the journal of CIVIC INFO

The Journal of Civic Information

Volume 2 | Number 4 December 2020

Journal homepage: https://journals.flvc.org/civic/ ISSN (online): 2641-970X

Open Budgetary Meetings Amid a Pandemic: Assessing Connecticut's Various Pathways to Public Engagement During COVID-19

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Article Information

Received: Oct. 12, 2020

Accepted: Dec. 22, 2020

Published: Dec. 31, 2020

Keywords

Freedom of information
Open meetings
Public engagement
Municipal budget approval
COVID-19

Abstract

This qualitative analysis of public participation in Connecticut open meetings highlights how Connecticut communities adjusted when the state's open meeting law was temporarily revised under emergency order during COVID-19. A survey of officials in 95 municipalities found a majority had the same or more participation in budget deliberations during that time. Only about a quarter saw decreased public participation. A closer look at four communities highlights specific challenges and successes during the sudden shift in public meetings. Connecticut's varied forms of government give multiple perspectives, which can provide insight for other communities looking to expand virtual access to open meetings.

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To cite this article in Bluebook: Jodie Gil & Jonathan L. Wharton, *Open Budgetary Meetings Amid a Pandemic: Assessing Connecticut's Various Pathways to Public Engagement During COVID-19,* 2(4) J. CIVIC INFO 55 (2020).
To cite this article in APA: Gil, J., & Wharton, J. L. (2020). Open budgetary meetings amid a pandemic: assessing Connecticut's various pathways to public engagement during COVID-19. *Journal of Civic Information, 2*(4), 55-76.

DOI: https://doi.org/ 10.32473/joci.v2i4.127493

Introduction

In April 2020, when Connecticut's death count from COVID-19 hovered around 2,000 (Connecticut Department of Public Health, 2020) and public gatherings of greater than five people were banned, about 100 registered voters in Vernon, Connecticut, lined their cars up in the high school parking lot and cast votes on the town's $94 million budget proposal in drive-by fashion. It was one of the few Connecticut municipalities to have direct public participation in the budget approval process in 2020, when the coronavirus pandemic was hitting the northeastern states especially hard; other communities held votes before a statewide shutdown. With a simple thumbs up, or thumbs down, Vernon residents indicated their votes without leaving their cars. The budget passed – 106 in favor, and 4 opposed (Town of Vernon, 2020). Though the question later arose about whether the vote actually was allowed under the governor's emergency response orders (Branciforte, 2020), the action is just one example of how Connecticut public officials adjusted to an unprecedented situation.

While states have long grappled with how to incorporate electronic participation in public meetings, public health restrictions during COVID-19 accelerated the adoption of virtual access for both board members and the public. This study seeks to delve into that shift to virtual open meetings, specifically analyzing how municipalities included the public in the process of approving community budgets – a beloved tradition in Connecticut's many small towns. That right was removed in March 2020, when Gov. Ned Lamont issued executive orders that limited in-person meetings, requiring a shift to virtual municipal meetings. Connecticut's varied forms of local government resulted in a patchwork of approaches to virtual meetings during COVID-19, providing multiple examples to study. The state's 169 municipalities had the same set of guidelines from Lamont's orders, yet approached their virtual open meetings in different ways, leading to robust examples to compare.

Using a survey and case study method, this qualitative analysis provides insights for other states as officials continue to adjust to changes required by the public health response to the pandemic, and seeks new avenues for transparency and public participation. Focusing on just budget approvals helped this study provide some consistency amid an inconsistent sample: In other words, the towns had different approaches to the same goal of approving local budgets, which allowed us to pull best practices from the group. The study sheds light on how municipalities found new ways to involve the public in their work, and overcame obstacles. The findings reinforce standards of government transparency – the public was more likely to comment when invited and given multiple pathways to participate, for example, and proactive disclosure of materials was well received. The study recommendations encourage a continuation of these practices, and provide suggestions for encouraging government transparency while incorporating virtual meetings into future public sessions. These findings can be applied to other public agencies seeking to continue some form of virtual meeting access after the COVID-19 pandemic ends.

Connecticut's local governments

A significant aspect to consider for this analysis is that Connecticut's state and local governments are unique. Like other New England states, Connecticut has various elements that make it democratic, where elected officials and residents jointly engage in policy-making. Unlike Massachusetts, for example, where there is more uniformity among towns making budgetary decisions especially through open town meetings (Zimmerman, 1999), Connecticut has a

patchwork of varied governance models and few towns mimic each other. Some towns have annual town meetings, while others have local referendum measures decided by voters, and still others have both. Of Connecticut's 169 municipalities, 106 have a selectpersons-town-meeting board of finance format and 50 towns utilize the town meeting format by Australian ballot. Seven towns have a representative town meeting (RTM) format – including Fairfield, examined later in this study (Zimmerman, 1999).

As a state, Connecticut modernized the constitutional model of representative democracy in the 17th century prior to America's constitutional convention nearly a century later. The Fundamental Orders, an early document proclaiming civil officials reporting to the electorate and *not* to the English king, is one historical example of Connecticut's democracy (Horton, 1993; Satter, 2009). It effectively established an independent government ahead of the American Revolution. Additional democratic reform eras included Connecticut's 1662 Charter that allowed for the legislative General Assembly members to be elected by landowners and the 1818 Constitution establishing the separation of powers among three equal branches (Satter, 2009, pp. 20-26).

Beyond Connecticut's early democratic history, it's essentially at the local level where the state's cities and towns operate under strong home rule as separate entities. Local autonomy is a significant feature since county government remains only in the court system. During the late 1950s, officials debated and ultimately approved abolishing county governance as municipalities sought local control. At the same time, political party leadership was handled through smaller and more local committees as opposed to regional or county committees. While these reforms led to decentralizing strong-arming party bosses and political leaders, it also allowed for 169 municipalities to operate differently and separately (Satter, 2009). In other words, little regionalization and resource sharing have remained ongoing dynamics among so many municipalities. Most importantly, these mid-century reforms allowed for entrenching home rule authority in Connecticut.

Understanding, then, state and local government reform is key to recognizing why and how representative government operates in Connecticut. It is not a typical state and its municipalities vary significantly. This is why several case studies are examined in this analysis since New Haven, Seymour, Fairfield and Guilford are uniquely different. New Haven was actually an early theocracy and eventually became a significant regional city by the twentieth century. Nearby Guilford, like most settlements along the Long Island shoreline, thrived as an early farm town. Similarly, Fairfield prospered as an agricultural hub and developed significantly in the 20th century, as it's adjacent to the state's largest city of Bridgeport and a New York City tri-state area suburb. But Seymour stands out, as it's situated in Naugatuck Valley, geographically in the middle of two former booming manufacturing urban hubs – Waterbury and Bridgeport. Still, these four municipalities share some elements of participation politics at the local level through referendum voting or constituent-involved meetings.

