

DRAFT Equity Advisory Group Meeting Agenda

January 11, 2024

1 PM – 4 PM

[Virtual Meeting Only – GoTo Meeting Platform](#)

- Welcome
- Review agenda – opportunity for members to add agenda items
- PUC to share status of work on the Clean Heat Standard
- Review and input on staff draft procedures (current draft incorporates public comments)
- Discuss officers and roles
- Input on draft 23-2220-RULE schedule¹
- Discuss funding streams²
- Discuss heating-related programs offered by members' organizations³
- Set a standing meeting time
- Opportunity for Public Comment
- Adjourn

¹ Relevant information can be found in [ePUC](#); see Commission Order “Procedural Order Requesting Comments” and “Other Attachment” issued on 12/21/2023 in Case No. 23-2220-RULE.

² Relevant information can be found in [ePUC](#); use the topic tag “9 Other” to find relevant materials in Case No. 23-2220-RULE. The transcript from the 12/19/2023 Funding Streams Workshop can be found under the “Transcript” drop down in the “All Other Documents” tab.

³ As it relates to 30 V.S.A. § 8124(d)(5), Commission staff is interested in what heating-related programs are currently offered in Vermont and what specifications qualify people as eligible to participate in them.

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PROCEDURE FOR THE CLEAN HEAT STANDARD EQUITY ADVISORY GROUP

I. Scope and Purpose

- A.** Act 18 of 2023 directs the Vermont Public Utility Commission (“Commission”) to establish an Equity Advisory Group that will assist the Commission in ensuring that an equitable share of clean heat measures is delivered to low- and moderate-income Vermonters and that heating fuel remains affordable for people who cannot immediately install such measures. This document establishes the Procedure for the Equity Advisory Group.

II. Duties of the Equity Advisory Group

- A.** Pursuant to 30 V.S.A. § 8129(a), the Equity Advisory Group is charged with assisting the Commission in developing and implementing the Clean Heat Standard in a manner that ensures an equitable share of clean heat measures are delivered to Vermonters with low income and moderate income and that Vermonters with low income and moderate income who are not early participants in clean heat measures are not negatively impacted in their ability to afford heating fuel. Its duties shall include:
- i. Providing feedback to the Commission on strategies for engaging Vermonters with low income and moderate income in the public process for developing the Clean Heat Standard program;
 - ii. Supporting the Commission in assessing whether customers are equitably served by clean heat measures and how to increase equity;
 - iii. Identifying actions needed to provide customers with low income and moderate income with better service and to mitigate the fuel price impacts calculated in Section 8128 of Title 30;
 - iv. Recommending any additional programs, incentives, or funding needed to support customers with low income and moderate income and organizations that provide social services to Vermonters in affording heating fuel and other heating expenses;
 - v. Providing feedback to the Commission on the impact of the Clean Heat Standard on the experience of Vermonters with low income and moderate income; and
 - vi. Providing information to the Commission on the challenges renters and residents of manufactured homes face in equitably accessing clean heat measures and recommendations to ensure that renters and residents of manufactured homes have equitable access to clean heat measures.
- B.** Pursuant to Section 6(k) of Act 18, the Equity Advisory Group must deliver:
- i. A report on equity issues: on or before January 15, 2025, the Equity Advisory Group shall report to the General Assembly on the Group’s findings from the review of issues under 30 V.S.A. § 8129(a).
- C.** Respond to requests for input from the Commission.
- D.** The Equity Advisory Group, in consultation with the Commission, will prioritize and sequence its work to effectively complete its duties.

III. Membership

This is a STAFF DRAFT PROPOSAL that has not been reviewed by the Commissioners. This is for discussion purposes only and should not be understood to be the position of the Commission.

- A. The Equity Advisory Group will consist of up to 10 members appointed by the Commission consistent with 30 V.S.A. § 8129(b). Each person appointed to the Equity Advisory Group by the Commission will be a voting member. Because of the unique expertise and perspectives of each member, regular attendance by all group members at the meetings is expected.
- B. The appointees from government entities explicitly named in 30 V.S.A. § 8129(b) may designate another staff member from their organization to serve as a full voting member of the Equity Advisory Group in their place. To designate another staff member, the named Equity Advisory Group member must inform the Chair and support staff ahead of the meeting, and the designation must be noted at the beginning of the meeting. Long-term changes in appointees must be approved by the Commission.
- C. Members of the Equity Advisory Group may be removed by the Commission for cause, which may include poor attendance or unprofessional conduct. Poor attendance will be defined as missing three meetings during the course of a year.
- D. Non-Member Participants. Equity Advisory Group members may be joined by additional experts on behalf of their organizations. These experts will be non-voting and have a consultative role only. Equity Advisory Group members should provide notice of experts joining on behalf of their organizations to the Chair and the support staff.

IV. Term Length

- A. The term of service for Equity Advisory Group members will be up to two years from the date of appointment. Per 30 V.S.A. § 8129(c), “[t]he Equity Advisory Group shall cease to exist when the initial Clean Heat Standard rules are adopted.”
- B. A member of the Equity Advisory Group may resign by submitting a letter of resignation to the Commission.
- C. When an Equity Advisory Group member position is open, the Commission will determine whether to fill that position, and if so:
 - i. Notify parties of the vacancy;
 - ii. Accept and review motions to consider nominations to fill the seat that comply with the designations established in 30 V.S.A. § 8129(b); and
 - iii. Appoint a qualified member as soon as is practicable.

V. Compensation

- A. Members who are not otherwise compensated by their employer are entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010(b).
- B. Advisory group members must inform the Commission that they are eligible and interested in claiming per diem compensation. Members may submit per diem and other reimbursable claims to the Commission monthly reflecting the amount of compensation authorized under 32 V.S.A. § 1010(b)(2).

VI. Quorum & Voting

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- A. A quorum of the Equity Advisory Group will be seven members. If there are fewer than ten members appointed to the Equity Advisory Group, a quorum will be three-quarters of the current membership.
- B. The Equity Advisory Group will act by a majority vote of the appointed members present. Presence may include being in the same physical space or participating remotely by phone or online meeting platform.

C. Reports

[Commission staff is seeking ideas and input from Equity Advisory Group members on how they might like to draft and finalize the required equity report as well as other whole-group communications.]

VII. Administration

A. Officers

- i. The Equity Advisory Group must elect a Chair and a Vice Chair. Elections for officers will be held as follows:
 - 1. Officers are elected by a majority vote at any meeting at which the election is an agenda item. At such a meeting, nominations for each office may be made by any member of the group and must be seconded. Once all nominations are heard, nominees shall accept or reject their nominations in alphabetical order by first name.
 - 2. Officers serve for the duration of the Equity Advisory Group as set in 30 V.S.A. § 8129(c);¹
 - 3. Officers can be removed from their elected position for cause by a vote of the majority of the entire membership of the group;²
 - 4. Officers assume their responsibility at the adjournment of the meeting at which they were elected; and
 - 5. Vacancies must be filled in accordance with this section at the next scheduled meeting.
- ii. The duties of officers include:
 - 1. The Chair will preside over any meeting of the Equity Advisory Group and the Vice Chair will preside in the absence of the Chair;
 - 2. The Chair will receive agenda suggestions from the support staff and create, in consultation with the Vice Chair, a draft agenda for meetings;
 - 3. The Vice Chair will send the draft agenda to group members and to the Commission for public posting;
 - 4. The Vice Chair shall review draft minutes and identify possible corrections for consideration by the group.

B. Support Staff

¹ 30 V.S.A. § 8129(c) specifies that the “Equity Advisory Group shall cease to exist when the initial Clean Heat Standard rules are adopted.”

² A majority of the entire membership is a majority of the total number of those who are members of the voting body at the time of the vote. This definition is found in Robert's Rules of Order Newly Revised, 12th edition, in section 44:9(b).

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- i. The Commission shall provide administrative support for the Equity Advisory Group through a dedicated third-party facilitator if possible, or Commission staff. The support staff's duties include:
 1. Recording meeting minutes and transmitting them to the Commission for public posting;
 2. Receiving and compiling agenda items and related preparatory materials suggestions from Equity Advisory Group members and the Commission, and transmitting them to the Chair and Vice Chair;
 3. Sending calendar invites and facilitating the use of an online meeting platform;
 4. Provide the presiding officer with parliamentary support;
 5. Collecting relevant preparatory materials and ensuring all documents are posted to the Clean Heat Website.

C. Scheduling

- i. The Equity Advisory Group members will determine the meeting schedule and frequency that will allow the Equity Advisory Group to fulfill the duties listed in Act 18 of 2023 and assist the Commission in its work to meet its statutory deadlines. Members should expect that at least monthly meetings will be necessary in the first year. The Commission's proposed rules for the Clean Heat Standard are due on or before January 15, 2025. The Commission and the Equity Advisory Group will communicate about the scope of work, process, and deadlines so that the Equity Advisory Group may set appropriate schedules and agendas.
- ii. All advisory group members should be consulted when scheduling Equity Advisory Group meetings, and an attempt should be made to accommodate as many members as is practical, including allowing for remote attendance. Notice of meetings must be provided to the Commission at least seven days before the specified time so that the Commission may post the notice on its website. Equity Advisory Group meetings are subject to the Open Meeting Law (1 V.S.A. §§ 310-314).³
- iii. In accordance with 1 V.S.A. § 312(a)(2)(D), if a quorum or more of the Equity Advisory Group members attend a meeting without being physically present at a designated meeting location, the meeting agenda must designate at least one physical location where a member of the public can attend and participate in the meeting. At least one Equity Advisory Group member or at least one designee of the Equity Advisory Group shall be physically present at the designated meeting location.⁴

D. Agendas

- i. Standard agenda creation will follow this process:

³ 1 V.S.A. § 312(a) and (d); Please see a guide to Open Meetings here: <https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf>.

⁴ This requirement is currently suspended by Public Act 1 (2023 Vt., Bien. Sess.), Sec. 2.

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1. Equity Advisory Group members and the Commission shall send agenda item suggestions to the support staff.
 2. The support staff will collect and compile the suggestions and then transmit the suggestions along with relevant preparatory materials to the Chair at least seven business days prior to any regular meeting.
 3. The Chair and Vice Chair will create a draft agenda, compile relevant preparatory materials, and send them to group members and the Commission at least three business days prior to any regular meeting.
 4. All unique suggestions received by the support staff and transmitted to the Chair and Vice Chair that are not included in the draft agenda shall be listed as an addendum to the draft agenda.
 5. The draft agenda will be finalized by the Equity Advisory Group at the beginning of each meeting.
- ii. Meeting agendas must be managed in accordance with 1 V.S.A. § 312(d) and (h).⁵ In this case, at least 48 hours prior to a regular meeting, the meeting agenda will be posted under the Advisory Group Materials section on the Clean Heat Standard website. It will also be available to any person prior to the meeting upon specific request.

E. Minutes

- i. The staff support person shall take notes and prepare minutes for every meeting. Minutes are considered a draft until they are formally reviewed and approved by the Equity Advisory Group at the next meeting at which a quorum of its members is present. If any changes are made to the minutes, the Equity Advisory Group must provide the final version of the meeting minutes to the Commission for posting to its website.
- ii. Equity Advisory Group meetings are subject to the Open Meeting Law (1 V.S.A. §§ 310-314), and minutes must be prepared and managed consistent with 1 V.S.A. § 312(b).⁶

⁵ 1 V.S.A. § 312(d):

(1) At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be:

(A) posted to a website, if one exists, that the public body maintains or designates as the official website of the body; (. . .)

(2) A meeting agenda shall be made available to a person prior to the meeting upon specific request.

(3) (A) Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.

(B) Any other adjustment to the agenda may be made at any time during the meeting.

1 V.S.A. § 312(h): At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson (. . .).

⁶ 1 V.S.A. § 312(b)(1) Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:

(A) all members of the public body present;

(B) all other active participants in the meeting;

(C) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same; and

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F. Rules for Conducting Business

[Commission staff are curious if the Equity Advisory Group is interested in using some kind of parliamentary procedure such as Robert's Rules as described below:

- i. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Equity Advisory Group in all cases to which they are applicable and in which they are not inconsistent with this Procedure, Orders of the Commission, or relevant state and federal law.⁷*
- ii. The Equity Advisory Group shall operate as a board, as specified in section 49 of Robert's Rules of Order Newly Revised. The Equity Advisory Group shall generally use "Procedure in Small Boards" described in section 49:21, except for subsection (2).⁸*

VIII. Coordination with the Other Entities

- A.** The Equity Advisory Group and the Commission will work together to create a schedule of deliverables to meet the deadlines in Act 18 of 2023. This schedule will inform the Equity Advisory Group's agendas.
- B.** The Equity Advisory Group will provide the Commission with documentation of its work product and recommendations, addressing the items specified in Act 18, including 30 V.S.A. § 8129(a), and Section 6(k).
- C.** The Equity Advisory Group may consult with Commission staff regarding procedural and administrative matters. Members of the Equity Advisory Group should only communicate with Commission staff regarding substantive matters at a duly warned public meeting or through a Commission proceeding.

(D) the results of any votes, with a record of the individual vote of each member if a roll call is taken.

(2) Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five calendar days from the date of any meeting. Meeting minutes shall be posted no later than five calendar days from the date of the meeting to a website, if one exists, that the public body maintains or has designated as the official website of the body. Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken.

⁷ Robert's Rules of Order Newly Revised, 12th edition, can be accessed at <https://yorkcountyfireschool.org/wp-content/uploads/2023/05/Roberts-Rules-of-Order-Newly-Revised-12th-Edt.pdf>.

⁸[**49:21 Procedure in Small Boards.** *In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business. The rules governing such meetings are different from the rules that hold in other assemblies, in the following respects: 1) Members may raise a hand instead of standing when seeking to obtain the floor and may remain seated while making motions or speaking. 2) ~~Motions need not be seconded.~~ 3) There is no limit to the number of times a member can speak to a debatable question. 3 Appeals, however, are debatable under the regular rules—that is, each member (except the chair) can speak only once in debate on them, while the chair may speak twice. 4) Informal discussion of a subject is permitted while no motion is pending. 5) When a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced. Unless agreed to by unanimous consent, however, all proposed actions must be approved by vote under the same rules as in larger meetings, except that a vote can be taken initially by a show of hands, which is often a better method in small meetings. 6) The chairman need not rise while putting questions to a vote. 7) If the chairman is a member, he may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions.]*

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- D.** The Equity Advisory Group may consult with the Commission’s contracted Public Engagement Facilitator via a liaison appointed by the group, through messages approved by the group and transmitted by the Chair, or by inviting them to present at a meeting.
- E.** The Equity Advisory Group may interface with the Technical Advisory Group via a liaison appointed by the group, through messages approved by the group and transmitted by the Chair, or as part of a duly warned joint meeting of the two groups.
- F.** Membership in the Equity Advisory Group in no way limits the ability of an individual to independently participate in Commission proceedings.
- G.** The Open Meeting Law generally prohibits collective editing of a document outside of a duly warned public meeting. In order to collaborate and adhere to 1 V.S.A. § 310(3)(A), the Equity Advisory Group may instead name “a point person who collects and compiles each member’s comments for later discussion at a duly warned meeting.”⁹

IX. Adoption of and Changes to this Procedure

- A.** This Procedure, and any subsequent changes, goes into effect when it is adopted by the Commission through an Order.
- B.** The Equity Advisory Group may at any time propose revisions to this Procedure to the Commission.

⁹ Vermont Secretary of State, “A Guide to Open Meetings”, Revised January 2019, <https://outside.vermont.gov/dept/sos/Municipal%20Division/a-guide-to-open-meetings-january-2019.pdf>

Relevant Portions of Act 18

§ 8129. Clean Heat Standard Equity Advisory Group

(a) The Commission shall establish the Clean Heat Standard Equity Advisory Group to assist the Commission in developing and implementing the Clean Heat Standard in a manner that ensures an equitable share of clean heat measures are delivered to Vermonters with low income and moderate income and that Vermonters with low income and moderate income who are not early participants in clean heat measures are not negatively impacted in their ability to afford heating fuel. Its duties shall include:

- (1) providing feedback to the Commission on strategies for engaging Vermonters with low income and moderate income in the public process for developing the Clean Heat Standard program;
- (2) supporting the Commission in assessing whether customers are equitably served by clean heat measures and how to increase equity;
- (3) identifying actions needed to provide customers with low income and moderate income with better service and to mitigate the fuel price impacts calculated in section 8128 of this title;
- (4) recommending any additional programs, incentives, or funding needed to support customers with low income and moderate income and organizations that provide social services to Vermonters in affording heating fuel and other heating expenses;
- (5) providing feedback to the Commission on the impact of the Clean Heat Standard on the experience of Vermonters with low income and moderate income; and
- (6) providing information to the Commission on the challenges renters and residents of manufactured homes face in equitably accessing clean heat measures and recommendations to ensure that renters and residents of manufactured homes have equitable access to clean heat measures.

