

RESOLUTION NO. 10

SERIES 2020

A RESOLUTION AMENDING THE TOWN COUNCIL "PROCEDURES AND RULES OF ORDER" CONCERNING A COUNCILMEMBER'S ELECTRONIC PARTICIPATION AT TOWN COUNCIL MEETINGS

WHEREAS, Section 5.1 of the Breckenridge Town Charter provides that the Town Council shall determine the rules of procedures governing its meetings; and

WHEREAS, the Town Council has previously adopted the "Council Procedures and Rules of Order" ("**Rules**") to establish written procedures for conducting Town Council meetings; and

WHEREAS, Section 12.1 of the Rules provides that the Rules may be amended by the vote of two thirds of the Town Council; and

WHEREAS, Section 12.1 of the Rules further provides that all amendments to the Rules shall be made by resolution; and

WHEREAS, this resolution was submitted to each member of the Council at least two weeks in advance of the Council meeting at which the adoption of this resolution was to be considered.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO, as follows:

Section 1. Rule 4.15 of the Council Procedures and Rules of Order is amended so as to read in its entirety as follows:

4.15 Attendance at Town Council Meeting By Telephone or Other Electronic Means.

- A. Purpose. The purpose of this Rule is to specify the circumstances under which a member of the Town Council may participate in regular, special, or emergency meetings of the Town Council 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 Town Council 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 Town Council finds that these limitations, inherent in Electronic Participation, may produce inefficiencies in meetings, cause delays, and interfere with the decision-making process. When used in this Rule, the term "Council member includes both the Mayor and all other members of the Town Council
- B. Statement of General Policy. A member of the Town Council may participate in a meeting of the Town Council by electronic means only in accordance with this Rule.
 1. Pandemic or Personal Health Reason.
 - a. If a Town Council member reasonably determines that his or her personal attendance at a Town Council meeting would not be prudent due to: (i) a pandemic affecting the whole Town, or (ii) as a result of the member's personal health, such Council member may listen by telephone or other electronic means to any Council meeting. Such Council member listening via telephone or other electronic means shall be deemed present for purposes of determining a quorum. The member of Town Council may not participate nor vote in a quasi-judicial public hearing; however, the Council member may maintain the electronic connection and monitor and listen to the hearing. The member of Town Council may participate and vote in legislative matters.
 - b. Electronic Participation may also be made available to a Town Council member during an executive session.

c. There is no limit on the number of Town Council meetings at which a Council member may participate by telephone or other electronic means under this Section 1.

d. The Town Council may discontinue the use of Electronic Participation by one or more members during a meeting where the participation results in delays 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 member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.

2. Additional Rules When Electronic Participation Is Allowed. Whenever a Town Council member is allowed to participate in a Town Council meeting by telephone or other electronic means pursuant to this Rule, the following additional rules shall be observed:

a. All members of the Town Council must be able to hear one another or otherwise communicate with one another, and be able to hear all discussion and testimony in a manner designed to provide maximum notice and participation;

b. Members of the public present at the meeting location must be able hear all discussion, testimony, and votes;

c. All votes held at the meeting shall be conducted by roll call.

3. Public Notice. To the extent possible, full and timely notice shall be given to the public setting advising that one or more members of the Town Council may participate in the meeting electronically.

4. Attendance By Electronic Means Does Not Create Vacancy. Participation in a regular Town Council meeting by telephone or other electronic means in accordance with this Rule shall not be considered to be a "failure to attend" a regular Council meeting for determining whether a vacancy in the office of the Mayor or a Council member has occurred under Section 4.8(b) of the Town Charter.

Section 2. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 24th day of March, 2020.

TOWN OF BRECKENRIDGE

By: _____/s/_____
Eric S. Mamula, Mayor

ATTEST:

_____/s/_____
Helen Cospolich
Town Clerk

APPROVED IN FORM

_____/s/_____
Town Attorney Date