REMOTE MEETINGS FOR MAINE MUNICIPALITIES

MAINE MUNICIPAL ASSOCIATION

PRESENTATION TO THE RIGHT TO KNOW ADVISORY COMMITTEE

OCTOBER 13, 2022

WHAT IS WORKING:

- Anecdotally, more public participation, higher attendance for meetings
  - Participation of public when out-of-town (e.g., snowbirds)
- Improved transparency and oversight
- Cost savings for consultants and presenters to attend
  - Carbon emissions reduction for travel to in-person meetings
- Emergency contingencies

MMA: TRAININGS AND LEGAL NOTES

- Regularly providing training to PAOs on FOAA statutes (in-person and video webinars).

- Model remote policy and sample remote policies

- MMA's Right to Know Information Packet
  - August 2022 – Remote Board Meetings

- Legal Notes published in Maine Town and Cities magazine.
  - July 2022 – Remote Board Meetings 2.0
  - July 2021 – Remote Board Meetings Now OK'd Permanently

- Legislative updates in weekly Legislative Bulletins

- Partnering with university consortium (USM, UMaine, Bowdoin) for municipal capacity studies

MMA LEGAL UNCERTAINTY

The final paragraph in 1 MRS § 403-B(2) states as follows:

"The policy adopted pursuant to this subsection applies to a board or committee that is within the jurisdiction of the public body, unless the board or committee adopts its own policy under this subsection."

Legal is not sure what "within the jurisdiction" of the public body means – whether it is referring to subcommittees appointed by a particular board or committee, or whether it means that a select board or council can adopt a blanket remote meeting policy that applies to all boards and committees subject to RTK requirements. If it's the latter, Legal questions whether such authority would be binding, since the statute also clearly authorizes those boards and committees to adopt their own policies. Legal thinks this is confusing language that warrants clarity to better reflect the intent.
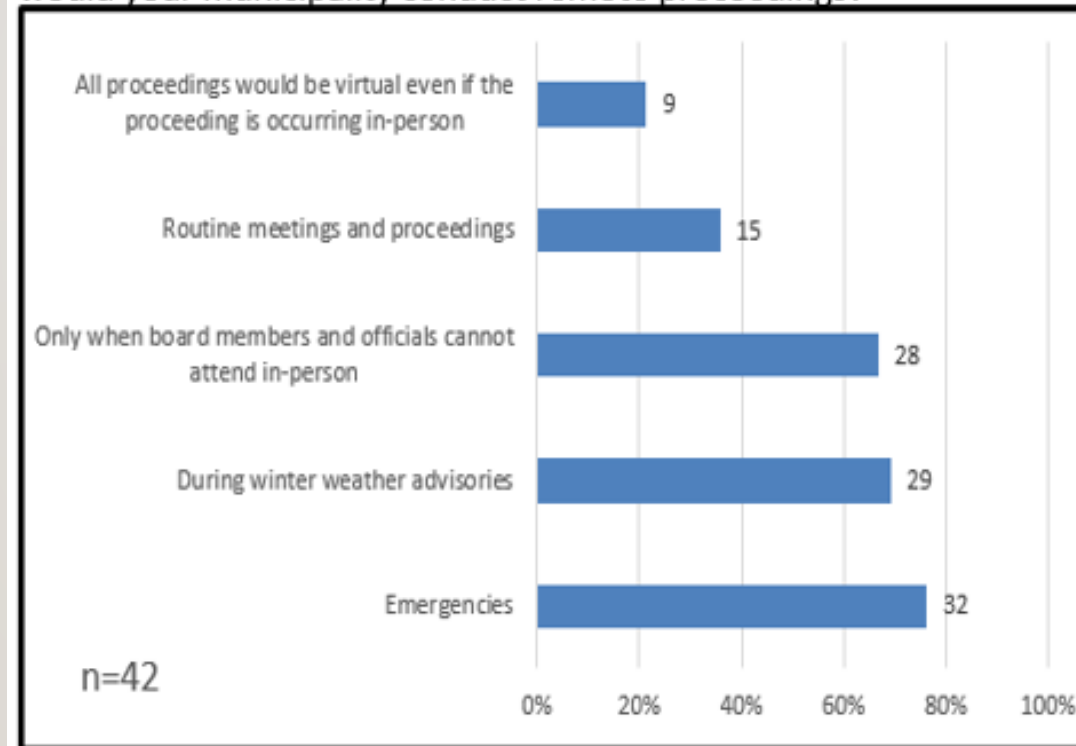
NOVEMBER 2020 REPORT: REMOTE PARTICIPATION BY MEMBERS OF PUBLIC BODIES

