

**TOWN OF SILT  
RESOLUTION NO. 20  
SERIES OF 2020**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
TOWN OF SILT, COLORADO, ADOPTING AN  
ELECTRONIC PARTICIPATION POLICY FOR USE IN THE  
EVENT OF A LOCAL EMERGENCY DECLARATION.**

**WHEREAS**, the Town of Silt ("Silt" or the "Town") is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Silt Home Rule Charter (the "Charter"); and

**WHEREAS**, Charter Section 2-10 (d) provides that the Board of Trustees "may designate an alternate place for such meeting and post notice thereof as provided in" the Charter; and

**WHEREAS**, Charter Section 2-10 (e) provides that the meetings of the Board of Trustees shall be open to the public.

**WHEREAS**, Neither the Charter nor the ordinances of the Town prohibit electronic participation in Town Board meetings; and

**WHEREAS**, pursuant to Section 24-33.5-709 of the Colorado Revised Statutes, the Town Administrator and Town Board have authority to declare a local disaster or emergency; and

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

**WHEREAS**, It is the intent of this resolution to permit the functions of the Town Board of Trustees to continue in the event of an emergency declaration; and

**WHEREAS**, The Board of Trustees has determined that it is in the best interest of the public health, welfare, and safety of the residents of the Town of Silt to adopt an Emergency Electronic Participation Policy.

**NOW, THEREFORE, IT IS RESOLVED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF SILT, COLORADO, THAT:**

**Section 1.** The above recitals are hereby incorporated as findings by the Town Board of Trustees of the Town of Silt.

**Section 2.** The Town Board of Trustees of the Town of Silt hereby adopts the Emergency Electronic Participation Policy, attached hereto as **Exhibit A**.

**Section 3.** The Electronic Participation Policy adopted herein shall only apply upon the adoption of a resolution by the Town of Silt Board of Trustees declaring a local disaster emergency or the Town Administrator declaring a local disaster emergency pursuant to Section 24-33.5-709 of the Colorado Revised Statutes.

INTRODUCED, READ AND PASSED THIS 17<sup>th</sup> DAY OF MARCH 2020.

TOWN OF SILT, COLORADO



Keith B. Richel, Mayor

ATTEST:



Sheila M. McIntyre, Town Clerk, CMC



**ELECTRONIC PARTICIPATION POLICY  
AT BOARD OF TRUSTEE MEETINGS DURING A LOCAL DISASTER EMERGENCY**

**I. Purpose.**

The purpose of this Policy is to specify the circumstances and means under which the Board of Trustees 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 Board of Trustees 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 Board of Trustees 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 Board of Trustees shall only utilize the policies contained herein upon the adoption by the Board of Trustees of a resolution declaring, or the Town Administrator declaring, a local disaster emergency pursuant to Section 24-33.5-709, Colorado Revised Statutes.

**II. Statement of General Policy.**

The Board of Trustees or Planning Commission may conduct a regular or special meeting 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 Board of Trustees because meeting in-person is not practical or prudent due to an 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 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 Administrator or the Board of Trustees 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 Board of Trustees, 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 Board of Trustees's 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, the fact that some members of the Board of Trustees may participate by telephone, and the right of the public to monitor the meeting from another location.

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

A. The Town Administrator shall contact Council 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 Board of Trustees schedules a regular meeting at which a quorum will be physically present.

#### **B. Executive Sessions.**

In the event that the Board of Trustees holds an executive session pursuant to Section 24-6-402, Colorado Revised Statutes and Section 4.10 of the Silt 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. Limited Applicability of Policy.**

This Policy shall only apply to regular and special meetings (including work sessions) of the Board of Trustees and Planning Commission of the Town of Silt. For the purposes of the Planning Commission's use of this policy, the word "Council" shall mean "Commission".

**VI. Reasonable Accommodations.**

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