

ASK THE LEAGUE, APRIL 2015

How does a public body warn and post an agenda for its first meeting following the annual Town Meeting?

Vermont's Open Meeting Law requires that public bodies warn and post agendas for their meetings. A "public body" is defined as "any board, council, or commission of the State or one or more of its political subdivisions...or any committee of any of the foregoing boards, councils, or commissions..." 1 V.S.A. § 310(3). A public body is "meeting" when there is a "gathering of a quorum of the members ... for the purpose of discussing the business of the public body or for the purpose of taking action." 1 V.S.A. § 310(2).

Known to selectboards as the "organizational meeting," the first meeting of a public body offers a unique opportunity to designate roles and set the tone for rest of the year. For selectboards, this means, at a minimum, electing a chairperson and, if voted, a clerk from amongst its members. Selectboards and other public bodies should also use this time to review and adopt their rules and policies and set a regular meeting schedule.

It may be that the time and place of the public body's regular meetings has already been established by statute, charter, regulation, ordinance or bylaw. In those instances, the only thing that needs to happen before the first meeting is the creation of an agenda. This agenda must be posted to a website, if one exists, in or near the town office, and in at least two other designated public places in the town at least 48 hours prior to the meeting.

What if there is no statute, charter, regulation, ordinance, or bylaw that establishes a regular meeting time? The decision as to when a public body will regularly meet will have to be set by resolution. But how does a public body warn and set an agenda for a meeting without first meeting to do so? The answer is found in last year's amendments to the Open Meeting Law, which now states that the members of a public body may engage in "written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing ... for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act ..." 1 V.S.A. § 310(2). This means that members of a public body can simply call or email each other about when they're going to hold their first meeting, what business should be listed on the agenda, and who is responsible for complying with the posting requirements.

Since this will be the public body's first meeting, it may be warned as a "special meeting" under the Open Meeting Law. This requires that the public body post notices in or near the town clerk's office and in at least two other designated public places in town at least 24 hours before the meeting. Notice must also be given at least 24 hours before the meeting to (1) each member of the public body orally or in writing unless previously waived; (2) an editor, publisher, or news director of a newspaper or radio station serving the area; and (3) any person who requested

notification of special meetings. The agenda must also be posted at least 24 hours before the meeting to a website (if one exists), in or near the town office, and in at least two other designated public places in town.

Oftentimes the new iteration of a public body will simply adhere to the regular meeting schedule of the former. In these instances it makes sense, at least for this first meeting, to warn the date, time, and place of the meeting on the agenda that is to be posted 48 hours prior to the meeting. Once the public body's initial meeting is held, it should thereafter redesignate the time and place of its regularly scheduled meetings by resolution.

More information about the open meeting law can be found on the VLCT website at <http://www.vlct.org/vermont-local-government/vermont-open-meeting-law/>

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