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The Open Meeting Law's permits public bodies to conduct "hybrid" meetings (meetings with a physical location that may be accessed by electronic or other means). Public bodies therefore have the option of meeting in-person, remotely, or a combination of the two ("hybrid") for the duration of calendar year 2022. Note that the Open Meeting Law's permanent provisions does not give the public the right to require remote access; instead, this is an additional option the public body can choose to provide. In other words, attendance and participation in a hybrid meeting via remote access can be offered by the public body as a supplemental method of attending meetings.

This toolkit provides guidance to public bodies to hold optional in-person and remote meetings – i.e. "hybrid" meetings – while adhering to the Open Meeting Law. Two common questions include:

Do we have to hold hybrid meetings?

What happens if the public attending a hybrid meeting remotely is disconnected or unable to participate due to some technical or other issue?

Disclaimer: This resource is only intended to provide information and it does **NOT** constitute legal advice. Readers with specific legal questions are encouraged to contact an attorney. The use or downloading of this resource does **NOT** create an attorney-client relationship and will not be treated in a confidential manner.

If you have additional questions relating to ordinances and policies or would like a technical review of your municipality's proposed ordinance or policy, click here:

Ask a Question

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PDF/Print Page

LINKS

Open Meeting Law Home

Remote Public Meetings Toolkit

VLCT HYBRID PUBLIC MEETING CHECKLIST

Please use this checklist to help prepare and conduct hybrid (in-person and remote) meetings of public bodies in accordance with the Open Meeting Law.

IN ADVANCE OF MEETING

☐ Provide advance public notice of meetings. See VLCT Model Hybrid Meeting Notice and Agenda.

- Regular meetings: One time in a charter, local ordinance, or resolution.

- Special meetings: Provide at least 24 hours' notice to:

  - all members orally or in writing (unless waived),

  - news media serving the area (no publication required),

  - any person who requests notification, and

  - in or near Town Clerk's office and two other public places in town.

- Emergency Meetings: no specific requirement - "some public notice must be given as soon as possible before any such meeting."

☐ Create and post an agenda for all regular and special meetings (not required for emergency meetings). See VLCT Model Hybrid Meeting Notice and Agenda.

- Include information on how the public can access the meeting electronically and provide a contact for troubleshooting technical difficulties.

- Recommend advertising instructions in additional ways to foster accessibility.

- Must designate at least one physical location where a member of the public can attend and participate in the meeting. (At least one member of the public body, or at least one staff or designee of the public body, must be physically present at each designated meeting location).

- At least 48 hours in advance of regular meeting and 24 hours in advance of special meeting:

  - post in or near town office,

  - post in at least two other public places in town,

  - post electronically to a website, if one exists, that is maintained or has been designated as the official website, and

  - make available to a person prior to a meeting upon specific request.

☐ Ideally, pick a technology that allows people to attend electronically such as Zoom, Skype, or conference call system.

☐ Set up hybrid meeting to enable everyone to hear and be heard throughout.

- This may require shared or individual microphones and speakers at the designated physical location to ensure the public can be heard and hear the meeting throughout.
- ☐ Determine process for managing in-person and remote access simultaneously.

START OF MEETING

- ☐ Assign administrator(s) to monitor chat/participation features. This person should not be the minutes taker.
- ☐ If possible, mute participants, or ask them to mute their microphones unless invited to speak. To take questions, make sure the chat feature is enabled.
- ☐ Advise participants that meeting is being recorded (if applicable).
- ☐ Confirm that members can hear each other and the public.
- ☐ Consider reading the VLCT Script for Opening a Hybrid Meeting of a Public Body.
- ☐ Note where materials for meeting are available.
- ☐ Introduce all members of the public body, staff, and persons on the agenda.
- ☐ State that meeting will be conducted in accordance with public body's Rules of Procedure.
- ☐ Cover "ground rules" for participation, such as:
  - speakers must state their name before each presentation, comment, or question.
  - all votes that are not unanimous must be taken by roll call (if one or more members attend by electronic or other means).
  - all participants must be recognized by the Chair before speaking.
  - etc.
- ☐ End hybrid meeting when public body adjourns.

TECHNICAL DIFFICULTIES

- ☐ If technical difficulties arise, the Chair should temporarily suspend (i.e. recess) the meeting until issues are resolved.
- ☐ If technical difficulties cannot be resolved so that the meeting cannot be held in compliance with VT's Open Meeting Law, continue meeting to a date, time, and place certain.
- ☐ Keep accurate minutes noting any disconnections and reconnections of members.
- ☐ If public is experiencing technical difficulties, refer them to meeting software guidance or assign someone to provide remote technical assistance.

AFTER MEETING

☐ Post the minutes.

