



**TOWN OF PAONIA**  
**BOARD OF TRUSTEES SPECIAL MEETING**  
**MONDAY, APRIL 06, 2020 AT 6:30 PM**

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

**Conferencing Access Information:** Board of Trustees Special Meeting - Monday April 6, 2020 6:30pm  
Mon, Apr 6, 2020 6:30 PM - 9:30 PM (MDT)

**Please join my meeting from your computer, tablet or smartphone.**

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Each agenda item will be presented as follows:

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

**Roll Call**

**Approval of Agenda**

**Announcements**

**New Business**

1. Ordinance 2020-0\_ Modifications to Mayor Duties – Specific to Including Mayor in Establishing a Quorum
2. Ordinance 2020-0\_ Modifications to Mayor Duties – Specific to Excluding Mayor in Establishing a Quorum

**Adjournment**

# MEETING PROTOCOL AND STANDARDS OF CONDUCT

## Some Info the Board Needs 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.


AGENDA SUMMARY FORM

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

AGENDA SUMMARY FORM

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

AGENDA SUMMARY FORM

	Modifications to Mayor Duties		
Summary: Ongoing Board discussion and decision regarding the inclusion or exclusion of the Mayor when establishing a quorum.			
Notes:			
Vote:	Trustee Bachran:	Trustee Bear:	Trustee Budinger:
Trustee Diehl:	Trustee Knutson:	Trustee Pattison:	Mayor Stewart:

**ORDINANCE NO. 2020-\_\_\_\_ 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. The Mayor shall not count for the purpose of determining a quorum of the Board of Trustees. The Mayor shall only be entitled to vote on a question in the event of a tie vote of the Board of Trustees.

(c) Any ordinance adopted and all resolutions authorizing the expenditure of money or the entering into of a contract 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 four (4) 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 \_\_\_ day of \_\_\_\_\_, 2020.**

**TOWN OF PAONIA**

By: \_\_\_\_\_  
CHARLES STEWART, Mayor

ATTEST:

\_\_\_\_\_  
J. CORINNE FERGUSON, Town Clerk

Approved as to Form:

\_\_\_\_\_  
BO JAMES NERLIN, Town Attorney



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AMENDING THE ENUMERATED AUTHORITY PROVIDED TO THE  
MAYOR OF THE TOWN**

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**TOWN OF PAONIA**

By: \_\_\_\_\_  
CHARLES STEWART, Mayor


ATTEST:

\_\_\_\_\_  
J. CORINNE FERGUSON, Town Clerk

Approved as to Form:

\_\_\_\_\_  
BO JAMES NERLIN, Town Attorney

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Trustee Diehl:	Trustee Knutson:	Trustee Pattison:	Mayor Stewart: