

TOWN OF BERTHOUD
STATE OF COLORADO

ORDINANCE NO. 2020-1283

**AN EMERGENCY ORDINANCE CONCERNING THE CORONA
VIRUS (COVID – 19) PUBLIC HEALTH EMERGENCY
DECLARING AN EMERGENCY, AMENDING THE MUNICIPAL
CODE TO ALLOW FOR VIRTUAL MEETINGS AND ADOPTING
PROCEDURES THEREFOR**

WHEREAS, the Town of Berthoud (“Town”) is a municipal corporation possessing all powers granted to statutory towns by Title 31 of the Colorado Revised Statutes, including the power to make and publish ordinances to provide for the safety of the Town and the inhabitants thereof; and

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

WHEREAS, the World Health Organization has declared the coronavirus (COVID-19) to be a worldwide pandemic; and

WHEREAS, the coronavirus (COVID-19) has been confirmed to exist in Larimer County; and

WHEREAS, the Town of Berthoud is within Larimer County; and

WHEREAS, the Board of Trustees of the Town of Berthoud (“Board”) confirms that protecting public health is the Board’s top priority; and

WHEREAS, the Board 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 Town Board finds and determines that the adoption of this ordinance is necessary for the promotion of health and the suppression of disease; and

WHEREAS, the Town Board further finds and determines that the adoption of this ordinance is proper under C.R.S. § 31-15-401(1)(b), and other applicable law; and

WHEREAS, given the current circumstances and pursuant to C.R.S. § 31-16-105, it is hereby declared that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare.

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

Section 1:

The following is hereby added to the Municipal Code of the Town of Berthoud.

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.
- (b) Meetings of the Board of Trustees by telephone, electronically, or other means may be held subject to the following conditions:
 - (1) The Mayor or the Town Administrator determines that meeting in person would not be prudent because of a public health emergency or other unforeseen circumstances affecting the Town;
 - (2) All members of the Board of Trustees can hear one another or otherwise communicate with one another and can hear or read all discussion, comment, and testimony in a manner designed to provide maximum notice and participation;
 - (3) Members of the public can hear or read all discussion, testimony and votes, in a manner designed to provide maximum notice and participation;
 - (4) At least one member of the Board of Trustees is present at the regular meeting location, unless not feasible due to the public health emergency or other unforeseen circumstances;
 - (5) All votes are conducted by roll call; and
 - (6) Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection.
- (c) In the event the Board of Trustees will conduct a virtual meeting pursuant to this Section 4.1-1, the Town Clerk shall provide public notice of the following:

- a. The declaration of emergency;
 - b. That a meeting of the Board of Trustees will be conducted by telephone, electronically, or other means;
 - c. The right of the public to monitor the meeting by telephone, electronically, or other means; and
 - d. The means by which the public can monitor the meeting by telephone, electronically, or other means.
- (d) The Town shall initiate the meeting by telephone, electronically, or other means not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the Town Clerk shall make one attempt to re-initiate the connection.

Section 2:

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 3.

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 4.

Police Power Finding. The Town Council hereby finds, determines and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Berthoud and the inhabitants thereof.

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.

Effect of Emergency Declaration. The effect of this declaration of disaster shall be to activate the response and recovery aspects of any and all applicable local and interjurisdictional disaster emergency plans and to authorize the furnishing of aid and assistance under such plans.

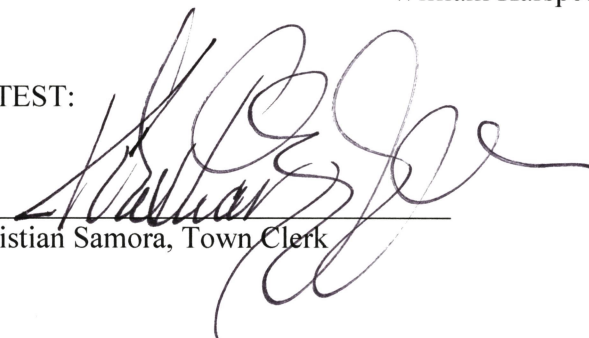
Section 8.

If any provision of this ordinance or the application of it to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications. The provisions of this ordinance are expressly declared to be severable.

READ, APPROVED, ADOPTED and ORDERED PUBLISHED IN FULL at a regular meeting of the Board of Trustees of the Town of Berthoud, Colorado this 20th day of March, 2020.


William Karspeck, Mayor

ATTEST:


Christian Samora, Town Clerk

