

RESOLUTION NO. 20-13

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF SPRINGFIELD COLORADO, RATIFYING THE ADOPTING AN ORDINANCE 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; AND PROVIDING FOR PUBLICATION BY POSTING**

WHEREAS, the Town of Springfield, Colorado (the "Town"), is a statutory town and political subdivision of the State of Colorado, duly organized and operating under the constitution and laws of the State; and

WHEREAS, pursuant to Section 24-33.5-709 of the Colorado Revised Statutes the Mayor and Board of Trustees have authority to declare a local disaster or emergency; and

WHEREAS, town government must continue to operate during a local disaster or emergency, while taking measures to protect the health and welfare of its employees and officials; and

WHEREAS, Board of Trustees determined that it is in the best interest of the public health, welfare, and safety of the residents of the Town of Springfield to ratify the actions of the Board of Trustees on March 23, 2020 regarding the adoption Ordinance No. 346 amending Section 2-26 of the Springfield Municipal Code providing for Emergency Meetings to be called 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.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SPRINGFIELD, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated as findings by the Board of Trustees of the Town of Springfield.

Section 2. Board of Trustees of the Town of Springfield during a regular meeting of the Board of Trustees of the Town of Springfield hereby ratifies Ordinance No. 346 attached hereto as Exhibit A.

Section 3. The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Springfield, Colorado, on June \_\_\_\_, 2020.

Town of Springfield, Colorado

By:   
Tyler Gibson, Mayor

ATTEST:

  
Tammy Newman, Town Clerk

**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 23<sup>rd</sup> day of March, 2020

Town of Springfield, Colorado

By: Lindsay Walker  
Lindsay Walker, Mayor

ATTEST:

By: Merna McGinnis  
Merna McGinnis, Acting Town  
Manager/Town Clerk