

November 18, 2020

To Meredith Dolan and the Village Trustees of Johnson,

After careful review of VT Statute 1 V.S.A. § 312(a), consultation with the Vermont League of Cities and Towns (VLCT), and the VT Secretary of State's Office, we the undersigned believe that a violation of Open Meeting Law occurred on October 13<sup>th</sup>, 2020.

Please see the excerpts below:

<https://sos.vermont.gov/media/vpnbxckz/a-guide-to-open-meetings-january-2019.pdf>

“Members of the public also have the right to participate in public meetings. Specifically, public bodies must give members of the public a reasonable opportunity to express their opinions on matters being considered by the body at an open meeting. 1 V.S.A. § 312(h). Many boards allow public comment at the start of the meeting, while others place it as the final agenda item. Some boards allow public comment whenever anyone present has something to add to the discussion. We believe it is a best practice to allow the public to comment on each item as the board proceeds through the agenda.”

[Vermont's Open Meeting Law | Vermont League of Cities and Towns](#)

“Transparency is an essential element of open and democratic government. In Vermont, the primary means of providing transparency are the State’s open meeting law, 1 V.S.A. §§ 310-314, and the public records law, 1 V.S.A. §§ 315-320. These laws implement the command of Chapter I, Article 6 of the Vermont Constitution that officers of government are “trustees and servants” of the people and are “at all times, in a legal way, accountable to them.”

The Open Meeting Law clearly emphasizes the openness of and accessibility to government. It declares that “All meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].” 1 V.S.A. § 312(a). The Open Meeting Law and its requirements are meant to empower the public to play an effective role as not only an active participant in government but also a check on it as well.”

It is on record that members of the public, at least four of whom are village residents, were wrongfully excluded from participating in the public meeting on October 13<sup>th</sup>. The VT Supreme Court has said that the Open Meeting Law protects the public’s “right to be present, to be heard, and to participate.” *State v. Vt. Emergency Bd.*, 136 Vt. 506 (1978). This exclusion of public voices is a violation of State Statute, **which ultimately and effectively nullifies all actions taken by the board at the improperly conducted meeting on October 13<sup>th</sup>, 2020.**

We ask that a meeting be held with the same agenda items as the October 13<sup>th</sup> meeting, to be warned and held compliant with the Vermont Open Meeting law.

Respectfully,

Diane Lehouiller, Pam Aupperlee, Rick Aupperlee,

Lynda Hill, Jane Nuse, Kyle Nuse, Cal Stanton,

Sophia Berard, Jackie Stanton, Margo Warden, & Jasmine Yuris

(No email addresses available for Stephen Hatfield or William Jennison)