

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 05 – SERIES 2014

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING CHAPTER TWO OF THE MINTURN MUNICIPAL CODE BY THE ADDITION OF SECTION 2-2-41 TO PROVIDE TERMS AND CONDITIONS FOR LIMITED TELEPHONIC OR ELECTRONIC PARTICIPATION BY MEMBERS OF THE TOWN COUNCIL AT TOWN COUNCIL MEETINGS AND TO EXPRESSLY PROHIBIT TELEPHONIC OR ELECTRONIC PARTICIPATION IN MEETINGS OF OTHER TOWN BOARDS AND COMMISSIONS IN SITUATIONS WHERE SUCH BOARD OR COMMISSION CONSIDERS THE APPROVAL, DENIAL, SUSPENSION OR REVOCATION OF ANY APPLICATION OR PERMIT.

WHEREAS, the Colorado Open Meetings Law, § 24-6-401, *et seq.*, C.R.S., provides that a public meeting may occur by telephone, electronically, or by other means of communication in addition to gathering in person; and

WHEREAS, the Town of Minturn (“Town”) desires to permit limited participation by one or more Town Council Members at Town Council meetings by telephone or electronic means; and

WHEREAS, the Town desires to prohibit participation by telephonic or electronic means of participation by members of other Town boards or commissions if such board or commission is considering the approval, denial, suspension or revocation of any application or permit; and

WHEREAS, the Town Council wishes to amend Chapter Two of the Minturn Municipal Code by the addition of Section 2-2-41.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. The Minturn Municipal Code is hereby amended to add Section 2-2-41 so that it reads as follows, with additions shown in **bold, double underlined text**:

Sec. 2-2-41. Telephone and Electronic Participation in Meetings.

(a) **A Member of the Town Council may participate and vote by telephone or electronic means at a meeting of the Town Council if the Member is unable to physically attend. Such telephonic or electronic participation privileges shall be exercised only in accordance with this Section 2-2-41.**

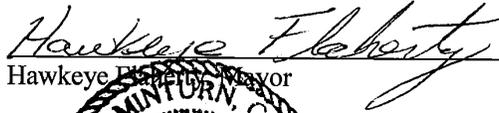
- (b) For purposes of this Section 2-2-41, the term Member includes the Town Mayor.
- (c) For purposes of this Section 2-2-41, electronic participation means participation by video or similar electronic means which is uninterrupted and provides a Member the ability to clearly hear and participate in a discussion preceding any action by the Town Council.
- (d) Telephonic or electronic participation by a Member shall be permitted only upon the occurrence of the following:
- (1) The Member(s) who desires to participate by telephone or electronically must provide notice of his or her desire to participate by telephone or electronically and his or her telephone or electronic contact information to the Town Clerk sufficiently in advance of the meeting so that the Town may provide the technical means necessary to fulfill such request.
 - (2) The matter in which the Member desires to participate is one that is of significant importance to the Town. For purposes of this Section 2-2-41, a matter is of significant importance to the Town when the Members physically present at a Town Council meeting determine, in their sole discretion, that the matter is of significant importance to the Town. Such determination shall be made by the vote of a majority of the Members physically present at the Town Council meeting.
- (e) A Member participating in a Town Council meeting by telephone or electronic means shall not be counted toward the establishment of a quorum for any Town Council meeting.
- (f) It is the intent of this Section 2-2-41 that telephonic or electronic participation shall be an infrequent or occasional substitution for physical attendance by a Member at Town Council meetings.
- (g) Notwithstanding a vote by the Members physically present at the Town Council meeting to permit telephonic or electronic participation by a Member in a Town Council meeting, the Members may discontinue the use of the telephonic or electronic participation by a Member where the telephonic or electronic participation results in unreasonable delays or interference in the Town Council meeting process. Such discontinuance shall be decided by a majority vote to discontinue the telephonic or electronic participation by those Members physically present.
- (h) Application of this Section 2-2-41 is expressly limited to meetings of the Town Council. The members of other Town boards and commissions shall not have the privilege of telephonic or electronic participation in meetings when they are considering the approval, denial, suspension or revocation of any application or permit.

SECTION 3. All ordinances heretofore passed and adopted by the Town Council of the Town of Minturn, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

SECTION 4. If any section, subsection, clause, phrase, or provision of this ordinance, or the application thereof to any person or circumstance, shall to any extent, be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this ordinance, or the application thereof to any person or circumstance, shall remain in full force and shall in no way be affected, impaired or invalidated.

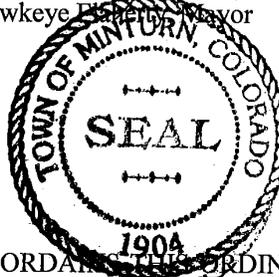
INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 16th DAY OF JULY, 2014. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO ON THE 6th DAY OF AUGUST, 2014 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO


Hawkeye Flaherty, Mayor

ATTEST:

By: 
Jay Brunvand, Town Clerk

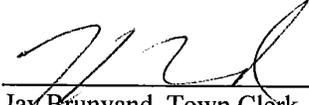


THE TOWN OF MINTURN, COLORADO, ORDAINS THE ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THIS 6th DAY OF AUGUST, 2014.

TOWN OF MINTURN, COLORADO


Hawkeye Flaherty, Mayor

ATTEST:

By: 
Jay Brunvand, Town Clerk



Thu, Jul 17, 2014
10386313

12:42:23

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Jay
Receipt

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO

Zip: 81645

Ad Name: 10386313A

Editions: 8VD/8VDI/

Start: 07/18/14

Color:

Copypine: vd Ordinance No 5-2014

Original Id: 10350535

Class: 0990

Stop: 07/18/14

Issue 1

Rep: Lisa Parmelee

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TOWN OF MINTURN, COLORADO

Hawkeye Flaherty, Mayor

ATTEST:

By: Jay Brunvand, Town C

Published in the Vall Daily July 18, 2014.
(10386313)

Lines:	44
Depth:	3.68
Columns:	1
Discount:	0.00
Commission:	0.00
Net:	0.00
Tax:	0.00
Total	21.12
Payment	0.00

Ad shown is not actual print size

Fri, Aug 08, 2014
10451303

09:40:33

Ad Ticket #5

Acct: 1032852
Phone: (970)827-5645
E-Mail: MANAGER@MINTURN.OR
Client:
Caller: Janet Hawkinson

Name: Town of Minturn
Address: P.O. Box 309

City: MINTURN
State: CO

Zip: 81645

Receipt

Ad Name: 10451303A

Original Id: 0

Editions: 8VD/8VDI/

Class: 0990

Start: 08/09/14

Stop: 08/09/14

Color:

Issue 1

Copyline: vd 947 Main Street

Rep: Pam Schultz

Lines:	12
Depth:	1.03
Columns:	1
Discount:	0.00
Commission:	0.00
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Tax:	0.00
Total	5.76
Payment	0.00

PUBLIC NOTICE

Preliminary Subdivision Plat Application for 947 Main Street, Minturn, CO 81632
Public Hearing set for Wednesday, August 20, 1994 at 6:30pm, during Town Council Meeting
Location: 302 Pine Street, Council Chambers, Town Hall, Minturn, CO 81632.

Published in the Vail Dally August 9, 2014.
(10451303)

Ad shown is not actual print size