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February 17, 2021

TO:

All Councilmembers

FROM:

Councilmember Carol Fukunaga Mair

Committee on Public Infrastructure and Technology

RE:

Resolution 21-34, CD1 - Urging increased flexibility for electronic participation in and Public access to meetings of City and County of Honolulu Boards and Commissions, City Council, and other city agencies to increase and assure effective citizen participation

In response to today's Honolulu Star Advertiser editorial commenting on sunshine law legislation involving county councils under consideration at the State Legislature, I am sharing positive efforts to apply technology solutions to enhance public access that have occurred before and during last year's COVID-19 conditions.

Attached are the following items:

- 1) February 17, 2021 Honolulu Star Advertiser's editorial
- 2) 2019 Office of Council Services' Public Access Report on the Council's iPad Pilot Project (submitted to the National Association of Counties Organization and winner of NACO's Public Access Award for 2019)
- 3) Council Communication No. 68 Hawaii State Legislature Procedures for Remote Testimonies.

COUNCIL COM. 74



EDITORIAL OUR VIEW

Editorial: Bills would defy Sunshine Law

Today Updated 6:48 pm

Shamefully, bills introduced at the state Capitol would allow county councils to employ more secrecy and less public engagement — by way of exemptions from the transparency-focused state law that protects "the people's right to know."

While supporters allude to the proposed exemptions as a means to more efficiency in conducting government business, they seem to have lost sight of basic democratic ground rules — such as, with rare exception, the public's business should be conducted in full public view.

Yes, the public process can be slower and more cumbersome than that in the private sector. But that's by necessary design. Public notification and feedback on community issues are vital to sustaining accountability and safeguarding against potential abuse of public- office responsibilities.

It's worrisome — and the general public should be incensed — that elected members of the Legislature, who must now deal with enormous economic shortfalls fied to the pandemic and other statewide priorities, would even consider introducing transparency-eroding measures such as Senate Bill 720 and House Bill 481.

Under the state's Sunshine Law, which governs open meetings, a county council can meet behind closed doors to discuss only a short list of items, which ranges from some personnel decisions to legal consultation in regard to panel duties. Under SB 720, however, added to the list would be an option for a meeting recess period during which members could "conduct discussion off the record" on any subject.

The potentially shady upshot — pointed out in state Office of Information Practices (OIP) testimony — could mean council members conducting "real discussions and negotiations privately," and using public meetings merely for perfunctory acceptance of testimony and calling of the vote. Clearly, that's unacceptable.

The OIP warned that the bill "runs directly counter to the Sunshine Law's directive that "discussions, deliberations, decisions and action of governmental agencies" related to public policy "shall be conducted as openly as possible."

While SB 720 was shelved last week — in part, due to alarms rightly sounded by advocacy groups, the news media and others — still advancing is HB 481, which would allow county councils to attend and take part in any "informational meeting or presentation" in their communities or elsewhere via exemption from current Sunshine Law requirements.

Since 2014, the law has allowed all council members to meet as a "guest of a board or community group holding its own meeting," provided that the council gives advance public notice; that the public can attend the meeting without paying an admission fee or traveling out-of-state; and that council minutes are prepared. HB 481 seeks to lift these reasonable constraints, which could wrongly leave the public in the dark.

Both measures serve as red-flag threats to transparency, partly because they could quickly hinder citizens, journalists and other watchdogs tracking the public's business.

Deserving of the Legislature's support, though, is a third proposal, SB 134, which would prohibit the governor or a mayor from suspending requests for public records or vital statistics during a declared state emergency.

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Suspension of the Uniform Information Practices Act (UIPA), which makes government records open and available to the public, is unnecessary, actually, because rules already allow for time delays and flexibility in regard to requests. But in a misguided move, Gov. David Ige put the UIPA on ice in mid-March, vaguely asserting that the action was due to conditions created by the COVID-19 pandemic. He's partially thawed aspects since then, but has continued restrictions against fuller access.

Denying reasonable access to public records at any time negates the law's role — opening up government processes to scrutiny and participation, which stands as the only viable method of protecting the public's interest.



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2019 NATIONAL ASSOCIATION OF COUNTIES ACHIEVEMENT AWARDS

THE PUBLIC ACCESS INITIATIVE

By Randall Young, Legislative Analyst
Office of Council Services



Shoreline of Waikiki, City and County of Honolulu

ABSTRACT

In this day of conservation, technology, inclusivity, and governmental transparency, the Honolulu City Council upgraded an antiquated system for processing documents. The old system was wasteful and time consuming. Constituents were often frustrated trying to identify and retrieve relevant information useful for their informed civic engagement.

Transparency for government actions is vital. Citizens who are uninformed and kept in the dark about how decisions are made develop mistrust and feel that government leaders are acting out of self-interest rather than for the public interest. It is important to the Honolulu City Council to provide its constituency with timely access to the same information that is available to its Councilmembers during any part of their decision making process.

The Honolulu City Council's launch of the Public Access Initiative (Initiative) to "go Paperless" has upgraded and improved the administration and process of the outdated system. The Initiative has made finding and following agenda items and testimony efficient for City Councilmembers and constituents, enhanced web accessibility for those with handicaps as prescribed by the federal American with Disabilities Act, reduced the Honolulu City Council's carbon footprint, and upgraded the responsibilities of civil staff to newer technologies thereby saving time, space, and money.

THE SITUATION

The State of Hawaii Sunshine law promotes a transparent legislative process by requiring government information at both the State and county levels to be made available to citizens in a timely manner. To provide the public with access to Council documents, the City Clerk of the City and County of Honolulu has relied for nearly two decades on Docushare, as the City Council's document repository.

Docushare, is a content management system developed by the Xerox Corporation. Its use is primarily targeted for business applications and users. The search features of Docushare are complex and require formal training from service specialists for a user to be proficient. The complex home page, as shown in Figure 1, added to the difficulty in accessing this information quickly through Docushare and had prompted complaints from constituents attempting to obtain this information. Councilmembers would express frustration locating presentations and public testimony submitted at meetings, particularly during the meeting. Locating a document in Docushare, that is not referenced to a specific bill or resolution can be extremely difficult.

For Council and Council Committee meetings, the standard three ring binder would be prepared for each Councilmember, containing relevant legislative documents. Last minute agendas, testimonies and presentations would be duplicated by the City Clerk's staff with copies distributed to each Councilmember just prior to the start of meetings, resulting in a binder containing agenda-related communications received by the end of the day before the meeting, and a large stack of unorganized "last minute" or "hand-carried" paper documents on the desk of Councilmembers.

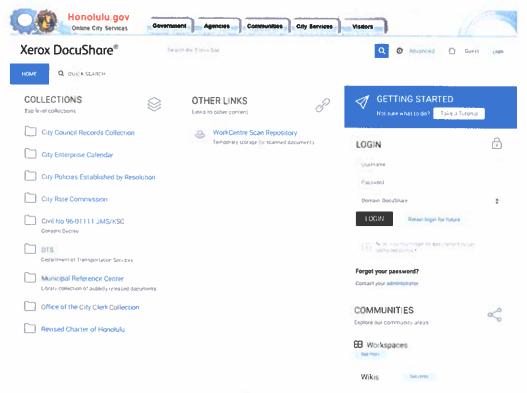


Figure 1-Screenshot of City Clerk's Docushare Homepage

THE INITIATIVE USING ILEGISLATE

In 2017, the Honolulu City Council began the Public Access Initiative as a pilot program to advance access to Council documents and introduce the Councilmembers to technology that would facilitate their Council duties and reduce their reliance on paper.

In addition to helping Councilmembers, the initiative was aimed at offering the public, through a dedicated website, an easier method to access Council documents associated with specific legislative measures. Using an existing City vendor's contract the Council was able to access his program services with the Granicus Company. Granicus is a major provider of legislative related technology and services nationally to over 2,500 cities and counties. The iLegislate application is the platform on which the project is built. This application allows users to create legislative agendas, integrating documents and videos. Information is organized by attaching all relevant government documents to a specific legislative item, such as a bill, a resolution, an amendment, communications, power point presentations and all public testimony. This format of the iLegislate electronic agenda is shown in Figure 2.

The Initiative would offer Councilmembers and the public, through a dedicated website, an easier method to access documents associated with specific legislative measures. This newly created website contains the "enhanced agenda," along with archived video of Council and Council Committee meetings. Meetings are listed chronologically, with associated hyperlinked agendas and videos located to the right of the listing.

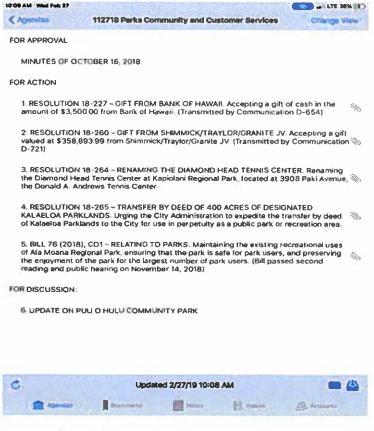


Figure 2-iPad Screenshot of the iLegislate Agenda Page

As a related secondary initiative, iPad Pros were issued to the nine Honolulu Councilmembers. The iPad was chosen for its intuitive, user-friendly operating system and portability. The Honolulu City Council became one of the first councils in the nation to use the iLegislate application on an iPad.

The primary function of the iPad is to replace the large Clerk staff-prepared binders of documents carried by Councilmembers to meetings. The iLegislate application provides an electronic agenda, attaching all related documents for Council and Council Committee meetings. Following the agenda during the meeting, a Councilmember may call up any draft of the measure being considered, any related Committee Report, or any public testimony on the measure.

The effort to "go paperless" was extended to the voluminous Honolulu City budget. Anyone who has dealt with Honolulu's annual budget documents, understands that it can contain over 1,000 pages. The use of Apple's iCloud feature in the iPad allowed for the budget document to be "broken" apart electronically. The documents are then reorganized departmentally for easy access by Councilmembers and staff at budget meetings.

The addition to the iPad of cellular connectivity, allows the Councilmembers to be fully mobile, enabling the members to record neighborhood meetings and to have full access to legislative documents that are of interest to constituents, all while being in electronic contact with their office staff.

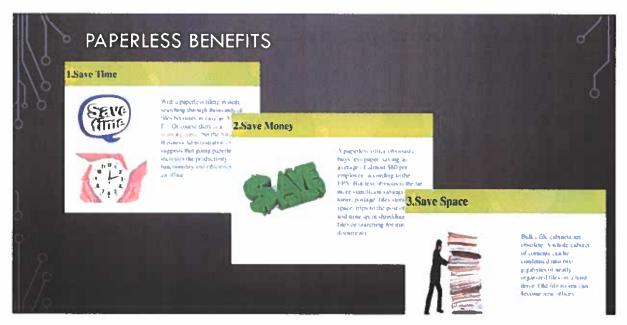


Figure 3 "Paperless Benefits" from a City and County of Honolulu Presentation

AN ISSUE AND SOLUTION

The success of any new initiative requires its users to embrace changes and step out of their "comfort zones." Usage of the electronic agendas and the iPads was very low to start. The agenda format as created in the iLegislate application differed significantly from the usual paper agendas the Councilmembers were used to receiving.

Finding an attached document in the iLegislate application is initially difficult for many casual users. The user needs to navigate away from the main agenda page to a second screen, then locate on that screen the desired document in a separate section.

A major drawback using iLegislate is the preset format of the agenda. The application does not allow for any changes or customization. The users are restricted to view and retrieve documents through the iLegislate template.

