

If a development review board or zoning board of adjustment enters a deliberative session on a quasi-judicial matter, does the board then have to reconvene the open meeting to vote and publicly announce its decision?

No, the board is not required to reconvene the public meeting to vote if the decision will be issued in writing. The law anticipates, and in some cases expressly requires, that planning and zoning boards issue written decisions. “A *written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.*” 1 V.S.A. § 312(f). In fact, we recommend that boards exercise their right to use deliberative session regularly when deciding quasi-judicial matters since the practice leads to more thoughtful decision-making. A deliberative session allows members of the board to thoroughly and freely review and discuss evidence – without political or public pressure. It provides an environment in which board members can express their opinions without feeling awkward or self-conscious. Occasionally, the act of drafting the written findings and legal conclusions actually leads to a change in the initial decision, as the facts are identified and better defined. If, at the close of a quasi-judicial hearing your board is inclined to give the applicant an indication of the board’s direction, we recommend that it be made clear that such verbal notice is *preliminary* and subject to the actual written decision. By taking the time allowed by law to draft a well-thought-out decision, you may save the town the time and expense of litigating a hastily written one.

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