

**ORDINANCE No. 954**

**AN ORDINANCE OF THE CITY OF BURLINGTON AMENDING TITLE 1, CHAPTER 1.02 CITY COUNCIL MEETINGS, OF THE BURLINGTON MUNICIPAL CODE TO INCLUDE SECTION 02.011, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Burlington, Colorado (the “City), a Colorado Home Rule City duly organized and operating as a Colorado Home Rule City under the Constitution and laws of the State of Colorado; and

**WHEREAS**, the members of the City Council of the City (the “City Council”) have been duly elected and qualified and vested with the authority to administer the affairs of the City; and

**WHEREAS**, on March 10, 2020 Governor Jared Polis declared a state of emergency in the State of Colorado due to COVID-19 and, on March 11, 2020, the World Health Organization declared COVID-19 to be a pandemic; and

**WHEREAS**, the City Council recognizes that COVID-19 poses a significant risk to public health, safety and welfare; and

**WHEREAS**, given that the virus is highly contagious, and on March 18, 2020 Colorado Public Health & Environment issued Public Health Order 20-23 Implementing Social Distancing Measures implementing emergency measures to limit mass gatherings to no more than ten (10) people, and

**WHEREAS**, to be able to conduct City business during the COVID-19 outbreak and during other emergency situations, including, but not limited to, those involving pandemics, extreme weather events or natural disasters, the City Council desires to implement procedures to allow City Council meetings to be conducted remotely; and

**WHEREAS**, City Council hereby finds, determines and declares that this Ordinance is promulgated under general police power of the City, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the City.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON, COLORADO:**

**Section 1.** Section 02.011 of the Burlington Municipal Code. Section 02.011 shall be added to the Burlington Municipal Code and shall provide as follows:

Sec. 02.011 Remote meetings.

- (a) Authorization for a remote meeting; declaration of state of emergency; When an in person meeting is not reasonable or prudent to protect the public health, safety or welfare, the Mayor may, by providing written notice to the City Administrator and each Councilmember, declare a state of emergency and direct that a City Council meeting be conducted remotely. A state of emergency may arise from, among other reasons, an epidemic or pandemic, extreme weather events, natural disasters or damage to roads or

other transportation facilities. The Mayor's written notice of a declaration or emergency shall be provided by hand delivery or electronic mail, be posted on the front entryway of City Hall and, as soon as practicable, on the City's website and be included in the minutes of the remote meeting. A remote meeting shall be considered a regular meeting or special meeting, as applicable, and, except as set forth herein or otherwise impractical, all meeting requirements shall apply to the remote meeting.

- (b) Type of remote meeting; notice: In the discretion of the City Administrator, remote meetings may be conducted by telephone, video conferencing or other electronic means. The City Administrator shall endeavor to ensure that City Council, City staff and the public are able to hear or read the discussion and testimony presented during the remote meeting. The City Administrator shall provide direct notice regarding the manner in which to participate in the remote meeting to City Council and City staff and shall post notice for the benefit of the public on the front entryway of City Hall, approved posting places and, as soon as practicable, on the City's website.
- (c) Public participation: The City Administrator shall take reasonable and practical measures to ensure that each remote meeting is open to the public and provides the public with an opportunity to be heard, unless public participation is not practicable or feasible due to the emergency situation. If public participation is not available, any action taken at the remote meeting shall be effective only until the next meeting that allows for public participation. At the next meeting, City Council may ratify any action taken at the remote meeting that did not allow for public participation. If City Council fails to ratify the action, such action shall be deemed rescinded.
- (d) Voting: All votes during a remote meeting shall be conducted by roll call.
- (e) Minutes: Minutes of the remote meeting shall be taken and retained in the records of the City and shall be open to public inspection.
- (f) Public meeting with remote public participation: To protect the public health, safety or welfare, in lieu of a remote meeting, the Mayor may request, but not require, that members of the public participate in a public meeting remotely. In any case, the Mayor shall direct the City Administrator to provide notice to the public that attendance at a public meeting is discouraged by posting such message on the front entryway of City Hall, approved posting places, and on the City's website. The City Administrator's notice shall include the manner in which the public may attend and be heard at the meeting remotely.

**Section 2.** Emergency Declaration: Effective Date. The City Council finds and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety and, therefore, an emergency exists and that this ordinance shall become effective immediately.

**INTRODUCED, READ AND ADOPTED AS AN EMERGENCY ORDINANCE, AND ORDERED PUBLISHED** this 23<sup>rd</sup> day of March, 2020.

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Dale Franklin, Mayor

[S E A L]

ATTEST:

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Rebecca Castillo, City Clerk (Acting)

STATE OF COLORADO )

County of Kit Carson )ss.

City of Burlington )

**CLERK'S CERTIFICATE**

That I, Rebecca Castillo, the official acting City Clerk of the City of Burlington, do by these presents, say that the foregoing Ordinance No. 954 was passed and adopted by the City Council of the City of Burlington on the 23rd day of March, 2020, and that the foregoing Ordinance is a true, correct and full copy of the Ordinance as shown in Ordinance Book 13 of the records of the City of Burlington, Burlington, Colorado.

Dated this 23<sup>rd</sup> day of March, 2020.

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Rebecca Castillo, City Clerk (acting)

STATE OF COLORADO )

County of Kit Carson )ss. CLERK'S CERTIFICATION OF PUBLICATION

City of Burlington )

That I, Rebecca Castillo, the official acting City Clerk of the City of Burlington, do by these presents, say that the foregoing Ordinance No.954 and Clerk's Certificate attached thereto was published in the *Burlington Record*, a weekly newspaper of general circulation in Burlington, Kit Carson County, Colorado, on March 26th, 2020, and "Proof of Publication" is filed herewith.

Dated this 23rd day of March, 2020.

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Rebecca Castillo, City Clerk (acting)