(b) The Clean Heat Standard Equity Advisory Group shall consist of up to 10 members appointed by the Commission and at a minimum shall include at least one representative from each of the following groups: the Department of Public Service; the Department for Children and Families' Office of Economic Opportunity; a community action agency with expertise in low-income weatherization; a community action agency with expertise in serving residents of manufactured homes; Efficiency Vermont; the Vermont Association of Area Agencies on Aging; individuals with socioeconomically, racially, and geographically diverse backgrounds; renters; rental property owners; the Vermont Housing Finance Agency; and a member of the Vermont Fuel Dealers Association. Members who are not otherwise compensated by their employer shall be entitled to per diem compensation and reimbursement for expenses under 32 V.S.A. § 1010.

(c) The Equity Advisory Group shall cease to exist when the initial Clean Heat Standard rules are adopted. Thereafter, the issues described in subsection (a) of this section shall be reviewed by the Commission, in compliance with 3 V.S.A. chapter 72. (Added 2023, No. 18, § 3, eff. May 12, 2023.)

Sec. 6. PUBLIC UTILITY COMMISSION IMPLEMENTATION

(c) Public engagement process. Before commencing rulemaking, the Commission shall use the forms of public engagement described in this subsection to inform the design and implementation of the Clean Heat Standard. Any failure by the Commission to meet the specific procedural requirements of this section shall not affect the validity of the Commission's actions.

(1) The Commission shall allow any person to register at any time in the Commission's online case management system, ePUC, as a participant in the Clean Heat Standard proceeding. All members of the Equity Advisory Group shall be made automatic participants to that proceeding. All registered participants in the proceeding, including all members of the Equity Advisory Group, shall receive all notices of public meetings and all notices of opportunities to comment in that proceeding.

(k) Report on equity issues. On or before January 15, 2025, the Equity Advisory Group shall report to the General Assembly on the Group's findings from the review of issues under 30 V.S.A. § 8129(a).

The following table lists the statutory deadlines in Public Act 18 (2023 Vt., Bien. Sess.)("Act 18"). This table is for informational purposes only, Act 18 is the authoritative document.

Deadline	Item
January 1, 2023	Installed clean heat measures become eligible for credit
May 11, 2023	Act 18 becomes law
July 1, 2023	Default delivery agent proceeding opened
August 1, 2023	Rulemaking/implementation proceeding opened
January 31, 2024	Fuel dealers register with Public Utility Commission
February 15, 2024	Report on suggested revenue streams
February 15, 2024	First checkback report to General Assembly
June 1, 2024	Default delivery agent designated
September 1, 2024	Potential study published by Department of Public Service
January 1, 2025	Annual rate of carbon intensity decrease for 2030 targets published
January 15, 2025	Final proposed rules submitted to General Assembly
January 15, 2025	Second checkback report to General Assembly
January 15, 2025	Equity Advisory Group report to General Assembly

A GUIDE TO OPEN MEETINGS

Revised January 2019

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A Message from the Secretary

January 2019



Living in Vermont, we expect openness in government. Any day the legislature is in session we can sit down in either chamber, or in the various committee rooms, and see laws being made. Any day we can walk into the county courthouse and attend any hearing or trial. We can watch the arguments being given before the Vermont Supreme Court. We can attend hearings and meetings of the local zoning board, and those of any other public body, and we can expect to see meeting notices in the newspaper or on public bulletin boards. We can review and copy public documents in state and local offices.

One important foundation of openness in Vermont is our “Right to Know” laws, including those related to open meetings and public records. Together they are the most important public laws we have, because they allow us direct access to the decisions that affect us. A full understanding of these laws makes everyone a better citizen and makes for a more responsive and accountable government. **This guide is an introduction to the open meeting law.**

You can read the open meeting law for yourself – it is found in every town clerk’s office, in Title 1 of the Vermont Statutes Annotated. Title 1 is the first volume of a set of green law books that includes all the statutory laws of the state. Look for sections 310 through 314, and make sure you check the pocket part in the back to see if there is newer law to review for each section.

You can also read the open meeting law online at the Vermont State Legislature’s website:
<http://legislature.vermont.gov/statutes/chapter/01/005>.

Every few years, the Legislature may make a few more changes to the law. Be sure to also take a look at Acts No. 95 and 166 of 2018, which contain the latest amendments:

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT095/ACT095%20As%20Enacted.pdf>;

<https://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT166/ACT166%20As%20Enacted.pdf>.

We hope this publication will be of use to all Vermonters, both those we trust to serve on our state and local boards and those who wish to stay informed and participate in the decisions being made. Please let me know if there are ways we can improve future editions.

A handwritten signature in black ink that reads "James C. Condos". The signature is written in a cursive, flowing style.

James C. Condos
Vermont Secretary of State

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Why do we have an open meeting law?

Vermont's open meeting law requires all meetings of public bodies to be open to the public at all times, unless a specific exception applies. 1 V.S.A. § 312(a)(1). The purpose of the law is to promote transparency, accountability, and better decision-making in government.

In general, the law requires public bodies to:

- Provide advance public notice of meetings, including meeting agendas.
- Discuss all business and take all actions in open meeting, unless an exception in statute applies.
- Allow members of the public to attend and participate in meetings.
- Take meeting minutes and make them available to the public.

To whom does the open meeting law apply?

The open meeting law applies to “public bodies” of the state and its municipalities. “Public body” includes any state or municipal board, council, or commission, as well as any committee or subcommittee of these bodies. 1 V.S.A. § 310(4). This means the open meeting law governs the meetings of local selectboards and school boards, planning commissions and development review boards, boards of civil authority and of abatement, auditors and listers, municipal public library trustees, cemetery and recreation commissions, and various other groups referenced in state statute or by a town's charter. It also applies to the meetings of any committee or subcommittee that is created or empowered by a public body to do its work, no matter its size.

Although the law generally applies to all state and municipal public bodies, it does not apply to individual officials. There is no public right to sit in a public official's office and watch him or her conduct town business, or to oversee the work assignments of staff or other personnel. 1 V.S.A. § 312(g).

The open meeting law does not generally apply to nonprofit corporations, although a particular nonprofit may be required to comply with the law through language found elsewhere in statute, in its corporate governance documents, or in agreements with funding sources. For example, a nonprofit's articles of incorporation could designate it as an instrumentality or authority of the state (potentially bringing it within the definition of a “public body” in 1 V.S.A. § 310(4)), or a grant or contract could require open meeting law compliance as a condition of funding. Otherwise, you might look to a nonprofit's articles of incorporation or bylaws for guidance on its meeting procedures and participation requirements.

When does the open meeting law apply?

A board or other public body must comply with the open meeting law any time a “quorum” holds a “meeting,” that is, gathers to discuss its business or to take action. 1 V.S.A. § 310(3)(A).

“Business of the public body” is defined as “the public body’s governmental functions, including any matter over which the public body has supervision, control, jurisdiction, or advisory power.” 1 V.S.A. § 310(1).

A quorum is a majority of the members of a public body. Quorum is calculated by counting the number of total positions on a board or committee, regardless of any vacancies or recusals. For a three-member board, the quorum is two; for a five-member board, the quorum is three.

A meeting is a gathering of a quorum of a public body for the purpose of discussing the body’s business or taking action. 1 V.S.A. § 310(3)(A). A “meeting” under the open meeting law can occur regardless of the members’ physical location; there are no exceptions for phone conversations, work sessions, or retreats. This means that if a majority of a board find themselves together at a social function, they must take care not to discuss the business of the board.

A “meeting” may also come together over a period of time. If a discussion about town business occurs over the course of a few days or a week (for example, via a string of emails or Facebook posts), it may well amount to a “meeting” that triggers the open meeting law’s requirements. See page ten for more information on electronic communication and social media.

Exceptions

For the purposes of the open meeting law, “meeting” does not include the following:

- Any communication between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that no other business of the public body is discussed or conducted. 1 V.S.A. § 310(3)(B).
- Occasions when a quorum of a public body attends social gatherings, conventions, training programs, press conferences, media events, or otherwise gathers, provided that the public body does not discuss specific business of the public body that, at the time of the exchange, the participating members expect to be business of the public body at a later time. 1 V.S.A. § 310(3)(C).
- A gathering of a quorum of a public body at a duly warned meeting of another public body, provided that the attending public body does not take action on its business. 1 V.S.A. § 310(3)(D).
- Site inspections for tax assessments or abatements. 1 V.S.A. § 312(g).
- Routine, day-to-day administrative matters that do not require action by the public body, so long as no money is appropriated, spent, or encumbered. 1 V.S.A. § 312(g).
- As decided by the Vermont Supreme Court, bilateral collective bargaining negotiations between a school board negotiating committee and a labor union. *Negotiations Committee of Caledonia Central Supervisory Union v. Caledonia Central Education Association*, 2018 VT 18.

Serial communications

The open meeting law does not explicitly address serial communications, also known as “serial meetings,” “walking quorums,” or “daisy-chain communications.” We generally recommend that board members avoid engaging in successive, interrelated private conversations about the board’s business that, taken together, involve a quorum. Because the law seems to allow for “gathering” over time, these types of communications can be risky, especially if used to develop consensus. Even with the best of intentions, their use outside a duly warned meeting may obscure the board’s decision-making process and thus interfere with the public’s ability to participate and to hold government officials accountable.

Of course, we understand that individual board members and administrators need to work between meetings and to educate themselves on matters under their jurisdiction. Whether a particular set of communications amounts to inappropriate circumvention of the open meeting law’s requirements is, in the end, a question of fact best posed to the public body’s own attorney, or the courts.

How does a board provide notice of its meetings?

The open meeting law recognizes three types of meetings: regular, special, and emergency. Depending on the type of meeting, a board or other public body may need to provide advance notice by “publicly announcing” the meeting, by posting public notices, or both. Public bodies also usually need to create an agenda in advance of each meeting and make it available to the public. 1 V.S.A. § 312(d)(1), (2). See below for more information on agenda requirements.

Regular meetings

A public body schedules regular meetings by adopting a resolution setting the time and place of the meetings. This information must be made available to the public on request. 1 V.S.A. § 312(c)(1). When a board meets regularly on, for example, the first Tuesday of every month, the law does not require additional public announcement or posting of these meetings so long as the time and place has been clearly designated by resolution or other determining authority (statute, charter, regulation, ordinance, or bylaw). Public bodies must, however, create and make available meeting agendas for regular meetings. 1 V.S.A. § 312(d)(1), (2).

Special meetings

A special meeting occurs when a board meets at a time or place outside of its regular meeting schedule. At least 24 hours before each special meeting, a public body must publicly announce it by giving notice of the meeting’s time, place, and purpose to a newspaper or radio station serving the area, as well as to any person who has requested in writing to be notified of special meetings. 1 V.S.A. §§ 310(5), 312(c)(2), (5). Municipal public bodies must also post a notice of each

special meeting in or near the town office and in at least two other designated public places in the municipality. All public bodies must give oral or written notice to each member (unless a member has waived this notice). 1 V.S.A. § 312(c)(2). In addition, agendas must be created and made available for special meetings. 1 V.S.A. § 312(d)(1), (2).

Emergency meetings

An emergency meeting may be held in the event of a true emergency, that is, “only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention.” Emergency meetings do not require public announcement, posting of notices, or 24-hour notice to members, so long as some public notice is given as soon as possible before the meeting. 1 V.S.A. § 312(c)(3). Note that an emergency meeting should not be used if the public body is able to comply with the 24-hour notice requirements for special meetings. There is no agenda requirement for emergency meetings.

Notice when adjourning or continuing a meeting

When a meeting is to be continued to a new time or place, a public body should announce the new time and place before adjournment. Otherwise, the subsequent meeting is considered a new meeting that must be duly-warned as above. 1 V.S.A. § 312(c)(4).

What are the requirements for meeting agendas?

At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda must be posted to a website that the public body maintains or designates, if one exists. In addition, and within the same timeframes, a municipal public body must post the agenda in or near the municipal office and in at least two other designated public places in the municipality. A meeting agenda must be made available to a person prior to the meeting upon specific request. 1 V.S.A. § 312(d)(1), (2). Note that there is no agenda requirement for emergency meetings.

The open meeting law does not define “agenda” or specify the information an agenda must contain, except to require that the agenda designate a physical location where a member of the public can attend and participate in a meeting if a quorum or more members of a public body are attending remotely. 1 V.S.A. § 312(a)(2)(D). In keeping with the law’s intent, an agenda should allow interested members of the public to be reasonably informed about what specific topics will be discussed, and what actions may be taken, at the meeting.

If a public body wishes to add or delete an item from an agenda after it has been posted, it may only do so as the first act of business at the meeting. 1 V.S.A. § 312(d)(3)(A). We recommend that last-minute agenda items, especially those requiring board action, be added at a meeting only in an emergency. In other situations, a better practice is to handle items that were not included on

the posted agenda at the next regular meeting or, if necessary, to call a special meeting so that the public gets notice of the item and has an opportunity to attend and participate. Other adjustments to the agenda, such as reordering agenda items, may be made at any time during a meeting.

1 V.S.A. § 312(d)(3)(B).

What are the requirements for minutes?

Public bodies must take minutes of their meetings. Minutes are the permanent record of the formal actions of the public body and play an important role in recording the history of the public body's business.

The open meeting law requires that minutes “give a true indication of the business of the meeting,” covering all topics that arise. At minimum, minutes must include: the names of all members of the public body who are present at the meeting; the names of all other active participants; all motions, proposals, and resolutions made, and their dispositions; and the results of all votes, with a record of individual votes if roll call is taken. 1 V.S.A. § 312(b)(1).

Minutes are public records and must be made available for public inspection and copying after five calendar days from the date of the meeting. If a public body maintains or designates a website, minutes must also be posted to that website no later than five calendar days after the meeting. Except for draft minutes replaced with updated minutes, posted minutes must not be removed from the website sooner than one year from the date of the meeting for which they were taken. 1 V.S.A. § 312(b)(2).

When can a board meet privately?

The open meeting law does not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements; clerical work; work assignments of staff or other personnel; or routine, day-to-day administrative matters that do not require action by the public body, so long as no money is appropriated, spent, or encumbered. 1 V.S.A. § 312(g).

In addition, public bodies may meet privately in deliberative session or executive session under certain limited circumstances. 1 V.S.A. §§ 312(e), (f); 313.

Deliberative session

A public body may meet without notice or public attendance when it deliberates on its written decision as part of a quasi-judicial proceeding. A quasi-judicial proceeding is a case in which the legal rights of a party are adjudicated, conducted so that all parties may present evidence and cross-examine witnesses and resulting in an appealable written decision. 1 V.S.A. § 310(6). In this instance, although the hearing itself is open to the public, the deliberations that follow may be held in private, and the written decision that is issued need not be adopted at an open meeting

if it is to be a public record. 1 V.S.A. § 312(e), (f). A deliberative session is not an open meeting and need not be warned.

Executive session

A public body may also enter into executive session, which is a closed portion of a public meeting. To enter executive session, a motion must be made in open session that indicates its reason for doing so, preferably naming the specific provision of Title 1, Section 313 that gives authority. For a municipal body, the motion must get a majority vote of those present to pass. For a state body, a two-thirds affirmative vote is required. 1 V.S.A. § 313(a).

The only permissible reasons for entering executive session are set forth in 1 V.S.A. § 313. One category of permissible reasons requires the public body to make a specific finding that “premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage.” This finding must be made before considering one of the following permissible topics in executive session:

- Contracts. 1 V.S.A. § 313(a)(1)(A).
- Labor relations agreements with employees. 1 V.S.A. § 313(a)(1)(B).
- Arbitration or mediation. 1 V.S.A. § 313(a)(1)(C).
- Grievances, other than tax grievances. 1 V.S.A. § 313(a)(1)(D).
- Pending or probable civil litigation or prosecution, to which the public body is or may be a party. 1 V.S.A. § 313(a)(1)(E).
- Confidential attorney-client communications made for the purpose of providing professional legal services. 1 V.S.A. § 313(a)(1)(F).

