



## Finance Committee

September 1, 2021  
4:00 p.m. – 5:00 p.m.  
**MEETING AGENDA**

Zoom Webinar Attendee Link:

<https://us02web.zoom.us/j/88308654662?pwd=UHoxV3Q2RTBNNUI2S1UwelA3U2xMdz09>

Webinar ID: 883 0865 4662 | Passcode: 325938

Phone: (312) 626-6799 | Telephone participants: \*9 to raise hand, \*6 to unmute

### MEETING AGENDA

AGENDA ITEM	PRESENTER	ACTION or INFORMATION
<b>1. Call Meeting to Order (4:00)</b>	Paul Bradbury, Committee Chair	N/A
<b>2. Public Comment (4:00-4:05)</b> The METRO Board’s Finance Committee welcomes public comment for items listed on this agenda. There is a <i>three-minute time limit</i> per citizen.	Paul Bradbury, Committee Chair	Information
<b>3. Remote Participation Policy (4:05-4:10)</b> The committee will be asked to review and approve a Remote Participation Policy. <b><i>This item is designated as a formal Public Hearing and the chair will recognize members of the public who wish to submit a comment.</i></b>	Greg Jordan, METRO Executive Director	<b>ACTION</b>
<b>4. Limited Emergency Declaration (4:10-4:15)</b> Discussion and a vote on a limited emergency declaration to allow for the continuation of remote public meetings. <b><i>This item is designated as a formal Public Hearing and the chair will recognize members of the public who wish to submit a comment.</i></b>	Greg Jordan, METRO Executive Director	<b>ACTION</b>
<b>5. Approval of Meeting Minutes (4:15-4:20)</b> The committee will be asked to approve meeting minutes from the June 2, 2021 meeting of the Finance Committee.	Paul Bradbury Committee Chair	<b>ACTION</b>

<p><b>6. Review Preliminary 2022 Operating Budget and 2021-2026 Capital Improvement Program (4:20-4:50)</b></p> <p>Staff will review service and operational issues/trends impacting expenses and revenues and present preliminary figures for the 2022 operating budget. Staff will also present the existing 2021-2026 Capital Improvement Program (CIP) to establish a baseline for developing the 2022-2027 CIP.</p>	<p>Shelly Brooks, METRO Interim Finance Director</p> <p>Greg Jordan, METRO Executive Director</p>	<p>Information</p>
<p><b>7. Future Agenda Items (4:50-5:00)</b></p> <p>Committee members may request future agenda items.</p> <ul style="list-style-type: none"> <li>• CARES Act Funding and Long-term Planning</li> <li>• Review board policies pertaining to procurement.</li> <li>• Consolidate board policies into centralized document.</li> <li>• Review board policy for fund balance.</li> <li>• Update on fare collection and boardings.</li> </ul>	<p>Paul Bradbury, Committee Chair</p>	<p>Information</p>
<p><b>8. Upcoming Meetings (4:50-5:00)</b></p> <ul style="list-style-type: none"> <li>• Executive Committee – September 8, 2021 at 3:30 p.m.</li> <li>• Ridership Committee – September 16, 2021 at 4:00 p.m.</li> <li>• Board of Directors – September 23, 2021 at 4:00 p.m.</li> </ul>	<p>Paul Bradbury, Committee Chair</p>	<p>Information</p>
<p><b>9. Adjournment (5:15)</b></p>	<p>Paul Bradbury, Committee Chair</p>	<p>N/A</p>

## FINANCE COMMITTEE

## AGENDA ITEM 3

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### DATE

September 1, 2021

### SUBJECT

Remote Participation Policy

### PURPOSE

Approve the Remote Participation Policy for the Board of Directors.

### BACKGROUND/ANALYSIS

Staff have prepared a policy governing remote participation at Metro board and committee meetings. The proposed policy was drafted with reference to similar policies approved by the City of Portland and the Greater Portland Council of Governments. Legal review was provided by Drummond Woodsum.

As Metro moves back to in-person meetings of the Board of Directors and its committees, this agency recommends continuing to provide remote access opportunities to the public in addition to providing physical access to the meeting location. This practice would be compliant with the law and staff believe continuing to remote public access can expand opportunities for the public to participate in Metro's decision-making processes.

### FISCAL IMPACT

None.

### RECOMMENDATION

Approve the Remote Participation Policy for the Finance Committee.

### CONTACT

Greg Jordan  
Executive Director  
(207) 517-3025  
[gjordan@gpmetro.org](mailto:gjordan@gpmetro.org)

### ATTACHMENTS

Attachment A – Remote Participation Policy  
Attachment B – 1 M.R.S. § 403-B (An Act Regarding Remote Participation in Public Proceedings)  
Attachment C – Legal Review By Drummond Woodsum



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## REMOTE PARTICIPATION POLICY

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the Greater Portland Transit District (“GPTD”) adopts the following policy to govern the participation, via remote methods, in public proceedings or meetings (“meetings”) of the public and the Board of Directors and Board Committees (collectively and individually, the “Board”):

Members of the Board are expected to be physically present for meetings except when not practicable, such as (1) in the case of an emergency or urgent issue that requires the entire Board to meet via remote methods, or (2) an illness or other physical condition or temporary absence of a Board member that causes that Board member significant difficulty traveling to or attending the meeting in person.

Any Board member for whom it is not practicable to attend a meeting in person will notify the GPTD Executive Director or the Director’s designee (“Executive Director”) and the Board Chair or the presiding officer of the Board or their designee (“Chair”), as far in advance as reasonably possible. The Executive Director, in consultation with the Chair, will make a final determination that remote methods of participation are necessary for the entire Board (“fully remote meeting”) or for one or more Board members (“hybrid meeting”) in as timely a manner as reasonably possible under the circumstances.

Remote methods of participation during a fully remote or hybrid meeting are limited to telephonic or video technology allowing simultaneous reception of information and may include other means necessary to provide reasonable accommodation to a person with a disability. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend a fully remote or hybrid meeting via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the Board and the public will also be provided. For a hybrid meeting, the public will also be provided an opportunity to attend the meeting in person.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable GPTD policy or bylaw. Notice of fully remote or hybrid meetings will include the means by which the public may access the meeting remotely and will provide a method for persons with a disability to request reasonable accommodations to access the meeting. Notice will also identify a location where the public may attend hybrid meetings in person. The Board will not restrict public attendance to remote methods except in the case of a fully remote meeting.

The Board will make all documents and materials to be considered by the Board during a fully remote or hybrid meeting available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by GPTD.

All votes taken during a fully remote or hybrid meeting will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by members of the Board

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Adopted: \_\_/\_\_/\_\_



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and the public. Any member of the Board who participates remotely is considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded by the Board.

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Adopted: \_\_/\_\_/\_\_

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-ONE

—  
S.P. 40 - L.D. 32

**An Act Regarding Remote Participation in Public Proceedings**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the state of emergency declared by the Governor pursuant to the Maine Revised Statutes, Title 37-B, section 742 in response to the public health emergency caused by the spread of the novel coronavirus disease referred to as COVID-19 may terminate sooner than 90 days after the adjournment of the First Special Session of the 130th Legislature; and

**Whereas,** the Maine Revised Statutes, Title 1, section 403-A governs remote participation in public proceedings of certain public bodies but is automatically repealed 30 days after the termination of the state of emergency declared by the Governor; and

**Whereas,** there is a need to have in place a law that governs remote participation in public proceedings of certain public bodies after the termination of the state of emergency declared by the Governor; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 1 MRSA §403-B** is enacted to read:

**§403-B. Remote participation in public proceedings**

**1. Remote participation.** This section governs remote methods of participation in public proceedings of certain public bodies. For the purposes of this section, "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. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.

**2. Requirements.** A public body subject to this subchapter may allow members of the body to participate in a public proceeding using remote methods only under the following conditions:

A. After notice and hearing the body has adopted a written policy governing the conditions upon which members of the body and the public may participate in a public proceeding of that body by remote methods;

B. The policy adopted pursuant to paragraph A must provide that members of the body are expected to be physically present for public proceedings except when being physically present is not practicable. Circumstances in which physical presence for one or more members is not practicable may include:

(1) The existence of an emergency or urgent issue that requires the public body to meet by remote methods;

(2) Illness, other physical condition or temporary absence from the jurisdiction of the body that causes a member of the body to face significant difficulties traveling to and attending in person at the location in the notice under section 406;

(3) With respect to a public body with statewide membership, significant distance a member must travel to be physically present at the location in the notice under section 406; and

(4) The area of the public body's jurisdiction includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges;

C. The policy adopted pursuant to paragraph A must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities;

D. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided;

E. Notice of the proceeding must be provided in accordance with section 406. When the public may attend by remote methods pursuant to paragraphs C and D, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may not determine that public attendance at a proceeding will be limited solely to remote methods except under the conditions in paragraph B, subparagraph (1);

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

G. All votes taken during a public proceeding using remote methods 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 the other members of the public body and the public; and

H. The public body must make all documents and other materials considered by the public body 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

the proceedings of the public body in person, as long as additional costs are not incurred by the public body.

**3. Remote participation not permitted.** This section does not authorize town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings held pursuant to Title 20-A, section 1482-A to be conducted using remote methods.

**4. Application.** This section does not apply to:

A. The Legislature; or

B. A public body to which specific statutory provisions for remote participation apply.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

## MEMORANDUM

June 30, 2021

To: Greg Jordan, Greater Portland Transit District | METRO  
From: Aga Dixon, Drummond Woodsum  
RE: Limitations on Allowing Remote Participation in METRO's Public Meetings After Termination of the COVID-19 State of Emergency

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You have asked whether METRO's Board of Directors may continue to allow its staff and members of the public to participate in its public meetings through telephonic, video, electronic, or other similar remote means after the Governor's state of emergency is lifted. In short, as explained next, the answer is yes, but only in limited circumstances, and so long as METRO adopts a written policy allowing for remote participation consistent with state law.

As you know, in response to the COVID-19 pandemic, the Legislature enacted an amendment to Maine's public meetings law authorizing public bodies to conduct public proceedings through remote participation during a state of emergency declared by the Governor. *See* 1 M.R.S. § 403-A. This authorization is temporary, however: it is automatically repealed 30 days after the termination of the state of emergency. *Id.* § 403-A(3).

It appears that the COVID-19 state of emergency will be lifted on July 1, 2021—meaning, the current remote participation authorization will be repealed on July 30, 2021. As a result, the Legislature recently enacted an emergency amendment to the public meetings law, which authorizes remote participation in public meetings by officials and the public under limited circumstances. *See* P.L. 2021, c. 290 (“*An Act Regarding Remote Participation in Public Proceedings*”), codified at 1 M.R.S. § 403-B, and attached to this memo for ease of reference.

Under this new law, purely remote meetings—that is, meetings where the full Board, the staff, and the public all participate remotely—are allowed only if there is an emergency or urgent issues that requires the entire Board to meet remotely (for example, a blizzard). Hybrid meetings—that is, meetings where some members of the public, staff, and Board participate in person and others participate remotely—are allowed only if all of the following conditions can be met:

- One or more Board member's physical presence is “not practicable,” such as in the case of an emergency, illness, or temporary absence from METRO's jurisdiction.
- Whenever a Board member participates remotely, the public must be given a meaningful opportunity to participate remotely and reasonable accommodations must be provided to individuals with disabilities.
- If public input is allowed during a hybrid meeting, there must be an effective means of communication between the Board and the public.
- Notice of a hybrid meeting must include the means by which the public may access the proceeding remotely and must include a location for the public to attend in person.
- All votes during a hybrid meeting must be taken by roll call vote that can be seen and heard by other Board members and the public.

- The Board must make all documents and materials available to the public, electronically or otherwise.
- Remote participation includes phone or video technology allowing simultaneous reception of information, but remote participation cannot be by text-only means such as email, text messages, or chat functions.
- The Board must, after notice and hearing, adopt a written policy governing remote participation by the Board and the public that includes the above conditions.

In sum, the new law provides that all meetings of public bodies must be held in person, with two narrow exceptions: (1) if there is an emergency or urgent issue, the Board may hold a purely remote meeting and there is no obligation to provide in-person participation opportunities; and (2) if it is not practicable for a Board member to participate in person, then the Board must provide in-person and hybrid remote participation options for Board members and the public.

The Board may continue to operate remotely or hold hybrid meetings without a written policy until July 30, 2021. After this date, the Board may not allow remote participation by its own membership, the staff, or the public without first adopting a written policy that complies with the newest amendment to the public meetings law. Upon your request, I can to prepare a remote participation policy for the Board's consideration that meets the requirements of the new law.

I trust this memo is responsive to your question. If I can be of further help, please don't hesitate to reach out.

/AAD

## **FINANCE COMMITTEE**

## **AGENDA ITEM 4**

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### **DATE**

September 1, 2021

### **SUBJECT**

Limited Emergency Declaration

### **PURPOSE**

Review and approve the order declaring a limited emergency for the Board of Directors Committee.

### **BACKGROUND/ANALYSIS**

In accordance with Maine Public Law 290, at the September 1, 2021 meeting of the Finance Committee, the committee will have been asked to approve a Remote Participation Policy, which established 1) the requirement that meetings be held in-person, and 2) the limited circumstances under which a member(s) could participate remotely.

Based on the anticipated approval of that policy for Board of Directors' proceedings, and in response to a recent increase in the COVID-19 infection rate, the spread of the Delta variant, and concerns related to room capacity and adequate ventilation in Metro's conference rooms, while allowing for public occupancy, staff recommend declaring a limited emergency to allow for the continuation of remote public meetings.

To allow for the Finance Committee to meet remotely on this occasion and for an indefinite period, this order will be immediately in effect and retroactive to July 30, 2021. After a public hearing, members may take action on the proposed Order Declaring a Limited Emergency.

### **FISCAL IMPACT**

None.

### **RECOMMENDATION**

Approve the Order Declaring a Limited Emergency for the Finance Committee

### **CONTACT**

Greg Jordan  
Executive Director  
(207) 517-3025  
[giordan@gpmetro.org](mailto:giordan@gpmetro.org)

### **ATTACHMENTS**

Attachment A – Order Declaring A Limited Emergency



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## ORDER DECLARING A LIMITED EMERGENCY

WHEREAS, in the Spring of 2021 the COVID-19 Pandemic had seemed to be coming to an end with the advent of vaccines and good vaccination rates, but instead infection rates, and new variants, hospitalizations, and deaths from the COVID-19 virus have been increasing in recent months; and,

WHEREAS, in the two (2) weeks between July 14 and July 28, 2021, the rate of COVID-19 infections confirmed by testing have more than doubled in the United States, and those trends continue; and,

WHEREAS, on July 1, 2021, in the State of Maine, the average daily case total was 22.1; and,

WHEREAS, since that time the rate of COVID-19 infections confirmed by testing in the State of Maine has increased at a significant rate to an average number of 67.1 daily cases as of July 27, 2021, for an increase of 203.6 percent, and those trends continue; and,

WHEREAS, a majority of the new infections in the United States and the State of Maine involve the Delta variant, a highly contagious SARS-CoV-2 virus strain, which was first identified in December 2020; and,

WHEREAS, the Delta variant has increased transmission, the severity of COVID-19 infections based on hospitalization and case fatality rates, and decreased susceptibility to therapeutic agents; and,

WHEREAS, the Delta variant represents 47.6 percent of all sequenced samples collected in July in the State of Maine; and,

WHEREAS, as a result of the Delta variant and the increase in COVID-19 infections, the United States Centers for Disease Control and Prevention announced on July 27, 2021, that fully vaccinated individuals should wear masks in indoor public settings in parts of the country that are experiencing a substantial or high transmission of COVID-19; and,

WHEREAS, the Maine Center for Disease Control and Prevention similarly announced on July 28, 2021, that masks are recommended to be worn by fully vaccinated individuals in public indoor settings in almost all Maine counties, including Cumberland County; and,

WHEREAS, the risk of COVID-19 virus transmission from vaccinated individuals to unvaccinated individuals (for example children under 12) remains unknown; and,

WHEREAS, as a result of the above-described situation, the Executive Director has determined that METRO's offices will remain closed to regular business and that masks must be worn by staff in METRO's offices; and,

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Adopted: \_\_/\_\_/\_\_\_\_



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WHEREAS, METRO offices and conference rooms have adequate ventilation under normal circumstances, but have windows that do not open and do not provide sufficient space to socially distance the number of members on many standing committees in addition to members of the public and staff; and,

WHEREAS, the technology infrastructure and processes currently exist to continue to continue to allow remote participation in and public access to METRO meetings in accordance with Maine law; and,

WHEREAS, METRO is committed to continuing to provide opportunities for public engagement which are accessible and safe; and,

WHEREAS, all METRO board and committees have or will be adopting a Remote Participation Policy as authorized in 1 M.R.S. section 403-B.

