

**TOWN OF MEAD, COLORADO
RESOLUTION NO. 21-R-2023**

**A RESOLUTION OF THE TOWN OF MEAD, COLORADO, ADOPTING A
REMOTE PARTICIPATION AND REMOTE MEETING POLICY**

WHEREAS, the Town Board of Trustees is authorized to adopt procedures and guidelines to govern the conduct of the Town Board and Town business; and

WHEREAS, due to the COVID-19 pandemic and the public health orders ensuing therefrom, the Town Board of Trustees adopted the Town of Mead's Emergency Electronic Participation Policy for Regular and Special Meetings (the "Emergency Meeting Policy") by Resolution No. 44-R-2020 approved on March 30, 2020 (the "Prior Resolution"); and

WHEREAS, the Emergency Meeting Policy has allowed the Board of Trustees and Town Commissions to conduct public business and hold public meetings remotely through electronic means; and

WHEREAS, the Board of Trustees finds that remote/electronic meetings have generated broader public participation and attendance than only in-person meetings and that remote meetings or remote participation in certain circumstances should be allowed to be continued; and

WHEREAS, the Board of Trustees desires to adopt the attached Remote Participation and Remote Meeting Policy (the "Remote Meeting Policy") in the form attached to this Resolution as **Exhibit 1** to continue to allow remote participation and remote meetings in certain circumstances as more specifically set forth in the Remote Meeting Policy; and

WHEREAS, Board further desires to terminate the Emergency Meeting Policy effective immediately upon the effective date of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Mead, Weld County, Colorado that;

Section 1. The Board of Trustees hereby adopts the Remote Meeting Policy in the form attached to this Resolution as **Exhibit 1**. The Emergency Meeting Policy (as defined above) shall be terminated upon the effective date of this Resolution.

Section 2. Effective Date. This resolution shall become effective immediately upon adoption.

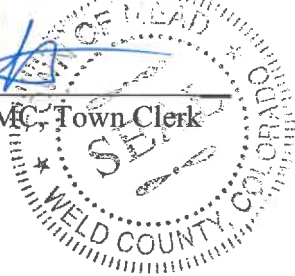
Section 3. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 13th DAY OF MARCH 2023.

ATTEST:

By: Mary E. Strutt
Mary E. Strutt, MMC, Town Clerk

The seal of the Town of Mead, Weld County, Colorado, is circular. It features a central emblem with a plow and a sheaf of wheat. The text "TOWN OF MEAD" is at the top, "WELD COUNTY, COLORADO" is at the bottom, and "SEAL" is in the center.

TOWN OF MEAD

By: Colleen G. Whitlow
Colleen G. Whitlow, Mayor

Exhibit 1

Remote Participation and Remote Meeting Policy
(attached)

REMOTE PARTICIPATION AND REMOTE MEETING POLICY

I. Purpose.

The purpose of this Policy is to specify the circumstances under which members of the Town Board of Trustees (“Board”) and the members of the various advisory boards, commissions and committees of the Town of Mead (individually, a “Town Commission” and collectively, “Town Commissions”) may participate in regular or special meetings by telephone or other electronic means of participation, such as video-conferencing (“Remote Participation”), as well as situations where the meeting itself is held without the physical presence of any members of the Board or Town Commission, Town staff, or the public at a designated meeting location (a “Remote Meeting”). This Policy replaces and supersedes the Town of Mead’s Emergency Electronic Participation Policy for Regular and Special Meetings adopted by Resolution No. 44-R-2020 on March 30, 2020. This Policy also specifies the circumstances under which Town staff and members of the public may participate via Remote Participation.

II. Procedure.

A. Remote Participation and Remote Meetings - Authorization. Remote Participation and Remote Meetings are authorized if all of the following conditions are met:

1. The Board or Town Commission members can hear one another and can hear or read all discussion, written documents, and testimony in a manner designed to provide maximum participation.
2. Members of the public have a reasonable opportunity to participate and observe the meeting proceedings to the extent practicable given the inherent limitations associated with Remote Participation.
3. Town staff present at the meeting may hear or read all discussion, written documents, and testimony in a manner designed to provide maximum participation.
4. All votes on all agenda items are taken by roll call vote.
5. Minutes of the meeting are taken in the same manner as other meetings.

B. Remote Meetings. Remote Meetings may be conducted where the Mayor or Town Manager determines that meeting in person is not practical or prudent, because of a declared emergency or disaster, public health order, or when a physical meeting is otherwise not possible or practicable. Details regarding Remote Meetings shall be coordinated among the participating members of the Board or Town Commission and Town Staff. The Town Clerk (or designee) shall make arrangements, to the extent possible, to ensure full and timely notice to the public. Notice of any Remote Meeting shall set forth the time of the meeting, the fact it will be conducted as a Remote Meeting, as well as access information for the public.

