

ORDINANCE NO. 346

**AN ORDINANCE OF THE TOWN OF SPRINGFIELD,
COLORADO, AMENDING SECTION 2-26, SPECIAL
MEETINGS, SPRINGFIELD MUNICIPAL CODE TO
AMEND PROVISIONS FOR NOTICE OF SUCH
MEETINGS AND TO ADD PROVISIONS REGARDING
EMERGENCY MEETINGS OF THE BOARD OF
TRUSTEES; PROVIDING A FINDING OF EMERGENCY;
PROVIDING FOR PUBLICATION BY POSTING; AND
PROVIDING FOR SEVERABILITY, REPEALER, AND AN
EFFECTIVE DATE.**

WHEREAS, the Town of Springfield is committed to conducting Town business in the “sunshine,” as required by C.R.S. § 24-6-401, et seq. (“COLORADO SUNSHINE LAW”);

WHEREAS, Section 2-26, SPRINGFIELD MUNICIPAL CODE allows for the Board of Trustees to call a special meeting on three (3) days’ notice;

WHEREAS, the COVID-19 pandemic of 2020 illustrates the need for the Board of Trustees to have the power to conduct emergency meetings;

WHEREAS, emergency meetings are not addressed in the Colorado Sunshine Law, nor are they addressed in the Springfield Municipal Code;

WHEREAS, in *Lewis v. Town of Nederland*, 934 P.2d 848 (Colo. App. 1996), the Colorado Court of Appeals upheld the Town of Nederland’s emergency meetings ordinance;

WHEREAS, since 1996, the technologies that are available for conference calls and video conferencing have improved significantly; and

WHEREAS, some emergencies may require telephonic or video conference meetings of the Board of Trustees.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Springfield, Baca County, Colorado that:

Section 1. Section 2-26, Springfield Municipal Code is amended as follows (underlined text is added, ~~strikeout text is deleted~~):

Sec. 2-26. Special and emergency meetings.

(a) Special meetings of the Board of Trustees may be called at any time by the Mayor or by any three (3) members of the Board of Trustees ~~thereof~~. Written notice of the calling of such special meetings shall be given at least three (3) days prior to the date

thereof, which notice shall be ~~served upon~~ delivered to the Mayor and each member of the Board of Trustees by the Town Clerk or acting Town Clerk, such service being made to the persons entitled thereto electronically at the email address on record with the Town Clerk, or personally, or, if personal service delivery of the same cannot be made. Then, then by mailing a copy of such notice to the residential address of such person or persons ~~on to~~ whom service delivery cannot be made. The notice of all special meetings shall specify the object or objects of such meeting, and at all special meetings no other business can be transacted except such as has been specified in the notice thereof.

(b) (1) Emergency meetings may be called by the Mayor or any two (2) members of the Board of Trustees in the event of an emergency that requires the immediate action of the Board of Trustees in order to protect the public health, safety, and welfare of the residents of the Town. Notice of such emergency meeting may be given to the Board of Trustees by telephone or whatever other means are reasonable to meet the circumstances of the emergency. (2) Emergency meetings may be held in-person or electronically (e.g., by conference call or video conference service). Such meetings shall be recorded unless such recording is infeasible. The Town Clerk or designee shall attend the emergency meeting to take minutes and record votes unless such attendance is infeasible, in which case a Board member shall be selected to take minutes and record votes. (3) At an emergency meeting, any action within the police power of the Board of Trustees that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next regular meeting, or (b) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, the Board of Trustees may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed rescinded.

Section 2. Finding of Emergency. The Board of Trustees finds that this Ordinance is necessary to the immediate preservation of the public health and safety in the Town of Springfield. Such finding of necessity is based on the Board's need to be able to expeditiously and effectively call special or emergency meetings in order to respond to urgent public health needs and challenges arising from the COVID-19 pandemic, as well as other emergencies or natural disasters that may affect the residents of the Town of Springfield at any time.

Section 3. Publication. The Town Clerk is directed to publish this Ordinance by posting it in three public places in the Town of Springfield within 24 hours after its adoption.

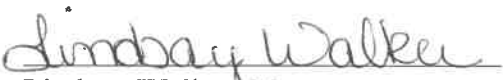
Section 4. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses, or phrases are declared invalid.

Section 5. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Springfield or parts thereof, in conflict with this Ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinances, resolutions, or motions, nor revive any ordinance, resolution or motion thereby.

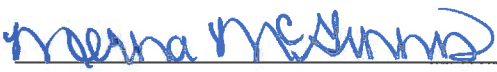
Section 6. Effective Date. This ordinance shall become effective upon publication.

PASSED and ADOPTED this 23rd day of March, 2020

Town of Springfield, Colorado

By: 
Lindsay Walker, Mayor

ATTEST:

By: 
Merna McGinnis, Acting Town
Manager/Town Clerk