

Can a Local Public Body Meet Remotely Due to a Storm?



Yes. All local public bodies, whether advisory or not, can meet remotely (without designating a physical meeting location) if they can't meet at their regular meeting place due to either a declared state of emergency or a local incident.

In 1 V.S.A. § 312a(a)(4), Vermont's Open Meeting Law defines a "local incident" as:

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.

Before meeting remotely in response to a local incident, **the highest ranking elected or appointed officer of the public body** (i.e. the chair, or the vice-chair if the chair is not available) **must make a formal written finding and announcement of the local incident, including the basis for the finding.** The law doesn't specify how such a finding is made or announced, but, given the context and the intent behind the law, we would recommend that the presiding officer write down that they believe a local incident exists, along with their reasons why, and include this finding in the notice for the meeting (see below). These written findings should be permanently retained.

It's also possible that a local incident will impede a local public body's ability to meet electronically. When that occurs, the affected public body may meet exclusively at a designated physical meeting location.

In order for a public body to meet remotely in response to a local incident, it will need to:

1. use technology that permits the attendance and participation of the public through electronic or other means;



2. allow the public to access the meeting by telephone;
3. post information that enables the public to directly access and participate in meetings electronically and include this information in the published agenda for each meeting; and
4. if applicable, publicly announce and post a notice that the meeting will not be held in a hybrid fashion and will be held either in a designated physical meeting location or through electronic means.

An affected public body must post its meeting notices and agendas in or near the municipal clerk's office and provide a copy of each notice or agenda to the newspapers of general circulation for the municipality at least 24 hours before the meeting. Emergency meetings held in response to a local incident may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice is given as soon as possible before any such meeting. Emergency meetings, however, may only be held when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

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