Participatory government

Unlike most regions, New England has relied on voter engagement approaches for generations. Through referenda and initiative voting measures to annual budgetary town hall meetings, states and municipalities in this northeast region vary. A number of academic studies cover much of these town hall dynamics that allow residents to engage in actual decision-making. From Frank Bryan's study on Vermont town hall meetings (2004) to Donald Robinson's

Massachusetts local town meetings study (2011), there are various sources to consider New England's participatory models. In fact, Joseph Zimmerman's work is likely the most comprehensive and comparative study on the region (1999). In it, he reminds readers that the six states allow for annual open town meetings to be a "de facto representative legislative body…" (Zimmerman, 1999, p. 11).

As this study seeks to determine if members of the public became more engaged in virtual budget meetings, it is helpful to understand the trends and motivations in participatory government on the local level. Connecticut's budget approval process is an interesting case study, as the majority of residents have some direct say in budget approvals through referenda or town forums. Connecticut's municipalities shared participatory engagement challenges in the 2020 coronavirus era. Most town hall and budgetary meetings were forced to go online. Some towns were already prepared to do so (Fairfield) while many others and especially cities were forced to adapt (New Haven). Discussing these learning curves with officials proved beneficial for this research, as they shared best practices with other officials, especially from nearby towns. For example, New Haven's board of alders' chief of staff Al Lucas (personal communication, Aug. 28, 2020) said initial online meetings in New Haven and nearby suburban Hamden were hacked or "Zoom-bombed." But Lucas offered several protective pathways for officials and constituents, like utilizing password access and limiting chat box features on Zoom. Guilford, a town that has a traditionally early budget vote among residents, became a litmus test for other towns in the area (M. Ayles, personal communication, Sept. 9, 2020).

At the same time, constituents and reporters adapted to online modalities. In some instances, more – or different – members of the public attended online meetings than in-person, partly because of scheduling conflicts. Lucas said that many New Haveners were previously unable to attend alders' meetings because of childcare concerns and work schedules. Suddenly, online meetings saw a tremendous increase of public participation. This should not be surprising since political scientists like Frank Bryan (2004) pointed out this observation years earlier in Vermont. In his study, Bryan reveals that many towns would see more participation if meetings were held at night than during the day, but fewer women would attend night meetings. Meanwhile, in Guilford, the switch to virtual meetings prompted town officials to reach out more intensely to voters to seek input on the budget, as individuals were losing their right to vote in a referendum. Those comments came in the form of emails – previously allowed by the Board of Finance, but never actively solicited as they were this year. That invitation prompted increased participation (M. Ayles, personal communication, Sept. 9, 2020).

Another participation concern remains generational gaps among local residents. Largely older residents, particularly those over 60 years old, not only vote significantly more than younger voters, they are also more than likely to serve as local government officials. Even in official local meetings, the generation gap is recognizable, as few younger residents attend local proceedings. This is hardly surprising since political scientists like Robert Putnam (1999) and Frank Bryan (2004) have stressed the generation gap between younger and older generations in a number of studies. But several Connecticut officials admitted they have been and remain concerned that generational differences will persist as an issue. Generational participation is especially apparent this year as many younger residents protested in area Black Lives Matter protests, but few attended local public meetings. New Haven Mayor Justin Elicker, for example, raised concerns that a generation of younger people not being aware of local government procedures can be problematic for the city's future. New Haveners of all ages, but especially younger generations, need to recognize how local institutions operate and how to participate within the system (J. Elicker,

personal communication, Sept. 21, 2020). Similarly, Fairfield First Selectwoman Kupchick noted the protest and local politics generation gap. She remains hopeful that a number of younger residents, especially teenagers, have been engaged in local board of education meetings, for example (B. Kupchick, personal communication, Sept. 23, 2020).

Open meetings

While local budget approval processes are determined by municipal charter, the public's ability to participate in the meetings leading up to budget adoption is dictated by open records and open meetings laws. In Connecticut, both are outlined in the state's Freedom of Information Act, initially adopted in 1975. Three goals of open meetings statutes are to promote transparency among public agencies, to allow for public participation in the process, and to allow the agency to remain efficient in its work (Roeder, 2014). Transparency is often regarded as the top priority over technology and efficiency, and is directly connected to public participation. In other words, public participation in the process promotes transparency (Piotrowski & Borry, 2010). Yet, in their review of state open meetings laws from 2006, Piotrowski and Borry (2010) found only 10 states specifically granted the right for the public to comment during meetings.

Restrictions during the COVID-19 pandemic forced public agencies across the country to incorporate some form of virtual meetings, but the debate around electronic access to public meetings is not new. Open government scholars have discussed the need for, and potential downside of, virtual meetings for decades (Leonhirth, 1995; Ross, 1998; Piotrowski & Borry, 2010). Electronic meetings can refer to any teleconference or videoconference meeting, but also emails or other electronic messages conducted by a quorum of the board. (Reporters Committee, 2019). Roeder (2014) argues for increased technology use by public boards where it increases transparency, public participation and efficiency. She includes virtual access to meetings among the technology recommended, but suggests email and interactive online forums, such as bulletin boards, can actually limit public access to information.

Each state has a different open meetings law, making it challenging to compare how various states allow for electronic meetings. It may be listed in the law's definition of meetings, the general open meetings statute, or other state statutes. Additionally, some states may allow electronic meetings, but only in certain circumstances – for example under emergency, such as New Mexico's law – or for specific governmental bodies, such as Nebraska's law (Leonhirth, 1995; Piotrowski & Borry, 2010; Reporters Committee, 2019). A 1993 review of state open meeting laws found that only three states specifically prohibited electronic meetings, 22 expressly allowed electronic meetings, 18 allowed under some circumstances, and eight made no mention of electronic meetings (Leonhirth, 1995). By 2006, the number had increased to 25 states expressly allowing virtual meetings (Piotrowski, 2010). In many cases, the text of the law refers to electronic participation by board or committee members, but does not reference electronic access by the public. The allowance of electronic meetings hasn't typically included entirely virtual sessions. For example, Connecticut's FOI Act allows meetings "by means of electronic equipment," (Connecticut FOI Act. Section 1-200), but requires some central in-person meeting space that the public and board members can visit (C. Murphy, personal communication, Sept. 13, 2020).

