

Town of Rico Memorandum

Date: March 11<sup>th</sup>, 2020

TO: Town of Rico Board of Trustees  
FROM: Kari Distefano  
SUBJECT: Town Manager's Report

*1. Update*

I got a lot of information yesterday afternoon but the most relevant is about testing. The Telluride Medical Center has a limited supply of test kits but there is a one-day National Guard testing operation that will take place in the Lawson Hill parking lot outside the Town of Telluride on Tuesday March 17<sup>th</sup>. It is my understanding that they will be testing 100 individuals. The purpose of this testing is to determine whether or not the coronavirus is in Telluride and if so, to what extent. Once we have this information, it will be somewhat easier to make decisions concerning mitigating the effect on our community.

I have attached the most recent guidance from the State of Colorado regarding restaurants and retail establishments to this packet. This will affect our local businesses.

*2. Needs Assessment for Rico*

In an effort to try to assess the upcoming needs of the community during this crisis, I have put together a survey that will hopefully help us understand the economic ramifications of our situation. I hope to have a draft of the survey for the meeting tomorrow. Right now I am not sure what kind of financial assistance to individuals and families might be available through either the Federal or State Governments but the more information we have about community needs, the easier it will be to ask for help.

*2. Food Bank*

I have been coordinating with Marilyn Griebel to ensure that the food bank is available and adequately stocked. I have talked to the Rico Center folks about potentially applying for an emergency grant to help bolster supplies. The Telluride School District is offering lunches to students. Right now I have Linda going to Telluride to fetch them but we may need to solicit volunteers to help pick up lunches.

### *3. Delivery Service*

I am anticipating that there will be people in the community that will need help getting groceries and getting prescriptions filled and picked up. I hope to get a feel for this need through the survey. There are already people in the community offering this service and we could potentially apply to the Rico Center for gas money for these volunteers. I would anticipate that this need will grow over time.

### *4. Postponement of the regular meeting until April*

We will need to reschedule our regular March meeting. The Colorado Department of Health is discouraging public gatherings and until we know how wide spread the virus is throughout the community we should put off business that requires input from the public. At this time I would suggest moving March's agenda to the regular meeting in April. If the Board feels that there are things that should be addressed prior to the regular April meeting, we should schedule an earlier April meeting pending the results of the testing going on in Telluride and other mandates from the State and Federal Governments. Suggested motion:

Motion to cancel the regular March meeting and reschedule for April (add date).

### *5. Consideration of a resolution to declare a COVID-19 Local Disaster Emergency*

In order to be eligible for State and Federal Disaster funding, the Town needs declare an emergency. The resolution is attached to this packet.

Suggested motion:

Motion to approve Resolution 2020-01, a Resolution by the Rico Board of Trustees declaring the COVID-19 a local disaster emergency.

### *6. Consideration of a resolution designating that all public meetings of the Town of Rico be conducted electronically until the risks of the COVID-19 pandemic subside*

La Plata County instituted these measures however upon consideration of the information that I have obtained from the Colorado Municipal League and a memo by Tami Tanoue of CIRSA, that organization that insures municipalities, it would be impractical for this meeting. I have attached this information to this memo. We may be able to set up something for our April meeting if this situation continues but the legalities of trying to keep the public out of the meeting room at this time should they decide to attend is questionable. We can encourage people to listen

to KSJD if they are interested in the meeting and discuss this possibility for April's meeting should this situation continue.

*7. Consideration of a resolution delegating the authority to close or alter public business hours of the Town Offices over the next 60 days due to the health risk of the COVID-19 Pandemic to employees and the public*

This resolution would allow us to close the Town Hall completely for the next 60 days should we need to do so. Right now, we are limiting access to students that need to pick up school lunches or need to do on-line homework at the library. Library access to students is currently limited to five students at a time with homework, no other activities. I have allowed some other limited contact if it is relevant to organizing operations that deal with the coronavirus or some other Town business that can't wait. Depending on the outcome of the testing in Telluride, we may need to close Town Hall to members of the public altogether. This resolution would allow us to do this. I have attached a copy of the resolution to this packet.

Suggested motion:

Motion to approve Resolution 2020-02, a resolution by the Rico Board of Trustees to close or alter public business hours of the Town Hall over the next 60 days due to the health risk of the COVID-19 to employees and the public.



## COLORADO

Division of Environmental  
Health & Sustainability

Department of Public Health & Environment

March 16, 2020

# Retail Food Establishment COVID-19 Implementation of Public Health Order

This guidance is being updated and provided in response to the “NOTICE OF PUBLIC HEALTH ORDER 20-22 CLOSING BARS, RESTAURANTS, THEATERS, AND CASINOS STATEWIDE.” It is important to note that the “Order” still allows for and encourages takeout and delivery of food. The overriding goal of this Order is to minimize the in-person interaction which is the primary means of transmission.

- Establishments may continue to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and must use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing.
- Establishments may allow up to five members of the public at one time on the premises for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another.
- In addition, the order does not apply to grocery stores, markets, convenience stores, pharmacies, drug stores, food pantries, room service in hotels, health care facilities, residential care facilities, congregate care facilities, juvenile justice facilities, crisis shelters or similar institutions, airport concessionaires, and any emergency facilities necessary for the response to these events.

**If an establishment remains open during this Public Health Order to provide food for delivery or pick up the establishment will take all reasonable steps to avoid the congregation of patrons in or out of the establishment and:**

- Establishments with a drive thru shall close walk-up service for patrons arriving by vehicle, place signage on the door indicating the dining area is closed and guide patrons arriving by vehicle through the drive thru.
- Where practicable, establishments without a drive thru shall provide signage on doors and elsewhere that prevents walk-up service for patrons arriving by vehicle and have wait staff take orders from and deliver food to vehicles.
- Establishments redirect staff to the provision of a delivery service.
- For establishments that one of the options above cannot be implemented for patrons arriving by vehicle, and for pedestrians or bicyclists the establishment must put into place processes that ensures no more than 5 patrons are in the establishment at one time and that 6 foot distance are maintained between patrons. This can include:
  - Having staff outside during peak hours ushering in new patrons as others leave.
  - Limiting access to one door, have the door monitored and have indications on the floors, both inside and out indicating locations to stand that maintain the 6 foot required distancing.
  - Close down all indoor and outdoor seating except a few designated areas for the five or fewer patrons that can be in the establishment, only during pick-up or walk-up service.

## ADDITIONAL RETAIL FOOD ESTABLISHMENT ACTION ITEMS

The best practices for retail food establishments are **continuous and diligent implementation of the elements of the food code that help prevent illness**. Additional steps you can take include special attention to the following in your daily operations:

- Heightened hygienic practices including peer observation (watch and coach teammates) and supervisor oversight (attention to techniques and frequency) to ensure staff are washing hands frequently and correctly.
- Use signage to notify visitors, vendors: Place signage at the main entrances warning visitors *not* to enter if they are sick or not feeling well, have recently traveled outside of the US, or may have come into contact with someone with COVID-19. Here is an example of signage that you can adapt at your facility.  
<https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/COVID-19-CoronavirusAnnouncementforVisitors.pdf> and  
<https://paltc.org/sites/default/files/Attention%20Visitors%20All%20facilities.pdf>
- Constant interaction (before each shift, during the shift and at shifts end) with staff on their health status and the health of anyone with whom they may be in close contact (family members, roommates, etc.).
- Immediately exclude any staff members indicating symptoms or that have been diagnosed with COVID-19 or have been in contact with someone diagnosed COVID-19 and contact your local public health agency and CDPHE immediately.
- During routine business hours, frequently and thoroughly clean and disinfect all frequently touched objects within the dining and customer areas (door knobs, cabinet handles, handrails, light switches, kitchen counters, dining room tables). Regular cleaning and disinfection products can be used. For an additional list of recommended disinfection products visit: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>
- Deep clean and disinfect the entire facility during non-operational hours at least 2 times per week. Regular cleaning and disinfection products can be used. For an additional list of recommended disinfection products visit: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>
- Staff should wear disposable gloves when cleaning and disinfecting surfaces. Gloves should be discarded after cleaning and disinfecting is completed. Ensure that staff properly wash their hands immediately after gloves are removed.
- Continue to clean and sanitize food preparation surfaces in the kitchen and other food storage areas.
- Have staff dispense food from buffets or discontinue buffet services to prevent customer reuse of service utensils.
- Discontinue services that allow customers to fill their own beverage cups such as coffee cups or growlers.
- Guide staff to cough or sneeze into their sleeved arm or cover their nose and mouth with a tissue. Throw away the tissue after they use it and wash hands.
- Ensure staff do NOT share cups and eating utensils with others.
- Ensure that staff avoid touching their eyes, nose, or mouth.

