

WESTBROOK PLANNING BOARD REMOTE PARTICIPATION POLICY

Section 1. Purpose.

This policy is adopted pursuant to 1 M.R.S. §403-B to provide a written policy to govern the use of remote means for public meetings by the Westbrook Planning Board. The purpose for conducting remote or hybrid meetings is to facilitate the conduct of local government under emergency conditions or where other factors prohibit the attendance of one or more members of the Planning Board and/or the general public.

Section 2. Definitions.

Planning Board means Westbrook Planning Board, and meetings of the Planning Board shall include Planning Board meetings and workshops.

Hybrid meeting means a public proceeding, as defined in 1 M.R.S. § 402(2) 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 “remote methods” as defined in 1 M.R.S. § 403-B(1) 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. Remote means does not include text-only means such as email, 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 Planning Board. Members of the Planning Board are expected to be physically present for public meetings, except when the Chair of the Planning Board, in consultation with the Mayor, determines the existence of an emergency or other urgent issue that requires the Planning Board to conduct a remote meeting. 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 Subsection B of this Section.
2. Hybrid Meetings with Remote Participation by Individual Planning Board Members. Except for a remote meeting being conducted consistent with Section 3(A)(1) of this Policy, Planning Board Members are expected to be physically present for all public meetings except when being physically present is not practicable for one or more

Planning Board Member. Circumstances under which physical presence for one or more Planning Board Members is not practicable are limited to:

- i. Illness or other physical condition, or temporary absence from the City of Westbrook that causes the Planning Board Member to face significant difficulties travelling to and attending the public meeting in person; or
- ii. To provide a reasonable accommodation to a Planning Board Member with a disability.

B. Public Participation of a Remote or Hybrid Meeting

1. Members of the public shall have the opportunity to attend by remote means when one or more members of the Planning Board participate by remote access.
2. The City shall make reasonable accommodations necessary to provide remote access to individuals with disabilities.
3. Except in the case of an emergency or urgent issue requiring the Planning Board to hold a remote meeting, members of the public shall not be required to participate in a meeting by remote methods.

C. Notice of Remote Meeting or Hybrid Meeting. Notice of a remote meeting or hybrid meeting shall 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 Planning Board Members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means;
3. View meeting agenda and Staff memo; 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 Planning Board Members will be present in person.

D. Requirements of Remote Meeting and Hybrid Meeting. Any remote meeting or hybrid meeting must comply with the following:

1. The remote means used by the Planning Board must allow all members of the public participating in the meeting to hear, or see and hear, all Planning Board Members and any other speaker;
2. Each member of the Planning Board participating in the meeting must be able to hear and speak to all other Planning Board Members and must be heard by the members of

the public attending and observing the meeting during the meeting;

3. Any Planning 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 Planning Board;
 4. At the start of the meeting, the Chair of the meeting shall announce the names of any Planning Board Members participating by remote means and state the reason therefor, which reason must be consistent with Section 3(A)(2) of this Policy;
 5. For audio-only teleconferencing, each speaker shall repeat their name before making remarks;
 6. All Planning Board Members shall refrain from electronic communications regarding subjects considered at the meeting during the meeting, except that Planning Board Members may receive electronic copies of materials otherwise made available at the meeting;
 7. Public Comment during a remote and/or hybrid meeting shall be made verbally during the designated public hearing time only, unless otherwise allowed by the Chair. There should be a means for the remote means facilitator to be able to unmute and identify each speaker.
 8. All votes during the meeting shall be conducted by roll call (with each Planning Board Member present stating "yes" or "no" as each name is called) so that it is clear how each Planning Board Member voted;
 9. All remote and hybrid meetings shall be recorded by audio or video recording technology and the City shall make the recording of the meeting electronically available for public access as soon as practicable after the meeting.
- E. 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 to restore communication. If the interruption cannot be resolved within a reasonable period of time, the Chair of the meeting may adjourn the meeting.
- F. Executive Sessions. To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair of the meeting 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.
- G. Remote means account. City of Westbrook accounts must be used for purposes of all remote meetings and hybrid meetings conducted by the Planning Board. The use of private accounts to host a remote or hybrid meeting is prohibited.