

**TOWN OF LOCHBUIE  
COUNTIES OF WELD AND ADAMS, COLORADO**

**ORDINANCE NO. 2020- 657**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE,  
COLORADO AMENDING SECTION 2-2-80 OF THE LOCHBUIE MUNICIPAL CODE  
CONCERNING TELEPHONIC OR REMOTE PARTICIPATION IN MEETINGS AND  
DECLARING AN EMERGENCY**

WHEREAS, the Town of Lochbuie is a statutory municipality, governed by its elected Board of Trustees; and

WHEREAS, Section 2-2-80 of the Lochbuie Municipal Code provides that occasionally elected officials may attend Board of Trustees meetings by telephone within certain parameters; and

WHEREAS, on March 16, 2020, pursuant to authority granted to the Mayor of the Town of Lochbuie, Colorado (“Town”) under the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.*, the Mayor issued a declaration of local disaster in the Town as a result of the occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property, due to the presence and spread of Coronavirus Disease 2019 (COVID-19) (“Declaration”), which Declaration has been extended with the consent of the Board of Trustees to remain in effect until repealed by the Board of Trustees; and

WHEREAS, on March 16, 2020, in response to the COVID-19 Pandemic, the Executive Director of the Colorado Department of Public Health and Environment (“CDPHE”) issued Public Health Order 20-22 (“PH Order 20-22”) closing all bars, restaurants, theaters, gymnasiums and casinos statewide for a thirty day period pursuant to Sections 25-1.5-101(1)(a) and §25-1.5-102(1)(a)(I), C.R.S. effective March 17, 2020; and

WHEREAS, on March 25, 2020, effective March 26, 2020, Governor Jared Polis issued Executive Order D 2020 017 Ordering Coloradans to Stay at Home Due to the Presence of COVID-19 in the State, which, in conjunction with CDPHE Order 20-24, essentially required the closure of almost all businesses statewide except for certain excepted businesses and functions such as those that employ critical emergency personnel, infrastructure, government functions and other activities; and

WHEREAS, the Town Board of Trustees, faced with the current COVID-19 Disaster, finds that Section 2-2-80 of the Lochbuie Municipal Code and the parameters set forth therein for telephonic participation at meetings of the Board of Trustees do not adequately allow for broader participation at meetings of the Board of Trustees in times of emergency, and otherwise, and desire to amend such section as set forth herein to allow greater flexibility in adopting a thorough policy to address the holding or attendance at such meetings.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LOCHBUIE, WELD AND ADAMS COUNTIES, COLORADO, AS FOLLOWS:**

**Section 1.** **Incorporation of Recitals.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of Trustees.

**Section 2.** Section 2-2-80 of the Lochbuie Municipal Code is hereby repealed and readopted to read as follows in its entirety:

Sec. 2-2-80. - Telephonic or electronic remote participation - Board of Trustees' meetings.

Member(s) of the Board of Trustees may participate in a meeting of the Board of Trustees by telephone or other similar electronic means, including web-based video conferencing, in accordance with a policy adopted by a majority vote of the Board of Trustees, as may be amended from time to time.

**Section 3.** **Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Board of Trustees hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term "provision" means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term "application" means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 4.** **Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

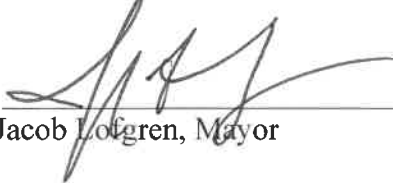
**Section 5.** **Safety Clause.** The Town Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Lochbuie, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Board of Trustees further determines that this Ordinance bears a rational relation to the proper legislative objective sought to be obtained.

**Section 6.** **Emergency Declared; Effective Date.** The Town Board of Trustees hereby legislatively declares that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health or safety. The Board finds that an emergency exists in that the immediate preservation of the public health and safety requires that the regulations adopted

herein go into immediate effect. This Ordinance shall take effect immediately upon its adoption as provided by C.R.S. § 31-16-105.

0 ADOPTED by a vote 3/4<sup>th</sup> of the members of the Town Board of Trustees, 6 in favor, 0 against and 0 abstaining, AND ORDERED PUBLISHED by title only following public hearing, this 21st day of April, 2020.

TOWN OF LOCHBUIE, COLORADO

  
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Jacob Lofgren, Mayor

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Lochbuie at its meeting of April 21, 2020, and ordered published by title only one time by *The Brighton Blade* newspaper on May 5, 2020.

[SEAL]



  
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Linda Blackston, Town Clerk