

Dear Chair Hardy and members of the Senate Committee on Government Operations:

Thank you for hosting me on Wednesday to testify on S.55. I am writing to provide the data you requested regarding volume of open meeting law complaints that prompt Attorney General Office investigations. I reviewed our files and determined that we conduct between 6 and 7 investigations on average each year. I looked at 12 years in calculating this average (i.e., 2012 through 2023).

As for public awareness of the AGO role as enforcer, our office sends the attached form response to individuals who contact the office appearing to be seeking open meeting law enforcement. You'll see that we direct individuals to the Secretary of State's published guide to open meetings for a primer on the topic.

Thank you again for the opportunity to provide the Attorney General's perspective on S.55 and please let me know if I can provide any additional information.

Thanks,
Leslie

Leslie A. Welts (she/her)
Chief, General Counsel and Administrative Law Division
Office of the Vermont Attorney General

AGO Form Response to Open Meeting Law Complaints

Dear _____,

Thank you for your correspondence regarding Vermont's Open Meeting Law. The Attorney General's Office investigates complaints of violations of Vermont's Open Meeting Law for purposes of enforcement actions. If you are seeking to file a complaint against a public body, please review the information below. **For general information about the Open Meeting Law or for legal advice regarding compliance with the law as a member of a public body, we recommend you contact the Secretary of State's Office or the public body's attorney respectively.**

If you are looking to file a complaint and: (a) have notified the public body of your complaint and (b) have not received a response or a satisfactory remedy to the alleged violation, the AGO will review the matter for possible enforcement. As you may know, recent changes to the Open Meetings Law require that the public body receive written notice of alleged violations and a specific request for a remedy. By law, the public body will have an opportunity to respond to your complaint. See 1 V.S.A. 314. We ask all Open Meeting complainants of the Attorney General's Office to please directly notify the public body of an alleged violation before seeking the involvement of the Attorney General's Office.

As you may know, general information about Vermont's Open Meeting Law is available in the Vermont Secretary of State's guide to Vermont's Open Meeting Law at: <https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf>. In addition, and to the extent you wish to speak with your own lawyer, the Vermont Bar Association offers a Lawyer Referral Service; their attorneys provide an initial 30-minute consultation for no more than \$25. For more information about the Lawyer Referral Service, contact 1-800-639-7036 or visit: <https://www.vtbar.org/find-a-lawyer/>.

We hope the above information is helpful to you.