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To: Sen. Ruth Hardy, Chair
           Senate Committee on Government Operations

From: Leslie Welts, Assistant Attorney General and Chief of General Counsel and
           Administrative Law Division, prepared on behalf of Attorney General Clark
           Attorney General's Office

Date: February 7, 2024

Re: Recommendations for Draft No. 2.1 of S.55, An act relating to authorizing public
           bodies to meet electronically under Vermont's Open Meeting Law

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To assist the Committee as it considers S.55, the following is a summary of the Attorney General's Office's suggestions and observations regarding sections of Draft No. 2.1. As mentioned in earlier testimony, Attorney General Charity Clark supports the bill, and the Office offers the following as suggestions to strengthen the bill's enforceability.

§ 312a. Meetings of Public Bodies; State of Emergency

Local Incident Determination Process: In subsection (c), the Attorney General's Office recommends revising the language as follows: "Before a public body may meet under the authority provided in this section for meetings held during a local incident, the highest ranking elected or appointed officer of the governmental unit shall make a formal written finding as to the nature of the local incident and announcement of the ~~local incident, including the basis for the finding~~ change in meeting location to other members of the public body and the public as soon as possible before the meeting."

These suggested edits clarify: (1) that the determination must be in writing; (2) that the determination must articulate the nature of the local incident; and (3) to whom the change in meeting location must be announced and the timing. The timing language (i.e., "as soon as possible before the meeting") matches the current law's noticing requirements for emergency meetings. *See* 1 V.S.A. § 312(c)(3).

Thank you for the opportunity to provide input on Draft No. 2.1.