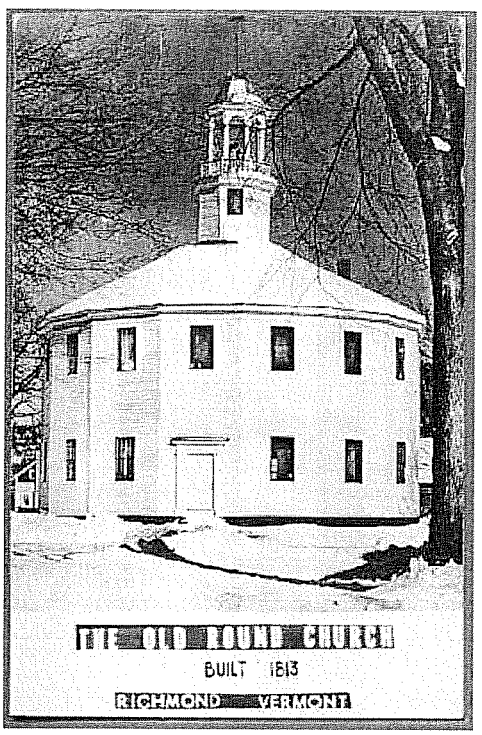
# Richmond Selectboard
# Rules of Procedure




Adopted: April 15, 1996
Amended: March 20, 2000 (minor typographical corrections)
Amended: November 19, 2007 (only to Rule 06 - in bold)

Erik Filkorn, Chair of Richmond Selectboard

Introduction

The Rules of Procedures or "Rules" for the Town of Richmond Selectboard are procedural rules related to the conduct of official meetings of this local legislative body. They can be modified from time to time by formal action of the Richmond Selectboard of "Board". The Selectboard shall follow these Rules and make them public upon request.

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## SECTION 1 – GENERAL PROVISIONS

### Rule 01. Election of Officers

Procedures for electing officers are as follows:

A. Annually, the members shall elect a Chairperson from among their number who shall have the tile of Chair. In addition to the powers conferred upon him/her as Chair, he/she shall continue to have all the rights, privileges and immunities of a member of the Board. If a vacancy occurs in the Office of Chair, the members of the Board at their next regular meeting shall select a Chair from among their number for the unexpired term.

B. A Vice-Chair shall also be elected in a like manner.

### Rule 02. Presiding Officer

The Chair shall preside at all meetings of the Board and will be the designated spokesperson for the Board inside and outside of meetings. The Chair has no regular administrative or executive duties. In case of the Chair's absence or temporary disability the Vice-Chair shall act as the Chair during the continuance of the absence or temporary disability. In case of the absence or temporary disability of the Chair and the Vice-Chair, a temporary Vice-Chair selected by the members of the Board shall act as Chair during the continuance of the absences or disabilities. The Chair or Vice-Chair is referred to as "Presiding Officer" from time to time in these Rules.

### RULE 03. Number of Members – Quorum

There will be five (5) members of the Board. At all meetings of the Board, three members, who are present and eligible to vote, shall constitute a quorum for the transaction of business. When voting on a motion, at least three members shall vote in the affirmative or negative in order for a decision to be made on the motion. Otherwise, a motion fails. A less number than three may adjourn provided that written notice of said adjournment be posted on the exterior meeting room doors.

### RULE 04. Board Meeting Location

All meetings of the Board shall be held at the Richmond Town Center meeting room – 203 Bridge Street – unless, from time to time, a different location is required by the Board. In those cases, meeting places may not be designated to exclude members of the public. The time and place of a special meeting must be designated. If a meeting is relocated, final action may be taken only on written agenda items. The Town of Richmond will comply with the Americans with Disabilities Act and make every effort to reasonably accommodate all individuals interested in participating in municipal activities. No smoking will be allowed in the Town Center at any time.

RULE 05. Board Meeting – Time

The regular meetings of the Board shall be held on the first and third Monday evenings of the month at a time agreed upon by the Board at their annual organization meeting. If so voted, the regular meeting may be moved to another time and date but only with proper notice. Proper notice for a changed regular meeting is by publication in the "Legal Ad" section of the Burlington Free Press at least 15 days before the date of the originally scheduled meeting (1st and 3rd Monday) and posting of the new time and date in at least five public places in the municipality. All cancellations of any meeting shall be done as soon as possible. If a meeting is canceled, a notice will be posted on the meeting room door and in at least three other public places stating the reason for the cancellation and, if available, the time, date, and place of their next meeting.

RULE 06. Board Meetings – Open to the Public

All meetings of the Board and of committees thereof shall be open to the public, except as provided for in State law for closed executive sessions. Meeting agendas shall be posted in at least three (3) locations at least 24 hours prior to the meeting.

All persons must be allowed to attend unless "unruly", or otherwise excluded by law, such as executive sessions, labor negotiations, social gatherings (unless business is discussed), and certain quasi-judicial proceedings. A meeting is generally defined as any gathering of a majority of members where Town business is discussed. **Board members and their invitees to an executive session shall respect the confidentiality of executive session discussions by not publicly relaying the content or summary of those discussions, even after the termination of office or final action on the item which was subject of an executive session discussion.** Board members or their invitees may unanimously agree to publicly release information before the conclusion of the executive session.

