STATE OF CONNECTICUT

Advisory Commission on Intergovernmental Relations

February 8, 2022

To: The Joint Committees on Planning and Development and Government
        Administration and Elections

Re: Report on the Feasibility of Remote Participation and Voting During Meetings
        Prepared by the Advisory Commission on Intergovernmental Relations

Dear members of the Joint Committees on Planning & Development and Government
Administration & Elections:

On behalf of the Advisory Commission on Intergovernmental Relations (ACIR), we are
submitting for your consideration the ACIR's *Report on Remote Meetings to the Joint
Committees on Planning & Development and Government Administration and Elections in
accordance with Sec. 154 of June Special Session Public Act 21-2*. This is the ACIR's final
report on the study, following the interim report submitted last week.

The ACIR appreciates the opportunity to perform the study and provide this report. The
study benefitted from considerable public input and relied to a large extent on time
volunteered by members of the ACIR.

The ACIR is a 25-member agency of the State of Connecticut created in 1985 to study
system issues between the state and local governments and to recommend solutions as
appropriate. The membership is designed to represent the state legislative and executive
branches, municipalities and other local interests, and the general public.

If you have any comments or questions, please contact Bruce Wittchen at 860-418-6323 or
bruce.wittchen@ct.gov.

Sincerely:

Brendan Sharkey, Chair   Lyle Wray, Vice-Chair

Final Report

To the Joint Committees on

Planning and Development

and

Government Administration and Elections

Remote Meetings

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by the

Advisory Commission on Intergovernmental Relations (ACIR)

Adopted - February 4, 2022

ACIR

The Advisory Commission on Intergovernmental Relations (ACIR) is a 25-member agency of the State of Connecticut created in 1985 to study system issues between the state and local governments and to recommend solutions as appropriate. The membership is designed to represent the state legislative and executive branches, municipalities and other local interests, and the general public.

The role of ACIR, as contained in Section 2-79a of the Connecticut General Statutes, is to: (1) serve as a forum for consultation between state and local officials; (2) conduct research on intergovernmental issues; (3) encourage and coordinate studies of intergovernmental issues by universities and others; and (4) initiate policy development and make recommendations to all levels of government.

For Further Information, Please Contact:
Bruce Wittchen: phone (860) 418-6323 e-mail bruce.wittchen@ct.gov

Executive Summary

The COVID-19 pandemic demanded rapid changes at every organization, not the least of which is in how they hold meetings. Public meetings have "gone remote" with multiple executive orders enabling remote meetings, followed by the General Assembly enabling remote meetings through April 30, 2022 with the passage of JSS PA 21-2. That legislation also directed the Advisory Commission on Intergovernmental Relations (ACIR) to study, evaluate and recommend if such a policy should be maintained, if any adjustments should be made, and suggest funding.

The ACIR and its Local Government of the Future subcommittee, as directed by the legislation, consulted with the Freedom of Information Commission (FOIC), the Connecticut Association of Municipal Attorneys (CAMA) and the state's Chief Information Officer. The ACIR also surveyed local government officials, organizations that frequently engage local governments, and others. The ACIR developed nine primary findings as a result of this work:

1. **Remote meetings fill multiple unmet needs with new technology and are here to stay.**

2. **Challenges concerning remote meetings are not insurmountable.**

3. **State authority to conduct remote meetings should be permissive, not mandated.**

4. **Local governments should continue to have the option of holding in-person meetings.**

5. **Remote meeting accessibility for persons with special needs must be consistent from municipality to municipality.**

6. **While the legality of remote meetings themselves are not in question, certain aspects of those meetings (notices, executive sessions, voting, expert discussions) present specific challenges.**

7. **Consistent, predictable remote meeting protocols are necessary and should be developed and updated as needed to ensure the success of remote meetings when used.**

8. **There is no "current" state of technology because each aspect of the technology is constantly evolving and improving - as is are the abilities of hackers to disrupt remote meetings and potentially even distort the outcome of voting.**

9. **The cost of adequate staffing and training for conducting remote meetings as a significant barrier.**

ACIR did conclude that while the costs associated with technology are not cost-prohibitive the startup cost for staffing and associated training could be a challenge. ACIR suggests that the financial challenge could be covered by the so-called RPIP 2.0 - the improved Regional Performance Incentive grant for COGs and RESCs supporting shared municipal services. RPIP 2.0 can help get towns over the initial hurdles towards a long-term solution ensuring that remote meetings are adequately staffed while minimizing the burden on state and local taxpayers.

Based on the work conducted, **ACIR recommends that remote-participation meetings be continued** and that the **current sunset date of April 30 be deferred until July 1, 2023** at the earliest to avoid potential confusion at the local level. While the ACIR did not have the funding or capacity to develop a set a best practices for remote meetings, it identified multiple sources from other states and organizations that have developed such guidance. Those sources are listed within the main report..

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Background

The following report by the Advisory Commission on Intergovernmental Relations (ACIR) is the result Section 154 of [Public Act 21-2](#) enacted during the 2021 June Special Session (hereinafter, "the Act"). This section of the Act directs ACIR, in consultation with the Freedom of Information Commission (FOIC), the Connecticut Association of Municipal Attorneys (CAMA) and the Chief Information Officer (COI) the task of conducting "a study concerning the implementation of the provisions of section 149 [Public Act 21-2].. and the feasibility of remote participation and voting during meetings, including remote voting using electronic equipment such as conference call, videoconference or other technology." Section 149 covers the General Assembly's authorization of electronic meetings at the local level, subject to enumerated guidelines, through April 30, 2022.[1]

The general Assembly, in this Act, added that ACIR's report shall include, but need not be limited to,

1. findings, including any challenges encountered,

2. recommendations concerning best practices for the implementation of said provisions,

3. an analysis of the feasibility of remote participation and voting during meetings using electronic equipment such as conference call, videoconference or other technology, and

4. the identification of funding sources for the implementation of remote participation and voting during meetings using such electronic equipment

To get a sense of people's experiences attending, participating in, or leading electronic meetings, the ACIR distributed a survey in October, 2021. The survey was developed with the assistance of Bruce Wittchen, the ACIR's designated Office of Policy and Management staff designee, who distributed the survey to local officials as well as to other stakeholder organizations and others especially likely to have experience with meetings before and after COVID.. The questions asked in the survey are attached as Exhibit A to this report, and a written summary of the survey results is attached as Exhibit B.

