

# Rules of Procedure for Selectboard Vicious Dog/Wolf Hybrid Hearings

---

- A. **Purpose.** The Selectboard of the Town of Windham, VT is required by 20 VSA 3546 and Windham Town Ordinance to conduct a hearing when a domestic pet of wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, the person bitten requires medical attention for the attack and the person bitten has filed a written complaint with the Selectboard. The purpose of these rules is to establish uniform procedures for conducting such vicious domestic pet or wolf-hybrid hearings and to ensure compliance with Vermont's Open Meeting Law.
- B. **Application.** These rules of procedure shall apply to all vicious domestic pet or wolf-hybrid hearings conducted by the Town of Windham, VT Selectboard. A copy of these rules shall be provided to each party bringing a complaint before the Selectboard. The Selectboard Chair shall conduct the hearing in the following manner:
- C. Procedure.
1. The chair of the Selectboard, or in the chair's absence, the vice-chair, shall chair all vicious domestic pet or wolf-hybrid hearings. The chair may make motions and may vote on all questions before the Selectboard. The chair shall rule on all questions of order and procedure.
  2. The chair may exclude any irrelevant, unreliable or unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to demonstrate the innocence or guilt of the domestic pet or wolf-hybrid subject to complain. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.
  3. All vicious domestic pet or wolf-hybrid hearings shall be conducted in the following sequence:
    - a. Open the hearing by reading the warning/notice of the hearing.
    - b. Read the complaint received and remind all present that this hearing is mandated by State law (20 VSA 3546) and Windham Town Ordinance, will be conducted in an orderly manner by the Selectboard as a quasi-judicial body, and that all statements must be directed to the Chair. For clarification:

**A quasi-judicial body is an entity which has powers and procedures resembling those of a court of law or judge, and which is obliged to objectively determine facts and draw conclusions from them so as to provide the basis of an official action. Such actions can remedy a situation or impose legal penalties, and may affect the legal rights, duties or privileges of specific parties.**
    - c. Ask the complainant/respondent if he/she has received a copy of these Rules of Procedure and whether he/she has any questions about how the hearing will proceed.
    - d. Request disclosure of any conflicts of interest and/or *ex parte* communications. For clarification:

**"Ex parte" is a Latin phrase meaning "on one side only; by or for one party." An ex parte communication occurs when a party to a case, or someone involved with a party, talks or writes to or otherwise communicates directly with the judge about the issues in the case without the other parties' knowledge**

# Rules of Procedure for Selectboard Vicious Dog/Wolf Hybrid Hearings

---

- e. Direct the complainant or his/her representative and all other providing evidence thereafter to step forward and take the following oath:

**I hereby solemnly swear (or affirm) that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth.**

- f. Accept written information from the complainant presented to the Selectboard.
- g. Invite the complainant to present oral testimony to the Selectboard.
- h. Invite Selectboard members to ask questions of the complainant.
- i. Invite the domestic pet or wolf-hybrid's owner (respondent) or representative to respond to evidence presented.
- j. Invite Selectboard members to ask questions of the domestic pet or wolf-hybrid owner.
- k. Invite members of the public to present any relevant information regarding the complaint.
- l. Invite more questions or comments from members of the Selectboard.
- k. Invite the Animal Control Officer to present any relevant information regarding the complaint.
- l. Invite Selectboard members to ask questions of the Animal Control Officer
- m. Allow final comments or questions from the complainant and domestic pet or wolf-hybrid's owner or their representatives or members of the Selectboard.
- n. Upon motion and majority approval, the Chair shall either adjourn the hearing to a time and date certain (e.g. to obtain additional evidence) or close the proceedings by stating that this is the final public hearing on the matter.
- o. The Selectboard shall then conduct public deliberations or may vote to enter deliberative session in which case the written decision of the Selectboard setting forth its findings of facts, conclusion of the law and order for the domestic pet or wolf-hybrid will be rendered in writing to the owner of the domestic pet or wolf-hybrid by certified mail, return receipt requested within 7 days.