



# Town of Erie Virtual Participation and Virtual Meeting Policy

Number: 1004.2026

Effective Date: <b>June 13, 2023</b>	Revision/Review Date: <b>March 1, 2024</b> _____	Prepared By: Malcolm Fleming, Town Manager
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**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"). Additionally

~~This policy replaces the Remote Meeting Policy dated March 17, 2020 and the In-Person/Hybrid Meeting Policy dated January 1, 2022.~~

~~Due to technology constraints, in person meetings with Virtual Participation ("Hybrid Meeting") can only be held in the Board Room and not in the Community Room.~~

## ~~I. Procedure.~~

~~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. ~~Conditions.~~ **Virtual Participation and Virtual Meetings are** is authorized only if all the following conditions are met:

1. ~~Council Members/The~~ board or commission members can hear one another and can hear ~~or 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.
- 2.6. 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/Boaurd will select a temporary chairperson from those attending in-person to preside over the meeting.
- ~~3. Members of the public can participate to the greatest extent possible.~~
- ~~4. 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.~~
- 5.7. All votes are taken by roll call or electronic voting.
- ~~8. Minutes of the meeting are taken in the same manner as other meetings and all other rules of in-person meetings are followed. 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.
- ~~Minutes of the meeting are taken in the same manner as other meetings and all other rules of in-person meetings are followed.~~

~~Hybrid Meetings must adhere to the additional procedures below.~~

~~B. Hybrid **Fully Remote Meetings.**~~

- ~~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 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 that 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.~~

~~B.—~~

- ~~1.—Statutory Boards (Town Council, Planning Commission, Urban Renewal Authority, Board of Adjustment): Statutory Boards may hold Hybrid Meetings in the Town Hall Board Room, subject to the following conditions:~~

- i. ~~To enable the Town Clerk to prepare an accurate meeting notice, Board and Commission members must indicate to the Town Clerk whether they plan to attend in-person no later than the Wednesday the week prior to the scheduled meeting.~~
- ii. ~~Hybrid Meetings will only be held if at least a quorum plan to attend in-person. Hybrid Meetings require significant staff logistical support to administer the meeting effectively, and it is not an appropriate use of staff time to accommodate this service when less than a quorum will be present in-person.~~
- iii. ~~If the Town Clerk does not hear from Board or Commission members about their preferences by the Wednesday before a meeting week, the default is to have an In-Person Meeting.~~

## ~~2. All Other Advisory Boards~~

- i. ~~Advisory board members decide annually whether they prefer Virtual Meetings OR In-Person Meetings. The advisory board chair must indicate the meeting format on the meeting agenda, which should be provided to the Town Clerk at least one week prior to the meeting to ensure meetings are noticed and set up correctly. Once decided, the meeting format will remain consistent for the remainder of the calendar year unless there are extenuating circumstances, such as inclement weather, and advisory board chair notifies the Town Clerk of a change with adequate time for the Town Clerk to accommodate the change.~~
- ii. ~~In-Person advisory board meetings will take place in the Community Room at Town Hall and must be noticed and recorded.~~
- iii. ~~Hybrid Meetings cannot be conducted in the Community Room due to equipment constraints and because additional staff time is not available to cover any additional meetings in the Board Room.~~

~~C. Determination and Notice. The decision to hold a Virtual Meeting shall be made by the Mayor (or the Chair of the commission, advisory board, or committee) if the Mayor or Chair determines that a situation exists where a Virtual Meeting would be in the best interest of the public health, safety, and welfare. Notice of Virtual Meetings shall be provided in the same manner as In-Person meetings and shall indicate the time of the meeting, the fact it will be a Virtual Meeting, and how the public may observe and participate in the Virtual Meeting.~~

~~D. Virtual Participation. Virtual Participation shall be allowed at all meetings held in the Board Room for members of the public. Virtual Participation in In-Person meetings by members of the Board of Trustee or other statutory boards and commissions shall be permitted only if a member is out of Town or for health reasons. Should a statutory board or commission member require Virtual Participation, they must provide at least 24-hour advance notice to the Town Clerk. The total number of statutory board or commission members participating virtually in an in-person meeting shall not exceed~~

~~two (2) members per meeting. Any member attending virtually shall keep their camera on during the meeting.~~

E.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 ~~23-070~~ on this ~~June, 2023~~ 13<sup>th</sup> day of \_\_\_\_\_.

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~~Justin Brooks~~ Andrew J. Moore, Mayor

**Revision History**

<b>Date of Review</b>	<b>Responsible</b>	<b>Summary of Change</b>
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
<u>          </u>	<u>Meredyth Muth</u>	- <u>Amended entire policy.</u>