

TOWN OF WEATHERSFIELD, VERMONT

POLICY FOR CONDUCT OF MEETINGS AND HEARINGS

NOW COMES the Select Board of the Town of Weathersfield, Vermont, pursuant to Title 24, Chapter 59, of the Vermont Statutes Annotated, and such other general and special enactments as may be material, hereby promulgate the following Policy, being mindful of the obligation to ensure fair and impartial conduct of public hearings relating to the public interest and of public meetings in general, viz.:

I. Conduct of Regular or Special Meetings of the Select Board

- (A) Meetings shall be chaired by the Chairperson of the Board, duly elected at its organizational meeting or, in his/her absence, by the Vice-Chairperson. In the absence of both the Chairperson and the Vice-Chairperson, the meeting shall be chaired by a Chair *pro tempore*, to be selected by the Board as its first order of business.
- (B) A majority of the Select Board shall constitute a quorum for the conduct of business. If a quorum is not present, the only action or business which may be considered by the Board is a motion for a recess or adjournment.
- (C) All business shall be noted in an agenda, which shall be posted outside the Town Clerk's Office, as well as posted in all areas required by Title 1, Section 312 (c), of the Vermont Statutes Annotated, and published at a sufficient time in advance of the meeting to enable the public to be informed. No matters shall be considered by the Board other than as they may appear on the agenda, with the exception of emergency business.
- (D) All business shall be conducted in the same order as it may appear on the agenda except that, by majority consent, the Chairperson may alter the order of items to be considered. The Chairperson shall rule on all questions of order or privilege, and his/her decision shall be final, provided that an appeal may be made by a majority of the Select Board to the decision of the Chairperson as to any rule of order.
- (E) No person other than a member of the Board may be heard to speak first as a matter of right upon any question appearing on the agenda. However, the Chairperson of the Board shall invite questions from the audience and shall permit remarks of any person speaking from the audience pursuant to Title 1, Section 312 (h), of the Vermont Statutes Annotated. However, the duration and frequency of participation by members of the audience may be limited by the Chairperson of the Board pursuant to Robert's Rules of Order.

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- (F) There shall be reserved a period during each regular meeting of the Select Board for public comment on any issue. This time and comment may be limited subject to reasonable rules of the Chairperson.
- (G) Meetings may be recessed, provided they are recessed to a time and place certain.
- (H) Regular meetings of the Select Board shall be held at 7 o'clock, P.M., on the first and third Thursday of the month, provided that the Board may dispense with certain meetings during the summer months. The Board may call a special meeting in the sole discretion of the Chairperson, or upon the request of any two (2) members of the Select Board, and such notice shall be given as is required by law.
- (I) Any rules of procedure not set forth herein shall be as provided in Robert's Rules of Order.

II. Conduct of Quasi Judicial Public Hearings

- (A) If more than one (1) item is noticed for hearing at any given time, such items shall be taken up in the order noticed for hearing.
- (B) The presiding officer for any public hearing shall be the Chairperson of the Select Board. The presiding officer shall decide all questions of procedure or points of order not otherwise specifically set forth in this Policy, and his/her decision shall be final, unless it is overruled, on appeal, by a majority of the Select Board.
- (C) First to be heard in any public hearing will be the proponents of the matter noticed for hearing, followed by the opponents, if any. Following the hearing of all opponents, further reasonable time may be given to the proponents for rebuttal, at the discretion of the Board.
- (D) Parties who are appearing before the Board at any hearing may do so in person, or be a representative of their own choice, or be legal counsel. The first person appearing for any party, or its personal representative or legal representative, shall be responsible for the conduct of all persons appearing at the hearing for purposes of giving testimony, but shall not be responsible for members of the general public who may be heard.
- (E) The Board may limit the time for consideration of the hearing in advance, may limit the time or cut off discussion of any subject at any time in its sole discretion, or may limit the time of any speaker or witness.

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- (F) No person may speak more than one (1) time on each matter noticed for hearing without first obtaining the permission of the presiding officer, and they may not be permitted to speak on any subject to the exclusion of a person who has not yet spoken on the same question, and who desires to be recognized.
- (G) No party, representative of a party, witness or speaker shall be permitted to make personal attacks on another speaker, a member of the Board, or any person whatsoever. No person shall be permitted to interrogate another speaker or any person present at the hearing without the permission of the Board given in advance of any such questions.
- (H) No person or party represented at any hearing may be heard both personally and by counsel, except at the discretion of the presiding officer.
- (I) The presiding officer at any hearing may make such rulings or orders, or give such instructions as may be necessary to preserve the order, decorum and dignity of the proceedings. This authority shall include the power to exclude from the meeting or expel any person or group of persons who is or are attempting to disrupt the proceedings, or who refuse to abide by and carry out the lawful instructions of the presiding officer, or who are otherwise behaving in an unruly or riotous manner.
- (J) The Board may cause to be recorded the official minutes or proceedings of any hearing, public or private, in which case a copy may be made available to any party for a reasonable fee upon request. A party may record electronically the proceedings of any public or private hearing in which he is involved, with the permission of the Board. A party may retain a reporter or secretary to record the minutes of the proceedings. No such minutes or record shall be considered official unless approved in their entirety by the Board.
- (K) Any rules of procedure not set forth herein shall be as provided in Robert's Rules of Order.

III. Other public hearings

- (A) The provisions of Section II of this Policy for the Conduct of Meetings and Hearings shall apply to other public meetings and hearings of the Board of a non-judicial nature unless clearly inapplicable.
- (B) In the event that any hearing or meeting is required by law to be held in executive session, the provisions of Title I, Chapter 5, of the Vermont Statutes Annotated, shall apply, and such other general or special enactment as may be material hereto.