Other topics a public body may consider in executive session are:

- The negotiating or securing of real estate purchase or lease options. 1 V.S.A. § 313(a)(2).
- The appointment, employment, or evaluation of a public officer or employee, provided that a public body must make the final hiring or appointment decision, and explain its reasons for the decision, in open meeting. 1 V.S.A. § 313(a)(3).
- A disciplinary or dismissal action against a public officer or employee, although this does not impair the right of the officer or employee to a public hearing if formal charges are brought. 1 V.S.A. § 313(a)(4).
- A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5).
- Exempt records under Vermont’s public records act, provided that this exemption does not by itself permit discussion in executive session of the general subject to which the exempt record pertains. 1 V.S.A. § 313(a)(6).
- Student academic records, suspension, or discipline. 1 V.S.A. § 313(a)(7).
- Testimony from a person in a Parole Board parole proceeding, if public disclosure of the person’s identity could result in physical or other harm to him or her. 1 V.S.A. § 313(a)(8).

- Information relating to a pharmaceutical rebate or to supplemental rebate programs that is protected from disclosure either by federal law or by Medicaid terms and conditions, 1 V.S.A. § 313(a)(9).
- Security or emergency response measures, if disclosure could jeopardize public safety. 1 V.S.A. § 313(a)(10).

A board may choose to invite into executive session any of the following: legal counsel; staff; clerical assistants; and persons who are subjects of the discussion or whose information is needed. 1 V.S.A. § 313(b).

Once in executive session, no formal action may be taken except for actions related to securing a real estate purchase option. 1 V.S.A. § 313(a). (This differs from a deliberative session, in which decisions may be made so long as a written decision is issued that is a public record.) In all other instances, appropriate topics may be discussed in executive session, but ultimate action must be taken by motion and vote in open session.

Abusing the law of executive session is offensive to the purpose of open meetings. Boards should close their meetings rarely, and then only for legitimate purposes. Some boards go beyond the requirements of the open meeting law and do everything in public (except when acting in a quasi-judicial capacity, where constitutional due process may require private deliberations). The risks involved in letting everyone know your business are not small. Nonetheless, there is no penalty for extra openness and a high return on the investment if the public understands you have nothing to hide.

Do board members need to be physically present for meetings?

Not necessarily. As long as certain requirements are met, one or more members of a public body may fully participate in discussing the body's business and may vote at a regular, special, or emergency meeting by electronic or other means without being physically present at the designated meeting location. 1 V.S.A. § 312(a)(2).

If a quorum or more of members will be participating in a meeting electronically, the meeting agenda must designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body, or at least one staff member or other designee, must be physically present at this location. 1 V.S.A. § 312(a)(2).

Any member who participates in a meeting remotely must be able to hear and be heard throughout the meeting. 1 V.S.A. § 312(a)(2). This means that participation by speakerphone or Skype, for example, can be appropriate, while participation by email is not. Each member who participates remotely must identify himself or herself when the meeting is convened. Any vote that is not unanimous must be taken by roll call. 1 V.S.A. § 312(a)(2).

Does the open meeting law permit board members to communicate with each other electronically or through use of social media?

Under certain circumstances. The open meeting law clearly authorizes members of a public body to attend and participate in a duly-warned meeting through electronic means, so long as each member can hear and be heard by those persons attending at the designated physical location. 1 V.S.A. § 312(a)(2). The law also specifically permits use of group email or other electronic communication to schedule a meeting, organize an agenda, or distribute materials to discuss at a meeting. 1 V.S.A. § 310(3)(B). (Note that email correspondence, and other electronic communication that results in written or recorded information, is subject to Vermont’s Public Records Act, and so must generally be made available to the public for inspection and copying upon request. See 1 V.S.A. §§ 315–320.)

Beyond these provisions, the open meeting law does not explicitly address appropriate use of electronic communications and social media by members of public bodies. Indeed, most of the open meeting statutes were drafted before the dominance of social media and the frequency of electronic communication in the various forms we see today. Here are some of our thoughts on using these tools in light of the open meeting law’s language, its purpose, and the court cases interpreting it. We also strongly recommend that public bodies consult their own legal counsel for advice.

Group emails

Group emails do not necessarily violate the open meeting law, but it is best to proceed with caution. It is permissible to use group email to schedule a meeting, to create an agenda, or to distribute information for discussion at a meeting. 1 V.S.A. § 310(3)(B). It is also permissible to use group email as part of quasi-judicial deliberations, after a public hearing and as part of producing a written decision. 1 V.S.A. § 312(e), (f). Otherwise, group emails should not be used by a quorum of a public body to discuss the body’s business. If a quorum of board members are part of the group email, and any dialogue occurs addressing business matters, this discussion is a “meeting” under 1 V.S.A. § 310(3)(A) and the open meeting law’s notice and public participation requirements are triggered. Essentially, a business discussion, and therefore a “meeting,” can occur as soon as you hit “reply all.”

Collective editing of online documents

We recommend that a quorum of a public body should not participate in collectively editing a document outside of a duly-warned public meeting, unless the body is in deliberative session as part of a quasi-judicial proceeding. Collective editing, even if performed by members individually and over time, may well fall within the bounds of a “meeting” under 1 V.S.A. § 310(3)(A) when an exchange of ideas and opinions occurs outside of the public view. This is so even if the work in progress is made public, as the open meeting law requires more in terms of

advance public notice and public participation. See 1 V.S.A. § 312. We cannot assume, for example, that all members of the public will have the skills or means to access a tool such as Google Docs or be able offer their opinions on the views exchanged. In our view, an acceptable alternative is to instead name a point person who collects and compiles each member's comments for later discussion at a duly-warned meeting.

Social media groups

Participation in a Facebook group, Front Porch Forum, or other online group by a quorum of members of a public body raises open meeting law concerns any time the body's business is discussed. This is especially so if membership in the group is "closed" (e.g. only town residents may join), although participation in an entirely "open" group may also be problematic. This could be the case even if most — or even all — of the members of the public body remain passive and do not post about, or respond to posts about, the body's business.

In general, if a quorum of a public body gathers to discuss the body's business, a "meeting" is being held under 1 V.S.A. § 310(3)(A) and the open meeting law's notice and public participation requirements are triggered. To be counted towards a quorum, and to participate in a meeting via electronic means under the open meeting law, an individual member must be able to hear and be heard, but need not necessarily speak. See 1 V.S.A. § 312(a)(2). So, if a quorum of board members have joined a Facebook group, and if a majority of total board members post an exchange of ideas or opinions concerning the board's business, an open meeting law violation may well have occurred. Even if just one board member posts, the passive, non-posting membership of a quorum in an online group where members of the public are discussing the board's business could be considered a "meeting" under a very strict reading of the law.

There are certainly accessibility and transparency benefits to being available to the public via social media sites. Members of public bodies, in remaining mindful of the public's right to know and participate, must nonetheless avoid "gathering to discuss business" at a time and place that has not been announced in advance or is not accessible to all.

Text messaging

We generally recommend that members of a public body refrain from texting each other during an open meeting. Texting between members who are present is not explicitly prohibited by the open meeting law, but we think these types of "shadow conversations" can create an appearance of impropriety, and in some situations might serve to keep information and discussions that inform officials' decision-making from the members of the public attending the meeting. (The same can be said for low-tech versions of texting, like passing notes.) Texts to and from members who are not physically present at the meeting create additional concerns because of the law's requirements for participation in meetings through electronic means. For example, a member who attends a meeting without being physically present must be able to hear and be

heard throughout the meeting. 1 V.S.A. § 312(a)(2)(C). Even if the remote member does not intend to “attend” the meeting for purposes of quorum and voting, we think this type of communication could under some circumstances—where the body’s business is discussed—raise questions about whether an open meeting law violation has occurred.

Texting while inside executive session is also problematic. Attendance in executive session is limited to board members and, in the board’s discretion, staff, clerical assistants, legal counsel, and persons who are subjects of the discussion or whose information is needed. 1 V.S.A. § 313(b). So, conversations by text about the business of the executive session with individuals who are not on this list is inappropriate. Although not explicitly prohibited by the law, members of public bodies should also consider that texting or otherwise conversing with board members absent from the open portion of the meeting (when the motion to enter executive session was made) may, under some circumstances, work to generate public mistrust.

What rights do members of the public have?

Individual members of the public have the right to obtain meeting agendas in advance, to be notified directly of upcoming special meetings, and to view or copy meeting minutes. Agendas of regular or special meetings must be made available to any person prior to the meeting upon request. 1 V.S.A. § 312(d). In addition, anyone can request in writing that a public body notify him or her of the body’s special meetings. The request applies to the calendar year in which it is made, except that requests made in December apply also to the following year. 1 V.S.A. § 312(c)(5). Meeting minutes must (either in draft or final form) be made available for inspection or copying no more than five calendar days from the date of any meeting. 1 V.S.A. § 312(b)(2).

