

April 07, 2025

**Testimony to House Gov't
Operations Committee
Regarding Open Meeting Law,
4/1/25**



Testimony to House Government Operations Committee

Regarding Open Meeting Law

Samantha Sheehan, Municipal Policy and Advocacy Specialist, VLCT

April 1, 2025

Clarify Open Meeting Law

VLCT seeks further changes to S.59 to enable compliance and ensure consistency of application and judicial interpretation.

These recommendations, collected and vetted by VLCT's Municipal Assistance Center (MAC), a team of experienced attorneys who provide confidential legal guidance to municipal officials, have arisen directly from questions, concerns, and confusion from municipal staff, boards, and commissions attempting to comply with recent changes to the law.

Managing Digital Records

- **Posting of recorded meetings, location:** Require that recordings be posted to a website that the public body maintains, if one exists. We cannot compel private, third-party entities to comply with the timeframe for posting or public records requests and this would conform with other types of posting requirements.

- **Locations for posting public notice:** Amend public notice laws to allow municipalities to post in public places located in neighboring communities known to be frequented and/or allow for a municipal website to substitute for one of the required physical public places used for posting public notices, when necessary.

Public Safety and Security

- **Allow executive sessions for the discussion of cyber security and public safety:** Recent legislative changes pushing municipal government toward electronic accessibility has necessitated planning and responses related to cyber-attacks and digital security that should be exempt from public discussion.
- **Address obscene content in recorded municipal materials:** Empower municipalities to edit obscene content from recordings prior to posting, so long as the original record is maintained in its unaltered state. Municipal meetings have been "zoom-bombed" with images, videos, and sound which is captured in the meeting recording. Crimes and Criminal Procedure prohibits disseminating in the presence of a minor "any such representation or image which is stored electronically" depicting nudity or sexual conduct.

Issues of Compliance: Create "Working Group" Exemption

An "Advisory Body" is exempt from Open Meeting Law. A quorum of the Public Body is not. This creates unequal application of the law for small town governments.

A "working group" is commonly used to describe occasions where some members of a public body gather to perform some delegated, time-limited work including research, outreach, or policy development. This is a **common practice for small communities** who rely on volunteer work by elected officials due to a lack of municipal staff available to advise the selectboard on the wide

range of issues it must consider.

Illustrating Working Groups

Meeting Agenda: A City Council and Town Selectboard each want to brainstorm ideas for how to support outdoor recreation activities using their legal trail network.

City A: Has a Town Manager form of government and an eight-person city council, a Director for Parks and Recreation on staff, an advisory citizen commission for Parks and Rec, and a three-person Budget Committee of the Council.

Town B: Has a three-person selectboard and no municipal staff, there is a two-person Budget Committee of the board and a volunteer Town Pride Club that organizes volunteer actions, events, and holiday celebrations.

City A is NOT a public meeting.	City Council President	City Council Budget Committee Chair	City Director of Parks and Recreation	Chair of the Parks and Recreation Commission	President of a local bird watching club
					(member of the public)
Town B is a public meeting.	Selectboard Chair	Selectboard Budget Committee Chair	No Staff	President of the Town Pride Club	President of a local mountain bike club
				(member of the public)	(member of the public)

Attachments

[Presentation used by Samantha Sheehan during her testimony](#)