

Selectboard Rules of Procedure – Town of Windham, VT

A. PURPOSE.

The Selectboard of Windham, VT 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 Windham, VT must be open to the public at all times, except as provided in 1 V.S.A. § 313.

B. APPLICATION.

This policy setting forth rules of procedure shall apply to the Selectboard of Windham, VT which is referred to below as "the body." These rules shall apply to all regular, special, and emergency meetings of the body.

C. ORGANIZATION.

1. The body shall annually 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.
2. The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
3. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.
4. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.
5. Motions made by members of the body do not 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.
6. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion only after being recognized by the chair. Motions to close or limit debate will be entertained.
7. Any member of the body may request a roll call vote. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous.
8. Meetings may be recessed to a time and place certain.
9. These rules shall be made available at all meetings.
10. These rules may be amended by unanimous vote of the body, and must be readopted annually.

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D. 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 Selectboard Chair or the Town Clerk to request inclusion on the agenda. The Chair shall determine the final content of the agenda.
2. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in or near the municipal office and at the following designated public places in the municipality: The Meeting House and Firehouse. As well, a meeting agenda shall be posted on the Town Website, www.townofwindhamvt.com. The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by unanimous vote of the body.

E. MEETINGS.

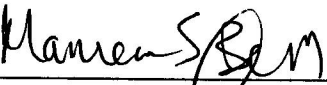
1. Regular meetings shall take place 6:30 pm on the first and third Mondays of the month at the Windham Town Office.
2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body unless previously waived; to an editor, publisher or news director, 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 municipal clerk's office and at the following designated places in the municipality: The Meeting House and Firehouse. As well, a meeting agenda shall be posted on the Town Website, www.townofwindhamvt.com.
3. 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. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
4. 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 that is not unanimous must be done by roll call. If a quorum or more of the body attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for 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.

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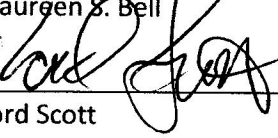
F. PUBLIC PARTICIPATION.

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 is maintained according to these rules.
2. At the conclusion of discussion of each agenda item, but before any action is taken by the public body at each meeting, there may be time afforded for open public comment.
3. Comment by the public or members of the body must be addressed to the chair or to the body as a whole, and not to any individual member of the body or public.
4. Members of the public must be acknowledged by the chair before speaking.
5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
6. Order and decorum 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. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.
7. Members of the body and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - a. Call the meeting to order and remind the members of the applicable rules of procedure.
 - b. Declare a recess or table the issue.
 - c. Adjourn the meeting until a time and date certain.
 - d. Order the constable to remove disorderly person(s) from the meeting.

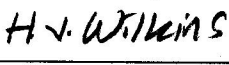
ADOPTED:



Maurgen S. Bell



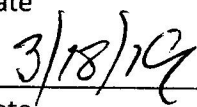
Kord Scott



Hal Wilkins

3.18.19

Date



Date

18 MARCH 2019

Date

Conflict of Interest Policy – Town of Windham, Vermont

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), the Town of Windham, Vermont hereby adopts the following policy concerning conflicts of interest.

Article 2. Purpose. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to ensure that all decisions made by municipal officials are based on the best interest of the community at large.

Article 3. Application. This policy applies to all public officers as that term is defined below.

Article 4. Definitions. For the purposes of this policy, the following definitions shall apply:

A. Conflict of interest means any of the following:

1. A direct or indirect personal or financial interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee in the outcome of a cause, proceeding, application, or any other matter pending before the officer or before the public body in which he or she holds office or is employed.
 2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
 3. A situation where a public officer has not disclosed ex parte communications with a party in a quasi-judicial proceeding.
- A "conflict of interest" does not arise in the case of votes or decisions on matters in which the public official has a personal or financial interest in the outcome, such as in the establishment of a tax rate, which is no greater than that of other persons generally affected by the decision.

B. Emergency means an imminent threat or peril to the public health, safety, or welfare.

C. Ex Parte Communication means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, which occurs outside the proceeding and concerns the substance or merits of the proceeding.

D. Official act or action means any legislative, administrative, or quasi-judicial act performed by any public officer while acting on behalf of the municipality.

E. Public body means any board, council, commission, or committee of the municipality.

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F. Public interest means an interest of the community as a whole, conferred generally upon all residents of the municipality.

G. Public officer means a person elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This term does not include any municipal employee.

H. Quasi-judicial proceeding means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 5. Prohibited Conduct.

A. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

B. A public officer shall not personally – or through any member of his or her household, business associate, employer or employee – represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application, or other matter pending before the public body in which the public officer holds office.

C. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.

