## May 16, 2025

## By Email Only: adrienne.williams@trsu.org

Adrienne Williams, Chair Board of Directors Green Mountain Unified School District

Chester, VT 05143

Re: Open Meeting Law Violation

Dear Ms. Williams:

On May 15, 2025, the GMUSD Board of Directors twice violated Vermont's Open Meeting Law (OML).

First, the Board violated 1 V.S.A. § 313(a), when the school board went into executive session for an impermissible purpose. No exception to the open meeting requirement exists for the purpose of establishing the procedure for the conduct of candidate interviews. Prior to interviewing the two candidates for the vacant position on the board, the board when into executive session to discuss how to conduct the interviews. The board then came out of executive session. The interviews then proceeded. When the board went into executive session a second time to deliberate, they properly invoked § 313(a)(3).

However, the Board violated 1 V.S.A. § 313(a) a second time, and § 313(a)(3), when they made a final decision in executive session and announced their decision in open session after exiting the executive session.

The statute provides that "[a] public body may not hold an executive session except to consider ... the appointment ... of a public officer ..., provided that the public body shall make a final decision to hire or appoint a public officer ... in an open meeting and shall explain the reasons for its final decision during the open meeting." 3 V.S.A. § 313(a)(3). See also, 1 V.S.A. § 313 (a) which provides in relevant part that "[n]o formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options ..."

As you know, the public body went into executive session for the express purpose of considering the appointment of one of two candidates to fill a vacancy on the school board. Instead of making a final decision to appoint or not appoint in an open meeting, the board exited the executive session with a fully formed public statement which was read by one of the board members. This was a blatant violation of Vermont's OML.

To be clear, two decisions were impermissibly made behind closed doors: 1) the board made the decision not to appoint either candidate (although one of the candidates was clearly qualified); and 2) the board made the decision to send the matter back to the Selectboard (in derogation of their statutory obligation "to appoint an eligible person to fill the vacancy." 16 V.S.A. § 731(a)(1)).

Because the board went into executive session for an impermissible purpose and made a final decision in executive session, the GMUSD Board of Directors is in violation of Vermont's Open Meeting Law.

I will look forward to a response within 10 calendar days.

Thank you.

Sincerely,

Marilyn A. Mahusky, Chester

Heather Chase, Chester

Robert Nied, Chester

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