

O-2021-22

AN ORDINANCE

AMENDING TITLE 2, CHAPTER 2.02, OF THE MUNICIPAL CODE OF THE CITY OF LAKEWOOD, COLORADO, IN CONNECTION WITH THE ADOPTION OF RULES AND PROCEDURES FOR CALLING AND HOLDING EMERGENCY CITY COUNCIL MEETINGS

WHEREAS, Section 2.15 of the City of Lakewood (the "City") home rule charter (the "Charter") provides that the City Council shall establish, by ordinance, notification procedures for holding emergency meetings;

WHEREAS, the Lakewood Municipal Code does not currently address emergency meetings;

WHEREAS, the City Council adopted rules and procedures for calling and holding emergency city council meetings as part of a declaration of emergency within Ordinance 2020-11;

WHEREAS, upon rescinding Ordinance 2020-11 at the conclusion of the State of Emergency, the City Council will no longer have adopted procedures for holding emergency meetings in conformance with Charter Section 2.15;

WHEREAS, in order to preserve the City's peace, health and safety, the City Council desires to establish procedures for holding emergency meetings either virtually or in a location other than the Lakewood Civic Center;

WHEREAS, in light of the possibility that public facilities can be closed with little or no warning as the result of a public health or other emergency, the City Council further desires to adopt this ordinance as an emergency ordinance;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Adoption of Title 2, Chapter 2.02, Section 2.02.040. Title 2, Chapter 2.02, Section 040 of the Lakewood Municipal Code shall be adopted as follows:

2.02.040 Emergency Meeting Rules and Procedures.

An emergency meeting of the City Council may be called and convened as follows:

A. Any four (4) members of the City Council may call an emergency meeting by providing notice to each member of the City Council by telephone or email, and when possible, by serving each Councilmember personally, or by leaving such notice at his or her usual place of residence.

B. Notice. Notice of an emergency meeting shall be provided as set forth above and shall identify the nature of the emergency, the purpose of the meeting (if different), and the date, time and location of the meeting.

C. Location. The meeting location shall be:

1 The Lakewood Civic Center; or

2 If the Civic Center has been closed by public health authorities or other governing authority, then in a building situated within the jurisdictional boundaries of the City where the public may congregate.

If no location as described in subsection 2 hereof is reasonably available, the meeting may be held in accordance with section E below.

D. Virtual Meetings. In the event an emergency meeting is properly called and noticed pursuant to A and B above, such meeting may be held by telephone, electronically or other means of communication only if each of the following conditions are met:

1. The members of the City Council calling the meeting determine meeting in person is neither practical nor prudent due to 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 participation;

3. No quasi-judicial matters will be heard, and no sworn testimony will be taken;

4. To the extent feasible, the public is provided an opportunity to listen to or otherwise monitor the meeting in real time;

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: (i) the date and time of the meeting; (ii) the fact that the meeting will be conducted by telephone, electronically or another means of communication; and (iii) that the public may listen to or otherwise monitor the meeting electronically. The notice should include information on the methods by which the meeting can be monitored and the ways in which the public may participate in the meeting.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a virtual regular meeting of the Lakewood City Council on the 26th day of July, 2021; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 29th day of July, 2021; set for public hearing to be held on the 9th day of August, 2021, read, finally passed and adopted by the City Council on the 9th day of August, 2021 and, signed by the Mayor on the _____ day of August, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney