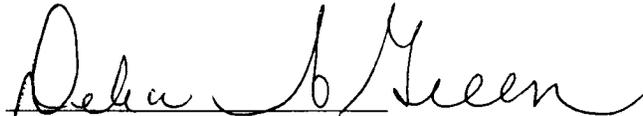
Adopted this 14th day of May 2020.

PARK COUNTY
BOARD OF COMMISSIONERS



Richard Elsner, Chairman

ATTEST:



Clerk of the Board

