



TOWN OF PAONIA
BOARD OF TRUSTEES SPECIAL MEETING
THURSDAY, APRIL 02, 2020 AT 6:30 PM

VIRTUAL MEETING
(MEETING WILL NOT BE HELD AT THE TOWN HALL)

Conferencing Access Information: <https://us04web.zoom.us/j/494540279>
Join via phone at 1 646 558 8656 Meeting ID: 494-540-279

EXPLANATION OF PUBLIC COMMENT

*If you called in to join the meeting during the public comment period, hit *9 on your phone to let us know you want to make a public comment.*

If you joined the meeting with the link above: Sign up to make a comment prior to the start of the meeting by entering your name and address in the Q&A box.

Each agenda item will be presented as follows:

- Introduction of agenda item
- Board discussion
- Public comment
- Board decision

Roll Call

Approval of Agenda

1. Test & Discussion of Electronic Meeting Procedure

Announcements

Unfinished Business

2. Ordinance 2020-03 Modifications to Mayor Duties – Specific to Including Mayor in Establishing a Quorum

New Business

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

Adjournment

MEETING PROTOCOL AND STANDARDS OF CONDUCT

Some Info You Need to Know

ALL votes will be taken by roll call vote.

Do not use the Q&A or Chat features available in the webinar. These are part of the public record. The Mayor (or chair of the meeting) will recognize and public comment or questions in open to allow for a response if needed.

Use the Raise Hand feature in the lower bottom right corner of the meeting screen to be recognized by the Chair.

No participant in any meeting will be permitted to make belligerent, accusatory, impertinent, slanderous, threatening, abusive, or disparaging comments.

Public Participation

Public comment is encouraged and will be listed as an agenda item and offered during discussion of each agenda item at every regular Board meeting.

Each individual wishing to be heard during the public comment period will be given up to three (3) minutes to make a comment.

The public comment period will not be used to make political endorsements or for political campaign purposes.


Questions from the Board will be for clarification purposes only. Public comment will not be used as a time for problem solving or reacting to comments made but, rather, for listening to the comments of citizens without taking any formal action.


The Board may direct the Town Administrator or other staff member to provide information requested by a speaker during the public comment period.

Speakers are not allowed to make belligerent, accusatory, impertinent, slanderous, threatening, abusive, or disparaging comments.


The Mayor may call for order when sidebar conversations occur in the audience. Those conversations are distracting from the Board addressing the topics at hand.


Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further participation at that meeting or removed from the Board Meeting pursuant to the Colorado Revised Statutes.

	Roll Call		
Summary:			
Notes:			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bachran:	Trustee Bear:	Trustee Budinger:
Trustee Diehl:	Trustee Knutson:	Trustee Pattison:	Mayor Stewart:

	Agenda Approval		
Summary:			
Notes:			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bachran:	Trustee Bear:	Trustee Budinger:
Trustee Diehl:	Trustee Knutson:	Trustee Pattison:	Mayor Stewart:

	<p>Electronic Meetings</p>		
<p>Summary: Electronic Meeting Questions and Functionality</p>			
<p>Notes:</p>			
<p>Vote:</p>	<p>Trustee Bachran:</p>	<p>Trustee Bear:</p>	<p>Trustee Budinger:</p>
<p>Trustee Diehl:</p>	<p>Trustee Knutson:</p>	<p>Trustee Pattison:</p>	<p>Mayor Stewart:</p>

	Announcements		
Summary:			
Notes:			
Possible Motions: Motion by: _____ 2 nd : _____ vote: _____			
Vote:	Trustee Bachran:	Trustee Bear:	Trustee Budinger:
Trustee Diehl:	Trustee Knutson:	Trustee Pattison:	Mayor Stewart:

	<p>Modifications to Mayor Duties</p>
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Summary:
 Ongoing discussion and attorney opinion regarding the inclusion of the Mayor when establishing a quorum.

Notes:

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Budinger:
Trustee Diehl:	Trustee Knutson:	Trustee Pattison:	Mayor Stewart:

31-4-102. Mayor - qualifications and duties. (1) The mayor shall be elected at the regular election in the city. He or she shall be a registered elector who has resided within the limits of the city for a period of at least twelve consecutive months immediately preceding the date of the election; except that, in the case of annexation, any person who has resided within the annexed territory for the time prescribed in this subsection (1) shall be deemed to have met the residence requirements for the city to which the territory was annexed. The mayor shall hold the office for the term for which he or she has been elected or qualified. The mayor shall keep an office at some convenient place in the city, to be provided by the city council, and shall sign all documents which by statute or ordinance may require his or her signature.

(2) The mayor of the city shall be its chief executive officer and conservator of the peace, and it is his special duty to cause the ordinances and the regulations of the city to be faithfully and constantly obeyed. He shall supervise the conduct of all the officers of the city, examine the grounds of all reasonable complaints made against any of them, and cause any violations or neglect of duty to be promptly corrected or reported to the proper tribunal for punishment and correction. The mayor has and shall exercise, within the city limits, the powers conferred upon the sheriffs of counties to suppress disorders and keep the peace. He shall also perform such other duties compatible with the nature of his office as the city council may from time to time require.

