

Town Council Ad-Hoc Governance Committee
Meeting Notes
October 30, 2007

Present: Dave Libby, Joe Wroblewski, Cathy Breen

Per our agenda, we discussed the general topic of email communication between and among Councilors and members of town committees and boards. **Our goal is to avoid the use of email that violates (or may violate, or appears to violate) public meeting requirements.**

Dave shared several pieces he collected since our last meeting: a letter from the S. Portland mayor regarding their practices, which included their disclaimer; and a S. Portland email policy that seems to apply to staff more than volunteer committee members. Dave reported that his research through the MMA yielded remarkably little in terms of sample email policies being used by other municipalities.

We discussed several potential mechanisms to achieve the goal stated above:

- Create an email policy that will get adopted and memorialized in Council Policy Manual
- Create and adopt a disclaimer on town emails that will alert correspondents to the fact that all emails regarding town business are subject to the Freedom of Information Act (FOIA) and may be made public
- Joe agreed to draft both of the above for review by Dave and Cathy and submission at the Council's November workshop

We also discussed whether or not email between only 2 Councilors or town committee members is subject to FOIA. Joe will check this with Bill Plouffe, Town attorney.

After more discussion of email practices, town website use and potential ways to meet our goal, we agreed on the following:

- a. The GC committee will draft and submit an email policy to submit to the whole Council at our November workshop. Joe will do draft.
- b. The GC committee will recommend that all Councilors obtain an email address through the town for use with town business (assuming this can be accomplished with ease and convenience to our home computers). Messages from Councilors' town email addresses will include a disclaimer about FOIA, which Joe will draft.
- c. The GC committee recommends that the town website be changed to create a new, easy, direct way for the public to contact all Councilors (i.e., separate the Town Council from the "Boards and Committee" section). The disclaimer mentioned above will appear in close proximity to (or be imbedded somehow in) this new button.
- d. The GC committee recommends that the Council Chair be designated to acknowledge email messages that get sent to all Councilors. The Chair will refrain from discussing the issues on behalf of the Council, but will supply information regarding how the Council will proceed with the issue, if applicable

(for example: upcoming public hearings, information on the website, and so on). This does not preclude individual Councilors from responding on their own, but they should not “reply to all.” Cathy will draft this portion of the policy for review by Dave and Joe.

- e. The points above will be on the November 13th workshop agenda, and Cathy will prepare the materials for the workshop packet.

We moved on to discussion of Council Rules, which we had reviewed on our own in advance of this meeting. Dave and Cathy stated their impression that several sections of the Rules are confusing and possibly inconsistent. Joe stated that a wholesale review and re-drafting of the Rules seemed to him beyond the scope of the work plan and not a high priority for the GC committee. Dave and Cathy pointed out that “review Council Rules” was part of the work plan. We discussed several sections that were particularly confusing (at least to non-lawyers) and pointed out concerns about Sections 23 & 8, as well as advice Dave received through an MMA seminar regarding conflicts of interest and recusals. In addition, Dave and Cathy reported that they were not so much interested in changing the rules but rather making them easier for the layperson to understand.

We agreed on the following next steps regarding Council Rules:

- a. Joe will contact Bill Plouffe and get clarification on Sections 23 & 8
- b. Cathy & Dave will create an inventory of the sections of the Council Rules that we’d like to see if we can make easier to understand.

Next meeting: Wednesday, November 14, 2007 at 7:30 am at Town Hall. Our focus for that meeting is:

- a. Review email policy drafts and process feedback from other Councilors from the November workshop (the night before)
- b. Review Rules inventory mentioned above; decide how to proceed with Council Rules review
- c. Address Council Committees as stated in work plan