

Agenda Summary

November 22, 2021

Agenda Item No. A-2

Selectboard Policy Regarding Selectboard Meetings – Zoom Room

Summary: The Town of Stowe has invested in Zoom Room technologies, allowing for Town Boards & Commissions to host hybrid meetings with in-person and online participation. Recently, there was a technical issue with the Zoom Room software that made the room inoperable for approximately 24 hours. In working with the installation team, staff have determined that it was an upgrade compatibility issue and have taken steps to prevent this from happening in the future. However, it prompted staff to question how to handle meetings that were warned as hybrid meetings when the Zoom technology fails. This question was posed to the VLCT Municipal Resource Center (see full email attached) who clarified “It’s legal to continue the in-person meetings... but depending on the circumstances... it may not be our recommendation.” They also provided a model script for hybrid public meetings, which states “...there may be technical difficulties or reasons that otherwise prevent or interrupt remote public participation. Therefore, it is important to note that the Open Meeting Law only ensures the public’s right to participate and comment, at a public meeting by attending at the designated physical location as posted in the notice and agenda.”

Staff have incorporated this language into the Selectboard Policy Regarding Selectboard Meetings (see draft attached) to allow the public some notice that while the Town will do its best to provide the hybrid option, in the event of technological issues, the Selectboard reserves the right to continue the meeting for items they deem essential, time-dependent topics. The Selectboard may also table discussions for future meetings in the event of technical difficulties.

Other changes added to the policy include the addition that Selectboard packet materials are now posted on the Town website, and that recordings of the Zoom meetings will be made available on the website.

Town Plan Impact: N/A

Fiscal Impact: N/A

Recommendation: Move to approve the Selectboard Meetings Policy as amended.

Town of Stowe
Selectboard Policy
Regarding Selectboard Meetings

Purpose: To provide guidance in setting the Selectboard agenda, development of packets and participation at meetings.

Section 1. Meetings

In accordance with Section 404 of the Stowe Town Charter, “All meetings shall be open to the public unless, by an affirmative vote of the majority of the members present, the Selectboard shall vote that any particular session shall be an executive session in accordance with 1 VSA 313.

- a. Regular Meetings: Regular meetings of the Selectboard shall be held on the second and fourth Monday of every month at 5:30 pm in the Akeley Memorial Building Memorial Hall, unless otherwise agreed by the Selectboard. If a recognized municipal holiday falls on a regular meeting date, the meeting shall be held on the following Tuesday at the same time and place, unless otherwise agreed by the Selectboard.
- a.b. Stowe Selectboard Meetings will be warned as a hybrid meeting, allowing participation either in person at the Akeley Memorial Building or online via Zoom. The link to the meeting will be included with the meeting agenda and on the Town of Stowe website, www.townofstowevt.org.
- b.c. Special Meetings or Emergency Meetings may be called by the Chair or a majority of the members and warned in accordance with Vermont’s Open Meeting law.

Section 2. Request to be on the Agenda

- a. A member of the Selectboard or other interested party (e.g. citizen, taxpayer) may request to the Town Manager an item to be on a future agenda. It is encouraged the request to be in writing to ensure a common understanding of what is being requested of the Selectboard.
- b. No request to be on an agenda will be unreasonably denied. However, it is recognized that the Manager does not have to schedule it on the next agenda. The Manager may take a reasonable amount of time to allow staff time to perform necessary research. Also, the Manager may spread items out for time management purposes.

Section 3. Agenda

- a. The Town Manager will prepare the draft agenda and receive feedback from the Selectboard Chair prior to forwarding it to the Stowe Reporter. If the Chair is not available and / or not going to run the meeting, the Manager shall obtain feedback from the Vice Chair of the Selectboard.
- b. The Manager may add items to the draft agenda after it has been sent to the Stowe Reporter (e.g. minor items that are timely, emergency items). However, as general rule, unless time is of the essence items that are likely to generate public interest / participation should be included in the warning that appears in the Stowe Reporter.
- c. The Manager may include items on the consent agenda if they are routine in nature and/or not likely to generate public comment. The intent of the consent agenda is to allow items to be part of the public record without unnecessarily taking up time at meetings

(e.g. bid awards), thus allowing more time for public input and deliberations on more substantive policy matters.

- d. At the start of every meeting the Selectboard will adopt the meeting agenda. The Selectboard is free to add or delete items, to move items out of the consent agenda, or to rearrange the items. However, as a general rule, unless time is of the essence, items that are likely to generate public interest / participation should be included in the warning that appears in the Stowe Reporter.

