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December 30, 2020

Nancy L. Bushika, Selectboard Chair  
Lori A. Shepard, Town Clerk  
Town of Stamford, Vermont  
986 Main Road  
Stamford, VT 05352

By email only to: [stamfordvt@live.com](mailto:stamfordvt@live.com)

Dear Chair Bushika and Clerk Shepard:

I hope that this letter finds you well. It has recently come to the attention of the Office of the Vermont Attorney General that on December 29, 2020 the Stamford Selectboard voted to “terminate” the Governor’s Amended and Restated Executive Order No. 01-20 and Addenda (“EO 01-20”) under the auspices of 20 V.S.A. § 13(3). This letter is to inform you that 20 V.S.A. § 13(3) does not grant a Vermont municipality the authority to terminate EO 01-20. Municipalities are subdivisions of the State. Consequently, EO 01-20 remains in full force and effect within the Town of Stamford.

In the event of an all-hazard event, the Governor of Vermont has the authority to declare a state of emergency within the entire State or any portion or portions of the State. 20 V.S.A. § 9. Among other events, “all-hazards” includes “any natural disaster, health or disease-related emergency, accident, civil insurrection, use of weapons of mass destruction, terrorist or criminal incident . . . which poses a threat or may pose a threat, as determined by the commissioner or designee, to property or public safety in Vermont.” 20 V.S.A. § 2.

The Governor of Vermont has the power to terminate a state of emergency under 20 V.S.A. § 13(1)-(2). In addition, 20 V.S.A. § 13(3) grants “a majority of the legislative body of a municipality *affected by a natural disaster* [emphasis added]” the power to terminate a state of emergency within that municipality.

A “natural disaster” refers to catastrophic events resulting from natural processes of the Earth, most notably floods, earthquakes, and hurricanes. By contrast, EO 01-20 is a declaration of a state of emergency in response to COVID-19, a novel coronavirus that causes respiratory illness and death. Because EO 01-20 was declared in response to a “health or disease-related emergency” and not in response to a “natural disaster,” 20 V.S.A. § 13(3) is inapplicable. The Stamford Selectboard, therefore, does not have the power to terminate EO 01-20 under the authority of 20 V.S.A. § 13(3).

These truly are distressing times, and I understand that good people, differently situated, may have diverging views as to how to best respond to this crisis. But the law is clear on this matter, and EO 01-20 remains in full force and effect within the Town of Stamford. We, therefore, expect that the Town of Stamford and residents of the town will continue to abide by it. At the end of the day, we are all in this together, and I wish you and all of the residents of Stamford good health as we continue to move past this crisis and into the New Year.

Respectfully,

A handwritten signature in cursive script, reading "Matthew G. Phillips", enclosed in a thin black rectangular border.

Matthew G. Phillips  
Assistant Attorney General  
Office of the Attorney General