



All Wards NPA Meeting Agenda

Tuesday, December 9, 2025

5:30pm-7:30pm

Join in person: Contois Auditorium, 2nd floor City Hall, 149 Church St

Join virtually: <https://zoom.us/j/91083047703>

Facilitator: TBD **Note Taker:** TBD

5:30 Introductions | 5 min

5:35 VT Open Meeting Law Review | 25 min

- Presentation and Q&A with Assistant City Attorney Emmett Wood

6:00 Discussion: NPA Resolution Implementation | 30 min

- Jonathan Chapple-Sokol (Ward 1) and Barbara Turnbull (Dept. of Finance and Administration)

6:30 Discussion: Resolutions to present across all NPAs | 25 min

6:55 Building Civic Culture: What role can NPAs play? | 25 min

- Jason Van Driesche (Ward 5)

7:20 Next Steps | 10 min

7:30 Adjourn

VERMONT OPEN MEETING LAW



BURLINGTON
V E R M O N T

ERIK RAMAKRISHNAN, ESQ.
ASSISTANT CITY ATTORNEY



OVERVIEW OF THE OML

WHAT IS A PUBLIC BODY?



“[A]ny 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 or subcommittee 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.”

- 1 V.S.A. § 310(6)

WHAT IS A PUBLIC BODY?



“This means the open meeting law governs the meetings of local selectboards and school boards, planning commissions and development review boards, boards of civil authority and of abatement, auditors and listers, municipal public library trustees, cemetery and recreation commissions, and various other groups referenced in state statute or by a town’s charter. It also applies to the meetings of any committee or subcommittee that is created or empowered by a public body to do its work, no matter its size.”

- Secretary of State Guide to Open Meetings

WHAT IS A PUBLIC BODY?



What distinguishes a public body from a group responsible for the routine administration of an agency? A public body “*aids in the conduct of the people’s business*”.

Factors to consider include:

- Exercise of policymaking authority
- Delegation of power by governing body
- Answerable to governing body or to a chief executive officer
- Receipt of staff support

Animal Legal Def. Fund, Inc. v. Instit’l Animal Care & Use Comm. of UVM,
159 Vt. 133, 138 (1992)

WHAT IS A MEETING?



“[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.”

- 1 V.S.A. § 310(5)

This does **not** include ...

WHAT ISN'T A MEETING?



“[A]ny communication, including in person or through 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:

- (i) no other business of the public body is discussed or conducted; and*
- (ii) such a communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act[.]”*

WHAT ISN'T A MEETING?



“[O]ccasions when a quorum of a public body attends social gatherings, conventions, conferences, training programs, press conferences, media events, or otherwise gathers, provided that the public body does not discuss specific business of the public body that, at the time of the exchange, the participating members expect to be business of the public body at a later time.”

WHAT ISN'T A MEETING?



“[A] gathering of a quorum of a public body at a duly warned meeting of another public body, provided that the attending public body does not take action on its business.”

WHAT ISN'T A MEETING?



The deliberations of any public body in connection with a quasi-judicial proceeding, where “quasi-judicial proceeding” means:

- a proceeding governed by the Vermont APA, or
- *“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”.*

NOTE: “Deliberations” refers to the decision-making process, not the taking of argument or evidence from the parties.

- 1 V.S.A. §§ 310(3), (8), 312(e), (f)

WHAT ISN'T A MEETING?



“[S]ite inspections for the purpose of assessing damage or making tax assessments or abatements.”

- 1 V.S.A. § 312(g)

REQUIREMENTS OF A MEETING 1, 2, 3, 4

1. Held in public except for executive session.
2. Required notice given.
3. Minutes kept.
4. Reasonable opportunity for public to speak, so long as order is maintained.
(I.e., a public meeting is a limited public forum, and there can be rules of decorum reasonably related to the purpose of the forum.)

REQUIRED NOTICE



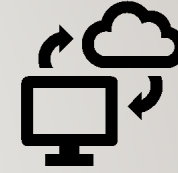
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- Post agenda 48 hours before regular meeting
 - Post agenda 24 hours before special meeting
 - Post online (if website exists), at municipal office, two other designated places in municipality, & on request
 - Not required before “emergency” meeting *“to respond to an unforeseen occurrence or condition requiring immediate attention by the public body”*.
 - Required for adjourned meeting if time/place not announced prior to adjournment.
 - Agenda must state where public can participate in-person and/or online in the meeting.
 - Per Secretary of State: *“In keeping with the law’s intent, an agenda should allow interested members of the public to be reasonably informed about what specific topics will be discussed, and what actions may be taken, at the meeting.”*
 - The agenda requirement is generally understood to mean that action should occur only on warned items.

ADDING ITEMS TO AGENDA



“If a public body wishes to add or delete an item from an agenda after it has been posted, it may only do so as the first act of business at the meeting. 1 V.S.A. § 312(d)(3)(A). We recommend that last-minute agenda items, especially those requiring board action, be added at a meeting only in an emergency. In other situations, a better practice is to handle items that were not included on the posted agenda at the next regular meeting or, if necessary, to call a special meeting so that the public gets notice of the item and has an opportunity to attend and participate. Other adjustments to the agenda, such as reordering agenda items, may be made at any time during a meeting. 1 V.S.A. § 312(d)(3)(B).” –Sec’y of State

“Our opinion is that the language in 1 V.S.A. § 312(d)(3)(A) does not give a public body free reign to alter a meeting agenda at the last minute. Instead, our advice is that once the deadline for posting an agenda has passed (48 hours in advance of a regular meeting and 24 hours in advance of a special meeting) items should only be added to that agenda when necessary to deal with an unforeseen occurrence or condition requiring immediate action.” -VLTC



SERIAL MEETINGS / GROUP ELECTRONIC COMMUNICATIONS

- Serial meetings are not expressly forbidden in Vermont, but the Secretary of State counsels against them.
- Passive receipt of information on a collective basis is not a meeting, but communication back-and-forth likely is in view of 1 V.S.A. § 310(5)(B).
 - ❖ Agenda setting vs. substantive
 - ❖ Email addresses in Bcc
 - ❖ Reminder not to hit “reply all”

ACTION MINUTES REQUIRED



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- Post five calendar days after meeting
 - Must include ONLY the following:
 - (A) all members of the public body present;
 - (B) all other active participants in the meeting;
 - (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. - 1 V.S.A. § 312(b)(1).

EXECUTIVE SESSION



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- Requires 2/3 vote
 - Requires separate motion re substantial disadvantage if re: contract negotiations, labor negotiations, arbitration/mediation, grievances (other than tax grievances), pending/probable civil litigation, or to confer with counsel.
 - Also available for: real estate negotiations, personnel/disciplinary matters, security/emergency matters, &c.



ACT 133 – HYBRID MEETINGS

ADVISORY BODIES



“[A] public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.” – 1 V.S.A. § 310(1)

Example: A planning commission in a town without zoning, such that the commission’s only function is to advise the Selectboard on the adoption, amendment, or repeal of a town plan.

NEW RULE: Subject to a request for access (discussed below), advisory bodies may meet entirely remotely.

WHAT IS A NON-ADVISORY BODY



A non-advisory body is a body that is not an advisory body. In other words, an advisory body has decision-making authority. Specifically, it can do one or more of the following: (1) adopt legislation, (2) hold quasi-judicial hearings, (3) make tax-related decisions, or (4) make budgetary decisions. If a body exercises any of these powers, it is non-advisory even if it spends nearly all its time advising a municipal governing body.

Examples include selectboards/city councils, boards of civil authority, a planning commission in a town that hears development review applications, DRBs, etc.

NEW RULES FOR NON-ADVISORY BODIES

- Can meet remotely, but must have a staffed designated location where members of the public can attend in-person (i.e., hybrid meeting).
- SHALL conduct meetings in hybrid format in response to a request for access.
- Meetings must be recorded and posted for at least 30 days after minutes approved.

REQUESTS FOR ACCESS



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- Made by member of body, resident of municipality, or the press.
 - For remote meetings of advisory body: request is to participate in-person from a designated location.
 - For in-person meetings of non-advisory body: request is to conduct the meeting in a hybrid format.
 - Request must be in writing at least two business days in advance.
 - No reason for request is required.
 - Must make a separate request for each meeting. No blanket requests.

DENIAL OF REQUEST FOR ACCESS



A request for access shall be granted unless:

- (1) A state of emergency or all-hazards event has been declared;
- (2) A “local incident” has occurred (defined below); or
- (3) Granting the request would result in “undue hardship”.

