

**TOWN OF KENNEBUNK  
SELECT BOARD  
REMOTE MEETING AND PARTICIPATION POLICY**  
*Pursuant to 1 M.R.S § 403-B*

- I. **Purpose:** The Town of Kennebunk 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 Town of Kennebunk Select Board may conduct a remote meeting, as that term is defined in this Policy. In addition, this Policy sets forth how and under what circumstances individual members of the Select Board (and members of the public) may participate in an in-person public meeting of the Select Board by remote means.
- II. **Definitions:**
- a. “Public meeting” means a “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.
  - b. “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 videoconferencing platform that allows for “screen-sharing” functionality. Remote means does not include text-only means such as e-mail, text messages, or chat functions.
  - c. “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 Select Board:** The Select 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 Select Board to conduct a remote meeting. The determination of such an emergency or urgent issue shall be made as soon as practicable, and notice of a meeting being conducted by remote means shall be disseminated consistent with 1 M.R.S. § 406, as may be amended, and this Policy.
- IV. **Remote Participation by Individual Select Board Members:** Except for a remote meeting being conducted consistent with Section III of this Policy, members of the Select 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 include:
- a. Illness or other physical condition, or
  - b. Temporary absence from the Town of Kennebunk, that causes the member to face significant difficulties travelling to and attending the public meeting in person, or
  - c. To provide a reasonable accommodation to a member with a disability, or
  - d. To provide care for a family member.

A member who is unable 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.

- V. **Public Notice of Remote Meeting or Remote Participation:** When the Select Board elects to conduct a public meeting by remote means or when one or more members of the Select Board are permitted to participate in an in-person meeting by remote means, 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.
  - 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 Select Board. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.
  - c. Unless the entire Select 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. All documents and other materials considered by the Select Board shall be made available to members of the public by the same or more efficient means as they are provided to individual Select Board members. This requirement may be met by: (i) posting all documents and materials to be considered by the Select 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 Select 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 Select Board is reviewing and discussing the same.
- VI. **Quorum:** A member of the Select Board who participates in a public meeting by remote means is considered present for purposes of determining the presence of a quorum and voting.
- VII. **Roll Call Vote Required:** All votes taken during a remote meeting being conducted consistent with Section III of this Policy or where one or more members of the Select Board are participating remotely 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 members of the Select Board and the public.

- VIII. **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 is prohibited.
- IX. **Disruptions and Adjournment:** If during the conduct of a remote meeting or a public meeting with remote participation, 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 members or with the public location identified in the Select Board's notice pursuant to Section V(a). If the interruption cannot be resolved within 15 minutes, and the Select 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.
- X. **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.
- XI. **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 participation policy under this section must 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 remote participation, 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 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.
- XII. **Applicability:** This Policy does not apply to Town Meetings.
- XIII. **Amendment; Severability; Effective Date:** This Policy may be amended as needed by a majority vote of the Select 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 Select Board.

**Add on May 10, 2022 and suspended on November 8, 2022:**

**In-person or Remote Meetings:** Pursuant to a vote of the Select Board on May 10, 2022, when the Maine CDC indicates that the COVID-19 community level of transmission for York County is medium (yellow) or high (red), the Select Board will move to remote meetings. In-person meetings will occur when the level of transmission is designated as low (green). This vote was for Select Board meetings only.

**Adopted: 9/9/2021**

**Updated: 5/10/2022** (added In-person or Remote Meetings section)

**Updated: 11/8/2022** (suspended In-person or Remote Meetings section until further notice)

**Updated: 3/14/2023** (added item IV.c. - to provide care for a family member)