

Town of Damariscotta Remote and Hybrid Meeting Policy

Section 1. Purpose.

This Policy is adopted pursuant to 1 M.R.S. § 403-B, as may be amended, in order to provide a written policy to govern the use of remote means for public meetings by the Town of Damariscotta. The conduct of remote and hybrid meetings by the Comprehensive Plan Committee and its subcommittees as well as remote participation in Comprehensive Plan Committee meetings and meetings of its subcommittees shall be governed by this Policy.

Section 2. Definitions.

Hybrid meeting means a public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted with some meeting attendees in person/face-to-face at a designated physical location while connecting with other meeting attendees by remote means.

Comprehensive Plan Committee or **Committee** means the duly appointed members of the Town of Damariscotta Comprehensive Plan Committee.

Public meeting means a “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.

Remote means means “remote methods” as defined in 1 M.R.S. § 403-B(1), as may be amended, and includes any form of audio and visual conference technology, or audio conference technology, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and committee members. Remote means does not include text-only means such as e-mail, text messages, or chat functions.

Remote meeting means a public proceeding, as defined in 1 M.R.S. § 402(2), conducted solely by remote means.

Section 3. Use of Remote Means for Public Meetings.

(a) Types of Meetings and Participation Allowed

Remote Meetings of the Comprehensive Plan Committee: The Comprehensive Plan Committee and its subcommittees shall conduct its meetings in person unless the Chair (or a majority of members of the Committee) or the designated subcommittee Lead makes a determination that an emergency or urgent issue exists that requires the Committee or subcommittee to conduct a remote meeting, including, but not limited to, inclement weather and/or disasters or catastrophes caused by either natural or man-made causes. The determination of such an emergency or urgent issue shall be made as soon as practicable, and notice of a meeting being conducted solely by remote means shall be disseminated consistent with 1 M.R.S. §406, as may be amended, and this Policy.

(1) Hybrid Meetings with Remote Participation by Individual Committee

Members: Except for a remote meeting being conducted consistent with Section 3(a)(1) of this Policy, Comprehensive Plan Committee members are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members. Circumstances under which physical presence for one or more members is not practicable are limited to:

- i. Illness or other physical condition, or temporary absence from the Town of Damariscotta, that causes the Committee member to face significant difficulties travelling to and attending the public meeting in person; or
- ii. To provide a reasonable accommodation to Committee member(s) with a disability.

A Committee member who believes it is not practicable, as set forth above, for him/her/they to attend a meeting in person shall notify the Chair or designated subcommittee Lead of the existence of such circumstances as far in advance as is possible. If the agenda has already been posted at the time the notice is made, an amended meeting agenda containing the information set forth in Section 3(b) of this Policy shall be posted on the Town's website and be distributed to all members, relevant Town staff, and local representatives of the media by the same or faster means used to notify Committee members at least four (4) hours prior to the originally noticed meeting start time.

(2) Hybrid Meetings with No Remote Participation by Individual Committee

members: The Comprehensive Plan Committee is not required by law to offer this type of meeting format but will endeavor to conduct a hybrid meeting, even when there is no remote participation by individual Committee members, as often as practicable when the Comprehensive Plan Committee meets in-person at the Town Hall meeting room.

(b) Notice. Notice of a remote meeting or hybrid meeting must be provided in accordance with 1 M.R.S. § 406 and applicable Town ordinances, policies and practices and shall inform members of the public the means in which to contemporaneously:

- a. Remotely view the video and audio of the meeting through internet streaming or other means;
- b. Provide remote oral testimony in a manner that allows Committee members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means;
- c. Obtain copies of packet materials; and
- d. If a hybrid meeting, list the specific location of the public meeting site at which members of the public may attend in person and where at least some of the Committee members will be present in person.

(c) Remote Meeting and Hybrid Meeting Requirements. Any remote meeting or hybrid meeting must comply with the following:

- a. The remote means used by the Comprehensive Plan Committee must allow all members of the public participating in the meeting to hear, or see and hear, all Committee members and any other speaker;
- b. Each member of the Comprehensive Plan Committee who is participating in the meeting must be able to hear and speak to all other Committee members and must be heard by the members of the public attending and observing the meeting during the meeting;
- c. Except as provided in subsection (6) or Section 3(d) or (e), a quorum of Committee members shall be visible and audible to other members and to the public during the meeting; provided that so long as a quorum of Committee members is visible, no other meeting participants shall be required to be visible during the meeting;
- d. Any Committee member participating in a meeting by remote means shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the Comprehensive Plan Committee;
- e. At the start of the meeting, the Chair shall announce the names of any Committee members participating by remote means and state the reason therefor, which reason must be consistent with Section 3(a)(2) of this Policy;
- f. For audio-only teleconferencing, each speaker should repeat his/her/their name before making remarks;
- g. All Comprehensive Plan Committee members shall refrain from electronic communications regarding subjects considered at the meeting during the meeting, except that members may receive electronic copies of materials otherwise made available at the meeting;
- h. There should be a means for the Chair or the remote means facilitator to be able to unmute and identify each speaker, to organize and summarize chat/Q&A messages from the public, and/or to read public comment into the record at the appropriate time during the meeting;
- i. All votes during a remote or hybrid meeting shall be conducted by roll call (with each member present stating “yes” or “no” as each name is called) so that it is clear how each member voted;
- j. All hybrid meetings shall be conducted in the Town Office meeting room unless an alternative location is authorized by the Town Clerk or his/her/their designee; and

- k. All remote and hybrid meetings shall be recorded by audio or video recording technology, and the Comprehensive Plan Committee shall make the recording of the meeting electronically available to the Town staff liaison and for public access as soon as practicable after the meeting.
- (d) Disruptions and adjournment. If during the conduct of a remote or hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of members. If the interruption cannot be resolved within 15 minutes, and the Comprehensive Plan Committee has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically adjourned. If the meeting being conducted is a hybrid meeting with no remote participation by individual Committee members and a remote connection to the public location identified in the Comprehensive Plan Committee's notice pursuant to Section 3(b)(4) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.
- (e) Executive sessions. To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair or his/her/their designee should confirm with each attendee that no unauthorized person is present or has access to any executive session being conducted via remote means. There shall be no audio or visual recording of an executive session.
- (f) Remote means account. The Town's accounts must be used for purposes of all remote meetings and hybrid meetings conducted by the Comprehensive Plan Committee. The use of private accounts to host a remote meeting is prohibited.

Section 5. Compliance with Policy.

This Policy is intended to be self-enforcing and is an expression of the standards of conduct for Comprehensive Plan Committee members expected by the Town. It therefore becomes most effective when Committee members are thoroughly familiar with it and embrace its provisions. The Comprehensive Plan Committee does not waive the right to address any violations in the manner it deems appropriate under the specific circumstances.