



Vermont State Ethics Commission

Meeting Minutes September 6, 2023 Remote Attendance*

1. Call to Order: The regular meeting, held remotely via Zoom, was called to order by Paul Erlbaum at 10:05 A.M. Also in attendance for the meeting were Commission members Michele Eid, Sarah Biolsi Vangel, Christopher Davis, Executive Director Christina Sivret, and Administrative Assistant Erin Smith. Eric Miller, SVP and General Counsel to the University of Vermont Health Network (UVMHN) and Michael Barber, General Counsel, Green Mountain Care Board (GMCB), were also present. Commissioner Sarah Butson joined the meeting at 10:57 A.M.

2. Approval of Minutes: On the motion of Michele Eid, second by Chris Davis, minutes of the August 2, 2023, meeting were approved. After Commissioner Butson joined the meeting, minutes of the May 3, 2023, meeting were approved on the motion of Chris Davis, second by Sarah Butson.

3. Public Comment: None.

4. Executive Session: At 10:08 A.M., on the motion of Sarah Biolsi Vangel, second by Chris Davis, the Commission went into Executive Session to discuss complaints and Guidance requests received over the last few weeks and Advisory Opinion AO_5_2023. At 10:31, Michael Barber and Eric Miller were asked to join the Executive Session to answer questions regarding additional facts submitted by both parties related to AO_04_2023 in the context of a request by UVMHN for the Ethics Commission to either withdraw or reconsider AO_04_2023. Upon conclusion of the AO_04_2023 discussion, Eric Miller and Michael Barber exited the Executive Session at 10:45. At 10:48 A.M., on the motion of Chris Davis, second by Sarah Biolsi Vangel, the Commission voted to conclude the Executive Session and to return to open session.

5. Discussion re the request to withdraw or reconsider AO_4_2023: The Commissioners discussed whether the Commission could reconsider a final advisory opinion based on additional facts submitted by a 3rd party where 1) a Requester has not asked for reconsideration of the opinion and 2) it is not clear that the additional facts would substantially

affect the outcome of the original opinion. Here, the Commissioners noted it was unlikely that the additional facts submitted by either party would significantly change the outcome or analysis of AO_4_2023, and that the Requester had not asked for a reconsideration of the opinion. The Commissioners determined that, as a matter of process, withdrawal or reconsideration of the opinion was not warranted under the circumstances. Commissioner Vangel also noted that while other conflicts of interest rules may apply to members of the GMCB, the analysis in Advisory Opinion AO_4_2023 only addressed the State Code of Ethics. No Commissioner moved to vacate AO_4_2023, and the Commissioners closed out discussion of AO_4_2023, noting that the Requester himself could still ask the Commission for reconsideration of the Opinion, or for additional written guidance.

6. Executive Director's Report: At 10:57, Commissioner Sarah Butson joined the meeting and noted for the record that, prior to the meeting, she had recused herself from all matters related to AO_4_2023. Commissioners Paul Erlbaum, Sarah Butson, Chris Davis, and Michele Eid then all voted to approve AO-5_2023, with Commissioner Vangel abstaining due to a shortage of time to review the opinion prior to the vote.

Review Draft of Municipal Ethics Framework: The Ethics Commission will submit a proposed municipal ethics framework to the House and Senate Government Operations Committee in January 2024, and Executive Director Sivret reviewed a preliminary outline for the proposed framework with the Commissioners. Development of the framework is still in its early stages and the draft components include proposals for a statewide municipal code of ethics, options for advice and guidance for municipal officials, and options for recourse for municipal complaints. The draft outline has been shared with the Secretary of State's Office. Ethics Commission consultant TJ Jones is currently working on national research related to the categories of municipal officials most often covered by state codes of ethics. Consultant Mark Perrault is conducting research on the current state of municipal ethics in Vermont. Moving forward TJ Jones will continue to focus on national research on best practices for municipal ethics, and Mark Perrault will focus on Vermont research, budget and cost analysis related to the proposed framework, and public engagement. The Ethics Commission plans to hold listening sessions for interested parties, including members of the public and municipal officials in October, with a goal of at least two Commissioners attending each session.

7. Other Business: Chair Paul Erlbaum shared that on August 25th, on behalf of the Commission, he and Administrative Assistant Erin Smith met with a visiting delegation from Vietnam. The delegation was in Vermont under the auspices of the State Department's International Visitors Leadership Program and the Vermont Council on World Affairs (VCWA). The focus of their program was the "Role of Women in Political Parties and Governance." Chair Erlbaum said there are plans for another meeting with the VCWA and a delegation from Kyrgyzstan in September. The focus of their program is "Transparency and Accountability in Government."

8. Adjournment: Michele Eid moved to adjourn, second by Chris Davis. The meeting adjourned at 11:09 A.M.