

City Manager..... (802) 334-5136
City Clerk / Treasurer..... 334-2112
Public Works..... 334-2124
Zoning Adm. / Assessor..... 334-6992
Recreation / Parks..... 334-6345
Fax..... 334-5632



City of Newport
222 Main Street
Newport, Vermont 05855
www.newportvermont.org

**Newport City Council Meeting
Regular Meeting Agenda
Monday, August 6, 2018, beginning at 6:30 p.m.
Council Room**

City Council: Paul Monette, Mayor
Denis Chenette, President
Julie Raboin
Kevin Charboneau
Dan Ross

Laura Dolgin, City Manager
James D. Johnson, City Clerk/Treasurer

1. Call the Regular Council Meeting to Order
2. Approve Minutes of July 16, 2018
3. Comments by Members of the Public
4. Water/Sewer Allocation, Vote
5. Event Requests, Votes
6. Public Records Request Policy Review and Possible Vote
7. Social Media Policy Review and Possible Vote
8. Electronic Marquee Policy Review and Possible Vote
9. New Business
10. Old Business
11. Executive session
12. Executive session to discuss labor relations
13. Set next meeting: Regularly Scheduled Council Meeting: August 20, 2018 @ 6:30 pm,
14. Adjourn

Newport City Council Meeting Participation Guidelines

Newport City Council meetings are for the purpose of allowing Council members to conduct City business. Distinct from public hearings or town meetings, City Council meetings are held in public, but are not

meetings of the public. City Council meetings are the only time the City Council members have to discuss, deliberate and decide upon City matters. In an effort to conduct orderly and efficient meetings, the Mayor kindly requests your cooperation and compliance with the following guidelines per the policy adopted on December 21, 2015 and ratified on January 23, 2017:

1. Please be respectful of each other, Council members, city staff, and the public.
2. Please raise your hand to be recognized by the Mayor. Once recognized, please state your name and address or affiliation.
3. Please address only the Mayor and not members of the public, staff, or presenters.
4. Please abide by any time limits. Time limits will be used to insure everyone is heard and that there is sufficient time for the Council to complete their agenda within a reasonable timeframe.
5. The Mayor will make a reasonable effort to allow everyone to speak once before speakers address the Council a second time per the limits adopted on January 23, 2017.
6. Once public comment has been heard, discussion will be limited to the City Council members.
7. Please do not interrupt or mock other speakers or otherwise exhibit disruptive behavior during the City Council meeting.
8. Please do not repeat the points made by others, except to indicate agreement or disagreement with other views.
9. Please use the hallway for side conversation. It is difficult to hear speaker remarks when side conversations are occurring in the Council Chamber.
10. Presentations to the Council are not open to public comment. However, per the policy adopted on December 21, 2015, matters on the agenda requiring a vote are open to public comment immediately prior to the Council vote.
11. Individuals who do not abide by these procedures will be asked to leave the Council Chamber.

Council Minutes

July 16, 2018

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A duly warned meeting of the Newport City Council was held on Monday, July 16, 2018 in the council room in the Newport Municipal Building. Present were Mayor Paul Monette, Council President Denis Chenette, Council Members Kevin Charboneau and Daniel Ross, City Manager Laura Dolgin, City Clerk/Treasurer James D. Johnson, Chief Seth DiSanto, members of the Press and Public. Council Member Julie Raboin was absent.

Mayor Monette called the meeting to order at 6:30 PM.

Approval of Minutes

Mr. Chenette moved to approve the minutes of June 18, 2018 as presented. Seconded by

Mr. Ross, motion carried.

Comments by the Public

Mayor Monette thanked everyone who worked on or helped with the Centennial.

Mayor Monette noted an article in VT. Digger about the City's tax rate. He stated that the article was not about the municipal rate but rather the educational rate which the City has no control over.

Ken Cartee asked about Recreational Marijuana and the vacant lot on Main St.

New Business

Mr. Chenette moved to approve a Niles Fund request. Seconded by Mr. Ross, motion carried.

Mr. Charboneau moved to approve a line of credit for the City in the amount of \$1,000,000 at 1.69% interest.

Mayor Monette noted that the Thai Restaurant is not closing permanently but are closed while the owners are in Thailand renewing their visa's.

Mr. Charboneau thanked the Centennial Committee for a great job on the Centennial.

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Old Business

Ms. Dolgin invited the council members to visit the City facilities.

Ms. Dolgin included the Brownfield's Grant work plan in the council packets. They are working on a plan. The grant begins on October 1, 2018.

Next Meeting Date

August 6, 2018

Adjournment

Mr. Charboneau moved to adjourn at 6:48 PM. Seconded by Mr. Chenette, motion carried.

