

SEVEN DAYS

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To the Burlington City Council:

This a formal complaint filed on behalf of *Seven Days* newspaper in relation to the council's actions during its special meeting on Tuesday, September 8, 2020.

Your decision to invite some members of the public into an executive session to discuss a personnel matter involving city employees violated Vermont's open meeting law, specifically 1 V.S.A. § 313.

When bringing the protest organizers behind closed doors, the council cited "persons who are subjects of the discussion or whose information is needed" — 1 V.S.A. § 313 (b). Nothing presented publicly suggested that the protesters possessed any privileged information regarding the conduct of the three police officers they have been demonstrating against.

Councilor Jack Hanson's proposal to bring members of the public behind closed doors drew sharp rebukes from members of the council itself, including Chip Mason and Franklin Paulino, both of whom are practicing attorneys.

Despite that, the council voted to enter into, and then participated in, an illegal executive session. Such a move is deeply concerning to this newspaper and government transparency advocates. How can Burlington residents trust their elected officials when the council so cavalierly, and overwhelmingly, chose to go behind doors in a manner that violated the law? And how can the council choose to discuss the matter with some constituents while shutting out the rest of the community?

The long-standing controversies involving the actions of some Burlington police officers and its command staff, as well as the ongoing nightly protests, make this an issue of intense and ongoing public concern. By holding these conversations in

private, the public was deprived of the opportunity to express opinions on government issues. 1 V.S.A. § 312 (h).

To remedy this egregious decision, this newspaper demands that the council release the names and titles or affiliations of every person who entered the executive session; how long the members of the public were allowed to participate in the closed-door meeting; and what topics of conversation were discussed. Per 1 V.S.A. § 313 (1), we request an explanation of how having the protesters testify in public would have "put the city at a substantial disadvantage" in the personnel matter, as described in the motion to enter the executive session.

We also seek any notes, memos or minutes taken of the session.

Further, we demand that the council immediately discontinue its abuse of executive session and conduct trainings on the open meeting law to ensure this does not happen again. It was quite clear that members of the council did not respect the core purpose of the law — "to give public exposure to government decision-making." *Valley Realty & Dev., Inc. v. Town of Hartford*, 165 Vt. 463, 468 (1996). A decision by the council to commit itself to transparency and adherence to the law would go a long way in regaining the trust of the public.

Thank you for your prompt attention to our concerns. Please reach out with any questions.

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