

RESOLUTION NO. 2021-060

A RESOLUTION ADOPTING BOARD AND COMMISSION ELECTRONIC PARTICIPATION, CONNECTED, AND HYBRID MEETING POLICY

WHEREAS, members of Town Council desire to ensure that the public, Town staff, and Town Council have the ability to meaningfully participate during Board and Commission meetings using advances in technology on a permanent basis; and

WHEREAS, pursuant to Castle Rock Municipal Code Section 2.14.040, Town Council shall have the sole authority to adopt, and amend from time to time, by resolution, rules and procedures governing the remote attendance and participation of board and commission members and the general public by telephone or other electronic means, subject to reasonable qualifications and limitations; and

WHEREAS, Town Council has determined that it is in the best interest of the public health, safety, and welfare of the residents, employees, and officials of the Town of Castle Rock to adopt the Board and Commission Electronic Participation, Connected, and Hybrid Meeting Policy permanently.

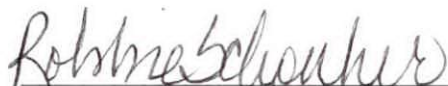
NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO AS FOLLOWS:

Section 1. Adopted. The Board and Commission Electronic Participation, Connected, and Hybrid Meeting Policy, in the form attached as *Exhibit 1* is hereby adopted.

PASSED, APPROVED AND ADOPTED this 15th day of June, 2021 by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, by a vote of 7 for and 0 against.

ATTEST:

TOWN OF CASTLE ROCK

for 

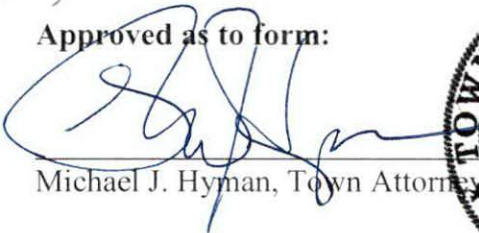
Lisa Anderson, Town Clerk



Jason Gray, Mayor

Approved as to form:

approved as to content:



Michael J. Hyman, Town Attorney





David L. Corliss, Town Manager

BOARD AND COMMISSION ELECTRONIC PARTICIPATION, CONNECTED, AND HYBRID MEETING POLICY

I. Application.

This Policy shall be in effect pursuant to Chapter 2.14 of the Castle Rock Municipal Code. The Town Council shall have the sole authority to adopt, and amend from time to time, by resolution, rules and procedures governing the remote attendance and participation of board and commission members and the general public by telephone or other electronic means, subject to reasonable qualifications and limitations. The Town Manager has the authority to establish, regulate, and enforce any additional procedures necessary to implement this Policy. The Town Manager's Office shall provide technological support for the remote connection and the implementation of this Policy.

II. Definitions.

Connected Meetings means Meetings where all public, staff, and members of Boards and Commissions participate by accessing a commonly linked platform remotely via telephonic, video, and/or internet facilitation.

Electronic Participation means participation in which one or more members of Boards and Commissions may participate in Meetings by telephone or other electronic means of participation, such as video conferencing.

Hybrid Meetings means Meetings where some portion of public, staff, or members of Boards and Commissions participate by accessing a commonly linked platform remotely via telephonic, video, and/or internet facilitation.

Meetings means regular and special meetings as well as executive and study sessions.

III. Purpose.

The purpose of this Policy is to specify the circumstances under which

1. A member of a Board or Commission may attend a Meeting by Electronic Participation,
2. Meetings that may be conducted as Hybrid Meetings, and
3. Meetings that may be conducted as Connected Meetings.

IV. Electronic Participation in Meetings (other than a Connected Meeting).

Electronic Participation shall be made available to members of Boards and Commissions and shall be limited as follows:

1. A member may listen by telephone or other electronic means to any Board or Commission meeting. Such member listening via telephone shall be deemed present for purposes of determining a quorum.

2. For those boards and commissions vested with quasi-judicial authority, the member may not participate nor vote in a quasi-judicial public hearing unless the conditions of Section VIII are met; however, the member may maintain the electronic connection and monitor and listen to the hearing and may participate in and vote on other matters.
3. The Board or Commission 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. The Meeting may proceed after the Electronic Participation is discontinued only if there is a quorum.

V. Arranging for Electronic Participation.

To arrange to participate via Electronic Participation, a member shall:

Contact the Town Manager in advance of the Meeting to determine if an arrangement for such participation via telephone conference or video conference is possible. Members shall endeavor to advise the Town 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.

VI. Hybrid Meetings

Hybrid Meetings may be conducted if all of the following conditions are met:

1. The Town Manager determines that meeting in person may not be practical or prudent for some members of the public, staff, or members of Boards and Commissions;
2. All members of a Board or Commission 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 participating in the Hybrid Meeting can hear or read all discussion, testimony and votes to the extent feasible;
4. Members of the public participating in the Hybrid Meeting shall be provided with access to electronic and/or telephonic participation during the Meeting in a manner designed to provide maximum participation to the extent feasible;
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 and the protocol for public participation in the Hybrid Meeting.
8. No quasi-judicial matters will be heard or considered at a Hybrid Meeting unless the conditions set forth in Section VIII are met.

