

Dear Sen. White and Senate Government Operations Committee,

On behalf of the Vermont Press Association we would ask that your committee and the full Vermont Senate halt any consideration of making permanent the temporary changes made to Vermont's Open Meeting law earlier this year during the COVID-19 pandemic state of emergency.

We believe it is very premature to lock in these temporary last minute changes when the deadly COVID-19 emergency is still in progress. Our comments are based on what we have heard from many of our member newspapers spread across Vermont and their first-hand observations.

Once this state-declared emergency is deemed over there will be plenty of time to review if or should the Vermont Open Meeting Law be amended to ensure that its long-term purpose of transparency for the general public can be assured.

As you know in the rush to put the temporary rules in place, there were concerns that some issues were not properly aired. Some problems have since multiplied. A few examples:

- Meetings are just not being properly warned.
- Some local government boards also have ignored the requirement that meeting agendas must be supplied to people or the news media ahead of the meeting upon request.
- Some towns are refusing to put the access codes for Zoom meetings on the printed agendas. Towns are requiring their residents, news media and other interested parties to call ahead to the town offices and get the pass codes.

Since when do taxpayers need permission from government to attend a public board meeting or the legislature or any public entity?

Related are the ongoing problems in which the town office closes at 4 or 4:30 p.m. and the meeting is 7 or 7:30 p.m. that night. So if a person misses making the call, they are shut out from the public meeting – again circumventing access as required by the law. We have seen this too many

times.

-- With most municipal buildings now re-opened and the staff back to work, efforts should be made to allow for the public to attend meetings at a public building and be able to listen into the board and citizen discussion. A mandatory designated public meeting spot should be restored to the Open Meeting law based on current conditions. Only one government person would be needed to set up the meeting for the taxpayers to hear and participate.

The public never needed to buy a phone or a laptop to attend a regular board meeting. Why should citizens now be required to buy one or both devices to be able to attend public meetings, which are normally a matter of walking into a town hall and listening?

(One politician running for statewide office has made it clear that one/quarter of the state's population lives in areas without computer access capability – never mind how many more have not invested in the laptop, iPad, cellphone or other devices.)

There also is the issue of one camera that does not move and nobody can tell who is talking.

If you are going to allow the ongoing current problems with the law stand, there are a few tweaks that are needed with the current status. The law should require that the public be able to be heard and that the speakers need to be identified each time they speak. This is a major problem reported all across Vermont. This should be done, especially for those meetings that are recorded. The names of all speakers should be available for anybody wanting to listen or watch the meeting later.

Our member newspapers throughout the state have reported being unable to hear comments by board members, staff and the public are major problems. People cannot be heard, eventually some deal is struck, and the public has no idea and were not allowed to weigh in.

The technical glitches may fall into two categories:

1) Audio/video problems -- like poor video quality, echoes, blackout, silence etc. that impede the public's ability to understand what is being

discussed. They are hard to correct and you can gamble by hanging up and trying to get in again.

2) Access glitches -- like incorrect phone numbers or passwords. By the time these are caught, it is too late to alert the public that might want to be part of the meeting. This happened recently in Windham County and it was too late to alert the general public for a meeting with an important topic -- inperson learning.

There is another issue related to not posting or providing agendas to news media members that have requested them. The towns are allowed to post agendas of regular or special meetings on electronic locations, but most have never told their residents where to look.

Now that everybody is back to work, seems like this electronic posting should be dropped and go back to the annual declaration after Town Meeting Day when boards are required to announce both their public posting spots and the town's official newspaper of record.

-- The change expanding from 5 calendar days to 10 calendar days to post proposed minutes of meetings was never needed. The wording of the proposed legislation also is seriously troubling when it says, "In the event of a staffing shortage..."

Who gets to make that determination? The person not producing them?

With the annual budget session for towns just starting, it is imperative that those meeting minutes be promptly produced. With some boards meeting multiple times within a week, or even weekly to discuss the budget, minutes are critical for the taxpayers, especially if the board opts to defund the police or make other drastic cuts/changes.

We regularly hear reports of proposed minutes for towns being drafted and posted in 1 to 2 days. Five days was never a problem (even before computers and word processors). It is a matter of making a commitment by the town or volunteer to produce the minutes promptly. A friend serves on a library board in a community of about 2,800. They can crank out their minutes within the 5 day period. No problem.

9/10/2020

Lisa Loomis, Vermont Press Association

Those are just a few of the problems. As noted this COVID emergency is not over and unfortunately there is no single collection point for the public to file complaints about problems at public meetings. We have to rely on first hand reports of the media and some public members that have called attention to the certain problems.

Thank you for consideration for this important topic.

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