- Station hand wipes or alcohol-based hand sanitizer in common assembly areas, such as waiting areas, game rooms, or lobbies. If available consider putting a bottle of hand sanitizer on all the dining room tables. At your main entrance, provide a cleaning station with alcohol-based hand sanitizer, tissues, and a trashcan for visitors.

## Retail Food Establishment Administrative Considerations

Retail food establishments must also consider:

1. Retail food establishments that serve highly susceptible populations such as nursing homes, long-term care facilities, assisted living facilities, and hospitals should be aware that there are heightened concerns for people residing in these settings. Please check the CDPHE website for guidance about highly susceptible populations.
2. Work closely with your local public health department as concerns arise or you are seeking additional guidance.
3. Communicate about COVID-19 with your staff and partners. Share information about what is currently known about COVID-19, the potential for surge, your organization's preparedness plans, and any potential impacts on your organization's operations and workflow. Transparency regarding organizational actions and the most reliable up-to-date information regarding COVID-19 can decrease stress and fear among your employees.
4. Monitor your staff. Workers can inadvertently spread viruses. A young healthy person with sniffles and scratchy throat may feel a little off, but without a fever, may feel okay to go to work. Exclude employees that are experiencing symptoms
5. When to close. Closing your business can be a difficult decision. It will be important to work closely with your Local Public Health Department as you begin considering closing work. You may want to close when there is one confirmed case of COVID-19 among your workforce. You should close as absenteeism reaches 5%-10% or when directed by your Local Public Health Department.
6. When to reopen: You should consult with your Local Public Health Department as you consider reopening your business.

## **RESOLUTION NO. 2020-01**

### **A RESOLUTION BY THE RICO BOARD OF TRUSTEES DECLARING THE COVID-19 A LOCAL DISASTER EMERGENCY**

**WHEREAS**, COVID 19 is a highly contagious virus that originated in China and has since spread to countries around the world, including the United States.

**WHEREAS**, on January 30, 2020, the World Health Organization declared the worldwide outbreak of COVID-19 a “public health emergency of international concern” and on March 11, 2020 declared it a global pandemic.

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services declared the virus a public health emergency and on March 13, 2020 the President of the United States issued a Proclamation that the “COVID-19 outbreak constitutes a national emergency.”

**WHEREAS**, in Colorado, Governor Polis issued an Executive Order declaring a state of disaster emergency due to the presence of COVID-19 and further, on March 11, 2020 issued an Executive Order to suspend operations of all Colorado ski resorts; and

**WHEREAS**, as of March 16, 2020, the Colorado Department of Public Health and Environment (“CDPHE”) confirmed 131 cases of COVID-19 within the State of Colorado;

**WHEREAS**, on March 16, 2020, San Miguel County declared a local public health emergency to protect the health of community members in San Miguel County and Dolores counties most at risk of severe illness; and

**WHEREAS**, on March 18, 2020, pursuant to the authority delegated by the Rico Board of Trustees, the Rico Town Manager declared a local disaster emergency because the cost and magnitude of responding to and recovering from the impact of the ensuing event is far in excess of the Town’s available resources; and

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709(1) “A local disaster may be declared only by the principal executive officer of a political subdivision. It shall not be continued or renewed in excess seven days except by or with the consent of the governing board of the political subdivision;” and

**WHEREAS**, the conditions that spurred the Town Manager to declare the local disaster emergency have not abated; and

**WHEREAS**, “The effect of a declaration of local disaster emergency is to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster and emergency plans and to authorize the furnishing of aid and assistance under

such plans.” C.R.S. § 24-33.5-709(2); and

**WHEREAS**, defining clear roles for and direction to those responding to the local disaster emergency will allow a more effective response.

