

Are members of a public body precluded by law from discussing the details of matters taken up in executive sessions?

Legally speaking, no. It is important to remember that the ability to go into a private executive session to discuss public business is a privilege granted under Vermont's Open Meeting Law. The privilege allows boards to deviate from the general rule that public business must be conducted in open sessions. There is no mandate to go into executive session and boards may decide not to do so even if the law allows them to do so.

Similarly, while board members do not have to keep minutes in executive session and they have a right not to disclose matters discussed in executive session, as a general rule individual board members cannot be legally precluded from revealing details of executive session discussions. As with most legal advice, there is a caveat to the general rule.

Board members should be aware that some information is designated confidential by law. For example, certain personnel information must be kept confidential. If you think information discussed in executive session falls into this category, check with the VLCT Municipal Law Center or town attorney before disclosing it.

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