Table 1: A Summary Municipal Opinion of Various Aspects of Remote Proceedings

<u>Statement</u>	<u>Extent of agreement</u>
Conducting roll call and gathering votes is smooth and quick.	Agree
Announcing information about remote proceedings and how to attend is simple.	Agree
Public comments in <u>live-time</u> are easily collected.	Agree
Remote public proceedings are as productive as in-person meetings.	Neither Agree nor Disagree
Zoom bombing, or videoconference hijacking, is a concern.	Neither Agree nor Disagree
Public attendance at remote proceedings is higher than in-person proceedings.	Disagree
Access to reliable broadband has not been a barrier.	Disagree
Remote proceedings have limits on actions or decisions public bodies can take.	Disagree
Our municipality needs more guidance on permitting remote participation.	Disagree

NOVEMBER 2020 REPORT: REMOTE PARTICIPATION BY MEMBERS OF PUBLIC BODIES

Chart 3: If given permanent authority, for what purposes would your municipality conduct remote proceedings?

UNIVERSITY CONSORTIUM STUDIES

- 2021: Municipal Capacity to Respond to COVID-19: Implications for Improving Community Resilience in Maine

- 2022: Measuring the capacity of Maine municipalities to respond to COVID-19
  - "**Digital Capacity**: Municipal capacity to provide digital services is dependent on many factors in addition to broadband availability, including staff laptops and in-house technical expertise. Town size is one proxy for understanding the relationship between town resources and digital capacity"
  - Increased capacity for municipalities that: are larger, close to cities and the coast, have higher average income and educational attainment, have more complex government structures, and had more COVID-19 cases.

- & Beyond: USDA grant proposal to continue work, with a focus on linkages between rural capacity, rural economic development, and community resilience

EXCERPT FROM INTERVIEW FINDINGS (N=100)

Digital services use and provision by
large (≥9000; n=10), **medium (1000-8999; n=51)**, & **small (<1000; n=39)** communities

DIGITAL PARTICIPATION / DEMOCRACY

Video conf town mtgs
Televised town mtgs
Webform/app to alert officials

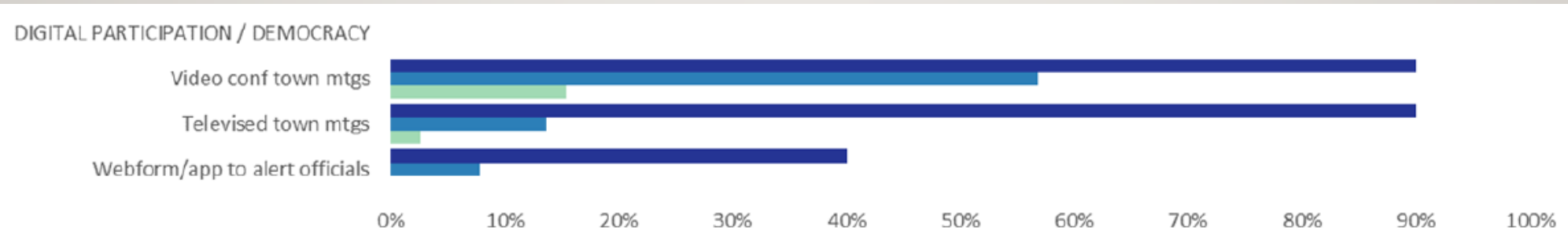0%   10%   20%   30%   40%   50%   60%   70%   80%   90%   100%

Figure 2. Municipal provision of digital services as of March 2022, displayed by population size of the community. Larger communities tend to provide more governmental services online than do smaller communities. Data comes from an inventory of services available at 100 Maine town websites.

BARRIERS AND CHALLENGES

- Hybrid format versus fully in-person
  - Feelings of "returning to normalcy" conflict with "the new normal"
- Technology
  - Broadband
  - Lack of equipment
  - Subscription services
- Constituent familiarity with remote or hybrid format
- Finances
- Cybersecurity, video conference hijacking, zoom bombing