

Side-by-Side-by-Side of S.67 as Passed Senate vs. S.67 as voted by House Gov Ops vs. H.497 of 2013

Changes from S.67 As Passed Senate are highlighted in yellow

<p>S.67 of 2011, As Passed Senate Drafter: MOG</p>	<p>S.67 of 2011, As Voted By House Gov Ops Drafter: MOG</p>	<p>H.497 of 2013 Drafter: HMG</p>
<p>Sec. 1. 1 V.S.A. § 310 is amended to read: § 310. DEFINITIONS</p> <p>As used in this subchapter:</p> <p>(1) “Deliberations” means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.</p> <p>(2) “Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. <u>“Meeting” shall not mean written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in</u></p>	<p>Sec. 1. 1 V.S.A. § 310 is amended to read: § 310. DEFINITIONS</p> <p>As used in this subchapter:</p> <p>(1) “Deliberations” means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.</p> <p>(2) “Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. <u>“Meeting” shall not mean written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in</u></p>	<p>Sec. 1. 1 V.S.A. § 310 is amended to read: § 310. DEFINITIONS</p> <p>As used in this subchapter:</p> <p>(1) “Deliberations” means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.</p> <p>(2) “Meeting” means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. <u>“Meeting” shall not mean written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in</u></p>

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<p><u>written or recorded information shall be available for inspection and copying under the public records act as set forth in chapter 5, subchapter 4 of this title.</u></p> <p>(3) “Public body” means any board, council, or commission of the state or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the state or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils or commissions, except that “public body” does not include councils or similar groups established by the governor for the sole purpose of advising the governor with respect to policy.</p> <p>(4) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the state in which the public body has jurisdiction, and to any editor, publisher, or news director who has requested under <u>subdivision 312(c)(5)</u> of this title to be</p>	<p><u>written or recorded information shall be available for inspection and copying under the public records act as set forth in chapter 5, subchapter 4 of this title.</u></p> <p>(3) “Public body” means any board, council, or commission of the state or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the state or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils or commissions, except that “public body” does not include councils or similar groups established by the governor for the sole purpose of advising the governor with respect to policy.</p> <p>(4) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the state in which the public body has jurisdiction, and to any editor, publisher, or news director person who has requested under <u>subdivision 312(c)(5)</u> of this</p>	<p><u>written or recorded information shall be available for inspection and copying under the public records act as set forth in chapter 5, subchapter 3 of this title.</u></p> <p>(3) “Public body” means any board, council, or commission of the state or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the state or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that “public body” does not include councils or similar groups established by the governor for the sole purpose of advising the governor with respect to policy.</p> <p>(4) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the state in which the public body has jurisdiction, and to any editor, publisher, or news director person who has requested under <u>subdivision 312(c)(5)</u> of this</p>

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<p>notified of special meetings.</p> <p>(5) “Quasi-judicial proceeding” means a proceeding which is:</p> <p>(A) a contested case under the Vermont Administrative Procedure Act; or</p> <p>(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.</p> <p>Sec. 2. 1 V.S.A. § 312 is amended to read: § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES</p> <p>(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding</p>	<p>title to be notified of special meetings.</p> <p>(5) “Quasi-judicial proceeding” means a proceeding which is:</p> <p>(A) a contested case under the Vermont Administrative Procedure Act; or</p> <p>(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.</p> <p>Sec. 2. 1 V.S.A. § 312 is amended to read: § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES</p> <p>(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding</p>	<p>title to be notified of special meetings.</p> <p>(5) “Quasi-judicial proceeding” means a proceeding which is:</p> <p>(A) a contested case under the Vermont Administrative Procedure Act; or</p> <p>(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.</p> <p>Sec. 2. 1 V.S.A. § 312 is amended to read: § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES</p> <p>(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding</p>