WHAT IS AN UNDUE HARDSHIP?



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- Compliance would be significantly difficult or expensive in light of the agency's available resources.
 - Agency has the burden of proof.
 - More likely to pass muster in a small town than in a larger city.

LOCAL INCIDENT - DEFINITION



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- “[A] weather event, loss of power or telecommunication services, public health emergency, public safety threat, received threat that a member of the public body believes may place the member or another person in reasonable apprehension of death or serious bodily injury, or other event that directly impedes the ability of a public body to hold a meeting electronically or in a designated physical location.” – 1 V.S.A. § 312a(a)(4).
 - Requires a written declaration by the highest ranking member of the public body.

LOCAL INCIDENT - IMPLICATIONS



In case of a local incident, “all-hazards” incident (defined in 20 V.S.A. § 2(1)), or declared state of emergency, the following apply:

- Meeting can be fully remote as befits the circumstances (e.g., in case of a blizzard that prevents driving to an in-person meeting).
- Meeting can be in-person even if hybrid otherwise required, as befits the circumstances (e.g., in case of loss of telecommunications services).
- In lieu of usual posting rules, meeting notice can be posted two designated places online or one designated public place and one designated place online.

ADDITIONAL MATTERS



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- New training requirements. See 1 V.S.A. § 312(k).
 - Post online a copy of the text of 1 V.S.A. § 314 (penalties and enforcement) and an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General.
 - New recording requirements w/ respect to informational meetings held prior to town meeting day. See 17 V.S.A. § 2640(b)(2).

Resolution Relating to

STRENGTHENING THE RELATIONSHIP BETWEEN THE CITY ADMINISTRATION, CITY COUNCIL, AND NEIGHBORHOOD PLANNING ASSEMBLIES (NPAS)

RESOLUTION 6.3

Sponsor(s): CDNR Committee
Introduced: 11/03/25
Referred to: _____
Action: adopted
Date: 11/03./25
Signed by Mayor: 11/04/25

CITY OF BURLINGTON

In the year Two Thousand Twenty-Five.....

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, the City Council has adopted a resolution that encouraged and supported the
2 establishment of Neighborhood Planning Assemblies in each of the city's wards; and

3 WHEREAS, the Neighborhood Planning Assemblies were intended to be open and accessible to all
4 voters of the city residing in a particular ward; and

5 WHEREAS, the responsibility for organizing the Neighborhood Planning Assemblies was originally
6 delegated to the Community and Economic Development Office (CEDO); and

7 WHEREAS, all residents of a particular ward are considered voting members of the
8 Neighborhood Planning Assembly for that ward; and

9 WHEREAS, each Neighborhood Planning Assembly has developed its own bylaws and meeting
10 operating procedures; and

11 WHEREAS, the Neighborhood Planning Assemblies were established to help provide city residents
12 with information concerning city programs and activities; and

13 WHEREAS, the Neighborhood Planning Assemblies were established to provide advice to the City
14 Council, the various city commissions, and city administration with respect to governmental decisions, the
15 allocation of revenues, and issues facing individual neighborhoods and the city as a whole; and

16 WHEREAS, the priorities, needs, and interests of city residents has evolved over time as the city has
17 grown and developed; and

18 WHEREAS, the City Council frequently considers matters of importance that intersect with the
19 interests and priorities of the Neighborhood Planning Assemblies; and

20 WHEREAS, the City Council and Neighborhood Planning Assemblies have a mutual interest to work
21 together for the benefit of city residents;

22 NOW, THEREFORE, BE IT RESOLVED that the City of Burlington and the Neighborhood
23 Planning Assemblies affirm the following principles:

- 24 • The NPAs are essential to the civic health of our community.
- 25 • The NPAs shall be open and accessible to all city residents and shall abide by Open Meeting Law.

* * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

ORIGINAL

RESOLUTION RELATING TO

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.....
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Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

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STRENGTHENING THE RELATIONSHIP BETWEEN THE CITY ADMINISTRATION, CITY COUNCIL, AND NEIGHBORHOOD PLANNING ASSEMBLIES (NPAS)

- 26 • The NPAs shall adhere to federal, state, and local laws regarding anti-discrimination, free speech, and
27 accessibility.
- 28 • The NPAs shall adhere to the provisions of their bylaws and decisions shall be made in a transparent
29 manner.
- 30 • The NPAs shall expend funds allocated to them by the City Council in a manner consistent with the
31 City's terms, conditions, and restrictions.
- 32 • The NPAs shall set the terms and conditions for their gatherings and shall determine their agendas and
33 priorities; and

34 BE IT FURTHER RESOLVED that CEDO or other City office charged with supporting the NPAs shall:

- 35 • Develop a standardized process in collaboration with the NPAs by which each NPA can communicate
36 a list of annual priorities to the City Council and City Administration.
- 37 • Consult with other relevant city staff to develop easily understood materials that outline the legal
38 requirements of the NPAs.
- 39 • Consult with other relevant city staff to review and update these materials as needed but no less than
40 every three calendar years.
- 41 • Collaborate with NPAs and other relevant city staff to ensure NPAs understand the legal requirements
42 of the NPAs.
- 43 • Include a representative, chosen by the NPAs to serve on hiring committees for staff roles
44 predominantly focused on supporting and liaising with the NPAs; and

45 BE IT FURTHER RESOLVED that the City Council acknowledges and agrees that:

- 46 • The NPAs play an important role in the city's deliberative process.
- 47 • The advice and counsel received from residents at NPA meetings is valuable and important to the
48 City's decision-making process.
- 49 • Individual City Councilors shall be encouraged to regularly attend NPA meetings in their respective
50 Ward or District; and

51 BE IT FURTHER RESOLVED that the City Council shall endeavor in good faith to consult with each

52 NPA on:

- 53 • Issues that impact NPA governance and structure before proceeding with resolutions and ordinances.
- 54 • Issues that disproportionately impact a particular area of the city.
- 55 • Matters identified by the NPAs as priorities for the current fiscal year.

* * * * *

ORIGINAL

DISTRIBUTION:

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RESOLUTION RELATING TO

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Adopted by the City Council

....., 20.....

..... Clerk

Approved....., 20.....

..... Mayor

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Resolution Relating to

STRENGTHENING THE RELATIONSHIP BETWEEN THE CITY
ADMINISTRATION, CITY COUNCIL, AND NEIGHBORHOOD
PLANNING ASSEMBLIES (NPAS)

- 56 • All development projects that require Major Impact Review.
- 57 • Redistricting and changes to ward boundaries and polling places.
- 58 • Proposed charter changes and ballot questions that appear on the Annual Town Meeting Day ballot.

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CDNR/Resolutions 2025/*Strengthening the Relationship Between the City Administration, City Council, and Neighborhood Planning Assemblies (NPAs)*
10/30/25

* * * * *

DISTRIBUTION:

I hereby certify that this resolution has been sent to the following department(s) on

Barbara Turnbull, DFA

ORIGINAL

RESOLUTION RELATING TO

Strengthening The Relationship Between The City Administration, City Council, And Neighborhood Planning Assemblies (NPAS)

Adopted by the City Council

November 3, 2025

Keenan Clerk

Approved Nov 4, 2025

Lori Olberg Mayor

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Attest:

Lori Olberg

Lori Olberg
Council and Licensing Coordinator

* * * * *

Burlington's Ward 1 Neighborhood Planning Association is writing in support of the Vermont School Redistricting Task Force's *Map for the Future: The Vermont Regional Education Model*. We feel the Task Force has objectively reviewed the data and Vermont's educational landscape and have created a process by which change can be made that will reduce costs while improving educational opportunity as well as maintaining Vermont's treasured local character.

They reiterate the well-understood and evidenced-based fact that district consolidation in and of itself does not save money, nor does it improve access to quality education. Rather, the Task Force identifies savings in BOCES-type structures that create the opportunity for districts to work together in the financial sphere as well as leave open paths to share student opportunities. Further, without a complete and complex overhaul of the whole States' school administrative structure, this creates a collaborative environment that can grow. And by being strategic and voluntary in consolidation, residents of Vermont's communities retain control over their destinies and only merge districts where true advantages are identified. Finally, a plan to create more regional high schools brings communities together and revitalizes our old and costly-to-maintain. It would also result in regional standardization of educational opportunity, to the great benefit of our children.

Please heed the product of the Task Force and recognize it as the work of a group of folks who are deeply committed to improving the educational landscape in Vermont.