

TOWN OF BRATTLEBORO, VERMONT
SELECTBOARD
RULES FOR CONDUCT OF MEETINGS AND HEARINGS
April 28, 2015

NOW COMES the Selectboard of the Town of Brattleboro, and pursuant to the Brattleboro Town Charter and to Title 24, Chapter 59, and such other general and special enactments as may be material, hereby promulgate the following rules and regulations, 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.:

A. Conduct of Regular or Special Meetings of the Selectboard

1. Meetings shall be chaired by the Chair of the Board, duly elected at its organizational meeting, or in their absence, by the Vice-Chair. In the absence of both the Chair and the Vice-Chair, the meeting shall be chaired by a Chair pro tempore to be selected by the Board as its first order of business. The Clerk of the Board shall be responsible for signing the minutes after they are prepared by the Executive Secretary and approved by the Board.
2. A majority of the Selectboard 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.
3. 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 1 V.S.A. §312(c), and transmitted to interested news media 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 exceptions of old business, emergency business, or routine business omitted either inadvertently or in error from the agenda.
4. All business shall be conducted in the same order as it may appear on the agenda except, that, by unanimous consent, the Chair may alter the order of items to be considered. The Chair 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 Selectboard to the decision of the Chair as to any rule of order.
5. 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 Chair of the Board shall invite questions from the audience and shall permit remarks of any person speaking from the audience pursuant to 1 V.S.A. §312(h). However, the duration and frequency of participation by members of the audience may be limited by the Chair of the Board pursuant to Robert's Rules of Order.
6. There shall be reserved a period during each regular and special meeting of the Selectboard for public comment on any issue. This time and comment may be limited subject to reasonable rules of the Chairperson.
7. Meetings may be recessed, provided they are recessed to a time and place certain.
8. Regular meetings of the Selectboard shall be held at 6:15 p.m. on the first and third Tuesday of the month, provided that the Board may amend this schedule by majority vote. The Board may call a special meeting in the sole discretion of the Chair, or upon the request of any two members of the Selectboard, and such notice shall be given as is required by law.
9. Any rules of procedure not set forth herein shall be as provided in Robert's Rules of Order.

B. Conduct of Public Hearings (Quasi Judicial)

1. If more than one item is noticed for hearing at any given time, such items shall be taken upon in the order noticed for hearing unless otherwise altered by agreement of all parties or by order of the Board.
2. The presiding officer for any public meeting shall be the Chair of the Selectboard, or such other person as may be designated by the Chair, whether a member of the Board or not. The presiding officer shall decide all questions of procedure or points of order not otherwise specifically set forth in these rules, and their decision shall be final, unless it is overruled, on appeal, by a majority of the Selectboard.
3. 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, in the discretion of the Board.
4. 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.
5. The Board may limit the time for consideration of the hearing in advance, may limit the time or cut off discussion of any entire subject at any time in its sole discretion, or may limit the time of any speaker or witness.
6. No person may speak more than one 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.
7. 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 that person's consent and without the permission of the Presiding Officer given in advance of any such questions.
8. 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.
9. The Board shall 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.
10. Any rules of procedure not set forth herein shall be as provided in Robert's Rules of Order.

C. Other Public Hearings/Meetings

1. The provisions of Paragraph B of these Rules 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.
2. 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, Vermont Statutes Annotated shall apply, and such other general or special enactment as may be material hereto.

D. Requests of Town Manager

The Chair 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 at a duly warned meeting. Individual board members with special or individual requests will direct all such requests to the Chair for conveyance to the Town Manager and other administrative staff. This shall in no way prohibit contact with the Town Manager or administrative staff as may be necessary to collect and discuss information regarding town business.

E. Warrants

The Selectboard authorizes the drawing of funds to pay expenses incurred by the Town. The Town Treasurer is responsible for preparing warrants and for making payments once authorized by the Selectboard. The Selectboard shall authorize one or more board members to examine and approve the warrant(s) on a weekly basis. The Town Manager also independently reviews and approves all warrant(s) on a weekly basis. A full report of the approved warrant(s) shall be presented for review by the full Selectboard in their agenda packet prior to each regularly-scheduled meeting. The responsibility for examination and approval shall be either assigned or rotated between members. Warrants shall minimally include the payee, amount of payment, and invoice/billing date. Additional information, including invoices, department approval, and accounts being charged is available from the Finance Department.

