

**CITY OF CASTLE PINES
RESOLUTION NO. 20-09**

**A RESOLUTION ADOPTING THE CITY OF CASTLE PINES, COLORADO
TELEPHONIC/ELECTRONIC MEETING PARTICIPATION POLICY DURING
TIMES OF EMERGENCY**

WHEREAS, the City Council is authorized to adopt procedures and guidelines to govern the conduct of Council business; and

WHEREAS, the City Council and City boards and commissions conduct public meetings on a regular basis; and

WHEREAS, in times of emergency, the City Council desires to provide a mechanism to allow City meetings to continue to occur through electronic means; and

WHEREAS, the proposed electronic meeting policy provides procedures and safeguards to ensure compliance with the Colorado Open Meetings Law and constitutional due process requirements under the U.S. and Colorado constitutions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. The City Council hereby adopts the City of Castle Pines, Colorado Telephonic/Electronic Meeting Participation Policy During Times of Emergency, attached hereto as **Attachment 1**, and authorizes City staff to publish such document on the City's website.

Section 2. This Resolution is effective as of April 14, 2020, nunc pro tunc.

**INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO** by a vote of 7 in favor, 0 against this 28th day of April, 2020.

BY:

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Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:



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Tobi Basile, City Clerk

Approved as to form:

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Linda C. Michow, City Attorney

ATTACHMENT 1
CASTLE PINES, COLORADO TELEPHONIC/ELECTRONIC MEETING
PARTICIPATION POICY DURING TIMES OF EMERGENCY



CITY OF CASTLE PINES, COLORADO
TELEPHONIC/ELECTRONIC MEETING PARTICIPATION POLICY
DURING TIMES OF EMERGENCY

I. Purpose

The purpose of this policy is to specify the circumstances under which the City Council and all City Boards and Commissions may hold regular and special meetings and study sessions via telephone or other electronic means of participation, such as video-conferencing or virtual meeting systems (“Electronic Participation”). This policy is intended to comply with the Colorado open meetings law and due process requirements under the U.S. and Colorado constitutions.

II. Statement of General Policy

The City Council and all City boards and commissions may participate in an electronic meeting only in accordance with this policy.

III. Emergency Situations

Only in the event of an emergency, as defined below, a member or all members of the City Council and City boards and commissions may participate by Electronic Participation as follows:

1. The City Manager or the Mayor determines that meeting in person is not practical or prudent, because of a health pandemic, natural disaster, or other declaration of emergency affecting the City (“Emergency”).
2. Electronic Participation must permit clear, uninterrupted, and two-way communication for the participating Council Member(s) or City boards and commission member(s). City-issued electronic devices shall be used.
3. To the maximum extent feasible, the public is provided an opportunity to listen to or otherwise monitor the meeting in real time.
4. All votes of the City Council and City boards and commission during such meetings are conducted by roll call.
5. Minutes of City Council Meetings and Meetings of City boards and commissions are taken and recorded, and such records are open to public inspection.
6. The Mayor or Chair may adjourn the meeting if Electronic Participation results in interference in the meeting process; e.g., where the telephone or electronic connection is repeatedly lost, the quality of the connection is unduly noisy, or a participating member is unable to hear other speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.
7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, that the meeting will be occurring in an electronic format and the access information for the meeting.

IV. Arranging Electronic Participation

The City shall initiate the Electronic Participation not more than ten (10) minutes prior to the scheduled time of the meeting.

V. Public Hearings.

Public hearings, whether quasi-judicial or legislative in nature, may be held if the following conditions are met and are in conformance with subsection III. above:

1. The applicant, if applicable, consents to holding a virtual public hearing in writing or on the record of the public hearing, acknowledging that participation presents certain legal risks and that moving forward with a quasi-judicial hearing by Electronic Participation shall be at their own risk;
2. At the outset of the hearing, the Mayor or Chair shall describe the hearing procedure, including how testimony and public comment will be received;
3. The applicant is able to hear or read all discussion, testimony and votes and to participate and respond to any questions from council and the public;
4. Members of the public are afforded a reasonable opportunity to participate in the hearing through one or more means of electronic or telephonic participation;
5. Each document presented at the hearing is made available for review and easily identifiable (e.g., exhibit numbering) by the applicant, public participants and City Council or City Boards and Commission Members. The City Clerk or Recording Secretary shall set deadlines for submission of documents depending on the nature of the hearing;
6. The public hearing is electronically recorded;
7. City Council and City boards and commissions may continue a public hearing for reasons set forth in the Municipal Code, to provide additional public participation by interested parties, or upon request of the applicant; and
8. If at any point the City Manager, Mayor or Chair determines during the public hearing that it is not possible or prudent to continue conducting the hearing, whether due to technical issues or an inability to do so while meeting constitutional due process requirements, the hearing shall be vacated and the matter will be held in abeyance until in-person meetings have resumed.

VI. Adoption of Rules.

City Council may adopt rules of procedure to provide further guidance on conducting meetings, including public hearings, by Electronic Participation.

VII. Standard of Substantial Compliance.

The standard for public participation is substantial compliance. Technological errors preventing a particular member(s) of the public from participating in a public hearing shall not invalidate the hearing proceedings, unless City Council determines that such error fails to comply with due process requirements under applicable law.