

Environmental Justice Advisory Council Member Onboarding Guide

What is the Environmental Justice Law?

In 2022, the Vermont Legislature passed the Environmental Justice Law ([Act 154 as Enacted](#)), which is designed to “identify, reduce, and eliminate environmental health disparities to improve the health and well-being of all Vermont residents.”

What is the Environmental Justice Advisory Council?

The Environmental Justice Advisory Council (Advisory Council), established by the Environmental Justice Law, is an 11-member Council made up of legislative appointments and ex officio members. The Advisory Council provides advice to State agencies on incorporating Environmental Justice principles, including:

- providing input to the Agency of Natural Resources and the Interagency Environmental Justice Committee on a set of core principles to guide and coordinate the development of State agency community engagement plans;
- advising State agencies in the development of community engagement plans;
- advising State agencies on the use of the Vermont Environmental Justice Mapping Tool established under the Environmental Justice Law;
- providing review and feedback on the development of the State agency rules implementing the Environmental Justice Law;
- reviewing annual summaries of environmental justice and civil rights complaints to State agencies and providing suggestions or alternatives for systemic issues;
- jointly with the Interagency Environmental Justice Committee, reviewing and providing recommendations on terminology, definitions, and thresholds, including for the term “environmental justice focus populations;” and
- jointly with the Interagency Environmental Justice Committee, examining existing data and studies on environmental justice and consulting with State, federal, and local agencies and affected communities regarding the impact of current statutes, regulations, and policies on the achievement of environmental justice.

The Agency of Natural Resources provides administrative, technical, and legal assistance to the Advisory Council.

[View Advisory Council membership here – The membership page is linked to the Agency of Natural Resources website.](#)

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State Partner Email Account

You will be set up with a state of Vermont Partner email address. All Advisory Council communications will be sent to this email address once an account is established for each member.

To activate your email address please contact the Agency of Digital Services (ADS) Help Desk at 802-498 7873 to setup your passwords. Press 1 when you get through. Once you have your password, you will need to open a browser and go to portal.office.com to login to check your email. Your email address will be first.last@partner.vermont.gov.

Vermont State Code of Ethics

In 2022, Vermont passed a State Code of Ethics which applies to all State public servants, including members of the Advisory Council. All Advisory Council members are required to complete training on the State Code of Ethics, available at: [Training | Ethics Commission \(vermont.gov\)](https://www.vermont.gov/business/ethics).

Key Takeaways:

The Code of Ethics generally prohibits:

- 1) Conflicts of interest or the appearance of a conflict of interest, as reviewed by an impartial person;
- 2) Providing preferential or prejudicial treatment of any person;
- 3) Misusing an official position for personal or financial gain;
- 4) Misusing information obtained during State service for personal or financial gain;
- 5) Misusing government resources;
- 6) Former public servants from knowingly and intentionally communicating with or appearing before the State on certain matters in which the employee personally and significantly participated during government service; and
- 7) Soliciting or accepting gifts.

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If you have a question about a potential conflict of interest, you can contact the [State Ethics Commission](#) for confidential advice.

Vermont State Ethics Commission
6 Baldwin St.
Montpelier, VT 05633-7950
802-828-7187
Christina Sivret, Executive Director
<https://ethicscommission.vermont.gov/>
Christina.Sivret@vermont.gov

Vermont Public Records Act

Please watch the presentation on the [Vermont Public Records Act](#) by Charity Clark, Esq. of the Vermont Office of the Attorney General to the [Vermont Climate Council meeting, November 20, 2020 \(video 2 of 2\)](#), starting at 3:32 (approximately 20 min. followed by Q&A).

Key Takeaways:

- 1) The Advisory Council is considered a public body.
- 2) A public document or public document is defined as “any written or recorded information, regardless of physical form or characteristics, which is procured or acquired in the course of public agency business.” 1 V.S.A. § 317(b).
- 3) The Public Records Act applies to public records that are stored in private accounts or on personal devices. When requested, public records must be produced “promptly” upon request. “Prompt” means 3 business days. 1 V.S.A § 318(a).
- 4) Documents considered personal, or documents subject to attorney-client privilege are exempt from Vermont’s Public Records Act.
 - a. A communication is protected by attorney-client privilege when there is existence of attorney-client relationship, the communication was made for the purpose of facilitation the rendition of proessional legal services, the client sought lawyer’s “skills and training,” or the client reasonably would have expected communications to be confidential.
 - b. A communication is considered a personal document and is therefore exempt from Vermont’s Public Records Act when the privacy of an individual is involved, it reveals intimate details of a person’s life, it might subject an individual to “embarrassment, harassment, disgrace,

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or loss of employment or friends,” or if it contains information that would not normally be shared with strangers.

5) You can use personal or business email addresses for Advisory Council communications, but you should understand that doing so opens any other communications in those email accounts to public records requests related to the Advisory Council.

- a. Auto forwarding of emails to accounts outside Vermont.gov is prohibited as of March 2021.
- 6) Best practice would be to always include your state partner email address on Advisory Council communications, even if using your work or personal email.

Vermont’s Open Meeting Law

Please watch the presentation on the [Vermont’s Open Meeting Law](#) by Michelle Anderson, Esq. of the Vermont Office of the Attorney General to the [Vermont Climate Council meeting, November 20, 2020 \(video 2 of 2\)](#), starting at 40:12 (approximately 16 min.).

Key Takeaways:

- 1) Vermont Open Meeting Law requires all meetings of public bodies be open to the public unless a specific exception applies. In order to make a meeting open, the public body must:
 - a. Provide advance public notice of meetings, including meeting agendas (must be posted 48 hours prior to the meeting).
 - b. Discuss all business and take all actions in open meetings, unless an exception applies.
 - c. Allow members of the public to attend and participate in meetings.
 - d. Take meeting minutes and make them available to the public (must be posted 5 calendars after the meeting).
 - e. Advisory Council and subcommittee meetings are warned and meetings posted at <https://anr.vermont.gov/about-us/secretary-office/office-civil-rights-and-environmental-justice/environmental-justice> and on the [Public Meetings Calendar for State Agencies](#).
- 2) A meeting is a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. A quorum is a simple majority of the total members of the body regardless of any vacancies or recusals. In short, you should not reply

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all to emails sent to the Advisory Council, and business should not be discussed over email with a quorum of the Advisory Council, as that would constitute a meeting.

- 3) When discussing collaborating on online documents, name a point person who collects and compiles each member's comments for later discussion at a duly-warned meeting.

Environmental Justice Advisory Council Per Diem and Expenses

Members of the Advisory Council and its subcommittees are entitled to compensation for their work as an Advisory Council and/or subcommittee member.

In accordance with 32 V.S.A. § 1010, Advisory Council members are entitled to the per diem amount of \$50 a day for attendance at subcommittee or Advisory Council meetings. For any other necessary work performed, the per diem rate will be prorated for the actual time spent on the work based on an 8-hour day and must be approved by the board chair to receive reimbursement. That equates to \$6.25/hour for work outside of official Advisory Council or subcommittee meetings. The maximum compensation for all work is \$50 per day.

To set up and submit for per diem payment, follow the steps in the attached document titled: Environmental Justice Advisory Council Per Diem and Expense Guide, and submit the attached excel form. If you have questions or need assistance in completing the form, please contact Karla Raimundi (Karla.Raimundi@vermont.gov).