

**PLEASE NOTE:** this is not a comprehensive treatment of the Open Meeting Law; it does not address topics such as electronic participation at meetings and the use of executive session and deliberative session. FAQs on these topics are available on the VLCT website at: <https://www.vlct.org/resource/open-meeting-law-faqs>.

#### TYPES OF MEETINGS:

- "Regular meetings" are meetings that take place at a regularly occurring, pre-arranged time and day.
- "Special meetings" are meetings that take place at any time or date outside of the "regular" meeting schedule.
- "Emergency meetings" may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body. 1 V.S.A. § 312(c)(3).

#### ANNOUNCING / POSTING NOTICE OF A MEETING:

**Regular meetings** must be clearly designated by ordinance or resolution of the public body and this information shall be available to any person upon request. 1 V.S.A. § 312(c)(1). Designation of the regular meeting schedule should take place at the body's first meeting after Town Meeting day. Although not required by law, we recommend posting notice of the regular meeting schedule in a prominent place in town for the entire year.

**Special meetings** must be "publicly announced" at least 24 hours in advance. This means that notice is: (1) given to all members of the body either orally or in writing (unless previously waived by that member); (2) given to an editor, publisher or news director of a newspaper or radio station serving the area (although there is no requirement that the notice is actually published or broadcasted); (3) given to any person who requests to be notified of special meetings; (4) physically posted in or near the clerk's office; and (5) physically posted in at least two public places in town that have been designated for posting. 1 V.S.A. §§ 312(c)(2), 310(4).

**Emergency meetings** "may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting." 1 V.S.A. § 312(c)(3).

#### AGENDAS:

- Required for all regular and special meetings but not required for emergency meetings.
- At least 48 hours in advance of a regular meeting and 24 hours in advance of a special meeting, must be: (1) physically posted in or near the municipal office; (2) physically posted in at least two other public places in town that have been designated for posting; (3) posted electronically to a website, if one exists, that is maintained or has been designated as the official website. 1 V.S.A. § 312(d); and (4) available to a person prior to a meeting upon specific request.
- If a quorum or more members will attend electronically, the agenda must designate at least one physical location where a member of the public can attend and participate in the meeting. 1 V.S.A. § 312(a)(2). At least one member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

#### MINUTES:

- Must be taken at every public meeting. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. §§ 312(b)(1), 313(a).
- Minutes must give a true indication of the business of the meeting - which may require supplementing the following statutorily-required elements: (1) the members present; (2) active participants; (3) motions, proposals, and resolutions made, offered, and considered, and what disposition is made of the same; (4) the result of any votes taken; and (5) a record of individual votes if a roll call is taken. 1 V.S.A. § 312(b)(1).
- Must be kept by the secretary or clerk of the public body (not necessarily the Town Clerk). 1 V.S.A. § 312(b)(1).
- Five calendar days after the meeting minutes must be available for inspection and copying and must be posted to a website, if one exists, that is maintained or has been designated as the official website. 1 V.S.A. § 312(b)(2).
- Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken. 1 V.S.A. § 312(b)(2).