

**TOWN OF STOWE, VT
SELECTBOARD ETHICS & FRAUD POLICY FOR
PUBLIC OFFICIALS, EMPLOYEES & VOLUNTEERS**

Section 1. PURPOSE: to provide ethics policy guidance to Public Officials, Employees and Volunteers consistent with the conflict of interest provision set out in Section 1004 of the Town Charter, subject to any specific provisions of Vermont law or the Charter to the contrary.

Section 2. POLICY STATEMENT

Accepting a position as a Public Official, Employee or Volunteer carries with it the acceptance of a public trust that the Public Official, Employee, or Volunteer will work to further the public interest and not towards private/personal interest. Maintaining that public trust is critical to the continued operation of good government. In addition, public decision making should be open and accessible to the public at large. Actions in breach of this policy in derogation of the public trust shall be addressed consistent with law and this policy.

Section 3. DEFINITIONS

The following words shall have the following meanings:

- (1) **Business Associate** is a partner or other person with whom an individual has ongoing or recurring business transactions.
- (2) **Conflict of Interest** is a situation where a Public Official, Employee or Volunteer is directed by two or more competing interests, one of which is the public interest and the other is a private/personal interest. Specific conflict of interest situations are specified in Section 4.
- (3) **Employee** shall mean provisional, regular full-time, regular part-time and irregular employees.
- (4) **Ethics** are a set of rules that guide behavior as defined in this Policy.
- (5) Ex parte communication shall mean direct or indirect oral or written communication between a public official serving on a quasi-judicial body and any party, party's representative, party's counsel or any person interested in the outcome of any quasi-judicial proceeding, that occurs outside of a public proceeding, and concerns the substance or merits of the proceeding. Ex parte communication normally distributed by the staff before a proceeding shall not be considered ex parte communication.
- (6) **Fraud** is intentional perversion of truth in order to induce another to part with something of value or surrender a legal right.

- (7) **Immediate Family** shall consist of grandfather, grandmother, mother, father, brother, sister, aunt, uncle, nephew, niece, son, daughter, grandchild, spouse, civil union partner and in-laws, to include all such relatives by virtue of blood, marriage, civil union, adoption or legal guardianship.
- 8) **Material** is of real importance or great consequence, substantial, requiring serious consideration by reason of having a bearing on the outcome of an unsettled matter.
- (9) **Official Act or Action** is any legislative, administrative, appointive, or discretionary act of any public official of the Town (in his/her official capacity), or of any agency, board, committee or commission thereof.
- (10) **Private/Personal Interest** is something that is of direct or indirect material or financial benefit accruing to an individual or a member of the individual's immediate family.
- (11) **Public Body** means any board, commission or committee of the municipality.
- (13) **Public Interest** is the interest of the community as a whole conferred generally upon all members of the public.
- (14) **Public Official(s)** means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.
- (15) **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which may be appealed by a party to a higher authority.
- (16) **Recusal** is stepping aside from public office or duty during discussion and vote when a conflict of interest exists (as specified in Section 10).
- (17) **Volunteer** is someone who is not a public official or employee who provides service to the Town of Stowe for a nominal fee, stipend or no compensation at all.

Section 4. CONFLICT OF INTEREST

Public officials, Employees, or Volunteers are deemed to have a conflict of interest if they act contrary to any of the following rules:

- (1) **Acceptance of Gifts and Favors.** Public Officials, Employees, or Volunteers shall not accept anything of economic value, such as money, service, gift, loan, promise, gratuity, or favor from any person, business or organization involved in a contract or transaction with the Town, or from any person, business organization that would be materially advantaged or disadvantaged by an official action under consideration by the Employee or

body of which a public official or volunteer is a member, such that the item accepted could be considered as payment for a special act or treatment. This provision shall not apply to:

