

A RESOLUTION TEMPORARILY SUSPENDING RESOLUTION 2021-63 TO REQUIRE THE CONDUCT OF PUBLIC MEETINGS BY ELECTRONIC MEANS IN THE ABSENCE OF A DECLARED EMERGENCY THROUGH NOVEMBER 30, 2021

NO. 2021-91

WHEREAS, pursuant to the Charter of the City of Commerce City (“Charter”), the City Council of the City of Commerce City (“City”) has all legislative powers and functions of municipal government as reserved to it by the Colorado Constitution and the laws of the state of Colorado;

WHEREAS, pursuant to Ordinance 2291, during a declared emergency or disaster in the City relating to an epidemic or other incident where the nature of the physical environment presents a risk to public health, as a result of the emergency or disaster, the City Manager would be authorized to conduct virtual meetings by electronic means;

WHEREAS, pursuant to Resolution 2021-63, the City Council authorized the conduct of limited virtual or hybrid meetings for City boards and commissions and the City Council and its committees in limited circumstances in the absence of a declared disaster or emergency;

WHEREAS, pursuant to Section 4.21 of the City Charter and Section 2-2001 of the Commerce City Revised Municipal Code, the City Council may, by motion or resolution, change the date, time, or location of any regular meeting or study session;

WHEREAS, the City Council, due to the continued presence and spread of COVID-19 in Adams County, desires to temporarily change the location of regular meetings and study sessions and to remove the restriction on the conduct of quasi-judicial hearings by electronic means for the protection of the health, safety, and welfare of the public and City officials and staff;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The City Council finds and determines that:

- a. conducting public meetings at this time in the physical presence of the public is dangerous and requiring the physical attendance of City Council and City staff is impractical, imprudent, and dangerous to the public health;
- b. Conducting meetings in a manner that provides either telephonic or video access to the discussion of public business and formal actions and the ability to comment in writing or by other means provides for meetings that are open to the public and a reasonable opportunity to be heard, consistent with the Charter and the Colorado Open Meetings Law; and
- c. The passage of this resolution is necessary for the preservation of the public health, safety, and welfare for the reasons set forth in this ordinance.

SECTION 2. Suspension of Resolution 2021-63; Expiration.

- a. Resolution 2021-63 is suspended until the expiration or repeal of this resolution.

- b. This resolution shall expire automatically at midnight on November 30, 2021, unless earlier repealed by the City Council.

SECTION 3. Conduct of City Council Meetings by Electronic Means.

- a. Notwithstanding any provision of Resolution 2021-63, all City Council meetings, including regular and special meetings, study sessions, committee meetings, quasi-judicial hearings, and meetings of the Commerce City Urban Renewal Authority and any general improvement district shall be held by Electronic Means, as defined in and according to the procedures, requirements, and limitations established in Section 2 of Ordinance 2291, even in the absence of a declared emergency or disaster.
- b. A quorum may be established by the attendance of members through Electronic Means.
- c. Joint meetings with another entity may occur in person unless the use of similar electronic means is authorized by such entity.

SECTION 4. Conduct of Board & Commission Meetings.

- a. Notwithstanding any provision of Resolution 2021-63, all City board and commission meetings, including regular and special meetings, study sessions, and quasi-judicial hearings, shall be held by Electronic Means, as defined in and according to the procedures established in Ordinance 2291 even in the absence of a declared emergency or disaster.
- b. Notwithstanding the foregoing, a board or commission meeting may be held in person or in a hybrid format if the City Manager determines that: (i) conducting the meeting entirely through Electronic Means is not necessary the protection and safety of the public, the body, and staff or the preservation of City resources; and (ii) adequate staff and technology resources are available to conduct the meeting in another format.
 - a. During a meeting held pursuant to this section, members of the public shall not be entitled or permitted to be present in any physical location where the meeting occurs unless the City Manager determines that adequate staff and resources are available to conduct the meeting in a safe manner.
 - b. A quorum may be established by the attendance of members of the body through Electronic Means.
 - c. The Liquor Authority and Marijuana Authority may continue to conduct hearings and meetings through Electronic Means pursuant to their rules of procedure.

RESOLVED AND PASSED THIS 20TH DAY OF SEPTEMBER 2021.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk