

EMERGENCY ELECTRONIC PARTICIPATION POLICY

I. Purpose.

The purpose of this Policy is to specify the circumstances and means under which the Town Council, Planning and Zoning Commission, and other Town Boards and Commissions shall conduct regular and special meetings by telephone or other electronic means of participation, such as video-conferencing that is clear, uninterrupted and allows two way communication for the participating members ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation inhibits collective observation of documentary information presented during meetings; fully evaluating a speaker's non-verbal language in assessing veracity or credibility; and from observing non-verbal explanations during a speaker's presentation or testimony. The Town Council finds that these limitations, inherent in Electronic Participation, may produce inefficiencies in meetings, increase the expense of meetings, and alter the decision-making process. As such, the Town Council shall only utilize the policies contained herein upon the adoption by the Town Council of a resolution declaring, or the Town Manager declaring, a local disaster emergency pursuant to Section 24-33.5-709, Colorado Revised Statutes.

II. Statement of General Policy.

The Town Council, Planning and Zoning Commission, and other Town Boards and Commissions (each a "Town Body") may conduct their regular or special meetings by electronic means only in accordance with this Policy.

A. Emergency Situations.

In the event in-person meetings of the Town Body are not practical or prudent due to an emergency affecting the Town, meetings may be conducted, in whole or in part, by telephone, electronically, or by other means of communication so as to provide maximum practical notice. Meetings may be held by telephone, electronically, or by other means of communication if all of the following conditions are met:

1. A local disaster emergency has been declared pursuant to Section 24-33.5-709, Colorado Revised Statutes; and
2. The Town Manager or the Town Body determines that meeting in person is not practical or prudent, because of matters related to the declaration of local disaster emergency affecting the Town; and
3. All members of the Town Body, and at least one Town staff member 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; and

4. Members of the public can hear the Town Body's proceedings and are afforded opportunities to participate in public comment, as permitted by law; and

5. Votes shall be conducted by roll call vote for all resolutions and ordinances not on the consent agenda and otherwise when required by law. All other votes may be taken by "voice vote" or "show of hands"; however, in the event a vote is not unanimous, a vote cannot be determined to be unanimous, or the Town Body members cannot be seen or heard at the call of the vote, then the vote shall be re-taken by roll call vote.

6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and

7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some members of the Town Body may participate by telephone, and the right of the public to monitor the meeting from another location; and

8. Members of the Town Body shall not use any electronic "chat"-type function during a meeting, except to identify a problem with the Electronic Participation functionality. In such event, the chat shall be maintained as part of the public record.

B. Partial Use of Electronic Participation.

The Town Manager may implement this Policy to allow for in-person meetings by some or all members of the Town Body, and Electronic Participation by some members of the Town Body or the public, as the case may be, when determined to be practical or prudent because of matters related to the declaration of local disaster emergency affecting the Town.

III. Arranging for Electronic Participation.

A. The Town Manager or his/her delegate shall contact Town Body members at least twenty-four hours in advance of a regular or schedule meeting to provide notice of a meeting conducted under this policy.

B. The Town shall initiate the Electronic 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 at least three attempts to re-initiate the connection.

IV. Effect of Electronic Participation.

A. Quasi-Judicial Matters.

In the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature at a meeting at which this policy is in effect, the Town shall advise the applicant of such circumstances and present the applicant with options for proceeding with the application. The applicant shall authorize the Town, in writing, to proceed with one of the following options.

1. Conduct the public hearing under this policy with accommodations made for electronic public participation; or
2. Suspend any and all review and decisions deadlines until such time that the local disaster emergency is lifted and the Town Body schedules a regular meeting at which a quorum will be physically present.

B. Executive Sessions.

In the event that the Town Body holds an executive session pursuant to Section 24-6-402, Colorado Revised Statutes and Section 3.7(D) of the Basalt Home Rule Charter, participants shall be authorized to attend via Electronic Participation. Any executive session conducted under this policy shall be recorded electronically as provided for by statute.

V. Reasonable Accommodations.

The Town shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide handicapped members of the Town Body full and equal access to Town Body meetings.