

## Testimony regarding S.55 and Communications Union Districts

F. X. Flinn, Chair, Governing Board  
East Central Vermont Telecommunications District

In a state renowned for running on volunteer power, S.55 is an important step forward in making it possible for more citizens to actively participate in self-governance by requiring public bodies to make some form of remote participation possible through the hybrid meeting requirement addition to 1 VSA 312.

Vermont's Communications Districts – special purpose municipalities governed by their own legislative body -- are on the forefront of facilitating remote participation because their governing boards rival or exceed the Vermont Senate in terms of voting members, their geographic areas rival or exceed the size of Vermont counties, and none of them own, lease, or control a building with sufficient meeting space to conduct a physical meeting, nor do they ever plan on having such. CUDs, which were invented by ECFiber, exist primarily as a vehicle to access the municipal revenue bond market and to assure local oversight of a critical business service not otherwise being offered in its region.

This is why S.199, our proposed legislation, specifically addressed the “designated meeting location” language of 1 VSA 312, which was written on the assumption that all towns and other state bodies had public meeting space.

While a preference for “one rule for all public bodies” is understandable, requiring CUDs to designate and ‘staff’ a physical location creates a huge amount of work that needs to be done that is not comparable in any way to a town, where the physical infrastructure and staffing is designed around public meetings.

In the context of the most current draft, this would be accomplished by adding a sentence to 312(4) Electronic meetings without a physical meeting location that reads: *A Communications Union District may by resolution or by-law establish fully electronic meetings as a standard practice for all regular meetings of its legislative body and advisory committees.*

ECFiber has already adopted a resolution waiving the physical meeting requirement that was prepared for us by Paul Giuliani and adopted on July 13, 2021. The District was particularly sensitive to the spirit of the law, however, and included provisions such as putting this boilerplate on every agenda:

*The meeting will be held virtually, rather than at a single physical location. However, anyone wishing to attend physically at a public location within the District, please contact the clerk of the District at [secretary@ecfiber.net](mailto:secretary@ecfiber.net), [phone] at least one business day in advance.*

We also made an arrangement with the Town of Royalton to supply a meeting room and a paid staff person on 24 hour notice with a premium rate for evening meetings as a backstop if such were requested. The resolution also calls for board members wishing to

offer themselves and their town space to meet the needs of a local person to register that interest with the clerk of the district.

Not a single request for such an arrangement has ever been received by the district in the 41 months this practice has been in effect, encompassing more than 200 meetings of the District governing board, executive committee, and subcommittees for Finance, Operations, Legal, Construction and External Relations. Equally instructive, none of our more than 60 delegates and alternates signed up to be the 'local contact,' indicative of the time-consuming nature of arranging for meeting space and travelling back and forth, even locally, and the limitations of what folks are willing to volunteer for in this realm of governance.

ECFiber retains all recordings indefinitely as the marginal cost of doing so is minimal. If the state were to offer cloud storage for all public body recordings the cost statewide would be even lower. The CUDs have lots to offer the Working Group and should be provided a statutory seat along with the schools, towns, and other groups.

Here is the full text of the resolution adopted by the ECFiber Governing Board with the advice of the late Paul Giuliani. A PDF of the official signed version is also provided. Key concepts highlighted.

**Resolution regarding physical meeting locations with ADA-compliant public access to meetings:**

Whereas the provisions of Sections 310 and 312 of Title 1 of Vermont Statutes Annotated, as they apply to municipal corporations, were enacted with towns, school districts and similar political subdivisions with paid staff, established public meeting facilities, and small geographic realms as the model;

And whereas Communications Union Districts (CUDs) typically do not need buildings, do not have staff, and operate over extended geographical areas comprised of multiple towns, each with an appointed Governing Board member and Alternates;

And whereas the direct and indirect costs of providing physical public access to the meetings of such districts, their committees, and their instrumentalities are an unnecessary drain on limited CUD financial resources to provide facilities that are neither needed nor of any utility in furthering the mission of the CUD;

And whereas CUD Governing Board members, with fiduciary responsibilities to the district, are appointed by their respective Selectboards or City Councils, and serve as uncompensated volunteers who do not receive per diems or travel expenses, and thus donate more than their time to the work when a physical meeting is required;

And whereas the general law of the state establishes the right of business and non-profit corporations, as well as the Vermont General Assembly and its Committees, to conduct meetings without a requirement for a physical meeting location;

And whereas the East Central Vermont Telecommunications District organizes and conducts its meetings and those of its committees to be inclusive and accessible

without physical participation in order to minimize cost to those seeking to attend, as well as to maximize productivity and engagement;

And whereas CUDs possess no taxing power over the member towns, or over property owners in member towns, being entirely funded through publicly regulated revenue bonds or federal or state supervised grants, thereby not exposing any member Town or district resident to financial liability for any CUD enterprise or service;

And although the operations and services of a CUD are proprietary in nature, in which the public has an interest, no person is required, nor may a person be compelled, to participate in any way in the business of a CUD;

The East Central Vermont Telecommunications District therefore finds that any consideration of a physical meeting location is secondary to the right and responsibility of the district to perform its governance duties effectively, efficiently, and economically.

