

City of Ellsworth  
Planning Board  
Remote Meeting Participation Policy

**I. Purpose Statement**

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the Planning Board of the City of Ellsworth adopts the following policy to govern the participation, via remote methods, of members of the Planning Board and the public in the public proceedings or meetings of the Planning Board, including meetings of committees or subcommittees of the Planning Board, when physical attendance is not practicable.

It is the express desire of this body that participation by remote methods should be an infrequent event. The Chair or presiding officer shall interpret this policy strictly and their decision to allow or not allow participation by remote methods shall be final and is not appealable.

**II. Remote Participation by Planning Board Members**

Members of the Planning Board are expected to be physically present for meetings except when not practicable. In such cases, a member may participate via remote methods, with prior approval of the Chair of the Planning Board. A member who is unable to attend a meeting in person will notify the Chair of the Planning Board or the City Planner as far in advance as possible. The Chair of the Planning Board, in consultation with the City Planner and with other Planning Board members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances.

Circumstances in which the physical presence of one or more members is not practicable may include, but are not necessarily limited to, the following:

- An emergency or urgent issue that requires the Planning Board to meet by remote methods;
- Illness or physical conditions;
- Member is temporarily absent from the State;
- Member must travel a significant distance to be physically present;
- Inclement weather; or
- Other special circumstances as determined by the Chair or presiding officer.

The Chair may determine all members shall participate by remote methods if they, in consultation with the City Planner and with other members if appropriate and possible, determine there exists an emergency or urgent issue that requires the Planning Board to meet by remote means.

The Planning Board will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the Planning Board and public to meet using remote methods of attendance only.

### **III. Remote Participation by Persons Appearing Before Planning Board**

Any person appearing before the Planning Board on a particular matter may, with prior approval from the Chair or presiding officer, participate in Planning Board proceedings using remote methods if physical attendance is not practicable. Such persons participating remotely are responsible for coordinating with the Chair or presiding officer in consultation with the City Planner as soon as possible to ensure the adequacy of the remote methods equipment and that all the members of the Planning Board have electronic copies of all materials to be distributed to the Planning Board and shared with the public.

#### **A. Remote Participation by Applicants**

When the Chair or presiding officer approves remote participation solely for persons appearing before the Planning Board as an applicant or an applicant's representative, members of the public shall be provided an opportunity to access the proceedings using remote methods.

#### **B. Remote Participation by Members of the Public**

When the Chair or presiding officer approves remote participation solely for persons appearing before the Planning Board as Ellsworth residents, taxpayers, or other interested persons, members of the public shall be provided an opportunity to access the proceedings using remote methods.

#### **C. Remote Participation by Consultants and Staff**

When the Chair or presiding officer approves remote participation solely for persons appearing before the Planning Board as consultants, City staff, or other governmental representatives at the request of the Planning Board, members of the public do not need to be provided an opportunity to access the proceedings using remote methods.

### **IV. Remote Participation by the Public**

When members of the body are participating remotely in a public proceeding, members of the public shall be provided an opportunity to access the proceeding by remote methods and a physical location to attend in person a proceeding at which one or more members of the body are participating by remote methods, except that a physical location is not required when all members of the body are participating via remote methods due to an emergency or urgent issue. If the public proceeding includes an opportunity for public input, the Planning Board will provide means for communication between the public and Planning Board members. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities, such as closed caption technology

The Planning Board may vote to allow members of the public to attend and participate via remote methods even when all members of the Planning Board are attending in person, so long as this vote is made at a duly noticed public meeting held at least 24 hours in advance of the meeting at which the public may participate via remote methods. This vote may apply to one or more meetings.

**V. Remote Participation Procedures and Requirements**

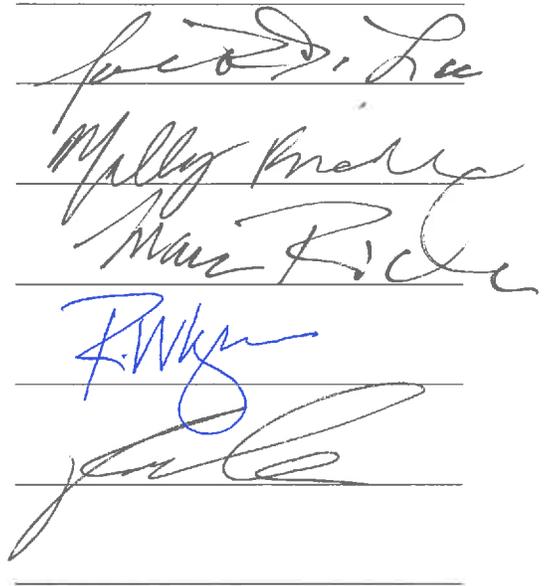
- A. “Remote methods” shall have the meaning provided by 1 M.R.S. § 403-B.
- B. Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public is provided an opportunity to participate via remote methods pursuant to this policy, notice for the meeting shall include the means by which the public may access the meeting remotely and provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person.
- C. The Planning Board will make all documents and materials to be considered by the Planning Board available to the members of the public who attend in person, provided no additional costs are incurred by the Planning Board. When a meeting is conducted by remote means pursuant to this policy, any person intending to introduce any document for the Planning Board’s consideration is responsible for providing the Chair or presiding officer an electronic copy of the document no less than 24 hours in advance of the meeting.
- D. Prior to the meeting, the Chair or presiding officer shall make every reasonable effort to ensure the equipment is available and functioning properly. If the necessary equipment is not available, the Chair or presiding officer shall deny the request for remote participation.
- E. All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the Planning Board and the public. A member of the Planning Board who participates remotely will be considered present for purposes of a quorum and voting.
- F. The minutes of any meeting shall note whether remote methods are being used and by whom. If technical difficulties arise as a result of utilizing remote participation, then the Chair or presiding officer should suspend discussion while reasonable efforts are made to correct any problem that interferes with the remote participant’s ability to hear or be heard clearly by all persons at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred and subsequent reconnection, if achieved, shall be noted in the meeting minutes. A remote participant who is unable to reconnect shall be noted as absent.

**VI. Effective Date and Duration**

This policy shall be effective upon adoption and shall remain in force indefinitely unless amended or rescinded.

Dated: January 5, 2022

Signed:

The image shows five handwritten signatures on a set of horizontal lines. From top to bottom, the signatures are: 1. A cursive signature in black ink, possibly reading 'Fred Lee'. 2. A cursive signature in black ink, possibly reading 'Mally Kneary'. 3. A cursive signature in black ink, possibly reading 'Max Fisher'. 4. A cursive signature in blue ink, possibly reading 'F. W. King'. 5. A cursive signature in black ink, possibly reading 'John'.

Ellsworth Planning Board