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<p>except as taken or made at such open meeting, except as provided under section 313(a)(2) <u>subdivision 313(b)(1)</u> of this title. A meeting may be conducted by audio conference or other electronic means, as long as the provisions of this subchapter are met. Any person with a disability as defined in 9 V.S.A. § 4501 who timely requests that the public body provide reasonable accommodation to mitigate the person’s disability shall be afforded such reasonable accommodation necessary to allow the person to attend and participate in a meeting. A public body shall <u>electronically record by audio tape</u>, all hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such tapes <u>electronic recordings</u> as described in section 316 of this title.</p> <p><u>(2) One or more of the members of a public body may participate in a meeting by electronic or other means of communication provided that:</u></p>	<p>except as taken or made at such open meeting, except as provided under section 313(a)(2) <u>subdivision 313(b)(1)</u> of this title. A meeting may be conducted by audio conference or other electronic means, as long as the provisions of this subchapter are met. <u>A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139.</u> A public body shall <u>electronically record by audio tape</u>, all <u>public</u> hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such tapes <u>electronic recordings</u> as described in section 316 of this title.</p> <p><u>(2) One or more of the members of a public body may participate in a meeting by electronic or other means of communication provided that:</u></p>	<p>except as taken or made at such open meeting, except as provided under section 313(a)(2) <u>subdivision 313(b)(1)</u> of this title. A meeting may be conducted by audio conference or other electronic means, as long as the provisions of this subchapter are met. <u>A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139.</u> A public body shall <u>electronically record by audio tape</u>, all <u>public</u> hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such tapes <u>electronic recordings</u> as described in section 316 of this title.</p> <p><u>(2) One or more of the members of a public body may participate in a meeting by electronic or other means of communication, provided that:</u></p>

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<p><u>(A) At least 24 hours before the meeting, the public body shall publicly announce the meeting and a municipal public body shall post notice of the meeting in or near the municipal clerk’s office and in at least two other public places in the municipality.</u></p> <p><u>(B) The public announcement and posted notice of the meeting shall identify:</u></p> <p><u>(i) at least one physical location where a member of the public can attend and participate in the meeting; or</u></p> <p><u>(ii) an electronic or other means by which the public can access the meeting from a remote location.</u></p> <p><u>(C) Each member participating by electronic or other means of communication shall:</u></p> <p><u>(i) be audible to the public at the physical location identified in subdivision (2)(B)(i) of this subsection and to those members of the public participating by the</u></p>	<p><u>(A) At least 24 hours prior to the meeting, the public body shall publicly announce the meeting, and a municipal public body shall post notice of the meeting in or near the municipal clerk’s office and in at least two other public places in the municipality.</u></p> <p><u>(B) The public announcement and posted notice of the meeting shall identify:</u></p> <p><u>(i) at least one physical location where a member of the public can attend and participate in the meeting; or</u></p> <p><u>(ii) an electronic or other means by which the public can access the meeting from a remote location.</u></p> <p><u>(C) Each member participating by electronic or other means of communication shall:</u></p> <p><u>(i) identify himself or herself when the meeting is convened;</u></p> <p><u>(ii) be audible to the public at the physical location identified in subdivision (2)(B)(i) of this subsection and to those members of the public participating by the</u></p>	<p><u>(A) At least 24 hours prior to the meeting, the public body shall publicly announce the meeting, and a municipal public body shall post notice of the meeting in or near the municipal clerk’s office and in at least two other public places in the municipality.</u></p> <p><u>(B) The public announcement and posted notice of the meeting shall identify:</u></p> <p><u>(i) at least one physical location where a member of the public can attend and participate in the meeting; or</u></p> <p><u>(ii) an electronic or other means by which the public can access the meeting from a remote location.</u></p> <p><u>(C) Each member participating by electronic or other means of communication shall:</u></p> <p><u>(i) identify himself or herself when the meeting is convened;</u></p> <p><u>(ii) be audible to the public at the physical location identified in subdivision (2)(B)(i) of this subsection and to those members of the public participating by the</u></p>

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<p><u>electronic or other means identified in subdivision (2)(B)(ii) of this subsection; and</u></p> <p style="padding-left: 40px;"><u>(ii) be able to simultaneously hear each member and speak to each member during the meeting.</u></p> <p style="padding-left: 40px;"><u>(D) The public body meets all other requirements of this subchapter in holding a meeting.</u></p> <p style="padding-left: 40px;"><u>(E) A vote of the public body shall be taken by roll call.</u></p> <p style="padding-left: 40px;"><u>(3) Electronic communications may be distributed among members of a public body, provided that such communications shall not be used to circumvent the spirit or the requirements of this subchapter.</u></p> <p>(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:</p> <p style="padding-left: 40px;">(A) All members of the public body</p>	<p><u>electronic or other means identified in subdivision (2)(B)(ii) of this subsection; and</u></p> <p style="padding-left: 40px;"><u>(iii) be able to simultaneously hear each member and speak to each member during the meeting.</u></p> <p style="padding-left: 40px;"><u>(D) The public body meets all other requirements of this subchapter in holding a meeting.</u></p> <p style="padding-left: 40px;"><u>(E) A vote of the public body shall be taken by roll call.</u></p> <p style="padding-left: 40px;"><u>(3) Written correspondence and electronic communications may be distributed among members of a public body, provided that such communications shall not be used to circumvent the spirit or the requirements of this subchapter.</u></p> <p>(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:</p> <p style="padding-left: 40px;">(A) All members of the public body</p>	<p><u>electronic or other means identified in subdivision (2)(B)(ii) of this subsection; and</u></p> <p style="padding-left: 40px;"><u>(iii) be able to simultaneously hear each member and speak to each member during the meeting.</u></p> <p style="padding-left: 40px;"><u>(D) The public body meets all other requirements of this subchapter in holding a meeting.</u></p> <p style="padding-left: 40px;"><u>(E) A vote of the public body shall be taken by roll call.</u></p> <p style="padding-left: 40px;"><u>(3) Written correspondence and electronic communications may be distributed among members of a public body, provided that such communications shall not be used to circumvent the spirit or the requirements of this subchapter.</u></p> <p>(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:</p> <p style="padding-left: 40px;">(A) All members of the public body</p>

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<p>present;</p> <p>(B) All other active participants in the meeting;</p> <p>(C) All motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and</p> <p>(D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.</p> <p>(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting.</p> <p>(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. <u>The time and place of all public hearings and meetings scheduled by all</u></p>	<p>present;</p> <p>(B) All other active participants in the meeting;</p> <p>(C) All motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and</p> <p>(D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.</p> <p>(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting.</p> <p>(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. <u>The time and place of all public hearings and meetings scheduled by all</u></p>	<p>present;</p> <p>(B) All other active participants in the meeting;</p> <p>(C) All motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and</p> <p>(D) The results of any votes, with a record of the individual vote of each member if a roll call is taken.</p> <p>(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting.</p> <p>(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. <u>The time and place of all public hearings and meetings scheduled by all</u></p>

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<p><u>executive branch state agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).</u></p> <p>(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk’s office and in at least two other public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.</p> <p>(3) Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held</p>	<p><u>executive branch state agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).</u></p> <p>(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk’s office and in at least two other public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.</p> <p>(3) Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held</p>	<p><u>executive branch state agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).</u></p> <p>(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk’s office and in at least two other public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.</p> <p>(3) Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held</p>

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<p>only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.</p> <p>(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.</p> <p>(5) An editor, publisher, or news director of any newspaper, radio station, or television station serving the area of the state in which the public body has jurisdiction may request in writing that a public body notify the editor, publisher, or news director of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.</p> <p>(d) The agenda for a regular or special meeting shall be:</p> <p>(1) <u>posted to the public body's website, if one exists;</u></p>	<p>only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.</p> <p>(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.</p> <p>(5) An editor, publisher, or news director of any newspaper, radio station, or television station serving the area of the state in which the public body has jurisdiction may request in writing that a public body notify the editor, publisher, or news director of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.</p> <p>(d) The <u>At least 24 hours prior to a meeting, the</u> agenda for a regular or special meeting shall be:</p> <p>(1) posted to <u>a website, if one exists, that the public body maintains or designates as the official website of the body;</u></p>	<p>only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.</p> <p>(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.</p> <p>(5) An editor, publisher, or news director of any newspaper, radio station, or television station serving the area of the state in which the public body has jurisdiction may request in writing that a public body notify the editor, publisher, or news director of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.</p> <p>(d)(1) The <u>At least 24 hours prior to a meeting, the</u> agenda for a regular or special meeting shall be:</p> <p>(A) posted to <u>a website, if one exists, that the public body maintains or designates as the official website of the body;</u></p>

