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# CML Special Conference

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## Virtual Meetings: Do's and Don'ts

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*Contents of this presentation reflects the view of the presenter, not of CML.*



## 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
  - loss of Internet connection
  - can't access documents to answer questions
  - witness loses connection security
- conducting executive sessions:
  - separate zoom link preferred
  - when the microphone is left on

## Acknowledgments and resources

Thanks to Carolynne White, Brownstein Hyatt Farber Schreck

*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



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