

**Testimony from Brian M. Daniels, Executive Director
H 5891 SUB A – Open Meetings Act and Virtual Meetings
House Committee on State Government & Elections – June 14, 2021**

Thank you, Mr. Chairman and members of the committee, for the opportunity to submit testimony with our thoughts on H 5891 SUB A.

Over the fifteen months, municipal governments have had to adapt to the challenges of operating public meetings while protecting public health and maintaining transparency. In March 2020, Governor Raimondo signed [Executive Order 20-05](#), allowing members of essential public bodies to use electronic means to meet and conduct business, which had previously been prohibited by the Open Meetings Act. Subsequent executive orders expanded the authorization to all boards and commissions, permitting all public bodies to meet electronically and for the public to engage virtually. The General Assembly also greatly assisted cities and towns by passing legislation last year ([H 8015; Public Law 2020-019](#)) granting them flexibility in conducting budget meetings, financial town meetings and financial referenda during a state of emergency. Finally, the State was an important partner in this collaborative effort, providing a free Zoom license to every city and town to support virtual meetings.

As we testified previously, these conditions have allowed local governments to become laboratories for innovation in public engagement, with municipal officials sharing best practices on technology and meeting management with each other. Most of our members agree that technology has greatly enhanced participation in local decision-making, with people able to attend meetings who would otherwise be excluded because of work schedules, family obligations or health conditions. Now that 65% of Rhode Islanders are fully vaccinated, we must consider how to maintain the benefits of enhanced participation in public meetings in a way that is sustainable.

The Department of Business Regulation has continued to convene a group of stakeholders to develop the amended bill now before the committee. The League solicited feedback from our municipal members and conveyed those concerns and recommendations to the working group. We are pleased to see that H 5891A addresses several of the issues our members raised. The original bill would have mandated virtual access for all boards and commissions, which would have been an onerous requirement. The amendment limits the scope to only key financial and policy-making boards so that small volunteer boards would not need to comply. The amendment also includes a sunset provision so that the General Assembly can revisit the bill's impacts before making any permanent changes to the Open Meetings Act. Finally, we are pleased that remote access deadline for municipal boards and commissions is extended to January 1, 2022. Some of

our members have reported supply chain challenges with procuring the equipment needed for the hybrid meetings required under the legislation, which could delay delivery and installation by months. Postponing the implementation for those bodies will allow for greater flexibility as communities prepare their public meeting spaces for hybrid meetings.

We continue to be concerned about the costs of implementing these proposed changes. Hybrid meetings – which have an in-person and virtual component – require both equipment purchases and additional staffing to manage more complex meetings. While we have received guidance that Federal American Rescue Plan Act (ARPA) funds will be able to cover the cost of technology and other equipment, there will likely be additional staffing costs for many communities that may be ineligible expenses under ARPA. Given that many communities are in the process of finalizing their budgets for the coming fiscal year, this legislation does have the potential to cause mid-year unbudgeted expenses. We urge the state to provide additional implementation funding to cities and towns to avoid yet another unfunded mandate on our municipalities.

Finally, many of our members recognize the value in having virtual public participation, particularly for bodies that have significant financial or policymaking authority. However, while virtual meetings have provided greater access to the public, they have also presented some challenges to meeting management. For example, several cities and towns have reported that greater participation has caused some public meetings that began in the early evening to continue until midnight or later. While we should encourage maximum public participation in state and local governance, we must not allow the Open Meetings Act to be used as a tool to delay decisions or limit government effectiveness. If this legislation passes, the League will work with its members to determine whether any provisions have unintended consequences.

Thank you for your consideration of our views.