

## City of Essex Junction Communication Policy

City Councilors and City staff share the responsibility of providing accurate, responsible, and timely information to City residents and news media. Because no communication policy can anticipate all possible circumstances under which the words and actions of Councilors and staff may be heard, observed, or disseminated to the public, Councilors, and staff must be aware that any occasion on which they discuss City business, such as online media, email, written communication, telephone conversation, or face to face discussion, could result in public dissemination. Any communication should be considered public unless subject to a statutorily listed and invoked exemption to the public records law. For that reason, Councilors and staff should make every effort to ensure that they conduct themselves in a professional manner in all communications regarding City affairs and that their words and deeds conform to the following guidelines.

The City of Essex Junction Communication Policy applies to all elected and appointed board, committee, and commission members, as well as staff, where indicated. The goal of the policy is to ensure that Essex Junction residents receive accurate and timely information.

### I. Public Communication

City Councilors: As the City's elected leaders, Councilors must be both the voice of the community and representatives of the government. As elected leaders, it is appropriate for Councilors to express personal opinions and political judgments on topical issues. At times, their opinions may differ from those of other Councilors. However, they should strive to ensure that their opinions are factually correct, do not misrepresent the words or opinions of other Councilors or staff, and do not publicly impugn the actions or words of City staff, other Councilors, or the members of other boards and committees affiliated with City government.

Councilors 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 City Council, or calls or questions seeking the official opinion of the City Council, should be referred to the City Council President unless another Councilor has been designated by the body or to the City Manager. If a resident communicates with the entire City Council, the Council President should respond on behalf of the Council.

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

All Public Officials: 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 City 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 is 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 City Council President and City Manager of any response to media inquiries.

Staff: As government professionals, City staff must provide technically accurate information free of political judgment and personal bias. As a rule, requests for comments or information from the media or public should be made to the City Manager, and staff should defer such requests to the Manager unless the Manager has specifically requested that a staff member respond. If asked or called upon to express a personal opinion or political judgment, they should defer the question to the City Manager or City Council President.

## 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 the government regardless of the quality or accuracy of the criticism. Additionally, when a citizen chooses to run for local elected office, inherent in that decision is an 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, harsh, or politically motivated. The elected official does not have recourse to the same legal protections from defamation that a private person may have as long as the criticism pertains to government-related issues.

This policy is not intended to discourage any elected or appointed official from exercising their First Amendment rights. However, City Council, 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 City Council and City. Therefore members must practice discretion when communicating online. As a general rule, restraint is preferable to an immediate response.

The City of Essex Junction 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:

City Council: As the elected officials representing all residents of the City, Councilors may participate in the above-referenced exchanges or dialogues as individuals. To the extent practicable, such participation shall conform to this policy regardless of the forum. If a Councilor chooses to respond, the response should first be shared with other Councilors out of respect for their positions as knowledgeable and responsible colleagues and with the City Manager to ensure technical and factual accuracy. When responding to inaccurate or deliberately misleading information, Councilors are encouraged to work with the City Manager to ensure that any information provided by the Councilor is accurate. In the event of an emergency or when the Council has taken a stance on an issue, the Councilors should use the prepared message that the City Manager's office has prepared as a response.

All public officials: Elected and appointed board, committee, and commission member officials may participate in the above-referenced exchanges or dialogues as individuals. Representation of official City policy or proposals, unless otherwise determined, should be left to members of the City Council (via the President) or City Manager. To the extent practicable, such participation shall conform to this policy regardless of the forum.

Adopted by the Village Trustees on 4/29/14; amended by the City Council on 08/09/2023.