Section 4. Selectboard Packets

- a. The Town Manager will oversee the preparation of a Selectboard packet to be with the goal of delivering it the Friday before a regularly scheduled meeting to all members of the Selectboard. The packet will be posted on the Town website under Selectboard Agendas. The packet shall include an agenda summary for each item. The agenda summary shall include a summary of the item that introduces the item, puts it into context (e.g. town plan impact, fiscal impact), frames the public policy question(s) to be addressed by the Selectboard, and makes a recommendation.
- b. Any interested party (e.g. citizen, property owner) may request their written comment and supporting information to be included in the packet that is associated with an agenda item and the Manager will not unreasonably deny the request, provided it is not redundant or otherwise overwhelming to try to copy and incorporate it. If so, the Manager will advise the Selectboard and the press of its availability for public inspection.

Section 5. Public Participation

- a. Any citizen or other interested parties may communicate verbally or in writing with any member of the Selectboard. However, if it is subject of an agenda item, they should be encouraged to forward any written correspondence to the Town Manager for inclusion in the Selectboard packet and/or be encouraged to attend the public meeting. This will help ensure all of the Selectboard members have the same information for decision making purposes.
- b. Matters involving contracts, legal, real estate and personnel issues should be directed to the Town Manager and be discussed by the Selectboard as a body (unless the Selectboard has authorized a member to act on their behalf).
- c. The public shall be given a reasonable opportunity to express its opinion on matters considered by the Selectboard during the meeting. Any person or party desiring to present evidence, petition Selectboard, or make statements for the Selectboard's consideration shall wait for the scheduled agenda item to be discussed and seek to be recognized by the chairperson. Upon recognition, the person or party shall state their name(s).
- d. The public may raise non-substantive issues during other business (e.g. extend appreciation, raise an issue for future public policy consideration). However, to the degree time is not of the essence, substantive issues requiring research or where others are likely to want to provide input should be warned for a future agenda.
- e. All persons addressing the Selectboard shall present their information and material as concisely as possible in accordance with the rules established by the Chair. After fair warning, if a person or party does not reasonably follow the rules established by the Chair or is otherwise disruptive, the person may be asked to leave by the Chair. If a person does not voluntarily comply, the Chair may call the constable or police to restore order.

f. The Town will strive to provide means for those attending remotely to participate. There may be technical difficulties or reasons that otherwise prevent or interrupt remote public participation. Therefore, it is important to note that the Open Meeting Law only ensures the public's right to participate and comment at a public meeting by attending at the designated physical location as posted in the notice and agenda.

e.g. In the event that the Zoom capabilities are not functioning, the Stowe Selectboard reserves the right to continue the meeting for essential time-dependent business and any other business the Board may need to deliberate and make a decision on. The Board also reserves the right to table any non-essential business to a future meeting at its sole discretion.

Section 6. Quorum

- a. A majority of the Selectboard (three) shall constitute a quorum. Within twenty (20) minutes of the call for any meeting if a quorum is not present, any lesser number present may adjourn the meeting.

Section 7. Chairperson

- a. In accordance with Section 403 (b) of the Stowe Town Charter, "The Chair of the Selectboard or, in his or her absence, the vice-chair, shall preside at all meetings of the Selectboard." The Chair shall be entitled to vote, but shall have no other authority beyond what is afforded to the other members of the Selectboard other than being the ceremonial head of municipal government (e.g. ribbon cuttings, award presentations).

Section 8. Executive Session

- a. In accordance with 1 VSA 313 the Selectboard may enter executive session in accordance with state law. The Town Manager shall be included unless his / her evaluation or other personal matter involving him / her.
- b. The motion(s) to go into executive session must be made during the open portion of a meeting and must get approval of a majority of the members present.

Section 9. Motions

- a. No resolution, rule, regulation, appointment, or formal action shall be considered binding except as taken or made at such open meeting, except as provided under 1 VSA 313 (a) (2) in regard to negotiating or securing real estate purchase options.

Section 10. Voting

- a. No action of the Selectboard shall be valid or binding unless adopted by the affirmative vote of three (3) or more members of the Selectboard in a public meeting. All members of the Selectboard shall vote upon all items of business unless it involves a conflict of interest. The Town Manager shall have the right to participate in any and all discussions for debate by the Selectboard but shall not have the right to vote.

Section 11. Minutes

- a. In accordance with 1 VSA 312 (B) (1), "Minutes shall be taken of all meetings of public bodies. The minutes shall cover all topics and motions that arise at the meeting and give a true indication of the business of the meeting. Minutes shall include at least the following minimal information:
 1. All members of the public body present;
 2. All other active participants at the meeting;

3. All motions, proposals and resolutions made, offered and considered, and what disposition is made of same; and
 4. The results of any votes, with a record of the individual vote of each member if a roll call is taken.
- b. In addition, any Selectboard member may request the privilege of having an abstract of his/her remarks on any subject discussed at the meeting, not to exceed 100 words, entered into the minutes if approved by the Selectboard.
- c. The Town will have as a goal to make recordings of the Zoom meeting available on the Town website within 48 hours of the meeting, but no later than 5 business days. ;

Approved and adopted by the Selectboard August 24, 2015.