

DRAFT
TOWN OF CAPE ELIZABETH
AUTHORIZATION TO CONTINUE REMOTE MEETINGS POLICY

I PURPOSE AND INTENT: This policy provides for the continuation of remote meetings to conduct the municipal affairs by the various Boards and Committees of the Town of Cape Elizabeth. The intent is to permit and encourage such meetings allowing for the conduct of the public's business in addition to allowing for "in-person" meeting attendance. The policy is based on the Governor's recent ending of the "state of emergency" which shall end as of July 30, 2021. It also ensures that such remote meetings shall permit board and committee members to continue full participation in their respective roles including but not limited to voting to approve policies, regulations and other public business that may come before them. This policy is predicated upon the state statutes governing participation in public proceedings, which was signed into law on June 21, 2021.

II APPLICABILITY:

- A. Any board, commission, committee, council or agency of the Town of Cape Elizabeth.
- B. Any association where counties, municipalities, school administrators, or other political/administrative subdivisions make up the entirety of the membership.
- C. This policy incorporates all of the existing definitions of methods and equipment used by the Town of Cape Elizabeth for the regular conduct of meetings including but not limited to computer hardware, software programs, laptops and data storage, all of which record the activities and actions by the Town Council as well as all other boards and committees. It ensures that the public is properly notified in advance of all such meetings, their agenda content and is meant to comply with 1 M.R.S.A. Chapter 13 and all of the provisions included therein.

III COMPLIANCE ELEMENTS: Upon the adoption of this policy by the Cape Elizabeth Town Council, the conduct of the public's business by the Town Council or any of the Town's boards and committees shall continue to comply with 1 M.R.S.A. Chapter 13 and all of its relevant elements. The Town of Cape Elizabeth shall continue to assure that the members and the public shall have the same ability to participate remotely and have advance notice of meetings.

- Members may go into executive sessions for legally permissible subjects and do so remotely. The same limits, procedures and expectations to attend in person apply to such sessions as they did prior to Covid.
- Members of the public body are expected to be present unless there is an emergency/urgent issue, illness, physical condition, are temporarily absent from the jurisdiction, where travel to the meeting would not be feasible, or the geographic characteristics of the jurisdiction impede or slow travel. If the membership is statewide, a member may participate remotely if travel is significant.
- A remote meeting shall provide as a minimum, audio and visual transmission of the proceedings as well as the ability to obtain copies of the proceedings and content of any agenda items with the exception of "Executive Session" subject matters.

- Any executive session must first commence from a properly notified in advance public session and any motion to go into an executive session must be made, seconded, and approved in the public session.
- Remote methods must allow for simultaneous reception of information in real time; text and email are not considered an allowable remote method. Remote methods ideally will have video and audio capabilities. But it must have audio functions at a minimum.
- Any member that attends remotely is considered present for a quorum and voting.
- All votes must take place by roll call.
- This policy also assures that the public is able to attend, hear and participate (if a public hearing) in the public proceedings.
- Meeting materials will be made available electronically. Last minute handouts to the public will not be permitted.
- Notice of public meetings must provide the means by which the public may access the meeting remotely. The physical location of the meeting must also be provided for those that would like to participate in person.

This policy requires that the public is able to attend in person *unless* the whole meeting is remote due to an emergency as described by the current legislation.

IV AMENDMENTS TO THIS POLICY: From time to time, the Maine Legislature may approve amendments to the enabling legislation that creates this policy. As such, the Cape Elizabeth Town Council shall amend this policy to assure conformity.

V NON-COMPLIANCE ELEMENTS: If any section of this policy is found to be out of compliance with the prevailing statutes, the Town Council shall take the appropriate steps to amend this policy accordingly and that such non-compliance shall not void the intent or application of the remainder of this policy.

VI EFFECTIVE DATE: This policy shall take effect immediately after the conduct of a public hearing and adoption by a majority of the Mechanic Falls Town Council.

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Date of Adoption	
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_____	_____
_____	_____