

# Email and Open Meetings

Avoiding Violations

# Email Issues

- Mass mailing
  - Distribution of information to a quorum of the Council without response from Aldermen
  - Probably OK
- Discussion String
  - Messages exchanged between Aldermen
- Serial Message
  - A forwarded message

# Email & Open Meetings

- No South Dakota Law on point
  - Statutes
  - Case Law
  - AG Opinions
  - Open Meeting Commission Opinions
- Lots of law from other states

# Email & Open Meetings

- Other States

- CA, NE, FL, AZ, WA

- Open Meetings statutes can be violated through the use of email

- FL

- Email exchange between 2 members of the body violates the open meetings law

- VA

- Only state to have addressed the issue that did not find a violation – specifically deferred to legislature

# Options

- Make no changes
- Prohibit Aldermen from communicating with each other by email
- Prohibit Aldermen from communicating with a quorum of the Council by email
- Maintain a log of all messages sent to the Council Group and provide public access
- Convert the “Council Group” to an unmoderated list serve

# List Serves

- A subscription based email distribution list
- A user send a message to “the list” (a single email address) and the message is distributed to all subscribers to the list
- Two varieties
  - Moderated – moderator is the gate keep to all messages sent to the list
  - Unmoderated – each user has access to the list

# Recommendation

- Convert the “Council Group” address to an unmoderated list serve
- Include a link on the City homepage to the lists serve to allow members of the public and press to subscribe – read only
- Caveat
  - Council members will have to police themselves
  - Any message sent to more than five Aldermen must be forwarded to the list serve