

Government Administration and Elections Committee

JOINT FAVORABLE REPORT

Bill No.: SB-183

AN ACT CONCERNING REMOTE MEETINGS UNDER THE FREEDOM OF
Title: INFORMATION ACT.

Vote Date: 3/29/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/17/2021

File No.:

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SPONSORS OF BILL:

The Government Administration and Elections Committee

REASONS FOR BILL:

This bill is intended to allow public agencies in the State of Connecticut to conduct electronic meetings in compliance with the Freedom of Information Act.

RESPONSE FROM ADMINISTRATION/AGENCY:

Freedom of Information Commission: Citing the circumstance of the COVID-19 pandemic, the Freedom of Information Commission highlighted the importance of remote meetings during times when an in-person gathering might not be possible. In doing so, the business of the government was able to continue. This bill seeks to amend the FOI Act to allow for public agencies to hold meetings remotely as well as in person, granted that these agencies make their meetings accessible to the public. The FOI Commission seeks clarification on ambiguous language, including the use of the phrase “within a reasonable period of time” as seen in line 10, “any materials relevant” in line 14, and “to the extent feasible” in line 20. Seeing that these are not clear and open to interpretation, the Commission believes that it is imperative for the committee to narrowly tailor these terms to a specific definition. Additionally, the Commission asked for clarification of the language in lines 8 and 38 through 43, which could be interpreted to assume that the bill mandates municipalities to have websites. Lastly, the Commission made clear that likes 23-24, requiring that any participant identify themselves will inevitably result in noncompliance and a flood of complaints with the Commission. The Commission recommends that it would be better practice to allow for public agencies to make their own rules governing speaking at remote public hearings.

State of Connecticut Judicial Branch: The written testimony submitted by the Judicial Branch suggested that the effective date for Section 1 of the bill be extended to January 1st, 2022. The Judicial Branch believes that transcription and recording of all remotely held judicial meetings will require updates to technology and training for staff, and therefore, they request a later effective date so that they have time to implement any new protocol.

NATURE AND SOURCES OF SUPPORT:

Connecticut Chapter of the American Planning Association (CCAPA): CCAPA's written testimony offered strong support for the bill. CCAPA acknowledges that personal interaction among is certainly missed, but ultimately contends that remote meetings have increased participation, improved upon acoustics and expanded access to the public hearing itself as well as the meeting material. By maintaining a hybrid or remote option, CCAPA believes that this option will be beneficial during the winter months and traditional vacation times.

Connecticut Association of Zoning Enforcement Officials (CAZEO): CAZEO supports SB 183 on the grounds that it will improve access to all interested persons by allowing them to listen from their phones while they are commuting, and from their computers while completing tasks at their house. Increasing access would allow for virtual meetings to take place even during adverse weather conditions that might pose a barrier to those wishing to attend. Additionally, CAZEO contends that allowing for remote meetings would improve transparency, since the bill mandates that certain material up for discussion during a virtual meeting must be published online at least twenty-four hours prior to the meeting. Lastly, CAZEO believes that virtual meetings help to save money for municipalities and would be more cost effective in terms of making use of all the unexpected technology expenditures that came as a result of the pandemic.

Kathleen Flaherty, Esq., Executive Director, Connecticut Legal Rights Project: The Connecticut Legal Rights Project supports the bill because remote meetings have been a safer alternative during the pandemic. In addition, CLRP finds that allowing for remote meetings increases accessibility to people who might not be able to travel to a municipal building but still want to participate in government.

Pua Ford, Open Government Specialist, League of Women Voters of Connecticut: The League of Women Voters of Connecticut supports this bill with a few minor adjustments. One reason behind that the LWV-CT supports this bill is because of the usefulness of remote meetings during the event of inclement weather. Citing experiences from previous years, people wishing to testify or attend a public meeting have had to drive into Hartford during icy conditions. Additionally, in-person meetings have prevented people from taking part in government because of child care, elder care or lack of access to a car. By allowing for remote meetings, people have greater access and it provides a great opportunity for civic education. The League suggested that the bill eliminate the time requirement for an agency to post a recording or transcript no later than seven days. In addition, the League requested that the bill eliminate the requirement for those participating in the virtual meeting to announce their name and title, unless they are not visible.

Betsy Gara, Executive Director, Connecticut Council of Small Towns (COST): COST supports this bill as a means to allow for municipalities to continue to hold important meetings to conduct the business of government in a timely manner. COST is mindful of the fact that

smaller municipalities might struggle in terms of staffing, timing and costs associated with storing and transcribing records. Additionally, COST acknowledges the concerns over the lack of adequate staff and equipment to accommodate the sheer number of municipal committees, subcommittees and working groups that might hold meetings electronically.

Steve Jones: As a member of the Tolland Town Council, Mr. Jones states that remote meetings have nearly doubled the normal attendance rates seen with in-person meetings. In his testimony, Mr. Jones agreed with the FOI Commission's comments regarding the need to strengthen various terms in order to prevent confusion or misinterpretation of the bill's provisions.

Kelly McConney Moore, Interim Senior Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT): The ACLU-CT views SB 183 as a critical step towards complete government transparency, especially during times of crisis such as the COVID-19 pandemic. By explicitly allowing for virtual meetings to be permitted under the Freedom of Information Act, the bill seeks to ensure that there is readily available access to government and the business being conducted.

Redding Board of Education: The Redding Board of Education supports this bill as a means to promote government efficiency, reduce barriers on faithful compliance with the law, and encourages greater participation in the affairs of government. If permitted to meet electronically, local boards and commissions would be able to meet more frequently and reduce any administrative delays that could come as a result of trying to ensure that everyone is available to meet in person at a certain time and place. Additionally, by allowing for electronic meetings, more qualified individuals might step forward to work in government. Since many boards and commissions are volunteer based, many individuals struggle to find the time to make a commitment to these groups. Allowing for electronic meetings expands accessibility and opportunity. Lastly, the bill would rectify issues with agencies conducting meetings through improper electronic means that are not accessible to the public, such as email. By outlining the protocol for remote meetings, the bill would reduce any hardships or burdens on members seeking to conduct electronic meetings.

Mike Savino, President, Connecticut Council on Freedom of Information (CCFOI): CCFOI supports SB 183 but urges the General Assembly to offer clarifying language over what is and what is not permitted during virtual public meetings. In addition, CCFOI addressed concerns over public officials who have turned off their cameras during remote meetings. CCFOI believes that the bill should mandate that public officials leave their cameras on.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Association of Boards of Education (CABE): The Connecticut Association of Boards of Education believes that expanding the requirements for conducting virtual meetings under current law would inhibit the ability of public agencies to conduct businesses. CABE believes that the requirement to create and retain audio and/or video recording as well as a transcript of the meeting would exceed the capacity of small public agencies like boards of education. CABE urged the committee to create a local option for virtual mandates, since local public agencies have varying access to resources.

Reported by: Trevor Hoffman

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