

CITY COUNCIL POLICY FOR ELECTRONIC PARTICIPATION IN CITY COUNCIL MEETINGS

I. Purpose

The purpose of this policy is to allow City Council to meet and conduct City business by teleconference, video conference, or other electronic means (“Electronic Participation”).

II. Scope

This policy shall apply to regular and special meetings, including study sessions, of the City Council of the City of Cherry Hills Village (“Meetings”).

This policy incorporates the rules of procedure adopted by the City Council and supplements those rules to facilitate the conduct of Meetings by Electronic Participation. City Council may participate and vote in all matters within the scope of their authority at Meetings conducted by Electronic Participation.

III. Policy

- A. The City Council may hold, and a member of the City Council may participate in, a duly noticed Meeting by Electronic Participation only in accordance with this policy.**
- B. Electronic Participation by City Council Members in Otherwise In-Person Meetings**
 1. City Council members affirm their intent to attend as many Meetings in-person as possible. Electronic Participation will be used infrequently for emergency and rare convenience purposes.
 2. A limit of two Council members may participate in a Meeting by Electronic Participation, or be absent from a Meeting. At least four Council members, not including the Mayor, must be present in-person for a Meeting to proceed. If more than two Council members will be absent or participate by Electronic Participation the Mayor will cancel or reschedule the Meeting.
 3. There is no limit to the number of Meetings per year a City Council member may attend by Electronic Participation.

4. Council members participating by Electronic Participation may participate in public hearings, quasi-judicial matters, and executive sessions. If a Council member participating by Electronic Participation loses their connection during a quasi-judicial matter, the Council member will not be permitted to rejoin the Meeting until after the quasi-judicial matter is concluded, and will not be permitted to participate or vote on the quasi-judicial matter.
5. City Council members using Electronic Participation to participate in an executive session shall ensure that the privacy and confidentiality of the executive session are maintained. No individual City Council member using Electronic Participation for an executive session may permit any other person to hear, see, or otherwise have access to executive sessions or related materials. Except as required by the Colorado Open Meetings Law, no attendees of an executive session shall record executive session discussions.
6. Oaths of office shall be administered in-person only, except in accordance with Section III.C. of this policy.
7. No other person shall participate in any Meeting by Electronic Participation except in accordance with Section III.C. of this policy.
8. City Council members attending by Electronic Participation shall have their cameras on at all times, and shall be in a private, secure, focused space with a good internet connection and low noise. Council members attending by Electronic Participation shall join the Meeting at least 10 minutes prior to the meeting start time.
9. All votes shall be conducted by roll call.
10. The Mayor may discontinue the use of Electronic Participation by a Council member during a Meeting where such connection or participation results in delays or interference in the Meeting process.
11. Consent is not required from a quasi-judicial applicant in order for City Council to hold a quasi-judicial public hearing when up to two City Council members are participating by Electronic Participation in otherwise in-person Meetings.

C. Meetings Held Entirely by Electronic Participation

1. Meetings will be held entirely by Electronic Participation only when the City Council, Mayor, or the City Manager determines that meeting in-person is impractical, impossible, or unlawful.
2. The Clerk or City Manager shall contact City Council members at least twenty-four hours in advance of a regular or special Meeting to provide

notice of a Meeting conducted entirely by Electronic Participation under this policy.

3. The public shall receive at least twenty-four hours' notice of:
 - a. the time of the Meeting;
 - b. the fact that the Meeting will be conducted using Electronic Participation; and
 - c. the means by which the public may join the Meeting electronically.
4. The City Council shall provide adequate opportunity for the public to participate in the Meeting that is commensurate with the similar opportunity that is routinely given during in-person Meetings. The public may submit written comments and materials to the City Clerk by the deadline indicated on the meeting agenda. Written comments and materials received by the deadline shall be distributed to the City Council members prior to the Meeting and be made part of the record.
5. Members of the public must contact the City Clerk by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
6. The City Clerk shall initiate the Electronic Participation a reasonable time before the scheduled time of the Meeting.
7. All votes shall be conducted by roll call.
8. The Mayor may discontinue the use of Electronic Participation by members or citizens during a Meeting where such connection or participation results in delays or interference in the Meeting process. If connection of a Council member is lost, the City Clerk shall make at least two attempts to re-initiate the connection. If a quorum is no longer present, the City Council shall adjourn the Meeting. If technological difficulties impair the orderly processing of quasi-judicial matters or other public hearings, the City Council may continue the matter to a date and time certain.
9. All members of the City Council, at least one City staff member, and applicant and witnesses in quasi-judicial matters, must be able to clearly communicate with one another by Electronic Participation and be able to hear or read all discussion, evidence, and testimony in a manner designed to allow notice and participation.

10. Members of the public must be able to hear or read all discussion, presentations, evidence, testimony, and votes, unless not feasible as determined by the presiding officer of the City Council.
11. The City Council may convene executive sessions in Meetings conducted by Electronic Participation if such sessions otherwise conform to the requirements of Colorado law. City Council members using Electronic Participation to participate in an executive session shall ensure that the privacy and confidentiality of the executive session are maintained. No individual City Council member using Electronic Participation for an executive session may permit any other person to hear, see, or otherwise have access to executive sessions or related materials. Except as required by the Colorado Open Meetings Law, no attendees of an executive session shall record executive session discussions.

D. Quasi-Judicial Matters at Meetings Held Entirely by Electronic Participation

1. Meetings will be held entirely by Electronic Participation only in accordance with Section III.C. of this policy.
2. Except for any public hearing initiated by the City or based on an appeal of an action initiated by the City, each applicant must consent to holding a public hearing electronically. Such consent must be in writing and must be received by the City Clerk no later than thirteen business days prior to the Meeting in order for the public hearing to be held electronically. If such consent is not received the public hearing will not be scheduled.
3. All notices of the public hearing shall include a notification that the public hearing will be conducted electronically, that advance registration for public comment is required, and that information for participation will be provided on the meeting agenda.
4. The meeting agenda must clearly state: (1) that the public hearing will be conducted electronically; (2) that advance registration for public comment is required; (3) the method by which the public may participate; and (4) the deadline for registration and submittal of exhibits by members of the public.
5. An applicant's final submittal of all exhibits to be referenced during the public hearing must be received by the City Clerk no later than thirteen business days prior to the Meeting to ensure all materials are included in the City Council packet. All exhibits are required to be clearly named and labeled.

6. The City Clerk shall send the City Council packet to the City Council members and to the applicant and shall require confirmation of receipt.
7. An applicant's final presentation must be received by the City Clerk no later than 9:00 a.m. the business day before the Meeting.
8. The applicant will appear by video with audio as directed by the City Clerk. The public hearing must be continued in the absence of both video and audio. The applicant should remain connected until the conclusion of the public hearing.
9. Members of the public must contact the City Clerk by the deadline indicated on the meeting agenda in order to receive information on the means by which the public may join the Meeting electronically. Requests received after the deadline will not be permitted to join the Meeting electronically but can view the live stream and recording of the Meeting on the City website.
10. Members of the public must submit any exhibits by the deadline indicated on the meeting agenda. The City Clerk will share exhibits during the appropriate testimony. Members of the public are not permitted to share their screen.
11. Members of the public must disconnect from the meeting platform once they have concluded their testimony. They are encouraged to watch the remainder of the Meeting on the City website.
12. A member of the public may only speak once during a public hearing.
13. The standard for public participation is substantial compliance. Technological errors preventing a particular member(s) of the public from participating in a public hearing shall not invalidate the hearing proceedings, unless the City Council determines that such an error fails to comply with due process requirements under applicable law.
14. The City Manager may choose to continue any public hearing conducted under this policy to a date and time certain if the City Manager determines it is not possible or prudent to hold the public hearing by electronic means.
15. The City Council may continue a public hearing to a date and time certain for reasons set forth in the Municipal Code, to provide additional public participation or obtain additional information, or upon request of the applicant.

E. Reasonable Accommodations

1. The City shall provide reasonable accommodations and shall waive or modify provisions of this policy to provide equal access to Meetings.