- Vermont law requires meeting minutes be posted no later than five (5) calendar days from the date of the meeting to an official website, if one exists, that is maintained or has been designated as the official website of the public body.

Public Meeting Informational Handout
Town of _____

Hybrid Public Meetings

The selectboard encourages all public bodies of the town of [*insert name of municipality*] to provide remote access via electronic means to all their meetings. Whenever feasible, the public should, at minimum, be able to access and participate in hybrid meetings by dialing in through telephone. Providing remote access does not eliminate the body's obligation under the law to also provide a physical location where members of the public can attend and participate in the meeting. Additionally, at least one member of the body or at least one staff person or other designee must be present at that physical location. Each member that attends electronically must identify themselves when the meeting is convened and must be able to hear and be heard throughout the meeting. Any voting that occurs at the meeting that is not unanimous must be done by roll call. 1 V.S.A. § 312(a)(2).

Accessing a Meeting

Please refer to each public body's notice and agenda for information on how to access a hybrid meeting remotely. Please note that whether you join by telephone, computer, or device, you may be put on hold or in a waiting "room" until granted access to the meeting. You also may be muted or restricted from using any chat function until the public comment portion of the meeting.

Participation

All meetings will be conducted in accordance with the respective Rules of Procedure of each public body, to the extent practicable. The public body will follow its agenda and, when feasible, allow members of the public attending remotely to participate through voice (audio) means or alternatively using any chat function during the designated public comment periods on the agenda and at other applicable times as needed. Note that the Open Meeting Law does not give the public the right to require remote access; instead, this is an additional option the public body can choose to provide. In

other words, attendance and participation in a hybrid meeting via remote access can be offered by the public body as a supplemental method of attending meetings.

While the public body will attempt to provide those attending remotely the same reasonable opportunity to comment as those attending in person, please be aware that technical and other issues may interfere or possibly even prevent that opportunity from occurring.

Initially, the meeting's host/organizer will mute all remote participants that are not members of the public body. This is necessary to control background noise. The host/organizer will then unmute remote participants or allow participants to unmute themselves when invited to speak by the Chair of the public body.

Please review the following guidelines:

- ➢ The Chair will invite comment:
    - o during the public comment period as designated on the agenda; and
    - o other times as determined by the public body.
- ➢ When a remote participant/attendee is unmuted, they must state their name before commenting.

If the public body successfully moves to enter an executive session, the meeting's host/organizer will then place everyone that is not part of the executive session on hold or a virtual waiting "room." This will prevent remote attendees from hearing or participating in the meeting during the duration of the executive session. When the public body exits executive session, the host/organizer will then grant access back to the hybrid meeting.

When the public body adjourns the meeting, the host/organizer will end the electronic meeting by turning off/closing the remote meeting software. Remote attendees will be automatically disconnected.

Minutes and other public records that were part of the meeting will be made available in accordance with VT's Open Meeting and Public Records Laws.

Copy below the dotted line and paste into a new document.

[*Name of municipality*] [*Insert board/committee/commission*]
NOTICE AND AGENDA FOR HYBRID (PHYSICAL and REMOTE) MEETING

The [*insert name of board/committee/commission*] for the [*insert name of municipality*] will meet at [*insert physical location where public can attend*] on [*insert date*] at [*insert time*]. The meeting will also be accessible remotely by electronic means.

Information on how to access the meeting remotely [*choose all applicable, and edit to fit your public body's needs*]:

- ➢ By telephone: Dial [*insert phone number*]. When prompted enter the meeting ID: [*insert meeting ID if applicable*].

- ➢ By computer: Download meeting software here [*insert URL of digital meeting software if used*]. Join meeting by clicking here [*insert meeting link*]. You may be prompted to enter a meeting ID: [*insert meeting ID if applicable*].

- ➢ By smartphone, tablet, or other device: Download and open the [*insert name of digital meeting software*] app. You may have to create a free account or sign into your existing account. Select the option to join meeting and enter the meeting ID: [*insert meeting ID*].

- ➢ [Insert other methods to watch or attend, if applicable, such as YouTube, local television, etc.]

If you are planning on attending the meeting remotely, please review our "Informational Handout for Hybrid Public Meetings" to understand how the meeting will be managed. If you are participating remotely and you wish to make a public comment, but do not have the ability to comment remotely during the meeting, please email your comment(s) to [*insert municipal staff/official*] at [*insert email*].

