

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 15
SERIES 2020**

**A RESOLUTION EXTENDING THE EMERGENCY
DECLARATION OF THE CITY OF LEADVILLE AND
ESTABLISHING RULES AND PROCEDURES FOR
HOLDING REMOTE PUBLIC HEARINGS**

WHEREAS, on March 17, 2020, the City of Leadville declared a local disaster emergency due to the Novel Coronavirus (“COVID-19”) pandemic through its passage of Resolution No. 14, Series 2020, following similar emergency declarations by Lake County, the State of Colorado and the federal government; and

WHEREAS, on March 30, 2020, the President of the United States extended his guidelines for slowing the spread of COVID-19, which include social distancing and stay-at-home recommendations, until April 30, 2020; and

WHEREAS, the emergency conditions caused by the COVID-19 pandemic continue to persist and require additional and sustained action by the City; and

WHEREAS, the City Council of the City of Leadville is empowered by C.R.S. § 31-15-401(1)(b) to do all acts and make all regulations necessary or expedient for the promotion of health and the suppression of disease; and

WHEREAS, the City requires procedures to allow it to continue to provide government services, including public hearings, in a safe and expedient manner; and

WHEREAS, the City Council desires to extend its local emergency declaration due to the ongoing nature of the public health emergency and amend its virtual meetings policy to permit remote public hearings to permit government services to continue as efficiently as possible during the pandemic.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado as follows:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the City Council.

Section 2. Extension of Emergency Declaration. The local disaster emergency declared by Resolution 14, Series 2020 of the City of Leadville is hereby extended to and including May 5, 2020. The City Council may extend this local disaster emergency declaration by resolution or allow the disaster declaration to terminate, as circumstances require, at its regular meeting on May 5, 2020 or at a regular or special meeting held sooner than such date.

Section 3. Amended Virtual Meetings Policy. For the duration of the local disaster emergency in Leadville and to ensure the protection of the public health and safety of the general public, meetings of the City Council and City boards, committees and commissions may be held without the physical presence of all or some of the members, City staff or the public at a designated meeting location ("Virtual Meeting"). Such members, City staff, and the public may instead participate in Virtual Meetings via telephone, video conference, or other electronic means ("Electronic Participation").

- a. City Council members and members of City boards, commissions, or committees participating in a Virtual Meeting by any means of Electronic Participation shall be authorized to participate and vote on all legislative, administrative, and quasi-judicial matters.
- b. Public hearings, whether quasi-judicial or legislative in nature, may be held during a Virtual Meeting if the following conditions are met:
 1. In advance of the hearing, the City must advise the applicant, if applicable, that the public hearing will be held at a Virtual Meeting and present the applicant with options for proceeding with the application.
 2. Upon advance notice from the City of the Virtual Meeting, the applicant shall authorize the City, in writing, to proceed with one of the following options: (i) Conduct the public hearing under this policy with accommodations made for Electronic Participation by the public and for which meeting the applicant must waive any legal challenge to the hearing being conducted at a Virtual Meeting; or (ii) Suspend any and all review and decisions deadlines until such time that the local emergency is lifted and the City Council or City board, commission or committee can schedule a meeting at which an in-person quorum will be present.
 3. At the hearing, the applicant, if applicable, is able to hear or read all discussion, testimony and votes and to participate and respond to any question from City Council and the public;
 4. Members of the public must be afforded a reasonable opportunity to participate in the hearing through one or more means of Electronic Participation;
 5. Each document presented at the hearing is made available for review and is easily identifiable (e.g. through exhibit numbering) by the applicant, public participants and City Council, which may require submission and posting of hearing materials in advance of the Virtual Meeting;
 6. The public hearing is recorded; and
 7. City Council may continue a public hearing for reasons set forth in the Municipal Code to provide additional public participation, or upon request of the applicant.

- c. City Council may adopt rules of procedure to provide further guidance on conducting public hearings at Virtual Meetings.
- d. The standard for public participation at public hearings held during Virtual Meetings is substantial compliance. Technological errors preventing a particular member or members of the public from participating in a public hearing shall not invalidate the hearing proceedings or actions taken at such public hearing unless City Council determines that such error creates a failure to comply with due process requirements under applicable law.
- e. Electronic Participation is also available to City Council members and members of City boards, committees and commissions during an executive session; provided, however, that a separate conference call or electronic meeting number or code shall be provided to such members, the City Attorney, the City Administrative Services Manager, and other City staff members or other individuals specifically invited to participate in the executive session, in order to preserve the confidentiality of the executive session.
- f. The City Council may, by majority vote of the quorum present, discontinue the use of Electronic Participation by one or more members during a meeting where the participation results in delays or interference in the meeting process, such as where the connection is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening members are unable to hear speakers.
- g. Whenever the City holds Virtual Meetings pursuant to this policy, the following additional rules shall apply:
 - 1. All City Council members and members of City boards, commissions, or committees must be able to hear one another or otherwise communicate with one another, and be able to hear all discussion and testimony in a manner designed to provide maximum notice and participation;
 - 2. Members of the public participating must be able to reasonably hear all discussion, testimony, and votes to the greatest extent possible, but the inability of members of the public to fully participate via Electronic Participation shall not invalidate the action taken at a public meeting or public hearing;
 - 3. All votes held at the meeting shall be conducted by roll call;
 - 4. To the extent possible, full and timely notice shall be given to the public advising that a meeting will be a Virtual Meeting; and
 - 5. Participation in a regular or special City Council meeting by Electronic Participation in accordance with this policy shall be deemed attendance for purposes of determining a quorum in accordance with Section 2.08.020 of the Municipal Code.
- h. Whenever the public health emergency makes it imprudent or impossible for City Council, or any City board, commission, or committee, to meet at a previously

scheduled date and time, such meeting shall be deemed to be postponed until a quorum of the City Council or City board, commission, or committee is able to meet, not to exceed two (2) weeks.

- i. Any official act or meeting required to be performed at any regular location of the City Council is valid when performed at a Virtual Meeting.
- j. The provisions of this Section shall apply to all executive, legislative, and judicial branches, powers and functions conferred upon the City and its officers, employees, and authorized agents by the Colorado Constitution, Colorado statutes, the City Municipal Code.

Section 4. Conflict. If any provisions of this Resolution conflict with any provision of Resolution No. 14, Series 2020, the provisions of this Resolution shall control and supersede such conflicting provisions. The remaining provisions of Resolution No. 14, Series 2020 shall continue in full force and effect for the duration of the public health emergency.


Section 5. Effective Date. This Resolution shall be in full force and effect immediately upon adoption.

CITY OF LEADVILLE, COLORADO:

By: 

Greg Labbe, Mayor

ATTEST:



Deputy City Clerk

ADOPTED by a vote of 7 in favor and 0 against, and 0 abstaining, this 7th day of April, 2020.