

John McDaid  
65 Gormley Ave  
Portsmouth, RI 02871  
401 683-2316  
jmcdaid@torvex.com

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Mike Field, Special Assistant Attorney General  
Rhode Island Department of Attorney General  
150 South Main Street  
Providence, RI 02903

Assistant Attorney General Field:

Action taken by the Portsmouth School Committee on Tuesday, January 11, appears to violate Rhode Island's Open Meetings law, and I request investigation and intervention by your office. Due to the nature of the infringement, the window for remedy is narrow, so I would respectfully request the speediest review possible.

At the start of the meeting, School Superintendent Susan Lusi announced that she would not be seek renewal of her contract when it expires in June. The meeting then proceeded normally until it reached item 6(c) of the business agenda, which was advertised only as "Appt. of Subcommittee." At this point, School Committee Chair Cynthia Perrotti announced that she would be appointing a search committee to interview for Dr. Lusi's replacement, and that residents had until Thursday January 20 to submit letters of interest to her personal e-mail address at [cynthia.perrotti@gmail.com](mailto:cynthia.perrotti@gmail.com).

There are, to my mind, three problems here which I feel are Open Meetings/Open Records violations.

First, fair notice was not given. The item, as written, does not adequately specify the nature of the business to be discussed, and therefore fails to meet the test in RIGL 42-46-6(b). The fact that Dr. Lusi had not made her announcement at the time of posting does not relieve the committee of the responsibility to advertise appropriately. Not only RI General Law, but the Portsmouth Town Charter Sec. 715 specifically requires the committee to "adhere to the Open Meetings Law."

Second, inadequate time is allowed for public response. Committee Chair Perrotti has set the deadline for letters of interest for next Thursday, before the subsequent school committee meeting, so there is no additional posting of notice to alert citizens who might be interested in serving. There were not, to my knowledge, any newspaper reporters in attendance. This hasty process deprives virtually all of Portsmouth's population from even knowing about the opportunity to submit applications.

Finally, there is a serious Open Records problem with the use of personal e-mail for official business. In order to guarantee the public's access to records, letters of interest to serve on an appointed committee should go through the secretary and be preserved. The informality of Ms. Perrotti's proposed approach raises serious transparency concerns, since it gives the appearance of using the electronic correspondence exception in 38-2-2(4) to circumvent disclosure requirements. In addition, it calls into question adherence to the school committee's own by-laws, which specify the Chair's authority to appoint special committees only "after consultation with all Committee members." With the Chair receiving the letters of intent at a private e-mail box, I do not see how such consultation can be guaranteed.

I would request that the Attorney General review this complaint prior to the next Portsmouth school committee meeting, and, if judged to have merit, require the school committee to repost this agenda item properly to allow for public notification, and receive correspondence formally to preserve public records.

Best Regards.

John G. McDaid

Links:

Agenda posted on Secretary of State web site:

<http://sos.ri.gov/openmeetings/?page=meeting&id=101107>

Portsmouth School Committee by-laws

<http://bit.ly/fuJVVP>

Portsmouth Town Charter

[http://www.portsmouthri.com/Otherdocs/CHARTER\\_11-06-2007.pdf](http://www.portsmouthri.com/Otherdocs/CHARTER_11-06-2007.pdf)