NOW, THEREFORE, BE IT ORDERED AND DECLARED by the METRO Finance Committee that a limited emergency continues to exist within the greater Portland region; and

BE IT FURTHER ORDERED, that as a result of the declared limited emergency and the existence of an “emergency or urgent issue” as described above, pursuant to 1 M.R.S. section 403-B and METRO’s recently adopted Remote Participation Policy, being physically present for meetings in METRO’s offices is not practicable at this time, and therefore requires that all METRO committees and other groups continue to be conducted by remote technology/methods only until the limited emergency is terminated; and

BE IT FURTHER ORDERED that this Order is enacted as an Emergency so that it may take effect immediately

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Adopted: \_\_/\_\_/\_\_

## Board of Directors –Finance Committee

DRAFT Meeting Minutes

June 2, 2021 at 4:00 p.m. – via ZOOM

Minutes of the Board of Directors Finance Committee Meeting of Wednesday, June 2, 2021 held at 4:00 p.m. via ZOOM.

### Committee Members Present:

Paul Bradbury  
Ryan Leighton  
Nat Tupper  
Ashley Rand

### Staff and Others Present:

Greg Jordan  
Ellen Sanborn  
Shelly Brooks  
Lauren Shaw

### Absent:

Bill Rixon

### Members of Public:

None

#### 1. Call meeting to order:

With a quorum in place, the meeting was called to order at 4:02 p.m. by Paul Bradbury, Treasurer.

#### 2. Public comment

No members of the public were present.

#### 3. Approval of Meeting Minutes

Motion by Nat Tupper, seconded by Ryan Leighton to accept the minutes of the April 7, 2021 Finance Committee minutes, with the correction of the typographical error in the spelling of Bill Rixon's first name. A roll call vote was taken by Paul Bradbury, Chair. With approval by Ryan Leighton, Nat Tupper, Ashley Rand, and Paul Bradbury, the motion passed unanimously by all those present.

#### 4. Selection of Financial Audit Firm

In response to RFP #2021-001, Annual Financial Audit Services, Metro received responses from two firms: RKO and RHR. Ellen Sanborn and Shelly Brooks reviewed the submitted proposals and recommends that the Board award the contract to RKO. The Auditor works for and is responsible to the Board of Directors, not staff. The Committee asked for and received a verbal summary of why the staff recommendation was made.

Nat Tupper moved, seconded by Ashley Rand, to accept the recommendation of Metro staff that RKO be awarded the 5-year contract for Financial Audit Services. A roll call vote was taken by Paul Bradbury, Chair. With approval by Ryan Leighton, Nat Tupper, Ashley Rand, and Paul Bradbury, the motion passed unanimously by all those present.

**5. Executive Session**

Nat Tupper moved, seconded by Ashley Rand, to enter into Executive Session pursuant to 1 MRSA, Section 405 (6) (C). A roll call vote was taken by Paul Bradbury, Chair. With approval by Ryan Leighton, Nat Tupper, Ashley Rand, and Paul Bradbury, the motion passed unanimously by all those present and the Committee entered into Executive Session at 4:22 p.m.

Greg Jordan and Ellen Sanborn took part in Executive Session.

The Committee exited Executive Session at 5:10 p.m.

**6. Future Agenda Items**

- CARES Act Funding and Long-term Planning
- Review board policies pertaining to procurement.
- Consolidate board policies into one centralized document.
- Review board policy for fund balance.
- Update on fare collection and boardings.

**7. Upcoming meetings.**

- Executive Committee - June 9, 2021 at 3:30 p.m.
- Ridership Committee - June 17, 2021 at 4:00 p.m.
- Board of Directors - June 25, 2021 at 4:00 p.m.
- Finance Committee - additional meetings may be scheduled.

**8. Adjournment**

Nat Tupper moved, seconded by Ashley Rand, to adjourn. A roll call vote was taken by Paul Bradbury, Chair. With approval by Ryan Leighton, Nat Tupper, Ashley Rand, and Paul Bradbury, the motion passed unanimously by all those present and the meeting adjourned at 5:25 p.m.