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**Testimony of Susan Bransfield
First Selectman
Town of Portland
Before the Government Administration & Elections Committee
of the Connecticut General Assembly
February 2, 2009**

My name is Susan Bransfield and I'm the First Selectman of the Town of Portland. I'm also a member of the Board of Directors of the Connecticut Council of Small Towns (COST).

Thank you for the opportunity to address concerns regarding the law passed last year which requires towns to post minutes and agendas on the town website within strict statutory timeframes. While we recognize that **SB-772, An Act Concerning the Freedom of Information Act**, is an attempt to address concerns with the FOI website posting law, we believe the bill does not go far enough, particularly in view of the current fiscal issues facing Connecticut's small towns and cities. **We therefore urge committee members to support full repeal of this law.**

The new law has forced towns to devote additional time and resources to website maintenance in order to comply with the strict statutory timeframes. Unfortunately, most small towns are already stretched thin and cannot devote time and resources to maintaining their websites without taking time away from other important duties. Several towns are restricting office hours to save money or give staff the opportunity to address administrative backlogs. This problem is only expected to get worse as towns are continually asked to do more with less.

For many towns, it is not as simple as clicking a mouse to upload a document to update their websites. For example, many towns contract with an outside vendor to design and maintain their websites and it is not editable internally. Other towns rely on volunteers to make changes to their website, who may not always be available when minutes and agendas are forwarded to them. If handwritten minutes are received by the town clerk within the seven days currently required to make minutes available for inspection, there is very little time to transcribe those minutes and forward them to the webmaster. It is unclear from the law what actually constitutes compliance and, as a result, towns are very nervous about potential FOI complaints if a website is down or the webmaster or volunteer is unavailable.

Although the Town of Portland does post agendas and minutes on its website, some of our minutes are not available electronically and scanning can often take up too much space on the web site. Like most small towns, we have a number of boards and commissions who rely on volunteers to take minutes and provide them to the town clerk within the required seven days. It is often difficult for them to comply with the current statute. If we impose additional formatting burdens on volunteers relative to the preparation of minutes and agendas, it will prove very discouraging.

Although we support efforts to make government more open and accessible to the public, towns are concerned that if minutes or agendas are not posted within the statutory timeframes, they will be faced with an FOI complaint, resulting in potential civil penalties, legal fees and time-

consuming hearings which towns can ill afford. Rather than mandate the law at this time, the state should work with towns to encourage them to post documents on their websites and enhance the public's right to know. Many of our small towns were moving in the right direction – becoming more transparent by posting additional information on town websites. Unfortunately, the fear of violating the strict timeframes have caused several towns to shut down or suspend their websites, including Middlefield, Harwinton, New Hartford, Litchfield, Colebrook, Lyme, Voluntown, Andover, and Killingworth.

We therefore urge the committee to repeal the FOI website posting law and give Connecticut's small towns some relief from unfunded mandates. Thank you.