

## ***Standard Operating Procedure: Virtual Public Hearings***

*(As adopted on May 1, 2020)*

**SUMMARY:** The following procedures, standards, and guidance are aimed to allow the 35th Guam Legislature to host virtual public hearings during a public health emergency. Although the venue for these hearings will be changed to an internet-based platform, and therefore physical attendance and participation will be changed to remote/online options, the goal of this SOP is to afford the public and media an equal (or comparable to the best, yet practicable degree) standard of participation, accessibility, and transparency to hearings conducted outside of a public health emergency. The policy below is broken into three main parts:

Article 1. Pre-Hearing Logistics

Article 2. Public Participation and Access

Article 3. Conduct of Hearings

### **Article 1**

#### **Pre-Hearing Logistics**

##### **Section 1.01. Verification of live participants in advance of hearing date.**

(a) All participants (including Senators and those giving live testimony) should verify the account or email address they will use to sign into a virtual meeting platform (e.g. Zoom).

(1) Senators participating must use an email address included on the 35th Guam Legislature's protocol listing

(2) Individuals who want to provide live oral testimony must contact the committee holding the hearing (via email) with their full name, contact number and email address. The individual must create an account as part of the vetting process for verification of identity.

(3) All participants must use accounts that list their full name, as this will be inputted into a database of verified accounts vetted for video conferencing.

(b) Pre-hearing verification should be completed (either through MIS or committee staff) no later than 24 hours before scheduled hearing.

##### **Section 1.02. Recommendation or requirement of quality hardware and software.**

(a) All participants should have the capability to broadcast their involvement in a public hearing uninterrupted by technical glitches or failures.

(1) All participants should receive strong guidance to utilize a desktop or laptop computer with a webcam and microphone built-in.

(A) A dedicated microphone is recommended but not required.

(2) If participants do not have a laptop or desktop at home available, the Standing Committee *may* offer alternative solutions (provided said solution is deemed secure, workable, and reasonable by MIS). Alternative solutions may include (but are not limited to) the use of smart phones to participate, or submitting pre-recorded testimony.

(3) Standing Committees should recommend participants utilize earphones or earbuds to ensure no audio feedback impedes or obstructs the virtual hearing or meeting.

(b) Pre-hearing tests of audio/video/internet quality for first-time participants should be completed (either through MIS or committee staff) no later than 12 hours before scheduled hearing.

**NOTE:** *As the setup for each webcam and possible microphone or earphone setup is different, MIS will be available to assist Standing Committees in setting up computers over the phone. Should assistance be required, Committee Members and other Members of the Legislature should reach out to MIS no later than 24 hours prior to a scheduled hearing.*

### **Section 1.03. Requirement of Participants to Follow Rules that Maintain Civility and Professionalism.**

(a) The decorum of a “traditional” public hearing should not be compromised because of the virtual setting of the hearings authorized by Resolution No. 232-35 (COR). In this spirit, before live participation in any hearing, all participants must formally agree to the following:

(1) To broadcast from a quiet room with little to no interruptions;

(2) To broadcast from a room with adequate lighting—specifically to ensure the participant's face is visible and not backlit;

(3) To ensure participant’s face is visible at all times;

(4) To be properly attired; and

(5) To use only respectful and professional language and conduct.

(b) Virtual backgrounds should not be utilized during public hearings authorized under Resolution No. 232-35 (COR).

(c) Committee staff should secure all pre-hearing agreements for first-time participants no later than 24 hours before scheduled hearing. Participants who have previously attended virtual public hearings must be reminded of these standards no later than 5 p.m. the day before a public hearing.

### **Section 1.04. Advanced Submission of All Documents Used and/or Referenced.**

(a) To every extent practicable, all testimony and documents (including bills to be discussed) that will be utilized in a public hearing should be submitted in advance to Committee Members or (at the discretion of the Committee Chairperson) to all legislative offices.

(1) Standing Committees should utilize an email group (e.g. CORMeeting@guamlegislature.org or senators@guamlegislature.org) to disseminate testimonies and reference documents/files.

(b) Committee staff must send all available documents via email no later than 12 hours before a public hearing.