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<p>(2) <u>posted by a municipal public body in or near the municipal office and in at least two other public places in the municipality; and</u></p> <p>(3) <u>made available to the news media or concerned persons prior to the meeting upon specific request.</u></p> <p>(e) Nothing in this section or in section 313 of this title shall be construed as extending to the judicial branch of the government of Vermont or of any part of the same or to the public service board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this state.</p> <p>(f) A written decision issued by a public</p>	<p>(2) <u>posted by a municipal public body in or near the municipal office and in at least two other public places in the municipality;</u></p> <p>(3) <u>made available to the news media or concerned persons prior to the meeting upon specific request; and</u></p> <p>(4) adjustments to the agenda of a public body may be made as the first act of business at a public meeting.</p> <p>(e) Nothing in this section or in section 313 of this title shall be construed as extending to the judicial branch of the government of Vermont or of any part of the same or to the public service board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this state.</p> <p>(f) A written decision issued by a public</p>	<p>(B) <u>posted by a municipal public body in or near the municipal office and in at least two other public places in the municipality; and</u></p> <p>(C) <u>made available to the news media or concerned persons prior to the meeting upon specific request;</u></p> <p>(2) Adjustments to the agenda of a public body may be made as the first act of business at a public meeting.</p> <p>(e) Nothing in this section or in section 313 of this title shall be construed as extending to the judicial branch of the government of Vermont or of any part of the same or to the public service board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this state.</p> <p>(f) A written decision issued by a public</p>

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<p>body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.</p> <p>(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine day-to-day administrative matters that do not require action by the public body, may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.</p> <p>(h) At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.</p> <p>(i) Nothing in this section shall be construed to prohibit the parole board from</p>	<p>body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.</p> <p>(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine day-to-day administrative matters that do not require action by the public body, may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.</p> <p>(h) At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.</p> <p>(i) Nothing in this section shall be construed to prohibit the parole board from</p>	<p>body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.</p> <p>(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine day-to-day administrative matters that do not require action by the public body, may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.</p> <p>(h) At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.</p> <p>(i) Nothing in this section shall be construed to prohibit the parole board from</p>

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<p>meeting at correctional facilities with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.</p> <p>Sec. 3. 1 V.S.A. § 313 is amended to read: § 313. EXECUTIVE SESSIONS</p> <p>(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 vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session</p>	<p>meeting at correctional facilities with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.</p> <p>Sec. 3. 1 V.S.A. § 313 is amended to read: § 313. EXECUTIVE SESSIONS</p> <p>(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 vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session</p>	<p>meeting at correctional facilities with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.</p> <p>Sec. 3. 1 V.S.A. § 313 is amended to read: § 313. EXECUTIVE SESSIONS</p> <p>(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 vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session</p>

