

RESOLUTION NO. 20

SERIES 2021

A RESOLUTION MAKING MISCELLANEOUS AMENDMENTS TO THE TOWN COUNCIL
"PROCEDURES AND RULES OF ORDER" CONCERNING VIRTUAL MEETINGS OF THE
COUNCIL

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, the Town Council finds and determines that the Rules should be amended as hereafter provided; 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 to read as follows:

Rule 4.15. Attendance at Town Council Meetings By Use of a Virtual Platform

- A. Purpose. The purpose of this Rule 4.15 is to specify the circumstances under which a member of the Town Council may participate in a regular, special, or emergency meeting of the Town Council by use of a virtual platform. When used in this Rule 4.15, the term "Council member" or "member" includes both the Mayor and all other members of the Town Council.
- B. Statement of General Policy. Because of the many benefits of attending a meeting in person, it is the preference of the Town Council that members attend meetings of the Town Council in person.
- C. Attendance at Town Council Meeting By Use of a Virtual Platform. Notwithstanding Section B of this Rule 4.15, any member of the Town Council may elect to attend a regular, special, or emergency meeting of the Town Council by use of a virtual platform for the following reasons:
 1. Personal Health Reason. If a Town Council member reasonably determines that his or her personal attendance at a Town Council meeting would not be prudent because the member is ill or the member has other personal health concerns such member may participate in a Town Council meeting by use of a virtual platform. There is no limit on the number of Town Council meetings at which a Council member may participate by use of a virtual platform under this Section C1.
 2. Other Reasons. A Town Council member may also participate in a Town Council meeting by use of a virtual platform if the Council member is out of Town or is otherwise unable to be physically present at the meeting. A Town Council member may participate in Town Council meetings by use of a virtual platform pursuant to this Section C2 not more than three (3) times in a calendar year.

3. Executive Sessions. If the Town Council holds an executive session as part of a meeting a member participating by a virtual platform shall also be authorized to attend the executive session. A member participating in an executive session using a virtual platform shall: (i) have a secure internet connection, and (ii) certify that they are the only person in the room and that no other person has access to the executive session. Any executive session conducted under this Rule 4.15 shall be recorded electronically as provided for by statute.

D. Additional Rules When Participation In a Town Council Meeting By Use of a Virtual Platform Is Allowed. Whenever a Town Council member is allowed to participate in a Town Council meeting by use of a virtual platform pursuant to this Rule 4.15, the following special rules shall be observed:

1. The virtual platform to be used shall be Zoom unless another virtual platform is approved by the Town Clerk.
2. All members of the Town Council and Town staff must be able to: (i) hear one another clearly, (ii) communicate with one another, and (iii) hear or read all documents and testimony in a manner designed to provide maximum participation.
3. The member shall be in a physical location with good internet connectivity. The Mayor is authorized to discontinue a member's participation in a meeting if: (i) the member's use of the virtual platform results in delays, (ii) the communication is unclear, or (iii) the member's virtual participation otherwise interferes with the conduct of the meeting.
4. A Town Council member attending a meeting by use of a virtual platform may fully participate in a quasi-judicial matter coming before the Town Council at such meeting. For avoidance of doubt, such member shall have the right to vote in connection with such quasi-judicial matter.
5. If possible, a member who elects to participate virtually in a meeting of the Town Council pursuant to this Rule 4.15 shall notify the Town Clerk at least two (2) days before the meeting so that arrangements can be made to accommodate such member's virtual attendance at the meeting.
6. All votes of the Town Council shall be conducted by roll call.
7. Minutes of the meeting of the Town Council shall be taken and promptly recorded, and such records shall be open to public inspection.
8. When a Town Council meeting is held by use of a virtual platform the chair of the meeting must be present in the Town Council Chambers unless all members of the Town Council participating in the meeting do so using the virtual platform.
9. Full and timely notice shall be given to the public setting forth the time of the meeting as required by Rule 4.3. Such notice shall include the fact that one or more members of the Town Council may attend the meeting by use of a virtual platform.
10. A member of the Town Council who participates in a virtual meeting of the Town Council in accordance with this Rule 4.15 shall be considered to be "present" at the meeting for all purposes, including, without limitation, establishing a quorum. Such member shall also be entitled to vote on all matters coming before the Town Council at the meeting as if such member was physically present at the meeting.
11. Participation in a regular Town Council meeting by use of a virtual platform in accordance with this Rule 4.15 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.

- E. The Town Council may provide reasonable accommodation and waive or modify provisions of this Rule 4.15 for the benefit of members of the Town Council or the public with a disability.
- F. Members of the public may hear and view any virtual meeting of the Town Council unless technical problems prevent them from doing so. Members of the public desiring to communicate with the Town Council may do so by letter, e-mail, or by attending a Town Council meeting in person.

Section 2. This resolution is effective upon adoption.

RESOLUTION APPROVED AND ADOPTED this 24th day of August, 2021

TOWN OF BRECKENRIDGE, a Colorado
municipal corporation

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

ATTEST:

_____/s/_____
Helen Cospolich, CMC, Town Clerk

APPROVED IN FORM

_____/s/_____
Town Attorney Date