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IV. Requests of Town Manager

The Chairperson of the Board, and in their absence the duly identified representative, shall authorize or otherwise direct the Town Manager to investigate, prepare, sign, represent and conduct such work as requested by a majority of the Board. Individual board members with special or individual requests will direct all such requests to the Chairperson for conveyance to the Town Manager. This shall in no way prohibit contact with the Town Manager as may be necessary to collect and discuss information regarding Town business.

V. Procedure for Appointing Citizens to Town Boards to Fill Vacancies

- (A) When a vacancy occurs on a Town board, the Select Board shall forthwith fill such vacancy by appointment. In the case of a vacancy on the School Board, the Select Board shall fill the vacancy within thirty (30) days of the creation of the vacancy with the advice of the existing school board members, as per Title 16, Section 424, of the Vermont Statutes Annotated.
- (B) The vacancy shall be publicly announced at the Select Board's meeting immediately following the initial occurrence of the vacancy. The candidates shall submit a letter of interest to the Town Manager's Office by the deadline established by the Select Board.
- (C) In the event of multiple applications, the Select Board shall conduct interviews of the candidates prior to the commencement of the scheduled Select Board meeting. The Select Board shall determine the format for the interviews with questions agreed upon by the Select Board. The interviews shall be open to the public and the time and date of the interviews shall be publicly announced at the prior Select Board's meeting. The public shall have the opportunity to make comments on the candidates following their interviews and prior to the commencement of the scheduled Select Board meeting.
- (D) In the event there is only one (1) candidate, the Select Board shall have the right to interview candidates to fill the vacancy.

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- (E) Upon conclusion of the interview(s), the Select Board, at the scheduled Select Board meeting, shall consider all candidates who have submitted letters of intent, by open nomination. Each Selectperson may nominate more than one (1) candidate, but only after each Selectperson has had the opportunity to make a nomination. The Chairperson of the Select Board shall put the question on each candidate to the Select Board, in the order the candidate was nominated, one candidate at a time. The Select Board shall vote in public with their individual votes announced by voice and their individual votes shall be recorded by the secretary in the minutes. The Chairperson of the Select Board continues this procedure until the required number of board members are elected. In the event there is a tie between candidates, this procedure is repeated between the tied candidates, until the candidate with the most votes is appointed.

VI. Procedure for Consideration of Select Board Agenda Items

- (A) Consideration of items to be reviewed by the Chairperson for inclusion in the regularly-scheduled Select Board Meeting shall be done in the following manner:
- (1) By prior agreement of a majority of three (3) Select Board members at a previously-scheduled Select Board meeting;
 - (2) By written request of a Select Board member by 4:00 P.M. the Thursday prior to a scheduled meeting. The request would be addressed to the Town Manager's Office;
 - (3) By written request of a Weathersfield resident, property owner, or group, by 4:00 P.M. the Thursday prior to the next scheduled Select Board meeting;
 - (4) At the request of the Town Manager, by draft Agenda considered by the Chairperson; or
 - (5) By any State or Federal government entity, for items requiring Select Board authorization.
- (B) In order for a request to be placed on the Select Board Agenda, the Chairperson decides on placement of a proposed Agenda item.

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- (C) Should the Chairperson decide that an item should not be on the Agenda, the item shall not be placed on the regular warned Agenda and other Board members shall be notified.
- (D) In the event that the Chairperson decides against placement of an item on the Agenda, the item shall be forwarded to the Select Board for a vote as to placement on the Agenda.
- (E) If a majority [three(3)] of Select Board members vote to place an item on the Agenda, the item will be placed on the next regularly-scheduled Select Board Meeting for consideration. The item will not be discussed or considered at the meeting it is submitted to the Select Board
- (F) As with any item proposed by a Select Board member, a proposal must have the affirmative vote of three (3) Select Board members to constitute a positive vote.
- (G) In the event of defeat of the item by a majority of Select Board members, the Board will not consider the agenda item.
- (H) Prior to a Select Board vote on placing an item on the Agenda, the Select Board may decide whether citizen input will be allowed. If allowed, citizen input will be limited to comments on placement of an item on the Agenda. Specific discussions of the issue or item are not allowed until the warned agenda issue or item is discussed at a future Select Board Meeting.

VII: RECORDS

- (A) The Select Board shall appoint a Recording Secretary, who shall be responsible for maintaining the Minutes of all open meetings.
- (B) Minutes shall be maintained for all open meetings. A majority of the Board must sign the Minutes after they are prepared by the Recording Secretary and approved by the Board.
- (C) Minutes are a public record of the Town, and shall be recorded with the Town Clerk after approval and signature by the Board.

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VIII: REPEAL OF INCONSISTENT PROVISIONS

Any provisions of any Policy of the Town of Weathersfield in effect at the time of enactment of this Policy governing any activity included in this Policy is hereby revoked.

IX: SEVERABILITY

The Select Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

X: EFFECTIVE DATE

No section of this Policy shall be construed to supersede or replace any Vermont statute.

This Policy shall be entered in the minutes of the Select Board's meeting and posted in at least five (5) conspicuous places with the Town of Weathersfield on a day not more than fourteen (14) days following the date when the Policy is adopted.

The foregoing Policy is hereby adopted by the Select Board of the Town of Weathersfield, Vermont, this seventeenth day of March, 2005.

C. Peter Cole, Chairperson
Henry C. Cobb, Jr., Vice-Chairperson
Norman John Arrison, Board Clerk

Daniel E. Boyer, Selector

Patricia W. Daniels, Selector