

REMOTE PARTICIPATION POLICY
Scarborough Town Council
[Adopted July 21, 2021]

Pursuant to 1 M.R.S. Section 403-B, the Scarborough Town Council (the "Council") adopts this policy for remote participation in public meetings and proceedings.

PURPOSE

The purpose of this policy is to provide a framework for when remote participation is allowed for members of the Council as well as members of the public and to outline acceptable methods of remote communication. To ensure consistent application of this policy, the Council intends for its subcommittees and all committees, boards, task forces and subcommittees of the various standing or advisory boards and committees of the Town to comply with this policy and approve such policy by an affirmative vote of its members, except for the following exemptions:

1. The Scarborough Board of Education or any of its subcommittees and advisory boards and committees operating pursuant to a separate policy adopted in accordance with applicable law by the Scarborough Board of Education,
2. The Scarborough Sanitary District,
3. Work sessions of municipal staff or committees that do not meet the definition of Public Meetings under Title 1 MRS Chapter 13,
4. Pre-employment interviews for staff hiring(s).

A. LIMITED IN SCOPE

The Council members are expected to be physically present except when being physically present is not practicable, including the following circumstances:

1. The existence of an emergency or urgent issue that requires the full Council to meet remotely.
2. For individual members of the Council:
 - a. Illness or other physical condition; or
 - b. Temporary absence from the jurisdiction where traveling to the meeting would cause the member to face significant difficulties to attend in person.

B. REMOTE PARTICIPATION REQUIREMENTS

1. Remote Methods of Participation
 - a. The remote method of participation may be through telephonic or video technology that allows for the simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Methods of participation cannot be text-only, i.e., email, text messages, and chat functions.
2. Notice Requirements
 - a. Notice of the proceeding must be provided in accordance with 1 M.R.S. § 406.
 - b. When the public may attend via remote methods the notice must include how the public can participate remotely, as well as the physical location of the meeting for those that would like to attend in person (except in cases of an emergency under Section A(1) above.
3. Meeting Materials

- a. All documents and materials considered by the Council must be made available to the public who attend remotely, to the same extent they are made available to members of the public who attend in person.
4. Members of the Council
 - a. A member who participates in a public proceeding by remote methods is present for purposes of a quorum and voting.
 - b. All votes taken during any public proceeding when one or more members of the Council are participating by remote means shall be by roll call vote that can be seen and heard if using video technology and heard if using only audio technology.
 - c. A member who will be participating remotely shall notify the Chair as far in advance as possible.
 5. Members of the Public
 - a. Members of the public must be given the opportunity to participate remotely when a member of the Council is participating remotely.
 - b. It is the intention of the Town Council to allow members of the public to participate remotely in all public proceedings when technology and circumstances permit such participation.
 - c. The Council may not determine that public attendance at a proceeding will be limited solely to remote methods except under the conditions in Section A(1) above.