(3) The mayor shall be the presiding officer of the city council and shall have the same voting powers as any member of said council. The mayor shall be considered a member of the governing body and the city council. However, a city may provide by ordinance that the mayor shall not be entitled to vote on any matter before the council, except in the case of a tie vote. If such an ordinance is adopted, it shall also provide that any ordinance adopted and all resolutions authorizing the expenditure of money or the entering into of a contract shall be subject to disapproval by the mayor as provided in section 31-16-104. Such an ordinance may provide or may be amended to provide that the mayor shall not be counted for purposes of determining a quorum or the requisite majority on any matter to be voted on by the council. Any such ordinance may be adopted, amended, or repealed only within the sixty days preceding the election of any mayor, to take effect upon such mayor's assumption of office.

**STATE OF COLORADO
TOWN OF PAONIA, COLORADO**

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE TOWN OF PAONIA, COLORADO, AMENDING THE ENUMERATED AUTHORITY PROVIDED TO THE MAYOR OF THE TOWN.

RECITALS

WHEREAS, the Town of Paonia (the “Town”), is a statutory town and municipal corporation in Delta County, Colorado, governed by and through its Board of Trustees (the “Board”); and

WHEREAS, the powers and duties of the Mayor for the Town are specifically enumerated under Section 2-2-20 of the Town Code (the “Code”); and

WHEREAS, pursuant to C. R.S. § 31-4-302, any ordinance amending the mayoral duties may only be adopted, amended, or repealed within the sixty (60) days preceding any election of a Mayor, to take effect upon such Mayor's assumption of office; and

WHEREAS, the Town has its regular election set for April 7, 2020; and

WHEREAS, this Ordinance is being adopted within the sixty (60) days preceding the Town’s regular election and shall only take effect upon the Mayor’s assumption of office.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PAONIA as follows:

Section 1. Legislative Findings.

The foregoing Recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Board of Trustees.

Section 2. Amendment to the Town Code:

Section 2-2-20 of the Town Code shall be amended as follows:

Sec. 2-2-20. - Mayor.

(a) Four-year terms for Mayor. Every four (4) years, at the Town’s regular election, a Mayor shall be elected to serve a four-year term. The Mayor shall meet the same qualifications as a Trustee and, in the event of a vacancy in the office of Mayor, such vacancy shall be filled in the same manner as a vacancy in the office of Trustee, as set forth in Section 2-2-10 above.

(b) The Mayor shall preside over all meetings of the Board of Trustees and shall be entitled to vote on any question only in case of a tie vote.

(c) Any ordinance adopted and all resolutions authorizing the expenditure of money require the approval and signature of the Mayor before they become valid. Such ordinance or resolution shall be presented to the Mayor within forty-eight (48) hours after the action of the Board of Trustees for the Mayor’s signature approving the same. In the event the Mayor disapproves of the resolution or ordinance, the Mayor shall return such ordinance or resolution to the Board of Trustees at its next regular meeting with his or her objections in writing. The Board of Trustees shall cause such objections to be entered onto the record and shall proceed at the same or next subsequent meeting to consider the question: "Shall the ordinance or resolution, notwithstanding the Mayor's objections, be passed?" If two-thirds (2/3) of the members of the Board of Trustees vote in the affirmative, such resolution shall be valid, and such ordinance shall become a law the same as if it had been approved by the Mayor. If the Mayor fails to return to the next subsequent meeting of the governing body any resolution or ordinance presented to the Mayor for his or her approval, the same shall become a valid ordinance or resolution, as the case may be, in like manner as if it had been approved by the Mayor.

(d) The Mayor shall perform such duties as may be required of him or her by statute or ordinance. Insofar as is required by statute and for all ceremonial purposes, the Mayor shall be the executive head of the Town. In case of the nonattendance of the Mayor at any meeting of the Board of Trustees, the Mayor Pro Tem shall preside.

(e) The Mayor shall execute and authenticate by his or her signature all bonds, warrants, contracts and instruments of and concerning the business of the Town, as the Trustees or any statutes or ordinances may require.

(f) Except as may be required by statute, the Mayor shall exercise only such powers as the Trustees shall specifically confer upon him or her.

Section 4. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 5. Repeal of Prior Ordinances.

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded, and further provided that this repeal shall not

affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 7. Effective Date.

This Ordinance shall take effect after it has been published and the Town has conducted its regular municipal election of April 7, 2020, the results certified, and the Mayor elected from such election sworn in.

HEARD AND FINALLY ADOPTED by the Town of Paonia Board of Trustees for the Town of Paonia, Colorado, on the 24th day of March 2020.

TOWN OF PAONIA

By:

CHARLES STEWART, Mayor

ATTEST:

J. CORINNE FERGUSON, Town Clerk




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

Summary:

Attorney opinion regarding what constitutes a majority vote. – A Quorum of attendees, full Board, does the Mayor count in the majority?

Notes:

Vote:	Trustee Bachran:	Trustee Bear:	Trustee Budinger:
Trustee Diehl:	Trustee Knutson:	Trustee Pattison:	Mayor Stewart:

	Adjournment		
Summary:			
Notes:			
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