

RESOLUTION NO. 107
OF THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL
AUTHORITY EXTENDING THE STATE OF LOCAL EMERGENCY DECLARED BY
THE EXECUTIVE DIRECTOR AND AUTHORIZING REMOTE PARTICIPATION IN
MEETINGS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY

WHEREAS, the Fort Collins Urban Renewal Authority (the "Authority") was established in 1982 under and in accordance with the Colorado Urban Renewal Law, Colorado Revised Statutes ("C.R.S.") § 31-25-101, et seq.; and

WHEREAS, in accordance with the Colorado Disaster Emergency Act ("Act"), C.R.S. § 24-33.5-704, on March 10, 2020, Governor Jared Polis, by proclamation, declared a state of emergency in Colorado to provide access to resources and legal flexibility, and protect vulnerable communities, all to better contain the outbreak of the COVID-19 virus; and

WHEREAS, in accordance with C.R.S. § 24-33.5-709, a local disaster may be declared only by the principal executive officer of the City ("City Manager"), and shall not be continued for a period in excess of seven days, absent the consent of the City Council; 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 of Fort Collins (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 (the "City Proclamation"); and

WHEREAS, on March 20, 2020, pursuant to C.R.S. § 24-33.5-709(1) the City Council authorized, approved, and consented to the continuation of the state of Local Emergency as proclaimed in the City Proclamation until such time as the City Manager determines in writing that the conditions justifying the Local Emergency no longer exist and such written determination is filed with the Office of the City Clerk; and

WHEREAS, on May 27, 2020, the Executive Director of the Authority declared a Local Emergency, attached hereto as Exhibit "A," and incorporated herein by this reference, authorizing the Authority to hold meetings of the Commissioners of the Authority by telephone, electronically, or by other means of communication, provided that certain required conditions are met; and

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

WHEREAS, the Authority desires to follow the lead of the City and enact temporary procedures to authorize remote participation in Authority meetings; and

WHEREAS, in light of the potential for Commissioners to be isolated and unable to physically meet together for a meeting of the Board of Commissioners of the Authority (the

“Board”) in order to conduct Authority business, the Authority desires to follow the lead of the City and enact temporary procedures to authorize remote participation in Board meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FORT COLLINS URBAN RENEWAL AUTHORITY AS FOLLOWS:

Section 1. That the Authority hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That the Authority hereby authorizes, approves, and consents to the continuation of the state of Local Emergency until such time as the Executive Director determines in writing that the conditions justifying this Local Emergency no longer exist, in alignment and for so long as the City Local Emergency continues.

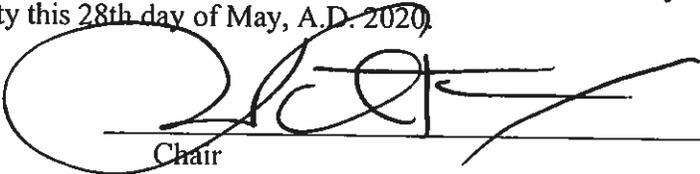
Section 3. That the Authority hereby finds that an emergency exists to immediately enable the Board to use technology to remotely participate in meetings of the Board and its committees and by doing so allow the Board to conduct official business and avoid circumstances that might otherwise prevent the Authority from carrying out its responsibilities, now and in the future.

Section 4. That the Authority hereby adopts the following special provisions for Board meetings during a proclaimed state of Local Emergency to supplement, and supplant conflicting provisions of, the Bylaws of the Board of Commissioners of the Fort Collins Urban Renewal Authority (the “Bylaws”), as follows:

1. In the event the Board is unable to conduct its regular meeting at the day, hour, and place fixed by Section 1, Article III of the Bylaws or at a special meeting pursuant to Section 2, Article III of the Bylaws because meeting in-person would not be prudent due to a public health emergency, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum participation.
2. Meetings of the Board and all of its 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, subject to the following conditions:
 - a. The Executive Director or Chair determines that the meeting in person would not be prudent because of a public health emergency;
 - b. All members of the Board 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 Board 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 Board votes and other dialogue, in a manner designed to provide maximum information sharing and participation;
 - e. At least one member of the Board must be present at the physical meeting location,

