



## VILLAGE OF JOHNSON

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February 5, 2021

Re: February 1, 2021 Open Meeting Law Complaint

Dear Complainants:

I write in response to your February 1, 2021 email on behalf of the Board of Trustees. In your complaint, you state:

“As the Village Trustees were preparing to go into executive session, Village Manager Meredith Dolan said “Everybody who’s not a trustee, please leave the meeting and I will let folks know tomorrow if a decision has been made.” Members of the public were asked to leave the meeting prior to the conclusion of the meeting.”

“Due to Open Meeting Law being violated, we the undersigned claim that all actions taken by the board at the improperly conducted meeting on January 19<sup>th</sup>, 2021 are ultimately and effectively invalid.”

“Further, we suggest a special meeting be held so the final decision of appointments be done in a public meeting in compliance with Open Meeting Law, as well as a cure of all Village Trustees and the Village Manager attend the Municipal Assistance Center Onsite and Digital Training, (<https://www.vlct.org/mac-onsite-training>) since there appears to be a pattern of violations.”

At the January 19, Trustee meeting, the Board interviewed two candidates for an interim Trustee position in open session. The Board had included a possible executive session on the warned meeting agenda for the purpose of discussing the appointment of a public officer as allowed by 1 VSA § 313(a)(3). At the conclusion of all other agenda items, the Board moved to go into Executive Session, which required all those who were not Trustees or the Village Manager to exit the meeting. Prior to the motion to go into Executive Session, the Board Chair inquired whether any members of the public had any further comments and gave the public the opportunity to comment further. Several members of the public took the opportunity to offer additional comments. It was only after all members of the public in attendance had been given an opportunity to comment that the Board moved to enter Executive Session. Asking members of the public to leave the meeting before the Board entered Executive Session had no actual impact on the public’s ability to offer comment.

As the meeting minutes reflect, the Board came out of Executive Session and then a motion was made regarding the appointment of an interim Trustee. The minutes include the specific motion as well as the breakdown of how each Trustee voted on the motion.

***“7. Executive Session for Appointment of a Public Officer***

**Will moved to go into executive session for appointment of a public officer pursuant to 1 V.S.A. § 313(3), Athena seconded, the motion was passed and the board went into executive session at 7:04. The board came out of executive session at 7:25.**

***8. Vote to Appoint Interim Trustee***

**Will move to appoint BJ Putvain as interim trustee, Athena seconded and the motion was passed in a roll call vote with Will, Athena, and Scott voting in favor and Steve opposed.**

***9. Adjourn***

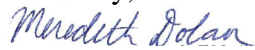
**Will moved to adjourn at 7:29, Steve seconded and the motion was passed.”**

The use of zoom to conduct virtual meetings makes it challenging to enter Executive Session, where the public has to disconnect from the virtual meeting, and then effectively the meeting organizer must invite the public back to an open session. In a previous Village Trustee meeting in 2020, when it was anticipated that there would be further discussion after the Executive Session, the public was told to rejoin the meeting after a certain amount of time. However, in the instance of the January 19, 2021 meeting, no additional discussion in open session was anticipated, nor did it occur. The only action that occurred after the Board came out of Executive Session was the motion and vote on the appointment of an interim Trustee, a topic on which the public had already had the opportunity to comment on.

I acknowledge that the Open Meeting Law requires that actions must occur in open session. Therefore, going forward, I expect the Board will always set a time for members of the public to rejoin a meeting after Executive Session unless the only action that will be taken after Executive Session is a motion to adjourn the meeting. Additionally, while public comment was not limited due to requesting the public to disconnect from the meeting prior to entering Executive Session and while all actions taken by the Board were done in open session and accurately recorded in the meeting minutes, I anticipate the Board will take another vote on the appointment of the interim Trustee at the beginning of their February 8, 2021 meeting.

Regarding your request for a special meeting, I do not believe that is necessary as the vote on the appointment of the interim Trustee can be easily accomplished at the regular Trustee meeting on February 8, 2021. Regarding your suggestion of Open Meeting Law training, I anticipate that is something the Board will discuss at an upcoming Trustee meeting.

Sincerely,



Meredith Dolan  
Village Manager