**NOW, THEREFORE**, BE IT RESOLVED by the Board of Trustees of Rico, Colorado that:

1. The Rico Board of Trustees confirms, determines, and declares that the presence and likelihood of additional cases of COVID-19 within the State of Colorado and the potential for cases of COVID-19 within the Town of Rico constitute a local disaster emergency that warrants continuing the emergency response and furnishing aid and assistance to affected portions of the community.

2. The Board recognizes that Dolores County Board of Public Health, by and through their directors and in coordination with the CDPHE, which is leading the statewide response to COVID-19, is currently incident command for the response to COVID-19 within the Town of Rico. Dolores County Board of Public Health has authority under state law to issue orders and guidance and take other actions as necessary to protect the public health, safety, and welfare. The Board directs Town staff to take such actions to effectuate the orders and guidance of both San Miguel County and Dolores County Boards of Public Health as necessary, in consultation with the Board where appropriate.

3. The Board recognizes the Sheriff of Dolores County is a constitutional officer charged with maintaining public order within Dolores County and is authorized under state law to enforce the orders of Dolores County Board of Public Health as well other governmental directives related to disasters and emergencies, all as reasonably necessary to protect the safety of the public. The Board requests the Sheriff to enforce the orders of San Miguel County and Dolores County Boards of Public Health, to utilize its resources and activate any necessary assistance to maintain public order, and continue taking other actions as necessary to ensure the safety of the public during this local disaster emergency.

4. The Emergency Manager for Dolores County is coordinating the countywide response to the disaster, including with partners of Dolores County such as San Miguel County, first responders; human services, healthcare and emergency medical services providers; providers of critical infrastructure for the community; and other providers of important and necessary services to the public. The Board directs that the Town Manager continue to work closely with these partners to ensure a coordinated response throughout the Town, and to continue to utilize Rico Town staff and other resources as necessary for an effective response, in consultation with the Board as appropriate.

5. The Rico Town Manager manages the general operations of the town and serves as a liaison to municipalities within the town and others. The Board directs the Town Manager to continue coordinating with internal and external partners and to direct town staff as appropriate and necessary to address the local



disaster emergency. The Board also directs the Town Manager to work with directors and managers within the region to address staff illness, sick time, working remotely, and similar topics to ensure the continuity of operations within the town in consultation with the Board as appropriate.

6. This local disaster emergency will continue until such time as the Board determines the disaster emergency has terminated through adoption of a resolution declaring such.

7. The Board shall make every effort to comply with the noticing and other requirements of the Colorado Open Meetings Law (COML), C.R.S. § 24-6-401 *et seq.*, through its typical methods of providing public notice. To the extent exigent circumstances arising out the disaster emergency requiring emergency action by the Board, strict compliance with COML may be impossible on one or more occasions and the Board shall ratifying any emergency actions taken as soon as possible.

8. This Resolution and Declaration shall be promptly filed with the Town of Rico County Clerk and Recorder, the Office of Emergency Management and shall be promptly distributed to the appropriate representatives of the news media.

9. This Resolution and Declaration is necessary for the public health, safety and welfare of the citizens of Rico Colorado.

**DONE AND ADOPTED** by the Rico Board of Trustees, Town of Rico, County of Dolores, State of Colorado, this 18<sup>th</sup> day of March, 2020.

RICO BOARD  
OF TRUSTEES

ATTEST:

\_\_\_\_\_  
Clerk to the Board of Trustees  
Town of Rico

By: \_\_\_\_\_  
Nicole Pieterse, Mayor Pro Tem

From: **Laurel Witt** lwitt@cml.org  
Subject: Electronic Meetings  
Date: March 17, 2020 at 10:10 AM  
To: townmanager@ricocolorado.gov

LW

Good morning Kari,

My name is Laurel Witt and I am an attorney with the Colorado Municipal League. Thanks for your call regarding electronic meetings. I attempted to call you back, but the phone number said "temporarily unavailable" so I am emailing you some resources. First, let me say that you are not the first to ask this question, you are not alone!

I would recommend contacting your town attorney for more specific advice, but here are some resources we have been sharing at the League.

Tami Tanoue of CIRSA wrote this piece on your question: <https://www.cirsa.org/blog/remote-council-board-meetings-during-pandemic-times/>

If you are a CIRSA member, please feel free to call them as they may have more specific advice for your town.

