VERMONT OPEN MEETING LAW

(1 V.S.A. §§310-314)
Applying the Open Meeting Law

What is a 'Public Body?'

- Any board, council, or commission of the State or one or more of its political subdivisions
- Or any committee of any of the boards, councils, commissions, regardless of size

What is a Meeting?

- A quorum is gathered
- To discuss business or take action
- Email conversations are public meetings –subject to the law- with narrow exceptions
- ‘Serial’ or ‘daisy chain’ communication may be considered a meeting under the law
- Texts, online editing, social media
<table>
<thead>
<tr>
<th>Types of Meetings- Notice Required</th>
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<tbody>
<tr>
<td><strong>Regular Meetings</strong></td>
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<tr>
<td>• Regular day and time set by ordinance or resolution</td>
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<tr>
<td>• Agenda posted 48 hours in advance</td>
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<tr>
<td><strong>Special Meetings</strong></td>
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<tr>
<td>• Take place outside of a regular schedule</td>
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<tr>
<td>• 24 hours notice to members</td>
</tr>
<tr>
<td>• Agenda posted 24 hours in advance</td>
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<tr>
<td><strong>Emergency Meetings</strong></td>
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<tr>
<td>• Only when necessary for immediate action</td>
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<tr>
<td>• Public notice must be given as soon as possible before the meeting</td>
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</tbody>
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Agendas

- Posted in or near municipal office
- Posted in at least two other places designated for posting
- Posted to an official website, if one exists

Content

- Allow public to be reasonably informed about topics and actions
- Addition to or deletion from the agenda shall be made as the first act of business at the meeting
- Location of meeting must be included on the agenda

Temporary Changes:
Agenda must include details for telephone and electronic participation
No physical location required
# Minutes

## CONTENT
- All members in attendance
- Names of other active participants
- Motions, proposals and resolutions
- Result of all votes

## REQUIREMENTS
- Available within 5 days
- Posted on website within 5 days
- Maintained for one year

Temporary Change:
Public bodies may extend minutes availability to 10 days in the event of staff shortage
Executive Session

• Motion to enter Executive Session must be made and passed in open session

• May invite staff, legal counsel, clerical assistance and subjects of discussion

• No formal action taken, except real estate purchase

Best practices

• Topic should be listed on the agenda
• Name the provision of law that applies
• Use an electronic meeting system that allows other participants to be placed in a ‘waiting room’

Deliberative sessions of quasi-judicial bodies are not open meetings if a written decision is prepared
Executive Session

Items where “premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage.”

• Contracts

• Labor relations agreements with employees.

• Arbitration or mediation.

• Grievances, other than tax grievances.

• Pending or probable civil litigation or prosecution, to which the public body is or may be a party.

• Confidential attorney-client communications made for the purpose of providing professional legal services.
Executive Session

• Negotiating or securing of real estate purchase or lease options
• Appointment, employment, or evaluation of a public officer or employee, but final hiring or appointment decision, and reasons for the decision, done in open meeting
• Disciplinary or dismissal action against a public officer or employee
• A clear and imminent peril to the public safety
• Exempt records under Vermont’s public records act
• Student academic records, suspension, or discipline
• Testimony from a person in a Parole Board parole proceeding
• Information relating to a rebate programs protected from disclosure either by law
• Security or emergency response measures, if disclosure could jeopardize public safety
Electronic Meetings

- Allowed under the Open Meeting Law
- Must have a physical location open to the public
- Roll call votes required if votes not unanimous

Temporary Changes:
Physical location NOT required
Public access by telephone where feasible
Meetings must be recorded (legislative body and school board)
Electronic Meetings

• Each member must hear and be heard
• Members of the public must be able to hear and be heard

Best Practices:
Use safety features of online services
Assign a moderator for meetings
Designate a method of communication for access problems
End the meeting if connection cannot be maintained
Review ‘ground rules’ for all participants
Take attendance
Individual and Public Rights

- Obtain agendas in advance
- Be notified of meetings
- View or copy minutes
- Listen to recordings
- Attend meetings, with accommodations if needed
- Participate in meetings (reasonably)
- File written notice and civil suit alleging violations
Summary of Act 92 Changes

Apply only during the State of Emergency

- A public body may meet entirely by electronic or other means without being physically present
- A physical meeting place where the public can attend is not necessary
- Must use technology that allows the public to attend by electronic or other means
- Must allow the public to access the meeting by telephone whenever feasible
- Post information on how the public can access the meeting electronically in its agenda
- Record their meetings (legislative body and school board)
- Time limit for posting meeting minutes may extend from five (5) to ten (10) calendar days if necessary due to staffing shortage
Tools and Resources Available:

- Text of Open Meeting law: https://legislature.vermont.gov/statutes/section/01/005
- Vermont League of Cities and Towns Remote Meeting Toolkit https://www.vlct.org/municipal-assistance/municipal-topics/remote-public-meeting-toolkit
QUESTIONS?