



Northwest
Regional Planning
Commission

OPEN MEETING LAW REFRESHER

APRIL 2025

Required Training and Posting

Open Meeting Law

Required training for:

- local chairs of legislative bodies
- municipal managers, and
- mayors

<https://sos.vermont.gov/municipal-division/open-meetings/>

[The NRPC training does not meet this requirement.]

Ethics

Required training for:

- members of legislative bodies,
- quasi-judicial bodies,
- chief administrative officers, mayors, and
- town or city managers

<https://ethicscommission.vermont.gov/municipal-ethics>

Municipalities: post online the procedures for submitting notice of OML violation to the public body and the VT Attorney General, and copy of the text of 1 V.S.A. § 314.

Vermont's Open Meeting Law

1 V.S.A. §§ 310 -314

Requires all **meetings** of **public bodies** to be **open to the public** unless a specific exception applies. In order to make a meeting open to the public, the public body must:

- ✓ Provide advance public notice of meetings, including meeting agendas.
- ✓ Discuss all business and take all actions in open meeting, unless an exception applies.
- ✓ Allow members of the public to attend and participate in meetings.
- ✓ Take meeting minutes and make them available to the public.

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, subcommittee 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 could be considered meetings

Applying the Open Meeting Law

What is a Not a Meeting?

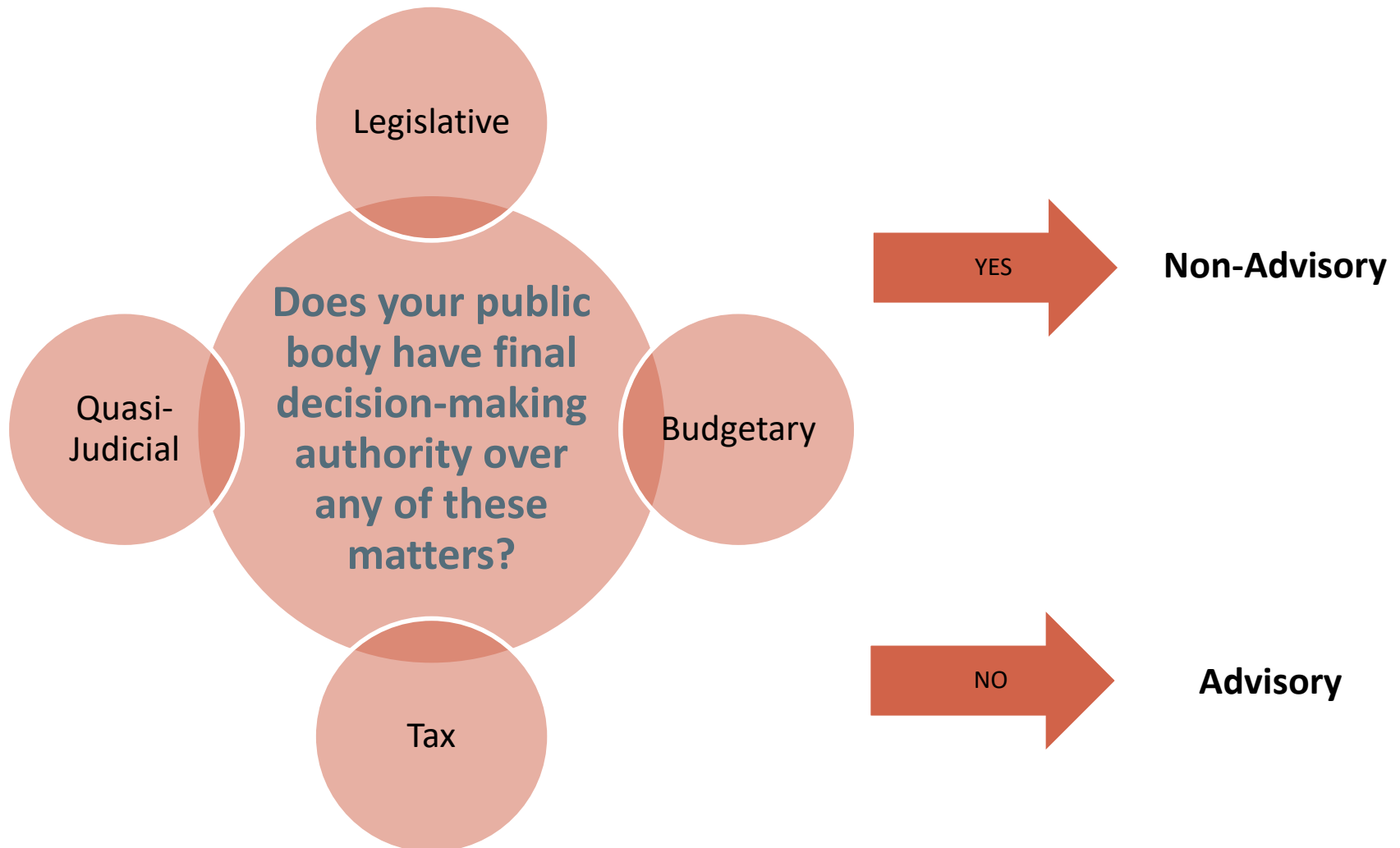
- **a gathering of a quorum of a public body at a duly warned meeting of another public body**, provided that the attending body does not take action on its business
- **Social gatherings, conventions, conferences, training programs, press conferences, media events**, or other gatherings provided that the public body does not discuss specific business of the public body that, at the time of the exchange the participating members expect to be business of the public body at a later time.

