

**Vermont Municipal Clerks & Treasurers Association (VMCTA)
Legislative Committee**

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Thank you for offering us the opportunity to provide comments on S.5, which proposes changes to the open meeting laws.

In response to the COVID pandemic, the legislature put in place a number of open meeting law changes that allowed public bodies to continue their work in ways that were safe for the participants and the public. New technologies allowed virtual and hybrid meetings, enhanced electronic posting options, and flexibility in how to provide access to public meetings.

S.55 proposes to make some of those emergency measures permanent, and to adopt others to enhance meeting access, however, we have a few concerns about some of the proposed language:

1. We are concerned about the hybrid meeting mandate on page 3. If meetings are required to be held both in person and virtually, what happens if there are technological issues during such a meeting? Will the meeting have to be adjourned until the technology is up and running again? What if there's no access to a virtual option because there's no equipment or internet where a meeting is being held? Will towns be limited in where they can hold meetings because of technology requirements, or would towns be required to purchase expensive equipment and internet connections for all locations? I know there's financial support in the bill, but that won't cover ongoing expenses associated with internet subscriptions or equipment maintenance.
2. Under the state of emergency sections on pages 4-6, the definition of a "local incident" includes loss of power or telecommunication services. The proposed language addresses the option of holding a meeting exclusively in a physical location under these circumstances, but doesn't address what would happen if such a "local incident" should

happen in the middle of a meeting. Would the meeting have to adjourn? What if the “local incident” affects a virtual attendee, but not the public body? If the meeting continued, would the affected attendee have grounds to challenge the validity of the meeting and any actions taken?

3. The annual meeting section 4, beginning on page 7, would require an annual meeting held in the three days preceding Town Meeting Day to be conducted as a hybrid meeting, and all voters – whether participating in person or virtually - must be allowed to vote. There are concerns about the process of allowing virtual participants to vote, from marking the voter checklist to how they would participate in a paper ballot vote. These types of details would likely need legislative direction in addition to best practices developed by the Secretary of State’s office.
4. The bill calls for \$250,000 to be set aside for providing grants to towns to acquire equipment, technical assistance, and training. We’re not confident this would be enough money to equip all public bodies to meet the requirements of the bill, and it won’t provide ongoing financial support for internet subscriptions, video storage, and equipment maintenance.

We don’t support the bill as it is currently written, but do support finding ways to continue to build on access options available to meeting participants and the public, keeping in mind the practicalities of technology, town finances, and the unique nature of Vermont’s infrastructure and government.

Thank you for your time. Please feel free to reach out with any questions or for further discussion.