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Re: S.114

I have three primary concerns about this bill.

**1. It exempts from prosecution anyone who's not a member of a top-tier board, such as the school board, city council or board of selectmen.**

I'd like to point out that the bar for prosecution is set very high: for someone who "knowingly and intentionally" violates the provisions of the open meeting law. If a member of a public body "knowingly and intentionally" violates the open meeting law, why should they get a free pass?

So, if the Stowe Board of Selectmen formed a subcommittee to study parking issues in the village, there would be no penalty if the subcommittee members booted Stowe Vibrancy leaders out of the meeting.

**2. It exempts from mandatory legal fees anyone who's not a member of a top-tier board.**

So, the Stowe Select Board's subcommittee would not be subject to legal fees if I sue the committee, and substantially prevail for a violation of the open-meeting law.

**3. If a top-tier board is found to have violated the open meeting law, the court can waive the legal costs if:**

- **The board had a reasonable argument, based in fact and law.**
- **The board acted in good faith.**
- **The board cured the violation — essentially, conceding it was wrong.**

No one enforces this state law. If I think the law has been violated, it's up to me to sue. If I can prove a public body "knowingly and intentionally" violated the open meeting law, why am I not entitled to legal fees? I did the state's work in defending a law that the Legislature passed, but I'm out of pocket thousands of dollars.

This would be a major setback for the open meeting law.

Thank you.