City of South Portland
Remote Meeting Policy

Section 1. Purpose.

The City Council finds that remote meetings can be a way to protect the health and safety of public meeting participants, particularly those who have disabilities or medical conditions that would place them at greater risks during travel or attendance at in-person public meetings. The City Council also finds that allowing boards to conduct remote meetings, within reasonable restrictions to ensure board transparency and public access, would help to increase public participation in the formation and conduct of public policy. The City Council finds that the benefits of remote meetings should be allowed, but not required, to continue in non-emergency times. This Policy is adopted consistent with P.L. 2019, ch. 617, as may be amended, in order to provide a written policy to govern public participation in public meetings using remote means. The conduct of remote meetings by the City Council shall be governed by the City Council Standing Rules.

Section 2. Definitions.

**Board** means any City board, committee, or commission whose entire membership has been appointed by the City Council, without regard to whether it is a standing or an *ad hoc* board, committee, or commission, including any subcommittee of the board, committee, or commission.

**Chair** means the presiding officer of the board.

**Remote means** is 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 board members.

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

Section 3. Remote meetings.

(a) **Types of remote meetings allowed.** In non-emergency times, the default rule for all boards that principally act in a quasi-judicial capacity, such as the Planning Board, Board of Appeals, and Board of Assessment Review, is that all board meetings will be conducted in person; provided, however, that such a board may determine that special circumstances warrant a remote meeting in a non-emergency situation (such as to accommodate a disability or medical condition of a meeting participant(s), to accommodate the travel schedule of a meeting presenter, or in the event of bad weather that makes travel hazardous). For all boards that do not principally act in a quasi-judicial capacity, each
board may determine on a board-specific basis whether it will meet in person or by remote means and, if so, whether the remote meeting format is on a regular basis or on a case-by-case basis. Any board that decides to conduct a remote meeting pursuant to this Policy may do so using remote means that is:

1. entirely remote, in that all participants, including board members, are at non-public locations; or
2. a hybrid remote meeting, with at least one public meeting site where members of the public may attend in person and where at least some of the board members are present in person.

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

1. Remotely view the video and audio of the meeting through internet streaming or other means;
2. Provide remote oral testimony in a manner that allows board members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means;
3. Obtain copies of packet materials; and
4. If a hybrid remote 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 board members will be present in person.

Notwithstanding any other provision of this Policy to the contrary, if a meeting noticed as an in person meeting becomes impractical due to inclement weather or other emergency, the Chair, in consultation with the City Clerk’s Office, may change the in person meeting format to a remote meeting format, provided that an amended agenda containing the information set forth in subsection (b)(1)-(4) above is posted on the City’s website and is distributed to all board members, relevant City staff, and local representatives of the media by the same or faster means used to notify board members at least four (4) hours prior to the originally noticed meeting start time.

(c) Remote meeting requirements. Any board that wishes to conduct a remote meeting must comply with the following:

1. The remote means used by the board must allow all members of the public participating in the meeting to hear, or see and hear, all members of the board and any other speaker;
2. Each member of the board who is participating in the meeting must be able to hear and speak to all other board members and must be heard by the members of the public attending and observing the meeting during the meeting;
3. Except as provided in subsections (4) and (5), a quorum of board members shall be visible and audible to other members and the public during the meeting; provided that so long as a quorum of board members is visible, no other meeting participants shall be required to be visible during the meeting;
(4) Any board 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 board;
(5) At the start of the meeting, the Chair shall announce the names of the participating board members;
(6) For audio-only teleconferencing, each speaker should repeat their name before making remarks;
(7) All board 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;
(8) 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;
(9) All votes during the 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 board member voted; and
(10) All remote meetings shall be recorded by audio or video recording technology, and the board shall make the recording of the meeting electronically available to the City staff liaison and for public access as soon as practicable after the meeting.

(d) Disruptions and adjournment. If during the conduct of a remote meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 20 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of members or with the public location identified in the board’s notice pursuant to Section 3(b)(4). If the interruption cannot be resolved within 20 minutes, and the board 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.

(e) Executive sessions. To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair 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. City accounts must be used for purposes of all remote meetings conducted by a board and must be coordinated through the SPC-TV Director or his/her/their designee. The use of private accounts to host a remote meeting is prohibited.

Section 4. Compliance with Policy

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

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