Act No. 143 (H.497). General provisions; public records; municipal government

An act relating to the open meeting law

This act makes several changes to the Vermont Open Meeting Law. Among other provisions, this act:

- Amends the definition of "meeting" to clarify that this term does not include communications for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting.
- Provides that a meeting of a public body is subject to the public accommodation requirements of Vermont law.
- Imposes requirements for the conduct of meetings in which members of a public body participate in the meeting through electronic or other means without being physically present.
- Requires the posting of agendas for regular and special meetings within specific time frames and addresses the timing of any changes to an agenda.
- Revises and clarifies the grounds for going into executive session.
- Extends existing penalties for a knowing and intentional violation of the Open Meeting Law to persons who knowingly and intentionally violate the OML on behalf of or at the behest of a public body.
- Establishes a new requirement that the Attorney General or a person aggrieved by an alleged violation of the Open Meeting Law provide a public body written notice alleging a specific violation and request a specific cure for the violation prior to filing suit in Superior Court, and specifies the periods within which the public body must respond to the notice of violation.
- Establishes a one-year limitation on the period in which a suit may be brought in Superior Court to enforce an Open Meeting Law violation.
- Provides that reasonable attorney's fees and litigation costs shall be assessed against a public agency if a complainant substantially prevails in a suit to enforce an Open Meeting Law violation, unless the public body had a reasonable basis in fact and law for its position and acted in good faith, or unless the public body properly cured the violation.

Effective Date: July 1, 2014