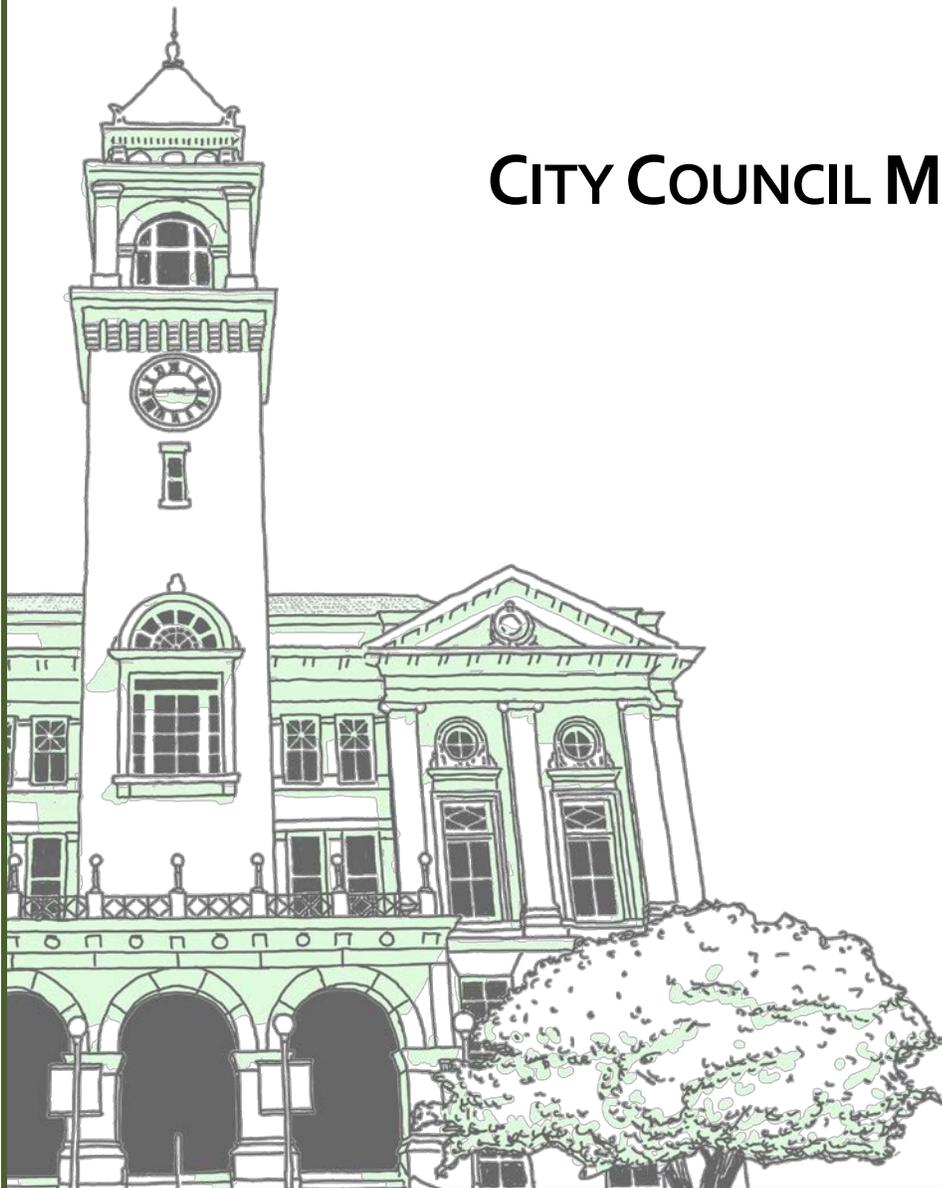




City of Montpelier

vermont

CITY COUNCIL MANUAL



March, 2015

As the capital of Vermont, Montpelier is the site of the Vermont State House, seat of the legislative branch of Vermont government. As of the 2010 Census, the City's population is 7,855. By population, it is the smallest state capital in the United States.

The City provides municipal services for its residents and businesses. These include local law enforcement, firefighting, planning and zoning regulation, a senior activity center and provision for potable drinking water and wastewater.

Montpelier's government follows the City Council/Manager plan. The City Council consists of a Mayor and six members, each elected from districts with each district electing two members for two-year terms. The Mayor is elected in a citywide vote to a two-year term.

All powers of the City shall be vested in its Council which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and appoint the City Manager, who is the chief administrative officer of the city. The Manager shall enforce the laws and ordinances and administer the government of the City.

Serving on Montpelier's City Council is an important and meaningful way to contribute to your community ... but, it requires that a lot of time, effort and energy be devoted toward developing information, recommendations and plans for consideration by the community. Without you doing this work, city government would not be able to function effectively.

Staff hopes that this orientation booklet will provide useful information and guidelines for you. Congratulations on being elected to this seat of local government. Staff looks forward to working with you ...

Office of the City Manager

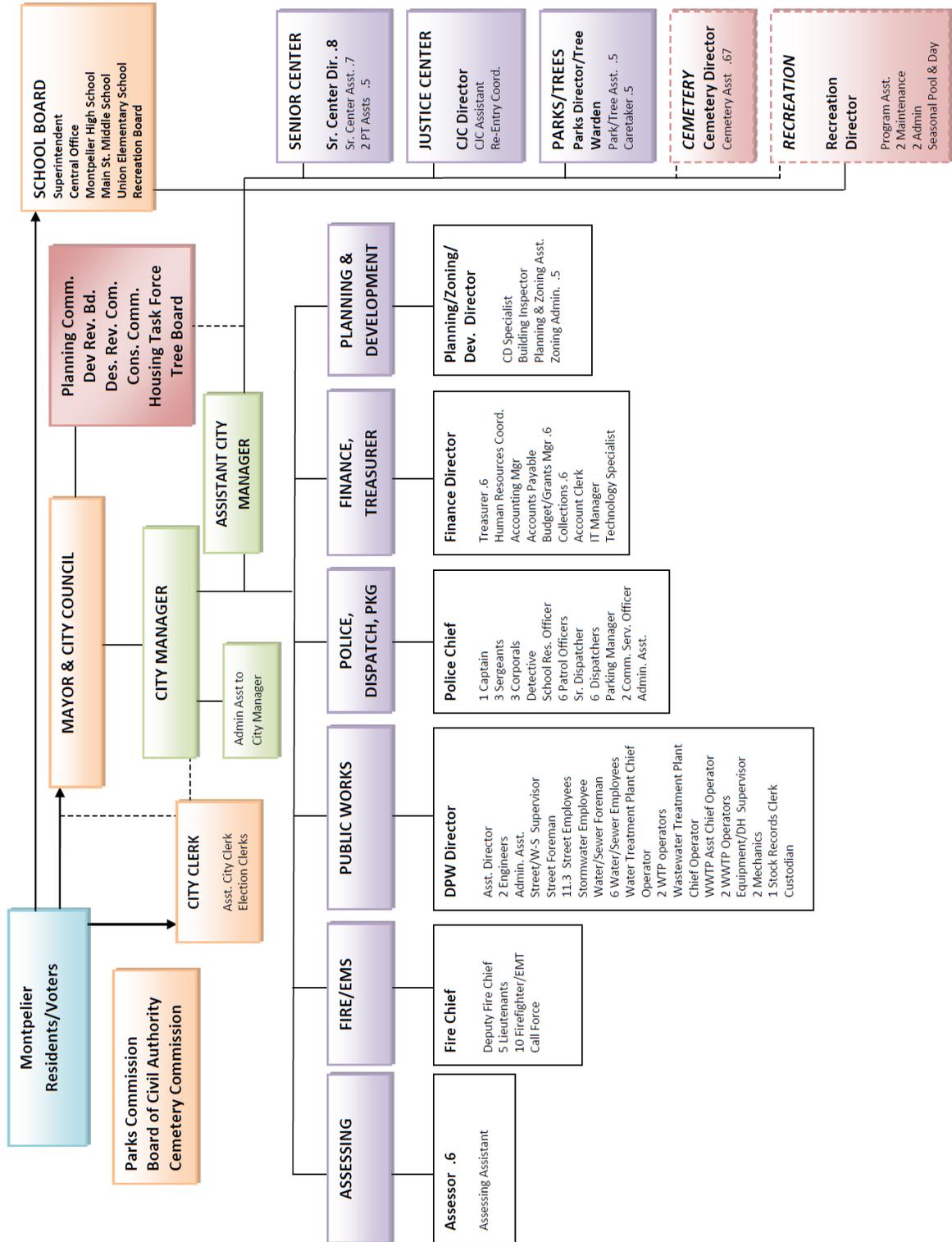
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Organizational Chart

December, 2014



Staff Directory

October, 2014

CITY MANAGER'S OFFICE

William Fraser, City Manager	223-9502
Jessie Baker, Assistant City Manager	262-6250
Sandy Pitonyak, Administrative Assistant (Call Sandy to reserve City Hall meeting rooms)	223-9502

CITY ASSESSOR'S OFFICE

Steve Twombly, Assessor	223-9504
Jane Aldrighetti, Administrative Assistant	223-9504

FINANCE OFFICE

Sandy Gallup, Finance Director	262-6253
Sharon Blatchford, Payroll & Human Resources Manager	262-6254
Fred Skeels, Information & Communication Systems Manager	262-6257
Seth Wood, Tech Support Specialist	262-6258

CITY CLERK'S OFFICE

John Odum, City Clerk	262-6263
Crystal Chase, Assistant City Clerk	262-6281

PLANNING DEPARTMENT

Michael Miller, Director	262-6269
Audra Brown, Planning & Zoning Assistant	223-9506
Kevin Casey, Community Development Specialist	223-9507
Chris Lumbra, Assistant Building Inspector	262-6170
Dina Bookmyer-Baker, Assistant Zoning Administrator	262-6270

PUBLIC WORKS

City Hall Office:

Tom McArdle, Public Works Director	262-6275
Ginny Mackey, Administrative Assistant	223-9508
Kurt Motyka, Assistant Engineer	262-6277
Zach Blodgett, Engineering Technician	262-6252

Garage/Dog River Road:

Todd Provencher, Stock Records Clerk/Dispatcher 223-9510
 Eric Ladd, Supervisor – Equipment Division 223-9605
 Brian Tuttle, Supervisor – Street Division 262-1154

Waste Water Treatment Facility/Dog River Road:

Bob Fischer, Chief Operator 223-9511

Water Treatment Facility/Paine Turnpike, Berlin:

Geoff Wilson, Chief Operator 229-1401

FIRE DEPARTMENT

Bob Gowans, Chief 262-6208
 Jim Quinn, Deputy Fire Chief 262-6206
 Non-Emergency Numbers 229-4913/229-2923

POLICE DEPARTMENT

Dispatch/Non-Emergency Number 223-3445
 Tony Facos, Chief
 Neil Martel, Captain

GREEN MOUNT CEMETERY

Patrick Healy, Supervisor 223-5352

COMMUNITY JUSTICE CENTER

Yvonne Byrd, Director 262-6260

PARKS/TREES

Geoff Beyer, Parks Director/Tree Warden 249-2424 (Cell)
 Parks Administration 223-7335

MONTPELIER SENIOR ACTIVITY CENTER

Janna Clar, Director 262-6283
 Dan Groberg, Program & Development Director 262-6284
 (Call Dan to reserve meeting space at the MSAC)

NOTE: All e-mail addresses are set up as:
 <first initial>last name@montpelier-vt.org

City Council Overview

March 2014

William Fraser, City Manager

The City Charter is the document which defines the local government authority and operations. The current version was most recently amended in 2012 and a large series of amendments were just approved this March. The charter and any amendments are adopted by Montpelier voters then approved by the legislature. Issues not specifically addressed by the charter are governed by the general laws of the state concerning municipalities. These are found in Title 24 and other places in Vermont statutes. The Powers and Duties of the Mayor and City Council are enumerated specifically in Titles III and IV of the City Charter.

Powers & Duties:

Council Voting: All of the Council's authority flows from actions of the group as an entity and not from unilateral actions of individual members. A minimum of four council members present is required to have a quorum to conduct business. Any action requires an affirmative vote of four city councilors regardless of attendance at a meeting. By tradition but not requirement, the Mayor only votes to break a tie or create a fourth vote. The charter also provides veto authority to the Mayor with five votes required to override a veto.

Appointments: The City Council directly appoints the City Manager, City Treasurer, Auditors, City Attorneys, Regional Planning Commission representative, Regional Planning Transportation Advisory Committee representative, Solid Waste District Representative, Public Library Trustee, Housing Authority Board members, Planning Commissioners, Development Review Board, Design Review Committee, Tree Board, Conservation Commission and other ad hoc committees. The Council generally advertises for applicants to fill vacancies in any of the above committee assignments. Applicants are offered the opportunity to speak to the council about their application and respond to questions from the Council.

Ordinances: The Council adopts and amends municipal ordinances after two public readings which are really public hearings. Zoning ordinances and zoning amendments must be considered by the Planning Commission prior to Council action. There are also specific warning requirements for zoning amendments. The Council often holds a concept discussion on a potential ordinance before directing that specific wording be drafted for consideration. State law provides citizens the opportunity to disapprove ordinances adopted by the Council. This can be done through a petition and special election process although it rarely happens in practice.

Policies: The City Council is the policy making body of the city government. As with ordinances, general discussion sometimes precedes a formal policy draft. Proposed policies may be initiated by the City Manager or staff based on perceived need. Policy can also be established through Council decisions on various issues or through initiative of a Council Member.

Budget: The City Council approves an annual budget which is then presented to the voters for consideration on Town Meeting Day. The process by which that budget is developed requires additional time spent by Council Members. In September/October the City Manager provides Council Members with a questionnaire about various aspects of city operations and finances. Council members complete the survey

which includes an opportunity for general comments. In some years, the Council has developed specific finance and budget policy from the surveys, in other years the surveys have been used as broad guidelines.

Based on a Council approved schedule and process, the City Manager and Finance Director compile the budget, review departmental requests and make an assessment of community needs. The City Manager presents the Council with a recommended budget in early December. The Council conducts public budget workshops with Department Heads to discuss operations, budget requests and specific issues. These workshops are held in December. During or immediately after these workshops, the Council may make changes to the Managers recommended budget. The Council then conducts televised public budget hearings in January which may include the ability for citizens to participate by telephone. Throughout the process, city staff provides budget information to the public through press releases, an article in the Montpelier Bridge, website and other opportunities. After the public hearings, the Council adopts the budget and places it on the annual City Meeting Warning for voter consideration. The annual report details the proposed budget for the public.

City Council Operations:

Meeting Schedule: Regular Council Meetings are normally held on the second and fourth Wednesdays of each month. There are occasional special meetings held outside of this time frame such as the budget and goals workshops and others as necessary. The schedule is sometimes switched to accommodate vacations, anticipated absences, etc. When feasible, one meeting during the summer is cancelled.

Meeting Agenda: The City Manager and Mayor prepare the agenda for Council meetings. The agenda and packet of supporting information is usually prepared by the Friday preceding a Wednesday meeting. Any council member can place an item on an agenda by request. Such requests are most helpful when they are as specific as possible and received by the Manager's office by the Thursday preceding a meeting. The weekly packet will contain a tentative schedule of upcoming agenda items so that Council members can anticipate certain discussions. One method of introducing items for the agenda is to raise the issue during a member's Council report. This provides others an opportunity to react, allows the Manager to schedule the item as appropriate and gives staff time to prepare back up information for the Council. Citizens may request agenda items as well.

Consent Agenda: Virtually all Council meetings contain a consent agenda item. This item is used to handle routine or administrative matters in one vote. Typical consent agenda items are meeting minutes, license approvals, bid awards, authorization for contract signatures, etc. Any item can be pulled off of the consent agenda for full discussion at the request of any individual council member. The consent agenda is intended to be used for convenience and time savings, not to sidestep discussion or deliberation.

Council Reports: Each council meeting contains a Council Reports agenda item. At this time, each council member is provided the opportunity to speak on any topic they feel is relevant. This time has been used to request agenda items, relay communications from citizens, present initiatives or state concerns/positions on issues. It is also often used to offer congratulations, thanks or acknowledgments.

Citizen Comments: Each council meeting begins with General Business and Appearances. This provides an opportunity for anybody to raise an issue or make a comment about something not on that night's agenda. In addition, citizens are generally offered an opportunity to participate in deliberation of agenda items - especially during public hearings. City staff makes an effort to contact citizens known to be interested in or

directly impacted by particular agenda items, council members are urged to do the same with their constituents.

Weekly Packet: The City Manager's office prepares and distributes a weekly packet of information for Council Members. This information is uploaded for digital distribution to council members' iPads or computers. The packet includes meeting agendas and supporting information for agenda items. The packet information is also posted on the city's website on Friday afternoons or Monday mornings.

The packet includes a weekly memo from the Manager and Department Heads updating the council on various activities. Please read this memo as soon as you can as it often contains time sensitive information - for example the Manager may inform the council of an action that will be taken on a certain date unless objections are received earlier. The packet also contains copies of correspondence and other matters of interest to the council. Council members may provide material to the Managers office that they'd like included in the packet. All material in the Council packet is considered public information unless clearly marked otherwise with proper statutory citation. Items that are confidential are typically restricted to active litigation, contract negotiations or personnel issues consistent with the public records law.

Public Hearings: Public Hearings are required for a variety of issues including some ordinances, grant applications, bond issues, budgets and warning articles. Public Hearings are different from regular agenda items in that they are specifically designed to elicit public comment and are warned as such on the meeting agenda. During a public hearing, the Mayor usually calls for an explanation of the issue being considered then will officially open the hearing. Council Members should refrain from deliberation during the public hearing since that is the time for input from the general public. If an unusually large crowd wishes to speak, the Mayor may ask for people to sign up and may impose time limits on speakers. Council members may add comments and take action after the Mayor closes the hearing.

Goals and Priorities: Both Council and Staff have found that issues move forward more efficiently when the Council as a whole establishes some clear goals, objectives and priorities for the City. The work plan for the year as well as the pacing of council agenda items is then geared toward accomplishing these priorities. The Council has typically identified five to ten major policy goals with specific activities/objectives designated for each goal. Once developed, these goals are formally adopted at a regular council meeting. The Manager provides the council with progress reports on the goals.

Legislative Priorities: As issues arise during the session, the council may be asked to take positions. The council may wish to revisit how and when/if they want to take positions on legislative issues.

Lobbying: In an effort to maintain consistency in the city's voice or position, legislative advocacy efforts are coordinated through the City Manager's office. The current Mayor, for his own work reasons, maintains a regular presence at the State House during the legislative session. Therefore he often functions as the city's de facto chief legislative liaison. The City Manager also visits the State House occasionally and generally testifies on behalf of the city on significant issues or priorities. The Mayor and/or Council Members are occasionally called in for major items. In addition to the city's direct efforts, the Vermont League of Cities and Towns (VLCT) represents the interests of municipal governments. The city works closely with the League to coordinate efforts and tracking of issues. VLCT adopts a municipal policy which directs its advocacy work.

Communications with public: Council members will receive communications from residents in the form of phone calls, letters, e-mail and sidewalk conferences as well as citizen participation at council meetings. If the communication involves a direct complaint about city services, Council members should relay the information to the City Manager's office as soon as reasonably possible. Staff will address the concern, contact the citizen directly (or work through the council member whichever is preferable) and either develop a path for resolution or an explanation of the city's actions/decision/policy etc.

Letters or comments dealing with broader city policy should be shared with other council members. This can be done through the council packet and/or council reports. It is still advisable to contact the City Manager's office immediately so that the Council member can obtain as much information for response as possible. It is good general policy to copy all council members and the City Manager on e-mail correspondence concerning city business.

Communications with city staff: The city operates in a Council-Manager form of government. In the strictest sense of the form, the council should communicate with city staff solely through the City Manager (Title X, section 9 of the charter). In reality, Council members occasionally contact department heads directly for the purposes of obtaining information or sharing information. Council Members should be aware that Department Heads are expected to inform the City Manager of the content of all such contacts. Council Members are urged to begin their inquiries with the Manager who may refer them to the appropriate staff member. This maintains open lines of communication. Council members should exercise restraint and discretion with regard to official contact with all other city employees (excluding the Manager's office staff) unless absolutely necessary and should inform the Manager if and when such contact occurs. Whenever possible, inquiries from individual Council members will be followed up with a written summary so that all Council members receive the same information. Council members should be clear that electronic mail communications between municipal officials, particularly between fellow members of elected bodies, are considered public information and should be treated as such. The city provides an e-mail address for council members so that all city related communications can be maintained on the city's server.

Communications with the press: Statements to the press on behalf of the official city government are generally made by either the Mayor or the City Manager or a specifically authorized representative of the city on a particular matter. Such statements are intended to communicate the policy or philosophy of the council as a whole and not necessarily nuances that each individual member may be concerned with. Council members may speak individually, of course, but need to be clear whether they are expressing their personal opinion or speaking as an authorized representative of the entire council.

In addition to responding to regular questions from the press as matters arise, City staff occasionally issues press releases about council actions or city government activities. The Manager and Mayor also write a regular article for the *Montpelier Bridge* newspaper and the city maintains a web site (www.montpelier-vt.org) and Facebook (City of Montpelier, VT) and Twitter (@vtmontpelier) accounts to provide public information.

Legal Issues: In matters involving legal issues - especially active litigation, the council usually adopts a motion referring all press or public inquiries to the City Manager and/or City Attorney

This maintains a consistent line of communication and reduces the opportunities for statements which may disrupt or confuse resolution of the matter.

City Attorneys: The City uses three main law firms. Primmer Piper in Montpelier, is the city's general law firm. Paul Giuliani handles matters of general municipal law as well as contracts, collections, ordinance enforcement, etc. Steven Stitzel and Robert Fletcher, of Stitzel, Page & Fletcher in Burlington, handle land use cases and specialized matters. That means they, or another member of the firm (usually Joe McLean), handles zoning appeals and advice, permit issues, Act 250 issues and other cases as requested. John Klesch has been handling insurance and public records cases. Scott Cameron, Bernie Lambek and Steve Cusick, of Zalinger, Cameron & Lambek in Montpelier, handle labor issues such as collective bargaining questions, arbitrations, and compliance with employment related laws. In addition, the city is occasionally covered by our liability insurance carrier when general liability suits are brought against the city. The carrier will hire an attorney for the city who works in conjunction with the City Attorneys office. Additionally, the City may retain other attorneys for specialized work or when a conflict of interest occurs with one or more of our regular firms.

Legal Case Management: If the city is sued or if a local board decision is appealed to court, the council will receive immediate e-mail notice and a copy of the suit. If the case involves unusual issues or will require an extraordinary expenditure of funds, the case attorney will meet with the City Council in executive session to review the facts, options and strategies. The Council generally provides broad guidance to the attorney and delegates case management to the attorney and City Manager. The matter is brought back to the council as updates are necessary or key decisions are required.

If the city is about to commence a legal action such as a law suit or major enforcement action, the Council must be directly involved in the decision. The council also directly makes decisions about appeals of Superior Court decisions to the Supreme Court.

Open Meeting Law: As a public body, the City Council is subject to the provisions of the open meeting law. Over the last few years, the Council has attempted to utilize executive sessions as infrequently as possible. The Council has adopted a formal statement regarding open meetings as guidance for city committees. It is particularly important to avoid deliberation and decision making on substantive matters either electronically or in non- public meetings (i.e. four or council members standing on a sidewalk or at a social event or even in the council chambers after a meeting has formally adjourned). Council meetings are televised on local cable TV, streamed live on the web with the video archived on the web so that they can be viewed after the fact.

Public Records: Similarly, the City is subject to the state's open records law. Generally all city documents or records are considered open to the public. The law contains some specific exemptions. There is evolving law developing on electronic records and communications. As stated earlier, any e-mail you send or receive in your capacity as a City Council Member may be considered a public record and could be released to a member of the public or press. Please keep that in mind when communicating by e-mail.

Rules of Procedure: The Council adopts Rules of Procedure for itself for the ensuing year. This generally occurs at the first meeting after March elections.

Vermont League of Cities & Towns: The city is a member of VLCT. The League is an association of all municipal governments in Vermont. Their mission is to strengthen and serve Vermont local government.

They are the lobbying voice of municipalities and also provide many direct services, products and training. The city purchases property and casualty liability insurance, worker’s compensation insurance and unemployment insurance through VLCT insurance trusts, for example.

City Manager:

Montpelier operates under the Council-Manager form of city government. Under this system, the City Council is the legislative body with responsibility for adopting policy (including financial policy) for the city, making certain board/commission appointments and enacting ordinances and regulations. The City Manager is appointed by the City Council to implement council policies, appoint/remove city staff, enforce local ordinances and regulations and run the local government. Title X of the City Charter details the duties and authority of the City Manager. In practical terms, the relationship between Council and Manager is similar to that of School Board-Superintendent or a Board of Directors and an Executive Director.

In this system, all city employees (except the City Clerk) report directly or indirectly to the City Manager and the Manager has administrative authority over all departments. This includes appointment and removal authority. The Manager is the link between the elected representatives of the community (the Council) and the administrative and service delivery end of government (the departments/employees).

Interaction with City Council: The Manager has very frequent interaction with the Council at meetings, in writing, by e-mail and by telephone. The Manager provides reports, updates and action recommendations to the council. As mentioned earlier, Council actions are a product of the group as a whole. As such, priority is placed on those issues which have been endorsed, supported, approved or directed by the group. Requests from individual council members are handled as appropriate and may be referred to the whole council for consideration. Constituent complaints, however, will be responded to directly unless they involve policy decisions. The Manager’s office also receives many direct citizen comments and is handling any number of internal operational issues at a given time.

Annual Performance Review: The City Council conducts an annual performance review of the City Manager in January and February (prior to elections and potential changes on the Council). Each Council member receives a written evaluation form which they complete and return. A compilation of all responses is made and distributed to the Council for review. The Council and Manager then meet in a special workshop executive session to discuss the written comments, the manager’s performance and the performance of all city operations. This has proven to be a very productive and constructive process for both the Manager and the Council.

Employment Agreement: The City Manager has a written employment agreement with the City Council. The agreement is usually reviewed in conjunction with the Managers annual review.

Municipal Operations: The City government is responsible for the following operations.

Elections/Licenses/Revenues/Land Records - City
 Clerk John Odum
 Phone: 223-9500
 Email: jodum@montpelier-vt.org

Fire/Ambulance/ Emergency Management/Health-
 Fire Chief Robert Gowans
 Phone: 229-4913
 Email: rgowans@montpelier-vt.org

Police/Parking/Dispatch - Police Chief Anthony Facos

Phone: 223-3445

Email: afacos@montpelier-vt.org

Public Works incl. Streets, Water, Sewer, Equipment - Director Tom McArdle

Phone: 223-9508

Email: tlaw@montpelier-vt.org

Planning/Development/Zoning/Housing/Building Inspection - Planning Director vacant

Phone: 223-9506

Finance/Risk Management/Information Systems/Human Resources/Treasury - Finance Director Sandy Gallup

Phone: 223-9510

Email: sgallup@montpelier-vt.org

Property Assessment - Assessor Stephen Twombly

Phone: 223-9504

Email: stwombly@montpelier-vt.org

Parks & Parks Commission – Elected Parks Commission, Parks Director Geoff Beyer

Phone: 223-7335

Email: gbeyer@montpelier-vt.org

Green Mount Cemetery – Elected Independent Cemetery Commission, Cemetery Superintendent Patrick Healy

Phone: 223-5352

Email: gcmemetery@montpelier-vt.org

Senior Activity Center – Director Janna Clar

Phone: 223-2518

Email: msac@montpelier-vt.org

Community Justice Center – Director Yvonne Byrd

Phone: 223-9606

Email: ybyrd@montpelier-vt.org

The City Clerk is elected directly by public, the City Treasurer is appointed by the City Council, all others are appointed by City Manager except Cemetery Superintendent who is appointed by the Cemetery Commission. Presently the Treasurer is Charlotte Hoyt who works part time in the Finance Department.

City Manager's Office
City Hall - 39 Main Street
Montpelier, Vermont 05602
802-223-9502 Phone
802-223-9519 Fax
wfraser@montpelier-vt.org

City Manager's Residence
93 Towne Hill Road
Montpelier, Vermont 05602
802-223-5936 Phone
802-522-5846 Cell Phone

The Assistant City Manager is Jessie Baker.

Phone: 802-262-6250

Email: jbaker@montpelier-vt.org

The City Manager's Executive Assistant is Sandy Pitonyak

Email: spitonyak@montpelier-vt.org

The other Staff Assistant in the Manager's office (Assessor's Assistant) is Jane Aldrighetti

Email: jaldrigh@montpelier-vt.org

City Hall official hours of operation are 8:00 AM to 4:30 PM Monday through Friday. Closed on Holidays.

City Council Goals 2014-2015

Adopted May 14, 2014

Goal:

Balance and control municipal budgeting, taxes and services relative to current population and grand list tax base.

Steps:

- Develop three year budget projections.
- Complete plan to implement debt and fund balance policy after we receive the annual audit.
- Further explore inter-municipal and intra-municipal agreements as well as the possibility of merged services to find efficiencies.
- Pursue acquisition of CVMC water system
- Implement Public Safety Authority and explore regionalization of dispatch.

Goal:

Make steady progress toward maintaining and improving infrastructure and establish a clear timeline for achieving “steady state”.

Steps:

- Maintain commitment to “steady state” funding plan to improve streets and sidewalks.
- Establish metrics for measuring progress toward achieving “steady state”.
- Explore ways to remove all dual utility poles in Montpelier.
- Address funding for Class 2 Highways.
- Identify opportunities to integrate public art into city projects.

Goal:

Alleviate parking pressures in Montpelier to maintain a vibrant downtown.

Steps:

- Review and balance alternatives between adding parking and reducing parking demand.
- Inventory existing spaces and potential new opportunities.
- Explore feasibility of parking structures in Montpelier.

Goal:

Provide and receive comprehensive information about the City government and the community.

Steps:

- Revamp city website to make it more user-friendly; provide clear and easy-to-find information for residents as well as potential residents and potential businesses.
- Gather contact information from residents.
- Gather information from the community about City services.
- Proactively provide electronic information to citizens – possibly via regular e-newsletter.

Goal:

Create a hospitable environment for development.

Steps:

A. Housing

- Actively engage in zoning process to assure that regulations will help promote new housing. Require regular updates from Planning Commission.
- Consider public investment in infrastructure on a case by case basis to generate housing.
- Expand composition and role of Housing Task Force.
- Direct Housing Task Force to provide strategies to increase housing starts beyond just affordable housing. Include local realtors, developers in process.

B. Commercial

- Adopt an economic development strategic plan.
- Review the Montpelier Business Loan Fund, Tax Stabilization and other tools the City has to promote economic development.

Goal:

Become a nationally known bike and pedestrian friendly city.

Steps:

- Complete the Bike/Ped Master Plan
- Explore Shared Bike systems.

Goal:

Make significant progress on three major outstanding capital projects: District Heat, Transit Center and Montpelier Bike Path.

Steps:

- Oversee final design and construction of 1 Taylor Street.
- Maintain the Bike Path schedule.
- Successfully launch operational phase of District Heat Montpelier.

Goal:

Establish a clear plan for short term, medium term and long term Net Zero Implementation.

Steps:

- Ensure adequate public outreach and stakeholder involvement.
- Enter into a contract for group net metering for city electrical needs.

Goal:

Identify needs and opportunities for stormwater management.

Steps:

- Educate Council on requirements such as the new TMDL.
- Create city wide storm water plan to minimize demand on city systems and protect public and private property during major rain events.
- Receive recommendations for implementation of the plan.

Goal:

Support and promote a vibrant downtown.

Steps:

- Work to ensure that the Farmers' Market stays downtown.
- Explore the periodic closure of State Street.
- Successfully implement the Downtown Improvement District.
- Engage in the State St. reconstruction plan.
- Implement and evaluate the parklet pilot project.

Goal:

Review and revamp public safety ordinances including consideration of fee/fine structures and use of restorative justice practices.

Steps:

- Identify resources to complete this work



City Council and Staff... Working Together

What You Can Expect From Staff:

<p>STAFF SERVES THE CITY COUNCIL</p>	<p>The City Council is the governing body of the City. While we serve Council Members individually for the purpose of inquiry and constituent concerns, we take direction from Council on policy matters.</p>
<p>WE ARE HERE TO SERVE</p>	<p>Our work is guided by the ICMA Code of Ethics which ensures the highest in ethical behavior (see attached).</p> <p>As public servants, we put the needs of our citizens first. We are here to take care of citizens in a timely, courteous and professional manner and to provide them with the highest quality customer service.</p>
<p>MINIMIZE SURPRISES</p>	<p>If there is a media story on a City matter, and we know about it, you will know about it. We will help you be ready to respond to citizens' questions about important matters.</p>
<p>COURTEOUS AND PROFESSIONAL TREATMENT</p>	<p>Staff will treat Council Members with respect and courtesy at all times. As professionals, we request the same treatment.</p>
<p>WE ARE A LEARNING ORGANIZATION</p>	<p>We are not perfect, but we take time to learn from both our mistakes and major incidents in the community. By studying our response to crises/complaints, we are better able to respond to the next community issue.</p>
<p>INFORMATION IS SHARED WITH THE FULL COUNCIL</p>	<p>When Council Members request information, generally our response is provided to the full Council. The only potential exception to this is inquiries that are district specific.</p>



City Council and Staff... Working Together

What We Ask of You:

<p>LET THE CITY MANAGER'S OFFICE BE YOUR CONDUIT</p>	<p>Please call or e-mail the City Manager's Office when you need assistance. We will ensure the proper City staff attends to your needs quickly. While you talk with various staff periodically for the purpose of inquiry, please confine any directives to only the City Manager or Assistant City Manager.</p>
<p>WORK AS OUR PARTNERS IN CUSTOMER SERVICE</p>	<p>Let us help you resolve a citizen concern, provide you with information about an issue, and use our experience and expertise to help you determine a course of action. City employees have rich and diverse backgrounds in public administration and/or other fields, and our professional experience and network with our local government colleagues is valuable and can help guide your decisions.</p>
<p>GIVE STAFF THE BENEFIT OF THE DOUBT</p>	<p>City employees are committed to ethical behavior and first-class service to the public. When an angry citizen or business owner calls, please give us a chance to explore the issue and offer our side of the story. We will do everything we can to find a solution.</p>
<p>STAFF WORK ASSIGNMENTS</p>	<p>Requests for significant staff analysis preparation are placed on the Council's agenda as a discussion item. Once approved, staff is then tasked to complete the work.</p> <p>Minor requests for information and analysis from Council Members are handled routinely by staff, and the information is shared with the full Council.</p>



Tips for Working with Media Representatives...

Newspaper, radio and television reporters will call you from time to time to ask you questions about a number of topics. Following are suggestions to help you prepare for interviews:

- **PREPARE IN ADVANCE**
 - Practice three key messages you want to communicate
 - Write an overview statement that you want to say at the beginning
 - Think about difficult questions you might get asked, and prepare answers ahead of time
 - Quotable quotes – think sound bites
 - Handouts
 - Video/Imagery
 - Practice your response
- **REMAIN CALM AND IN CONTROL AT ALL TIMES**
 - Keep your composure if an interview gets rough
 - Never say or do anything that you don't want to see repeated
 - Answer a question and then be quiet; reduce verbal fillers
 - Dress appropriately; we represent the capital city of Vermont
 - Be aware of your body language
- **REVIEW EXPECTATIONS AT THE START OF THE INTERVIEW**
- **DON'T GO OFF THE RECORD**
- **REMEMBER – ALL MICROPHONES, RECORDS AND PENCILS ARE LIVE**
- **KEEP ANSWERS CLEAR AND CONCISE**
 - Use familiar language
 - Explain technical terms and acronyms
- **WHEN YOU DON'T KNOW THE ANSWER ...**
 - Say, "I don't know"
 - Offer to find the answer and then follow up
 - Never use this response as a way to avoid answering a question
 - Call the City Manager if you need additional information
- **LOOK OUT FOR "WHAT IF" QUESTIONS**
 - Avoid requests for an opinion or speculation
 - Return to the facts that you are prepared to release or the key messages
 - Use these "bridges" to help get the interview back on track
 - "That's not what happened, here are the facts ..."
 - "That's highly unlikely because ..."
 - "I'm not going to speculate on that."
- **NEVER SAY, "NO COMMENT"**
 - Find an alternate phrase such as, "I can't reply to that question because the matter is under legal review ..."
 - Explain why you can't answer
- **CALL THE REPORTER BACK IF YOU NEED TO**
- **TAKE YOUR TIME**
- **THINK POSITIVE!**
- **TELL THE TRUTH; THE PUBLIC WILL FORGIVE MISTAKES, BUT NOT DISHONESTY**

City Council Rules of Procedure

Adopted April 10, 1963

(Amended March 9, 1977; May 28, 1980; May 11, 1983; May 13, 1987;
March 8, 1989; March 17, 1992; March 9, 1994; March 27, 1996; March 11, 1998; March 10, 1999;
March 8, 2000; March 28, 2001; March 12, 2008; March 14, 2012; March 12, 2014)

1. The Chair shall preserve order in the meetings and regulate its procedure by applying the rules of order impartially to all members and the public. Absent objection, the Chair may determine the order in which the City Council considers items on the agenda. Absent such unanimous consent, the provisions of Rule 8(c) below shall control.
2. The Mayor will vote only to break a tie vote, to create a tie vote, to create a fourth vote, or for appointments and bond resolutions of necessity.
3. No one other than the Mayor may normally address the meeting unless called upon or recognized by the Chair. If members of the City Council or staff wish to speak, therefore, they must first be recognized by the Chair.
4. Members of the audience must be recognized by the Chair as well, and are required to state their name and address.
5. No vote is required unless a motion is involved.
6. Any discussion should be limited to the agenda item under consideration and not more than one person should be speaking on the same item at one time.
7. Any items discussed in the agenda under the heading of general appearances should be limited to not more than 10 minutes per subject, unless extended by majority vote of the Council.
8. Definitions:
 - a. Regular meetings shall mean the meetings to be held on the second and fourth Wednesday of each month, and may be adjourned to a date and time certain.
 - b. Special meetings shall mean all meetings of the City Council other than regular Meetings; notice thereof shall be given as provided by statute.
 - c. Agenda shall mean a table of items of business for consideration at a Council meeting. Upon motion duly seconded and adopted, agenda items may be added deleted or passed over at any time.
 - d. Executive Session shall mean meetings as provided for in V.S.A., Title I, Section 313, Subsection (a), for the purpose of discussing contracts, labor relations, agreements with employees, arbitration, grievances, civil actions at law or prosecutions by the State where premature 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 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, or any other purpose allowed by statute. 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 substance of matters discussed in Executive Session shall not be disclosed by any participant, nor shall minutes of Executive Sessions be maintained.

9. The agenda shall be prepared by the City Manager and shall include such items of business as the Mayor may wish to bring to the attention of the Council, and also such items as may be requested by any member of the City Council before 12:00 noon on a Thursday preceding the regular Council meeting.
10. The agenda for the regular meetings shall be closed at 12:00 noon on Thursday preceding the regular Council meeting and a copy of the same shall be delivered to each Council member.
11. Citizens may request that items be placed on the Council's agenda by submitting written requests. In the event that the nature or timing of the item is such that it must be discussed at the next regular Council meeting, the written request must be submitted to the City Manager by 4:30 PM on the Thursday preceding the next Council meeting. With other requests, the Manager may determine the appropriate meeting date based on criteria including, but not limited to, items already scheduled, continuity with other issues and required deadlines or time lines.
12. The agenda shall indicate the name of the official proposing the item and whether or not such official anticipates voting action on it.
13. Each agenda may contain a section entitled Consent Agenda. Items listed on the Consent Agenda may be voted upon collectively. Examples of such Consent Agenda items are the minutes, vendors' licenses, routine approvals and other non-controversial matters. If desired, the request of a single Council Member will be sufficient cause to remove an item from the Consent Agenda and vote on it separately.
14. Items on the agenda not indicated for vote are not to be brought on for vote without the consent of two-thirds of the Council Members present at the meeting. Matters not on the agenda of a regular meeting may be brought on for discussion and vote by the unanimous consent of all Council Members present.
15. Special and emergency meetings may be called by the Mayor. The Mayor, or, in case of, his/her failure, the City Clerk, shall call special or emergency meetings on the request of three (3) members of the City Council.
16. Notice of special meetings, including a statement of the business proposed to be transacted, shall be given to each member of the City Council at least twenty-four (24) hours in advance of the time of the meeting. Notice of special meetings need not be in writing, but in event of failure of actual notice, written notice mailed or delivered to the home of the Council Members not otherwise contacted and posted at least twenty-four (24) hours in advance of the meeting shall be sufficient.

17. Special emergency meetings may be held without formal notice, providing not less than five (5) members of the Council voluntarily agree to assemble for that purpose, but such meeting shall be held only after all reasonable means have been used to notify any Council Member not present, with reasonable opportunity given to such Council Member to attend, and the minutes of such meeting shall state the means used to notify or attempt to notify such absent members that the meeting was to be held.
18. Application for Council permits shall be considered as agenda items.
19. The rules of procedure to be followed by the City Council shall be Robert's Rules of Order, most recent revision, when otherwise not specified in the Rules of Procedure and City Charter.
20. Nothing in these Rules of Procedure shall conflict or alter the Rules and Procedures granted by the Montpelier City Charter and/or State Law.
21. A parliamentarian shall be elected at the same time as the President and Vice President of the City Council.

ETHICS POLICY

City of Montpelier Vermont

Adopted by City Council on February 10, 1999

Passed after two public hearings on April 21, 1999

Re-affirmed annually at first meeting in March.

Whereas, the residents of Montpelier deserve the finest municipal government possible and;

Whereas, the Montpelier City Council desires to maintain the public trust by conducting all municipal operations in the most ethical and fair manner possible and;

Whereas, the Montpelier City Council appoints many various boards, commissions and committees, as well as the City Manager, and;

Whereas, the Montpelier City Council recognizes that conflicts of interest will occasionally arise in the course of the conduct of municipal affairs, and;

Whereas, the Montpelier City Council desires to provide ethical guidelines and standards for all branches of city government;

Now be it resolved that the Mayor and City Council of the City of Montpelier, Vermont for the purpose of promoting public accountability and trust, hereby adopt the following policy concerning ethical conduct and conflicts of interest for itself and for all subordinate boards, commissions, agencies, committees and employees:

I - Recusal from Official Action

- A. A public officer shall not take any official action if he or she has a conflict of interest in a matter that could result in the officer receiving direct or indirect financial benefit.
- B. In matters involving a conflict of interest other than those previously set forth above, a public officer shall not take any official action on any matter in which he or she has a conflict or interest. A public officer shall not take any action on any matter in which he or she has an appearance of a conflict of interest unless in his or her own estimation, he or she is able to do so fairly, objectively and in the public interest in spite of the appearance of conflict of interest.
- C. It is recognized that Montpelier may have a large number of Vermont State Employees as members of local public agencies. These individuals may generally participate in matters involving state government but should consider recusal or disclosure when matters involve their specific work responsibilities or employment unit.
- D. Public Officers shall not offer their individual professional services to applicants after an application is filed.

II - Disclosure

- A. A public officer who has reason to believe that he or she has a conflict of interest shall recuse themselves. A public officer who has reason to believe they have an appearance of a conflict of interest but believes he or she is able to act fairly, objectively and in the public interest in spite of the appearance of conflict of interest shall, prior to taking any official action on the matter involving the conflict, disclose to other board members during an official public meeting of the board the nature of the potential appearance of conflict of interest, the action required by the board and the reason why the official believes he or she is able to take such action fairly, objectively and in the public interest in spite of the potential appearance of conflict.
- B. In the event a public officer personally (or through any member of the household, business associate, employer or employee) represents, appears for, or negotiates 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 officer holds office, the public officer shall disclose his/her relationship to that public body. In such cases, the officer shall not sit with the remaining members of the public body nor be included in any deliberations other than to the extent that all applicants/members of the public are included.
- C. If a public officer does not voluntarily withdraw from official action on any matter in which that public officer has or may have a conflict of interest, another member of the same public body or any interested party to the matter being heard may request that the public body consider the issue of whether that member should recuse him/herself because of conflict of interest. Upon such request the members of the public body, excluding the member with the potential conflict, shall act on the following motion. "Should _____ recuse him/herself because of a conflict of interest or an appearance of a conflict of interest?" If a majority of those voting vote in favor of the motion and if the member with the potential conflict does not recuse him/herself, the chair of the public body shall refer the action of the public body to the City Council.
- D. Violations of this ethics regulation may be grounds for removal from public office, except if such removal is prohibited by law.

III - Emergency

- A. The provisions of Section I shall not apply if the City Council has voted that an emergency exists and that actions of the public body or agency otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Section II - A.

IV - Definitions

- A. **"Conflict of Interest"** means a personal or pecuniary interest of a public officer or his or her relative (as defined in 12 VSA 61 (a) and 24 VSA 1203), member of the household, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending 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 officer 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) who are residents of Montpelier.

- B. **“Emergency”** means an imminent threat or peril to the public health, safety or welfare.
- C. **“Public Body”** means the City Council of the City of Montpelier as defined in the City Charter and all other boards, councils, commissions or committees under the administrative control of the City Council.
- D. **“Public Officer”** means a member of the City Council and/or members of all other boards, councils, commissions or committees under the administrative control of the City Council elected or appointed to perform executive, administrative, legislative or quasi-judicial functions as a member of or for a public body.
- E. **“Official Action”** means engaging in a vote, entering into a contract, authorizing the issuance of a permit, deliberating in connection with or rendering a written or recorded decision, conducting a criminal or disciplinary investigation, or taking any formal action in a quasi-judicial capacity in the course of a public officer’s performance of the duties and responsibilities of his or her office.

ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in September 2013.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

Tenet 4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

Tenet 5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity’s operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member’s professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

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Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

GUIDELINES

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift—whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In de minimus situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

Conflicts of Interest and Incompatible Offices

A. INTRODUCTION

The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of government structure; that public office not be used for personal gain and that the public have confidence in the integrity of its government.

While the vast majority of Vermont's local officials have always taken due care to ensure that personal interests did not influence their public decisions, local officers have never been immune from conflict of interest allegations. Elected officials are rightfully seen as occupying a caretaker relationship to the town and worthy of the responsibility of keeping the town's best interests foremost. Yet the very structure of Vermont local government, the breadth of its responsibilities, and the oft-contentious nature of local issues all increase the likelihood that allegations will be leveled against even the most conscientious selectboard member.

Of all the issues facing Vermont towns, none has proven more difficult to address than the allegation that a local official has a conflict of interest. Such allegations touch the core of people's beliefs about local government and bring into question the personal motives of the official. However, it is often very difficult to determine if he or she has a genuine conflict. Concrete measures are few and far between and, for better or worse, the Legislature and Supreme Court have never provided much guidance for resolving local conflict of interest issues.

As a result, the resolution of conflicts of interest has often relied, for the most part, on the moral conscience of the persons involved. Unfortunately, it is both easy to make allegations of unethical conduct and difficult to defend against such accusations. A mere accusation can do significant damage to the reputation of the accused and, at times, an entire board. Beyond damage to one's reputation, there are other, perhaps more direct reasons to avoid conflicts. For example, conflicts of interest may result in void contracts. Courts in several jurisdictions have held that where a public official enters into a contract, the execution of which may make it possible for the official's personal interest to come into conflict with his or her discharge of a public duty, the contract is void as against public policy, regardless of the good faith of the parties and the reasonableness of the deal. See McQuillan, *Municipal Corporations* § 29.97. As a further remedy for this self-dealing, a court may also require the official to surrender any profit realized as a result of the questionable deal. *Davenport v. Town of Johnson*, 49 Vt. 403 (1877). Conflicts can also result in void quasi-judicial decisions. The Vermont Environmental Court has stated unequivocally that if a development review board (DRB) member with a conflict of interest participates in a DRB decision, the Court can vacate the decision for that reason, and order the matter be reconsidered by the DRB without the participation of that member. *Appeal of Janet Cote*, 257-11-02 Vtec (2003).

Towns often fail to pay attention to conflicts of interest until an allegation is made or an outright crisis has developed. As the leaders of local government, it is incumbent upon the selectboard members to take the lead and develop strategies and tools for addressing conflicts of interest prospectively. They should take appropriate steps to minimize their own conflicts and appropriately address them when they arise, not only

for their own protection and protection of other local officials, but to uphold the public's faith in their local government.

B. IDENTIFYING CONFLICTS OF INTEREST

One of the most difficult aspects of conflicts is determining when they exist. Part of the problem is the breadth of local government's responsibilities. As explained in the Introduction, local government stretches across the three traditional functions of government: legislative, judicial and executive. Conflicts may be viewed in different ways, and different standards may apply, when a local official is acting in each of these various roles. Nonetheless, experience has shown that a local official is likely to have four types of interests that may result in a conflict: direct monetary interest, indirect monetary interest, direct personal interest, and indirect personal interest. In quasi-judicial proceedings, an official must also be conscious of bias and ex-parte communication. The following scenarios are examples of when conflicts of interest might arise in the selectboard's executive, legislative, and executive roles.

