

1 H.232

2 Introduced by Representatives Bartholomew of Hartland, Andrews of Rutland

3 City, Buxton of Royalton, Lenes of Shelburne, McCullough of

4 Williston and Potter of Clarendon

5 Referred to Committee on

6 Date:

7 Subject: Open meetings; executive sessions; awards for poor and indigent

8 Statement of purpose: This bill proposes to allow a municipal public body to
9 go into an executive session in order to consider applications to or awards from
10 a municipal fund for the poor or indigent.

11 An act relating to authorizing award of funds to the poor or indigent in
12 executive session of a public body

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 1 V.S.A. § 313 is amended to read:

15 § 313. EXECUTIVE SESSIONS

16 (a) No public body described in section 312 of this title may hold an
17 executive session from which the public is excluded, except by the affirmative
18 vote of two-thirds of its members present in the case of any public body of
19 state government or of a majority of its members present in the case of any
20 public body of a municipality or other political subdivision. A motion to go

1 into executive session shall indicate the nature of the business of the executive
2 session, and no other matter may be considered in the executive session. Such
3 vote shall be taken in the course of an open meeting and the result of the vote
4 recorded in the minutes. No formal or binding action shall be taken in
5 executive session except for actions relating to the securing of real estate
6 options under subdivision (2) of this subsection or except for review of an
7 application to or award from a municipal fund for the poor or indigent.

8 Minutes of an executive session need not be taken, but if they are, shall not be
9 made public subject to subsection 312(b) of this title. A public body may not
10 hold an executive session

11 except to consider one or more of the following:

12 (1) Contracts, labor relations agreements with employees, arbitration,
13 mediation, grievances, civil actions, or prosecutions by the state, where
14 premature general public knowledge would clearly place the state,
15 municipality, other public body, or person involved at a substantial
16 disadvantage;

17 (2) The negotiating or securing of real estate purchase options;

18 (3) The appointment or employment or evaluation of a public officer or
19 employee;

1 (4) A disciplinary or dismissal action against a public officer or
2 employee; but nothing in this subsection shall be construed to impair the right
3 of such officer or employee to a public hearing if formal charges are brought;

4 (5) A clear and imminent peril to the public safety;

5 (6) Discussion or consideration of records or documents excepted from
6 the access to public records provisions of subsection 317(b) of this title.

7 Discussion or consideration of the excepted record or document shall not itself
8 permit an extension of the executive session to the general subject to which the
9 record or document pertains;

10 (7) The academic records or suspension or discipline of students;

11 (8) Testimony from a person in a parole proceeding conducted by the
12 parole board if public disclosure of the identity of the person could result in
13 physical or other harm to the person;

14 (9) Information relating to a pharmaceutical rebate or to supplemental
15 rebate agreements, which is protected from disclosure by federal law or the
16 terms and conditions required by the Centers for Medicare and Medicaid
17 Services as a condition of rebate authorization under the Medicaid program,
18 considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);

19 (10) Applications to or awards by a municipal public body from
20 municipal funds for the poor or indigent.

1 (b) Attendance in executive session shall be limited to members of the
2 public body, and, in the discretion of the public body, its staff, clerical
3 assistants, and legal counsel, and persons who are subjects of the discussion or
4 whose information is needed.

5 (c) The senate and house of representatives, in exercising the power to
6 make their own rules conferred by Chapter II of the Vermont Constitution,
7 shall be governed by the provisions of this section in regulating the admission
8 of the public as provided in Chapter II, § 8 of the Constitution.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2011.