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<p>except <u>for</u> actions relating to the securing of real estate options under subdivision (2) <u>(b)(1)</u> of this subsection <u>section</u>. Minutes of an executive session need not be taken, but if they are, shall not be made public subject to subsection 312(b) of this title. A public body may not hold an executive session except to consider one or more of the following:</p> <p style="padding-left: 40px;">(1) Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;</p> <p style="padding-left: 40px;"><u>(b) A public body may hold an executive session only for one or more of the following purposes:</u></p> <p style="padding-left: 40px;">(2) The negotiating or securing of (1) <u>To negotiate or secure</u> real estate purchase options;</p> <p style="padding-left: 40px;">(3)(2) The <u>To consider the</u> appointment or employment or evaluation of a public</p>	<p>except <u>for</u> actions relating to the securing of real estate options under subdivision (2) <u>(b)(1)</u> of this subsection <u>section</u>. Minutes of an executive session need not be taken, but if they are, shall not be made public subject to subsection 312(b) of this title. A public body may not hold an executive session except to consider one or more of the following:</p> <p style="padding-left: 40px;">(1) Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;</p> <p style="padding-left: 40px;"><u>(b) A public body may hold an executive session only for one or more of the following purposes:</u></p> <p style="padding-left: 40px;">(2) The negotiating or securing of (1) <u>To negotiate or secure</u> real estate purchase options;</p> <p style="padding-left: 40px;">(3)(2) The <u>To consider the</u> appointment or employment or evaluation of a public</p>	<p>except <u>for</u> actions relating to the securing of real estate options under subdivision (2) <u>(b)(1)</u> of this subsection <u>section</u>. Minutes of an executive session need not be taken, but if they are, shall not be made public subject to subsection 312(b) of this title. A public body may not hold an executive session except to consider one or more of the following:</p> <p style="padding-left: 40px;">(1) Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;</p> <p style="padding-left: 40px;"><u>(b) A public body may hold an executive session only for one or more of the following purposes:</u></p> <p style="padding-left: 40px;">(2) The negotiating or securing of (1) <u>To negotiate or secure</u> real estate purchase options;</p> <p style="padding-left: 40px;">(3)(2) The <u>To consider the</u> appointment or employment or evaluation of a public</p>

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<p>officer or employee <u>other than the appointment of a person to a public board, council, or commission;</u></p> <p>(4)(3) A <u>To conduct</u> a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;</p> <p>(5)(4) A <u>To consider</u> a clear and imminent peril to the public safety;</p> <p>(6)(5) Discussion or consideration of To discuss or consider records or documents excepted <u>exempted</u> from the access to public records provisions of subsection <u>section</u> 317(b) of this title. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;</p>	<p>officer or employee, <u>including discussion, interview, and evaluation of the merits of a candidate for public office or employment, provided that a final decision to hire or appoint a public officer or employee shall be made in an open meeting;</u></p> <p>(4)(3) A <u>To conduct</u> a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;</p> <p>(5)(4) A <u>To consider</u> a clear and imminent peril to the public safety;</p> <p>(6)(5) Discussion or consideration of To discuss or consider records or documents excepted <u>exempted</u> from the access to public records provisions of subsection <u>section</u> 317(b) of this title. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;</p>	<p>officer or employee, <u>including discussion, interview, and evaluation of the merits of a candidate for public office or employment, provided that a final decision to hire or appoint a public officer or employee shall be made in an open meeting;</u></p> <p>(4)(3) A <u>To conduct</u> a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;</p> <p>(5)(4) A <u>To consider</u> a clear and imminent peril to the public safety;</p> <p>(6)(5) Discussion or consideration of To discuss or consider records or documents excepted <u>exempt</u> from the access to public records provisions of section 317 <u>316</u> of this title. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;</p>

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<p>(7)(6) The <u>To consider academic records or suspension or discipline of students;</u></p> <p>(8)(7) Testimony <u>To take or hear testimony from a person in a parole proceeding conducted by the parole board if public disclosure of the identity of the person could result in physical or other harm to the person;</u></p> <p>(9)(8) Information <u>To consider information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);</u></p> <p><u>(9) To discuss or consider municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety;</u></p> <p><u>(10) Where the public body determines that premature general public knowledge</u></p>	<p>(7)(6) The <u>To consider academic records or suspension or discipline of students;</u></p> <p>(8)(7) Testimony <u>To take or hear testimony from a person in a parole proceeding conducted by the parole board if public disclosure of the identity of the person could result in physical or other harm to the person;</u></p> <p>(9)(8) Information <u>To consider information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);</u></p> <p><u>(9) To discuss or consider municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety;</u></p> <p><u>(10) Where the public body determines that premature general public knowledge</u></p>	<p>(7)(6) The <u>To consider academic records or suspension or discipline of students;</u></p> <p>(8)(7) Testimony <u>To take or hear testimony from a person in a parole proceeding conducted by the parole board if public disclosure of the identity of the person could result in physical or other harm to the person;</u></p> <p>(9)(8) Information <u>To consider information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);</u></p> <p><u>(9) To discuss or consider municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety;</u></p> <p><u>(10) For one or more of the following purposes, where the public body determines</u></p>

