



# CITY OF CAÑON CITY

**City Council**

City Council Chambers  
128 Main St., Cañon City, CO 81212  
(719) 269-9011 • [www.canoncity.org](http://www.canoncity.org)

**SPECIAL CITY COUNCIL MEETING**  
**March 19, 2020**  
**5:30 p.m.**

## **AGENDA**

**CALL TO ORDER:** Telephonic Meeting (call in details to follow)

**ROLL CALL:** COUNCIL MEMBERS DENNEHY, GONZALES, JAQUEZ,  
MEISNER, REED, B. SMITH, MAYOR PRO TEM HAMRICK,  
MAYOR SMITH.

**DISCUSSION:**

1. **Consideration of Resolution Number 8—Telephonic Participation for City Council Meetings**
2. **Consideration of Resolution Number 9—Emergency Declaration**
3. **Discuss possible closure of the Royal Gorge Bridge**

**ADJOURN:**

**Posted pursuant to Municipal Code on March 18, 2020**  
**Cindy Foster Owens, City Clerk**



# CITY OF CAÑON CITY

**City Clerk**

P.O. Box 1460 • 128 Main Street  
Cañon City, CO 81215-1460  
(719) 269-9011 • Fax: (719) 269-9017

TO: Mayor and City Council  
FROM: Ryan Stevens, City Administrator  
PREPARED BY: Cindy Foster Owens, City Clerk  
DATE: March 16, 2020  
RE: RESOLUTION 8, SERIES 2020

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In light of recent events, please consider RESOLUTION 8, SERIES 2020 entitled: A RESOLUTION APPROVING A TELEPHONIC PARTICIPATION FOR CITY COUNCIL MEETINGS.

Reviewed by City Attorney

RECOMMENDED ACTION: Please adopt Resolution 8, Series 2020.

ATTACHMENTS: Resolution 8, Series 2020 and information on Telephonic participation.

## **TELEPHONIC PARTICIPATION POLICY DURING CITY COUNCIL MEETINGS**

### **I. Purpose.**

The purpose of this Policy is to specify the circumstances under which a member of the City Council may participate in regular and special meetings by telephone. Telephonic participation has inherent limitations, because telephonic participation effectively precludes a member of the City Council from viewing documentary information presented during meetings, from fully evaluating a speaker's non-verbal language in assessing veracity or credibility, and from observing non-verbal explanations (e.g., pointing at graphs and charts) during a speaker's presentation or testimony. In addition, telephonic participation during executive sessions prevents the City from ensuring compliance with state law. The City Council finds that these limitations, inherent in telephonic participation, may produce inefficiencies in meetings, increase the expense of meetings, and may undermine the decision-making process.

### **II. Statement of General Policy.**

A member of the City Council may participate in a meeting of the City Council by telephone only in accordance with this Policy.

#### **A. *Non-Emergency Situations.***

Telephonic participation in non-emergency situations shall be made available and shall be limited as follows:

1. A member of the City Council may listen telephonically to any Council meeting. Such Council member listening via telephone, shall be deemed present for purposes of determining a quorum but only for meetings during which no quasi-judicial matters will be heard or considered. The member of City Council participate nor vote in a quasi-judicial public hearing; however, the Council member may maintain the telephonic connection and monitor and listen to the hearing. The member of City Council may participate and vote in legislative matters.

2. Listening telephonically is intended to be an infrequent or occasional substitution for physical attendance. The City Council may, by majority vote of a quorum present, declare a Council member's repeated use of telephonic participation excessive and deny a Council member's privilege to use telephonic participation for a specific meeting or meetings.

3. Telephonic participation shall not be available to a City Council member during an executive session.

4. The City Council may discontinue the use of telephonic participation by one or more members during a meeting where the participation results in delays or interference in the meeting process; e.g., where the telephone connection is repeatedly lost, the quality of the telephone connection is unduly noisy, or the listening member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

## **B. *Emergency Situations***

In the event a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the City Council, because meeting in person is not practical or prudent due to a health pandemic or emergency affecting the City, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum practical notice. Meetings may be held by telephone, electronically, or by other means of communication if all of the following conditions are met:

1. The City Administrator or the Mayor determines that meeting in person is not practical or prudent, because of a health pandemic or declaration of emergency affecting the City;
2. All members of the City Council 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;
3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the pandemic or emergency;
4. At least one member of the City Council is present at the regular meeting location, unless not feasible due to the pandemic or emergency declaration;
5. All votes are conducted by roll call;
6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and
7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some members of the City Council may participate by telephone, and the right of the public to monitor the meeting from another location.

## **III. *Effect of Telephonic Participation.***

Telephonic participation shall only constitute actual attendance for purposes of establishing a quorum for meetings during which no quasi-judicial matters will be heard or considered.

## **IV. *Limited Applicability of Policy.***

This Policy shall only apply to regular and special meetings (including study sessions) of the City Council of the City of Cañon City.

