



CITY CLERK'S OFFICE MEMORANDUM
#5-2024

DATE: April 8, 2024
TO: Honorable Mayor Meredith Leighty and City Council Members
THROUGH: Heather Geyer, City Manager 
FROM: Johanna Small, City Clerk 
SUBJECT: CR-90 – Revised Electronic Participation Policy

PURPOSE

To consider CR-90, a resolution adopting a revised Electronic Participation Policy.

BACKGROUND

At the Jan. 13, 2024 Council Team Building Retreat, City Council directed staff to study the policies of other cities specific to electronic participation in executive sessions during non-emergency situations and the application of electronic participation policies to other city boards and commissions. Staff surveyed 13 municipalities in the metro area and presented the findings to City Council at the March 18, 2024 special Council meeting.

City Council provided direction to revise the Electronic Participation Policy to require in-person attendance by City Council members at executive sessions during non-emergency situations and to include all city boards and commissions in the policy to increase accessibility for board and commission members.

Proposed revisions to the policy are shown below in red:

I. Purpose.

The purpose of this Policy is to specify the circumstances under which a member of the City Council, **Boards, and Commissions** may participate in regular and special meetings by telephone or other electronic means of participation, such as videoconferencing ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the City 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 City Council 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. Non-Emergency Situations.

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

3. ~~Electronic Participation may also be made available to a City Council member during an executive session.~~ City Council members may not electronically participate in executive sessions, except at a fully electronic meeting in an emergency situation as described in Section B. Any Council member that was unable to attend an executive session may review the audio recording at the City Clerk's Office within ninety (90) days of the executive session.

V. Limited Applicability of Policy.

This Policy shall ~~only~~ apply to regular and special meetings (including study sessions) of the City Council, ~~and meetings of boards and commissions~~ of the City of Northglenn.

VI. Reasonable Accommodations.

The City shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide ~~handicapped~~ members of the City Council ~~or other boards and commissions of the City with disabilities~~ full and equal access to City Council meetings.

The Electronic Participation Policy attached as Exhibit A to CR-90 includes the revisions above in the final proposed format.

BUDGET/TIME IMPLICATIONS

There are no budget or time impacts.

RECOMMENDATION

Staff recommends approval of CR-90.

STAFF REFERENCE

If Council members have any questions, please contact Johanna Small, City Clerk, at jsmall@northglenn.org or 303.450.8757.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S RESOLUTION

RESOLUTION NO.

No. CR-90
Series of 2024

Series of 2024

A RESOLUTION APPROVING A REVISED ELECTRONIC PARTICIPATION POLICY FOR THE CITY OF NORTHGLENN, COLORADO

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The revised Electronic Participation Policy, attached hereto as Exhibit A, is hereby approved by the City Council of the City of Northglenn, Colorado, and all previous electronic participation policies are hereby repealed.

DATED at Northglenn, Colorado this ____ day of _____, 2024.

SHANNON LUKEMAN-HIROMASA
Mayor Pro Tem

ATTEST:

JOHANNA SMALL, MMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney

ELECTRONIC PARTICIPATION POLICY DURING CITY COUNCIL MEETINGS

I. Purpose.

The purpose of this Policy is to specify the circumstances under which a member of the City Council, Boards, and Commissions may participate in regular and special meetings by telephone or other electronic means of participation, such as videoconferencing ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the City 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 City Council 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 City Council may participate in a meeting of the City Council by electronic means only in accordance with this 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 City Council may listen by telephone or other electronic means to any Council meeting. Such Council member listening via telephone shall be deemed present for purposes of determining a quorum, but only for meetings during which no quasi-judicial matters will be heard or considered. The member of City 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 City Council 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 City Council meetings, including study sessions, per calendar year. Provided, however, a Council member may request City Council approval of Electronic Participation for more than four (4) posted City Council meetings in any calendar year in the event of unforeseen circumstances that warrant, in the sole discretion of the City Council, authorizing Electronic Participation for a Council member in excess of four (4) meetings in any calendar year. The City Council may, by majority vote of a quorum present, declare a Council member's repeated use of Electronic Participation excessive and deny a Council member's privilege to use Electronic Participation for a specific meeting or meetings.

3. City Council members may not electronically participate in executive sessions, except at a fully electronic meeting in an emergency situation as described in Section B. Any Council member that was unable to attend an executive session may review the audio recording at the City Clerk's Office within ninety (90) days of the executive session.

4. The City 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.

B. *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 City Council because meeting in-person is not practical or prudent due to a health pandemic or emergency affecting the City, 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 City 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 City;

2. All members of the City Council 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 City Council 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 City Council may participate 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 Council member shall:

1. Contact the Mayor, City Manager, or City Clerk in advance of the meeting to determine if an arrangement for such participation via telephone conference or video conference is possible. Council members shall endeavor to advise the City 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 City 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 City 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 a quorum for meetings during which no quasi-judicial matters will be heard or considered.

V. Limited Applicability of Policy.

This Policy shall apply to regular and special meetings (including study sessions) of the City Council, and meetings of boards and commissions of the City of Northglenn.

VI. Reasonable Accommodations.

The City shall provide reasonable accommodation and shall waive or modify provisions of this Policy to provide members of the City Council or other Boards or Commissions of the City with disabilities full and equal access to City Council meetings.