

Local Government of the Future Subcommittee Advisory Commission on Intergovernmental Relations

Tuesday, January 25, 2022

Note: This document is ACIR staff notes written during this subcommittee meeting. It is a public document and has been provided to meeting participants for their review and revised in accordance with any comments received but is not approved minutes of the meeting.

The agenda is available at:

<https://egov.ct.gov/PMC/Agenda/Download/13597>

The audio recording is available at:

https://portal.ct.gov/-/media/ACIR/Meetings/2022/2022-01-25_ACIR_LGF_Audio.mp3

ACIR Members present: Kyle Abercrombie, Steve Cassano, John Filchak, Martin Heft, Jim O’Leary, Francis Pickering, Brendan Sharkey (Chair), Lyle Wray (Vice-Chair)

Other participants: Aamina Ahmed, Amy LiVolsi, Connor Martin, Patrice McCarthy, Sheila McKay, Steve Mednick, Brian O’Connor, Kari Olson, Paula Pearlman, Rich Roberts, Mark Sommaruga, Margaret Wirtenberg

ACIR staff: Bruce Wittchen

1. Call to order

Commission chair Sharkey called the meeting to order at 10:34, outlined remote meeting procedures, and said the purpose of the meeting is to review the draft report of the study assigned to the ACIR in Sec. 154 of [June Special Session Public Act 21-2](#) (JSS PA 21-2).

2. Review of [11/23/2021 meeting notes](#)

There were no comments.

3. Study of remote meeting access/voting required by Sec. 154 of [JSS PA 21-2](#)

Commission chair Sharkey outlined the ACIR’s assignment for the study and the current authorization for electronic meetings in Sec. 149 of JSS PA 21-2. He noted that the report is due Feb. 1 but he will ask the committee chairs if a draft of the report can be submitted by then to allow the full ACIR to formally approve it on Feb. 4 and the final report be submitted then. There was general agreement with that approach and Commission member Heft recommended that the draft be submitted as an “interim” report to be followed by the “final” report.

Commission chair Sharkey showed the current draft of the report on his screen and explained its preparation. Margaret Wirtenberg and Atty Kari Olson said it is very good and Atty Olson added that she had noted some typos and will send a list. She also agreed with the report’s inclusion of a discussion of funding. Commission member Pickering agreed with the favorable opinions of others and said the report addresses disability but should also mention that remote meetings improve accessibility for people whose family needs or transportation limitations prevent participation.

Commission member Pickering also noted that some towns are experiencing vastly more participation by nonresident property owners. He said that point does not need to be included in the report but

should be monitored. Commission chair Sharkey noted that nonresident property owners are especially significant in Litchfield County and in beach communities and noted the survey results regarding improved opportunities to participate in meetings.

Atty Mark Sommaruga said he is pleased that the report recommends against an overly-prescriptive approach and mentioned document posting expectations. He added that the \$64,000 question will be about how to handle town meeting voting. Commission chair Sharkey mentioned a call about technology that he had described at this month's meeting of the full ACIR. He said it had included Doug Casey of the [CT Commission for Educational Technology](#), himself, and ACIR members Filchak, Seidman, and Wray. Technology is constantly changing and numerous apps are available for remote meetings and voting, but votes with a large number of voters are a challenge, such for a representative town meeting (RTM) having hundreds of people. Technology can make it happen and towns can figure out how to do it.

Atty Aamina Ahmed said it is a fantastic report, especially the best practices section and the recommendation to give municipalities discretion. She said Greenwich, the town she works for, figured out a solution to RTM voting, which she explained is handled by breaking electronic voting down to a district level. Commission chair Sharkey asked if town is comfortable with the security and technology of the town's remote RTM voting and Atty Ahmed said the town is, but noted that it takes longer because of the additional time to report back to the full RTM from the smaller groups where votes were tallied.

Atty Rich Roberts agreed that the report was well done and said he wanted to make some quick points. First, voting technology is good for an RTM, but voters at traditional town meetings are not known in advance. He does not believe fully remote or hybrid meeting approaches are ready for prime time for those town meetings. The state should take a permissive approach with electronic meetings and he said Some towns are not ready to use such technology for every board or commission.

Atty Roberts also said the legislative allowance for such meetings expires on April 30, which is a bad time. The legislature should provide enough time to adapt and push it out to 6/30 or 10/1. Some towns are not yet aware of current requirements. Commission chair Sharkey said Commission member Cassano and his [Planning & Development Committee](#) co-chair Rep. McCarthy-Vahey should hear that. Commission member Cassano said the committee discussed these issues yesterday and pointed out the question of who speaks first at a hybrid meeting: the person attending in-person or the person attending remotely? We are only at the beginning.

