

School Committee

Minutes with full legal compliance and highest ratings for quality:

- Barrington
- Coventry
- East Greenwich
- East Providence
- Scituate
- Tiverton
- Warren-Bristol
- Woonsocket

City and Town Councils

Minutes with full legal compliance and highest ratings for quality:

- Gloucester
- Jamestown
- Lincoln
- New Shoreham

Minutes with poor legal compliance and lowest ratings for quality:

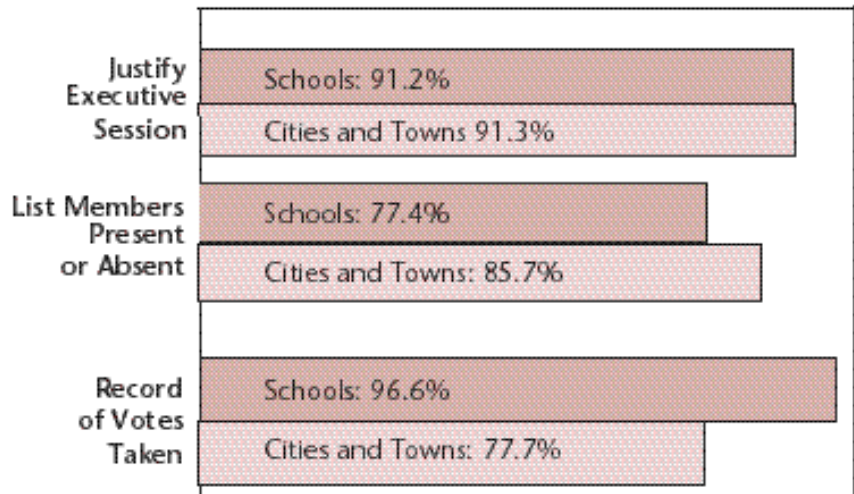
- Warwick

Minutes

The primary statute governing the minutes of public bodies is the Open Meetings Law. The Open Meetings Law dictates that public bodies keep minutes, and that minutes are required to contain certain basic information. The Open Meetings Law also specifies how long after a meeting minutes must be available to the public (whether or not they have been approved). We evaluated multiple sets of minutes from city/town councils and school committees for compliance with the Open Meetings Law.¹ During the analysis it became clear that the quality of minutes varied significantly. Some minutes were easy to read and analyze, others were nearly indecipherable. In addition to evaluating legal compliance, we devised a three-factor method for rating the quality of minutes.

Considering both criteria together, only eight school committees (25.8 percent of the observations) were in full legal compliance and received the highest ratings for quality. These school districts were: Barrington, Coventry, East Greenwich, East Providence, Scituate, Tiverton, Warren-Bristol, and Woonsocket. None of the sets of school committee minutes that we analyzed were at the opposite end of the spectrum with widespread legal non-compliance and consistently poor quality. Overall, the city and town council minutes were not as impressive. Only four received perfect ratings for legal compliance and quality: Gloucester, Jamestown, Lincoln, and New Shoreham. More jurisdictions were clustered in the middle (with occasional legal violations and average quality). Warwick was in the dubious position of being in non-compliance in all sets of city council minutes and having consistently poor quality.

Legal Compliance: Minutes



A. Legal Compliance

The Open Meetings Law includes specific requirements concerning the content of the minutes. We analyzed the minutes for compliance with various provisions in the Open Meetings Law. Ultimately, we settled on the three measures of legal compliance that seemed most significant to citizens interested in monitoring local government. We did not include lesser provisions in this calculation such as compliance with the requirement that minutes contain the “date, time, and place” of the meeting.² In short, both sets of minutes were analyzed for compliance with the following three requirements:

- A list of members present and absent;
- A list of votes taken;
- The reason for executive session.

Overall, the results were good, but far from perfect. Most jurisdictions were in compliance most of the time. Minutes that did not comply with all three provisions were rather evenly divided between city/town council minutes and in the minutes of schools committees. The overall results for the city/town councils and the school departments are presented in the following tables. The results are discussed below in the context of the relevant subsections of the statute:

Key for Minutes Table:

N/A Minutes were inspected, but copies were not obtained for analysis.

n/a Did not go into executive session.

N Did not receive minutes.

