

ORDINANCE NO. 039, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CITY CODE TO PROVIDE ADDITIONAL
PROCEDURAL OPTIONS FOR THE CONDUCT OF CITY
COUNCIL MEETINGS

A. Division 2 of Article II of Chapter 2 of the City Code contains provisions relating to attendance at and conduct of City Council meetings.

B. The City Council most recently updated the provisions of that Division in October 2021, at which time Council enacted provisions addressing the use of remote technology, updating the structure of public comment at Council meetings, and clarifying the process for removing items from the Consent Calendar, among other revisions.

C. Experience with these provisions and procedures in recent months has highlighted the need for additional flexibility to manage disruption of meetings and utilize remote technology to allow the Council to carry out its business.

D. Council desires to revise the Code to implement updated procedures and allow additional flexibility as needed, as more specifically described in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 2-26 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-26. Definitions.

For purposes of this Division, the following words, terms and phrases shall have the meanings ascribed to them in this Section:

...

Meeting shall mean any gathering of a quorum or three (3) or more members, whichever is fewer, of the City Council or any Council committee, at which any public business is discussed or at which any formal action may be taken but shall not mean any chance meeting or social gathering at which the discussion of public business is not the central purpose. Electronic mail communications to or from City Councilmembers shall not constitute meetings of the City Council, or of a Council committee, **except as provided by applicable Colorado open meetings law** ~~unless a quorum or three (3) or more members of the City Council, whichever is fewer, arrange in advance to simultaneously communicate by electronic means.~~

Present and voting shall mean physically present while participating in a Council regular or special meeting. However, in the event the Mayor, or City Council by majority vote, determines at any time that circumstances necessitate that Council conduct all or a portion of a regular or special meeting using remote technology, Councilmembers shall be considered present and voting when participating using remote technology, and may fully participate and vote in that meeting using remote technology.

For the purpose of any Council committee meeting, *present and voting* shall mean either being physically present ~~at~~while and participating in a meeting or participating in a meeting using remote technology.

Using remote technology shall mean conducting or participating in any meeting by electronic means, provided any participating Councilmember:

(1) Appears using electronic means that include both full audio and video capability to enable hearing and seeing comment, testimony, discussion and action taken by the Councilmember, other Councilmembers present, and the public observing the meeting; and

(2) Appears live on camera and is audible in the meeting to those observing the meeting when establishing a quorum, when speaking and when voting.

Section 2. Section 2-28 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-28. Regular meetings.

...

(b) The place of such meeting shall be the Council Chambers of the City Hall unless the City Council, by majority action of a quorum of its members, directs that a meeting be held elsewhere. In the event circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the Council Chambers, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location or to a remote meeting using remote technologies, or may shift all public viewing and participation to remote technology. In the case of any such location change, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast. The meeting must then, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. When a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 3. Section 2-29 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (e) which reads in its entirety as follows:

Sec. 2-29. Special meetings.

...

(e) In the event circumstances prevent or are reasonably expected to prevent the Council from carrying out its business in the location stated in the call of a special meeting, the Mayor, or the Council by majority vote, may relocate or adjourn such meeting to an alternative location or to a remote meeting using remote technologies, or may shift all public viewing and participation to remote technology. In the case of any such location change, notice of the change must be prominently posted for the public at Council Chambers and the meeting broadcast. The meeting must then, at a minimum, be freely available to the public by electronic means or broadcast, or at a remote viewing location. When a meeting is relocated and reconvened, or shifted to remote-only public viewing, a minimum of forty-five (45) minutes must elapse between the adjournment of the meeting to the new location or mode and reconvening in the new location or mode.

Section 4. Section 2-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-30. Meeting agenda.

(a) The City Manager shall, in consultation with the Mayor and the Mayor Pro Tem, prepare the agenda for all regular and special meetings of the City Council. The agenda shall include all items requiring City Council action and may, but shall not be required to, include time for public comment on items not related to the meeting agenda. Whenever possible, there shall be submitted with the agenda all facts necessary for the City Council to properly study the item and make a decision. To this end, the City Manager may include his or her recommendation on items to be considered.

...

(d) Any interested party may request, at any time prior to action by the City Council on the consent calendar, that the City Manager or a Councilmember remove a specified item from the consent calendar to be considered as a separate item by the City Council. Prior to action by the City Council on the consent calendar, the presiding officer of the City Council shall confirm whether the City Manager or any Councilmember desires to remove any item or items from the consent calendar, and the presiding officer shall place such item on the agenda for that meeting at an appropriate place for separate action. After removal of all items for which a request was made for removal, the City Council shall consider the remaining items on the consent calendar by one (1) motion. The vote of each City Councilmember on the motion to approve the consent calendar shall be considered a vote on each individual item on the consent calendar.

(e) The City Council may from time to time adopt such meeting rules and rules of procedure as Council deems appropriate, consistent with this Division and other applicable laws.

Section 5. Section 2-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 2-32. Open meetings/notice of meetings.

(a) Except as otherwise provided in § 2-31, all meetings of the City Council and all meetings of City Council committees shall be open to the public. **This requirement may be met by allowing physical public access to a meeting or by providing free public access to a meeting through remote technology or by a combination of these means of access.**

(b) Any meeting of the City Council at which any formal action could occur or at which a majority or quorum is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. For purposes of this Subsection, full and timely notice of regular and special Council meetings shall be accomplished by compliance with the provisions contained in **this Division** ~~Subsections 2-28(a) and 2-30(b) and § 2-34~~, as applicable.

...

Section 6. Section 2-34 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (4) which reads in its entirety as follows:

Sec. 2-34. Place of posting.

The public meetings page on the City's website at <http://fcgov.com>, is designated as the proper place for the posting of public notice of:

...

(4) Any alternative location for a regular or special Council meeting relocated in accordance with Subsection 2-28(b) or 2-29(e).

Introduced, considered favorably on first reading on March 18, 2024, and approved on second reading for final passage on April 2, 2024.

Mayor

ATTEST:

Interim City Clerk

Effective Date: April 12, 2024

Approving Attorney: Carrie Daggett