

**TESTIMONY ON 20-H 8015 and 20-S 2864,  
RELATING TO TOWNS AND CITIES – GENERAL POWERS  
June 15, 2020**

These bills would allow fire districts to adopt annual budgets and levy taxes without holding a financial town meeting or referendum during a declared state of emergency.

The ACLU of Rhode Island appreciates the fact that in light of the current pandemic, special rules need to be in play for public meetings. At the same time, those rules must ensure adequate and meaningful public participation. We are concerned that, as presently drafted, this legislation may not meet that standard. Of all public bodies, fire districts have been found to be among the worst offenders in violating the Open Meetings Act, so it is important that any legislation providing them leeway in how their meetings are conducted be narrowly crafted to prevent misuse.

In place of an annual meeting, the legislation requires a fire district to hold a “public hearing” that can be conducted “in any manner . . . that enables public comment and participation.” [Page 2, lines 17-18] The legislation goes on to explain that the participation may be “in person, virtually, and/or by submission of written comments.” [Page 2, line 23] Our concern is that, while the public should certainly be able to submit written comments to express their views, the legislation should make clear that this is a necessary, *but not sufficient*, method of participation. Written testimony cannot by itself substitute for the important give and take that can occur when those testifying are able (whether in person or virtually) to contemporaneously testify based on comments made by the fire district board or other members of the public. We urge that these bills be amended to specify that electronic or virtual, as well as written, participation is required.

We are also concerned about broad language allowing fire district CEOs to “continue any and all budget adoption procedures” set forth in the district’s charter during a declared emergency. That could include provisions requiring the district meetings to comply with other provisions of the Open Meetings Act. We believe the bill should make clear that the fire district meetings must continue to comply with the OMA to the extent consistent with any executive orders and accompanying state guidance issued during the course of the emergency.

Thank you for considering our views.