To ensure smooth access, we recommend that you test your remote meeting software in advance of the meeting. **If you have difficulty accessing the meeting, please call [*insert phone number*] or email [*insert email*].**

AGENDA

- [*insert time*]: Call to Order

- [*insert approximate time*]: Additions or deletions to the agenda

    o Public comment

- [*insert approximate time*]: Review and approve previous meeting minutes

    o Public comment

- [insert approximate time]: [Insert topic discussion/action of public body]

    o Public comment

- [*insert approximate time*]: [Insert topic discussion/action of public body]

    o Public comment

- [*insert approximate time*]: [Insert topic discussion/action of public body]

    o Public comment

- [insert approximate time]: etc.

    o Public comment

- [*insert approximate time*]: Open public comment period (if applicable)

- [*insert approximate time*]: Entertain motion to adjourn meeting

VLCT MODEL SCRIPT: OPENING A HYBRID PUBLIC MEETING

Please note, the Open Meeting Law do not require this script. However, we recommend using it for hybrid meetings (in-person and remote meetings) as a best practice to ensure all meeting attendees, whether remote or in-person, are on the same page and understand how the meeting will run.

Copy text below the dotted line and paste into a new document

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[*At commencement of your meeting*]: The meeting of the__[*insert public body's name*] will come to order. This meeting is a hybrid meeting, which means that some or all of the public body is meeting remotely and some are meeting physically in a previously noticed location where the public may attend to observe, listen, and participate contemporaneously. One member of this public body or other staff is present at the location to ensure the public can participate, if desired.

Please note that while we will strive to provide means for those attending remotely to participate in the public comment period, there may be technical difficulties or reasons that otherwise prevent or interrupt remote public participation. Therefore, it is important to note that the Open Meeting Law only ensures the public's right to participate and comment, at a public meeting by attending at the designated physical location as posted in the notice and agenda.

- If a member of the public or of the public body has technical difficulties accessing this meeting remotely, please alert us by [*insert instructions for how public can report a problem, e.g., call X number, use remote software's chat function, email selectboard assistant, etc.*] *problem*]; and

- In the event of a technical difficulty that cannot be resolved, we may continue the meeting if necessary, to time and place certain.

- Please note that all votes taken during this meeting that are not unanimous will be done by roll call vote, in accordance with the law.

- As required by the Open Meeting Law, let's start the meeting by taking a roll call attendance of all members participating in the meeting and have those members attending remotely identify themselves to ensure that they can hear and be heard throughout the meeting.

VLCT Hybrid Public Meeting Software & Technical Guidance for Vermont Municipalities

This guidance document is intended to help those municipalities seeking to conduct meetings by electronic means, while also complying with the Open Meeting Law. It reviews remote meeting software options as well as technical best practices in the context of Open Meeting Law requirements. Please use this guidance in conjunction with our other [Open Meeting Law resources](#) and be sure to check the website for our most current information.

Hybrid Public Meeting Software Options and Considerations

The law does not specify the use of a particular type of software service or conference call system to use for a hybrid meeting, other than to say that it may be conducted through electronic or other means.

There are several free and low-cost digital meeting software options available. Vendors may provide both free and tiered software options. Be aware, some of the free options may include limits on participation, access to features, duration of meeting, and/or number of internal users. Please review the selection considerations below to help you assess which option may work best with your municipality's infrastructure.

To ensure you are using your hybrid meeting software or a teleconferencing system within the confines of the Open Meeting Law requirements, review VLCT's regularly updated [Open Meeting Law FAQs](#) for more information.

Selection Considerations
Here are some important considerations to keep in mind when selecting hybrid meeting software. Consult with your IT (Information Technology) staff or IT service provider prior to installing new software.

- Check your internet bandwidth to understand which software options are most compatible. In other words, make sure your internet speed is fast enough. If you are not sure whether your internet can support hybrid meetings or need additional network assistance, contact your internet service provider to review your current plan and options.

- Review software application security settings, vulnerabilities, and options. Consult your IT staff if available. Follow the hybrid meeting software's instructions.

- If your hybrid public body meeting is going to give remote access to the public, strive to ensure that it allows remote participation, such as connecting through computer or device

video and audio. If at all feasible, the software should allow the public to call in by telephone.

- You need to be able to manage public comments, so if you're using software with a chat system, make sure the software allows you to mute/unmute attendees and moderate any chat function.

- Make sure your software provides enough digital "room" for attendees, particularly when high attendance is anticipated (e.g. some services allow for up to 100 attendees in the free version – though there may be other limitations). Most have affordable pricing tiers, depending on your meeting needs.

- Ensure there are options for others to join the meeting without having to register or you can set an instant registration option.

- Many software services have hybrid platforms which allow for internal business collaboration as well, making them valuable tools not only for your public meetings but for use by all municipal departments.

- If desired, choose hybrid meeting software that gives you the option to record the meeting. Keep in mind, however, that any recording will constitute a public record under Vermont's Public Records Act and will have to be managed accordingly. Please contact the State of Vermont Archives and Records Administration (VSARA) at 802-828-3897 for records management related assistance.