More than 40 states, including Connecticut, made emergency changes to open meetings and open records laws amid the pandemic in March and April 2020, most suspending in-person requirements or allowing virtual meetings (Lipton, 2020; Piepgrass et al, 2020). Sections of Connecticut's FOI Act were suspended by Gov. Ned Lamont by executive order in March to allow

for virtual meetings and votes, and outline requirements for transparency and access. Lamont's executive orders suspended sections of the act "to the extent necessary to permit any public agency to meet and take such actions authorized by the law without permitting or requiring in-person public access to such meetings, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology" (Lamont, Executive Order 7B, 2020). Connecticut's Executive Order 7B (2020) required all meetings to be virtually available in real time, produce a transcript or recording within seven days, and include agendas and documents online before the meeting. Lamont also suspended all municipal budget votes, leaving final decision-making power in the hands of the "budget-making authority," (Executive Order 7I, 2020) which varies by municipality.

This review of Connecticut budget meetings found a mixed practice regarding the public's ability to comment during virtual meetings, a key element in promoting transparency (Piotrowski & Borry, 2010). In several cases, public comments were allowed through email only and were read into the record by board members. New Haven disabled the chat function on its Zoom meetings to prevent hacking and distractions, but still allowed residents to speak during public commenting sessions (J. Elicker, personal communication, Sept. 21, 2020; A. Lucas, personal communication, Aug. 28, 2020). In Seymour, on the other hand, residents were not allowed to speak during the meeting, but could send messages through the chat, and a town official would respond either out loud or in the chat (K. Miller, personal communication, Sept. 4, 2020). Nothing in the state FOI act specifically refers to Zoom meeting chats, but commission officials interpret those as public documents under the law, assuming public officials are saving a record of those chats to include in the minutes (C. Murphy, personal communication, Sept. 13, 2020). As Kurt Miller, the Seymour first selectman, noted, everyone was trying to be as transparent as possible in a new terrain without clear FOI guidance: "I think FOI laws are getting broken every day by these meetings. If you're in the spirit of FOI and there's transparency about it, I think you're OK" (personal communication, Sept. 4, 2020). Joe DeLong, the executive director of the Connecticut Council of Municipalities, made similar observations. "I think there was the greatest effort I've ever seen to create transparency and accountability at the local level because these officials couldn't do what they've always done" (personal communication, Sept. 2, 2020).

Connecticut FOI Commission officials noted the commission may be forgiving for unavoidable violations that happened through municipalities' attempts to remain transparent. For example, many municipalities, including New Haven, required prior contact from residents looking to attend meetings, so that the Zoom call could include a password to prevent hacking. While this may technically violate the Connecticut FOI Act prohibition on requiring identification to attend a meeting (Connecticut FOI Act, Sect. 1-225e), it was necessary to conduct organized meetings during the pandemic restrictions. Connecticut FOI officials said no complaints had been filed regarding password access to virtual meetings. Complaints that did arise included a city switching meeting platforms in the middle of a meeting, and others that didn't communicate meeting links clearly enough to the public. None of the complaints about virtual meetings had gone before the commission as of early December (T. Hennick, personal communication, Sept. 13, 2020). Colleen Murphy, the executive director of the Connecticut FOI Commission, noted that during the budget approval process, many residents were still feeling a spirit of being "in this together," which might explain the small number of complaints (C. Murphy, personal communication, Sept. 13, 2020).

Lamont's executive orders required budget materials be published on town websites in advance of the virtual meetings – a new, albeit temporary, requirement under the state's FOI law. Some towns, such as Fairfield, previously provided documents associated with public meetings on the website, but the new requirement expanded access to documents much more broadly. This "proactive disclosure" is not required by the state's open records law, but certainly aids in the mission of transparency and access (C. Murphy, personal communication, Sept. 13, 2020). In fact, Seymour officials found the prior access to be so helpful to members of the public that the town plans to continue the practice of sharing them electronically before and during the meeting. (K. Miller, personal communication, Sept. 4, 2020). The executive orders also suspended in-person budget votes, which occur in some form in most municipalities in the state. Some towns, including Vernon, interpreted Executive Order 7I to still allow in-person votes if done safely, but later communications from the governor's office clarified that no other towns should conduct a similar vote without approval from their regional health district (J. DeLong, personal communication, Sept. 2, 2020).

This sudden and widespread change in both the open meetings law interpretation and the municipal approval of local budgets, prompted the following research questions:

RQ1: How did Connecticut municipalities adjust their budget process in response to open meetings law and municipal budget approval process changes, amid the COVID-19 pandemic in spring 2020?

RQ2: Did the switch to virtual meetings have an impact on public participation in the budget approval process?

Method

To answer these questions, we sought input through a survey from public officials involved in the budget approval process. Additionally, a more in-depth look at a sample of towns can help better explain the unique situations in different parts of the state, as well as seek to confirm the impressions of public officials from the surveys. As such, this study combines a nine-question survey with a case study approach to answering these research questions.

The survey sample included anyone with an official role in a municipality's budget approval, including the staff person in charge of finances, chair of the town's budget authority, and chief executive officer. Three contacts were sought for each town, to help improve the survey rate of return and ensure representation from different people with direct roles in the budget approval process. Contact information for these individuals was gathered from each of 169 municipal websites. There was some overlap in roles – for example, a town whose chief elected official is also the chair of a budget authority. Additionally, many towns did not provide contact information for all three officials. In particular, contact information for chairs of budget authorities was hard to find in many cases, in part due to the volunteer nature of the role as opposed to paid staff in a finance department. Several towns provided no e-mail contact information online, prompting follow-up phone calls to the town halls. In one case, the town's mayor was willing only to answer the survey questions over the phone; the responses were input by the authors.

A first round of surveys was emailed the week of Aug. 3, 2020, and a follow-up email was sent to non-responding towns on Aug. 18. Representatives had until Aug. 21 to complete the survey. The survey included closed-ended multiple choice questions (Do residents normally vote on the budget? How was public participation this year? Did your budget proposal include a tax

increase?), as well as open-ended prompts (Please estimate the amount of public participation this year compared to last year, or provide additional details about this participation).

The four towns outlined in more depth were selected to represent different forms of government and budget approval, as well as a variety of budget outcomes (both tax increases and steady tax rate proposals). The towns selected came from survey responses where officials indicated a willingness to communicate further about the process. In-depth interviews with officials were conducted using WebEx and Microsoft Teams video conferencing. Both authors were present during the interviews. In one case, two subjects were interviewed at the same time. In addition to municipal officials, the authors interviewed the executive director and public information officer for the Connecticut FOI Commission, the executive director of the Connecticut Council of Municipalities, and one reporter.

Results

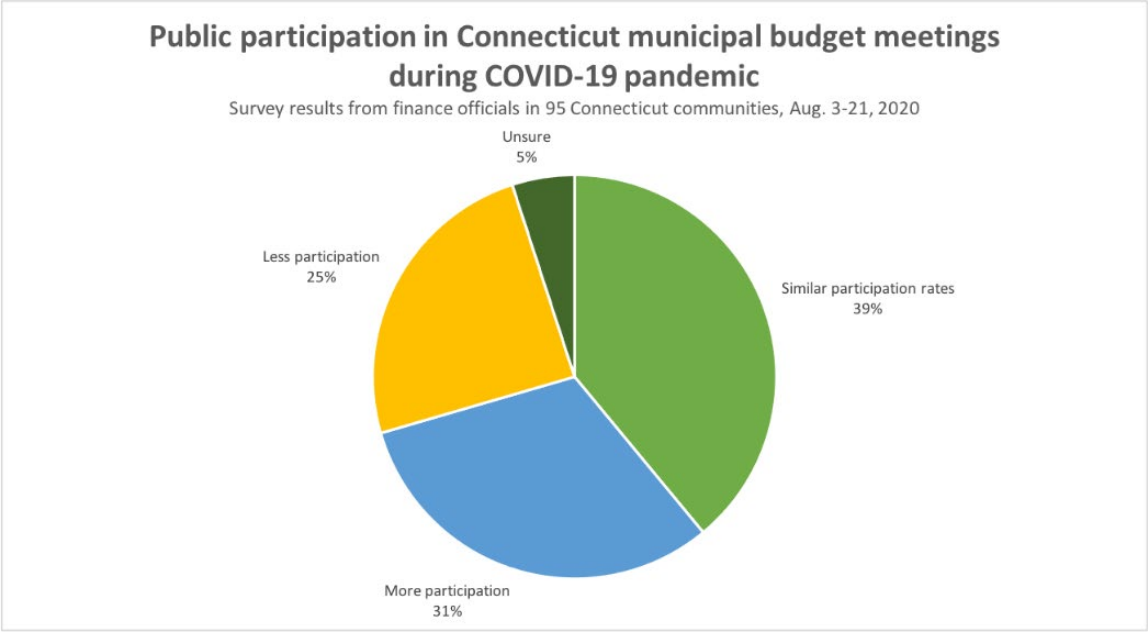
Survey data

The survey resulted in 114 responses from 95 towns – a 56% town response rate. With a finite sample to draw from, we sought a response rate of at least 50% to be able to make a broad analysis (Draugalis et al., 2008). The breakdown of respondents is as follows: 29% were members of a budget authority in the community, 46% were municipal staff with some role in the process, and 25% were other elected or appointed officials with some role in the process, but no vote (for example a member of the Board of Selectmen in a town where Board of Finance handles the budget approval role).

About 71% of the responses came from communities that typically allow direct votes from residents on the budget. About 68% said their budget proposal did not include any tax rate increase for residents. The majority of respondents (92%) had experience with previous budgets, as well as experience during the 2020 budget season, providing a framework for comparing participation.

The survey asked participants to estimate whether there was more, less or roughly the same public participation in the budget process as in previous years. Their answers were split, but the majority said there was the same or more participation: 39% said about the same, 31.5% said more, and 24.5% said less (5% were unsure how to answer the question). (See Chart 1, next page.)

Chart 1



The majority (91%) held budget meetings using a video conferencing application. One town (0.8%) used telephone conference calling. Five respondents said their communities took a mixed approach, with some in-person, some phone, some e-mail comments and some video sharing through cable TV and video conferencing apps. Four had passed budgets or held public participation before the governor's executive order banning large gatherings.

The numbers give a broad look at the 2020 budget approval process in Connecticut. But with so many different situations and processes for adopting the budget across the state, the more interesting details come from the open-ended questions posed to participants. In general those comments can be summarized as the following four statements:

1. Participation is related to the budget, not the meeting format;
2. The definition of participation changed this budget season;
3. Technology simplified access for some, and complicated access for others;
4. Many residents disliked having their vote taken away.

The statements are augmented by quotes from the survey, included below. The respondents focused on their respective budget-approval processes, but their experiences apply to virtual open meetings in general, as we note in the summaries below.

Participation is related to the budget, not the meeting format

In survey responses and interviews, local officials mentioned that public participation is generally tied more closely to the specific budget proposal than to the format. These comments can be applied to other municipal meetings: Participation is tied to the meeting topic, not the meeting format. In Seymour, for example, no tax increase was proposed to help mitigate concerns about losing a direct vote, and therefore there were no controversial items for the public to debate (K. Miller, personal communication, Sept. 4, 2020). In New Haven, where a tax increase was

proposed, national conversations about defunding police were being localized as it related to the New Haven city budget. A city with normally high rates of public input saw levels of participation similar to past years, despite the change in forum. Many survey respondents had similar input. A sample of quotes from the survey follows:

- "Over my nearly 20 years on Town Council, I have seen varying levels of participation, depending on certain aspects of each budget. This year public participation was lower, but there were not any controversial elements either."
- "This year there was a little controversy with the school budget and a threat of layoff of teachers. This resulted in more citizens actively participating in the public comment process."
- "Last year and generally in the recent past, few citizens attended our budget hearings held for the public to comment. This year, because of anticipated revenue loss caused by COVID-19 and significant cuts to our operating budget, hundreds of people joined our Zoom meetings. To be clear, most of the participants were union members who were unhappy about our plan to have all city employees take a 0% salary increase to balance the budget and prevent all lay-offs. Average citizens, on the other hand, were very pleased that we did not raise their taxes and recognized their financial hardships."

