



Changing The World

A Guide to Public Meetings

The world changes every day. Most of the changes that people can control occur in meetings, and in a democracy the most important meetings are public meetings. Knowing how to act and how to act effectively in public meetings increases your ability to change the world, or at least that part of it you inhabit.

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Introduction

Too many people attending public meetings waste their time and energy because they don't know how to prepare themselves or to present their points of view. Anger is not enough. The conviction that you have the answer is worthless unless you can persuade others to hear you and to take what you have to say seriously.

This pamphlet is designed to give you basic information on public meetings in Vermont. There aren't many formal rules on public meetings beyond the Open Meeting law and the laws on public notice, but there are things you should do to make

yourself heard in public meetings. Effective public meeting behavior doesn't come naturally; it needs to be learned.

The most useful preparation for a public meeting is attendance at one or more sessions before you plan to speak. In this way you can see how the meeting is conducted, at what point in the meeting citizens may speak, and understand how your comments will fit into the format of the meeting.

Don't underestimate the power you have as a citizen, voter or taxpayer. Sometimes it's easier to believe you can't change the world, that decisions are being made by nameless others who could care less about your opinion, but in most cases that's simply not true. Too often the most important meetings have the fewest people in attendance, and those who do attend have an impact far in excess of the proportionate share of power they have been allotted in this democratic system.

Different Types of Public Meetings

All meetings fall into one of two categories--those where you have a vote and those where you have a right to speak but not to vote. If you are on the checklist, you may vote at town meeting, town school district meeting, fire district meeting, and a dozen other types of meetings. These are the most important public meetings.

Then there are the meetings at which you cannot vote. You have rights, but unless you are a member of the board or committee, your role is more limited. These kind of meetings are the most common, from meetings of committees of the state legislature to meetings of local legislative bodies--the board of selectmen or the school board. Every municipality to which you belong has a legislative body. The solid waste district has a board of supervisors. The fire district has a prudential committee. The incorporated village has a board of trustees. With two limited exceptions, the meetings of these bodies are open to the public and must provide an opportunity for citizens to express their opinions at some time in the public session.

In some meetings, you have a right to participate as a party. If your land abuts that of an applicant for a variance, for instance, you can present evidence and cross-examine witnesses at the public hearing before the zoning board of adjustment.

On the next few pages we treat each of these types of meetings separately, so that you will know in advance what your rights are and what to expect from those who run the meeting.

Your Rights in All Public Meetings

If a meeting is public, you have a right to public notice. You also have a right to participate in a public comment period. You have a right to any public documents that are considered at the meeting, as well as the minutes that are prepared following the meeting.

Public Notice

No board, commission, or municipality may hold a meeting without first giving the public notice.

1. Meetings of the voters of a municipality require notice, usually with three public postings at least 30 days before the meeting and newspaper notice at least five days before the meeting. Each item of business to be transacted at the meeting must be written out on the warning for the meeting.
2. Regular meetings of the board of selectmen or school board--meetings held on the same day each month, for instance--are warned only by a resolution of the board at its annual organizational meeting. Ask the town clerk or any member of the board when the board meets.
3. Special meetings of most boards require at least 24 hours notice by posting the time, date, place and purpose of the meeting in at least three public places. Notice must also be given (not purchased) to a newspaper or radio station, and to any reporter who requests such notice in writing annually.
4. When a planning commission or a zoning board holds a public hearing, the time, place and purpose must be advertised in a newspaper at least 15 days before the meeting. Notice must be posted at least once in the municipality as well. The same notice is required for the board of selectmen holding a public hearing on a proposal to adopt or amend a municipal plan or zoning bylaw, but a copy or concise summary of the proposal must accompany the ad.

Your Rights to Speak or Act at a Public Meeting

1. At a meeting of the voters of the municipality, any voter may speak after being recognized by the moderator. The meeting may impose rules on the length of time you may speak and how often a voter may speak on the same issue. You may also make motions, such as an amendment germane to the article as warned.
2. At a meeting of a legislative body, such as the school board or board of selectmen, a public comment period must be held during which any member of the public may address the board. At school board meetings, you also have a right to an answer in writing to any question you raise, if it relates to the business of the board at that meeting.

3. If you are a party to a hearing, you have a right to personal notice, an opportunity to present your side of the case and to cross-examine the witnesses of other parties. You also have a right to appeal the decision to the courts in most instances.

Party Status

For instance, you are a party if:

1. You own land on either side of a highway that is to be laid out, reclassified or discontinued by the board of selectmen.
2. You own land abutting property that is the subject of a zoning variance application or conditional use permit before the zoning board of adjustment, or a site plan review or subdivision plat approval before the planning commission.
3. You are appealing your tax assessment to the board of civil authority, if you have first grieved to the listers.

Executive Sessions

Boards and commissions may enter executive session in extreme cases. It takes a motion from one of the members specifying the reason for entering closed session. For municipal public bodies, a majority vote of the entire number of members of the board is required. For state bodies, two-thirds of all members must vote to enter executive session.

A board or commission may enter executive session only for one of the following purposes:

- Discussing contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage.
- Negotiating or securing of real estate purchase options.
- Appointing, employing or evaluating a public officer or employee.
- Taking a disciplinary or dismissal action against a public officer or employee; this condition does not impair the right of such officer or employee to a public hearing if formal charges are brought.

- A clear an imminent peril to the public safety exists.
- Discussing or considering records or documents excepted from the access to public records provisions of section 317(b) of Title 1. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains.
- Discussing or considering the academic records or suspension or discipline of students.

Preparing for the Meeting

Call the chairman or a member you may know and discuss how the decision you care about will be decided--what factors are important, what information would be useful to the members, when the decision will be made, and when you can address the board on your position. Note: You may participate in this manner in any meeting except those involving parties--the so-called quasi-judicial hearing, such as decisions on permits and variances before zoning boards.

