



Maine Municipal
Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
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www.memun.org

Freedom of Access Act and Remote Proceedings Survey

The focus of this survey is two-fold.

First, to fulfill a request made by the Right to Know Advisory Committee to gauge how municipalities are responding to information requests in compliance with the Freedom of Access Act. The Right to Know Advisory Committee is seeking more information on the issue of requests for public records that may take many hours of staff time to assemble, review for redaction if necessary, and deliver.

Second, this survey is intended to inform the Association of municipal opinion regarding remote public proceedings during the COVID-19 pandemic. The authority to conduct remote proceedings was granted in Part G of LD 2167, and is set to expire 30 days after termination of the emergency. The bill authorizes entities subject to FOAA, including municipalities, to conduct remote proceedings provided four conditions are met: (1) notice of how the meeting can be attended is provided; (2) members of the body can speak to and be heard by each other; (3) members of the public can hear all participants; and (4) all votes are taken via roll call.

The information gathered from this survey will help inform the Right to Know Advisory Committee and the Association on how municipalities are addressing remote proceedings and FOAA requests during this time. Additionally, this information will assist the Association's advocacy efforts in the coming year, your participation is greatly appreciated.

This survey can be completed electronically by using the SurveyMonkey link below, or by emailing (ngoldberg@memun.org) or faxing (624-0129) the attached document.

Please do not hesitate to ask another municipal official in your community, such as your public access officer, to complete the survey. Unless you authorize the Association to do so, the information you provide will be shared with the Legislature, without attribution.

Please respond to this survey by 5 p.m. on Monday, November 2nd. If you have questions, please do not hesitate to contact Neal Goldberg at (ngoldberg@memun.org) or (623-8428) ext 2208.

Thank you.

* 1. Name:

* 2. Municipality

* 3. Title or position



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Section 1: Remote Public Proceedings

* 4. How much do you agree with the following statements?

Strongly Disagree Disagree Neither Agree nor Disagree Agree Strongly Agree

Prior to COVID-19 and the Governor's state-of-emergency orders, our municipality was prepared to conduct remote public proceedings.

After the Governor's state-of-emergency orders terminate, our municipality would prefer remote proceedings become a permanent option for public proceedings.

Please explain your response to any or all of the statements above.

5. How did you municipality implement the statutory requirements for remote public proceedings as enacted in [LD 2167](#)?

* 8. How much do you agree with the following statements regarding conducting remote public proceedings?

	Strongly Disagree	Disagree	Neither Agree nor Disagree	Agree	Strongly Agree	N/A
Announcing information about upcoming remote proceedings and how to attend is simple.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Conducting roll call and gathering votes is smooth and quick.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Our municipality's remote public proceedings are as productive as in-person meetings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Remote public proceedings have limits for what actions or decisions our public bodies can take.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Access to reliable broadband has not been a barrier for our municipality.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Our municipality needs more guidance on how and when to permit remote participation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public attendance at remote proceedings is generally higher than in-person proceedings.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public comments in live-time are easily collected.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Zoom bombing, or videoconference hijacking, is a concern for our municipality.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain any of your responses to the statements above.

9. If given permanent authority to conduct remote public proceedings, for what purposes would your municipality conduct remote proceedings?

Select ALL that apply:

- Routine meetings and proceedings
- Only when board members and officials cannot attend in-person
- Emergencies
- Other (please describe)
- During winter weather advisories
- All proceedings would be virtual even if the proceeding is occurring in-person

10. If given permanent authority to conduct remote proceedings, how could the authority be improved to better meet the needs of your municipality?

11. Does your municipality have a remote meeting checklist to ensure compliance under LD 2167? (example)

- Yes
- No
- Unsure



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Section 2: Information Requests Under FOAA

* 12. What is the title of the person primarily responsible for complying with information requests?

13. What other responsibilities (e.g. manager, clerk, attorney) are assigned to the person responsible for complying with information requests?

* 14. About what percentage of time does the person primarily responsible for complying with information requests spend completing requests?

- Less than 25%
- 25%-50%
- 51%-75%
- More than 75%

15. In what ways has your municipality changed its approach to complying with FOAA requests during the pandemic?

Select ALL that apply:

- Extended disclosure requirements
- Delivered information requests electronically
- Delayed all requests during the period offices were closed

Other (please specify)

* 16. In general, has responding to FOAA requests required more time since the state-of-emergency orders were enacted?

- Yes
- No
- Unsure

If you responded "yes" above, what factors are affecting the time required to complete FOAA requests?

17. Does your municipality currently have a backlog of FOAA requests?

- Yes
- No
- Unsure

18. In 2019, about how many FOAA requests did your municipality receive?

19. In 2020, about how many FOAA requests have you received thus far?

20. Of the total number of requests in 2020, about how many were completed within 30 days?

21. What is the approximate rate paid to the person who primarily responds to FOAA requests?

* 22. Is the \$15/hour fee, after the first hour, to conduct FOAA requests sufficient to cover your costs for complying with information requests?

- Yes
- No
- Unsure

23. What do you feel is an appropriate cost to comply with FOAA requests?

24. Please share any additional comments you have regarding your experience in complying with FOAA requests.

* 25. Can the Association attribute the comments provided to your community?

- Yes
- No