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MEMO

TO: Burlington City Council

FROM: Kenneth A. Schatz, Esq., City Attorney *KAS*

RE: Report from Ad Hoc Committee on the Use of Executive Sessions

DATE: February 9, 2011

As I began to prepare an amendment to the city council rules regarding executive sessions as requested, and re-read 1 V.S.A. Sec. 313, I discovered that I was mistaken with regard to the vote necessary to go into executive session. State law requires a 2/3rds majority for a State public body to go into executive session. However, the law is clear that only a majority vote is required for a municipal public body to go into executive session.

“§ 313. Executive sessions

(a) No public body described in section 312 of this title may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of state government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. (emphasis added)”

After informing the Committee, I have attached a revised Committee Report that correctly refers to the majority vote requirement. I apologize for my error.

lb/c: KAS 2011/City Council re Revision to Report from Ad Hoc Com. on Use of Executive Sessions