Attested _____ This _____ Day of _____ 2018

Mayor

City of Newport
Vermont Public Record Inspection,
Copying and Transmission Policy

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PURPOSE:

The Vermont Public Records Act, 1 V.S.A. §§ 315-320, provides access to a municipality's public records for inspection and copying unless the records are exempt by law from public access. The municipality is authorized under section 316(j) of the Public Records Act to adopt and enforce reasonable rules to prevent disruption of operations in responding to records requests, to preserve the security of public records, and to protect public records from damage. This policy is intended to provide for timely action on requests for public records without unreasonable interruption of operations and to protect the integrity of the municipality's public records.

APPLICABILITY: A public record is defined as any written or recorded information, regardless of physical form or characteristic, which is produced or acquired in the course of city business. Public records, regardless of format, are available for inspection and copying unless there is a specific statute exempting the record from public disclosure. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

This policy applies only to requests for public records in the custody of the respective custodian in the office of Newport City Municipal Offices. Public records may be in the custody of various officers or employees of the city.

DEFINITIONS: For purposes of this policy, the following words and/or phrases shall apply:

1. "Agency" means an agency, board, committee, department, branch, instrumentality, commission, or authority of any town.
2. "custodian" means the person that has charge or custody of a public record.
3. "Promptly" means immediately, with little or no delay, and not more than three business days.

PUBLIC RECORD REQUEST FORMS: Not every public record request will necessitate the use of a written request form. However, when a request is made for a public record that is not readily accessible, may be exempt from public access, or may not exist, the requestor will be asked to complete, but is not required to do so except as stated below, a Public Records Request Form designated by the custodian. If the requestor declines to complete the Public Records Request Form, the custodian may complete such form. Where a request is likely to result in charges for copying or staff time, the requestor is required to submit a completed Request Form. The custodian shall retain the original copy of all requests and written responses (if applicable).

INSPECTION OF PUBLIC RECORDS: In responding to a request to inspect or copy a record, the custodian will consult with the requestor if necessary in order to clarify the request or to obtain additional information that will assist the custodian in responding to the request and in facilitating production of the requested record for inspection or copying. When a requestor seeks a voluminous

amount of separate and distinct records, the custodian may ask the requestor to narrow the scope of the public records request.

Upon receipt of a request to inspect a public record, the custodian will promptly produce the record for inspection except that:

1. The custodian will inform the requestor in writing if the record does not exist under the name given by the requestor or by any other name known to the custodian.
2. If the custodian withholds the record as exempt from public access, the custodian will promptly certify this fact in writing to the requestor. The custodian will identify the record or portion of record withheld, the statutory basis for withholding the record, a brief statement of the reasons and supporting facts for denial, and provide the names and titles or positions of each person responsible for denial of the request. The custodian will also inform the requester of the right to appeal this determination to the City Manager. It is the policy of the city that all exempt records will be withheld from disclosure.
3. If the record is in active use or in storage and therefore not readily available at the time of the request, the custodian will promptly certify this fact in writing to the requestor and set a date and hour within one calendar week of the request when the record will be available for inspection.

For the purpose of this policy, a "business day" means a day that the custodian's office is open to provide services. The time limits described above may be extended in writing up to ten business days from receipt of the records request based on:

- a. The need to search for and collect requested records from field facilities or other establishments that are separate from the municipal office; or
- b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or
- c. The need for consultation with the city attorney or other city officers or departments having a substantial interest in the determination of the request.

If the time limits described above are extended, the custodian will inform the requester of such fact in writing, setting forth the reasons for the extension and specifying the date upon which the custodian will respond to the request.

The custodian will not withhold any record in its entirety on the basis that it contains some exempt content if the record is otherwise subject to disclosure; instead, the custodian will redact the information he or she considers to be exempt and produce the record accompanied by an explanation of the basis for denial of the redacted information.

PROTECTION OF PUBLIC RECORDS REQUESTED FOR INSPECTION: In order that all public records in the custody of the custodian may be protected from damage or loss, such records may only be inspected in locations in the municipal office designated by the custodian. No public record may be removed from a designated location, marked, altered, defaced, torn, damaged, destroyed,

disassembled, or removed from its proper location or order. The custodian or other staff person may be present during the inspection of a public record. No person shall be allowed to copy a public record using copying equipment other than that owned by the city unless approved by the custodian.

When inspection of an electronic record is requested and the inspection of the original electronic record would create a disruption in operations of the city or would jeopardize the security or condition of the original record, the custodian will provide an electronic copy of the original record in the format in which the record is maintained, less any exempt information redacted from the record, at no cost to the requestor.

COPIES OF PUBLIC RECORDS: Upon receipt of a request to make a copy of a public record, the custodian will make and produce a copy subject to the following:

1. Charges: Except where otherwise provided by law, the custodian will charge and collect the following costs for making a copy of a public record:

- a. The actual cost charged for a copy of a public record is as determined by the city council under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State if the council fails to establish a uniform schedule of charges; and
- b. The cost of staff time associated with complying with a request for a copy of a public record when the time exceeds 30 minutes is that cost is determined by the city council under 1 V.S.A. § 316(e) or the uniform schedule of charges established by the Secretary of State if the council fails to establish a uniform schedule of charges.