The definition of participation changed this budget season

Despite participation being linked more closely to the issues addressed in the meeting than the format of meetings, many officials noted how the public was more likely to participate in the process when given multiple streams of contact. Participation this year might have meant reading newly available digital budget documents, watching a recorded video of the budget hearing, writing an email with public comments, or calling in live to hear elected officials discuss local spending. All of these points of access were previously available to the public in person at governmental buildings, including listening to meeting recordings on cassette tape. However, this budget season some officials were more engaged trying to get the public to participate, in part because of the lost opportunity for residents to vote, and those communications highlighted the various ways the public could comment, perhaps for the first time. For example, in Guilford email comments have always been accepted and read into the record. But that fact was only actively publicized this season as part of the Board of Finance's efforts to seek public input on the proposal (M. Ayles, personal communication, Sept. 9, 2020). Several survey respondents commented on this topic as well. Several officials noted that while they liked the new pathways for input from residents, they missed the feel of in-person comments and meetings. Some sample comments:

- "Constituents were able to dial in and listen to the process. Depending on the meeting, we would have 10-20 others listening in. We held approximately 15 meetings and three public hearings. In the past, except for the hearings, we would have only a handful of public attendees, so the engagement was much higher."
- "We have a public comment time at the first meeting of the budget session. We typically have 10 or so people speak unless there is something controversial. More people submitted letters/emails this year and less spoke."
- "I am conflicted because on the one hand, the number of people participating in the process is significantly higher than when we were meeting in person. On the flip side, it is far more impactful to have a person show up to our meeting than it is for me to dispassionately read a letter into the record."

Technology simplified access for some, and complicated access for others

Many officials noted that members of the public liked being able to participate from home, and more "attended" meetings even if they did not speak. In several cases, towns are trying to incorporate more virtual access to meetings when in-person meetings resume, though several officials said they still wanted to have some in-person component, a requirement under state law. Meanwhile, adapting to new technology made it harder for some communities to hold meetings, or otherwise complicated traditional processes, such as presentations. Some officials noted that internet access was not always stable, some board members faced technology barriers to fully participating in the meetings, and others simply preferred the in-person format. In some cases, after the initial learning curve, the meetings were easier to attend. A sample of survey answers on this topic is included below.

- "Most municipal boards are run or composed of older members of the community, as a result, integrating technology was difficult and painful at times trying to get elected officials logged into Zoom meetings and viewing emails instead of hard copy documents. The process this year was very painful, but we did have excellent response and participation from the public with the majority asking to keep the online format for future years so they can watch, listen and participate from home or wherever they are at the time of the meeting."
- "While we had more people online this year, the people that did attend did not offer many comments. While I appreciate those that did view and listen to the presentations - the online 'dynamic' for the Board of Finance members was inferior in my opinion. It lacked the intangible quality of in-person advocacy that can't be gained online where each board member is limited to a 2" x 2" square on a screen - if you can even see all the members. How does one garner a 'feel' of a board member's comfort when one can't even see all the other board members? I found our membership to be more uncomfortable with the process and indecisive in this format as opposed to the traditional in-person meetings. I also found that the meetings ran much longer."

Many residents disliked losing their vote

About 71% of survey respondents were from communities that typically have some kind of direct resident vote on the budget. Several respondents noted the anger from residents at losing that right, and suggested increased meeting participation may have been linked to the that change. A sample of those comments is included below.

- "Many people in our town were upset they were not allowed to vote on the budget. This has created an underlying anger which will make it difficult to pass a budget next year when the people are allowed to vote again."
- "A few are questioning the governor's power to halt a budget referendum and refusing to pay 'illegally levied' taxes."
- "The public wasn't happy that they could not vote (the board of finance was empowered to adopt the budget) but fortunately the backlash was mild."

Case studies

We interviewed officials from four different municipalities to further explore the unique situations they faced this budget season. These communities – Fairfield, Guilford, New Haven and Seymour – represent different governmental structures and tax impact in 2020-21 to give a broad range of perspectives. Fairfield and New Haven have a representative body (RTM and Board of Alders) responsible for budget approval, while Guilford and Seymour allow resident votes. Meanwhile, New Haven and Guilford had proposed tax increases for 2020-21 budgets, while Fairfield and Seymour budgets held taxes steady. A comparison of key points from each town can be found in Table 1 in the appendix.

Fairfield

The town of Fairfield may be a medium-sized suburb to Connecticut's largest city (Bridgeport), but it has remained a steadily growing New York City tri-state area bedroom community. With Metro North commuter train access to midtown Manhattan, this former farming town became a wealthy shoreline suburb by the middle of the twentieth century. This proximity to New York City made Fairfield and surrounding towns among the hardest hit in Connecticut for COVID-19 cases during March (CT Department of Public Health, 2020). As of October, Fairfield still was not allowing in-person municipal meetings, even as the state relaxed restrictions on the number of people who could gather inside together.

Fairfield has managed to keep its public participation roots, especially as it relates to local governance and budgetary processes. Fairfield has a board of selectmen as a legislative body and a first selectwoman as its executive. And unlike the majority of Connecticut's municipalities, Fairfield has a representative town meeting (RTM) process where budgetary decisions are decided through an open town council. As one of seven Connecticut towns that still has an RTM system, Fairfield is a standout. In fact, it has a relatively small RTM at 50 members and referendum challenges through voter signatures is a rare occurrence, but it happened in the 1990s. Constituents also reported their budgetary process as "fair" compared to other towns that were rated as "good" or "excellent" in one significant RTM study (Zimmerman, 1999, p. 157). So Fairfield has a layered budgetary process that includes the boards of finance and selectmen, as well as the RTM. But much of the debate took place before RTM online meetings this year (J. Labella, personal communication, Oct. 2, 2020).

At the same time, the local government has functioned online for years and was a virtual meeting trendsetter. For example, the town had previously updated its meeting room to have a projection screen and cameras, allowing various local boards and commissions to incorporate virtual components into meetings before the 2020 coronavirus era. Fairfield also consistently posts full budget documentation on its website, and sends out a weekly newsletter addressing current resident concerns. First Selectwoman Brenda Kupchick noted that having a qualified and dedicated IT staff member helped the community transition to virtual meetings during the pandemic (personal communication, Sept. 23, 2020).

"We have a very engaged community. They care a lot about a lot of different issues. We went out of our way to make sure people were able to be heard," Kupchick said. Still, she reported low public engagement during the 2020 budget season, something she attributed to residents feeling otherwise overwhelmed by the pandemic. Reducing the budget to keep taxes steady also helped. Kupchick's initial budget proposal called for a 2.46 percent tax increase, but town officials

adjusted the proposal once the pandemic became a larger concern. Fairfield ended with a level tax rate in the final approved budget. "Overall, I felt like the pandemic was sucking the life out of everything. No one cared," Kupchick said (personal communication, Sept. 23, 2020).

