

November 14, 2017

VIA ELECTRONIC MAIL

The Honorable Suzanne McGee Cienki
President, Town Council
East Greenwich
Town Hall
125 Main Street
East Greenwich, RI 02818

Dear President Cienki:

On behalf of the open government coalition ACCESS/RI, we are writing to ask you to cancel the meeting of the East Greenwich Town Council scheduled for tonight, November 14, 2017 at 7:00 p.m. We believe that the agenda for tonight's meeting is in clear violation of the Open Meetings Act (OMA), R.I.G.L. § 42-46. Specifically, we believe that agenda item (2)(c), "Ratification of all actions taken by Gayle Corrigan as Town Manager from June 19, 2017 - November 14, 2017," is in violation of § 42-46-6(b).

§ 42-46-6(b) of the Open Meetings Act requires "a statement specifying the nature of the business to be discussed" as part of the public notice. In Judge McGuirl's decision, she cited as precedent two major Supreme Court of Rhode Island cases interpreting this provision in the OMA: *Tanner v. Town Council of East Greenwich* 880 A.2d 784, 792 (R.I. 2005) and *Anolik v. Zoning Bd. of Review of Newport* 64 A.3d 1171, 1176 (R.I. 2013). Judge McGuirl's decision admonished your Town Council for posting an agenda item that was more deficient than the notice in the precedential *Tanner* case. Tonight's agenda item, we submit, is even less compliant with the statute.

Even assuming the Town Council has the authority to ratify "all" the previous decisions of Ms. Corrigan, it is difficult to comprehend what "all" means. Does the Town Council, in direct defiance of a court decision, plan on ratifying decisions that Judge McGuirl found were made in violation of the Town Charter? Does it mean the Town Council is ratifying the preparation of agendas that were found to contravene the OMA? The specific "actions" being ratified must be delineated on the agenda in order to provide meaningful notice to the public.

Ms. Corrigan might have taken dozens, if not hundreds, of actions between June 19 and November 14, some or all of which may be of interest to various members of the public. However, they have no way of knowing exactly what decisions are going to be ratified. Indeed, in the absence of any delineation of the actions being ratified, the Town Council itself would appear to have no idea what it is voting on. In light of Judge McGuirl's recent decision finding the Town Council in violation of the OMA, we believe the body has an obligation to take every step possible to act in a transparent manner. This catch-all agenda item does the opposite.

This meeting, in our view, is clearly illegal and should be cancelled until such time as a proper agenda is posted.

Sincerely,

Steven Brown
Executive Director
American Civil Liberties Union of Rhode Island

Jane Koster
President
League of Women Voters of Rhode Island

Linda Lotridge Levin
President
ACCESS/RI

John Marion
Executive Director
Common Cause Rhode Island

John Pantalone
Department Chair, Journalism
Harrington School of Communication and Media
University of Rhode Island

Justin Silverman
Executive Director
New England First Amendment Coalition

cc: The Honorable Sean M. Todd, Vice President, East Greenwich Town Council
The Honorable Andrew F. Deutsch, Member, East Greenwich Town Council
The Honorable Nino M. Granatiero, Member, East Greenwich Town Council
The Honorable Mark Schwager, Member, East Greenwich Town Council