

Vermont Open Meetings 101

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NEFAI 2022

The basics

1 V.S.A. §§ 310-314

§ 312. Right to attend meetings of public agencies

(a)(1) All meetings of a **public body** are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision 313(a)(2) of this title

What is a public body?

- State boards and commissions
- Municipal boards and commissions
- Committees of said boards and commissions

Examples

Burlington City Council?

Cannabis Control Board?

Governor's Snowmobile Advisory Commission?

What is a meeting?

A gathering of a quorum of the public body, held to discuss the business of the public body or to take action as a public body.

Email communications between a quorum of the public body **can** be meetings.

Meetings must also be duly warned, at least 24 hours in advance (for most), at the clerk's office and at least two other predetermined public places.

Is it a meeting?



Most of a solid waste district's commissioners trade emails discussing whether to raise taxes next year



Vermont Board of Cheese meets in a dairy barn to debate a rule on pasteurization



Two members of a seven-person city council bump into each other at the gas station and agree to vote against a zoning variance coming up at the next meeting

- 3 of 3 members attended
- Unwarned meeting
- Conducted business in person and over email
- Redid the meeting

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OCTOBER 21, 2020

Burlington Councilors Met With No Public Notice in Another Violation of Law

By COURTNEY LAMDIN



Councilor Brian Pine

FILE: COURTNEY LAMDIN

Members of a Burlington City Council subcommittee admitted on Monday that they violated Vermont's open meeting law last month — the second infraction by councilors in recent weeks.

Executive sessions

- By a majority vote of a municipal body (or two-thirds of a state one)
- Vote must specify the subject of the session
- Subject matter of the session is somewhat limited
 - “public discussion would clearly place the public body or a person involved at a substantial disadvantage”
 - hiring, discipline, or evaluation of a public employee
 - negotiating real estate transactions
 - academic records of students
- May not take any binding action except for conducting real estate transactions.

Proper executive session?



School board members discuss superintendent's annual review in executive session, then return to public session to renew his contract



Selectboard goes into closed session without a vote because an executive session is always on the agenda



Board of Tax Appeals enters executive session to discuss a local controversy

FRIDAY, SEPTEMBER 11, 2020

BURLINGTON

Seven Days Files Open Meeting Complaint Against Burlington City Council

POSTED BY COURTNEY LAMDIN ON FRI, SEP 11, 2020 AT 5:50 PM



Seven Days has filed a complaint against the Burlington City Council that alleges councilors violated Vermont’s open meeting laws at a special meeting held on September 8.

In the filing sent to city officials on Thursday evening, the newspaper argues that it was illegal for councilors to invite protest organizers into an executive session to discuss police personnel, specifically Sgt. Jason Bellavance and officers Cory Campbell and Joseph Corrow — the subjects of ongoing demonstrations at Battery Park. Deputy news editor Sasha Goldstein submitted the complaint on behalf of the paper.

Vermont law says the closed-door sessions are limited to members of a public body, municipal staff, attorneys and “persons ... whose information is needed” in a discussion. The newspaper asserts, however, that “nothing presented publicly suggested that the protesters possessed any privileged information regarding the conduct of the three police officers.”

The law gives the public body 10 calendar days to either deny a violation occurred or to acknowledge the mistake and take steps to remedy it. If the newspaper is unsatisfied, it could choose to take the matter to court.

TUESDAY, SEPTEMBER 15, 2020

BURLINGTON

Burlington City Councilors Admit to Violating Open Meeting Law

POSTED BY COURTNEY LAMDIN ON TUE, SEP 15, 2020 AT 1:21 AM



In response to a complaint filed by *Seven Days* last week, Burlington city councilors on Monday acknowledged that they violated the state’s open meeting law by inviting protest organizers into an executive session to discuss police personnel.

Councilors voted 9-3 to find themselves at fault, though they’ll await guidance from the city attorney on what next steps to take. Councilors Jack Hanson (P-East District), Zoraya Hightower (P-Ward 1) and Ali Dieng (I-Ward 7) voted no.

The paper argued that while the law allows people “whose information is needed” to join closed-door sessions, the protesters didn’t demonstrate that they had confidential information about three cops who’ve been accused of excessive force.

"The most important thing here is to maintain the trust of the public. Our job is to hold ourselves to a very high standard."

Questions?