## **V. *Reasonable Accommodations.***

The City shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide handicapped members of the City Council full and equal access to City

Council meetings.

## **PARTICIPATION BY VIDEO-CONFERENCING POLICY IN A CITY COUNCIL MEETING**

### **I. Purpose.**

The purpose of this Policy is to specify the circumstances under which a member of the City Council may participate in regular and special meetings by video-conference. With advancements in communication equipment, meeting participation via video-conferencing has become a possibility. However, such participation has inherent limitations, because it is more difficult and may effectively preclude a City Council member from viewing all documentary information presented during meetings; from fully evaluating a speaker's non-verbal language in assessing veracity or credibility, and from observing all other contemporaneous activity associated with a speaker's presentation or testimony. In addition, participation via video conference during executive sessions prevents the City from ensuring compliance with state law. The City Council finds that these limitations, inherent in participation via video conferencing, may produce inefficiencies in meetings, increase the expense of meetings, and may undermine the decision-making process, particularly in quasi-judicial matters.

### **II. Statement of Policy.**

A member of the City Council may participate in a meeting of the City Council by video conference only in accordance with this Policy. Video-conferencing participation shall be made available and shall be limited as follows:

- A. Participation via video conference shall be made available to a City Council member when such member's absence would otherwise constitute an excused absence.
- B. Participation via video conference is intended to be an infrequent or occasional substitution for physical attendance. The City Council may, by majority vote of a quorum present, declare a Council member's repeated use of participation via video conference excessive and deny a Council member's privilege to use such participation for a specific meeting or meetings. In addition, such participation may not be available if the City is unable to assure that such participation affords the Council member participating via video conference full two-way access and communication to such meeting.
- C. Participation via video conferencing must permit clear, uninterrupted, and two-way communication for the participating City Council member.
- D. A Council member may neither participate nor vote in a quasi-judicial public hearing; however, the Council member may maintain the video connection and monitor and listen to the hearing.
- E. Participation via video conference shall not be available to a Council member during an executive session.
- F. The City Council may discontinue the use of participation via video conferencing where such participation results in delays or interference in the meeting process; e.g.,

where the video or audio connection is repeatedly lost, the quality of the connection is unduly noisy, or a participating member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

### **III. Arranging for Video Participation.**

A. To arrange to participate via video conferencing, a Council member shall:

1. Contact the Mayor, City Administrator, or City Clerk in advance of the meeting to determine if an arrangement for such participation via video conference is possible. Council members shall endeavor to advise the City of their intent to participate via video conference at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation.

2. The City shall initiate the video contact not more than 10 minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the City Clerk shall make one attempt to re-initiate the connection unless the City Council instructs to discontinue the video participation in accordance with II(F) above.

### **IV. Effect of Video Participation.**

Video participation shall constitute actual attendance for purposes of establishing a quorum or for any other purpose.

**RESOLUTION NO. 8, SERIES OF 2020**

**TITLE: A RESOLUTION APPROVING A TELEPHONIC PARTICIPATION POLICY FOR CITY COUNCIL MEETINGS**

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF CAÑON CITY, as follows:**

1. The Telephonic Participation Policy During City Council Meetings, attached hereto as **Exhibit A**, is hereby adopted by the City.

Dated this 16 day of March, 2020.

\_\_\_\_\_  
Ashley Smith, Mayor

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Cindy Foster Owens, City Clerk (attest)

**RESOLUTION NO. \_\_, SERIES OF 2020**

**TITLE: A RESOLUTION DECLARING A LOCAL DISASTER EMERGENCY IN AND FOR THE CITY OF CAÑON CITY, COLORADO**

**WHEREAS**, the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), provides procedures for statewide and local prevention of, preparation for, response to, and recovery from disasters and emergencies;

**WHEREAS**, pursuant to the Act, an "emergency" is an unexpected event that places life or property in danger and requires an immediate response through the use of state and community resources and procedures, and an "emergency epidemic" is cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins;

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709, such a local declaration of emergency activates the response and recovery aspects of any applicable disaster emergency plans and authorizes the furnishing of aid and assistance under such plans;

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709(1), any order declaring, continuing, or terminating a local disaster "shall be given prompt and general publicity and shall be filed promptly with the county clerk and recorder, city clerk...and with the office of emergency management"; and

**WHEREAS**, because of the COVID-19 pandemic, which was recognized by the Governor of the State of Colorado on March 10, 2020, the City of Cañon City is suffering and has suffered a disaster emergency as defined in the Act.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF CAÑON CITY**, as follows:

Section 1. A disaster emergency is declared in and for the City of Cañon City, Colorado until **April 6, 2020**, unless sooner terminated or extended by action of the City Council.

Section 2. This Resolution shall be given prompt and general publicity, filed immediately with the City Clerk, and a copy of it shall be sent to the Fremont County Clerk and Recorder as well as to the Colorado Office of Emergency Management.

Dated this \_\_\_ day of March, 2020.

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Ashley Smith, Mayor

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Cindy Foster Owens, City Clerk