Members of the public have the right to attend public meetings. 1 V.S.A. § 312(a)(1). Meetings of public bodies are subject to the public accommodation requirements detailed in Vermont’s anti-discrimination statutes. 1 V.S.A. § 312(a)(1); see also 9 V.S.A. chapter 139. We understand the open meeting law to permit members of the public to record or film public meetings, so long as this is not done in a manner that disrupts the meeting. If a board decides to meet in private in executive session, members of the public have the right to know its reason for doing so. 1 V.S.A. § 313(a).

Members of the public also have the right to participate in public meetings. Specifically, public bodies must give members of the public a reasonable opportunity to express their opinions on matters being considered by the body at an open meeting. 1 V.S.A. § 312(h). Many boards allow public comment at the start of the meeting, while others place it as the final agenda item. Some boards allow public comment whenever anyone present has something to add to the discussion. We believe it is a best practice to allow the public to comments on each item as the board proceeds through the agenda. The public comment period, however, is not a free-for-all; the board chair may establish reasonable rules to maintain order, and reasonable limitations on the amount of time for each speaker are not unusual or improper.

Members of the public have the right to enforce the open meeting law themselves by filing suit in court. 1 V.S.A. § 314. See below for details on filing a complaint with a public body and the court.

What happens if a public body violates the open meeting law?

The following persons can be found guilty of a misdemeanor and fined up to \$500:

- A person who is a member of a public body and who knowingly and intentionally violates the provisions of the open meeting law.
- A person who, on behalf or at the behest of a member of a public body, knowingly and intentionally violates the provisions of the open meeting law.
- A person who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting. 1 V.S.A. § 314(a).

In addition, the Attorney General and any person aggrieved by a violation of the open meeting law has the right to file suit in court, asking for injunctive relief (requiring the board to stop a specified act or behavior) or a declaratory judgment (a binding determination of the parties' rights). Under some circumstances, the court may also hold a public body responsible for the other party's attorney's fees and litigation costs. 1 V.S.A. § 314(b)(1), (d).

How does a member of the public enforce the open meeting law?

If you think that an open meeting law violation has occurred, the first step is to submit a written notice to the public body, alleging a specific violation and requesting a specific cure. Upon receipt of this written notice, the public body must respond publicly within 10 calendar days, either by acknowledging the violation and stating its intent to cure it or by stating its determination that no violation occurred and so no cure is necessary. Failure to publicly respond is treated as a denial of the violation. 1 V.S.A. § 314(b)(1)–(3).

If the public body acknowledges a violation of the open meeting law, it must cure the violation within 14 calendar days. First, the public body must either ratify, or declare as void, any action that was taken at or resulted from: 1) a meeting that was improperly noticed under 1 V.S.A. § 312(c) (public announcement and posting of regular, special, and emergency meetings); 2) a meeting that a person or the public was wrongfully excluded from attending; or 3) an executive session, or a portion of an executive session, that was not authorized by 1 V.S.A. § 313(a)(1)–(10). Second, the public body must adopt specific measures that actually prevent future violations. 1 V.S.A. § 314(b)(4).

If the public body denies the violation or fails to cure an acknowledged violation in a timely manner, you can file suit against the public body in the Civil Division of the Superior Court in the county where the alleged violation took place. The suit must be brought within one year after

the meeting at which the violation occurred or to which the violation relates. The court will then decide whether a violation occurred, whether a declaratory judgment or injunctive relief is appropriate, and whether circumstances require the public body to pay attorney's fees and litigation costs. 1 V.S.A. § 314(c), (d).

Where can I go to ask a question?

Here at the Secretary of State's Office, it is our pleasure to help towns and citizens engage in respectful, open conversations around the sometimes difficult business of dealing with local government matters. Even though emotions may run high and opinions are deeply held, we are all neighbors and Vermonters, in the end.

We are happy to assist anyone who calls by pointing out the relevant portions of the law and by providing these publications as guidance. Please feel free to call us with your questions. However, understand that we cannot give legal advice and always recommend you consult your own attorney. If you hold a position in municipal government, you may contact the Vermont League of Cities and Towns' Municipal Assistance Center at (802) 229-9111 or info@vlct.org.

Contact the Secretary of State's Office

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GUIDING PRINCIPLES **FOR A JUST TRANSITION**

Vermont Climate Council, Just Transitions Subcommittee

August 2021

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I. Introduction

The Global Warming Solutions Act (GWSA), also known as Act 153, was passed by the Vermont State Legislature in September of 2020 to require the State to reduce greenhouse gas emissions by 80 percent of its 1990 levels by 2050. The GWSA also stood up the Vermont Climate Council (Council) and five subcommittees, including the Just Transitions Subcommittee.

Historically, the term “Just Transitions” is a way of framing for government and business action on climate change. Its work encompasses both public policies and business action to deal with the impacts of industry transition away from greenhouse gas emissions for jobs and livelihoods (the transition “out”) and aims to generate the low or zero greenhouse gas emission jobs and livelihoods of a sustainable society (the transition “in”). Through the GWSA, the Just Transitions Subcommittee is charged with ensuring that strategies to reduce greenhouse gas emissions and to build resilience to the effects of climate change benefit and support all residents of the State of Vermont fairly and equitably.

The Just Transitions Subcommittee believes in proactively centering equity in this work rather than reactively measuring it. These Guiding Principles are therefore meant to frame the work of the Council and subcommittees around an equity lens. While the Legislature has asked us to focus on Vermont, we recognize that the decisions we make in Vermont have repercussions outside of our borders, for which we are also accountable.

First, we offer key **definitions** and clarify indicators of “rural, low income, and marginalized communities” as outlined in the GWSA. Next, we lay out draft **guiding principles** for a Just Transition. These are intended for the Council and subcommittees to evaluate as they develop their respective recommendations. The Guiding Principles are meant to spark dialogue within subcommittees and to serve as a grounding checkpoint to ensure the inclusion of equity. They will be especially useful in policy areas that might not traditionally be considered within an equity lens and would otherwise reinforce historically marginalized, disadvantaged and underserved communities.

Finally, we translate the Guiding Principles into more precise **questions** that the Subcommittee should use directly in assessing the “equity & justice” implications of their ideas and strategies. The Guiding Principles and questions also provide a foundation for an equity assessment tool that the Just Transitions Subcommittee plans to build before draft strategies are proposed, which will include more measurable criteria and suggested information sources.

When developing these draft principles and questions, the subcommittee was influenced by the perspectives of Indigenous voices, who urged the group to expand our understanding of frontline communities to include the Earth and all living beings, as our human survival is not possible without taking all life into consideration. Indigenous communities have long held the belief that we, as humans, are here to steward the land that we thrive upon. Many Indigenous people have felt their voices have been unheard and this stewardship ignored. In this context, a Just Transition can help to establish reparations for the Earth’s healing.

“A Just Transition acknowledges the Earth is a living female organism – our Mother. Water is her lifeblood. The Earth and Father Sky, with its air and atmosphere, are the source of life to be protected, not merely a resource to be exploited, degraded, privatized and commodified.”

*Excerpt from The Indigenous Principles of
Just Transitions, Indigenous Environmental Network*

II. Just Transitions Key Terms

In this section, the Just Transitions Subcommittee offers definitions for “equity” and “justice” – both vital components of a Just Transition and the implementation of the Guiding Principles. These words are defined differently across disciplines, but the meanings presented here served as the foundation for our work.

Equity



Distributive

Distributive equity starts by recognizing disparities in the allocation of resources, health outcomes, the inequities in living conditions and lack of political power place frontline / impacted communities at greater risk.

Distributive equity strategies target resources to adaption and mitigation affecting the communities and populations most impacted.



Procedural

Procedural equity is often referred to as equitable planning and implementation.

Equitable planning and implementation require that communities have a meaningful opportunity to participate. Policymakers must collaborate with communities to learn about their perspectives so that solutions meet community needs. Equitable planning focuses on the local level and ensures that local communities have the opportunity to provide input on policies that directly affect them.



Contextual

Contextual equity ensures that mitigation and adaption strategies take into account that low-income communities, black communities, indigenous communities and people of color, and people with disabilities, amongst others, are often more vulnerable to climate change.

