



Meeting in Vermont

Vermont Department of Libraries

Open Meeting Law Update

A Vermont Department of Libraries webinar

Tuesday, July 21, 2014,

6:00 to 7:00 pm

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Agenda

- Welcome
- Municipal and Incorporated Libraries
- Public Meetings
- Public Notice
- Agendas and Minutes
- Executive Session
- Q and A

Incorporated and Municipal Libraries

- Quick poll
- Is your library
 - Incorporated
 - Municipal
 - Not sure

Municipal Libraries

- Library founded by town vote
- Public board of trustees governs
- Must follow Open Meeting Law
- Need more? *The Law of Public Libraries*
libraries.vermont.gov/libraries/librarylaw

Incorporated libraries

- Private nonprofit corporation
- Governed by a private board of trustees
- Created by private trust, deed, or act
- Need not follow the Open Meeting Law
- Need more? *The Law of Public Libraries*
libraries.vermont.gov/libraries/librarylaw

Minimum Standards

The board meets at least every three months in meetings warned and open to the public, according to the Vermont Open Meeting Law (1 VSA §§ 310—317)

- Incorporated libraries may decide not to follow the Open Meeting Law
- libraries.vermont.gov/libraries/standards

Friends of the Library

- 501c3 organizations like Friends
- Not a public body
- Committee of the Board? Must follow the Open Meeting Law
- NB: municipal library a 501c3? Must follow Open Meeting Law

PUBLIC MEETINGS

Public meetings

- A gathering
- Of a quorum (majority)
- Of the members of the board
 - to discuss business
 - to take action

1 VSA § 310

Public meetings...

- Quorum to discuss anything the public body has the authority to decide
- Quorum talking business triggers the Open Meeting Law regardless of where a quorum is gathered
- Beware the informal discussion

Public meetings...

- All provisions of the Open Meeting Law apply to board committees
1 V.S.A. § 310 (3)
- Quorum (majority) refers to the committee, not the full board
- Committee may include board members and nonmembers

Public meetings...

- Permit electronic, phone or written correspondence of trustees to
 - Schedule a meeting
 - Organize an agenda
 - Distribute materials to discuss at a meeting
- 1 V.S.A. §310(2)
- The communication shall be available for inspection under the Public Records Act
 - All other correspondence IS a meeting

Public meetings...

- Trustees may attend meeting remotely 1 V.S.A. § 312(a)(2)
 - Participate fully and vote
 - Votes must be taken by roll call
- Remote trustees must
 - Name themselves when meeting convened
 - Hear and be heard in the meeting

Public meetings...

- If a quorum or more attend remotely
 - 24 hours prior, public announcement
 - Notice posted in or near clerk office and two designated places
 - Announcement and notice give physical location of meeting for public
 - One trustee or staff present at the designated meeting place

PUBLIC NOTICE

Public notice

Regular meeting 1 V.S.A. § 312 (c)(1)

- Board adopts resolution
- Post agenda 48 hours in advance on website, at town clerk, 2 other places
- Provide agenda on request

Public notice

Special meeting 1 V.S.A. § 312 (c)(2)

- Announce time, place, purpose publicly 24 hours in advance
- Post agenda on website, at town clerk, 2 other places
- Minimum 3 public postings and to each member of the body
- Notify media if they requested

Public notice

Emergency meeting 1 V.S.A. § 312 (c)(3)

- Called for “unforeseen occurrence or condition requiring immediate attention”
- Held without announcement, notices, provided public notice given as soon as possible before meeting

AGENDAS AND MINUTES

Agendas 1 V.S.A. § 312 (d)(1)

- Posted to the library website
- Posted in or near the municipal office and 2 other designated public places
- Sent to any person who requests
- Addition or deletion to agenda first act of business at meeting
- Other adjustments at any time in meeting

Minutes

1 V.S.A. § 312 (b)(1)

- Required of all public bodies
- Posted to the library or official website 5 days after meeting
- Include
 - Members of the public body present
 - Active participants in the meeting
 - All motions and disposition
 - Results of votes; names if roll call vote

Minutes

- Matters of public record
- Kept by clerk or secretary of the body
- Available 5 days from the meeting
- Copies at cost must be available

“Good minutes”

- Names of participants
- All motions, votes, actions, precisely
- Summary of discussion, 2 – 3 pages
- Draft in 5 days, approval next meeting
- Permanent record
- www.uvm.edu/crs/resources/citizens/chair.pdf

EXECUTIVE SESSION

Executive session 1 V.S.A. § 313

- Member motion in open meeting
- Member supplies the reason from list
- 1 VSA § 313 only permissible reasons
- Requires majority vote of the body
- No decisions are made in executive session except quasi-judicial matters

Executive session

- Contracts
- Appoint/evaluate employee; final decision and reasons disclosed in open meeting
- Employee agreements
- Pending civil litigation
- Discipline or dismiss employee
- Discuss records not public documents under the access to public records act
- Clear and imminent peril to public safety; emergency response measures

Executive session: what happens

- Motion: I move the board enter Executive Session to evaluate the director, a personnel issue, since “premature general public knowledge would clearly place the public body or person involved at a substantial disadvantage” [reason on list]
- Second to motion. Board vote
- Clerk notes motion, second, and vote

Executive session: what happens

- Board invites interested parties, lawyer, consultant to session
- Chair to public: We're going into Executive Session. Please wait outside; we'll open again at end of session
- The board leaves the session; public invited back in; board takes any action in open meeting

A Guide to Open Meetings 2014

“Some boards go beyond the requirements of the law and do everything in public...

The risks entailed in letting everybody know its business are not small, but there is no penalty for extra openness and a high return on the investment if the public understands you have nothing to hide.”

www.sec.state.vt.us/media/514454/A-GUIDE-TO-OPEN-MEETINGS.pdf

Q AND A

Other questions?

- Vermont Secretary of State
(802) 828- 2363
- libraries.vermont.gov/libraries/trustees
- Amy Howlett Library Development Consultant
(802)463-0142

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