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TO: Senate Committee on Government Operations
FROM: Catherine Dimitruk, VAPDA Chair and Executive Director Northwest Regional Planning Commission
Devon Neary, Executive Director Rutland Regional Planning Commission
DATE: January 31, 2024
RE: S. 55

VAPDA supports the continuation of the COVID-era flexibility for public meetings. We recognize S. 55 is an effort to balance accessibility and flexibility. We recognize the diverse needs of all Vermont Towns and that a 'one-size-fits-all' approach may be difficult to implement. One simple approach to achieve this balance would be to allow all public bodies to retain the option to meet fully virtually, or solely in a physical location. Then, require all public bodies to provide virtual access or a physical location if requested as an accommodation.

Specific Comments on S. 55, version 1.2

Definitions

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" is a great start, but 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. We also recommend deleting 'budgetary' from Section 2 (3) for consistency

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

Section 2 (3) Hybrid meeting requirement. A public body that exercises legislative, quasi-judicial, or taxing authority shall hold all regular meetings in a hybrid fashion, which shall include both a designated physical meeting location and a designated electronic meeting platform. VAPDA recommends setting minimum standards for meeting virtual platforms, connectivity speeds or reliability, and other meeting logistics.

Hybrid Meetings

If hybrid meetings are to be required, it is important to provide sufficient time to meet this new requirement. Additionally, at least in the interim, it will be important to allow phone access as a means to meet the hybrid requirement. For example, December 2024 could be a reasonable deadline for implementing a minimum of phone access, and at least one additional year for full hybrid implementation.

For advisory bodies permitted to hold either a physical or virtual meeting, the accommodations section should be modified to clarify that a person can request either a physical location or virtual access. Additionally, there should be language added to clarify where the request should be made and in what time frame.

Strengthening the Capability of Governments

(6) Request for accommodation; physical meeting location and virtual access. Upon request that an advisory body hold a meeting in a physical location or provide virtual access, an advisory body shall make a reasonable accommodation to designate a physical location where the public may attend a meeting or provide virtual access. The meeting agenda shall state the contact information for making an accommodation request and the reasonable deadline by which the request must be made.

Local Incidents

VAPDA supports the ability of public bodies to adjust their meetings as needed due to local incidents. In addition to the options included here, emergency meetings should be allowed to be fully virtual, regardless of whether the public body is considered advisory. A list of possible exemptions (threats to officials, internet service reliability, etc.) should be prepared for public bodies with extenuating circumstances beyond their control that may impact their ability to follow the hybrid meeting format.

Training and Funding

VAPDA supports the proposal to provide funds for implementing the requirements of S. 55. 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. 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. We do not believe an annual certification process for public bodies is feasible and establishing and encouraging routine voluntary trainings from the Secretary of State, Vermont League of Cities and Towns, Regional Planning Commissions, and others is necessary to achieve broad compliance.