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**ACLU OF RI POSITION: AMEND**

**TESTIMONY ON 24-H 7565,  
AN ACT RELATING TO LONG-TERM CARE COORDINATING COUNCIL  
February 29, 2024**

This bill would allow members of the state's Long-Term Care Coordinating Council to meet remotely. While the ACLU does not oppose in concept the principle the concept of hybrid meetings for public bodies meeting in an advisory capacity, we also believe it is essential that certain guardrails be in place in order to protect the underpinnings of our open meetings law.

Presently, the Open Meetings Act (OMA) allows public body members to participate remotely only under two specific and narrow circumstances: if they are on active duty in the armed forces; or they have a disability as defined in state disability law, the disability prevents them from being physically present, and remote participation is the only reasonable accommodation.<sup>1</sup>

As a matter of policy, we have argued during the post-lockdown Covid regime that there is a strong public benefit to having most public bodies – including all individual members – meet in person, while at the same time encouraging greater remote access to meetings *by the public*. Accountability and transparency are enhanced when public bodies meet in person, allowing the public and the media to see the interaction among the public body members and to follow up with them on matters that get discussed – something that cannot happen when members of the public bodies are insulated from direct contact with the public.

Having said that, we also recognize that times and technology have changed and a modest relaxation of in-person requirements may be in order in some circumstances, and particularly when public bodies are acting in an advisory, rather than formal policymaking, capacity. In those circumstances, we do not oppose accommodations for hybrid meetings.<sup>2</sup> However, we also believe that certain standards should be codified for such meetings in order to protect the goals underlying the OMA. For example, we believe the law should require the Council to post online with the agenda any documents to be discussed at the meeting, and should specify that in addition to being livestreamed, the meetings will be recorded and made accessible to the public for a reasonable period of time. In the absence of codified safeguards like these, however, we believe the principles of the OMA would be weakened.

Thank you for your consideration of our views.

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<sup>1</sup> There is a separate statutory exemption for the URI Board of Directors, but that is based on that Board's unique status, being composed of a significant number of members who reside out of state.

<sup>2</sup> At the same time, we would strongly prefer to see the issue addressed on a comprehensive basis rather than one public body at a time. That is why we supported legislation last year, H-5722, which would have done that.