- unless not feasible due to the public health emergency or other unforeseen circumstances;
- f. For clarity, no quasi-judicial matters will be heard or considered;
 - g. All votes must be conducted by roll call;
 - h. All other meeting-related requirements must be met, including advance notice with an explanation of how the Board 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; and
 - i. Only matters that are approved by the Executive Director, Chair and Vice Chair based on their determination that the matters are pressing and require prompt action by the Board may be considered when a meeting is conducted pursuant to these procedures.
3. The Secretary 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 Secretary shall make one attempt to re-initiate the connection.

Passed and adopted at a regular meeting of the Board of Commissioners of the City of Fort Collins Urban Renewal Authority this 28th day of May, A.D. 2020.


Chair

ATTEST:


Secretary



MAY ²⁷, 2020

**FORT COLLINS URBAN RENEWAL AUTHORITY
DECLARATION OF LOCAL EMERGENCY**

WHEREAS, in accordance with the Colorado Disaster Emergency Act (“Act”), C.R.S. § 24-33.5-704, on March 10, 2020, Governor Jared Polis, by proclamation, declared a state of emergency in Colorado to provide access to resources, legal flexibility, and protect vulnerable communities, all to better contain the outbreak of the COVID-19 virus; and

WHEREAS, in accordance with C.R.S. § 24-33.5-709, a local disaster may be declared only by the principal executive officer of the City (“City Manager”), and shall not be continued for a period in excess of seven days, absent the consent of the City Council; 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 of Fort Collins (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 (the “City Proclamation”); and

WHEREAS, on March 20, 2020, pursuant to C.R.S. § 24-33.5-709(1) the City Council authorized, approved, and consented to the continuation of the state of Local Emergency as proclaimed in the City Proclamation until such time as the City Manager determines in writing that the conditions justifying the Local Emergency no longer exist and such written determination is filed with the Office of the City Clerk; and

WHEREAS, the Fort Collins Urban Renewal Authority (the “Authority”) is a duly constituted urban renewal authority, established and operating pursuant to the laws of the State of Colorado, and in particular the provisions of C.R.S. § 31-25-104; and

WHEREAS, the Authority desires to follow the lead of the City and proclaim a local disaster emergency as set forth in this Declaration.

NOW, THEREFORE, I, DARIN ATTEBERRY, EXECUTIVE DIRECTOR OF THE FORT COLLINS URBAN RENEWAL AUTHORITY, DECLARE, PROCLAIM, AND DIRECT THE FOLLOWING:

Section 1. That the COVID-19 virus constitutes a local disaster for the City which endangers the health, safety and welfare of the entire community and emergency action is required to avert such danger.

Section 2. That the effect of this Declaration of Local Emergency shall be to activate the powers of the Authority in the event of a declaration of local emergency, including the ability to hold meetings of the commissioners of the Authority by telephone, electronically, or by other means of communication, provided that all required conditions are met.

Section 3. The Executive Director shall take reasonable and practical measures to ensure that:

- (a) Each such meeting is open to the public at all times;
- (b) Each such meeting provides citizens a reasonable opportunity to be heard; and
- (c) A reliable and public record is made and kept of each Commissioner's vote cast at any at any such meeting.

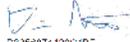
Section 4. Due to the emerging nature of the COVID-19 pandemic, this Declaration may be amended as necessary to protect public safety, health, and welfare.

Section 5. This Declaration shall be effective upon the date and time given below and shall remain in effect for a period not to exceed seven (7) days thereafter except by as permitted by a resolution of the Authority passed by a majority of the Commissioners of the Authority.

Section 6. The Recording Secretary is directed to copy this Declaration in the official records of the Authority.

Dated: May ²⁷____, 2020.

FORT COLLINS URBAN RENEWAL
AUTHORITY,
by and through its Executive Director

DocuSigned by:

2335697442004D

DARIN ATTEBERRY