VII. Connected Meetings

Connected Meetings may be conducted if all of the following conditions are met:

1. The Town Manager determines that meeting in person is not practical or prudent, because of a health pandemic, weather event, force majeure, or declaration of emergency affecting the Town;
2. All Board or Commission members 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 participating in the Connected Meeting can hear or read all discussion, testimony and votes, unless not feasible due to the pandemic or emergency;
4. Members of the public participating in the Connected Meeting shall be provided with access to electronic and/or telephonic participation during the Meeting in a manner designed to provide maximum participation to the extent feasible;
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 and the protocol for public participation in the Connected Meeting.
8. No quasi-judicial matters will be heard or considered at a Connected Meeting unless the conditions set forth in Section VIII are met.

VIII. Quasi-Judicial Matters.

For those boards and commissions vested with quasi-judicial authority and in the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature and conducted under this policy, the Town shall advise the applicant of such circumstances and present the applicant with options for proceeding with the application. Upon notice from the Town, the applicant shall authorize the Town, in writing, to proceed with one of the following options:

1. Conduct the public hearing under this policy with accommodations made for electronic participation by the public; or
2. Suspend any and all review and decision deadlines until such time that the Board or Commission schedules a meeting at which an in-person quorum will be present.

IX. Reasonable Accommodations.

The Town shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide a member of a Board or Commission with a disability full and equal access to Meetings. The Town shall otherwise adhere to the Town's ADA Policy to the extent feasible.

X. Malfunction.

In the event of an electronic malfunction during the Hybrid or Connected Meeting of a nature that the remote attendees cannot effectively participate, at the direction of the Chair or other presiding officer, the connection may be terminated.

XI. Executive Sessions.

Confidentiality: It shall be the responsibility of the Board or Commission member utilizing this policy to initiate the connection at a secure location such that the confidentiality of the executive session is not compromised. Remote attendees shall not record the executive session.



Town of Castle Rock

Agenda Memorandum

Agenda Date: 6/15/2021

Item #: 15. **File #:** RES 2021-060

To: Honorable Mayor and Members of Town Council

From: David L. Corliss, Town Manager

Resolution Adopting Board and Commission Electronic Participation, Connected, and Hybrid Meeting Policy

Executive Summary

Town Council in March put in place by resolution protocols for holding and attending Board and Commission meetings virtually. Council subsequently extended its authorization for remote meetings through June 30, 2021.

Council has adopted a resolution for permanent use of virtual and hybrid meetings for Town Council Meetings. Since the current virtual Board and Commission remote meeting policy is set to expire at the end of June, staff presents the attached resolution (**Attachment A**), which would enact an indefinite extension of Boards and Commission's remote meeting protocols.

Notification and Outreach Efforts

A new approach at the time they were necessitated, Boards and Commissions have since 2020 successfully held fully virtual or hybrid virtual/in-person meetings. Seeing that success, Council may now wish to extend this practice indefinitely.

Allowing remote participation provides for greater flexibility for both Board and Commissions, applicants and members of the public. When work or other obligations prevent participants from being physically present in Council Chambers during a meeting, remote access allows the opportunity for community dialogue and Council action on important issues.

During previous Council discussions on the topic, some Councilmembers also cited drawbacks of allowing remote attendance, including that participants may not be as focused during discussions when participating remotely as they are in person. Whether to continue allowing remote meeting access when it's not necessitated by a declared disaster is Council's discretion.

The resolution presented herein would keep in effect the policy (**Exhibit 1**) developed earlier this year to provide for various forms of remote Board and Commission meeting access. The policy allows Board and Commission members to arrange for electronic participation in meetings up to 24 hours in advance. Participants attending a meeting electronically can participate in quasi-judicial

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hearings with the applicant's consent, as well as in executive sessions, under the policy.

The policy also defines connected - fully virtual - and hybrid virtual/in-person meetings and sets out when both types of meetings generally are allowed. In short, the Town Manager has discretion on when holding these forms of meetings is appropriate.

If Council tonight opts to extend the possibility of remote Board and Commission meeting participation indefinitely, this action is reversible. Council at any point can adopt a resolution to rescind or change this policy.

Proposed Motion

"I move to approve the Resolution as introduced by title."

Attachments

Attachment A: Resolution
Exhibit 1: Policy

PERMANENT BOARD & COMMISSION VIRTUAL/ELECTRONIC PARTICIPATION POLICY



PERMANENT POLICY

- Currently Boards & Commissions have a temporary policy regarding conducting virtual/electronic participation meetings.
- Resolutions allows:
 1. A permanent B & C Electronic Policy for meetings.
 2. Requires Town Manager (or designee) approval for remote participation/remote meeting.
 3. Modeled after Town Council's Permanent Electronic Policy.