

ORDINANCE NO. 2504

INTRODUCED BY: ALLEN-THOMAS, CHACON, DOUGLAS, FORD, HURST,
HUSEMAN, KIM, MADERA, NOBLE

AN ORDINANCE AMENDING THE COMMERCE CITY REVISED MUNICIPAL CODE TO REVISE SECTION 2-2001 CONCERNING REGULAR MEETINGS AND STUDY SESSIONS; ADDING A NEW SECTION 2-2004 CONCERNING EMERGENCY MEETINGS; AND REPEALING AND REPLACING ORDINANCE 2291

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, Section 4.21 of the Charter requires that the City Council shall provide, by ordinance, the time, place, and number of regular council meetings each month; and

WHEREAS, Section 2-2001 of the Commerce City Revised Municipal Code (the “Code”) describes the times, place, and number of regular meetings of the City Council limiting such regular meetings to the civic center;

WHEREAS, the presence of COVID-19 provided the City with experience holding regular, special, and emergency meetings through electronic means without sacrificing the opportunity for public participation;

WHEREAS, in anticipation of the formal codification allowing for electronic meetings, the City Council has already adopted by Resolution 2023-35 on March 17, 2023, setting electronic meeting procedures, the effective date of which is dependent upon the codification of an amendment to the Commerce City Revised Municipal Code, as contemplated herein;

WHEREAS, the Code does not contain provisions concerning holding emergency meetings; and

WHEREAS, the City Council desires to amend Section 2-2001 of the Code to allow for meetings by electronic means, add a new Section 2-2004 to the Code describing emergency meetings and allowing actions to be taken subject to future ratification; and repeal Ordinance 2291.

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

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

- a. The City Council has conducted telephonic, video, and hybrid meetings during the COVID-19 emergency and learned that conducting meetings through electronic means does not detract from the conduct of public business but permits opportunity for greater

- public involvement including the reasonable opportunity to be heard consistent with the Charter and the Open Meetings Law, §§ 24-6-401, *et seq.*; and
- b. The City's experience holding remote or hybrid meetings in which some or all of the participants, including the public, are using electronic means allows for more effective and efficient meetings; and
 - c. In emergency situations, such electronic meetings allow for emergency meetings to occur more effectively without jeopardizing the health and safety of the public, elected officials and City staff; and
 - d. The passage of this ordinance is necessary for the preservation of the public health, safety, and welfare for the reasons set forth in this ordinance.

SECTION 2. Repeal and Replace. Section 2-2001 of the Commerce City Revised Municipal Code is hereby repealed and replaced to read in full as follows:

Sec. 2-2001. - Regular meetings and study sessions.

- (a) Regular meetings of the city council shall commence at 6:00 p.m. on the first and third Mondays of each month and study sessions of the city council shall commence at 6:00 p.m. on the second and fourth Mondays of each month in one or more of the following places as identified in the notice posted on the city's website: (a) the civic center located at 7887 E. 60th Avenue, Commerce City, Colorado, or (b) by electronic means.
- (b) By motion, the city council may change the time of, the location of, or cancel any regular meeting or study session of the city council.
- (c) As used in this section, "electronic means" includes a telephone, video, or web-based conferencing service used by the City that:
 - (1) Allows all councilmembers, the city manager, city clerk, city attorney and city staff to adequately hear and communicate with each other;
 - (2) Allows the public to hear and view, if the meeting is visible and the person has adequate technological connection, the meeting, public statements by councilmembers and staff, city council votes, and materials presented to councilmembers; and
 - (3) Allows for public comment in accordance with applicable council policies.

SECTION 3. Add New Section 2-2004. A new Section 2-2004 entitled "Emergency meetings" is added to the Commerce City Revised Municipal Code to read in full as follows:

Sec. 2-2004. – Emergency Meetings. In case of an emergency requiring immediate action of the city council to protect public health, safety or welfare, the city council may convene an emergency meeting without any advance public notice or with such limited advance public notice as the mayor finds feasible under the circumstances. Such meetings may be held at any time and in any manner available to the city. At such emergency meeting, the city council may take any action within its authority that is necessary for the immediate protection of public health, safety or welfare. Any action taken at an emergency meeting shall be effective until the next meeting that complies with the notice requirements of the Colorado Open Meetings Law, §§ 24-6-401, *et seq.* and, at which, a quorum of city council appears. During that meeting, city council may ratify any action taken at the emergency meeting. The agenda and posted public notice for that meeting shall include the question of ratifying such emergency action. If the city council fails to ratify any such emergency action taken, that action shall be deemed rescinded but shall remain effective for the period of time from its approval until its rescission.

SECTION 4. Effect on Existing Laws; Repeal. All ordinances, resolutions, and policies of the City that are inconsistent with this ordinance are superseded by this ordinance to the extent of such inconsistency. Ordinance 2291 is hereby repealed.

SECTION 5. Effective Date. This ordinance shall be effective immediately upon passage on second and final reading.

INTRODUCED, PASSED ON FIRST READING, AND PUBLIC NOTICE ORDERED
THIS 3RD DAY OF APRIL 2023.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 17TH DAY OF APRIL 2023.

CITY OF COMMERCE CITY, COLORADO

Benjamin A. Huseman, Mayor

ATTEST

Dylan A. Gibson, City Clerk