Software Providers Options

Below is a non-exhaustive list of software meeting service providers along with links to industry vetted resources where you can read reviews and recommendations about them. ***VLCT does not specifically endorse any of these services over another.*** Please use due diligence regarding security and system compatibility when selecting a provider or providers. Be sure to comprehensively assess your municipality's internal and external needs (including the needs of both the public body and the public participating remotely). As noted, your IT staff or provider should be consulted before downloading and launching new software.

Common Providers:

- Zoom
- Skype for Business
- Skype (standard)
- Microsoft Teams
- Go To Meeting/Webinar
- WebEx
- ClickMeeting

- RingCentral
- Tele Town Hall,
- Dialpad Meetings
- Freeconferencecall.com
- Google Meet
- Vast Conference

Audio Only Conference Services

Audio conference services may also be available through your phone or other telecommunications provider.

External References
https://www.techradar.com/best/best-video-conferencing-software
https://www.pcmag.com/picks/the-best-video-conferencing-software

Cybersecurity

You should be cautious when setting up hybrid public meetings with some software providers. **Some of these services may have known software security vulnerabilities. Vet services carefully and contact your IT provider!**

To mitigate some vulnerabilities, some software services provide unique links or passwords for users to login, which requires a registration feature or the ability to direct email contacts. Your administrator or IT provider may need to adjust service settings and compatibility features to enhance security features.

Zoom-bombing.

So-called "Zoom-bombing" is when someone (who may or may not be a resident of your community) joins a remote or hybrid meeting and causes disorder by saying offensive things in chat, during public comment, or hijacking the meeting by screen sharing content on their computer. This can be disruptive and uncomfortable when offensive material or speech is shared.

There are some things you can do to protect yourselves from Zoom-bombing and still stay within the confines of the Open Meeting Law (OML). Regardless of what platform you choose to host your meetings, the host/organizer of the meeting should be comfortable with the meeting controls and settings to best manage any potential disruptions. To better protect your meetings, double check these settings:

- Check that file sharing is turned off – that way you're not allowing a participant to send potential profane or virus infected documents to other attendees.
- Check that screen sharing for attendees is disabled. This will prevent a hijack and potential visibility of profane or unwanted content displayed in your meeting.
- Check your mute/unmute settings. You should ensure that the platform's settings are configured to mute all participants upon entry. In some platforms, you can also turn off the capability of people unmuting themselves so that the meeting host must instead manually unmute people for the public comment period. This provides more control over when a participant can talk, ensuring only those participants recognized by the chair are unmuted.
- Turn off video sharing in the meeting for participants. In some platforms, you can turn off the capability of people sharing their video (e.g. camera) so that the meeting host must instead manually allow a person's video feed for the public comment period, if so desired. This provides more control over when a participant's video is shown or not.

- Don't allow participants to join the meeting before you, the host/organizer. No one should be allowed entry unless the meeting has begun. This includes board members to ensure they are not present without the public.
- Turn off the annotation and whiteboard features (if any).
- Either turn off chat functionality completely or change your chat to only allow chat to presenters/hosts/panelists for technical issues, or for when it's the public comment period.
- Warn all attendees against clicking unverified links.
- Set a meeting password. However, it must be clearly posted for the public with the public meeting notice or agenda for each meeting.
- Ensure that you have the latest software release from the service provider installed on your computer. Remote meeting software consistently updates their programs to help prevent Zoombombing attacks and other security vulnerabilities.

Unfortunately, these settings won't fully protect you from participants that are intent on causing disorder during the public commenting period. If a participant's comment results in disruptive behavior (exceeding time limit, or by providing irrelevant, repetitious, or disruptive speech, etc.) the chair of the public body can manage the comment per the board's rules of procedure up to and including removing the disruptive speaker. Review our Model Rules of Procedure for Municipal Boards and the accompanying guidance for information on managing disruptive behavior in accordance with the Open Meeting Law.

External References
"Preventing Zoom event disruptions as a Host":
https://support.zoom.com/hc/en/article?id=zm_kb&sysparm_article=KB0063089
GoToMeeting/Webinar Support: How do I manage attendees?
https://support.goto.com/meeting/help/how-do-i-manage-attendees

Software Testing and Troubleshooting
Software services should be tested with your equipment prior to use. Please review provider tutorials and information sheets prior to set up. Many of these software systems allow you to designate organizers, presenters, and attendees. A few of them may offer quick registration or options to embed live links via website, social media, and email.

Setting Up a Hybrid Public Meeting
Review our Hybrid Public Meeting Toolkit page for resources on conducting a hybrid public meeting. The toolkit includes a hybrid public meeting checklist, model notice and agenda, and hybrid meeting script.