

1 S.59

2 An act relating to amendments to Vermont's Open Meeting Law

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

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

5 § 310. DEFINITIONS

6 As used in this subchapter:

7 * * *

8 (9) "Undue hardship" means an action ~~required to achieve compliance~~
9 ~~would require~~ requiring significant difficulty or expense to the unit of
10 government to which a public body belongs, considered in light of factors
11 including the overall size of the entity, sufficient the availability of necessary
12 personnel and staffing availability staff, the entity's budget available resources,
13 and the costs associated with compliance.

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

15 § 312. RIGHT TO ATTEND MEETINGS OF PUBLIC AGENCIES

16 (a)(1) All meetings of a public body are declared to be open to the public at
17 all times, except as provided in section 313 of this title. No resolution, rule,
18 regulation, appointment, or formal action shall be considered binding except as
19 taken or made at such open meeting, except as provided under subdivision
20 313(a)(2) of this title. A meeting of a public body is subject to the public
21 accommodation requirements of 9 V.S.A. chapter 139. A public body shall

1 electronically record all public hearings held to provide a forum for public
2 comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall
3 have access to copies of such electronic recordings as described in section 316
4 of this title.

5 * * *

6 (3)(A) State ~~nonadvisory~~ public bodies; hybrid meeting requirement;
7 exception for advisory bodies. Any public body of the State, except advisory
8 bodies, shall:

9 (A)(i) hold all regular and special meetings in a hybrid fashion,
10 which shall include both a designated physical meeting location and a
11 designated electronic meeting platform;

12 (B)(ii) electronically record all meetings; and

13 (C)(iii) for a minimum of 30 days following the approval and posting
14 of the official minutes for a meeting, retain the audiovisual recording and post
15 the recording in a designated electronic location.

16 (B) Exception; site inspections and field visits. This subdivision (3)
17 shall not apply to gatherings of a public body for purposes of a site inspection
18 or field visit.

19 * * *

20 (5) State ~~nonadvisory~~ public bodies; State and local advisory bodies;
21 designating electronic platforms. ~~State nonadvisory~~ A public bodies body

1 meeting ~~in a hybrid fashion~~ pursuant to subdivision (3) ~~of this subsection and~~
2 ~~State and local advisory bodies meeting without a physical meeting location or~~
3 advisory body meeting pursuant to subdivision (4) of this subsection shall
4 designate and use an electronic platform that allows the direct access,
5 attendance, and participation of the public, including access by telephone. The
6 public body shall post information that enables the public to directly access the
7 designated electronic platform and include this information in the published
8 agenda or public notice for the meeting.

9 (6) Local ~~nonadvisory~~ public bodies; meeting recordings.

10 (A) A public body of a municipality or political subdivision, except
11 advisory bodies, shall record, in audio or video form, any meeting of the public
12 body and post a copy of the recording in a designated electronic location for a
13 minimum of 30 days following the ~~approval and~~ posting of the ~~official~~ minutes
14 for a meeting.

15 (B) A municipality is exempt from subdivision (A) of this
16 subdivision (6) if compliance would impose an undue hardship on the
17 municipality.

18 (C) A municipality shall have the burden of proving that compliance
19 under this section would impose an undue hardship on the municipality.

20 * * *

1 (d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours
2 prior to a special meeting, a meeting agenda shall be:

3 * * *

4 (3) A meeting agenda shall contain sufficient details concerning the
5 specific matters to be discussed by the public body. Whenever a public body
6 includes an executive session as an item on a posted meeting agenda, the
7 public body shall list the agenda item as “proposed executive session.”

8 (4)(A) Any addition to or deletion from the agenda shall be made as the
9 first act of business at the meeting.

10 * * *

11 Sec. 3. 1 V.S.A. § 313 is amended to read:

12 § 313. EXECUTIVE SESSIONS

13 (a) No public body may hold or conclude an executive session from which
14 the public is excluded, except by the affirmative vote of two-thirds of its
15 members present in the case of any public body of State government or of a
16 majority of its members present in the case of any public body of a
17 municipality or other political subdivision. A motion to go into executive
18 session shall indicate the nature of the business of the executive session, and
19 no other matter may be considered in the executive session. ~~Such~~ The vote to
20 enter executive session shall be taken in the course of an open meeting and the
21 result of the vote recorded in the minutes. No formal or binding action shall be

1 taken in executive session except for actions relating to the securing of real
2 estate options under subdivision (2) of this subsection. Minutes of an
3 executive session need not be taken, but if they are, the minutes shall,
4 notwithstanding subsection 312(b) of this title, be exempt from public copying
5 and inspection under the Public Records Act. A public body may not hold an
6 executive session except to consider one or more of the following:

7 * * *

8 (10) security or emergency response measures, the disclosure of which
9 could jeopardize public safety; or

10 (11) information relating to the interest rates for publicly financed loans.

11 * * *

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on passage.