



NOTICE OF GOVERNANCE COMMITTEE MEETING:

VIA ZOOM ONLY

9:00 A.M.

SUNDAY, OCTOBER 31, 2021

Join Zoom Meeting

<https://us02web.zoom.us/j/87830881821?pwd=UUVPZjU1c0trRFJVV3RsRW4zS1AyZz09>

Meeting ID: 878 3088 1821

Passcode: 983979

1. Review Proposed Changes to Public Access Policy;
2. Review Recommended Remote Participation Policy; and
3. Commence review of public lands owned by Village and develop policies therefor

If you cannot attend, your comments are still appreciated. Please email your comments to: Metcalf442@myfairpoint.net or mail Northport Village Corporation, 813 Shore Road, Northport, ME 04849.

The draft Updated Public Access Policy and Remote Participation Policy may be obtained from the village office or from Judy Metcalf.

Thank you.

Judy Metcalf, Chair, NVC Governance Committee

Northport Village Corporation

Policy for Public Access

Reflecting changes adopted on 10/11/09
RECOMMENDED CHANGES 10/11/21

Maine law provides as follows:

“Except as otherwise provided by statute, a person has the right to inspect and copy any public record in accordance with [1 M.R.S. § 408-A] within a reasonable time of making the request to inspect or copy the public record.”

In order to assure that the Village citizens and the general public have access to these public records, the Village hereby adopts the following policies, all as permitted by the Law:

- 1. Public records.** “The term “public records” means [generally] any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of the [Village and its officials] and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business.” 1 M.R.S. §§ 402(3), 402(3-A).
- 2. Exclusions.** The statute and definitions exclude many categories from the definition of Public Records, including employees’ personnel files; and Village papers and reports until signed and publicly distributed, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Overseer or Officer, committee chairperson to prepare proposed papers or reports for consideration by Village Overseers and those matters which are designated as confidential or privileged under the law in 1 M.R.S.A. § 402 3(A) through (V). The Village will comply with the mandate of the statute to read any exceptions narrowly so as to assure as complete public access as required by the laws of Maine.
- 3. The right to inspect:** “A person may inspect any public record during reasonable office hours.” 1 M.R.S. § 408-A. The Village will not charge a fee for inspection unless the public record “cannot be inspected without being converted or compiled.” See below for the amount and scope of an allowed fee in the event compilation or the like is request.
- 4. The right to copy.** “A person may copy a public record in the office of the agency or official having custody of the public record during reasonable office hours or may request that the agency or official having custody of the record provide a copy.” The amount of the charge is set forth below.

5. **Acknowledgement and Time Estimate.** The Village will acknowledge any requests within 5 working days of receipt. The Village's acknowledgment will include an estimate of the time necessary to comply with request, identify any clarifications of the scope of the request, and an estimate of potential cost of production. 1 M.R.S. § 408-A(3).
 6. **No requirement to create new record.** The Village has no duty to create a public record that does not exist. 1 M.R.S. § 408-A(6).
 7. **Electronically stored public records.** The Village recognizes that Public Records include those Public Records are stored electronically in the Cloud or otherwise. Those document will be produced in paper form. 1 M.R.S. § 408-A(7).
 8. **No right to harass.** The right of public access does not allow any requesting party to berate, harass, or intimidated any employee or representative of the Northport Village Corporation. The right of public access must be exercised in the lobby or community room of the Village Office at a reasonably scheduled time. No original records belonging to the Northport Village Corporation shall be removed by any requesting party at any time. The Village may deny a request if it is perceived to be made inconsistently with the rights of access,. In that circumstance, the Village must comply with 1 M.R.S. §§ 408-A(4), 408-A(4-A).
 9. **Right to Protest or Challenge Failure to Comply with Requests.** If a member of the public believes that the Village's response to any request for access does not comply with request or the law, the person may avail himself or herself of the rights under 1 M.R.S. §§ 409 and 410.
- 10. Fees:**
- a. **Paper Copies:** from original paper source or from electronic copies, \$.25 per copy. Postage will be charged with a handling fee of \$2.00, in addition to the copy cost.
 - b. **Research.** If the Village must research public records according to selection criteria set by the requestor (other than for records of a specific type): \$15.00 per hour, provided, however, that there shall be no research charge for standing orders other than for research required at the time the standing order is initiated.
 - c. **Payment.** Payment may be required in advance if the estimate of cost exceeds \$100, subject to prompt refund of any excess amount received. If advance payment is inadequate, final payment shall be made before delivery of copies.
 - d. Nothing in this section shall limit the right of the Village to distribute copies free of charge in connection with the conduct of a public proceeding.

REMOTE PARTICIPATION POLICY
Board of Overseers Northport Village Corporation

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named Board of Overseers adopts the following policy to govern the participation, via remote methods, of members of the Board of Overseers and the public in the public proceedings or meetings of the Board of Overseers.

Members of the Board of Overseers are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the Board of Overseers to meet via remote methods, or an illness or absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the Board of Overseers, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer as far in advance as reasonably possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. 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 via remote methods when any member of the Board of Overseers participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the Board of Overseers and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire Board of Overseers to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The Board of Overseers will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the Board of Overseers to meet using remote methods of attendance. The Board of Overseers will make all documents and materials to be considered by the Board of Overseers 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 the Board of Overseers.

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

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