

City of Eastport

Remote Participation in Public Proceedings Policy

DRAFT FOR DISCUSSION – Version 2-10-2025

Pursuant to 1 MRSA Section 403-B, and after public notice and hearing, the Eastport City Council hereby adopts the following policy governing the participation, via remote methods, of members of the City Council, Budget Committee, Planning Board, Board of Appeals, Historic Review Board, and any adhoc committee or board created by the the Council, and the public in the public proceedings or meetings of the City Council, Budget Committee, Planning Board, Board of Appeals, Historic Review Board, and any adhoc committee or board created by the the Council. As used herein, “remote methods” means telephonic or video technology (i.e. audio and or video systems) that allow simultaneous reception of information and may also include other means necessary to accommodate disabled persons. Public proceedings may not be conducted by text-only means such as e-mail, text messages, or chat functions.

In accordance with the public policies underlying Maine’s Freedom of Access Act, it is the intention of this body to conduct its business open to public observation.

- I. Remote Participation by Members at City Council Meetings.
  - a. Absent an emergency or urgent situation that requires emergency remote only participation as discussed in subsection III, members of the City Council must be physically present for public proceedings at the public meeting location.
  - b. Nothing in this policy should be read as preventing the Council from broadcasting its proceedings at its discretion, i.e. providing the ability for the public to observe the meeting by remote methods in the absence of authorization for remote participation from members or for the public. When the proceeding is broadcast, notice of the meeting will include the means by which the public may access the broadcast by remote methods and will provide a method for disabled persons to request necessary accommodation to access the meeting.
- II. Remote Participation by Members of Bodies other than City Council. Members of the body must be physically present for public proceedings at the public meeting location, except when authorized to participate by remote methods under this policy.
  - a. When remote participation is authorized.
    - i. Authorization of body. The City Council must approve the use of remote methods by each body, ensuring that the body has the technical means to provide remote participation and reasonable accommodation as required by this policy.
    - ii. Authorization of members. Members of a body authorized to use remote methods may participate via remote methods in the following circumstances:
      1. A medical condition of the member or family makes attendance impracticable;
      2. The member is traveling outside the municipality;
      3. The member has personal circumstances prohibiting in-person attendance.

- b. Notice to chair or presiding officer. A member of a body authorized to use remote methods must notify the chair or presiding officer of the body at least 48 hours in advance if the member will be unable to physically attend a meeting of the body. The chair or presiding officer will make a determination that remote participation by the individual member meets the criteria for remote participation stated above.
    - c. Public input. If a body allows or is required to provide an opportunity for public input during a public proceeding, and the proceeding has been authorized to use remote methods for members, an effective means of communication between the members of the body, participating by remote methods and in-person, and the public, participating by remote methods and in-person, must be provided.
  - III. Remote Only Participation by City Council.
    - a. The City Council may meet solely by remote means if an emergency or urgent situation requires that all members of the Council meet only by remote methods. In that circumstance, public attendance may be restricted to remote access only at the public proceeding.
    - b. The chair or presiding officer of the City Council, in consultation with other members if appropriate and possible, is authorized to make a determination that an emergency or urgent situation requires the body to meet only by remote methods and to limit public attendance at the proceeding to remote means only. The chair or presiding officer's determination will be put in writing and attached to the record of the meeting. Public notice of the determination will be provided as soon as practicable consistent with subsection IV.
    - c. Reasonable accommodations will be provided to any individual with a disability upon request.
    - d. Committees may not meet solely by remote means.
  - IV. Public Notice. Notice of all Council or committee meetings will be provided in accordance with 1 MRSA Section 406 and any applicable charter, ordinance, policy or bylaw. When the public may attend via remote methods, notice will include the means by which members of the public may access the meeting by remote methods and will provide a method for disabled persons to request necessary accommodation to access the meeting. The notice will identify the time of the meeting as well as a location where the public may attend the meeting in person, unless in-person participation is limited in a case of emergency Council proceedings under Section III.
  - V. Documents and Materials Made Available. The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.
  - VI. Roll call vote. All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and public.
  - VII. City accounts for remote methods. All proceedings held via remote methods must use City accounts for the remote platforms. The platform shall be administered by a City Official.

- VIII. Recordings. All proceedings held via remote methods shall be recorded and the recording preserved.
- IX. Executive sessions. Should a proceeding held via remote methods go into executive session, the Chair must:
  - a. Confirm with the platform operator that no member of the public is present in the executive session;
  - b. Confirm with the platform operator that there will be no audio or video recording of the executive session;
  - c. Confirm with each remote attendee, if any, that no unauthorized person is present with them.
- X. Severability. The provisions of this policy are severable, and if any provision be declared to be invalid or void, the remaining provisions shall not be affected.