

## ASK THE LEAGUE, MAY 2016

### Adjourning, recessing, or closing a public meeting

#### How do we continue a meeting?

Vermont's Open Meeting Law provides that "[a]ny adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns." 1 V.S.A. § 312(c)(4). This means that if your board ends a meeting without announcing when you will restart it, you must treat that restart as a stand-alone meeting and issue a new notice and agenda. On the other hand, if you are in a meeting and – before the meeting is over – you announce when and where you will restart the meeting, then both of those gatherings will be considered one "meeting" under the Open Meeting Law and the original notice and agenda will suffice. Say, for example, your selectboard is working on the town budget and the meeting is going late into the night. Everyone is exhausted, so you vote to "adjourn the meeting and reconvene the following night at 7 p.m. at the same location." In that instance, the selectboard does not have to warn the meeting the following night because it was announced before the close of the previous duly warned meeting. 1 V.S.A. § 312. The Open Meeting Law allows for this exception because it makes practical sense: the intent of the law is to provide citizens with notice and the opportunity to attend and be heard at public meetings. By announcing the specific time and place for the continuation of the meeting before a duly warned meeting closes, the selectboard has given citizens legal notice.

#### What is the difference between a "recess," "adjourning," and "closing?"

Black's Law Dictionary defines *recess* as "[a] brief break in judicial proceedings" and "a motion that suspends but does not end a meeting, and that usually provides for resumption of the meeting." To *adjourn* means "[t]o end or postpone (a proceeding)" and *close* means "to conclude; to bring to end." *Black's Law Dictionary* (Third Pocket ed. 2006). While, broadly speaking, *recess* and *adjourning* are similar in that they both suspend a meeting with the intent to continue at a later time, the key difference lies in the length of time in between pausing and restarting the meeting. To add to the confusion, to *adjourn* and *close* can both mean "to end." To avoid misunderstanding, your board should use each term consistently and in specific contexts.

The Municipal Assistance Center recommends using *recess* when there will be a very short break in a meeting, e.g., "We will recess these proceedings for a ten-minute break." Say you will *adjourn* a meeting when the proceedings will be stopped for a longer period of time, or when the meeting will be postponed to a later time and place, e.g., "These proceedings are adjourned. We will reconvene on September 15<sup>th</sup> at 7 p.m. at the town offices." Finally, your board should *close* a meeting when it has finished its business and is bringing the meeting to an end. Whatever term is used, it is important to provide context as the examples above illustrate to avoid any confusion as to what action your board is taking.

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