

**Comments by John O’Duinn to State of Vermont on Bill s55
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Bio:

John O’Duinn is a senior technologist and entrepreneur who has worked in distributed companies of one form or another for 32 years, led distributed teams for 17 years, run workshops and mentored distributed teams for 10 years. His book “Distributed Teams: The Art and Practice of Working Together While Physically Apart” was first published in 2018, with an expanded, fully updated second edition published in January 2021.

In April 2022, John joined the U.S. General Services Administration as a Senior Advisor helping with various “Future of Work” initiatives, including the U.S. President's Management Agenda and the Chief Human Capital Officer (CHCO) Council. This is John’s second time in public service - the first time was in the U.S. Digital Service in the Obama White House, as a computer systems engineer working on a range of technical projects. John helped the State of Vermont write their 2018 "Remote Worker" law encouraging remote work to promote economic growth and the State of California to revise its 2021 Telework Policy. John is a frequent international speaker and consults on the wider diversity, environmental, economic development and community renewal benefits of distributed organizations.

Disclaimer: None of my comments are policy of the US General Services Administration or the US Federal Government. All my comments are made in my personal capacity as an industry expert and author - just like I did in 2017 and 2018 for the Vermont “Remote Worker” bill s94.

Thank you Chair Hardy and committee members for inviting me to comment here today.

I’ve some opening remarks, and then of course, I would love any questions you might have. (Note: As requested, I’ve cleaned up these speaker notes to share and also to convey the verbal discussions from Friday.)

To start, in my opinion, I think this bill is very important for the State of Vermont and I would encourage you to enact this bill.

Context:

The last 3 years have been tough. We’ve had the largest healthcare crisis in ~100 years. While things are significantly better, I note that just last week, the CDC is still reporting ~2000 deaths per week from COVID across USA. At the same time, we’ve also had to deal with economic upheaval with record numbers of new-unemployment-claims, job losses, company closures, etc. Also, social cohesion issues. Also,

lockdowns at assisted living facilities and sudden online home schooling. All of these are human stressors.

During the last three years, we've been forced, as a society, to change and learn to do things differently. Whether we like it or not. This was needed in order to keep the wheels of government, business and society turning during the last three years. Some of these improvised changes have improved how we work and helped solve some long-standing issues.

This bill is not about changing how public notice is served in advance of meetings. This bill is about the mechanics of how to run those meetings. In that context, I believe that:

- holding in-person meetings in public is important for public trust.
- holding those in-person meetings in public AND broadcasting them is more important for public trust.
- holding interactive public meetings online does all that *and* also helps improve the previous status quo on several important areas:

Given that, some areas I would focus on are:

COOP

- People **depend** on government services to keep working...even if a government **human** cannot enter a government **building**. *Routinely holding hearings online like this bill proposes is one example of long term disaster resilience. (sometimes also called COOP / continuity of operations).*
- Short-term COOP vs long-term COOP. "Short-term COOP" is where a building is closed for a day/two, so people stop work and leave. Later, after they can return to the building, they do extra work to catchup. "Long-term COOP" is where a building is closed for a long time - like three months or three years! In this scenario, we cannot delay government services until people can reenter the building. Instead, we need government services to continue without disruption even if a government human cannot enter a government building.
- COVID-19 has shown us which organizations had short-term COOP and which had long-term COOP. Canadian truckers in Ottawa are another example. Forest fires closing bridges and freeways in California are another example.
- Separately, Vermont has snow days and dark winters and tricky road conditions which can prevent people from attending in-person meetings. This bill helps reduce that barrier-of-the-commute for participation.
- This bill would allow participation by "Vermont snowbird" residents even while they are traveling outside of Vermont.
- Having some of the participants in a formal State government building while most are online can work. (Also see comments below about DEIA). However, please be careful to ensure that planning and operations of the online meeting does *not* require the moderator to be in a specific room of a specific building. This is an easy habit to unintentionally slip into and creates operational vulnerability - the entire meeting is disrupted if something prevented that one human getting to that

one room. **A single building should not be a single point of failure for government operations.** Instead routinely plan and operate/moderate online meetings from different locations. If you have a recurring series of meetings, use the Vermont State House as one of many different town halls, libraries and other public venues across the entire state. This can enable different representatives to “host” online meetings from town halls / libraries in their constituency. This routine habit of featuring different locations prevents location-specific habits from developing, which improves long-term COOP.

DEIA (Diversity Equity Inclusion and Accessibility)

- I believe this bill will help improve DEIA, helping more constituents and more diverse constituents be heard.
- It is true that internet access, especially rural broadband, is an issue for some. However, for many, speaking on video is easier and more accessible - either from their home or from a nearby public access computer in the nearest town hall or library. By contrast, there is a significantly larger barrier for many to take the day off work, arrange childcare/familycare, drive to event, pay to park, wait, speak and drive home. Especially if
 - you use public transit (no car).
 - you are blind, use a wheelchair, or
 - you are the sole caregiver for children/parents
- To help reduce barrier of access to tech (laptops and software), encourage libraries and town halls to have public access computers that people can use to participate in online meetings. Depending on circumstances, this might need budget funds for provide laptops and software as a public outreach pilot.

