

**TOWN OF BERTHOUD
RESOLUTION NO. 2019-14**

**A RESOLUTION OF THE TOWN OF BERTHOUD RESCINDING
APPROVAL OF ORDINANCE 1270**

WHEREAS on June 26, 2019, the Board of Trustees of the Town of Berthoud approved and passed Ordinance 1270, an ordinance setting raw water dedication requirements for the Town; and

WHEREAS such ordinance contained a provision for an immediate effective date, but failed to comply with statutory requirements for an ordinance intended to take effect immediately, in that it did not list reasons for immediate harm to the health, safety, and welfare of the citizens of the Town of Berthoud; and

WHEREAS both Colorado law and Robert's Rules of Order authorize the rescission by resolution of an action not properly taken, allowing such rescission to have immediate effect ;
and

WHEREAS, the Board of Trustees of the Town of Berthoud desires to rescind the passage of Ordinance 1270, *nunc pro tunc* June 26, 2019, and to treat such passage as ineffective *ab initio*.

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

1. Board passage of Ordinance 1270, having been improvidently granted with a provision for an immediate effective date without meeting all requirements for such an ordinance is hereby rescinded effective as of June 26, 2019, and shall be deemed a nullity;
2. Any action taken or increased fees collected pursuant to Ordinance 1270 shall be reversed and processed as though such ordinance had never been approved, including refunding of any increased fees collected;
3. This resolution shall apply immediately and shall evidence the withdrawal and ineffectiveness of Ordinance 1270 as passed on June 26, 2019.

PASSED, ADOPTED AND APPROVED THIS 15th day of July, 2019.

TOWN OF BERTHOUD

BY: _____

William Karspeck, Mayor

ATTEST: _____

Christian Samora, Town Clerk

