



**Testimony**  
**Betsy Gara**  
**Executive Director**  
**Connecticut Council of Small Towns**  
**Before the Government Administration & Elections Committee**  
**March 4, 2024**

**RE: HB-5315 - AN ACT CONCERNING MEMBER PARTICIPATION DURING REMOTE AND HYBRID MUNICIPAL PUBLIC AGENCY MEETINGS UNDER THE FREEDOM OF INFORMATION ACT.**

Although the Connecticut Council of Small Towns (COST) supports the intent of the bill to provide greater transparency during remote and hybrid municipal meetings, we have concerns with the bill, as drafted.

HB-5315 requires members participating in a municipal public agency meeting by means of electronic equipment to be visible when debating or voting, with certain exceptions.

During a challenging public health emergency, the use of electronic equipment to hold remote or hybrid remote/in-person meetings and public hearings allowed towns to adopt budgets, address critical fiscal matters, act on land use issues, and perform a wide range of municipal functions necessary to deliver critical services. In addition, towns have noted that the use of electronic equipment has allowed more citizens to participate in meetings, become engaged in municipal government, and make their voices heard.

Municipalities have become comfortable holding remote and hybrid meetings under the provisions currently in place. Although it is certainly a best practice to require individuals speaking or voting on matters a municipal meeting to be visible, we are concerned that the bill may create some confusion, leaving municipalities vulnerable to complaints that meetings were not held in accordance with the Freedom of Information Act.

Under existing law, municipalities and other public agencies may hold remote publicly accessible meetings using electronic equipment, including telephone, video, and other conferencing platforms, or hold hybrid meetings using such electronic equipment combined with in-person meetings.

By requiring members of certain municipal bodies to be visible while speaking or voting, the bill appears to prohibit members from participating solely by telephone. However, the bill includes a caveat in lines 84-85, providing that members shall “to the extent practicable” be visible when speaking or voting. It also provides in lines 89-91, that a member may participate without being visible if there is “...a lack of adequate Internet access or electronic equipment capable of providing a video connection , or similar technical issues.”

This language invites confusion as to participation in a meeting by telephone or otherwise not being visible, which may raise questions as to the validity of votes taken and any corresponding



resulting from such votes when one or more members are using a telephone or otherwise not visible.

In addition, as drafted, the bill includes any “legislative body”. However, in many small towns, the legislative body is the town meeting. Although it does not appear that many towns are holding remote town meetings, some may continue to allow residents and property taxpayers to participate remotely, and such participants are considered members of the legislative body. Applying this requirement to individuals speaking via telephone at a town meeting may undermine opportunities for the public to participate, resulting in less transparency not more.

Given these concerns, COST opposes the bill, as drafted.