Because of this difficulty, the Initiative was modified using another part of the Granicus legislative programming (not iLegislate). A "customized" electronic agenda was created to replicate the familiar paper version. All related documents are now listed below and on the same page as each legislative item. Access to these documents are hyperlinked for easy "one Click" retrieval. By the request of the Councilmembers, each document type was titled and organized by its order of importance. This version of the electronic agenda is referred to as the "enhanced agenda," as shown in Figure 4. This "customized" format was instantly accepted and adoption from users rose significantly.

Further, a new website at Honolulucitycouncil.com was created to facilitate and improve access to these "enhanced agendas." The website contains information on upcoming meetings with hyperlinks to legislation, testimony, and archived videos of all past meetings. The website also allows for "live streaming" of Council meetings, as well. There is now an easy to use site where interested constituents have access to all relevant documents and videos.

To comply with American with Disabilities Act Best Practices recommendations, all the website pictures contain "alt tags" that identify these images with text for the visually impaired. The website can also be adjusted to be viewed in different colors and font sizes. All attached documents on the agendas also have "alt tags." Future upgrades to the website include the addition of closed captions for videos and the availability of documents in alternative formats such as HTML or RTF. These formats will allow computer software "screen readers" to speak written text.

Finally, by having the documents now digitally accessible, what was once multiple copies of documents to nine Honolulu Councilmembers and staff, the amount of paper ordering and storage, along with copier toner use were both noticeably reduced.



AGENDA

REGULAR MEETING COMMITTEE MEETING ROOM TUESDAY, FEBRUARY 26, 2018

SPEAKER REGISTRATION Persons wishing to teetify are requested to register by 9:00 a.m. as follows: On Line at http://www.henchuls.pov/cci-testimes/y-farm.ht By faxing to 768-3827 your name, phone number and the By filling out the registration form in person; or By calling 768-3818. Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the regis Each speaker limited to a one-WRITTEN TESTINONY Willian teatimony may be faxed to 765-3527 or transmitted via the internet at http://www.honoisiu.gov/cci-teatimony-farm.inmi for dis If submitted, written lestimonies, including the testifier's address, e-mail address and phone number, may be posted by the City Clerk and available to the public on City's Deculinere Website. Accommodations are available upon request to persone with disabilities, piease call 768-3818 or send an email to darele nego@thonolulu.gov at least three days prior to the needing date. The meeting is viewable by: (1) internet live streeming through http://oleio.granicus.com/filedis/layer.php?publish kly82; (2) talevised live brendcast on Oleic TV Channel 54; or (3) after the meeting, viewable at http://nrnu.honolulucitycounci.l.tv/. Ceptes of older meeting videos may be requested by calling the City Clarit's Office at 784-822. is may apply FOR APPROVAL MINUTES OF PERRUARY 6 2019 FOR ACTION 1. SILL 96 (2018) — RELATING TO FIRE SAFETY. Clarifying the intent of Ordinance 18-14 and addressing implementation issues relating to fire sefety measures and assessments enected by that ordinance for the protection of persons and property in existing high-rise residential buildings. (Bill passed second reading and public BRJ. 96 (2018) CM Fulture 98 Proposed CD1 (OC\$2019-0182/2/25/2019 5:10 PM) D-113 (19) HONOLULU FIRE DEPARTMENT - Bill 26 (2016) Relating to Fire Safety CG-56 (19) CM FUKUNAGA Regarding HFD concerns. Early teatimony for 01/30/19 Council meeting Additional testimony for 01/30/19 Council meeting Early testimony for 02/96/19 PITS meeting Additional testimony for 02/06/19 PITS meeting 2. RESOLUTION 18-285 - RED MILL BULK FUEL STORAGE FACILITY, Urging the United States Environmental Protection Agency and the Hawaii State Department of Health to reject the approval of a single well tank upgrade alternative option for the Red Hill Bulk Fuel Storage Facility and to reject the conclusions presented in the

Figure 4-The "Enhanced Agenda"

THE COST

The budgeted allotment for the Public Access Initiative was \$80,000.00 and approximately \$65,000.00 was expended. Initial costs for this program were held to a minimum as it was promoted as a pilot project. In 2017, one full-time City employee was allocated for hire as a technology specialist. Later, two other existing Council staff members were assigned to assist with the Initiative. Approximate initial first year personnel cost is \$50,000.00.

