

## COLORADO SPRINGS URBAN RENEWAL AUTHORITY

### POLICY REGARDING TELEPHONIC/ELECTRONIC PARTICIPATION DURING MEETINGS OF THE BOARD OF COMMISSIONERS AND ELECTRONIC PARTICIPATION MEETINGS DURING TIMES OF EMERGENCY

#### **I. Purposes.**

With advancements in communication equipment, meeting participation through telephonic or other electronic means such as web-based meetings and voice or videoconferencing has become more popular within many local governments. However, telephonic or other electronic participation has inherent limitations because such participation may make more difficult a Commissioner's ability to fully view documentary information presented during meetings, to fully evaluate a speaker's non-verbal language in assessing veracity or credibility, and to fully observe nonverbal explanations (e.g., pointing at graphs and charts) during a speaker's presentation.

The purposes of this Policy are:

- A. to specify the circumstances under which a Commissioner may participate in regular and special meetings and executive sessions by telephone or other electronic means; and
- B. to recognize that in rare circumstances, such as during or following natural disasters or public health emergencies, the conditions under which all Commissioners may participate in regular and special meetings and executive sessions by telephone or other electronic means should necessarily be expanded to ensure that the Authority can continue to function to the extent possible to protect the public health, safety and welfare, while still protecting the rights of the public and interested persons.

#### **II. Definitions.**

"Authority" shall mean the Colorado Springs Urban Renewal Authority, a body corporate and politic of the State of Colorado.

"Board" means the Board of Commissioners of the Authority.

"Commissioner" shall mean a member of the Board of Commissioners of the Authority.

"Electronic participation," "electronically participate" or "participate by electronic means" shall mean participating in a meeting by telephone or another web-based video or audio-conferencing platform.

"Electronic participation meeting" shall mean a meeting held entirely by telephone or other web-based video or audio-conferencing platform during times of emergency.

"Emergency" shall mean a public health or other emergency caused by epidemic, pandemic, natural or other physical disaster that renders it unsafe to physically meet or travel to

physically meet in a public setting as declared by the Mayor of the City of Colorado Springs or the Governor of the State of Colorado.

### **III. Applicability of Policy.**

This Policy applies to regular and special meetings (including emergency meetings and work sessions) of the Board.

~~B. In the event of any conflict between this Policy and the Bylaws of the Authority, the provisions of this Policy shall be controlling.~~

### **IV. Statement of Policy.**

A. Meetings Other Than During Times of Emergency. Other than for electronic participation meetings authorized in accordance with subsection (B) of this Section IV, a Commissioner may electronically participate in a meeting of the Board only as follows:

1. Commissioners may attend and participate by electronic means in a regular or special Board meeting only when extenuating circumstances prevent the Commissioner from physically attending the meeting. For purposes of this policy, “extenuating circumstances” means the Commissioner’s job, military service or other unavoidable circumstance that requires the Commissioner to be outside of the area at the time of the meeting; or illness, inclement weather, unsafe driving conditions, or other extenuating circumstances that prevent the Commissioner from physically attending the meeting.
2. A meeting at which one or more Commissioners attend and participate by electronic means shall be open to the public, except for periods in which the Board is in executive session. A quorum of the Board, including Commissioners physically present and Commissioners attending electronically, is required to convene a meeting.
3. Electronic participation must permit clear, uninterrupted, and two-way communication for the participating Commissioners.
4. The Chair or Executive Director may discontinue the use of participation by telephone or other electronic means by one or more Commissioners during a meeting where the participation results in delays or 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 Commissioner is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance.
5. Participation during an executive session by telephone or other electronic means other than during times of emergency shall not be available to a Commissioner unless a majority of the other Commissioners physically present vote to allow such participation, and the Commissioner participating telephonically or by other electronic means affirm(s) on the record that the Commissioner is participating in

a secure and confidential manner in a location where no other persons can hear the content of the executive session. Regardless, executive sessions shall not be held at meetings held other than during times of emergency if there is no physically present quorum of the Board.

6. The electronic means used shall allow the public to hear the comments made by the Commissioner(s) participating by electronic means and allow the Commissioner(s) to hear the comments made by the public. A Commissioner participating by electronic means will be included in any recording of the Board meeting.
7. A Commissioner who attends and participates by electronic means in a Board meeting shall have access to any materials that are presented and available to Commissioners who are physically present at the meeting.
8. A Commissioner who seeks to attend and participate by electronic means in a Board meeting shall notify the Chair and Executive Director at least three business days prior to the meeting and shall explain the extenuating circumstances that prevent the Commissioner from physically attending the meeting. If such notification is not possible, the Commissioner shall notify the Chair and Executive Director as soon as is reasonably possible of the request to attend by electronic means.
9. A Commissioner who attends and participates by electronic means shall identify the location from which he or she is participating, those present, and the extenuating circumstances that prevented the Commissioner from physically attending the meeting. If the Board convenes in executive session, the Commissioner attending and participating by electronic means shall ensure confidentiality during that portion of the meeting.
10. A Commissioner may attend and participate by electronic means in a maximum of two Board meetings per calendar year. Unless otherwise approved by the Chair or the Executive Director, additional requests to attend and participate by electronic means will not be allowed.
11. A Commissioner's failure to comply with this policy may result in the Chair's refusal to allow the Commissioner to participate by electronic means in Board meetings.

B. Electronic Participation Meetings Held During Times of Emergency. During times of emergency, meetings of the Board may be held as electronic participation meetings as follows:

1. Open Meetings. The Executive Director or the Executive Director's designee shall take reasonable and practical measures to ensure that:
  - a. Each such electronic participation meeting is open to the public at all times, other than during a properly-convened executive session;

- b. information is provided to enable the public to electronically participate such that the public is always reasonably able to hear comments but, it is not necessary to provide a means to the public to speak and, in the case of video-conference electronic participation meeting, it is not necessary to provide a means to the public to view the meeting;
- c. Each such electronic participation meeting provides Authority staff and the public a reasonable opportunity to be heard or provide comments, which may include requiring the public to provide written comments/questions to the Executive Director or the Executive Director's designee prior to the start of the meeting;
- d. All Commissioners in attendance can clearly and without interruption hear one another or otherwise communicate with one another and can hear or read all discussion in a manner designed to provide maximum notice and participation; and
- e. All votes are conducted by roll call.
2. Initiation. The Executive Director or the Executive Director's designee shall initiate the telephone or web conferencing or similar contact not more than 20 minutes prior to the scheduled time of the meeting.
3. Notice of Electronic Participation Meetings. Notice of electronic participation meetings held during times of emergency, including instructions on how the public may electronically attend the meeting, shall be provided in accordance with the Authority's then-effective resolution designating the location for posting public notices whenever possible. If the nature of the emergency precludes the Authority from so posting, the Authority will use all reasonable efforts to provide notice to the public of its electronic participation meeting, including whenever possible, posting such notice on the Authority's web site, in accordance with State law.
4. Executive Sessions. Participation during an executive session held during an electronic participation meeting shall be available only after each participating Commissioner affirms on the record that each such Commissioner is participating in a secure and confidential manner in a location where no other persons can hear the content of the executive session and such participant shall not record or transmit the executive session.
5. Effect of Telephonic or Electronic Participation. Electronic participation during electronic participation meetings shall constitute actual attendance for purposes of establishing a quorum for the meeting and for action on all matters at such meeting.

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