

Using Technology to Hold Effective Meetings

Q & A

QUESTIONS & CONCERNS

EO 20-05:

- **Has the need for certified mailing to abutters under the Open Meetings Act been removed by EO 20-05? This requires signatures at PO.**
 - *EO 20-05 only suspends the portion of OMA that applies to remote participation, not notice to abutters. Waiving that requirement would require an additional EO.*
- **You mentioned that the Governor had extended EO 20-05. Can you provide a reference? Asked the question because I had also heard that but I reviewed the executive orders and none of the recent extensions mention the OMA.**
 - *Here is news account of the extension of the OMA until May 8th.*
<https://www.eastbayri.com/stories/business-closures-dine-in-ban-extended-to-april-13-78790>
 - *Follow up with the Governor's office indicates they will extend it when the current EO expires on April 15th.*
- **Why isn't the AG's office on this...? So if the AG's legal rep' isn't on this discussion to answer questions, how can municipal officers know how to proceed and what is legal and compliant?**
 - *The answer is you need to rely on your solicitors. We don't have all the answers but that's what you pay us for...*
 - *The AG will take requests from solicitors for advisory opinions on matters of law. I think it would be very helpful if a Planning Board requests an advisory opinion on the tolling question.*
 - *Follow up indicates that the APA RI will request an EO suspending the deadlines.*

General Tech/Process:

- **Do you recommend shortening the agenda to only essential items? I can see a long meeting agenda being extremely longer with the remote and the mute/unmute**
 - *The executive order only allows remote participation for "essential purpose" so agendas shouldn't be too long.*
- **Can a public hearing be declared flawed if a resident claims after a decision is made they couldn't get in, for whatever reason?**
 - *We are not able to provide legal advice. It would seem analogous to physically locking the door of a public meeting which has been found to violate the OMA.*
- **What about transcription for the hard of hearing or other ADA requirements?**

- Automated transcriptions will be more accurate with very good for video, not telephone access. Telephone call transcription by Google Voice works well enough to get the idea of a voicemail, but sometimes I listen to the audio to confirm.
- Will contact the Governor's Commission on Disabilities for more answers.
- **State statute requires certain meetings to have a stenographer present to record proceedings - that seems impractical with a telemeeting. Is there any guidance on that?**
 - None at this time. This is a good question for the Attorney General.
- **Do we have to monitor all chats as they come in and acknowledge?**
 - It is recommended to leave off chat functionality except for those facilitating the meeting unless there is some reason it is needed by participants. Especially elected officials should not be communicating on the side during a public meeting.
- **Are there private meeting mediators that can be hired to effectively manage the public meeting?**
 - Not that we are aware.
- **Until we get up to speed, can Facebook live work with viewers being able to send in live questions?**
 - If you have a FB page that is public, you don't have to "register"
 - You can [embed a Zoom meeting directly into a Facebook page](#) so people can observe, and also post the call number on the page.
- **In-person meetings have managed "public comment" session where the chair announces "now is time you can raise your hand" followed by the chair selecting attendees from the participant panel to unmute, ask for name, etc. Being also required to acknowledge every chat post and email throughout the meeting is a new burden we may want to avoid.**
 - The EO requires the public body to provide public access if required by law. If you normally take public comment, people should be able to participate in a remote meeting as well.
- **Given our internet speeds, we cannot do a video Zoom meeting and plan to have a phone conference call tomorrow. A sheet/review of phone conference meetings would be key – for example, how to “raise our hands”?**
 - Identification of all participants would need to be done ahead of the start of the meeting, including what order they will speak in. This will require a lot of preparation ahead of the meeting, but it is necessary to facilitate a meeting that flows well.
- **The concern I have is the assumption that the public has some form of technology. Some public officials, such as myself, do not have a computer with a camera.** I cannot even download the Zoom software without having someone from IT granting me permission. I also do not have a town laptop. My Planning Board members do not have town laptops. Even if we did have the technology, we do not have the personnel to run the Zoom meetings nor the budget to hire a person. As I thought about the concept of virtual public meetings, I ask myself, **“can my mother fully participate in this public meeting – she is 76 with no computer skills, just an old iPad and slow internet).** The answer is no, she would not be able to participate in this public meeting. I feel that this is a great tool for meeting in the future but offers little to no benefits to the older population that currently live in RI.

- **A teleconference line is the bare minimum required for a citizen/resident to be able to participate in the meeting.** If a regular telephone is not accessible by someone looking to participate, the town may want to see how they might want to accommodate such individuals. I don't believe the executive order requires anything further as I believe the assumption is that all people should have access to a telephone for some type of participation.
- **You may decide to meet solely by teleconference if that is all that works with your budget and capabilities.** While I believe the loss of the visual of the members makes the meeting more challenging, it is manageable and commonly done. What seems most important is that **even if you have a dial-in, you still need to know who is on that line and that you can record that meeting** — those are options that are often managed on a web-based panel that someone needs to access. You risk the secrecy of the executive session or losing control if someone disrupts the meeting and they don't stop after requests to do so. While you may not have a bunch of tech people to help during the meeting, even for a teleconference you do have to make sure you understand those meeting aspects because they will arise at some point.
- **In many areas, municipalities are starting with teleconferences and getting comfortable with having a remote meeting before more technology and access is provided.** That is understandable as it is a learning process for all. Everyone does need to be patient while everyone is learning.
- **A computer with a camera is not required to participate.** I suggest if you have a **tablet or mobile phone, both the cam or mic can be used there for the meeting** assuming that either of those are available. I have participated in Zoom meetings using both a table and a phone and found it to be manageable for my purposes.
- **Suggestion that members and the city staff have this technology for an electronic meeting doesn't mean that your 76-year old mother needs any of these same tools to participate.** If she has a telephone, there still should always be that dial-in provided and that's all she'd need. If she has access to more, that is wonderful.
- **I believe the APA Rhode Island chapter has a call on Friday to discuss the tolling issue and that's going to be proposed to the governor.** Your feedback is really helpful because I think online participation will become the new norm after the pandemic has passed, but we need to be sensitive that all public bodies are not the same and that for some such as planning boards we need to be careful about how we implement change.

Zoom Specific:

- **What would be ideal staffing to manage a meeting by zoom. I see it as a minimum of 3? Can you provide more guidance on that?**
 - *In an ideal world, with no limitations, at least three staff would be ideal - one host/facilitator, one tech/audio person, one person monitoring the chat/participant panel*
- **How did you set up the Registration form that we used to enter the meeting today?**
 - [Zoom Registration for Meetings](#)

- **How do you change the background? How are you using the controlled backdrop?**
 - [Zoom Virtual Backgrounds](#)
- **How do you invite the public to attend?**
 - [Zoom meeting invitation](#)
- **If the town typically uses Granicus to stream their council meetings is there a known way to integrate Zoom and Granicus?**
 - *Unknown*
- **Do you know is there a way to lock the gallery to keep the Board members/solicitor/staff always showing on the main screen**
 - [Zoom Gallery View options](#)
- **Where is the PAUSE function? Is it only visible if you are the host?**
 - *There is a pause button associated with the control panel at the bottom of the screen to pause recording. Hopefully that is the pause you are asking about.*
- **Are you using toll-free telephone numbers with Zoom?**
- **What about "Zoom-bombing"?**
 - **This is a very important consideration. Here are some recommendations:**
 - Disallow screen sharing (set to Host Only)
 - **Disallow webcams completely for all participants except members of the body (some low-tech zoom bombing has involved pointing the users webcam at inappropriate or offensive material, getting around the screen share prohibition). Although it is nice to see everyone's faces, the public does not need to be visible, especially with this considerable risk.**
 - Mute all participants and only unmute members of your body
 - If non-members must speak, ideally you would request that the public call an alternative number to express interest in speaking, note their phone number or Zoom ID, and then you can identify them and unmute them when it is their turn to speak
 - Disallow chat completely (inappropriate conversations will be prevented, both by the public and by members of the body)

Financial:

- **Has anyone developed a plan to conduct a Financial Town Meeting that has attendees as voters necessary to approve the proposed FY2021 budget?**
 - *Foster has delayed the FTM until June 23. Hoping that this will be over. We used the Declaration of Emergency to get that done.*
 - *Lincoln also, just thinking about what may be required if we are still unable to conduct such a meeting even through June.*
 - *Providence will be doing this shortly*

Zoning:

- **I heard zoning amendments are considered non-essential. What happens when a public hearing is already scheduled?**

- *I think you're referring to the Narragansett case where a developer got a TRO against the town and the judge said the meeting was not essential. I don't think the case has precedential value beyond Narragansett. But your solicitor should review and make own decision.*
- **How can you assure that "remonstrants" at Zoning Board meetings are fully participating, are fully accommodated? Not everyone who might want to comment on a Zoning Board issue has a computer or access to being able to 'view' at-meeting drawings?**
 - *The City of Providence is working to set up a bulletin board, outside the building, with a glass enclosure, where documents/plans can be viewed by the public.*
- **Sorry to dwell on planning and zoning, but all of these potential issues are why I would like state zoning/planning deadlines tolled to a later date. all decisions could be challenged.**
 - *What is the effort that needs to be made to give people access to a public hearing? Is it only a "reasonable" accommodation?*
 - *I agree with you. Makes much more sense to toll than to risk an appeal or worse!*
- **If someone is out of order can we throw them out?**
 - *Yes, you may. But it is much more helpful if you post publicly what your guidelines are for public meetings and under what conditions someone may be removed from a virtual public meeting.*

COMMENTS & RECOMMENDATIONS

Many people are working on parallel efforts. Is there a crowdsource online approach that all can contribute to as editors?

Could all these points being dealt with be done in a google sheets that crowdsources input from all those working in parallel on the same topics? Is someone doing this already? Each row would be a particular point of law, expectation, risk, etc. and each column would be a different aspect of the point. For example, a RISK would have a "likelihood of occurrence", "severity", "possible mitigations", "best mitigation"; "discussion", "references"

"FreeConferenceCall.com" or such lower end services might have capacity issues more frequently than vendors that are working hard to be known as reliable and the one to choose. Everyone loves Zoom, but we will all go elsewhere if Zoom becomes frequently unreliable. The best features are moot if core function is impaired enough to disrupt meetings even occasionally. Zoom has a "service status page" that shows the history of their issues.

Experts highly recommend that a completely separate platform be utilized for executive sessions. The regular session should be public and the executive session platform and participation details should be private. The members of the body would have to leave the regular session and join the executive session while the public is put on hold or left waiting. Then members would return when the executive session is complete. This would avoid accidentally permitting the public to hear an executive session (either live or via accidental publishing of the recording). It is recommended that both sessions be recorded.