

CITY OF SALIDA, COLORADO
RESOLUTION NO. 42
(Series of 2020)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, AMENDING, CONSOLIDATING AND CLARIFYING THE CITY'S ELECTRONIC PARTICIPATION POLICY FOR USE IN THE EVENT OF A LOCAL EMERGENCY DECLARATION

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the State of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to Section 24-33.5-709 of the Colorado Revised Statutes, the City has the authority to declare a local disaster or emergency; and

WHEREAS, pursuant to Salida Municipal Code (“Code”) Section 2-17-10, the City proclaimed a local state of emergency on March 13, 2020; and

WHEREAS, the City Council ratified the emergency declaration on March 17, 2020, and has since approved numerous Declarations of Extension of Local State of Emergency which also have implemented the City of Salida’s COVID-19 Action Plan; and

WHEREAS, also on March 17, 2020, because City government must continue to operate during a local disaster, pandemic or emergency, while taking measures to protect the health and welfare of its employees, officials and citizens, the City Council approved Resolution 2020-11 adopting an Electronic Participation Plan for Use in the Event of a Local Emergency Declaration; and

WHEREAS, to further assist participation in City government, while protecting the health and safety of all City residents, employees and businesses, in April 2020 the City Clerk announced and distributed instructions in entitled “How to Participate in Virtual City of Salida Meetings,” and in June 2020 the Community Development Director and the City Planning Commission approved and implemented “Procedures for Quasi-Judicial Hearings in Adherence to COVID-19 Precautions;” and

WHEREAS, City Council has determined that it is in the best interest of the public health, welfare, and safety of the residents of the City of Salida to amend and update its previously adopted Emergency Electronic Participation Policy, which also combines and clarifies all other City guidance relating to remote or virtual participation in public meetings and hearings.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALIDA, COLORADO, THAT:

Section 1. The Salida City Council incorporates the foregoing recitals as its conclusions, facts, determinations and findings.

Section 2. City of Salida Resolution 2020-11 is hereby repealed and replaced by this Resolution 2020-42.

Section 3. A Council member's participation in a Council meeting by electronic means pursuant to the following policy shall constitute attendance at the meeting for purposes of Salida Municipal Code section 2-2-60. A City board or commission member's participation in a City board or commission meeting by electronic means pursuant to the following policy shall constitute attendance at the meeting for purposes of Salida Municipal Code section 2-7-50.

**ELECTRONIC PARTICIPATION POLICY
FOR CITY COUNCIL MEETINGS AND MEETINGS OF CITY BOARDS AND
COMMISSIONS DURING A LOCAL DISASTER EMERGENCY**

I. Purpose.

The purpose of this Policy is to specify the circumstances and means under which the City Council, and City boards and commissions, shall conduct regular and special meetings by telephone, internet, online or other electronic means of participation, such as video-conferencing that is clear, uninterrupted and allows two way communication for the participating members ("Electronic Participation").

II. Statement of General Policy.

The City Council, or a City board or commission, may conduct regular or special meeting and allow for Electronic Participation, upon the City's declaration of a local disaster emergency pursuant to Colorado Revised Statutes Section 24-33.5-709.

A. Emergency Situations.

Meetings may be held by telephone, internet, online, electronically, or by other means of communication if all of the following conditions are met:

1. A local disaster emergency has been declared pursuant to Section 24-33.5-709, Colorado Revised Statutes; and
2. All members of the City Council, or of the City board or commission, and at least one City staff member can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation; and
3. Members of the public can hear the City Council's, or City board or commission's, proceedings and are afforded opportunities to participate in public comment; and
4. All substantive votes are conducted by roll call.

III. Effect of Electronic Participation.

A. Quasi-Judicial Matters.

1. In the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature at a meeting at which this policy is in effect, the City shall advise the applicant and public of such circumstances.

2. City Councilmembers, Board members and Commissioners, applicants, staff and the public are asked to attend meetings virtually whenever possible utilizing the City's GoToWebinar platform. The GoToWebinar link will be at the top of the agenda. Questions may be submitted in writing up to 12pm the day of the meeting at publiccomment@cityofsalida.com. The meeting may also be viewed on the City of Salida Colorado YouTube channel, or Channel 191 on Charter Cable.

3. The in-person and/or electronic attendance and participation of City Councilmembers, Board members, Commissioners, applicant, appellant, staff and the public shall be governed by the City of Salida Action Plan and which listed "Tier" or "Level" of the pandemic the City is in at the time of the hearing.

4. If public in-person participation is permitted by the City of Salida Action Plan for the applicable "Tier" or "Level," there are limited opportunities for the public to attend the meeting in person and give testimony. During those opportunities, the City asks for the public's patience as it implements the following precautions:

- a. Six feet of social distancing required inside and outside the Council Chambers;
- b. Masks must be worn;
- c. Members of the public who wish to provide testimony in-person may wait outside the building by the northwest entrance after completing the public hearing sign-in. Each speaker will be escorted from outside to the lectern individually for their comments. After speaking they must exit the Chambers and the next speaker will be ushered in;
- d. Those requesting to attend in-person must not have any symptoms such as fever or chills, cough, shortness of breath or difficulty breathing, fatigue and muscle or body aches. The self-evaluation symptoms will be posted outside the entrance to the Council Chambers;
- e. We request speakers limit their time giving testimony to three minutes each.

5. The order of the quasi-judicial hearing shall be:

- a. Staff report and recommendation followed by questions from the Council, Board or Commission;
- b. Applicant presentation followed by questions from the Council, Board or Commission;
- c. Chair shall invite the public to speak in the following order:
 - (i) In-person speakers, followed by
 - (ii) On-line speakers.
- d. Close the public hearing for discussion amongst the Council, Board or Commission.
- e. Motion is made; seconded and Council, Board or Commission vote.

B. Executive Sessions.

In the event that the City Council, or City board or commission, holds an executive session pursuant to Section 24-6-402, Colorado Revised Statutes, participants shall be authorized to attend via Electronic Participation. Any executive session conducted under this policy shall be recorded electronically as provided for by statute.

IV. How to Participate Electronically in Virtual City of Salida Meetings

A. How to Comment During the Live Meeting by Web or Phone:

1. Join the live meeting through the web link or phone number (with access code) provided at the top of all meeting agendas.
2. You will be joined into the meeting and automatically muted.
3. If you would like to provide Public Comment, via smartphone, please type in the question box indicating you would like to speak. After all smartphone requests have been addressed, all participants will be unmuted and we will reach out by last names. (For example, the Mayor or meeting Chair may say: “Now is the time for public comment. All members of the public will be unmuted. Please mute yourself or keep background noise to a minimum. If your last name begins with A through F you may now speak.”)
4. Please only join via Go to Meeting or phone meeting if you intend to participate. If you wish to simply view the meeting, see below.

B. How to Comment in Advance of a Live Meeting:

1. Visit www.cityofsalida.com or <https://cityofsalida.com/library/meetings/> to review agendas and packets.
2. For City Council and Planning Commission Meetings: You may submit comments any time until noon on the day of the meeting by sending an email to publiccomment@cityofsalida.com.

V. Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including work sessions) of the City Council of the City of Salida, and to regular and special meetings of any official City board or commission, unless otherwise provided by the City Council.

RESOLVED, APPROVED, AND ADOPTED this 1st day of December, 2020.

CITY OF SALIDA

By: _____

P.T. Wood, Mayor

[SEAL]

ATTEST: _____

City Clerk/Deputy City Clerk