

**EMERGENCY ORDINANCE NO. 054, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ENACTING TEMPORARY PROCEDURES TO
AUTHORIZE REMOTE PARTICIPATION IN MEETINGS**

WHEREAS, the City of Fort Collins is threatened with serious injury and damage, consisting of widespread human and economic impact caused by the Novel Coronavirus 2019 (COVID-19); and

WHEREAS, the City and the Larimer County Department of Public Health and Environment, state officials, Colorado State University and the Poudre School District are cooperatively working to limit community spread and slow the transmission of COVID-19; and

WHEREAS, on March 13, 2020, in order to undertake emergency measures to protect the life, health, safety and property of the citizens of the City and persons conducting business therein, and in order to attempt to minimize the loss of human life and the preservation of property, the City Manager, as the Director of the City's Office of Emergency Management, proclaimed a "local emergency" in accordance with Section 2-671(a)(1) of the City Code and activated the Emergency Operations Plan established pursuant to Section 2-673 of the City Code; and

WHEREAS, the prevention and management of exposure to COVID-19 and mitigation of related impacts of all kinds continue to require emergency action by the City and continued social distancing in order to reduce its transmission; and

WHEREAS, the City Council has, with its adoption of Resolution 2020-030 extended the City Manager's proclamation of local emergency; and

WHEREAS, in light of the potential for Councilmembers to be isolated and unable to physically meet together for a Council meeting in order to conduct Council business, Council desires to make provision for an appropriate way to conduct Council business through remote participation during the pendency of the local emergency; and

WHEREAS, Article II, Section 6 of the City Charter authorizes the Council to adopt emergency ordinances, which shall be finally passed on first reading by the affirmative vote of at least five members of the Council and which shall contain a specific statement of the nature of the emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby finds that an emergency exists for the immediate adoption of this Ordinance under Article II, Section 6 of the City Charter to immediately enable the City Council to use technology to remotely participate in meetings of the City Council and its committees and by doing so allow the Council to conduct official business in the event of local emergency or other circumstances that might otherwise prevent the Council from carrying out its responsibilities, now and in the future.

Section 2. That the Council hereby adopts the following special provisions for City Council meetings during a declared state of emergency, to supplement the provisions of Division 2, Article II of Chapter 2, as follows:

1. In the event the City Council is unable to conduct its regular meeting at the day, hour, and place fixed by § 2-28 or at a special meeting pursuant to § 2-29 because meeting in-person would not be prudent due to a public health emergency or other unforeseen circumstances affecting the city, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum participation,
2. Meetings of the City Council or Council committees may be conducted by telephone, electronically or by other means, and remote participation shall constitute presence and actual attendance for purposes of establishing a quorum, so long as no quasi-judicial matters will be heard or considered, subject to the following conditions:
 - a. The City Manager or the Mayor determines that the meeting in person would not be prudent because of a public health emergency or other unforeseen circumstances affecting the city;
 - b. All members of the Council participating in the meeting can see and hear one another, or, if circumstances preclude an arrangement that would allow visual communication, hear one another;
 - c. All members of the Council participating in the meeting can see, hear or read all discussion, comment, and testimony in a manner designed to provide maximum information sharing and participation.
 - d. Members of the public have equivalent access to all discussion, comment, and testimony, and all Council votes and other dialogue, in a manner designed to provide maximum information sharing and participation.
 - e. At least one member of the Council must be present at the physical meeting location, unless not feasible due to the public health emergency or other unforeseen circumstances;
 - f. All votes must be conducted by roll call;
 - g. All other meeting-related requirements must be met, including advance notice with an explanation of how Councilmembers and the public may participate and stating the right of the public to monitor the meeting, as well as the recording and preparation of meeting minutes.
 - h. Only matters that are approved by the City Manager and Mayor based on their determination that the matters are pressing and require prompt action by the Council may be considered when a meeting is conducted pursuant to these procedures.
3. The City Clerk shall initiate the meeting by telephone, electronically, or through other means not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the City Clerk shall make one attempt to re-initiate the connection.

Section 3. That the City Clerk is hereby directed to cause the publication of this Ordinance in the Fort Collins Coloradoan no later than March 24, 2020.

Introduced, considered favorably by at least five (5) members of the Council of the City of Fort Collins and finally passed as an emergency ordinance and ordered published this 20th day of March, 2020.

Kustini Stephens
Mayor Pro Tem

ATTEST:

Stephan Caldwell
City Clerk

