

P. O. Box 512
Montpelier, Vermont 05601
January 12, 2022

House Committee on Government Operations
State House
Montpelier, Vermont

Subject: S.222 authorizing temporary Open Meeting Law procedures in response to COVID-19

Dear Committee:

Thank you for bringing this bill into your committee for hearings.

I find that this bill undermines our democracy by preventing a portion of the public from participating in public meetings. That is the portion of the public that lacks the equipment, the communications connections, or the money that are needed to participate remotely under the terms of this bill. Retaining the physical space while allowing a remote option will increase the portion of the public that can participate.

Please do not allow municipalities the option of eliminating a physical space for public meetings.

My experience is that the all-remote option is not an adequate substitute for a physical location. I relate two recent experiences to show the importance of having an in-person location.

Montpelier is working to amend its zoning regulations. The planning commission held two hybrid public hearings (all the commissioners were remote), which provided the opportunity for the public to participate at City Hall using City-provided equipment. Two other members of the public and I were in the room and one staff member of the planning department, at each hearing. This option to attend in-person was essential to my participation. If there is no physical meeting location, it is unlikely that I will participate when the city council holds hearings on the proposed amendments. I did not participate in any City meetings when there was no physical space.

In the autumn, the Attorney General's office held a series of workshops around the State. One of them had the in-person space in Montpelier, in the Pavilion auditorium. There were two or three other members of the public and two staff people from the attorney general's office in the auditorium. Here, too, that in-person space was essential to my participation.

Telephone is not an adequate substitute. My experience is that participation by telephone requires a long-distance, toll telephone call. That can be expensive over the course of multiple, two- or three-hour meetings. (say multiple planning commission meetings). The last I looked, Zoom-by-telephone offers no toll-free number and the choices of telephone numbers are all out-of-state. Some people do not have unlimited calling plans because of the expense.

Some people lack speaker phones (or cell phones that act like speaker phones). They must hold the telephone to their ears during the whole meeting. In person, one can multitask: listen and take notes, or knit, or whatever else is not disruptive to the meeting, while waiting for one's turn to speak. On speaker phone, one can do that, too. Those lacking a speaker phone cannot multitask.

Recommendations

- Require that there be a meeting space, suitable for distancing, accessible to the public for all meetings.
- Require a toll-free option for telephone access.
- Require that the posting of the notice at or near the clerk's office be accessible to the public at all times.
- Require that a meeting required to be recorded be adjourned until the recording can be resumed.

Thank you for taking the time to read this letter. I hope that you will consider my recommendations worthy of incorporating into the bill.

Sincerely,
Thomas Weiss