

RESOLUTION NO. ____-20

A RESOLUTION SUSPENDING THE RULES OF THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS DURING THE PERIOD OF THE STATE OF EMERGENCY DECLARED FOR THE CITY OF COLORADO SPRINGS AND RESULTING FROM A PUBLIC HEALTH EMERGENCY CAUSED BY THE 2019 NOVEL CORONAVIRUS

WHEREAS, the Governor of the State of Colorado issued a declaration of emergency effective as of March 10, 2020, as the result of the public health emergency caused by confirmed cases in the State of Colorado of the contagious 2019 Novel Coronavirus (“COVID-19”); and

WHEREAS, pursuant to City Code § 8.7.103(A), the Mayor of the City of Colorado Springs issued a Proclamation and Declaration of Emergency within the City of Colorado Springs, effective as of March 10, 2020, as the result of COVID-19; and

WHEREAS, on March 15, 2020, the Centers for Disease Control and Prevention (“CDC”), provided interim guidance related to large events and mass gatherings, and recommended that organizers cancel or postpone in-person events that consist of fifty (50) people or more throughout the United States; and

WHEREAS, the City Council of the City of Colorado Springs has determined that as a result of the public health emergency caused by COVID-19 it is necessary to suspend certain City Council Rules and Procedures of City Council (the “City Council Rules”) requiring City Councilmembers to be physically present at meetings of the City Council; and

WHEREAS, Rule 10-3 of the City Council Rules allows City Council to suspend its rules by a majority vote of all members of City Council; and

WHEREAS, City Council finds that it is necessary and appropriate as a result of the declaration of emergency related to COVID-19 to suspend provisions of Part 2 of its City Council Rules to permit electronic or telephonic meetings, including, but not limited to providing for electronic or telephonic attendance and participation by the public for meetings of City Council; and

WHEREAS, City Council further finds that during the period of the declared emergency, a City Councilmember’s presence may be achieved through that City Councilmember’s electronic or telephonic participation in a meeting such that the Councilmember’s physical presence at the meeting is not required; and

WHEREAS, City Council recognizes that having electronic or telephonic meetings may limit the public's ability to participate in quasi-judicial matters as ordinarily contemplated by law and under the City Council Rules; and

WHEREAS, City Council wishes to postpone all quasi-judicial matters to a date after April 20, 2020.

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

Section 1. In accordance with Rule 10-3 of the City Council Rules, City Council hereby suspends those sections of City Council Rules 2-1, 2-2, 2-3, 3-2, and 3-7 which require City Councilmembers to attend Work Session, Regular Session, and Special Session City Council meetings in person, and hereby authorizes electronic or telephonic meetings and electronic or telephonic attendance, including, but not limited to providing for electronic or telephonic attendance and participation by the public. Under no circumstances may a closed executive session be conducted electronically or telephonically. The City Council President shall determine whether a meeting will be held electronically or telephonically or whether it should be held in person, and will provide notice of the President's decision in the notice of the meeting posted pursuant to City Charter § 3-60(d), and its incorporated Open Meetings Law, C.R.S. § 24-6-402.

Section 2. City Council hereby authorizes all of its advisory boards and commissions established pursuant to City Code §§ 1.2.901 *et seq.*, to conduct meetings electronically or telephonically, to permit board or commission member attendance by electronic and telephonic means, and to provide for electronic or telephonic attendance and participation by the public.

Section 3. City Council finds and declares that a City Councilmember's presence at a City Council meeting may be achieved by participation in the meeting electronically

or telephonically such that physical presence is not required. For the duration of the effectiveness of this Resolution, City Council further finds and declares that electronic or telephonic participation by a City Councilmember shall satisfy the requirements of City Council Rules 3-2 and 3-7.

Section 4. City Council authorizes City staff to take all actions and provide all public notices needed to effectuate electronic or telephonic City Council or advisory board or commission meetings and participation.

Section 5. City Council hereby postpones all public hearings regarding quasi-judicial matters to the next regularly scheduled Regular Session meeting after April 20, 2020 of the City Council, or to the next scheduled meeting after April 20, 2020 of any advisory board or commission hearing quasi-judicial items.

Section 6. This Resolution shall take effect as of the date and time of its approval and shall be effective until May 1, 2020.

DATED at Colorado Springs, Colorado, this _____ day of _____, 2020.

Council President

ATTEST:

Sarah B. Johnson, City Clerk