Exceptions: Open meetings do not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine day-to-day administrative matters that do not require action by the public body may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.

Access to Public Records Public records include most communication, regardless of form, relating to the conduct of Board business ( 1 V.S.A. 316 ). Records should be made available for public inspection and copying during normal office hours. The Board should only be able to charge for copies at actual cost.

*(Added **bold language** on September 4, 2007)*

## RULE 07. Special Board Meetings

Procedure for setting a special meeting are as follows:

A. The Presiding Officer or any two members of the Board may call a special meeting.
B. Notice of the special meeting shall be prepared in writing by the Town Administrator or his/her designee. The notice shall contain the following information about the meeting: Time, place, and business to be transacted.
C. The notice shall be delivered by mail, orally or personally to each Board member, the Town Administrator, Town Clerk, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The notice must be delivered at least twenty-four (24) hours prior to the meeting.

## RULE 08. Emergency Meeting

Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. The Selectboard may hold emergency meetings only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention.

## RULE 09. Board Meeting Agenda

The Town Administrator, under the direction of the Board Chair with the input of members shall arrange a list of such matters according to the order of business and prepare an agenda for the Board. A copy of the agenda and supporting materials shall be prepared for Board members. A copy of the agenda shall be posted in several public locations at least 24 hours before a Board meeting. The Board shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent Board meeting. The Presiding Officer, two (2) Board members, the Town Administrator, or his/her designee may introduce a new item to the agenda.

Board members will receive a "Meeting Packet" from the Town Administrator's Office on Friday before each regular meeting. It is essential to the operation of the Board that members have reviewed the information contained in the "Meeting Packet" as well as discussed any complex or new issues on the agenda with office staff prior to the meeting.

## RULE 10. Quasi-Judicial Capacity

Quasi-Judicial actions are defined as actions of the Board, which determine the legal rights, duties or privileges of specific parties in a hearing. The Board is acting in a quasi-judicial capacity when it holds publicly warned hearings for any

matter in which the Board has authority to act. This technically may require the following:

A. Tape recording of the hearing.
B. Complete minutes with any motions and voting by Board members.
C. Swearing in of all witnesses testifying (including applicant). This must be done by a Notary Public. Board members cannot administer the oath. Swearing in of witnesses will be conducted when the need arises as determined by the Chair or 3 Board members.
D. Every hearing must be concluded with some sort of motion. This must be one of the following:

1. Motion to close the hearing.
2. Motion to continue the hearing to a future (specified) date if more evidence is necessary in order to make a decision.
3. Motion to approve or deny the request or proposal being presented. All conditions of approval or denial must be contained in the motion and the motion must be voted on.

## RULE 11. Town Administrator

The Town Administrator, as the chief administrative officer or his/her designee, shall attend all meetings of the Board, unless excused by the Presiding Officer. The Town Administrator may take part in the Board's discussion on all matters on the agenda, and otherwise concerning the welfare of the Town.

## RULE 12. Liaison Responsibilities

At the organizational meeting, each member will acquire specific responsibility for various local and regional organizations or town departments. As liaison, the member becomes the Board representative in charge of seeking a greater understanding of the issues affecting the group or organization they are delegated to represent.

The liaison must work within the framework established by that organization or group and follow the applicable rules, regulations and policies. It should be recognized that only in certain instances can the member act on his or her own without the agreement of the Board. This may occur, for example, when passing motions as part of a regional organization or board, such as the regional Planning Commission. However, even in these instances, the Board as a whole must be kept up to date on actions taken and ideally receives some prior notice on major issues affecting Richmond.

## RULE 13. Clerk of the Board

The Selectboard will designate a Clerk of the Board who shall keep minutes and shall perform such other and further duties in the meeting as may be required by the Board, Presiding Officer, or Town Administrator. In the ABSENCE OF THE Clerk, the Board shall appoint a qualified staff member to act as the Clerk of the Board.

## SECTION II - DUTIES AND PRIVILEGES OF MEMBERS

### RULE 14. Abstentions From Participation and Voting

In order to secure, protect, and preserve the highest level of public trust in the deliberations and decisions of the Richmond Selectboard, it is incumbent upon each member to scrupulously avoid any act which constitutes a conflict of interest established in law and also to avoid any act which gives the appearance of an undue special privilege or a conflict of interest.

A. A member shall withdraw from all participation as a member of the Board, including all formal and informal discussion and voting, in any quasi-judicial deliberation of the Board or its committees when a conflict of interest or partiality is asserted. The test of whether a conflict of interest exists is as follows: Would a disinterested person, having been apprised of the totality of a Board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality exists? Circumstances under which a Board member must withdraw from participation include, but are not limited to the following:

1. Direct financial interest in the outcome of the matter at issue: direct financial interests include the member providing professional or business services to any party in the proceedings or receiving any form of remuneration or benefit;
2. Indirect financial interest in the outcome of the matter at issue; indirect financial interests include issues in which a member's partner, immediate family member, close personal friend, employee, or client has or is likely to have a direct financial interest in the outcome of the matter;
3. Ownership of property in the vicinity;
4. Direct or indirect business interests;
5. Close personal; ties to the applicant which affect the member's sound judgment in the public interest;
6. The matter at issue involves the member's own official conduct.

