



BOARD POLICY

POLICY REGARDING REMOTE PARTICIPATION IN BOARD PROCEEDINGS

I. Introduction and Purpose

Except as otherwise provided by law, all public proceedings of the Board of Environmental Protection (Board) are open to the public and members of the public are permitted to attend.

This Board policy, adopted after notice and hearing, governs the conditions upon which members of the Board and the public may participate in a public proceeding of the Board by remote methods. Pursuant to this Board policy, the Board may allow remote methods of participation in its public proceedings in accordance with 1 M.R.S. § 403-B.

For purposes of this policy, “remote methods” means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability.

II. Expectations for Board Member Participation

Board members are expected to be physically present for public proceedings of the Board except when being physically present is not practicable. Circumstances in which physical presence for one or more Board members is not practicable may include:

- (1) The existence of an emergency or urgent issue that requires the Board to meet by remote methods;
- (2) Illness, other physical condition, or temporary absence from Maine, that causes a member of the Board to face significant difficulties traveling to and attending in person the meeting identified in the notice provided by the Board;
- (3) Significant distance a member of the Board must travel to be physically present at the location of the meeting identified in the notice provided by the Board; and
- (4) Geographic characteristics that impede or slow travel, including but not limited to islands not connected to the mainland by bridges.

The existence of an emergency or urgent issue that requires the Board to meet by remote methods as described in Section II(1) above shall be determined by the Board Chair in his or her discretion. A determination as to whether a criterion in Section II(2) through (4) above has been met shall be made by the Board Chair in consultation with the impacted Board member(s). When evaluating whether a criterion in Section II(1) through (4) above

is met, the Board Chair may consider quorum requirements, the time sensitivity of upcoming meeting agenda items, and any other relevant and reasonable factors.

Given the expectation that Board members will be physically present for in-person Board meetings if practicable, this policy shall not be construed to allow Board member(s) to routinely attend Board meetings by remote means for purposes of mere preference or convenience.

A Board member who participates in a public proceeding by remote methods is present for purposes of a quorum and voting.

All votes taken during a public proceeding using remote methods will be taken by roll call vote that can be seen and heard if using video technology and heard if using only audio technology by the other members of the Board and the public.

III. Expectations for Public Participation

Members of the public will be provided a meaningful opportunity to attend by remote methods when a member or members of the Board participate by remote methods. Reasonable accommodations will be provided when necessary to provide access to individuals with disabilities.

When the Board allows or is required to provide an opportunity for public input during a public proceeding conducted using remote methods, an effective means of communication between the Board members and the public will be provided, such as the ability to address the Board through video, microphone or telephone.

The Board will provide notice of all public proceedings in accordance with 1 M.R.S. § 406, the Freedom of Access Act. When the public may attend by remote methods, the meeting notice will include the means by which members of the public may access the meeting using remote methods. For individuals with disabilities seeking a reasonable accommodation, the notice will identify the specific individual to contact about arranging for the accommodation. When applicable, the notice will also identify a location for members of the public to attend in person. The Board will not determine that public attendance at a public proceeding will be limited solely to remote methods except when an emergency or urgent issue exists that requires the Board to meet by remote methods as specified in Section II(1) of this policy.

The Board will make all documents and other materials considered by the Board available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend Board proceedings in person, as long as additional costs are not incurred by the Board.