

**Land Access and Opportunity Board Meeting  
January 23, 2023, 5:30 – 7:00 p.m.**

**Meeting Facilitator: Lynn Stanley**

**Meeting Notes**

Facilitator Lynn Stanley convened the Jan. 9, 2023 meeting at 5:30 p.m. Board members gave brief introductions to identify/acknowledge the active representative from each appointing authority. The meeting adjourned at 7:00 p.m.

**Board members present:** Kirsten Murphy, Vermont Development Disabilities Council; Lynn Stanley, National Association of Social Workers, Vermont; Samantha Langevin, Vermont RELEAF Collective; Rev. Mark Hughes (alternate), Vermont Racial Justice Alliance; Xusana Davis, Vermont Office of Racial Equity; Pacifique Nsengiyumva, U.S. Committee for Refugees & Immigrants, Vermont; Rich Holschuh, Vermont Commission on Native American Affairs; Jess Laporte, Every Town Project

**Board members absent:** Arnold Thomas, Vermont Racial Justice Alliance; Raheemah Madany, Pride Center of Vermont; Karim Chapman, Vermont Psychiatric Survivors

**VHCB Staff and Contractors present:** Gus Seelig, Trey Martin (VHCB); Robert Appel (Attorney to LAOB)

**Members of the public present:** Isaac Owusu; Alexander Mitchell; Miha Longmore; Shane Rogers; Buster Caswell; Amy Shollenberger; Mindy Blank; Meg Lorraine; Sean McGraw; Malcolm Greene

1. Update on LAOB Budget; Review Meeting Notes from January 9, 2023 meeting

No changes or edits were requested to the draft Meeting Notes from January 9, 2023.

Trey Martin, VHCB, provided the following update on the LAOB budget expenditures from July 1, 2022, to December 31, 2022.

- \$200,000: FY'23 Budget Appropriation to LAOB, through VHCB
- \$44,966.68: Budget expenditures, July 1, 2022 through December 31, 2023
  - \$24,225: VHCB costs for salary, overhead and indirect operating costs
    - Trey, Gus and 3 different members of Admin team
    - 187 hours total hours expended by VHCB
    - 155 hours for Trey, 21 for Gus, the rest minimal
  - \$15,900: contract costs (IA)
  - \$3,850: Board stipends
  - \$300: Board travel
  - \$550: Board in-person meeting cost
  - \$168: RFP cost (advertising)

- **\$155,033.32: Remaining budget as of Jan. 1, 2023**

## 2. Legislative Tracking and Opportunities

Trey Martin, VHCB, updated the Board that VHCB's Director of Policy, Pollaidh Major, would be reviewing legislative calendars each week and will provide, through Trey, an update on legislative hearings and bills of potential interest to the LAOB.

Members of Seeding Power and Action Circles also spoke the Board regarding the role that Seeding Power plays and their relationship with Action Circles, a lobbying group working on behalf of Seeding Power to track legislative opportunities.

Jess Laporte asked whether a sub-committee (like the LWG) should be created to track legislative hearings, bills and opportunities, and there was agreement that this would be a good idea.

**If there are Board members who would like to participate in that sub-committee, please let Trey know.**

## 3. Initial Public Comment

- Buster Caswell: when we talk about the disenfranchised and those needing new opportunities and connection to housing, we need to think about farmworkers. Include their voices and include them as you form policy and make decisions and recommendations. In particular, housing is in such short supply, we need to make sure those who bring us food and clean water have access to housing.

## 4. Legal Working Group Update and Decision Points

### a. Future Governance and Administration of Board

- i. Where will the LAOB be housed in FY'24 (July 1, 2023 – June 30, 2024)?

Board consensus to recommend remaining at VHCB. Goal over time is to gain greater autonomy. The recommendations made should place the Board on a trajectory towards autonomy, but should recognize that this will be a process over time.

- ii. What level of staffing capacity should the LAOB request to support operations in FY'24?

Capacity will be needed to organize, advocate for, and speak on behalf of the Board going forward, as well as to facilitate meetings and follow up. Board members have no more capacity to give, and \$50 for meetings that range from 1hr-2hrs with background work is not adequate.

The Board was in consensus to recommend funding for at least a full time Executive Director position, plus a full time administrative support staff person.

Although those positions would presumably be housed at VHCB, they will need to be independent of VHCB and accountable to the Board directly. An MoU between the Board and VHCB will be needed to address this and other potential areas of conflict or disagreement.

- iii. How will the LAOB retain independent decision-making authority while continuing to receive administrative support from VHCB or an other entity?

In order to retain independence, the reporting structure and hierarchy the board fits within is a critical question. Where the Board sits also impacts the nature of records that are kept, whether they're privileged or public. This should be addressed as part of this recommendation in the Sunrise Report.

An MOU between the Board and VHCB will be put in place to clarify the independent decision making and autonomy of the Board, as well as to identify any areas where there is shared decision-making or where VHCB would have discretion.

- iv. What other supports or changes will the LAOB need for administration and operations in FY'24?

Members are invited to share by chat or email what supports or additional changes they would like to see.

Changing compensation structure for Board members is a key recommendation to make sure is included in the Sunrise Report.

- b. How to frame legal risk in the Sunrise Report and the LAOB's recommendations for programmatic activities in FY'24
  - i. Jess Laporte provided an overview of Robert Appel's risk analysis in the current draft of Sunrise Report, including risk levels for different areas of authority and gave Board members opportunity for questions and answers with the LWG and Attorney Appel.
  - ii. Next, Jess facilitated discussion of potential programmatic recommendations in light of risk analysis. While, most of the Board's authorities are not legally controversial or susceptible to constitutional attack, there are questions about reparative grant programs, how to structure them, and how to mitigate legal risk.
  - iii. Especially with respect to higher legal risk actions, how the Board acknowledges legal risk, while articulating its vision to pursue programmatic opportunities outside accepted safe harbors, is critical:

Conducting inclusivity assessments and working with entities of State government to recommend improvements, as well as providing technical assistance to support HMD people to overcome historic barriers to access – these activities have the least legal risk.

Providing grants directly to HMD people is more risky, but can be structured to minimize risk.

Providing grants to partner organizations (NGOs) to do that work could mitigate risk, but there is still potential for legal challenge if government funds are used in those programs.

Robert commented that the worst case scenario for the Board would be that it becomes a defendant in a legal action attempting to stop its grant work. The State AG would be obligated to defend the act of the Legislature and the court could issue either temporary or permanent orders enjoining the distribution of any government funds. Robert added that it would not be the Board as the defendant, or any individual employed by or volunteering with the Board as a defendant; it would be the State of Vermont.

- iv. Decision point: is the Board comfortable with delivering a set of programmatic recommendations that have various levels of associated risk?

Option to structure multiple recommendations, at various levels of risk. The Board was not formed to avoid risk, but to pursue equity and justice. The Board was in consensus to make recommendations that drive forward across all areas of authority.

The Sunrise Report should include options that will ensure the long-term sustainability of the mission, and also create room to grow the mission over time.

Any comments on Robert's document from the Board should be circulated before the Legal Working Group next meets on Monday 1/30/23.

## 5. Additional Public Comment

Malcolm Green: very interested in the long-term sustainability of this vision to protect this mission, provide support to HMD people and grow programs over time.

Shane Rogers: would like to see the Board ask for as large a budget as possible – to shoot for the stars.

Buster Caswell: The State's Housing Needs Assessment (very long document) should be attached to these meeting notes. Here is a [link](#).