

**ECOMAINE
REMOTE AND HYBRID MEETING POLICY**

Pursuant to 1 M.R.S § 403-B

I. **Purpose:** **ecomaine** 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 **ecomaine** Board of Directors may conduct a remote meeting, as that term is defined in this Policy. In addition, this Policy sets forth the conditions upon which the **ecomaine** Board of Directors 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 Board of Directors:** The **ecomaine** Board of Directors shall conduct its meetings in person unless the Chair (or in his/her absence, the Vice Chair), in consultation with the CEO/General Manager, makes a determination that an emergency or urgent issue exists that requires the **ecomaine** Board of Directors to conduct a remote meeting, including, but not limited to, inclement weather, a disaster or catastrophe caused by either natural or man-made causes, or a public health emergency (including, but not limited to an epidemic or pandemic). 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 Board Members:** Except for a remote meeting being conducted consistent with Section III of this Policy, members of the **ecomaine** Board of Directors 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 (including, but not limited to, a quarantine requirement), or temporary absence from the Board member's home municipality, that causes the member to face significant difficulties travelling to and attending the public meeting in person;
- b. Significant distance a member must travel to be physically present at the location in the notice under 1 M.R.S. § 406; or
- c. To provide a reasonable accommodation to a member with a disability.

An **ecomaine** 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 the CEO/General Manager, or their designees, of the existence of such circumstances as far in advance as is possible. The Chair (or in his/her absence or unavailability, the CEO/General Manager), shall then make a determination whether being physically present is not practicable for that Board member and, if such a determination of impracticability is made, so notify the Board of Directors 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 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 **ecomaine** website and be distributed to all Board members, relevant **ecomaine** staff, and local representatives of the media by the same or faster means used to notify Board members at least four (4) hours prior to the originally noticed meeting start time.

V. **Hybrid Meetings with No Remote Participation by Individual Board Members:** At its option, the **ecomaine** Board of Directors may conduct a hybrid meeting with no remote participation by individual Board members when it is determined by the CEO/General 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 **ecomaine** Board of Directors to communicate with an outside attorney, professional or consultant without incurring the costs associated with that person's travel to/from **ecomaine**.

VI. **Public Notice of Remote Meetings or Hybrid Meetings:** When the **ecomaine** Board of Directors 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 **ecomaine** Board of Directors. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.

- c. Unless the entire **ecomaine** Board of Directors 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 either in person or by remote means.
- d. Unless the entire **ecomaine** Board of Directors 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 **ecomaine** Board members 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 **ecomaine** Board of Directors shall be made available to members of the public by the same or more efficient means as they are provided to individual **ecomaine** Board members. This requirement may be met by: (i) posting all public documents and materials to be considered by the **ecomaine** Board of Directors on the **ecomaine** 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 **ecomaine** Board of Directors available for in person pick-up at **ecomaine** 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 **ecomaine** Board of Directors is reviewing and discussing the same.

VII. **Quorum**: An ecomaine 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 **ecomaine** Board members and the public.

IX. **Zoom Preferred**: The preferred remote means for the **ecomaine** Board of Directors shall be Zoom Webinar. The platform shall be set up and hosted by an **ecomaine** employee 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 **ecomaine** Board members. If the interruption cannot be resolved within 15 minutes, and the **ecomaine** Board of Directors 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 **ecomaine** Board members and a remote connection to the public location identified in the **ecomaine** Board of Directors' 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 Committees**: In addition to the **ecomaine** Board of Directors, this policy applies to all other **ecomaine** public bodies that are subject to the meeting requirements under 1 M.R.S. § 403, including without limitation the Executive Committee, Finance & Audit Committee, and Outreach & Recycling Committee.
- XIII. **Amendment; Severability; Effective Date**: This Policy may be amended as needed by a majority vote of the **ecomaine** Board of Directors. 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 **ecomaine** Board of Directors.

Date Adopted: October 21, 2021