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Town of Shelburne, Vermont

CHARTERED 1763

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Shelburne Selectboard Policies and Rules of Procedure

Adopted XX ## , 2018

I. PURPOSE. The Selectboard of the Town of Shelburne (the body) is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law. 1 V.S.A. §§ 310–314. Meetings of the Selectboard of the Town of Shelburne must be open to the public at all times, except as provided in 1 V.S.A. § 313. At such meetings, the public must be afforded reasonable opportunity to give its opinion on matters considered by the Selectboard so long as order is mutual respect is maintained. Such public comment is subject to the reasonable rules established by the Selectboard. 1 V.S.A. § 312(h).

II. APPLICATION. This policy setting forth rules of procedure for Selectboard meetings shall apply to all regular, special, and emergency meetings of the Town of Shelburne Selectboard.

III. PROCEDURES.

A. Adoption and Availability

1. These rules may be amended by majority vote of the Selectboard. It must be re-adopted annually at the organizational meeting, and/or at other times as practicable thereafter.

2. These rules shall be made available at all meetings. Procedures for public comment shall be reviewed and referenced at all meetings when appropriate

B. Organization

1. The current size of the Selectboard is five (5) members. A majority of the members of the Selectboard shall constitute a quorum, a minimum of three (3) members. If a quorum of the members of the Selectboard is not present at a meeting, the only action that may be considered by the Selectboard is a motion to

recess or adjourn the meeting. *[Question/Comment: Needs discussion on what is a votable majority]*

2. The body shall annually, or as necessary, elect a chair and a vice-chair. The chair of the body or, in the chair's absence, the vice-chair shall preside over all meetings. If both the chair and the vice-chair are absent, a member selected unanimously by the body shall act as chair for that meeting.

3. No single member of the body shall have authority to represent or act on behalf of the body, unless so designated in the following instances:

a) The Selectboard may delegate to individual members the responsibility for research and study of specific topics as they arise. Their findings will be presented to the Selectboard, as a whole, to facilitate discussion and resolution of the issues involved.

b) No more than two (2) members can be assigned to a single topic.

c) Such an assignment must be made by majority vote during a public meeting and recorded in the minutes.

d) All such assignments will be considered temporary and can be revoked by a majority of the Selectboard.

e) Delegated members, with the cooperation of the Town Manager, are encouraged to engage the Town Staff, Committees, Boards and Commissions, as well as the public-at-large and service providers, for information in the pursuit of their research and study.

4. Selectboard members, with the cooperation of the Town Manager, are encouraged to communicate directly with the Town Staff, Committees, Boards and Commissions, as well as the public at large and service providers for information to better understand matters that promote the well-being of the Town.

5. The Selectboard may choose an individual attorney or firm to provide advice and counsel on legal matters. These attorneys work for and report directly to the Selectboard. No Town employee or volunteer may communicate with a designated attorney without specific authorization by the Selectboard, on a per topic basis. Information on conversations with attorneys by Selectboard members or Town employees or volunteers shall be expeditiously shared with all members. *[Question/Comment: Is there a need to separate out the actions of the Ethics Committee?]*

6. Selectboard members shall make every effort to attend all meetings in a timely manner, either by physical presence, or through electronic means. If a member is not present for the entirety of three (3) meetings within a six (6) month period, the Selectboard may request her/his resignation.

7. It shall be Selectboard policy and practice to:

- a) Include all Selectboard members in communications to and from the chair and/or the Town Manager, save only those regarding matters for which confidentiality is prescribed, such as allegations of member misconduct, and those for which circulation would violate the Open Meeting Law. *[Question/Comment: The exceptions should be further discussed and described.]*
- b) Adopt formal procedures for the appointment of volunteer members to Town Committees, Boards, and Commissions (CBCs). This will directly involve the CBCs in identifying desired attributes of candidate appointees; publicizing these during searches; review of candidate submissions of letters of interest; and recommending term or replacement appointees to the Selectboard.
- c) Encourage each Selectboard member to affiliate with at least one Town Commission, Board or Committee by attending meetings of that CBC, thereby strengthening communication between it, the Town Manager, and the Selectboard.
- d) Review annually the body of Town policies as an adjunct to Town Manager yearly presentations of the Capital Improvement Plan and the Organizational Improvement Plan.
- e) Conduct Selectboard meetings with respect for differing opinions and adequate provision for expression of these by members and the public alike.
- f) Use Town assigned email addresses (e.g. name@shelburnevt.org) for all official Town business, to ensure there is an available public record of correspondence. This would include communications not defined as a "Meeting" in the Vermont Open Meeting Law. *[Question/Comment: Should the OML language be cited here?]*

C. Agendas

1. Each regular and special meeting of the body shall have an agenda, with time allotted for each item of business to be considered by the body. Those who wish to be added to the meeting agenda shall contact the Town Manager, and/or the Selectboard, as a whole, to request inclusion on the agenda.
2. The Town Manager, in consultation with the chair, shall suggest a draft agenda, including requests from the public, no later than seven days before each regular meeting, and distribute it to all members of the Selectboard. Members can communicate by email or teleconference to suggest any additions, deletions, or change of order of items on the draft agenda. If through this collaborative process unanimity is not achieved, then any item(s) in question shall be listed as "proposed" for consideration at the beginning of the meeting. All other items will follow in the posted agenda, as finalized by the chair.
3. At least forty-eight (48) hours prior to a regular meeting, and at least twenty (24) hours prior to a special meeting, the Town Manager shall post a copy

of the agenda, in the Town Offices, on the Town website, at <http://www.shelburnevt.org/AgendaCenter>, as well as in at least two (2) other designated public places in the Town. The agenda must also be made available to any person who requests such agenda prior to the meeting.

[Question/Comment: Public posting sites need to be identified.]

D. Meetings

1. Regular meetings shall take place on the second and fourth Tuesday of the month at 7 pm at the Town Offices, 5420 Shelburne Road, unless another time and place is announced (see 11.d). Such an announcement shall occur at a preceding Selectboard meeting, and/or at least two weeks in advance. This announcement shall be posted in the Town Offices, on the Town website, at <http://www.shelburnevt.org/AgendaCenter>, as well as in at least two (2) other designated public places in the Town.

2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings. In addition, notices shall be posted in the Town Offices, on the Town website, at <http://www.shelburnevt.org/AgendaCenter>, as well as in at least two (2) other designated public places in the Town.

3. Emergency meetings may be held without public announcement, without posting of notices, and without twenty-four (24) hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

4. The first item of business will be to approve the agenda. This process will include consideration of all proposed items, with a majority of those present approving the content and order of the agenda.

5. A member of the body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call. If a quorum or more of the body attend a meeting without being physically present at a designated meeting location, the following requirements shall be met:

a) At least twenty-four (24) hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the body shall publicly announce the meeting and post notice of the meeting in the Town offices and on the Town website and at least two (2) other designated public places in the Town.

b) The public announcement and posted notice of the meeting shall designate at least one physical location where a member of the public can

attend and participate in the meeting. At least one member of the body, or at least one staff or designee of the body, shall be physically present at each designated meeting location.

6. The chair may first rule on all questions of order or procedure. Selectboard members may request discussion of the ruling if there are objections, with a decision reached by majority vote.
7. Motions made by members of the body require a second. The chair of the body may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the total membership of the body. *[Question/Comment: Similar question as above about what constitutes an approval majority.]*
8. There is no limit to the number of times a member of the body may speak to a question. Motions to close or limit debate will be entertained as needed, but are discouraged.
9. Any member of the body may request a roll call vote.
10. Meetings may be recessed to a time and place certain.
11. It shall be Selectboard policy and practice, with the active cooperation of the Town Manager, to:
 - a) Minimize the use of executive sessions, as defined in 1 V.S.A. § 313. In cases where an executive session is allowed by statute and determined to be absolutely necessary, every effort will be made to provide the public allowable detail of any matter referred to executive session.
 - b) Hold special meetings, in response to what the Selectboard considers by vote, to be the inadequacy of bi-monthly meetings in any time period to provide opportunity for full consideration of issues before it.
 - c) Issue prompt, public, written summaries of Selectboard meeting actions via widely accessible means. Minutes of the Selectboard meetings shall be kept by the recording secretary and are matters of public record. After five (5) calendar days from the date of each meeting, the minutes, containing all components required by the Vermont Open Meeting Law (1 V.S.A. § 311) shall be available for inspection by any person and posted on the Town Website.
 - d) Maximize by technical means, attendance and participation in Selectboard meetings by residents who are visually- or hearing-impaired, home-bound or otherwise physically challenged by utilizing technology, as well as by periodically meeting in venues other than the Town Office.
 - e) Establish facilities, mechanisms and procedures for the public to participate in meetings without being physically present. This can

include submission of questions and comments by written or verbal electronic means. Materials presented and discussed at meetings should be available in written, projected, and/or electronically transmitted form.

f) Make video and/or audio recordings available for all meetings.

E. Public Participation

1. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body, so long as order and mutual respect is maintained according to these rules.

2. Public comment on issues not on the agenda may be discussed during the open public comment period at the beginning of each meeting. Those wishing to speak will be allowed three (3) minutes, unless by majority vote, the Selectboard sets a different time limit.

3. At the conclusion of discussion by the Selectboard of each agenda item, but before any action is taken by the public body, there shall be an opportunity for public comment.

4. Members of the public must be acknowledged by the chair or presiding official before speaking.

5. Members of the public shall state their name at the beginning of their comment, and use the microphone provided to ensure accurate recording.

6. If a member of the public has already spoken on a topic, she or he may not be recognized again until others have first been given the opportunity to comment.

7. Order, decorum, and mutual respect shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking.