

TOWN OF GYPSUM, COLORADO

**ORDINANCE NO. 08
(SERIES 2020)**

AN ORDINANCE PROVIDING FOR POSTPONEMENT OF THE REGULAR MUNICIPAL ELECTION TO JULY 7, 2020 AND CONVERSION FROM A POLLING PLACE TO A MAIL BALLOT ELECTION

WHEREAS, the Town of Gypsum (“Town”) is a home rule municipality duly organized and existing under Articles XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982 (the “Charter”); and

WHEREAS, pursuant to Section 1.3 of the Charter, the Town has all power of local self-government and home rule and all power possible for a home rule municipality to have under the Constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Section 2.1 of the Charter, all Town elections shall be governed by the Colorado Municipal Elections laws except as otherwise provided in the Charter or by ordinance; and

WHEREAS, pursuant to Section 2.2 of the Charter, a general municipal election shall be held on the first Tuesday following the first Monday of April of 1984 and in each even numbered year thereafter; and

WHEREAS, pursuant to Section 4.8 of the Charter, the Mayor has the authority to execute any action reasonable or necessary for the protection of life and property in case of riot, insurrection, or other extraordinary emergencies and such authority shall include, but not be limited to, establishing regulations governing conduct and activities related to diminishing the emergency and if the emergency continues, the Mayor shall convene the Town Council of the Town (the “Council”) which may take such action as it deems necessary; and

WHEREAS, on December 10, 2019, the Council adopted Resolution No. 51 (Series 2019) calling the Regular Municipal Election (“Election”) to be held on Tuesday, the 7th day of April, 2020; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a national public health emergency with respect to the transmission of a novel virus that causes a highly contagious and potentially fatal disease known as coronavirus disease 2019 (“COVID-19”); and

WHEREAS, COVID-19 has resulted in a worldwide pandemic, as determined by the World Health Organization; and

WHEREAS, on March 6, 2020, Eagle County declared a local disaster emergency related to the spread of COVID-19 within Eagle County; and

WHEREAS, on March 10, 2020, the Governor of the State of Colorado declared a state of emergency related to the COVID-19 outbreak state-wide; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency related to the COVID-19 outbreak nationwide; and

WHEREAS, on March 18, 2020, the Mayor of the Town declared a local disaster emergency related to the COVID-19 outbreak; and

WHEREAS, on March 19, 2020, Eagle County Public Health issued a Standing Public Health Order that limits most activities to ten (10) or fewer people in an effort to slow the spread of COVID-19; and

WHEREAS, on March 23, 2020, the Mayor declared an extraordinary emergency related to the COVID-19 outbreak (the “Emergency Declaration”), pursuant to Section 4.8 of the Charter; and

WHEREAS, on March 28, 2020, President Donald J. Trump declared that a major disaster exists in the State of Colorado due to the COVID-19 pandemic; and

WHEREAS, it is anticipated that the number of COVID-19 cases will continue to increase locally in the near-term; and

WHEREAS, it is anticipated that the spread of COVID-19 may overwhelm the local health care system in an unprecedented manner; and

WHEREAS, the Emergency Declaration issued by the Mayor and the Town Council’s powers pursuant to Section 4.8 of the Charter supersedes the requirement set forth in Section 2.2 of the Charter that a general municipal election be held on the first Tuesday following the first Monday in each even numbered year thereafter; and

WHEREAS, because polling place elections necessitate gatherings of people and because COVID-19 is highly contagious and can cause serious health implications, including death, the Council believes it is necessary and desirable to postpone the regular municipal election to July 7, 2020 and convert such election from a polling place to a mail ballot election; and

WHEREAS, on March 24, 2020, the Council adopted (Emergency) Ordinance No. 06 (Series 2020) (the “Emergency Ordinance”) providing for the postponement of the Election to July 7, 2020 and conversion from a polling place to a mail ballot election due to health and safety concerns related to the COVID-19 outbreak, pursuant to Section 8.5 of the Charter; and

WHEREAS, pursuant to Section 8.5 of the Charter, the Emergency Ordinance “shall automatically stand repealed on the 61st day following the date on which it was adopted;” and

WHEREAS, to avoid the automatic repeal of the actions ordained in the Emergency Ordinance, the Council desires, by adoption of this Ordinance, to further provide for the postponement of the Election to July 7, 2020 and conversion from a polling place to a mail ballot election for the reasons set forth in the Emergency Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are incorporated herein by this reference.

Section 2. Postponement of Regular Municipal Election. Because of the risk to public health posed by the spread of COVID-19, and to preserve the public health and safety, the Regular Municipal Election (“Election”) is hereby postponed to July 7, 2020.

Section 3. Conversion to Mail Ballot Election. Because COVID-19 is highly contagious and activities involving gatherings of people have been limited in an effort to slow the spread of COVID-19, the Election to be held on July 7, 2020 shall be changed from a polling place election to a mail ballot election.

Section 4. Postponed Regular Election. The Election of the registered voters of the Town shall be held on July 7, 2020, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Colorado Municipal Election Code of 1965, Article 10 of Title 31, C.R.S., and the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., and other applicable laws (“Election Laws”).

Section 5. Mail Ballot Election. The Election shall be conducted as a mail ballot election in accordance with all relevant provisions of the Election Laws. The Town Clerk shall prepare the Plan for conducting the mail ballot Election. There shall be no election precinct or polling place. All mail ballots shall be returned to the Town Clerk’s office, located at 50 Lundgren Boulevard, P. O. Box 130, Gypsum, Colorado 81637.

Section 6. Conduct of Election. The Town Clerk shall serve as the Election Official for the conduct of the Election on behalf of the Town and she is hereby authorized and directed to proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and of the Election Laws. Among other matters, the Town Clerk shall appoint election judges as necessary, appoint the Canvass Board,

arrange for the required notices of election, printing of ballots, and direct that all other appropriate actions be accomplished.

Section 7. Prior Actions. Any and all actions previously taken by the Town Council, the Town Clerk, the Town Manager and Town Attorney, or any other persons acting on their behalf pursuant to the Election Laws or other applicable laws, including:

- a. Adoption of Resolution No. 51 (Series 2019), adopted December 10, 2020, calling the Regular Municipal Election to be held on Tuesday, the 7th day of April, 2020;
- b. Adoption of Ordinance No. 01 (Series 2020), finally adopted January 28, 2020, submitting to the registered electors of the Town the questions of certain amendments to the Home Rule Charter; and
- c. Adoption of Resolution No. 06 (Series 2020) adopted January 14, 2020 submitting to the registered electors a ballot question regarding whether the Town should spend funds to assist in the purchase of the Sweetwater Lake,

are hereby ratified and confirmed.

Section 8. Public Hearing. A public hearing on this Ordinance shall be held on the 28th day of April, 2020, at 7:00 p.m. at the Town of Gypsum Town Hall, 50 Lundgren Boulevard, Gypsum, Colorado.

Section 9. Effective Date. This Ordinance shall become effective as a permanent Ordinance five (5) days after publication, following final adoption after a public hearing held on the 28th day of April, 2020, at 7:00 p.m., at the Gypsum Town Hall, 50 Lundgren Blvd., Gypsum, Colorado.

Section 10. Interpretation. In the event of any express or implied conflict or inconsistency between the provisions of this Ordinance and any provision set forth in the Town’s Municipal Code including, without limitation, Chapter 1.08, the provisions of this Ordinance shall govern.

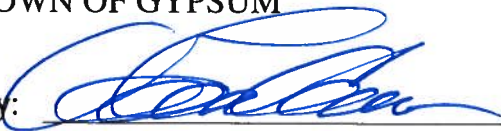
Section 11. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 12. Repealer. All resolutions and ordinances of the Town, or parts thereof, that are inconsistent or in conflict with this Ordinance, including inconsistent and conflicting portions of Resolution No. 51 (Series 2019), Ordinance No. 01 (Series 2020), Resolution No. 06 (Series 2020), and (Emergency) Ordinance No. 06 (Series 2020) are hereby repealed to the extent only of such inconsistency or conflict.


Section 13. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 14th DAY OF APRIL, 2020.

TOWN OF GYPSUM

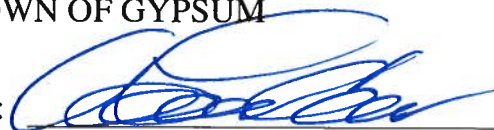
By: 
Stephen M. Carver, Mayor

Attest:


Danette Schlegel, Town Clerk

INTRODUCED ON SECOND READING, READ, CONSIDERED AT A PUBLIC HEARING AND FINALLY ADOPTED, PASSED AND APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED POSTED AND PUBLISHED, BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS MEETING HELD ON THE 28th DAY OF APRIL, 2020, BY A VOTE OF 6 IN FAVOR AND 0 AGAINST.

TOWN OF GYPSUM

By: 
Stephen M. Carver, Mayor

Attest:


Danette Schlegel, Town Clerk



(S E A L)