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<p>would place the public body or a person involved at a substantial disadvantage when addressing one of the following:</p> <p>(A) Consideration or negotiation of contracts;</p> <p>(B) Consideration or negotiation of labor relations agreements with employees;</p> <p>(C) Conduct of arbitration or mediation;</p> <p>(D) To hear grievances, other than tax grievances; or</p> <p>(E) Consideration of civil actions or prosecutions.</p> <p>(b)(c) Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.</p> <p>(e)(d) The senate and house of representatives, in exercising the power to</p>	<p>would place the public body or a person involved at a substantial disadvantage for one or more of the following purposes:</p> <p>(A) To consider or negotiate of contracts;</p> <p>(B) To consider or negotiate labor relations agreements with employees;</p> <p>(C) To conduct arbitration or mediation;</p> <p>(D) To hear grievances, other than tax grievances; or</p> <p>(E) To meet with an attorney to discuss pending litigation to which the public body is a party to civil actions or prosecutions.</p> <p>(b)(c) Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.</p> <p>(e)(d) The senate and house of representatives, in exercising the power to</p>	<p>that premature general public knowledge would place the public body or a person involved at a substantial disadvantage:</p> <p>(A) To consider or negotiate contracts;</p> <p>(B) To consider or negotiate labor relations agreements with employees;</p> <p>(C) To conduct arbitration or mediation;</p> <p>(D) To hear grievances, other than tax grievances; or</p> <p>(E) To meet with an attorney to discuss pending civil litigation or a prosecution, to which the public body is a party.</p> <p>(b)(c) Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.</p> <p>(e)(d) The senate and house of representatives, in exercising the power to</p>

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<p>make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, § 8 of the Constitution.</p> <p>Sec. 4. 1 V.S.A. § 314 is amended to read: § 314. PENALTY AND ENFORCEMENT</p> <p>(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter or who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be guilty of a misdemeanor and shall be fined not more than \$500.00.</p> <p>(b) The attorney general or any person aggrieved by a violation of the provisions of this subchapter may apply to the superior court</p>	<p>make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, § 8 of the Constitution.</p> <p>Sec. 4. 1 V.S.A. § 314 is amended to read: § 314. PENALTY AND ENFORCEMENT</p> <p>(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be guilty of a misdemeanor and shall be fined not more than \$500.00.</p> <p>(b) The attorney general or any person aggrieved by a violation of the provisions of this subchapter may apply to the civil division</p>	<p>make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, § 8 of the Constitution.</p> <p>Sec. 4. 1 V.S.A. § 314 is amended to read: § 314. PENALTY AND ENFORCEMENT</p> <p>(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be guilty of a misdemeanor and shall be fined not more than \$500.00.</p> <p>(b) The Prior to instituting an action under subsection (c) of this section, the attorney general or any person aggrieved by a violation</p>

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<p>in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. Except as to cases the court considers of greater importance, proceedings before the superior court, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.</p> <p>(c) <u>After receipt by the public body of written notice that alleges a specific violation of this subchapter and that requests a specific cure of such violation, the public body may cure the violation, subject to the following:</u></p> <p>(1) <u>Upon receipt of written notice of an alleged violation of this subchapter, the public body shall have 21 calendar days to respond publicly to the alleged violation and:</u></p> <p>(A) <u>Acknowledge the open meeting violation and state an intent to cure the violation; or</u></p>	<p><u>of the</u> superior court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. Except as to cases the court considers of greater importance, proceedings before the <u>civil division of the</u> superior court, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.</p> <p>(c) <u>After receipt by the public body of written notice that alleges a specific violation of this subchapter and that requests a specific cure of such violation, the public body may cure the violation, subject to the following:</u></p> <p>(1) <u>Upon receipt of written notice of an alleged violation of this subchapter, the public body shall have 21 calendar days to respond publicly to the alleged violation and:</u></p> <p>(A) <u>Acknowledge the violation of this subchapter and state an intent to cure the violation; or</u></p>	<p><u>of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body may cure the violation, subject to the following:</u></p> <p>(1) <u>Upon receipt of the written notice of alleged violation, the public body shall have five business days to respond publicly to the alleged violation by:</u></p> <p>(A) <u>acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or</u></p> <p>(B) <u>stating that the public body has determined that no violation has occurred and that no cure is necessary.</u></p> <p>(2) <u>Failure of a public body to respond to a notice of alleged violation within five business days of receipt of notice under subdivision (1) of this subsection shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.</u></p>

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<p><u>(B) State that the public body has determined that no violation has occurred and that no cure is necessary.</u></p> <p><u>(2) Failure of a public body to respond to a notice of alleged violation shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.</u></p> <p><u>(3) Following a public body’s acknowledgment of a violation under subdivision (1)(A) of this subsection, the public body shall have 14 calendar days to cure the violation by declaring as void an action or actions taken at or resulting from a meeting in violation of this subchapter.</u></p> <p><u>(4) A public body that cures an alleged violation of this subchapter under this subsection shall not be subject to an assessment of attorney’s fees and litigation costs under subsection (d) of this section.</u></p>	<p><u>(B) State that the public body has determined that no violation has occurred and that no cure is necessary.</u></p> <p><u>(2) Failure of a public body to respond to a notice of alleged violation within 21 days of receipt of notice under subdivision (1) of this subsection shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.</u></p> <p><u>(3) Following a public body’s acknowledgment of a violation under subdivision (1)(A) of this subsection, the public body shall have 14 calendar days to cure the violation by declaring as void an action or actions taken at or resulting from a meeting in violation of this subchapter.</u></p> <p><u>(4) A public body that cures a violation of this subchapter under this subsection shall not be subject to an assessment of attorney’s fees and litigation costs under subsection (d) of this section.</u></p>	<p><u>(3) Within 14 calendar days after a public body acknowledges a violation under subdivision (1)(A) of this subsection, the public body shall cure the violation by declaring as void an action or actions taken at, or resulting from, a meeting in violation of this subchapter, or, in the case of a procedural violation, by adopting specific measures that actually prevent future procedural violations. An action declared void may be ratified at an open meeting that satisfies the provisions of this subchapter.</u></p> <p><u>(4) A public body that cures in fact a violation of this subchapter under this subsection shall not be assessed attorney’s fees and litigation costs under subsection (d) of this section.</u></p> <p><u>(c) Following expiration of the five-business-day time period of subdivision (b)(1) of this section and, if applicable, the additional 14-calendar-day cure period for public bodies acknowledging a violation under subdivision (b)(1)(A) of this section, the</u></p>

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<p><u>(d) The court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney’s fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the court finds that:</u></p> <p><u>(1) The public body had a reasonable basis in fact and law for its position; and</u></p> <p><u>(2) The public body acted in good faith.</u></p>	<p><u>(d) The court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney’s fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the court finds that:</u></p> <p><u>(1) The public body had a reasonable basis in fact and law for its position; and</u></p> <p><u>(2) The public body acted in good faith.</u></p>	<p>attorney general or any person aggrieved by a violation of the provisions of this subchapter may apply to the <u>civil division of the superior court</u> in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. Except as to cases the court considers of greater importance, proceedings before the <u>civil division of the superior court</u>, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.</p> <p><u>(d) The court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney’s fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the court finds that:</u></p> <p><u>(1)(A) the public body had a reasonable basis in fact and law for its position; and</u></p> <p><u>(B) the public body acted in good</u></p>

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<p>Sec. 5. EFFECTIVE DATE <u>This act shall take effect on July 1, 2011.</u></p>	<p><u>In determining whether a public body acted in good faith, the court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (c) of this section.</u></p> <p>Sec. 5. EFFECTIVE DATE <u>This act shall take effect on July 1, 2011.</u></p>	<p>faith. <u>In determining whether a public body acted in good faith, the court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or</u> <u>(2) the public body cured the violation in accordance with subsection (b) of this section.</u></p> <p>Sec. 5. EFFECTIVE DATE <u>This act shall take effect on July 1, 2013.</u></p>