

# Planning and Development Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-5796

AN ACT REQUIRING PUBLIC COMMENT PERIODS AT PUBLIC AGENCY

**Title:** MEETINGS.

**Vote Date:** 3/8/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/1/2023

**File No.:**

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### SPONSORS OF BILL:

Planning and Development Committee

Rep. Tami Zawistowski, 61st Dist.

Rep. Aundre Bumgardner, 41st Dist.

Rep. David Michel, 146th Dist.

### REASONS FOR BILL:

Under the Freedom of Information Act, public agencies must make their meetings, other than executive sessions, open to the public. This bill requires that members of the public be allowed to give oral testimony on any of these meetings' agenda items during a public comment period. It allows public agencies to adopt rules and restrictions on public comment periods, including those limiting the amount of time for each speaker or specific agenda items.

This bill was brought to the committee partially in response to the agency/municipal meetings in the town of Groton.

### RESPONSE FROM ADMINISTRATION/AGENCY:

None expressed.

## **NATURE AND SOURCES OF SUPPORT:**

### **[Connecticut General Assembly, Representative Bumgardner](#)**

The question of which public entities this should or should not apply to may need to be considered. One thing is non-negotiable – parents, residents of our respective municipalities, and ratepayers must have the opportunity to speak at our board of education, council, and public agency meetings.

The government cannot be in the business of deciding which speech is prohibited. Doing so is a violation of the peoples' civil rights.

Regarding concerns that this bill would impose an extra burden on the FOI Commission, it would. This cannot be a reason to limit public comment. Using similar logic, if we did away with open records, the FOI Commission would have plenty of time on its hands. If they need extra resources, it is money well spent.

### **[Yankee Institute, Director of External Affairs, Bryce Chinault](#)**

Yankee Institute supports HB 5796 because it empowers the public to engage with policymakers and will bring further transparency to government actions. With a more empowered general public and more transparent governing bodies, state and local governments will be less likely to adopt harmful policies.

Link given in testimony which provides information on where this right is observed across the country.

### **[Connecticut Roundtable on Climate and Jobs, Executive Director, Aziz Dehkan](#)**

Although community members may not have subject matter expertise in terms of education or professional experience, they are experts on their own experiences.

Testimony also included "principles of environmental justice" that should be applied to all public agencies.

### **[MDC, District Counsel, Christopher Stone](#)**

The MDC expresses its support for HB 5796 by highlighting the importance and success of public comment at their meetings.

### **[ACLU, Policy Counsel, Jess Zaccagnino](#)**

Expressed strong support for the bill, echoing comments made in other testimony regarding the importance of public input in democracy.

### **[Groton Town Counselor, Portia Bordelon](#)**

Most of my supporters all share my firm belief and commitment to the principles of Transparency, Accountability and Accessibility. And we cannot have this without providing for significant, frequent and meaningful public comment and engagement with our constituents.

I encourage this committee to look at that language critically and consider adjusting it to allow for topics not limited to just pending agenda items, but also allows for concerns pertaining to the municipality at large.

### [Attorney, Richard Dixon](#)

As a former Groton Town Councilor and former member of our Representative Town Meeting, I have watched the opportunity for public comment erode little by little with each successive newly elected agency.

Testimony also recommends public comment to be allowed for all topics, not just items on the agenda. He suggests adding, "or on other matters within the jurisdiction of the public agency" (after "appearing on the agenda").

### [Town of Groton, representative \(RTM\), Ian Thomas](#)

Ian Thomas highlights many of the same concerns already discussed about Groton. Within his testimony, Ian outlines proposed changes to clarify language, ensure effectiveness, and expand the bill.

[Douglas Schwartz](#) – Notes the historical significance of public input in democracy. Also references Groton as an example of where this issue is relevant.

In [additional testimony](#), Douglas Schwartz echoed the other arguments in favor of HB 5796

[John Goodrich](#) -- Complaints about lack of public comment during agency/town council meetings in Groton

[Michael Boucher](#) – Complaints about lack of public comment during agency/town council meetings in Groton

[Mary Furlong](#) - Complaints about lack of public comment during agency/town council meetings in Groton

[Edward Johnson](#) -- Complaints about lack of public comment during agency/town council meetings in Groton

[Richard Voyer](#) -- Complaints about lack of public comment during agency/town council meetings in Groton

[Marie Wiley](#) – Writes in support of HB 5796

## **NATURE AND SOURCES OF OPPOSITION:**

### **Freedom of Information Commission, Executive Director, Colleen Murphy**

- define “oral testimony” (e.g., sworn testimony under oath or all public comment)
- narrow covered agencies from “all public agencies” to only municipal boards and commissions, if that is the intent
- narrowly define, for purposes of this provision, “all public meetings,” as currently may require adjudicatory bodies that conduct evidentiary hearings to allow public testimony, which may violate Uniform Administrative Procedures Act (UAPA)

Additionally testified this would pose practical issues for the Commission as it currently does not have jurisdiction over complaints concerning public testimony or comment and this would significantly expand its responsibilities to include violations of this new requirement

### **Connecticut Council of Small Towns (COST), Executive Director, Betsy Gara**

We are concerned that the provisions of the bill are broadly applicable to public meetings where a public comment period may not be appropriate or warranted. The full testimony outlined an example where unintended consequences may outweigh the positive intent of the bill.

In addition, we are concerned that the bill opens the door to mandate other aspects applicable to the conduct of public agency meetings. It is well-settled that municipal boards, commissions, and other public agencies have the right to impose regulations on citizen speech in order to facilitate the legitimate interests of the public agency in controlling the agenda, managing time and preventing disruption.

### **Connecticut Association of Zoning Enforcement Officials, Vice President, Michael Glidden**

The choice to add public comment as part of an agenda for a land use commission is one that each commission makes on their own. This should remain as a decision that is made by each individual commission.

Our concern is mandating public comment opens issues regarding ex parte communication when it deals with application subject to a public hearing or creating a public hearing process for administrative actions that are not subject to such a process. It creates a very unfair process for both the commissions and applicants in these instances which will jeopardize actions of the commission.

### **CCM, Chief Strategy Officer, Donna Carroccia**

Although CCM believes public participation is critical at the state and local level of government, we are not aware of any widespread issues that would require the need to mandate such opportunities.

**Reported by: Matthew Lombardo**

**Date: 3/14/23**

