

**TOWN COUNCIL
TOWN OF GYPSUM, COLORADO**

RESOLUTION NO. 03 (SERIES 2024)

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF GYPSUM ADOPTING A PUBLIC COMMENT POLICY
DURING TOWN MEETINGS**

WHEREAS, the Town of Gypsum, Colorado (“Town”), is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town’s Home Rule Charter effective October 21, 1982 (“Town Charter”); and

WHEREAS, the Town conducts various meetings to carry out its responsibilities regarding the management, control and supervision of all the business and affairs of the Town, as provided for and authorized by Section 6, Article XX of the Colorado Constitution and Section 1.3 of the Town Charter; and

WHEREAS, pursuant to the Colorado Open Meetings Law, Part 4, Article 6, Title 24, Colorado Revised Statutes, all meetings of the Town Council of the Town (“Town Council”) and any board, committee, commission, authority, or other advisory, policymaking, rulemaking, or formally constituted body of the Town, not including those bodies consisting of the Town’s administrative staff, are required to be open to the public; and

WHEREAS, Town Council meetings, Planning Commission meetings, Design Review Board meetings and other public meetings of the Town are limited public forums under the United States Supreme Court First Amendment jurisprudence; and

WHEREAS, Town Council encourages and values public input and participation regarding the conduct of Town business, provides opportunities for public comment and conducts public hearing during appropriate times; and

WHEREAS, numerous local public bodies throughout Colorado and the nation have allowed virtual attendance at meetings in recent years, largely necessitated by the COVID-19 pandemic; and

WHEREAS, virtual attendance at public meetings provides an increased opportunity for the public to make comments irrelevant to the Town’s business and/or that disrupt the Town’s ability to efficiently conduct its business; and

WHEREAS, Town Council hereby finds and determines that both encouraging public comment and adopting a policy setting appropriate time, place and manner restrictions on public comment are necessary to promote the fair and efficient operation of the Town; and

WHEREAS, Town Council previously adopted Resolution No. 12, Series 2020 to establish procedures for conducting meetings by electronic participation and finds that following the adoption of this resolution, Resolution No. 12, Series 2020 is no longer relevant and must be repealed.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, STATE OF COLORADO, THAT:

1. Public Comment Policy. The Town Council hereby adopts the Public Comment Policy, as attached hereto as Exhibit A and incorporated herein by this reference.

2. Repeal of Resolution No. 12, Series 2020. Resolution No. 12, Series 2020 of the Town of Gypsum is hereby repealed in its entirety and of no further force or effect.

3. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

4. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the Town Council.

INTRODUCED, READ AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO, UPON A MOTION DULY MADE AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF GYPSUM ON THE 9TH DAY OF JANUARY, 2024, BY A VOTE OF 3 IN FAVOR AND 2 AGAINST.

EXHIBIT A

Public Comment Policy

Purpose:

This policy is designed to ensure that the public can actively participate in public meetings of the Town of Gypsum, Colorado (“Town”) in a manner that is orderly, respectful, and productive. The Town exists to serve the needs of its residents and the public at large. Accordingly, public comments offer invaluable insights and play a critical role in the decision-making processes of the Town.

Scope:

This policy applies to all public meetings held by the Town, including Town Council, Planning Commission, and Design Review Board meetings. The Town Council, Planning Commission, Design Review Board may hereinafter be referred to as the “relevant governing body.”

1. General Guidelines:

- a. Public comments are limited to the public comment period, as specified on the meeting Agenda, except for specific public hearings listed on the Agenda.
- b. All speakers must be recognized by the presiding official before speaking.
- c. Each speaker must provide their name and the county, city or town they reside in before commenting.
- d. All remarks shall be addressed to the entire governing body.
- e. Questions posed to the relevant governing body or to Town staff may not be directly addressed during public comment.

2. Time Limitations:

- a. Except as specified in subsection 2(c) hereof, the public comment agenda period shall be limited to thirty (30) minutes.
- b. Each speaker from the public will be allotted a maximum of three (3) minutes to provide their comments, unless prior arrangement have been made with the Town Manager or the presiding official of the meeting.
- c. The presiding official may grant additional time for complex topics or as otherwise deemed necessary.

3. Conduct and Decorum:

- a. Disorderly conduct, harassment, or obstruction of or interference with meetings by physical action, verbal utterance, nuisance or any other means are hereby prohibited. Such conduct may result in removal of person(s) responsible for such behavior from the meeting and/or criminal charges filed against such person(s). To the extent such occurrences arise and the person(s) responsible refuses to leave the premises, law enforcement authorities will be summoned. Prosecution will be pursued under all applicable laws including, without limitation, Sections 18-9-108, C.R.S. (disrupting lawful assembly), 18-9-110, C.R.S. (public buildings – trespass, interference), and/or 18-9-117, C.R.S. (unlawful conduct on public property).
- b. 9-1-1 will be called at any time that any member of the relevant governing body or Town staff feels threatened or endangered during a public meeting.

4. Written Comments:

- a. Members of the public may submit written comments at least 24 hours in advance of the scheduled meeting. Such written comments may be included in the meeting materials or forwarded to appropriate Town staff or officials.
- b. Comments should be concise and generally not exceed one (1) typed and double-spaced page using 12-point font.

5. Remote Participation:

- a. For the efficiencies and economies of the Town, only Town staff, Town Council, members of boards or commissions designated by the Town and Town consultants shall be allowed to attend and participate remotely. Members of the public may not attend remotely unless specifically authorized by the Mayor, presiding official of the meeting, or Town Manager prior to any particular meeting. Such prior authorization shall be noted on the meeting agenda.
- b. Members of the public who are authorized to attend a meeting remotely pursuant to Section 5(a) hereof shall be prohibited from providing verbal comment during the meeting. Remote attendees may submit written comments subject to the provisions of Paragraph 4.

6. Special Provisions:

- a. The presiding official has the discretion to alter or adjust the public comment procedures for special meetings or in emergency circumstances.
- b. Public hearings on specific topics may have separate guidelines or procedures, which will be communicated in advance.