The City Council of Newport hereby adopts the following fee structure with regards to public records pursuant to 1 VSA 316 (e):

1. \$15.00 per hour of staff time after the first 30 minutes.
2. Recorded documents will be provided at \$1.00 per page, other documents will be provide at \$.25 per page, minimum of a \$1.00.
3. Certified Vital Records will be provided at \$10.00 per copy.
4. Certification of a recorded document will be \$10.00 per page.
5. All others as established by the Secretary of State.

All charges for copies and staff time must be paid in full prior to delivery of the requested copies. Upon request, the custodian will provide an estimate of the cost of making a copy of a public record prior to complying with the request.

2. Standard formats: The custodian will make a copy of a public record in the following standard format:

- a. For any public record maintained by the custodian in paper form, the custodian will make a paper copy of the record;

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b. For any public record maintained by custodian in electronic form, the custodian will make either a paper printout of the record or an electronic copy of the record in the format in which the record is maintained, as directed by the requestor.

A request for a copy in a format other than those mentioned above is "non-standard." The custodian will not provide a copy of a public record in a non-standard format (e.g., conversion of a paper public record to electronic format).

CREATION OF PUBLIC RECORDS: The custodian will not create a public record that does not exist.

TRANSMISSION OF PUBLIC RECORDS: The custodian will not transmit a public record.

DENIAL OF A PUBLIC RECORD REQUEST: If the custodian denies a public record request in whole or in part, the denial may be appealed to the City Manager. In accordance with 1 V.S.A. § 318(c)(1), the City Manager will make a written determination on the appeal within five business days after receipt of the appeal. A decision of the City Manager may be reviewable by the Vermont Superior Court pursuant to 1 V.S.A. § 319.

The foregoing Policy is hereby adopted by the City Council of the City of Newport, Vermont, this ____ day of _____.

This Policy is effective as of this date until amended or repealed.

Mayor Paul Monette

Denis Chenette, Council President

Julie Raboin

Kevin Charboneau

Dan Ross

City of Newport, Vermont
Request for Inspection or Copying of Public Record(s)

Date _____

Dear Custodian:

Pursuant to the Vermont Public Record Act, 1 V.S.A. §§ 315-320, I hereby request to inspect the following public record(s):

- a. _____
- b. _____
- c. _____

(If applicable) I hereby request a copy of the above record(s) in the following format: _____. I agree to pay reasonable and customary costs for these copies.

(Complete this section if you have a disability requiring an accommodation): I request the following accommodation(s) in order to access the public record(s) I seek:

If you have questions about this request, please call me at _____.

Thank you for your help.

Signature

Printed Name

The Custodian for the Office of the City of Newport shall retain this form for record keeping purposes and provide the requestor with its copy.

City of Newport, Vermont
Response to Request for Public Record(s)
1 V.S.A. § 318

On _____, the Custodian for the Office of the City of Newport, Vermont, received a request from _____ for access to public record(s).

In response to this request (check all that apply):

- ☐ The Custodian is not producing some or all of the record(s) requested for inspection because:
- ☐ the record(s) do not exist under the name given by the requestor or by any other name known to the Custodian. 1 V.S.A. § 318(a)(4);
 - ☐ the City is not required to provide copies of public records in their non-standard format. 1 V.S.A. § 316(i);
 - ☐ the record(s) does not already exist and the City is not required to create a public record(s). 1 V.S.A. § 316(i);
 - ☐ the City is not required to convert paper public record(s) to electronic format. 1 V.S.A. § 316(i).

Record(s) requested: _____

- ☐ The record(s) requested below are in active use or in storage and therefore not available for use at the time of this request. The record(s) requested will be available for examination within one calendar week of the request on _____ (date) at _____ (hour). 1 V.S.A. § 318(a)(1).

Record(s) requested: _____

- ☐ The following "unusual circumstances," as that term is defined by 1 V.S.A. § 318(a)(5), exist with respect to the record(s) requested below:
- ☐ the need to search for and collect the requested record(s) from field facilities or other establishments that are separate from the office processing the request;
 - ☐ the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct record(s) which are demanded in a single request;
 - ☐ the need for consultation with the City's attorney or with other City officers or departments having a substantial interest in the determination of the request.

Record(s) requested: _____

The non-exempt record(s) requested will be available for examination not more than ten (10) business days from receipt of this request on _____ (date). 1 V.S.A. § 318(a)(5).

- ☐ The record(s) requested below are subject to one or more of the following staff time charges:
- ☐ charges for the time directly involved in complying with the request that exceeds 30 minutes;
 - ☐ charges incurred because the City agreed to create a public record(s) that did not already exist;
 - ☐ charges incurred because the City agreed to provide the public record(s) in a non-standard format and the time directly involved in complying with the request exceeds 30 minutes.

Record(s) requested: _____

Because this request is subject to staff time charges, the Custodian hereby requires that the request be made in writing and that all charges be paid in whole prior to delivery of the copies. Upon request, the City will provide an estimate of the charge.

This denial of access, whether temporary or permanent, may be appealed to the City of Newport City Manager. In accordance with 1 V.S.A. § 318(c)(1), the Newport City Manager will make written determination on the appeal within five (5) business days after receipt of the appeal. A decision of the Newport City Manager may be reviewable by Vermont Superior Court under 1 V.S.A. § 319.

Custodian for the Newport of Newport
City of Newport, Vermont

Date signed _____.

The Custodian for the Office of the Newport Police Department shall retain this form for record keeping purposes and provide the requestor with its copy.

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City of Newport, Vermont
Certification of Denial of Access to Public Record(s)
1 V.S.A. § 318(a)(2)

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On _____, the Custodian for the Office of the City of Newport, Vermont, received a request from _____ for access to public record(s). Certain records determined to be subject to the request have been withheld in whole or in part as exempt from disclosure under 1 V.S.A. § 317. Such withheld records are as follows:

Title or Other Description of Public Record Withheld	All or Partial	Reasons for Withholding and Supporting Facts	Statutory Exemption(s)

You may appeal any or all of the withholding of these public records to the City of Newport, City Manager. In accordance with 1 V.S.A. § 318(c)(1), the Newport City Manager will make a written determination on the appeal within five (5) business days after receipt of the appeal. A decision of the Newport City Manager may be reviewable by Vermont Superior Court under 1 V.S.A. § 319.

Custodian for the Office of City of Newport
City of Newport, Vermont

Date signed _____

The Custodian for the Office of the City of Newport shall retain this form for record keeping purposes and provide the requestor with its copy.

Social Media Policy

City of Newport, Vermont

Section 1: Title and Authority

This policy shall be known as the City of Newport Social Media Policy (hereafter "Policy"). It has been adopted by the City of Newport, pursuant to 24 V.S.A. §§ 1121, 1122, and 872, on _____.

The Newport City Council reserves the right to amend any of the provisions of this Policy for any reason and at any time, with or without notice.

This policy is administered by the Newport City Manager or authorized representative or designee.

Section 2: Purpose.

The purpose of this Policy is to provide standards and procedures for the appropriate use of municipal social media platforms. This Policy gives direction to municipal employees, elected officials, volunteers, appointees, public bodies and other authorized users of the municipality's electronic/computer resources to access and engage in social media platforms for municipal purposes. This Policy also creates guidelines for any public user who accesses or comments on the municipality's social media platforms.

While this Policy generally applies to the most popular platforms, such as Facebook, YouTube, Instagram, Snapchat, and Twitter, it is acknowledged that social media is an evolving communications tool and that new platforms may become available over time. The municipality may utilize social media platforms to communicate information related to the business of the municipality directly to the public as well as to provide members of the public the opportunity to comment on or participate in discussions concerning municipal business, including but not limited to operations and services provided by the municipality. The municipality encourages the use of social media to further the goals of the municipality, the missions of its departments and public bodies, and to contribute to the overall vibrancy of its community and degree of participation by its citizenry, where appropriate.

The municipality has an overriding interest and expectation in deciding what is published on behalf of the municipality through social media and in establishing guidelines for the use of municipal social media by municipal officials and the public.

Section 3: Definitions.

The following definitions shall apply to this Policy:

Comment means a statement, post, image, remark, or response submitted by a municipal official or member of the public to the municipality's social media platform(s), including hyperlinks (links) and any medium of content.

Designated Agent means an individual designated by the Newport City Council to receive and respond to notifications of claimed copyright infringement. Once named, the municipality must file a "designation of agent" form with the United States Copyright Office.

Municipal Electronic Equipment means all municipal electronic equipment including computers, cell phones, smart phones, pagers, any associated hardware or software, and any other municipal equipment that may be utilized to send or receive electronic communications.

Municipal Official means employees of the municipality, elected or appointed officials, and municipal volunteers.

Municipal Social Media or Municipal Social Media Platform means the official social media platform(s) of the municipality.

Municipal Social Media Moderator means an individual designated by the Newport City Council to monitor, manage, and oversee municipal social media comments and content.

Municipal Website or Official Municipal Website means the official website/domain of the municipality, City of Newport.

Social Media Platform or Social Media means the various forms of information-sharing technology to create online content and dialogue around a specific issue or area of interest. Examples of social media applications include but are not limited to Facebook, MySpace, Google and Yahoo Groups, Wikipedia, YouTube, Instagram, Snapchat, Flickr, Twitter, LinkedIn, and news media comment-sharing/blogging.

User means a member of the general public who accesses, comments, or posts content to municipal social media platforms.

Section 4: Conduct of Municipal Officials

Those designated and authorized to utilize municipal social media platforms do so with the understanding that they are representing the municipality via social media outlets and must conduct themselves at all times as representatives of the municipality. Municipal officials' use of municipal social media platforms shall comply with this Policy, the municipality's personnel and any other relevant policies, charter provisions, rules, and regulations of the municipality. This includes any usage of municipal social media platforms from outside of the workplace.

When a municipal official respond to a comment in his/her capacity as a municipal official, the official's name and title should be made available.

Information posted to municipal social media platforms is public information, and all comments and posts by municipal officials are subject to Vermont's Public Records Law, Open Meetings Law, and all other applicable laws, rules, policies, municipal charter provisions and regulations. Municipal officials should have no expectation of privacy regarding the information posted on municipal social media platforms nor in anything created, sent or received on municipal electronic equipment. The municipality may monitor any and all transactions, communications and transmissions to ensure compliance with this Policy and to evaluate the use of its equipment.

When conducting municipal business, municipal officials are expressly prohibited from disclosing any information via comments or posts to municipal social media platforms that may be confidential.

Municipal officials are discouraged from using personal accounts to comment on or post municipal information to municipal social media platforms, or to post information regarding official municipal business on other non-municipal social media platforms.

It is the responsibility of authorized municipal officials to ensure that information communicated by means of social media is accurate and up-to-date.

The Municipal Social Media Moderator will monitor the content posted by municipal officials and the public on each of the municipality's social media platforms to ensure it complies with this Policy for appropriate use, messaging and branding, consistent with the goals of the municipality.

All authorized municipal officials must be provided with a copy of this Policy and sign the Acknowledgement of Official Use by Municipal Officials (see Addendum A) prior to utilizing municipal social media.

Section 5: Designation of Social Media Platforms

For each of the municipality's social media platforms, the Newport City Council has identified and designated the type of speech forum, and its purpose and rules, as follows:

1. Government Speech Forums.

The following social media platforms are hereby designated as Government Speech Forums: the official Town Website, <https://www.newportvermont.org>;

These platforms do not allow for any public comments whatsoever. They are reserved for the municipal government to engage in its own expressive conduct to promote its own message.

2. Limited Public Forums.

The following social media platforms are hereby designated as Limited Public Forums: <https://www.facebook.com/Newport-City-Vermont-125615534695897/>

These platforms are places where public comment has been enabled to allow for discussion on specific topics as signified by postings by authorized municipal officials or consistent with the purposes of this policy. Submission of comments by members of the public constitutes participation in a limited public forum.

Section 6: User Comments: Rules and Guidelines

This Section applies to users who access or comment on the municipal social media platforms. The rules and guidelines in this Section apply to all municipal social media platforms. This section's provisions governing user comments on municipal social media platforms shall be displayed on all municipal social media platforms or made available by hyperlink from the municipality's official website. Users shall be informed that agreement to its terms is a prerequisite to participating in the municipality's social media platforms.

On every platform that has been designated in Section 5 of this Policy as a "Limited Public Forum," the City of Newport is interested in hearing the opinions of the public. Vigorous, constructive conversations are encouraged within comments, messages, retweets, and other user communications. The City of Newport does not discriminate based on viewpoint but may remove comments and restrict access to users for violating this Policy. The City of Newport reviews comments on all its limited public forum social media platforms.

All users must clearly identify themselves; anonymous posting shall not be allowed. A comment posted by a member of the public on any municipal social media platform is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Newport nor do such comments necessarily reflect the opinions or policies of the City of Newport. The City of Newport does not guarantee the authenticity, accuracy, appropriateness, or security of posted hyperlinks, websites, or content linked thereto.

Comments by authorized municipal officials shall be allowed on municipal social media platforms only when consistent with the provisions of this policy. Comments by the general public shall be allowed on limited public social media platforms only when consistent with the provisions of this policy. Comments containing, constituting, or linking to any of the following inappropriate forms of content shall not be permitted on any type of municipal social media platform and are subject to editing, removal or restriction, in whole or in part, by the Municipal Social Media Moderator:

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- Profane, obscene, or sexual language;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
- Solicitations of commerce, including but not limited to advertising of any business or product for sale;
- Disruptively repetitive content;
- Conduct or encouragement of illegal activity;
- Information that may tend to compromise the safety or security of the public or public systems;
- Malicious or harmful software or malware;
- Defamatory or personal attacks;
- Threats of violence or to public safety;
- Confidential, private, or exempt information or records as defined by State law
- Conduct that violates any federal, state, or local law;
- Copyrighted materials in violation of State or federal law; or
- Comments that are clearly unrelated to the subject matter of any post made on the platform by or on behalf of the City of Newport.

