

RESOLUTION NO. 2020-03-04

A RESOLUTION ADOPTING AN ELECTRONIC PARTICIPATION POLICY FOR USE IN THE EVENT OF A LOCAL EMERGENCY DECLARATION

WHEREAS, the City of Fort Morgan ("City") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the City of Fort Morgan Home Rule Charter ("Charter") and the City of Fort Morgan Municipal Code ("Code"); and

WHEREAS, Article III, Section 3 of the Charter provides that a majority of members of the Council shall constitute a quorum for the transaction of business at a Council meeting; and

WHEREAS, pursuant to Section 24-33.5-709 of the Colorado Revised Statutes, the City has authority to declare a local disaster or emergency; and

WHEREAS, City 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, City Council has determined that it is in the best interest of the public health, welfare, and safety of the residents of the City of Fort Morgan to adopt an Emergency Electronic Participation Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

Section 1. The following policy is hereby adopted to be used in accordance with its terms. A Council member's participation in a Council meeting by electronic means pursuant to the following policy shall constitute attendance at the meeting for purposes of Fort Morgan City Charter Article III, Section 3 and Fort Morgan Municipal Code section 2-2-30. A City board or commission member's participation in a City board or commission meeting by electronic means pursuant to the following policy shall constitute attendance at the meeting for purposes of Fort Morgan Municipal Code Chapter 2, Article 9.

ELECTRONIC PARTICIPATION POLICY FOR CITY COUNCIL MEETINGS AND MEETINGS OF CITY BOARDS AND COMMISSIONS DURING A LOCAL DISASTER EMERGENCY

I. Purpose.

The purpose of this Policy is to specify the circumstances and means under which the City Council, or members of City boards and commissions, shall conduct regular and special meetings by telephone or other electronic means of participation, such as video-conferencing that is clear, uninterrupted and allows two-way communication for the

participating members ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the City Council, or City board or commission, from contemporaneously observing documentary information presented during meetings; from fully evaluating a speaker's non-verbal language in assessing veracity or credibility; and from observing non-verbal explanations during a speaker's presentation or testimony. The City Council finds that these limitations, inherent in Electronic Participation, may produce inefficiencies in meetings, increase the expense of meetings, and alter the decision-making process. As such, the City Council and City boards and commissions shall only utilize the policies contained herein upon the adoption by the City Council of a resolution declaring a local disaster emergency pursuant to Section 24-33.5-709, Colorado Revised Statutes.

II. Statement of General Policy.

The City Council, or a City board or commission, may conduct a regular or special meeting by electronic means only in accordance with this Policy.

A. Emergency Situations.

In the event a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the City Council, or of a City board or commission, because meeting in person is not practical or prudent due to an emergency affecting the City, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum practical notice. Meetings may be held by telephone, electronically, or by other means of communication if all of the following conditions are met:

1. A local disaster emergency has been declared pursuant to Section 24-33.5-709, Colorado Revised Statutes; and

2. The City Council, or City board or commission, determines that meeting in person is not practical or prudent, because of matters related to the declaration of local disaster emergency affecting the City; and

3. All members of the City Council, or of the City board or commission, and at least one City staff member can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation; and

4. Members of the public can hear the City Council's, or City board or commission's, proceedings and are afforded opportunities to participate in public comment; and

5. All votes are conducted by roll call; and

6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and

7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some members of the City Council, or City board or commission, may participate by telephone, and the right of the public to monitor the meeting from another location.

III. Arranging for Electronic Participation.

A. The City Manager shall contact Council members, or the City board or commission members, as soon as reasonably possible in advance of a regular or special meeting to provide notice of a meeting to be conducted under this policy.

B. The City shall initiate the Electronic Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the City Clerk shall make at least three attempts to re-initiate the connection.

IV. Effect of Electronic Participation.

A. Quasi-Judicial Matters.

In the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature at a meeting at which this policy is in effect, the City shall advise the applicant of such circumstances and present the applicant with options for proceeding with the application. The applicant shall authorize the City, in writing, to proceed with one of the following options.

1. Conduct the public hearing under this policy with accommodations made for electronic public participation; or

2. Suspend any and all review and decisions deadlines until such time that the local disaster emergency is lifted and the City Council, or City board or commission, schedules a regular meeting at which a quorum will be physically present.

B. Executive Sessions.

In the event that the City Council, or City board or commission, holds an executive session pursuant to Section 24-6-402, Colorado Revised Statutes, participants shall be authorized to attend via Electronic Participation. Any executive session conducted under this policy shall be recorded electronically as provided for by statute.

V. Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including work sessions) of the City Council of the City of Fort Morgan, and to regular and special meetings of any City board or commission, unless otherwise provided by the City Council.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 31st day of March, 2020, the vote upon roll call being as follows:

Ayes: Mayor Ronald Shave, Councilmembers Anderson, Deal, Howe, Lindell, Schossow and Urdiales

Nays: None.

Absent /Abstain:None



THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: 

Ronald Shaver, Mayor

ATTEST:


John Brennan, City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN) ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, John Brennan, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 31st day of March, 2020.


John Brennan, City Clerk