

OVERVIEW OF OPEN MEETING LAW REQUIREMENTS

I. Bodies Subject to the OML

The Vermont Open Meeting Law (OML) applies to public bodies, which is defined as boards, councils, or commissions of the State or its political sub-divisions, or of any agency, authority, or instrumentality of the State or its political subdivisions, including subcommittees of these bodies. There is an exception for councils established by the Governor for the sole purpose of advising the Governor with respect to policy. The OML does not extend to the judicial branch or to the Public Service Board, and it does not apply to the deliberations of public body in connection with quasi-judicial proceedings.

II. What Triggers OML Requirements?

The OML applies to “meetings” of a public body, and a meeting is defined as a gathering of a quorum of a public body to discuss the business of the public body or to take action. However, the OML does not apply to routine day-to-day administrative matters that do not require action by the public body, as long as no money is appropriated, expended, or encumbered, nor does it apply to site inspections to assess damage or to make tax assessments or abatements. As noted above, the OML does not apply to the deliberations of public body in connection with quasi-judicial proceedings.

III. What Does the OML Require?

A. General Rule

- Meetings of a public body must be open to the public, unless authorized to be closed under the provisions governing executive sessions.

B. Notice of Meetings

1. Regular meetings. A public body schedules regular meetings by adopting a resolution setting the time and place of the meeting. This information must be made available upon request.
2. Special meetings. A public body holding a special meeting must, at least 24 hours before the meeting, publicly announce the time, place, and purpose of the meeting by notifying the body members and the local news media and any other media that has specifically requested notification, and in the case of municipal public bodies, by posting notice of the meeting in or near the clerk’s office and in two other public places in the municipality.
3. Emergency meetings. An emergency meeting may be held without public announcement as long as some public notice is given as soon as possible before the meeting.

C. Meeting Agenda

An agenda for a regular or special meeting must be made available “prior to the meeting upon specific request.”

D. Meeting Minutes

Minutes must at least include the names of all members of the public body present at the meeting and other active participants; all motions, proposals, and resolutions made, and their dispositions; and the results of any votes taken. Minutes are public records, which must be available for public inspection within five days after the meeting.

E. Public’s Right to Be Heard

At an open meeting, the public must be given a reasonable opportunity to comment on matters considered by the public body, subject to reasonable rules set by the chair.

F. What are the Rules Governing Executive Sessions?

1. A public body may only go into executive session, i.e. exclude the public from a meeting, upon a majority vote of the body if it is a municipal body, or upon a 2/3 vote of a state body, on a motion made during an open meeting that indicates the reason for going into executive session. The only permissible reasons for going into executive session are set forth at 1 V.S.A. § 313.
2. No binding action may be made in executive session except to secure real estate options.