Fairfield used WebEx for virtual meetings, a decision made after seeing reports of Zoom hacking in other Connecticut municipalities. The chat function in the meetings was limited to board members. The public could participate by sending email comments, and then calling in to listen to the WebEx meeting, or watching it streamed live on public access television.

Guilford

At the eastern end of New Haven County is the town of Guilford, a wealthy shoreline and historic municipality. With a picturesque town green as a civic square and town hall in its center, Guilford has notable spaces for residents to participate in direct democracy. Like Fairfield, it also has a board of selectmen and first selectman as a legislative and executive body. But unlike Fairfield, Guilford residents have a direct vote on the budget proposal. Guilford has also been a largely farming community for generations but remains a wealthy suburb of New Haven. Much of the town is historically preserved and town officials often limit significant development and they have prevented commercial and residential growth unlike nearby shoreline towns. In recent years, NIMBYism ("Not In My Back Yard") concerns are staple issues for many Guilford residents as overdevelopment, preservation and affordable housing are controversial problems (Rabe Thomas, 2020).

The Guilford Board of Finance was done with its review of the budget when the governor issued his executive order halting large gatherings and budget votes. At a March 16 meeting, the Board of Finance finalized its budget proposal, with a 1.44% tax increase (Town of Guilford, April 13, 2020) and scheduled the Annual Town Meeting and budget referendum for April 7 and April 21 respectively. By the end of that week, Gov. Ned Lamont banned public gatherings and shifted budget approval authority to the elected or appointed officials. Guilford essentially had to start its budget review over, as Board of Finance members sought to adjust the budget proposal to minimize the financial impact to residents. Board of Finance Chairman Michael Ayles said the board kept pushing back its vote to allow more time for public comments to come in. The board allowed the public to speak during Zoom meetings, but also actively solicited email input from residents. "A lot of people think when you contribute to a meeting, they think you have to do it in person and by voice, to stand up in front of people. The fact that they could submit comments like this helped encourage more" (M. Ayles, personal communication, Sept. 9, 2020).

Ayles, a 15-year veteran of the local tax board, estimated that the town normally gets 30 to 40 comments on the budget in an active year. In 2020, the board received 176 e-mails, and had about 10 to 15 people speak during meetings. Most asked the board to keep the budget proposal as is, while 28 requested a reduction in the budget and tax rate (Town of Guilford, April 27, 2020). The Guilford Board of Finance disabled its chat feature on Zoom meetings to ward off hacking, forcing residents to participate either in spoken word, or through email comments (M. Ayles, personal communication, Sept. 9, 2020).

On May 7, the Board of Finance approved the town's final budget with a 0.87% tax increase. One member abstained from voting, citing concerns about taking away the residents' rights to vote (Williams, 2020). Ayles noted that the decision weighed heavily on all board members, describing the process as "emotional chaos." (M. Ayles, personal communication, Sept.

9, 2020). He attributed the rise in public comments to the perceived lack of input from residents who typically get a chance to vote on the budget.

New Haven

New Haven Colony was initially founded as a theocratic entity in 1638 before Connecticut Colony's absorption in 1665. Although it was intended to be a religious Congregationalist colony, New Haven's early economy centered on shoreline trade because of its harbor access to Long Island Sound and it remains the second busiest shipping port in New England. It was also one of the annually rotating bi-capitals until Hartford became the state's single capital in 1875. Some manufacturing also took shape during the industrial revolution but education (with several colleges and universities) and medical institutions remain significant anchors to the local economy. In fact, Yale University is the city's largest employer followed by Yale New Haven Hospital. No surprise then New Haven is known for "meds and eds" (Wharton, 2017, pp. 190-191).

New Haven's political economy is historically unique and direct participation has remained a key factor in its local governance. The city has been studied by countless historians and political scientists and it is the most over-studied secondary-sized city, according to political scientist Doug Rae (2003). Most importantly, local unions (especially government, hospital and education unions) are significantly organized since the nonprofit sector rules the city's economy. "Vast portions of the city were tax-exempt – Yale, the hospitals, the churches, a remarkably extensive public housing stock – and the city received only partial compensation from the state government's PILOT program (payment in lieu of taxes). A majority of the city government's workers, including several of the union leaders, were living outside the city, paying taxes to our suburban competitors with their central city salaries" (Rae, 2003, p. xi).

No surprise then that the majority of New Haven's board of alders' members are union leaders and they often activate union members for various district causes. As a formal but strong mayor and large alder (legislative body) system, the city has 30 alder wards. Even though New Haven has a hyper-democratic representation body, election turnout ranges only 18 to 30 percent within the last decade (Wharton, 2020). Alders' meetings also limit direct participation since a public comment period is not allowed, unlike nearby municipalities. But constituents can directly participate in committee and "workshop" sessions, especially during the city's budgetary seasons. During springtime, alders have a public commenting period when residents and reporters inquire about the city's proposed budget in several workshop sessions around New Haven. Typically these public forums last an hour to several hours and have a few to hundreds in attendance. But during the 2020 coronavirus era, New Haven held one budgetary workshop in March and weeks later went online for several sessions and board of alders' meetings.

Al Lucas, the director of legislative services for the New Haven Board of Alders, helps coordinate budget hearings for the Board of Alders each year, and has direct contact with residents during the process. Lucas noted that more individuals participated in these online forums even if many of them called in due to internet limitations or technological issues. "We have a vibrant group of engaged citizenry. They were going to come regardless" (A. Lucas, personal communication, Aug. 28, 2020). One example was a March 31 Zoom public hearing that lasted six hours and hit the city's Zoom limit of 100 people, prompting city officials to request people leave the meeting after commenting, so additional people could join and speak. In fact, nearly 40 people spoke during this particular hearing (Breen, 2020a).

The city initially published a Zoom meeting ID and password, inviting residents to join and sign-up to speak. However, on April 20, the regular Board of Alders meeting was the victim of "Zoom-bombing," hacking that became common in open Zoom meetings during the early months of the pandemic (Kroeker, 2020; O'Flaherty, 2020). In New Haven, a hacker joined the meeting and was able to display a video clip of child pornography. City officials kicked the hacker out within 10 seconds (Breen, 2020b), but the short exposure was "pretty traumatic" (A. Lucas, personal communication, Aug. 28, 2020). The hacking prompted security changes to the meetings. Anyone wishing to attend had to register in advance in order to get a password. The webinar ID was changed for each meeting to make it harder to find. Instead of sharing the original link, city officials shared alias links through Bitly and TinyURL to make it harder to search for a link to bomb. And the city eliminated the chat function in the meeting, forcing residents to speak in order to share their opinions (A. Lucas, personal communication, Aug. 28, 2020).

In addition to joining the meetings via video, residents could call in from a telephone, allowing access for those without wifi or computers. Initially, the long-distance number associated with Zoom meetings was a barrier for some residents, but eventually Zoom provided a toll-free number to meetings to help open access to all. Lucas said one change he noticed was that people tended to stay in the meetings longer when they were conducted via Zoom, than when they would be held in person. Noting that at the time, there was no other "live entertainment" going on, he suggested it may be connected to residents wanting something to watch in the background. But, he also thinks it was just more comfortable for them to be present from home. "It made it a lot easier for residents who have other things to do, to be heard. People with family obligations, elder care or child-care issues. You might have to sit here for four hours to speak for three minutes, and your child has to go to school the next day" (A. Lucas, personal communication, Aug. 28, 2020).

Seymour

Tucked in the hilliest and farthest western part of New Haven County are several Naugatuck Valley towns. Seymour is centered among these small locales, but it is also situated between two larger post-industrial Waterbury and Bridgeport cities. Many residents also commute to work in nearby New Haven. These Valley towns are often attached to traditional models of participatory governance from referendum procedures to regionalized resource sharing. Even the area towns' bi-partisan political nature is unique (Wharton, 2019). But Seymour is one of the smaller Valley towns with larger property lots and family farms. Its town governance has a board of selectmen for its legislative body and a first selectmen as its executive official. Seymour also has a finance board reviewing annual budgets with voters deciding its final approval. In other words, Seymour, like Guilford, is the epitome of small-town governance with actual voter participation.

First Selectman Kurt Miller said he appreciates that input from residents. "I like the fact that there is a referendum vote, that public participation. The people are validating the budget you're putting forward" (personal communication, Sept. 4, 2020). In Seymour, the public can weigh in on the budget three times during the process: during public hearings, a Town Meeting, and finally, a day-long referendum vote. None of the public input sessions had happened yet when the governor's meeting limitation orders were issued. Miller proposed a budget in December that called for a small tax increase. By the time the budget reached the Board of Finance for review, COVID-19 concerns were mounting, and officials began to realize they may not be able to allow residents to vote. "I didn't want to have an increase in taxes and not have a referendum vote. That

was our biggest concern: What would be the reaction of the people that we were taking away their ability to vote?" (K. Miller, personal communication, Sept. 4, 2020). The Board of Finance ended up cutting the budget to result in no tax increase — the fifth year in a row for the town. Miller said he heard feedback from residents who are not typically politically active in town, upset that they wouldn't get to vote.

Typically, the bulk of public participation is during the referendum, according to Miller. About 7% of registered voters turned out in 2019, 6.6% in 2018 and 8.4% in 2017 (Driscoll, 2019). Fewer people come to public hearings, and hardly anyone from the public attends the Town Meeting. Miller said in 2020, he saw a little bit more public participation in Board of Finance meetings at first, but then it leveled off as the process continued. In the past, he'd see residents show up to support different departments, such as the Fire Department or Police Department budgets, but there "was much less of that this year" (K. Miller, personal communication, Sept. 4, 2020). He attributed the lack of involvement to the level tax rate proposed.

Seymour budget meetings were conducted on Zoom calls. The public was not invited to speak during the meetings. All comments had to be in writing, sent before the meeting or posted in the meeting chat. The town typically allows two public comment sessions during each meeting – at the beginning and again at the end. Miller said if residents were watching the meeting and wanted to comment at the end, officials might allow them to turn on their microphone depending on the number of people in the meeting and town officials' ability to confirm the person was a legitimate member of the Seymour community, as officials were worried about Zoom bombers. Residents were also welcome to comment in the chat function of Zoom during the meeting. An official would read those comments, and others submitted prior to the meeting, into the record to be included in meeting minutes.

The town plans to incorporate Zoom into future meetings even after large gatherings are approved by state officials. Seymour officials had installed a digital display screen into its meeting room, for showing documents and budget changes during meetings. Miller said he plans to incorporate a video stream as part of future meetings, so people can watch from home. They already record and publish videos on the town's YouTube page, but hope to allow for more real-time participation from the public, and from board members who are unable to physically attend the meeting. These online methods could be helpful lessons for the future but also for nearby Valley municipalities since they often share various proposals and approaches with one another.

Recommendations

This research provided a framework on how municipalities handled a sudden and dramatic shift in open meetings during Connecticut's COVID-19 pandemic response. We focused mostly on how the public was able to engage with the process of local budget approvals in this new setting. A clear limitation to this study is that it approaches the analysis from the public official perspective, necessary to gain a broader, but consistent, understanding through the survey results. We sought to mitigate some of that potential bias by speaking to officials from the Connecticut Freedom of Information Commission, reading meeting minutes, and talking to a reporter covering one of the towns. Follow-up studies could seek to gain reactions from the residents who participated in meetings during the pandemic, and more reporters covering the virtual meetings, to compare their impressions to those of public officials across the state. There are multiple other avenues that could be explored around this topic, and leave room for future research. For example, future researchers could examine compliance with state freedom of information laws as it applies to both open

meetings and records collection. As previously noted, for example, a look at how agencies incorporate virtual meeting chats into public record would prove insightful. As the state Freedom of Information Commission has yet to review any complaints related to virtual meetings, that topic is also ripe for future study.

Despite these limitations, this study certainly provided several policy procedures and best practices about virtual meetings that public officials can adopt moving forward – though not all towns had similar experiences. As officials settle into these new means of access, we hope this research can help guide their decisions. As we continue to see limitations to in-person gatherings and as community leaders seek to retain some level of virtual meeting beyond COVID-19, we recommend public officials incorporate the following suggestions:

1. **Continue proactive disclosure** of meeting materials in advance of public meetings, as it promotes transparency and public engagement in the topic.
2. **Include virtual meeting chats in the minutes** of the meeting, either as an appendix or inserted into the relevant order the comments appeared.
3. **Continue to specifically invite the public to comment** on matters of public concern.
4. **Engage the public outside of meetings,** for example through social media accounts, to attract new voices to conversations about municipal actions.
5. **Develop consistent methods for notifying the public** and allowing access to virtual meetings, to avoid confusion from those trying to attend virtual meetings.