D. A public officer shall not use resources unavailable to the general public – including but not limited to municipal staff time, equipment, supplies, or facilities – for private gain or personal purposes.

Article 6. Disclosure. A public officer who has reason to believe that he or she has or may have a conflict of interest in a particular matter shall, prior to participating in any official action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to a conflict of interest.¹

Article 7. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers may be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the municipality, the public body may take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

¹ Such request shall not be considered an order for the officer to recuse him or herself.

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Article 8. Recusal.

A. Recusal of Elected Officers. After taking the actions listed in Articles 6 and 7, an elected public officer should declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest.²

B. Recusal of Appointed Officers. The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest may be grounds for discipline or removal from office.³

Article 9. Post-Recusal Procedure.

A. A public officer who has recused himself or herself from serving on a public body in a particular proceeding shall not sit with the public body, deliberate with the public body, or participate in that proceeding as a member of the public body in any capacity, though such member may still participate as a member of the public.

B. The public body may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

Article 10. Enforcement.

A. Enforcement Against Elected Officers; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures. In cases where an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 9, the Windham, Vermont Selectboard may take progressive action to discipline such elected officer as follows:

1. The chair of the Windham, Vermont Selectboard may meet informally with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the public officer together constitute a quorum of a public body.

² Each member of an elected public body is independently elected and answers only to the voters. Therefore, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.

³ Certain appointed officials such as a Zoning Administrator and a Town Manager may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard.

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2. The Windham, Vermont Selectboard may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the Windham, Vermont Selectboard may admonish the offending public officer in private.

3. If the Windham, Vermont Selectboard decides that further action is warranted, the Windham, Vermont Selectboard may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.


4. Upon majority vote in an open meeting, the Windham, Vermont Selectboard may request (but not order) that the offending public officer resign from his or her office.

B. Enforcement Against Appointed Officers. The Windham, Vermont Selectboard may choose to follow any of the steps articulated in Article 10A. In addition to or in lieu of any of those steps, the Windham, Vermont Selectboard may choose to remove an appointed officer from office, subject to state law.

Article 11. Exception. The recusal provisions of Article 8 shall not apply if the Windham, Vermont Selectboard determines that an emergency exists and that actions of the public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 6.

Article 12. Effective Date. This policy shall become effective immediately upon its adoption by the Windham, Vermont Selectboard.


Signatures:



Maureen S. Bell

3.18.19


Date



Kord Scott

3/18/19

Date



Hal Wilkins

18 MARCH 2019

Date



State of Vermont
Department of Taxes
133 State Street
Montpelier, VT 05633-1401

Agency of Administration

Phone: (802) 828-5860

Fax: (802) 828-2239

March 01, 2019

Chair, Selectboard
Town of Windham
5976 Windham Hill Road
Windham, VT 05359

**Notice of Tentative Redetermination of Equalized Education
Property Value and Coefficient of Dispersion**

As a result of your request for redetermination, a representative of our Division communicated with officials in your municipality. The Division did not find sufficient reason to make changes in the equalized education property value or coefficient of dispersion. As a result, our values certified to you effective January 1, 2019 remain as follows:

Equalized Education Property Value:	\$93,770,000
Common Level of Appraisal:	104.67 %
Coefficient of Dispersion:	19.57 %

In the event you wish to pursue this appeal further, we have scheduled a hearing before the Director or her representative for May 16, 2019 at 02:00 PM at the Tax Department, 133 State Street in Montpelier. If you have questions about the appeal hearing, please refer to Section 6 of 'An Introduction to Vermont's Equalization Study' which was sent to you with the original certification or call us with your concerns.

Sincerely,

Jill Remick, Director
Property Valuation and Review

Enclosure

cc: Town Clerk
Chair, Board of Listers / Assessor
Chair, School Board
Superintendent of Schools: SU046
District Advisor: CL

March 17, 2019

2018 MEETINGHOUSE SHARED EXPENSES

Totals

Insurance	\$8,000
Heating oil & furnace contract	4,104
Utilities (electricity, phone)	1,819
Housekeeping & grounds	<u>1,710</u>

\$15,633

Church obligations

One half of the insurance premium	\$4,000
One quarter of other shared costs	<u>1,908</u>

\$5,908

Town obligations

One half of the insurance premium	\$4,000
Three quarters of other shared costs	<u>5,724</u>
	\$9,724

The town has reimbursed \$6,000 to the church. The church has paid all meetinghouse obligations except for the town's share of the insurance premium.

CHURCH OWES
THE TOWN \$276.-

6000
5724
276.-

EXTRA
COST TO
TOWN

~~1,908~~
~~5,724~~
~~7,632~~