The ACIR did not attempt to survey a random sample of the state's population because it wanted to learn from people most likely to have experienced a variety of meeting types. The results show the ACIR succeeded. Questions were intentionally open-ended to allow respondents to offer comments and details that a state-level study might not have thought to ask about. As a result, the survey yielded a wide range of opinions and suggestions and any mathematical analysis of the survey results is based on a rough accounting of the comments and answers received.

The ACIR survey revealed the following:

*   **Remote, In-Person or Hybrid Meetings?** - No less than 90% of respondents stated that some form of remote access to public meetings should be maintained in local government. Only 10% stated a preference for returning to all in-person meetings. Remote meetings can increase participation by people experiencing disability, elder or child care responsibilities, and transportation limitations. Some towns, furthermore, report vastly more representation by nonresidential property owners than they had previously experienced during in person meetings. Remote meetings have demonstrated that they enable persons greater participation options both in terms as attendees and as potential members of local boards and commissions. Of the large majority who preferred maintaining some form of remote access, only about one-third expressed a preference for hybrid (remote plus in-person) formats, suggesting that many felt that if a meeting is to be held remotely, it should be all-electronic, not hybrid.

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[1] Section 149 of the Act authorizes remote meetings on through April 30, 2022. To the extent that Section 153 of the Act requires a study of "the implementation of the provisions of Section 149," the ACIR assumes the legislature means to have ACIR study the permanent implementation of the provisions of Section 149 beyond April 30, 2022.

- **Issues With All-Remote and Hybrid Formats -** When asked what they felt was the most significant issue or problem with the remote meeting format, nearly half of those who have actively participated in such a meeting, cited technical problems, such as connectivity and software glitches. The second most-cited "problem" was a lack of a set protocols and online etiquette for participants. However, nearly 25% of respondents indicated that there are no problems with online formats or that any issues experienced in the early adoption of remote meetings have largely been resolved over time. The lack of an in-person connection – not being able to see reactions and read the room - was identified by many as a short-combing of this format.

Problems Identified with Remote-Only Format
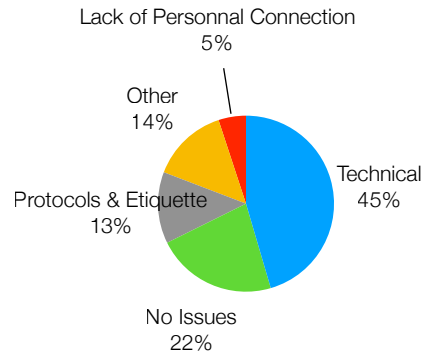
- **Issues Specific to Hybrid Meetings** -The survey separately asked respondents to identify issues related to hybrid-format meetings, i.e., where meetings are held in-person with others able to participate remotely by phone or video. While responses generally mirrored those regarding all remote meetings the major difference in responses for hybrid versus remote-only meetings was the "disconnection" problem – particularly with the disparate treatment of in-person and remote attendees.

- **Recommendations for Better Remote Meetings -** The survey asked respondents what they believe would make online meetings – all-remote or hybrid – a better or more effective experience. With both meeting formats, respondents consistently cited the need to establish of best practices and provide training for meeting leaders. Respondents also cited the need for trained staffing and better technology, particularly for hybrid format meetings.

Problems Identified with Hybrid Format
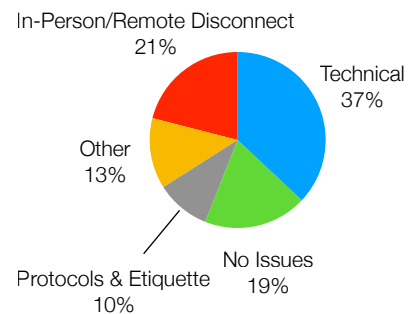
- **Issues for Legislature -** The survey asked respondents what issues they felt the legislature should address regarding remote meeting formats. Respondents highlighted the benefits of remote meetings, both in terms of increased public participation as well as increased access for those who are otherwise unable to attend meetings in person due to disability or personal schedules. Respondents felt the state should focus its attention on providing resources to towns to support technology and staffing needs, and as well as establish baseline protocols and best practices for the conduct of remote meetings. There was also general consensus that the state should minimize new mandates for how meetings are to be conducted and allow the towns to determine how best to provide the option to their residents.

To better understand the state of technology for the conduct of remote meetings, ACIR leaders spoke in December, 2021 with interested members, the Connecticut Information Officer and Doug Casey, the Commissioner of the state Commission on Educational Technology. The purpose of the discussion was to consider whether the ACIR could recommend specific technologies that might improve participation in remote meetings and enhance the security of remote voting. The clear consensus of the discussion was that there is no "current" state of technology because each aspect of the technology is constantly evolving and improving. What

is available today to cities and towns is sufficient for the conduct of remote meetings, whether all-electronic or hybrid, and those cities and towns seem to be finding those technologies and using them as they deem appropriate.

A topic of focus during ACIR's discussions with technology experts concerned remote voting. The experts also agreed that there are a number of applications and programs on the market that provide for secure and accurate voting. While such technologies are not normally needed for voting by boards or commissions where participants can easily self-identify, larger numbers of voters, such as with representative town meetings, can utilize those programs with confidence.

Findings

1. **Remote meetings fill multiple unmet needs with new technology and are here to stay.**

    Notwithstanding some challenges and lingering questions, the availability of electronic options for remote participation in public meetings at the local level is not only popular with local officials and the public alike, but most people in Connecticut cannot envision a future in which the only option available for participation in public meetings will be in-person only. Remote meetings can increase participation by people experiencing disability, elder or child care responsibilities, and transportation limitations. Some towns, furthermore, report vastly more representation by nonresidential property owners than they had previously experienced during in-person meetings. Remote meetings have demonstrated that they enable persons greater participation options both in terms as attendees and as potential members of local boards and commissions.

2. **Challenges concerning remote meetings are not insurmountable.**

    Whatever issues do exist around technology, public information and meeting protocols, the public generally believes that these obstacles are surmountable and should not be viewed as a reason to prevent remote meetings in the future. Connecticut's public meeting practices have always adapted to changing needs and new technologies and this will not be the last time. ACIR notes that the challenges will vary depending on the organizational structure of a given city or town and individual boards or commissions. For example, municipalities operating with a representative town meeting currently are successfully utilizing technology to conduct their affairs whereas those operating with a traditional town meeting is still a work in progress.

3. **State authority to conduct remote meetings should be permissive, not mandated.**

    Subject to Freedom of Information and public notice requirements, the General Assembly should otherwise refrain, at this time, from mandating the circumstances under which remote meetings may or may not be held; and take a permissive approach — allowing local governments to make those decisions as circumstances dictate. More structure might be warranted in the future but it can be guided by experience and changes in the capacity and availability of technology. An overly restrictive approach would not be beneficial now.

4. **Local governments should continue to have the option of holding in-person meetings.**

    For many reasons, in-person meetings without remote access or participation should remain available at this time as an option for local government.

5. **Remote meeting accessibility for persons with special needs must be consistent from municipality to municipality.**

    Title II of the Americans with Disabilities Act requires State and local governments to make their programs and services accessible to persons with disabilities. Remote meetings are no exception to this rule. Currently,

there is a lack of consistency in how ADA requirements are being realized for remote meetings from town-to-town.

6. **Legal Issues – While the legality of remote meetings themselves are not in question, certain aspects of those meetings present specific challenges.**

    a. **Meeting Notices** – The type of meeting and means of accessing the meeting need to be clearly identified in the legal notice, including the physical location where the meeting is to take place. In addition, if the meeting format is being changed, adequate notice to the public of that change is required, or the meeting should be canceled.

    b. **Executive Sessions** – Any executive session in a fully electronic or hybrid meeting must establish a separate location, such as a break-out room or separate meeting, where those discussions may take place.

    c. **Voting by Members** – Whether in all-electronic or hybrid meetings, those eligible members must clearly identify themselves either by verbal or visual confirmation. Voting in large numbers by a public body must be conducted separately using a controlled voting platform.

    d. **Ex Parte Discussions** – Electronic or hybrid meetings are prone to private conversations taking place among members of the body that are outside the view of the public. As is also the case with in-person meeting, members who text each other during debate or accept messages from the public should be discouraged as they constitute "meetings within the meeting" and are subject to disclosure under the Freedom of Information Act.

    e. **Meeting Minutes/Recordings** - Minutes are a requirement of all public meetings and their keeping is controlled by standards put forth by the State librarian. Meeting recordings (audio and/or video), which are not a substitute for written minutes, may currently be destroyed after six months. Consideration should be given to extending the time frame for the keeping of video meeting records.

    f. **Pre-Meeting Documentation Requirements** - Executive orders set forth detailed requirements as to the posting and availability of meeting documents in advance of meetings. Going forward, any such requirement should not be generalized or applied to all boards and commissions and should vary depending on the circumstances and the matters to be discussed or decided.

    With those specific legal issues identified, the legal feasibility of conducting remote or hybrid meetings is not in question.

7. **Consistent, predictable remote meeting protocols are necessary and should be developed and updated as needed to ensure the success of remote meetings when used.**

    While local leaders have largely established their own protocols for the conduct of remote meetings, based on responses to ACIR's survey and ACIR member input, there is a clear need for the establishment of guidance and training for the conduct of remote meetings as well as online protocols and etiquette for meeting leaders and participants.

8. **There is no "current" state of technology because each aspect of the technology is constantly evolving and improving - as is are the abilities of hackers to disrupt remote meetings and potentially even distort the outcome of voting.**

    a. What is available today, in terms of **remote meeting technology**, to cities and towns is generally sufficient for the conduct of remote meetings, whether all-electronic or hybrid, and those cities and towns seem to be finding those technologies and using them as they deem appropriate.

b. On the question of **remote voting**, the experts agreed that there are a number of applications and programs on the market intended to provide for secure and accurate voting. While such technologies are not normally needed for voting by boards or commissions where participants can easily self-identify, larger numbers of voters, such as with town meetings or representative town meetings (RTMs), must be able to reliably use more advanced applications with confidence. At least one town with an especially large RTM is verifying voters and conducting voting at a district level with vote totals reported to the larger group, a slower but apparently more secure approach for the RTM's voting. Towns relying on town meetings, on the other hand, do not know in advance who will vote. Given the continual and ever expanding capacity threat of hacking and deepfake technology, this is an area significant concern.

9. **The cost of adequate staffing and training for conducting remote meetings as a significant barrier.**

In contrast to the relatively affordable cost of technology, the ACIR identified the cost of adequate staffing and training for conducting remote meetings as a significant barrier. Virtually all respondents to our survey stated that electronic meetings are always better if the leader of the meeting has been provided with training on the technology being used. To some extent with all remote formats, but with hybrid meetings in particular, the need for staffing was identified as a need, not a luxury. In addition to the pre-meeting set up of hardware, it is extremely difficult for a meeting moderator to run a meeting while also monitoring and recognizing online participants without the help of a staffing aide. This is particularly the case with the problem identified by many in our survey of the "disconnection" problem – that is, the different treatment of those participating in-person and those participating remotely.

Recommendations Regarding Best Practices

The development of best practices for remote meetings is presently not within the staffing or budgetary capacity of ACIR[2]. Additionally, the six month time frame for this study did not, even if the capacity had been in place, allow for the development of best practices specific to Connecticut. In the alternative, ACIR looked to other states and sources for examples of best practices that could be adapted to provide guidance to local governments in Connecticut. Specifically, ACIR found that the following states and other sources as helpful:

- [Best-Practices-for-Engagement-During-COVID-19.pdf (slc.gov)](#) - "Guide of Best Practices for Engagement in the Time of COVID-19. Included are resources for online and traditional (but adapted) engagement."

- [Meeting Guidance | covid-19hub.govops.ca.gov](#) - Updated Guidance on Remote Public Participation in Public Meetings, California

- [The Sunshine Act and the Coronavirus (COVID-19) | Open Records in Pennsylvania (openrecordspennsylvania.com)](#)

- [https://www.mapc.org/resource-library/hybrid-engagement/](#) Metropolitan Area Planning Council (MAPC) for the greater Boston region guide for remote meetings.

- [https://hbr.org/2021/06/what-it-takes-to-run-a-great-hybrid-meeting](#) Harvard Business Review - What It Takes to Run a Great Hybrid Meeting, June 03, 2021 "eight best practices to help make your hybrid meetings more effective."

- [https://hbr.org/2020/03/what-it-takes-to-run-a-great-virtual-meeting](#) Harvard Business Review - What It Takes to Run a Great Virtual Meeting, March 05, 2020 "To make virtual meetings work, you might need to adjust how your team conducts them."

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[2] Prior to the enactment of PA21-2 in 2020 ACIR did develop as part of its Best Practices Series to assist local governments during the initial stages of the pandemic a guide for conducting meetings: ACIR Best Practices Guidelines - Meetings

- https://mrsc.org/Home/Stay-Informed/MRSC-Insight/March-2020/Tips-for-Government-Bodies-Meeting-Remotely.aspx - Tips for Government Bodies Meeting Remotely

- https://mrsc.org/Home/Stay-Informed/MRSC-Insight/April-2021/Holding-Hybrid-Public-Meetings.aspx - Looking Ahead: Holding "Hybrid" Public Meetings

- https://mrsc.org/Home/Stay-Informed/MRSC-Insight/March-2020/Tips-for-Government-Bodies-Meeting-Remotely.aspx - Tips for Government Bodies Meeting Remotely

- https://www.vlct.org/sites/default/files/documents/Resource/Remote%20Public%20Meeting%20Software%20Guidance.pdf - Remote Public Meeting Software Guidance for Vermont Municipalities

- https://www.mass.gov/guides/guidelines-for-successful-virtual-public-meetings - Commonwealth of Massachusetts - Guidelines for successful virtual public meetings

- https://extension.unh.edu/resource/tips-and-tools-virtual-meetings - University of New Hampshire - Tips and Tools for Virtual Meetings

- https://c4lg.org/wp-content/uploads/2020/09/CLG-Guide-to-Online-Public-Meetings.pdf - Ohio Center for Local Government - Guide to Virtual Meetings

- https://dbr.ri.gov/documents/ZoomBestPractices.pdf - State Of Rhode Island Holding Public Meetings Via Video Conference Best Practices, Reference Guide & Implementation Plan For Zoom Enterprise Licenses

- https://nj.gov/dca/divisions/dlgs/pdf/GovConnectNotice-NewRemotePublicMeetingsGuidance.pdf - State of New Jersey, Division of Local Government Services - Guidance for remote Public Meetings

- https://www.nhmunicipal.org/town-city-article/virtual-town-meetings-are-more-efficient-and-increase-participation - Virtual Town Meetings are More Efficient and Increase Participation, New Hampshire Municipal Association

- https://www.lgc.org/virtualengagement/ - Virtual Engagement Tools and Best Practices - Local Government Commission, Sacramento, California

- https://www.americanbar.org/groups/diversity/disabilityrights/resources/covid-resources/virtual-meetings-checklist/ - American Bar Association, Virtual Meetings: Accessibility Checklist & Best Practices

- https://it.wisc.edu/learn/guides/inclusive-hybrid-meetings/ - How To Host Inclusive Hybrid Meetings

Funding Sources to Promote Electronic Meetings

The Act requires ACIR to identify and suggest funding sources that would encourage the continued and expanded use of electronic meeting formats if the legislature decided to continue authorizing them in statute. To do this, the ACIR first identified those areas that would require additional expense to towns and boards in conducting remote meetings. In its survey and discussions, ACIR eventually determined that the primary increased cost elements for conducting electronic or hybrid meetings are: **technology, training and staffing**.

On the assumption that the technology that allows for remote meetings is not cost-prohibitive, we are left with the question of how best to provide funding for staffing and training necessary for the effective use of remote meeting formats. ACIR recognizes that local funds for such costs are one option, and dedicated state and federal funding (i.e.: Local Capital Improvement Program, CARES Act and American Rescue Plan Act) is another. However, the ACIR recommends a different solution.

In the same Act that commissioned this study, the General Assembly authorized a redirection of funds from the hotel and car rental tax that had previously been set aside for the Regional Performance Incentive Grant ("RPIP"), to

a new initiative that subsidizes the initial costs of centralizing services on a regional basis through the Councils of Government ("COGs")and the Regional Education Services Centers ("RESCs"). Informally known as RPIP 2.0, the COGs and RESCs with the support of their member towns and boards of education, respectively, can now apply for funding to supply services that would otherwise be incurred individually by their members at higher cost or with a lesser level of service.

Training and staffing for the conduct of remote meetings would be an eligible cost under RPIP 2.0. Regionally, the COGs and RESCs can provide both training and staffing services to their constituent members using the RPIP grant as an initial subsidy which would recede over three years, after which time they would be expected to fund those services through the COG or RESC without state subsidy.

This approach could also be applied to the issue of providing access to remote participants. As part of their program, the COGs and RESCs could establish computer loaner programs where residents without computers may borrow the hardware necessary to participate remotely in public meetings.

Though the traditional sources of funding are always an option, they are both fleeting and a burden to taxpayers. Utilizing the RPIP 2.0 funds can help get towns over the initial hurdles towards a more permanent solution for ensuring that remote meetings are adequately staffed and and minimizes the burden on in-state taxpayers for such costs.

Conclusion

ACIR believes that this study satisfies the legislatures intent when it assigned the task of reviewing the issues that surround the future of remote meetings at the local level and specifically the authority granted them through April 30, 2022. Based on the work conducted, **ACIR recommends that remote-participation meetings be continued and that the current sunset date be removed.** The outstanding issues identified by ACIR should be addressed to ensure the success of the remote meeting going forward. Because the ACIR is already dedicated to imagining and facilitating the Local Government of the Future through our LGF Initiative, we appreciate this opportunity to provide guidance to the legislature as to how one aspect of that future may unfold, successfully.

One final note: the opportunity to fully participate in meetings held remotely can increase participation by people with disabilities, people with elder or child care responsibilities, people who have transportation limitations, or people who for any reason are less likely to attend a meeting in person. Some towns, furthermore, are experiencing much more participation by nonresident property owners than they had experienced previously when meetings were only held in-person. No one can predict all outcomes of remote meetings or of other changes accelerated by the COVID pandemic, but remote meetings might be a step towards achieving Theodore Roosevelt's request at the first annual Conference on Good City Government for people to be actors, and not merely critics of others.

Appendix A

Section 154 of Public Act 21-2

The **Connecticut Advisory Commission on Intergovernmental Relations** established pursuant to section 2-79a of the general statutes, **shall, in consultation with the Freedom of Information Commission** established pursuant to section 1- 205 of the general statutes, **the Connecticut Association of Municipal Attorneys** and **the Chief Information Officer** or the Chief Information Officer's designee, **conduct a study concerning the implementation of the provisions of section 149** of this act, **and the feasibility of remote participation and voting during meetings, including remote voting using electronic equipment such as conference call, videoconference or other technology**. Not later than February 1, 2022, the commission shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to government administration and planning and development. Such **report shall include, but need not be limited to, (1) findings, including any challenges encountered, (2) recommendations concerning best practices for the implementation of said provisions, (3) an analysis of the feasibility of remote participation and voting during meetings using electronic equipment such as conference call, videoconference or other technology, and (4) the identification of funding sources for the implementation of remote participation and voting during meetings using such electronic equipment**.

(Emphasis added)

Appendix B

Section 149 of Public Act 21-2

Sec. 149. (Effective July 1, 2021) (a) As used in this section, "public agency", "meeting", "executive session", "electronic equipment" and "electronic transmission" have the same meanings as provided in section 1-200 of the general statutes. On and after the effective date of this section until April 30, 2022, a public agency may hold a public meeting that is accessible to the public by means of electronic equipment or by means of electronic equipment in conjunction with an in-person meeting, in accordance with the provisions of this section. Not less than forty-eight hours before any public agency, except for the General Assembly, conducts a regular meeting by means of electronic equipment, such agency shall provide direct notification in writing or by electronic transmission to each member of the public agency and post a notice that such agency intends to conduct the meeting solely or in part by means of electronic equipment (1) in the agency's regular office or place of business, (2) in the office and on the Internet web site of the Secretary of the State for any such public agency of the state or quasi- public agency, in the office of the clerk of such subdivision for any public agency of a political subdivision of the state that is not a quasi- public agency, or in the office of the clerk of each municipal member of any multitown district or agency, and (3) if the agency has an Internet web site, on such Internet web site. Not less than twenty-four hours prior to any such meeting, such agency shall post the agenda for any such meeting in the same manner as the notice of the meeting in accordance with subdivisions (1) to (3), inclusive, of this subsection. Such notice and agenda shall include instructions for the public, to attend and provide comment or otherwise participate in the meeting, by means of electronic equipment or in person, as applicable and permitted by law. Any such notice and agenda shall be posted in accordance with the provisions of section 1-225 of the general statutes.

(b) Any public agency that conducts a meeting, other than an executive session or special meeting, as described in this section, solely by means of electronic equipment, shall (1) provide any member of the public (A) upon a written request submitted not less than twenty-four hours prior to such meeting, with a physical location and any electronic equipment necessary to attend such meeting in real-time, and (B) the same opportunities to provide comment or testimony and otherwise participate in such meeting that such member of the public would be accorded if such meeting were held in person, except that a public agency is not required to adjourn or postpone a meeting if a member of the public loses the ability to participate because of an interruption, failure or degradation of such person's connection to the meeting by electronic equipment; (2) ensure that such meeting is recorded or transcribed, excluding any portion of the meeting that is an executive session, and such transcription or recording is posted on the agency's Internet web site and made available to the public to view, listen to and copy in the agency's office or regular place of business not later than seven days after the meeting and for not less than forty-five days thereafter; and (3) if a quorum of the members of a public agency attend a meeting by means of electronic equipment from the same physical location, permit members of the public to attend such meeting in such physical location. Any public agency that conducts a meeting shall provide members of the public agency the opportunity to participate by means of electronic equipment, except that a public agency is not required to adjourn or postpone a meeting if a member loses the ability to participate because of an interruption, failure or degradation of that member's connection by electronic equipment, unless the member's participation is necessary to form a quorum.

(c) Any public agency other than the General Assembly that conducts a special meeting shall include in the notice of such meeting whether the meeting will be conducted solely or in part by means of electronic equipment and, not less than twenty-four hours prior to such meeting, shall post such notice and an agenda of the meeting in accordance with the provisions of subsection (d) of section 1-225 of the general statutes. If such special meeting is to be conducted by means of electronic equipment, such notice and agenda shall include instructions for the public, by means of electronic equipment or in person, to attend and provide comment or otherwise participate in the meeting, as applicable and permitted by law.

(d) Any vote taken at a meeting during which any member participates by means of electronic equipment shall be taken by roll call, unless the vote is unanimous. The minutes of the meeting shall record a list of members that attended such meeting in person and a list of members that attended such meeting by means of electronic equipment.

(e) Any member of a public agency or the public who participates orally in a meeting of a public agency conducted by means of electronic equipment shall make a good faith effort to state such member's name and title, if applicable, at the outset of each occasion that such member participates orally during an uninterrupted dialogue or series of questions and answers.

(f) Whenever a meeting being conducted by means of electronic equipment is interrupted by the failure, disconnection or, in the chairperson's determination, unacceptable degradation of the electronic means of conducting a meeting, or if a member necessary to form a quorum loses the ability to participate because of the interruption, failure or degradation of such member's connection by electronic equipment, the public agency may, not less than thirty minutes and not more than two hours from the time of the interruption or the chairperson's determination, resume the meeting (1) in person, if a quorum is present in person, or (2) if a quorum is restored by means of electronic equipment, solely or in part by such electronic equipment. In each case of resumption of such meeting, electronic access shall be restored to the public if such capability has been restored. The public agency shall, if practicable, post a notification on its Internet web site and inform attendees by electronic transmission of the expected time of resumption or of the adjournment or postponement of the meeting, as applicable, and may announce at the beginning of any meeting what preplanned procedures are in place for resumption of a meeting in the event of an interruption as described in this subsection.

(g) Nothing in this section shall be construed to require a public agency to offer members of the public who attend a meeting by means of electronic equipment the opportunity for public comment, testimony or other participation if the provision of such opportunity is not required by law for members of the public who attend such a meeting in person.

Appendix C
ACIR Survey Questions

CT ACIR Study of Electronic and Hybrid Public Meetings

The state of CT has authorized local boards and commissions to hold meetings either in-person, electronically, or through a hybrid combination of the two. That authorization expires April 30, 2022.

The CT Advisory Commission on Intergovernmental Relations (ACIR) has been directed to study such meetings and make recommendations for the future in a report to be submitted to the state legislature in early 2022. The legislature will consider legislation to enact permanent rules for such meetings during the 2022 session.

To begin our study, ACIR is asking the public to weigh in with their advice and experience regarding electronic and hybrid meetings by answering some survey questions.

1.   What is your affiliation? (check all that apply)

Check all that apply.

☐ Member of the public

☐ Local government (elected, appointed, or employee)

☐ Local or regional education (board member or employee)

☐ Local organization

☐ Regional, state, or national organization

☐ State government (elected, appointed, or employee)

Other: ☐ _____

2.   What is your affiliation? (check all that apply)

Check all that apply.

☐ Member of the public

☐ Local government (elected, appointed, or employee)

☐ Local or regional education (board member or employee)

☐ Local organization

☐ Regional, state, or national organization

☐ State government (elected, appointed, or employee)

Other: ☐ _____

3. How have you participated in an electronic or hybrid public meeting? (Please check all that apply)

    Check all that apply.

    ☐ I have not attended an electronic or hybrid public meeting

    ☐ I attended as a member of the public

    ☐ I chaired an electronic or hybrid public meeting

    ☐ I participated as a member of the public agency or organization holding the meeting

    ☐ I had business on the agenda of the meeting

    Other: ☐ _____

4. If you have attended an electronic public meeting, please list any problems you experienced with that kind of meeting:

    _____

    _____

    _____

    _____

    _____

5. If you have attended a hybrid public meeting, please list any problems you experienced with that kind of meeting:

    _____

    _____

    _____

    _____

    _____

6. If you have attended an electronic public meeting, please list any procedural or technological measures that you feel made the meeting more effective or could have:

    _____

    _____

    _____

    _____

    _____

7. If you have attended a hybrid public meeting, please list any procedural or technological measures that you feel made the meeting more effective or could have:

    _____

    _____

    _____

    _____

    _____

8. Please list the the most important issues you think the state and municipalities should consider in adopting procedures for electronic or hybrid public meetings:

    _____

    _____

    _____

    _____

    _____

9.   Please list any other comments or suggestions that might help the state in its review
      of electronic and hybrid public meetings:

      _____

      _____

      _____

      _____

      _____

10.   Name (not required)

      _____

11.   Email (not required, but enables us to ask any follow up questions and to send you
      the results)

      _____

Appendix D
Summary of ACIR Survey Results

Threshold Question – Should We Keep Electronic Meetings in Some Form?

The overwhelming response to this question is Yes.

- Of the responses received that indicated any preference, 90.4% indicated that some form of remote access should continue to be the norm, versus 9.6% expressly voicing opposition to remote meetings in favor of going back to in-person meetings.

- Of those wanting to continue remote meeting options, 35.5% expressly stated a preference for continuing hybrid meetings, and only 3.6% stated a preference for "either/or" – that is, either all remote or all in-person.

- Though the question was not directly asked in the survey, there was overwhelming support for not mandating a specific design of electronic meetings, but rather allow municipalities to hold electronic meetings and determine which type of meeting to use under which circumstances.

- When asked what problems were faced with either all-remote or hybrid meetings, a relatively high percentage of respondents (21.5% and 14.2%, respectively) indicated that there were few if any problems with holding either form of electronic meeting.

**Problems Identified With Remote-Only Format**
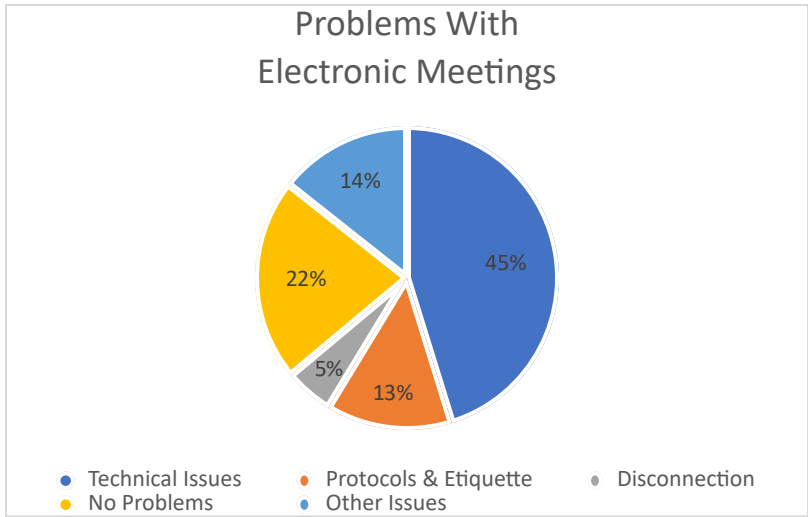
In response to the question regarding the remote-only format:

- Respondents overwhelmingly cited technical issues, such as poor connectivity, as the greatest obstacle that these meetings faced.

- However, a significant percentage felt that those technical problems have largely been resolved over time.

- Establishing standard protocols and online etiquette, including muting and maintaining "camera-on" policies for commission members was identified as a significant need

- The lack of an in-person connection – not being able to see reactions and read the room - was identified by many as a problem

Problems Identified With Hybrid Format
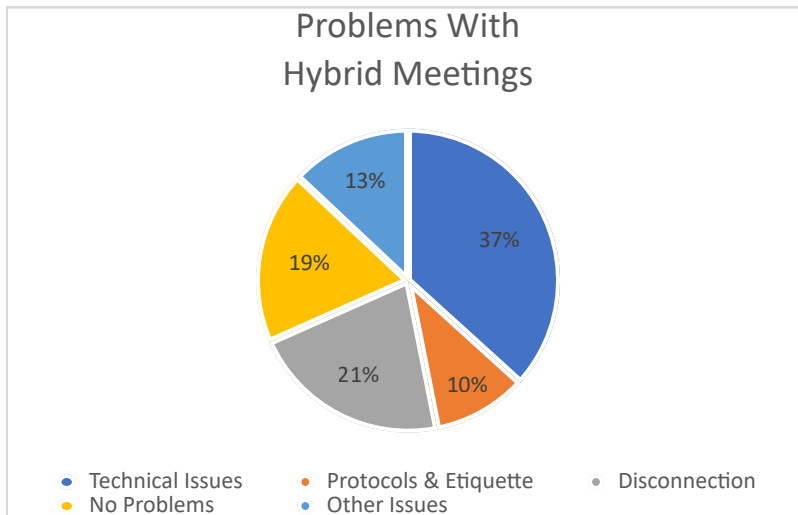
Hybrid meetings drew responses similar to remote-only meetings:

- Like remote-only meetings, respondents named technical problems as the single biggest issue to overcome.

- Also like remote meetings, a significant number felt there were no problems that haven't already been overcome in the hybrid format

- The major difference in responses for hybrid versus remote-only meetings was the "disconnection" problem – particularly with the disparate treatment of in-person and remote attendees.

Recommendations for Remote-Only and Hybrid Meetings

Recommendations for Electronic Meetings

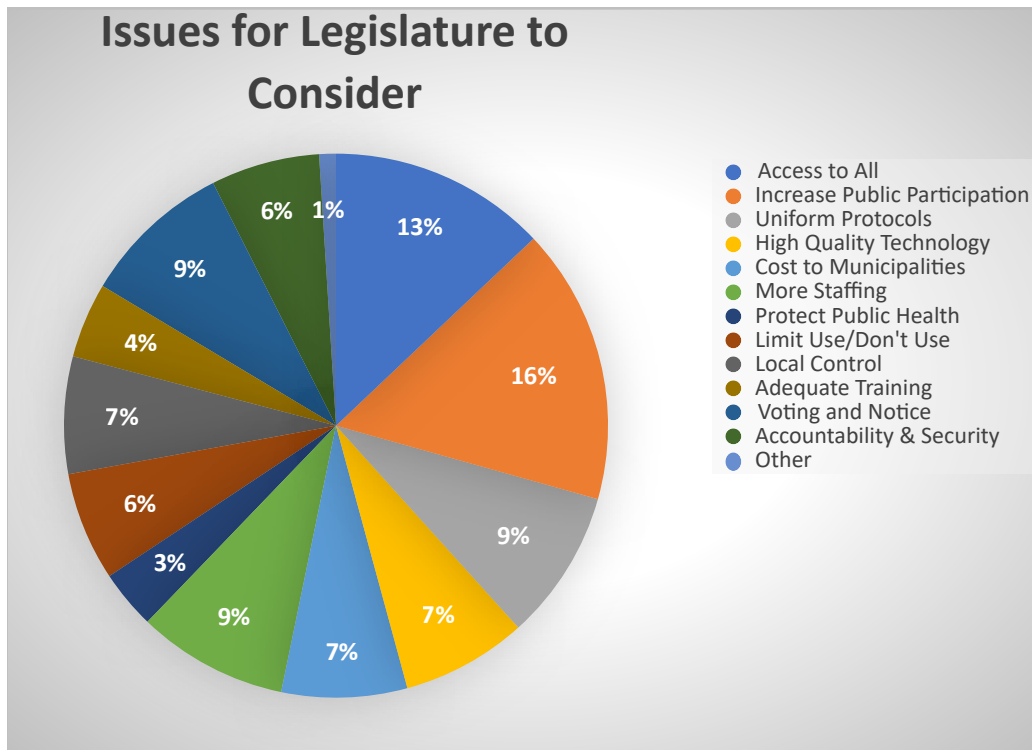## Recommendations for Hybrid Meetings
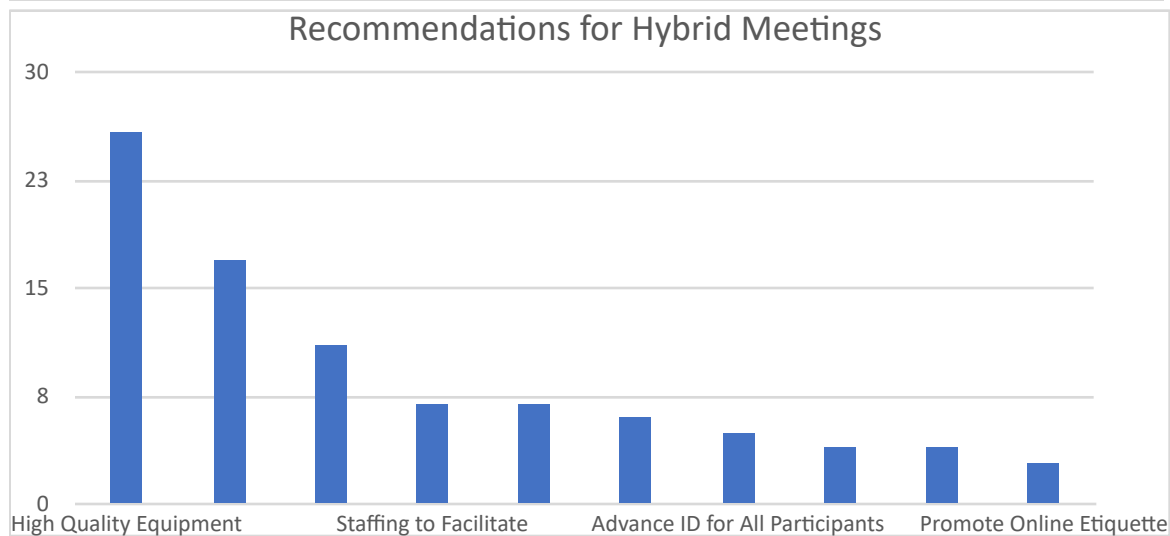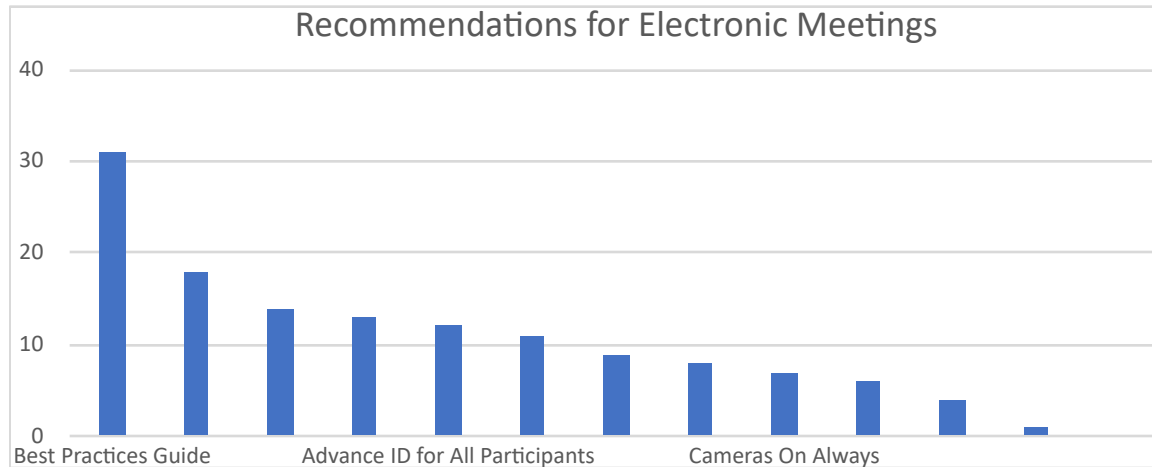
As to comments regarding what makes each meeting format beneficial, or could make them better, respondents identified:

