

Message from Governor

A message was received from His Excellency, the Governor, by Ms. Elizabeth Miller, acting Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House that on twenty-third day of May, 2014 he approved and signed bills originating in the House of the following title:

H.497, An act relating to the open meeting law

Today I signed the first bill to make any significant changes to our Open Meeting law in decades. I am proud of the reforms we made to our Access to Public Records Act over the last few years, and we clearly have more work to do to make long overdue updates to all Vermont's access-to-government laws.

This bill is not perfect, and parts of it give me significant concern. I feel strongly that enforcement of the Open Meeting law must be strengthened. I fear that the so-called "do over" provision that allows a public body a "second chance" to comply before being sued will serve as a significant disincentive in making the meetings of public bodies open to Vermonters in the first place, as the Act requires. I must expect that public bodies will follow the law and not be faced with "do overs" except in rare cases, but would far prefer a stronger process for enforcement than this bill creates.

Nevertheless, I sign this bill today in the interest of making some incremental and long overdue improvements, in recognition of the time it has taken to arrive at consensus on the positive aspects of this bill. Those improvements include coverage of legal costs for those who have to sue to gain access to a public meeting. This provision is similar to the public records act reforms I pushed for and signed into law three years ago. This is an important step in reducing barriers to enforcement by ensuring that Vermonters can actually afford to pursue a violation when it occurs. In addition, the bill improves transparency in the scheduling of public meetings by finally requiring public bodies to use their websites to post agendas and meeting minutes for everyone, and to make clear that public bodies must ensure that all Vermonters, those with disabilities and those without, are accommodated at meetings. It is long past time for these reforms.

The legislative work in this area is far from finished and I view my action today as another step toward greater transparency, not an end point. The penalties for violations of the law must be

increased from \$500, where they have stood for decades. I also want better accountability when public bodies violate the law, not just “do overs.” In the event any other sections of this bill prove to deny Vermonters any of the access to public bodies that they already enjoy today -- including the new provisions regarding executive sessions for attorney-client advice and interviews to fill vacancies that some have claimed actually change rather than affirmatively reflect current law -- I am strongly committed to working with the Legislature, the Secretary of State’s Office, and all advocates to address such provisions during the next legislative session.

May 23, 2014

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