1. Direct monetary interest. A conflict of interest can be present when a local official acts on a matter affording the official a direct financial gain.

- **Executive function.** A selectboard is considering acceptance of a new public road. The road is located in a new subdivision proposed by one of the selectboard members. The town's acceptance of the road would relieve the selectboard member of the expense of maintaining it.
- **Legislative function.** A selectboard is considering adoption of an ordinance setting weight limits on the local highways and bridges. One selectboard member owns a local trucking company that might not be able to use several roads if lower weight limits are imposed.
- **Judicial function.** A selectboard is considering an application for a highway access permit. The applicant is proposing construction of a convenience store and deli. One selectboard member owns an existing convenience store and gas station on the same road. Direct monetary interests are most easily identified and can present clear conflicts in all three of the selectboard's roles.

2. Indirect monetary interests. A conflict of interest can be present when a local official acts on a matter that financially benefits one closely tied to the official, such as an employer or family member.

- **Executive function.** A selectboard is considering bids for a new highway truck. The daughter-in-law of one of the selectboard members is the general manager of one of the two equipment dealerships that has submitted a bid.
- **Legislative function.** A selectboard is considering a revision to the town's zoning bylaw. The proposed revision would directly limit a selectboard member's brother's ability to expand his existing business.
- **Judicial function.** A selectboard is considering an application for a liquor license at a new restaurant. One of the selectboard members has been hired by the applicant to manage the new facility.

Indirect monetary interests can be difficult to identify, especially if the member at issue fails to disclose his or her relationship to the party that stands to benefit from the decision. At times, dealing with the family member or close associate of a selectboard member may be in the best interest of the town.

However, when that relationship is the only reason, or a major reason for the decision, the arrangement may be detrimental to the town and may present a conflict. The failure to appropriately deal with an indirect monetary interest may lead to an allegation of nepotism or cronyism.

3. **Direct personal interest.** A conflict may be present when a local official acts on a matter that benefits the official in a non-financial way, but in a matter of significant importance.
 - **Executive function.** The town's development review board has denied a permit for a large retail project. The selectboard is considering participation in an appeal to the environmental court as an interested party. One selectboard member has been a vocal proponent of the project and has written an op-ed piece about the project for the local newspaper.
 - **Legislative function.** The selectboard is considering whether to allow snowmobiles on a town road that bisects property owned by a selectboard member.
 - **Judicial function.** A resident has submitted a written complaint of a dog bite. A selectboard member owns the dog in question.

Direct personal interests can take many forms and, therefore, can be particularly difficult to identify. In the judicial role, a direct personal interest may rise to the level of a bias that prevents a local official from making decisions objectively. However, the same interest may be perfectly acceptable, or even desirable, when the official is acting in an executive or legislative role.

4. **Indirect personal interest.** A conflict may be present when a local official acts on a matter in which the member's judgment may be affected because of a family or personal relationship, or membership in some organization, and a desire to help that person or organization further its own interests.
 - **Executive function.** The selectboard is preparing next year's proposed town budget. A member of the selectboard is also the chief of the town's volunteer fire department. The selectboard member would like the budget to include a line item for purchase of a piece of fire equipment.
 - **Legislative function.** The selectboard is considering revisions to the town's zoning bylaw. Several members of a selectboard member's family have petitioned the proposed revision, which would restrict expansion of several industrial uses in a certain zone. The family members own homes in the zone.
 - **Judicial function.** A selectboard member is sitting on the board of civil authority. The board member's sister is a town lister.

The concern presented by an indirect personal interest is embodied in the phrase "a person cannot serve two masters." Voters reasonably expect that when a local official is making a decision, he or she will give first consideration to the interest of the town. An official's close affiliation with, or membership in, another organization may result in a division of loyalties. Failure to address the conflict may result in the perception that the official is using the office to further the interest of that other group.

5. **Close calls.** The foregoing scenarios have been greatly simplified to provide examples of when conflicts of interest might be present. The reality is that conflicts, and potential conflicts, can be much more difficult to identify. Often times, the appearance of a conflict of interest can be more damaging than the conflict itself. Take, for example, a selectboard member who refuses to recuse himself, and votes to approve a roadside mowing contract between himself and the town. While the value of that

conflict may be relatively small, the public's perception that the office has been used for private gain may be very costly, not only to the member, but to the entire selectboard. The best advice when trying to identify conflicts is to err on the side of caution, if only for the preservation and protection of the public's confidence in local government.

C. HANDLING CONFLICTS

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

- Chapter I, Article 7, Vermont Constitution

- 1. Transparency and disclosure.** Chapter I, Article 7 of the Vermont Constitution ensures that government be operated for the benefit of all the people and not for the advantage of a single person, family or group. It also reserves to the people the right to reform their government in a manner that is most conducive to the public good.

Violations of the public trust are most likely to occur when the transparency of local government is obscured. One of the best methods to effect transparency is to create an environment in which the full and frank disclosure of conflicts of interest is supported and encouraged. Selectboards can take the lead in promoting transparency by actively encouraging an environment where all local officials feel free to disclose facts that may lead to an actual or apparent conflict of interest.

Beyond transparency, disclosure can also be an effective tool for evaluating conflicts. When potential conflicts are disclosed, they can be discussed and evaluated with other local officials. Oftentimes, discussion of the facts surrounding a potential conflict may lead to the conclusion that no conflict actually exists or can be dealt with effectively.

- 2. Appropriate recusal.** When a conflict of interest is identified and disclosed, the proper course of action is recusal from participation in the matter, i.e. from discussing, questioning, commenting and voting. While some officials may feel it is sufficient to just refrain from voting, complete recusal acknowledges that the outcome of events and decisions often rests on more than the final vote. A conflicted official should not be allowed to use his or her position to influence others' decisions. Practically speaking, this can mean leaving the room, or at least the table, where the discussion is occurring.

A common mistake is to equate recusal for conflict of interest with a vote to *abstain*. They are entirely separate processes. To *recuse* means "to disqualify ... from participation in a decision on grounds such as prejudice or personal involvement." *American Heritage Dictionary*, 1143 (3d ed., 1997). To *abstain* means "to refrain from something by one's own choice." *Id.* at 6. Abstention from voting is used by a board member when he or she has inadequate information on which to judge the merits. This may occur where the member has not had an opportunity to examine all of the evidence or to attend all of the hearings for reasons other than conflict of interest. Recusal, on the other hand, involves complete removal from participation in the discussion and the vote, where a conflict, or the appearance of a conflict, is present.

3. Remedies. Can a selectboard force a conflicted local official to recuse himself when the member has a conflict of interest? Absent a local conflict of interest ordinance, the answer is probably not. Local government is not a private organization that can define its own membership and discipline its own members. Just as the Legislature has taken a limited role in defining conflicts, it has also been relatively silent on how to deal with conflicts once they are identified and disclosed. Absent a local conflict of interest ordinance (see below), the most a selectboard might be able to do is register its displeasure with a member's conduct by passing a resolution censuring the member. Even this limited remedy can have its pitfalls.

See *LaFlamme v. Essex School District*, 170 Vt. 475 (2000).

D. LOCAL TOOLS FOR PREVENTING AND ADDRESSING CONFLICTS

Many have argued that the best remedy for those officials who engage in conflicts is to vote the offender out of office. However, as explained in Chapter 2, there is no provision in Vermont law for recall of local officials, though some charters provide for it. It can be several years before the expiration of an office. Relying on political remedies is rarely sufficient. VLCT recommends that municipalities avail themselves of one or more of the local tools for addressing conflicts.

1. Conflict of Interest Ordinance. In 2000, the Legislature authorized towns to adopt a conflict of interest prohibition for its elected and appointed officials. 24 V.S.A. § 1984. The process for adoption of the prohibition may be initiated by the selectboard or by application of five percent of the town's voters. 17 V.S.A. §§ 2643(a), 2642(a). The prohibition must be adopted by the majority of those present and voting at an annual or special meeting warned for that purpose. 24 V.S.A. § 1984(a). Regardless of where the ordinance initiates, it must contain the following elements:

- A definition of conflict of interest.
- A list of the elected and appointed officials covered by such prohibition.
- A method to determine whether a conflict of interest exists.
- Actions that must be taken if a conflict of interest is determined to exist.
- A method of enforcement against individuals violating such prohibition. 24 V.S.A. §1984(a).

The statute provides a default definition of a conflict of interest:

[A] direct personal or pecuniary interest of a public official, or the official's spouse, household member, business associate, employer, or employee, in the outcome of a cause, proceeding, application, or any other matter pending before the official or before the agency or public body in which the official 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, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision. 24 V.S.A. 1984(b).

While the statute provides a good starting point, towns should remember that they retain the authority to craft their own definitions. VLCT maintains a file of conflict of interest ordinances from around the state. If you are drafting a proposed conflict of interest prohibition and would like to review the work of other towns, please feel free to contact the League for assistance.

2. **Conflict of Interest Policy.** The law also authorizes the selectboard to establish a conflict of interest policy. A policy and an ordinance have a small but significant difference: an ordinance has the force and effect of law. A policy is usually only advisory in nature and affords no direct legal remedy.

While selectboard policies typically have no bearing on the actions of the town's independently elected officials (e.g., town clerk, listers, auditors), the law expressly provides that a conflict of interest policy adopted by a selectboard will apply to "all elected officials of the town, city, or incorporated village." 24 V.S.A. § 2291(20).

Please see the Appendices for VLCT's model conflict of interest policy.

3. **Purchasing and Bidding Policies.** Another effective tool available for avoiding conflicts of interest is the purchasing policy. Such policies typically provide procedures for competitive bidding and may prohibit local officials or employees from participating in the bidding process. A copy of VLCT's model bidding policy is located in the Appendices.

4. **Municipal Administrative Procedures Act.** The Vermont Municipal Administrative Procedures Act (MAP A) requires towns that have adopted it to follow certain administrative procedures when conducting contested hearings. 24 V.S.A. § 1201. MAPA is an enabling statute and applies only in those towns where it has been adopted. The law creates procedural rights and duties, with an eye toward affording parties more formal hearings and additional due process protections. 24 V.S.A. § 1202. Though usually adopted and applied in conjunction with zoning hearings, towns may elect to apply MAP A to any other contested hearing held by a local board. 24 V.S.A. § 1201.

One of the features of MAPA is the conflict of interest provision, which requires local boards to comply with the requirements of the statute proscribing the circumstances under which a judge must be disqualified from hearing a case. 12 V.S.A. § 61(a). This statute prohibits persons from acting in a judicial capacity in which the person has an interest or is related to a party within the fourth degree of consanguinity. 12 V.S.A. § 61(a). Another feature of MAP A is the treatment of ex parte communications. The chair and all board members are expressly prohibited from communicating with any party or the party's representative, while the proceeding is pending. 24 V.S.A. § 1207(a), (b). Any ex parte communication received by the chair or a board member must be disclosed on the record. 12 V.S.A. § 1207(c).

E. STATUTORY REQUIREMENTS

1. **Appropriate Municipal Panels (AMPs).** Under the 2004 revisions to Vermont's zoning statute, local land use panels (planning commissions conducting zoning review, zoning boards of adjustment, and development review boards) are required to adopt rules of ethics with respect to conflicts of interest. 24 V.S.A. § 4461(a).
2. **Quasi-judicial Proceedings.** Where the Municipal Administrative Procedures Act applies, board members must recuse themselves as would members of the judiciary who are subject to 12 V.S.A. § 61. 24 V.S.A. § 1203. Indeed, as mentioned below, recusal is mandated for members of any body acting in a quasi-judicial proceeding, even in the absence of the Municipal Administrative Procedures Act, since 12 V.S.A. § 61 (a) states that no one shall "act in a judicial capacity ... as trier of a cause or matter in which he ... is interested " 12 V.S.A. § 61(a).
3. **Setting Compensation.** A town may vote at its annual meeting to compensate its local officials. 24 V.S.A. § 932. If the town does not set the compensation, the selectboard may. However, the selectboard

may not set its own pay, which must be set by the auditors at the time of the annual town audit. 24 V.S.A. § 933.

4. **Liquor Licenses.** There is a statutory conflict that prohibits the selectboard, acting as the local liquor control commissioners, from issuing a liquor license to "any enforcement officer or member of a local control board [or] to any person or corporation acting in his behalf." 7 V.S.A. § 223. In other words, a selectperson cannot receive a liquor license in his or her own town.
5. **Election Officials.** No person may serve as an election official in an election where his or her name appears as a candidate for selectperson on the Australian ballot unless he or she is the only candidate for that office. 17 V.S.A. § 2456. These same prohibitions would apply to village officers as well. 1 V.S.A. § 139.

F. SIGNING ORDERS

Many small towns find themselves in the position of having to employ selectpersons to perform some extra services (e.g. road commissioner or board clerk). Even though there is no statutory prohibition on a selectperson being an employee of a town, selectpersons must be cautious when deciding to hire themselves and when setting compensation for these extra services.

A selectperson should not sign a paycheck or warrant for services that he or she renders. If the payment or salary amount is set by the voters or the auditors, then this conflict is not that critical. 24 V.S.A. § 931. But if the amount is not set by the voters or auditors, it is best to avoid any situation which would even remotely hint of conflict. It is simplest for the selectboard to avoid hiring individual selectpersons to perform services for the towns. However, if a town must hire a selectperson for a task, then a plan or system of bidding should be implemented to insure that unfair influence is not wielded by any selectperson.

G. INCOMPATIBLE OFFICES

No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty, than that the accumulation of all power, legislative, executive, and judiciary, in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

-James Madison, Federalist Papers, No. 47

In recognition of the principle that the aggregation of political power may result in the diminishment of citizens' freedoms, the Legislature has prescribed a list of incompatible offices. The general statute concerning incompatible town offices is 17 V.S.A. § 2647. Under that statute, a selectboard member may not hold the offices of auditor, collector of current or delinquent taxes, first constable, lister, town agent, town manager or town treasurer. Likewise, the spouse of a selectboard member or "any person assisting [a selectboard member] in the discharge of their official duties" is not eligible to serve as auditor.

The incompatible offices statute does not apply in a town with 25 or fewer legal voters, but even in those towns "an auditor [or the auditor's spouse] shall not audit his own accounts kept and rendered in some other official capacity." 17 V.S.A. § 2648. It should also be noted that the statute does not prohibit one from running for two incompatible offices. For example, one person may simultaneously run for the office of treasurer and auditor, but if elected to both positions, must resign from one office before commencing duties in the other.

Finally, while the incompatible office statute does not mention romantic co-habitants or civil union partners, the intimacy of such relationships would necessarily imply that the same prohibitions apply to these relationships as well.

A Chart of Incompatible Offices is located in the Appendices.

H. NEPOTISM

A word about nepotism is also warranted. Nepotism may occur when town officers appoint their relatives to positions in town government. At times, the relative may be well qualified or even *the* most qualified person, and appointment is appropriate and in the best interest of the town. This is especially true in small towns. Nepotism, however, occurs when the relationship is the only reason or a major reason for the appointment. Such an appointment is not in the best interest of the town and may be detrimental to the town.

I. CRIMINAL OFFENSES

1. **Kickbacks.** Under Vermont *criminal* law, public officials or employees who solicit or accept gifts, gratuities or promises of such with the understanding that the official or employee will be influenced in any matter within his or her official capacity (i.e., kickbacks) may be fined or imprisoned. Possible penalties include fines of up to \$10,000 and prison terms of up to five years, depending on the value of the gift or benefit. 13 V.S.A. §§ 1106, 1107.
2. **False Claims.** State law makes it illegal for municipal officials to make any false claims to defraud a municipality. Guilt may result in a fine of up to \$10,000 and/or a prison term of up to five years. 13 V.S.A. § 3016.

J. CONCLUSION - CONFLICTS OF INTEREST IN A NUTSHELL

Many of Vermont's municipalities find it difficult to appoint and elect boards and commissions that do not include people with extensive business and family ties to their community. While conflicts cannot always be avoided, they can, and should, be managed. Here are some final tips to remember:

- Conflicts can have significant legal and personal consequences. Mere allegations of conflicts of interest can cause damage to reputations and undermine public confidence in local government.
- Disclosure of potential conflicts effectuates transparency and affords opportunities for discussion and evaluation of potential conflicts.
- When a conflict is identified and disclosed, the local official should recuse himself from participation in the matter under consideration.
- Municipalities should take a proactive approach to conflicts and avail themselves of all tools for dealing with conflicts, including conflict ordinances, conflict policies, nepotism policies and bidding policies.
- Remember to check State law. State statutes often have specific provisions to limit conflicts of interest or to prohibit one person from holding two offices simultaneously.
- In some extreme instances, conflicts of interest can rise to the level of criminal offenses.

From VLCT Handbook for Vermont Town Offices, July 2014

Incompatible Offices. There are a number of statutes that regulate whether a public official may hold more than one office. This chart provides an easy reference to assist you in determining whether two offices are incompatible to hold.

CHART OF INCOMPATIBLE OFFICES

Can a Person Hold Both of These Offices?	Auditor	Selectperson	School Director	Town Manager	Town Treasurer	Election Official & Candidate (Australian Ballot)	Election Official & Candidate (Not Australian Ballot)	School District Employee ¹	Spouse
Auditor	—	No	No	No	No	No, If Opposed	No	Yes	3
Selectperson	No	—	Yes	No	No	No	No	Yes	
School Director	No	Yes	—	No	No	No, If Opposed	No	No	
Town Manager	No	No	No	—	No	No	No	Yes	
Town Treasurer	No	No	No	No	—	No, If Opposed	No	Yes	
Town Clerk	No	Yes	Yes	No	Yes	Yes	No	Yes	
Assistant Town Clerk	No	Yes	Yes	No	Depends ²	N/A	N/A	Yes	
Town Agent	Yes	No	No	No	Yes	No, If Opposed	No	Yes	
First Constable	No	No	No	No	Yes	Yes	No	Yes	
Road Commissioner	No	Yes	Yes	No	Yes	No, If Opposed	No	Yes	
Cemetery Commissioner	Yes	Yes	Yes	No	No	No, If Opposed	No	Yes	
Trustee of Public Funds	No	Yes	Yes	No	Yes	No, If Opposed	No	Yes	
Lister	Yes	No	Yes	No	Yes	No, If Opposed	No	Yes	
Assessor	Yes	No	Yes	No	Yes	Yes	Yes	Yes	
Tax Collector, Current	No	No	No	Yes	Yes	No, If Opposed	No	Yes	
Tax Collector, Delinquent	No	No	No	Yes	Yes	No, If Opposed	No	Yes	
Trustee of Public Funds	No	Yes	Yes	No	Yes	No, If Opposed	No	Yes	
Grand Juror	Yes	Yes	Yes	No	Yes	No	No	Yes	
Inspector of Elections	Yes	Yes	Yes	No	Yes	Yes	No	Yes	
Justice of the Peace	Yes	Yes	Yes	No	Yes	Yes	No	Yes	

¹ Within same supervisory union.

² See 24 V.S.A. § 1622.

³ A spouse of a town clerk, town treasurer, selectperson, trustee of public funds, town manager, water commissioner, sewer system commissioner, sewer disposal commissioner, first constable, road commissioner, collector of current or delinquent taxes, or town district school director, or any person who assists any of these officers may not be an auditor. 17 V.S.A. § 2647.

Vermont Public Records Law

Title 1: General Provisions

Chapter 5: COMMON LAW; GENERAL RIGHTS

Sub-Chapter 3: Access To Public Records

1 V.S.A. Â§ 317. Definitions; public agency; public records and documents

Â§ 317. Definitions; public agency; public records and documents

- (a) As used in this subchapter:
 - (1) "Business day" means a day that a public agency is open to provide services.
 - (2) "Public agency" or "agency" means any agency, board, department, commission, committee, branch, instrumentality, or authority of the State or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the State.
- (b) As used in this subchapter, "public record" or "public document" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business. Individual salaries and benefits of and salary schedules relating to elected or appointed officials and employees of public agencies shall not be exempt from public inspection and copying.
- (c) The following public records are exempt from public inspection and copying:
 - (1) Records which by law are designated confidential or by a similar term.
 - (2) Records which by law may only be disclosed to specifically designated persons.
 - (3) Records which, if made public pursuant to this subchapter, would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State.
 - (4) Records which, if made public pursuant to this subchapter, would cause the custodian to violate any statutory or common law privilege other than the common law deliberative process privilege as it applies to the General Assembly and the Executive Branch agencies of the State of Vermont.
 - (5) (A) Records dealing with the detection and investigation of crime, but only to the extent that the production of such records:
 - (i) could reasonably be expected to interfere with enforcement proceedings;
 - (ii) would deprive a person of a right to a fair trial or an impartial adjudication;
 - (iii) could reasonably be expected to constitute an unwarranted invasion of personal privacy;
 - (iv) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;
 - (v) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or

prosecution if such disclosure could reasonably be expected to risk circumvention of the law;

- (vi) could reasonably be expected to endanger the life or physical safety of any individual.
 - (B) Notwithstanding subdivision (A) of this subdivision (5), records relating to management and direction of a law enforcement agency; records reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. Â§ 2302; and records reflecting the charge of a person shall be public.
 - (C) It is the intent of the General Assembly that in construing subdivision (A) of this subdivision (5), the courts of this State will be guided by the construction of similar terms contained in 5 U.S.C. Â§ 552(b)(7) (Freedom of Information Act) by the courts of the United States.
 - (D) It is the intent of the General Assembly that, consistent with the manner in which courts have interpreted subdivision (A) of this subdivision (5), a public agency shall not reveal information that could be used to facilitate the commission of a crime or the identity of a private individual who is a witness to or victim of a crime, unless withholding the identity or information would conceal government wrongdoing. A record shall not be withheld in its entirety because it contains identities or information that have been redacted pursuant to this subdivision.
- (6) A tax return and related documents, correspondence and certain types of substantiating forms which include the same type of information as in the tax return itself filed with or maintained by the Vermont Department of Taxes or submitted by a person to any public agency in connection with agency business.
 - (7) Personal documents relating to an individual, including information in any files maintained to hire, evaluate, promote, or discipline any employee of a public agency, information in any files relating to personal finances, medical or psychological facts concerning any individual or corporation; provided, however, that all information in personnel files of an individual employee of any public agency shall be made available to that individual employee or his or her designated representative.
 - (8) Test questions, scoring keys, and other examination instruments or data used to administer a license, employment, or academic examination.
 - (9) Trade secrets, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it, except that the disclosures required by 18 V.S.A. Â§ 4632 shall not be included in this subdivision.
 - (10) Lists of names compiled or obtained by a public agency when disclosure would violate a person's right to privacy or produce public or private gain; provided, however, that this section does not apply to lists which are by law made available to the public, or to lists of professional or occupational licensees.
 - (11) Student records, including records of a home study student, at educational institutions or agencies funded wholly or in part by State revenue; provided, however, that such records shall be made available upon request under the provisions of the Federal Family Educational Rights and Privacy Act of 1974 (P.L. 93-380) and as amended.
 - (12) Records concerning formulation of policy where such would constitute a clearly unwarranted invasion of personal privacy, if disclosed.
 - (13) Information pertaining to the location of real or personal property for public agency purposes prior to public announcement of the project and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts thereof.

- (14) Records which are relevant to litigation to which the public agency is a party of record, provided all such matters shall be available to the public after ruled discoverable by the court before which the litigation is pending, but in any event upon final termination of the litigation.
- (15) Records relating specifically to negotiation of contracts including collective bargaining agreements with public employees.
- (16) Any voluntary information provided by an individual, corporation, organization, partnership, association, trustee, estate, or any other entity in the State of Vermont, which has been gathered prior to the enactment of this subchapter, shall not be considered a public document.
- (17) Records of interdepartmental and intradepartmental communications in any county, city, town, village, town school district, incorporated school district, union school district, consolidated water district, fire district, or any other political subdivision of the State to the extent that they cover other than primarily factual materials and are preliminary to any determination of policy or action or precede the presentation of the budget at a meeting held in accordance with section 312 of this title.
- (18) Records of the Office of Internal Investigation of the Department of Public Safety, except as provided in 20 V.S.A. Â§ 1923.
- (19) Records relating to the identity of library patrons or the identity of library patrons in regard to library patron registration records and patron transaction records in accordance with 22 V.S.A. chapter 4.
- (20) Information which would reveal the location of archaeological sites and underwater historic properties, except as provided in 22 V.S.A. Â§ 762.
- (21) Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability, and is exercised pursuant to specific guidelines adopted by the editor of the magazine.
- (22) Any documents filed, received, or maintained by the Agency of Commerce and Community Development with regard to administration of 32 V.S.A. chapter 151, subchapters 11C and 11D (new jobs tax credit; manufacturer's tax credit), except that all such documents shall become public records under this subchapter when a tax credit certification has been granted by the Secretary of Administration, and provided that the disclosure of such documents does not otherwise violate any provision of Title 32.
- (23) Any data, records, or information developed, discovered, collected, or received by or on behalf of faculty, staff, employees, or students of the University of Vermont or the Vermont State Colleges in the conduct of study, research, or creative efforts on medical, scientific, technical, scholarly, or artistic matters, whether such activities are sponsored alone by the institution or in conjunction with a governmental body or private entity, until such data, records, or information are published, disclosed in an issued patent, or publicly released by the institution or its authorized agents. This subdivision applies to, but is not limited to, research notes and laboratory notebooks, lecture notes, manuscripts, creative works, correspondence, research proposals and agreements, methodologies, protocols, and the identities of or any personally identifiable information about participants in research.
- (24) Records of, or internal materials prepared for, the deliberations of any public agency acting in a judicial or quasi-judicial capacity.
- (25) Passwords, access codes, user identifications, security procedures, and similar information the disclosure of which would threaten the safety of persons or the security of public property.

- (26) Information and records provided to the Department of Financial Regulation by an individual for the purposes of having the department assist that individual in resolving a dispute with any person or company regulated by the Department, and any information or records provided by a company or any other person in connection with the individual's dispute.
- (27) Information and records provided to the Department of Public Service by an individual for the purposes of having the Department assist that individual in resolving a dispute with a utility regulated by the Department, or by the utility or any other person in connection with the individual's dispute.
- (28) Records of, and internal materials prepared for, independent external reviews of health care service decisions pursuant to 8 V.S.A. Â§ 4089f and of mental health care service decisions pursuant to 8 V.S.A. Â§ 4089a.
- (29) The records in the custody of the Secretary of State of a participant in the address Confidentiality Program described in 15 V.S.A. chapter 21, subchapter 3, except as provided in that subchapter.
- (30) All code and machine-readable structures of State-funded and controlled database applications, which are known only to certain State departments engaging in marketing activities and which give the State an opportunity to obtain a marketing advantage over any other state, regional, or local governmental or nonprofit quasi-governmental entity, or private sector entity, unless any such State department engaging in marketing activities determines that the license or other voluntary disclosure of such materials is in the State's best interests.
- (31) Records of a registered voter's month and day of birth, motor vehicle operator's license number, the last four digits of the applicant's Social Security number, and street address if different from the applicant's mailing address contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. Â§ 2154.
- (32) With respect to publicly owned, managed, or leased structures, and only to the extent that release of information contained in the record would present a substantial likelihood of jeopardizing the safety of persons or the security of public property, final building plans, and as-built plans, including drafts of security systems within a facility, that depict the internal layout and structural elements of buildings, facilities, infrastructures, systems, or other structures owned, operated, or leased by an agency before, on, or after the effective date of this provision; emergency evacuation, escape, or other emergency response plans that have not been published for public use; and vulnerability assessments, operation and security manuals, plans, and security codes. For purposes of this subdivision, "system" shall include electrical, heating, ventilation, air conditioning, telecommunication, elevator, and security systems. Information made exempt by this subdivision may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to a licensed architect, engineer, or contractor who is bidding on or performing work on or related to buildings, facilities, infrastructures, systems, or other structures owned, operated, or leased by the State. The entities or persons receiving such information shall maintain the exempt status of the information. Such information may also be disclosed by order of a court of competent jurisdiction, which may impose protective conditions on the release of such information as it deems appropriate. Nothing in this subdivision shall preclude or limit the right of the General Assembly or its committees to examine such information in carrying out its responsibilities or to subpoena such information. In exercising the exemption set forth in this subdivision and denying access to information requested, the custodian of the information shall articulate the grounds for the denial.
- (33) The account numbers for bank, debit, charge, and credit cards held by an agency or its employees on behalf of the agency.

- (34) Affidavits of income and assets as provided in 15 V.S.A. Â§ 662 and Rule 4 of the Vermont Rules for Family Proceedings.
- (35) Expired.]
- (36) Anti-fraud plans and summaries submitted by insurers to the Department of Financial Regulation for the purposes of complying with 8 V.S.A. Â§ 4750.
- (37) Records provided to the Department of Health pursuant to the Patient Safety Surveillance and Improvement System established by 18 V.S.A. chapter 43a.
- (38) Records held by the Agency of Human Services, which include prescription information containing prescriber-identifiable data, that could be used to identify a prescriber, except that the records shall be made available upon request for medical research, consistent with and for purposes expressed in 18 V.S.A. Â§Â§ 4621, 4631, 4632, 4633, and 9410 and 18 V.S.A. chapter 84, or as provided for in 18 V.S.A. chapter 84A and for other law enforcement activities.
- (39) Records held by the Agency of Human Services or the Department of Financial Regulation, which include prescription information containing patient-identifiable data, that could be used to identify a patient.
- (40) Records of genealogy provided in support of an application for tribal recognition pursuant to chapter 23 of this title.
- (41) Documents reviewed by the Victims Compensation Board for purposes of approving an application for compensation pursuant to 13 V.S.A. chapter 167, except as provided by 13 V.S.A. Â§Â§ 5358a(b) and 7043(c).
- (42) Except as otherwise provided by law, information that could be used to identify a complainant who alleges that a public agency, a public employee or official, or a person providing goods or services to a public agency under contract has engaged in a violation of law, or in waste, fraud, or abuse of authority, or in an act creating a threat to health or safety, unless the complainant consents to disclosure of his or her identity. (Added 1975, No. 231 (Adj. Sess.), Â§ 1; amended 1977, No. 202 (Adj. Sess.); 1979, No. 156 (Adj. Sess.), Â§ 6; 1981, No. 227 (Adj. Sess.), Â§ 4; 1989, No. 28, Â§ 2; 1989, No. 136 (Adj. Sess.), Â§ 1; 1995, No. 46, Â§Â§ 23, 58; 1995, No. 159 (Adj. Sess.), Â§ 2; No. 167 (Adj. Sess.), Â§ 29; No. 182 (Adj. Sess.), Â§ 21, eff. May 22, 1996; No. 180 (Adj. Sess.), Â§ 38; No. 190 (Adj. Sess.), Â§ 1(a); 1997, No. 159 (Adj. Sess.), Â§ 12, eff. April 29, 1998; 1999, No. 134 (Adj. Sess.), Â§ 3, eff. Jan. 1, 2001; 2001, No. 28, Â§ 9, eff. May 21, 2001; 2001, No. 76 (Adj. Sess.), Â§ 3, eff. Feb. 19, 2002; No. 78 (Adj. Sess.), Â§ 1, eff. Apr. 3, 2002; 2003, No. 59, Â§ 1, eff. Jan. 1, 2006; 2003, No. 63, Â§ 29, eff. June 11, 2003; 2003, No. 107 (Adj. Sess.), Â§ 14; 2003, No. 146 (Adj. Sess.), Â§ 6, eff. Jan. 1, 2005; 2003, No. 158 (Adj. Sess.), Â§ 2; 2003, No. 159 (Adj. Sess.), Â§ 12; 2005, No. 132 (Adj. Sess.), Â§ 1; 2005, No. 179 (Adj. Sess.), Â§ 3; 2005, No. 215 (Adj. Sess.), Â§ 326; 2007, No. 80, Â§ 18; 2007, No. 110 (Adj. Sess.), Â§ 3; 2007, No. 129 (Adj. Sess.), Â§ 2; 2009, No. 59, Â§ 5; 2009, No. 107 (Adj. Sess.), Â§ 5, eff. May 14, 2010; 2011, No. 59, Â§ 3; 2011, No. 78 (Adj. Sess.), Â§ 2, eff. April 2, 2012; 2011, No. 145 (Adj. Sess.), Â§ 8, eff. May 15, 2012; 2013, No. 70, Â§ 1; 2013, No. 129 (Adj. Sess.), Â§ 1; 2013, No. 194 (Adj. Sess.), Â§ 1, eff. June 17, 2014.)

I. VERMONT OPEN MEETING LAW

1 V.S.A. §§ 310-314

Vermont’s Open Meeting Law provides that “[a]ll meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].” 1 V.S.A. § 312(a)(1). The intent of the law is to create transparency in government by requiring advance public notice and an opportunity for public participation in governmental decisions. **The law generally applies whenever a majority of the members of a municipal board, council, commission, committee, or subcommittee have a conversation or make a decision about municipal business.**

REQUIREMENTS:

- Public announcement of meetings. 1 V.S.A. §§ 312(c), 310(4)
- Preparation and posting of agendas for every regular and special meeting. 1 V.S.A. § 312(d)
- Conducting the business of the municipality in open meetings (unless specifically exempted). 1 V.S.A. § 312(a). Resolutions, rules, appointments, or formal actions that are not taken or made at an open meeting are not considered binding, except actions to secure real estate options. 1 V.S.A. §§ 312(a)(1); 313(a)(2)
- Allowing for public comment at meetings (subject to reasonable rules). 1 V.S.A. § 312(h)
- Taking minutes at meetings, making those minutes available five days after the meeting, and posting on a website, if there is one. 1 V.S.A. § 312(b)
- Responding in a timely manner when there is an allegation of violation of the law. 1 V.S.A. § 314(b)

APPLICATION:

The law applies to every “public body” of a municipality and the requirements are triggered whenever a “quorum” of a public body is “meeting.” A public body is any board, council, commission, committee, or subcommittee of a municipality. 1 V.S.A. § 310(3). The law does not apply to community justice boards or community justice centers. 24 V.S.A. § 1964(b). A meeting is a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. 1 V.S.A. § 310(2).

The law does not apply to written correspondence or electronic communication between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under Vermont's Public Records Law. 1 V.S.A. § 310(2).

AGENDAS:

An agenda must be created and posted in advance of every regular or special meeting. 1 V.S.A. § 312(d). At least 48 hours in advance of a regular meeting, and at least 24 hours in advance of a special meeting, an agenda must be posted in or near the municipal office and in at least two other designated public places in the municipality. 1 V.S.A. § 312(d). In addition, the public body must

post the agendas of regular and special meetings to an official website, if one exists that is maintained or has been designated as the official website. 1 V.S.A. § 312(d). An item may only be added or removed from a meeting agenda as the first order of business at the meeting. 1 V.S.A. § 312(d)(3)(A). Other adjustments to an agenda may be made at any time during the meeting. 1 V.S.A. § 312(d)(3)(B).

NOTICES:

Meetings must be properly noticed and announced:

- The time and place of all **regular meetings** “shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution or other determining authority of the public body and this information shall be available to any person upon request.” 1 V.S.A. § 312(c)(1).
- The time, place and purpose of a **special meeting** shall be “publicly announced” at least 24 hours before the meeting. 1 V.S.A. § 312(c)(2). Publicly announced means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the state in which the public body has jurisdiction, and to any person who has requested to be notified of special meetings. 1 V.S.A. § 310(4).
Municipal public bodies shall post notices of special meetings in or near the municipal clerk’s office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting. 1 V.S.A. § 312(c)(2).
- **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.” 1 V.S.A. § 312(c)(3).

MINUTES:

Meeting Minutes must be taken at every public meeting and must include at least the members present, active participants, motions made, and votes taken. 1 V.S.A. § 312(b)(1). Five days after the meeting, minutes must be available for inspection and must be posted to a website, if one exists, that is maintained or has been designated as the official website. 1 V.S.A. § 312(b)(2). If it is not possible to provide the final approved minutes in five days, then a draft that is marked with words such as “subject to approval” should be posted and made available. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. § 313(a).

Participation and voting at meetings by electronic means. One or more of the members of a public body may attend and participate in a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location as long as each member who attends electronically identifies himself or herself when the meeting is convened, and is able to hear the conduct of the meeting and be heard throughout the meeting. 1 V.S.A. §§ 312(a)(2)(A) and (C). If one or more members attend a meeting by electronic or other means, any vote of the public body shall be taken by roll call. 1 V.S.A. § 312(a)(2)(B).

If a quorum or more of the members of a public body attend a meeting without being physically present, the following additional requirements shall be met: (i) At least 24 hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the public body shall publicly announce the meeting, shall post notice of the meeting in or near the municipal clerk's office and in at least two other designated public places in the municipality; and (ii) the public announcement and posted notice of 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 public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location. 1 V.S.A. § 312(a)(2)(D).

EXCEPTIONS:

The requirements of the law are not imposed on municipal bodies in the following situations:

- **Site inspections** such as those for assessing damage or making tax assessments or abatements. 1 V.S.A. § 312(g)
- **Routine administrative matters** such updating listers' cards. 1 V.S.A. § 312(g)
- **Deliberative sessions** such as hearings by a board of civil authority or zoning board, or employment termination. 1 V.S.A. § 312(e)
- **Executive sessions.** 1 V.S.A. §§ 312(a), 313.

DELIBERATIVE SESSION occurs only in “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 opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.” 1 V.S.A. § 310(5). A written decision issued by a public body in connection with a quasi-judicial proceeding “need not be adopted at an open meeting if the decision will be a public record.” 1 V.S.A. § 312(f).

EXECUTIVE SESSION is a closed portion of a public meeting and is allowed only in certain limited situations including the following:

1. Negotiating or securing real estate purchase or lease options. 1 V.S.A. § 313(a)(2)
2. The appointment or employment or evaluation of a public officer or employee (but the public body must make a final decision to hire or appoint in an open meeting and it must explain the reasons for its final decision). 1 V.S.A. § 313(a)(3)
3. A disciplinary or dismissal action against a public officer or employee (but such officer or employee has the right to a public hearing if formal charges are brought). 1 V.S.A. § 313(a)(4)
4. A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
5. Discussion or consideration of records or documents that are exempt from the public records laws (but that does not give authority to discuss the general subject to which the document pertains). 1 V.S.A. § 313(a)(6)

Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety. 1 V.S.A. § 313(a)(10)

In addition, in instances when the public body finds that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following:

6. contracts;
7. labor relations agreements with employees;
8. arbitration or mediation;
9. grievances, other than tax grievances;
10. pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or
11. confidential attorney-client communications made for the purpose of providing professional legal services to the body. 1 V.S.A. § 313(a)(1)

A motion to go into executive session must be made during the open portion of a meeting and must indicate the nature of the business to be discussed. 1 V.S.A. § 313(a). The motion must get the vote of a majority of the members present and must be recorded in the minutes of the meeting. 1 V.S.A. § 313(a). To enter into executive session for the reasons noted in 1 V.S.A. § 313(a)(1) (listed in numbers 7-12 above), there must first be a specific finding that premature general public knowledge would place the public body or a person involved at a substantial disadvantage. 1 V.S.A. § 313(a)(1). It is important that the minutes show that there was a careful analysis of the need to enter into executive session before the motion was made.

Attendance in executive session is limited to members of the public body, and, in their discretion, its staff, clerical assistants, legal counsel, and persons who are subject of the discussion or whose information is needed. 1 V.S.A. § 313(b). A motion to go into executive session should state whether individuals other than the members of the public body will attend the session.

No formal or binding action may be taken in executive session except for actions relating to the securing of real estate options. 1 V.S.A. § 313(a).

PENALTY: A person who knowingly and intentionally violates the Open Meeting Law may be guilty of a misdemeanor, punishable with a fine up to \$500. 1 V.S.A. § 314(a). Either the Attorney General or any person aggrieved by the alleged violation may bring suit against the public body in Superior Court. Such a suit must be brought within one year of the alleged violation. 1 V.S.A. § 314(c). Prior to instituting such action, the Attorney General or person aggrieved must provide the public body with written notice of the alleged violation. **Upon receipt of an allegation of violation, contact the town attorney or the Municipal Assistance Center immediately.**

I. LOGISTICS FOR ENTERING INTO EXECUTIVE SESSION

Entering executive session requires a motion and a vote. The motion(s) must be made during the open portion of a meeting and must get the approval of a majority of the members present. 1 V.S.A. §§ 313(a).

At the discretion of the public body, an executive session may include municipal staff, legal counsel, and/or persons who are subjects of the discussion or whose information is needed.

No formal or binding action shall be taken in executive session except actions relating to the securing of real estate options under 1 V.S.A. § 313(2).

The process for entering into executive session requires the body to vote once or twice on the reason for entering executive session.

Subjects for which one motion to enter into executive session is sufficient:

1. Negotiating or securing real estate purchase or lease options. 1 V.S.A. § 313(a)(2)
2. Appointment or employment or evaluation of a public officer or employee.
1 V.S.A. § 313(3)(a)(3) [*Note: The final decision to hire or appoint and the reasons for the body's final decision must be made in an open meeting.*]
3. Disciplinary or dismissal action against a public officer or employee. 1 V.S.A. § 313(4).
4. Clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
5. Discussion or consideration of records or documents excepted from the access to public records laws. 1 V.S.A. § 313(a)(6) [*Note: This does not extend discussion to the general subject to which the record or document pertains.*]
6. Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety. 1 V.S.A. § 313(a)(10)

To enter executive session for these six reasons, the motion merely needs to identify the subject to be discussed and its corresponding statutory provision. For example, “I move that we enter executive session to discuss a clear and imminent peril to the public safety pursuant to Title 1 Section 313(a)(5) of the Vermont Statutes.” More detail should be provided so long as doing so does not undermine the reason for entering executive session. For instance: “Because it is time for our annual evaluation of the town manager, I move that we enter executive session to discuss the evaluation of a public officer or employee pursuant to Title 1, Section 313(a)(3), of the Vermont Statutes.”

Subjects for which two motions are required pursuant to 1 V.S.A. § 313(a)(1):

7. contracts;
8. labor relations agreements with employees;
9. arbitration or mediation;
10. grievances (other than tax grievances);
11. pending or probable civil litigation or prosecution, to which the public body is or may be a party;
12. confidential attorney-client communications made for the purpose of providing professional legal services to the body.

To enter executive session for consideration of the above six reasons, there must first be a finding that premature general public knowledge of the subject would clearly place the municipality, other public body, or person involved at a substantial disadvantage. 1 V.S.A. § 313(a)(1). For example:

First motion: “I move to find that premature general public knowledge of [*the pending contract with ABC Company*] will clearly place [*the town*] at a substantial disadvantage by [*disclosing its negotiation strategy*].”

Second motion: “I move that we enter executive session to discuss the [*town’s contract with ABC Company*] under the provisions of Title 1, Section 313(a)(1)] of the Vermont Statutes.”

From VLCT Municipal Assistance Center (June 12, 2014)

Open Meeting Law

Frequently Asked Questions

Vermont's Open Meeting Law was significantly amended in 2014. The VLCT Municipal Assistance Center has written a primer on the law, with *recent changes to the law in italics*. The law casts a very broad net and, as you will see from reading this document, it **generally applies whenever a majority of the members of a municipal board, council, commission, committee, or subcommittee have a conversation or make a decision about municipal business.**

No. 143. An act relating to the open meeting law.

(H.497)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 1 V.S.A. § 310 is amended to read:

§ 310. DEFINITIONS

As used in this subchapter:

I. "Deliberations" means weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

II. "Meeting" means 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. "Meeting" shall not mean written correspondence or an electronic communication. Including e-mail, telephone, or teleconferencing. Between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such a written correspondence or such an electronic communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act as set forth in chapter 5, subchapter 3 of this title.

III. "Public body" means any board, council, or commission of the ~~state~~ State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the ~~state~~ State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions, except that "public body" does not

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Actions to be taken before July 1, 2014

1. What do Vermont municipalities need to do before July 1, 2014, to comply with the law?

- a. Designate locations in your municipality where notices and agendas for meetings will be posted. (See #10 and #13 below.)
- b. Prepare your municipality's website, if there is one, so that you will be ready to post agendas before meetings (see #10) and minutes five days after those meetings occur. (See #14.) Otherwise, you should de-activate the website to avoid violating this requirement.

Contact the Municipal Assistance Center with any questions at 800-649-7915 or info@vlct.org.

The Law

2. What is the Open Meeting Law?

The Open Meeting Law provides that "[a]ll meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions]." 1 V.S.A. § 312(a). The intent of the law is to create transparency in government by requiring advance public notice and an opportunity for public participation in governmental decisions. The law is found in 1 V.S.A. §§ 310-314. The amended sections of the law are found in the text of Act 143, which is archived at <http://www.leg.state.vt.us/DOCS/2014/ACTS/ACT143.PDF>.

3. What does the Open Meeting Law require?

The law requires that you:

- Publicly announce your meetings. 1 V.S.A. §§ 312(c), 310(4)
- *Prepare an agenda for regular and special meetings and post that agenda.* 1 V.S.A. § 312(d)
- Conduct the business of the municipality in open meetings (unless specifically exempted). 1 V.S.A. § 312(a)
- Allow for public comment at your meetings (subject to reasonable rules). 1 V.S.A. § 312(h)
- Take minutes at your meetings and make those minutes available *within 5 days, including on your website, if there is one.* 1 V.S.A. § 312(b)
- *Respond in a timely manner when there is a complaint/allegation of violation of the law.* 1 V.S.A. § 314(b)

4. To whom does the law apply?

Every "public body" of a municipality. **A public body is any board, council, commission, committee, or subcommittee of a municipality.** 1 V.S.A. § 310(3). This includes selectboards, prudential committees, planning commissions, conservation commissions, cemetery commissions, development review boards, boards of civil authority, boards of health, zoning boards of adjustment, etc., as well as subcommittees of those bodies. *It does not apply to community justice boards or community justice centers.* 24 V.S.A. § 1964(b).

5. When does the law apply?

The requirements of the law are triggered whenever a "quorum" of the body is "meeting." A **quorum** is a majority of the total number of members on the body. A **meeting** means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. 1 V.S.A. § 310(2).

You don't all have to be in the same room at the same time for it to be considered a meeting; the law applies regardless of the physical location of the members. Therefore a phone conversation can still be a meeting for purposes of the law. **Furthermore, time is not a factor.** Individual members may make

contributions to a collected conversation at different times and from different places. This means that a discussion by email may violate the law.

Wait! We can't talk on the phone or discuss town business over coffee?!

A majority of the members of a public body may never discuss or make decisions about the business of the municipality unless they are in a duly warned open meeting. What this means for a three-person selectboard is that no two selectboard members may ever discuss municipal business outside of an open meeting. On a five-person commission, no three of them may participate. However, any of the members of a public body may talk about routine administrative matters (such as scheduling meetings) without violating the law.

Email, Phone, and Other Electronic Communication

6. Can we ever use email?

Email may be used for distribution of information but should not be used for discussion (don't hit "Reply All"), except for the following administrative exemption. *Email may also be used for purely administrative matters such as scheduling a meeting or creating an agenda. However, that email must be available for copying and inspection as a public record.* 1 V.S.A. § 310(2). In addition, there is a very limited exception to this rule for a public body doing a quasi-judicial deliberation - for instance, a development review board in the midst of drafting its written decision on a permit application. 1 V.S.A. § 312(e). Before taking advantage of this exception, the public body must have conducted a quasi-judicial hearing in public session, and then entered into deliberative session to discuss the evidence and decide how to proceed. (See #15-17.)

7. If we are unable to attend a meeting, can we vote by email or proxy?

No, you may never vote by email or by proxy. *However, if you attend a meeting by electronic means (e.g., speaker phone or Skype), you may vote, so long as you adhere to the requirements listed in #8, below.* 1 V.S.A. § 312(a)(2).

8. Can a member attend a meeting by phone or Skype?

Yes, you may attend a meeting by electronic means (e.g., speaker phone, Skype, etc.) as long as you identify yourself when the meeting is convened, and you are able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call. 1 V.S.A. § 312(a)(2).

What if a majority of us are not able to be physically present? Can we still have the meeting?

Yes. A quorum or more of a public body may participate electronically when there has been a prior public announcement of such arrangement and proper posting of such meeting that designates at least one physical location where a member of the public can attend and participate in the meeting. The public announcement and posting of the notice of such meeting must take place at least 24 hours in advance of such meeting, or as soon as practicable prior to an emergency meeting. At least one member of the body or at least one staff person or other designee must be present at that physical location. Each member that attends electronically must identify himself or herself when the meeting is convened, and must be able to hear and be heard throughout the meeting. Any voting must be done by roll call. 1 V.S.A. § 312(a)(2).

Agendas

9. Do we need to have an agenda for every meeting?

A written agenda must be created in advance of every regular or special meeting. 1 V.S.A. § 312(d).

10. Do we have to post the agenda?

Yes. At least 48 hours in advance of a regular meeting, and at least 24 hours in advance of a special meeting, an agenda must be posted in or near the municipal office and in at least two other designated public places in the municipality. 1 V.S.A. § 312(d). Every municipality should, before July 1, officially designate two or more public places in the municipality at which agendas will be posted. In addition, the municipality must post the agendas of regular and special meetings to an official website, if one exists that is maintained or has been designated as the official website. 1 V. S.A. § 312(d).

11. What are "designated places" for posting?

Every municipality should, before July 1, officially designate two or more public places in the municipality at which agendas of regular and special meetings will be posted (48 hours in advance) and where notices of special meetings will be posted (24 hours in advance). (See #10 and #13.) Our opinion is that the selectboard, council, or board of trustees can make this designation on behalf of all of the public bodies in the municipality, unless those bodies chose to do so independently.

12. Can we change an agenda after it is posted?

There are new limitations on when a meeting agenda may be modified: an item may only be added or removed from a meeting agenda as the first order of business at the meeting. 1 V.S.A. § 312(d)(3)(A). It is our opinion that this still allows you to table or otherwise postpone an action item when necessary, as in situations where additional information is needed before a decision may be made. Other adjustments to an agenda (e.g., changing the order of items) may be made at any time during the meeting. 1 V.S.A. § 312(d)(3)(B). Despite the above changes to the law, the standard for additions to an agenda generally remains the same - the body must give the public adequate notice and an opportunity to be heard. Weighed against those rights are the obligations of the public body to meet its deadlines and complete its legal requirements.

Posting, Noticing, and Announcing Meetings

13. What are the requirements for noticing and announcing a meeting?

Regular meetings of a public body (e.g., the planning commission meets every second Tuesday of the month) only need to be announced once: in a charter, local ordinance, or resolution. 1 V.S.A. § 312(c)(1). This is typically done in the public body's annual organizational meeting (first meeting of the year). *However, an agenda must be posted in advance of every regular meeting. 1 V.S.A. § 312(d). (See #10.)*

Special meetings (meetings that occur outside of that regular schedule) must be publicly announced at least 24 hours in advance. 1 V.S.A. § 312(c)(2). A meeting is publicly announced when notice is given to all the members of the board; to an editor, publisher, or news director of a newspaper or radio station serving the area; **and** to any person who has requested notice of such meetings. 1 V.S.A. § 310(4). *In addition, notices and agendas must be posted at the clerk's office and in at least two other designated public places in the municipality at least 24 hours in advance. 1 V.S.A. § 312(c)(2).*

Emergency meetings - which are held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body - may be held without posting, although some public notice must be given as soon as possible before the meeting. 1 V.S.A. § 312(c)(3).

Meeting Minutes

14. Do we have to take minutes at every meeting and provide them to the public?

Yes, minutes must be taken at every public meeting and must include at least the following information: members present, active participants at the meeting, motions made, and votes taken. 1 V.S.A.

§ 312(b)(1). Minutes must be available for inspection five days after the meeting. 1 V.S.A. § 312(b)(2). *In addition, minutes must be posted no later than five days after the meeting to an official website, if one exists, that is maintained or has been designated as the official website.* 1 V.S.A. § 312(b)(2). While a person who fails to post minutes to the official town website "shall not be subject to prosecution for such violation... in connection with any meeting that occurs before July 1, 2015," we recommend complying with this requirement as soon as practicable. 2014 Vt. Acts and Resolves 143-6. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. § 313(a).

Exceptions to the Open Meeting Law

15. Can we ever meet behind closed doors?

There are exceptions to the Open Meeting Law. The requirements of that law are not imposed on municipal bodies in the following situations:

- **Site inspections** 1 V.S.A. § 312(g): e.g., assessing damage or making tax assessments or abatements;
- **Routine administrative matters** 1 V.S.A. § 310(2): e.g., scheduling meetings, updating listers' cards;
- **Deliberative sessions within the context of a quasi-judicial proceeding** 1 V.S.A. § 312(e): e.g., hearings by a board of civil authority or zoning board, or employment termination (see #16 and #17.); and
- **Executive sessions** 1 V.S.A. § 312(a): See #18-21.

16. What is a deliberative session?

A deliberative session occurs only in conjunction with a quasi-judicial proceeding. These are situations where a public body (such as a selectboard or development review board) is acting like a judge or jury in that it takes evidence or testimony, and then weighs, examines, and discusses the reasons for or against an act or decision based on that evidence. 1 V.S.A. § 310(5). Examples include tax appeal hearings before the board of civil authority, vicious dog hearings, employment termination hearings, and zoning and subdivision hearings before a planning commission, zoning board of adjustment, or development review board. The exception for deliberative session is limited to quasi-judicial proceedings and does not apply simply because the public body wants time to deliberate in private.

17. Do we have to come out of deliberative session to issue or adopt a decision?

Generally, no. The law allows a public body to make a decision in deliberative session so long as the decision is issued in writing and the writing is a public record. 1 V.S.A. § 312(±). This means that after the public body has heard all of the evidence in a hearing, it may adjourn the public portion of the meeting, privately discuss and determine the merits of the issue, and then circulate drafts of an opinion for comment and approval prior to issuing its formal written decision.

18. What about executive session? When can we use that exception?

Rarely. An executive session is a closed portion of a public meeting and is allowed only in certain limited situations. Those that apply to municipal bodies are as follows:

1. Negotiating or securing real estate purchase or lease options. 1 V.S.A. § 313(a)(2)
2. The appointment or employment or evaluation of a public officer or employee (but the public body must make a final decision to hire or appoint in an open meeting and it must explain the reasons for its final decision). 1 V.S.A. § 313(a)(3)
3. A disciplinary or dismissal action against a public officer or employee (but such officer or employee has the right to a public hearing if formal charges are brought). 1 V.S.A. § 313(a)(4)
4. A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
5. Discussion or consideration of records or documents that are exempt from the public records laws (but that does not give authority to discuss the general subject to which the document pertains). 1 V.S.A. § 313(a)(6)

6. *Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety.* 1 V.S.A. § 313(a)(10)
 7. *When (and only when) the public body has made a specific finding that premature general public knowledge (see #19) would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following:*
 - A. *contracts;*
 - B. *labor relations agreements with employees;*
 - C. *arbitration or mediation;*
 - D. *grievances, other than tax grievances;*
 - E. *pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or*
 - F. *confidential attorney-client communications made for the purpose of providing professional legal services to the body.*
- 1 V.S.A. § 313(a)(1)

19. What is "premature general public knowledge" and how could that place someone at a substantial disadvantage?

In order to go into executive session to discuss, for example, a contract, there must be a reason that the contract cannot be discussed in open session. For instance, if the municipality is in the midst of a contract negotiation, it would not want to discuss its proposed terms as that would give the other side an advantage at the bargaining table. On the other hand, if the body is dealing with a contract that has already been signed and therefore is already a public matter, it likely does not have legal grounds to go into executive session because there is no disadvantage that will be suffered by disclosing the information.

20. When can we enter into executive session to discuss legal matters?

The amended law sets out two reasons to discuss legal issues in executive session once there has been a finding that premature general public knowledge would place a person or entity at a substantial disadvantage. First, you may discuss "pending or probable civil litigation or a prosecution, to which the public body may be a party." Second, you may discuss "confidential attorney-client communications made for the purpose of providing professional legal services to the body." 1 V.S.A. §§ 313(a)(1)(E) and (F). Municipalities also retain their ability under the law to have their attorney, among others, present during executive sessions ["Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed." 1 V.S.A. § 313(b)] and to discuss correspondence from its attorney under 1 V.S.A. 317(c)(4). This provision of law exempts from the general rule of disclosure "records which, if made public ..., would cause the custodian to violate any statutory or common law privilege." The attorney-client privilege falls within this exemption.

21. What are the logistics of entering into executive session?

A motion to go into executive session must be made during the open portion of a meeting and must indicate the nature of the business to be discussed. 1 V.S.A. §§ 313(a). We recommend that you state the specific statutory provision that gives authority to enter into such session ("Title 1, Section 313, Subsection _ of the Vermont Statutes"). We also recommend that you provide in your motion as much information as you can, without giving away the details that necessitate the executive session. The motion must get the vote of a majority of the members present. 1 V.S.A. §§ 313(a).

22. How do we make a motion to enter into executive session?

The contents of the motion to enter into executive session depend on the reason for entering that executive session. To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(2)-(a)(10)

(listed in # 18, parts 1-6), the motion merely needs to identify the topic of discussion and the specific statutory provision that gives authority to enter into such session. We also recommend that you provide in your motion sufficient information without giving away the details that necessitate the executive session. For instance: "Because it is time for our annual evaluation of the town manager, I move that we go into executive session to discuss the evaluation of a public officer or employee under the provisions of Title 1, Section 313(a)(3) of the Vermont Statutes."

To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(J) (listed in #18, part 7), you must make a finding that premature general public knowledge would place the public body or a person involved at a substantial disadvantage. 1 V.S.A. §§ 313(a)(1). Therefore, we recommend that you make **two separate motions**:

The **first motion** is to find that premature public discussion of the subject would cause the municipality (or a person) to suffer a substantial disadvantage. For instance, in the case of a contract under negotiation, the motion might be:

"I move to find that premature general public knowledge of the town's contract with ABC Company would clearly place this selectboard at a substantial disadvantage, because the selectboard risks disclosing its negotiation strategy if it discusses the proposed contract terms in public."

In this hypothetical situation, the "substantial disadvantage" is the risk of losing the competitive edge in the negotiations by talking about the specific terms in public. For instance, once ABC Company hears the selectboard talk about the maximum price it can afford to pay, ABC Company may refuse to take anything less than that amount.

The **second motion** follows from the first and should recite the specific statutory provision that gives authority to enter into such session. For instance:

"I move that we enter into executive session to discuss the town's contract with ABC Company under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes."

It is important that the minutes show that there was a careful analysis of the need to enter into executive session before the first motion was made.

The amendment that requires a finding that "*premature general public knowledge would place the public body or a person involved*" is not actually a new requirement. Rather it is a reminder of the Vermont Supreme Court's holding in *Trombley v. Bellows Falls Union High School Dist. No. 27*, 160 Vt. 101, (1993) and therefore something municipal public bodies should have been doing all along. The Court in that case held:

It is not unworkable for a public body to make a careful analysis of need before deciding to go into executive session. In fact, in the absence of a case-by-case determination, the legislative policy of openness would be frustrated by the impossibility of describing in categorical terms, without being over-inclusive, the permissible subjects of executive sessions. The exercise of judgment is inevitable. *Id.*

Given the Court's opinion in *Trombley*, the first motion described above should only be made after a discussion (careful analysis) in general terms (otherwise the purpose of entering executive session would be defeated) of why "premature general public knowledge would clearly place the public body, or a person involved at a substantial disadvantage."

Violations of the Open Meeting Law

23. What is the penalty for a person who violates the law?

A person who knowingly and willfully violates the Open Meeting Law, or who knowingly and willfully violates the Open Meeting Law on behalf of or at the behest of a public body, or who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any relevant meeting may be guilty of a misdemeanor, punishable with a fine up to \$500. 1 V.S.A. § 314(a). *Prior to instituting such action, the Attorney General must provide the public body with written notice of the alleged violation.* (See #24.)

24. What must the public body do if it receives written notice of an alleged violation?

*Immediately contact your town attorney or the Municipal Assistance Center! A public body must respond publicly within seven days **business** days after receiving written notice alleging a violation. Logistically, this means that it must immediately call a special meeting and provide adequate notice and warning of that meeting, including an agenda. (See #13.) During the meeting, the body should publicly discuss the situation and determine whether there was an **inadvertent** violation of the law. Based on this determination, it should issue a statement that either denies the allegation and states that no cure is necessary, or acknowledges that there was an **inadvertent** violation that will be cured within 14 **calendar** days. The public body should **not** publicly acknowledge a violation that is anything other than inadvertent without specific legal advice to do so. Failure to respond to the allegation within seven **business** days is treated as a denial.* 1 V.S.A. § 314(b). In the event that the public body is sued for a violation of the law (see #25), the court will assess attorneys' fees and costs based in part on whether there was a timely and response to a notice of violation. 1 V.S.A. § 314(d).

25. Can someone sue the municipality for a violation of the law?

*Yes, but that person must give the public body a chance to respond to the allegation, as per #24. After the public body issues an acknowledgement or denial of the violation, and after allowing 14 **calendar** days for the body to cure the violation, either the Attorney General or any person aggrieved by the alleged violation may bring suit against the public body in Superior Court. Such a suit must be brought within one year of the alleged violation.* 1 V.S.A. § 314(a).

26. Is the public body liable for attorneys' fees if it is sued for a violation of the law?

The law is unclear on this point. It states that a public body is not liable for attorneys' fees arising from litigation over an inadvertent violation of the law that is cured by the public body. 1 V.S.A. § 314(b)(1). *However, the law also allows a court to assess attorneys' fees against a public body found to have violated the law. Before making this assessment, however, the court must consider whether the public body had a reasonable basis in fact and law for its position and that it acted in good faith, which includes responding to the notice of violation in a timely manner.* 1 V.S.A. § 314(d).

27. When does the clock start ticking? When has the public body "received" an allegation of violation?

*This issue is important because receipt of a complaint or allegation starts the seven **business** day timeline for response. Unfortunately, the statute does not define when the "receipt" takes place. We therefore advise that you take the most conservative approach and consider that the public body has received an allegation when any member of the public body, or any municipal official who acts in an administrative capacity for the public body, receives a written complaint or allegation of violation. At that point, the public body has seven **business** days in which to respond.*

28. How does the public body "cure" the inadvertent violation?

An inadvertent violation is cured when there is either a ratification of the actions taken in violation of the law or a declaration that those actions are void. The public body must also adopt specific measures to prevent future violations of the law. 1 V.S.A. § 314(b)(4). Such measures should be geared toward addressing the particular violation and might include, for example, training regarding the requirements of the Open Meeting Law, or implementation of internal procedures to assist the public body in future Open Meeting Law compliance, such as VLCT's "Revised Model Rules of Procedure, " which we will post on our website (www.vlct.org) by July 1, 2014.

Open Meeting Law Highlights of 2014 Changes

August 21, 2014

- **Who:** Revisions to 1 VSA § 310 apply whenever a majority of the members of a municipal board, council, commission, committee, or subcommittee have a conversation or make a decision about municipal business.
- **Noticing Meetings:**
 - Regular meetings only need to be announced once (but agendas must be posted for each meeting.)
 - Other meetings must be noticed 24 hours in advance.
 - The City of Montpelier's designated areas for posting notices and agendas are City Hall, the High School, and the Montpelier Senior Activity Center. All notices and agendas must also be posted on the City's website.
- **Meeting Agendas:**
 - A written agenda must be created before every meeting and must be posted (both electronically and in the designated areas) at least 48 hours in advance of a regular meeting and 24 hours in advance of a special meeting.
 - New agenda items may only be added at the beginning of each meeting. Feel free to use the attached template to meet this requirement.
- **Meeting Minutes:**
 - Minutes must be taken at every meeting and must include members present, active participants, motions made, and votes taken.
 - Draft minutes must be available within 5 days of the meeting and must be posted on the City's website.
- **Email:** Email may be used for distribution of information but should not be used for discussion.

Agenda Preparation Guidelines

September 23, 2009

1. Add-on items will be NOT allowed unless they are true emergencies. If you anticipate the need for an agenda item, prepare the action item and recommendation and indicate what information will be coming in later. Supporting information can go out to the Council until the Tuesday before the meeting but the item itself needs to be on the Friday agenda. Plan bid dates accordingly.
2. Agenda items received in the Manager's office after Noon on Fridays run the risk of not being included on the agenda and will only be added by express approval of the Manager. While we understand that there are multiple deadlines, there are also too many items coming in late on Fridays to be properly reviewed. Framing action items and providing sufficient information to the elected officials for whom we work should be a high priority.
3. The Manager's office will look more carefully at timing estimates and sequence of items. Items for which it can be anticipated that large groups of citizens will attend will be scheduled first.
4. Agendas will include the statement that all times are estimates and can't be relied upon.
5. Staff prepared items must list options/alternatives considered including a summary of the consequences of "doing nothing" or not taking action on the agenda item. Must layout the reasoning behind the staff recommendation. ("who, what, when, where, why & how") The staff recommendation should be written, essentially, in the form of the motion we would like the Council to pass.
6. Council members and members of the public should be able to read the agenda item and supporting material and clearly understand the issue before them and the action being requested.
7. Non-straight forward (licenses, minor bids, etc.) consent agenda items need to be more fully explained in writing, not less. This is the exchange for not having to do a full discussion item. Please have a plan for addressing questions (someone at meeting, someone briefed, Ok to wait until next meeting, or whatever) in the event an item gets pulled from the consent agenda.
8. The staff member or department connected to the item needs to be clearly identified and responsible for tracking the item from start to finish including knowing how the issue was resolved and for handling the next steps to make it happen. Manager's office will help coordinate this. The key staff member and any others involved will get all the supporting material either in written or electronic form. Agenda will contain a notation indicating the associated staff person or department.



Expense Reimbursement

The City of Montpelier does not have a written policy but the standing operating procedure has been to reimburse Council Members and staff for necessary and reasonable expenses incurred while conducting official City business or representing the City at authorized activities.

Individuals are expected to exercise prudent judgment when making travel arrangements and expenditures. Expense reports are open to the public and should be able to sustain the test of public review.

An electronic version, or hard copy, of the receipt/backup documentation should be submitted to the Administrative Assistant in the City Manager's Office as soon as possible. Because account payables are processed every two weeks, there is a delay in reimbursements. If reimbursement is needed in a more timely manner, a request for a "manual check" should be made.

The City follows the IRS mileage rates. As of January 1, 2014, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) are:

- ✓ 56 cents per mile for business miles driven
- ✓ 23.5 cents per mile driven for medical or moving purposes
- ✓ 14 cents per mile driven in service of charitable organizations

Any questions should be directed to the City Manager's Office or the Finance Department (see Staff Directory).

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Assessor's Office



City Hall

39 Main Street

CONTACT PERSON(S):

Steve Twombly, Assessor
stwombly@montpelier-vt.org
Jane Aldrighetti, Assessor's Assistant
jaldrigh@montpelier-vt.org
Office: 223-9504

FACTS OF INTEREST:

- ✓ Number of employees: 1.6 FTE
- ✓ Assessor is a .6 (3 days/week) contracted service.
- ✓ Assessor's Assistant is a full-time employee.
- ✓ The Assessor's Office is responsible for tracking ownership and valuation of real and personal property, filing of the annual Grand List, maintaining parcel maps, annual updating of the Downtown Improvement District (DID) and sprinkler credit lists, manages the Assessor's Department web page and coordinates creation and printing of the Annual Report.
- ✓ Last city-wide reappraisal done in 2010.

Cemetery Department



Green Mount Cemetery

Lower State Street

CONTACT PERSON(S):

Director Patrick Healy (28 years of service)
cemetery@montpelier-vt.org
Office: 223- 5352
Home: 426-3754 (call anytime)
Cell: 279-6957

FACTS OF INTEREST:

- ✓ Employees – 1 full-time; 1 shared position with Department of Public Works
- ✓ Main Work Force – Department of Corrections: 8 inmates, 5 days a week for 26 weeks, since 1981
- ✓ With 35 acres of hilly cemetery and over 2.5 miles of roads, it can take 8 days to mow the cemetery once
- ✓ Also maintained are Elm Street Cemetery, both Roundabouts, Berlin Street Bus Stop Area, Stone Cutter's Way, Gateway Park and various other green spaces for the City
- ✓ Parking lots are plowed in winter for Department of Public Works
- ✓ The number of yearly burials averages between 20 and 30; winter burials are provided, if possible
- ✓ Various burial options are offered including casket, cremation, in-the-woods cremation, personal mausoleums and columbariums
- ✓ This quasi-municipal cemetery is administered by 5 elected Commissioners.

City Manager's Office



City Hall

39 Main Street

CONTACT PERSON(S):

William J. Fraser, City Manager
wfraser@montpelier-vt.org
Jessie C. Baker, Assistant City Manager
jbaker@montpelier-vt.org
Sandy Pitonyak, City Manager's Assistant
Office: 223-9502

FACTS OF INTEREST:

- ✓ Number of employees: 3 FTE
- ✓ The City Manager is appointed by the City Council to implement Council policies, appoint/remove City staff, enforce local ordinances and regulations and run the local government. All employees (except the City Clerk) report directly or indirectly to the City Manager, and the Manager has administrative authority over all departments; this includes appointment and removal authority. The Manager is the link between the elected representatives of the community (the Council) and the administrative and service delivery end of government (the departments/employees).
- ✓ The Manager's Office shares space with the Assessor's Office; the Assistants cover for one another and either can help with questions, etc., when you call or stop by.

Finance Department

Financial Management & Administrative Services
Technology Services Division

Monday-Friday from 8:00 A.M. to 4:30 P.M.



City Hall, Suite 6

39 Main Street

CONTACT PERSON(S):

Sandra (Sandy) J. Gallup, Finance Director
sgallup@montpelier-vt.org
Office: 802-223-9520
Direct Line: 802-262-6253

FACTS OF INTEREST:

- ✓ The City of Montpelier has 22 active funds, 10 departments and 4 labor contracts/employee plans. Montpelier has \$59 million dollars invested in capital assets financed by 41 loans that total \$23 million dollars. The annual operating budgets for the City's governmental and business-type activities total \$18 million dollars. Our Chart of Accounts has over 2200 accounts which is an indication of the complexity of our financial structure.
- ✓ In addition to processing the City's financial transactions, the Finance Department is responsible for the deposits and cash management for the Montpelier School System and the Recreation Department.
- ✓ Our department completed a major reorganization which began in 2011 when the City Treasurer position became an appointed rather than elected position. We combined the Treasurer functions with the Finance Department to increase efficiencies and strengthen financial controls. Charlotte Hoyt, Clerk/Treasurer for many years, retired from the City Clerk position in March, 2012. Charlotte returned to City employment in August, 2012 in a part-time Finance position which also includes staying on as the appointed City Treasurer. Sharon Blatchford, our Payroll and HR Manager, helps us work toward our goal to strengthen our human resource services as recommended in the Matrix Management Study.

- ✓ The department also relies on Senior Staff Accountant, Ruth Dockter and Accounting Manager, Kristine Hepburn to oversee daily financial activity and perform the responsibilities of the department. Beverlee Hill, previously the Assistant City Manager and Delinquent Tax Collector, retired in June 2012 and returned to city employment as a part-time Accounting and Collection Clerk. Loretta Bresette and Peggy Bolduc provide accounting support for our daily financial transactions.
- ✓ Fred Skeels, Information Technology & Communication Manager works with Seth Wood, Technology Technician, to maintain the citywide computer, network and telephone technology services.

Financial reports are available on the City's web site.

Budget information can be found online at:

<http://www.montpelier-vt.org/group/357.html>

The City of Montpelier Annual Audit can be found online at:

<http://www.montpelier-vt.org/page/286.html>

Financial Reports can be found online at:

<http://www.montpelier-vt.org/page/370.html>

Employment Agreements can be found online at:

<http://www.montpelier-vt.org/page/430>

Periodically Released Financial Data (Voucher Listings, etc.) can be found at:

<http://www.montpelier-vt.org/group/390/Financial-Documents.html>

Department of Planning & Community Development



City Hall, Ground Floor

39 Main Street

CONTACT PERSON(S):

Director Mike Miller
mmiller@montpelier-vt.org
 Direct line: 262-6269
 Audra Brown
abrown@montpelier-vt.org
 Main Office: 223-9506

MISSION:

To serve the community by facilitating the creation and preservation of a healthy, sustainable, and high quality living environment through the management of an effective on going planning and implementation process

This broad mission is carried out through several areas of responsibility:

- To protect and enhance Montpelier’s natural and built environment
- To strengthen the local economy and tax base
- To meet the needs of low and moderate income residents
- To engage the whole community in planning for growth and change
- To provide information and service to the public
- To be accountable to our citizens

FACTS OF INTEREST:

- ✓ Employees: 3 full-time staff (Director, Community Development Specialist and Assistant Planning and Zoning Administrator); 1 half-time Zoning Administrator, and one VISTA volunteer. The department also shares the Building Inspector position with the Fire Department.

