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Sent: Tuesday, February 13, 2018 11:44 PM

To: James Harrison; Jessica Brumsted

Cc: Maida Townsend

Subject: 5-day limit for meeting minutes

Rep. James Harrison, Chittenden
Rep. Jessica Brumsted, Shelburne

Dear Jim/Jessica,

Good seeing both you today and thank you for taking time to discuss the unexpected bill designed to expand the 5 calendar day limit to produce minutes of government meetings to 5 business days.

From what I have learned this last minute proposal recently surfaced because one town struggled to comply with the Open Meeting law due to a Monday holiday.

Somebody might ask the Vermont AG, or the Vermont League of Cities and Towns how many towns have been prosecuted in the past 30 years for not filing meeting minutes within the proper time limit.

This has been rejected at least twice in recent years by your committee and by the full legislature.

A little history. The Vermont law used to be 3 days for draft minutes to be prepared. There were few, if any, problems reported by towns in meeting that requirement through the years.

(With computers it is so easy to crank out minutes in 3 days or even 5 days compared to the days of manual or electric typewriters – if you remember those machines!)

The bottom line is the minute taker and the town/school district need to be believers in Open Government/Transparency. It just takes a little commitment. (When I see a town of 800 have written minutes and the audio recording both posted on the municipal website within 24 hours, I know it can be done.)

Several years ago the House Government Operations Committee was helping update the Open Meeting Law to be a lot more transparent. The extension of 3 to 5 days for minutes was proposed in an effort to provide something for those not inclined to be transparent. It was a compromise.

Most of the House committee will remember the Vermont League of Cities and Towns waited until the law was going into effect and began to urge municipalities to take down their websites if they could not produce and post minutes within 5 days. No training had been offered to towns with the new law going into effect.

Taking down websites only created more work for those town clerks. They reported they fielded more phone calls and emails with questions that previously had answers on the town website. Most have been restored.

The 5-day issue was brought back to the legislature and the House and Senate both stood firm in the belief that 5 days can be attained if an effort was made.

And just for the record, here is what the Vermont law requires in the way of minutes:

(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:

- (A) all members of the public body present;**
- (B) all other active participants in the meeting;**
- (C) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and**
- (D) the results of any votes, with a record of the individual vote of each member if a roll call is taken.**

That is the minimum that draft minutes need to include to be recorded/posted.

Of course after posting this minimum information, a town is free to approve a longer version of the minutes and replace the first draft.

The VPA, which worked on this specific issue with your committee two different years recently, is glad to assist your subcommittee. We were told towns were given a seat on the subcommittee. We would hope it could be expanded.

Thanks very much.

Mike Donoghue
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