

**Vermont Municipal Clerks & Treasurers Association (VMCTA)
Legislative Committee**

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Thank you for offering us the opportunity to provide comments on S.5, which proposes changes to the open meeting laws.

In response to the COVID pandemic, the legislature put in place a number of open meeting law changes that allowed public bodies to continue their work in ways that were safe for the participants and the public. New technologies allowed virtual and hybrid meetings, enhanced electronic posting options, and flexibility in how to provide access to public meetings.

S.55 proposes to make some of those emergency measures permanent, and to adopt others to enhance meeting access, however, we have a few concerns about some of the proposed language:

1. Sec. 2, pages 2-3: The definition of “publicly announced” does not allow electronic postings, as is currently included under the temporary alternative procedures in last year’s Act 1. Such electronic posting options have proven to provide enhanced notification to the public, and should be allowed to continue as an option for posting.
2. Sec. 3, pages 4-6: We are concerned about the hybrid meeting mandate. Will towns be limited in where they can hold meetings because of technology requirements, or would towns be required to purchase expensive equipment and internet connections for all meeting locations? An earlier version of the bill included some financial support for the “purposes of acquiring equipment, technical assistance, and training”, but the allocation has been removed, so these unfunded costs will now be on the backs of municipalities, along with the ongoing expenses associated with internet and virtual meeting platform licenses and equipment maintenance.

This section also includes a requirement that the chair of the legislative body **and** the town manager **and** the mayor attend annual trainings. Why is it necessary for so many people to attend trainings? Who is offering the trainings and who is paying for them?

3. Sec. 4, pages 6-8: Under the state of emergency sections, the definition of a “local incident” includes loss of power or telecommunication services. The proposed language addresses the option of holding a meeting exclusively in a physical location under these circumstances, but doesn’t address what would happen if such a “local incident” should happen in the middle of a meeting. Would the public body be required to stop the meeting? What if there are time-sensitive items on the agenda? The “highest ranking elected or appointed official” is required to make a “formal written finding and announcement” about the local incident, to explain why a meeting is being held either virtually or in-person, but how is such a written finding to be issued if the incident occurs in the middle of a hybrid meeting? And who is to receive the “written formal finding and announcement”? The mandate for hybrid meetings creates this complication and confusion.
4. Sec. 5, page 9: Under penalties and enforcement, a municipality is required to post an explanation of procedures for submitting notice of an open meeting law violation to a public body or the attorney general. Will the AG’s office provide the appropriate language?
5. Sec. 8, pages 11-14: This section creates a working group and lays out who the members will be and what their charges are. We are pleased that VMCTA would have two representatives on the working group, and that the intention is to have diversity in their representation. We suggest one of the VMCTA reps be from a floor meeting town, as their open meeting law requirements are quite different and should be represented during the discussions.

However, we are concerned that the bill seems to put the cart before the horse by imposing significant changes to open meeting laws, and then charging the working group to consider how best to meet the needs of public bodies and the public. Wouldn’t it be more efficient to have the working group generate its study and recommendations, and then consider them in drafting the changes?

We don’t support the bill as it is currently written, but do support finding ways to continue to build on access options available to meeting participants and the public, keeping in mind the practicalities of technology, town finances, and the unique nature of Vermont’s infrastructure and government.

Thank you for your time. Please feel free to reach out with any questions or for further discussion.