What about working groups?

- No exception to the open meeting law
- Will typically fall under the 'subcommittee' portion of the definition

Applying the Open Meeting Law

Advisory vs. Non-Advisory



Types of Meetings- Notice Required

Regular Meetings

- Regular day and time set by ordinance or resolution
- Agenda posted 48 hours in advance

Special Meetings

- Take place outside of a regular schedule
- 24 hours notice to members
- Agenda posted 24 hours in advance

Emergency Meetings

- Only when necessary for immediate action
- Public notice must be given as soon as possible before the meeting

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

Information allowing direct telephone or electronic participation- if applicable

Record of the Meeting: 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

Record of the Meeting: Recordings

Advisory

- No requirement to record meetings
- If they are recorded, the recording is a public record

Non-Advisory

- Must electronically record (either video or audio only) all meetings
- Retain and post recordings in a designated location for at least 30 days after approval/posting of minutes
- Unless doing so would pose an “undue hardship” on the municipality.

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
- If hybrid or virtual 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-Remote Only

Advisory

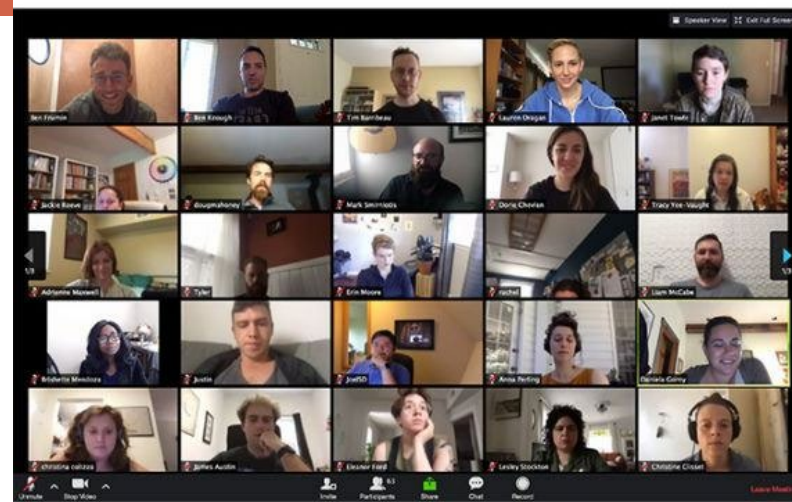
- ✓ Remote-only meetings, by electronic or other means.
- ✓ Hybrid meetings.
- ✓ Fully in person meetings.

Non-Advisory

Regular and special meetings must include a staffed, physical location.

- ✓ Hybrid meetings.
- ✓ Fully in-person meetings.
- ✓ Remote-only: emergency meetings, and meetings held during a local incident or state of emergency

Electronic Meetings: Remote Only or Hybrid Requirements



- electronic platform that allows direct access
- allow access the meeting by telephone
- include and post information that enables the public to directly access the meeting
- Roll call votes required if votes not unanimous

Electronic and Hybrid 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

Enable closed captions, consider disabling chat function

Individual and Public Rights

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



Individual and Public Rights-Requesting Access



- a resident of the geographic area of jurisdiction
- a member of the public body
- a member the press

May request either a designated physical location (in-person) or electronic/telephone (remote) access to a regular meeting of any public body.

- The request must be in writing, and need not state why.
- Two or more business days before the meeting.
- Must request for EACH meeting.
- Request must be granted except during emergencies/incidents or undue hardship.

ENFORCEMENT and CORRECTION

Public Body Accepts Violation

- Respond publicly within 10 days
- State the intent to 'cure' the violation
- Adopt specific measures to prevent future violations

Public Body Denies Violation

- Respond publicly within 10 days
- No response= considered denial
- Citizen can file suit within one year of alleged violation

Intentional violation is a misdemeanor and fines up to \$500 can be levied. Courts may also offer injunctions and require payment of attorney's fees.

Vermont's Public Records Requirements

1 V.S.A. §§ 315 -320

- ✓ Applies to all *Public Agencies*
- ✓ Public records must be open to public inspection and copying.
- ✓ Every member of the public has the right to inspect and copy any public record or document of a public agency unless it is exempt from disclosure.
- ✓ Records must be made available during all customary office hours of the custodian of the records.
- ✓ Records must be retained according to retention schedule
- ✓ Applies to paper and electronic records

Open Meeting Law Record Retention Chart

https://sos.vermont.gov/media/vien1tsj/oml_recordkeepingchart_2024.pdf

Tools and Resources Available:

Text of Open Meeting law:

<https://legislature.vermont.gov/statutes/section/01/005>

VT Open Meeting Law

<https://sos.vermont.gov/municipal-division/open-meetings/#:~:text=Vermont's%20open%20meeting%20law%20requires,better%20decision%2Dmaking%20in%20government.>

VLCT (Members only) Resources

<https://www.vlct.org/topics/vermonts-open-meeting-law>

Public Records Law

<https://sos.vermont.gov/municipal-division/public-records/>

QUESTIONS?



Please complete the survey, link in the chat.

Thank you!