



VILLAGE OF JOHNSON

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November 28, 2020

Re: November 18, 2020 Open Meeting Law Complaint

Dear Complainants:

I write in response to your November 18, 2020 email on behalf of the Board of Trustees. The core request of your email is as follows: "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 13th. 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 13th, 2020.** We ask that a meeting be held with the same agenda items as the October 13th meeting, to be warned and held compliant with the Vermont Open Meeting law."

Several Trustee meetings prior to the October 13, 2020 meeting lasted hours beyond their scheduled time, making it difficult for the Board to conduct Village business and attend to all matters on the warned agenda. With the goal of conducting an orderly and efficient meeting, the Board sought to set reasonable rules for the meeting. However, on behalf of the Board, it was not appropriate to limit public comment at the October 13th meeting. Accordingly, the Board will accept public comment from anyone, Village resident or non-resident, who attended the October 13th meeting and believes they were wrongly excluded from participating in the meeting at the December 14, 2020 Board of Trustees meeting. There is no remedy in the Vermont Open Meeting Law that would nullify the actions taken by the Board of Trustees at the October 13th meeting. Nevertheless, under 1 V.S.A. § 314(b)(4), the Trustees will place an item on the December 14, 2020 agenda to consider ratifying the actions taken at the October 13th meeting.

I acknowledge that the Open Meeting Law requires that the Board allow members of the public to comment, subject to reasonable rules, and the Law does not limit participation just to residents of a municipality. Accordingly, moving forward, I expect the Board of Trustees will allow attendees a reasonable opportunity to express their opinion on matters considered by the Trustees, so long as order is maintained, and subject to reasonable rules established by the chairperson, all in accordance with 1 V.S.A. § 312(h).

Sincerely,

Meredith Dolan
Village Manager