

TOWN OF CUMBERLAND PLANNING BOARD REMOTE AND HYBRID MEETING POLICY

Pursuant to 1 M.R.S. § 403-B

- I. **Purpose:** The Town of Cumberland 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 Cumberland Planning Board may conduct a remote meeting, as that term is defined in this Policy. In addition, this Policy sets forth the conditions upon which the Cumberland Planning Board may conduct a hybrid meeting, as that term is defined in this Policy.
- II. **Definitions:**
- a. “Hybrid meeting” means 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” means 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” means a public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted *solely* by remote means.
- III. **Remote Meetings of the Planning Board:** The Planning Board shall conduct its meetings in person 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 Planning Board 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, and this Policy.
- IV. **Hybrid Meetings with Remote Participation by Individual Planning Board Members:** Except for a remote meeting being conducted consistent with Section III of this Policy, members of the Planning Board 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 are limited to:

- a. Illness or other physical condition, or temporary absence from the Town of Cumberland, 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 Planning Board member 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. The Chair (or in his/her absence, the Vice Chair), shall, in consultation with the Councilor, then make a determination whether being physically present is not practicable for that Councilor and, if such a determination of impracticability is made, so notify the Town Manager that a hybrid meeting will be conducted. If the agenda has already been posted at the time the determination is made to authorize a hybrid meeting with the Planning Board member's remote participation, an amended meeting agenda containing the information set forth in Section VI(a) of this Policy shall be posted on the Town's website and be distributed to all Planning Board members, relevant Town staff, and local representatives of the media by the same or faster means used to notify Planning Board members at least four (4) hours prior to the originally noticed meeting start time.

- V. **Hybrid Meetings with No Remote Participation by Individual Planning Board Members:** The Planning Board is not required by law to offer this type of meeting format and will only conduct a hybrid meeting with no remote participation by individual Planning Board members when it is determined by the Town Manager, in consultation with the Chair (or in his/her absence, the Vice Chair), that such a hybrid meeting is necessary for some special reason, such as the need for the Planning Board to communicate with Town staff, an outside attorney, professional or consultant without incurring the costs associated with that person's travel to/from Cumberland.

- VI. **Public Notice of Remote Meetings or Hybrid Meetings:** When the Planning Board conducts a remote meeting or a hybrid 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 Planning Board. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.

- c. Unless the entire Planning Board is conducting a remote meeting as provided in Section III 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 Planning Board is conducting a remote meeting as provided in Section III 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 Planning Board member(s) participating by remote means and state the reason therefor, which reason must be consistent with Section IV.
 - e. All public documents and other materials considered by the Planning Board shall be made available to members of the public by the same or more efficient means as they are provided to individual Planning Board members. This requirement may be met by: (i) posting all public documents and materials to be considered by the Planning Board 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 Planning Board 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 Planning Board is reviewing and discussing the same.
- VII. **Quorum:** A Planning Board member who participates in a remote meeting or a hybrid meeting is considered present for purposes of determining the presence of a quorum and voting.
- VIII. **Roll Call Vote Required:** All votes taken during a remote meeting or a hybrid 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 Planning Board members and the public.
- IX. **Zoom Preferred:** The preferred remote means for all Town boards and committees shall be Zoom Webinar. 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 remote meeting or a hybrid meeting is prohibited.
- X. **Disruptions and Adjournment:** If during the conduct of a remote meeting or a hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of Planning Board members. If the interruption cannot be resolved within 15 minutes, and the Planning Board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically adjourned. If the meeting being conducted is a hybrid meeting with no remote participation by individual Planning Board members and a remote connection to the public location identified in the Planning Board'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.

- XI. **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 remote means. There shall be no audio or visual recording of an executive session.
- XII. **Other Town Boards and Committees:** Any public body organized under the auspices of the Town may adopt this Policy in order to comply with 1 M.R.S. § 403-B. Any public body adopting such a remote and hybrid meeting policy under this section must, after hearing on the same, file written notice of the vote with the Town Clerk upon adoption. Any such public body may also choose to set more stringent regulations for use of remote means, provided that said policy is at least as stringent as this Policy and complies with 1 M.R.S. § 403-B. Such enhanced policy must also, after hearing on the same, be approved by a vote of a majority of the members of said body, and a copy of said enhanced policy must be filed with the Town Clerk upon adoption.
- XIII. **Amendment; Severability; Effective Date:** This Policy may be amended as needed by a majority vote of the Planning Board. 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 Planning Board.

Date Adopted: