

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 55 entitled “An act relating to authorizing public bodies to meet
4 electronically under Vermont’s Open Meeting Law” respectfully reports that it
5 has considered the same and recommends that the bill be amended by striking
6 out all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 1 V.S.A. § 310 is amended to read:

8 § 310. DEFINITIONS

9 As used in this subchapter:

10 (1) “Advisory body” means a public body that does not have
11 supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or
12 budgetary matters.

13 (2) “Business of the public body” means the public body’s
14 governmental functions, including any matter over which the public body has
15 supervision, control, jurisdiction, or advisory power.

16 (2)(3) “Deliberations” means weighing, examining, and discussing the
17 reasons for and against an act or decision, but expressly excludes the taking of
18 evidence and the arguments of parties.

19 (3)(4)(A) “Meeting” means a gathering of a quorum of the members of a
20 public body for the purpose of discussing the business of the public body or for
21 the purpose of taking action.

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~~(4)~~(5) “Public body” means any board, council, or commission of the State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that “public body” does not include councils or similar groups established by the Governor for the sole purpose of advising the Governor with respect to policy.

~~(5)~~(6) “Publicly announced” means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the State in which the public body has jurisdiction, and to any person who has requested under subdivision 312(c)(5) of this title to be notified of special meetings.

~~(6)~~(7) “Quasi-judicial proceeding” means a proceeding ~~which~~ that is:

* * *

Sec. 2. 1 V.S.A. § 312 is amended to read:

§ 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision

1 313(a)(2) of this title. A meeting of a public body is subject to the public
2 accommodation requirements of 9 V.S.A. chapter 139. A public body shall
3 electronically record all public hearings held to provide a forum for public
4 comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall
5 have access to copies of such electronic recordings as described in section 316
6 of this title.

7 * * *

8 (3) Hybrid meeting requirement. A public body that exercises
9 legislative, quasi-judicial, taxing, or budgetary authority shall hold all regular
10 meetings in a hybrid fashion, which shall include both a designated physical
11 meeting location and a designated electronic meeting platform.

12 (4) Meetings of advisory bodies. Notwithstanding subdivision (2) of
13 this subsection, an advisory body shall not be required to designate a physical
14 meeting location where the public may attend, a quorum or more of the
15 members of an advisory body may attend any meeting by electronic or other
16 means, and the members and staff of the advisory body shall not be required to
17 be physically present at a designated physical meeting location.

18 (5) Hybrid and fully electronic meeting requirements. A public body
19 meeting under subdivision (3) or (4) of this subsection shall use a designated
20 electronic platform that allows the direct access, attendance, and participation
21 of the public, including access by telephone. The public body shall post

1 information that enables the public to directly access the designated electronic
2 platform and include this information in the published agenda for each
3 meeting.

4 (6) Request for accommodation; physical meeting location. Upon
5 request that an advisory body hold a meeting in a physical location or a hybrid
6 meeting, an advisory body shall make a reasonable accommodation to
7 designate a physical location where the public may attend a meeting.

8 (7) Video recordings of electronic meetings. A public body, other than
9 an advisory body, shall electronically record all electronic and hybrid meetings
10 conducted pursuant to this subsection. For a minimum of 30 days following
11 the approval and posting of the official minutes for an electronic or hybrid
12 meeting, the public body shall retain the audiovisual recording of the meeting
13 and shall post the recording in a designated electronic location.

14 * * *

15 Sec. 3. 1 V.S.A. § 312a is amended to read:

16 § 312a. MEETINGS OF PUBLIC BODIES; STATE OF EMERGENCY

17 (a) As used in this section:

18 (1) “Affected public body” means a public body:

19 (A) whose regular meeting location is located in an area affected by a
20 hazard or local incident; and

1 (B) that cannot meet in a designated physical meeting location due to
2 a declared state of emergency pursuant to 20 V.S.A. chapter 1 or local incident.

3 (2) “Directly impedes” means interferes or obstructs in a manner that
4 makes it [impractical, infeasible, or impossible] for a public body to meet
5 either at a designated physical location or through electronic means.

6 (3) “Governmental unit” means the State, county, or regional agency, or
7 municipality, within which the public body has been established. Independent
8 boards or commissions shall be their own governmental unit.

9 (4) “Hazard” means an “all-hazards” as defined in 20 V.S.A. § 2(1).

10 (5) “Local incident” means a weather event, public health emergency,
11 public safety threat, loss of power or telecommunication services, or similar
12 event that directly impedes the ability of a public body to hold a meeting
13 electronically or in a designated physical location.

14 (b) Notwithstanding subdivisions 312(a)(2)(D), (a)(3), and (c)(2) of this
15 title, during a local incident or declared state of emergency under 20 V.S.A.
16 chapter 1:

17 (1) A quorum or more of an affected public body may attend a regular,
18 special, or emergency meeting by electronic or other means without
19 designating a physical meeting location where the public may attend.

20 (2) The members and staff of an affected public body shall not be
21 required to be physically present at a designated meeting location.

1 (3) An affected public body of a municipality may post any meeting
2 agenda or notice of a special meeting in two publicly accessible designated
3 electronic locations in lieu of the two designated public places in the
4 municipality, or in a combination of a designated electronic location and a
5 designated public place.

6 (c) Before a public body may meet under the authority provided in this
7 section for meetings held during a local incident, the highest ranking elected or
8 appointed officer of the governmental unit shall make a formal finding and
9 announcement of the local incident, including the basis for the finding.

10 (d) Notwithstanding subdivision 312(a)(3) of this title, during a local
11 incident that impedes an affected public body's ability to hold a meeting by
12 electronic means, the affected public body may hold a meeting exclusively at a
13 designated physical meeting location.

14 (e) When an affected public body meets electronically under subsection (b)
15 of this section, the affected public body shall:

16 (1) use technology that permits the attendance and participation of the
17 public through electronic or other means;

18 (2) allow the public to access the meeting by telephone; ~~and~~

19 (3) post information that enables the public to directly access and
20 participate in meetings electronically and shall include this information in the
21 published agenda for each meeting; and

1 (4) if applicable, publicly announce and post a notice that the meeting
2 will not be held in a hybrid fashion and will be held either in a designated
3 physical meeting location or through electronic means.

4 ~~(d)~~(f) Unless unusual circumstances make it impossible for them to do so,
5 the legislative body of each municipality and each school board shall record
6 any meetings held pursuant to this section.

7 ~~(e)~~(g) An affected public body of a municipality shall continue to post
8 notices and agendas in or near the municipal clerk’s office pursuant to
9 subdivision 312(c)(2) of this title and shall provide a copy of each notice or
10 agenda to the newspapers of general circulation for the municipality.

11 **Sec. 4. PURPOSE AND INTENT; HYBRID MEETINGS**

12 It is the intent of the General Assembly that meetings of public bodies be
13 fully accessible to members of the public who would like to attend and
14 participate. It is also the intent of the General Assembly that meetings of
15 public bodies be accessible to the members of those public bodies.
16 Accordingly, the facilitation of hybrid meetings, run based on best practices
17 established by the Secretary of State, and for which members of the public
18 body and the public regularly attend through a combination of in-person and
19 remote participation, should be the standard. The General Assembly
20 recognizes that fully remote and fully in-person meetings may be more feasible
21 for the effective work of advisory public bodies and in certain circumstances

1 where hybrid meetings are not possible due to unforeseen circumstances, but in
2 all cases accessibility and safety for members of the public and members of the
3 public body should be paramount.

4 Sec. 5. 17 V.S.A. § 2640 is amended to read:

5 § 2640. ANNUAL MEETINGS

6 * * *

7 (b)(1) When a town so votes, it may thereafter start its annual meeting on
8 any of the three days immediately preceding the first Tuesday in March at such
9 time as it elects and may transact at that time any business not involving voting
10 by Australian ballot or voting required by law to be by ballot and to be held on
11 the first Tuesday in March. A meeting so started shall be adjourned until the
12 first Tuesday in March.

13 (2) An informational meeting held in the three days preceding the first
14 Tuesday in March pursuant to this subsection shall be conducted as a hybrid
15 meeting pursuant to 1 V.S.A. § 312.

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17 Sec. 6. SECRETARY OF STATE; REPORT; ELECTRONIC VOTING AT
18 ANNUAL MUNICIPAL MEETINGS

19 On or before January 15, 2025, the Secretary of State shall submit a written
20 report to the Senate Committee on Government Operations and the House

1 Committee on Government Operations and Military Affairs concerning remote
2 voter participation in annual municipal meetings.

3 Sec. 7. SECRETARY OF STATE; BEST PRACTICES FOR ELECTRONIC,
4 HYBRID, AND IN-PERSON MEETINGS

5 The Secretary of State, in consultation with the Vermont League of Cities
6 and Towns, Vermont School Boards Association, Office of the Attorney
7 General, Vermont Access Network, and Department of Aging and
8 Independent Living shall adopt and publish best practices guidelines for
9 electronic, hybrid, and in-person meetings of public bodies.

10 Sec. 8. SECRETARY OF STATE; GRANTS FOR MUNICIPALITIES;
11 APPROPRIATION

12 (a) There is established the Open Meeting Grant Program that shall be
13 administered by the Secretary of State. The grants shall be made available to
14 municipalities for purposes of acquiring equipment, technical assistance, and
15 training necessary to host effective electronic and hybrid meetings under the
16 Open Meeting Law.

17 (b) The sum of \$250,000.00 is appropriated from the General Fund to the
18 Office of the Secretary of State in fiscal year 2025 for the purpose of providing
19 grants to municipalities pursuant to this section.

20 Sec. 9. MUNICIPALITIES; DELAYED REQUIREMENTS FOR
21 COMPLIANCE

1 Notwithstanding the provisions of Sec. 2 of this act, 1 V.S.A. § 312(a), the
2 public bodies of a municipality shall not be required to hold hybrid meetings or
3 meet the 30-day retention and posting requirement for audiovisual recordings
4 of meetings until January 1, 2026.

5 Sec. 10. EFFECTIVE DATE

6 This act shall take effect on January 1, 2025.

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12 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE