

Thetford Committee Handbook

Managing a Democracy Among Interesting People



Thetford Committee Handbook

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Town of Thetford Handbook for Officials

Thank you for getting involved in Thetford's government, a citizen-run town for almost a quarter of a millennium. This guide helps both new and old officials understand their responsibilities and several key procedures. Thetford's town government has been successful not just because many of its citizens rise to lend a hand, but also because these people have been respectful of each other in hashing out difficult issues. That general culture of open-minded engagement is dependent on citizens perceiving that their government works efficiently and deliberately, without conflicts of interest.

To that end, this handbook includes several policies and sets of guidelines to help guide decision-making. A brief summary of each is listed below, and the full texts of the policies are included as appendices.

- Conflict of Interest Ordinance
- Grant Policy
- Private Donations Policy
- Public Records Law
- Contracting Policy
- Facilities Use Policy
- Personnel Policy
- Appointments and Vacancies Policy

Overview of Town Government

Thetford is run by its voters. They elect a selectboard of five members that acts collectively as a mayor or town manager in addition to being the town's law making body. No one selectboard member has the power to make a major decision without first getting a majority of the board to agree on the matter in a public meeting. The relatively weak form of power ensures that the voters have the greatest control over their local government.

To help it govern the town, the selectboard appoints people to a series of committees that deal with specific topics, such as conservation, budgets and recreation. Those committees will often directly control specific issues (such as scheduling recreation events) while coming back to the selectboard for some key decisions (such as setting enforceable policies or spending town funds). These committees will elect a chair each year after the Town Meeting, who will act as the committee's chief administrator and make sure that the meetings are run well.

Any member of the public has a legal right to be present at the committee's meetings and to have an opportunity to provide input to the body for consideration. That's a legal requirement, but even more importantly, it's an ingrained part of Thetford's public culture that people should be encouraged to give input so that decisions can be made with the widest interests of the town in mind.

It is typical – and good – for people with certain interests to want to be on the committee most relevant to their personal passion. Over time, such committee members often find that they have to make an especially deliberate effort to remain open minded to the less experienced views of townspeople. That genuine showing of respect is a key ingredient, though, to making good policy and having that policy stick.

The selectboard will designate specific members as liaisons to committees. These people act as eyes and ears for the selectboard on a particular topic, but they should not be seen as an exclusive point of contact. One of the great things about having five selectboard members is that particular citizens are probably going to feel comfortable with one of them, perhaps a near neighbor or someone with whom they've had contact previously. Liaisons will likely not attend many committee meetings, and important interactions between a committee and the selectboard should be coordinated with the two chairs and the liaison.

Who Does What

Aside from the selectboard and its various committees, there are several independently elected offices, a few appointed by the state, and several hired employees.

The townspeople directly elect several important people, and because they are elected directly by the voters, the selectboard does not have direct control over their management. These include the Town Moderator, who runs the annual meeting; the Town Clerk, who records documents and does innumerable other things; the Treasurer, who keeps the town's books and disburses funds that the selectboard approves; and the Listers, who set the assessed value of all real property in town so that it can be taxed fairly.

The selectboard also hires people to fill the roles of Road Foreman, Zoning Administrator and Recreation Coordinator along with several others.

The Thetford School District is administered by its own School Board that has authority independent of the town, although it still falls under town governance as any other corporation or land owner would. The School Board is not one of the committees formed by the selectboard. It has its own elections, its own annual meeting and asks voters to approve taxes for its own separate funds.

Policies

New committee members should read the brief summations of Thetford's various policies below. That will give a good start. Committee chairs and those dealing with committee administration should read the policies in full.

As always, the selectboard considers these to be living documents, and the best feedback the board will get will come from the committee members who have ideas for improving them. Please don't be shy in contacting the selectboard about these policies.

Conflict of Interest Ordinance Overview

Decisions – even seemingly unimportant ones or ones with no disagreement – must be made only by the members of the committee that do not have a direct or indirect interest in the matter. A direct interest would be, for instance, voting to condemn a blighted property that abuts your own home. An indirect interest would be voting to condemn a blighted property that abuts your daughter's home. Members may recuse themselves from these discussions and votes, which is different from abstaining. A committee cannot force a member to recuse themselves, but the matter could be brought before the selectboard. The selectboard may nullify a vote or remove a member from the committee at an extreme if they are found to have acted in a conflict of interest.

Grants Policy

While finding and writing grant applications to help fund town operations is very much encouraged, the grants must be submitted through the selectboard. The liaison to grants on the selectboard will interface with the Treasurer to ensure that there are no conflicts between a given grant application and another one from Thetford. Any required matching money must be properly identified and appropriated.

Private Donations Policy

Town committees may accept donations from private individuals or groups. Donations will be accepted only when they are made free of any enforceable contingencies. For instance, someone may donate money to buy paint for a bridge, but they may not specify the color it must be. These donations must be accounted for like other town revenue, which is to say that it must pass directly through the Treasurer. Committees may hold events, lunches, etc. that take in funds. Funds collected must be given to the Treasurer within 48 hours. It is not permissible to use received cash to pay for expenses. All funds must be transferred directly to the town with dispatch.

Public Records Law

Vermont is a "sunshine law" state, which means that practically all meetings with a quorum (typically a majority of the committee) must be available to the public and almost all documents must be made available on request. Further, all meetings with a quorum or more must have a set of minutes that is submitted to the Town Clerk within five days of

the meeting, at least in draft form. This does not mean that you cannot be in the presence of other committee members at public functions or even at home, but if you have more than a quorum of people, you must not talk about committee business. Committees need to “warn” their meetings if they do not fall on a regular schedule, so that the public is given the opportunity to observe and participate. Online distribution of materials is not considered a meeting, but a sustained discussion of issues online would be considered an unwarned meeting.

Contracting Policy

The town does not have a written contracting policy to date. We do have several policies in place that relate to contracting. They include:

- The selectboard is the one body empowered to sign contracts for the town.
- Vendors for goods or services must be selected fairly and without conflict of interest.
- Contractors for physical services must show proof of insurance prior to the start of work, and any subcontractors not covered must do the same. An uninsured subcontractor may alternately sign a waiver document available at the Treasurer’s office.
- Thetford will not pay a vendor that has not submitted a W-9 form.

Facilities Use Policy

Thetford is blessed with very nice meeting facilities, and they should be used before alternate places are employed for public meetings, especially ones involving a cost. Most of the rest of the FUP deals with non-town entities using town properties.

Personnel Policy

All hiring is done directly by the selectboard. The Treasurer’s office has a form that must be filled out prior to consideration for employment. Employees, including committee clerks, must fill out a time sheet and have it signed by the committee chair prior to submission to the Treasurer.

Appointments and Vacancies

Thetford does not have an official appointments and vacancies policy, but it does have several policies that are relevant:

- When a member resigns from a committee, the committee chair should notify the selectboard.
- The selectboard may advertise the open position.
- Candidates for the position should notify the chair of the selectboard.
- The selectboard will generally ask that candidates submit a brief written description of their qualifications and their desire to serve.

Town of Thetford Public Facilities Use Policies

It is the policy of the Town of Thetford to encourage its citizens and visitors to make use of publicly owned property and facilities. Public expression is encouraged, being necessary for the continuance of a functioning democracy. While it lacks both the authority and the desire to regulate the content of public expression, the Town sets out these rules and policies in order to create a safe and comfortable environment for the enjoyment of those facilities for the greatest number of people.

Definitions

Town Property or Facility: These are real properties owned by the Town of Thetford and managed by the Selectboard. There may be properties owned by the Town that have been leased to other organizations that manage those facilities in a private fashion, and to which these rules may not apply.

Public Event: A planned gathering of people involving invitations or advertisement for attendance to a specific place and time, at which no effort is made to restrict attendance.

Private Event: A planned gathering of people involving invitations or advertisement for attendance to a specific place and time, at which at least some effort is made to restrict attendance.

Service Group: A group with a service function is a nonprofit or not-for-profit group whose primary charter or mission is to provide services in a public and non-discriminatory fashion.

General Rules

Thetford is blessed with numerous and beautiful public lands and facilities. The town is additionally blessed with a townspeople who, despite many differences of opinion, more often than not mix freely and exchange ideas with open minds. It is the Town's hope that residents and non-residents continue to enjoy all of our public properties in this spirit.

Users of town facilities must obey state and local laws at all times. Violation of either will be considered sufficient grounds for removal from a town property in addition to all other remedies.

People seeking to use town facilities for purposes other than their expressed purpose of use; groups larger than 25 intended attendees; and people planning for events that could be considered a public event or a private event must seek Selectboard permission at least one week prior to the event. This will not be construed to limit community use of outdoor facilities, such as informal pickup games or other unplanned activities. Groups given permission will generally be required to sign a rental agreement. Exceptions will be given

to groups attending for purposes of expression and other such reasons as the Selectboard may deem appropriate.

Some town properties and facilities have been designated for specific town functions, such as a recycling facility, town hall or storage facility. No activities will be allowed that interfere with the efficient operation of those specific purposes at those facilities.

The Thetford Town Forest, Taylor Parcel, Post Mills Natural Area and Hughes Parcel properties are part of a comprehensive town forestry management plan, and activities that may affect town plans may be referred to the Conservation Commission for their opinion on the proposed activity.

Town committees are encouraged to use Town Hall meeting rooms for their gatherings, and their meetings will take precedence over requests by other groups to use those rooms.

Non-town service groups may seek permission to use Town Hall meeting rooms on a case-by-case basis. Requests should go to the Selectboard by the Monday prior to the requested meeting time. Precedence will be granted to groups providing services and aid to Thetford residents. In no case will alcohol be allowed to be served in Town Hall.

Permission will be granted based on the following criteria:

- Likelihood of interference with Town Hall activities
- Possibility of excessive wear or damage to the Town Hall
- Availability of Town Hall staff or officials to ensure rules compliance
- Record of past use

Signs

Signs or other structures of expression may be erected on town properties, provided that they conform to the following:

- They are temporary in nature. (removed within 5 days of erection)
- They are not in a road right-of-way.
- They do not obstruct the view of permanent signs or impede existing paths and ways.
- They do not involve the damage to buildings or grounds.
- They do not constitute a hazardous distraction to passing traffic.
- They conform to all zoning bylaws and do not cause the town to fall out of compliance with its zoning bylaws.

Public Events

Organizers of public events must seek the Selectboard's permission to hold a gathering at a public facility or on a town property. Due to the scale and logistics involved with public events, as well as safety and other concerns, the following rules will apply:

- Groups, including private and for-profit organizations, may apply to use outdoor facilities, such as the Thetford Center Green for a public or private event. The

Selectboard will require a signed rental agreement (form included below), although it may choose to waive the rental fees for nonprofit and not-for-profit groups with service functions.

- For-profit businesses and individuals, or other entities that will be charging an admission fee, must carry insurance for facilities rental events.
- Renters will be held strictly liable for trash removal or other required cleanup to restore the facility to the condition it was in prior to the event.
- Event set-up may start only after 7:30 a.m.
- Events must end prior to 8:30 p.m., and clean-up must be finished by 9:00 p.m., unless an exception is granted by the Selectboard.
- Groups anticipating the need for parking for more than five vehicles must provide for a safe place at which attendees or valets may park. Cars are not allowed to park in the town road right-of-ways.
- Outdoor events with more than 25 individuals attending must provide for portable sanitation services.

Additional Policies

Certain Thetford facilities, due to their individual natures, will require additional sets of rules, to be determined by the Selectboard and/or the duly appointed directors of those facilities. For instance, the Town's Treasure Island facility requires special rules dealing with the safety of minors in a waterfront setting. In cases where rules in this policy conflict with rules set out for a specific facility, the rules of the specific facility will apply.

Town of Thetford Policy on Town Committee Fund-Raising and Financial Practices

Selectboard appointed committees may fund-raise or receive donations to help carry out their missions. However, no funds may be accepted with enforceable conditions of use. This policy delineates how the committees will collect, retain and disburse these funds.

While this policy sets out certain responsibilities for town committee members, the selectboard and the treasurer, it is not intended to be interpreted as exercising authority over elected officials beyond that implicitly granted to the selectboard and treasurer by statute and precedent. All of the measures and requirements under this policy shall be construed independently and shall remain in force if one or more are rendered unenforceable.

GENERAL POLICY

It is the policy of the Town of Thetford to allow committees to gather support from the town. If this support is given through monetary or in-kind donations, the proper documents must be filed with the Treasurer of the Town of Thetford and kept on file in the Thetford Town Hall.

Each committee is responsible for initiating the preparation and completion of the necessary forms for the proper recording and accounting of the committee's funds.

DEPOSITS

All funds donated to town committees must be submitted to the town Treasurer for deposit within two business days of receipt. The committee is responsible for filling out the proper documents to track the funds. (Reference Thetford forms here.)

IN KIND DONATIONS

Each committee's receipt of in-kind donations must be properly recorded with the Town Treasurer. (Reference Thetford forms here.)

WITHDRAWALS AND REIMBURSEMENTS

For funds to be disbursed, an invoice, signed by an authorized committee member, must be received by the town Treasurer's office. All invoices and reimbursement requests will be included in the following Monday's Warrants presented to the Selectboard for approval. Once approved by the Selectboard, the reimbursement will be available at the town Treasurer's office.

Financial Forms for Committee Members

When accepting donations, requesting the Treasurer deposit funds or asking for a reimbursement or payment, a form must be filed with the Treasurer's office. Because of the schedule of the warrant process, it may be a week or two before a check is actually cut. Below are the relevant forms, which may be copied or printed:

Withdrawal or Reimbursement Request

Town of Thetford Committee or Department: _____

Date of Withdrawal or Reimbursement Request: _____

Amount: _____

Name of person submitting the request: _____

Signature of authorized committee member: _____

Name of person to whom the check should be written: _____

Town of Thetford Cost Center #: _____

Deposit Request

Town of Thetford Committee or Department: _____

Date of Deposit Request: _____

Amount: _____

Name of person submitting the request: _____

Town of Thetford Cost Center #: _____

Donation Reporting and Deposit Request Form

Town of Thetford Committee or Department: _____

Date of Donation: _____

Amount: _____

Name: _____

Address: _____

City: _____ State: _____ Zipcode: _____

Thank you for your donation. No goods or services were provided in exchange for this tax-deductible gift.

Town of Thetford Tax ID#: 03-6000711

Donation Receipt

Date: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Thank you for your donation. The Town of Thetford will not place a value on your gift. That is the responsibility of the donor. No goods or services were provided in exchange for this tax deductible gift.

The Town Of Thetford's Tax ID # 03-6000711

Town of Thetford Policy on Grant Applications and Administration

From time to time, state, federal, charitable and other bodies may make available grants of money, services and/or materials to specific projects geared to the public good. This policy delineates the proper manner in which the Town of Thetford will apply for these funds and how they will be administered.

While this policy sets out certain responsibilities for department heads, the selectboard and the treasurer, it is not intended to be interpreted as exercising authority over elected officials beyond that implicitly granted to the selectboard by statute and precedent. All of the measures and requirements under this policy shall be construed independently and shall remain in force if one or more are rendered unenforceable.

GENERAL POLICY

It is the policy of the Town of Thetford to encourage town officials and department heads to keep track of grant opportunities and to seize initiative in applying for grants; to prepare departments to be more eligible for grants; and to operate departments in a manner to best be able to employ grant funds.

The selectboard will maintain a liaison position dedicated to keeping track of grant applications, ensuring their proper recording, execution and accounting.

APPLICATIONS

All grants sought by town departments, committees, commissions, officials or service providers acting on the town's behalf must be approved by the selectboard prior to submission. There may from time to time arise exigent circumstances in which a grant application may need to be submitted prior to a previously scheduled or regularly held selectboard meeting. In those cases, a selectboard member may authorize the application on a temporary basis, pending discussion at the next selectboard meeting.

Many grants require the town to provide a matching amount of a specific percentage of the project cost. These amounts must either be set aside within an existing budget line item with the knowledge and consent of the selectboard, or specifically appropriated via a legal process, such as through a warned item duly approved at a town meeting. In some cases, matching funds may be covered via work done on the project by townspeople and or town employees. These matching services must be tracked, recorded and reported to the Grant Liaison and Town Treasurer by the Grant Manager within four weeks of the completion of the work, or by the end of the fiscal year, whichever comes first.

Any requirement for matching funds, services or obligations must be brought to the selectboard's attention prior to its consideration for approval of the application.

The selectboard, upon approving the grant, will do the following or delegate these responsibilities:

- Define a specific budget line item from which any matching funds must come

- Ensure that the Treasurer is informed of the potential grant
- To the degree possible, indicate on the grant application that the town would like disbursed funds to include a description of the specific project so as to prevent confusion among grant payments
- Designate a specific person responsible for ensuring the project is completed according to the grant's requirements and time limitations

It is recommended that the selectboard liaison communicate with all department heads at an early date to help determine grant opportunities as well as to help estimate potential future revenues relevant to the town budgeting process.

Public Meeting Law Guidelines

From the Vermont Secretary of State's office

Meetings Of A Public Body Must Be Open To The Public.

Public must be given notice of the meeting.

Public must be allowed to attend the meeting and be heard.

Minutes of the meeting must be taken.

Whom Does The Open Meeting Law Apply To?

This open meeting law applies to all boards, councils and commissions of the state and its political sub-divisions (i.e. municipalities), including subcommittees of these bodies. This means the open meeting law governs meetings of selectboards, planning commissions, boards of civil authority, recreation commissions, municipal public library trustees, auditors, listers, etc. . . .

When Does The Open Meeting Law Apply?

Whenever a quorum (a majority) of a public body meet to discuss the business of the board or to take action, the open meeting law will apply. This means that if a majority of a board find themselves together at a social function they must take care not to discuss the business of the board!

How Does A Board Notice Its Meetings?

A board schedules regular meetings by adopting a resolution setting the time and place of the meeting. This information must be made available to the public.

A board holding a special meeting must, at least 24 hours before the meeting, publicly announce the time, place and purpose of the meeting by notifying the board members and the local news media and any other media that has specifically requested notification, and by posting notice of the meeting in or near the clerk's office and in two other public places in the municipality.

An emergency meeting may be held in the event of a true emergency without public announcement so long as some public notice is given as soon as possible before the meeting.

What Is The Public's Right To Be Heard?

At an open meeting the public must be given a reasonable opportunity to comment on matters considered by the board, subject to reasonable rules set by the chair of the board.

What Do Minutes Of The Board Need To Include?

Minutes must at least include the names of all members of the public body present at the meeting, and other active participants, and all motions, proposals, and resolutions made, and their dispositions, and the results of any votes taken. Minutes are public records, which must be available for public inspection within five days after the meeting.

When Can A Board Meet In Private?

A board may meet in private to deliberate in connection with a quasi-judicial hearing. This is not an open meeting and does not have to be warned.

A board may only go into executive session upon a majority vote of the board (2/3 vote of a state board), on a motion made in open meeting that indicates the reason for going into executive session. The only permissible reasons for going into executive session are set out in 1 V.S.A. § 313, and are explained in Executive Sessions.

A board may invite into executive session its attorney, administrative staff and persons who are subjects of the discussion or whose information is needed.

No decision may be made in executive session. Decisions may be made in deliberative session so long as there is a written decision that is public record.

What Rights Do The Media Have?

Upon request, the agendas of regular or special meetings must be made available to the news media prior to a meeting.

News agencies that wish to be notified of special meetings must provide a written request to the public body.

Members of the news media have the right to attend meetings and to tape or videotape meetings so long as it is not done in a manner that disrupts the meeting.

The media has the right to know the reason a board is going into executive session.

Additional Guidelines from the VLCT

All meetings of a public body are to be open to the public at all times **except** as specified as meeting the **executive session** standards outlined in this law (see below).

- A meeting is defined as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.
- A meeting may be conducted by audio conference or other electronic means, as long as the provisions of this subchapter are met.
- To be binding, resolutions, rules, regulations, appointments must be made, and formal actions taken by a public body at an open meeting, except actions to secure real estate purchase options.
- At an open meeting, the public shall be given reasonable opportunity to be present, to be heard and to participate regarding matters considered by the public body during a meeting, subject to rules established by the chairperson. This does not apply to quasijudicial proceedings.

"REGULAR" PUBLIC MEETINGS

(1 V.S.A. § 312(c)(1)(5)) The time and place must be clearly designated by resolution, statute, charter, bylaw or regulation and must be made available to any person upon request.

"SPECIAL" MEETINGS

(1 V.S.A. § 312(c)(2)(5)) The time, place and purpose of a special meeting shall be publicly announced at least 24 hours before the meeting by posting notices in or near the municipal clerk's office and in at least two other public places in the municipality at least 24 hours before the meeting. Unless waived, each member of the public body must also receive 24-hour notice either orally or in writing.

"Publicly announced" **(1 V.S.A. § 310 (4))** means that notice is given to an editor, publisher, or news director of a newspaper, radio or television station serving the area of the state in which the public body has jurisdiction or who requests in writing notification of special meetings. **(1 V.S.A. § 312 (c) (5))**. The request only applies to the calendar year in which it was made, unless made in December, in which case it also applies to the following year.

AGENDAS

(1 V.S.A. § 312(d)) for regular and special meetings are to be made available to news media and concerned persons prior to the meeting upon specific request.

"EMERGENCY" MEETINGS

1 V.S.A. § 312(c)(3)) Emergency meetings may be held without public announcement, without posting of notices and without 24-hour notice to members, provided some public notice 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.

ADJOURNED MEETINGS

(1 V.S.A § 312 (c) (4)) Adjourned meetings shall be considered NEW MEETINGS (for which all notice requirements must be met), unless the time and place for the adjourned meeting are announced prior to adjournment.

MINUTES

(1 V.S.A. § 312(b)) Minutes of all meetings of public bodies shall be taken. They shall cover all topics and motions that arise and give a true indication of the business of the meeting. Minutes must include at least: all public body members present and other active participants; all motions, proposals and resolutions made, offered and considered, and their disposition; and the results of all votes, with a record of each member's vote if a roll call is taken.

Minutes of all public meeting are matters of PUBLIC RECORD, shall be kept by the public body's secretary or clerk, and must be available for inspection and purchase of copies, at cost, by any person upon request FIVE days after the date of the meeting.

Minutes of an EXECUTIVE SESSION need not be taken, but if they are, shall not be made public subject to this section. (1V.S.A. § 313(a)).

EXECUTIVE SESSIONS

(1 V.S.A. § 313) **Requirements** 1. In the case of any public body of a MUNICIPALITY or other POLITICAL SUBDIVISION there must be a vote taken in an open meeting, in favor of the motion to go into executive session by a MAJORITY of its members PRESENT. The MOTION to go into executive session shall indicate the nature of the business of the executive session and no other matter may be considered in that particular

executive session.

2. Attendance is limited to members of the public body, and, in their discretion, its staff, clerical assistants, legal counsel, persons who are subjects of the discussion or whose information is needed.

3. The following subjects ONLY may be considered in executive session:

- Contracts, labor relations agreements with employees, arbitration, mediation, grievances, civil actions or prosecutions by the state, where pre-mature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;
- The negotiating or securing of real estate purchase options;
- The appointment or employment or evaluation of a public officer or employee;
- A disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;
- A clear and imminent peril to the public safety;
- Discussion or consideration of records or documents excepted from the access to public records provisions of section 317(b) of this title. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;
- The academic records or suspension or discipline of students.

4. No formal or binding action may be taken in executive session except actions relating to the securing of real estate purchase options.

PENALTY

(1 V.S.A. § 314) A person who is a member of a public body and who knowingly and intentionally violates the provisions of this subchapter or who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting for which provision is herein made, shall be guilty of a misdemeanor and shall be fined not more than \$500.00.

The attorney general or any person aggrieved by a violation of the provisions of this subchapter may apply to the superior court in the county in which the violation has taken place for injunctive relief or a declaratory judgement. Except as to cases the court considers of greater importance, proceedings before superior court shall take precedence on the docket over all cases and shall be assigned for hearing and trial or argument at the earliest date and expedited in every way.

Conflict of Interest Ordinance
Town of Thetford, Vermont

ARTICLE 1. Authority.

Under the authority granted in 24 V.S.A. Chapter 59 and 24 V.S.A. § 2291 (20), the Thetford Selectboard hereby adopts the following civil ordinance concerning conflict of interest.

ARTICLE 2. Purpose.

The purpose of this ordinance is to ensure that the business of Thetford will be conducted in such a way that no public official of the municipality will gain a personal or pecuniary advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved.

ARTICLE 3. Definitions.

For the purposes of this ordinance, the following definitions shall apply:

- a. "Conflict of interest" means a direct personal or pecuniary interest of a public official, his or her immediate family, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the official or before the public body in which he or she holds office or is employed. "Conflict of interest" does not arise in the case of votes or decisions on matters in which the public official has a personal or pecuniary interest in the outcome no greater than that of other persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.
- b. "Emergency" means an imminent threat or peril to the public health, safety or welfare.
- c. "Immediate Family" means parents, step-parents, siblings, spouse, children, step-children, foster children, in-laws, grandparents, great grandparents, step-great grandparents, grandchildren, aunts, uncles, nieces, and nephews.
- d. "Official act or action" means any discretionary legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.
- e. "Public body" means a municipality and its departments, boards, commissions, and committees.
- f. "Public interest" means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- g. "Public official" means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for a public body.

ARTICLE 4. Disqualification.

- a. A public official shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- b. A public official shall not personally or through any member of his or her household, business associate, employer or employee represent, appear for, or

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negotiate in a private capacity on behalf of any person or organization in any cause, proceeding, application or other matter pending before the public body in which the official holds office or is employed.

c. In the case of a public official who is an appointee, the person or public body that appointed that public official shall have the authority to order that official to recuse him or herself from the matter.

ARTICLE 5. Disclosure.

a. A public official who has reason to believe that he or she has or may have a 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 of interest shall, prior to participating in any official action on the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and Why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.

b. In the case of a public official who is an elected member of a board, commission or other body, the remaining members of that body shall have the authority to inquire of the official about a possible conflict of interest and to suggest or recommend that the member recuse him or herself from the matter. If the member believes that he or she does not have a conflict of interest or believes that he or she is able to act fairly, objectively and in the public interest in spite of an existing conflict of interest, the member shall, prior to participating in the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.

c. The statement required by subsections (a) and (b) above shall be signed by the official and filed as part of the minutes of the meeting of the public body in which the official holds office.

ARTICLE 6. Hearing before the Selectboard.

a. Any resident of Thetford who believes that an official should recuse him or herself from a matter because of a conflict of interest or that the official should provide a disclosure statement regarding his or her conflict of interest in the matter may file a complaint with the Selectboard.

1. If the respondent is a member of the Selectboard he or she shall recuse him or herself from review of the complaint.

b. Upon receipt of the complaint, the Selectboard shall set a date for a hearing as soon as possible. Notice of the hearing shall be posted in at least three public places within the municipality and shall be published in the newspaper of record at least seven days prior to the hearing date.

c. The Selectboard shall consider the matter at a public hearing. Oral testimony shall be taken under oath. The complainant and respondent shall have a right to present evidence personally or by other witnesses, to examine and cross-examine witnesses and to be represented by counsel. The hearing shall be recorded.

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d. At the conclusion of the hearing, the Selectboard shall go into deliberative session in order to consider all the evidence. The Selectboard shall issue a written decision as to whether the official shall be required to recuse him or herself from the matter and state the reasons for that decision.

ARTICLE 7. Enforcement.

a. Refusal to comply with the decision of the Selectboard shall be considered a violation of this ordinance. The Selectboard, acting on behalf of the municipality, may seek injunctive relief in superior court that may include, but not be limited to, an order to negate any vote or other action taken by the official in the matter.

b. In addition to any other remedies provided by law, a public official who violates this ordinance may be publicly censured by the Selectboard.

ARTICLE 8. Exception.

The provisions of section 4 shall not apply if the Selectboard determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public official who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

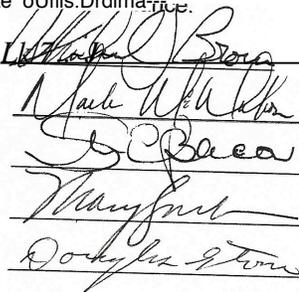
ARTICLE 9. Severability.

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

ARTICLE 10. Effective Date.

This ordinance shall become effective 60 days after its adoption by the Thetford Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this ordinance.

Signatures:



Date: 20 February 2006