

Testimony to House Government Operations Regarding S.55 on Open Meeting Law

April 05, 2024



Testimony of the Vermont League of Cities and Towns
Ted Brady, Executive Director
House Government Operations and Military Affairs
Regarding S. 55 – A Bill Impacting Vermont's Open Meeting Law
April 3, 2024

My name is Ted Brady, and I am the Executive Director of the Vermont League of Cities and Towns, which represents all 247 cities and towns in Vermont. VLCT is a non-partisan, non-profit organization operating as an instrumentality of every city and town in Vermont to serve and strengthen municipal government. We maintain guides that municipalities use to follow Vermont's Open Meeting Law, we maintain a thorough FAQ about open meeting law, and in the past year, we've responded to 336 legal inquiries from members related to Vermont's

Open Meeting Law. If anyone on the committee is interested in seeing VLCT's resources, please email me at tbrady@vlct.org, and I'm happy to provide you with a unique username and password to access the VLCT portal. I share all this in hopes the committee understands that we are seen as a vital resource in interpreting the Open Meeting Law, and that the bill you have before you will likely result in a lot of new questions. So our testimony comes from a place of deep expertise, and we will be relied on by our towns, cities, and villages to implement the law you create.

VLCT's membership adopted a policy goal to "ensure open meeting law equity" this year. That policy supports:

- Increasing public participation in municipal meetings by making fully remote meetings a permanent voluntary option under the Open Meeting Law.
- Reducing expenses, carbon emissions, time, and effort by using 21st century technology for more efficient and accessible local government.
- Providing Vermont's public, educational, and government (PEG) channels with funding to continue assisting municipalities with remote and hybrid meetings.

Overall, VLCT supports the compromise between our position and other stakeholders who weighed in on the bill. It attempts to balance the demand to continue fully virtual meetings – which have a proven track record of increasing attendance and making participation easier – with those who believe physical locations should continue to be required.

I do want to highlight a few areas of concern in this bill that I hope the committee will take further testimony on:

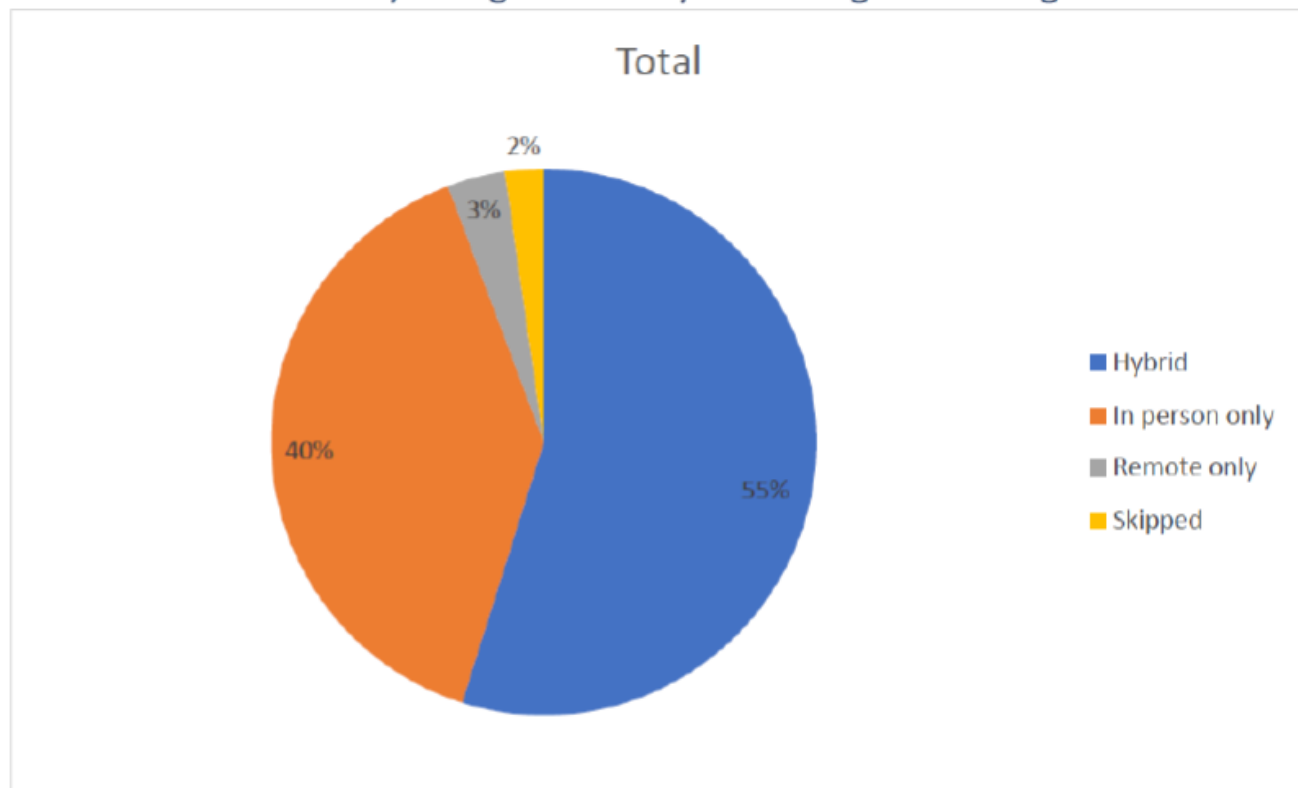
- Section 3 amends 1 V.S.A § 312 by adding section (a) (6) which appears to create a new recording requirement for any meeting of a public body except advisory bodies. This section will put a burden on small towns – especially the requirement to retain such recordings – which otherwise would be considered a transient record which could be discarded once minutes are completed. I also appreciate that the bill tried to recognize this burden by using the term "to the extent feasible". However, this ambiguity is ripe for open meeting law challenges.
- Section 3 amends 1 V.S.A § 312 by adding (j) – which allows a request to designate a physical location for advisory bodies that will otherwise be able to be fully virtual "for a regular meeting or a series of regular meetings" may need additional attention. I read

this to mean a person could write in January and request all meetings for the year have an in-person option. This could be the equivalent to a hybrid meeting mandate – which we do not support.

- Section 3 amends 1 V.S.A § 312 by adding (k) – a new training requirement for all chairs, town managers and mayors. VLCT conducts Open Meeting Law for hundreds of officials a year, and we support robust training on the Open Meeting Law. However, we don't support mandating new training, and we would appreciate further clarity who provides this training.
- Section 5 amends 1 V.S.A. § 314 and requires municipalities to post Vermont's Open Meeting law and how to file complaints about violations on their website. While VLCT doesn't oppose this requirement, we don't understand why municipalities are the only public bodies subject to this requirement. It should apply to all public bodies.

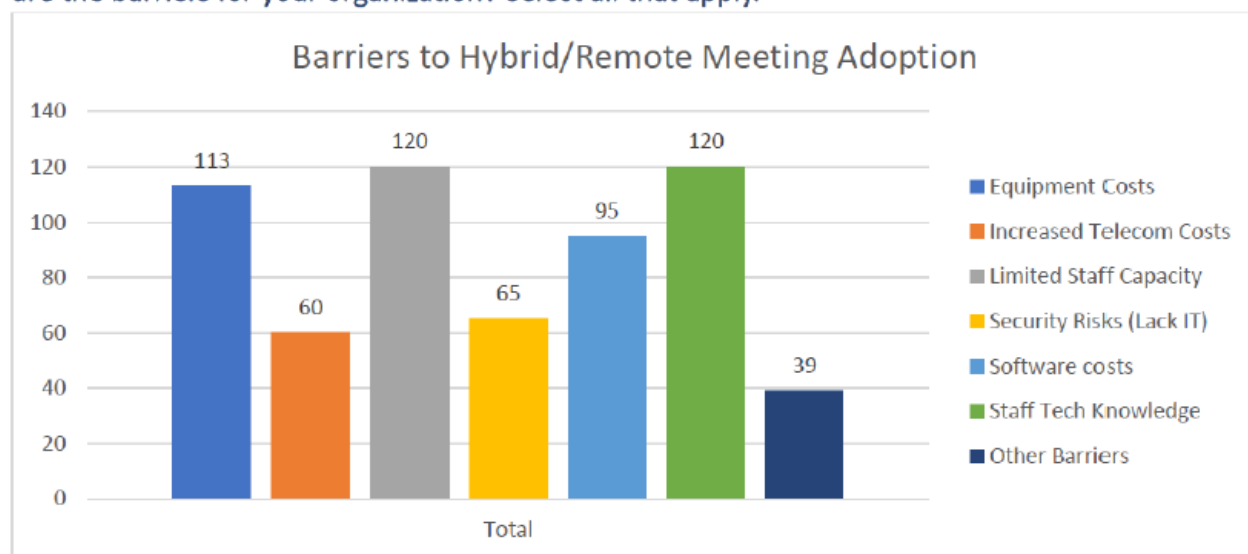
To help the committee understand our member's concerns about hybrid meeting requirements, I wanted to share a few responses from a survey VLCT conducted at the request of the Senate Government Operations Committee during consideration of S. 55. We issued a survey to our entire membership, and heard back from 176 cities, towns and villages. This survey aimed to better understand which municipalities were using hybrid meeting technology, if they supported mandatory hybrid meetings, and if they would be capable of conducting hybrid meetings.

How does your legislative body hold its regular meetings?

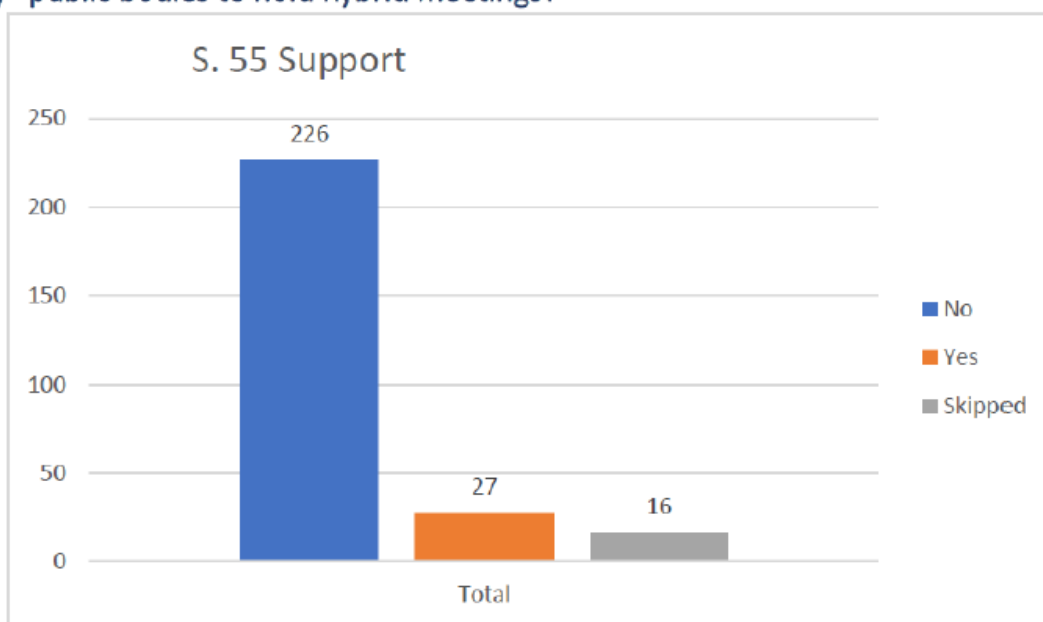


Method	Count	Percent
Hybrid	96	55%
In person only	69	40%
Remote only	6	3%
Skipped	4	2%
Grand Total	175	

Q. If you don't currently hold remote only or hybrid meetings, or have limited capabilities, what are the barriers for your organization? Select all that apply.



Q. Do you support the Legislature's proposal to require all "legislative, quasi-judicial, taxing, or budgetary" public bodies to hold hybrid meetings?



Attachments

[Testimony from Ted Brady to House Government Operations Regarding S.55, 2024-04-03](#)