

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Common law; general rights; temporary Open Meeting Law
4 provisions; COVID-19

5 Statement of purpose of bill as introduced: This bill proposes to authorize
6 temporary Open Meeting Law procedures in response to COVID-19.

7 An act relating to temporary Open Meeting Law procedures in response to
8 COVID-19

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. LEGISLATIVE INTENT; COVID-19 RESPONSE AND OPEN
11 MEETINGS

12 (a) It is the intent of the General Assembly that during the continued spread
13 of coronavirus disease 2019 (COVID-19) in the State of Vermont public
14 bodies should organize and hold open meetings in a manner that will protect
15 the health and welfare of the public while providing access to the operations of
16 government. Public bodies should meet ~~electronically~~ ~~remotely by telephone or~~
internet-based means and provide the public
17 with ~~electronic~~ ~~telephone~~ access to meetings in lieu of a designated physical location.
Meeting management technology may be used so long as the public retains the
ability to access and participate in a meeting by a common telephone.

18 Accordingly, this act sets forth temporary Open Meeting Law procedures in
19 response to COVID-19.

Commented [HJ1]: Many Vermonters do not have access to the internet.

1 Sec. 2. OPEN MEETING LAW; TEMPORARY SUSPENSION OF

2 DESIGNATED PHYSICAL MEETING LOCATION AND PHYSICAL
3 POSTINGS & AVAILABILITY OF AGENDA

4 REQUIREMENTS

5 (a) Notwithstanding 1 V.S.A. § 312, during a declared state of emergency
6 under 20 V.S.A. chapter 1 due to COVID-19:

7 (1) a quorum or more of the members of a public body may attend a
8 regular, special, or emergency meeting by electronic or other means without
9 being physically present at a designated meeting location;

10 (2) the public body shall not be required to designate or notice a physical
11 meeting
12 location where the public may attend; and

13 (3) the members and staff of the public body shall not be required to be
14 physically present at a designated meeting location.

15 (4) A municipal public body is neither not required to physically post an agenda in
16 two designated public places in a municipality nor within or near the municipal
17 office if a website exists and the agendas are posted on the website. If a public
18 body's website does not exist, the public body must post an agenda in or near the
19 municipal or government office in a location accessible to the public.

20 ~~213~~ (5) All requests for a Notifications of meetings requested by a person/individuals do
21 not have to be made physically available if they are provided electronically.

22 ~~314~~ (b) When the public body meets electronically under subsection (a) of this
23 section, the public body shall use technology that permits the attendance of the
24 public through electronic-telephonic means. The public body shall post information
25 on

26 ~~417~~ how the public may access and appropriately participate in meetings-

~~electronically~~remote meetings in accordance with subsection (h) of Title 1 section 312 and shall include this

~~1718~~ information in the published agenda for each meeting. Remote meeting organizers may mute, or if muting is not possible, remove members of the public ~~that~~who disrupt order by failing to follow reasonable rules established by the chairperson.

~~1819~~ (c) In the event of a staffing shortage during a declared state of emergency

~~1920~~ under 20 V.S.A. chapter 1 due to COVID-19, a public body may extend the

~~2021~~ time limit for the posting of minutes prescribed in 1 V.S.A. § 312(b)(2) to not

~~22~~ more than 10 days from the date of the meeting.

~~2123~~ Sec. 3. *EFFECTIVE DATE*

1 This act shall take effect on passage.

Commented [HJ2]: (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.