With the cooperation of an existing City vendor and discussions with the Granicus Company, access to Granicus services and iLegislate programs were allowed at no additional cost to the City, which was already using Granicus for its video and video archiving capabilities. This access is still in place, however a fee may be charged after the expiration of the existing four-year City contract with the vendor. Approximate initial first year software cost is \$0.

The iPad Pros were selected as the device to integrate the initiative changes. Cellular service was also added to the devices to provide internet access regardless of the location of the Councilmember. Approximate initial first year hardware and internet access cost is \$15,000.00

THE RESULTS

This Initiative has come to be endorsed by all the Councilmembers. Feedback from all nine Councilmembers, forty-five members of their staff, and eight attorneys and nine analysts in the supporting division of Council Services, are tremendously positive. The "enhanced agenda" has created a valuable research tool and organized documents so that access has been simplified.

The website for "enhanced agendas" and archived videos has created a greater awareness among the many users, generating positive comments about its simple features and enriched content. It has become a convenient location for citizens to find the related documents for upcoming agendas.

The feedback from constituents that access the "enhanced agenda" on the website have also been overwhelmingly favorable. The public is looking forward to continuing improvements that keep them informed of important community issues. Councilmember Carol Fukunaga, who was the lead Councilmember for the Initiative, expressed, "Councilmembers, and especially the public, will realize the benefits from these changes."

The iPads have exceeded Councilmembers expectations. The devices now allow for easy access to all agendas both during and after Council and Council Committee meetings. Late testimonies and presentations for meetings are uploaded on a "live" basis so that paper documents do not clutter the meeting desk space. Councilmember Ikaika Anderson, Councilmember Joey Manahan and Councilmember Carol Fukunaga have requested that their scripted agendas, also be placed on the iPad. Those Councilmembers now carry only their iPads and no folders or related papers to meetings.

WORTHINESS

The program has made great strides since its introduction in 2017. Prior to the Public Access Initiative, Docushare was in use for nearly 20 years with no improvement to enhance public access to government documents, especially in real time.

All of this has been achieved within the parameters of a very limited budget. Since no funds were spent on the software that encompasses iLegislate, many of the normal support features, were unavailable. Change and innovation to the iLegislate program originated from the small, newly assembled information technology staff for the Initiative. Requests from Councilmembers, were completed, then implemented in a manner that met all expectations.

The selection of the iPads for use by Councilmembers occurred at a time when Granicus has just released the first ever iLegislate application based on the iOS platform. This made the Honolulu City Council one of the first users of that application.

By implementing this Initiative, the Honolulu City Council has made it a priority to be transparent to the public in its decision making and start the process to "go Paperless". In the process, money that normally went to paper and toner purchases are now saved, paper storage space needs are reduced, and web-enhanced documents complying with American Disability Act guidelines, enable more of Honolulu's constituents to participate in their City government.

The Honolulu City Council looks towards the future in these ways to provide additional service to the City and the public:

Developing procedures and templates to utilize changes to Hawaii Revised Statutes which now allow posting of a video with a written summary as a substitute for full written minutes. This will free staff from hours of creating meeting minutes, and still be an accurate record of each meeting.

Continuing improvement to mobile public access.

Expanding and developing an additional database to provide easier access to legislative information.

Developing and expanding digital communication options for the public, including social media.

Preparing for new technology developments such as 5G(cellular) and wireless 802.11 ax (WIFI 6). These technology improvements will impact the ability to create virtual applications enhancing the Council's public meetings and communications.

Thank you for this opportunity to submit for a National Association of Counties award for the Honolulu City Council's Public Access Initiative.



