

**CITY OF FORT LUPTON  
CITY COUNCIL**



COME PAINT YOUR FUTURE WITH US

Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Mike Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1  
Tommy Holton, Ward 2  
Vacant, Ward 3

AM 2020-001

**APPROVING A RESOLUTION DESIGNATING THE CITY OF FORT LUPTON WEBPAGE [WWW.FORTLUPTONCO.GOV](http://WWW.FORTLUPTONCO.GOV) AS THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC CITY MEETINGS IN ACCORDANCE WITH COLORADO REVISED STATUTES OPEN MEETINGS LAW §24-6-402**

**I. Agenda Date:** Council Meeting – January 7, 2020

**II. Attachments:** a. Proposed Resolution

**III. Summary Statement:**

Colorado Revised Statute 24-6-402 (2) (c) indicates the local governing body shall designate at the first regular meeting of the calendar year, the location of public notices which includes Council's agenda.

**IV. Submitted by:**

  
\_\_\_\_\_  
Maricela Peña, City Clerk

**V. Finance Reviewed**

  
\_\_\_\_\_  
Leann Perino  
Finance Director

**VI. Approved for Presentation:**

\_\_\_\_\_  
City Administrator

**VII. Attorney Reviewed**

\_\_\_\_\_ Approved \_\_\_\_\_ Pending Approval

**VIII. Certification of Council Approval:**

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

**IX. Detail of Issue/Request:**

Colorado Revised Statute Open Meeting Law 24-6-402 (2) (c) states that any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The post shall include specific agenda information where possible.

House Bill 19-1087 was introduced in 2019, allowing a local government to post the notices on the local government's website, that notices be accessible to the public at no charge and, that notices be searchable, if feasible, by type of meeting, date and time of meeting, and agenda contents. A local government that posts notices of public meetings on its website may continue to post the notices in a physical location, but is not required to do so.

CRS 24-72-402 (2)(c)(III) a local government that posts notices of public meetings on a public website shall designate a public place within the boundaries of the local public body at which it may post a notice no less than twenty-four hours prior to a meeting if it is unable to post a notice online in exigent or emergency circumstances such as a power outage or an interruption in internet service that prevents the public from accessing the notice online.

**X. Legal/Political Considerations:**

None.

**XI. Alternatives/Options:**

None.

**XII. Financial Considerations:**

N/A

**XIII. Staff Recommendation:**

Staff recommends postings be placed on the City of Fort Lupton web page [www.fortluptonco.gov](http://www.fortluptonco.gov) and in case of exigent or emergency circumstances such as a power outage or an interruption in internet service that prevents the public from accessing the notice online, the notice be posted at the Fort Lupton City Hall, 130 S. McKinley Avenue.

**RESOLUTION NO. 2020Rxxx**

**A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON DESIGNATING THE CITY OF FORT LUPTON WEBPAGE [WWW.FORTLUPTONCO.GOV](http://WWW.FORTLUPTONCO.GOV) AS THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC CITY MEETINGS IN ACCORDANCE WITH COLORADO REVISED STATUTES OPEN MEETINGS LAW 24-6-402**

**WHEREAS**, Colorado Revised Statute Open Meeting Law 24-6-402(2)(c)(I) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public; and,

**WHEREAS**, in addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting.

**WHEREAS**, the law requires local governments to post notices of public meetings in physical locations; and

**WHEREAS**, the public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year; and

**WHEREAS**, House Bill 19-1087 was introduced in 2019, allowing a local government to post the notices on the local government's website, that notices be accessible to the public at no charge and, that notices be searchable, if feasible, by type of meeting, date and time of meeting, and agenda contents; and

**WHEREAS**, a local government that posts notices of public meetings on its website may continue to post the notices in a physical location, but is not required to do so; and

**WHEREAS**, CRS 24-72-402 (2)(c)(III) a local government that posts notices of public meetings on a public website shall designate a public place within the boundaries of the local public body at which it may post a notice no less than twenty-four hours prior to a meeting if it is unable to post a notice online in exigent or emergency circumstances such as a power outage or an interruption in internet service that prevents the public from accessing the notice online; and

**NOW THEREFORE BE IT RESOLVED** that the Fort Lupton City Council, in accordance with the Open Meetings Law, notice of time and place designates for all regular and special meetings shall be the City of Fort Lupton web page [www.fortluptonco.gov](http://www.fortluptonco.gov) and in case of exigent or emergency circumstances such as a power outage or an interruption in internet service that prevents the public from accessing the notice online, the notice shall be posted at the Fort Lupton City Hall, 130 S. McKinley Avenue.

**APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL OF THE CITY OF FORT LUPTON, COLORADO THIS 7<sup>th</sup> DAY OF JANUARY 2020.**

City of Fort Lupton, Colorado

\_\_\_\_\_  
Zo Stieber, Mayor

Attest:

\_\_\_\_\_  
Maricela Peña, City Clerk

Approved as to form:

\_\_\_\_\_  
Andy Ausmus, City Attorney