

**City of South Portland  
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 City of South Portland. The conduct of remote and hybrid meetings by the City Council and remote participation in City Council meetings shall be governed by this Policy.

**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.

**City Council** means the duly elected municipal officers of the City.

**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.

**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 Councilors/board 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.

- (1) **Remote Meetings of the City Council:** The City Council shall conduct its meetings in person unless the Mayor (or in his/her/their absence, the City Manager), in consultation with the City Clerk, makes a determination that an emergency or urgent issue exists that requires the City Council 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.

- (2) **Hybrid Meetings with Remote Participation by Individual City Councilors:** Except for a remote meeting being conducted consistent with Section 3(a)(1) of this Policy, City Councilors are expected to be physically present for all public meetings except when being physically present is not practicable for one or more Councilors. Circumstances under which physical presence for one or more Councilors is not practicable are limited to:
- a. Illness or other physical condition, or temporary absence from the City of South Portland, that causes the Councilor to face significant difficulties travelling to and attending the public meeting in person; or
  - b. To provide a reasonable accommodation to a Councilor with a disability.

A Councilor who believes it is not practicable, as set forth above, for him/her/them to attend a meeting in person shall notify the Mayor (or in his/her/their absence, the City Manager), as well as the City Clerk, 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 City's website and be distributed to all Councilors, relevant City staff, and local representatives of the media by the same or faster means used to notify Councilors at least four (4) hours prior to the originally noticed meeting start time.

- (3) **Hybrid Meetings with No Remote Participation by Individual City Councilors:** The City Council 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 City Councilors, as often as practicable when the City Council meets in Council Chambers at City Hall.

- (b) Notice. Notice of a remote meeting or hybrid 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 Councilors 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 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 Councilors will be present in person.
- (c) Remote Meeting and Hybrid Meeting Requirements. Any remote meeting or hybrid meeting must comply with the following:
- (1) The remote means used by the City Council must allow all members of the public participating in the meeting to hear, or see and hear, all City Councilors and any other speaker;
  - (2) Each member of the City Council who is participating in the meeting must be able to hear and speak to all other Councilors and must be heard by the members of the public attending and observing the meeting during the meeting;
  - (3) Except as provided in subsection (6) or Section 3(d) or (e), a quorum of Councilors shall be visible and audible to other Councilors and the public during the meeting; provided that so long as a quorum of Councilors is visible, no other meeting participants shall be required to be visible during the meeting;
  - (4) Any Councilor 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 City Council;
  - (5) At the start of the meeting, the Mayor shall announce the names of any Councilors participating by remote means and state the reason therefor, which reason must be consistent with Section 3(a)(2) of this Policy;
  - (6) For audio-only teleconferencing, each speaker should repeat his/her/their name before making remarks;
  - (7) All Councilors shall refrain from electronic communications regarding subjects considered at the meeting during the meeting, except that Councilors may receive electronic copies of materials otherwise made available at the meeting;
  - (8) There should be a means for the Mayor 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 Councilor present stating “yes” or “no” as each name is called) so that it is clear how each Councilor voted;
  - (10) All hybrid meetings shall be conducted in Council Chambers at City Hall unless an alternative location is authorized by the Director of SPC-TV or his/her/their designee; and

- (11) All remote and hybrid meetings shall be recorded by audio or video recording technology, and the City Council 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 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 Councilors. If the interruption cannot be resolved within 15 minutes, and the City Council 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 City Councilors and a remote connection to the public location identified in the City Council'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 Mayor 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. City accounts must be used for purposes of all remote meetings and hybrid meetings conducted by the City Council 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. Other City Boards and Committees.**

Any board, as defined herein, may adopt this Policy in order to comply with 1 M.R.S. § 403-B, with the name of the board being substituted for that of the City Council. Any board adopting such a remote and hybrid meeting policy under this section must, after hearing on the same, file written notice of the vote with the City Clerk upon adoption. Any such board may also choose to set more stringent regulations for the use of remote means, provided that said policy is at least as stringent as this Policy and complies with 1 M.R.S. § 403-B. Such enhanced policy must also, after hearing on the same, be approved by a vote of a majority of the members of said board, and a copy of said enhanced policy must be filed with the City Clerk upon adoption.

This Policy shall also apply to any board that does not adopt a written remote and hybrid meeting policy as set forth herein. For any board that does not adopt a written remote and hybrid meeting policy, unless the context dictates otherwise, references in the Policy to the City Council shall mean the board; references to a City Councilor or City Councilors shall mean a board member or board members; and references to the Mayor shall mean the Chair of the board.

**Section 5. Compliance with Policy.**

This Policy is intended to be self-enforcing and is an expression of the standards of conduct for City Councilors and members of boards/committees expected by the City. It therefore becomes most effective when Councilors and board 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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August 16, 2022