Three of these recommendations (minutes, public comment and notification) align with Piotrowski and Borry's policy recommendations for open meetings (2010). The four towns we examined in-depth seemed to balance Roeder's (2014) three tiers of open meetings – transparency, efficiency and public participation – based on the particular needs of that municipality. New Haven's password-protected meetings most readily served the goal of efficiency, while still allowing public access and transparency. Seymour's open chat function during virtual meetings served the goal of encouraging public participation, and reading those chat items into the record helps secure transparency of all parts of the meeting for future researchers, who may not have access to the meeting chat. It became apparent through multiple interviews that reminding residents how to participate and providing them with easier access improves participation. Guilford's large increase in public comments on the budget this year is an excellent example of this phenomenon. Residents could always email comments in the past, but no one ever invited them to do so before. Heightened concerns about finances and a loss of resident votes certainly played into this effect. But asking residents what they think without requiring them to attend a meeting was a major contributor to the influx of comments (M. Ayles personal communication, Sept. 9, 2020).

The participation of younger residents in recent protest movements indicates a desire to be part of decisions impacting their lives, a key component of local government. Officials could tap into that interest by continuing to provide multiple streams of access to public meetings, even after pandemic responses subside. Including civic education elements into local school curricula could also be impactful for future voters. As younger generations engage in online participatory practices, some municipalities will be more advanced in modern direct democracy than others. Seymour and Fairfield, where officials engage with constituents often on social media, provide two examples of where leaders are already facilitating this access.

Finally, public notification and public access are ongoing concerns facing officials, but also residents and the media. Municipalities have to be compliant with the Freedom of Information Act,

but at the same time, there is room to go beyond the requirements to help better engage the public – that proactive disclosure noted by Colleen Murphy, executive director of the Connecticut FOI Commission. Local government websites varied about virtual meeting information, links and access. While towns and cities are learning pathways and pitfalls surrounding online meetings, voters need to recognize inconsistencies and raise concerns to public officials. Similarly, the media need to work with local officials and vice versa about online meeting information. If municipalities plan to continue with virtual meetings or even consider hybrid approaches, then compliance, access and transparency will be ongoing concerns for the next fiscal year.

Despite these challenges, several interview subjects noted a true desire to be transparent during these new open meetings rules. Officials from the Connecticut Conference of Municipalities and Connecticut Freedom of Information Commission, who field questions and concerns from the public and local leaders, echoed this sentiment. "The bulk of the questions I get are aimed at doing it right," said Tom Hennick, the public information officer for the Connecticut FOI Commission. "I really sensed that they tried to do the best they could" (personal communication, Sept. 13, 2020).

Were they legally complying with online public meetings? How do officials address residents' participation through live discussion or online chat features? These were common issues that many municipalities faced with virtual meetings during the coronavirus era. There were few immediate answers. Connecticut Conference of Municipalities' Joe DeLong stressed that some localities were ahead of the curve while others adapted quickly with best practices (personal communication, Sept. 2, 2020). Towns like Fairfield, for example, held effective online meetings. Their First Selectwoman admitted that residents demanded modernization and they hired savvy tech staff to plan virtual meetings before the pandemic. She also indicated that town hall lawyers were addressing legal pitfalls this year (B. Kupchick, personal communication, Sept. 23, 2020). Even local journalists noted Fairfield's virtual online meeting abilities. "I was really impressed by the level of access in Fairfield," notes *Fairfield Citizen*'s Joshua LaBella (personal communication, Oct. 2, 2020).

Sharing best practices and effective methods for online meetings among Connecticut's municipalities is critical, then. With 169 local governments, there is little uniformity among so many municipalities, which prompted an opportunity here to study multiple approaches to virtual open meetings. Officials have to be prepared for compliant, but also effective, virtual meetings. There have been technical gaps among so many municipalities, and even municipalities near one another. As officials are learning the various ways of virtual democracy, hopefully they will also exchange best practices. This is especially concerning even when in-person meetings take place again, as most towns will likely adapt online meetings or consider hybrid approaches of in-person and online meetings. Connecticut FOI officials said a hybrid approach would be better than all-virtual access. "Some people say they want to do it because more people are participating. You don't have to rush dinner to get out the door to attend a meeting. You have more people participating because they don't need to leave the house," said Tom Hennick. "But I think you want that in-person meeting because I think you should go face-to-face with your public officials" (personal communication, Sept. 13, 2020).

Appendix

Table 1

Case study town comparison

Municipal details	**Fairfield** is a town of about 62,000 people in Fairfield County with a Representative Town Meeting form of government, and a three-member Board of Selectmen to handle town administration.	**Guilford** is a town of about 22,000 people in New Haven County with a Board of Selectmen form of government, and a First Selectman as the chief executive officer.	**New Haven** is a city of about 130,000 people in New Haven County, with a strong mayor and Board of Alders form of government.	**Seymour** is a town of about 16,500 people in New Haven County with a Board of Selectmen form of government, and First Selectman as the chief executive officer.
Budget approval process	The budget is proposed by the Board of Selectmen, reviewed and revised by the Board of Finance, and finally adopted by the RTM at the Annual Town Meeting.	The budget is proposed by the Board of Selectmen and Board of Education, then reviewed and revised by the Board of Finance, and finally adopted by the public at a budget referendum.	The budget is proposed by the mayor in early March, and reviewed and finally adopted by the Board of Alders.	The budget is proposed by the First Selectman and Board of Education, reviewed by the Board of Finance, and finally presented to voters for final adoption at a referendum.
Public participation	The public is invited to participate during budget hearings and again as part of the RTM Annual Town Meeting.	Residents are invited to participate at several steps in the process: First at workshops by the Board of Education, followed by public hearings hosted by the Board of Finance, and then finally at the Annual Town Meeting and budget referendum.	Residents do not vote on the budget, but actively participate in the process during lively budget hearings before the Board of Alders.	In Seymour, the public can weigh in on the budget three times during the process: during public hearings, a Town Meeting, and finally, a day-long referendum vote.
Key feedback	Regular communication with constituents, through weekly newsletters, direct messages on social networks and calls, helped officials anticipate issues and concerns. Existing technical infrastructure and dedicated IT staff made transition to virtual meetings easier.	Actively reminding residents of the various ways they can weigh in on the budget can help increase participation in the process.	An already-engaged public won't be deterred by virtual meetings, and password protected access. Virtual meetings prompted longer engagement during public hearings. Too much open access can result in hacking.	Sharing documents with the public prior to meetings can help residents better participate in the process. Reading chat messages into record helps provide for full transparency.

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