

**TOWN OF BERTHOUD
STATE OF COLORADO
RESOLUTION NO. 2020-7A**

A RESOLUTION ESTABLISHING EMERGENCY MEETING PROCEDURES.

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 adopt emergency meeting procedures.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO, AS FOLLOWS:

Section 1. This resolution shall be known and may be cited as the "Town of Berthoud Board of Trustees Emergency Meetings Procedures."

A. 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.

B. In the event the Board of Trustees will conduct a virtual meeting pursuant to law, the Town Clerk shall provide public notice of the following:

1. The declaration of emergency;
2. That a meeting of the Board of Trustees will be conducted by telephone, electronically, or other means;
3. The right of the public to monitor the meeting by telephone, electronically, or other means; and
4. The means by which the public can monitor the meeting by telephone, electronically, or other means.

C. Quasi-Judicial Matters. In the event that a quasi-judicial matter is scheduled for a public hearing at a meeting during the time a local or state-wide emergency is in effect, the Town shall advise the applicant of such circumstances and present the applicant with two options for proceeding with the application. The applicant shall authorize the Town, in writing, to proceed with one of the following options:

1. Conduct the public hearing under this Resolution, acknowledging all of the conditions and rules of procedure contained herein, including but not limited to Subsection G hereof, with accommodations made for electronic public participation and waive any legal challenge to the hearing conducted electronically; or
2. Suspend scheduling of public hearings until such time as the local or state-wide emergency is lifted and the Town Board schedules a regular meeting at which a quorum will be physically present.

D. In the event it is necessary to conduct a meeting electronically, the meeting shall be conducted using a platform like Zoom or GoToMeeting which shall be made available to the

general public subject to the constraints of subsection A. above. Notifications shall be posted on the Town website.

E. Whenever the public health emergency makes it imprudent or impossible for Board of Trustees, or any Town board, commission, or committee, to meet at a previously scheduled date and time, such meeting shall be deemed to be postponed until a quorum of the Board of Trustees, commission, or committee is able to meet, not to exceed three (3) weeks.

F. Any official act or meeting required to be performed at any regular location of the Board of Trustees board, commission, or committee or any Town department is valid when performed at any temporary location under this section.

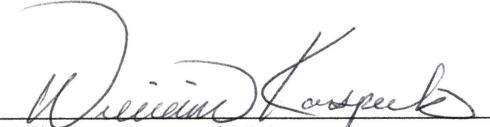
G. If at any time, a determination is made that the conditions for holding virtual meetings as provided in subsection A of this Resolution cannot be satisfied, the quasi-judicial hearing shall be suspended and the matter shall postponed to a date and time when the hearing can be resumed in satisfaction of all conditions, not to exceed three (3) weeks.

H. The provisions of this section shall apply to all executive, legislative, and judicial branches, powers and functions conferred upon the Town and its officers, employees, and authorized agents by the Colorado Constitution, Colorado Statutes, the Town Municipal Code, except that the Municipal Court may adopt its own procedures.

Section 2. Conflict with Laws. If any provision of this resolution conflicts with any other resolution of the Berthoud Municipal Code, or any provision of the Board of Trustees' Procedures and Rules of Order, this resolution shall control.

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.

ADOPTED at Berthoud, Colorado, this 21st day of April, 2020.


William Karspeck, Mayor

ATTEST:

By 
Christian Samora, Town Clerk