The City of Newport reserves the right to deny any user who violates this Policy access to posting to municipal social media platforms. Users may be temporarily or permanently restricted from accessing municipal social media platforms if they violate this Policy. To contest the restriction of access to a social media platform, the user must submit a written statement providing grounds for reinstatement to the Municipal Social Media Moderator. Requests will be responded to on a reasonably timely basis, and access will be restored if it is determined that the grounds for reinstatement are sufficient. A statement that the user will abide by this Policy in the future may typically be sufficient.

Users may contact the Municipal Social Media Moderator at any time to identify comments or other conduct on the municipal social media platforms in violation of this Policy. Users should avoid and ignore responding to a comment in violation of this Policy, or if responding, do so in conformance with this Policy.

All comments posted to any municipal social media platform are bound by that platform's applicable statement of rights and responsibilities or terms of service. The City of Newport reserves the right to report any violation of that platform or site's statement of rights and responsibilities or terms of service to the platform or site's provider with the intent of the provider taking appropriate and reasonable responsive action.

Section 7: Account Management

Municipal officials may only establish or use municipal social media platforms on behalf of the municipality after approval by the Newport City Council or its authorized representative. The Newport City Council or its authorized representative or designee will review all requests by municipal officials to contribute to municipal social media platforms and has the sole authority to authorize their use and establish and/or terminate municipal social media accounts. In this role, the Newport City Council or its authorized representative will evaluate all requests for usage, verify staff authorized to use municipal social media tools, and confirm

completion of online training for social media if deemed necessary. The Newport City Council or its authorized representative will also be responsible for maintaining a list of all social media platforms in use, the names of all administrators of these accounts, as well as the associated usernames and active passwords. All municipal social media platforms shall be created by a duly designated Municipal Information Technology (IT) officer with the approval and under the direction of the Newport City Council or its designee and shall be published using approved municipal social networking platform and tools and administered by the Municipal IT officer.

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Section 8: Municipal Social Media Moderator

The Newport City Council or its authorized representative shall designate a Municipal Social Media Moderator to monitor, manage, and oversee all comments and content on each social media platform to ensure adherence to this Policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of the City of Newport.

If a comment or other content is edited or removed by the Municipal Social Media Moderator, the comment or content must be retained in accordance with the relevant records retention schedule. The edit or removal shall be accompanied by a description of the reason such comment or content was deemed not suitable for posting along with the time, date, and identity of the poster when available.

The Municipal Social Media Moderator or his/her authorized representative or designee retains the sole authority to remove information from municipal social media outlets.

Designated department heads and/or other authorized municipal officials will be responsible for the content and upkeep of any municipal social media platforms they may create.

Wherever possible, content posted by the municipality to the municipality's social media platforms will also be available on the municipality's official website. Municipal social media platforms should complement rather than replace the municipality's existing website resources. Content posted on the municipality's social media platforms should contain links directing users to the municipal's official website for additional information, forms, documents, or online services necessary to conduct business with the City of Newport.

All municipal social media platforms shall clearly indicate that they are maintained by the City of Newport and shall prominently display necessary contact information. All municipal social media platforms shall include the prominent placement of the official municipal seal, if available, along with the following notification:

This is the official Facebook platform for City of Newport, Vermont. If you are looking for more information about the City of Newport, Vermont please visit the City of Newport's official website: <https://www.newportvermont.org/>. The purpose of this platform is to provide general public information only. Should you require a response from the City of Newport or wish to request municipal services, you must go <https://www.newportvermont.org/> if appropriate, or contact the City of Newport at (802) 334-5136.

Section 9: Copyright Infringement Notification

The City of Newport complies with the provisions of the Digital Millennium Copyright Act of 1998 (DMCA). Federal law (U.S. Copyright Act, Title 17 of the US Code, and, more recently, the Digital Millennium Copyright Act, 105 PL 304) makes it illegal to download, upload, or distribute in any fashion copyrighted material in any form without permission or a license to do so from the copyright holder.

The City of Newport respects the intellectual property of others and requests users of the municipal social media platforms to do the same. In accordance with the DMCA and other applicable law, the City of Newport may remove comments or posts to the municipal social media platforms that are copyrighted, and to deny access to the municipal social media platforms users who are deemed to be copyright infringers pursuant to this Policy.

The following notification shall be made accessible on all municipal social media platforms and on the City of Newport's official website:

If you believe that any material on the City of Newport's official website or municipal social media platforms infringes on any copyright which you own or control, or that any link on municipal social media platforms directs users to another website that contains material that infringes on any copyright that you own or control, you may file a notification of such infringement with the City of Newport's Designated Agent as set forth below.

