

RESOLUTION NO. 2020-121

**A RESOLUTION ADOPTING TOWN COUNCIL ELECTRONIC PARTICIPATION,
CONNECTED, AND HYBRID MEETING POLICY**

WHEREAS, Town Council established a policy permitting remote attendance and meetings by Council and the public while placing reasonable qualifications and limitations on such use on March 17, 2020 by Resolution 2020-040; and

WHEREAS, Town Council subsequently amended said policy to allow for quasi-judicial applications to occur during remotely attended meetings on April 7, 2020 by Resolution 2020-44; and

WHEREAS, Town Council extended the use of said policy on September 1, 2020 through December 31, 2020 by Resolution 2020-081; and

WHEREAS, such remotely attended meetings have been used successfully since the passage of Resolutions 2020-040 and 2020-44; and

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

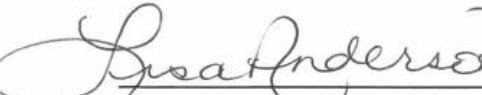
Section 1. Adopted. The Town Council Electronic Participation, Connected, and Hybrid Meeting Policy, in the form attached as *Exhibit 1* is hereby adopted and incorporated into existing Town Council Procedures.


PASSED, APPROVED AND ADOPTED this 15th day of December, 2020 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:

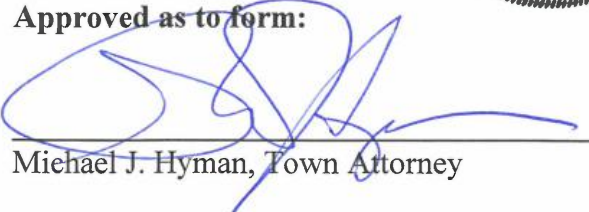


TOWN OF CASTLE ROCK


Lisa Anderson, Town Clerk


Jason Gray, Mayor

Approved as to form:


Michael J. Hyman, Town Attorney

Approved as to content:


David L. Corliss, Town Manager

TOWN COUNCIL ELECTRONIC PARTICIPATION, CONNECTED, AND HYBRID MEETING POLICY

I. Application.

This Policy shall only be in effect pursuant to Chapter 2.02 of the Castle Rock Municipal Code. 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. Except as modified by this Policy, Town Council meetings shall adhere to the provisions of Chapter 2.02 of the Castle Rock Municipal Code.

II. Definitions.

Connected Meetings means Meetings where all public, staff, and members of Town Council 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 Town Council 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 Town Council 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

- (i) A member of the Town Council may attend a Meeting by Electronic Participation,
- (ii) Meetings that may be conducted as Hybrid Meetings, and
- (iii) 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 Town Council and shall be limited as follows:

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

2. The member of Town Council may not participate nor vote in a quasi-judicial public hearing unless the conditions of Section VIII are met; however, the member of Town Council may maintain the electronic connection and monitor and listen to the hearing and may participate and vote in legislative matters.
3. The Town 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. 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 of Town Council 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 of Town Council 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 Town Council;
2. All members of Town 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 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 members of Town 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 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.

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 Town Council 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 the Town Council with a disability full and equal access to Meetings. The Town shall otherwise adhere to the Town's ADA Policy to the extent feasible during a pandemic or emergency.

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 Mayor or other presiding officer, the connection may be terminated.

XI. Executive Sessions.

Confidentiality: It shall be the responsibility of the member of Town Council 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: 12/15/2020

Item #: 16. File #: RES 2020-121

To: Honorable Mayor and Members of Town Council

From: David L. Corliss, Town Manager

Resolution Adopting Town Council Electronic Participation, Connected and Hybrid Meeting Policy

Executive Summary

Town Council in March put in place by resolution protocols for holding and attending Council meetings virtually. Council in September extended its authorization for remote meetings through 2020.

At the time of the extension, Council discussed whether remote participation should be allowed to continue indefinitely; staff committed then to discussing that possibility with the new Council that was seated earlier this month. Accordingly, staff presents the attached resolution (**Attachment A**), which would enact an indefinite extension of Council's remote meeting protocols.

Discussion

A new approach at the time they were necessitated, Council has since March 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 Councilmembers and members of the public. When work or other obligations prevent participants from being physically present in Council Chambers during a Council meeting, remote access allows the opportunity for community dialogue and Council action on important issues.

During the September discussion, some Councilmembers also cited drawbacks of allowing remote attendance, including that Councilmembers 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 Council meeting access. The policy allows Councilmembers to arrange for electronic participation in meetings up to 24 hours in advance. Councilmembers attending a meeting electronically can participate in quasi-judicial hearings with the

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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. In practice, I plan for staff to continue providing for hybrid meetings until a majority of Council would deem that's no longer appropriate, or until conditions warrant a return to connected meetings.

If Council tonight opts to extend the possibility of remote Council meeting participation indefinitely, this action is not irreversible. 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."

Attachment

Attachment A: Resolution
Exhibit 1: Policy