- ✓ Activities can generally be broken into four groups:
 - planning (developing broad master plans or making specific plans on topics like parking, stormwater, or economic development; proposing revisions to zoning bylaws, coordinating committee and subcommittee meetings, and facilitating public input);
 - regulatory programs (such as zoning administration, flood hazard regulations, and building permits);
 - community development programs (managing the housing trust fund, housing preservation grant program, and business loan fund; grant writing and administration; economic development assistance, E-911 road naming coordination, community rating system for floodplains, certified local government for historic preservation); and
 - special projects (one-time projects like the stump dump solar energy project and development of a parking garage)
- ✓ Provides staff assistance to many committees including Bicycle Committee, Pedestrian Committee, Parking Committee, Montpelier Energy Advisory Committee (MEAC), Historic Preservation Committee, Housing Task Force, Planning Commission, Design Review Board and Development Review Board.
- ✓ The Building Inspector has two primary responsibilities:
 - Reviewing plans and providing support for construction projects in the city to ensure work is performed in compliance with the Vermont building and life safety codes
 - Most construction, except for minor repairs or routine maintenance, requires a building permit.
 - Inspecting current buildings, especially residential rental units, to ensure safe and healthy conditions
 - Buildings are inspected primarily on receipt of a complaint, although there are limited inspections on a scheduled basis.
- ✓ The Department provides staff assistance to many committees including:

Bicycle Advisory Committee, Design Review Committee, Development Review Board, Historic Preservation Commission, Montpelier Business Loan Fund, Montpelier Energy Advisory Committee (MEAC), Montpelier Housing Task Force, Montpelier Housing Trust Fund, The Montpelier Loan Fund Committee (MLFC), Pedestrian Advisory Committee, and Planning Commission



The Public Works Department



CONTACT PERSON(S):

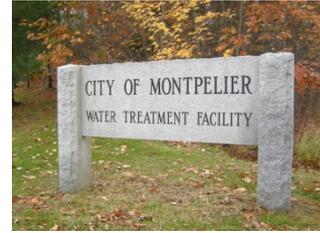
Tom McArdle, Director
 tmcardle@montpelier-vt.org
 Office: 223-9508

36 employees work for Montpelier’s Public Works Department, providing essential services that: sustain infrastructure, establish safe living and working conditions, and contribute to a high quality of life for our citizens. As such, it is the largest of the City’s Departments and includes the: Streets, Water & Sewer, Water Treatment, Wastewater Treatment, Equipment/Fleet Operations, Building Maintenance, District Heat and Administrative Divisions.

If you think of the city’s infrastructure as providing the community’s skeletal framework, you will quickly understand that almost every project undertaken in the City touches Public Works in some way. And, the technical expertise of the department’s staff is both wide-ranging and a critical asset to the community.

FACTS OF INTEREST:

- ✓ The DPW administrative and engineering offices are located on the basement level of City Hall. The various division facilities consist of the Wastewater Treatment Plant, Water Treatment Facility & the Public Works Garage located on Dog River Road. These house the Street, Water/Wastewater & Equipment Divisions.
- ✓ The administration and engineering staff designs, plans and manages the various infrastructure projects, provide technical support to the operations divisions, the City Manager’s Office, boards and committees, and also maintains all city-owned traffic signals, street lights and facilities including buildings and grounds of municipal buildings (except schools). State mandated performance requirements such as a potable water system operator and storm water permits and other reporting processes are either managed directly or are supported by this staff. Permits for private construction related activities taking place within a public right-of-way and utility connection permits are also processed by the engineering staff.



- ✓ The Streets and Water/Waste Water Divisions maintain 55.8 miles of paved streets, approximately 25 miles of sidewalk, as well as nearly 1.7 miles of shared use paths within the city limits. Responsibilities extend beyond the physical streets and sidewalks to: 16 bridges (including 2 for pedestrian use), guardrails, retaining walls, storm drains, several miles of water and sewer mains, numerous water and wastewater pump stations, potable water storage tanks, street sweeping, street markings and signage, plowing and removal of snow, autumn leaf collection, and maintenance of pedestrian trash and recycling containers, as well as numerous benches and flower barrels.
- ✓ The Equipment Division repairs and maintains the City's fleet, including vehicles owned by the Public Works, Police, Fire, Green Mount Cemetery, Parks, Recreation and School Departments. Fuel is also provided by agreement with regional agencies such as the Sheriff's Department. This division also manages and provides maintenance support for communication systems such as the expansive SCADA network, monitoring controls and alarms related to critical pumps, which was recently expanded to include operational control assistance for the District Heat system.
- ✓ An average of 1 million gallons of water per day is distributed to Montpelier and Berlin residents via the Water Treatment Facility. Water Quality Reports are available on the City's Water and Sewer web page for easy reference.
- ✓ The department's responsibilities shift throughout the year to accommodate and respond to New England's changing seasons and challenges. Snow removal is an obvious example, but other examples include: collaboration with Police and Fire Departments to provide flood monitoring through DPW's River Watch/Ice Jam Prevention Program; leaf collection; and infrastructure repair and construction such as the many summer/fall paving projects or the Granite Street Bridge renovation.
- ✓ The District Heating system represents another major seasonal shift of staff responsibilities. This entails spring and fall conversion from the State of Vermont Central Heat Plant to our own City Hall boilers, and annual valve operations and flushing of the system.
- ✓ Almost 2 million gallons of wastewater flow through the Wastewater Treatment Facility daily. As a water pollution control facility, the processed effluent quality frequently exceeds state required minimum standards ensuring our river systems remain as clean as possible. Septage and leachate receiving, laboratory work, sludge pressing and de-watering, and phosphorus control are all managed by DPW staff, plus maintaining accurate and timely reporting to the State.





Montpelier
Senior
Activity Center

Montpelier Senior Activity Center

58 Barre Street, Montpelier, VT 05602

A Place for Healthy Aging, Lifelong Learning, and Delicious Meals

802-223-2518 • msac@montpelier-vt.org • www.montpelier-vt.org/msac

"We are very fortunate to have such a gorgeous center with such a vast variety of programs. Thank you! It helps me personally to consciously want to keep strong especially after the death of my husband." –MSAC member

About the Montpelier Senior Activity Center

The mission of the Montpelier Senior Activity Center is to enhance the quality of life for the older adults in the Montpelier area through opportunities that develop physical, mental, cultural, social, and economic well-being at a welcoming, flexible environment.

According to the National Council on Aging senior center participants have higher levels of health, social interaction, and life satisfaction than their peers.

- **Over 850 central Vermont seniors are members**
 - One in five seniors in Montpelier are members
 - Hundreds more benefit from MSAC and community events and services offered here
 - 75% of members are from Montpelier and the remainder are from surrounding towns
 - 24.6% of MSAC members are between 50 and 64 years old, 42.3% are between 65 and 74 years old and the remainder are 75 or older

- **More than 14,000 meals served last year through our FEAST meals program**
 - 18% of seniors served by the FEAST program are considered at high nutritional risk, and an additional 44% are at moderate risk.
 - We provide nutritious meals, emphasizing local ingredients, at no charge while offering recipients the opportunity to contribute toward the cost
 - The program also serves home-bound individuals through the FEAST at Home (Meals on Wheels) program

 - 33% of FEAST meal recipients report they eat most meals alone – FEAST Together community meals help combat the mental health implications of frequent isolation



We served more than 14,000 FEAST meals last year.

- **Our programs embody a holistic approach of “healthy aging and lifelong learning”**
 - We offer an average of 100 hours a week of programming, classes, clinics, lectures, games, etc.
 - Our core program is our diverse set of over fifty weekly classes, including movement classes, humanities classes, arts classes, and technology classes that encourage mental and physical well-being.
 - Additionally, MSAC serves to connect older adults to vital community services that can help them stay healthy and independent.
 - MSAC hosts a free tax clinic, inexpensive foot care and massage clinics, and serves as a gateway to community agencies.
 - A new Resource Room provides a library of information about senior services and options.
 - Special event programming like author talks and presentations by community organizations is in turns educational and entertaining.

- **A true community resource and operation**
 - We pride ourselves on our partnerships with other community organizations and local businesses
 - Clinics by CVHHH, CVCOA, AARP
 - Partnership with GMTA to increase use of public transportation
 - Three-way collaboration with Just Basics, Inc., non-profit partner, and Good Taste Catering, for-profit partner, for FEAST meals program
 - Immense community buy-in – over 100 active volunteers provided more than 4,000 hours of volunteer time in FY14



One of our 12 weekly yoga classes.

Staff: Total of 2.5 FTE

- Janna Clar, Director, jclar@montpelier-vt.org, 262-6283
- Dan Groberg, Program & Development Coordinator, dgroberg@montpelier-vt.org
- Lise Markus, Administrative Assistant, lmarkus@montpelier-vt.org

Montpelier Community Justice Center



City Hall, Ground Floor

39 Main Street

CONTACT PERSON(S):

Director Yvonne Byrd
ybyrd@montpelier-vt.org
Office: 223-9606
Cell: 279-8595

FACTS OF INTEREST:

- ✓ Employees: 2 full-time; 1 part-time - all professional mediators
- ✓ Primary focus: Provides Restorative Justice, an approach to resolving conflict and crime that has been proven effective at improving civility and community safety
- ✓ Services include:
 - Conflict Assistance Program Offers free mediation services to citizens of Montpelier to resolve disputes between neighbors, landlords and tenants, neighborhood conflicts, etc.
 - Restorative Justice Program Provides a community-based response to crime focusing on harm to victims and amends-making by the people responsible for the harm
 - Restorative Reentry Program Improves community safety by supporting successful reintegration and accountability by people returning to the community following incarceration
 - Community Forums and Education Staff convene public forums and workshops on crime, conflict and justice-related topics that affect the Montpelier community
 - Victim Outreach Program Provides community support and information to victims of crime
- ✓ More than 50 community members volunteer to serve on Restorative Justice Panels and Circles of Support and Accountability (COSAs)
- ✓ Funded by Vermont Agency of Human Services grants, with space and support provided by the City of Montpelier

Montpelier Fire and Emergency Services



CONTACT PERSON(S):

Robert A Gowans, Fire Chief
rgowans@montpelier-vt.org
Office: 802-229-4913
Cell: 802-371-9633

The mission of the Montpelier Fire and Emergency Services Department is the preservation of life, health, property, and the environment for its residents and businesses at a reasonable and acceptable cost. We value the faith and trust of the community and will continually work to deserve that confidence through our conduct and accomplishments.

The Montpelier Fire and Emergency Services Department consists of 17 full-time members who are highly skilled to serve Montpelier residents. All members are certified Firefighter 1 or above and EMT's, with 15 Firefighters completing the advanced EMT certification. Training and education are always a top priority in our department.

Along with responding to approximately 2,500 emergency and fire calls each year, the department assists with the following:

Emergency Services:

- Pre-plan fire inspection of all commercial buildings in the city annually to familiarize ourselves with the building and advise the owners on safety improvements they can make to the property
- EMS Bike patrol during large events in the city
- Assist residents and businesses with water-related events including mitigate water problems, frozen pipes and assist with clean-up activities
- Conduct on-site inspections for burn permits and fireworks permits
- Assist residents that have locked them self's out of their homes gain entry
- Assist the Police department in missing person searches with manpower and equipment
- Dailey observation and report of river gauges

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Training:

- Annual recertification for EMT and Firefighter training
- Annual CPR/AED recertification
- Daily inspection of all vehicles and equipment
- Annual driver training using NFPA certified course
- Annual automobile extrication training
- Bi-annual testing of all hose and pumps
- Research, write and submit our own grants
- Annual collaborative training with lifeguards at the pool to ensure we have compatible equipment and training during potential rescues

Vehicles, Buildings and Grounds:

- Maintain all vehicles, including weekly comprehensive inspection of all vehicles
- In-house maintenance of all small tools and equipment
- Maintain station and surrounding areas including all janitorial work and most building repairs completed by on-duty Firefighters
- Perform annual comprehensive spring cleaning of the building

Public Education:

- Public CPR classes
- Fire prevention presentations to public groups
- Station tours and safety demonstrations to schools, daycares and local groups
- Daily blood pressure checks to public
- Department loans out chimney cleaning equipment and educates public on chimney fire safety
- Participation in the Vermont Car Seat Inspection Program
- Change batteries in smoke and carbon monoxide detectors for residents unable to do so on their own
- Loan residents smoke and carbon monoxide detectors when theirs' are not working properly or they are unable to purchase
- Assist the City with holiday decorations

Montpelier Police Department



CONTACT PERSON(S): Anthony J. Facos, Police Chief
afacos@montpelier-vt.org
Office: 802-223-3445 ext. 13
Fax: 802-223-9518

The Montpelier Police Department was established in 1897 with John L. Tuttle as MPD's first police chief. Today, the department has 16 authorized police officers: chief, captain, three sergeants, one detective, one school resource officer (SRO), and nine patrol officers (three of whom are corporals). Included in the police department are two support groups: communications--emergency dispatch center, and the parking division.

Patrol:

The department provides 24-hour police and communications services seven days a week. For safety reasons, there is a minimum of two police officers on duty during any given shift. In 2013, the department adopted a change in scheduling that has officers working four-ten hour shifts per week. This change enables the department to have critical shift overlaps during peak times and reduce the amount of overtime used when officers are on leave. In 2014, this schedule has proven to be effective in managing a significant portion of the department's overtime costs.

The department has still been able to maintain one full-time bike patrol officer given the current staffing level. It is important to note that all uniformed officers handle a full-spectrum of law enforcement services ranging from traffic safety to crisis response.

The MPD K-9 team continues to serve as an integral resource supporting both patrol duties as well as criminal investigations. Although the MPD's K-9 has been credited with two lives saved and thousands of dollars in drug related cash and illegal narcotics seized, funding for the program has been cut from the

General Fund for FY 16. The department will continue to do the best it can to identify alternative funding through the federal drug asset forfeiture program and private donations.

School safety remains one of MPD's top priorities. The Chief continues to actively serve as the Vermont Chiefs of Police representative on the Vermont School Crisis Planning Team (part of the Vermont Department of Emergency Management and Homeland Security). MPD and the Montpelier Public School System share in the funding of the department's School Resource Officer (SRO)--furthering the joint partnership and commitment to keep the children and faculty of Montpelier's schools safe. The department frequently conducts a variety of tactical trainings focusing on response to violent situations within a school setting.

Investigations:

The majority of criminal investigations are handled by patrol personnel, depending on the type of investigation and the training and experience of the case officer. For example, many of our officers have specialized training in areas such as death investigation, financial crime, child sexual abuse, and narcotics investigations. Officers and agents from MPD, Barre City PD (BCPD), Vermont State Police (VSP), U.S. Drug Enforcement Administration (DEA), U.S. Bureau of Alcohol Tobacco and Firearms (ATF), Federal Bureau of Investigations (FBI), the U.S. Marshal's Service, the Vermont Drug Task Force, and other area departments continue to work collectively to counter the rising crime trends--intensified by the drug addiction problem in Vermont. The prevalence of illegal firearms with the drug trade in this region is of paramount concern to our officers, and ultimately the community.

Another important function of police investigations is criminal intelligence and analysis. The department has come a long way with improving the robustness of our intelligence and analysis thanks to the cooperation of our colleagues at the local, state, and federal levels. The department maintains a strong partnership with Norwich University, which has supported law enforcement at various levels and in multiple states with its qualified staff expertise in digital forensics. Public/private cooperative ventures with vetted partners further serve as a force multiplier for the department--especially during fiscally challenging times such as these.

The department has been actively involved with the organization and support of the Washington County Special Investigative Unit (SIU). Per state statute (Brook Bennett legislation), each county needed to have an SIU, coordinated by the State's Attorney's Office. Central to Washington County's SIU is OUR House, an advocacy and support organization for the protection of children and the investigation of child sexual and other serious abuse. MPD, BCPD, VSP, Washington County State's Attorney's Office (WCSA), Vermont Department of Children and Families (DCF), and OUR House have taken lead roles in the SIU. The SIU is one part of a multi-disciplinary team (MDT) that also includes advocates from the WCSA's office, medical community, mental health community, Circle (formerly Battered Women's Services), the Sexual Assault Crisis Team (SACT), and OUR House.

Training:

Training is a critical aspect of modern policing. It is imperative that officers stay current in criminal law, juvenile law, liability issues related to policing, evidence (collection and maintenance), technology, weapons and tactics, interacting with vulnerable populations, first aid/CPR, emergency vehicle operation, critical incident management, ethics, and training on departmental policies. For the last seven years, the

department has instituted rigorous training requirements for all officers in high-risk areas such as use of force, mental health/crisis intervention training, legal training, and vehicle operation. This is part of the department's risk management approach to training which focuses on high-risk, low frequency incidents. The goal here is to train our officers better which helps to maintain our culture of excellence, improve our policing capacity, keeps both the officers and citizens safer, while minimizing the City's liability risks. These efforts have gained the positive attention of the Vermont League of Cities and Towns (VLCT), our federal partners, and our local law enforcement peers with whom we have shared some of this training with. The department does as much training internally as it can, utilizing "in house" academy certified instructors when possible. However, it is common for our officers to travel around the state or even out of state to attend certain trainings, all of which adds to the cost. Therefore, we are careful in our selection of classes and assessing officer and departmental needs.

Communications (Dispatch):

The MPD Dispatch is a regional dispatch center that has two contracts, one with the Capital Police (State House), and the other with Capital Fire Mutual Aid (Capital West) which is an organization representing fire and emergency medical services covering 18 communities. The following Vermont communities are served by the MPD Dispatch:

Montpelier, E. Montpelier, Berlin, Northfield, Roxbury, Plainfield, Cabot, Marshfield, Worcester, Middlesex, Walden, Waterbury, Duxbury, Moretown, Waitsfield, Fayston, Calais, and Woodbury.

The department's dispatch handles well over 14,000 incidents per year. The dispatchers are quite frequently a citizen's first point of contact with public safety services, but they also field general questions as well, including after-hours calls for the Department of Public Works or simple questions such as, "What time does the parade start?" Because anything can happen, either in the lobby of the station or on the other end of the phone, MPD dispatchers receive training in interacting with individuals experiencing a mental health crisis (MPD was the first PD in the state to require this police level training for dispatchers), critical incident dispatching, and all maintain CPR/first aid certifications. The dispatchers and officers must go through annual National Crime Information Center (NCIC) trainings and certifications, which is required by both the State (VCIC) and the FBI. Additionally, there are environmental standards for the dispatch center itself, which must be in compliance with federal regulations (computer use security policies, computer encryption, security screens on monitors, approved network diagrams and firewalls, etc.).

In addition to the community support and public safety mission of dispatch, they also provide clerical support to both Police and Parking Division functions of the department. They also monitor the security cameras located in City Hall and the Police Station.

Dispatchers are the lifeline for our citizens and for our police officers.

Parking Division:

Parking enforcement is primarily accomplished utilizing one full-time and three part-time Community Service Officers (CSOs). One of the CSO's duties is parking meter maintenance (we have nearly 400 meters around town) and the maintenance of five permit vending machines. Police officers also issue parking tickets and they are the ones tasked with winter ban parking enforcement and applying the "boot" onto vehicles when owners have past due payments for parking violations. Dispatch has parking duties, as well,

which include updating late notices, and data entry utilizing parking specific computer applications. Certain sergeants are assigned duties related to supervision and direction of parking enforcement personnel. Because both police and dispatchers are so involved with both enforcement and the administration of the Parking Division, a percentage of General Fund expenditures for police and communications are offset by the Parking Fund.

In 2013, the Montpelier City Council established a new Parking Committee. This committee has played a critical role in guiding City staff by looking at the parking issues through the lenses of residents, businesses, state employees, public transportation, and public safety.

MISSION STATEMENT

The ultimate responsibility for peace, good order, and law enforcement rests with the community of citizens in a democratic society. The complexity of modern society dictates that police efforts must be coordinated and directed by the services of law enforcement professionals.

Therefore, the Montpelier Police Department will be devoted to providing professional and quality police services, and will strive to remain effective, efficient, and responsive to the changing needs of our community while providing a safe environment that enhances the quality of life in Montpelier.

“Charges” for the Various City Boards and Commissions

- **ADA Committee:** The ADA Committee’s continuing mission is to (1) coordinate and monitor City ADA compliance; (2) provide guidance and evaluate efforts to improve access to City facilities and programs; (3) develop procedures to identify and correct access deficiencies, including access to communications; (4) advise the City Council regarding compliance-related issues and recommend appropriate remedial actions; (5) field complaints alleging the City’s noncompliance with ADA; and (6) connect City and community to achieve greater awareness of the ADA.
- **Bicycle Advisory Committee:** The Bicycle Committee recommends policies and actions by the city that promote bicycling for all purposes and promote safe and convenient access to all parts of the community via bicycle.
- **Design Review Committee:** The Design Review Committee’s role is to advise the Development Review Board on matters concerning exterior alterations to land or properties in the Design Control District.
- **Development Review Board:** As the name suggests, the Development Review Board (DRB) is responsible for reviewing certain development proposals in the city of Montpelier.
- **Historic Preservation Commission:** The Montpelier Historic Preservation Commission’s main role is planning and advocacy for the protection and appreciation of Montpelier’s historic and architecturally significant resources.
- **Montpelier Business Loan Fund:** The Montpelier Business Loan Fund (MBLF) is a Revolving Loan Fund (RLF) that provides low interest loans to businesses in Downtown that are unable to obtain sufficient financing through existing commercial lending institutions. Eligible uses of the MBLF include: Purchase of inventory, equipment, materials, supplies, operating capital, remodeling or renovations, marketing expenses or accessibility improvements.
- **Montpelier Community Fund Board:** Members review and make recommendations to the City Council for approval of grant funding to community agencies, including the City’s Arts Grant Program.
- **Montpelier Energy Advisory Committee (MEAC):** The mission of MEAC is to promote energy conservation, energy efficiency, and the use of renewable energy resources among the city’s residents, businesses, and in municipal affairs. This mission will be accomplished by promotion of the City’s Net Zero Montpelier Project, which has set a goal for Montpelier to meet all of its energy needs through renewable energy sources and efficiency by 2030.
- **Montpelier Foundation:** The Montpelier Foundation was established by resolution of the City Council. It is an agency of the City, and reports to and is under the jurisdiction of the Council. The Foundation’s role is to serve as a trustee of unrestricted and donor-restricted gifts, bequests and donations for the purpose of funding capital improvements and betterments not otherwise paid for out of City resources. The Foundation Board is appointed by the City Council. It administers and

manages the Foundation endowment, and acts upon funding applications received from the community.

- **Montpelier Housing Task Force:** The Montpelier Housing Task Force was organized in 1999 in order to (1) gather and evaluate information regarding housing trends in the City; (2) to develop responses to housing concerns that are identified; and (3) to recommend housing policies to City Government.
- **Montpelier Housing Trust Fund:** The Montpelier Housing Trust Fund is a special revenue account used exclusively by the City to award grants and loans to appropriate non-profit organizations to preserve, construct and rehabilitate affordable dwelling units with a priority for homeownership units, and which are subject to covenants or restrictions that preserve their affordability for a minimum of 15 years. The Housing Trust Fund Loan Committee is comprised of one City Council Member and four citizens at large; they evaluate applications and provide funding recommendations to City Council.
- **The Montpelier Loan Fund Committee (MLFC):** The MLFC is a 4-member committee appointed by the City Council to assist the Planning and Community Development Department, in its capacity as the Montpelier Community Development Agency, in managing the various loan programs that have been established for business and economic development. The MLFC reviews loan applications and credit worthiness of prospective borrowers; determines terms and conditions of loan approvals; and helps to determine the distribution of loan funds to meet program objectives.

The MSAC By-laws state that “The Advisory Board shall have the responsibility of making recommendations concerning the property, business and affairs of the Senior Center.”

- **One Taylor Design Committee:** This committee was appointed to guide design decisions for the “Carr Lot Transit Center Project”.
- **Parking Advisory Committee:** This committee advises the Council on all matters of parking policy. This includes review of rates (meter, permit, lots); budget; operations; location (leases, supply – both existing and new spaces); winter parking ban signage; and other related items.
- **Pedestrian Advisory Committee:** The Pedestrian Committee was established in 2013 to advise on matters relating to pedestrian access and safety.
- **Planning Commission:** The Planning Commission has all the duties and powers as laid out in Statute (24 VSA §4325) including the responsibility to prepare the City Master Plan, prepare bylaws and amendments, undertake studies, hold public meetings, and to undertake comprehensive planning including related preliminary planning and engineering studies.
- **Tree Board:** is responsible for the urban forest of the city. The board plans how to optimize trees in the public rights of way, including protection, planting, pruning and maintenance, and also consults with private property owners about their trees. They work closely with the Tree Warden who is responsible for hazardous trees.

Boards and Commissions Staffing Information

Board, Committee, or Commission	Chair	Department Head Lead	Other City Staff Representative	Notes
1 Taylor Street Design Committee	John Hollar	Bill Fraser	Jessie Baker & Mike Miller	
ADA Committee	Kim Brittenham	Jessie Baker	Tom McArdle & Kevin Casey	
Bicycle Advisory Committee	Bill Merrylees	Mike Miller	Vistas, Mike Philbrick	
Capital Improvement Plan Committee		Todd Law	Sandy Gallup	
Cemetery Commission	Meri Nielsen	Patrick Healy		
CJC Citizen Advisory Board	John Gorczk	Yvonne Byrd		
Conservation Commission	Roy Schiff	Geoff Beyer		
Design Review Committee	Stephen Everett	Mike Miller	Dina Bookmyer-Baker	
Development Review Board	Philip Zalinger	Mike Miller	Dina Bookmyer-Baker	
Energy Committee	Tim Shea	Mike Miller	Vistas	
Historic Commission		Mike Miller		As needed
Historic Preservation	Anthony Otis	Mike Miller		
Montpelier Business Loan Fund		Mike Miller	Kevin Casey	
Montpelier Community Fund		Sandy Pitonyak		
Montpelier Foundation	William Cody	Bev Hill & Sandy Gallup		As needed
Montpelier Housing Authority		Jo Ann Troiano		External
Montpelier Housing Task Force	Jack McCullough	Mike Miller	Kevin Casey	
Montpelier Housing Trust Fund	Jim Libby	Mike Miller	Kevin Casey	
MSAC Advisory Board	Tina Muncy	Janna Clar		
Parking Advisory Committee	Brian Cain	Tony Facos & Mike Miller	Kevin Casey	
Parks Commission	Emily Boedecker	Geoff Beyer		
Pedestrian Committee	Chris Andresen	Mike Miller	Vistas	
Planning Commission	Kim Cheney	Mike Miller		
Revolving Loan Fund		Mike Miller	Kevin Casey	As needed
Sprinkler Variance Committee		Bob Gowans		
Tree Board	John Snell & Sarah Hoffmeier	Geoff Beyer		
Water & Sewer Committee		Sandy Gallup		

Debt Policy Update

October 17, 2014

In September of 2011 the City Council adopted a Debt Policy with the following debt ratios:

DEBT RATIOS.

The following guidelines will be used when determining if debt should be issued:

- 1. Total direct debt service (principal and interest) for Government Activities (General Fund and other Governmental Activities) of the City will not exceed 8.2% of the total budgeted revenues for Governmental Activities (Based of Moody's 2009 U.S. Local Government Medians for A rating for U.S. Cities under 50,000 population).*
- 2. Total direct debt service (principal and interest) for the City as a Whole (Governmental Activities and Business Activities) will not exceed 15% of the total budgeted revenues for the Governmental Activities and the Business Activities (Water Fund, Sewer Fund, Parking Fund).*

In the event that the total direct debt service (principal and interest) for Government Activities or City as a Whole exceed the ratios in the above guidelines, the City Council will adopt a plan to how to bring the debt ratios down to the recommended levels.

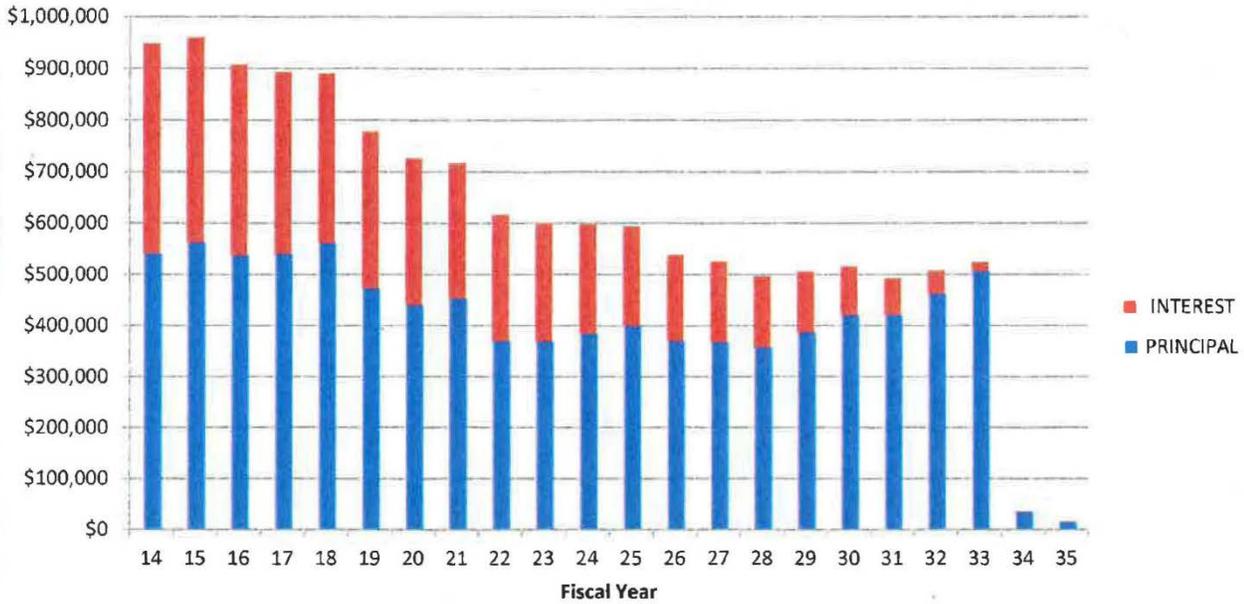
We used these debt ratio guidelines when developing our "Steady-State" capital plan. We borrowed \$710,000 in 2014 for Street/Capital Improvements and plan on borrowing \$710,000 in 2017 and \$710,000 in 2020.

The attached graphs show updated debt service information and compares the total debt service costs to the debt service maximum guideline provided by our debt service policy ratios (above)

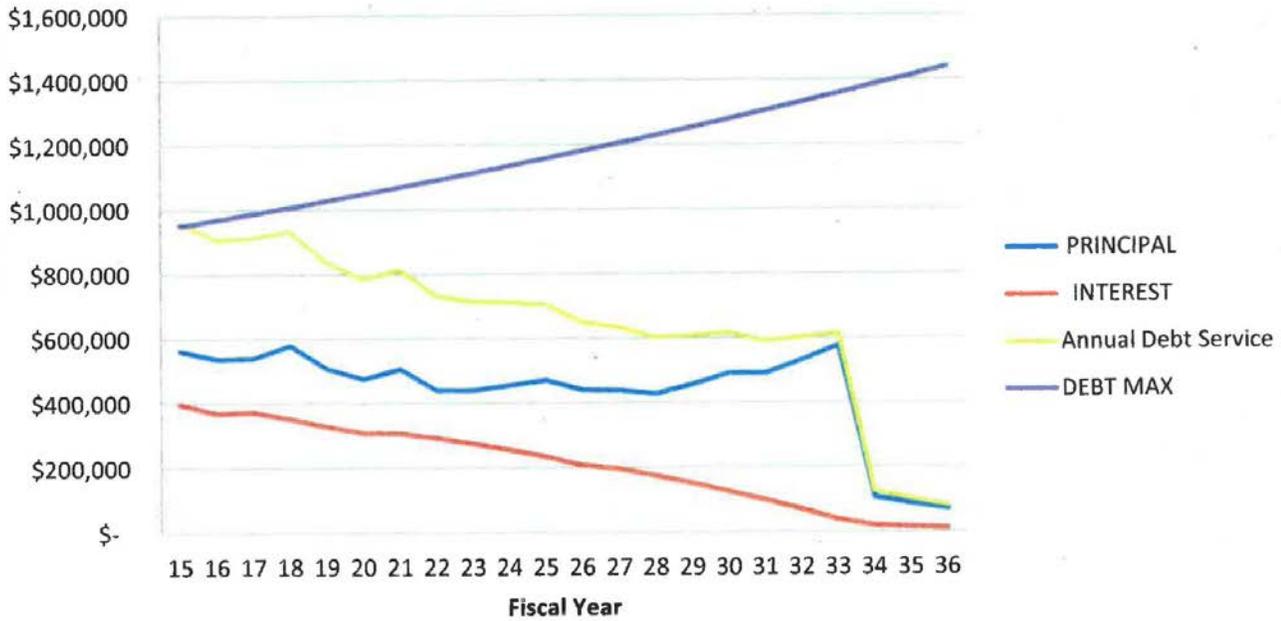
I have attached 4 graphs (Note: All graphs include the proposed borrowing in 2017 and 2020):

- Bar Chart - General Fund Debt Service principal and interest from FY14-FY35.
- Line Chart – General Fund Debt Service compared to Maximum (from 8.2% guideline.) This assumes a 2% increase in budgeted revenue each year. FY15 we are currently at 8.1% of General Fund budgeted revenue. In FY16 this ratio drops to 7.5%. The sharp decrease in FY34 is when the pension debt is paid off.
- Bar Chart – City-Wide Debt Service which includes Water, Sewer, District Heat, Parking and 1 Taylor Street debt service.
- Line Chart – City-wide Debt Service compared to Maximum (from 15% guideline) This assumes a 2% increase in budgeted revenue each year. FY15 we are currently at 14.2% of General Fund budgeted revenue. In FY16 this ratio drops to 13.6%. The sharp decrease in FY26 is when many of the Water and Sewer loans are paid off

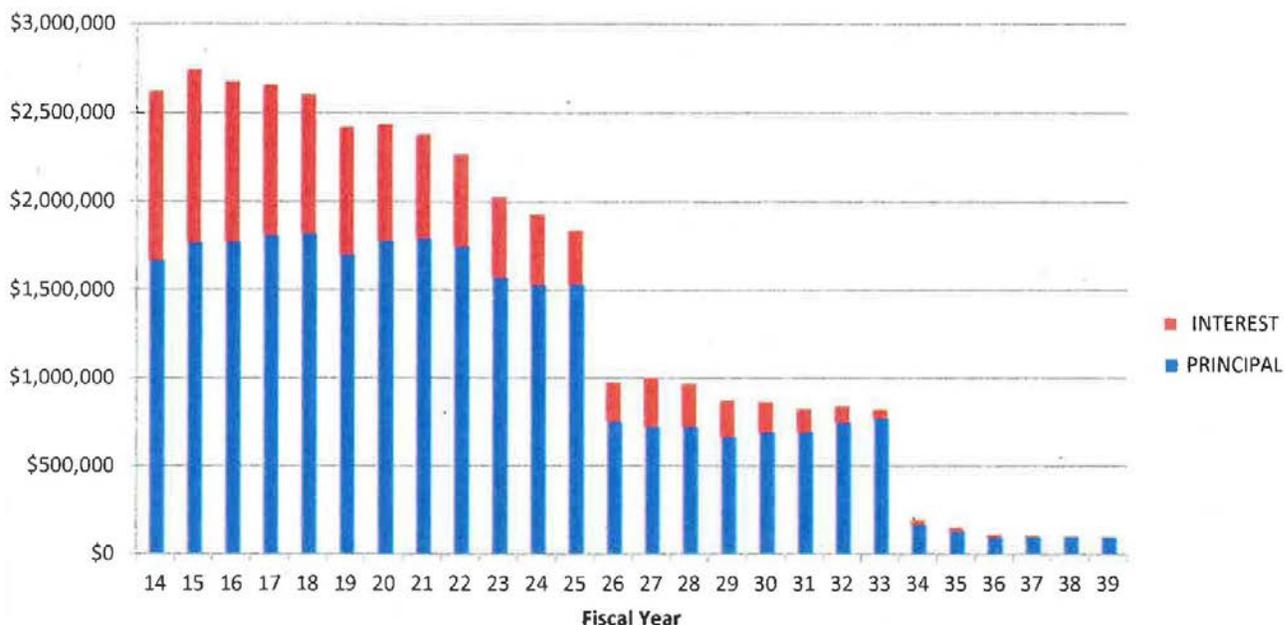
General Fund Debt Service e Debt Service FY14-FY35 with Proposed 1.4M Borrowing for Street Improvements in 2017/2020



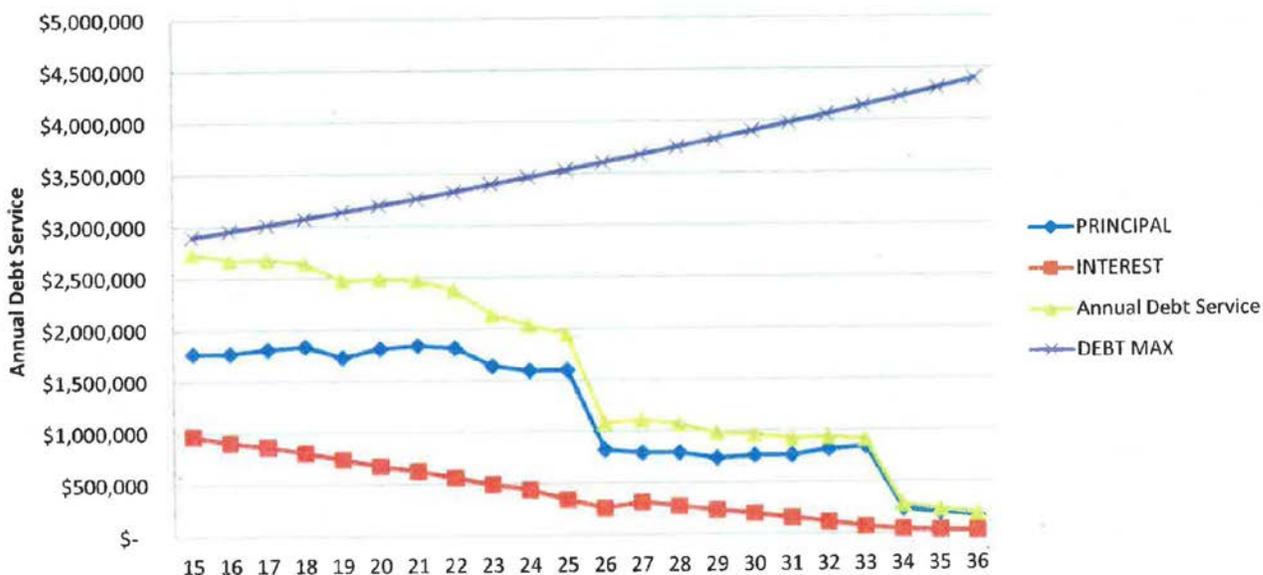
General Fund Debt Service compared to Maximum Per Debt policy with Proposed CIP 1.4M Borrowing



City-wide Debt Service FY14-FY35 with Proposed 1.4M Borrowing for Street Improvements in 2017/2020



Summary City-Wide Debt Service compared to Maximum Per Debt Policy with Proposed CIP \$1.4M Borrowing



DEBT MANAGEMENT POLICY

Approved: September 28, 2011

PURPOSE. The purpose of this Policy is to establish the guidelines for the issuance of debt by the City of Montpelier. Debt levels and the related annual debt service expenditures are important long-term obligations that must be managed with available short- and long-term resources. This policy also addresses the level of indebtedness that the City can reasonably expect to incur without jeopardizing its existing financial position.

Adherence to a debt management policy, along with the utilization of other sound and prudent financial practices and the City's other financial policies, will assure the lending market that the City is well managed and will meet its obligations in a timely manner.

PLANNING AND PERFORMANCE. Debt management means adopting and maintaining financial plans for both the issuance and repayment of debt. The determination to issue new debt should be made as a part of the adoption of the annual capital budget, which prioritizes capital projects and identifies the various funding sources available for those projects. Planning for the repayment of debt will include analysis of the operating budget to determine if the fund will incur the additional debt service required by the new debt.

USE OF SHORT-TERM AND LONG-TERM DEBT. Short-term debt should be limited to borrowing to cover short-term, temporary cash flow shortages within the City's fiscal year through the use of tax anticipation notes in those instances where there is an inadequate level of cash flow, or through the use of bond anticipation notes when cash is required to initiate a capital project prior to the receipt of bond proceeds. The City Council should manage the City's finances so as to avoid the use of short-term debt when possible.

Long-term debt should be issued for the acquisition, construction, or improvement of land, buildings, infrastructure, equipment, public improvements and payment of prior pension liability that cannot be financed from current revenues or other resources. Current year budget appropriations and accumulated reserve funds should be used to minimize the amount of long-term borrowing that is required.

PURPOSE OF DEBT. General obligation debt funded by general fund property taxes shall be used for projects that provide a general benefit to City residents and that cannot otherwise be self-supporting. Debt incurred for use by an enterprise fund, even if backed by a general obligation pledge of the City, shall be self-supporting and repaid solely from the revenues of such fund, unless a general benefit to City residents can be demonstrated.

REPAYMENT OF DEBT. The Council will project the revenue sources that will be utilized to repay any debt, and will analyze the impact on voters of both the additional debt service as well as any additional operating expenses resulting from the improvement, to determine if new debt should be issued and to structure the appropriate repayment terms for each debt issue. The maturity of long-term debt shall be kept as short as possible to minimize the overall impact on the taxpayers during the life of the debt. At the same time, it should not be so short that the repayment will create an unreasonable burden. In no event shall the life of the debt exceed the life of the improvement being financed.

DEBT RATIOS.

The following guidelines will be used when determining if debt should be issued:

1. Total direct debt service (principal and interest) for Government Activities (General Fund and other Governmental Activities) of the City will not exceed 8.2% of the total budgeted revenues for Governmental Activities (Based of Moody's 2009 U.S. Local Government Medians for A rating for U.S. Cities under 50,000 population).
2. Total direct debt service (principal and interest) for the City as a Whole (Governmental Activities and Business Activities) will not exceed 15% of the total budgeted revenues for the Governmental Activities and the Business Activities (Water Fund, Sewer Fund, Parking Fund).

In the event that the total direct debt service (principal and interest) for Government Activities or City as a Whole exceed the ratios in the above guidelines, the City Council will adopt a plan to how to bring the debt ratios down to the recommended levels.

FUND BALANCE POLICY

Approved: September 28, 2011

Amended October 22, 2014

The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The Fund Balance Policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the City of Montpelier to be in a strong fiscal position that will allow for better position to weather negative economic trends.

The Fund Balance consists of five categories: Nonspendable, Restricted, Committed, Assigned, and Unassigned.

- **Nonspendable Fund Balance** consists of funds that cannot be spent due to their form (e.g. inventories and prepaids) or funds that legally or contractually must be maintained intact.
- **Restricted Fund Balance** consists of funds that are mandated for a specific purpose by external parties, constitutional provisions, or enabling legislation.
- **Committed Fund Balance** consists of funds that are set aside for a specific purpose by the City's highest level of decision making authority (City Council). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.
- **Assigned Fund Balance** consists of funds that are set aside with the intent to be used for a specific purpose by the City's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.
- **Unassigned Fund Balance** consists of excess funds that have not been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

Nonspendable and Restricted Funds

Nonspendable funds are those funds that cannot be spent because they are either:

- 1) Not in spendable form (e.g. inventories and prepaids)
- 2) Legally or contractually required to be maintained intact

It is the responsibility of the Finance Director to report all Nonspendable Funds appropriately in the City's Financial Statements.

Restricted funds are those funds that have constraints placed on their use either:

- 1) Externally by creditors, grantors, contributors, or laws or regulations or other governments
- 2) By law through constitutional provisions or enabling legislation.

It is the responsibility of the Finance Director to report all Restricted Funds appropriately in the City's Financial Statements.

Order of Use of Restricted and Unrestricted Funds

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it.

When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last.

Authority to Commit Funds

The City Council has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by the City Council. The passage of a resolution must take place prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available. Funds that are set aside during the budget approval process, such as Capital Improvement Plan funds, Equipment Plan funds will be included in the passage of a resolution prior to June 30th of the applicable fiscal year.

Authority to Assign Funds

Upon passage of the Fund Balance Policy, authority is given to the City Manager to assign funds for specific purposes in an amount not to exceed the City Manager's authorization level in City of Montpelier Purchasing Policy (I. B. Non Capital Purchases). Any funds set aside as Assigned Fund Balance must be reported to the City Council at their next regular meeting and recorded in the minutes.

The City Council has the authority to set aside funds for the intended use of a specific purpose. Any funds set aside as Assigned Fund Balance requires a simple majority vote and must be recorded in the minutes. The same action is required to change or remove the assignment.

Unassigned Fund Balance

Unassigned Fund Balance is the residual amount in the General Fund. It represents the resources available for future spending. An appropriate level of Unassigned Fund Balance should be maintained in the General Fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned Fund Balance may be accessed in the event of unexpected expenditures or a revenue shortfall up to the minimum established level by the City Council. Any funds accessed by the City Council must be approved and recorded in the minutes.

The Fund Balance Policy establishes a goal to accumulate a minimum Unassigned Fund Balance equal to 15% of the budgeted General Fund expenditures each year.

Unrestricted Net Assets are the residual amount in the City's Water, Sewer and Parking Funds. It represents the resources available for future spending. The Fund Balance Policy also establishes a goal to achieve positive Unrestricted Net asset balances in the City's Water, Sewer and Parking Funds.

Management is expected to manage the budget so that revenue shortfalls and expenditure increases do not impact the total unassigned fund balance. In the event that a budget shortfall occurs that brings the unassigned fund balance below the minimum level, the Council will adopt a plan on how to return unassigned fund balance back to the required level.

The Fund Balance Policy may be amended from time to time per the City Council.

Environmental Purchasing Policy

POLICY ESTABLISHING THE CITY OF MONTPELIER’S PURCHASING PROGRAM FOR ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES

1.0 Purpose

The City of Montpelier (the “City”) recognizes that it is a large consumer of goods and services. Every one of its purchases has an environmental impact resulting from the combined impact of a product’s manufacture, use, and disposal. Therefore, the purchasing decisions of the City’s employees and contractors will affect the environment positively or negatively. In addition, it is important that the City protect and preserve its resources to the best of its capabilities so that future residents inherit a viable community. Finally, the residents of Montpelier have officially ratified and adopted the Earth Charter, which makes the responsible use and reuse of resources a priority for the City.

The goal of this policy is to reduce the adverse environmental impact of the City’s purchasing decisions. By considering the environment in its purchasing decisions along with the traditional concerns of price, performance and availability, the City will remain fiscally responsible while promoting practices that improve public health and safety, reduce pollution, conserve natural resources, and reward manufactures and vendors that reduce the adverse environmental impact of their production and distribution systems.

2.0 Defining “Environmentally Preferable”

Making “environmentally preferable” purchasing decisions means the City will seek products and services that have a reduced effect on human health and the environment when compared with competing products and services serving the same purpose. This comparison may consider all phases of a product’s life cycle, including raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance, disposal, and potential for reuse or recycling.

This means seeking out products that have reduced environmental impact because of the way they are made, used, transported, stored, packaged, and disposed of. It means looking for products that do not harm human health, are less polluting, minimize waste, maximize use of biobased or recycled materials, conserve energy and water, and reduce the consumption or disposal of hazardous materials. Following is a list of attributes that might be considered when determining whether a product is environmentally preferable:

- Recyclable
- Reduced greenhouse gas emissions
- Reduced packaging
- Refurbished
- Reusable
- Upgradeable
- Water efficient
- Durable
- Energy Efficient
- Heavy metal free (no lead, mercury)
- Made locally
- Low toxicity
- Made from renewable material
- Biobased
- Biodegradable
- Carcinogen-free
- CFC, VOC, and PBT free
- Compostable

¹ Chlorofluorocarbons, Volatile Organic Compounds, and Persistent Bioaccumulative Toxins

3.0 Balancing Environmental Considerations with Performance, Availability, and Financial Cost

The City is committed to buying more environmentally preferable goods and services as long as they meet performance requirements and are available in a reasonable period of time at a reasonable cost. Nothing in this policy shall be construed as requiring a purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price or in a reasonable period of time.

The City recognizes that competition exists not only in prices, but also in the technical competence of suppliers, their ability to make timely deliveries, and in the quality and performance (including environmental performance) of their products and services. Balancing these sometimes-competing factors means that initial cost is never the only consideration. It also means the City will sometimes pay more for higher-performing goods and services, including those with superior environmental performance.

Department Heads are advised that the purchase of some environmentally preferable products may exceed the costs of less environmentally preferable products. Cost should be compared to the environmental benefits, performance quality, and life cycle of the item considered. Generally, if the cost of the environmentally preferable product does not exceed that of equivalent products that serve the same purpose by an unreasonable amount, departments are authorized to acquire the product.

4.0 Establishing an Environmental Purchasing Task Force

Within one month from the date this policy is enacted, the City Manager shall designate an environmental purchasing coordinator to lead an environmental purchasing task force, comprised of a representative cross-section of municipal employees. The first task force meeting shall take place as soon as possible after the appointment of the environmental purchasing coordinator. It is recommended that the task force meet as needed to complete its objectives and at least two to four times each year. The Montpelier Conservation Commission and the Central Vermont Solid Waste Management District will be available to provide assistance and advice to the task force on certain issues, as necessary and practicable and as time and staffing allow.

The Task Force shall consider:

- Prioritizing a list of environmentally preferable purchasing goals and objectives.
- Identifying environmentally preferable purchasing opportunities.
- Developing educational materials, including written environmentally preferable purchasing recommendations and practices, to promote understanding of the City's environmental purchasing principles for all departments, contractors, vendors, and staff.
- Training staff to familiarize them with their responsibilities under this environmental purchasing policy.
- Keeping track of environmental standards and specifications the City can integrate into its purchasing specifications, including those developed by reputable, independent organizations such as Environmental Choice, Green Seal, or Energy Star.
- Establishing a program to recognize the efforts of individuals and departments that are most successful in implementing the goals of this policy.
- Preparing an annual report documenting the City's goals and progress towards buying more environmentally preferable goods and services.