Y Received minutes

N (in columns 2 to 4) Did not comply with the law

Y (in columns 2 to 4) Compliance with the law

City/Town Council Minutes

	<i>Did we get them?</i>	<i>Citation of sub section of OML</i>	<i>List of members present and absent</i>	<i>Record of all votes taken by members</i>		<i>Did we get them?</i>	<i>Citation of sub section of OML</i>	<i>List of members present and absent</i>	<i>Record of all votes taken by members</i>
Barrington	Y	Y	Y	Y	Newport	Y	n/a	Y	Y
Bristol	Y	Y	Y	Y	New Shoreham	Y	n/a	Y	Y
Burrillville	Y	Y	Y	Y	North Kingstown	Y	Y	Y	Y
Central Falls	Y	n/a	Y	Y	North Providence	Y	Y	Y	N
Charlestown	Y	n/a	Y	Y	North Smithfield	Y	Y	Y	N
Coventry	NA				Pawtucket	Y	n/a	Y	Y
Cranston	Y	n/a	Y	Y	Portsmouth	Y	Y	Y	Y
Cumberland	Y	Y	Y	Y	Providence	Y	n/a	Y	Y
East Greenwich	Y	N	N	N	Richmond	Y	N	Y	Y
East Providence	Y	Y	Y	Y	Scituate	Y	Y	Y	Y
Exeter	NA				Smithfield	Y	Y	N	N
Foster	Y	Y	Y	N	South Kingstown	Y	Y	Y	N
Glocester	Y	Y	Y	Y	Tiverton	Y	Y	N	Y
Hopkinton	Y	Y	Y	Y	Warren	Y	Y	Y	Y
Jamestown	Y	n/a	Y	Y	Warwick	Y	n/a	N	N
Johnston	Y	n/a	Y	Y	Westerly	NA			
Lincoln	Y	n/a	Y	Y	West Greenwich	Y	Y	Y	Y
Little Compton	Y	Y	Y	Y	West Warwick	Y	Y	Y	Y
Middletown	Y	Y	Y	N	Woonsocket	Y	n/a	N	Y
Narragansett	Y	Y	Y	Y					

1. List of Members Present and Absent

R.I.G.L §42-46-7(a)(2) requires that members of the public body be recorded as either present or absent was included because this is vital information for monitoring the most basic of all representative functions: attendance. As it turned out, measuring compliance was not as straightforward as had been anticipated. In many of the minutes, there was an actual heading for “members present” and “members absent.” These cases were obviously in compliance. Some minutes, however, listed only “members present.” If we could verify that the members present constituted the entire body, then these minutes were counted as in compliance.

Five jurisdictions (14.3 percent of the observations) failed to include this information in at least one set of the city/town council minutes that we examined. Seven jurisdictions (23.6 percent of the observations) omitted this information from at least one of the school committee minutes. Warwick is the only jurisdiction to make the same mistake for both city and school minutes.

Key for Minutes Table:

N/A Minutes were inspected, but copies were not obtained for analysis.

n/a Did not go into executive session.

N Did not receive minutes.

Y Received minutes

N (in columns 2 to 4) Did not comply with the law

Y (in columns 2 to 4) Compliance with the law

? Do not know, minutes not received.

School Committee Minutes

	<i>Did we get them?</i>	<i>Citation of sub section of OML</i>	<i>List of members present and absent</i>	<i>Record of all votes taken by members</i>		<i>Did we get them?</i>	<i>Citation of sub section of OML</i>	<i>List of members present and absent</i>	<i>Record of all votes taken by members</i>
Barrington	Y	Y	Y	Y	Newport	Y	Y	Y	Y
Bristol/Warren	Y	Y	Y	Y	New Shoreham	Y	Y	Y	Y
Burrillville	N/A				North Kingstown	Y	Y	Y	Y
Central Falls	Y	n/a	N	Y	North Providence	Y	Y	Y	Y
Chariho	N	?	?	?	North Smithfield	Y	Y	Y	Y
Coventry	Y	Y	Y	Y	Pawtucket	Y	n/a	N	Y
Cranston	Y	N	Y	Y	Portsmouth	Y	Y	Y	Y
Cumberland	Y	N	Y	Y	Providence	Y	n/a	Y	Y
East Greenwich	Y	n/a	Y	Y	Scituate	Y	Y	Y	Y
East Providence	Y	Y	Y	Y	Smithfield	Y	Y	N	Y
Exeter/					South Kingstown	Y	Y	Y	Y
West Greenwich	Y	Y	Y	Y	Tiverton	Y	n/a	Y	Y
Foster/Glocester	Y	Y	N	Y	Warwick	Y	Y	N	N
Jamestown	Y	Y	N	Y	Westerly	Y	Y	Y	Y
Johnston	Y	Y	Y	Y	West Warwick	Y	n/a	Y	Y
Lincoln	Y	Y	Y	Y	Woonsocket	Y	Y	Y	Y
Little Compton	Y	Y	Y	Y					
Middletown	Y	Y	Y	Y					
Narragansett	Y	n/a	N	Y					

2. List of Votes Taken

R.I.G.L. §42-46-7(a)(3) requires that the minutes reflect “a record by individual members of any vote taken.” Ideally, minutes should specify which members voted aye, nay or abstained on each vote. But unanimous motions are common in many of the public bodies, and depending on how these are recorded it may or may not be clear exactly who favored the motion. Motions indicated as passing unanimously were considered in compliance with this provision only if there was a list of members present and absent.

All of the school committees except Warwick (96.6 percent of the observations) complied with this statute. Eight city/town council minutes (22.2 percent of the observations) were in violation of this provision in at least one of the sets of minutes examined. Three of the cities/towns that were in violation of the provision for votes taken by members, were also in violation of the requirements concerning members present and absent (East Greenwich, Smithfield, and Warwick). Again, Warwick was the only jurisdiction in which both departments were in violation. The problem with the Warwick City Council minutes is that they are in numeric code (see p. 29). Apparently, each member of the city council has been assigned a number. Unfortunately, the minutes provide no indication of who corresponds to what number. Neglecting to actually list each vote taken by member is against the Open Meetings Law. While the Warwick minutes are undoubtedly useful to those who understand the key, they lack the most basic information for anyone without special knowledge. As stated in the introduction, Warwick has had troubles in the past with similar violations.

3. Reasons for Executive Session

One of the most contentious issues surrounding the meetings of public bodies is the use of executive session. Under the Open Meetings Law, public bodies have the authority to enter executive session for seven specific reasons (listed in R.I.G.L. § 42-46-5(a)). While the law requires a statement or reason and a citation to the specific subsection of the statute, we counted minutes in compliance with this section if they contained one or the other. Under this liberal approach, just over 90 percent of the minutes of school committees and an almost identical percentage of the city and town council minutes complied. East Greenwich and Richmond were the only town that did not comply, and Cranston and Cumberland were the only school committees that did not comply. (Not all public bodies went into executive session in the meetings covered by these minutes; if they did not, they were simply left out of this analysis.)

B. Quality

When analyzing the minutes for legal compliance, it became apparent that there was a wide range in quality. Some of these minutes were so poorly organized or sparse they were almost incomprehensible. The absence of legal requirements concerning clarity and layout leaves these decisions up to school committees and city/town councils, so many adopt their own conventions regarding the publication of minutes. We identified three factors that captured the major differences in quality. We rated each set of minutes as good, average, or poor on the following three criteria:

- **Layout**

The ease with which a reader can find information because of clear and organized formatting. The presence or absence of headings, and the use of capitalization are particularly important.

- **Thoroughness**

The level of detail in recording the content of discussions, votes and descriptions of ordinances. Bare bones minutes comply with the law, but those conveying a sense of the arguments and positions taken are far more useful to anyone using the minutes to monitor local government.

- **Readability**

The ability of the minutes to be fully comprehensible to a member of the public. Some minutes are practically written in code. While these codes may be clear to “insiders,” such conventions seem to be almost incomprehensible to anyone else.

Overall, there was greater variation in the quality of the minutes than compared to the trends in legal compliance. While most jurisdictions were in compliance with the statutory requirements, a much smaller group had consistently “high quality” minutes. One-third of the school departments that provided us with minutes received a rating of “good” on all three of the factors that comprise quality. These school departments are: Barrington, Coventry, Cumberland, East Greenwich, East Providence, Foster-Glocester, Scituate,

Tiverton, Warren-Bristol and Woonsocket. Most of the remaining districts had “average” quality minutes, meaning there is room for improvement in these minutes, but they are of reasonable quality. Only two school departments received a “poor” on all three criteria - Middletown and Warwick.