While there is no set criterion for reviewing warrants, Board members may wish to see additional information on payments to payees not normally paid through accounts payables, payees not normally thought to be doing business with the Town, and any large or reoccurring payments.

If a Board member does not wish to authorize payment of a particular expense, that expense shall be removed from the warrant being reviewed and placed in a separate warrant. If the Treasurer believes the expense should be paid, that separate warrant shall be taken up by the full Board.

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

1. Pursuant to the Brattleboro Town Charter, when a vacancy occurs on a town board, the Selectboard shall forthwith fill such vacancy by appointment.
2. The vacancy shall be publicly announced at the Selectboard'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 Selectboard.

3. In the event of multiple applications, the Selectboard shall conduct interviews of the candidates prior to the commencement of the scheduled Selectboard meeting. The Selectboard shall determine the format for the interviews with questions agreed upon by the Selectboard. The interviews shall be open to the public and the time and date of the interviews shall be publicly announced at the prior Selectboard'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 Selectboard meeting.
4. In the event there is only one candidate, the Selectboard shall have the right to interview the candidate to fill the vacancy.
5. In making appointments to vacant seats on a board for which there are one or more appointed alternates, the Selectboard may, upon motion, proceed with the appointment process from the pool of alternates without conducting interviews of the alternates.
6. Upon conclusion of the interview(s), the Selectboard, at the scheduled Selectboard meeting, shall consider all candidates who have submitted letters of intent, by open nomination. Each Selectboard member may nominate more than one candidate, but only after each member has had the opportunity to make a nomination. The Chair of the Selectboard shall put the question on each candidate to the Selectboard, in the order the candidate was nominated, one candidate at a time. The Selectboard 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 Chair of the Selectboard 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.

G. Procedure for Consideration of Selectboard Agenda Items

1. Consideration of items to be reviewed by the Chair and Vice Chair at the regular agenda setting meeting for inclusion in the regularly-scheduled Selectboard Meeting shall be done in the following manner:
 - a) By prior agreement of a majority of three Selectboard members at a previously-scheduled Selectboard meeting.
 - b) By written request of a Selectboard member by 12pm the Wednesday prior to a scheduled meeting. The request would be addressed to the Town Manager's Office.
 - c) By written request of a Brattleboro citizen or group, by 12pm the Wednesday prior to the next scheduled Selectboard meeting.
 - d) At the request of the Town Manager, by draft Agenda considered by the Chair and Vice-Chair at the Agenda-setting meeting.
 - e) By any state or federal government entity, for items requiring Selectboard authorization.
2. In order for a request to be placed on the Selectboard Agenda, the Chair and Vice-Chair or designee, must both agree on placement of a proposed Agenda item.

Should both the Chair and Vice-Chair agree that an item should not be on the Agenda, the item shall not be placed on the regular warned Agenda and other Boardmembers shall be notified. All Selectboard members shall be given notice of items discussed or otherwise considered for inclusion on the agenda.

In the event that the Chair and Vice-Chair disagree regarding placement of an item on the Agenda, the item shall be forwarded to the Selectboard for a vote as to placement on the Agenda.

- a) If a majority (three) of Selectboard members vote to place an item on the Agenda, the item will be placed on the next regularly-scheduled Selectboard Meeting for consideration. The item will not be discussed or considered at the meeting during which it was voted to be placed on the agenda. The item will be discussed on the Agenda for the meeting at which it was placed.
- b) As with any item voted by a Selectboard member, a proposal must have the affirmative vote of three Selectboard members to constitute a positive vote.
- c) In the event of defeat of the item by a majority of Selectboard members, the Board will not consider the agenda item.
- d) 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 Selectboard Meeting.

These rules shall be entered in the minutes immediately proceeding the minutes of this meeting and shall be posted in not less than five (5) conspicuous places within the Town of Brattleboro.

Adopted by the Selectboard this 28th day of April, 2015.

David Gartenstein, Chair

Kate O'Connor, Vice Chair

David Schoales, Clerk

John Allen

Donna Macomber