

 **Town of LARKSPUR**
Colorado
TOWN OF LARKSPUR
RESOLUTION NO. 2020-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR APPROVING A REMOTE PARTICIPATION AND REMOTE MEETINGS POLICY

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

Section 1. The Town Council hereby approves the Remote Participation and Remote Meetings Policy, attached hereto as **Exhibit A** and incorporated herein by this reference, subject to final approval by the Town Attorney.

INTRODUCED, PASSED AND ADOPTED AT A SPECIAL MEETING OF THE TOWN COUNCIL OF THE TOWN OF LARKSPUR THIS 19TH DAY OF MARCH 2020.




ATTEST:



Natasha Holland
Town Clerk

Votes Approved: 7
Votes Opposed: 0
Abstained: 0
Absent: 0

**TOWN COUNCIL OF THE
TOWN OF LARKSPUR, COLORADO**


Marvin Cardenas
Mayor



**TOWN OF LARKSPUR TOWN COUNCIL
REMOTE PARTICIPATION AND REMOTE MEETINGS POLICY**

I. Purpose.

The purpose of this Policy is to specify the circumstances under which a member of the Town Council ("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 Town Council 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 Town Council 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. 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 Town Council 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 Town Council shall be present at the regular meeting location.
4. Remote Participation may also be made available to a Member during an executive session.
5. The Town Council 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 Town Council 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 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 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 or otherwise participate and provide comment telephonically. 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 Town Council of the Town of Larkspur. By order of the Mayor, 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.

