

TOWN OF BERTHOUD, COLORADO
ORDINANCE NO. 2020-1284

**AN EMERGENCY ORDINANCE OF THE TOWN OF BERTHOUD,
COLORADO, BOARD OF TRUSTEES AMENDING THE EMERGENCY
ORDINANCE CONCERNING THE CORONA VIRUS (COVID-19)
PUBLIC HEALTH EMERGENCY TO PERMIT HOLDING QUASI-
JUDICIAL HEARINGS AND ADOPTING PROCEDURES THEREFOR**

WHEREAS, on March 10, 2020, Jared Polis, the Governor of the State of Colorado, declared a state-wide state of emergency in response to the spread of coronavirus (COVID-19) within the State of Colorado; and

WHEREAS, on March 20, 2020, by Ordinance No. 2020-1238 the Town of Berthoud Board of Trustees (“Board”) declared a local disaster and amended the Municipal Code to allow for virtual meetings and adopted procedures therefor pursuant to C.R.S. §31-15-401(1)(b); and

WHEREAS, Ordinance No. 2020-1238 provides that virtual meetings can only be conducted for meetings during which no quasi-judicial matters will be heard; and

WHEREAS, the locally declared disaster based on the state of emergency due to the spread of coronavirus (COVID-19) within the State of Colorado is on-going; and

WHEREAS, the Fourth Updated Colorado Department of Public Health and Environment Order 20-24 issued April 9, 2020 implementing stay at home requirements expressly exempts Critical Government Functions, as defined therein, including any government functionality “vital to restoring normal service”; and

WHEREAS, the Board of Trustees is empowered by C.R.S. § 31-15-401(1)(b), “to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease”; and

WHEREAS, the Board of Trustees further finds and determines that it is necessary to amend Ordinance No. 2020-1238 to allow for quasi-judicial matters and to authorize the Town to adopt procedures for virtual meetings.

Now, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, THAT:

Section 1. Ordinance No. 2020-1238 is hereby amended to allow a member of Board of Trustees to participate and vote on any matter on the agenda including quasi-judicial matters. Accordingly, Section 4.1-1 of the Municipal Code of the Town of Berthoud is hereby amended to read as follows.

Sec. 4.1-1 Virtual Meetings.

(a) Notwithstanding any contrary provisions of this Chapter 4 of the Berthoud Municipal Code, in the event the Board of Trustees is unable to conduct its regular meeting at the day, hour, and place fixed by Section 4.1 or at a special meeting pursuant to Section 4.1 because meeting in-person would not be prudent due to a public health emergency or other unforeseen circumstances affecting the Town, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum participation, ~~but only for meetings during which no quasi-judicial matters will be heard~~.

Section 2. Sections 4.1-1(b), (c) and (d) of the Berthoud Municipal Code are hereby repealed and to the extent the Board of Trustees determines procedures for virtual meetings to be necessary, the Board may adopt such procedures by resolution.

Section 3: In accordance with C.R.S. § 31-16-105, the Board of Trustees hereby determines that this Ordinance is necessary for the immediate preservation of the public peace, health or safety. As an emergency ordinance, this ordinance shall take effect upon adoption, shall be authenticated and shall be numbered and recorded in the official records of the Town as required by C.R.S. § 31-16-105.

Section 4. Conflict With Other Laws: If any provision of this ordinance conflicts with any provision of the Berthoud Municipal Code, or any provision of any Board procedures or Rules of Order, this ordinance shall control.

Section 5. Authority. The Board of Trustees of the Town of Berthoud hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of C.R.S. § 31-15-401(1)(b) and the powers possessed by statutory towns in Colorado.

Section 6. Emergency Declaration. The Board of Trustee of the Town of Berthoud hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety for the reasons enumerated in the introductory paragraphs of this ordinance, which are incorporated into this Section 6 by reference. The Board further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Berthoud.

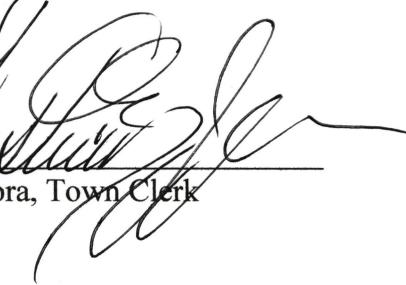
Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

Section 8. All terms and provisions of the Municipal Code of the Town of Berthoud not amended hereby, either expressly or by necessary implication, shall remain in full force and effect.

READ, APPROVED, ADOPTED and ORDERED PUBLISHED IN FULL at a regular meeting of the Board of Trustees of the Town of Berthoud, Colorado this **21st** day of April, 2020.

William Karspeck
William Karspeck, Mayor

ATTEST:

By 
Christian Samora, Town Clerk

