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What are the requirements for meeting minutes?

Vermont's Open Meeting Law requires that minutes must be taken at every meeting of a municipal public body. Such minutes must give "a true indication of the business of the meeting," which may require supplementing the following statutorily-required elements: (1) all members of the public body present; (2) all other active participants in the meeting; (3) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of the same; (4) the result of any votes taken; and (4) a record of individual votes if a roll call is taken. 1 V.S.A. § 312(b)(1). The law does not require transcripts of public meetings, although a public body is free to create such transcripts. This is because the law sets out the minimum of what is required, not the maximum; as long as the minutes contain the required elements listed in 1 V.S.A. § 312(b)(1), then it does not matter whether they contain additional information. The VLCT Municipal Assistance Center (MAC) interprets the law to mean that minutes must be in written form and that neither an audio nor video recording will meet the statutory requirements.

Meeting minutes must be available for inspection by the public five days after that meeting is held and must be posted to a website, if one exists, that the public body maintains or has designated as the official website of the body. 1 V.S.A. § 312(b). The law does not state whether these are "calendar days" or "business days," therefore MAC recommends taking a conservative approach and counting calendar days. The law also doesn't specify what it means for a website to be "maintained" or "designated." At a minimum, the law seems to require that all of the public bodies of a municipality should post their minutes to a website that has been designated by the selectboard. In addition, given the Vermont Supreme Court's instruction that the law is to be construed in favor of openness and accessibility, MAC recommends that any individual public body should post minutes to any website that is maintained or designated by that particular municipal public body.

There is nothing in the Open Meeting Law (or other Vermont law) that requires official approval or finalization of meeting minutes by the public body. Despite this lack of legal mandate, however, most public bodies make it a practice to approve minutes at a subsequent meeting. This is done as an acknowledgement that the body has read the draft minutes and agrees that the minutes accurately reflect what was discussed and decided at the meeting. This is a good practice since it ensures that there will be a precise historical record. Since there is no law on the subject, it is up to each public body to decide whether and how to correct, amend, approve, or accept minutes. This can be done by mere agreement of the members or with the adoption of rules of procedure that describe the process by which minutes are handled. In such instances, public bodies should mark the initial copy of meeting minutes as "draft" or "unapproved," making it clear to the public that some corrections may be made once the minutes are reviewed.

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