

## ASK THE LEAGUE, DECEMBER 2015

### **What are the Notice and Agenda requirements for a special meeting of a public body?**

*(This is an update of an article by Stephanie Smith, Senior Associate, for the July 2007 VLCT News.)*

Vermont's Open Meeting Law provides that "[a]ll meetings of a public body are declared to be open to the public at all times" unless a specific exemption applies. 1 V.S.A. § 312(a)(1). The intent of the law is to create transparency in government by requiring advance public notice and an opportunity for public participation in governmental decisions. The Open Meeting Law seeks to accomplish this goal by requiring that meetings are open to the public, public comment is allowed, and minutes are taken. The law also requires that meetings are noticed and agendas are posted. This article addresses these last two requirements as they relate to so-called "special meetings" of public bodies. Special meetings earn their name not because of the type of business they address, but because they take place at any time, date, or location outside of the regular meeting schedule of a public body.

**Notice Requirements.** Notice requirements for special meetings are found in 1 V.S.A. § 312(c)(2). The time, place, and purpose of a special meeting must be "publicly announced" at least 24 hours before the meeting. "Publicly announced," as defined in 1 V.S.A. § 310(4), means that the notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the state in which the public body has jurisdiction, and to any person who has requested to be notified of special meetings. Such a request must be in writing to the public body and will apply for the entire calendar year in which it is made. If the request is made in December, it will also apply to the following calendar year.

In addition to the above, the notice must be placed in or near the clerk's office and in at least two other designated public places in the municipality at least 24 hours prior to the meeting. Finally, each member of the public body must be given notice, either orally or in writing, at least 24 hours before the meeting, unless the member has waived notice for special meetings.

**Agenda Requirements.** The Open Meeting Law requires an agenda for all meetings. The posting requirements for an agenda for a special meeting are found in 1 V.S.A. § 312(d). At least 24 hours prior to the meeting, the agenda must be posted:

- on a website, if one exists, that the public body maintains or designates as the official website of the public body; and
- in or near the municipal office and in at least two other designated places in the municipality.

In addition, the special meeting agenda must be made available to anyone prior to the meeting upon specific request.

Although the Open Meeting Law does not have specific requirements for the contents of a special meeting agenda, the law does require an announcement of the “time, place and purpose” of a special meeting. Therefore, the agenda should be drafted in such a way that it allows members of the public to be reasonably informed of each item that will be considered by the public body at the special meeting.

Note that the notice and agenda for a special meeting may be combined into one document. Since many of the posting requirements for special meeting notices and agendas overlap (both must be posted in or near the clerk’s offices and two other designated places), and since the agenda details the “purpose” of the special meeting, it may be easier to combine the two into a single document.

A combined special meeting notice and agenda must:

- describe the time, place, and purpose of the special meeting;
- provide information about each item that the public body will be considering; and
- be available prior to the meeting upon specific request.

At least 24 hours prior to the special meeting, the combined notice and agenda must be:

- posted in or near the clerk’s office and in at least two other designated public places in the municipality;
- given to an editor, publisher, or news director of a newspaper or radio station serving the area of the state in which the public body has jurisdiction (although there is no requirement that the notice is actually published or broadcast);
- posted on the public body’s website, if one exists;
- given, in writing or orally, to each member of the public body (unless a member waives notice); and
- given to any person who has requested to be notified of special meetings.

For more information, resources and training opportunities about the Open Meeting Law, please see the “Vt. Open Meeting Law” tab under League Resources on VLCT’s website.

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