A few additional tips and observations for varying scenarios:

- **Remote participation by a member of the governing body?** This option has been around for years, and many local governments already have local policies describing whether and under what circumstances officials may patch-in to a meeting and cast votes. This option may now become more important as vulnerable or self-isolating members of a public body may ask to participate in meetings from afar.
- **Remote participation by members of the public?** What if the municipality continues to conduct meetings as usual, but wants to provide extra options for sick or vulnerable people to "attend" remotely? This option is less commonly addressed in municipal meeting procedures, but the Colorado General Assembly blazed a trail with their remote testimony policy, details of which are linked here: <https://leg.colorado.gov/remote-testimony>
- **Still conduct live meetings, but exclude the public from being physically present?** A public body and staff could meet in a highly controlled and relatively safe environment, and restrict all public "attendance" to electronic means of telecommunication. In the current COVID-19 environment some Capitol staffers considered this option for the General Assembly, calling it legal but highly impractical. The General Assembly's decision to eschew this option is explained in the fourth recital on p. 2 of HJR 20-1106, linked at the top. But this option may be more feasible in the smaller environment of a city council or town board.
- **Conduct the entire meeting electronically—the truest form of virtual meeting?** Modern technologies promoted by the likes of Zoom and GoToMeeting make the ability to do large mass-participation meetings at least possible in ways they never were until recently. Again, a carefully crafted approach to using this technology could legally comply with the OML. The cost, effort and practicality are the main challenges that any municipality will face if it goes this far.

Last week, CML was contacted by Jeff Roberts of the Colorado Freedom of Information Council, asking what Colorado municipalities had in store for "virtual meeting" in the wake of the COVID-19 emergency. Any new or different procedures for convening meetings may be under the microscope, both in terms of ensuring the public's ability to see and hear the meeting, as well as the public's ability to meaningfully participate in the meeting (e.g. for any matter requiring a public hearing.)

Some forward-thinking cities like Northglenn already had in place codified procedures for conducting meetings electronically in the face of a public health emergency: [https://www.cirsa.org/wp-content/uploads/2020/03/Res\\_19-119\\_Electronic\\_Participation\\_Policy.pdf](https://www.cirsa.org/wp-content/uploads/2020/03/Res_19-119_Electronic_Participation_Policy.pdf)

Let us know how else we can help. If you need additional Coronavirus resources, we have started a webpage:

[https://www.cml.org/home/topics-key-issues/coronavirus-\(covid-19\)](https://www.cml.org/home/topics-key-issues/coronavirus-(covid-19))

Thanks!



COLORADO  
MUNICIPAL  
LEAGUE

Laurel Witt  
Associate Counsel  
1144 Sherman Street  
Denver, CO 80203  
(303) 831-6411 · (866) 578-0936  
[lwitt@cml.org](mailto:lwitt@cml.org) · [www.cml.org](http://www.cml.org)

[Visit our Coronavirus \(COVID-19\) resource page](#)

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The information provided by the Associate Counsel in response to telephone and email inquiries is of a general nature and should not be interpreted as legal advice. Local facts determine which laws may apply, so you should always consult your municipal attorney before proceeding.



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SHARE 



## REMOTE COUNCIL/BOARD MEETINGS DURING PANDEMIC TIMES

by Tami Tanoue, CIRSA Executive Director

I've heard that a few people are concerned about the coronavirus/COVID19 pandemic. OK, that's maybe an understatement. Who isn't concerned? If nothing else, the absence of toilet paper on grocery store shelves is a regular reminder that we are living with the curse of interesting times. So it's no wonder that governing bodies are among those hunkering down for the onset of the zombie apocalypse, I mean, undertaking prudent actions for the safety of their citizens and employees as well as themselves.

This brings me to the question of the week: **“Can we continue to hold open, public governing body meetings, but keep the public out?”**

And thus, we have another clash between competing interests: a legitimate desire to incorporate “social distancing” into governing body work, versus the transparency mandates of the Open Meetings Law! But can these competing interests be harmonized? Yes, and one of our members has shown us **how**.

First, you will need some kind of teleconference or videoconference capability, so that one, some, or all members of the governing body, as well as staff members (such as the manager, department heads) and consultants (such as the municipal attorney) can participate remotely.

Second, there’s really no good workaround for having your council chambers or board room open to the public. So you’ll need to make that facility available for public attendance, which means you’ll have some staffing needs. And you’ll need to ensure that whatever platform you use (e.g. your own conference bridge, a conferencing service, web conferencing service, etc.) is one that enables the public to listen in and to participate during things like public comment period. If you really want to get fancy, you can consider whether the technology itself can be shared with members of the public, but this presents some complications. You’d need a method to mute and unmute people so that you don’t get interruptions during agenda items that aren’t open to public comment.

Third, if you’ve ever participated in an awkward conference call (people interrupting, dogs barking, etc.) then imagine that times 7 or more people! The social dynamics and cues that facilitate communication can be lost. This means that the discipline of respecting the chair of the meeting, as well as self-discipline, become even more important than in a face-to-face meeting.

Fourth, some topics absolutely will not lend themselves to “calling it in.” An example would be a quasi-judicial matter. How are you going to manage witnesses, testimony, and exhibits, as well as have the opportunity to observe things like witness credibility, over the phone or on a monitor? Not gonna work! And, a failed attempt to conduct such a hearing is a far riskier proposition than setting it for a later date to be conducted in person in the council chambers or board room.

And finally, don’t just switch to a teleconference or videoconference format on an impromptu basis. Adopt rules of procedure that permit you to use this format, and then follow the rules! Take the excellent Northglenn **example**, and adapt it to your own needs. Additionally, check whether any existing ordinances need changes to allow these formats, and if you have multiple bodies in the organization that desire to “go virtual,” consider adopting a standard set of procedures for all bodies to follow. Finally, do several tests of whatever conferencing platform you decide to use, to make sure that it’s workable for everyone, including the public.

~~Love~~ Governing body meetings in the time of ~~cholora~~ coronavirus can still happen in a safe and legally sound way. They may just take a little more planning.



## Current Resources

[State of CIRSA 2020](#)

[Stripped of the Job, Stripped of Dignity](#)

[Keep Calm and Wash Your Hands: What You Can Do To Prepare for Coronavirus in the Workplace](#)

[Court Weighs in On Home Rule Provisions of Amendment 41](#)

[Deck the halls with boughs of egregious decorator malpractice](#)

[PHISH\(ing\): On the menu for the holidays!](#)



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**RESOLUTION NO. 2020-02**

**A RESOLUTION OF THE RICO BOARD OF TRUSTEES, COLORADO,  
DELEGATING THE AUTHORITY TO CLOSE OR ALTER THE PUBLIC BUSINESS  
HOURS OF THE TOWN HALL OVER THE NEXT 60 DAYS DUE TO THE HEALTH  
RISK OF THE COVID-19 PANDEMIC TO EMPLOYEES AND THE PUBLIC**

**WHEREAS**, due to the rapidly evolving COVID-19 pandemic and the heightened risk to employees and the public, the Rico Board of Trustees is hereby delegating the authority to the Town Manager to close or alter the hours of any non-elected town office due to COVID-19 to allow for immediate action when needed.

**NOW, THEREFORE, BE IT RESOLVED BY THE RICO BOARD OF  
TRUSTEES AS FOLLOWS:**

1. The Board hereby delegates the authority to the Town Manager to close or alter the hours of any town office as allowed by statute over the course of the next 60 days, as needed, and as he or she deems fit, due to COVID-19 and the heightened risk to employees and the public.
2. In making closure decisions, the Town Manager should rely upon the instructions issued by the Centers for Disease Control (CDC), Colorado Department of Public Health & Environment (CDPHE) while weighing statutory functions of departments.
3. This resolution shall become effective immediately upon adoption and shall continue in effect until May 17, 2020 or rescinded by the Rico Board of Trustees.

**DONE AND ADOPTED IN RICO COLORADO**, this 18th day of March, 2020.

Attest

RICO BOARD OF TRUSTEES  
RICO , COLORADO

\_\_\_\_\_  
Linda Yelloman Clerk to the Board

\_\_\_\_\_  
Nicole Pieterse, Mayor ProTem