

COMPLAINT OF ALLEGED OPEN MEETING LAW VIOLATION

Town of \_\_\_\_\_, Vermont

This complaint form may be used at the convenience of any person who wishes to lodge a complaint against a public body of the Town of \_\_\_\_\_, Vermont for an alleged violation of Vermont's Open Meeting Law. Pursuant to 1 V.S.A. § 314 any person aggrieved by a violation of that law must provide the public body with written notice that alleges a specific violation and requests a specific cure of such violation.

Complainant's Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone and/or email address: \_\_\_\_\_

BASIS FOR COMPLAINT AND REQUEST FOR CURE:

Public body that is alleged to have violated the law: \_\_\_\_\_

Please provide a statement of the alleged, specific violation of 1 V.S.A. § 310 et seq.:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide a specific request for an adequate cure of the alleged violation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You may attach addition sheets to this form if you need additional space.

Please submit this document in person to the Town Clerk, or to the Clerk, Secretary, or Chair of the public body against which this complaint is lodged. The complaint may also be mailed to:

Town of \_\_\_\_\_  
[Street/P.O. Box Address]  
[Town], VT [Zip Code]

The public body will respond publicly to a written complaint during the course of a public meeting held within 7 business days from receipt of the complaint. In responding to the complaint the public body must either:

- a) acknowledge the alleged violation and state an intent to cure within 14 calendar days, OR;
- b) state that the public body has determined no violation occurred.

In addition to the above, the public body may also respond the complaint by letter addressed to the complainant.

*NOTE: The public body may also decide to take no action at all, in which case its failure to respond to a written notice of alleged violation within seven business days will be treated as a denial of the violation.*

# RESPONSE TO COMPLAINT OF ALLEGED OPEN MEETING LAW VIOLATION

Town of \_\_\_\_\_, Vermont

**Any person aggrieved by a violation of Vermont's Open Meeting Law must provide the public body with written notice that alleges a specific violation and requests a specific cure of such violation. This form is meant to help a public body maneuver through the statutory requirements of responding to such a complaint. This form also includes a model letter which may be used by the public body to formally respond to the complainant in writing. Please note that the response letter does not take the place of a public response to the complaint, which is required by statute.**

Public body against which the complaint was made: \_\_\_\_\_

Name of complainant: \_\_\_\_\_

Date of receipt of written complaint: \_\_\_\_\_

Deadline by which public body must respond (seven business days from receipt): \_\_\_\_\_

## **STEP ONE:**

If the public body is to respond to the complaint then it must do so publicly within 7 business days of its receipt. The public body may decide not to respond in which case its failure to respond will be treated as a denial of the complaint for purposes of enforcement. If the public body is to respond, it should immediately contact the town attorney and call a special meeting of the public body, unless there is a regular meeting already scheduled to take place within 7 business days. Discussion of the complaint and any response to the complaint must take place in a duly-noticed regular or special meeting of the public body.

## **STEP TWO:**

During the regular or special meeting, the public body should discuss the written complaint and make the determination of whether a violation of the Open Meeting Law occurred. Depending on the circumstances, the public body may have authority to enter into executive session pursuant to 1 V.S.A. §§ 313(a)(1)(E) or (F). However, the town attorney or VLCT's Municipal Assistance Center should be consulted before any such executive session takes place.

## **STEP THREE:**

After making a determination of whether or not a violation occurred, the public body must either state that it has determined that no violation occurred and therefore no cure is necessary; OR acknowledge that there was an inadvertent violation and that it intends to cure that violation within 14 calendar days.

## **STEP FOUR:**

**If the public body determines that no violation occurred:** The public body should state the reasoning for its determination at the meeting. The public body may also respond formally to the complainant with a letter reciting its decision. (*See sample letter below.*)

**If the public body determines that an inadvertent violation occurred:** The public body has 14 calendar days after public acknowledgement to cure the violation. In order to properly cure the violation the public body must either ratify, or declare as void, any action taken at or resulting from a meeting in violation of the law. The public body must also adopt specific measures that will prevent a future violation of the law. These actions must be taken in a duly-noticed open meeting.

**MODEL LETTER TO BE USED BY A PUBLIC BODY RESPONDING TO COMPLAINT OF AN  
OPEN MEETING LAW VIOLATION**

Town of \_\_\_\_\_, Vermont  
[Street/P.O. Box Address]  
[Town], VT [Zip Code]  
[Name of the public body responding to the complaint]

[Date]  
[Name of complainant]  
[Street/P.O. Box Address]  
[Town], VT [Zip Code]

Dear \_\_\_\_\_,

***The public body must choose either Option One or Option Two to respond to the complaint.***

***OPTION ONE:***

The [name of public body] met and reviewed your complaint of alleged Open Meeting Law violation. Upon review of the complaint, the [name of the public body] has determined that no violation of the Open Meeting Law has occurred and therefore no cure is necessary. The [name of public body] has determined that no violation took place because [state the reasons the board made their determination].

***OPTION TWO:***

The [name of public body] met and reviewed your complaint of alleged Open Meeting Law violation. Upon review of the complaint, the [name of the public body] has determined that there was an inadvertent violation of the Open Meeting Law. The [name of public body] intends to cure the violation by [ratifying/declaring as void] the [vote / action] that [occurred at the meeting / occurred as a result of the violation]. [Explain and specify the measures the body has chosen to undertake to accomplish this requirement]. We have also adopted specific measures that will prevent future a violation of the Open Meeting Law by [explain and specify the measures the body has chosen to undertake to accomplish this requirement].

Sincerely,

[sign and insert printed name, title, name of the public body, and contact information]