

Ordinance to Allow for Remote Participation in Public Meetings

I. Purpose

Whereas proceedings of the Town’s Select Board (“Board”) as well as other public bodies (including those referred to as “Board” or “Committee”) are open to public participation, except as otherwise permitted by law, this Ordinance acknowledges the importance of broad involvement in public proceedings by allowing members of the public to participate in those meetings using remote methods and extends this option to its elected officials under certain circumstances.

This Ordinance establishes the conditions under which members of the Board or other public bodies and the public may participate in meetings by remote methods, in accordance with 1 MRS §403-B Public Law Chapter 290 (2021), when physical presence is not feasible. For this purpose, “remote methods” means telephone, voice, or video technology allowing simultaneous exchange of information and may include other means as necessary to provide reasonable accommodation to a person with a disability.

II. Board Member Participation

Given the importance of municipal business conducted at meetings and the opportunity such meetings provide for engagement of the public, Board members and those on other Town public bodies commit to prioritize being physically present for public meetings, with the exception of certain circumstance when being physically present is not practicable. Circumstances for which physical presence for a Board or Committee member is not practical may include:

- 1) Illness or other physical condition that either causes concern for the health and wellbeing of others due to potential disease transmission or creates significant difficulties traveling to and attending in person a Board or Committee meeting, to include the necessary care of immediate family members in the condition described;
- 2) The existence of an emergency or urgent issue that requires the Board or Committee to meet by using remote methods;
- 3) A temporary absence from the State of Maine or significant distance a member of the Board or Committee must travel in order to be physically present at the location of the meeting; and
- 4) Weather or geographic conditions that impede or slow travel, such that travel may be deemed dangerous or impractical.

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A Board or Committee member who participates in a public proceeding by remote methods is considered present for the purposes of a quorum and voting. All votes occurring during a public meeting using remote methods will be taken by roll call vote and recorded as such and must be seen or heard by members of the Board or Committee and public who are present.

III. Public Participation

Members of the public are provided an opportunity for meaningful participation through meeting attendance by remote methods regardless of how Board or Committee members attend. During public meetings conducted using remote methods, an effective means of communication between the Board or Committee and the public will be provided. This means that attendees will be provided the ability to address the Board or Committee during proceedings through video, audio, or simultaneous written text, whichever technology the Board or Committee deems most effective at the time of the proceeding. [In this context “provide ability” means the Board or Committee has means to accept an attendee’s question or comment during meeting proceedings, and to acknowledge receipt in order to confirm accuracy and record; “provide ability” does not mean that the municipality is obligated to provide any form of equipment to individual members of the public for the purpose of participation by remote methods.] Attendees can expect to have their question or comment added to the public record for the proceeding and confirmation of receipt provided by the Board or Committee at the time of the meeting.

At the time the Board or Committee provides notice of the location and time of a public meeting, such notice will include the means by which members of the public may access the proceeding using remote methods.

All documents and other materials related to the publicly noticed meeting will be made available electronically to members of the public who attend by remote methods to the same extent typically available to members of the public attending meetings in person.

IV. Exemption

Given its importance to Town governance and access of Board members to residents, the Annual Town Meeting and any special Town meeting held for the purposes of voting as a legislative body, is exempt from Sections II and III of this Ordinance. Occurring only one-time during the calendar year, the Annual Town Meeting provides a unique opportunity for residents to gather as the legislative body of the Town and make determinations effecting its management over the course of the following year, as well as providing for direct access to elected officials. Vital to our governing structure since its inception, it is, therefore, deemed an accepted obligation for members of the Board and public to participate in the Annual Town Meeting in person.

Passed at Special Town Meeting 12/1/2021