

ASK THE LEAGUE, OCT. 2014

What information must towns put on their websites?

By now, most of you are familiar with the amendments to the Open Meeting Law which, among other things, require public bodies of every town to post meeting minutes and agendas to their website “if one exists” or that are maintained or have been “designated as the official website of the body.” But did you know that four other state laws also require or enable you to post information to a town website? The relevant provision of each of these laws is noted below, followed by a summary of what it means. Some of the laws are recently enacted, but you may be surprised to learn that others have been around for years.

Nomination of justices of the peace (17 V.S.A. § 2413(a),(2),(B)) – effective since May 2014.

In addition, for towns with over 3,000 voters, the committee shall post this notice at least one day prior to the caucus: (i)(I) in a newspaper of general circulation within the town; or (II) on a nonpartisan electronic news media website that specializes in news of the State or the community; and (ii) on the municipality’s website, if the municipality actively updates its website on a regular basis.

Summation: Although the statute does not define what it means to “actively update a website on a regular basis,” the language here seems to establish a higher threshold than merely having, maintaining, or designating a website as the official website of a town (e.g., the threshold imposed under the Open Meeting Law).

Warning and notice required, publication of warnings (17 V.S.A. § 2641(b)) – effective since July 2014.

*In addition, the warning shall be published in a newspaper of general circulation in the municipality at least five days before the meeting, unless the warning is published in the town report, and distributed as provided in 24 V.S.A. § 1682. The legislative body annually shall designate the paper in which such a warning may be published. **The warning shall also be posted on the municipality’s website, if the municipality actively updates its website on a regular basis.***

Summation: Beginning next year, annual town meeting warnings must be posted on a town’s website. The law, however, does not specify *when* the warning must be posted. While this requirement can be found in the same section of the law requiring the warning to be published in a newspaper at least five days before the annual meeting, we suggest posting to the website within the same timeframe as the other postings around town (i.e., “not less than 30 nor more than 40 days before the meeting.”)

Notice of outside audit of town accounts (24 V.S.A. § 1690(b),(4)) – effective since May 2010.

[T]he legislative body shall post the audit report and the accompanying report on internal control over financial reporting on the municipality's website, if the municipality has a website.

Summation: This requirement only comes into play when a town has a state-licensed public accountant perform an annual financial audit of the town's funds. The public accountant must also present his or her findings or opinion to the selectboard, which must in turn notify the voters of the availability of the auditing reports. The selectboard must also include a summary of material weaknesses or significant deficiencies in its internal controls or statement that the audit report gives a qualified, adverse, or disclaimed opinion in the next published town report. This statute sets a very low threshold and requires the posting to a town website if it has one.

Ordinance Adoption Procedure (24 V.S.A. § 1972(a),(1)) – effective since July 2012.

*The legislative body of a municipality desiring to adopt an ordinance or rule may adopt it subject to the petition set forth in section 1973 of this title and shall cause it to be entered in the minutes of the municipality and posted in at least five conspicuous places within the municipality. The legislative body shall arrange for one formal publication of the ordinance or rule or a concise summary thereof in a newspaper circulating in the municipality on a day not more than 14 days following the date when the proposed provision is so adopted. Information included in the publication shall be the name of the municipality; **the name of the municipality's website, if the municipality actively updates its website on a regular basis;** the title or subject of the ordinance or rule; the name, telephone number, and mailing address of a municipal official designated to answer questions and receive comments on the proposal; and where the full text may be examined. The same notice shall explain citizens' rights to petition for a vote on the ordinance or rule at an annual or special meeting as provided in section 1973 of this title.*

Summation: When a selectboard adopts an ordinance, it must enter it into the minutes of the meeting when it is adopted and post it in at least five public places in town. It must also be sure that the ordinance or a summary of it is published in a local newspaper not more than 14 days following its date of adoption. That publication must also include other information, such as the title or subject of the ordinance, municipal contact information, an explanation of citizens' petition rights, as well as the name of the town's website if it "actively updates" it regularly.

Hearing and Notice Requirements for Development Review Hearings (24 V.S.A. § 4464(a),(4)) – effective since September 2005.

The bylaw may also require public notice through other effective means such as a notice board on a municipal website.

Summation: Unlike the other laws noted above, this one isn't a state mandate to post notices on a town website. Rather, it *enables* towns to require the posting of hearing notices for all development review applications if they choose to do so through their zoning bylaws.

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