

RESOLUTION 2023-10

A RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GILCREST, COLORADO, ADOPTING AN REMOTE PARTICIPATION AND REMOTE MEETINGS POLICY.

WHEREAS, the Town Board adopted Resolution 2020-06 adopting a remote participation and remote meetings policy in response to the declared state of emergency due to the coronavirus pandemic; and

WHEREAS, the remote participation policy adopted by Resolution 2020-06 only allowed remote participation of a Board Member in emergencies including health pandemics and town emergencies; and

WHEREAS, remote participation of members during the covid pandemic did not result in substantial delays or interference in the meeting process; and

WHEREAS, the Town Board wishes to amend its policy to also allow remote participation by Board Members in non-emergency situations.

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN BOARD OF THE TOWN OF GILCREST, COLORADO, THAT:

Section 1. The above recitals are hereby incorporated as findings by the Town Board of the Town of Gilcrest.

Section 2. The Town Board of the Town of Gilcrest hereby adopts the Remote Participation and Remote Meetings Policy, attached hereto as **Exhibit A**.

INTRODUCED, READ AND PASSED THIS 5TH DAY OF JUNE, 2023.

TOWN OF GILCREST, COLORADO





Steve Nothem, Mayor

ATTEST:



Brenda Joseph, Town Clerk

**EXHIBIT A
RESOLUTION 2023-10**

**TOWN OF GILCREST BOARD OF TRUSTEES
REMOTE PARTICIPATION AND REMOTE MEETINGS POLICY**

I. Purpose.

The purpose of this Policy is to specify the circumstances under which a member of the Board of Trustees ("Member") may participate in regular and special meetings by telephone or other electronic means of participation, such as video-conferencing ("Remote Participation") and the situations under which the meeting itself may be held without the physical presence of Members at the designated meeting location (a "Remote Meeting").

II. Statement of General Policy.

A Member may participate in a meeting of the Board of Trustees by remote, electronic means in accordance with this Policy.

A. *Non-Emergency Situations.*

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

1. A Member may listen by telephone or other electronic means to any Board of Trustees meeting. Such 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. In non-emergency situations, the Member may not participate nor vote in a quasi-judicial public hearing; however, the Member may maintain the remote connection and monitor and listen to the hearing. In non-emergency situations the Member may not listen, monitor or participate during an executive session. The Member may participate and vote in legislative matters.

2. Listening telephonically or by remote means is intended to be an infrequent or occasional substitution for physical attendance, and there is a general preference for in-person meeting attendance except in emergency situations. The Board of Trustees may, by majority vote of a quorum present, declare a Member's repeated use of Remote Participation excessive and deny a Member's privilege to use Remote Participation for a specific meeting or meetings.

3. At least one Member of the Board of Trustees shall be present at the regular meeting location.

4. The Board of Trustees may discontinue the use of Remote Participation by one or more Member during a meeting when the Remote Participation results in delays or interference in the meeting process; *e.g.*, where the telephone connection or connection by other remote 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.

6. In non-emergency situations, remote 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.

B. *Emergency Situations.*

Remote Participation or Remote Meetings in emergency situations shall be made available in the event a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the Board of Trustees because meeting in person is not practical or prudent due to a health pandemic or emergency affecting the Town. In emergency situations, Remote Meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum practical notice. Remote Participation and Remote Meetings may be held if all of the following conditions are met:

1. The Town Administrator or the Mayor determines that meeting in person is not practical or prudent, because of a health pandemic or declaration of emergency affecting the Town;
2. All 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 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. In emergency situations, Remote Participation shall constitute actual attendance of Members for all purposes, including without limitation, voting on quasi-judicial matters, provided that the applicant in the quasi-judicial matter consents to the Remote Participation or Remote Meeting and waives in writing all possible procedural objections. At the applicant's discretion, the matter may be continued to another meeting;
5. All votes are conducted by roll call; and
6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection.

III. Arranging for Remote Participation; holding a Remote Meeting.

A. *Non-Emergency Situations.*

To arrange to participate via Remote Participation in a non-emergency situation, a Member shall:

1. Contact the Mayor, Town Administrator, or Town Clerk 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 Remote Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation.
2. The Town shall initiate the Remote Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the Town Clerk shall make one attempt to re-initiate the connection.

B. *Emergency Situations.*

Remote Participation or Remote Meetings in an emergency situation shall be coordinated, to the extent possible, to ensure full and timely notice is given to the public. Notice shall set forth the time of the meeting, the fact that some Members may participate remotely, and the right of the public to monitor the meeting from a specified location. To the extent possible, if not inconsistent with the emergency situation, the meeting location shown in the meeting notice will be open to the public, and audio will be available so that all actions being taken can be heard.

IV. *Applicability of Policy.*

This Policy applies to regular and special meetings (including study sessions) of the Board of Trustees of the Town of Gilcrest. By order of the Mayor or Town Administrator, and consistent with an emergency situation, this Policy may be applied to other Town boards and commissions.

V. *Reasonable Accommodations.*

The Town shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide disabled Members full and equal access to meetings.