



Catherine Dimitruk, NRPC  
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**Secretary/Treasurer**

TO: House Committee on Government Operations and Military Affairs  
FROM: Catherine Dimitruk, VAPDA Chair and Executive Director Northwest Regional Planning Commission  
Devon Neary, Executive Director Rutland Regional Planning Commission  
DATE: April 3, 2024  
RE: S. 55

VAPDA supports the continuation of the COVID-era flexibility for public meetings. We think experience has shown that this system, with a few tweaks to require accommodations, could work very well to balance accessibility and flexibility.

The Working Group (Section 8) includes a diverse set of viewpoints that will recommend best practices for provisions that are included in S.55. Rather than change things now, then recommend additional changes it may be helpful to simply extend the pandemic era provisions for an additional year to allow the Working Group to complete its work.

We recognize S. 55 is the direction supported by the Senate, and offer the following comments, many of which were provided to the Senate Committee on Government Operations.

#### Specific Comments on S. 55

VAPDA supports many provisions of this bill, including the ability to meet fully virtually for all emergency meetings and during 'local incidents.' Suggested improvements to the bill include the following:

#### **Section 2, Definitions**

Page 1

If all public bodies are not allowed the option of fully virtual meetings, VAPDA supports the concept of having different standards of access for different types of public bodies. The definition for "Advisory Body" could use some clarifications. For example, the terms 'supervision' and 'budgetary matters' can be interpreted narrowly or expansively. Deleting those terms would clarify this definition.

"Advisory body" means a public body that does not have ~~supervision, control, or jurisdiction over legislative, quasi-judicial, or tax, or budgetary matters.~~"

#### **Accommodations Requests**

Page 5: (j) Request for access.

VAPDA supports the ability of members of the public, public body and press to request accommodations, without needing to state a reason. To make this option as accessible as possible, we suggest adding a requirement that agendas include the method for making accommodations requests. This could be done by adding a line at the end of this paragraph: The meeting agenda shall state the contact information for making an accommodation request.

We also suggest more flexibility for how that request is made. The language requiring the request to be in writing (The

#### ***Strengthening the Capability of Governments***

request shall be made in writing not less than three business days before the date of the meeting) could present a hardship for some of the very people we are trying to accommodate.

### ***Recording of Meetings and Posting Recordings***

Page 5: (6) Meetings of local public bodies; recordings

VAPDA does not believe this requirement is necessary, given the requirement to post minutes within 5 days. If this provision remains in the bill, we recommend more time to prepare for this requirement; a July 1, 2024 effective date is not attainable for many municipalities. Some municipalities may be able to meet this requirement easily, especially those who have been meeting regularly via hybrid meetings. However, many municipalities, including those that have been meeting completely in person, will need additional time to address this requirement.

### ***Training***

Page 6 (k)

We recognize that there is a need for training, and most public officials do their best to learn the requirements of the laws they must follow. If training is required, funding must be provided. Rather than requiring training, one option to help with compliance is to include a training requirement in 1 V.S.A. § 314 (curing a violation).

(B) adopting specific training requirements and other measures that actually prevent future violations.

### ***Determination of Local Incident***

Page 8, (c)

The language here does not provide enough direction for public officials to understand if they have met this requirement. More direction is needed to clarify 'formal written finding and announcement.'

### ***Penalty and Enforcement***

Page 9: § 314. PENALTY AND ENFORCEMENT

Requiring municipalities, and no other public bodies, to post this information does not seem reasonable. This is a state law, and information should be provided at the state level, applicable to all public bodies.