



## SPECIAL MEETING AGENDA

City of Black Hawk City Council  
211 Church Street, Black Hawk, CO

March 18, 2020  
3:00 p.m.

1. CALL TO ORDER:
2. ROLL CALL:
3. CONFLICTS OF INTEREST: (Council disclosures are on file w/City Clerk & Sec. of State)
4. PUBLIC COMMENT: *See Below and please limit comments to 5 minutes*  
If you wish to make a public comment during the meeting please go to [https://www.cityofblackhawk.org/comment\\_signup](https://www.cityofblackhawk.org/comment_signup) and provide your Name, Email address, and Telephone. During the Public comment section of the meeting the host will go in order of sign up to ask for comments from those who have signed up.
5. ACTION ITEMS:
  - A. Resolution 23-2020, A Resolution Approving a Telephonic Participation Policy for City Council Meetings
  - B. Resolution 24-2020, A Resolution Forgiving Certain Device Taxes for the Month of March 2020, Payable in April of 2020
6. EXECUTIVE SESSION:
7. ADJOURNMENT:

The council meeting will be accessible online as a virtual meeting, you can access the meeting by using the following link

To join the meeting by Computer, Tablet or Phone: <https://zoom.us/j/155454245>

Or to join by Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 646 558 8656 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or 888 475 4499 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 155 454 245

International numbers available: <https://zoom.us/u/afRVtmn5Q>

## Instructions

- Join a meeting - [Show me how to join a meeting](#)

### MISSION STATEMENT

The mission of the City of Black Hawk is to progressively provide cost effective programs and services of the highest quality to the community

**RESOLUTION 23-2020**  
**A RESOLUTION**  
**APPROVING A**  
**TELEPHONIC**  
**PARTICIPATION POLICY**  
**FOR CITY COUNCIL**  
**MEETINGS**

STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK

Resolution No. 23-2020

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
BLACK HAWK, COLORADO, THAT:

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

RESOLVED AND PASSED this 18<sup>th</sup> day of March, 2020.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk

**CITY OF BLACK HAWK**  
**REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** Electronic Meeting Participation Policy

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE** Resolution 23-2020, A Resolution Approving a Telephonic Participation Policy for City Council Meetings

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

The purpose of the policy is to specify the circumstances under which a member of the City Council may participate in regular and special meetings by telephone or other electronic means of participation, such as video-conferencing.

**AGENDA DATE:** March 18, 2020

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**STAFF PERSON RESPONSIBLE:** Stephen N. Cole  
City Manager

**DOCUMENTS ATTACHED:** Electronic Participation Policy During City Council Meetings

**RECORD:** [ ] Yes [ X ] No

**CITY ATTORNEY REVIEW:** [ X ] Yes [ ] N/A

**SUBMITTED BY:**



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Melissa A. Greiner, CMC  
City Clerk/Administrative Services Director

**REVIEWED BY:**



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Stephen N. Cole  
City Manager

## **ELECTRONIC 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 or other electronic means of participation, such as video-conferencing ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the City Council from contemporaneously observing 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. The City Council finds that these limitations, inherent in Electronic 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 electronic means only in accordance with this Policy.

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

Electronic Participation in non-emergency situations shall be made available and shall be limited as follows:

1. A member of the City Council may listen by telephone or other electronic means 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 may not participate nor vote in a quasi-judicial public hearing; however, the Council member may maintain the electronic connection and monitor and listen to the hearing. The member of City Council may participate and vote in legislative matters.

2. Listening telephonically or by electronic means 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 Electronic Participation excessive and deny a Council member's privilege to use Electronic Participation for a specific meeting or meetings.

3. Electronic Participation may also be made available to a City Council member during an executive session.

4. The City Council may 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; *e.g.*, where the telephone connection or connection by other electronic means is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, 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 Manager 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. *Arranging for Electronic Participation.***

- A. To arrange to participate via Electronic Participation, a Council member shall:
  1. Contact the Mayor, City Manager, or City Clerk in advance of the meeting to determine if an arrangement for such participation via telephone conference or video conference is possible. Council members shall endeavor to advise the City of their intent to participate via Electronic Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation.
  2. The City shall initiate the Electronic Participation not more than ten (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.

**IV. Effect of Electronic 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.

**V. 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 Black Hawk.

**VI. 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.

**RESOLUTION 24-2020**  
**A RESOLUTION**  
**FORGIVING CERTAIN**  
**DEVICE TAXES FOR THE**  
**MONTH OF MARCH 2020,**  
**PAYABLE IN APRIL OF**  
**2020**

**STATE OF COLORADO  
COUNTY OF GILPIN  
CITY OF BLACK HAWK**

**Resolution No. 24-2020**

**TITLE: A RESOLUTION FORGIVING CERTAIN DEVICE TAXES FOR THE  
MONTH OF MARCH 2020, PAYABLE IN APRIL OF 2020**

WHEREAS, pursuant to the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (the "Act"), the Mayor of the City of Black Hawk (the "City") has issued an Order Declaring a Local Disaster Emergency in and for the City of Black Hawk, Colorado because of the COVID-19 pandemic;

WHEREAS, the State of Colorado has further ordered that casinos across the State of Colorado be closed for a period of thirty (30) days, beginning March 17, 2020 because of the COVID-19 pandemic;

WHEREAS, the City desires to assist the gaming industry in the challenging times created by the necessary response to the COVID-19 pandemic; and

WHEREAS, as a demonstration of its continuing support and appreciation of the gaming industry, the City desires to forgive the Device Tax for all devices in the City for the month of March 2020, payable in April of 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, COLORADO, THAT:

Section 1. The Mayor and Board of Aldermen hereby resolve to forgive the payment of the City's Device Tax in full for the month of March 2020, payable in April 2020 because of the COVID-19 pandemic.

RESOLVED AND PASSED this 18<sup>th</sup> day of March, 2020.

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David D. Spellman, Mayor

ATTEST:

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Melissa A. Greiner, CMC, City Clerk

**CITY OF BLACK HAWK**  
**REQUEST FOR COUNCIL ACTION**

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**SUBJECT:** Electronic Meeting Participation Policy

**RECOMMENDATION:** Staff recommends the following motion to the Mayor and Board of Aldermen:

**MOTION TO APPROVE** Resolution 24-2020, A Resolution Forgiving Certain Device Taxes for the Month of March 2020, Payable in April 2020

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

Under the Colorado Disaster Emergency Act, the Mayor of the City of Black Hawk has issued an Order Declaring a Local Disaster Emergency in and for the City of Black Hawk Colorado because of the COVID-10 pandemic.

The State of Colorado has further ordered that casinos across the state of Colorado be closed for a period of thirty (30) days, beginning March 17, 2020, because of the pandemic.

The City desires to assist the gaming industry in the challenging times created by the necessary response to the pandemic.

**AGENDA DATE:** March 18, 2020

**WORKSHOP DATE:** N/A

**FUNDING SOURCE:** N/A

**STAFF PERSON RESPONSIBLE:** Stephen N. Cole  
City Manager

**DOCUMENTS ATTACHED:** N/A

**RECORD:** [ ] Yes [ X ] No

**CITY ATTORNEY REVIEW:** [ X ] Yes [ ] N/A

**SUBMITTED BY:**



\_\_\_\_\_  
Melissa A. Greiner, CMC  
City Clerk/Administrative Services Director

**REVIEWED BY:**



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Stephen N. Cole  
City Manager