Contextual equity ensures that the development of mitigation and adaption strategies at statewide and local levels take these disparities into account.

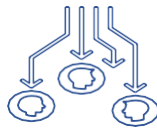


Corrective

Corrective equity ensures that mitigation and adaption strategies provide communities with clear processes to hold the state accountable to its commitments to pursue equity.¹

¹ Equity & Environmental Justice Working Group, Connecticut. (2020). *Equity & Environmental Justice Working Group Report*. https://port.ct.gov/-/media/DEEP/climatechange/GC3/GC3-working-group-reports/GC3_equity_EJ_Final_Report_111320.pdf

Justice



Environmental

Environmental justice is the equitable access to environmental benefits, proportionate distribution of environmental burdens, fair and equitable treatment and meaningful involvement in decision making, and recognition of the unique needs of people of all racial and ethnic groups, cultures, socioeconomic statuses, and national origins.

It works to redress structural and institutional racism, colonialism, and other systems of oppression and harm done to Black, Indigenous and Communities of Color and other communities and ecosystems that have experienced marginalization and degradation.

Environmental Justice also seeks to address insufficient governmental responses at the local, state and federal level to environmental crises due to the racial/ethnic demographics, national origin, or socioeconomic status of highly-impacted communities.



Climate & Energy

Climate justice operates at the intersection of racial and social rights, environmental and economic justice. It focuses on the root causes of climate change, and call for a transformation to a sustainable, community-led economy.

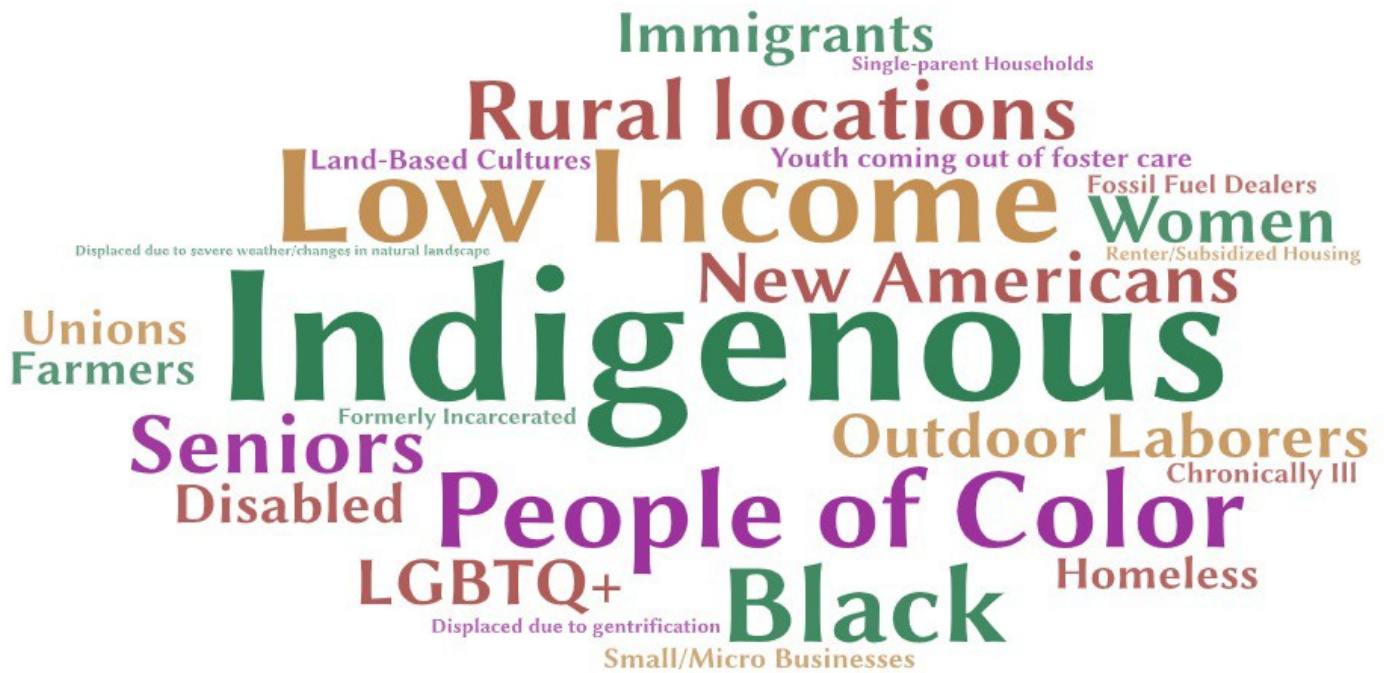
Climate justice begins with recognizing key groups are differently affected by climate change and connects the dots between civil rights and climate change.

Energy justice aims to make energy accessible, affordable, cleaner, and democratically managed for all communities.²

² Slightly Adapted from National Resources Defense Council. (July 2019). Definitions of Equity, Inclusion, Equality & Related Terms. https://www.broward.org/climate/documents/equityhandout_082019.pdf and The Initiative for Energy Justice <https://iejusa.org>.

III. Vermont's Impacted & Frontline Communities

As global warming accelerates, the Council and its Subcommittees must engage with those on the “frontlines” of the climate crisis. Studies continue to show that low-income communities, indigenous peoples, and black and other communities of color are among those who are particularly vulnerable to the impacts of climate change. In addition, as industry and jobs transition away from greenhouse gas emissions and towards “greener” jobs and livelihoods, particular focus must be given to the labor sector. Finally, some Vermonters may also be necessarily focused on achieving immediate goals of food, shelter, safety and health, which can impact ability to focus on long-term adaptation to climate and economic changes.



This word cloud provides a list of frontline and impacted communities and is not intended to be exhaustive, nor does it take into consideration the intersectionality of people’s lives and the multiple vulnerabilities that one may experience.

Impacted and frontline communities draw from key criteria, identifying those who:

- Are highly exposed to climate risks, such as health impacts, flooding, and extreme temperatures;
- Experience oppression and racism, are excluded from opportunities, or have less resources to adapt to climate and economic change;
- Bear the brunt of pollution and negative effects from today’s fossil fuel and extractive economies; and
- Are more likely to experience a job transition as Vermont addresses climate change.

IV. Guiding Principles for a Just Transition

These principles set expectations regarding:

- How Vermont's Climate Council and its sub committees will conduct their work;
- What Recommendations³ are made by the Council; and
- How investments, implementation and oversight of climate action plans occur.

I. **INCLUSIVE, TRANSPARENT & INNOVATIVE ENGAGEMENT**

- All Vermonters are informed and able to participate throughout decision-making and drafting of Recommendations, as well as future administration and oversight.
- The Council's process and public engagement must recognize that people are experts of their own climate and energy experience.
- Impacted communities must be recognized and their voices prioritized in conversations surrounding equity, climate change, and the effects of specific Recommendations.
- Transition planning must involve innovative and wide community engagement that prioritizes various stakeholders and community-based groups to assess Recommendations at local, state and/or regional levels.
- Recommendations must be clear and understandable to all Vermonters, with plain language that is easy to understand. Goals must be clearly identified. To ensure accessibility, the Council must consider the needs of people with limited English, those living with a visual or hearing impairment, and those with limited or no access to technology.
- Potential impacts, benefits, and burdens of recommended climate actions are identified and shared publicly. This includes considering and naming known potential impacts, benefits and burdens outside of Vermont's borders.

II. **ACCOUNTABLE & RESTORATIVE**

- Recommendations must acknowledge that the status quo continues to perpetuate ingrained systems of discrimination, inequality, inequity and racism. Recommendations must examine existing practices and redress historical injustices through concrete actions that will lead to a more equitable future.
- Ongoing assessment tools used by the Council should identify intended and unintended inequities and their root causes.
- Recommendations must recognize inequality and seek to resolve them using clearly identified strategies.
- Recommendations must recognize their potential impacts on the whole natural environment – including air, water, soil and all living things.
- Recommendations must identify and consider barriers to implementation and include strategies to overcome them.

³ In this document, the word "Recommendations" refers to the strategies, policies, programs or other recommendations that the Vermont Climate Council will make in its Climate Action Plan.

III. **MOVING AT THE SPEED OF TRUST**

- Candor and honesty are essential for public trust and to prepare business, industry, labor, communities and families for transition to a sustainable climate future.
- Planning and implementation must balance being time bound and honoring the varied ways of learning, understanding and agreement that exist in different cultures and communities.

