

Barry Kade e-mail.

Sent from my Verizon Wireless 4G LTE DROID

----- Original Message -----

Subject: RE: H497

From: Barry Kade <barrykade@hush.com>

To: Steven Jeffrey <sjeffrey@vlct.org>

CC:

Steve,

I don't know if you know who I am. I appear frequently before leg committees dealing with open government and am a strong advocate for public access to meetings and to records. I am also active in local government. I have been on Montgomery's planning commission for more than a dozen years and the Northwest Solid Waste District since it began in '87. I see the difficulties of complying with the law. In fact, there are times when we go into executive session quite legitimately, but the discussion starts to go off topic. Unless someone plays the role of "open meeting cop" imonitoring the situation, t is easy for that to happen.

As for the need to be there in the moment. The important thing is that members of the public 1. see what is transpiring; 2 have input before a decision is made. If the emails are made available at [or before] the actual meeting, No. 1 is satisfied. If the body actually discusses the item that was the subject of the email and allows public input, the public may be in a better position than if they were allowed to speak before hearing what the members of the body had to say. I would be concerned if a meeting went "I move that we adopt the policy on global warming as agreed to in the emails." Then "seconded" Then "Is there any more discussion? . . . hearing none, all in favor vote aye."

On the other hand I see no problem with the following "I move to adopt the policy on global warming as discussed in the emails, which have been distributed and you all have in front of you [including members of public present]." Then "second." Then "is there any further disussion from members of the board? . . . hearing none, do any members of the public wish to comment?"

John Smiht: "Yes, I read thee mails and I see that the policy is based on a study from The Greener than Thous think tank. Are you aware that Greener than Thou is a front group for Exxon? Are you aware that . . . ." The board then has further discussion, amends, or tables to do further research, or votes to adopt as is.

For this to be most effective, the warning of the meeting should be required to state that there has been email discussion of named agenda items and that copies oft he emails are available. That way a member of the public could request the emails prior to the meeting and be in a better position than if they had to wing it.

I've been writing this as much as an exercise in thinking it through for myself as to communicate with you. So, thanks.

I know that what I am proposing puts a slight administrative burden on staff, if there is one. But that is more than offset by eliminating the necessity for extra meetings, and the efficiency of being able to think things through, rather than make decisions on multiple topics in a one or two hour time frame.

I'll see you tomorrow.  
Barry

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"If liberty means anything at all, it means the right to tell people what they do not want to hear."  
-George Orwell

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On Wednesday, January 29, 2014 at 9:35 AM, "Steven Jeffrey" <sjeffrey@vlct.org> wrote:

Barry -- sorry about not being able to get back to you yesterday on this. The problem we will run into with your proposal, I think, will be that some will be concerned that members of the public will only be made aware of the electronic communications after the fact and not be able to be there in present time. I'm not saying that I agree with that concern, only that is my expectation.

We can try it and see how it flies.

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From: Barry Kade [mailto:barrykade@hush.com]  
Sent: Tuesday, January 28, 2014 1:21 PM  
To: Steven Jeffrey  
Subject: H497

Steve,

I just sent a note to House GOV Ops asking for 3 minutes to speak about the necessity for volunteer bodies to communicate by email. I would like to briefly touch base with you on this. I am a supervisor with the Northwest Solid Waste District. I chair the Administration Committee. We draft policy for approval by the full board. We generally meet for an hour before the full board meets. It is often necessary for us to finish up a

draft between meetings. We go back and forth on matters of substance, not considered in the current bill language. I feel this is necessary and the intent of the Open Meeting Law is met if we make final decisions either in our committee meetings or the final draft is presented to the full board for consideration at its regular meeting. Attaching our emails to the minutes would give the public access to what transpired. The fact that matters are finally decided at the public meeting gives the public the opportunity for input, missed by our email communications.

I can be reached tomorrow at 933-2490. I am going out for the remainder of the afternoon. It's okay to call at any reasonable hour.

Barry Kade

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