

Land Access and Opportunity Board - Meeting Notes
January 9, 2023, 5:30 – 7:00 p.m.
Meeting Facilitator: Jess Laporte
Minutes

Facilitator Jess Laporte convened the Jan. 9, 2023 meeting of the LAOB at 5:33 p.m. The meeting adjourned at 7:01 p.m. A quorum of the Board was present.

Board members present: Samantha Langevin, RELEAF Collective; Kirsten Murphy, Vermont Developmental Disabilities Council; Lynn Stanley, National Association of Social Workers VT; Arnold Thomas, Vermont Racial Justice Alliance; Jess Laporte, Vermont Every Town Project; Xusana Davis, Office of Racial Equity; Pacifique Nsengiyumva, U.S. Committee for Refugees and Immigrants; Mark Hughes, Vermont Racial Justice Alliance (Alternate)

Board members not present: Rich Holschuh and Jon Bosley, Vermont Commission on Native American Affairs; Karim Chapman, Vermont Psychiatric Survivors; Amber Arnold and Naomi Moody, Vermont Chapters of the NAACP; Raheemah Madany, Pride Center of Vermont

VHCB staff present: Gus Seelig, Executive Director; Trey Martin, Director of Conservation and Rural Community Development; Robert Appel, LAOB's contracted legal service provider

Members of the public present: Isaac Owusu, Vermont Racial Justice Alliance; Shane Rogers, Seeding Power; Mindy Blank, Seeding Power and Vermont Community Resilience Organizations; Malcolm Greene

1. Jess Laporte provided an update on the status of legal counsel, noting Attorney Anthony Iarrapino's withdrawal as counsel and Robert Appel's continuing role for the LAOB. Robert addressed the Board to indicate his enthusiasm for the work and to invite Board member input and participation as the Board develops and submits the Sunrise Report.

Jess shared that the Legal Working Group in conversation with Robert explored a number of solutions to this change in capacity to develop the sunrise report. Given the short timeframe, Anthony's existing research and Robert's working style, it was determined it would be best to not engage in a new RFP and decision-making process for legal counsel. In order to accommodate the change a new timeline was establish as was discussed in point 6.

Pastor Arnold Thomas asked whether the LAOB should request legal assistance from the NAACP's Legal Defense Fund. That question was noted for discussion later in the agenda.

2. Jess Laporte and Trey Martin asked Board members if there were any questions about, or suggested edits to, the Meeting Notes from Dec. 19, 2022. There were no requests for edits or additions. Those minutes are posted on the LAOB webpage on VHCB's site. Revisions can be made in the future - Please let Trey know if you have any questions or suggestions.

3. Kirsten Murphy facilitated questions and answers from LAOB members regarding the LAOB attorneys' memo and addendum on Equal Protection law. Questions and discussion points included:

- Attorney Appel provided a brief overview of the purpose of the memo and addendum, which was to provide an overview for Board members of the legal and factual history of the 14th Amendment to the U.S. Constitution and an explanation of the challenges to the Board's mission in the white supremacist interpretation of the 14th Amendment by the U.S. Supreme Court and other Federal courts since the amendment's passage.
- Pastor Arnold Thomas recommended that the information in the memorandum and addendum be included in the Sunrise Report for the purpose of helping to level the playing field from past atrocities perpetuated against BIPOC people and other marginalized groups in Vermont.
- Jess Laporte reminded the Board that its work in the Sunrise Report is to identify those actions, programs, and initiatives that 1) already have clear authority, 2) those that require further legal action, and 3) those that are most likely to result in legal challenge.
- Board members agreed that they would like Robert Appel to update the memorandum, augment it, and include the information from the addendum document, so that a new version of this information can be included in the Sunrise Report.
- Robert reminded the Board that the General Assembly created the Vermont Truth & Reconciliation Commission in the same legislative session as the LAOB, and it will be an important partner to the LAOB related to 14th amendment challenges to equity policies.
- Pastor Thomas and Reverend Hughes noted in addition to the legal and factual history, that there are important spiritual and moral components to this work that the LAOB can draw upon in its work.
- Robert emphasized the need to use race neutral criteria to avoid legal challenges and to 'raise all boats'

4. Public Comment

- Mindy Blank and Shane Rogers from Seeding Power Coalition introduced themselves and provided an overview of Seeding Power's work to advocate for H.273 and ongoing resources for the work of LAOB.
 - 1) advocating for on-going appropriations and potential collaboration with Action Circles (a lobbying group).
 - 2) supporting the recommendations and programming laid out in the Sunrise Report
- Malcolm Greene asked whether the Board and LWG are comfortable proceeding with just one attorney, where the Board had originally hired two attorneys.

- Samantha Langevin provided a response summarizing the practical and logistical reasons why the Board is comfortable with the change.
5. The Legal Working Group (Kirsten Murphy, Samantha Langevin, Jess Laporte, and Mark Hughes) facilitated the following update and discussion:

a. Jess Laporte provided this update on Sunrise Report logistics:

- i. Extension Request and Overview of Timeline – The Legal Working Group proposed a delayed report date of Feb. 15 and timeline steps from Jan. 9 to the report date for Legal Working Group development of, and Board input into, the Report. (see meeting agenda attachment)

Board members unanimously supported the extension of the report deadline, but Kirsten Murphy and Pastor Arnold Thomas both cautioned that it is critical not to let the deadline slip further as it could delay advocating for appropriations and implementation.

Pastor Thomas asked how the report will be presented, how it will be facilitated and where it will be taken up in the Legislature. Gus Seelig noted the committees of jurisdiction (House General, Senate Economic Development, as well as the Appropriations committees) where the Report would be discussed. Jess Laporte noted that this question should be flagged for action on future agendas and could be in collaboration with Seeding Power/Action Circles.

Seeing all board members expressed support for the timeline extension - VHCB will request the extension and report back to LAOB members.

- ii. Jess Laporte provided a brief overview of the Sunrise Report outline and the process going forward, including the roles of Attorney Appel, Board members and VHCB. Trey provided a summary of the Sunrise Report outline and VHCB's role in drafting.

Pastor Thomas resurfaced his question from earlier in the meeting whether it would be possible to seek additional support from the Vermont Chapters of NAACP (SG and MS) to determine whether resources are available through the Legal Defense Fund. Trey and Robert will reach out to ascertain the availability of that support.

Jess Laporte emphasized the need for board involvement in decision-making and feedback of all sections – those drafted by VHCB and those by Attorney Appel. This will prove a challenge to review background, facilitate discussion and make a decision within the 1/23 and 2/6 meetings before the report is due and will likely involve more electronic communication and outside meeting review of materials.

- b. Samantha Langevin presented background information and initial options regarding the future governance and administration of Board.
 - i. In State Fiscal Year 2023 (July 1, 2022 to June 30, 2023), the Board's appropriation was granted through VHCB, and VHCB was directed to provide administrative support, financial reporting, meeting facilitation, etc.
 - ii. The Sunrise Report will provide the Board's recommendation about whether to continue in the current or a modified version of the relationship with VHCB, whether LAOB should be attached to a different state agency or instrumentality, or become fully independent?

Other logistical questions include board makeup, ex officio memberships, etc.

- iii. Board members provided the following comments / questions related to this decision:

Pastor Thomas recommended continued association with VHCB, at least for the immediate future, and especially with dedicated staff.

Xusana Davis commented that the Board will really need to examine the pros and cons of potential partner organizations, including how budgets are developed, political independence, and the longevity of those partners.

Kirsten Murphy commented that her organization (VDDC) is federally funded, but housed in the Vermont Agency of Human Services. They are therefore both fiscally independent, but also able to draw on the economies of scale that come from being housed inside State government.

No decision or recommendation was made, and Jess summarized that the Board will have to work hard to review documents and decision points ahead of meetings and to share comments and information over email.