IV. **SOLIDARITY**

- Recommendations create inclusionary spaces for all traditions and cultures, particularly for Indigenous communities, recognizing them as integral to a healthy and vibrant Vermont.

V. **THE MOST IMPACTED FIRST**

- Recommendations tackle the needs of impacted and frontline communities first, providing the greatest benefits of transitions to these communities.
- Recommendations must be broad enough for the well-being of all Vermonters and include targeted strategies for different groups that take into account their specific histories, sociocultural and economic realities. They should also recognize when negative impacts are being shifted onto frontline communities outside of the state.
- Where Recommendations create burdens, they also include ways to shift these burdens away from impacted communities.

VI. **SUPPORTS WORKERS, FAMILIES & COMMUNITIES**

- Recommendations are explicit in their identification of potential and likely impacts on workers, families and their communities based on the implementation of Vermont's Climate Action Plan.
- Recommendations should include transition plans to respond comprehensively to protect impacted workers, including those that are seasonal, clerical and part-time.
- Transition plans must prioritize the needs and aspirations of workers, unions and disproportionately impacted communities.
- Recommendations must consider diverse, economic regeneration and spur creation of well-paying jobs with benefits.
- Recommendations must promote strong, equitable labor standards, support access to unionization, and improve access to public services, particularly for groups most disproportionately impacted.
- Recommendations for job training programs for displaced, at-risk and new workers must lead to meaningful, life-sustaining, and valued work. These programs should be designed to be accessible and affordable regardless of income or geography.
- Communities, local and regional governments, organizations, and families require the capacity to implement recommendations both in the short and long-term. Recommendations will consider current capacity and how to build needed capacity.

V. Subcommittee Self-Assessment Questions

The following questions were developed by the Just Transitions Subcommittee to help each Subcommittee put the Guiding Principles into practice. They aim to better identify, understand, and address the social impacts, types of impacted populations, and engagement process of individual policy recommendations. These are not comprehensive, but rather indicative of the analysis required to ensure a Just Transition for Vermont.

IMPACTED & FRONTLINE COMMUNITIES

- Which frontline and impacted communities might be most impacted by this recommendation?
- How do these communities experience inequity today around this issue?

ANALYZING BURDENS & BENEFITS

- Does this recommendation maintain existing inequities, make them worse or improve the status quo?
- Who will benefit from this recommendation and how does this recommendation help benefits be shared or targeted to help frontline and impacted communities the most? Be specific about the communities and the ways these communities will benefit.
- Which communities will be burdened the most by this recommendation and how can that burden be shifted away from impacted communities?
- What are the long-term and potential intergenerational impacts of this recommendation for identified communities?

ENSURING EQUITABLE & JUST ENGAGEMENT

- How have frontline and impacted communities been part of creating and implementing this recommendation? And how will they in the future?
- In what ways does your engagement with frontline/impacted communities recognize different types of knowledge and expertise?
- In what ways can Vermonters hear their voices in the plan?
- Does the recommendation use plain language that is easy for all Vermonters to understand?

FUNDING & DATA

- How will this recommendation be funded? What percent of funding will be specifically to support frontline, low-income and impacted communities? Will there enough funding to make it affordable and accessible for identified communities?
- How will we know about the impacts of this recommendation on identified communities? Which data or indicators will be needed? What process was used to determine the indicators are resonate and relevant to most impacted community needs? How will it be collected and shared?

IMPLEMENTATION & OUTCOMES

- What kind of jobs will be created by this recommendation? Will those jobs be fair, high-paying jobs with good benefits? How will traditionally underserved Vermonters and unions be prioritized for these jobs?
- What capacity is needed for communities, local/regional governments, organizations and families to implement this recommendation? How will the recommendation build and/or strengthen capacity, community trust, cooperation, and mutual support?
- How does this recommendation make a specific commitment to a just transition? Is this commitment quantifiable and does it identify who is accountable?
- Does the recommendation support the natural environment? Does it promote fairness to all living things?

VI. Scoring Rubric

The Rubric is intended to accompany a narrative response for each of the Assessment Questions in Section V. In reviewing the proposal, please consider the Rubric's prompts and their resonance to the goals and vision of this project. An area is provided for comments. The Rubric allows a score of 1 (low) to 3 (high) for each criterion.

1 (low): The proposal meets the criteria to some degree but provides limited explanation or there are significant opportunities to enhance these criteria in the proposal.

2 (moderate): The proposal meets the criteria. There are additional opportunities to enhance these criteria to better meet the goals of the Guiding Principles.

3 (high): The proposal excels in meeting the criteria.

If a recommendation does not yet address the criteria at all, additional work is required.

Policy/Proposal Title:

Policy/Proposal Summary:

Frontline/Impacted Communities Score 1 – 3 on impression of meeting criteria		Please select 1 low to high 3		
Frontline/Most Impacted Communities well defined in proposal		1	2	3
Comments:				
Proposal reflects understanding of existing inequities around the issue for frontline/most impacted communities		1	2	3
Comments:				
Total				
Analyzing Burdens and Benefits Score 1 – 3 on impression of meeting criteria		Please select 1 low to high 3		
Proposal clearly identifies how benefits are shared for frontline/most impacted communities		1	2	3
Comments:				
Proposal clearly identifies who/what carries the burdens from the recommendation, if any		1	2	3
Comments:				
Proposal includes solutions to shield frontline/most impacted communities from experiencing burdens from the recommendation, if applicable		1	2	3
Comments:				

Proposal outlines the long-term/intergenerational impacts (positive or negative) of recommendations on impacted communities	1	2	3
Comments:			
Proposal outlines how it will create a future that is more equitable than the unjust status quo	1	2	3
Comments:			
Total			
Ensuring Equitable & Just Engagement			
Score 1 – 3 on impression of meeting criteria		Please select 1 low to high 3	
Proposal reflects inclusion of frontline/impacted communities in design and implementation of recommendation	1	2	3
Comments:			
Vermonters can hear their voices in the recommendation	1	2	3
Comments:			
Recommendation written in plain language and easy to understand	1	2	3
Comments:			
Total			
Funding & Data			
Score 1 – 3 on impression of meeting criteria		Please select 1 low to high 3	
Funding mechanism for recommendation is clearly defined	1	2	3
Comments:			
Funding mechanism makes recommendation affordable and accessible to frontline/most impacted communities, if applicable	1	2	3
Comments:			
Proposal identifies data and indicators to determine success	1	2	3
Comments:			
Proposal includes process for consultation with frontline/most impacted communities in assessment activities	1	2	3
Comments:			
Proposal includes plan for collection and review of data with frontline/most impacted communities	1	2	3
Comments:			
Total			

Implementation & Outcomes Score 1 – 3 on impression of meeting criteria	Please select 1 low to high 3		
Proposal identifies new jobs/business/employment opportunities for the recommendation	1	2	3
Comments:			
Jobs created by recommendation offer fair, high paying positions with good benefits	1	2	3
Comments:			
A wide range of traditionally underserved Vermonters and unions are prioritized in the jobs created by the recommendation	1	2	3
Comments:			
Communities, local/regional governments, organizations and families have the capacity to implement the recommendation.	1	2	3
Comments:			
The recommendation provides a specific, quantifiable commitment to a just transition	1	2	3
Comments:			
The recommendation supports the natural environment and promotes fairness to all living things	1	2	3
Comments:			
Total			

Total scoring (21 low to 63 high):

Direct Benefits to Underrepresented/Most Impacted Communities (use blank spaces as needed to add)

The recommendation provides direct benefits for the following groups:		
Agricultural Sector	Yes	No
Black/African-American, Brown, Latinx, Asian, Pacific Islander, and Indigenous communities and Native nations	Yes	No
Disabled and chronically ill people	Yes	No
Displaced due to severe weather	Yes	No
Older Vermonters	Yes	No
Formerly incarcerated individuals	Yes	No
Immigrants, regardless of immigration status	Yes	No
LGBTQIAP+ individuals	Yes	No
People living with low or very low incomes	Yes	No
Outdoor laborers	Yes	No
Recent graduates of the foster care system	Yes	No
Unions/Organized Labor	Yes	No
Women	Yes	No
Young People	Yes	No
	Yes	No
	Yes	No
	Yes	No
	Yes	No
	Yes	No
	Yes	No
	Yes	No
	Yes	No

Narrative on Impacted Communities:

Recommend: Yes Yes with Changes No

Explanation: