

**TOWN OF SAN LUIS
RESOLUTION 2020-03**

ELECTRONIC PARTICIPATION

**AN EMERGENCY RESOLUTION CONCERNING ELECTRONIC PARTICIPATION
POLICY DURING SAN LUIS BOARD OF TRUSTEE MEETINGS.**

I. Purpose

The purpose of this Policy is to specify the circumstances under which a member of the Board of Trustees may participate in regular and special meetings by telephone or other electronic means of participation, such as video-conferencing (“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 (e.g., pointing at graphs and charts) 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 may undermine the decision-making process.

II. Statement of General Policy.

A member of the Board of Trustees may participate in a meeting of the Board of Trustees by electronic means only in accordance with the Policy.

A. Non-Emergency Situations

Electronic Participation in non-emergency situations shall be made available and shall be limited as follows:

1. A member of the Board of Trustees may listen by telephone or other electronic means to and Board of Trustees meeting. Such Board of Trustee member listening via telephone shall be deemed present for the purposes of determining a quorum, but only for meetings during which no quasi-judicial matters will be heard or considered. The member of the Board of Trustees may not participate nor vote in a quasi-judicial public hearing; however, the Board of Trustee may maintain the electronic connection and monitor and listen to the hearing. The member of the Board of Trustees may participate and vote in legislative matters.
2. Listening telephonically or by electronic means is intended to be an infrequent or occasional substitution for physical attendance. For purposes of this policy, infrequent or occasional substitution for physical attendance shall mean no more than four (4) posted Board of Trustee meetings, including study sessions per calendar year. Provided, however, a Board of Trustee member may request Board of Trustees approval of Electronic Participation for more than four (4) meetings in any calendar year. The Board of Trustees may, by majority vote of a quorum present, declare a

Board of Trustee's repeated use of Electronic Participation excessive and deny a Board of Trustee member's privilege to use Electronic Participation for a specific meeting or meetings.

3. Electronic Participation may also be made available to a Board of Trustee member during an executive session.
4. The Board of Trustee member may discontinue the use of Electronic Participation by one or more members during a meeting where the participation results in delay or interference in the meeting process; e.g., where the telephone connection or connection by other electronic means is repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening Trustee is unable to hear speakers using normal speaking voice amplified to a level suitable for the meeting audience in attendance.

B. Emergency Situations

In the event a quorum is unable to meet at the day, hour, and place fixed by the rules and procedure of the Board of Trustees because meeting in-person is not practical or prudent due to a health pandemic or 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. The Town Manager or the Mayor determines that meeting in person is not practical or prudent, because of a health pandemic or declaration of emergency affecting the Town;
2. All members of the Board of Trustees 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.
3. Members of the public present at the regular meeting location can hear or read all discussion, testimony and votes, unless not feasible due to the pandemic or emergency;
4. At least one member of the Board of Trustees is present at the regular meeting location, unless not feasible due to the pandemic or emergency declaration;
5. All votes are conducted by roll call;
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 or electronic participation by telephone, and the right of the public to monitor the meeting from another location.

III. Arranging for Electronic Participation

- A. To arrange to participate via Electronic Participation, a Board of Trustee member shall:
1. Contact the Mayor, Town Manager or Town Clerk in advance of the meeting to determine if an arrangement for such participation via telephone conference or video conference is possible. Board of Trustee members shall endeavor to advise the Town of their intent to participate via Electronic Participation at the earliest possible time and not less than twenty-four (24) hours prior to the requested participation.
 2. 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 one attempt to re-initiate the connection.

IV. Effect of Electronic Participation.

Telephonic participation shall only constitute actual attendance for purposes of establishing quorum for meetings during which no quasi-judicial matters will be heard or considered.

V. Limited Applicability of Policy.

This Policy shall only apply to regular and special meetings (including work sessions) of the Board of Trustees of the Town of San Luis.

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 full and equal access to Board of Trustee Meetings.

PASSED AND ADOPTED at a Special Meeting of the Board of Trustees of San Luis, Colorado, on this 19th day of March, 2020.



TOWN OF SAN LUIS, COLORADO

by: Tiffany A. Gallegos
Tiffany A. Gallegos, Mayor

ATTESTED:

Rebecca Romero

Rebecca Romero, Town Clerk