

Chapter 21 – Remote Participation Policy

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REMOTE PARTICIPATION POLICY

City of Caribou, Maine

This Remote Participation Policy is intended to establish guidelines on the practice of remote participation by members of the City of Caribou's public bodies.

1. Purpose Statement

Maine law (Title 1 M.R.S. § 403-B) allows members of public bodies, in limited circumstances, to participate remotely in public meetings. While all members of the City's public bodies should endeavor to attend meetings in person, the law seeks to promote greater participation in government meetings by allowing members to participate remotely when physical attendance is not practical.

2. Adoption of Remote Participation

This Policy is adopted in accordance with 1 M.R.S. § 403-B and the Caribou City Charter.

This Policy applies to all public bodies of the City of Caribou that are subject to the Maine Freedom of Access Act's (1 M.R.S. §§ 400 et seq.) public meeting requirements, including the following: City Council; Planning Board; Board of Assessors; Zoning Board of Appeals; and all committees and subcommittees, whether such public bodies are appointed or elected.

Where this Policy is more stringent than 1 M.R.S. § 403-B, this Policy shall control.

3. Permissible Reasons for Remote Participation

Members of all public bodies are expected to be physically present for public meetings, except when being physically present is not practicable. Circumstances in which physical presence for one or more members is not practicable may include, but is not necessarily limited to, the following:

- A. Illness, other physical condition or temporary absence from the jurisdiction of the body that causes a member of the body to face significant difficulties traveling to and attending in person at the location in the notice under 1 M.R.S. § 406; and
- B. The existence of an emergency or urgent issue that requires the public body to meet by remote means.

It is the express desire of the City Council that remote participation in meetings be an infrequent event, for both individual board members and the City's public bodies as a whole. Chairs of public bodies shall interpret this Policy strictly and their decision to allow or not to allow remote participation shall be final and shall not be appealable.

4. Procedures for Remote Participation

Any member of a public body who wishes to participate remotely shall, at least 24 hours or as soon as reasonable possible prior to the meeting, notify the Chair (or the Chair's designee) and staff assigned to support the public body of his or her desire to do so and the reasons and facts supporting the request.

A. Notice of the meeting must be provided in accordance with 1 M.R.S. § 406 and the Caribou City Charter. When authorized under law or this Policy to attend by remote methods, said notice must include the means by which members of the public may access the meeting using remote methods. The notice must also identify a location for members of the public to attend in person. The public body may not determine that public attendance at a meeting will be limited solely to remote methods, except in circumstances where the public body must meet by remote methods.

B. Prior to the meeting the Chair shall make every effort to ensure the equipment is available and function properly. If the required equipment is not available, then the Chair shall deny the request for remote participation.

C. At the start of the meeting, the Chair shall announce the name of any member who will be participating remotely. This information shall be recorded in the meeting minutes.

D. All votes taken during any meeting in which a member participates remotely shall be by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public.

E. A member participating remotely for an executive session shall affirm at the start of such session that no other person is present and/or able to hear the discussion at the remote location and that the session is not being remotely recorded by any device.

F. A member of the public body who participates in a public meeting by remote methods is present for purposes of a quorum and voting.

5. Minimum Requirements for Remote Participation

A. Except when an emergency or urgent issue requires the public body to meet by remote means, at a minimum, the person authorized to chair the meeting shall be physically present at the meeting.

B. Members of the public must be afforded a meaningful opportunity to attend by remote methods when members of the public body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.

C. If the public body allows or is required to provide an opportunity for public input during the meeting, then an effective means of communication between the members of the body and the public must be provided.

D. The public body shall make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the meetings of the public body in person, as long as additional costs are not incurred by the public body.

E. Members of the public body who participate remotely and all person present at the meeting location shall be clearly seen and heard if using video technology, and clearly heard if using only audio technology, by the other members of the public body and the public.

6. Acceptable Methods of Remote Participation

- A. Telephone, internet, or satellite-enabled audio or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability.
- B. Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible and, if possible, clearly visible to all persons present at the meeting location.
- C. Public meetings shall not be conducted by text-only means, such as e-mail, text messages, or chat functions.
- D. The public body shall determine which of the acceptable methods may be used by its members.
- E. If technical difficulties arise as a result of utilizing remote participation, then the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with the remote participant's ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection, if achieved, shall be noted in the meeting minutes. A remote participant who is unable to reconnect shall be noted as absent.

Historical Note: Adopted by City Council October 18, 2021.