B. Prior to any quasi-judicial hearing, each Board member should give consideration to whether a potential violation exists in exercising his or her duties as a member of the Richmond Board. If a potential violation exists, no matter how remote, the Board member should disclose such facts and, if it is

the wish of the majority of the Board, withdraw as a Board member from any further discussion of the matter.

1. Anyone seeking to disqualify a Board member from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Board member shall state with specificity the basis for disqualification; for example, demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex-parte contact. Should such challenge be made prior to or during the hearing, the Board shall decide by majority vote the validity of the claim. When deemed necessary by the Board, the Town Administrator shall direct the Town Attorney to interview the Board member and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court.

2. Procedure on Application. Any person making application for any action leading to a quasi-judicial hearing may request to be provided with a document containing the following information:

a) the names and addresses of all members of the Selectboard, and

b) a statement that if the applicant intends to raise an appearance of fairness issue, the applicant should do so at least two weeks prior to any public hearing. The applicant shall acknowledge receipt of such document.

## RULE 15. Dissents and Protests

Any Board member shall have the right to express dissent from or protest against any motion or resolution of the Board at the time it is made and have the reason therefore entered in the minutes.

# SECTION III - BOARD PROCEDURES

## RULE 16. Rules Of Order

Rules of order not specified by statute, ordinance, or resolution shall be governed by Robert's Rules of Order. The Board Chair or his/her designee shall serve as parliamentarian and shall advise the Board as to correct rules of procedure or questions of specific rule application.

## RULE 17. Actions For A Public Hearing

Actions of the Selectboard shall be governed by the following during public hearings.

A. Public Hearings shall be, at a minimum, warned in the Burlington Free Press.

B. The procedures for a public hearing are as follows:

1. Prior to the start of the "Comments from the Public" portion of the public hearing, the Presiding Officer may require that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Board, may establish time limits and otherwise control presentations. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, etc.)

2. The Presiding Officer introduces the agenda item, opens the hearing, and may announce the below Rules of Order.

a) "All speakers shall state their names prior to their comments."

b) "Anyone making "out of order" comments may be subject to removal from the meeting."

c) "There will be no demonstrations during or at the conclusion of anyone's presentation."

d) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech."

3. During public commentary, the Presiding Officer may call for proponents to speak, for opponents to speak, for rebuttals of previous statement, for comments from the administrative staff or for questions from the Board.

4. The closing of the hearing may be followed by a voice or roll call vote. Findings of fact or reasons for conclusions may be prepared subsequent to any decision by the Board.

## RULE 18. Voting

The votes during all meetings of the Board shall be transacted as follows:

A. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Board member, a roll call vote shall be taken by the Clerk of the Selectboard. The Presiding Officer shall determine the order of the roll vote.
B. In case of a tie in votes on any proposal, the proposal shall be considered lost.
C. Board members may abstain from voting in accordance with Rule 1.
D. Board members who have been absent for a major portion of the discussion of an issue may abstain from voting if they feel they have inadequate information.
E. The passage of any motion or resolution not subject to the provisions of state or local law, or these rules as amended, shall require the affirmative vote of at least a majority of the membership of the Board (no less than three members) who are present and eligible to vote.
F. Motions shall be made in the affirmative whenever possible.

## RULE 19. Resolutions, Motions and Policies

An enacted resolution is an internal legislative act that is a formal statement of policy concerning matters of special or temporary character. Board action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.

An enacted motion is a form of action taken by the Board to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.

An adopted policy shall take effect immediately upon adoption unless otherwise established by the Board. All adopted policies must have an affirmative vote by the Board. This policy and all policies adopted in the future must be recorded in the "Selectboard Policy Binder" on file with the Town Clerk.

Adopted policies, including this document, the "Selectboard Rules of Procedure", shall be reviewed on a regular basis by the Selectboard. Ideally, each policy would be reviewed on an annual basis but not less than once every three years.

## RULE 20. Reconsideration

Any action of the Board, including final action on requests, either made verbally or in writing; but excluding the following: a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an

affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider. A member of the prevailing side can only make such motions on the original action. A motion to reconsider must be made no later than the next succeeding regular Board meeting. A motion to reconsider is debatable only if the action being reconsidered is debatable. Upon passage of a motion to reconsider, the subject matter is returned to the table anew at the next regular Board meeting for any action the Board deems advisable.

## RULE 21. Board Relation

All committees advisory to the Board shall provide the Board with copies of any minutes taken of meetings. Communications from such committees shall be recorded in the minutes.

## RULE 22. Rescinding Rules

Any rule, once adopted by the Board, may be rescinded by a majority of the Board. If rescinded, the rule is no longer in affect and any other rule affected by the change shall be amended and re-adopted, if required.

Revisions to this document may be made from time to time and so noted on the cover page with the date of such actions.