ETIQUETTE

- Create a “House Rules” or “Etiquette guide” which is publicly available online. This should ideally be concise enough to easily read on your phone.
- Start meetings by verbally reminding attendees of this etiquette guide. As appropriate, read some initial highlights and then point attendees to the public location of the entire etiquette guide. Posting a link to the guide on your website is a best practice I recommend.
- Some etiquette items to include
 - “zoom bombing” is a real concern (not only on zoom). All events should have meetingIDs with passwords to reduce (but not eliminate) the risk of a disruptor joining.
 - Pre-agreed, written conditions and who-makes-final-call for kicking out disruptors if needed.
 - Rehearse kicking out in case it is ever needed, so people aware of how to do this quickly if needed.
 - Dress code and backgrounds (both visual and audio) to be non-offensive, just like you would do for in person meetings.
 - Phone number of someone to call if there are tech / joining issues or lost connections. This should be a tech savvy moderator who is *on* the call.

- Where to find location of the recording afterwards. And approx how quickly the recording will be available.
- When members of the public join at short notice, how can they sign up *during* the meeting to speak in public comment?
- How to handle people who lose their connection while they are speaking. Do you wait for them to rejoin or do you move to next speaker?
 - I recommend keeping the meeting progressing by moving on to the next waiting speaker while tech issues are figured out. If the dropped speaker does rejoin, do not interrupt the current speaker. Let the current speaker finish before returning to the rejoined speaker. This avoids disrupting another person. This also gives the newly re-joined speaker time to recompose themselves and get ready to speak next. If speakers are timed, do they get to resume their time after they rejoin or do they start again from the very beginning?
- Have two active moderators, in different locations. They should both be tech-savvy. In case of an internet outage for one moderator in one location, the remaining moderator and all attendees remain in the video call, and the proceedings can continue without disruption.
- Moderator should display timer and mute-speaker-at-end-if-needed. (“like the Oscars”)
- Have committee members, and public speakers, visible on head-and-shoulders camera. This helps anyone who is lipreading (assuming good camera and lighting). This also keeps everyone equal from the perspective of the viewers and improves empathy of human connection during the event.
- During public testimony or comments, have each person from public start by stating their name and town/county (but not their home/street address!). This helps people focus as they start speaking and is typically also done for in-person hearings, so not an extra burden. Importantly, this also serves as a good microphone test - so any member of the public speaking on a topic they care about deeply is not frustrated to discover their comments were unheard because they were muted all the time. This also helps people on committee who might want to ask questions with the speaker. Lastly, this can also help with later public records requests.
- Most video systems now have automated transcripts or subtitles for the deaf. Some products better than others, so evaluate what works best for you. Use these by default (not only when someone asks for accommodation). Depending on the situation, it may make more sense to instead have ASL interpreters join on these video calls. When working with ASL interpreters, they need to be on their own camera for visibility and can join “remotely” from different location to others. Note, these interpreters will need to take frequent breaks so switch back/forth during the meeting.
- Allowing people to join ~15-30mins early to test their setup in advance is a good idea.
- Easier ability to comment can turn into VERY long public comment sessions. Decide at start of event if cutoff looks likely, and if so:
 - when to cutoff

- who/how to do the cutoff
- what happens to those in line who have not yet spoken (For example, do those still waiting to speak keep their place in line at next event, or have to start over?)
- Beware “Astroturf” tactics, which artificially encourages uninvolved people to speak, in order to influence a proceeding by appearing to be a popular grassroots stance from constituents.
 - Some are not even residents IN jurisdiction. One approach is to ask people to send email to specific-email-address to get them “in line for the microphone”. As part of the email, and again when starting to speak, require full name and town/county of residence - in Vermont or elsewhere.

Other Considerations:

- Trainings:
 - Discussed during call. This is very important for staff, especially those taking moderator roles. The public “etiquette guide” can include best practice suggestions for volunteers helping with committees.
- Consider different processes for different structures of events:
 - all in-person event being broadcast to online viewer audience VS
 - all persons online only VS
 - mix of in-person AND also online interactive persons.
- Different structure of events
 - most sessions people off camera, watch live stream or later recording.
 - most sessions will be small-ish #participants and #speakers
 - some sessions will be large-ish, hot, contentious. These may also include harass/hostile behavior, so active moderators are important
- Tech
 - Consumer grade electronics, consumer grade software and high speed internet has improved significantly. We were lucky covid didn’t happen 20 years ago.
 - The same choice of tech needs to handle all these scenarios described above well. This helps ensure everyone is routinely familiar with how to use, even when humans are stressed by the topic of the meeting on that given day.
 - Tech is always changing.
 - What works well today may not be best in six months. Also, human needs are changing.
 - Tech must have free software for members of the public to download AND have a very easy, very reliable first-run use case
 - I recommend a cadence of reviewing tools and processes every 6?12? months.
- Establish metrics to evaluate if the process is working. Some suggestions for metric include:
 - how many attend to watch vs attend to contribute.
 - how many attend online vs in-person
 - at constituent meetings, how many constituents tell their elected representative they were able to see/participate online
 - Use these metrics to keep track of whether systems and outreach are working over time.

- Store recordings and transcript in one location.
- Searchable collection of all recordings and transcripts will reduce future FOIA requests.
- Store in a location that state of Vermont has ownership over. If you must post on different external website, keep a private copy in case of later emergencies. The scenario to avoid is where your entire collection of public record transcripts and recordings are lost because an external company went out of business.

In closing, I believe that people depend on government operations to continue without disruption – even if a government human cannot get into a government building. Especially in a time of crisis. This bill would help improve the reliability of government operations for the State of Vermont, and I encourage you to enact this bill.

If there's any specific technical questions that any of you have now, I welcome them. Also, I'd be happy to meet and go over details on this or further questions with you or your staff later if that might be helpful.

Thank you again for the time,
John.