Town of Erie
Virtual Participation and Virtual Meeting Policy

Number: 1004.2026

Effective Date: **June 13, 2023**	Revision/Review Date: _____	Prepared By: Malcolm Fleming, Town Manager

Policy Purpose: , this Policy specifies the conditions under which members of the Town Council and other Town boards, committees, and commissions, and the public, may participate in in-person meetings ("In-Person Meeting") without being physically present at the location of the in-person meeting ("Virtual Participation").

This policy also specifies the conditions under which meetings of the Town Council and other Town boards, committees, and commissions may be held without the physical presence of the members, Town staff, or the public, at a designated meeting location (a "Virtual Meeting").

In person attendance at meetings is always preferable for a better meeting. To accommodate Council/Board Members who are sick or traveling, an electronic attendance option shall be available when feasible. If it is not feasible due to technological or other reasons, the in-person meeting shall continue if a quorum is present.

Technological feasibility for purposes of this section shall be dependent upon staffing, equipment, and adequate telecommunications connections available to the Town.

A. **Virtual Participation** is authorized only as follows:

1. Council Members/board or commission members can hear one another and can hear and read all discussion and testimony in a manner that provides effective participation.
2. Members of the public can hear and see all discussion, testimony, and votes.
3. If the connection fails for a virtual participant, the Council/Board Member attending virtually will be listed as "absent" for that portion of the meeting.
4. The Council/Board Member using virtual participation shall maintain a good connection such that they are able to hear the proceedings and are able to be heard when speaking during the proceedings. If the virtual participant's connection is such that it is causing distractions for the in-person meeting the virtual participant may be asked to leave the meeting.
5. The Council/Board Member attending virtually will use video conferencing (rather than telephone participation) if available and the Members' camera should be on at all times except during designated meeting breaks.

6. If the Mayor/Chair is attending a meeting virtually and the Mayor Pro Tem/Vice Chair is participating in person, the Mayor Pro Tem/Vice Chair shall preside over the meeting. If both the Mayor/Chair and the Mayor Pro Tem/Vice Chair are absent or attending virtually, the Council/Board will select a temporary chairperson from those attending in-person to preside over the meeting.
7. All votes are taken by roll call.
8. Council Members/board members must inform the Town Clerk of their virtual attendance as soon as they know they will be attending virtually, and no later than Noon the day of the meeting.
9. Council Members and other persons authorized to attend an executive session held in accordance with the Colorado Open Meetings Law or applicable City policies are authorized to attend via virtually in accordance with these rules.
10. The Town Attorney may require any person attending an executive session virtually, as a condition of their participation, to affirm to the body that they are in a secure and confidential location where no other person can hear or see the content of the executive session and that such person shall not record or transmit the executive session or related materials.
11. Members of the public may attend virtually and participate in public hearings by giving comments. Town staff will ensure technology is working in Town Hall, but cannot ensure the remote connections of the public.
12. Minutes of the meeting are taken in the same manner as other meetings and all other rules of in-person meetings are followed.
13. Virtual attendance should be used sparingly. The Mayor/Chair may refuse a member the option of virtual attendance if a member abuses this option.

B. **Fully Remote Meetings** are authorized as follows:

1. If the Town Manager, in consultation with the Mayor, determines a Council meeting in person is not practical or prudent due to health, safety, weather, natural disaster, or other emergencies affecting the Town, the Town Manager may change a Town Council meeting to a fully remote setting if needed.

   If the staff liaison, in consultation with the board/commission Chair, determines a board meeting in person is not practical or prudent due to health, safety, weather, natural disaster, or other emergencies affecting the Town, the staff liaison may change a board meeting to a fully remote setting if needed

   If a fully remote meeting is scheduled, it must be properly noticed as such, and public access options must be provided on the meeting agenda.
2. If a decision is made to conduct a fully remote meeting, as soon as such decision is made, but no later than three (3) hours before the time the meeting is scheduled to begin:
   a. the Town Manager shall provide notice to Council Members

b. the Board liaison will provide notice to Board members

c. and, the public shall be notified

3. In the event of a fully remote meeting:

a. All Council/Board Members may participate and vote on all matters (legislative, quasi-judicial, staff direction) and shall participate in executive sessions

b. All votes in a fully remote meeting shall be by roll call.

c. The Town will provide public access to the meeting through telephonic or other remote means, provided such means allow the public to hear the Council and other participants in the meeting, and for the Council and other participants to hear any members of the public recognized to speak, if applicable.

d. Minutes are taken in accordance with Town policy.

C. For quasi-judicial matters, virtual participation and virtual meetings may only be used with the prior written consent of the applicant, in which the applicant waives any legal challenge to the hearing being conducted in such a manner.

D. Emergencies. In the case of emergency, the Mayor may suspend any or all of this Policy.

II. Applicability.

Upon implementation, this Policy will apply to regular and special meetings and study sessions of the Town Council, and to all meetings of other Town boards, commissions, and committees.

III. Reasonable Accommodation.

The Town shall provide reasonable accommodations and shall waive or modify provisions of this Policy as necessary to provide individuals with disabilities full and equal access to all meetings.

This policy is hereby approved and adopted by Resolution ____ on this ___ day of_____.

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Andrew J. Moore, Mayor

Revision History

Date of Review	Responsible	Summary of Change
03/12/2024	Amy Teetzel	- Updated "Board of Trustees" to "Town Council" and Town Administrator" to "Town Manger" required by adoption of Home Rule Charter (not
_____	Meredyth Muth	- Amended entire policy.