



Legal Review Committee  
May 6, 2020

Addendum #1

Public Meetings in the Front Range During the Covid-19 Outbreak  
Apr 17, 2020

**Client Alert**

*Brownstein Client Alert, April 17, 2020*

Throughout Colorado, public meetings of virtually all types are being disrupted by the outbreak of COVID-19. In light of the state’s restrictions on public gatherings, many local governments in the Front Range have had to work quickly to develop procedures to shift from in-person meetings to virtual meetings, adopting emergency ordinances and resolutions, and otherwise establishing new procedures. Other quasi-governmental entities, such as urban renewal authorities, business improvement districts and metropolitan districts also have switched from in-person meetings to virtual meetings.

Virtual meetings raise a variety of potential new issues, including technical glitches and susceptibility to hacking. Virtual meetings also could create constitutional due process issues in certain instances where a right to be heard is a key component of the process, such as quasi-judicial matters. In such instances, a risk exists that either an applicant or a member of the public could claim their due process rights were violated because the alternative or virtual means of participating were not adequate or meaningful. Under normal circumstances, a member of the public who did not have access to a computer or the internet could participate in a virtual meeting by visiting their local library. But in the current situation, most libraries are also closed to in-person visits by the public. Because the COVID-19 outbreak has restricted peoples’ ability to participate in public hearings, some local governments are allowing alternative methods of comment to ensure that the public has adequate and meaningful means of participation. These alternative methods of comment are in addition to the typical methods of public comment like mail and email.

In light of the concerns raised by virtual meetings, local governments in the Front Range have taken four different types of approaches to hearing quasi-judicial matters: (1) postpone all quasi-judicial matters until an in-person meeting can be held; (2) proceed with quasi-judicial matters with consent of the applicant; (3) proceed with quasi-judicial matters with applicant’s consent so long as the applicant agrees to waive future legal challenges; and (4) proceed with quasi-judicial matters as scheduled.

This client alert summarizes the approach of many of the local governments in the Front Range as to public meetings during the COVID-19 outbreak. All data is based on self-reporting by the municipalities. Other organizations, such as the Colorado Attorney General’s Office, the Colorado Municipal League and Colorado Counties, Inc. also provide guidance and summaries on how local governments should and are proceeding with public meetings during the COVID-19 outbreak.

***Click here to read more [Brownstein alerts on the legal issues the coronavirus threat raises for businesses.](#)***

Jurisdiction	Website and Source of Authority	Key Points
	<p><b>Website</b></p>	<ul style="list-style-type: none"> <li>• <b>Technology</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting</u>: Zoom or telephone</li> <li>◦ <u>Public Comment</u>: Email</li> </ul> </li> </ul>

Adams County	<p><b>Source of Authority:</b> Order Declaring a Disaster in and for Adams County, Colorado</p>	<ul style="list-style-type: none"> <li>• <b>End Date:</b> April 26, 2020</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Arapahoe County	<p><b>Website</b> <b>Source of Authority:</b> Resolution No. 200110</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Website or telephone</li> <li>◦ <b>Public Comment:</b> Webinar</li> </ul> </li> <li>• <b>End Date:</b> No express end date stated in Resolution. Presumably until the Chairman or the Board of County Commissioners act to terminate or modify the Declaration of Local Disaster Emergency</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Cancelled</li> </ul>
Arvada	<p><b>Website</b> <b>Source of Authority:</b> Code of the City of Arvada, Colorado § 26-41, Resolution No. R30-032</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Zoom</li> <li>• <b>End Date:</b> April 30, 2020</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> None scheduled</li> </ul>
Aurora	<p><b>Website</b> <b>Source of Authority:</b> City Council Resolution No. R 2020-24</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Cisco Webex</li> <li>◦ <b>Public Comment:</b> Written</li> </ul> </li> <li>• <b>End Date:</b> May 4, 2020</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> </ul>

		<ul style="list-style-type: none"> <li>• <b>Other Board &amp; Commission Meetings:</b> Permitted virtually</li> </ul>
Boulder	<p><b>Website</b> <b>Source of Authority:</b> Ordinance 8391</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting:</u> Zoom</li> <li>◦ <u>Public Comment:</u> Telephone</li> </ul> </li> <li>• <b>End Date:</b> When there is no longer an emergency or the declaration of emergency ends</li> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Boulder County	<p><b>Website</b> <b>Source of Authority:</b> Resolution 2020-24</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting:</u> Microsoft Teams</li> <li>◦ <u>Public Comment:</u> Written</li> </ul> </li> <li>• <b>End Date:</b> When rescinded by the Board of County Commissioners</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Brighton	<p><b>Website</b> <b>Source of Authority:</b> Emergency Electronic Participation Policy During Regular and Special City Council Meetings</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting:</u> Zoom or telephone</li> <li>◦ <u>Public Comment:</u> Zoom or written</li> </ul> </li> <li>• <b>End Date:</b> When in-person meetings are practical or prudent</li> <li>• <b>Quasi-Judicial Matters:</b> Discouraged, but proceeding if necessary</li> </ul>

		<ul style="list-style-type: none"> <li>• <b>Other Board and Commission Meetings:</b> Cancelled</li> </ul>
City and County of Broomfield	<p><b>Website</b></p> <p><b>Source of Authority:</b> Resolution 2020-108</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting</u>: Audio streaming on website</li> <li>◦ <u>Public Comment</u>: Written or telephone</li> </ul> </li> <li>• <b>End Date:</b> When in-person meetings are practical or prudent</li> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Castle Rock	<p><b>Website</b></p> <p><b>Source of Authority:</b> Resolution 2020-040; Town Council Meeting Special Procedures During Declared Disasters</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting</u>: Hosted on website and telephone</li> <li>◦ <u>Public Comment</u>: Written</li> </ul> </li> <li>• <b>End Date:</b> June 30, 2020</li> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Centennial	<p><b>Website</b></p> <p><b>Source of Authority:</b> Resolution 2020-R-12</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting</u>: Zoom and telephone</li> <li>◦ <u>Public Comment</u>: Zoom and written</li> </ul> </li> <li>• <b>Anticipated End Date:</b> When the Mayor or City Manager declares it safe to meet in-person</li> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>

Cherry Hills Village	<p><b>Website</b> <b>Source of Authority:</b> Resolution 8</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Zoom</li> <li>• <b>End Date:</b> When the emergency passes</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Colorado Springs	<p><b>Website</b> <b>Source of Authority:</b> Resolution 19-20</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Microsoft teams</li> <li>◦ <b>Public Comment:</b> Email or Facebook</li> </ul> </li> <li>• <b>End Date:</b> May 1, 2020</li> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Commerce City	<p><b>Website</b> <b>Source of Authority:</b> Emergency Ordinance</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Zoom</li> <li>◦ <b>Public Comment:</b> Written and oral, to the extent possible</li> </ul> </li> <li>• <b>End Date:</b> Upon the conclusion of the declared emergency or disaster</li> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
City and County of Denver	<p><b>Website</b> <b>Source of Authority:</b> Emergency Rules of Procedure</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Zoom</li> <li>• <b>End Date:</b> May 11, 2020</li> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b></li> </ul>

		Permitted virtually
Douglas County	<p><b>Website</b> <b>Source of Authority:</b> Local Disaster Emergency Declaration</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b></li> <li>• <b>Meeting:</b> Cisco Webex and telephone</li> <li>• <b>Public Comment:</b> Cisco Webex and written</li> <li>• <b>End Date:</b> When the emergency has ended</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Englewood	<p><b>Website</b> <b>Source of Authority:</b> CB-12; Emergency Preparedness/City Council Meeting Participation Policy</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Zoom or telephone</li> <li>• <b>End Date:</b> When the Mayor declares the emergency has passed</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding only if there is a full quorum and all interested parties may meet in person</li> <li>• <b>Other Board and Commission Meetings:</b> Cancelled</li> </ul>
Erie	<p><b>Website</b> <b>Source of Authority:</b> Resolution 20-210; Remote Meeting Policy</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Zoom</li> <li>◦ <b>Public Comment:</b> Telephone</li> </ul> </li> <li>• <b>End Date:</b> April 30, 2020</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding with the applicant's prior written consent, in which the applicant waives the legal challenge to the hearing being virtual</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Technology:</b> GoToMeeting or telephone</li> </ul>

Federal Heights	<p><b>Website</b> <b>Source of Authority:</b> Resolution 20-14</p>	<ul style="list-style-type: none"> <li>• <b>End Date:</b> When rescinded by City Council</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Nothing scheduled</li> </ul>
Fort Collins	<p><b>Website</b> <b>Source of Authority:</b> Emergency Ordinance 061, 2020</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Cisco Webex</li> <li>• <b>End Date:</b> When in-person meetings are prudent</li> <li>• <b>Quasi-Judicial Matters:</b> Certain matters are proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Glendale	<p><b>Website</b> <b>Source of Authority:</b> Emergency Ordinance</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Not yet decided</li> <li>• <b>End Date:</b></li> <li>• <b>Quasi-Judicial Matters:</b> Not currently proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Golden	<p><b>Website</b> <b>Source of Authority:</b> Electronic Participation Rules</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Cisco Webex</li> <li>◦ <b>Public Comment:</b> Facebook or email</li> </ul> </li> <li>• <b>End Date:</b> When in-person meetings are practical or prudent</li> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Cancelled</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Technology:</b></li> </ul>

Greenwood Village	<p><b>Website</b> <b>Source of Authority:</b> Resolutions 2020-18, 2020-19</p>	<ul style="list-style-type: none"> <li>◦ <u>Meeting</u>: Audio webcast</li> <li>◦ <u>Public Comment</u>: Written</li> <li>• <b>End Date</b>: May 5, 2020</li> <li>• <b>Quasi-Judicial Matters</b>: Proceeding</li> <li>• <b>Other Board and Commission Meetings</b>: Permitted virtually</li> </ul>
Jefferson County	<p><b>Website</b> <b>Source of Authority:</b> Resolution CC20-055, Public Health Order 20-001</p>	<ul style="list-style-type: none"> <li>• <b>Technology</b>: Cisco Webex</li> <li>• <b>End Date</b>: April 26, 2020</li> <li>• <b>Quasi-Judicial Matters</b>: Proceeding</li> <li>• <b>Other Board and Commission Meetings</b>: Nothing scheduled</li> </ul>
Lafayette	<p><b>Website</b> <b>Source of Authority:</b> Resolutions 2020-24, 2020-25</p>	<ul style="list-style-type: none"> <li>• <b>Technology</b>: <ul style="list-style-type: none"> <li>◦ <u>Meeting</u>: Zoom or telephone</li> <li>◦ <u>Public Comment</u>: Written</li> </ul> </li> <li>• <b>End Date</b>: When the local emergency declaration is no longer in effect</li> <li>• <b>Quasi-Judicial Matters</b>: Proceeding if the applicant decides to proceed and agrees in writing to waive any legal challenge on the basis that the hearing is conducted virtually</li> <li>• <b>Other Board and Commission Meetings</b>: Cancelled</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Technology</b>:</li> <li>• <u>Meeting</u>: Zoom</li> <li>• <u>Public Comment</u>: Website or telephone</li> </ul>

Lakewood	<p><b>Website</b> <b>Source of Authority:</b> Motion to extend Proclamation issued by City Manager</p>	<ul style="list-style-type: none"> <li>• <b>End Date:</b> When the emergency has ended</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding, but Lakewood will attempt to push matters to a time when hearings are being held in-person</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Littleton	<p><b>Website</b> <b>Source of Authority:</b> Legislative Rules (amended 3/20/2020)</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Zoom or telephone</li> <li>◦ <b>Public Comment:</b> Telephone or written</li> </ul> </li> <li>• <b>End Date:</b> Once the local emergency declaration ends or the City Manager finds that convening the meeting is no longer inadvisable</li> <li>• <b>Quasi-Judicial Matters:</b> No restriction on quasi-judicial matters</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Lone Tree	<p><b>Website</b> <b>Source of Authority:</b> City Council Adopted Policy 20-01</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Microsoft Teams</li> <li>◦ <b>Public Comment:</b> Microsoft Teams or written</li> </ul> </li> <li>• <b>End Date:</b> When the Mayor or any two City Council members determines an in-person meeting is practical or prudent</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding if the applicant consents in writing or on the record, and several other conditions are met</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>

<p>Longmont</p>	<p><b>Website</b> <b>Source of Authority:</b> Longmont, Colorado Code of Ordinances § 2.20.125</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b></li> <li>• <u>Meeting</u>: Cisco Webex</li> <li>• <u>Public Comment</u>: City website, upload video to City website, or telephone</li> <li>• <b>End Date</b>: Once the emergency ends</li> <li>• <b>Quasi-Judicial Matters</b>: Proceeding             <ul style="list-style-type: none"> <li>◦ Code contains a waiver of immunity from liability for emergency preparedness activities</li> </ul> </li> <li>• <b>Other Board and Commission Meetings</b>: Cancelled</li> </ul>
<p>Louisville</p>	<p><b>Website</b> <b>Source of Authority:</b> Resolution Nos. 26, 27, 30</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting</u>: Zoom or telephone</li> <li>◦ <u>Public Comment</u>: Zoom or written</li> </ul> </li> <li>• <b>End Date</b>: When an in-person meeting is practical and prudent under the pandemic</li> <li>• <b>Quasi-Judicial Matters</b>: Proceeding if applicant makes written request and acknowledges the legal uncertainties and agrees to defend and indemnify Louisville in an action arising out of a virtual meeting</li> <li>• <b>Other Board and Commission Meetings</b>: Cancelled</li> </ul>
<p>Northglenn</p>	<p><b>Website</b> <b>Source of Authority:</b> Resolution CR-120</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <u>Meeting</u>: Zoom or telephone</li> <li>◦ <u>Public Comment</u>: Written or telephone</li> </ul> </li> <li>• <b>End Date</b>: When City Manager or Mayor determines in-person meeting is practical and prudent</li> </ul>

		<ul style="list-style-type: none"> <li>• <b>Quasi-Judicial Matters:</b> Not proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted</li> </ul>
Parker	<p><b>Website</b></p> <p><b>Source of Authority:</b> Ordinance No. 1.352.1., Series of 2020</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Zoom or telephone</li> <li>• <b>End Date:</b> When an in-person meeting is practical or prudent under the pandemic</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Superior	<p><b>Website</b></p> <p><b>Source of Authority:</b> Resolution No. R-24 Series 2020, Town of Superior Remote Meeting Policy</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Zoom or telephone</li> <li>• <b>End Date:</b> When the Town's and State's declaration of emergency ends</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding with the prior written consent of the applicant, in which the applicant waives the legal challenge to the hearing being virtual</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Thornton	<p><b>Website</b></p> <p><b>Source of Authority:</b> Thornton, Colorado Code of Ordinances § 4.23</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> Zoom or telephone</li> <li>• <b>End Date:</b> When the statewide declaration of emergency is rescinded</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> GoToMeeting or telephone</li> <li>◦ <b>Public Comment:</b> Writing only</li> </ul> </li> </ul>

Westminster	<p><b>Website</b> <b>Source of Authority:</b> Resolution 4021</p>	<ul style="list-style-type: none"> <li>• <b>End Date:</b> When the state of emergency ends</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>
Wheat Ridge	<p><b>Website</b> <b>Source of Authority:</b> How to Participate in Virtual City Meetings</p>	<ul style="list-style-type: none"> <li>• <b>Technology:</b> <ul style="list-style-type: none"> <li>◦ <b>Meeting:</b> Zoom</li> <li>◦ <b>Public Comment:</b> Wheatridgespeaks, Zoom or telephone</li> </ul> </li> <li>• <b>End Date:</b> Until further notice</li> <li>• <b>Quasi-Judicial Matters:</b> Proceeding</li> <li>• <b>Other Board and Commission Meetings:</b> Permitted virtually</li> </ul>

*This document is intended to provide you with general information regarding public hearings in Colorado during the COVID-19 pandemic. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorneys listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.*

**Meet The Team**

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**Related Practices**

- COVID-19 Task Force
- Real Estate