Legislative Committee Hearings in 2021

Due to the COVID-19 pandemic, the State Capitol building is closed and in-person attendance at Senate and House committee hearings is suspended for the 2021 legislative session. All committee hearings will be conducted virtually using Zoom, and there are many ways for you to follow the action and participate:

- Livestreams. All Senate and House committee hearings and floor sessions will be streamed live on YouTube. Visit the Legislature's <u>Live & On-Demand Video</u> webpage to access the House and Senate YouTube channels.
- Cable Television Broadcasts. The Legislature will continue broadcasting selected committee hearings and floor sessions on public access cable television channels. For broadcast schedule information, visit the <u>Legislative Broadcasts</u> webpage.
- Testimony. The House and Senate standing committees will be accepting both written and remote testimony via Zoom during the 2021 session. This remote testimony option will allow broader participation by those who were previously unable to get to the State Capitol to testify in person.

Anyone interested in submitting written testimony or testifying remotely on a measure scheduled for a public hearing should create an account on the Legislature's website and use the online testimony form.

If you do not have internet access or need assistance to create an account or navigate the testimony process, contact the Legislature's Public Access Room (PAR) at (808) 587-0478 or par@capitol.hawaii.gov. You can also visit PAR's website (https://lrb.hawaii.gov/par/), which has video tutorials, step-by-step instructions, and reference information about the legislative process and how to participate.

The option to testify remotely via videoconference is new this year. The following instructions outline the process.

Hawai'i State Legislature Regular Session of 2021

Remote Testimony Instructions

Make a Request to Testify Remotely

If you wish to testify via videoconference during the hearing, you must also submit written testimony. Use the Legislature's website (www.capitol.hawaii.gov) to submit your written testimony.

Confirm that the name you enter in the "Testifier's Full Name" field includes your first and last name and reflects how you will identify yourself in Zoom. The field will initially show the name saved in your account information. Please edit the text if necessary.

stifier's Full	Name
(First and Last)	
Joe Aloha	All and the second seco
If planning on test	fying via Zoom, this name must match your Zoom name exactly.

When asked, "How will you be testifying?" select the radio button labeled "Remotely via Zoom during the hearing & submitting written testimony."

How will you be testifying? more info	
•	Remotely via Zoom during the hearing & submitting written testimony Written testimony only

- All testimony received by the Hawai'i State Legislature is posted on our website and will be available to the public. Please do not include information that you do not want disclosed publicly.
- All videoconference testifiers must submit their written testimony and make a request to testify remotely prior to the hearing.
 - o In the **Senate**, you must submit your request at least <u>24 hours</u> prior to the start of the hearing. Late requests to testify remotely via Zoom may be made by contacting the <u>committee</u> directly. Requests will be handled on a case-by-case basis.
 - In the House, submission of testimony and requests to testify remotely 24 hours prior to the start of the hearing is strongly encouraged.

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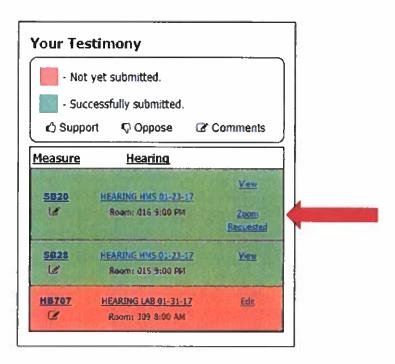
Help and Support.

- For general help with navigating the legislative and committee hearing process, please contact the Public Access Room at (808) 587-0478 or par@capitol.hawaii.gov or visit PAR's website at https://lrb.hawaii.gov/par/.
- For special assistance: If you need an auxiliary aid/service, other accommodation, or are unable to submit testimony via the website due to a disability, please contact the committee directly:

 https://www.capitol.hawaii.gov/committees/committees.aspx?chamber=all-

After You Submit Your Request to Testify Remotely

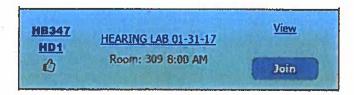
When logged in to your account on the Legislature's website, you should see a note in the green "Your Testimony" section that says, "Zoom requested." This confirms that both your written testimony and your request to testify remotely have been submitted to the committee.



