

To the members of Vermont House Govt. Ops committee re S.55

Greetings and thanks for allowing the Vermont Press Association to offer further testimony on S.55. I'm the editor and co-owner of The Valley Reporter, serving the Mad River Valley and Central Vermont. I appreciate the opportunity to testify here today. When we testified about this bill earlier this session, we raised the issue of continuing to provide a physical location for members of the public to be able to participate in their local government in real time.

We appreciate that a provision requiring that a physical location with at least one member of the board or public body be present. We have some further concerns about this much improved bill. As written the bill calls for the use of "a designated electronic platform that allows the direct access, attendance, and participation of the public, including access by telephone. The public body shall post information that enables the public to directly access the designated electronic platform and include this information in the published agenda or public notice for the meeting."

The VPA feels that more work is needed in specifying and defining what features any designated electronic platform provides. Specifically, an electronic platform needs to provide parity with what participation in the meeting in real time would provide. That means that those participating remotely need to be able to ask a question, seek a document, raise a point of order *in real time* as they would if they were in attendance.

This is important. As you know, school budgets and ed funding are top of mind for many Vermonters this year. Our school district held its very well-attended annual meeting in a hybrid format using Zoom, but with meeting controlled enabled that prevented those participating electronically from seeing who was present at the meeting while those who were physically present could see participants.

This is how our school board conducts all of its public hearings, using Zoom, but with webinar controls that prevent people from participating *in real time*, seeing who is present, seeking documents, etc. Our school board is not alone in using this and we feel it needs clarification and codification to ensure the public can freely participate in open government. Many of our hundreds of boards and public bodies that our members cover use a simple form of Zoom or Teams that allows full participation by the public *in real time*. Finally, Zoom and the internet aren't perfect. At times the feed or audio cuts out or something else goes wrong. Reporters often have the cell phones of board members and can text or call to alert them to the issue. The public is not always as connected and without the ability to raise a concern *in real time*, could be cut out of the process.

At the beginning of the pandemic when all of us were learning how to meet electronically there were issues with rogue characters being able to crash into public meetings electronically. Zoom and other platforms have improved their access tools and settings to the point where that is no longer an issue.

Our next concerns follows this provision:

“A resident of the geographic area in which the public body has jurisdiction, a member of a public body, or a member of the press may request that a public body designate a physical meeting location or provide electronic or telephonic access to a regular meeting or series of regular meetings. The request shall be made in writing not less than three-business days before the date of the meeting.”

We take issue with the three-day requirement. Agendas are not always posted in a timely fashion, something may come up that a member of the public wants to discuss with elected officials under the “Public Comment,” section of the agenda. News and democracy and self-governance are not always tidy and predictable -and requiring notice, three business days before a meeting is onerous. Under the law agendas for regular meetings are not required to be public until 48 hours before a meeting, and special meetings require only 24 hours. How can people meet three-day requirement?

Under the provision allowing for emergency meetings, the text of the bill allows that a public body “may post any meeting agenda or notice of a special meeting in two publicly accessible designated electronic locations in lieu of the two designated public places in the municipality, or in a combination of a designated electronic location and a designated public place,” we suggest that two members of the press, including the newspaper, be notified as well. By alerting the media, it improves the transparency and the board’s ability to communicate with its community and eliminates any possible future claim of anything less than open government.

Finally, we applaud the creation of a working group to improve participation and accessibility of public meetings and suggest the addition of one or two working journalists to your list of proposed members. This ensures that those not sitting at the head table, those in the cheap seats can share their experiences in covering local government.