- The need for a standard, best practices guide for holding meetings

- Training on using the technology for those who are running meetings

- Availability of high-quality equipment

- Availability of staffing to help set up and monitor the meetings

- Resolution and guidance on legal issues involving notice, voting and executive sessions.

The major distinguishing recommendation between the two formats is the problem of disparate treatment of in-person and online participants in the hybrid format.

Major Issues for Legislature to Address

Regarding the respondents' recommendations for the legislature to consider in addressing the future of remote and hybrid meetings, the largest percentage of comments focused on the need to continue to offer these options to the public as a means of increasing participation in local government, and to provide access to those for whom in-person attendance and participation is difficult or impossible.

Beyond their endorsement of the availability of either meeting format, respondents also cited the need to avoid uniform mandates that require remote or hybrid meetings in every town, as well as mandates on where and when to provide them. While the need for a uniform set of protocols for running meetings and legal guidance regarding notice requirements and voting, respondents clearly indicated that with those guidelines, they should be allowed to determine their own application of those options.

What is also clear is that the respondents believe the future of remote and/or hybrid meetings depends heavily on the availability of the resources necessary to conduct them. This includes high-quality hardware, software and connectivity (particularly for hybrid meetings), ample training for those expected to run these meetings, and adequate staffing resources to setup and monitor them. Without financial support from the state, all of these will cost municipalities significantly, so to be successfully implemented and sustained a financial support plan will need to be established.

Conclusions

Overall, the responses received cited issues and recommendations for improvement that generally fall into the following categories:

1.	Technology – the need for high-quality hardware and software solutions, as well as better connectivity to ensure these meetings run smoothly.

2.	Best Practices – guides and training for conducting meetings and promoting online etiquette among participants

3.	Legal Issues – separate from the conduct of the meetings themselves, a set of legal guidelines that address issues such as notice requirements, ex parte conversations among members, executive sessions, and in particular, secure and accurate voting protocols

4.	Funding – providing local bodies with financial support necessary to secure the best technology as well as the staffing to set up and facilitate meetings

As to general observations and statements, respondents seemed to agree on the following:

1..	No Going Back – The continuation of some form of online meeting structure is now an essential tool for promoting a) the public's participation in their local government, b) access for those who otherwise would not be physically able to join in-person meetings, and c) protecting public health. Even those who expressed a preference for returning to in-person only meetings made exceptions for emergencies or other exigent circumstances.

2.	Local Option Only – Respondents overwhelmingly supported the concept of allowing towns to decide for themselves how and when to offer remote options at their local meetings. Almost no one expressed support for mandating remote options in general, and for dictating when such formats should and should not be utilized.

3.	Remote-Only versus Hybrid – Generally, there was no consensus that one form of remote meeting is better than the other. Some expressed the opinion that the only option should be between all-remote or in person, with no option for hybrid meetings, but those sentiments seemed to be based more on technology limitations or inexperience with the format. The major obstacle identified by respondents with hybrid meetings is the potential for treating in-person attendees differently than online participants, with the former having an advantage over the latter.