

USE OF EXECUTIVE SESSIONS

In the year Two Thousand Ten.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, over the course of the past year, the City Council has been frequently agreeing to enter into executive sessions in order to consider matters which have been deemed confidential by members of the Kiss Administration, based upon their reading of exceptions to the State’s open meeting law; and

WHEREAS, these decisions to enter into executive sessions may well be legal but the question remains whether the secrecy of the resulting discussions has always been necessary; and

WHEREAS, both the media and members of the public have been increasingly disturbed by the prevalence of executive sessions when the Mayor and City Council are addressing the business of the citizenry they are elected to serve; and

WHEREAS, it must be recognized that access is a critical step to accountability and when Mayor and Council enter into executive sessions it necessarily denies the public access to information which can help them to monitor the actions of their elected officials; and

WHEREAS openness of the organs of government must be the default position, with exception granted only under the most extraordinary circumstances; and

WHEREAS, when a request for executive session is made, City Councilors should ask themselves not so much whether the request is legal but instead whether to grant the request would be in the best interests of the people;

NOW, THEREFORE, BE IT RESOLVED that the President of the City Council will appoint an *ad hoc* committee of the Council, with multi-party representation, to consider

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39 amendments to the Rules of the City Council which would more clearly articulate appropriate
40 limits for the use of executive sessions; and

41 BE IT FURTHER RESOLVED that the *ad hoc* committee will be formed by the
42 Council's first meeting in December 2010; and

43 BE IT FURTHER RESOLVED that the *ad hoc* committee is requested to report back to
44 the Council with its recommendations no later than the Council's first meeting in March 2011;
45 and

46 BE IT FURTHER RESOLVED that the incoming Secretary of State, the Honorable Jim
47 Condos, is encouraged to review the propriety of the statutory exceptions to Vermont's open
48 meeting laws.

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51 lb/kas/c: Resolutions 2010/Executive Sessions, Use of (limit exceptions to open meeting laws; appoint Ad Hoc Committee)
52 11/10/10