Scope of this Session

• Humanizing local government: what’s good; what’s bad about virtual meetings

• Some reasonable suggestions for virtual and hybrid meetings: members, the public, and the chair

• Holding the virtual quasi-judicial hearing

• Ethical considerations for the municipal attorney
Humanizing local government

The positive aspects: members of the public and fellow officials see each other as actual people:

- Having personal context lends understanding and a greater willingness to hear and appreciate each other's views
- The [very occasional] dog, cat or child can be helpful
- Permits greater participation from members of the public for whom a 7 p.m. weeknight meeting is difficult
Downsides of the virtual meeting

Appearances and behaviors that would never be tolerated at an in-person context:

• eating dinner; chewing gum
• animals or children on the lap
• TV going in the next room
• inappropriate clothing
• Officials “leaving” the meeting abruptly

These behaviors are never present at in-person meetings: Why should being at home change the rules?

These behaviors lead to disrespect of local government at a time when it is under challenge already.
Some reasonable suggestions for virtual and hybrid meetings

For individuals: prepare for the meeting: *lights, camera, action!*

- Confirm Internet connection and login in advance
- Familiarize yourself with audio and video controls
- Adjust camera angle, lighting and background
- Use the mute button, but stay on camera for your constituents
- As a test, watch the video of your latest Council meeting
Rules for council, staff and public

• Require uninterrupted two-way audio and video of both members and staff

• Members and staff to be in a permanent location (not in the car)

• Public notice of the meeting to be clear about how to attend

• Provide ability for citizens to provide online comments in advance

• Advise all participants of the rules at the beginning and how and when they can comment
Role of the chair in a virtual meeting

• As in a physical meeting, you are the air traffic controller

• Look up, not down, so as to know who is speaking and who is next

• Have the ability to mute all participants, except those speaking, or have staff able to do so

• Stick to the same general pattern and order of participation: staff, applicant, questions from the board, then members of the public [or similar]

• Be ready to recess or terminate the meeting if the technology connections are such that a fair meeting is no longer possible
Conducting virtual quasi-judicial hearings

- legislative or administrative matters: only a reasonable ability to see, hear, and testify is needed

- quasi-judicial matters: both the applicant and opponents are entitled to due process:
  - ability to present exhibits and witnesses effectively
  - ability to see and hear the decision-makers and persons testifying
  - no ex-parte contacts: texting or email during the hearing
  - minimal distractions, no different than in a courtroom or public meeting room

- use of signed waivers for participation in quasi-judicial hearings

- actions to take if the technology breaks down: recess or reschedule

- encourage pre-recording of staff and applicant presentations
Ethical considerations for the municipal attorney

• Impartiality and decorum of the tribunal, CRPC 3.5
• Competence and diligence: CRPC 1.1 and 1.3
  o loss of Internet connection
  o can’t access documents to answer questions
  o witness loses connection security
• conducting executive sessions:
  o separate zoom link preferred
  o when the microphone is left on
Acknowledgments and resources

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*Zoom is the best thing to happen to local government in years,* Henry Graybar, slate.com (February 17, 2021), https://slate.com/business/2021/02/local-government-community-meeting-housing-racism.html

*Tips for Enhancing Professionalism During Virtual Meetings of Local Government,* Bob Widner, Colorado Municipal League publication