



Cape Elizabeth Town Council Meeting

Agenda

Wednesday, April 1, 2020 6:00 p.m.

Zoom Online Meeting

Valerie A. Adams, Chairman
Valerie J. Deveraux
Jeremy A. Gabrielson
James M. "Jamie" Garvin
Caitlin R. Jordan
Penelope A. Jordan
Christopher M. Straw

Access to the meeting is available as identified below:

Please click the link below to join the webinar:

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COVID-19 Update

In response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) the Governor signed [LD 2167, An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency](#), which is now PL 2019, c. 617.

Part G enacts Title 1, section 403-A, Public proceedings through remote access during declaration of state of emergency due to COVID-19. It authorizes conducting public proceedings through telephonic, video, electronic or other similar means of remote participation with specific conditions. The section is repealed 30 days after the termination of the state of emergency.

While we want to find the right way to conduct public business and protect public health, even this emergency does not alter the fundamental requirements of transparency. The need for accountability is even more acute under these conditions. The following additional measures, although not required by law, will support government efforts to remain open and accessible:

- 1. IT resources needed to accomplish remote participation deployed to ensure that the objectives of the legislation can be met;
- 2. Audio recording of remote public meetings streamed or posted online; and
- 3. Notice, even for emergency meetings, include instructions for the public to join remotely;
- 4. Proactive release of public records related to topics of heightened public interest, especially COVID-19 health and safety information.

Sec. G-1. 1 MRSA §403-A is enacted to read:

§403-A. Public proceedings through remote access during declaration of state of emergency due to COVID-19

- **1. Remote access.** Notwithstanding any provision of law or municipal charter provision or ordinance to the contrary, during a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19, a body subject to this subchapter may conduct a public proceeding through telephonic, video, electronic or other similar means of remote participation under the following conditions:
 - A. Notice of the public proceeding has been given in accordance with section 406, and the notice includes the method by which the public may attend in accordance with paragraph C;

- B. Each member of the body who is participating in the public proceeding is able to hear and speak to all the other members during the public proceeding and members of the public attending the public proceeding in the location identified in the notice given pursuant to paragraph A are able to hear all members participating at other locations;
- C. The body determines that participation by the public is through telephonic, video, electronic or other similar means of remote participation; and
- D. All votes taken during the public proceeding are taken by roll call vote.
- **2. Application to legislative proceedings.** This section does not apply to public proceedings of the Legislature, a legislative committee or the Legislative Council, except that while the state of emergency as set out in subsection 1 is in effect, the Legislature, a legislative committee or the Legislative Council may restrict attendance by the public to remote access by telephonic, video, electronic or other similar means. This section also does not apply to town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings pursuant to Title 20-A, section 1483.
- **3. Repeal.** This section is repealed 30 days after the termination of the state of emergency as set out in subsection 1.

- 1. Convening of the Meeting by Town Council Chairman Valerie A. Adams**
- 2. Roll Call by the Town Clerk**

The following items will be discussed by the Town Council in order. There will be an opportunity for questions to be submitted

- 3. Opportunity for public comment for items not on agenda**
- 4. [Amendment](#) to Emergency restrictions order on non-essential businesses**
- 5. Opportunity for public comment**

Adjournment