Notifications of claimed copyright infringement must be sent to the City of Newport, Vermont's Designated Agent, for notice of claims of copyright infringement. The City of Newport, Vermont's Designated Agent may be reached as follows:

Designated Agent:

City of Newport

(802) 334-5136

Section 10: Public Records Law – Compliance

Municipal social media platforms and their related content are subject to Vermont's Access to Public Records Law. Records that are produced or acquired in the course of municipal business, including material posted to municipal social media platforms, may be a public record and therefore, there should be no expectation of privacy in regard to the information posted on municipal social media platforms. Public records, regardless of format, are available for inspection and copying during customary business hours unless there is a specific statute exempting the record from public disclosure. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

The official municipal website and municipal social media platforms shall clearly indicate that any content or comments posted or submitted for posting in whatever format are subject to public disclosure. Content related to municipal business shall be maintained in an accessible format so that it can be produced in response to a public records request. Users shall be notified that public disclosure requests must be directed to the proper custodian of public records. The name, title, and contact information for the proper custodian of public records shall be posted on each municipal social media platform.

Section 11: Public Records Law – Retention

Relevant records retention schedules apply to content on the official municipal website as well as to municipal social media platforms. Content posted or submitted for posting shall be retained pursuant to Vermont's Public Records Law in its standard format and in accordance with applicable disposition orders and retention schedules as established by the Vermont State Archivist.

Section 12: Open Meeting Law – Compliance

All posts by members of the municipality's public bodies that relate to municipal business are subject to Vermont's Open Meetings Law. Members (elected or appointed) of any municipal public body should refrain from using municipal social media platforms to discuss the business of the public body or take action by the public body in violation of Vermont's Open Meeting Law. Furthermore, members of public bodies should refrain

from commenting on or responding to inquiries related to quasi-judicial matters within the subject matter jurisdiction of their respective public bodies.

Members of municipal public bodies may utilize municipal social media for gathering public input and fostering of public discussion related to the role with which the public body has been charged by statute or the Newport City Council provided that the use is authorized in accordance with and conforms to this Policy.

Information posted by the City of Newport on its social media platforms will supplement and not replace required notices and standard methods of providing warnings, postings, and notifications required to be made with regard to public meetings and hearings under Vermont law.

Section 13 – Enforcement against Municipal Officials

DRAFT

Employees found in violation of this Policy may be subject to disciplinary action, up to and including termination of employment in compliance with the City of Newport's Personnel Policy, employment contract, or collective bargaining agreement as appropriate.

Appointees and volunteers found in violation of this Policy may be subject to removal from their respected public posts.¹

Elected officials found in violation of this Policy may be subject to private or public admonishment and/or may be asked to resign their office.²

ADOPTED this ____ day of _____, 20__.

SIGNATURES of *Newport City Council*:

¹ Certain appointed public officers such as a Zoning Administrator and members of the Zoning Board of Adjustment or Development Review Board may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard.

² Unless there is a local ordinance or charter provision that states otherwise, such a request shall not be considered an order for the elected official to resign.

Addendum A: Acknowledgement of Official Use by Municipal Officials

DRAFT

I, _____, acknowledge that:

- A. I received a copy of the Social Media Policy of the City of Newport, Vermont on _____
(Date);
- B. I have been given an opportunity to ask questions about said Policy and I have been provided with
satisfactory information in response to my questions;
- C. I understand the language used in this Policy;
- D. I acknowledge that the City of Newport reserves the right to add, amend or discontinue any of the
provisions of this Policy for any reason or none at all, in whole or in part, at any time, with or without
notice;
- E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions.

Municipal Official's Signature

Date

Electronic Marquee Policies and Procedures

CITY OF NEWPORT VERMONT

Electronic Marquee Purpose: To promote the City of Newport to residents and visitors by sharing city government information and community events being held in Newport.

Application: All requests must be submitted to the City Manager/City Council on the attached application form fifteen days (15) days prior to the requested posting date. Message length and graphics are limited to the specifications contained on the application form.

Priority of Messages: Only civic and community events being held within the City of Newport will be posted on the electronic marquee. All City sponsored events or City Government messages have priority. All other submissions will be given priority based on time received. The number of messages which appear in any given time period is limited. Therefore during busy times, the City may elect to limit or not program submitted events.

Duration of Messages: Messages will be posted on Thursdays and may run for a maximum of ten (10) days before the event. The City shall reserve the right to reduce the number of days requested by any group or organization. This rule shall apply only when conflict of dates exist or city government messages take priority. Prospective users are limited to two (2) submission at any one time.

Message content: Content shall include only community events and not include, political messages, business advertisements or any information of a strictly or significantly commercial nature. Religious institutions and organizations shall not be permitted to place messages on the marquee sign which promote the institution or organization or religious services, religious affairs or religious messages. However, subject to conditions of approval, religious institutions and organizations may place messages announcing community events and similar activities providing that all events are of a non-religious nature and are open to all members of the general public.

Liability: The City shall not be responsible for errors or incorrect information submitted on the application form.

CITY OF NEWPORT, VERMONT ELECTRONIC MARQUEE APPLICATION FORM

Date Received: _____

Name: _____

Organization: _____

Address: _____

Phone Number(s): _____

Email: _____

Name of Event/Program/Service: _____

There are three lines per side of marquee. Each line is 16 spaces. Please make the information as brief as possible.

There is one smaller line that can hold 20 spaces and can be letters or numbers.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Artwork must be sent as a jpeg file format and the size should be no more than 200 x 400 pixels.

Dates you would like the message to appear: _____

By signing this form you confirm and acknowledge that you have reviewed the City of Newport Electronic Marquee Policies and Procedures. Applicants will be notified via email, indicating approval, denial, or modification of submitted content. If you have any questions, please contact the City Manager's Office.

Name, Title_____
Date

City Manager..... (802) 334-5136
City Clerk / Treasurer..... 334-2112
Public Works..... 334-2124
Zoning Adm. / Assessor..... 334-6992
Recreation / Parks..... 334-6345
Fax..... 334-5632



City of Newport
222 Main Street
Newport, Vermont 05855
www.newportvermont.org

July 30, 2018

Department of Buildings and General Services
2 Governor Aiken Avenue
Montpelier, VT 05633-5801

RE: In Support of Rick Woodward's Application
to the FY2019 Regional Economic Development Grant Program

The City of Newport is pleased to provide this strong letter of support for Mr. Rick Woodward's application to the FY2019 Regional Economic Development Grant Program.

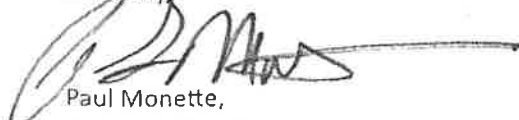
Mr. Woodward is a long-time business owner who runs several successful businesses in Newport. His current project is to renovate the third floor of a downtown building to create small office suites that will work as a co-sharing office environment. This project creates opportunities for start-ups, freelancers and entrepreneurs to obtain space at lower costs than the traditional single-use business space. In addition to reduced office costs, the co-working space allows tenants to have networking opportunities, flexibility and exposure to ideas and activities they otherwise might have missed.

One of the community goals stated during the Vermont Council on Rural Development's community visit to Newport from November 2017 – January 2018 was to support new business development. The location of this co-working space is in the heart of Newport's designated downtown district and will help create opportunities for young business owners and startups to locate in Newport. This will contribute to Newport's economic development while adding vibrancy and activity to the downtown.

The private investment being made to this project by Mr. Woodward total over \$530,000. It should be noted that this reflects a substantial personal financial risk on his part. Newport has recently gone through an economic crisis with the collapse of the multi-million-dollar EB-5 program investments slated for Newport. Indeed, the razed block where the EB-5 projects would have gone are directly across the street from Mr. Woodward's property.

Mr. Woodward's willingness to invest in creating Newport's future by developing a downtown business hub demonstrates the best of Newport's business community. The City strongly supports his efforts and asks that his application be given the highest consideration for an award.

Sincerely,



Paul Monette,
Newport City Mayor

To: Newport City Council
From: Mayor Monette; Laura Dolgin, City Manager; and NVDA Economic Development Specialist, Karen Geraghty
Date: July 18, 2018

Re: Status of 2018 Northern Borders Grant Application for Boardwalk Repair & Acquisition

On July 12th at a press conference in Newport, the Attorney General and the Governor announced the state's settlement of its EB-5 civil suit against Ariel Quiros and Bill Stenger. As a result of that settlement, pending court approval, \$2.1 million in property will be acquired by the state. The proceeds of this settlement are intended to benefit Newport through economic development initiatives.

The Governor stated that while the initial thinking was to use settlement funds to purchase "the hole" and redevelop that site, the thinking has now broadened to look at Newport's development in its entirety. The Governor indicated that there are other downtown development locations also suited for new development and that all options for development are on the table including the location of the State complex on the waterfront.

As you are aware, earlier this summer the State presented an opportunity to the City to repair, acquire and own the Boardwalk. Funding for the repairs was to be acquired through a Northern Borders Regional Commission (NBRC) grant, with the City as applicant. In order to generate the required "match" for the grant amount, the State was to "gift" the Boardwalk to the City. The value of that gift would become the required match for the \$500,000 grant for repairs.

Given the new circumstances of the EB-5 settlement, it is premature for the City to acquire the state-owned boardwalk and invest over \$500,000 in grant and matching funds into its repairs. Until the options for downtown development are clear it is logical to leave the State complex intact inclusive of its green-space and boardwalk. The City can continue to lease the green-space from the State for local activities that meet the needs of the community at this time.

In consultation with the State, the Governor's office and NVDA, it is in the City's best interest to withdraw the application for Northern Borders funding for the Boardwalk at this time. This strategy gives us time to sequence the projects for Newport's overall development in a logical and financially feasible approach as we continue a comprehensive downtown development plan that includes this new opportunity for both the waterfront and the current Main street development site. The state indicated their continuing commitment to work with the City on our downtown development initiatives, including but not limited to, assisting us with a future Northern Borders application.