(1) Committee staff should forward any additional material to Committee Members and/or Members of the Legislature after the initial email referenced above.

**Section 1.05. Final Quality Test for Live Participants.**

(a) All Committee Members and/or Members of the Legislature, and those offering live testimony must be in the conference call 15 minutes prior to the scheduled time to ensure possible video, audio, or internet problems are addressed.

(1) Committee Members and/or Members of the Legislature who are unable to comply with this step (e.g. those who join the public hearing after it begins) may be brought into the conference call by the host of hearing, provided that the Member's audio and video capabilities have been previously verified. Individuals seeking to provide testimony who are unable to comply with this step may be required to submit their testimony via alternate options (as afforded below).

## Article 2 Public Participation and Access

**NOTE:** *Standing Committees should consider giving more than five (5) days notice before conducting a public hearing, and more than 10 days to submit testimonies after public hearings, in order to maximize transparency and accessibility of virtual hearings. Any time limits imposed by Committee Chairpersons that would affect live participation or pre-recorded testimony should also be clearly communicated in advance. Alternate options (as provided below) to provide testimony may be offered at the discretion of the Standing Committee, as a way to maximize participation.*

### **Section 2.01. Live Testimony Allowed.**

- (a) Standing Committees should heavily publicize the email address where the members of the public can begin the process of offering live oral testimony.
- (b) All those wishing to provide live testimony must comply with pre-hearing logistics to ensure security and capability, including the final quality test.
- (c) All participants who have completed pre-hearing logistics will be contacted by the host of hearing (either MIS or committee staff) with a link to hearing.
- (d) After the final quality test (referenced in the preceding section), the host of hearing will mute those providing live testimony until called upon by the Committee Chairperson.
  - (1) Individuals may also be queued in a “waiting room” until the host moves them into the live conference call for their testimony.
- (e) Individuals should be called upon in the chronological order of requests to testify between members of the public, ~~and~~ the Standing Committee and/or Members of the Legislature, except:
  - (1) Former Senators and other elected officials will be offered priority when speaking, in line with the courtesy afforded to these individuals during “normal” public hearings.
  - (2) Individuals offering testimony at the invitation of a Committee Chairperson or the author of a bill will be offered priority when speaking, in line with the courtesy afforded to these individuals during “normal” public hearings.
- (f) Individuals who have finished testifying will be muted by the host of hearing, or may be placed back into a waiting room until called upon by the Chairperson, or a Member of the Legislature.
  - (1) Individuals who have finished testifying *may, at their discretion,* leave the conference call before the hearing is adjourned.
- (g) All individuals testifying live must be able to comply with all rules of conduct and quality assurance standards imposed by a Standing Committee, including (but not limited to):
  - (1) Ensuring participant’s face is visible at all times;
  - (2) Using a desktop or laptop computer with a webcam and microphone built-in.

(A) If participants do not have a laptop or desktop at home available, the Standing Committee *may* offer alternative solutions (provided said solution is deemed secure, workable, and reasonable by MIS). Alternative solutions may include (but are not limited to) the use of smart phones to participate, or submitting pre-recorded testimony.

## **Section 2.02. Alternate Options for Submission of Testimony.**

(a) Members of the public who cannot or choose not to complete pre-hearing logistics should still be afforded other ways to provide testimony.

(1) For example: a resident's internet may not be fast enough to ensure a quality live broadcast, but will still be sufficient to submit pre-recorded testimony in advance of a public hearing.

(2) The email address that receives these files should be the same as the address given to constituents who want to provide live testimony.

(3) Standing Committees can impose time limitations on pre-recorded testimony, in order to ensure a fair opportunity for all wishing to testify on measures.

(b) **ALTERNATE 1:** Pre-recorded video

(1) This option should be the preferred alternative to live participation.

(2) Submitted videos should have the following minimum requirements:

(A) SPECS FOR VIDEO: .mp4 or .mov format at 16:9 aspect ratio.

(3) If files are too large (for example, longer than 5 minutes), a Standing Committee *may* require videos be published on a web-based platform like YouTube or Whatsapp in order to be used in a virtual public hearing.

(A) Pre-recorded video testimony will have specific restrictions in regards to intellectual property. (e.g. No copyright audio/video, No political campaign ads, etc.)

(4) Videos should be submitted to the host of the hearing no later than 24 hours before the hearing.

(A) The host of the hearing should communicate any problems with submitted videos no later than 12 hours before hearing.

(c) **ALTERNATE 2:** Pre-recorded audio

(1) This option should be given when an individual's poor video quality distracts or otherwise negatively affects their testimony.

(2) Submitted clips should have the following minimum requirements:

(A) SPECS FOR AUDIO: .mp3 format, Recommended minimum 96kbps audio bitrate.

(3) Clips should be submitted to the host of the hearing no later than 24 hours before the hearing.

(A) The host of the hearing should communicate any problems with submitted files no later than 12 hours before hearing.

(d) **ALTERNATE 3: Written Testimony**

(1) This option should be given for individuals with fundamental quality issues, or for those without access to high-speed internet.

(2) Written testimony can be submitted to the committee via email or may be mailed to the Standing Committee at the following address:

Guam Congress Building  
163 Chalan Santo Papa  
*Hagåtña*, Guam 96910

(3) Written testimony submitted in advance (at least 24 hours before the hearing) *may* be read into the record during a live broadcast of a hearing, at the discretion of the Chairperson or at the request of a member of a Standing Committee or Member of the Legislature.

## Article 3

### Conduct of Hearings

#### Section 3.01. General Guidance.

- (a) All virtual public hearings will be broadcast live via the Legislature’s television and YouTube channels. Committee staff must finalize broadcast details with MIS and A/V no later than 24 hours prior to the public hearing.
- (b) Ideally, no more than three (3) virtual public hearings will be held in a single day: one in the morning, one in the afternoon, and one in the evening. All virtual public hearings must be scheduled with the Sergeant-at-Arms, who will coordinate with MIS and A/V before rendering a decision.
- (c) If at any time a Committee Member or Member of the Legislature requests to speak during the public hearing, please signify your request via in-app chat and you will be recognized.
- (d) To ensure transparency and an accurate record, all motions must receive a roll call vote.

#### Section 3.02. Suggested Agenda/Order of Events.

- (a) *Welcome and Introduction* - General remarks and standard script that includes:
  - (1) Time of convening;
  - (2) Review of public notices given in advance of hearing; and
  - (3) Acknowledgment of Committee Members, Members of the Legislature, and legislative employees present.
- (b) *General Rules of Conduct* - Amended standards to be read aloud by Chair
  - (1) The host of this hearing will mute all participants until called upon by the chair.
  - (2) When called to speak, please ensure that you are “un-muted” and that you are speaking into your microphone.
  - (3) Members of the Committee and/or the Legislature wishing to speak may indicate their desire to the chair through the in-app chat feature.
  - (4) Individuals testifying shall first be recognized by the Chair before speaking and shall state their name for record-keeping purposes.
  - (5) The order of questioning will begin with the panel of Senators, who shall complete their lines of questioning for each respective item on the agenda. Upon completion of the panel’s line of questioning, the Chair will pose questions.
  - (6) Each member will be allowed to pose a question to an individual testifying for a round and will be provided another round, if needed.
  - (7) Questions and testimony shall be confined to the substance or nature of the agenda. Personal inference as to the character or the motive of any Senator, or any

individual testifying, is NOT permitted. Any violations of this general rule of conduct will result in removal from the Public Hearing by the host.

(c) *Hearing of Bills* - Statements from the author or sponsor and testimony from the public

- (1) Opening statement from author or sponsor
- (2) Live testimony from public
- (3) Questions (if any) from the Committee to those offering testimony
- (4) Pre-recorded videos
- (5) Pre-recorded audio
- (6) Written testimony, time permitting, or at the discretion of the Committee Chair, or at the request of the author of a bill being heard or Member of the Legislature
- (7) Closing statement from author or sponsor

(d) *Adjournment* - General remarks and standard script that includes:

- (1) Formal name of committee;
- (2) Email address to send additional testimony;
- (3) Deadline to submit testimony; and
- (4) Time of adjournment.