

**WINDHAM, VERMONT BOARD OF CIVIL AUTHORITY RULES
OF PROCEDURE FOR
PROPERTY TAX ASSESSMENT APPEAL HEARINGS**

A. PURPOSE. The Board of Civil Authority (“BCA”) of the Town of Windham, VT is required by 32 V.S.A. Chapter 131 to conduct appeal hearings of lister property valuation decisions. The purpose of these rules is to establish uniform procedures for conducting such appeal hearings and to ensure compliance with Vermont’s Open Meeting Law.

B. APPLICATION. These rules of procedure shall apply to all property tax assessment appeal hearings conducted by the Town of Windham, VT Board of Civil Authority. A copy of these rules shall be provided to the Town of Windham Board of Listers and to each party bringing an appeal before the BCA.

C. PROCEDURE.

1. Start recording. Meeting call to order.

2. Roll Call of BCA members present.

3. BCA must select a chairperson.

4. BCA Members take oath for Assessment Appeal Hearing: **“I do solemnly swear (or affirm) that I will well and truly and determine all matters at issue between taxpayers and listers submitted for my decision, so help me God. (or “under the pains and penalties of perjury.)”**

5. The Chair of the BCA, or in the Chair’s absence, the Vice-Chair, shall preside over all tax appeal hearings. If both the Chair and the Vice-Chair are absent, a member selected by the BCA shall preside over the hearing. The Chair may make motions and may vote on all questions before the BCA. The Chair shall rule on all questions of order and procedure.

6. Pursuant to 24 V.S.A. § 801, a quorum of the BCA shall be any three or more members for a tax appeal hearing. The act or decision of a majority of that quorum shall be treated as the act or decision of the full BCA.

7. Each BCA meeting shall have an agenda prepared by the Town Clerk, with 15 minutes allotted for each hearing. All hearings shall be conducted in the same order as they appear on the agenda, except that by majority vote of the BCA members present, the order of hearings may be modified.

8. This is a Quasi-Judicial Hearing as defined in the Vermont Statutes: "Quasi-judicial proceeding" means a contested hearing as defined by the Vermont Municipal Administrative Procedures Act, 24 V.S.A. Sections 1203-1209, as amended, or 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, which results in a written decision, the result of which is appealable by a party to a higher authority.

9. Appellants shall submit three copies of all documentary evidence to the BCA. The Clerk shall mark all documents submitted to the BCA with appropriate identifying information.

10. The Chair may exclude any irrelevant, unreliable, or unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to demonstrate the value of the property subject to appeal. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.

1. The Chair shall conduct all tax appeal hearings in the following sequence:

- a. Open the hearing, stating the name of the appellant, property location and parcel ID number.
- b. Ask the appellant and listers to take the following oath: **"Under the pains and penalties of perjury, do you solemnly swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?"**
- c. Ask the appellant if they received a copy of these rules of procedure and whether they have any questions about how the hearing will proceed.
- d. Request BCA members to disclose any conflict of interest and/or *ex parte* communication.
- e. Ask the Listers to introduce the property on appeal by describing the property and its present valuation.
- f. Ask the appellant to present their valuation and supporting evidence.
- g. Ask the Listers to respond to the information presented by the appellant.
- h. Ask the appellant to respond to the information presented by the Listers.
- i. Invite questions from BCA members.
- j. Appoint an inspection committee of three BCA members to inspect the property at a date and time set by the chair, and report the inspection committee's findings back to the BCA.
- k. **Recess to a date and time not more than 30 days from the hearing to accept the inspection committee report.**
- l. Reopen the hearing at the date and time specified.

- m. Invite the inspection committee to present its report.
 - n. Invite final questions from the BCA.
 - o. Invite final comments from the appellant.
 - p. Invite final comments from the Listers.
 - q. Close the hearing and explain that the BCA will enter deliberative session and will issue a decision in writing within 15 days. Decision will be in writing and sent to the appellant by certified mail.
 - r. Town Clerk must record the decision and also attach it to the official Grand List.
2. Each property shall be subject to inspection by a site inspection committee of not less than three BCA members appointed by the Chair. The site inspection committee shall report to the board within 30 days of the hearing. If, after notice, an appellant refuses to allow an inspection of the property as required under 32 V.S.A. 4404(c), including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn.
3. These rules may be amended by *majority* vote of the BCA members present.

Adopted by the Town of Windham, VT Board of Civil Authority at its organizational meeting held July 11, 2024.

Signatures:

[Signature]
Chair, Board of Civil Authority

[Signature]
Board of Civil Authority

[Signature]
Board of Civil Authority

[Signature]
Board of Civil Authority

Attest: Ellen F. McDuffie
Town Clerk or Justice of the Peace

Printed Name and Position: Ellen F. McDuffie, Town Clerk