



TOWN OF CALAIS

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From: Calais Selectboard
Response to Open Meeting Law Complaint 4.17.2024
April 22, 2024

By correspondence dated April 17, 2024, Dorothy (Dot) Helling submitted to the Town a document entitled “Notice of Violations,” with supporting documentation, in which she alleges certain specific violations of the Vermont Open Meeting Law by the Selectboard at its March 25, 2024, meeting. The Notice of Violations also requests specific cures of those violations. Having reviewed the Notice of Violations and related documents, carefully considered Ms. Helling’s assertions, and consulted with legal counsel, the Selectboard has determined that no violation of the Open Meeting Law occurred and that no cure is necessary, except as specifically acknowledged below.

In Item 4 of her Notice of Violations, Ms. Helling alleged that the Selectboard “did not explain the reasons for its vote on the record when it came out of executive session as required by law.” The approved minutes of the March 25, 2024 Selectboard meeting indicate that the Selectboard unanimously approved “a motion to go into Executive Session at 8:45 pm with Kari Bradley under 1 VSA Section 313 (a) (3) [to consider] the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting; Appointments, Employee Compensation.” The minutes further indicate that following the executive session, as its last act before adjourning the meeting, the Selectboard approved a motion to appoint certain persons to the Town’s Development Review Board (DRB), it did not “explain the reasons for its final decision during the open meeting.” The Selectboard acknowledges that this was a violation of 1 V.S.A. § 313(a)(3) — the Board should have provided reasons for its final decision at the open meeting before adjourning, as the statute requires.

The Selectboard cured the violation by ratifying the above referenced vote to appoint DRB members, and by providing reasons for its final appointment decisions, during our April 22 open meeting. In accordance with 1 V.S.A. § 312(h), the public was given a reasonable opportunity to express its opinion on the matters considered by the Selectboard during the meeting, including the DRB appointments and the reasons therefor, provided order is maintained. Public comment was subject to reasonable rules established by the Chair.

In addition, the Selectboard will ask that the Town’s legal counsel provide it with guidance regarding appropriate steps for considering the appointment, employment and/or evaluation of a public officer or employee under § 313(a)(3). The board will amend its rules of procedure to incorporate guidelines to ensure that, after exiting an executive session to consider the appointment, employment or evaluation of a public officer or employee, the Board explains the reasons for its final decision(s) to hire or appoint during the open portion of the meeting. The amendment will be reviewed and discussed at an open meeting before final adoption and will be subject to public comment.