Fewer of the city and town council minutes were consistently “good” in overall quality. Only six of the thirty-six jurisdictions analyzed received a “good” for all three factors in the quality rating. These towns were: Gloucester, Jamestown, Lincoln, New Shoreham, North Kingstown and North Providence. Warwick was the only city to receive a rating of “poor” on all three criteria. City and town council minutes tended to be more thorough than school committee minutes. However, the school committee minutes were generally more readable. The specific findings for each of the three factors were as follows:

1. Layout

There were common problems with layout in both school committee minutes and city/town council minutes. This criteria is intended to capture the difference between minutes in which it is easy to find particular votes or agenda items versus those minutes in which it is difficult to find anything easily. Well laid out minutes included extensive formatting so that information was clearly separated by subject headings. Minutes with “good” layout, employed the use of boldface, italics, underlining, indentation, bullets, and numbering to improve the clarity and organization of the minutes. When used well these characteristics make it easy to locate important information such as motions and votes. However, these formatting techniques can also be quite confusing. For example, sometimes the capitalized information was trivial, making it difficult to distinguish headings from content information. (The Johnston Town Council minutes were all capitalized, making them extremely difficult to use.) The Warwick City Council minutes and the Hopkinton Town Council minutes also had layouts that were problematic. There is no clear use of formatting, such as subject headings, which renders the text difficult to read. The

Warwick City Council minutes were the only minutes to have the results of votes hand-written into the text of the official minutes.

Another common problem with formatting was lengthy segments of text without any subject headings such as "new business" or "executive sessions". Some minutes had pages of identical formatting with no subject headings or records of motions; votes were buried and hard to extrapolate without reading the entire text. The lack of subject headings and pages of identical formatting in the Hopkinton minutes made the text difficult to skim. The town/city council minutes in North Smithfield and Woonsocket were also difficult to skim for particular information because section headings were not clear. The North Smithfield Town Council minutes were, however, quite thorough; they received credit for including useful information even though it was not presented in the best format.

A final problem with organization was how attachments were incorporated into the minutes. These appeared to be important documents, but there was no explanation of what the attachments were or how they

fit into the meeting. One set of Cranston City Council minutes totaled 50 pages, but most of these pages were attachments stuck into the body of the minutes in a way that made it hard to differentiate between the minutes and the attachments. The Narragansett Town Council minutes had the same problem.

2. Thoroughness

Some minutes record only the final votes on motions, others provide information on who spoke, and what was said, for and against the matter. The latter provide a sense of the arguments, and who took what positions. Obviously, the more thorough the minutes, the more useful they are for ascertaining exactly what happened at the meeting. Good minutes generally paraphrased the remarks made by each speaker. While not a verbatim transcript of the proceedings, good minutes were often near transcript quality in the information conveyed. Poor minutes were not at all thorough, often including only the final action taken and the titles or numbers of the motions. Poor minutes also did not identify which members of the committee

Sample Minutes: Poor Quality and Poor Legal Compliance

First Passage

4. PCO-23-97 - RESOLUTION RELATIVE TO A WARWICK TRUANCY BOARD.
(COUNCILMAN AVEDISIAN)

FIRST PASSAGE

DESCRIPTION: NONE


A. COMMITTEE REPORT (I.G.) *f 9*

B. ACTION *f*

MOVED BY: *1*

SECONDED BY: *6, 3*

VOTE: *7/1*



said what in the discussion before the vote was taken. In the Hopkinton minutes while the topic of discussion is generally clear, there is no record of the content of the discussion. The minutes consisted of minimal descriptions of resolutions, or sometimes just the ordinances listed by number and the outcome of the vote. The Warwick minutes had similar problems. These minutes include no information on the discussion leading up to each vote and give minimal descriptions as to the resolution being discussed. Little Compton Town Council minutes and the School Committee minutes in Middletown suffered from a similar lack of detail.

The city/town council minutes were generally more thorough than school committee minutes with over half of the city minutes receiving a rating of “good” compared to only 38 percent of the school committee minutes.

3. Readability

Some sets of minutes were so difficult to read that we added this factor into rating the usability of minutes. Poor minutes were filled with fragmented sentences, poor wording when describing discussions, improper or absent punctuation, and slang terms or codes that are incomprehensible to the general public. Warwick’s use of number and letter abbreviations are readable and understandable to those people familiar with the council proceeding, but these abbreviations are completely incomprehensible to a member of the general public. Overall, the school committee minutes were easier to read than the city/town council minutes. Over half of the school committee minutes received ratings of “good” compared to only 22.2 percent of the council minutes.

¹ Although we were given access to all requested minutes, we were only able to analyze minutes from 36 of the 39 cities and towns. The minutes that we were unable to analyze were minutes that we were only able to view but not copy or the minutes were received after we had done the analysis.

² Although not included as one of the three criteria used in the evaluation for this report, we found three school committee minutes and eight town/city council minutes did not list at least one part of this basic requirement.