

Town of Essex Communications Policy	
Revision Number: 3.0	Town of Essex Selectboard Adopted on: 5/18/2015
Revision Date: 4/5/2021	
Effective Date: 4/5/2021	

The Town of Essex Communication Policy applies to all elected and appointed board, committee, and commission members. The goal of the policy is to ensure that Essex residents receive accurate and timely information.

Any communication – be it email, telephone, in person, on social media, or otherwise – should be considered public unless subject to a statutorily listed and invoked exemption to the public records law.

I. Public Communication

Selectboard: The Selectboard may choose to speak as a unified group on official matters. Selectboard members may also choose to speak as individual members. In speaking as an individual member rather than on behalf of the entire Board, the member should endeavor to clearly make the distinction. For example, Board members should consider utilizing the following phrase or a similar one: “The Selectboard has taken position _____. My position is _____.” In instances where no vote has been taken, no member of the Board should express an opinion as if it were the position of the entire Board.

Board members uncertain of the accuracy of technical or factual information are encouraged to work with staff, through the Manager’s office, to obtain factual and complete information.

Formal positions of the Selectboard, or calls or questions seeking the official opinion of the Selectboard, should be referred to the Chair unless another Board member has been designated by the body. When responding to an email comment or question Selectboard members are encouraged to copy the Chair or other Board member designated by the body.

Elected and appointed board, committee, and commission members must be mindful to prevent email or social media conversations from inadvertently violating Open Meeting Law. At no time should a quorum of members have a discussion regarding Town business, with the following exceptions, as set forth by 1 VSA § 312 (g):

- Communications to schedule a meeting, organize an agenda, or distribute materials to discuss at a meeting;
- Clerical work;
- Staff work assignments;
- Routine day-to-day administrative matters, if no action is required and no money appropriated or spent;
- Site inspections; or
- Quasi-judicial deliberations.

All members of an appointed board, committee, or commission are responsible for ensuring that any information conveyed by an individual member is accurate and complete. Members are

encouraged to work with the relevant staff to obtain factual and complete information. Official communication related to a board, committee, or commission should be through the Chair or other member designated by the body. Chairs of appointed boards, committees, or commissions are encouraged to notify the Selectboard Chair and Manager of any response to media inquiries.

II. Responses to Public Comments

The U.S. Supreme Court has consistently held that in accordance with the First Amendment citizens have a right to criticize government regardless of the quality or accuracy of the criticism. When a citizen chooses to run for local elected office, inherent in that decision is acknowledgment that in the course of discharging governmental responsibilities one's words and actions may be publicly criticized or condemned, and that the criticism or condemnation may be unfair, inaccurate, or politically motivated. The elected official does not have recourse to the same legal protections from defamation that a private person may as long as the criticism pertains to government-related issues.

This policy is not intended to discourage any elected or appointed official from exercising that individual's First Amendment rights. However, board, committee, and commission members must always keep in mind that, due to the public nature of their roles, their personal online communications can be perceived as also official communications or positions of the Selectboard and Town. Therefore members must practice discretion when communicating online.

The Town of Essex supports and promotes an open exchange of views on community and government issues taking place in a broad array of physical and digital forums. Elected and appointed officials are encouraged to participate in these exchanges when such participation is valuable to the overall dialogue. Any response should be in accordance with the following protocol:

Selectboard: As the elected officials representing all residents of Essex, Board members may participate in the above referenced exchanges or dialogues as individuals. To the extent practicable, such participation shall conform to this policy regardless of forum. If an individual Board member does participate, that member should inform the other Board members of this participation. When responding to inaccurate or deliberately misleading information, Board members are encouraged to work with the Manager to ensure that any information provided by the Board member is accurate.

Appointed officials (members of other boards, committees, and commissions): Appointed officials may participate in the above referenced exchanges or dialogues as individuals. Representation of official Town policy or proposals, unless otherwise determined, should be left to members of the Selectboard (via the Chair) or Manager. To the extent practicable, such participation shall conform to this policy regardless of forum.

Approved by the Essex Selectboard on May 18, 2015. Amended May 6, 2019; April 5, 2021.

Town of Essex Selectboard

Andrew J Watts

Andrew J Watts (Apr 24, 2021 08:13 EDT)

Andrew J. Watts, Chair

Tracey A Delphia

Tracey A Delphia (Apr 16, 2021 13:36 EDT)

Tracey Delphia, Clerk

Dawn Hill-fleury

Dawn Hill-fleury (Apr 16, 2021 17:02 EDT)

Dawn Hill-Fleury

Dated April 5, 2021.

Patrick Murray

Patrick Murray (Apr 24, 2021 13:51 EDT)

Patrick Murray, Vice Chair

Vince Franco

Vince Franco (Apr 23, 2021 13:42 EDT)

Vince Franco