Commission chair Sharkey pointed out relevant results from the survey, that 25% reported a concern about people attending in-person and those attending remotely being treated differently. He said someone should monitor to ensure remote attendees are recognized. He said people attending remotely are not involved with what is going on in the room and noted that there can be other conversations. He does not have a solution but it is a concern. He noted that this can lead to a preference for either a fully in-person or fully remote meeting, not a hybrid.

Commission member Filchak recommended that this be a full or sub-finding and Commission chair Sharkey said they can work on it. Margaret Wirtenberg said she attends a lot of meetings and if people want to participate, they should be there. Commission member Cassano said if he still was mayor he might have separate in-person and remote meetings. Commission member Filchak noted that he can see the body language of people attending in-person when he holds a hybrid meeting. He suggested that meeting guidance be developed so meetings can be as inclusive as possible. He said it is harder to gauge people who are participating remotely, especially when they cannot be seen onscreen.

Commission vice-chair Wray suggested that as a follow-up a checklist should be developed with considerations for choosing and running different types of meetings. CCM and COST would be good partners for that. Commission member O'Leary said he is not aware of a huge backlash against these meetings. People are finding the technology to be useful and it provides flexibility. When things settle

out it will be possible to weigh in and correct abuses. He said municipalities are doing a good job and noted that the pre-existing system of meetings and voting had been honed across decades. Commission chair Sharkey noted that Atty Roberts had written in the chat that hybrid meetings are the worst.

Atty Steve Mednick said the dynamic of meetings has changed – it is not possible to look people in the eye with an electronic meeting. He said meetings have been operating well and leave the dynamics to local governments. He said everyone must be able to hear what is said at meetings and recommended leaving other details to the towns. Atty Mednick noted that experts can be brought to a meeting without the expense of flying them in.

Commission member Filchak said he agrees with Commission vice-chair Wray's suggestion to develop best practice guidance. People can make mistakes but provide guidance, not requirements. Commission chair Sharkey said we can figure that out. He mentioned the suggestion to use [Regional Performance Incentive Program](#) (RPIP) funding which, as revised last year to be RPIP 2.0, might enable [regional councils of governments](#) (COGs) and [regional educational service centers](#) (RESCs) to support municipalities and school districts in fulfilling electronic meeting needs.

Commission chair Sharkey noted that the recommendation regarding the possible use of RPIP funds did not come from the survey but is a creative approach that works with existing funding and regional resources. He asked if there were any objections to including it. Commission vice chair Wray said it is a good idea and pointed out that CCM's and COST's training work would complement the recommended role for COGs and RESCs. There was further discussion of the concept and CCM's Brian O'Connor said it can help educate its members.

Commission chair Sharkey noted the possibility of shared staffing to handle hybrid meetings. Staffing requires funding and RPIP 2.0 is a possible source for placing staff at such meetings. Commission member Pickering said there is a nexus with meeting preparation and pointed out the challenges of document management systems. Some municipalities do well; some do not. Atty Olson said the cost factor is critical, especially for smaller boards and commissions. Addressing this requires sustainable funding.

Commission chair Sharkey said the premise of using RPIP 2.0 is that COGs or RESCs would offer the service, initially with a 25% local match to get it off the ground, and then towns would pick up the cost. The service would be facilitated regionally and costs disseminated among the participating towns. Commission member Filchak said shared staff would be the only way for small towns to handle this.

Commission member Cassano said the state's 169 towns find ways to do things without collapse and let them figure this out. Commission chair Sharkey explained that the ACIR was directed to also report on potential funding and this approach to the use of RPIP 2.0 is that source. Commission member Cassano said towns find ways to do things, noting that some towns solve their need to record meetings with old tape recorders. Commission chair Sharkey said staffing support may be especially important in enabling hybrid meetings. The report recommends relying on COGs.

Atty Mednick pointed out that some people are trying to rely on just a meeting recording to satisfy the [Freedom of Information Act](#) (FOIA) requirement to provide meeting minutes, but that is not allowed. He noted that recordings can be destroyed after six months. Commission chair Sharkey recommended an additional paragraph be added to the legal issues section of the report regarding the requirement for written minutes. Commission member Pickering said minutes provide an easy overview of what was done at a meeting and pointed out that a computer-generated transcript can replace minutes. Commission member O'Leary said school students are technically savvy and might provide the needed technical assistance.

Commission chair Sharkey reminded everyone of the schedule for submitting the interim and final reports and invited emailed comments.

4. Adjourn

The meeting was adjourned at 11:45.

Notes prepared by Bruce Wittchen, OPM