

**Minutes**  
**Town Board Special Meeting**  
**Town of Paonia, Colorado**  
**Thursday, April 02, 2020**

**RECORD OF PROCEEDINGS**

The Special Meeting was held electronically via Zoom due to Governor Polis Executive Order of COVID – 19 social distancing.

The Special Meeting of the Town Board of Trustees was held electronically on Thursday, April 02, 2020, was called to order at 6:33 PM by Mayor Pro-Tem Mary Bachran.

Trustees present were as follows:

Mary Bachran  
Bill Bear  
Karen Budinger  
Dave Knutson  
Carrie Diehl  
Michelle Pattison

Mayor Charles Stewart – Absentee

Town Staff present were as follows:

Corinne Ferguson – Town Clerk/ Town Administrator  
Evan Bolt – Assistant to the Administrator  
Amanda Mojarro – Deputy Clerk

A quorum was present, and Mayor Pro-Tem Bachran proceeded with the electronic meeting.

**Approval of Agenda**

Motion by Trustee Bear, supported by Trustee Budinger to approve the agenda as amended.  
Voting aye: Trustee Diehl, Trustee Bear, Trustee Budinger, Trustee Pattison, Trustee Knutson.  
Motion carries

Main motion amended by Trustee Budinger, supported by Trustee Diehl to amend agenda, and move item 3 from new business up to item 2 to unfinished business and item 2 down to new business. Voting aye: Trustee Diehl, Trustee Bear, Trustee Budinger, Trustee Pattison, Trustee Knutson. Motion carries

**Test and Discussion of Electronic Meeting Procedure**

Administrator/Town Clerk Ferguson read an email from Mayor Stewart regarding the security risk for using Zoom.

Public Comment:

Caller #9 stated there is no need to use a personal computer if not convertible with using the Zoom software. There is a call-in option to attend and participate in the meeting.

Administrator/Town Clerk Ferguson stated the procedures for the electronic meeting and explained how to use the features so callers and board members can participate in the meeting.

Discussion Points:

- Software – Zoom
- Security risk – hackers
- Call-in option – for those who do not have or want to use their personal computer

## **Announcements**

Mayor Pro-Tem Bachran stated the table with supplies to make or drop off supplies to make the mask is inside Town Hall and anyone can participate.

## **Unfinished Business**

### **Town Attorney Opinion Regarding What Constitutes a 2/3 Majority Vote of the Board of Trustees.**

Discussion ensued regarding the ongoing discussion of what constitutes a 2/3 majority vote of the Board of Trustees and veto power of the mayor

Discussion Points:

- Attorney Nerlin supplied legal opinion to the Board of Trustees regarding the mayor duties.
- The veto power of Mayor - 2/3 of the full Board of Trustees not 2/3 of the quorum.
- Mayor to have a vote only – no veto power

### **Ongoing Discussion and Attorney Nerlin opinion regarding the inclusion of the Mayor when Establishing Quorum**

- Mayor counting towards the quorum – 3 trustees and 1 mayor
- Mayor not counting towards the quorum - to conduct business 4 trustees need to be present.
- The current ordinance has no clarification regarding the mayor being part of the quorum.
- Mayor not accounting for the quorum.

Mayor – qualifications, and duties 31-4-102 and Ordinance No. 2020-03. The document was included in the packet.

Motion by Trustee Diehl, supported by Trustee Bear to modify the Ordinance and exclude Mayor in establishing a quorum. Trustee Diehl withdrew the motion.

Main motion amended by Trustee Bear, supported by Trustee Diehl to direct Attorney Nerlin to clarify the language in the ordinance and exclude the mayor in establishing a quorum. Trustee Bear withdrew the motion.

Motion by Trustee Diehl, supported by Trustee Bear to direct Attorney Nerlin draft (2) two ordinances (1) one including the Mayor in establishing a quorum. (2) second to exclude Mayor in establishing a quorum. Present the (2) two ordinances to the Board of Trustees. Voting aye: Trustee Diehl, Trustee Bear, Trustee Budinger, Trustee Pattison, Trustee Knutson. Motion carries

Motion by Trustee Bear, supported by Trustee Diehl to set a special meeting to review the ordinances for Monday, April 06, 2020, at 6:30 pm. Voting aye: Trustee Diehl, Trustee Bear, Trustee Budinger, Trustee Pattison, Trustee Knutson. Motion carries

## **Adjournment**

Motion by Trustee Knutson, supported by Trustee Diehl to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:21 pm.

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Amanda Mojarro, Deputy Clerk

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Mary Bachran, Mayor Pro-Tem