



**ELECTRONIC PARTICIPATION POLICY  
AT CITY COUNCIL MEETINGS DURING A LOCAL DISASTER EMERGENCY**

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**I. PURPOSE**

The purpose of this Electronic Participation Policy (“Policy”) is to specify the circumstances and means under which the Fruita City Council (“City Council”) shall conduct regular and special meetings by telephone or other electronic means of participation, such as video-conferencing that is clear, uninterrupted and allows two way communication for the participating members (“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 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 alter the decision-making process. As such, the City Council shall only utilize the policies contained herein upon the adoption by the City Council of a resolution declaring, or the City Manager declaring, a local disaster emergency pursuant to §24-33.5-709, C.R.S.

**II. STATEMENT OF GENERAL POLICY.**

The City Council may conduct a regular or special meeting of the City Council by electronic means only in accordance with this Policy.

**A. 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 an 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. A local disaster emergency has been declared pursuant to §24-33.5-709, C.R.S.; and
2. The City Manager or the City Council determines that meeting in person is not practical or prudent, because of matters related to the declaration of local disaster emergency affecting the City; and
3. All members of the City Council, and at least one City staff member 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; and

4. Members of the public can hear the City Council's proceedings and are afforded opportunities to participate in public comment; and
5. All votes are conducted by roll call; and
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. The City Manager shall contact Council members at least twenty-four hours in advance of a regular or schedule meeting to provide notice of a meeting conducted under this policy.
- B. 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 at least three attempts to re-initiate the connection.

### **IV. EFFECT OF ELECTRONIC PARTICIPATION.**

#### **A. Quasi-Judicial Matters.**

In the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature at a meeting at which this policy is in effect, the City shall advise the applicant of such circumstances and present the applicant with options for proceeding with the application. The applicant shall authorize the City, in writing, to proceed with one of the following options.

1. Conduct the public hearing under this policy with accommodations made for electronic public participation; or
2. Suspend any and all review and decisions deadlines until such time that the local disaster emergency is lifted and the City Council schedules a regular meeting at which a quorum will be physically present.

#### **B. Executive Sessions.**

In the event that the City Council holds an executive session pursuant to §24-6-402, C.R.S. and §2.07(B) of the Fruita Home Rule Charter, participants shall be authorized to attend

via Electronic Participation. Any executive session conducted under this policy shall be recorded electronically as provided for by statute.

**V. APPLICABILITY OF POLICY.**

This Policy shall only apply to all regular and special meetings (including work sessions) of the City Council, Fruita Planning Commission, Fruita Board of Adjustment, and all other City of Fruita Board and Commissions established by the Fruita City Council.

**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 any other Board or Commission full and equal access to applicable meetings.