The East Central Vermont Telecommunications District instructs the secretary and their designees in such standing and ad-hoc committees as may be established to include the following language in meeting agendas posted for all meetings not held in a physical location:

*The meeting will be held virtually, rather than at a single physical location. However, anyone wishing to attend physically at a public location within the District, please contact the clerk of the District at [secretary@ecfiber.net](mailto:secretary@ecfiber.net) at least one business day in advance.*

The clerk shall maintain a list of available public facilities in the member towns, and upon request for a physical location, arrange a designee's time to attend the meeting.

Adopted July 13, 2021  
s/Jeff Brand, Secretary  
East Central Vermont Telecommunications District

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*This meeting will not be conducted at a physical location. Any person desiring to attend the meeting at a public location, please contact the clerk of the district at [secretary@ecfiber.net](mailto:secretary@ecfiber.net)*

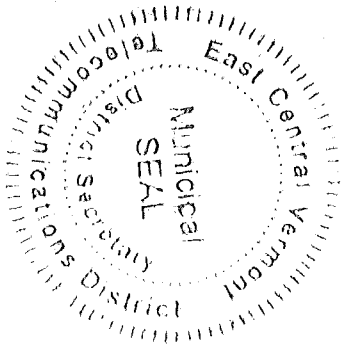
The clerk shall maintain a list of contacts in each town who express a willingness to coordinate such an accommodation using the facilities of the member town, such accommodation to not require more than 30 minutes of a board member's time aside from the meeting itself, and to not incur any additional expense to the district.

Adopted July 13, 2021



Jeff Brand, Secretary

East Central Vermont Telecommunications District





# East Central Vermont Telecommunications District

[www.ecfiber.net](http://www.ecfiber.net)

East Central Vermont Telecommunications District (dba ECFiber) is a public corporation, a special-purpose municipality, created pursuant to Vermont State Law

The East Central Vermont Telecommunications District (hereinafter ECVTD or ‘the District’), doing business as ECFiber, is a municipality of the State of Vermont formed pursuant to [30 VSA 82](#), which enables two or more existing towns to “form a communications union district for the delivery of communications services and the operation of a communications plant, which district shall be a body politic and corporate.” Consequently, the District is entitled to the same recognition as any city, town, county, state, or federal government has as a business entity.

As shown in the attached documents, ECVTD filed a certificate attesting to the vote to establish the District on June 22, 2015. Accompanying that letter, as required by the statute, the District filed the minutes of its organizational meeting with the secretary of state. As item 11 of those minutes states, towns unanimously voted to “declare the district organized” pursuant to 30 VSA Chapter 82. At that moment, ECVTD was a legal entity under Vermont law with the power and authority to act as a “public corporation.” See 30 VSA Section 5034 for the full scope of its authority. The State of Vermont Department of Public Service maintains a [list](#) of communications union districts.

The District has issued more than \$60 million in municipal revenue bonds beginning in March 2016, and this can be confirmed by visiting [EMMA](#).

The District is registered with the Federal Communications Commission (FCC) as an Essential Telecommunications Carrier (ETC).

As of March 1, 2023, ECFiber has completed over 1,700 miles of fiber-optic network and delivers world-class broadband to nearly 7,800 customers in 33 towns; at maturity it will have more than 2,300 miles of network in 31 towns and parts of 11 others. It contracts with GWI Vermont, LLC to design, build, and operate the network, performing all the business functions of ECFiber.

The Vermont Secretary of State registers public corporations, that is, city, town, and districts in the ‘Assumed Business Name’ classification. The District registers both its [formal](#) and [dba](#) names in that section.

|                     | Important Identification Numbers   |                          |
|---------------------|------------------------------------|--------------------------|
| EIN: 37-1785773     | VT ID (Dist):0403271 (DBA):0403274 | VT CPG: 1003             |
| DUNS: 117708208     | SAM UEID: MC43CMMF81W1             | CAGE/NCAGE: 89UMQ6       |
| FCC FRN: 0027379676 | FCC SPIN:143006961 SAC: 814051     | FCC 499: 828996 498=SPIN |

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