Ask members how they feel about the issue and if they know how they might vote if the meeting were held today. Ask when the public comment period will be held, and how you can get on the list to speak before the board takes any action on the matter. Ask how long you have to speak, and nail down a commitment if possible from the board members that they will hear what you have to say before forming any final opinion on the decision.

Collect information about the board. Study the minutes and past decisions of the board, especially on related issues. You may arrange for copies of any public record.

Talk to the board's clerk and other staff, former members, and others who have had experience with the board, to learn its character and biases.

Assess the opposition. Try to learn who holds a different position than your own, and talk to them about why they hold that position. If you can't persuade them of your own position, at least you can learn what arguments they are using that you will need to rebut.

Assess your own community support. Who else believes as you do? Will they be at the meeting? Call and muster out the troops. Can you coordinate your positions? Think about circulating a petition containing the signatures of others who believe as you do. Can you enlist the support of a local legislator or elder who has the respect of the community to speak on behalf of your position?

Collect information about the issue. Use your library and those of knowledgeable organizations to gather the documents that will help strengthen your position. Don't forget the state associations and state offices as resources.

Write out your position and support it with references. This exercise will help you articulate your point of view and strengthen your ability to persuade the board of the wisdom of your position. Make enough copies for every member of the board and distribute them at the meeting.

Try it out on your family and friends, not only in written form, but aloud, to ensure that your delivery is appropriate to the board, the environment of the room, and the quality of the debate. A carefully-thought out presentation that is not too long is more effective than the opposite.

Arrive early and put your name on the list of those who will speak during the public comment period.

Speak clearly and loud enough for everyone to hear, using notes if necessary but speaking as much in your own words as possible, as opposed to reading a prepared statement. If reading is necessary, don't be afraid to do so. In your presentation, keep the message simple and direct, and don't be afraid to repeat what you want as specifically as possible at the beginning and again at the end, to be sure that the board gets your message.

Be ready for questions from the board; be ready with your answers to those questions. Speak sincerely, without rancor or sarcasm. Treat your opponents, as well as the board, with dignity and respect.

If the decision isn't made at that meeting, follow up your presentation with a letter thanking the board for the opportunity to speak. Restate the main points of your position, and offer the members an opportunity to ask you for further information or research to support your position. Ask politely to be informed of other meetings of the board where the subject may come up.

Try to ensure that the decision that is made is as specific as possible. If it goes against you, you want to preserve the opportunity of addressing the issue again in another forum or meeting and arguing that no true precedent was decided in this decision.

Once the decision is made, if it is not in your favor, ask the board members what persuaded them to vote in the way they did. Don't blame them for making a mistake; you may be back again soon with another cause. If you've won, stay humble and show your gratitude openly, perhaps by dropping by the next meeting to thank the members publicly for their wisdom and cooperation.

Public Records

In government most records are public. The law must indicate which records are not public. So if you ask for copies of a document and are denied, ask the custodian in writing to explain what section of law justifies refusing to make it public. If necessary, after consultation, think about testing this conclusion before the superior court of your county. The court is obliged to drop everything except what it considers more important and hear these matters.

You can expect to receive copies of salaries, employment contracts, minutes, letters, lister's cards, and decisions of boards. You can expect that information on taxes (except property taxes) paid by public officials is confidential, as well as personnel records, student records, and material relating to litigation.

The law on what's public and what's not is 1 V.S.A. §§ 316-320. Ask the town clerk to look up the law and make you a copy.

If a record is public and the town has a photocopier, expect to pay the actual cost of copies of minutes. Deeds and vital records have higher, per page fees set by law. There may also be a charge for using the public records in the town clerk's office. Ask the clerk before starting any research.

Arousing Public Concern

There are many ways of spreading the word about your position. You could, for instance, write a short, clear letter to the editor of your local paper. You could circulate a petition to show the board how many people support your position. Sometimes, as in the adoption of ordinances, a petition can also suspend the action of the board of selectmen and bring the question to a vote of the electorate. Call your state representative, state senators, state officials, or the Governor's action line. Rally your forces. Print a newsletter. Organize committees regionally. Convince other organizations to adopt resolutions in support of your position.

You can see where this is leading. Taking a position often involves more than a little personal commitment of time and energy to the cause. It is an excellent way of learning about government and public life, and it can be very fulfilling, even if your efforts don't meet with complete success.

Don't get discouraged. You do have more power than you think you have. That doesn't mean you're invincible. But maybe, when it's over, you will have changed the world, and that, above all else, will make the sacrifices you have made for your position worthwhile.

For More Information

Robert's Rules of Order (newly Revised 1990) is the most important source there is for town meeting. Your annual town report is also essential reading.

For zoning and planning decisions, you should try to read and understand the law directly. It's found in *Title 24, Chapter 117 of the Vermont Statutes Annotated*. Visit your town clerk for copies of this and don't forget to read the pocket insert in the back of the volume for the most current law on the subject. For technical questions about zoning and planning, consult your local zoning administrator or regional planning commission.

For individual boards and commissions, their minutes, rules of procedure, bylaws, and the laws that govern them are basic information. Often a state agency has a booklet or pamphlet that helps explain the process more fully.

Contact the Vermont Institute for Government (phone number and address are given below) for direction on the names and numbers of local and state officials to contact for more specific information on any of the information contained in this brochure.

The material found in this section was produced by the Vermont Institute for Government (VIG). VIG is a non-profit corporation dedicated to improving educational opportunities for local officials and the public on how government works. It consists of representatives from each of the major groups in Vermont that offer such training.

For more information Contact: Vermont Institute for Government, R.R. 4, Box 2298 Montpelier, Vermont 05602. Phone: 802-223-6500