C. Remote Participation. Remote Participation shall be allowed at all regular and special meetings, subject to the following:

1. The Board or Town Commission member shall make best efforts to provide at least 24 hours advance notice to the Town Manager or Town Clerk to determine if such Remote Participation is feasible.
2. If a member of the Board or Town Commission is participating remotely and is disconnected, the Town Clerk or recording secretary shall make one attempt to reinitiate the remote connection.
3. Members of the Board or Town Commissions participating remotely shall conduct themselves professionally, devoting their attention to the business at hand without substantial interruptions, distractions, or nuisance behavior.
4. Video conferencing shall be the preferred method for Remote Participation, with camera turned on, especially during Board or Town Commission comments and votes.
5. Remote Participation and voting on quasi-judicial matters pending before the Board or any Town Commission shall be subject to the provisions of Section III of this Policy.
6. Remote Participation by the public may be allowed at all meetings of the Board and Town Commissions, subject to available technology and staffing by the Town. The Town Clerk has the authority to adopt best practices to ensure orderly participation by the public, including ensuring that only one (1) member of the public may speak at one time and that any inappropriate or profane public comment may be shut down in order to eliminate or substantially reduce any distractions or nuisance behavior.
7. Remote Participation is allowed for Board executive sessions. Any member of the Board participating in an executive session via Remote Participation shall take all steps necessary to ensure that the privacy and confidentiality of the executive session are maintained at the highest level.

D. Adjournment. The Mayor or presiding chair may adjourn a Remote Meeting if conditions result in substantial interference in the meeting process; e.g., where the telephone or electronic connection is repeatedly lost, the quality of the connection is unduly noisy, or a participating Board or Commission member is unable to hear other speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

E. Discontinuation of Remote Participation. The Mayor or presiding chair may discontinue the use of Remote Participation by one or more Board members, Town Commission members, or members of the public where the Remote Participation results in delays or interference in the meeting process; e.g., where the telephone, electronic, or other connection is

repeatedly lost, the quality of the connection is unduly noisy or otherwise problematic to the conduct of the meeting, or the listening member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance. The meeting may proceed after the use of Remote Participation has been discontinued only if there is a quorum of the Board or a Town Commission physically present at the meeting location.

F. Quorum. Remote Participation by a Board member or a Town Commission member shall constitute actual attendance for purposes of establishing a quorum and conducting business if the procedures in this Policy are followed.

III. Applicability; Quasi-judicial hearings.

This Policy applies to regular and special meetings and work sessions of the Board, and to all meetings of other Town Commissions, including Remote Meetings, provided that the conduct of remote quasi-judicial hearings, including Remote Participation by a Board or a Town Commission member, shall be allowed only if all of the following conditions are met:

A. Town staff shall advise the applicant(s) seeking approval or conditional approval of a quasi-judicial matter of Remote Participation by a Board or a Town Commission member or a Remote Meeting, whichever is applicable, and present the applicant(s) with the applicable options for proceeding.

B. For Remote Meetings, the applicant(s) 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 Remote Participation on the condition that the applicant(s) execute a written waiver of any legal challenge to the hearing being conducted at a Remote Meeting; or

2. Suspend the conduct or scheduling of the applicant's public hearing until such time as the Board or a Town Commission conducts a regular or special meeting at which a quorum will be physically present at the meeting location.

C. For Remote Participation by individual Board or a Town Commission member(s) in an in-person hearing, applicant(s) may consent to Remote Participation and waive any legal challenge to the hearing being conducted by Remote Participation. If the applicant does not provide such consent and waiver in writing, the Board or a Town Commission member(s) attending through Remote Participation shall not vote in the matter but may listen and participate in discussion. If a quorum of the Board or Town Commission is not physically present at the meeting location, and the applicant has not provided the consent and waiver in writing, the hearing shall be continued to a date, time and place certain.

IV. Reasonable Accommodation.

The Town shall provide reasonable accommodations and shall waive or modify provisions of this Policy as necessary to provide disabled individuals or individuals who qualify for

accommodations under federal or state laws full and equal access to Board and Town Commission meetings.

V. Abuse of Policy.

Remote Participation is intended to be an infrequent or occasional substitution for physical attendance. The Board or Town Commission may, by majority vote of a quorum present, declare a Board or Town Commission member's use of this Policy excessive and deny the Board or Town Commission member's Remote Participation privileges for a specific meeting or meetings.

VI. Substantial Compliance.

The standard for public participation is substantial compliance. Technological errors preventing a particular member of the public from participating via remote access shall not invalidate any proceedings.

MADE EFFECTIVE THIS 13th DAY OF MARCH 2023.

Reference: Resolution No. 21-R-2023 dated March 13, 2023