5.0 Establishing Initial Priorities

As an initial priority, the environmental purchasing task force shall complete an examination of the City's purchases of the commodities listed below and, based on anticipated purchasing needs, prioritize its efforts to integrate environmental considerations into their purchase. The target timeframe to complete this task will be one year.

- The more than 50 recycled content products designated by the US Environmental Protection Agency www.epa.gov/cpg
- The more than 35 energy-efficient products listed by the Energy Star program www.energystar.gov
- The biobased products designated by the US Dept. of Agriculture www.ars.usda.gov/bbcc
- Cleaning products and services
- Paper (beyond initial recycled-content requirements)

Following completion of the above activity, the task force shall complete a similar examination and prioritization of the following commodities. The target timeframe to complete this task will be two years following the adoption of this policy.

- Building renovation and new construction
- Furniture
- Paint and painting services
- Pest management products and services
- Vehicle maintenance products and services
- Landscaping products and services
- Renewable electricity
- If applicable, hybrid electric or alternative fuel vehicles

6.0 Reviewing Existing Specifications, Solicitation Language, and Purchasing Regulations

As appropriate, the City Manager shall ensure that wherever possible existing specifications, solicitation language, and purchasing regulations are amended to expand the use of more environmentally preferable products. The review should ensure the following:

- All general solicitation language, purchasing regulations, and procedures shall be reviewed to ensure they do no conflict with the goals of this environmental purchasing policy.
- All City lessees shall be apprised of this environmental purchasing policy and, where possible, leases shall be amended or revised to reflect the principles and goals of that policy.
- All City vendors and service providers, particularly those with custodial responsibilities, shall be apprised of this environmental purchasing policy and, where possible, contracts and/or descriptions of work requirements shall be amended or revised to reflect the principles and goals of that policy.
- The City's existing purchasing policy shall be amended to include consideration of these Environmentally Preferable Purchasing guidelines.

7.0 Reviewing the Policy

Within five years from the adoption of this environmentally preferable purchasing policy, the City will undertake a comprehensive review of the guidelines, goals, and action plans.

Investment Policy

Adopted on January 9, 1991

and

Amended on June 11, 1997

It is hereby declared that all funds in the custody of the City of Montpelier, and any of its agencies, departments and officers, shall be invested by the City Council and the City Treasurer in accordance with the following standards:

- (1) All public funds (defined herein) shall be invested to achieve liquidity, security and return. Of the foregoing, it is the declared intention of the City Council to provide for security of investment, both principal and interest, as a priority.
- (2) Without the specific approval of the City Council, no public funds shall be invested in such a manner so as to cause any debt obligations of the City to be characterized as “arbitrage bonds” or “private activity bonds” within the meaning of the Internal Revenue Code of 1986, or the Regulations promulgated thereunder.
- (3) The term “public funds” as used herein shall include the following:
 - (a) Property tax receipts.
 - (b) Fees, fines, rents, and charges paid to the City or any department or agency thereof.
 - (c) State and federal grants-in-aid, state aid, and revenue sharing.
 - (d) The proceeds derived from the sale of bonds and notes.
 - (e) Payments in lieu of taxes.
 - (f) The proceeds derived from the sale or lease of City property.
 - (g) Insurance proceeds payable to the City as a result of any loss or casualty, and any judgments recovered by the City in an action at law.
- (4) To the extent required by applicable state and federal law and regulations, public funds shall be invested in segregated accounts.
- (5) Public funds shall be invested in accordance with the following schedule of priorities:
 - (a) Deposits insured by an agency of the federal government; provided, however, that up to \$500,000 of uninsured public funds may be invested or deposited in any one state or federal banking institution which maintains offices in the City of Montpelier.
 - (b) Obligations of the United States, such as Treasury Notes.
 - (c) General obligations of the State of Vermont.
 - (d) General obligations of the several states.
 - (e) Securities fully insured by an agency of the United States, or fully collateralized by securities of the United States.
 - (f) Periodically, and at least every three years, the City Treasurer shall cause to be made a survey of all banking institutions maintaining offices in Washington County and whose service area includes the City of Montpelier. Each banking institution so surveyed will be required to submit a proposal to serve as the City’s lead bank and as one of the City’s depository banks. The City Treasurer, in concert with the City Council, shall designate annually a lead bank and one or more depository banks, and shall establish the banking service to be secured from each.

- (g) In order to achieve investment liquidity, the City Treasurer shall be given thirty days advance notice of any requisition or warrant in excess of \$50,000.
 - (h) The term “public funds” shall not include cash or credits held for the City’s benefit as performance or completion.
- (6) For investments that the City controls directly, no investments will be made in tobacco stocks. For investments in which the City has an advisory role or has a seat on an investment board or committee, or where the City is constrained in its action by statute or existing contract, the City and/or its representatives shall make their best efforts to avoid investment of City funds in tobacco stocks, consistent with their fiduciary responsibilities.

Addendum to Investment Policy

WHEREAS, at their regularly scheduled meeting of June 11, 1997, the Montpelier City Council adopted the following policy restricting city investments in tobacco stocks:

“For investments that the City controls directly, no investments will be made in tobacco stocks. For investments in which the City has an advisory role or has a seat on an investment board or committee, or where the City is constrained in its action by statute or existing contract, the City and/or its representatives shall make their best efforts to avoid investment of City funds in tobacco stocks, consistent with their fiduciary responsibilities.”

NOW, THEREFORE, LET IT BE KNOWN that the Montpelier City Council wishes to include the above policy as part of the City’s Investment Policy, dated January 9, 1991.

Montpelier Community Fund

Proposed by Mayor John Hollar
Adopted by City Council on July 18, 2012

Montpelier Community Fund Board Revisions: October 1, 2012
Adopted by City Council on October 10, 2012

Statement of Purpose and Scope

The Montpelier City Council establishes the Montpelier Community Fund (“MCF”). As an alternative to funding organizations and projects using the annual city meeting ballot and other fund sources, the City Council shall include within its annual budget the MCF, which shall be dedicated to awarding grants to eligible organizations and projects as set forth in this policy.

Except as listed below, all private non-profit organizations that benefit the residents of Montpelier are eligible to apply for grants from the MCF.

Kellogg-Hubbard Library, Green Mountain Transit Agency, Montpelier Alive, and Central Vermont Economic Development Corporation, which may receive grants from other funds within the city budget, are not eligible.

Also eligible to apply to the MCF are arts organizations and individual artists who have been eligible in the past for grants from the Montpelier Arts Grant Program. That program is discontinued.

A person or organization that elects to place an article on the city ballot by petition in any year shall be disqualified from applying to the MCF for that year. Similarly, a person or organization that applies to the MCF waives its right to place an article on the ballot by petition.

For FY 2014, the city shall allocate to the MCF the amount of \$118,000, which is the combined approximate amount of grants awarded in FY 2013 to organizations and projects which are now eligible to apply to the MCF. This amount shall not be reduced by grants awarded through the ballot petition process.

Montpelier Community Fund Board

- a) Board Membership The City Council shall appoint five members to serve as the board of directors (“Board”) of the MCF. Members shall be Montpelier residents. The Board shall adopt rules, review applications for grant awards, and make recommendations to the City Council for approval.
- b) Board terms. Initially, two members shall be appointed to three-year terms, two members shall be appointed to two-year terms, and one member shall be appointed to a one-year term. Thereafter, members shall serve three-year terms. A member shall serve no more than two consecutive terms.
- c) Conflict of interest. No member shall participate in the consideration of an application from an organization on which the member or his or her family member serves as a board member or for whom the member or his or her family member is employed. Members may also decide to recuse themselves if there is a reasonable basis to conclude their consideration of an application may be biased.

Grant Award Criteria

The Board shall consider the following criteria in awarding funds:

- a) The extent to which the applicant will receive funds from the city in the next fiscal year through in-kind contributions and direct appropriations.
- b) Prior sums the applicant has received through ballot initiatives or other city funding sources.
- c) The extent to which the amount received will complement services provided by Montpelier city government.
- d) The extent to which the grant will benefit Montpelier, its residents and the public good.
- e) The extent to which the applicant can raise funds from other sources.

Application

The Board shall prepare an application form for grant requests and shall adopt rules relating to the application process. Applications must be completed and filed with the Board by December 1st.

Grant Awards

The Board shall adopt rules governing its review of grant applications. After review, the Board shall endeavor to reach consensus regarding proposed allocations from the MCF.

The Board shall submit its funding recommendations to the City Council in January. The City Council shall consider the Board's recommendations in January or early February, and shall approve or deny the Board's recommendations, which shall not be subject to amendment by the City Council. The Montpelier Annual Report shall list all grant recipients and amounts.

Recipient Reporting

One year after receiving an MCF grant, the recipient shall report to the Board the results of the funding. A recipient seeking subsequent funding from the MCF shall submit a progress report with its application.

Purchasing Policy

(Amended 8/24/94; 11/28/01; 9/14/05; 7/1/2011)

- I. SMALL PURCHASES: (supplies, non-professional services, materials costing not more than \$7,500.)
 - A. Items under \$500: Purchases may be paid for with petty cash, or the department can be billed. No purchase order is necessary. Prices between suppliers should be checked.
 - B. Items \$500-\$7,500: Purchase orders or invoices for items \$500-\$5,000 signed by the Department Head, or designee, must be used. City Manager, or designee, approval is needed for purchase orders or invoices more than \$5,000. Approval of the invoice indicates that the service or goods have been received and are in satisfactory condition. A record of price of rate quotations must be kept. Services involving construction work or equipment plus operator rental in excess of \$7,500 require a contract prior to the work being performed.

- II. CAPITAL PURCHASES: (supplies, non-professional services, construction work, materials, etc., costing more than \$7,500.)
 - A. Competitive Sealed Bids
 - 1) This process is used when a complete specification for purchase description is available, two (2) or more responsible and qualified suppliers are willing to compete and the procurement lends itself to a fixed price contract based on set requirements that are clear and precise, allowing for a fair comparison of vendors' qualifications and price.
 - 2) Sealed bids are publicly solicited through a formal bid advertisement in at least one (1) newspaper of general circulation. Bids should be timed to take advantage of dealer availability and the highest trade-in value if applicable. A sufficient time period to the bid opening date should be allowed. Bids should also be solicited from an adequate number of known suppliers.
 - 3) The invitation for Bids should include a clear and accurate description of the technical requirement for the material, product, or service, and such description shall not contain features that unduly restrict competition. Such bid specifications should be periodically updated so as to remain generic to all suppliers as much as possible. The Bid Invitation should also clearly set forth all requirements which bidders must fulfill, and whether or not the City will accept any deviation from what is requested. Package proposals will be accepted when unit prices are also provided and competition is enhanced thereby. If clarifications of the bid document are needed, written clarifications or amendments should be sent to all potential bidders.

Clarifications or amendments should not be issued after 72 hours prior to the bid opening.

- 4) All bids shall be opened publicly at the time and place specified in the Bid Invitation.
- 5) A firm fixed price contract (Lump sum or unit price) shall be awarded to a responsible bidder. In determining whether a bidder is responsible, the following shall be considered:
 - 6) Ability to perform successfully under the terms and conditions of the proposed contract, contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
 - 7) If only one (1) bid is received, City Council approval is necessary before the award is made.
 - 8) Any or all bids may be rejected for any reason. Low bid does not always have to be taken.

III. OVERALL POLICIES

- 1) Affinitive steps shall be taken to see what small and minority firms and women's firms are utilized as sources of supplies, construction services.
- 2) All procurement transactions shall be conducted in a manner that provides maximum open and free competition.

IV. CAPITALIZATION THRESHOLD

Purchase of equipment and office furniture valued at \$10,000 or more are recorded as a capital asset and depreciated over the life of the asset. Further the \$10,000 threshold shall be applied on a project basis. (For example, if five computers and related software are purchased that cost a total of \$10,000, then this "project" should be capitalized). All land, buildings and building improvements purchases are recorded as capital assets and depreciated over the life of the asset. Improvements that will extend the life of an asset for less than three years are considered maintenance or repairs and should not be capitalized. This policy shall be applied to all current and future assets.

For Consideration of the October 24, 2012 Consent Agenda: Consideration of increasing the City's Capitalization Threshold for fixed assets from \$5,000 to \$10,000 effective July 1, 2011. Our Capitalization Threshold for equipment and furnishings has been \$5,000 since 1994 (City Ordinances, Chapter 2 Administration, Article III, Section IV). This means that equipment and furniture purchases over \$5,000 are recorded as capital assets and depreciated over the life of the asset. By updating this policy to the more usual \$10,000 level, we will avoid fixed asset accounting on small purchases. The finance director and the city auditors recommend making this change for the 2012 fiscal year.

Policy for Sale or Disposition of Municipally Owned Land/Property

William Fraser, City Manager

August 5, 2004

During the recent discussion on the transfer of excess road right of way on Marvin Street, the Council asked that a written policy on land sales/transfer/disposition be drafted. The city has acted very consistently over the years with regard to these transaction and I've attempted to articulate the past practice as a policy as best as I can.

To review, the city does not own land unnecessarily or speculatively. It acquires and holds land only to further public purposes. When a parcel is deemed by the City government to be excess or no longer serving a public purpose than it is appropriate to consider conveying that land. City owned parcels come in many different types. They may be individual lots with buildings on them (City Hall, Fire Station, Police Station, etc.), they may be individual lots with no buildings (Berlin Pond), they may be lots with facilities on them like ball fields or parks. City owned property also includes rights of ways for streets and sidewalks, easements for water/sewer lines, small plots of land for pump stations and other unusual configurations for various public infrastructure.

While there may be no current written policy with regard to conveyance of public property, the city's own subdivision regulations establish the standard that the city must meet. Those regulations do not permit the creation of a lot or parcel which is non-conforming. Therefore a full open public bidding, auctioning or offering process cannot occur when a non-conforming parcel is involved. By its very nature, the number of people to whom it can be transferred (essentially the direct abutters) is limited.

Legalities of land transfers: Title 24, Chapter 33, Section 1061 of the Vermont Statutes concerning the Conveyance of Real Estate by Municipalities outlines a procedure for disposition of municipal land. However, subsection 1061 (f) states "*Nothing in this section shall be construed to impair or affect any provisions in a charter of a town or village involving the conveyance of real estate.*"

Title 3, Section 19 of the Charter states: "***Sale of Public Property.*** *The city council may authorize the sale or lease of any real or personal real estate belonging to the city. All conveyances, grants or leases of any real estate owned by the city shall be signed by the mayor and shall be sealed with the city seal.*"

Therefore the Council is clearly authorized to sell or lease real estate belonging to the city and has done so for many years. In the Marvin Street transaction, the Council opted to incorporate a specific public notice provision which is present in the statute but not in the charter.

Exchange of Value: As we have heard from legal counsel in the issues surrounding Berlin Pond, the Council has a fiduciary responsibility to see that appropriate value is obtained from the transfer of city assets. This can be done through a direct cash sale, an exchange of real property or any other transaction in which the council can make a finding of sufficient value. (For example, deeding property to a private non-profit like the Library might be seen as acceptable because the property was continuing use in the public's interest.)

Recommended Policy:

- In all cases, notice should be provided to abutting land owners and a general notice provided to the public detailing the proposed transaction and date of the council meeting when the transaction will be considered.
- Parcels (particularly road right of way) of size and value that do not meet the city's own definition of a conforming lot should be conveyed to the immediate abutter(s) at the discretion of the city council when found to be excess, no longer owned for the public's benefit and/or when the public might benefit from such conveyance. In the event that more than one abuttor is eligible to obtain all or part of the property, the city should first attempt to work out an arrangement satisfactory to all eligible land owners. If such an arrangement is not possible, the city should conduct a conveyance offering and process which is restricted to those eligible land owners.
- Parcels that constitute conforming lots, existing buildings or other tangible assets should be offered publicly through an open publicized process for the purpose of creating a public benefit and value in the outcome. The Council should, as much as possible, define the criteria in advance by which the transaction will be made (highest price, best project, highest future tax revenue, most public value, etc).
- The Council should retain the right to waive this practice when determined to be in the best interests of the city. The city's charter is written to grant broad discretion to the Council for a reason, it allows the Council to be flexible when responding to specific circumstances and situations. This determination should be made in advance and announced publicly.

Fund Balances Memo

Sandra Gallup, Finance Director

January 9, 2015

General Fund: During fiscal year 2014, the General Fund reported a net decrease in the fund balance of \$336,776. This was primarily due to a transfer to the Capital Projects Fund equal to the beginning of the year equipment reserves of \$360,563. The transfer was done for the purpose of consolidating all capital project activity into one fund.

The General Fund balances totaled \$1,330,773 as of June 30, 2014. The fund balances that are nonspendable, restricted, committed and assigned totaled \$507,990 as of June 30, 2014, which is a decrease of \$446,482, mostly due to the transfer of equipment reserves noted above. These fund balances are either nonspendable or have spending constraints placed on the purposes for which they can be used. **This leaves an unassigned fund balance of \$822,783 which is \$109,706 higher than the prior year's unassigned fund balance.**

General Fund Balance Summary – Unassigned Fund Balance

Unassigned Fund Balance 6/30/2013	\$713,077
FY14 increase in Fund Balance	109,706
Unassigned fund Balance 6/30/2014	822,783 (7.2% of budgeted expenditures)

General Fund Balance goal/target per Fund Balance Policy \$1,711,567 (15% of budgeted expenditures)

Other Major Funds:

The Capital Projects Fund ended the year with a fund balance of \$1,816,130 which was \$209,441 lower than the prior year fund balance of \$2,025,571. Excluding the transfer of equipment reserves from the General Fund of \$360,563 (see above) the Capital Projects fund balance decreased by \$570,004 which is mainly the result of \$538,799 of grant funds which were spent but not recognized as revenue because they were not collected within sixty (60) days after year-end. The deferred grant funds were related to the Bike path, Barre St. Culvert and One Taylor St. projects. \$1,426,142 of the fund balance are restricted by bonding constraints and impact fee ordinances, \$969,285 are committed for various capital improvement projects (including \$250,000 unidentified), leaving an unassigned fund deficit of (\$579,297).

The Water Fund ended the year with a net position of \$9,011,993 which was \$79,802 more than the prior year balance of \$8,932,191. Of the total net position balance, \$9,490,971 is invested in property and equipment. This leaves an unrestricted deficit of \$478,978 to be recovered in future periods. This unrestricted deficit is \$10,190 more than the \$468,788 unrestricted deficit as of June 30, 2013. An unexpected major water line repair limited the Water Fund's ability to reduce its unrestricted deficit in fiscal year 2014. \$297,500 of the unrestricted deficit is debt related to the refinancing of the unfunded pension liability. Principal repayments on this debt are not due until November, 2017.

The Sewer Fund ended the year with a net position of \$11,924,327, which was \$239,709 higher than the prior year balance of \$11,684,618. Of the total net position balance, \$11,503,082 is invested in property and equipment. This leaves an unrestricted net position balance of \$421,245, which is \$302,713 higher than the previous year. This increase was due to better than expected septage and leachate fees revenue.

The Parking Fund ended the year with net position of \$290,851, which was \$23,709 lower than the prior year balance of \$314,560. Of the total net position balance, \$325,865 is invested in property and equipment and \$2,417 is restricted for various projects. This leaves a deficit of \$37,431 to be recovered in future periods. Included in this deficit is \$192,500 in debt related to the refinancing of the unfunded pension liability. Principal repayments on this debt are not due until November, 2017. Although parking meter rates were increased in February, parking meter revenue was down due to downtown construction in the summer/fall and a very cold winter.

The District Heat Fund ended the year with net position of \$5,903,151, which was \$2,996,157 higher than the prior year balance of \$2,906,994. Of the total net position balance, \$6,039,542 is invested in property and equipment. This leaves a deficit of \$136,391 to be recovered in future periods. District Heat ran a “mini-system” in FY14 and experienced some one-time start-up costs.

The City’s Fund Balance Policy establishes a goal to achieve positive Unrestricted Net Position for the City’s Water, Sewer and Parking Funds. In FY 14, we reduced the overall deficit in the proprietary funds from \$380,961 to \$95,164. The Sewer Fund continued to improve its unrestricted net position. The Water and Parking Funds had small decreases in their unrestricted net position (small operating losses).

Services to Non-residents Policy

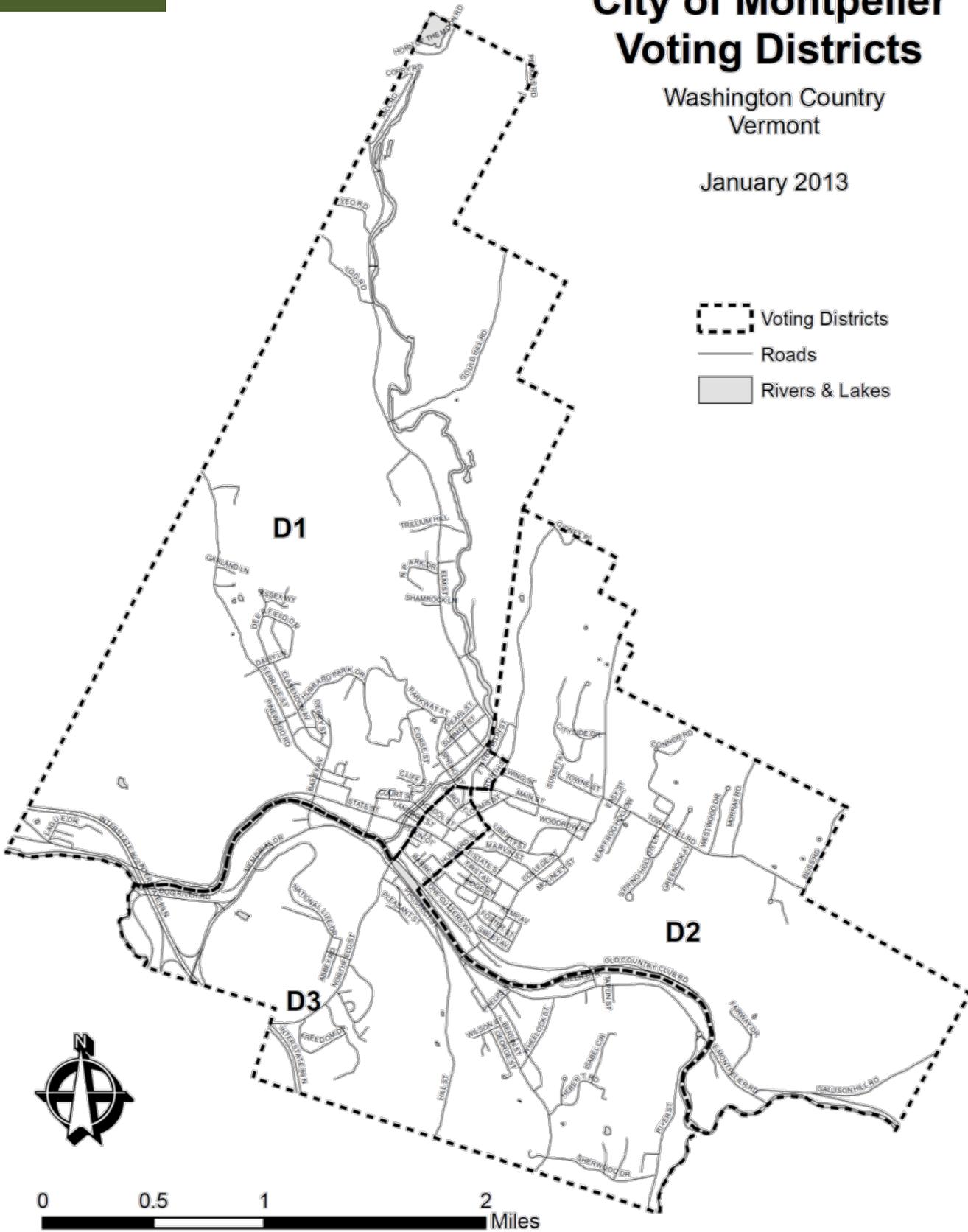
Proposed by Mayor John Hollar
Adopted by City Council on July 18, 2012

"City agencies and non-profit entities that provide services to residents of Montpelier and surrounding towns shall reasonably strive to, as a condition of receiving funds from the City of Montpelier, ensure that per capita costs of services are reasonably apportioned between the City of Montpelier and Montpelier participants, and other communities and non-resident participants."

City of Montpelier Voting Districts

Washington County
Vermont

January 2013





City of Montpelier – Road Map

(Fold Out)