



STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
DEPARTMENT OF THE ATTORNEY GENERAL
PROVIDENCE COUNTY COURT HOUSE
PROVIDENCE

JULIUS C. MICHAELSON
ATTORNEY GENERAL

June 29, 1978

IN CITY COUNCIL
JUL 6 1978

Ms. Rose M. Mendonca
City Clerk
Department of the City Clerk
City Hall
Providence, Rhode Island 02903

READ:
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

Rose M. Mendonca CLERK

Dear Ms. Mendonca:

This is in response to the request for an opinion as to whether a Committee of the Council may poll its members by telephone to vote upon a matter pending before it.

Normally, the Attorney General does not render opinions other than to state agencies and general officers. However, since the Open Meeting Law is enforced by the Department of the Attorney General, it appears appropriate to respond to your letter.

It appears that Committees of the City Council, on occasion, have polled members of the Committees for their votes on matters pending before such Committees. The City Council, by resolution, has requested an opinion as to whether such a poll is in violation of the Open Meeting Law on the ground that "necessary discussion and review are being averted".

It is clear that a Committee of the City Council is a public body subject to the Open Meeting Law, Section 42-46-2, (b) G.L.R.I. 1956, as amended. If the Committee is convened to formally discuss and act upon a matter within its jurisdiction, it must comply with all the provisions of the Act, Sections 42-46-2, 42-46-3. The public must be permitted access to discussion of matters before the Committee and the vote taken by its members on such matters. A telephonic poll of its members appears to be a violation of the Open Meeting Law since it denies to the public the right to be present when the Committee acts upon a pending matter.

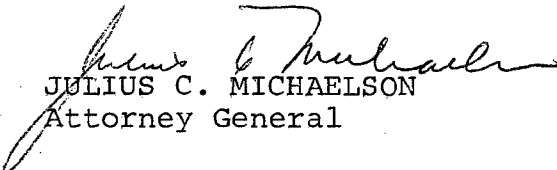
Ms. Rose M. Mendonca

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June 29, 1978

Therefore, it is the opinion of this office that a Committee of the City Council may not vote on a pending matter by a telephonic poll of its members, since such a procedure is in violation of the Open Meeting Law.

Very truly yours,



JULIUS C. MICHAELSON
Attorney General

JCM:es

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DEPT. OF CITY CLERK
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