



**MEMORANDUM**

TO: Mayor Jones and Members of the Board

FROM: Karen Proctor, Town Administrator

DATE: March 26, 2020

RE: Resolution 2020-03 Approving an Electronic Participation Policy for the Town of Foxfield, Colorado

**DISCUSSION:**

Resolution 2020-03 approves an electronic participation policy in emergency situations. This will allow the Town Board meetings to be conducted by telephone, electronically, or by other means of communication when meeting in-person is not practical or prudent due to a health pandemic or an emergency situation affecting the Town.

**RECOMMENDED MOTION:**

"I move to approve Resolution 2020-03 approving an electronic participation policy for the Town of Foxfield, Colorado."

**ATTACHMENTS:**

**Exhibit A:** Resolution 2020-03 Approving an Electronic Participation Policy for the Town of Foxfield, Colorado

Trustee's Resolution

Resolution No 03, Series 2020

**A RESOLUTION APPROVING AN ELECTRONIC PARTICIPATION POLICY FOR  
THE TOWN OF FOXFIELD, COLORADO**

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FOXFIELD, COLORADO, THAT:

Section 1. The Electronic Participation Policy, as attached hereto, is hereby  
approved by the Board of Trustees of the Town of Foxfield, Colorado.

DATED, at the Town of Foxfield, Colorado, this        day of                    2020.

\_\_\_\_\_  
Lisa Jones, Mayor

ATTEST:

\_\_\_\_\_  
Randi Gallivan, CMC  
Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney

## ELECTRONIC PARTICIPATION POLICY DURING TOWN BOARD MEETINGS

### **I. Purpose**

The purpose of this Policy is to specify the circumstances under which a member of the Town Board may participate in regular and special meetings by telephone or other electronic means of participation, such as videoconferencing ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the Town Board from contemporaneously observing documentary information presented during meetings; from fully evaluating a speaker's non-verbal language in assessing veracity or credibility; and from observing nonverbal explanations (*e.g.*, pointing at graphs and charts) during a speaker's presentation or testimony. The Town Board finds that these limitations, inherent in Electronic Participation, may produce inefficiencies in meetings, increase the expense of meetings, and may undermine the decision-making process.

### **II. Statement of General Policy**

A member of the Town Board may participate in a meeting of the Town Board by electronic means only in accordance with this Policy.

#### **A. Emergency Situations**

In the event a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the Town Board because meeting in-person is not practical or prudent due to a health pandemic or emergency affecting the Town, meetings may be conducted 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 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 of the Town Board 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. At least one member of the Town Board is present at the regular meeting location, unless not feasible due to the pandemic or emergency declaration.
5. All votes are conducted by roll call.
6. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection.

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 Board may participate by telephone, and the right of the public to monitor the meeting from another location.

### **III. Arranging for Electronic Participation**

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 one attempt to reinitiate the connection.

### **IV. Effect of Electronic Participation**

Telephonic 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.

### **V. Limited Applicability of Policy**

This Policy shall only apply to regular and special meetings (including study sessions) of the Board of Trustees for the Town of Foxfield.

### **VI. Reasonable Accommodations**

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