- (a) Attendance at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of Town business, or where official attendance by the public official as a Town representative is appropriate;
 - (b) An award publicly presented in recognition of public service;
 - (c) Occasional, non-pecuniary gifts of insignificant value; and
 - (d) Election contributions which are given in accordance with applicable state and federal laws.
- (2) **Appointment of Immediate Family Member or Business Associate.** Public Officials shall not participate in the appointment, vote for appointment, or discuss any appointment involving an immediate family member or business associate, to any Town office or position. This is not meant to prevent a citizen from voting for elected Town offices.
- (3) **Employment Conflicts:** No employee shall be hired, promoted or transferred whenever such a situation would result in that person being in a position to directly supervise or receive direct supervision of an immediate family member. This is not meant to preclude temporary promotions when an employee is serving as an active department head. Dating shall be prohibited between co-workers in power-differentiated relationships where one of the parties has decision-making authority over the terms or conditions of employment of the other party, including performance appraisals.
- (4) **Contractual Arrangements.** In any contract with the Town, no Public Official, regular full-time employee, regular part-time employee, or volunteer shall recommend or participate in an award of a contract if they have a private/personal interest as defined in this Policy that is of direct or indirect material or financial benefit accruing to an individual or a member of the individuals immediate family.
- (5) **Quasi-judicial Conflict:** A member serving on a public body acting in a quasi-judicial manner shall recuse themselves if they are an applicant or an immediate family member is an applicant before that public body.
- (6) **Use of Confidential Information.** Public officials, Employees or Volunteers shall not, without authorization, disclose or use confidential information acquired in the course of official duties. Public officials, Employees or Volunteers shall not use any confidential information acquired in the course of official duties to further their private/personal interest.

- (7) **Special or Unusual Relationships.** Whenever a Public Official, Employee or Volunteer has special or unusual (beyond being casual or reasonably common) relationship with a party to an official action of the public body on which the official sits, the Public Official, Employee or Volunteer shall disclose the relationship and the public body may advise as to whether the Public Official, Employee, or Volunteer should recuse themselves.

Section 5. EX-PARTE COMMUNICATIONS

Ex parte communications are prohibited in any quasi-judicial matter (e.g., matter involving the issuance of a permit or approval). Quasi-judicial body members who have received written ex parte communications shall place in the record copies of all written communications received as well as all written responses to those communications. Quasi-judicial body members who have received oral ex parte communications shall state on the record at the proceeding the substance of all oral communications received, all responses made and the identity of each person making the ex parte communication.

Section 6. INAPPROPRIATE USE OF PUBLIC POSITION

Public Officials, Employees or Volunteers shall not use their public position to further a private/personal interest or the interest of an immediate family member.

Public Officials, Employees or Volunteers shall not use the powers or prestige obtained through election, appointment or employment, to influence the decision of a subordinate on a matter where the official has significant private/personal or financial interest.

Public Officials, Employees or Volunteers are empowered to discharge specific statutory duties in the public interest and should not interfere with the statutory duties of others.

Public Officials, Employees or Volunteers shall not attempt to influence Town staff's recommendations regarding matters in which the Public official, Employee or Volunteer has a personal/private or financial interest.

Public Officials, Employees or Volunteers shall not commit fraud or misuse Town staff or resources to advance a personal/private or financial interest or deny someone of rights that are protected by the Constitutions of the United States or the State of Vermont.

Section 7. FAIR AND EQUAL TREATMENT

No Public Official, Employee or Volunteer shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

No Public Official, Employee or Volunteer shall request, use, or permit to be used, any publicly-owned or publicly supported property, vehicle, equipment, labor, or service for the personal

convenience or the private advantage of themselves or any other person. This rule shall not be deemed to prohibit a Public Official, Employee or Volunteer from requesting, using or permitting the use of such publicly-owned property, vehicle, equipment, or material which is provided as a matter of stated policy for the use of Town Public Officials, Employees or Volunteers in the conduct of official Town business.

No Public official, Employee or Volunteer shall discriminate on the basis of race, color, religion, national origin, gender or sexual orientation.

Section 8. HARASSMENT

No Public Official, Employee or Volunteer shall harass other persons sexually or otherwise in the course of their duties.

Section 9. TRANSPARENCY

All public bodies shall follow the Vermont Open Meeting Law. -

All meetings of Public Bodies shall be posted and public notice provided in accordance with the Vermont Law. - Notice of meetings of public bodies shall be posted in the Akeley Building, Stowe Free Library and Public Safety Facility at least 48 hours in advance for regular meetings. Meeting minutes of public bodies shall be posted within five days of the meeting on the town's web site (www.townofstovermont.org). - Minutes of all meetings of public bodies shall be provided to the Town Clerk for record keeping purposes.

Section 10. DISCLOSURE AND RECUSAL PROCEDURES

Whenever a matter comes before a public body on which any of the conflicts of interest of this Policy shall exist, the following provisions shall apply:

- (1) Public Officials, Employees or Volunteers shall disclose to the relevant public body the nature of the conflict of interest in open session prior to any consideration of the matter by said public body.
- (2) Public Officials, Employees or Volunteers who recuse themselves or have been ordered to recuse themselves by the appointing body from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity.
- (3) Providing that the member recuses themselves and is not acting as a Public Official or Volunteer on a public body, the foregoing shall not be construed as restricting the official from testifying or representing themselves or a client. In such cases, the member shall act only in his / her individual capacity and not in any official capacity on behalf of the Town. An employee may not represent a client before a public body.

Section 11. COMPLAINT OF ETHICS VIOLATION

A person, who believes that an appointed Public official, Employee or Volunteer of the Town has violated any portion of this policy, may send or deliver a signed, written complaint to the Town Manager. The complaint shall include the name of the person alleged to have committed the violation and the specifics of the act(s) which constitute the violation. The Manager shall forward the complaint to the appropriate public official(s) for resolution. In accordance with Section 408 of Stowe Town Charter, the Selectboard may "Inquire into the conduct of any officer, commission or department and investigate all municipal affairs." If the alleged violation involves an employee, it will be handled in accordance with the Personnel Rules, IBEW Agreement, or Police Association Agreement as applicable.

Any complaint against the Town Manager shall be reduced to writing, signed and sent or delivered to the Chair of the Selectboard, and must contain all of the information specified in the preceding paragraph.

Any complaint against an elected official shall be directed to the elected official. A person may ask an elected body to reconsider a matter that they believe involved an unethical act by an elected official. However, an elected official is only responsible to the voters, and a fellow board member may not require that the elected official recuse themselves or otherwise take formal corrective action against another elected official.

Section 12. RETALIATION

Any person who reports an alleged violation of this policy shall not be retaliated against or otherwise disciplined for reporting it, provided that the information is not conveyed inaccurately with malicious intent. Neither inaccuracies in reports of alleged violations of this policy, nor actual or perceived malicious intent with which an alleged violation is reported shall absolve a Public Official, Employee or Volunteer from any personal wrongdoing in violation of this policy or otherwise.

Section 13. DISTRIBUTION OF ETHICS POLICY

All Public Officials, Employees or Volunteers existing at the adoption of this Policy shall receive a copy and sign an acknowledgement form indicating that they have received and understand this Policy. Once signed, the signatory shall return the acknowledgement form to the Town Manager.

Upon being elected, appointed, hired, or volunteering the Public official, Employee or Volunteer shall receive this Policy and sign an acknowledgement form indicating that they have received it and understand it. Once signed it shall be returned to the Town Manager.

**TOWN OF STOWE, VT
ETHICS & FRAUD POLICY
FOR
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ACKNOWLEDGEMENT FORM**

I, _____, acknowledge that:

- (a) I received a copy of the Town of Stowe's Ethics & Fraud Policy;
- (b) I have been given an opportunity to ask questions about said policy and I have been provided with satisfactory information in response to my questions;
- (c) I acknowledge that I understand the Town of Stowe's Ethics & Fraud Policy and I agree that I will comply with all of the provisions of said policy.

Dated this _____ day of _____, 20__.

Signature

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1 V.S.A. § 310. Definitions

As used in this subchapter:

(1) "Deliberations" means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

(2) "Meeting" means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. "Meeting" shall not mean written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

(3) "Public body" means any board, council, or commission of the State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that "public body" does not include councils or similar groups established by the Governor for the sole purpose of advising the Governor with respect to policy.

(4) "Publicly announced" means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the State in which the public body has jurisdiction, and to any person who has requested under subdivision 312(c)(5) of this title to be notified of special meetings.

(5) "Quasi-judicial proceeding" means a proceeding which is:

(A) a contested case under the Vermont Administrative Procedure Act; or

(B) a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.

1 V.S.A. § 311. Declaration of public policy; short title

(a) In enacting this subchapter, the legislature finds and declares that public commissions, boards, and councils and other public agencies in this State exist to aid in the conduct of the people's business and are accountable to them pursuant to Chapter I, Article VI of the Vermont Constitution.

(b) This subchapter may be known and cited as the Vermont Open Meeting Law.

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1 V.S.A. § 312. Right to attend meetings of public agencies

(a)(1) All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under subdivision 313(a)(2) of this title. A meeting of a public body is subject to the public accommodation requirements of 9 V.S.A. chapter 139. A public body shall electronically record all public hearings held to provide a forum for public comment on a proposed rule, pursuant to 3 V.S.A. § 840. The public shall have access to copies of such electronic recordings as described in section 316 of this title.

(2) Participation in meetings through electronic or other means.

(A) As long as the requirements of this subchapter are met, one or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location.

(B) If one or more members attend a meeting by electronic or other means, such members may fully participate in discussing the business of the public body and voting to take an action, but any vote of the public body that is not unanimous shall be taken by roll call.

(C) Each member who attends a meeting without being physically present at a designated meeting location shall:

(i) identify himself or herself when the meeting is convened; and

(ii) be able to hear the conduct of the meeting and be heard throughout the meeting.

(D) If a quorum or more of the members of a public body attend a meeting without being physically present at a designated meeting location, ~~the following additional requirements shall be met:~~

~~(i) At least 24 hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the public body shall publicly announce the meeting, and a municipal public body shall post notice of the meeting in or near the municipal clerk's office and in at least two other designated public places in the municipality.~~

(ii) The public announcement and posted notice of the meeting agenda required under subsection (d) of this section shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location.

(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:

(A) all members of the public body present;

(B) all other active participants in the meeting;

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(C) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and

(D) the results of any votes, with a record of the individual vote of each member if a roll call is taken.

(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five calendar days from the date of any meeting. Meeting minutes shall be posted no later than five calendar days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body. Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken.

(c)(1) The time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution, or other determining authority of the public body, and this information shall be available to any person upon request. The time and place of all public hearings and meetings scheduled by all Executive Branch State agencies, departments, boards, or commissions shall be available to the public as required under 3 V.S.A. § 2222(c).

(2) The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting.

(3) Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.

(5) A person may request in writing that a public body notify the person of special meetings of the public body. The request shall apply only to the calendar year in which it is made, unless made in December, in which case it shall apply also to the following year.

(d)(1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:

(A) posted to a website, if one exists, that the public body maintains or designates as the official website of the body; and

(B) in the case of a municipal public body, posted in or near the municipal office and in at least two other designated public places in the municipality.

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(2) A meeting agenda shall be made available to a person prior to the meeting upon specific request.

(3)(A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

(B) Any other adjustment to the agenda may be made at any time during the meeting.

(e) Nothing in this section or in section 313 of this title shall be construed as extending to the Judicial Branch of the Government of Vermont or of any part of the same or to the Public Service Board; nor shall it extend to the deliberations of any public body in connection with a quasi-judicial proceeding; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this State.

(f) A written decision issued by a public body in connection with a quasi-judicial proceeding need not be adopted at an open meeting if the decision will be a public record.

(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine, day-to-day administrative matters that do not require action by the public body, may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.

(h) At an open meeting the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson. This subsection shall not apply to quasi-judicial proceedings.

(i) Nothing in this section shall be construed to prohibit the Parole Board from meeting at correctional facilities with attendance at the meeting subject to rules regarding access and security established by the superintendent of the facility.

1 V.S.A. § 313. Executive sessions

(a) No public body may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:

(1) after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage:

(A) contracts;

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(B) labor relations agreements with employees;

(C) arbitration or mediation;

(D) grievances, other than tax grievances;

(E) pending or probable civil litigation or a prosecution, to which the public body is or may be a party;

(F) confidential attorney-client communications made for the purpose of providing professional legal services to the body;

(2) the negotiating or securing of real estate purchase or lease options;

(3) the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting;

(4) a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;

(5) a clear and imminent peril to the public safety;

(6) records exempt from the access to public records provisions of section 316 of this title; provided, however, that discussion of the exempt record shall not itself permit an extension of the executive session to the general subject to which the record pertains;

(7) the academic records or suspension or discipline of students;

(8) testimony from a person in a parole proceeding conducted by the Parole Board if public disclosure of the identity of the person could result in physical or other harm to the person;

(9) information relating to a pharmaceutical rebate or to supplemental rebate agreements, which is protected from disclosure by federal law or the terms and conditions required by the Centers for Medicare and Medicaid Services as a condition of rebate authorization under the Medicaid program, considered pursuant to 33 V.S.A. §§ 1998(f)(2) and 2002(c);

(10) municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.

(b) Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.

(c) The Senate and House of Representatives, in exercising the power to make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, § 8 of the Constitution.

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1 V.S.A. § 314. Penalty and enforcement

(a) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter, a person who knowingly and intentionally violates the provisions of this subchapter on behalf or at the behest of a public body, or a person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be guilty of a misdemeanor and shall be fined not more than \$500.00.

(b)(1) Prior to instituting an action under subsection (c) of this section, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter shall provide the public body written notice that alleges a specific violation of this subchapter and requests a specific cure of such violation. The public body will not be liable for attorney's fees and litigation costs under subsection (d) of this section if it cures in fact a violation of this subchapter in accordance with the requirements of this subsection.

(2) Upon receipt of the written notice of alleged violation, the public body shall respond publicly to the alleged violation within 10 calendar ~~seven business~~ days by:

(A) acknowledging the violation of this subchapter and stating an intent to cure the violation within 14 calendar days; or

(B) stating that the public body has determined that no violation has occurred and that no cure is necessary.

(3) Failure of a public body to respond to a written notice of alleged violation within 10 calendar ~~seven~~ business days shall be treated as a denial of the violation for purposes of enforcement of the requirements of this subchapter.

(4) Within 14 calendar days after a public body acknowledges a violation under subdivision (2)(A) of this subsection, the public body shall cure the violation at an open meeting by:

(A) either ratifying, or declaring as void, any action taken at or resulting from ~~a meeting in violation of this subchapter~~ ;

(i) a meeting that was not noticed in accordance with subsection 312(c) of this title; or

(ii) a meeting that a person or the public was wrongfully excluded from attending; or

(iii) an executive session or portion thereof not authorized under subdivisions 313(a)(1)-(10) of this title;

and

(B) adopting specific measures that actually prevent future violations.

(c) Following an acknowledgment or denial of a violation and, if applicable, following expiration of the 14-calendar-day cure period for public bodies acknowledging a violation, the Attorney General or any person aggrieved by a violation of the provisions of this subchapter may bring an action in the Civil Division of the Superior Court in the county in which the violation has taken place for appropriate injunctive relief or for a declaratory judgment. An action may be brought under this section no later than one year after the meeting at

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which the alleged violation occurred or to which the alleged violation relates. Except as to cases the court considers of greater importance, proceedings before the Civil Division of the Superior Court, as authorized by this section and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(d) The court shall assess against a public body found to have violated the requirements of this subchapter reasonable attorney's fees and other litigation costs reasonably incurred in any case under this subchapter in which the complainant has substantially prevailed, unless the court finds that:

(1)(A) the public body had a reasonable basis in fact and law for its position; and

(B) the public body acted in good faith. In determining whether a public body acted in good faith, the court shall consider, among other factors, whether the public body responded to a notice of an alleged violation of this subchapter in a timely manner under subsection (b) of this section; or

(2) the public body cured the violation in accordance with subsection (b) of this section.

Effective Dates of Act 129

(a) This act shall take effect on passage.

(b) A person shall not be subject to prosecution pursuant to 1 VSA 314(a) for violation of 1 VSA 312(d)(1)(A) (requirement to post agenda to website if any) in connection with any meeting that occurred before July 1, 2015.