

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 55 entitled “An act relating to authorizing public bodies to meet  
4 electronically under Vermont’s Open Meeting Law” respectfully reports that it  
5 has considered the same and recommends that the bill be amended by striking  
6 out all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 1 V.S.A. § 310 is amended to read:

8 § 310. DEFINITIONS

9 As used in this subchapter:

10 (1) “Advisory body” means a public body that does not have  
11 supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or  
12 budgetary matters.

13 (2) “Business of the public body” means the public body’s  
14 governmental functions, including any matter over which the public body has  
15 supervision, control, jurisdiction, or advisory power.

16 (2)(3) “Deliberations” means weighing, examining, and discussing the  
17 reasons for and against an act or decision, but expressly excludes the taking of  
18 evidence and the arguments of parties.

19 (3)(4)(A) “Meeting” means a gathering of a quorum of the members of a  
20 public body for the purpose of discussing the business of the public body or for  
21 the purpose of taking action.

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~~(4)~~(5) “Public body” means any board, council, or commission of the State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that “public body” does not include councils or similar groups established by the Governor for the sole purpose of advising the Governor with respect to policy.

~~(5)~~(6) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the State in which the public body has jurisdiction, and to any person who has requested under subdivision 312(c)(5) of this title to be notified of special meetings.

~~(6)~~(7) “Quasi-judicial proceeding” means a proceeding ~~which~~ that is:

\* \* \*

Sec. 2. 1 V.S.A. § 312 is amended to read:

§ 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

1 313(a)(2) of this title. A meeting of a public body is subject to the public  
2 accommodation requirements of 9 V.S.A. chapter 139. A public body shall  
3 electronically record all public hearings held to provide a forum for public  
4 comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall  
5 have access to copies of such electronic recordings as described in section 316  
6 of this title.

7 \* \* \*

8 (3) Hybrid meeting requirement. A public body that exercises  
9 legislative, quasi-judicial, taxing, or budgetary authority shall hold all regular  
10 meetings in a hybrid fashion, which shall include both a designated physical  
11 meeting location and a designated electronic meeting platform.

12 (4) Meetings of advisory bodies. Notwithstanding subdivision (2) of  
13 this subsection, an advisory body shall not be required to designate a physical  
14 meeting location where the public may attend, a quorum or more of the  
15 members of an advisory body may attend any meeting by electronic or other  
16 means, and the members and staff of the advisory body shall not be required to  
17 be physically present at a designated physical meeting location.

18 (5) Hybrid and fully electronic meeting requirements. A public body  
19 meeting under subdivision (3) or (4) of this subsection shall use a designated  
20 electronic platform that allows the direct access, attendance, and participation  
21 of the public, including access by telephone. The public body shall post

1 information that enables the public to directly access the designated electronic  
2 platform and include this information in the published agenda for each  
3 meeting.

4 (6) Request for accommodation; physical meeting location. Upon  
5 request that an advisory body hold a meeting in a physical location or a hybrid  
6 meeting, an advisory body shall make a reasonable accommodation to  
7 designate a physical location where the public may attend a meeting.

8 (7) Video recordings of electronic meetings. A public body, other than  
9 an advisory body, shall electronically record all electronic and hybrid meetings  
10 conducted pursuant to this subsection. The audiovisual recording of a meeting  
11 shall be posted in a designated electronic location until the public body  
12 approves and posts the official minutes for that meeting. The public body shall  
13 retain audiovisual recordings of electronic and hybrid meetings for one year.

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15 Sec. 3. 1 V.S.A. § 312a is amended to read:

16 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

17 (a) As used in this section:

18 (1) “Affected public body” means a public body:

19 (A) whose regular meeting location is located in an area affected by a  
20 hazard or local incident; and

1 (B) that cannot meet in a designated physical meeting location due to  
2 a declared state of emergency pursuant to 20 V.S.A. chapter 1 or local incident.

3 (2) “Hazard” means an “all-hazards” as defined in 20 V.S.A. § 2(1).

4 (3) “Local incident” means a weather event, public health emergency,  
5 public safety threat, loss of power or telecommunication services, or similar  
6 event, that directly impedes the ability of a public body to hold a meeting  
7 electronically or in a designated physical location

8 (b) Notwithstanding subdivisions 312(a)(2)(D), (a)(3), and (c)(2) of this  
9 title, during a local incident declared state of emergency under 20 V.S.A.  
10 chapter 1:

11 (1) A quorum or more of an affected public body may attend a regular,  
12 special, or emergency meeting by electronic or other means without  
13 designating a physical meeting location where the public may attend.

14 (2) The members and staff of an affected public body shall not be  
15 required to be physically present at a designated meeting location.

16 (3) An affected public body of a municipality may post any meeting  
17 agenda or notice of a special meeting in two publicly accessible designated  
18 electronic locations in lieu of the two designated public places in the  
19 municipality, or in a combination of a designated electronic location and a  
20 designated public place.

1           (c) Notwithstanding subdivision 312(a)(3) of this title, during a local  
2           incident that impedes an affected public body's ability to hold a meeting by  
3           electronic means, the affected public body may hold a meeting exclusively at a  
4           designated physical meeting location.

5           (d) When an affected public body meets electronically under subsection (b)  
6           of this section, the affected public body shall:

7                   (1) use technology that permits the attendance and participation of the  
8                   public through electronic or other means;

9                   (2) allow the public to access the meeting by telephone; ~~and~~

10                   (3) post information that enables the public to directly access and  
11                   participate in meetings electronically and shall include this information in the  
12                   published agenda for each meeting; and

13                   (4) if applicable, post a notice that the meeting will be held exclusively  
14                   in a designated physical meeting location or through electronic means.

15           ~~(d)~~(e) Unless unusual circumstances make it impossible for them to do so,  
16           the legislative body of each municipality and each school board shall record  
17           any meetings held pursuant to this section.

18           ~~(e)~~(f) An affected public body of a municipality shall continue to post  
19           notices and agendas in or near the municipal clerk's office pursuant to  
20           subdivision 312(c)(2) of this title and shall provide a copy of each notice or  
21           agenda to the newspapers of general circulation for the municipality.

1 Sec. 4. 17 V.S.A. § 2640 is amended to read:

2 § 2640. ANNUAL MEETINGS

3 \* \* \*

4 (b)(1) When a town so votes, it may thereafter start its annual meeting on  
5 any of the three days immediately preceding the first Tuesday in March at such  
6 time as it elects and may transact at that time any business not involving voting  
7 by Australian ballot or voting required by law to be by ballot and to be held on  
8 the first Tuesday in March. A meeting so started shall be adjourned until the  
9 first Tuesday in March.

10 (2) A meeting held in the three days preceding the first Tuesday in  
11 March pursuant to this subsection shall be conducted as a hybrid meeting  
12 pursuant to 1 V.S.A. § 312. The hybrid meeting shall be held using an  
13 electronic platform that allows the voters of the municipality to vote on any  
14 business put before the voters during the meeting.

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16 Sec. 5. SECRETARY OF STATE; BEST PRACTICES FOR ELECTRONIC,  
17 HYBRID, AND IN-PERSON MEETINGS

18 The Secretary of State, in consultation with the Vermont League of Cities  
19 and Towns and the Vermont School Boards Association, shall adopt and  
20 publish best practices guidelines for electronic, hybrid, and in-person meetings  
21 of public bodies.