• The number of videoconference testifiers and/or time allotted to each testifier may be limited by the Chair when necessary to adhere to the committee hearing schedule. Committees will accommodate as many remote testimony requests as reasonably possible during the time allotted for the hearing. However, we cannot guarantee that everyone who requests to testify remotely will be given access to the Zoom meeting link, or that everyone who is given the Zoom meeting link will have an opportunity to speak during the hearing.

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- If we can accommodate your request to testify via Zoom, you will receive access to the Zoom link for the hearing three (3) hours before the hearing begins.
 - o To access the link, you will need to log in to your account on the Legislature's website.
 - The Join meeting link will be available to you in the green "Your Testimony" section of your testimony page.



- If we are not able to accommodate your request to testify, you will not receive
 access to the Zoom meeting link and the committee will notify you via email.
- If you requested to testify remotely but you are no longer able to attend the hearing, please contact the <u>committee</u> directly to notify them.
- Zoom Meeting Schedules:
 - Senate: There will be one Zoom meeting scheduled per committee timeslot. Therefore, the Zoom meeting link you use to testify remotely may apply to more than one "agenda" or hearing notice.
 - Click <u>here</u> for the Senate Committee Hearing Schedule.
 - House: There will be one Zoom meeting scheduled per committee agenda. Therefore, if a committee schedules more than one agenda within a given time slot, each agenda will have a unique Zoom meeting link.
 - Click here for the House Committee Hearing Schedule.

Before the Hearing

The Zoom meeting will begin 20-30 minutes prior to the scheduled start time for the hearing. Please join the meeting early so we can admit all participants from the waiting room before the hearing begins.

 Please join the Zoom meeting using the first and last name you provided when submitting your written testimony via the Legislature's website. This is how we will identify you in the waiting room. Only testifiers who follow the registration process outlined above will be allowed to join the Zoom meeting.

If you're not familiar with Zoom, please spend a few minutes reviewing the user interface ahead of time. These links may be helpful:

- Joining a meeting
- Attendee controls during a meeting

01/14/2021

During the Hearing

All testifiers must utilize their **computer audio** to participate and we strongly encourage you to share your video when testifying.

- This link explains how to test your computer speaker and microphone
- Please make sure your CHAT PANEL IS OPEN for the duration of the hearing and check it often.
 - Legislative staff will use the chat function to communicate with you during the hearing.
 - o If you have questions or run into technical problems, you can use the chat feature to send a message to the host of the meeting.
 - Please keep the chat traffic to a minimum and to technical questions only.
 No comments about the subject matter, please. Our staff will do their best to assist you but may not be able to respond to all chat messages.
- During the hearing your mic and video camera should be muted/stopped unless it is your turn to testify. Legislative staff may mute participants or stop your video as necessary.
- When it is your turn to testify:
 - You will receive a request to share your video shortly before it is your turn.
 Please accept the request.
 - o When the Chair calls on you, please unmute your microphone, pause for a moment, then begin addressing the committee.
- If you do not respond or encounter technical problems when the Chair calls on you, you may not be able to testify.

Additional Tips and Reminders

- To help ensure successful participation in the hearing, please test your audio and video before joining the meeting and check the chat panel frequently until it is your turn to testify.
- Your internet speed will affect the quality of your audio and video in the meeting.
 The Legislature will not be responsible for users' connection issues and technical
 problems. We recommend joining the meeting from a hard-wired broadband
 internet connection whenever possible.
- To prevent audio feedback, the sound for any livestream or cable broadcasts of the hearing you have running in the background must be turned off or muted when it is your turn to testify (There will be a 20 to 30 second delay from the Zoom meeting to the livestream).
- You are participating in a public event that is being broadcast live. The Zoom audio/video of the hearing will be part of the public cable broadcast and/or livestream via the internet. Please minimize background noise and consider what is visible in the background of your webcam.
- Do not use virtual backgrounds with copyrighted material. These may be flagged by YouTube.