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H.727

Introduced by Representative Stevens of Shoreham

Referred to Committee on

Date:

Subject: Government operations; Open Meeting Law; executive sessions

Statement of purpose of bill as introduced: This bill proposes to amend the executive session provision of the Open Meeting Law to disallow a public body from holding an executive session to consider the appointment or selection of a person to fill a vacancy in any elected office.

An act relating to executive sessions under the Vermont Open Meeting Law

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

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

§ 313. EXECUTIVE SESSIONS

(a) No public body described in section 312 of this title may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such

1 vote shall be taken in the course of an open meeting and the result of the vote
2 recorded in the minutes. No formal or binding action shall be taken in
3 executive session except actions relating to the securing of real estate options
4 under subdivision (2) of this subsection. Minutes of an executive session need
5 not be taken, but if they are, shall not be made public subject to subsection
6 312(b) of this title. A public body may not hold an executive session except to
7 consider one or more of the following:

8 (1) Contracts, labor relations agreements with employees, arbitration,
9 mediation, grievances, civil actions, or prosecutions by the State, where
10 premature general public knowledge would clearly place the State,
11 municipality, other public body, or person involved at a substantial
12 disadvantage;

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

14 (3) The appointment or employment or evaluation of a public officer or
15 employee, except that a public body may not hold an executive session to
16 consider the appointment or selection of a person to fill a vacancy in any
17 elected office;

18 * * *

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2014.