

TOWN OF GRAY TOWN COUNCIL HYBRID AND REMOTE MEETING POLICY

Pursuant to 1 M.R.S. § 403-B

Adopted September 7, 2021

Amended June 7, 2022

PURPOSE

The Town of Gray strives to provide an open and transparent government that maximizes the ability of its residents to participate in the public process. This Policy sets forth the conditions upon which the Gray Town Council may conduct a hybrid or remote meeting, as that term is defined in this Policy.

DEFINITIONS

A. Hybrid Meeting

A public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted with some meeting attendees in person/face-to-face at a designated physical location while connecting with other meeting attendees by remote means.

B. Public Meeting

A “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.

C. Remote Means

Means “remote methods” as that term is defined in 1 M.R.S. § 403-B(1), as may be amended. For purposes of this Policy, “remote means” may include, but is not necessarily limited to: Zoom, Go-To-Meeting, Skype, Google Meet, or other comparable internet-based telephonic or videoconferencing platform. Remote means does not include text-only means such as e-mail, text messages, or chat functions.

D. Remote Meeting

A public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted solely by remote means.

HYBRID MEETINGS WITH/WITHOUT REMOTE PARTICIPATION BY INDIVIDUAL TOWN COUNCILORS

The Town Council shall conduct its meetings using the hybrid format whenever feasible as it affords the most participation and transparency. Members of the Town Council are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members.

Circumstances under which physical presence for one or more members is not practicable may be, but are not limited to:

- A. Illness or other physical condition, or temporary absence from the Town of Gray, that causes the member to face significant difficulties travelling to and attending the public meeting in person; or
- B. To provide a reasonable accommodation to a member with a disability.

A Town Councilor who believes it is not practicable, as set forth above, for him/her to attend a meeting in person shall notify the Chair (or in his/her absence, the Vice Chair), as well as the Town Manager, of the existence of such circumstances as far in advance as is possible.

Staff is encouraged to use remote participation in hybrid meetings when feasible except when their physical presence will better facilitate discussions and/or meetings are held during normal business hours.

The physical address, remote link and dial in phone number will be published on all posted agendas in advance of the meeting.

REMOTE MEETINGS OF THE TOWN COUNCIL

The Town Council shall conduct its meetings using the hybrid format unless the Chair (or in his/her absence, the Vice Chair), in consultation with the Town Manager, makes a determination that an emergency or urgent issue exists that requires the Town Council to conduct a remote meeting, including, but not limited to, inclement weather and/or disasters or catastrophes caused by either natural or man-made causes. 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, the Town Charter and this Policy.

PUBLIC NOTICE OF HYBRID OR REMOTE MEETINGS

When the Town Council conducts a hybrid or remote meeting, the following shall occur:

- A. Notice of the public meeting shall be provided in a manner that provides ample time to allow public attendance. Such notice shall be disseminated in a manner that is reasonably calculated to notify the general public of the time, date, location, and method to be used to conduct the meeting. Such notice shall provide information regarding how members of the public may attend the public meeting remotely and shall provide the physical location where members of the public may participate in person, if applicable.
- B. Members of the public shall be provided with a reasonable opportunity to participate in the public meeting by remote means, which shall at a minimum include an effective means of communication between such members of the public and the Town Council. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.
- C. Unless the entire Town Council is conducting a remote meeting as provided in Section ~~III~~ IV of this Policy, members of the public must be provided the option to attend the meeting in person or by remote means.
- D. Unless the entire Town Council is conducting a remote meeting as provided in Section ~~III~~ IV of this Policy, the Chair (or in his/her absence, the Vice Chair), at the start of the meeting, shall announce the name of any Town Councilor(s) participating by remote means.
- E. All public documents and other materials considered by the Town Council shall be made available to members of the public by the same or more efficient means as they are provided to individual Town Councilors. This requirement may be met by: (i) posting all public documents and materials to be considered by the Town Council on the Town's website at least one (1) business day prior to the meeting; (ii) making physical copies of all documents and materials to be considered by the Town Council available for in person pick-up at the Town Office at least one (1) business day prior to the meeting; or (iii) enabling the "screen-sharing" function of the remote means utilized for the meeting in such a way that members of the public are able to view all relevant documents and materials while the Town Council is reviewing and discussing the same.

QUORUM

A Town Councilor who participates in a hybrid or remote meeting is considered present for purposes of determining the presence of a quorum and voting.

ROLL CALL VOTE REQUIRED

All votes taken during a hybrid or remote meeting must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by all Town Councilors and the public.

ZOOM PREFERRED

The preferred hybrid or remote means for all Town boards and committees shall be Zoom. The platform shall be set up and hosted by a Town official and a digital recording shall be preserved. The use of private accounts to host a hybrid or remote meeting can be used if the Town account is not available but must be recorded. The recording should then be provided to Town Staff.

DISRUPTIONS AND ADJOURNMENT

If during the conduct of a hybrid or remote meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting may be recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of Town Councilors. If the interruption cannot be resolved within 15 minutes, and the Town Council has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then adjournment may be considered. If the meeting being conducted is a hybrid meeting with no remote participation by individual Town Councilors and a remote connection to the public location identified in the Town Council's notice pursuant to Section VI(a) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.

EXECUTIVE SESSIONS

To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair should confirm with each attendee that no unauthorized person is present or has access to any executive session being conducted via hybrid or remote means. There shall be no audio or visual recording of an executive session.

OTHER TOWN BOARDS AND COMMITTEES

This policy applies to all Town Council boards or committees, unless the board or committee adopts its own policy.

APPLICABILITY

This Policy does not apply to Town Meetings.

AMENDMENT; SEVERABILITY; EFFECTIVE DATE

This Policy may be amended as needed by a majority vote of the Town Council. The provisions of this Policy are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect. This Policy shall take effect immediately upon adoption by the Town Council.