

Testimony Regarding a Bill Impacting Vermont's Open Meeting Law

May 01, 2024



Testimony of the Vermont League of Cities and Towns
Ted Brady, Executive Director
House Government Operations and Military Affairs
Regarding S. 55 – A Bill Impacting Vermont's Open Meeting Law
April 30, 2024

My name is Ted Brady, and I am the Executive Director of the Vermont League of Cities and Towns, which represents all 247 cities and towns in Vermont. Many municipalities have shared that the pandemic-era Open Meeting Law flexibilities allowing fully-remote public meetings increased public participation in local meetings. This is why VLCT supports extending the provisions allowing fully-remote meetings. Should the House instead pursue the Senate's proposal, S. 55, I would like to direct you to my [testimony](#) to this committee on April 3rd. VLCT also appreciated the testimony of the [Vermont Association of Planning and](#)

[Development Agencies](#) from that day – which echoed some of our concerns. While VLCT believes the bill – and the committee’s amendments – represent a compromise position that extends the ability of some local public bodies to meet remotely, I do have some requests that were either unaddressed from my earlier testimony or have since appeared in [Draft 1.3 of S. 55](#):

- Section 3 amends 1 V.S.A § 312 by adding section (a) (6) (A) which creates a new recording requirement for any meeting of a public body except advisory bodies, and requires the recording to be kept until “...30 days following the approval and posting of the official minutes...” The record retention requirement references an event that is not otherwise referenced in statute - “posting of the official minutes”. It is also unclear if a municipality may dispose of the record after the 30 days. VLCT recommends the following edits to accommodate these issues:
 - (A) A public body of a municipality or political subdivision, except advisory bodies, shall record , in audio or video form, any meeting of the public body and post a copy of the recording, , in a designated electronic location for a minimum of 30 days following the [approval] and availability [of the official] minutes for a meeting.
The public body may dispose of the recording after meeting this requirement
.” *Editors note: [text] indicates strike through.*

In addition, VLCT is concerned that dozens of communities across Vermont that rely on public access television stations to both record and make recordings available to the public of their meetings will suddenly be out of compliance with the new law. This provision appears to require a municipality to become the custodian of the record. If that’s the intent of the Legislature, this provision will likely have a significant impact on more municipalities than originally suspected.

- Section 3 (a) (5) appears to inadvertently suggest a hybrid meeting requirement will exist for local advisory boards, when elsewhere in the bill local advisory bodies are exempt from the requirement. VLCT recommends removing the term “local” on page 5, line 5. *Editors note: [text] indicates strike through.*
 - (5) State [and local] advisory bodies; State non-advisory public bodies; hybrid and electronic meeting requirements.
- Section 3 amends 1 V.S.A § 312 by adding (k) – a new annual training requirement for all chairs, town managers and mayors. VLCT conducts Open Meeting Law for hundreds of officials a year, and we support robust training on the Open Meeting Law. However,

we don't support mandating new training. VLCT appreciates this version assigns this responsibility to the Secretary of State, though we'd caution that hundreds of municipalities get such training from VLCT currently, at no cost to the state, and assigning this responsibility to the Secretary of State's office alone seems ill advised. VLCT would also support VAPDA's recommendation that the training requirement instead apply to efforts to cure an Open Meeting Law violation by amending 1 V.S.A. § 314

- Section 5 amends 1 V.S.A. § 314 and requires municipalities to post Vermont's Open Meeting law and how to file complaints about violations on their website. While VLCT doesn't oppose this requirement, we don't understand why municipalities are the only public bodies subject to this requirement. It should apply to all public bodies.
- VLCT is concerned that the bill's effective date does not allow municipalities to adequately prepare. VLCT requests that the recording requirements and training requirements be delayed until at least January 1, 2025.