

Vermont Press Association
c/o Journalism Department
St. Michael's College
Colchester, Vt. 05439-0284
(802) 654-2442
mdonoghue@smcvt.edu

Jan. 14, 2016.

To: Honorable members of the Senate Government Operations Committee.

Re: Bills S.114 and S.170

Dear lawmakers:

The Vermont Press Association would like to voice the following concerns about proposed changes in the state's open meeting law, as reflected in the current draft of S.114. The VPA represents the interests of the 11 daily and four dozen non-daily newspapers circulating in Vermont. The newsroom staffs of our newspapers are very familiar with the open meeting law and how it can be improved to help your constituents better understand what is going on in their home communities.

The bill appears to create two standards for making minutes available to the general public, including other town officials and the press. The requirement to generate minutes within five calendar days is more than reasonable, and there is no need to change that provision. Placing minutes on a municipal website — marked "draft," if need be — is easy to do. That is what most clerks do now when a hard copy of the minutes is requested. (Some have a stamp that says: Unapproved until the next board meeting.)

The VPA joins the many legislators and municipal officials that were concerned by the fact that the Vermont League of Cities and Towns urged communities to temporarily take down their websites in response to the posting requirement. Rather, the emphasis, we believe, should have been placed on training town clerks or others to comply.

Vermont municipal officials, especially town clerks, have been called upon for many years to be computer-savvy. Most, if not all, have the skills to post the meeting minutes on a town website. If not, there is still time for the VLCT to offer training for the skills needed to post minutes and other items to the websites.

The basic function of uploading minutes onto a website could also be delegated to local high school students, for example, as a way to generate youth interest in town government. It could be done as an internship, or possibly as a paid stipend for the limited duties (under one hour a month).

We would also appreciate the addition of a sentence in the bill that stresses the requirement that municipalities comply with the Open Meeting Law.

As for bill S.170, the VPA does not support any measures that might give municipal officials the unchecked latitude of emailing each other in the setting of a meeting agenda. The setting of a meeting agenda constitutes the performance of municipal business and should not be done in private.

Many municipal boards currently fashion a list — in public session — of issues to take up at their next meeting. This list is often added to by a town administrator during the course of the week, or by the board chair. The board also can add to the agenda by consensus at the beginning of the ensuing meeting.

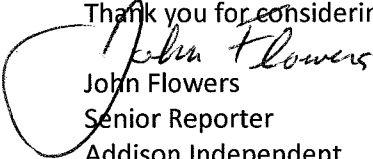
Also by the very nature of sending emails to add or reject possible agenda items on its face is conducting town business. By saying who will be left off, or placed on the agenda, business is conducted. A version of that is one of the current violations our members have reported to us. When a majority of board members meet for coffee to “set the agenda” that is a meeting, but nobody warns those sessions under the law.

There is also a problem with the meaning of one section dealing with the proposed ill-advised email exchange: “any communication by an individual member of a public body that does not result in a direct substantive response by another member.”

What is a direct substantive response?” Does not responding but voting the way the other board member requested in an email count? How would the public know the board member was influenced by such an email?

We stand ready to work with your committee and the legislature as you move forward on both bills.

Thank you for considering our thoughts.


John Flowers
Senior Reporter
Addison Independent
President, Vermont Press Association
(802) 388-4944
johnf@addisonindependent.com
16442518.1

