



**TOWN OF PAGOSA SPRINGS, COLORADO  
TOWN COUNCIL**

**RESOLUTION 2020-08**

**A RESOLUTION OF THE TOWN OF PAGOSA SPRINGS, COLORADO  
ADOPTING A POLICY CONCERNING PROCEDURES FOR REMOTE  
PARTICIPATION IN PUBLIC MEETINGS IN EMERGENCY SITUATIONS**

**WHEREAS**, the Town of Pagosa Springs is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town's home rule charter; and

**WHEREAS**, pursuant to Sections 1.5 G) and 2.2 of the Home Rule Charter, the Town Council is authorized to adopt resolutions on local and municipal matters; and

**WHEREAS**, pursuant to C.R.S. § 24-33.5-709 of the Colorado Revised Statutes, and the Town Manager and Town Council have authority to declare a local disaster or emergency; and

**WHEREAS**, the Town government must continue to operate during a local disaster or emergency, while taking measures to protect the health, safety, and welfare of its employees, officials, and the public; and

**WHEREAS**, the Pagosa Springs Municipal Code provides Town Council meetings must have a quorum of Town Council Members to conduct business; and

**WHEREAS**, Town Council has determined that it is in the best interest of the public health, safety, and welfare of the residents, employees, and officials of the Town of Pagosa Springs to adopt an Emergency Electronic Participation Policy.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Pagosa Springs, Colorado, as follows:

1. Adoption of Policy. The policy concerning procedures for participation by elected and appointed officials of the Town of Pagosa Springs is described herein as **Attachment A** and is hereby adopted.
2. Public Inspection. A copy of this Resolution is available for public inspection at the office of the Town Clerk.
3. Effective Date. This Resolution shall become effective immediately upon adoption by Town Council.
4. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

ADOPTED THIS DAY, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS,  
BY A VOTE OF \_\_ IN FAVOR, \_\_ AGAINST, ON THE 19TH DAY OF MARCH 2020.

TOWN OF PAGOSA SPRINGS

By: \_\_\_\_\_  
Don Volger, Mayor

ATTEST:

By: \_\_\_\_\_  
April Hessman, Town Clerk

## ATTACHMENT A

### ELECTRONIC PARTICIPATION POLICY AT TOWN COUNCIL AND ADVISORY BOARD MEETINGS DURING A DECLARED LOCAL EMERGENCY

#### I. Purpose.

The purpose of this Policy is to specify the circumstances and means under which the Town Council and Advisory Boards 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 effectively precludes a member of the Town Council and Advisory Boards 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 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 and Advisory Boards shall only utilize the policies contained herein upon the adoption by the Town Council of a resolution declaring, or the Mayor and/or Town Manager declaring, a local disaster emergency pursuant to C.R.S. § 24-33.5-709.

#### II. Statement of General Policy.

The Town Council and Advisory Boards may conduct a regular or special meeting by electronic means only in accordance with this Policy.

**A. Emergency Situations.** In the event an in-person quorum is unable to meet at the day, time, and place fixed by the rules and procedures of the Town Council or an Advisory Board because an in-person meeting is not practical or prudent due to an emergency affecting the Town, meetings may be conducted via Electronic Participation. Meetings may be held by Electronic Participation if all of the following conditions are met:

1. A local emergency has been declared under C.R.S. § 24-33.5-709; and
2. The Town Manager or the Town Council determines that an in-person meeting is not practical or prudent, due to circumstances related to the local emergency affecting the Town; and
3. All participating members of the Town Council or Advisory Board, 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 participation; and
4. Members of the public can hear the Town Council or Advisory Board proceedings and are afforded opportunities to participate in public comment; and
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; and

7. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, that some members of the Town Council or Advisory Board may participate electronically, and the right of the public to monitor the meeting from another location or thru electronic participation.

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

A. The Town Manager or Town Staff shall contact the Town Council or Advisory Board members at least twenty-four (24) hours in advance of a regular or special 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 and conducted under this policy, the Town shall advise the applicant of such circumstances and present the applicant with options for proceeding with the application. Upon notice from the Town, 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 participation by the public; or

2. Suspend any and all review and decisions deadlines until such time that the local emergency is lifted and the Town Council or Advisory Board can schedule a meeting at which an in-person quorum will be present.

**B. Executive Sessions.** In the event that the Town Council holds an executive session pursuant to C.R.S §24-6-402 and conducted under this policy, members are authorized to participate electronically. Any executive session conducted under this policy shall be recorded electronically as required by statute.

**V. Limited Applicability of Policy.** This Policy shall only apply to regular and special meetings (including work sessions) of the Town Council or Advisory Boards of the Town of Pagosa Springs.

**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 Council or an Advisory Board full and equal access to Town Council or Advisory Board meetings.