

MHDO Board Policy Regarding

Remote Participation

# Purpose

As required by Public Law 2021, Chapter 290, An Act Regarding Remote Participation in Public Proceedings, MHDO has drafted a policy which will govern the conditions upon which MHDO Board members and the Public may participate in a public proceeding of the MHDO Board of Directors by remote methods.

# Requirements

**Section 1. Public Proceedings**

1. MHDO Board members are expected to be physically present for public proceedings except when being physically present is not practicable.
2. Circumstances in which physical presence is not practicable may include:

(1) The existence of an emergency or urgent issue that requires Board members to meet by remote methods as determined by the Chair of the MHDO Board of Directors in consultation with the MHDO Executive Director;

(2) Illness, other physical condition or temporary absence from the jurisdiction of the Board that causes a member of the Board to face significant difficulties traveling to and attending in person;

(3) Significant distance a member must travel to be physically present or geographical characteristics of a member’s location that impede travel;

(4) Other circumstances that cause challenges for the board at large or a member(s) to attend the public proceeding in person, as determined by the Chair of the MHDO Board of Directors in consultation with the MHDO Executive Director.

1. If being physically present is not practicable for one of the above reasons, the board member(s) may participate in the public proceeding remotely.
2. As defined in statute, remote participation means telephonic or video technology, and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability.

**Section 2. Public Attendance**

1. Members of the public will have an opportunity to attend MHDO public proceedings remotely (telephonically) regardless of whether members of the board participate by remote methods.
2. MHDO public proceedings will provide an opportunity for public input during the proceeding, and as such the remote method used (telephonic or video) will include a feature that allows members of the public to communicate with members of the board of directors and vice versa.

**Section 3. Notice of the Proceeding**

1. Notice of MHDO public proceeding will be done in accordance with the requirements in 1 MRS § 406.
2. MHDO Board members must notify the MHDO Executive Director via e-mail of their intent to participate remotely for reasons in Section 1(B)(2)-(4) **no later than 3 business days** prior to the scheduled public proceeding(s), unless a shorter timeframe is approved by the Chair of the MHDO Board of Directors in consultation with the MHDO Executive Director;
3. MHDO will include in the “Notice” the appropriate information regarding the means by which members of the public may access the proceeding(s) remotely. Notice of an MHDO public proceeding shall include a way for members of the public to contact the MHDO telephonically and electronically to request a reasonable accommodation so that individuals with disabilities may be able to attend remotely.
4. MHDO’s Executive Director will notify the MHDO Board of Directors via e-mail no later than 3 business days prior to the scheduled public proceeding(s) regarding the location of the public proceeding along with the information to join the meeting remotely for those board members that have met the requirement in section 1. B.
5. The “Notice” will identify a location for members of the public to attend the public proceeding(s) in person except as provided in (F).
6. Public attendance at a proceeding may not be limited solely to remote methods except under the condition in Section 1(B)(1).

**Section 4. Miscellaneous**

1. A member of the MHDO Board of Directors who participates in a public proceeding by remote methods is present for the purposes of a quorum and voting.
2. 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 of Directors and the public; and
3. MHDO staff will make all documents and other materials considered by the Board of Directors available, electronically or otherwise, to members of the public who attend by remote methods to the same extent usually available to those who attend the proceedings of the Board of Directors in person.
4. The record of MHDO public proceedings will identify whether the public proceeding was held in person, remote, and or a hybrid of in person and remote; and will identify each member of the board as either present in person or remote.