



*HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION  
MEMBERS and their STAFF  
REPRESENTATIVES*

Adopted by the Selectboard December 1, 2025

# Table of Contents

<b>ACKNOWLEDGEMENT .....</b>	<b>4</b>
<b>INTRODUCTION.....</b>	<b>5</b>
<b>GOVERNMENTAL ORGANIZATION.....</b>	<b>5</b>
Council – Manager Form of Government .....	5
Selectboard Responsibilities for Boards.....	5
Town Manager Responsibilities for Boards .....	5
<b>BOARDS, COMMISSIONS AND COMMITTEES (PUBLIC BODIES).....</b>	<b>6</b>
Role & Authority.....	6
Advisory vs. Non-advisory .....	6
Other Types of Appointments.....	7
<b>VERMONT STATUTES APPLICABLE TO BOARDS.....</b>	<b>7</b>
Open Meeting Law .....	7
Public Records Law.....	9
Municipal Code of Ethics.....	9
<b>TOWN OF ESSEX POLICIES.....</b>	<b>9</b>
<b>STAFF REPRESENTATIVES.....</b>	<b>10</b>
Staff Representative Duties.....	10
Staff Representative Absence .....	11
<b>GENERAL GUIDELINES.....</b>	<b>11</b>
Annual Organizational Meeting .....	11
Meetings in General.....	12
Administrative Matters .....	16
Annual Expectations.....	17
Types of Meetings and General Actions .....	18
Conduct and Other Policies.....	21
<b>ATTACHMENTS</b>	
<b>A. List of Boards, Committees, Commissions</b>	
<b>B. Stipend Program and Forms</b>	
<b>C. CivicClerk Instructions to Post an Agenda</b>	
<b>D. CivicClerk Instructions to Post Minutes</b>	
<b>E. Hybrid Meeting Tool Kit</b>	
<b>F. CivicClerk Instructions to Post to Selectboard Agenda</b>	
<b>G. Information Collection for Selectboard Requests</b>	
<b>H. Annual Work Plan Template</b>	
<b>I. Open Meeting Law FAQs</b>	

- J. Town of Essex Communications Policy**
- K. Town of Essex Purchasing Policy**

**ACKNOWLEDGEMENT**

As a Town of Essex board, committee or commission member, I acknowledge that I have received and read the Town of Essex *Handbook for Board, Committee & Commission Members and their Staff Representatives*.

Member Signature

Date

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Print Name

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## I. INTRODUCTION

Serving in Town of Essex government is a commitment that calls for volunteered time, work, and ethical conduct. In return, participants can shape Town policy, ensure residents' voices are heard, collaborate with interesting and varied people and partners, and influence the future of our community.

Participation also carries responsibilities. This handbook attempts to provide background information, laws, policies, and guidelines that will help Town staff and volunteers in assuming the responsibilities of working for and volunteering on boards, commissions, and committees (hereinafter referred to as "boards" or "public bodies"). The handbook is also designed to make it as easy as possible for volunteers to enjoy their participation and the experience of serving in Town government.

When appointing members to committees, the Town of Essex is committed to fostering inclusion, diversity, and equity in every aspect of the selection process. The Town recognizes that diverse perspectives enrich decision-making, enhance innovation, and ensure that a broad range of voices and experiences are represented. The Town strives to create equitable opportunities for participation, ensuring that all members feel respected, valued, and empowered to contribute meaningfully. This commitment is fundamental to building effective boards that reflect the community they serve.

## II. GOVERNMENTAL ORGANIZATION

### A. Council-Manager Form of Government

The Town of Essex was incorporated on June 7, 1763, and is governed by a [Town Charter \(24 App. ch. 117\)](#). The Selectboard serves as the Town's legislative body.

Essex operates under a council-manager form of government. For Essex, the "council" is the Selectboard, to which five nonpartisan members are elected "at large," meaning they serve the town as a whole rather than representing wards or districts. Selectboard members serve three-year terms. Selectboard seats have staggered terms and are voted during the annual Town Meeting election each year in March. Each term begins with the first regular meeting in April following the election.

### B. Selectboard Responsibilities for Boards

The Selectboard appoints members to the Town's Planning Commission, Development Review Board, and "such additional commissions as [the Selectboard] feel to be in the best interest of the Town and all other appointive or elective officers authorized by statute" ([24 App. V.S.A. ch. 117, § 208](#)).

The Selectboard also hires the Town Manager. With a few exceptions, the Town Manager is responsible for the hiring, firing, and replacement of Town employees. The Town Manager serves as the liaison between the Selectboard and Town staff.

### C. Town Manager Responsibilities for Boards

The Town Manager is the chief administrative officer for all Town of Essex departments, budgets, and operations. The Town Manager is responsible for the resources of the Town and the general conduct of its business. The Town Manager holds meetings with residents, private groups, and other members of the community to bridge the gap between Selectboard decisions and the day-to-day

administration of local government services ([24 App. V.S.A. ch. 117, subch. 4 & 5](#) and [24 V.S.A. § 1236](#)). The Manager’s responsibilities for boards includes oversight of the staff who support the Town’s various boards.

### **III. BOARDS, COMMISSIONS AND COMMITTEES (PUBLIC BODIES)**

#### **A. Role & Authority**

The members of all committees, commissions, and boards apart from the Board of Civil Authority (which also serves as the Board of Abatement) are appointed by the Selectboard. Members of the Cemetery Commission are appointed by the Town Manager and subject to confirmation by the Selectboard. Essex boards are assigned a staff representative by the Town Manager. The staff representative’s function is to support the work of their respective board within the resources available within the Town for this purpose. Staff representatives report to the Town Manager who, in turn, reports to the Selectboard.

The primary role of boards is to review and make recommendations to the Selectboard on matters within their scope of responsibility and to promote increased public participation in determining Town of Essex policies and program implementation. Quasi-judicial bodies have their own autonomy in certain areas and may also make recommendations to the legislative body, particularly on matters within their area of expertise.

All boards should focus on identified common goals and priorities that benefit the community. Resources that identify those goals include, but are not limited to, the Town Plan, the Selectboard’s values and strategic plans, and other adopted needs assessments and studies.

#### **B. Advisory vs. Non-advisory**

In the context of Vermont’s Open Meeting Law, boards are considered either advisory or non-advisory.

##### **1. ADVISORY BODIES**

Open Meeting Law defines an advisory body as a “public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.” An advisory body advises, which means that it is not the final decision-making authority. The specific role of Town advisory bodies is as a residents’ advisory arm of the Selectboard. On specific matters referred to by the Selectboard, a board serves as a principal reviewing body of the Town. Most decisions, however, are advisory with final disposition made by the Selectboard. The minimum age for advisory board members varies. Please see Attachment A (List of Boards, Committees, Commissions) for a complete list of eligibility requirements for each.

##### **2. NON-ADVISORY BODIES (DECISION-MAKING)**

If a public body has final decision-making authority over any legislative, quasi-judicial, tax, or budgetary matter then it is categorically a non-advisory or decision-making body. Certain decision-making boards such as the Development Review Board may take final action in certain prescribed areas. Non-advisory board members must be at least 18 years of age.

See [Attachment A \(List of Boards, Committees, Commissions\)](#) for a list of Essex’s Advisory and Non-Advisory bodies and the staff representative assigned to each board.

## C. Other Types of Appointments

### 1. ALTERNATES

Alternates for member seats may be appointed at the discretion of the Selectboard and in accordance with Vermont statute. The role of an Alternate is to fill in for an appointed member and can be for various reasons. An Alternate may be directed to sit in for an appointed member if a quorum is needed to conduct business. An Alternate for a Representative of an external board, commission, or committee may be appointed in the event the appointed representative of the Town is unable to attend a meeting. An Alternate may be appointed if an appointed member must take a leave of absence. Not all boards need alternates.

### 2. EX-OFFICIO

The Selectboard may appoint a non-voting ex officio member, including a Selectboard member, to a board if permissible by statute. Ex-officio members are not counted in the meeting quorum. An ex-officio member is someone who serves on a board by virtue of another office or position they hold. Ex-officio members typically serve in an advisory capacity to bring specialized knowledge and expertise to the board, promote diverse perspectives, or foster a sense of continuity.

### 3. EXTERNAL BOARDS WITH ESSEX REPRESENTATIVES

The Selectboard may appoint individuals to represent the Town of Essex on external or regional boards. These boards, their meetings, and policies are not organized or managed by the Town of Essex. Appointed representatives must adhere to requirements, bylaws, and any other policies brought forth by the external/regional board as well as the Town of Essex requirements, bylaws, policies, and procedures when applicable.

## IV. VERMONT STATUTES APPLICABLE TO BOARDS

All boards and staff must adhere to Vermont's [Open Meeting Law](#), [Public Records Law](#), and the [Municipal Code of Ethics](#). While the rest of this Handbook will establish expectations for how Essex boards and their staff representatives operate, adherence to Vermont law is crucial. The most important components of those laws are highlighted in this section, and volunteers are encouraged to review the laws in full.

### A. Open Meeting Law

Every municipal board must comply with the [Vermont Open Meeting Law \(1 V.S.A. § 310 – 314\)](#). As described by the Vermont League of Cities and Towns, "The Law applies when there is (1) a quorum of a public body; (2) involved in a discussion or taking action; and (3) the subject matter of the discussion is one over which the body has authority or responsibility."

#### 1. OPEN MEETING LAW HIGHLIGHTS

- Posting agendas on the Town website and at the Town Offices and two other locations in Essex. The Town posts agendas at Essex Free Library (1 Browns River Rd.) and the Public Works Administrative Building (5 Jericho Rd.). Agendas MUST be posted at least 48 hours before a regular public meeting. When additional postings are required, such as for certain public hearings, agendas should be posted at the U.S. Post Office (22 Essex Way) and the bulletin board at the Essex Experience (21 Essex Way).
- Open Meeting Law requires decision-making bodies provide a physical location, hold

hybrid meetings, and post recordings in a designated location for at least 30 days after the posting of minutes for regular and special meetings. If a meeting is warned as a hybrid meeting, it must be a hybrid meeting, or it must be rescheduled.

- Draft minutes of a meeting must be posted to the Town website within five calendar days of a meeting.
- Business of a board can only be conducted at a publicly warned meeting, with a quorum of members present. Discussion of board business must happen at public meetings. Exceptions include executive sessions, deliberations, certain site inspections, scheduling meetings, distributing materials, training programs, media events, and non-business gatherings. The law does not prevent a quorum of a board from being in the same place, for instance, if board members are attending a training or meeting in a social setting, provided the members are not discussing business.
- Local chairs of legislative bodies and municipal managers are required to participate in an annual [Open Meeting Law training by the Secretary of State](#). Completion of this training shall be reported to the Manager's Office at [manager@essex.org](mailto:manager@essex.org).

## 2. TOWN REQUIREMENTS

To support accessibility, accountability, and transparency, the Town of Essex requires all boards to hold all regular and special meetings as hybrid meetings (including boards that are advisory and do not make decisions). This means that all regular and special meetings shall include a designated physical meeting location and a designated electronic meeting platform. Exceptions are considered on a case-by-case basis by the Deputy Manager or Town Manager. All meetings must be recorded with the exception of site visits or field visits.

## 3. ENFORCEMENT

The State's Attorney General or any person aggrieved by a violation of Open Meeting Law may provide the public body with a written notice of an alleged violation. The Town website provides an [online complaint form](#). Upon receipt of a notice, the board must respond publicly within 10 calendar days. The public body must either acknowledge the violation and state an intent to cure the violation within 14 calendar days, or state that the board determines no violation has occurred and therefore no cure is necessary. A failure to respond within 10 calendar days is treated as a denial of the violation.

Within 14 calendar days after a board acknowledges a violation, the board must cure the violation at an open meeting by:

- a) Either ratifying, or declaring as void, any action taken at or resulting from a meeting that was not noticed in accordance with the Law; or a meeting that a person or the public was wrongfully excluded from attending; or an executive session or portion thereof that was not authorized under the Law; and
- b) Adopting specific measures that prevent future violations ([1 V.S.A. § 314\(b\)\(4\)](#)).

## 4. INADVERTENT VIOLATION OF OPEN MEETING LAW

If a public body discovers an inadvertent violation on its own such as that an open meeting was not properly warned, the board should include an agenda item at the next meeting for discussion of the potential inadvertent violation. At that point the board can acknowledge the violation and adopt measures to address the violation at the meeting or another duly warned meeting within 14 days. A cure shall be geared toward addressing the 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.

Additional resources and quick reference documents are provided in [Attachment I \(Open Meeting and Public Records Laws Quick Guide and FAQs\)](#).

## **B. Public Records Law**

The Town of Essex must follow [Public Records Law \(1 V.S.A. § 315 - 320\)](#), which provides for free and open examination of records. Any person has the right to request inspection or copying of a public record. The definition of a “public record” is broad and includes “any written or recorded information, regardless of physical form or characteristics,” which is produced or acquired in the course of municipal business. As a municipal officer, even text messages sent and received on a personal cell phone or computer are considered a public record if the content is produced while in an official capacity as a member of a board.

Additional resources and quick reference documents are provided in [Attachment I \(Open Meeting and Public Records Laws Quick Guide and FAQs\)](#).

## **C. Municipal Code of Ethics**

The Vermont State Ethics Commission requires municipalities to adhere to the [Municipal Code of Ethics \(24 V.S.A. ch. 60\)](#). In addition to the law, all members of Essex boards and representatives of the Town of Essex on external/regional boards have a duty to follow Town of Essex policies regarding conflict of interest and ethics, which include, but are not limited to:

- Avoid conflicts of interest or the appearance of a conflict of interest. If confronted by a potential conflict, a member shall recuse themselves from the matter and make a public statement for the record explaining the reason for recusal, unless otherwise permitted by statute to participate.
- Act impartially and not unduly favor or prejudice any person in the course of conducting official business.
- Do not misuse a position for personal or financial gain of the member or the member’s immediate family/household.
- Do not misuse information provided during meetings and keep confidential documents private. Do not share.

## **V. TOWN OF ESSEX POLICIES**

In addition to Vermont statutes, the Selectboard adopts policies that apply to the operations of the Town’s boards. Except for specific exemptions, all Essex boards must adhere to Town policies adopted by the Selectboard. Applicable policies are listed here and provided as attachments; policies and procedures that are specific to certain boards are listed with the appendix materials for those boards.

Volunteers and staff shall familiarize themselves with the following policies:

- Communications Policy – Attachment J
- Purchasing Policy – Attachment K

Boards are strongly encouraged to adopt and amend their own operating procedures, provided those procedures are in keeping with Vermont statute. Boards are encouraged to use the Selectboard’s [Rules and Regulations for Orderly Conduct of Business](#) as a model. If boards do not

adopt their own operating procedures, the Town of Essex recommends using the Vermont League of Cities and Towns' Model Rules of Procedure for Municipal Public Bodies or Robert's Rule of Order. A [full list of Town of Essex policies](#) is on the Town website.

## **VI. STAFF REPRESENTATIVES**

Staff support means facilitating operations for the boards and supporting the work of those boards. Staff representatives have a limited amount of time to support their board's work. Some staff representatives support numerous boards in addition to their other job responsibilities.

### **A. Staff Representative Duties**

Staff duties primarily include, but are not limited to, the following:

- Onboarding new members (reviewing the mission of the board and ongoing work, offering the stipend form, reviewing highlights and key points of Open Meeting Law and Public Records Law, etc.). The Chair of the board should attend onboarding meetings with new members.
- Collaborating with the Board Chair to develop meeting agendas and ensure that the items can be covered within a reasonable timeframe, respecting the availability of all members and staff involved.
- Setting up and operating hybrid meetings using Town-licensed software and equipment.
- Ensuring that minutes are posted online within statutory timeframes (board members are encouraged to draft minutes and send them to staff for posting).
- Ensuring boards adhere to an annual schedule, such as holding an organizational meeting, creating an annual work plan, and writing an annual report.
- Providing information and recommendations to the boards to support the board's work and decisions, typically in the form of memorandums or staff reports. Information and recommendations can also be made during discussion at board meetings. Staff will make recommendations; boards can take action that may or may not follow the recommendations of staff.
- Facilitating the logistics of communication between boards and the Selectboard and/or Manager's Office that could include adding board correspondence to meeting packets, scheduling annual check-ins with the Selectboard, or setting up meetings with the Manager.
- Reviewing and supporting work products such as special events, grant applications, policies, contract proposals, etc. and protecting all document storage using Town-licensed software and applications.
- Storing and managing board documents and materials on Town-licensed software and applications that includes, but are not limited to, surveys, forms, guidelines, policies, and meeting documents.
- Notifying the Manager's Office of any changes to board membership, e.g., resignations; and if necessary, securing access to buildings and licensed software by notifying the IT Department.
- Maintain and update the board's webpage.

Boards shall not become involved in the administrative or operational matters of Town departments unless specifically provided in their prescribed powers and duties, or unless authorized by the Town Manager. Town staff are assigned to furnish general staff assistance. Staff are aware of their responsibilities, and board members should be aware of the time involved on the part of staff in preparing studies and reports requested. Boards and staff representatives are expected to work

together to develop annual work plans that fit within departmental capacity and meet the goals of the board – which may be guided by the Selectboard and documents such as the Town Plan, needs assessments, studies, and more. Departments may need to support work that involves financial decisions, policy recommendations to the Selectboard, permitting, insurance-related questions, and more. Boards and staff should work together to understand the roles each play on individual work plans to ensure adequate capacity exists.

If confusion or disagreement develops between a staff representative and a board, individuals shall make every attempt to clarify differences and make certain that clear communication is taking place. If differences cannot be resolved by this method, the staff person's department head shall be consulted to resolve the matter. If the matter cannot be resolved at that level, the Deputy Town Manager or Town Manager shall be consulted.

## **B. Staff Representative Absence**

Instances may arise when a staff representative is unexpectedly unable to attend a warned meeting, such as in the case of an illness or family emergency. If special circumstances arise that prevent a staff representative from being able to operate a hybrid meeting for their board, the staff representative should attempt to find a co-worker to cover the meeting. If no staff are available, the staff representative should consult with the Chair to ensure a board member will be present at the warned physical location (with entrance credentials if necessary and able to obtain in time) and can operate the hybrid meeting after a staff person with Town-licensed credentials has started the meeting. If the staff representative determines that there are issues with the meeting location or hybrid meeting equipment or connection, the meeting will be canceled, and the staff representative and Chair shall coordinate to reschedule the meeting. If a meeting is warned as a hybrid meeting, it must be a hybrid meeting, or it must be rescheduled.

In accordance to the Town of Essex Electronic Communications and Computer Use Policy, under no circumstances shall usernames or passwords for Town-licensed software be shared.

## **VII. GENERAL GUIDELINES**

### **A. Annual Organizational Meeting**

#### **1. OFFICERS**

All boards shall hold an annual election for the Chair and Vice Chair at each board's annual organizational meeting. The public body may choose to elect a Clerk to take minutes or take care of other communication and documentation on behalf of the board.

The organizational meeting shall be held at the first meeting after new terms take effect. To hold the election, the staff representative for the meeting shall call the meeting to order and accept any nominations for Chair. All nominations shall be made before a vote, and votes must be taken in the order of the nominations. If the first vote elects a Chair, there is no need to hold subsequent votes. The Chair then takes control of the meeting and asks for nominations for Vice Chair.

The Chair is the key to the entire board process and is the hub of the action. The Chair must balance being assertive enough to make certain that the meeting runs by the rules, but democratic enough to use the power and authority of the position wisely. The Chair administers the agenda, keeps board members focused on the issue at hand, and ensures

the meeting finishes on time. A Chair should state the question, ask for discussion, field motions, and bring the board to resolution after discussion.

The Chair's ability to handle meetings will have a significant impact on morale, operation, and effectiveness. The Chair must make certain that discussions do not get sidetracked on minor issues and must have the ability to see the "whole picture". The most important part of being Chair lies in the ability to find common ground and in achieving a compromise, if appropriate. Last, but far from least, the Chair must be able to represent the entire board to the Selectboard and community groups.

If the Chair is not in attendance or steps down from their role, the Vice Chair shall assume the responsibilities of the Chair.

If an officer vacates their position, the board may nominate and vote on a new officer at the first meeting following the date of vacancy.

## 2. APPROVAL OF POLICIES

The board shall review relevant policies and procedures annually at the organizational meeting and approve any necessary changes, if authorized to do so.

## 3. MEETING SCHEDULE

A meeting schedule for the year shall be approved by the members at the organizational meeting. The schedule shall accommodate the best meeting time for the board and staff representative, including the availability of a location(s) to meet.

# B. Meetings in General

## 1. AGENDA

Each meeting shall have an agenda listing the time and place, the type of meeting and the items to be discussed or acted on. Items listed on the agenda shall be worded to give warning of the scope of the issue and shall not be vague, deceptive or overly limiting.

Any person may request that a new item be placed on the regular meeting agenda by informing the staff representative by noon two days before the agenda is published; exceptions may be permitted for special meetings. Each board and its staff representative shall have discretion as to when an agenda is published, provided the publication date meets the minimum requirements of Open Meeting Law. The staff representative will collaborate with the board Chair on which items to include on the agenda. This rule shall not apply to old business already acted upon, tabled, or tabled to a specific time without the consent of the board.

Board members may contact the staff representative to add items to the agenda by noon two days before the agenda is published; exceptions may be permitted for special meetings. The staff representative will review and clarify any items of concern prior to posting the agenda on the Town website using the instructions in [Attachment C \(CivicClerk Instructions to Post an Agenda\)](#). Meeting agendas, minutes and other records must comply with Vermont's Open Meeting Law ([1 V.S.A. §§310-314](#)) and Public Records Law ([1 V.S.A. § 312\(a\)](#)).

After a meeting is called to order, board members or the staff representative may ask for an amended agenda based on new information when delay would not be in the best interest of

the Town of Essex. The agenda may be amended by a quorum of the board.

## 2. ORDER OF BUSINESS

All meetings of public bodies shall be open to the public, except as provided by statute for executive sessions ([1 V.S.A. §313](#)) and deliberative sessions. Open Meeting Law requires meeting agendas to include sufficient details on the specific business to be discussed and details on proposed executive session, if included. Business of the boards shall be taken up for consideration and disposition in the following order:

- Call to Order
- Agenda Additions/Changes
- Approve Agenda
- Public to be Heard on Consent items and items not on Agenda
- Consent Items (optional)
- Business Items (those requiring public hearings held first; “Business” can include discussion-only items that do not require action)
- Reading File (optional)
- Proposed Executive Session (if needed)
- Deliberative Session (if needed, and allowed for certain boards)
- Adjourn

## 3. CONSENT ITEMS

The consent agenda is designed to contain items that need approval and are of a routine and non-controversial nature, including, but not limited to the following: minutes, staff reports, action items discussed in detail previously that await a final vote, updates, etc. All items on the consent agenda, unless removed either by request of a board member or by request of a member of the public and concurred by the entire board, are approved by a single motion and vote.

Because adoption of any item on the consent agenda implies unanimous consent, any member of the board shall have the right to remove any item from the consent agenda. Therefore, at the time of Agenda approval or prior to the vote on the motion to adopt the consent items, the presiding officer shall inquire if any board member, or any member of the public with concurrence of the board, wishes an item to be withdrawn from the consent agenda. If an item is withdrawn, it shall be placed at an appropriate place on the agenda for the current or future meeting. An example of this would be if a board member would like to suggest a change in the draft minutes. The item to approve minutes could be added to the Business section for discussion and a motion and vote to amend.

If the approval of minutes typically requires discussion, a board may decide to place the approval in the business section rather than as a consent item. Boards may decide to forego the Consent Agenda.

## 4. CHANGING AN AGENDA

A board may table or otherwise postpone an item on its meeting agenda, as in situations where additional information is needed before a decision can be made. Other adjustments to an agenda, such as changing the order of items, may be made any time during the meeting. There are more stringent standards for adding items to an agenda. Open Meeting Law states that an item may be added or removed from a meeting agenda as the first order of business at that meeting. This shall not be construed to give a board free rein to alter a

meeting agenda at the last minute. Items should only be added to the agenda when necessary to deal with an unforeseen occurrence or condition requiring immediate action. In all other cases, an item that has not been listed on a posted agenda should not be discussed as a last-minute addition and should instead be placed on the next meeting agenda or, if necessary, call a duly noticed special meeting to address the item.

#### 5. PUBLIC PARTICIPATION

At an open meeting, the public shall be given a reasonable opportunity to express their opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment is subject to reasonable rules established by the Chair or by quasi-judicial procedures. The Chair may ask those who participate to provide their name and residence for the minutes of the meeting, but the participant is not required to answer. The exception to this is for interested persons taking part in a quasi-judicial proceeding. The definition of "interested persons" can vary depending on the context but generally includes individuals who have a legal interest of record in the property affected by a decision or are affected by a proposed action.

#### 6. MINUTES

It shall be the responsibility of the individual board, or staff if assigned, to record and maintain minutes for all meetings. These minutes should be a summary – not a verbatim transcript – that briefly describes the issues and actions taken. The synopsis should include all pertinent and important content. Minority opinions of members may also be recorded in the minutes. Comments by all members on every agenda item cannot practically be included in the minutes.

Members abstaining from a discussion or vote for legal conflict of interest requirements are required to state their reason in the minutes. Certain issues may require more detailed minutes as considered necessary by the members.

By Vermont statute ([1 V.S.A. § 312\(b\)\(1\)](#)), minutes shall include the following, at minimum:

- a) all members of the public body present
- b) all other active participants in the meeting
- c) all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same
- d) the results of any votes, with a record of the individual vote of each member if a roll call is taken

The staff representative must post a draft version of the minutes on the Town website within five (5) calendar days (including holidays and weekends) of a meeting in accordance with Vermont's Open Meeting Laws. See [Attachment D \(CivicClerk Instructions to Post Minutes\)](#). Any board member taking minutes shall submit a draft to their staff representative with enough time for the representative to post the minutes by the statutory deadline.

Nothing in the Open Meeting Law requires any official finalization, correction, or approval action of minutes by the public body. Since there is no law on the subject it is up to each board to decide whether and how it will deal with corrections, approvals, etc. Many public bodies make it a practice to create a set of minutes labeled "draft" or "unapproved" and

subsequently “approve” those minutes, with any corrections, at a subsequent meeting. This is done as an acknowledgement that the body has read the draft minutes and agreed that they accurately reflect what took place at the meeting.

#### 7. QUORUM

The presence of a majority of the board membership shall constitute a quorum for conducting business. A regular meeting may not be opened without a quorum present.

A quorum of members must not meet to conduct business without a properly warned agenda. A discussion of topics considered the business of the board is a violation of the Open Meeting Law if a quorum of members is present and an agenda has not been warned for the public to attend. “Business” means the public body’s governmental functions, including any matter over which the public body has supervision, control, jurisdiction, or advisory power. “Conducting” includes corresponding by email, texting, or any other type of communication between members. It is permissible for a majority of members to discuss a meeting schedule, attend a public event or private social event, distribute materials, or meet to discuss any other matters that are not related to business.

#### 8. HYBRID MEETINGS AND RECORDING

Hybrid meetings include both a designated physical meeting location and a designated electronic meeting platform that includes access to meet by telephone. All boards of the Town of Essex (advisory and non-advisory) are required to provide in-person and online access to meetings whenever possible and to electronically record their meetings during open sessions. The recording requirement does not apply to gatherings of a public body for purposes of a site inspection or field visit. The Town of Essex does not permit entirely virtual or entirely in-person meetings, unless approved by the Town Manager. Recordings are uploaded to the Town of Essex YouTube Channel by the administrative staff of the Manager’s Office or the Community Development Department.

If a board member participates in a meeting electronically, they must identify themselves when the meeting is convened and must be able to hear and be heard throughout the meeting. Any vote that is not unanimous that occurs at the meeting where a member is participating remotely must be taken by roll call ([1 V.S.A. § 312\(a\)\(2\)](#)).

#### 9. MISSED RECORDINGS AND TECHNICAL ISSUES

It is important to note that while the Open Meeting Law does not require that the public be guaranteed a method to remotely connect and participate in its meetings, the public will expect to have full access via remote means if a hybrid meeting is warned. Therefore, if remote public access is provided, boards shall attempt to provide remote attendees with the same type of access to their meetings that all in-person attendees are entitled to under the law. This could mean that a meeting may need to be continued to a later date and time if there are technical issues which are attributable to the Town. If a meeting is warned as a hybrid meeting, it must be a hybrid meeting, or it must be rescheduled.

If it is discovered that a meeting was not recorded properly or was missed, it is treated as an inadvertent Open Meeting Law violation for non-advisory boards only. An inadvertent violation must be cured within 14 calendar days after a public body acknowledges an inadvertent violation. An inadvertent violation is cured when the public body either ratifies or declares a meeting was not properly recorded. The public body shall include an agenda item for discussion of the missed recording as a potential inadvertent Open Meeting Law

violation. At that point, the public body can acknowledge or refute the violation. If acknowledged they must cure and adopt measures to address the violation at that meeting or another duly warned meeting within 14 days.

For advisory boards, a missed recording is not an Open Meeting Law violation, but measures shall be taken to avoid future mishaps.

#### 10. WORK SESSIONS

Work sessions may be requested from time to time by a public body to complete specific policy or budget work, for example. If a quorum exists during a work session, the same laws and protocols of a regular meeting must be followed.

#### 11. SUBCOMMITTEES AND WORKING GROUPS

Per Vermont Statute ([1 V.S.A. § 310\(6\)](#)), official subcommittees of a public body are subject to Vermont's Open Meeting Law, even when the subcommittee is made up of less than a quorum of the public body. Informal working groups can meet to conduct work provided the group has less than a quorum and any action is taken at a warned meeting of the public body.

#### 12. REQUESTS FOR ACCESS

All requests for services shall be submitted to the Town's ADA Coordinator (Karen Adams, Deputy Manager) at least 48 hours prior to a meeting, whenever possible. The Town of Essex may have more difficulty in providing accommodations requested with less than a 48-hour notice. Contact the ADA Coordinator at the Town Offices at 81 Main Street, by email at [manager@essex.org](mailto:manager@essex.org) or by phone at (802) 878-1341.

### C. Administrative Matters

#### 1. COMMUNICATION WITH THE SELECTBOARD

Official communications from a volunteer board to the Selectboard shall be made by memoranda, including all rationale, for inclusion as Selectboard agenda items. All recommendations seeking funding should include a suggested funding source.

When a member is presenting at a Selectboard meeting on behalf of their board, the member shall represent the viewpoint of the board as a whole (not a personal opinion), unless a proper qualification is made. This expectation does not preclude members from speaking to the Selectboard as individual residents. Members are expected, however, to specify if they are speaking as a resident or as a member of a board.

All materials to be presented to the Selectboard shall be added to the Selectboard agenda by the staff representative for the board. Staff representatives may use [Attachment F \(CivicClerk Instructions to Post to Selectboard Agenda\)](#) as guidance for uploading documents. Selectboard agenda items are reviewed by the Town Manager prior to final approval for the Selectboard agenda. The Deputy Manager or Town Manager may request additional information prior to approving an item for the Selectboard agenda. To properly prepare documents, the board may want to use [Attachment G \(Information Collection for Selectboard Requests\)](#), as guidance to supply the Town Manager and Selectboard with as many details as possible.

#### 2. BOARD DOCUMENTS AND MATERIALS

All documents and materials used for conducting board business are considered public

records and as such shall be stored and managed on Town of Essex licensed software and applications by the staff representatives for each board. This includes, but is not limited to, surveys, forms, guidelines, policies, and meeting documents.

3. EXPENSES AND REIMBURSEMENTS

Expenses incurred by board members must be approved by the Staff Representative in accordance with the Town's Purchasing Policy prior to when expenditure is made. Miscellaneous expenses incidental to board business must be documented in detail and submitted to the Staff Representative for payment or reimbursement in accordance with town policies. Note that sufficient notice for advance payments is required.

## D. Annual Expectations

This section details the general expectations of boards throughout a fiscal year, which runs from July 1 to June 30. In addition to a quarterly schedule, boards will conduct other business as needed and may schedule or attend work sessions or public events.

The schedule is intended as a guideline and specifics may vary depending on the board. For instance, the Selectboard holds its Reorganization Meeting at its first meeting in April.

1. JULY – SEPTEMBER (FIRST QUARTER)

a) Reorganization Meeting

The staff representative opens the first meeting and asks for nominations for Chair. The board holds a vote for any nominations, taking them in the order received. If the first vote is successful, that person becomes Chair.

The Chair then takes over the meeting and asks for nominations of Vice Chair. Once the Vice Chair is elected, the Chair asks for nominations for Clerk.

The Reorganization meeting should also consider approval or adoption of any operating documents, such as Rules and Regulations for Orderly Operation of Meetings, or Operating Procedures.

b) Annual Work Plan

Boards shall set an annual work plan within the first fiscal quarter (July to September). Work plans should be manageable and achievable based on the availability and capacity of the staff representative and the board. In addition to the goals of individual board members, work plans should be informed by the Town Plan, the Selectboard's annual work plan, statutory obligations, mission statements of the boards, and other relevant plans and reports. See Attachment H (Annual Work Plan Template).

c) Budget Recommendations

The Town of Essex prepares its operating budget on a fiscal year basis. Boards are encouraged to annually review and comment on department programs and capital projects that may be related to their scope of interest. This evaluation is intended to focus attention on the overall program and service priorities and board objectives and is not intended to be an evaluation of the administration or operation of Town departments.

Boards may consider making budgetary requests to the Selectboard for the following fiscal year. Staff representatives should relay any budgetary requests to their

department head and/or Town Manager by the end of September, depending on the budget schedule for that year. Staff representatives should confirm deadlines for budgetary requests if the board considers submitting a budget recommendation.

2. OCTOBER – DECEMBER (SECOND QUARTER)

a) Selectboard check-in

A representative from the board will be invited to attend a Selectboard meeting to check in: e.g., present and discuss the annual work plan, explain any budget requests, ask for any support or direction from the Selectboard, etc.

3. JANUARY – MARCH (THIRD QUARTER)

a) Annual report

The board shall provide a 1- to 2-page summary of the past calendar year's activities for the annual town report, due in January.

b) Town Showcase

The board should plan to have a representative(s) at the annual Town Showcase, held on the evening of the Informational Town Meeting (typically the night before Town Meeting Day). This is an opportunity to connect with and inform residents of the work being done by the board, to ask residents questions that may aid in future decisions, and to recruit new members.

4. APRIL – JUNE (FOURTH QUARTER)

a) Board Breakfast

The Selectboard Chair and Vice Chair will invite the Chair and Vice Chair of each board to a breakfast to discuss ideas, hear about the past year, see what is working well and what could be improved, and more. This is also an opportunity to talk about crossover initiatives with other boards and discover opportunities to collaborate, share, coordinate public outreach plans, and more.

b) Expiring terms

Member seats that are about to expire will be advertised by the Town administrative staff. All candidates, including incumbents, will need to apply to fill the seat for the upcoming term, and will interview with the Selectboard.

## **E. Types of Meetings and General Actions**

1. PUBLIC MEETING (REGULAR MEETING)

In the State of Vermont all meetings of governmental bodies, including Selectboard and all boards, commissions and committees at which decisions are going to be made, are public meetings. Regular meetings are held on a regularly scheduled basis, at a specific time and place, or if held at some other time or some other place, an announcement of the time and place of meeting is given to the public beforehand. At a public meeting, all persons may attend the meeting and observe. There is, however, no right of the public to participate in the course of a public meeting nor to comment on the subject matter being considered by the governmental body. Note that while there is no right for the public to participate during public meetings, Vermont's Open Meeting Law requires a reasonable opportunity for public comment during meetings. Public comment may be subject to reasonable rules established by the Chair.

Regular public meeting agendas must be posted 48 hours in advance and must be posted in or near the municipal office and in at least two other designated places in the municipality or a neighboring municipality.

Suggested locations include:

- a) Town Office building (81 Main St., Essex Junction)
- b) Essex Free Library (1 Browns River Rd.)
- c) Public Works Office (5 Jericho Rd.)
- d) U.S. Post Office (22 Essex Way)
- e) The Essex Experience kiosk (21 Essex Way)

## 2. PUBLIC HEARING

At a public hearing, as distinguished from a public meeting, any member of the public in attendance who may be affected by the subject matter under consideration, or the decision to be made, has a right to speak and a right to be heard.

The governing public body holding the public hearing may establish rules of procedure for the orderly conduct of the hearing. These rules may include limiting the time allowed for public presentation, so long as they are reasonable and fair in operation.

Public notice that a public hearing will be held at a certain time and in a certain place must be given before the actual date of the public hearing, even when the public hearing will be held as part of a regular scheduled public meeting. Warning requirements vary depending on the subject of the public hearing. Staff should consult the appropriate resources to determine the requirements.

The governing public body will not make its actual decision during the course of the public hearing, or public participation phase, but will first close the public hearing and then take up their own decision making as a part of the public meeting, or at some later public meeting, or when permissible, at a deliberative session.

For a public hearing at which there is an applicant or appellant, it is recommended that the applicant/appellant be allowed to speak first without a time limit, unless otherwise agreed upon by the members. Following the presentation by the applicant or appellant, additional speakers should be allowed to speak in a random order, depending upon the number of speakers and the degree of interest in the issue.

## 3. SPECIAL MEETING

A board may warn a special meeting when it deems it necessary. A special meeting occurs when a board meets at a time or place outside of its regular meeting schedule. The law imposes different requirements for notices and agendas depending on the type of meeting that is being held. A special meeting requires a posted agenda 24 hours in advance of the meeting. Notices of special meetings shall be posted in or near the Town Clerk's office and in at least two other locations that are typically used for regular meetings.

## 4. EMERGENCY MEETING

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\(c\)\(3\)](#)).

#### 5. EXECUTIVE SESSION

An executive session is a closed portion of a public meeting from which the public is excluded and allows a public body to discuss sensitive matters that require discretion. No public body may hold or conclude an executive session from which the public is excluded, except by the affirmative vote of a majority of its members present. Appropriate topics for executive session are limited and defined in the laws referenced below. A motion to go into the executive session shall indicate the nature of the business and no other matter may be considered while in the executive session. Such vote must be taken during the course of an open meeting and recorded in the minutes. An example of such a motion would be, *"I move that the [Board Name] enter into executive session to discuss [specific reason for executive session] pursuant to [relevant state statute or legal authority allowing for the closed session]."* No formal or binding action shall be taken in executive session except for actions relating to securing certain real estate options, as described by the law in [1 V.S.A. § 313](#). If desired, the board may include other members of the public to participate in the executive session such as staff or legal counsel and shall make that clear in the motion.

The law requires decisions to be made in public. Executive sessions do not need to be warned/noticed separately but shall be listed on the meeting agenda with sufficient details to indicate the nature of the business of the executive session. Executive sessions do not require the taking of minutes.

#### 6. 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. Examples include tax appeal hearings before the board of civil authority; vicious dog hearings and employment termination hearings before the Selectboard; and zoning and subdivision hearings before the Development Review Board. Deliberative sessions are limited to quasi-judicial proceedings and do not apply simply because the public body wants time to deliberate in private.

The law allows a public body to make a decision in a deliberative session so long as the decision is issued in writing and is a public record. Deliberative sessions do not need to be warned/noticed, do not need an agenda or need to be open to the public, and do not require the taking of minutes.

#### 7. LEGAL ASSISTANCE

Some boards require the assistance of the Town Attorney. When there is doubt concerning the legality of an issue, the board members or staff representative may request that the Attorney be called upon to advise members as to the legality of the proposed action. Any action should be postponed until the legal opinion is rendered. If necessary, a hearing or matter may need to be tabled or continued until clarification is provided by counsel.

The staff representative for the board must obtain permission from the Town Manager prior to seeking an opinion from the Town Attorney. The Vermont League of Cities and Towns offers free legal consultation and may be consulted by a staff representative without Town

Manager approval.

## **F. Conduct and Other Policies**

### **1. PUBLIC APPEARANCES OF MEMBERS**

When a board member appears in a non-official, non-representative capacity before any public or private body, the member shall speak only as an individual and not as a member of a board. If a question of membership arises, the member shall indicate that they are speaking only as an individual. Representation of official Town policy or proposals, unless otherwise determined, shall be left to members of the Selectboard (via the Chair) or the Town Manager. See Attachment J (Communications Policy) for protocols.

Board members should be aware if their presence at other meetings could influence outcomes and provide undue influence.

### **2. RESPONSIBILITIES OF MEMBERS**

Being appointed as a board member provides an opportunity for genuine public service. Although specific duties of each vary widely with the purpose for which they are formed, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities.

- a) Understand the role and scope of responsibility. Be informed of the individual public body's scope of responsibility and operating procedures.
- b) All public and press communications by board members shall reflect the collective position of the board. Members are discouraged from offering personal opinions on board-related matters; however, if such opinions are offered, they must be expressly identified as individual viewpoints and not those of the board.
- c) Members shall represent the public interest and not special interest groups.
- d) Members are in a unique position of serving as a liaison between the Town and its residents and can help to reconcile contradictory viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link between the community, staff, and Town, presenting Town programs and recommendations and providing a channel for resident expression.
- e) Do your homework and be thorough in recommendations to your board and the Selectboard. View items under consideration prior to the meeting and be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on careful preparation will strengthen the value of the board's recommendations.
- f) Supportive relationships with the Selectboard and Town staff are important for the successful operation of any public body. In contacting Town personnel on items of consideration, the proper channel is through the designated Staff Representative providing support to your board.
- g) Establish a good working relationship with fellow board members. Respect individual viewpoints, allow other members time to present their views fully before making comments, be open and honest, welcome new members, and strive to minimize political action on issues.
- h) Selectboard appointments to commissions are made without regard to political party affiliation. Members are not restricted from participating in political activities; however, members shall not use or involve their membership in the conduct of political activities, unless the member is running for office and speaking about their membership on a board.

### 3. ATTENDANCE REQUIREMENTS FOR MEMBERS

The Town of Essex charter requires Selectboard members to attend at least half of the meetings in a given year. Members of other boards shall also attend at least half of the meetings in a given year and may choose to adopt stricter attendance requirements.

### 4. APPOINTMENT POLICIES AND PROCEDURES

All appointments and replacements require formal action of the Selectboard, except for any elected boards.

Vacant positions on board are advertised on the [Town's web page](#) and with the Town's social media outlets for a minimum of 30 days to allow those interested in membership to apply. The Selectboard can waive the 30-day posting requirement.

Any person desiring to be considered for appointment to any Town board, including incumbent members, shall complete an application form stating the public body on which the person desires to serve. Applications shall be received by the Manager's Office where the originals will be retained and a copy distributed to all members of the Selectboard.

Applicants are invited to a regularly scheduled Selectboard meeting to interview. At the interview applicants can provide a statement to the Selectboard and answer questions concerning their reasons for wanting to participate. This is also an opportunity for applicants to ask questions about serving.

In the interest of furthering efforts for public engagement and inclusivity, and to encourage community members with diverse backgrounds, experience, opinions, and ideas, the Selectboard advertises seats that have expiring terms. All applicants for upcoming expiring seats will be interviewed by the Selectboard. Advertising all openings, rather than automatically reappointing incumbents, provides a higher level of transparency and accountability and invites more members of the community to participate in local government.

Volunteers who have expiring terms are encouraged to reapply for another term. Volunteers who offer their time to serve on boards, commissions and committees are invaluable to supporting activities and decisions for the entire town.

### 5. REMOVAL OF MEMBERS

Unless ruled by statute, membership policy, or other bona fide operating document (see Attachment A for policies, rules, or guidelines pertaining to each board), board members appointed by the Selectboard may be removed by the Selectboard at its discretion. Grounds for removal may include excessive absences or conduct detrimental to the board's objectives.

The following steps shall be taken if a board recognizes a problem with a member of its board:

- a) The Chair or Vice-Chair shall seek resolution to the issue.
- b) If unresolved, the matter escalates to the Selectboard by a written notification from the Chair or Vice-Chair on the issue and any recommendations from the board for consideration.
- c) The Selectboard may take action to remove an appointed member, recommend training, offer possible solutions, or take other steps to resolve the matter.

6. TRAINING

All members of boards representing the Town of Essex are encouraged to create an account on the [Vermont League of Cities and Towns \(VLCT\) website](#). VLCT has a plethora of resources and information including training webinars, handouts, Q & As, and much more. Enrollment is free and available to members of Town of Essex boards.

Some boards require training such as Open Meeting Law and Ethics and Conflict of Interest training. Staff Representatives can guide you on mandatory requirements and how to complete them.

7. STIPEND PROGRAM

Appointed members of boards, commissions and committees, including Alternates and Essex Representatives to external or regional boards are offered the opportunity to receive a stipend to defer expenses to attend meetings, as are elected members of the Board of Civil Authority who do not also serve on the Selectboard. See [Attachment B \(Stipend Program and Forms\)](#) for more information.

8. RESIGNATION OR END OF TERM

Members resigning from their position are asked to submit a notification in writing to the Staff Representative for their board. Notifications are forwarded to the Selectboard. The Selectboard Chair may contact members for an exit interview.

Staff Representatives are responsible for securing Town of Essex access to buildings, licensed software, etc. by notifying the appropriate department (e.g., removal of Town-assigned email addresses or access to meeting facilities).



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

ATTACHMENT A  
List of Boards Committees and Commissions

**ATTACHMENT A – LIST OF BOARDS, COMMITTEES, COMMISSIONS**  
 Essex, Vermont Handbook for Board, Committee & Commission Members  
 As of December 17, 2025

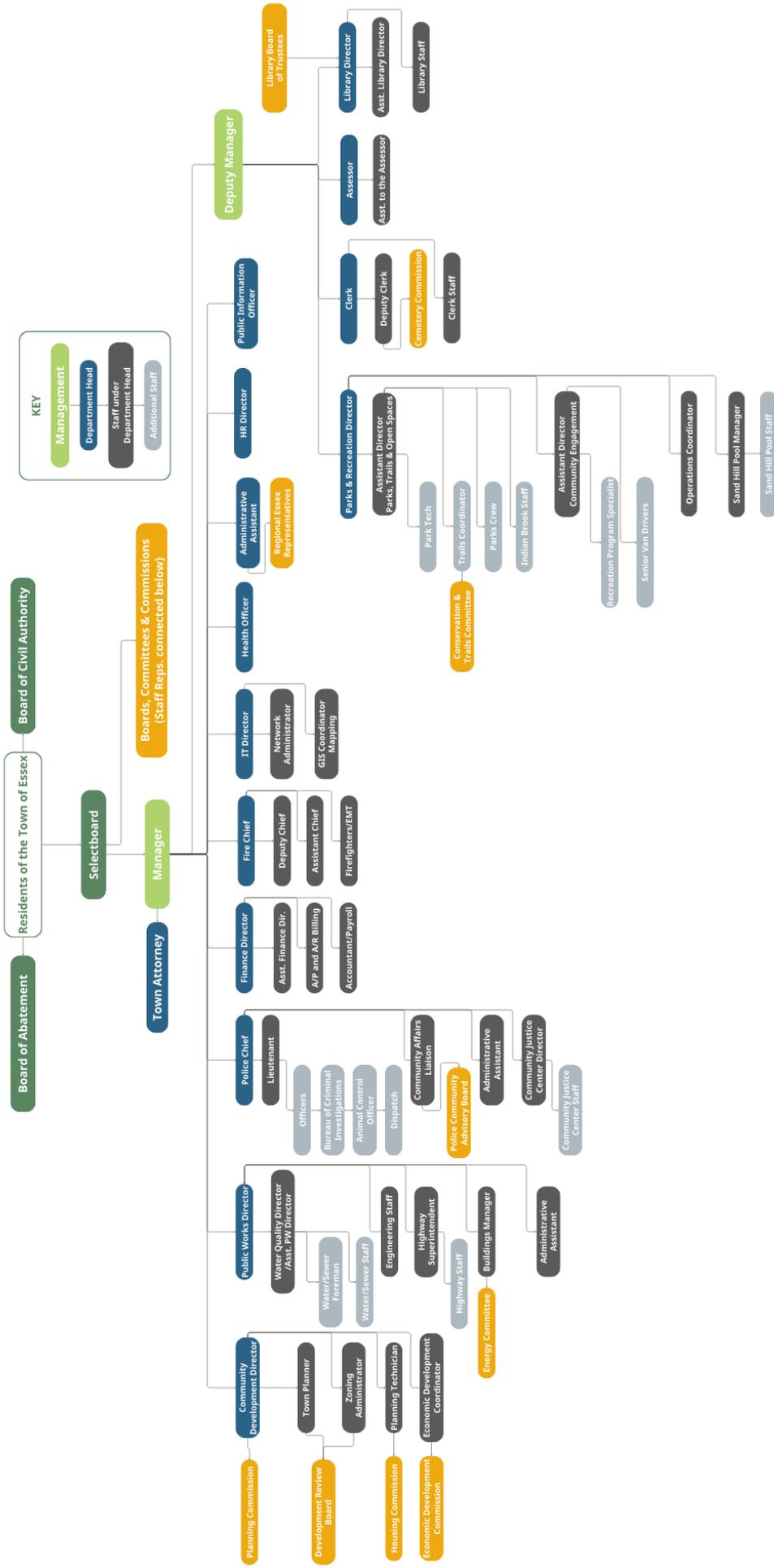
<b>BOARD</b>	<b>TYPE</b>	<b>STAFF REPRESENTATIVE(S)</b>
Board of Abatement	Non-advisory Quasi-Judicial	Town Clerk
Board of Civil Authority	Non-advisory Quasi-Judicial	Town Clerk
Cemetery Commission	Non-advisory Quasi-Judicial	Deputy Town Clerk
Conservation and Trails Committee	Advisory	Trails Coordinator
Development Review Board	Non-advisory Quasi-Judicial	Town Planner, Zoning Administrator
Economic Development Commission	Advisory	Economic Development Coordinator
Energy Committee	Advisory	Buildings Superintendent
Essex Free Library Board of Trustees	Non-advisory	Library Director
Housing Commission	Advisory	Planning Technician
Planning Commission	Advisory	Community Development Director, Town Planner
Police Community Advisory Board	Advisory	Community Affairs Liaison
Selectboard	Non-advisory * Quasi-Judicial	Town Manager, Deputy Town Manager

\*Selectboard members may conduct business as a quasi-judicial board in some instances.

[View the Town of Essex Organizational Chart online](#)

# Essex VERMONT ORGANIZATIONAL CHART

Last modified September 3, 2025



# Board of Abatement

NON-ADVISORY  
QUASI-JUDICIAL

## MEMBERS AND TERMS

The **Board of Abatement** consists of the Justices of the Peace, [Selectboard](#), [Assessor](#), [Treasurer and Town Clerk](#).

- Justices of the Peace are elected for two-year terms at the General Election.
- Members of the Selectboard are elected at the Annual Town Meeting according to expiring term(s) (2 year or 3 year).

## MEMBER ELIGIBILITY

- Town Clerk, Treasurer and Assessor are appointed by the Town Manager and do not have to be an Essex Town resident.
- Justices of the Peace and Selectboard members are elected; Essex Town residency and being an Essex registered voter are required.
- Must be at least 18 years of age.

## STAFF REPRESENTATIVE

Jenn Booker, Interim Town Clerk

E: [jbooker@essex.org](mailto:jbooker@essex.org)

P: (802) 879-0413

W: [essexvt.gov/abatement](http://essexvt.gov/abatement)

## MEETING SCHEDULE

Meetings are held on an as needed basis after being duly warned by the Town Clerk. Meetings are held in the conference room at the Essex Town Office, 81 Main Street, Essex Jct. unless otherwise noted on the agenda. Meetings fall under the Open Meeting Law ([1 V.S.A. § 312](#)).

## PURPOSE

Tax abatement is a statutory process for relieving a taxpayer from the burden of property taxes, penalty (collection fees) and interest. The Board of Abatement is limited to hearing requests that meet statutory [criteria](#) when considering abatement. There are no deadlines for making a request for a hearing before the Board of Abatement, and there is no deadline by which the Board must meet to consider abatement. The taxpayer must submit an [application](#) to the Town Clerk to request an abatement. Although the taxpayer is not required to attend the meeting, they are encouraged to do so. The Board will consider the request whether the taxpayer attends the meeting or not.

## POLICIES, STATUTORY, AGENCY INFORMATION

[Abatement \(24 VSA §1535\)](#)

[Property Assessment Grievance Appeals \(32 V.S.A. §4404\(a\)\)](#)

# Board of Civil Authority

NON-ADVISORY  
QUASI-JUDICIAL

## MEMBERS AND TERMS

The **Board of Civil Authority** consists of the Justices of the Peace, [Selectboard](#) and [Town Clerk](#).

- Justices of the Peace are elected for two-year terms at the General Election.
- Members of the Selectboard are elected at the Annual Town Meeting according to expiring term(s) (2 year or 3 year).

## MEMBER ELIGIBILITY

- Town Clerk is appointed by the Town Manager and do not have to be an Essex Town resident.
- Justices of the Peace and Selectboard members are elected; Essex Town residency and being an Essex registered voter are required.
- Must be at least 18 years of age.

## STAFF REPRESENTATIVE

Jenn Booker, Interim Town Clerk

E: [jbooker@essex.org](mailto:jbooker@essex.org)

P: (802) 879-0413

W: [essexvt.gov/bca](http://essexvt.gov/bca)

## MEETING SCHEDULE

Meetings are held on an as needed basis after being duly warned by the Town Clerk. Meetings are held in the conference room at the Essex Town Office, 81 Main Street, Essex Jct. unless otherwise noted on the agenda. Meetings fall under the Open Meeting Law ([1 V.S.A. § 312](#)).

## PURPOSE

The Board's primary responsibilities are serving as election officials, reviewing the voter checklist, participating in state district reapportionment, and hearing grievance appeals of property assessments. A grievance appeal to the Board of Civil Authority is a process afforded to property owners who are still dissatisfied with their property assessment after receiving a determination from the Assessor's Office in their grievance process. The appeal process has strict statutory deadlines that all parties must follow.

## POLICIES, STATUTORY, AGENCY INFORMATION

# Cemetery Commission

NON-ADVISORY  
QUASI-JUDICIAL

## MEMBERS AND TERMS

5 members with 3-year terms

- Appointed by the Town Manager and approved by the Selectboard ([24 VSA ch. 117, §402](#))
- Terms commence on the first day of April following appointment.
- Appointments to fill a vacancy are effective at the time of appointment and run for the unexpired period of the term.

## MEMBER ELIGIBILITY

- Must be at least 18 years of age.

## STAFF REPRESENTATIVE

Jenn Booker, Interim Town Clerk

E: [jbooker@essex.org](mailto:jbooker@essex.org)

P: (802) 879-0413

W: [essexvt.gov/cemetery](http://essexvt.gov/cemetery)

## MEETING SCHEDULE

Meets on the 2<sup>nd</sup> Wednesday of the month at 11am in the first-floor conference room at 81 Main Street.

## PURPOSE

The Essex Cemetery Commission will provide guidance for a well-maintained setting for the interment and commemoration of the deceased and for the comfort and inspiration of the bereaved and the public. The Commission will strive to accommodate the desires of families and individuals within the Town's and Cemetery's rules adopted for the operation of Mountain View Cemetery. The Commission wishes to provide compassionate and efficient service in a manner that respects human dignity.

## ITEMS OF NOTE

- Sexton: Ever More

## POLICIES, STATUTORY, AGENCY INFORMATION

- [Mountain View Cemetery Rules and Regulations](#)
- [Mountain View Cemetery Price List](#)

# Conservation and Trails Committee

ADVISORY

## MEMBERS AND TERMS

9 members with 3-year terms

## MEMBER ELIGIBILITY

- Must be at least 16 years of age.

## STAFF REPRESENTATIVE

Hans Nedde, Trails Coordinator

E: [hnedde@essex.org](mailto:hnedde@essex.org)

P: (802) 878-0886

W: [essexvt.gov/conservation](http://essexvt.gov/conservation)

## MEETING SCHEDULE

Meets on the 2nd Tuesday of the month at 6pm in the first-floor conference room at 81 Main Street.

## PURPOSE

### Mission, Powers, & Duties

The Town of Essex Conservation and Trails Committee is composed of nine members who are appointed by the Selectboard for three-year terms. The mission of the committee is to inventory and study the natural, historic, educational, cultural, scientific, architectural, or archaeological resources of the town in which the public has an interest; and to preserve, develop and maintain a multi-use trail, sidewalk, and greenway system in the Town of Essex that will link residential neighborhoods to natural areas, schools, parks, businesses, recreational facilities, community centers, and neighboring towns.

The Committee also advises the Selectboard and Planning Commission on matters relating to the public understanding of local natural resources and conservation needs, development applications and acquisition of lands involving the above resources.

The Committee receives the staff support of the Community Development Department, as well as the Parks and Recreation Department and the Department of Public Works on an as needed and as available basis.

The Committee shall not be a formal party or representative of the municipality at any court, commission, or board hearing without prior approval of the Town Manager.

At its organizational meeting, the Committee shall elect a chairperson, vice-chairperson and secretary and shall adopt such rules as it deems necessary for the performance of its functions. Officers shall be elected annually. The Committee shall keep a record of all transactions and meetings which shall be filed with the Town Clerk as a public record and notice shall be posted in the office of the Town Clerk of the times and places of meetings of the Committee. All meetings shall be conducted in accordance with Vermont's Open Meeting Law.

# Development Review Board

NON-ADVISORY  
QUASI-JUDICIAL

## MEMBERS AND TERMS

7 members with 4-year terms

## MEMBER ELIGIBILITY

- Appointments are in accordance with the [Town of Essex Charter](#).
- Must be at least 18 years of age.

## STAFF REPRESENTATIVE

Kent Johnson, Town Planner  
Sharon Kelley, Zoning Administrator  
E: [Community-development@essex.org](mailto:Community-development@essex.org)  
P: (802) 878-1343  
W: [essexvt.gov/drb](http://essexvt.gov/drb)

## MEETING SCHEDULE

Meets on 1st Thursday of each month and the 3rd Thursday of the month as needed at 6:30pm at the Town Office at 81 Main Street.

## PURPOSE

### Mission

The Development Review Board (DRB) is a seven-member volunteer board composed of Essex residents who are appointed by the Selectboard for staggered four-year terms. The DRB is charged with overseeing subdivision, site plan, conditional use, appeals, variances, and all other Board reviewed applications.

Ultimately, the purpose behind the development review process is to help achieve the community's vision through sensible and well-planned development. The community's vision is expressed broadly in the Town Plan, and codified with regard to new development in specific land use regulations – Zoning Regulations, Subdivision Regulations, etc.

### The Role of the Development Review Board in Reviewing Applications

The Development Review Board (DRB) serves as an impartial body responsible for evaluating and making decisions on various land use applications including site plans, subdivisions, conditional uses and variances. While the DRB plays a crucial role in ensuring that the Town's development adheres to the Zoning and Subdivision Regulations and the Town Plan, it must maintain a neutral and objective stance during the review process. This neutrality is vital to uphold the integrity of the review process and balance the interests of residents, developers, and the broader community.

### Ensuring Fairness and Transparency

The DRB is committed to a transparent decision-making process that provides clear explanations of how decisions are made and ensuring that all materials related to the development application are accessible to the public. People can sign up [online](#) to receive updates on DRB agendas.

(Development Review Board, continued)

### **ITEMS OF NOTE**

- An Attendance Policy is included in the Rules of Procedure and Conflict of Interest Policy.

### **POLICIES, STATUTORY, AGENCY INFORMATION**

- [Town of Essex Charter](#)
- [Rules of Procedure and Conflict of Interest Policy](#)
- [State Municipal Code of Ethics](#)
- [Public Participation Guide \(PDF\)](#)

# Economic Development Commission

ADVISORY

## MEMBERS AND TERMS

5 members with 3-year terms

## MEMBER ELIGIBILITY

- Must be at least 16 years of age.

## STAFF REPRESENTATIVE

Tammy Getchell, PIO

E: [tgetchell@essex.org](mailto:tgetchell@essex.org)

P: (802) 876-5773

W: [essexvt.gov/edc](http://essexvt.gov/edc)

## MEETING SCHEDULE

Meets on the 1<sup>st</sup> Thursday of the month at 8am at the Town Offices, 81 Main Street.

Meets on the 2<sup>nd</sup> Thursday of the month at 8am at a local business location or at 81 Main Street.

## PURPOSE

The Town of Essex Economic Development Commission is responsible for promoting the quality of life in Essex, Vermont. The Town of Essex supports economic development activities which enhance the Essex community. To accomplish this the Economic Development Commission is directed to pursue the following community goals:

1. Assist with the retention, expansion and development of existing business in Essex.
2. Assist with the location and development of industrial and commercial firms to Essex.
3. Plan for the development of a broad range of industrial and commercial firms to perform its function in assuring economic diversification, and meeting desirable community and citizen needs.
4. Review economic development issues and trends to guide the Town of Essex in maintaining a stable tax base and responding to changing political and economic forces.
5. Provide recommendations to the Selectboard on at least an annual basis in the form of a report on suggested actions to enhance our commercial and industrial base.

# Energy Committee

ADVISORY

## MEMBERS AND TERMS

7 members with 3-year terms

## MEMBER ELIGIBILITY

- Must be at least 16 years of age.

## STAFF REPRESENTATIVE

Shawn McNamara, Buildings Manager

E: [smcnamara@essex.org](mailto:smcnamara@essex.org)

P: (802) 878-1344

W: [essexvt.gov/energy](http://essexvt.gov/energy)

## MEETING SCHEDULE

Meets on the 2<sup>nd</sup> Wednesday of the month at 7:00 pm at the Town Offices at 81 Main Street.

## PURPOSE

The mission of the Town Energy Committee is to provide leadership, advocacy, and outreach in the areas of conservation, efficiency, and renewable energy.

# Essex Free Library Board of Trustees

NON-ADVISORY

## MEMBERS AND TERMS

7 members with 3-year terms

## MEMBER ELIGIBILITY

- Must be at least 18 years of age.

## STAFF REPRESENTATIVE

Caitlin Corless, Library Director

E: [ccorless@essex.org](mailto:ccorless@essex.org)

P: (802) 879-0313

W: [essexvt.gov/librarytrustees](http://essexvt.gov/librarytrustees)

## MEETING SCHEDULE

The Essex Free Library Board of Trustees Bylaws require members to meet a minimum of 6 times per year. Typically, the board meets on the 3<sup>rd</sup> Wednesday of the month at 7pm at the Essex Free Library.

## PURPOSE

Sec. 5. 22 V.S.A. § 105. GENERAL POWERS

The trustees, managers, or directors shall:

- (1) elect the officers of the corporation from their number and have the control and management of the affairs, finances, and property of the corporation;
- (2) adopt bylaws and policies governing the operation of the library;
- (3) establish a library budget;
- (4) hold regular meetings; and
- (5) ensure compliance with the terms of any funding, grants, or bequests.

## POLICIES, STATUTORY, AGENCY INFORMATION

[View Essex Free Library Board of Trustees Bylaws and library policies](#)

# Housing Commission

ADVISORY

## MEMBERS AND TERMS

5 members with 3-year terms

## MEMBER ELIGIBILITY

- Members should represent a variety of relevant interests and backgrounds, including but not limited to: for-profit and non-profit housing developers; housing authorities and agencies; social services organizations; representatives of area businesses; and at-large members of the community.
- 3 members - must be Town of Essex residents; 2 members – Town of Essex residency is preferred but not required.
- Must be at least 16 years of age.

## STAFF REPRESENTATIVE

Brittany McGregor, Planning Technician

E: [bmcgregor@essex.org](mailto:bmcgregor@essex.org)

P: (802) 878-1343

W: [essexvt.gov/housing](http://essexvt.gov/housing)

## MEETING SCHEDULE

Meets on the 1st Tuesday of the month at the Town Office Conference Room at 81 Main Street, 3pm-4:30pm

## PURPOSE

### Mission

The mission of the Housing Commission is to help ensure that any resident (or aspiring resident) of Essex has access to a home that:

- Is affordable (generally no more than 30% of household income is spent on housing);
- Is a desirable type and size for their household;
- Is located with easy access to basic needs (jobs, schools, food, health care, and cultural experiences) via walking, biking, or public transit;
- Is of sufficient quality to ensure the health, safety, and enjoyment of its residents;
- Meets residents' special needs, including senior care, ADA-accessibility, recovery housing, and housing for people who are homeless, etc.; and
- Is made available regardless of race, religion, sex, sexual orientation, gender identity, age, national origin, pregnancy, disability, or status of citizenship, family, and military

### Purpose

The Commission advises the Selectboard and other municipal boards and committees on the housing needs of the community, including review and consultation of policy and zoning changes related to housing. The Commission maintains and analyzes the community's demographic and housing stock

(Housing Commission, continued)

information and provides periodic updates on housing issues to elected officials. The Commission also works to educate the public on housing topics and develops partnerships with developers, non-profits, state agencies, and social service organizations to advance the community's housing goals.

## **POLICIES, STATUTORY, AGENCY INFORMATION**

- [Essex Housing Commission Charter](#)
- [Job Description of Housing Commissioners](#)

# Planning Commission

ADVISORY

## MEMBERS AND TERMS

7 members with 3-year terms

## MEMBER ELIGIBILITY

- A majority of members must be Essex residents.
- Must be at least 18 years of age.

## STAFF REPRESENTATIVE

Katherine Sonnicks, Community Development Director

E: [ksonnick@essex.org](mailto:ksonnick@essex.org)

P: (802) 878-1343

W: [essexvt.gov/planningcommission](http://essexvt.gov/planningcommission)

## MEETING SCHEDULE

Meets on the second Thursday (and fourth Thursday as needed) of the month at 81 Main Street.

## PURPOSE

The Commission is responsible for preparing, maintaining and amending the municipal plan, zoning regulations and subdivision regulations; undertaking reviews under these regulations; participating in the review of applications under Act 250; and conducting studies and making recommendations on the following:

- Design
- Energy conservation
- Historic and scenic preservation
- Land development and redevelopment
- Natural resource protection
- Transportation

## ITEMS OF NOTE

- Planning Commission members may also be members of the Development Review Board.

## POLICIES, STATUTORY, AGENCY INFORMATION

- [24 V.S.A § 4325](#) (Powers and Duties of planning commissions)
- [Agency of Commerce and Community Development / Community Development](#)
- [Planning Commission Rules of Procedure and Conflict of Interest Policy \(PDF\)](#)
- [State Municipal Code of Ethics](#)
- [Public Participation Guide \(PDF\)](#)
- [Welcome Packet For Planning Commission Members \(presented by CCRPC 20230427\) pdf](#)

# Police Community Advisory Board (PCAB)

ADVISORY

## MEMBERS AND TERMS

6 members with 3-year terms

## MEMBER ELIGIBILITY

- The PCAB is a committee with equal representation from the Town of Essex and the City of Essex Junction and is intended to include 3 residents from each municipality. The Selectboard appoints Town of Essex members.
- Must be a resident of either the Town of Essex or the City of Essex Junction.
- Must be at least 16 years of age.
- Interested in public safety.
- Be a good communicator.
- Support the mission, vision and goals of the board.
- Be able to attend the majority of meetings (at least 80%).

## STAFF REPRESENTATIVE

Alyssa March, Community Affairs Liaison

E: [amarch@essex.org](mailto:amarch@essex.org)

P: (802) 878-8331

Email PCAB: [epd.advisoryboard@essex.org](mailto:epd.advisoryboard@essex.org)

W: [essexvt.gov/pcab](http://essexvt.gov/pcab)

## MEETING SCHEDULE

Meets on the 3<sup>rd</sup> Tuesday of the month at 6:00pm at 81 Main St. Essex Junction, VT.

## PURPOSE

Our mission is to represent the diverse community of the Town of Essex and the City of Essex Junction in facilitating a positive, trusting, and effective relationship with the Essex Police Department (EPD). The Police Community Advisory Board representatives will advocate for the systemically marginalized, disenfranchised and oppressed members of the community. The CAB will provide honest and open feedback and serve as a conduit between law enforcement and the community to support the EPD in continuously meeting the highest standards of engagement, professional service, and protection.

## ITEMS OF NOTE

- Police Community Advisory Board member can access additional resources and stored documents at [www.essexvt.gov/pcab](http://www.essexvt.gov/pcab).
- PCAB members must be able to attend at least 80% of scheduled meetings.

# Selectboard

NONADVISORY

## MEMBERS AND TERMS

5 elected members with 3-year terms

## MEMBER ELIGIBILITY

- Must be a registered voter.
- Must be at least 18 years of age.

## STAFF REPRESENTATIVE

Greg Duggan, Town Manager

E: [gduggan@essex.org](mailto:gduggan@essex.org)

P: (802) 878-1341

Email Selectboard: [selectboard@essex.org](mailto:selectboard@essex.org)

W: [essexvt.org/selectboard](http://essexvt.org/selectboard)

## MEETING SCHEDULE

Meets at 6:30pm on the 1st and 3<sup>rd</sup> Mondays of the month at 81 Main Street, Essex Junction, VT.

## PURPOSE

The Town Selectboard appoints the Town Manager to oversee day-to-day municipal operations, to draft a budget, and to implement and enforce Town policy and legislative initiatives.

### Selectboard Responsibilities

1. Policy making is one of the most important aspects of local government, and this duty rests exclusively with the Town Selectboard. Specific powers and duties are enumerated by State law. A brief listing of those duties follows:
  - a) Adopt ordinances, town plan and bylaws.
  - b) Authorize permit issuance under interim zoning or during bylaw amendment hearings.
  - c) Approve performance bonds for required public improvements.
  - d) Approve application and hearing fees.
  - e) Accept streets.
  - f) Adopt impact fees and ordinances.
  - g) Appoint and remove the Town Manager and supervise, create, change, and abolish offices, commissions or departments other than the offices, commissions or departments established by charter.
  - h) Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by charter.
  - i) Provide for an independent audit by a registered or certified public accountant.
  - j) Inquire into the conduct of any officer, commission or department and investigate all municipal affairs.
  - k) Exercise other power which is granted to the Selectboard by the [Statutes of the State of Vermont](#).

(Selectboard, continued)

## **ITEMS OF NOTE**

- The Selectboard serves as the local quasi-judicial Control Commissioners of Alcoholic Beverages, Cannabis, and Tobacco ([7 VSA §§ 161-168](#))
- The Selectboard serves as the local quasi-judicial Board of Health ([18 VSA § 613](#))
- The Selectboard serves as the local quasi-judicial Board of Water & Sewer Commissioners ([24 V.S.A § 3602](#) and [24 V.S.A § 3313](#))

## **POLICIES, STATUTORY, AGENCY INFORMATION**

- [Town of Essex Charter \(V.S.A. Title 24, Ch. 117\)](#)
- [Selectboard Values, Long-term Goals, and Work Plan](#)
- [Rules and Regulations for Orderly Conduct of Business \(pdf\)](#)
- [Selectboard Computer Use Policy \(pdf\)](#)
- [Communications Policy \(pdf\)](#)
- [Ethics and Conflict of Interest \(pdf\)](#)



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

ATTACHMENT B  
Stipend Program and Forms

# Town of Essex

## Boards & Committees Stipend Program

### 1. Purpose

The purpose of this program is to provide stipends for appointed or elected members to a board, commission, or committee (hereinafter referred to as “board”) that meets with a routine schedule. An individual who provides service to a board is considered a volunteer and as such should not expect payment or remuneration for time served. The Town offers stipends of \$50 per meeting for up to two meetings per month to offset indirect expenses such as childcare assistance, food, transportation, or other needs in order to attend meetings.

The Town of Essex is a racially and socially equitable, welcoming, and engaged community where all can thrive because community members and leaders hold each other accountable to ensure a safe, supportive, and just environment. The Stipend Program is designed to support the Town of Essex’s commitment to accessibility and to welcome all people to participate in governance.

### 2. Process

- a) **Complete an IRS W-9 form and Stipend Option Form.** Complete and submit the Stipend Option Form and an Internal Revenue Service Form W-9. Stipend payments will be sent to the address you enter on the form. Please email your completed form to Administrative Assistant Kate Larose at [klarose@essex.org](mailto:klarose@essex.org) or send through regular mail to: Kate Larose, 81 Main Street, Essex Junction, 05452.
- b) **Staff Representatives will submit attendance.** Staff representatives of each board will complete and submit an Attendance Record after each meeting or monthly, whichever is a longer period. Attendees included on the attendance record must have completed forms on file.
  - Attendance must be verified by the staff representatives using the official minutes of the meeting. Participants in the stipend program are only paid for meetings attended. The Attendance Record is required as backup for processing the payment. Staff representatives may complete one attendance record per meeting when paying multiple individuals and use that same attendance record as the backup for each person receiving a payment. Or, if paying one person for more than one meeting, one attendance record listing the multiple meetings dates as the backup for the payment to that individual is acceptable.

- Concerns regarding attendance and stipend payments should be directed to the staff representative of the board.
- Stipend payments should be processed after each meeting, *but not more frequently than monthly*. So, if a board holds two meetings per month, staff representatives should submit for two meetings at once after the month is over. The premise of the program is to provide indirect support to individuals to attend meetings, so an average monthly payment is best. Staff representatives are discouraged from waiting quarterly, or biannually to process stipend payments.

### **3. Eligibility**

- a) Appointed and elected members of a Town of Essex board, commission, or committee that meets with a routine schedule.
  - Stipends for special meetings in addition to regularly scheduled meetings may be eligible if the meeting follows all the protocols of a regular meeting such as being warned, open to the public, and minutes and attendance are taken. Special meetings are not a part of the regular schedule and are not common.
  - No more than two meetings per month per committee/board/commission may be reimbursed to any one individual.
  - Work outside of regularly scheduled meetings is not eligible.
- b) Appointed or elected representatives of the Town of Essex on local or regional boards and committees that meet with a routine schedule are eligible. Examples include, but are not limited to, Chittenden County Communications Union District (CCCUD), Green Mountain Transit, Tree Farm Management Group, Town Meeting TV Board of Trustees, Winooski Valley Park District, and Chittenden Solid Waste District.
- c) Excluded from the stipend program:
  - Employees of the Town of Essex are excluded from the stipend program, but only if they are participating on the board in their capacity as an employee. An individual will not be considered a volunteer and thereby is ineligible to receive a stipend if they are employed by the Town and perform the same type of work for which they are ostensibly volunteering.
  - Town of Essex Selectboard members, who already receive stipends, are excluded from participating in this stipend program.
  - Alternates of boards unless attendance is in the official capacity as a voting and governing member during the meeting.

### **4. Program Start and Continued Enrollment**

- a) Payments will begin upon receipt of the Stipend Option Form and IRS W-9 form. Payments will not be made retroactively.

- b) Continued enrollment in the program will be upon recertifying the IRS form W-9 on file annually and continued appointment on the board.

## **5. Payments**

All payments will be made through accounts payable from the Finance Department and all IRS regulations pertaining to Form 1099 apply. The Finance Department issues a 1099 form per IRS regulations for amounts paid equal to or greater than \$600 in a calendar year. Please contact Vermont 211 at (802) 652-4636 or visit <https://www.vermont211.org/> about the impacts this may have on your annual taxes.

# Town of Essex

## Boards & Committees Stipend Program

### STIPEND OPTION FORM

1. Full name of board, committee or commission member:

2. Name of board, committee, or commission (please complete a separate form for each board if you serve on more than one):

3. Phone number:

4. Email address:

5. Please send a completed IRS W-9 form to Administrative Assistant Kate Larose at [klarose@essex.org](mailto:klarose@essex.org) or by mailing to Kate Larose, 81 Main St., Essex Junction, VT 05452. Stipends will not be paid without a completed IRS W-9 form on file. The address provided on this form is where your stipend payments will be sent.

6. Signature and date:

By signing this form, I certify that I am opting in to receive meeting stipends for this volunteer position and understand that IRS regulations pertaining to a Form 1099 apply.

---

Signature

Date

# Town of Essex

## Boards & Committees Stipend Program

### ATTENDANCE RECORD

1. **Name of board, committee, or commission:**

2. **Meeting date(s)** (Complete a separate form for each meeting date for multiple individuals or one form with multiple dates for one individual):

3. **Verified attendance (DO NOT include attendance of members who have not completed the necessary IRS Form W-9).**

List the full name of each board or committee member:

4. **Signature and date:**

By signing this form, I certify that I have verified attendance and authorize the disbursement of meeting stipends.

---

Signature

Date

# Request for Taxpayer Identification Number and Certification

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

**Give form to the  
requester. Do not  
send to the IRS.**

**Before you begin.** For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

<b>Print or type.</b>  <b>See Specific Instructions on page 3.</b>	<b>1</b>	Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.)		
	<b>2</b>	Business name/disregarded entity name, if different from above.		
	<b>3a</b>	Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only <b>one</b> of the following seven boxes.  <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C corporation <input type="checkbox"/> S corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate  <input type="checkbox"/> LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) _____ <b>Note:</b> Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner.  <input type="checkbox"/> Other (see instructions) _____	<b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):  Exempt payee code (if any) _____  Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____  <i>(Applies to accounts maintained outside the United States.)</i>	
	<b>3b</b>	If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions . . . . . <input type="checkbox"/>		
	<b>5</b>	Address (number, street, and apt. or suite no.). See instructions.	Requester's name and address (optional)	
	<b>6</b>	City, state, and ZIP code		
	<b>7</b>	List account number(s) here (optional)		

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

<b>Social security number</b>									
				-					
<b>or</b>									
<b>Employer identification number</b>									

**Note:** If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

<b>Sign Here</b>	Signature of U.S. person	Date
------------------	--------------------------	------

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

## What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they

must obtain your correct taxpayer identification number (TIN), which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid).
- Form 1099-DIV (dividends, including those from stocks or mutual funds).
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds).
- Form 1099-NEC (nonemployee compensation).
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers).
- Form 1099-S (proceeds from real estate transactions).
- Form 1099-K (merchant card and third-party network transactions).
- Form 1098 (home mortgage interest), 1098-E (student loan interest), and 1098-T (tuition).
- Form 1099-C (canceled debt).
- Form 1099-A (acquisition or abandonment of secured property).

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

**Caution:** If you don't return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

**By signing the filled-out form**, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued);
2. Certify that you are not subject to backup withholding; or
3. Claim exemption from backup withholding if you are a U.S. exempt payee; and
4. Certify to your non-foreign status for purposes of withholding under chapter 3 or 4 of the Code (if applicable); and
5. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting is correct. See *What Is FATCA Reporting*, later, for further information.

**Note:** If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding.** Payments made to foreign persons, including certain distributions, allocations of income, or transfers of sales proceeds, may be subject to withholding under chapter 3 or chapter 4 of the Code (sections 1441–1474). Under those rules, if a Form W-9 or other certification of non-foreign status has not been received, a withholding agent, transferee, or partnership (payor) generally applies presumption rules that may require the payor to withhold applicable tax from the recipient, owner, transferor, or partner (payee). See Pub. 515, *Withholding of Tax on Nonresident Aliens and Foreign Entities*.

The following persons must provide Form W-9 to the payor for purposes of establishing its non-foreign status.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the disregarded entity.
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the grantor trust.
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust and not the beneficiaries of the trust.

See Pub. 515 for more information on providing a Form W-9 or a certification of non-foreign status to avoid withholding.

**Foreign person.** If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person (under Regulations section 1.1441-1(b)(2)(iv) or other applicable section for chapter 3 or 4 purposes), do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515). If you are a qualified foreign pension fund under Regulations section 1.897(l)-1(d), or a partnership that is wholly owned by qualified foreign pension funds, that is treated as a non-foreign person for purposes of section 1445 withholding, do not use Form W-9. Instead, use Form W-8EXP (or other certification of non-foreign status).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a saving clause. Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if their stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first Protocol) and is relying on this exception to claim an exemption from tax on their scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

## Backup Withholding

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include, but are not limited to, interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third-party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

**Payments you receive will be subject to backup withholding if:**

1. You do not furnish your TIN to the requester;
2. You do not certify your TIN when required (see the instructions for Part II for details);
3. The IRS tells the requester that you furnished an incorrect TIN;
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only); or
5. You do not certify to the requester that you are not subject to backup withholding, as described in item 4 under "*By signing the filled-out form*" above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code*, later, and the separate Instructions for the Requester of Form W-9 for more information.

See also *Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding*, earlier.

## What Is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all U.S. account holders that are specified U.S. persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code*, later, and the Instructions for the Requester of Form W-9 for more information.

## Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you are no longer tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account, for example, if the grantor of a grantor trust dies.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions

### Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

• **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

**Note for ITIN applicant:** Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040 you filed with your application.

• **Sole proprietor.** Enter your individual name as shown on your Form 1040 on line 1. Enter your business, trade, or “doing business as” (DBA) name on line 2.

• **Partnership, C corporation, S corporation, or LLC, other than a disregarded entity.** Enter the entity’s name as shown on the entity’s tax return on line 1 and any business, trade, or DBA name on line 2.

• **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. Enter any business, trade, or DBA name on line 2.

• **Disregarded entity.** In general, a business entity that has a single owner, including an LLC, and is not a corporation, is disregarded as an entity separate from its owner (a disregarded entity). See Regulations section 301.7701-2(c)(2). A disregarded entity should check the appropriate box for the tax classification of its owner. Enter the owner’s name on line 1. The name of the owner entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For

example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner’s name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity’s name on line 2. If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

### Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, enter it on line 2.

### Line 3a

Check the appropriate box on line 3a for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3a.

IF the entity/individual on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation.
• Individual or • Sole proprietorship	Individual/sole proprietor.
• LLC classified as a partnership for U.S. federal tax purposes or • LLC that has filed Form 8832 or 2553 electing to be taxed as a corporation	Limited liability company and enter the appropriate tax classification: P = Partnership, C = C corporation, or S = S corporation.
• Partnership	Partnership.
• Trust/estate	Trust/estate.

### Line 3b

Check this box if you are a partnership (including an LLC classified as a partnership for U.S. federal tax purposes), trust, or estate that has any foreign partners, owners, or beneficiaries, and you are providing this form to a partnership, trust, or estate, in which you have an ownership interest. You must check the box on line 3b if you receive a Form W-8 (or documentary evidence) from any partner, owner, or beneficiary establishing foreign status or if you receive a Form W-9 from any partner, owner, or beneficiary that has checked the box on line 3b.

**Note:** A partnership that provides a Form W-9 and checks box 3b may be required to complete Schedules K-2 and K-3 (Form 1065). For more information, see the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

If you are required to complete line 3b but fail to do so, you may not receive the information necessary to file a correct information return with the IRS or furnish a correct payee statement to your partners or beneficiaries. See, for example, sections 6698, 6722, and 6724 for penalties that may apply.

### Line 4 Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

#### Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third-party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys’ fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space on line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2).

- 2—The United States or any of its agencies or instrumentalities.
- 3—A state, the District of Columbia, a U.S. commonwealth or territory, or any of their political subdivisions or instrumentalities.
- 4—A foreign government or any of its political subdivisions, agencies, or instrumentalities.
- 5—A corporation.
- 6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or territory.
- 7—A futures commission merchant registered with the Commodity Futures Trading Commission.
- 8—A real estate investment trust.
- 9—An entity registered at all times during the tax year under the Investment Company Act of 1940.
- 10—A common trust fund operated by a bank under section 584(a).
- 11—A financial institution as defined under section 581.
- 12—A middleman known in the investment community as a nominee or custodian.
- 13—A trust exempt from tax under section 664 or described in section 4947.

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
• Interest and dividend payments	All exempt payees except for 7.
• Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
• Barter exchange transactions and patronage dividends	Exempt payees 1 through 4.
• Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 5. <sup>2</sup>
• Payments made in settlement of payment card or third-party network transactions	Exempt payees 1 through 4.

<sup>1</sup> See Form 1099-MISC, Miscellaneous Information, and its instructions.

<sup>2</sup> However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

**Exemption from FATCA reporting code.** The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) entered on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37).

B—The United States or any of its agencies or instrumentalities.

C—A state, the District of Columbia, a U.S. commonwealth or territory, or any of their political subdivisions or instrumentalities.

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i).

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i).

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state.

G—A real estate investment trust.

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940.

I—A common trust fund as defined in section 584(a).

J—A bank as defined in section 581.

K—A broker.

L—A trust exempt from tax under section 664 or described in section 4947(a)(1).

M—A tax-exempt trust under a section 403(b) plan or section 457(g) plan.

**Note:** You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

**Line 5**

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, enter "NEW" at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

**Line 6**

Enter your city, state, and ZIP code.

**Part I. Taxpayer Identification Number (TIN)**

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have, and are not eligible to get, an SSN, your TIN is your IRS ITIN. Enter it in the entry space for the Social security number. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). If the LLC is classified as a corporation or partnership, enter the entity's EIN.

**Note:** See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at [www.SSA.gov](http://www.SSA.gov). You may also get this form by calling 800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at [www.irs.gov/EIN](http://www.irs.gov/EIN). Go to [www.irs.gov/Forms](http://www.irs.gov/Forms) to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to [www.irs.gov/OrderForms](http://www.irs.gov/OrderForms) to place an order and have Form W-7 and/or Form SS-4 mailed to you within 15 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and enter "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, you will generally have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note:** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon. See also *Establishing U.S. status for purposes of chapter 3 and chapter 4 withholding*, earlier, for when you may instead be subject to withholding under chapter 3 or 4 of the Code.

**Caution:** A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

## Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

**Signature requirements.** Complete the certification as indicated in items 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third-party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABL accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

## What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account <sup>1</sup>
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under state law	The actual owner <sup>1</sup>
6. Sole proprietorship or disregarded entity owned by an individual	The owner <sup>3</sup>
7. Grantor trust filing under Optional Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))**	The grantor*

For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity <sup>4</sup>
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing Form 1041 or under the Optional Filing Method 2, requiring Form 1099 (see Regulations section 1.671-4(b)(2)(i)(B))**	The trust

<sup>1</sup> List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

<sup>2</sup> Circle the minor's name and furnish the minor's SSN.

<sup>3</sup> You must show your individual name on line 1, and enter your business or DBA name, if any, on line 2. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

<sup>4</sup> List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

\* **Note:** The grantor must also provide a Form W-9 to the trustee of the trust.

\*\* For more information on optional filing methods for grantor trusts, see the Instructions for Form 1041.

**Note:** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

## Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information, such as your name, SSN, or other identifying information, without your permission to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax return preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity, or a questionable credit report, contact the IRS Identity Theft Hotline at 800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 877-777-4778 or TTY/TDD 800-829-4059.

**Protect yourself from suspicious emails or phishing schemes.**

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to [phishing@irs.gov](mailto:phishing@irs.gov). You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 800-366-4484. You can forward suspicious emails to the Federal Trade Commission at [spam@uce.gov](mailto:spam@uce.gov) or report them at [www.ftc.gov/complaint](http://www.ftc.gov/complaint). You can contact the FTC at [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft) or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see [www.IdentityTheft.gov](http://www.IdentityTheft.gov) and Pub. 5027.

Go to [www.irs.gov/IdentityTheft](http://www.irs.gov/IdentityTheft) to learn more about identity theft and how to reduce your risk.

## Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and territories for use in administering their laws. The information may also be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payors must generally withhold a percentage of taxable interest, dividends, and certain other payments to a payee who does not give a TIN to the payor. Certain penalties may also apply for providing false or fraudulent information.



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

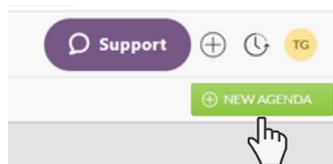
ATTACHMENT C  
CivicClerk Instructions to Post an Agenda

# CIVICCLERK<sup>®</sup> UPLOADING AN AGENDA

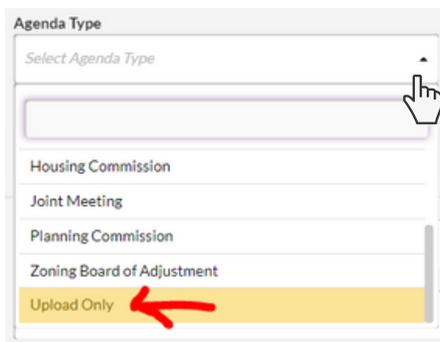
- 1- Sign in through the website sign in (waffle) or through the CivicPlus Platform.
- 2- Select the **Meetings** tab.



- 3- Click on **+NEW AGENDA**



- 4- Enter the Board/Committee name as the **Agenda Name** (see the TIP below). Be consistent in your titles each time to aid in future searches.
- 5- Select Upload Only as the **Agenda Type** if you do not find your board/committee in the drop down list. (*i.e. Essex Free Library Board of Trustees, Tree Farm*)



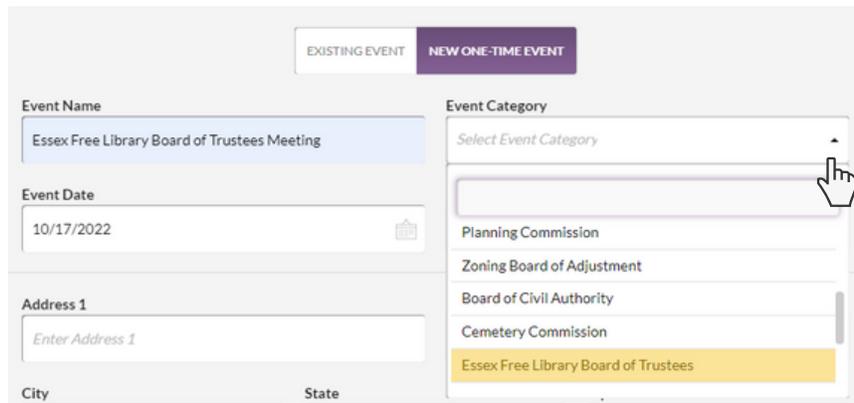
**TIP:** 

You do not need to add "Meeting" or the date when typing in the AGENDA NAME.

You only need the name of the committee/board. The rest of the information will be included automatically.

- 6- Skip Cut-Off Date and Cut-Off Time.
- 7- Select **EXISTING EVENT** if events have been created ahead for the upcoming year. Otherwise, select **NEW ONE-TIME EVENT**.
- 8- Enter Event Name as the name of your Board/Committee. Be Consistent in your titles each time to aid in future searches. (*i.e. Cemetery Commission Meeting*). Use the word, "Meeting" - this is how it will appear on the website calendar. You CAN include the word, "Meeting" in this title.

9- **Event Category** - Select the correct board/committee from the drop down menu. This is how your meeting will be searched on the website. This should be the same for all meetings of this type.

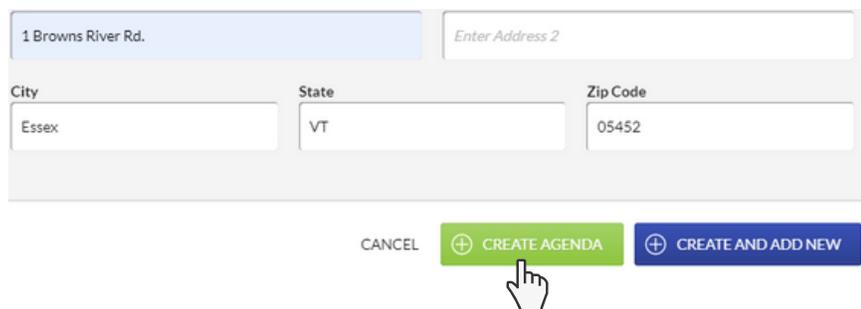


The screenshot shows a web form for creating a new event. At the top, there are two tabs: "EXISTING EVENT" and "NEW ONE-TIME EVENT", with the latter being selected. The form includes several input fields: "Event Name" (filled with "Essex Free Library Board of Trustees Meeting"), "Event Date" (filled with "10/17/2022"), "Address 1" (placeholder "Enter Address 1"), "City", and "State". On the right side, there is a dropdown menu for "Event Category" with the text "Select Event Category". The dropdown is open, showing a list of categories: "Planning Commission", "Zoning Board of Adjustment", "Board of Civil Authority", "Cemetery Commission", and "Essex Free Library Board of Trustees", which is highlighted in yellow. A hand cursor is pointing at the dropdown arrow.

10- Select the date of the meeting and the time.

11- Enter the location of the meeting.

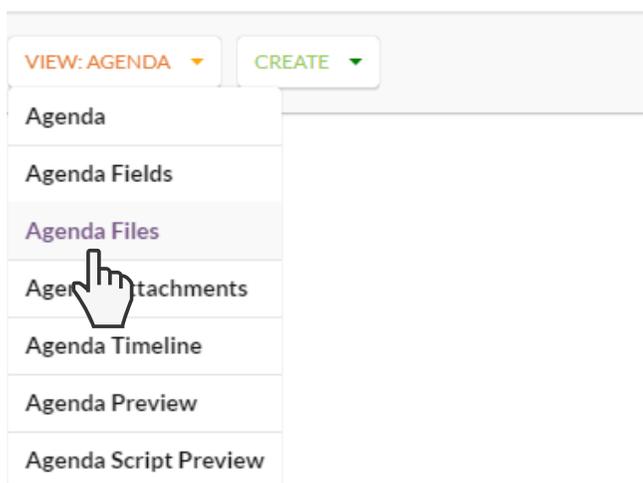
12- Select **+CREATE AGENDA**.



The screenshot shows the bottom portion of the event creation form. It includes "Address 1" (filled with "1 Browns River Rd."), "Address 2" (placeholder "Enter Address 2"), "City" (filled with "Essex"), "State" (filled with "VT"), and "Zip Code" (filled with "05452"). Below these fields are three buttons: "CANCEL", "+ CREATE AGENDA" (highlighted in green with a hand cursor), and "+ CREATE AND ADD NEW" (in blue).

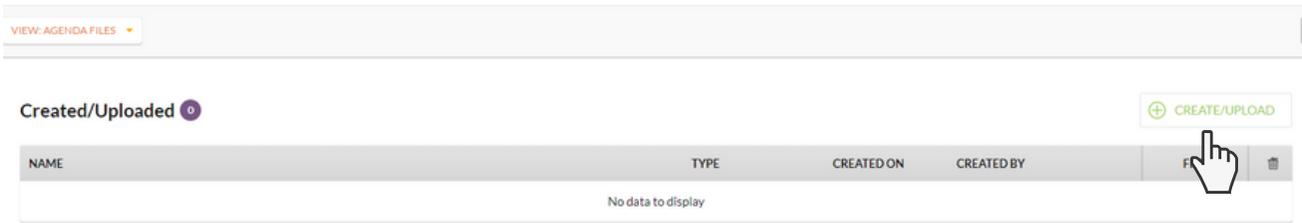
13- Select Agenda Files from the drop down menu, **VIEW: AGENDA:**

## Essex Free Library Board of Trustees



The screenshot shows a dropdown menu for "VIEW: AGENDA". The menu is open, displaying a list of options: "Agenda", "Agenda Fields", "Agenda Files" (highlighted in purple with a hand cursor), "Agenda Attachments", "Agenda Timeline", "Agenda Preview", and "Agenda Script Preview". The "CREATE" button is visible to the right of the dropdown.

14- Click on +CREATE/UPLOAD



15- Click on the UPLOAD tab.

16 - Enter the File Name.

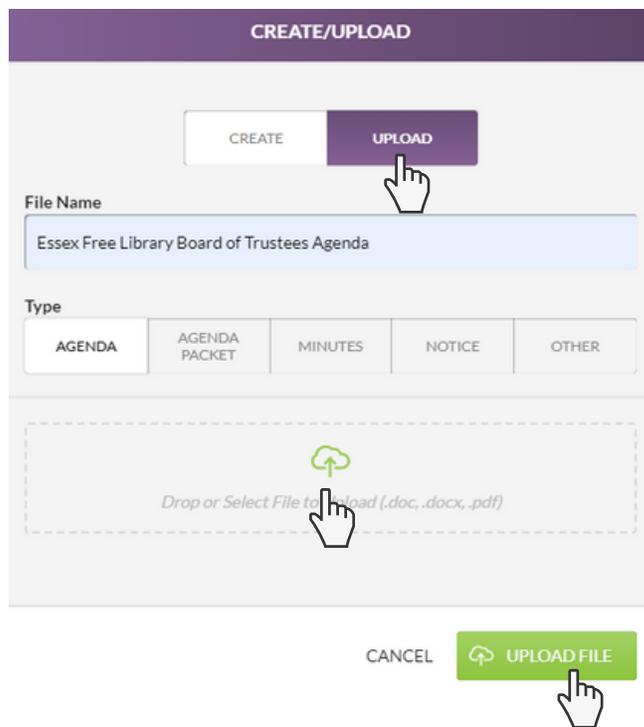
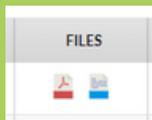
17- Select Type: AGENDA.

18- Drag and drop your agenda file or click on the green upload cloud/arrow to find it in your Explorer files.

19- Click on UPLOAD FILE.



*You can add a file in Microsoft Word format and CivicClerk will upload and convert to a PDF for you.*



20- Click on the orange PUBLISH button.



21- Be sure you are in the **PUBLIC PORTAL**.

22- Select the file you created from the drop down menu under **Agenda to Publish**.

The screenshot shows the top portion of the 'PUBLISH' form. At the top is a purple header with the word 'PUBLISH' in white. Below it is a 'Publish to' section with two buttons: 'PUBLIC PORTAL' (highlighted in green) and 'BOARD PORTAL'. Underneath is the 'Agenda to Publish' section, which includes a dropdown menu labeled 'Select Agenda' with an upward arrow. To the right of the dropdown are two buttons: 'NOT PUBLISHED' and 'PUBLISHED'. Further right is a 'Publish on Date' label with a calendar icon. A search bar is visible below the dropdown, and the text 'Essex Free Library Board of Trustees Agenda' is highlighted in yellow within the search results. Hand icons indicate the user's interaction with the 'PUBLIC PORTAL' button and the search results.

23- Click on the **PUBLISHED** tab.

24- Select YES to Send Email Notifications. This will send to those who subscribe.

25- Click on **+PUBLISH**.

This screenshot shows the middle and bottom portions of the 'PUBLISH' form. The 'Agenda to Publish' section now shows the 'PUBLISHED' button highlighted in green, with a hand icon pointing to it. The 'Send Email Notifications' section has two buttons: 'YES' and 'NO' (highlighted in red with a hand icon). Below this are several other sections, each with a dropdown menu and two buttons: 'NOT PUBLISHED' and 'PUBLISHED'. These sections are 'Packet to Publish', 'Minutes to Publish', 'Notice to Publish', and 'Other to Publish'. At the bottom right, there are two buttons: 'CANCEL' and '+ PUBLISH' (highlighted in green with a hand icon).

26- **Don't skip this step!** Check your work every time by visiting the HOME page of the website at [www.essexvt.org](http://www.essexvt.org). Scroll to the calendar and find your event. Click on it and test out the links.



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

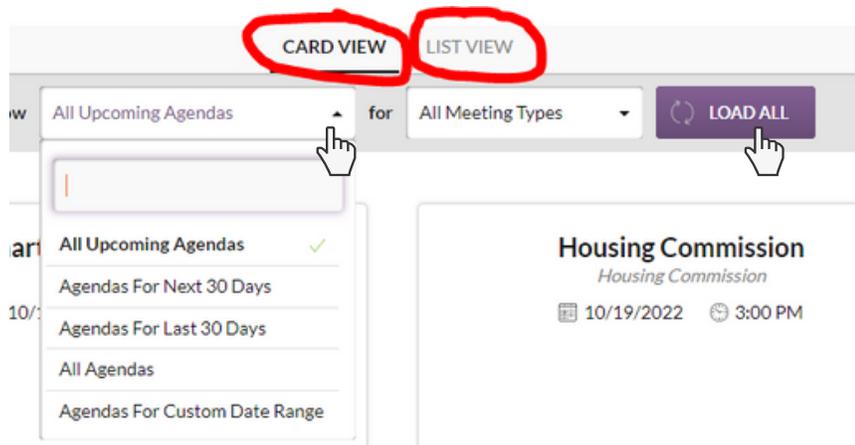
ATTACHMENT D  
CivicClerk Instruction to Post Minutes

# CIVICCLERK<sup>CP</sup> UPLOADING MINUTES (DRAFT & FINAL)

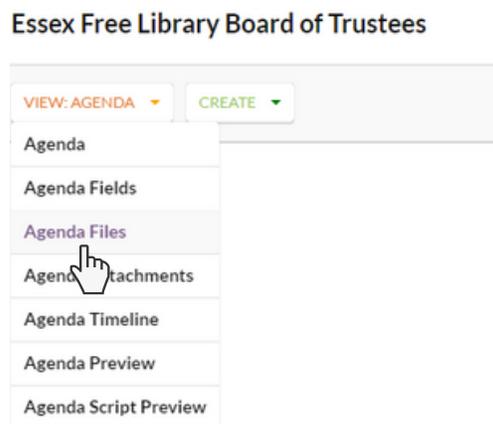
- 1- Sign in through the website sign in (waffle) or through the CivicPlus Platform.
- 2- Select the **Meetings** tab.



- 3- Select your meeting you created when you posted the agenda. Use either the CARD VIEW or LIST VIEW and the filter settings at the top to narrow down your search.



- 4- Select Agenda Files from the drop down menu, **VIEW: AGENDA:**



5- Click on **+CREATE/UPLOAD**

Created/Uploaded **1** + CREATE/UPLOAD

NAME	TYPE	CREATED ON	CREATED BY	FILES
Cemetery Commission Agenda	Agenda	9/28/2022	Shannon Lunderville	

6- Click on the **UPLOAD** tab.

7 - Enter the File Name.

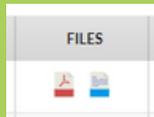
8- Select **Type: MINUTES**.

9- Drag and drop your minutes file or click on the green upload cloud/arrow to find it in your Explorer files.

10- Click on **UPLOAD FILE**. You should now have two files - an agenda file and a minutes file. (DO NOT delete the agenda file.)



*You can add a file in Microsoft Word format and CivicClerk will upload and convert to a PDF for you.*



**CREATE/UPLOAD**

File Name  
20220928 Cemetery Minutes DRAFT

Type

  
Drop or Select File to Upload (.doc, .docx, .pdf)

11- Click on the orange **PUBLISH** button.

Published **1** PUBLISH

NAME	TYPE	PORTAL	PUBLISH DATE	PUBLISHED BY
Cemetery Commission Agenda	Agenda	Published to Public	9/28/2022	Shannon Lunderville

- 12- Be sure you are in the **PUBLIC PORTAL**.
- 13- Select the file you created from the drop down menu under **Minutes to Publish**.
- 14- Click on the **PUBLISHED** tab.
- 15- Select **NO** to Send Email Notifications.
- 16- Click on **+PUBLISH**.

The screenshot shows a 'PUBLISH' form with several sections:

- Publish to:** A dropdown menu with 'PUBLIC PORTAL' selected and 'BOARD PORTAL' as an alternative.
- Agenda to Publish:** A dropdown menu with 'Cemetery Commission Agenda' selected. It has 'NOT PUBLISHED' and 'PUBLISHED' buttons, with 'PUBLISHED' highlighted in green. A 'Publish on Date' button is also present.
- Send Email Notifications:** Two buttons, 'YES' and 'NO', with 'NO' selected.
- Packet to Publish:** A dropdown menu with 'Select Agenda Packet' selected. It has 'NOT PUBLISHED' and 'PUBLISHED' buttons, with 'PUBLISHED' highlighted in grey. A 'Publish on Date' button is also present.
- Minutes to Publish:** A dropdown menu with '20220928 Cemetery Minutes D...' selected. It has 'NOT PUBLISHED' and 'PUBLISHED' buttons, with 'PUBLISHED' highlighted in green. A 'Publish on Date' button is also present.
- Send Email Notifications:** Two buttons, 'YES' and 'NO', with 'NO' selected.
- Notice to Publish:** A dropdown menu with 'Select Notice' selected. It has 'NOT PUBLISHED' and 'PUBLISHED' buttons, with 'PUBLISHED' highlighted in grey. A 'Publish on Date' button is also present.
- Other to Publish:** A dropdown menu with 'Select Other' selected. It has 'NOT PUBLISHED' and 'PUBLISHED' buttons, with 'PUBLISHED' highlighted in grey. A 'Publish on Date' button is also present.

At the bottom right, there are two buttons: 'CANCEL' and '+ PUBLISH'. The '+ PUBLISH' button is highlighted in green and has a hand cursor over it.

17- **Don't skip this step!** Check your work every time by visiting the HOME page of the website at [www.essexvt.org](http://www.essexvt.org). Scroll to the "Agendas & Minutes" button and find your meeting. Click on the "minutes" link to be sure it works.

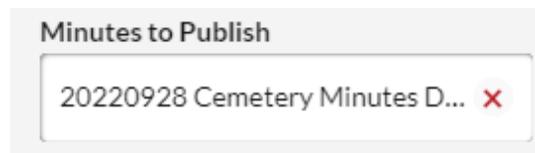
***FINAL MINUTES: If your board/committee posts draft minutes, with final versions at a later time, follow these steps to replace your draft copy with the final copy.***

1- Repeat Steps 1 through 10 to upload the final minutes. You should now see the agenda file, the draft minutes file, and the final minutes file. You may delete the draft version of the minutes by clicking on the red trash can, or keep it in CivicClerk. It does not have to be deleted. DO NOT delete the agenda file.

2- Repeat Step 11 and 12 to publish the new file.



3- Click on the RED X next to the draft file under **Minutes to Publish**.



4- Select the new file (final version) from the drop down menu under **Minutes to Publish**.

5-Click on the **PUBLISHED** tab.

6- Select NO to Send Email Notifications.

7- Click on **+PUBLISH**. The draft file has now been replaced with the new final file.

8 - **Don't skip this step!** Check your work every time by visiting the HOME page of the website at [www.essexvt.org](http://www.essexvt.org). Scroll to the "Agendas & Minutes" button and find your meeting. Click on the "minutes" link to be sure it works.



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

ATTACHMENT E  
Hybrid Meeting Tool Kit

# VLCT HYBRID PUBLIC MEETING CHECKLIST

Please use this checklist to help prepare and conduct hybrid (in-person and remote) meetings of public bodies in accordance with the Open Meeting Law.

## IN ADVANCE OF MEETING

- Provide advance public notice of meetings. See VLCT Model Hybrid Meeting Notice and Agenda.
  - Regular meetings: One time in a charter, local ordinance, or resolution.
  - Special meetings: Provide at least 24 hours' notice to:
    - all members orally or in writing (unless waived),
    - news media serving the area (no publication required),
    - any person who requests notification, and
    - in or near Town Clerk's office and two other public places in town.
  - Emergency Meetings: no specific requirement - "some public notice must be given as soon as possible before any such meeting."
- Create and post an agenda for all regular and special meetings (not required for emergency meetings). See VLCT Model Hybrid Meeting Notice and Agenda.
  - Include information on how the public can access the meeting electronically and provide a contact for troubleshooting technical difficulties.
  - Recommend advertising instructions in additional ways to foster accessibility.
  - Must 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, must be physically present at each designated meeting location).
  - At least 48 hours in advance of regular meeting and 24 hours in advance of special meeting:
    - post in or near town office,
    - post in at least two other public places in town,
    - post electronically to a website, if one exists, that is maintained or has been designated as the official website, and
    - make available to a person prior to a meeting upon specific request.
- Ideally, pick a technology that allows people to attend electronically such as Zoom, Skype, or conference call system.
- Set up hybrid meeting to enable everyone to hear and be heard throughout.

- This may require shared or individual microphones and speakers at the designated physical location to ensure the public can be heard and hear the meeting throughout.
- ☐ Determine process for managing in-person and remote access simultaneously.

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## START OF MEETING

- ☐ Assign administrator(s) to monitor chat/participation features. This person should not be the minutes taker.
- ☐ If possible, mute participants, or ask them to mute their microphones unless invited to speak. To take questions, make sure the chat feature is enabled.
- ☐ Advise participants that meeting is being recorded (if applicable).
- ☐ Confirm that members can hear each other and the public.
- ☐ Consider reading the VLCT Script for Opening a Hybrid Meeting of a Public Body.
- ☐ Note where materials for meeting are available.
- ☐ Introduce all members of the public body, staff, and persons on the agenda.
- ☐ State that meeting will be conducted in accordance with public body's Rules of Procedure.
- ☐ Cover "ground rules" for participation, such as:
  - speakers must state their name before each presentation, comment, or question.
  - all votes that are not unanimous must be taken by roll call (if one or more members attend by electronic or other means).
  - all participants must be recognized by the Chair before speaking.
  - etc.
- ☐ End hybrid meeting when public body adjourns.

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## TECHNICAL DIFFICULTIES

- ☐ If technical difficulties arise, the Chair should temporarily suspend (i.e. recess) the meeting until issues are resolved.
- ☐ If technical difficulties cannot be resolved so that the meeting cannot be held in compliance with VT's Open Meeting Law, continue meeting to a date, time, and place certain.
- ☐ Keep accurate minutes noting any disconnections and reconnections of members.
- ☐ If public is experiencing technical difficulties, refer them to meeting software guidance or assign someone to provide remote technical assistance.

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## AFTER MEETING

- Post the minutes.
  - Vermont law requires meeting minutes be posted no later than five (5) calendar days from the date of the meeting to an official website, if one exists, that is maintained or has been designated as the official website of the public body.

## **Suggested language at commencement of your hybrid meeting**

The meeting of the [insert public body's name] will come to order. This meeting is a hybrid meeting, which means that some or all of the public body is meeting remotely and some are meeting physically in a previously noticed location where the public may attend to observe, listen, and participate contemporaneously.

One member of this public body or other staff is present at the location to ensure the public can participate, if desired. Please note that while we will strive to provide means for those attending remotely to participate in the public comment period, there may be technical difficulties or reasons that otherwise prevent or interrupt remote public participation.

- If a member of the public or of the public body has technical difficulties accessing this meeting remotely, please alert us by [insert instructions for how public can report a problem, e.g., call X number, use remote software's chat function, email selectboard assistant, etc.] problem]; and
- In the event of a technical difficulty that cannot be resolved, we may continue the meeting if necessary, to time and place certain.
- Please note that all votes taken during this meeting that are not unanimous will be done by roll call vote, in accordance with the law.
- As required by the Open Meeting Law, let's start the meeting by taking a roll call attendance of all members participating in the meeting and have those members attending remotely identify themselves to ensure that they can hear and be heard throughout the meeting.
- [insert instructions on how to use the "raise hand" feature on the virtual platform and to discourage the use of chat for other than reporting a technical difficulty.]



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

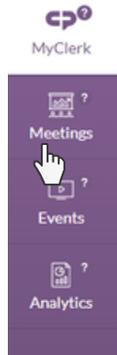
ATTACHMENT F  
CivicClerk Instructions to Post to Selectboard Agenda

# CIVICCLERK<sup>®</sup> UPLOADING ITEMS TO A SELECTBOARD AGENDA

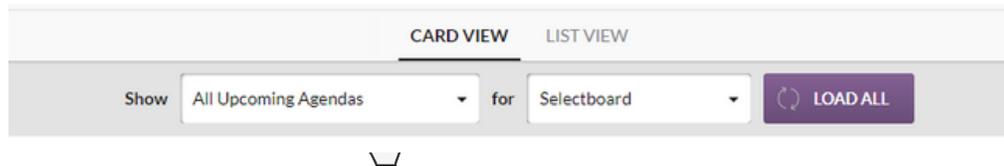
1- Sign in through the website sign in (waffle) or through the CivicPlus Platform.



2- Select the **Meetings** tab.

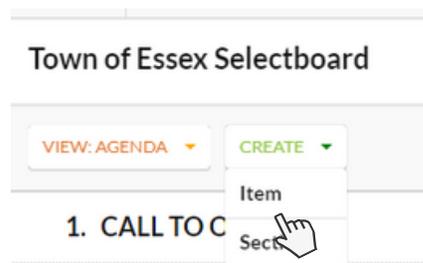


3- Show All Upcoming Agendas for Selectboard.



4- Select the meeting you want.

5- Select to create an item from the **CREATE** dropdown menu.



6- Select a section (typically Business Items, Consent Items, or Reading File.)

7- Type in the name of your item. Examples are, "Consider approval of xx", "Presentation of xx", "Consider authorization of xx".

8- Select Item Category (likely the same as the section).

9- Department - choose your department.

10- Skip Item ID. The entry autogenerated an item code.

11- Click on **CREATE ITEM** or **CREATE AND ADD NEW** if adding more items.

12- There are two ways to upload your memorandum and packet files. You may create **USING THE MEMORANDUM TEMPLATE** or **UPLOADING YOUR OWN MEMORANDUM**.

## USING THE MEMORANDUM TEMPLATE

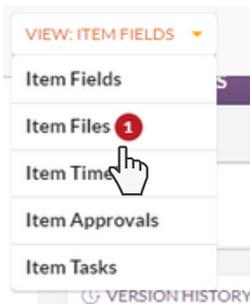
1- After completing the agenda item, you are taken to the memorandum template automatically. Scroll down through INFORMATION. This was automatically entered from your previous steps to enter the agenda item.

2- Under DETAILS, the Item Category and Department are auto-filled. Type in the "Issue", "To", and "Cc" fields.

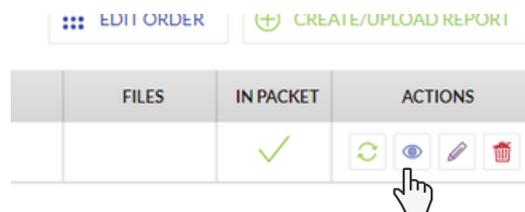
3- Under OTHER DETAILS, type in the "From", "Discussion", "Cost", and "Recommendation" fields. The Recommendation is usually worded like, "Staff recommends the Selectboard approve...".

4- Click on **SAVE ITEM** in the upper right corner.

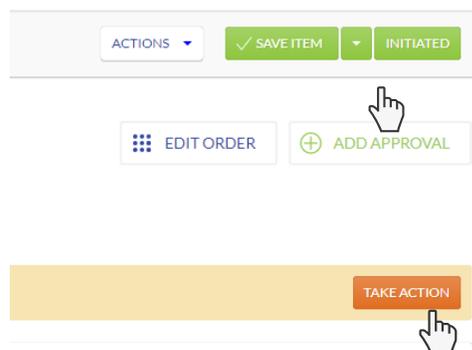
5- Select **Item Files** from the drop down menu called **VIEW: ITEM FIELDS** in the upper left corner.



6 - You should see a Memorandum under Item Reports. This is the memorandum you just typed into the fields. Click on the eye icon under ACTIONS to see a preview of the memorandum.



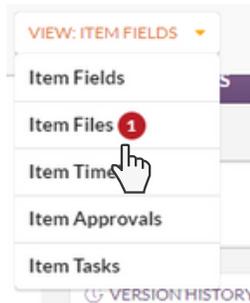
7 - If you do not have any attachments, click on **START APPROVALS** to begin the work flow of approvals. If you are the Department Head, you may receive an email notification to approve. Or, you can just approve it from this screen by clicking on **INITIATED** and **TAKE ACTION**.



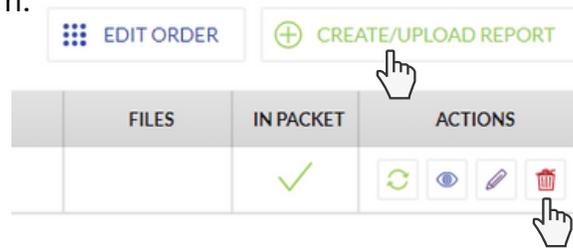
8- If you have attachments, skip to the **ADDING ATTACHMENTS** section of this instruction.

## UPLOADING YOUR OWN MEMORANDUM

1- After completing the agenda item, you are taken to the memorandum template automatically. Since you have your own memorandum to upload, you can go directly into the files to do that. Select **Item Files** from the drop down menu called **VIEW: ITEM FIELDS** in the upper left corner.



2 - You should see a Memorandum under Item Reports. This is the memorandum that automatically generates and you do not need. Click on the red trash can icon under **ACTIONS** to delete the memorandum.



3 - Click on **CREATE/UPLOAD REPORT** found above the **ACTIONS** icons (see screenshot above).

4- Click on **UPLOAD**. Type the Item Report Name, which can be, "Memo". Drag or select your file from your computer and click **UPLOAD FILE**.

**CREATE/UPLOAD**

CREATE    **UPLOAD**

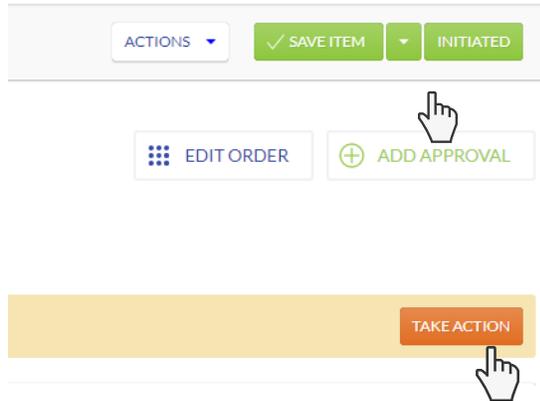
Item Report Name\*

Include In Packet

  
Drop or Select File to Upload (.doc, .docx, .pdf)

CANCEL    **UPLOAD FILE**

5- If you do not have any attachments, click on **START APPROVALS** to begin the work flow of approvals. If you are the Department Head, you may receive an email notification to approve. Or, you can just approve it from this screen by clicking on **INITIATED** and **TAKE ACTION**.



### ADDING ATTACHMENTS

1- After creating or uploading your agenda, you should still be on the Item Files screen. If not, follow the steps from above to select **Item Files** from the drop down menu called **VIEW: ITEM FIELDS** in the upper left corner.

2- Click on **ADD ATTACHMENTS**.

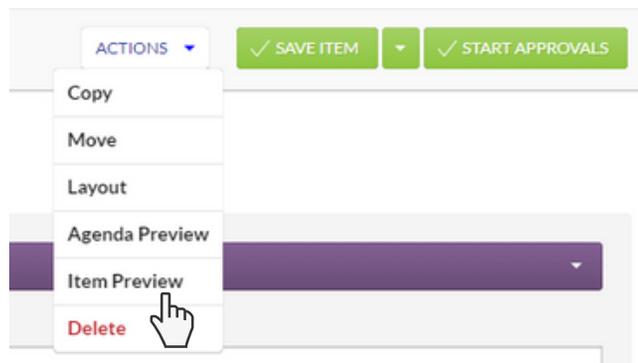


3- Leave "Show Link on Public Portal" as YES.

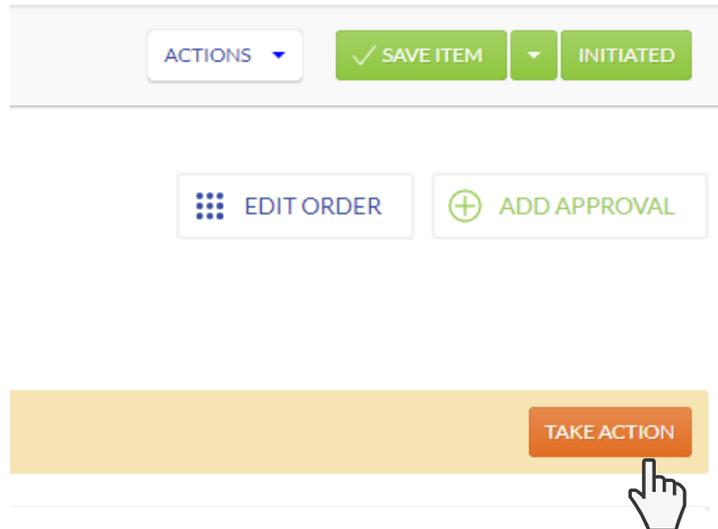
4- Check the box "Non-Confidential" This means it is a public document and will go in the public packet. If you have a confidential document, click on "Selectboard Only". This is in special circumstances that would require the Selectboard to review and discuss in executive session.

5- Drag or select your file(s) from your computer. You may drag over or select more than one at a time. Click **ADD ATTACHMENT** when you have selected all of your files.

6- View your work by clicking on the **ACTIONS** dropdown menu in the upper right corner and selecting, **ITEM PREVIEW**.



7- Once you have your item memo and attachments ready, click on **START APPROVALS** to begin the work flow of approvals. If you are the Department Head, you may receive an email notification to approve. Or, you can just approve it from this screen by clicking on **INITIATED** and **TAKE ACTION**.



All items uploaded will go through a workflow for approvals:  
Department Head > Deputy Manager > Manager



**TIPS:**

- Review your documents before uploading. Be sure to redact information that does not need to be in a public document, such as personal emails, phone numbers, and addresses. If it is not pertinent to the information you are sharing, it should be redacted to protect the privacy of others.
- You can upload Word and Excel documents and CivicClerk will automatically convert them to PDFs for the packet. This saves time!
- If you create PDFs on your own, create them by converting files instead of scanning them, when possible. This creates a smaller file that is easier to upload.



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

ATTACHMENT G  
Information Collection for Selectboard Requests

## **Town of Essex Boards, Commissions and Committees Information Collection for Selectboard Requests**

*Board, commission or committee members should contact impacted town departments before requesting a presentation to the Selectboard. The questions below are a guideline to putting together the information that should be ready and available when making a request or proposal.*

1. Introduction/summary of the issue/request/proposal.
2. What is the problem to address?
  - a. How is this problem referenced in adopted plans (i.e. the Town Plan, regional plans, Selectboard workplan, etc.)?
  - b. When/how did this problem begin? Why is action being sought now?
  - c. How does this impact municipal operations, funding, and/or staffing?
  - d. How does this problem impact the general public/environment?
  - e. What other relevant data is available?
3. What are the barriers to addressing this problem (i.e. regulatory, community opposition, economic constraints, environmental impacts)?
4. What are the top strategies to address the barriers?
  - a. What are the relative merits of these strategies?
  - b. What strategy is being proposed?
5. What municipal resources are being requested? How does that impact staffing?
6. What other resources are potentially needed (i.e. public participation, grant funding, etc.)?
7. What approval are needed?
8. What is the recommended schedule for achieving the various tasks associated with this effort?
9. What would success look like? How would success be quantified?
10. Is there any other relevant information?



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

ATTACHMENT H  
Annual Work Plan Template  
DOWNLOAD EXCEL DOCUMENT



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

ATTACHMENT I  
Open Meeting and Public Records Laws Quick Guide and FAQs

# Open Meeting Law FAQs



**This resource has been updated to reflect the changes from the 2025 legislative session. [Text of Bill](#)**

The Open Meeting Law [1 V.S.A. §§ 310-314](#), 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. This set of FAQs provides an overview of essential aspects of the law.

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**Disclaimer:** This resource is only intended to provide information and it does **NOT** constitute legal advice. Readers with specific legal questions are encouraged to contact an attorney. The use or downloading of this resource does **NOT** create an attorney-client relationship and will not be treated in a confidential manner.

If you have additional questions please use the ask a question button to submit them.

Ask a Question

## Requirements

### What are the requirements of the Open Meeting Law?

1. Provide advance notice of meetings. [1 V.S.A. §§ 312\(c\), 310\(5\)](#)



2. Create and post an agenda for all regular and special meetings. [1 V.S.A. § 312\(d\)](#)
3. Conduct all business in an open meeting (unless an exemption applies). [1 V.S.A. §§ 312\(a\); 313\(a\)](#)
4. Vote by roll call when there is electronic participation. [1 V.S.A. § 312\(a\)\(2\)\(B\)](#)
5. Allow public comment at meetings. [1 V.S.A. § 312\(h\)](#)
6. Take and post minutes. [1 V.S.A. § 312\(b\)](#)
7. Record, in audio or video form, all meetings of non-advisory bodies.
8. Post copies of recordings of non-advisory body meetings in a designated electronic location for a minimum of 30 days following the posting of the meeting minutes.
9. Respond to complaints of violation. [1 V.S.A. § 314\(b\)\(2\)](#).
10. Provide electronic/telephonic or in-person meeting access to a local resident, member of the public body, or member of the press to a regularly scheduled meeting, upon request, unless:
  1. there is an all-hazards event or state of emergency;
  2. there is a "local incident;" and
  3. compliance would impose an "undue hardship."
11. Post on its website (if it maintains one):
  1. an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General; and
  2. a copy of the text of [1 V.S.A. § 314](#).

### **To whom does the law apply?**



The law applies to 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\(4\)](#). This includes bodies that are specifically mentioned in state statute and municipal charter such as selectboards, prudential committees, planning commissions, conservation commissions, cemetery commissions, development review boards, boards of civil authority, boards of health, zoning boards of adjustment, etc. It also includes committees and subcommittees of those groups. The law does not apply to community justice boards or community justice centers. [24 V.S.A. § 1964\(b\)](#).

### **What’s the difference between an “advisory” and a “non-advisory” public body?**

The law draws a distinction between advisory and non-advisory (“decision-making”) public bodies by imposing stricter requirements on decision-making bodies.

#### ***Advisory body***

The law defines an “advisory body” as a “public body that does not have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.” [1 V.S.A. § 310\(1\)](#). An advisory body, by its very name, advises, which means that it lacks final statutory decision-making authority. If a public body has final decision-making authority over any legislative, quasi-judicial, tax, or



budgetary matter then it is categorically not an advisory body, which makes it, in turn, a decision-making body.

The determination of whether a body is advisory or decision-making can be tricky. If you are unsure if you are an advisory body, please reach out to your legal counsel. Alternatively, bodies can follow the requirements for decision-making bodies.

### ***Non-advisory (“decision-making”) body***

Though not explicitly defined by the law, a “non-advisory body” is a decision-making body, one that does have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters. Making the call here will likely necessitate a short, fact-based determination. For example, a planning commission that hears applications for development review would be considered a decision-making body because it exercises control over some quasi-judicial matters, even though most of its time may be spent advising the selectboard on the adoption, amendment, or repeal of the town plan and zoning regulations. Some other examples of decision-making public bodies include the legislative bodies (selectboard, school board, city council, village trustees, prudential committee, and alderman), cemetery commission, library trustees, board of listers, board of civil authority, board of abatement, water and sewer commission, and local board of health.

### **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 members of the body. Quorum is determined based on the number of positions on the body, not the number of persons occupying those positions.

Therefore, quorum does not change when there is a recusal or a vacancy.

“Meeting” is defined as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. [1 V.S.A. § 310\(3\)\(A\)](#). “Business of the public body” is defined as the public body’s governmental functions, including any matter over which it has supervision, control, jurisdiction, or advisory power. [1 V.S.A. § 310\(1\)](#).

The Law applies regardless of the physical location of the members; the members don’t all have to be in the same room at the same time for it to be considered a “meeting” under the Law. Therefore, a phone conversation between a quorum of the members is a “meeting” for purposes of the law. Furthermore, time likely is also not a factor. If a conversation occurs over a period of time (for instance in a string of emails) that conversation may still amount to a “meeting” under the Law. This is why public bodies should generally avoid the use of group emails.

**Does this mean that we can never be in the same room at the same time unless we are in a meeting?**



Not necessarily. The law does not prohibit a quorum of members of a public body from assembling at social functions, conventions, conferences, training programs, press conferences, media events, or otherwise gathers, provided that the members refrain from discussing specific business of the public body that they expect to take up at a later time. [1 V.S.A. § 310\(3\)\(C\)](#). The Law also allows a quorum of the members of a public body to talk about routine administrative matters (such as scheduling meetings) outside of a meeting.

The following does not constitute a "meeting" for purposes of the law: "any communication, including in person or through 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: (i) no other business of the public body is discussed or conducted; and (ii) such communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act." [1 V.S.A. § 310\(3\)\(B\)](#).

### **Can a quorum of one public body attend the meeting of another?**

Yes. A gathering of a quorum of a public body at a duly warned meeting of another public body is not considered to be a "meeting," provided that the attending public body does not take action on its own business. [1 V.S.A. § 310\(3\)\(D\)](#)



## What are the different types of meetings and why does it matter?

There are three types of meetings under the Law. The Law imposes different requirements for notices and agendas depending on the type of meeting that is being held.

- "Regular meetings" are meetings that take place at a regularly occurring, pre-arranged time and day.
- "Special meetings" are meetings that take place at any time or date outside of the "regular" meeting schedule.
- "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\(c\)\(3\)](#).

## How can we process payroll and other bills in between selectboard meetings?

Individual members may not merely show up at the town office and sign payment orders at their convenience as this would constitute a violation of the Open Meeting Law (OML). The OML requires a majority of selectboard members to take an action or make a decision (e.g., sign an order approving payment), only within the context of a duly warned open meeting. [1 V.S.A. § 172](#). There are two exceptions to the above general rule both of which require the selectboard to meet at least once:



- First, the selectboard can vote at a duly warned meeting to approve certain payments in advance so that there is no need for members to sign orders. Such a vote must identify the person(s) to whom payment is to be made and the purpose(s) for that payment. The treasurer may then use a certified copy of the minutes from this meeting as full authority to make the approved payment. [24 V.S.A. § 1623\(a\)\(2\)](#).
- The second exception allows the selectboard to authorize one or more members to review and approve orders on behalf of the entire board. A vote to give such authorization must take place at a duly warned selectboard meeting and must be reflected in the meeting minutes. A motion to give such authorization might be phrased as, "I move that we appoint [insert name(s) of legislative body member(s)] to approve and sign orders for [insert types of claims that the person has authorization to approve such as "payroll," "operating expenses," etc.] for [insert period of time]." Any orders that are approved under this authority must state definitely the purpose for which they are drawn. The full selectboard must later be provided with a record of all the orders approved. [24 V.S.A. § 1623\(a\)\(1\)](#).

Relatedly, if there are so many vacancies on the selectboard that a quorum cannot be achieved, the remaining member(s) have the authority to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled. [24 V.S.A. § 961\(b\)](#).

**If a member is unable to attend a meeting, can that person vote by email or proxy?**



No, the law does not allow for voting by email or by proxy. However, the law allows members to attend a meeting by electronic means (e.g., speaker phone or Skype), and to vote at that meeting, so long as the other requirements of the Open Meeting Law are adhered to (see #8, below). [1 V.S.A. § 312\(a\)\(2\)](#).

## Email, Phone, and Other Electronic Communication

### Do group emails violate the Law?

Not necessarily. Group emails may be used to schedule a meeting, create an agenda, or to distribute materials to discuss at a meeting. Group emails should never be used for discussion purposes (which is why you should avoid hitting the "Reply All" button as that may create a group discussion that constitutes a meeting under the law). Communications among a quorum of members regarding the public body's business is defined as a meeting and elicits the requirements of the Open Meeting Law: public notice, agenda, open to the public, public comment, and meeting minutes. Emails must generally be available for copying and inspection as public records. [1 V.S.A. § 310\(3\)\(B\)\(ii\)](#).



In addition, email may be used in instances where a public body is engaged in a quasi-judicial deliberation – for instance, when a development review board is in the midst of drafting the written decision on a permit application. [1 V.S.A. § 312\(e\)](#). Before taking advantage of this exception to the Law, 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 below.)

### **Can a member attend a meeting by phone or other electronic means (Zoom, Microsoft Teams, etc.)?**

Yes, a member may participate and vote at a meeting by electronic means (e.g., speaker phone, Skype, etc.) as long as that member identifies themselves when the meeting is convened and the member is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call for any vote that is not unanimous. [1 V.S.A. § 312\(a\)\(2\)](#).

### **Can we use document sharing platforms such as Google docs, Teams, or OneDrive?**



Though it is a question of first impression that has yet to be addressed by a Vermont court, the law likely prohibits public bodies from doing this type of collaborative work (i.e. working, commenting, sharing ideas, and making statements or corrections on a shared document, whether simultaneously in real-time or through a series of individual communications over a period of time) outside the confines of an open meeting. This is because such action may violate the intent behind the Open Meeting Law, which is to assure that substantive conversations and decisions by municipal public bodies are made in public. By using a method of on-line communication such as Google Docs, to which the public has limited access, a public body is accomplishing what otherwise may only be accomplished in the context of an open meeting. If members, totaling a quorum, are indicating their approval or disapproval, or making comments and suggestions via these platforms, whether simultaneously or serially as individual members, the use of the software may be a violation of the Open Meeting Law.

To avoid a potential violation of the law, we recommend that members work independently to compose, comment, and edit documents. And while those drafts, comments, and edits may be disseminated (sent by one-way communication) to the other members, all discussions or decisions about those documents should take place during the course of a duly warned open meeting. Alternatively, a public body can designate a point person or several members to work collaboratively on a document using this type of collaborative software outside of its meetings – so long as the total number of members stays under the quorum threshold (i.e., less than the majority of the total membership of the



public body), and the work is then brought to a duly warned open meeting for discussion and approval by a quorum of the body.

There is one exception where the use of collaborative software would be appropriate: in the context of a deliberative session during a quasi-judicial proceeding, as allowed by the Open Meeting Law. Since deliberative sessions fall outside the context of the Open Meeting Law, they may be conducted by Google Docs or other electronic communication without violating the law.

### **Can we use social media to communicate with the public and each other?**

Members must be cautious of using social media platforms such as Facebook or Front Porch Forum. While these platforms may be useful tools in connecting with the public and providing transparency, a violation of the law may occur if a quorum of members has a dialogue concerning the public body's business on those platforms. The use of Front Porch Forum is even more of a liability because the Open Meeting Law requires that all members of the public have the "right to be present, to be heard, and to participate." State of Vermont Emergency Bd., 136 Vt. 506, 508 (1978). Unlike Facebook, where most anyone can join and participate, Front Porch Forum restricts access to local residents only.

Even though using social media is not formally addressed in the Open Meeting Law, local officials need to be aware that the Vermont Supreme Court interprets the law liberally in support of the overriding policy goal of open access to public meetings. And while the use of social media is not prohibited by the law, their use



requires awareness and caution on the part of public bodies to avoid possible violations.

## In-Person, Remote, and Hybrid Meetings

### **What if a majority of members are not able to be physically present? Can they still have a meeting?**

Yes. A quorum or more members of a public body may participate in a meeting electronically when the agenda that has been posted for such meeting designates at least one physical location where a member of the public can attend and participate in the 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 themselves when the meeting is convened and must be able to hear and be heard throughout the meeting. Any voting that occurs at the meeting that is not unanimous must be done by roll call.

[1 V.S.A. § 312\(a\)\(2\)](#).

In this case, the public body can choose whether it will offer remote access to the public. It doesn't have to, even if its members are participating electronically, unless a request is made and meets certain criteria (see below). If public access is only offered at the physical meeting location, it would be warned as an in-person



meeting despite remote access for its members.

**Can a decision-making body meet remotely (i.e., without designating a physical meeting location)?**

Yes, but only to attend an emergency meeting of the body or when necessary to respond to a local incident or a declared state of emergency.

**Does a local public body ever have to meet remotely (i.e., without designating a physical meeting location)?**

No. A local public body, whether advisory or decision-making, is never required to meet remotely (i.e., without designating a physical meeting location). It may meet remotely when the circumstances detailed above warrant. This is distinct from the hybrid requirement for State decision-making bodies, which necessarily includes remote access.

**Can a local public body still hold hybrid meetings?**



Yes. This has not changed. The public body may offer remote access through electronic participation for its members and the public, provided that:

- the posted agenda designates at least one physical location where the public can attend and participate in the meeting;
- at least one body member, staff person, or other designee is present at that physical location throughout the meeting;
- each member that attends electronically identifies themselves when the meeting is convened and must be able to hear and be heard throughout the meeting; and any voting that occurs at the meeting that is not unanimous must be done by roll call [1 V.S.A. §312\(a\)\(2\)](#).

This is a pre-existing provision of the Open Meeting Law not affected by the sunset of Act 1 (2023) or the enactment of Act 133 (2024).

### **What is a “local incident” for purposes of remote meeting allowances?**

Act 133 (2024) defines a “local incident” as “a weather event, loss of power or telecommunication services, public health emergency, public safety threat, received threat that a member of the public body believes may place the member or another person in reasonable apprehension of death or serious bodily injury, or other event that directly impedes the ability of a public body to hold a meeting electronically or in a designated physical location.” [1 V.S.A. § 312a\(a\)\(4\)](#).



### **What does a public body need to do before it can meet remotely in response to a local incident?**

Before meeting remotely, in response to a local incident, the highest ranking elected or appointed officer of the public body (e.g., the chair, or the vice-chair if the chair is not available) must first make a formal written finding and announcement of the local incident which includes the basis for the finding. These written findings should be permanently retained.

### **How does someone request a physical meeting location or electronic access to a public meeting?**

A resident of the geographic area in which the public body has jurisdiction, or a member of the public body or the press, may request in-person or remote access to the public body's next regular meeting by submitting to the public body a request, in writing, at least two business days before the meeting. The request should specify what type of access is sought (e.g. a designated physical location, a telephone conference call, access via an electronic meeting platform) and provide any relevant contact information. A requestor is not required to provide a basis for the request.

### **Does a public body have to designate a physical meeting location or provide electronic access to its meetings upon request?**



It depends on the circumstances. A resident of the jurisdiction served by the public body, a member of the public body, or a member of the press may request that a public body provide additional access to a regular meeting by designating a physical location for a remote-only meeting or by providing electronic/telephonic access to an in-person meeting. The request must be made in writing no less than two business days before the meeting to be considered. Such requests only apply to the public body's next regularly scheduled meeting and not to a series of regular meetings, special meetings, emergency meetings, or field visits. Because the requests only pertain to regularly scheduled meetings, they do not pertain to special or emergency meetings of a public body.

The public body must grant the request unless:

- there is an all-hazards event or a declared state of emergency;
- there is a local incident; or
- for a municipal public body, compliance would impose an undue hardship.

### **Does a granted request for a physical meeting location or electronic access apply to just the requestor or is access granted to the public at large?**

Since the underlying policy of Open Meeting Law is access to public meetings, expanded access should apply to the public at large unless it creates undue hardship. Generally, requests for physical access apply to the general public,



whereas requests for electronic access may be more complicated and could reasonably only apply to the individual requestor.

**Does the law require a public body to designate a physical meeting location or provide electronic access to its hearings upon request?**

No. Even though hearings are meetings, in that a hearing represents a “gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action,” a hearing is not a “regular meeting” (i.e., a meeting that takes place at a regularly occurring, pre-arranged time and day). [1 V.S.A. § 310\(3\)\(A\)](#). The right to request that a public body designate a physical meeting location or provide electronic or telephonic access only applies to a regular meeting of a public body.

Please note that if a hearing is held during a regular meeting, requests for alternate access to the regular meeting must be honored as the law requires.

**What constitutes an “undue hardship” for purposes of requests for electronic access or for recording meetings (see below)?**

The law defines an “undue hardship” as “an action requiring significant difficulty or expense to the unit of government to which a public body belongs, considered in



light of factors including the overall size of the entity, the availability of necessary personnel and staff, the entity's available resources, and the costs associated with compliance." [1 V.S.A. § 310\(g\)](#).

Since a municipality claiming this exemption has the burden of proving that compliance would impose an undue hardship, we advise that any municipality claiming an exemption have its legislative body document its finding after hearing relevant supporting evidence during an open, public meeting and record it in the meeting minutes. Given the factors that make up this definition, it's unlikely that, in most circumstances, this exception would apply to any but the smallest of municipalities.

### **Who makes the decision to hold hybrid meetings?**

The answer to this question depends on whether the members of the public body in question are elected by the voters of the town or are appointed by the town's selectboard. If the members are elected, then a majority of the total membership of their board can decide how (within the confines of the law) to conduct its meetings. If the members are appointed, then it will be the public body that created them – typically, though not always, the selectboard – which has ultimate control over how their meetings are held.

## **Agendas**



### **Does the law require an agenda for every meeting?**

A written agenda must be created in advance of every regular or special meeting. [1 V.S.A. § 312\(d\)](#). There is no requirement for an agenda for an emergency meeting.

### **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 or a neighboring municipality (if your municipality doesn't have sufficient public places). [1 V.S.A. § 312\(d\)](#). If it has not already done so, every municipality should officially designate two or more public places in the municipality at which agendas will be posted.

Our opinion is that the legislative body can make this designation on behalf of all of the public bodies in the municipality, unless those bodies are independently elected. In addition, agendas for regular and special meetings must be posted to an official website, if one exists that is maintained or has been designated as the official website of the public body. Agendas must also be made available to any person prior to the meeting upon specific request. [1 V.S.A. § 312\(d\)](#).



## What must be contained in an agenda?

The Open Meeting Law says that an agenda must "contain sufficient details concerning the specific matters to be discussed by the public body." An agenda should include specific topics such as "proposed contract with ambulance service," or "discussion of speed limit on town highway 7" rather than general terms such as "contract," or "speed limits" which do not provide notice to the public about what will be discussed and decided.

Additionally, whenever a public body includes an executive session as an item on a posted meeting agenda, the public body must list the agenda item as "proposed executive session" and indicate the nature of the business of the executive session. We recommend using the same terminology as the allowance for executive session in the law on both the agenda and the motion to enter into executive session.

A public body meeting without a physical meeting location must post information that enables the public to directly access the designated electronic platform and include this information in either its published agenda or public notice for the meeting.

## Can we add items to an agenda after it is posted?



A public body may table or otherwise postpone an item on their meeting agenda, when necessary, as in situations where additional information is needed before a decision may be made. Other adjustments to an agenda such as changing the order of items may be made at any time during the meeting. [1 V.S.A. § 312\(d\)\(3\)\(B\)](#).

There are more stringent standards for adding items to an agenda. The Law was amended in 2014 to state that an item may only be added or removed from a meeting agenda as the first order of business at that meeting. [1 V.S.A. § 312\(d\)\(3\)\(A\)](#). Our opinion is that the language in [1 V.S.A. § 312\(d\)\(3\)\(A\)](#) does not give a public body free reign to alter a meeting agenda at the last minute. Instead, our advice is that once the deadline for posting an agenda has passed (48 hours in advance of a regular meeting and 24 hours in advance of a special meeting) items should only be added to that agenda when necessary to deal with an unforeseen occurrence or condition requiring immediate action. In all other cases, an item that has not been listed on a posted agenda should not be discussed as a last-minute addition. Instead, the body should place the item on the agenda of their next regular meeting or, if necessary, call a duly noticed special meeting to address that item. Taking this approach will ensure that the public has adequate advance notice and an opportunity to be heard on all topics to be discussed and decided by the public body.

## Posting, Noticing, and Announcing Meetings



## What are the requirements for noticing and announcing a meeting?

- **Regular meetings:** Regular meetings of a public body (i.e. meetings that occur at a regular date, time, and place) only need to be announced once: in a charter, local ordinance, or resolution. [1 V.S.A. § 312\(c\)\(1\)](#). A resolution regarding the regular meeting schedule can be 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\(d\)](#).
- **Special meetings** (meetings that occur outside of the 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 either orally or in writing to all the members of the public body; 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\(5\)](#). In addition, notices and agendas must be posted at the municipal clerk's office and in at least two other designated public places in the municipality, or a neighboring municipality (if your municipality doesn't have sufficient public places), at least 24 hours in advance. [1 V.S.A. § 312\(c\)\(2\)](#).
- **Emergency meetings:** There is no specific requirement for announcing and posting notice for emergency meetings (which are held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body) although "some public notice must be given as soon as possible before any such meeting." [1 V.S.A. § 312\(c\)\(3\)](#).



# Meeting Minutes & Recordings

## **Do we have to take minutes at every meeting and provide them to the public? Who is responsible?**

Yes. Minutes must be taken at every public meeting. 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\(a\)](#). Each public body is responsible for creating its own minutes. Minutes must be kept by the secretary or clerk of the public body (which may or may not be the municipal clerk). [1 V.S.A. § 312\(b\)\(1\)](#).

## **What must be included in the minutes?**

Meeting minutes do not have to be a transcript of the meeting. Minutes must give a "true indication of the business of the meeting" - which may require supplementing the following statutorily required elements: members present; active participants at the meeting; motions, proposals, and resolutions made, offered, and considered and what disposition is made of the same; the result of any votes taken; and a record of individual votes if a roll call is taken. [1 V.S.A. § 312\(b\)\(1\)](#).



### **When must minutes be available/posted?**

Minutes must be available for inspection five calendar days after the meeting. [1 V.S.A. § 312\(b\)\(2\)](#). In addition, minutes must be posted no later than five calendar days after the meeting to an official website, if one exists, that is maintained or has been designated as the official website of the public body. [1 V.S.A. § 312\(b\)\(2\)](#). Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken. [1 V.S.A. § 312\(b\)\(2\)](#).

### **How can we have time to approve or finalize the minutes if they have to be available within 5 days?**

There is nothing in the Open Meeting Law that requires any official finalization, correction, or approval action by the public body. Since there is no law on the subject it is up to each public body to decide whether and how it will deal with corrections, approvals, etc. Many public bodies make it a practice to create a set of minutes labeled "draft" or "unapproved" and subsequently correct and "approve" those minutes at a subsequent meeting. This is done as an acknowledgement that the body has read the draft minutes and agree that they accurately reflect what took place at the meeting

### **Can minutes be amended?**



Yes. However, the edited version must comply with the law's requirements. This means the revised minutes must still cover all topics and motions that arise and give a true indication of the business of the meeting by including, at a minimum: the members present; all other active participants at the meeting; all motions, proposals, and resolutions made, offered, and considered and what disposition is made of the same; and the result of any votes taken with a record of individual votes if a roll call is taken. [1 V.S.A. § 312\(b\)\(1\)](#).

### **How are minutes amended?**

Minutes can be amended by concurrence of a majority of the total membership of the public body in the context of a duly warned public meeting. "When joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise." [1 V.S.A. § 172](#). Be sure this is listed as an agenda item such as "Review and Approve Minutes" or something similar.

### **Do all public bodies need to record their meetings?**

No. There are different requirements for recording as well as recording formats.



- State decision-making bodies must video record their meetings.
- Local decision-making bodies must record their meetings, unless undue hardship applies, and may choose either audio or video recording format.
- State and local advisory bodies are not required to record their meetings (but may choose to do so).

### **Do recordings of decision-making meetings need to be posted?**

Yes. Decision-making bodies must post a copy of each meeting recording in a designated electronic location for a minimum of 30 days following the posting of the minutes of that meeting.

### **How does a public body count the 30 days for posting?**

The recordings of decision-making public body meetings required by Act 133 (2024) must be retained for 30 days after posting.

In response to Act 133 (2024), the Vermont State Archives & Records Administration (VSARA) has developed an updated record schedule specifically to address [recordkeeping requirements for public bodies](#). A [one-page quick reference guide](#) is available. View VSARA's [guidance for managing and disposition of public records](#) or contact a VSARA Records Specialist at



[sos.rim@vermont.gov](mailto:sos.rim@vermont.gov) or (802) 828-3700.

### **Are there any exceptions to this recording and posting requirement?**

Yes. A municipality's decision-making bodies do not have to record or post recordings of their meetings if doing so would impose an "undue hardship" on the municipality. The determination process for "undue hardship" is explained above.

The recording requirement also does not apply to gatherings of a public body for purposes of a site inspection or field visit.

### **Where do we post our recordings if we don't have a website?**

If a municipality does not have a website, then its decision-making public bodies need to designate a different electronic location, unless doing so would constitute an undue hardship.

### **Is a designated electronic location limited to a municipal website?**



No. A designated electronic location could include, for example, a community access media site. Many municipalities lack the technology to video record their meetings but are served by community access media who do. The website of a community access media company could be designated as a municipality's official electronic location for the posting of meeting recordings of decision-making public bodies.

One potential complication to this arrangement is that the municipality needs to ensure that the company posts all meeting recordings for the requisite 30 days following the approval and posting of the official minutes. We strongly recommend that the municipality maintain a copy for itself to comply with any Public Records Act requests. Community access media companies are not "public bodies" under the law and a municipality cannot abdicate its obligations under either the Open Meeting Law or Public Records Act by imposing them upon another party.

YouTube is another option, as accounts are free to create and maintain. A municipality could create an account for the upload of decision-making public bodies' recordings.

### **Who designates an electronic location for posting the meeting recording?**

It appears from the text of Act 133 (2024) that the decision-making public body holding and recording the meeting has the authority to designate the electronic



location where the recording will be posted. Since even the smallest of towns can have many decision-making public bodies, this could lead to recordings of public meetings being kept in multiple electronic locations, which makes it more difficult for the public to access them. Accordingly, we recommend that each municipality's legislative body designate one electronic location to which all decision-making public bodies can post their meeting recordings. This is the simplest way to comply with the law.

### **If a public body, advisory or decision-making, meets remotely for any reason, does it still need to physically post meeting notices and agendas?**

Yes, except an affected public body that meets during a local incident or declared state of emergency may post notices and agendas in one or two publicly accessible designated electronic locations in lieu of one or two designated public places, respectively.

For the most part, the Open Meeting Law's notice and agenda requirements have not changed. One exception is that if a public body meets remotely, it must now also post information that enables the public to directly access the designated electronic platform and include this information in either its published agenda or public notice for the meeting.

### **How can public bodies maintain order during a hybrid meeting?**



The same way it would maintain order during a physical meeting. The chairperson should administer the meeting in accordance with the public body's rules of procedure. The Open Meeting Law requires that the public be given a reasonable opportunity to express their opinion on matters considered by a public body. This has not changed and still applies equally to all meetings, regardless of how they are conducted.

Civility, decorum, and order are all essential elements of a successful public meeting. At times, these elements are difficult to achieve even under the best of circumstances. One of the additional challenges posed by conducting a remote meeting is the absence or delay of any real-time physical cues. For example, if a meeting is conducted by conference call only, the chairperson is unable to see who has their hand raised to be recognized. Members of the public body and the public must also be mindful not to talk over one another and to speak clearly so that meetings can be properly recorded (if applicable) and that all can hear and be heard throughout the meeting. It's important therefore that the public body review its rules of procedure and amend them if necessary to ensure they are still applicable to remote meetings. More than ever, it is incumbent upon public bodies to educate their own members and those of the public as to its rules of procedure and how they will be enforced.

**Does the new recording requirement mean we do not have to take minutes of those meetings?**



No. Meetings minutes are still required by the Open Meeting Law. The new recording requirement for meetings of decision-making public bodies is in addition to, not a substitute for, the existing minutes requirement.

**Can advisory public bodies continue to meet in physical locations if they so choose?**

Yes. The amendments to the Open Meeting Law authorizing remote-only meetings for advisory bodies are permissive, not restrictive. The law does not prevent members of any public body, including advisory ones, from physically gathering in the same location (or from holding a hybrid meeting) to meet, so long as those meetings are also open to the public.

**If a member can't attend a meeting, can they vote by email or proxy (i.e., have another person vote on behalf of the member)?**

No. The law does not allow voting by email or by proxy in any case.

**What are some methods or technology public bodies can use for hybrid meetings?**



The law does not specify methods for electronic participation in a hybrid meeting, except to say that it can be through electronic or other means and that the body must allow the public to access, attend, and participate in a meeting by telephone. Some virtual meeting software options include Zoom, GoToMeeting, RingCentral, DialPad, Skype, FreeConferenceCall.com, and Vast Conference. Public bodies can also contact their local telephone service provider to ask about standard conference call options that use just a telephone system.

We encourage public bodies holding hybrid meetings to use various means concurrently, if possible, to ensure members of the public have options. Broadband is not always a reliable option for Vermonters, so offering a menu of choices to enable access, attendance, and participation in the same meeting, concurrently, is ideal. For instance, a public body can set up a Zoom or Skype video meeting but also have a speaker phone positioned near someone's computer to capture audio for a conference call option. Think creatively but be sure to provide clear instructions in either the published agenda or public notice for the meeting so everyone is made aware of these options and how to avail themselves of them.

### **Can a member who is participating in a meeting electronically sign documents electronically?**

Documents may be signed by a quorum of any public body or by an individual member delegated in writing to have signatory authority by the public body.



Generally, whether electronic signatures can be used in the State of Vermont depends on the circumstances. The Vermont Uniform Electronic Transactions Act (VUETA) defines an “electronic signature” as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” Under VUETA, if a law requires a signature and does not specify non-electronic form, then an electronic signature will suffice, provided that certain requirements (e.g. relating to consent, record-keeping, security) are met. The full law may be accessed [here](#). The Vermont State Archives and Records Administration (VSARA) also has an [electronic signatures best practices guide](#) [here](#). For additional guidance on best practices and answers to frequently asked questions regarding electronic signatures, including their retention, please visit VSARA's website.

## Training

### What are the law’s training requirements?

The law requires annual professional training on the topic of Vermont's Open Meeting Law. The Secretary of State's office has developed the training and has made it available to municipalities, subdivisions, and public bodies. The training may be in person or on-line, live or recorded. Find the training on the [Secretary of State's Open Meetings page](#).



### **Do all government officers have to undergo training?**

No. The only municipal officers who must do so are the chairs of the legislative bodies (e.g., selectboard, school board, city council, board of trustees, prudential committees, etc.), municipal managers, and mayors. (While Act 133 (2024) applies to school boards, the open meeting law training obligation already exists for school board chairs in [16 V.S.A. § 561](#).)

## **Exceptions to the Open Meeting Law**

### **In what instances can a public body meet in private?**

There are limited instances in which a public body can meet in private. These instances are described in the exceptions to the Open Meeting Law which are as follows:

- Site inspections for the purpose of assessing damage or making tax assessments or abatements. [1 V.S.A. § 312\(g\)](#); Clerical Work. [1 V.S.A. § 312\(g\)](#);
- Work Assignments of staff or other personnel. [1 V.S.A. § 312\(g\)](#);
- Routine, day-to-day administrative matters that do not require action by the public body, provided that no money is appropriated, expended, or



encumbered. [1 V.S.A. § 312\(g\)](#);

- Deliberative sessions within the context of a quasi-judicial proceeding. [1 V.S.A. § 312\(e\)](#); and
- Executive sessions. [1 V.S.A. § 312\(a\)](#).

### **Is there an exception for "work sessions"?**

No. The only exceptions to the law are those that are listed above.

### **What falls under the exception for "routine administrative matters"?**

We don't have case law interpreting this exception, so we suggest taking a narrow view. This exception has primarily been used by the town listers and auditors when engaged in routine administrative matters, such as when they update listers cards, examine the treasurer's spread sheets, etc. On the other hand, this exception has not applied historically to the actions taken by the listers and auditors that are specifically required by statute (such as lodging the grand list, making decisions about the annual auditors' report, etc.). Therefore, we recommend such actions only be taken in the context of a duly warned open public meeting that meets all the requirements of the Open Meeting Law. Remember, these are options a public body can use but don't have to use them; public bodies can always go above and beyond the minimum statutory



requirements and satisfy the law even if an exception exists.

### **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\(6\)](#). Examples include tax appeal hearings before the board of civil authority; vicious dog hearings and employment termination hearings before the selectboard; 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.

### **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\(f\)](#). This means that after the public body has heard all of the evidence in a hearing, it may adjourn the public portion of the hearing, privately



discuss and determine the merits of the case, and then circulate drafts of an opinion for comment and approval prior to issuing its formal written decision.

### **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. Security, cybersecurity, 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 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:
  - contracts;
  - labor relations agreements with employees; arbitration or mediation;
  - grievances, other than tax grievances;
  - pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or
  - confidential attorney-client communications made for the purpose of providing professional legal services to the body. [1 V.S.A. § 313\(a\)\(1\)](#)

### **What is “premature general public knowledge” and how could that place someone at a substantial disadvantage?**

To go into executive session to discuss one of the subjects listed in [1 V.S.A. § 313\(a\)\(1\)](#), there must be a reason that the subject cannot be discussed in open session at that time. For instance, if the municipality is in a contract negotiation, the selectboard would not want to discuss its proposed terms as that would give the other side an advantage at the bargaining table. In that instance, premature public knowledge of the subject would place the municipality at a substantial



disadvantage.

### **When can we enter into executive session to discuss legal matters?**

The 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 \(F\)](#). In addition, the law allows a public body to have its attorney, among others, present during executive sessions. [1 V.S.A. § 313\(b\)](#) ("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.") In addition to the above, the Law also allows a public body to discuss correspondence from the municipal 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.

### **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 to pass. [1 V.S.A. §§ 313\(a\)](#).

### **Do we have to put executive session on our meeting agenda?**

Although there is no specific affirmative legal obligation on behalf of a public body to warn an executive session on its meeting agenda, we would recommend adding it to your agenda if you think there is a good possibility that you may enter executive session. We would not recommend, however, simply just adding it to every agenda.

Some think that it is not proper to warn an executive session because it presupposes that an executive session will be held. Others, ourselves included, are of the opinion that because the underlying purpose of having an agenda is to provide advance notice to fellow board members and the public of what business is likely to be taken up, that warning an executive session seeks to fulfill that purpose. Therefore, we think it is a best practice to list an executive session on an



agenda when the public body knows in advance that it may have one. Listing it as a "possible executive session" or a "potential executive session" signifies, in our opinion, nothing more than the public body anticipates the need to discuss the possibility of entering executive session. It also serves not only as a helpful reminder that the public body first needs to vote prior to entering executive session, but also as a courtesy to attendees informing them that there may be a portion of the meeting from which they could be excluded.

### **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\(a\)\(2\)-\(a\)\(10\)](#), 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\(a\)\(1\)](#) (listed above, part g), 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 regarding the town’s contract with ABC Company would clearly place the town 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 contract 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 Vermont Supreme Court has stated:



*"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."*  
*Trombley v. Bellows Falls Union High School* Dist. No. 27, 160 Vt. 101, (1993).

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."

### **Who has the right to attend an executive session?**

Only selectboard members have the right to attend an executive session. Whether anyone else is allowed to attend is up to the discretion of the selectboard. "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\(b\)](#).

### **Can we take action in executive session?**



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

### **How do we exit executive session?**

Act 51 (2025) requires a public body to vote, by a majority of those present, to conclude executive session. In effect, this will require the body to resume open session to take action, proceed with the agenda, or close the meeting. While minutes are not required for executive session, we recommend including the motion to conclude executive session in the meeting minutes.

## **Violations of the Open Meeting Law**

### **What are the consequences of violating the Law?**

Either the Attorney General or "any person aggrieved by a violation of the law" can bring an action in Superior Court for injunctive relief or declaratory judgment. Prior to instituting such action, the Attorney General or person must provide the public body with written notice of the alleged violation and an opportunity to



"cure" that violation.

A municipality must post on its website (if it maintains one):

- an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General; and
- a copy of the text of [1 V.S.A. § 314](#).

In addition, 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\(a\)](#).

### **What must the public body do if it receives written notice of an alleged violation of the Law?**

Immediately contact your town attorney or the Municipal Assistance Center! A public body must respond publicly within ten calendar days after receiving written notice alleging a violation. Logistically, this means that it must immediately call a special meeting if a regularly- scheduled meeting does not fall within this timeframe and provide adequate notice and warning of that meeting, including an agenda.



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 ten calendar 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 the court will assess attorneys' fees and costs based in part on whether there was a timely response to a notice of violation. [1 V.S.A. § 314\(d\)](#).

### **Can anyone sue the municipality for an alleged violation of the law?**

No. Only a person "aggrieved by a violation" of the law has the legal right to bring a lawsuit against the municipality. (This is known as the legal principle of "standing.") According to the Vermont Supreme Court, "a generalized harm to the public" is not a sufficient injury to establish standing . . . For standing, plaintiffs must present a real—not merely theoretical—controversy involving the threat of actual injury to a protected legal interest rather than merely speculating about the impact of some generalized grievance." *Severson v. City of Burlington*, 2019 VT 41, ¶ 10, 210 Vt. 365 (citing *Brod.*, 2007 VT 87, ¶ 9). In other words, an "aggrieved" person must themselves have suffered some specific harm to a legally protected



interest of theirs as a result of the alleged violation. A generalized harm to the public in and of itself will not suffice.

### **How does an aggrieved person sue a municipality for an alleged violation of the law**

The aggrieved person must first give the public body a chance to respond to the allegation of violation. After the public body issues an acknowledgement or denial of the alleged 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 from the date of the alleged violation. [1 V.S.A. § 314\(a\)](#).

### **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\(d\)](#).

### **When does the clock start ticking? When has the public body “received” an allegation of violation?**

Receipt of a complaint or allegation starts the ten-calendar 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 ten calendar days in which to respond.

### **How does the public body “cure” an inadvertent violation?**

An inadvertent violation must be cured within 14 calendar days after a public body acknowledges an inadvertent violation. An inadvertent violation is cured when the public body either ratifies or declares as void, any action taken at or resulting from a meeting that was not noticed in accordance with the Law; or a meeting that a person or the public was wrongfully excluded from attending; or



an executive session or portion thereof that was not authorized under the Law. 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 Model Rules of Procedure,

## Public Comment

### Does the public have the right to speak at our meetings?

Yes, in most instances. The Open Meeting Law states that, "(a)t an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson." [1 V.S.A. § 312\(h\)](#). The VT Supreme Court has also said that the Open Meeting Law protects not only the public's "right-to-know" about a meeting but also its "right to be present, to be heard, and to participate." *State v. Vt. Emergency Bd.*, 136 Vt. 506 (1978). This right, however, does not extend to all meetings; the law also says that this right does not apply to quasi-judicial proceedings. These are situations where a public body (e.g. selectboard or



development review board, etc.) 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. Examples include tax appeal hearings before the board of civil authority; vicious dog hearings and employment termination hearings before the selectboard; and land use development and subdivision hearings before appropriate municipal panels. The Open Meeting Law, therefore, affords members of the public the right to attend quasi-judicial hearings, but not the right to participate (i.e. comment) in them. Participation in quasi-judicial proceedings is generally limited to interested parties whose individual rights are at stake.

### **When can the public speak?**

While the law clearly establishes a public right of participation, that right has limits. The public is only entitled to a "reasonable opportunity to express its opinion" and that "reasonable opportunity" can be limited in scope to "matters considered by the public body during the meeting" and is permitted only "as long as order is maintained." While a public body would be perfectly within its rights under the Open Meeting Law to limit public comment to only those items listed on its meeting agenda, it's not a very politically viable option. That approach would not be responsive to the needs and concerns of your community, as it creates a barrier preventing the public from bringing to your attention issues of importance to them.



Allowing public comment on each agenda item after it's discussed but before taking action will help your body make more informed decisions while simultaneously impressing upon the public the value of their comments. In addition, we recommend that your body also dedicate a more open-ended opportunity for public comment under the heading of "other business" either towards the beginning or end (or both) of your meetings as a best practice.

### **What constitutes a "reasonable opportunity" for the public to express its opinion at your meetings?**

The law does not set forth a specific timeframe for public comment, so the standard is one of reasonableness. The time that must be allowed for public comment is likely a function of whether there is ample opportunity for someone to make their point or express their opinion on an agenda item. This means that the standard will also necessarily be a function of how many people would like to comment. The less people in attendance, the more individual time can be provided for public comment while still affording ample opportunity for the public body to conduct its business and vice versa. However, providing the public with a "reasonable opportunity" to comment does not mean that everyone in attendance must be given a chance to speak. Specifying how much time will be dedicated to public comment on a particular topic beforehand in the agenda is helpful in terms of managing the public's expectations and managing the length of your meetings. Our Model Rules of Procedure for Municipal Boards leaves this provision blank to provide public bodies with the flexibility to alter this standard,



as needed.

### **Can the public say whatever it wants at your meetings?**

No. The Open Meeting Law only gives the public the unqualified right to comment on those matters considered by your public body during its meeting. This will necessarily be determined by what items are up for discussion or action as listed on your meeting agenda. Of course, public bodies are encouraged to allow for more opportunities for public comment beyond just those items listed on its agenda. In doing so, its rules of procedure should specify that such comments are limited to the business of the public body, which are its governmental functions, including any matter over which the public body has supervision, control, jurisdiction, or advisory power. Your meetings, after all, are meetings “in” the public, not meetings “for” or “of” the public. They represent opportunities for your public body to discuss and do its work. While the public body must allow the public to comment on its business, it does not have to allow people to engage in whatever type of speech they want, whenever they want.

Notably, the Open Meeting Law also recognizes the importance of order by limiting public participation to the imposition of reasonable rules. “Public comment shall be subject to reasonable rules established by the chairperson.” [1 V.S.A. § 312\(h\)](#). This represents a compromise between the need for public comment with the need for a public body to do its work. Public bodies may impose restrictions on public comment in light of the purposes served by its



meetings, so long as the restrictions are reasonable, viewpoint and content neutral, and applied equally to everyone. Viewpoint and content neutral mean the restrictions don't limit what someone is saying because of the opinion or message they're conveying. Public bodies should use their rules of procedure to strike a balance between encouraging public comment and allowing for the efficient operation of its meetings by managing time, safeguarding orderly proceedings, ensuring proper decorum, and maintaining order.

Publication Date

06/16/2025





HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

ATTACHMENT J  
Town of Essex Communications Policy

<b>Town of Essex Communications Policy</b>	
<b>Revision Number:</b> <b>3.0</b>	<b>Town of Essex Selectboard</b> <b>Adopted on: 5/18/2015</b>
<b>Revision Date:</b> <b>4/5/2021</b>	
<b>Effective Date:</b> <b>4/5/2021</b>	

The Town of Essex Communication Policy applies to all elected and appointed board, committee, and commission members. The goal of the policy is to ensure that Essex residents receive accurate and timely information.

Any communication – be it email, telephone, in person, on social media, or otherwise – should be considered public unless subject to a statutorily listed and invoked exemption to the public records law.

### **I. Public Communication**

**Selectboard:** The Selectboard may choose to speak as a unified group on official matters. Selectboard members may also choose to speak as individual members. In speaking as an individual member rather than on behalf of the entire Board, the member should endeavor to clearly make the distinction. For example, Board members should consider utilizing the following phrase or a similar one: “The Selectboard has taken position \_\_\_\_\_. My position is \_\_\_\_\_.” In instances where no vote has been taken, no member of the Board should express an opinion as if it were the position of the entire Board.

Board members uncertain of the accuracy of technical or factual information are encouraged to work with staff, through the Manager’s office, to obtain factual and complete information.

Formal positions of the Selectboard, or calls or questions seeking the official opinion of the Selectboard, should be referred to the Chair unless another Board member has been designated by the body. When responding to an email comment or question Selectboard members are encouraged to copy the Chair or other Board member designated by the body.

Elected and appointed board, committee, and commission members must be mindful to prevent email or social media conversations from inadvertently violating Open Meeting Law. At no time should a quorum of members have a discussion regarding Town business, with the following exceptions, as set forth by 1 VSA § 312 (g):

- Communications to schedule a meeting, organize an agenda, or distribute materials to discuss at a meeting;
- Clerical work;
- Staff work assignments;
- Routine day-to-day administrative matters, if no action is required and no money appropriated or spent;
- Site inspections; or
- Quasi-judicial deliberations.

All members of an appointed board, committee, or commission are responsible for ensuring that any information conveyed by an individual member is accurate and complete. Members are

encouraged to work with the relevant staff to obtain factual and complete information. Official communication related to a board, committee, or commission should be through the Chair or other member designated by the body. Chairs of appointed boards, committees, or commissions are encouraged to notify the Selectboard Chair and Manager of any response to media inquiries.

## **II. Responses to Public Comments**

The U.S. Supreme Court has consistently held that in accordance with the First Amendment citizens have a right to criticize government regardless of the quality or accuracy of the criticism. When a citizen chooses to run for local elected office, inherent in that decision is acknowledgment that in the course of discharging governmental responsibilities one's words and actions may be publicly criticized or condemned, and that the criticism or condemnation may be unfair, inaccurate, or politically motivated. The elected official does not have recourse to the same legal protections from defamation that a private person may as long as the criticism pertains to government-related issues.

This policy is not intended to discourage any elected or appointed official from exercising that individual's First Amendment rights. However, board, committee, and commission members must always keep in mind that, due to the public nature of their roles, their personal online communications can be perceived as also official communications or positions of the Selectboard and Town. Therefore members must practice discretion when communicating online.

The Town of Essex supports and promotes an open exchange of views on community and government issues taking place in a broad array of physical and digital forums. Elected and appointed officials are encouraged to participate in these exchanges when such participation is valuable to the overall dialogue. Any response should be in accordance with the following protocol:

**Selectboard:** As the elected officials representing all residents of Essex, Board members may participate in the above referenced exchanges or dialogues as individuals. To the extent practicable, such participation shall conform to this policy regardless of forum. If an individual Board member does participate, that member should inform the other Board members of this participation. When responding to inaccurate or deliberately misleading information, Board members are encouraged to work with the Manager to ensure that any information provided by the Board member is accurate.

**Appointed officials (members of other boards, committees, and commissions):** Appointed officials may participate in the above referenced exchanges or dialogues as individuals. Representation of official Town policy or proposals, unless otherwise determined, should be left to members of the Selectboard (via the Chair) or Manager. To the extent practicable, such participation shall conform to this policy regardless of forum.

Approved by the Essex Selectboard on May 18, 2015. Amended May 6, 2019; April 5, 2021.

Town of Essex Selectboard

Andrew J Watts

Andrew J Watts (Apr 24, 2021 08:13 EDT)

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Andrew J. Watts, Chair

Tracey A Delphia

Tracey A Delphia (Apr 16, 2021 13:36 EDT)

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Tracey Delphia, Clerk

Dawn Hill-fleury

Dawn Hill-fleury (Apr 16, 2021 17:02 EDT)

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Dawn Hill-Fleury

Dated April 5, 2021.

Patrick Murray

Patrick Murray (Apr 24, 2021 13:51 EDT)

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Patrick Murray, Vice Chair

Vince Franco

Vince Franco (Apr 23, 2021 13:42 EDT)

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Vince Franco



HANDBOOK FOR  
BOARD, COMMITTEE & COMMISSION MEMBERS

ATTACHMENT K  
Town of Essex Purchasing Policy

# Town of Essex/Village of Essex Junction

## Purchasing Policy

EFFECTIVE DATE: 10/11/18

Town of Essex/Village of Essex Junction Purchasing Policy

**Table of Contents**

GENERAL..... 3

- Purpose ..... 3
- Affirmative Action and Local Preference ..... 3
- Code of Conduct..... 3
- Documentation ..... 4
- Use of Public Money ..... 4

GENERAL RESTRICTIONS AND GUIDELINES..... 5

PURCHASING AUTHORITY AND THRESHOLDS POLICY ..... 6

- Purchasing Authority..... 6
- Purchasing Thresholds ..... 6

SIGNATURE AUTHORIZATION POLICY FOR VENDOR INVOICES ..... 9

COMPETITIVE BIDDING POLICY ..... 10

- Sealed Bid Process..... 10
  - Bid Specifications ..... 10
  - Standardized Format:..... 11
  - Bid Submission ..... 11
  - Bid Opening..... 11
  - Criteria for Bid Selection ..... 11
  - Addendums/Change Orders..... 12
  - Bid Protest..... 12

MODEL BID AND PRICING FORMS..... 12

PRE-QUALIFICATION FOR SINGLE PROJECT..... 13

PRE-QUALIFIED VENDOR LIST..... 13

EXCEPTIONS..... 14

- Competitive Proposals ..... 14
- Sole Source Purchases..... 15
- Recurring Purchases..... 15
- Maintenance of buildings, vehicles and equipment ..... 15
- Repair parts ..... 15
- Emergency Purchases ..... 15

DEPARTMENTAL EXCEPTIONS ..... 16

- Public Works..... 16
- Wastewater Treatment Facility (WWTF) ..... 16

Town of Essex/Village of Essex Junction Purchasing Policy

PROFESSIONAL SERVICES ..... 16

    Town Attorney ..... 16

    Village Attorney..... 17

    Village Engineer..... 17

    Village Auditors ..... 17

    Town/Village Joint Auditors ..... 17

LEASES ..... 17

CONTRACTS ..... 17

REAL PROPERTY ..... 18

GRANTS ..... 18

FUNDRAISING ..... 18

RESTRICTED GIFTS ..... 18

DISPOSAL OF PROPERTY/ASSETS ..... 18

INSURANCE..... 19

CREDIT CARD USE POLICY..... 20

    Departmental and Municipal Major Credit Cards..... 20

    Local Merchants Charge Cards and Revolving Charge Accounts ..... 22

**PURCHASING POLICY  
TOWN OF ESSEX (TOWN)/VILLAGE OF ESSEX JUNCTION (VILLAGE)**

**Adopted \_\_\_\_\_ 2018**

**GENERAL**

**Purpose.** The purpose of this Purchasing Policy is to obtain the highest quality goods and services for the Town of Essex and the Village of Essex Junction at the lowest possible price, to exercise financial control over the purchasing process, to promote efficiency in the procurement process, to assure realization of the principles of competitive purchasing, to clearly define authority for the purchasing function, to allow equitable opportunity among qualified suppliers, and to provide for increased public confidence in the procedures followed in public purchasing.

**Affirmative Action and Local Preference.** Whenever possible, qualified small, minority and women-owned businesses shall be included in the solicitation lists for bids or non-bid purchases. If the purchase is federally funded in whole or in part, minority and women owned businesses must be included in the solicitation lists and all other affirmative action requirements outlined in the grant provisions must be followed. The Town/Village may exercise a preference for local businesses (located in the Town of Essex) for purchases funded exclusively by the Town or Village if the local manufacturer's or vendor's bid is within 5% of the lowest bid. For purchases funded in whole or in part with federal funding, the Town/Village may not exercise a preference for local businesses.

**Code of Conduct.** Employees, officers and agents of the Town or Village who are involved in the procurement and selection of bids and purchases shall make reasonable efforts to avoid real, apparent, or potential conflicts of interest. No employee, officer or agent of the Town/Village shall participate in selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or personal interest in the firm/vendor selected for award:

- the employee, officer or agent,
- any member of the employee's, officer's or agent's immediate family,
- the employee's, officer's, or agent's partner, or
- an organization which employs, or is about to employ, any of the forgoing.

An employee, officer or agent of the Town/Village who is involved in the procurement and selection of a bid or purchase and who has a real or apparent conflict of interest must disclose that conflict of interest, as appropriate for staff to the Unified Manager, or within the context of a duly-warned Town Selectboard/Village Board of Trustees meeting that occurs before the bid selection or purchase takes place. Such disclosure must be documented in the minutes for that meeting which shall be retained as part of the official record surrounding the bid or purchase.

Officers, employees and agents of the Town/Village will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. An exception is made for de minimis benefits less than \$50.00 in value. In the event of an anonymous

## Town of Essex/Village of Essex Junction Purchasing Policy

gratuity provided to the officers, employees or agents of the Town, the anonymous gratuity shall be donated to a charitable organization.

Officers, employees and agents who fail to follow the above Code of Conduct may be sanctioned or disciplined, to the extent permitted by law, for violations of the above standards.

**Documentation.** Records documenting the procurement process for any Minor, Moderate or Large purchase, as those terms are defined in this policy, shall be included as part of the documentation accompanying the approved vendor invoice. (If there will be more than one invoice for the purchase, the documentation will accompany the initial invoice). These files will be maintained according to the Finance Department's Retention Schedule for Accounts Payable Invoices. Records documenting Major purchases, as defined in this policy, including the reason for the specific procurement method chosen, the basis for the award and contract pricing (showing evidence that the process was equitable), as well as any other significant decisions that were part of the procurement process shall be maintained for a period of at least three years from the date of submission to the Federal government of the final expenditure report, if the purchase or project was funded with federal grants, or until the completion of any litigation, claim, negotiation, audit, or other action involving the records, whichever is longer. Otherwise, records shall be maintained by the Town/Village in accordance with the retention and disposition schedules as set by the Vermont State Archivist. Bid Documents will be maintained in the Town and Village Central Files by the Assistant to the Manager.

### **Use of Public Money.**

1. Public money shall be spent for public purposes. This includes, but is not limited to, the purchase of municipal assets, purchase of professional services, making public property improvements, payroll for public officials, community and economic development activities, official municipal functions and business meetings, etc.
2. Any use of public money that has a direct private benefit, including a benefit to a non-profit organization, must have an overriding public benefit and be approved by the Unified Manager and Town Selectboard or Village Trustees or the electorate if determined by the Selectboard or Trustees to warrant electoral consideration.

## **GENERAL RESTRICTIONS AND GUIDELINES**

All purchases shall be made in accordance with the policies prescribed in this Purchasing Policy. Any agreement made contrary to these policies shall not be binding on the Town or Village.

### **General Provisions/Restrictions**

- Vermont sales tax is not to be charged on any purchase. The applicable tax-exempt numbers should be given to the vendor before the sale is completed.
- No personal purchases may be made using Town/Village funds or Town/Village charge/vendor accounts.
- Only Town/Village employees and approved volunteers, with Purchasing Agent's authorization, may purchase utilizing Town/Village funds or Town/Village charge/vendor accounts.
- Purchases must be charged to the proper general ledger account, regardless of budget availability in that particular line item.
- Alcohol may not be purchased with Town/Village funds, except in specific situations within the Police Department (liquor investigations, DUI training, undercover operations, etc.).
- No multi-year financing obligations (i.e. space rentals, copier leases, etc.) may be entered into without the review and concurrence of the Finance Director and the Unified Manager.

## **PURCHASING AUTHORITY AND THRESHOLDS POLICY**

### **Purchasing Authority.**

**Purchasing Agents.** The following employees are designated to act as Purchasing Agents for the Town and/or Village:

The Unified Manager, Deputy Town Manager, Assistant Village Manager/Finance Director, all Department Heads, all employees so designated by the Unified Manager or a Department Head. Purchasing Agents are responsible for ensuring that the best possible price and quality are obtained with each purchase and Purchasing Agents shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies and services and to ensure that no Vermont sales tax is paid. Purchasing Agents shall also ensure that competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications placed on vendors, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

### **Purchasing Thresholds**

Definition of Term “amount of the budget” or “budget authorized”. Throughout the section on Purchasing Thresholds, the terms “amount of the budget”, or “budget authorized” are used to establish an upper limit of purchase authority. These terms refer to the following:

- 1) Within the General Fund of each municipality: The amount approved within the General Fund for each Department.
- 2) Within Enterprise (i.e. Utility or Recreation Department Program) Funds’ budgets of each municipality: The amount approved in the Enterprise Funds budgets by the Selectboard or Trustees.
- 3) Within the Capital Accounts: The amount available for a specific project or projects as defined within the approved Capital Plan for each community.

Further, it is noted that the Unified Manager has the authority to exceed these amounts up to the limits defined in the respective Town and Village Charters.

**Incidental Purchases.** Incidental Purchases are defined as purchases with a value up to \$500. Employees who have been designated to act as Purchasing Agents by their Department Head may make purchases of up to \$500 without prior approval, provided those purchases are limited to the amount of the budget authorized by the Town/Village.

**Routine Purchases.** Routine Purchases are defined as purchases with a value between \$500 and \$2,000. Employees who have been designated to act as Purchasing Agents by their Department Head may make Routine Purchases only with approval of the Department Head, provided those purchases are limited to the amount of the budget authorized by the Town/Village.

**Minor Purchases.** Minor Purchases are defined as purchases with a value between \$2,000 and \$5,000. Employees who have been designated to act as Purchasing Agents may make Minor Purchases with prior approval of the Department Head and are limited to the amount of the

## Town of Essex/Village of Essex Junction Purchasing Policy

budget authorized by the Town/Village. Competitive quotes from at least three vendors shall be obtained either orally or in writing, unless the purchase is made in an emergency or unless three vendors that sell the good or service cannot be found.

**Moderate Purchases.** Moderate Purchases are defined as purchases with a value between \$5,000 and \$10,000. Department Heads may make Moderate Purchases limited to the amount of the budget authorized by the Town/Village. For all Moderate Purchases, price and rate quotations shall be obtained from at least three qualified vendors to ensure that the Town/Village has received a fair and reasonable price, unless the purchase is made in an emergency or unless three vendors that sell the good or service cannot be found. Vendors will be selected based on the same criteria as noted under the criteria for bid selection under the Competitive Bidding Policy.

**Large Purchases.** Large Purchases are defined as purchases with a value between \$10,000 and \$40,000. The Unified Manager may make Large Purchases, limited to the amount of the budget authorized by the Town/Village. The Unified Manager has the authority to delegate Large Purchases to department heads if such delegation is deemed necessary for the orderly conduct of business as determined by the Unified Manager. For all Large Purchases, price and rate quotations shall be obtained from at least three qualified vendors to ensure that the Town/Village has received a fair and reasonable price unless the purchase is made in an emergency or unless three vendors that sell the good or service cannot be reasonably found. Vendors will be selected based on the same criteria as noted under the criteria for bid selection under the Competitive Bidding Policy.

**Major Purchases.** Major Purchases are defined as purchases with a value over \$40,000. All Major Purchases shall require a formal (sealed) bid process, unless waived under this Policy by the Unified Manager due to time constraints (i.e. an emergency) or by the Town Selectboard/Village Trustees due to a lack of available suitable contractors to bid. The Unified Manager shall review all proposed procurements to avoid unnecessary or duplicative purchases of equipment, supplies and services. Contracts for Major Purchases shall be awarded by the Town Selectboard/Village Board of Trustees as appropriate. The Unified Manager shall also ensure that competition is not restricted with limits on the geographic location of vendors, with unreasonable requirements or qualifications placed on vendors or bidders, or by allowing vendors to be selected who have engaged in noncompetitive pricing practices.

If federal funding is used for purchases between \$3,000 (\$2,000 in the case of construction projects subject to Davis Bacon requirements) and \$150,000, price or rate quotes must be obtained from two or more qualified sources following the affirmative action provision of this policy and all provisions regarding fair and unrestricted competition.

Major Purchases with a value of \$40,000 or more, or construction projects of any value that are funded with federal dollars, must follow a sealed bid process as outlined below and also follow any procurement guidance as outlined in the grant agreement. In addition, a pricing analysis must be completed by the purchasing agent or a qualified consultant prior to issuing the request

## Town of Essex/Village of Essex Junction Purchasing Policy

for proposal to ensure that there is a reasonable estimate against which to compare bid proposal pricing. In cases where grant dollars are involved, the requirement of the grant will take precedence.

**SIGNATURE AUTHORIZATION POLICY FOR VENDOR INVOICES**

All vendor invoices must be approved by the Department Head of the purchasing department. The Department Head of the purchasing department may delegate vendor approval signature authority to one or more of the department’s employees.

Signature authority is granted on an individual basis. All departments shall keep current a list of designated staff authorized to approve Town/Village expenditures. A Signature Authorization Form must be retained as backup to the list, and a copy of the list and the Forms must be submitted to the Finance Department at the beginning of each fiscal year. If employees are added or deleted during the year, this information must be conveyed to the Finance Department whenever the change is made. The authorizations must be approved by the appropriate Department Head.

- A. The Finance Department shall be responsible for deleting signature authority for terminated employees. Should authority need to be revoked prior to termination, the applicable department shall be responsible for notifying the Finance Department.
  
- B. All changes and additions to the Signature Authorization List must be submitted in writing and must include the related Signature Authorization Forms with the following information for each authorized employee:

- Name of employee
- Employee ID #
- Title
- Authorization Amount
- Effective Date
- Employee signature and initials
- Name of Employee delegating authorization (Department Head)
- Signature of Employee delegating authorization (Department Head)

The Signature Authorization Form is **Attachment A** to this Policy

- C. Unless signature authorization has been formally delegated, no employee shall sign on behalf of another otherwise authorized employee. Written notification of delegation must be sent to Finance.

## COMPETITIVE BIDDING POLICY

**Sealed Bid Process.** The sealed bid process shall be initiated by the issuance of a Request for Bids prepared for the Town Selectboard/Village Trustees by the Unified Manager or their designee. Notice of the Request for Bids shall be made by letters to known providers; advertisements posted in the Town Clerk's office, the Village office, on the Town and Village web pages; the Vermont Business Registry & Bid System at [www.vermontbidsystem.com](http://www.vermontbidsystem.com); and advertisements in a local newspaper such as the Burlington Free Press or the Essex Reporter or Seven Days. In lieu of newspaper advertisement, a bidding service for advertising bids may be utilized. Grants may require the use of specific advertisement procedures.

**Bid Specifications.** A list of bid specifications shall be prepared for each purchase over \$40,000 and shall be available for inspection at the Town office, the Village office, other designated Town or Village offices such as Public Works offices or at other designated locations as set forth in the bid documents (i.e., engineering firms, bid service locations, State contract services, etc.). Bid specifications shall include:

1. Bid name.
2. Bid submission deadline.
3. Date, location, and time of bid opening.
4. Specifications for the project or services including quantity, design, and performance features.
5. Bond and/or insurance requirements.
6. A copy of the proposed contract and any other required contract documents.
7. Any special or general requirements/conditions applicable to the project or purchase.
8. Delivery or completion date.
9. For construction projects, language that sets a requirement for a bid guarantee in the amount of 5% of the bid price from all bidders, as well as performance and payment bonds in the amount of 100% of the contract price from the contractor awarded the bid. If federally grant funded, the bidders must also include costs for Davis Bacon compliance if that is a requirement of the federal agency providing the funding.
10. For federally funded construction projects over \$2,000, a statement that contractors will be provided with a copy of the most current wage determination (from the DOL website at <http://www.wdol.gov/dba.aspx>) and must comply with the Davis Bacon Act.
11. Language that reserves for the Town Selectboard/Village Trustees the right at their sole discretion to reject any and all bids, wholly or in part, to waive any informalities or any irregularities therein, to accept any bid even though it may not be the lowest bid, to call for rebids, to negotiate with any bidder, and to make an award which in its sole and absolute judgment will best serve the Town's/Village's interest. The Town Selectboard /Village Trustees reserve the right to investigate the financial condition of any bidder to determine his or her ability to assure service throughout the term of the contract.
12. A request for at least three (3) qualified references applicable to the work being bid.
13. **Cancellation** – An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part, when it is found to serve the best interest of the Town/Village. The reasons therefore shall be made part of the contract file. All specifications issued by the Town/Village shall state that the solicitation may

## Town of Essex/Village of Essex Junction Purchasing Policy

be cancelled in whole or in part when rejection or cancellation is in the best interest of the Town/Village. Notice of cancellation shall be sent to all vendors solicited.

Once a Request for Bids has been issued, the bid specifications will be available for inspection at the Town or Village office and/or at other locations as noted previously.

**Standardized Format:** The Town and Village shall utilize standard bid formats for construction projects using documents as contained in the Town or Village Public Works Specifications, utilizing either a simplified or detailed format, or as composed of forms and requirements stipulated by federal or state agencies when grant funds are utilized. (See Model Bid and Pricing Forms below)

**Bid Submission.** All bids must be submitted in sealed envelopes, addressed to the Town or Village in care of the Unified Manager or their designee, and plainly marked with the name of the bid, the time of the bid opening, and the location of the bid opening. Bid proposals will be date stamped on the outside of the envelope immediately upon receipt. Any bid may be withdrawn in writing prior to the scheduled time for the opening of bids. Any bids received after the time and date specified shall not be considered and shall be returned to the bidder unopened. Any bid with errors in the bidding or missing required forms at the time of the bid opening may be rejected without further consideration.

Bidders shall bid to specifications and any exceptions must be noted by the bidder. A bidder submitting a bid thereby certifies that the bid is made in good faith without fraud, collusion, or connection of any kind with any other bidder for the same work, and that the bidder is competing solely on their own behalf without connection with or obligation to any undisclosed person or firm.

**Bid Opening.** Every bid received prior to the bid submission deadline will be publicly opened and read aloud by the Unified Manager or designated employee/agent. The bid opening will include the name and address of bidder; for lump sum contracts, the lump sum base bid and the bid for each alternate; for unit price contracts, the unit price for each item and the total, if stated; and the nature and the amount of security furnished with the bid if required. At time of bid opening, an apparent low bidder may be identified but no award can be made until bids are checked for accuracy/completeness and the approving authority has granted approval to a bidder.

**Criteria for Bid Selection.** In evaluating bids, the Unified Manager will consider the following criteria:

1. No vendor may bid on a project if they owe any delinquent Town or Village payments including but not limited to taxes, water/sewer, miscellaneous receivables, etc. Purchasing agent shall consult with Finance Department regarding this issue prior to award of bid.
2. Prices.
3. Bidder's ability to perform within the specified time limits.
4. Bidder's experience and reputation, including past performance for the Town/Village.
5. Quality of the materials and services specified in the bid.
6. Bidder's ability to meet other terms and conditions, including insurance and bond requirements.
7. Bidder's financial responsibility.
8. Bidder's availability to provide future service, maintenance, and support.
9. Nature and size of bidder.

## Town of Essex/Village of Essex Junction Purchasing Policy

10. Contract provisions that are acceptable to the Town/Village.
11. For construction projects over \$2,000 that use federal funds, contractor's indication of acceptance of wages in the current wage determination provided as part of the Request for Bids.
12. Any other factors that the Unified Manager determines are relevant and appropriate in connection with a given project or service.
13. Qualified small, minority and women-owned businesses must be included in the solicitation list for the request or proposal.
14. The Unified Manager will not select a bidder who is listed on the Excluded Parties List System **website (<https://www.sam.gov>)**.
15. The Unified Manager or designee will recommend a bid award for approval by the Town Selectboard/Village Trustees

*In addition to the above, in the case of a contract supported by federal funds, the additional criteria shall apply:*

16. There shall be no preference exercised for local contractors or suppliers.

**Addendums/Change Orders.** If specification changes are made prior to the close of the bid process, the Request for Bids will be amended and notice shall be sent to all bidders who have requested and/or received contract plans/specifications for the project. All bidders must acknowledge receipt of any bid amendments made at least 5 days prior to the bid opening for the bid to be a valid bid. Once a bid has been accepted, if changes to the specifications become necessary, the Unified Manger will prepare a change order specifying the scope of the change. Once approved, the contractor and an authorized agent of the Town/Village must sign the change order, if the revised bid is to be accepted.

**Bid Protest.** Any bidder who is aggrieved with the awarding of a contract may protest in writing to the Unified Manager. All protests must be submitted in writing within three (3) business days after the bid award. The Unified Manager shall send the aggrieved party a written decision within ten (10) business days. Appeals may be made to the Selectboard/Trustees within three (3) business days of receipt of the Manager's decision.

### **MODEL BID AND PRICING FORMS**

1. The Unified Manager shall be responsible for the development and use of Model Bid and Pricing Forms for all municipal departments throughout the Town and Village. The intent is to standardize the documents being utilized on purchases where either competitive pricing or bids are required by the Purchasing Policy.
2. There are a range of documents to be utilized to cover all purchases from informal quotations to formal bid projects. These documents may need to be routinely changed in format from time to time and, therefore, their specific content has not been made as defined documents under the Purchasing Policy.
3. The general types of documents are:

## Town of Essex/Village of Essex Junction Purchasing Policy

- a. A simplified standard form that is used for documenting small dollar value quotations
  - b. A format to be used for developing services contracts, where the Town or Village defines the scope of work to be included and contracts to perform this work are generally developed by the vendor with reference to the scope.
  - c. Simplified formal bid documents that don't require full provision contracts that follow the AIA or similar full format.
  - d. Complete bid documents for major projects that require the full package of AIA, such as conditions, formal change orders, detailed technical specifications and the like.
  - e. Contract documents required by grants that must comply with the specific requirements of the grantee.
4. Deviations from the standardized formats may be needed on specific purchase or contracts. If a deviation is determined necessary, the pricing form or bid document must be reviewed by the Unified Manager or their designee before the competitive pricing is sought.
  5. Model Bid and Pricing Forms are **Attachment B** to this policy.

### **PRE-QUALIFICATION FOR SINGLE PROJECT**

Alternately, the Unified Manager may require pre-qualification for a project estimated to exceed \$250,000. The Unified Manager shall prepare an invitation to submit a pre-qualification statement. The invitation to submit pre-qualification should include:

1. Location, time and place for receiving pre-qualification statements. Deadline for submittal shall be not less than ten (10) calendar days following the date of the first advertisement. Late submittals shall not be accepted.
2. A general description of the project, including a general estimate of project costs.
3. Require the general contractor to submit an AIA (American Institute of Architects) document A305 (Contractor's Qualification Statement) for building projects.
4. If not a building project, the contractor shall submit a qualification statement specific to the discipline of the project involved.
5. The right of the Town/Village, through its Unified Manager, to reject any and all pre-qualification statements, if such action is deemed in the best interest of the Town/Village.
6. The Unified Manager shall determine eligible bidders in consultation with the architect or engineer and send written notice to each bidder at least thirty (30) calendar days prior to the proposed bid opening.
7. Vendors denied pre-qualification may appeal, in writing, to the Town Selectboard/Village Trustees within ten (10) calendar days of the denial of pre-qualification by the Unified Manager.
8. The Unified Manager shall invite all contractors that have been determined to be pre-qualified to bid not less than ten (10) business days prior to the bid opening. All bids shall be publicly opened and read aloud by the Unified Manager, or their designee, and shall have a witness.

### **PRE-QUALIFIED VENDOR LIST**

1. In recognition of the state bid process, goods and services may be purchased without a formal bid process or competitive solicitation if purchased through the State bid or other qualified

## Town of Essex/Village of Essex Junction Purchasing Policy

governmental/municipal agency bid. In addition, The Unified Manager or designee shall have authority to join with other governmental bodies to the extent authorized in cooperative purchasing in the best interest of the Town/Village, notwithstanding any provisions of this Policy.

2. The Town and Village department heads maintain lists of pre-qualified vendors for a variety of work utilized by their departments. Department Heads in both Town and Village will share their lists with their sister departments. Some types of work that are appropriate for these lists are:
  - a. Bridge and large culvert repair/replacement
  - b. Storm and sewer pipe system inspection/cleaning
  - c. Road striping
  - d. Paving and or surface treatments (municipal roads)
  - e. Paving and or surface repairs (surfaces other than roads)
  - f. Roadside mowing
  - g. Winter snow removal
  - h. Roadway repair, slopes, small culverts, erosion repair
  - i. Installation of water meters
  - j. Roof repairs (any type)
  - k. Catch basin and manhole repairs
  - l. Utility excavation and repair
  - m. Curbing and sidewalk repair
  - n. Surveying services
  - o. Engineering planning, design and construction inspection services
  - p. Irrigation
  - q. Fencing
  - r. Others as needed
3. These pre-qualified lists won't be exclusive and will not bar any vendor from submitting a quote.
4. Pre-qualified vendors will not need to submit qualification information in vendor selection and will be used for cost estimates.

**EXCEPTIONS.** The following exceptions may apply, however there must be written documentation created and maintained that outlines the process and rationale for such exceptions:

**Competitive Proposals.** If time does not permit the use of sealed bids, or the award will be made on the basis of non-price related factors, a competitive proposal process shall be initiated by the issuance of a Request for Bids (RFB) or Request for Qualifications (RFQ) prepared by the Unified Manager or designee that includes the factors that will be used to evaluate and compare the proposals. Bids or qualifications shall be obtained from an adequate number of qualified sources (at least three vendors) to ensure that the Town/Village has received a fair and reasonable price and all notification and record keeping requirements of the sealed bid process shall be followed. If professional services, such as, but not limited to, architectural, engineering or legal services, are being solicited, this process should be used with the most qualified firm for the project or individual awarded the bid, and price or fees negotiated after the award. If competitive proposals are used, all of the above steps in the sealed bid process should be

## Town of Essex/Village of Essex Junction Purchasing Policy

followed except that: 1) the bid submission need not be sealed; and 2) price will not be the primary factor in the proposal selection.

**Sole Source Purchases.** A purchase may be awarded without competition when the Department Head and Unified Manager determine, after conducting a good faith review of available sources, that there is only one qualified source for the required supply, service or construction or that one source is uniquely qualified for a service due to experience or knowledge of the project. Sole source purchases or contracts may be awarded by the Unified Manager, if under \$40,000. If the Town Selectboard/Trustees determine that there is only one possible source for a proposed purchase of more than \$40,000, it may waive the bid process and authorize the purchase from the sole source.

Federally funded non-competitive purchases for \$150,000 or more require a cost analysis to determine the reasonableness of the proposed pricing and should be completed in accordance with the requirements of the federal or state agency issuing the grant funding.

**Recurring Purchases.** If the total value of a recurring purchase of a good or service is anticipated to exceed \$40,000 during any fiscal year, the bid process shall be utilized and shall specify the recurring nature of the purchase. Once a bid has been accepted, all future purchases shall be made from that bidder without necessity of additional bids, until such time as the Town Selectboard/Trustees vote to initiate a new bid process. Purchase authority for recurring purchases will be at the Department Head level following acceptance of a bid contract.

**Maintenance of buildings, vehicles and equipment:** It is recognized that the municipality uses certain qualified contractors to maintain its buildings, vehicles and equipment. Any single maintenance project over \$40,000 shall be put out to bid, unless otherwise waived by the Town Selectboard or Village Trustees in the case of an emergency.

**Repair parts:** Purchase of repair parts is acknowledged to often be a unique purchase requirement, often necessitated by the need to purchase from a sole source vendor.

**Emergency Purchases.** The Town Selectboard or Trustees may award contracts and make purchases for the purpose of meeting the public emergency without complying with the bid process. An emergency situation shall be defined as one which threatens:

- a. The lives or health of the people
- b. The property of the Town/Village or the residents of the Town/Village
- c. The delivery of necessary services to the residents of the Town or Village
- d. Compliance with permits

The Unified Manager or designee shall approve all requests for emergency purchases over \$40,000. The Town Selectboard/Trustees shall be notified of all purchases of over \$40,000 made under this emergency clause within 48 hours of the transaction. The Unified Manager shall be notified of all emergency purchases made without prior approval within 24 hours. Emergency expenditures may include immediate repair or maintenance of Town/Village property, vehicles, or equipment if the delay in such repair or maintenance would endanger

## Town of Essex/Village of Essex Junction Purchasing Policy

persons or property or result in substantial impairment of the delivery of important Town or Village services.

Emergency purchases are costly and every effort should be made to avoid them.

### **DEPARTMENTAL EXCEPTIONS**

The Town/Village recognize that some departments have specific purchases which are particular to that department. The following guidelines apply only to the department indicated and supersede all policies thus far listed in this policy.

#### **Public Works**

1. Road gravel/winter sand: Due to the limited number of available pits with material that meets specifications, the Town/Village will periodically obtain analyses of the various pit materials, obtain quotes on the basis of a cost/cubic yard or ton at the pit and also delivered to the Town/Village. The Town/Village may then make a decision for purchase based upon quality of material, availability, cost, workload of the municipal trucks, etc.
2. Winter road salt: The price of this material is set within each State Highway District by competitive bid. To ensure continuing availability of the product throughout the winter, the Town/Village will split the purchase between at least two vendors.

#### **Wastewater Treatment Facility (WWTF)**

1. Bulk Chemical Purchases: It is recognized that the WWTF purchases its process chemicals through a consortium of municipalities. All purchases shall be approved by the Water Quality Superintendent or their designee.
2. Sludge Dewatering: Sludge is a by-product of the wastewater treatment process. Cost is due to dewatering and disposal. The more water that is removed from the sludge, the cheaper the disposal and total sludge management cost. The most reliable way to remove water is to use a mobile high solids centrifuge. The only firm that offers the service to the region is P&H Senesac Inc. In recognition of this single source, the municipality exempts sludge dewatering from the bid process and authorizes the Water Quality Superintendent to negotiate a contract with P&H Senesac Inc. for sludge dewatering for such time as P&H Senesac remains the single source for this service in the region.
3. Polymers: Polymers are proprietary and application varies from bench testing to application. Use of the wrong polymer can be very costly in the performance of its application.
4. Other Specialty Products

**PROFESSIONAL SERVICES.** The bid process shall not apply to the selection of providers for services that are characterized by a high degree of professional judgment and discretion including legal, financial, auditing, risk management, engineering, planning, and insurance services.

**Town Attorney** – In accordance with the Town of Essex Charter Section 117-206 (a)(3), the Town Attorney shall be appointed by the Town Selectboard. Staff's or the general public's use of paid legal counsel shall be authorized by the Unified Manager. The Selectboard shall coordinate their use of legal counsel through the Unified Manager, except when the Selectboard is conducting an investigation into

## Town of Essex/Village of Essex Junction Purchasing Policy

the conduct of the Unified Manager or considering removal of the Unified Manager in accordance with Section 117-209(b)(1) of the Town Charter. The Unified Manager shall have the right to retain outside legal counsel if the Town Attorney has a conflict of interest or determines it is in the best interest of the Town.

**Village Attorney** – In accordance with Section 2.09 (b) of the Essex Junction Village Charter, Trustees approval shall be required for the Manager’s appointment of the Village Attorney. Staff’s or the general public’s use of paid legal counsel shall be authorized by the Unified Manager. The Board of Trustees shall coordinate their use of legal counsel through the Unified Manager, except when the Trustees are conducting an investigation in accordance with Section 2.06 of the Village Charter or considering removal of the Unified Manager in accordance with Section 4.03 of the Village Charter. The Unified Manager shall have the right to retain outside legal counsel if the Village Attorney has a conflict of interest or determines it is in the best interest of the Village.

**Village Engineer** – In accordance with Section 2.09 (b) of the Essex Junction Village Charter, Trustees’ approval shall be required for the Manager’s appointment of the Village Engineer. Such appointment shall be on an annual basis and can be further defined through a contractual agreement for services with a designated engineer. The Unified Manager shall have the right to obtain outside engineering assistance if the Village Engineer has a conflict of interest or the Unified Manager determines it is in the best interest of the Village, or if such work falls outside any contractual agreement for services.

**Village Auditors** - In accordance with Section 2.07 of the Essex Junction Village Charter, the Village Trustees may designate an accountant or firm annually or for a period not exceeding three years, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of such fiscal year.

**Town/Village Joint Auditors** – Notwithstanding Section 2.07 of the Village of Essex Junction Charter, the Town and Village will submit a joint Request for Services whenever the Town and Village decide to change auditors.

**LEASES.** All leases that will exceed \$40,000 over the life of the lease or require the Town or Village to indemnify or hold another party harmless shall be approved by the Town Selectboard/Village Trustees. All leases that will not exceed \$40,000 over the life of the lease or require the Town or Village to indemnify or hold another party harmless shall be approved by the Unified Manager. Multiple department leases shall be consolidated when appropriate (e.g., copier leases, equipment leases).

### **CONTRACTS**

1. All contracts for services or construction shall contain the following indemnification and hold harmless language unless waived by the Unified Manager:

The contractor shall and does hereby agree to indemnify, save harmless and defend the Town/Village from the payment of any sum or sums of money to any person whomsoever on account of claims or suits growing out of injuries to persons, including death, or damages to property caused by the contractor, their employees, agents or subcontractors or in any way attributable to the performance and prosecution of the work herein contracted for, including

## Town of Essex/Village of Essex Junction Purchasing Policy

(but without limiting the generality of the foregoing), all claims for service, labor performed, materials furnished, provisions and supplies, injuries to persons or damage to property, liens, garnishments, attachments, claims, suits, costs, attorneys' fees, costs of investigation and of defense. It is the intention of this paragraph to hold the contractor responsible for the payment of any and all claims, suits, or liens, of any nature and character in any way attributable to or asserted against the Town or Village, or the Town or Village and the Contractor, or which the Town or Village may be required to pay. In the event the liability of the Contractor shall arise by reason of the sole negligence of the Town/Village and/or the sole negligence of the Town's/Village's agents, servants or employees, then and only then, the Contractor shall not be liable under the provisions of this paragraph.

2. Only the Unified Manager is allowed to sign contracts on behalf of the Town or Village. The Unified Manager, however, may delegate this authority, including the authority to make payments under the contract, on a case by case basis.
3. A copy of all Contracts will be given to the Unified Manager and to the Finance Director.

### **REAL PROPERTY**

In accordance with §117-103 of the Town of Essex Charter and in accordance with §1.06 of the Essex Junction Village Charter, the Town or Village may acquire property within or without their respective corporate limits for any Town or Village purpose, in fee simple or any lesser interest or estate, by purchase, gift, or lease, and may sell, lease, mortgage, hold, manage and control such property as their interest may require. The Town or Village may further acquire property within their corporate limits by condemnation where such authority is granted by the State of Vermont.

### **GRANTS**

1. All grant applications in the name of the Town of Essex or Village of Essex Junction that financially bind either municipality should be approved by the Town of Essex Selectboard or the Village of Essex Junction Trustees respectively prior to grant application submittal. In no event shall a grant be accepted without Selectboard or Trustee approval.
2. Any grant application in the name of the Town of Essex or Village of Essex Junction that does not require a financial match must be approved by the Unified Manager.

### **FUNDRAISING**

All fundraising in the name of and accounted for by either the Town of Essex or Village of Essex Junction must be approved by the Town of Essex Selectboard or the Village of Essex Junction Trustees respectively.

### **RESTRICTED GIFTS**

All restricted gifts in the name of and arranged for by either the Town of Essex or Village of Essex Junction must be approved by the Town of Essex Selectboard or the Village of Essex Junction Trustees respectively.

### **DISPOSAL OF PROPERTY/ASSETS**

The Unified Manager is authorized to approve the sale or transfer of Town or Village property estimated to be valued at less than \$40,000. The Town Selectboard or Village Trustees shall approve the sale, disposal or transfer of property estimated to be worth more than \$40,000. Nothing in this

section is meant to preclude a department from disposing of material with no value or limited value under \$100 unless covered by other policies. The Brownell Library and the Essex Free Library shall have the power to sell books or purge them, as necessary, with proceeds from any sale being donated to the Brownell Foundation or the Friends of the Essex Free Library, respectively.

## **INSURANCE**

1. The insurance requirement for contractual services over \$40,000 shall be a combined single limit of two million dollars (\$2,000,000) aggregate for general liability and property damage including vehicle coverage, unless otherwise modified by the Unified Manager. Prior to the commencement of work, the bidder shall give the Finance Director a certificate from the insuring company indicating that such policies have been issued and are in force and that said insurance companies agree to notify the Town/Village Finance Director at least thirty (30) days prior to the date of termination of or change in said policies.  
The Town or Village may seek up to five million dollars (\$5,000,000) in insurance coverage for work of a value that would deem the additional coverage appropriate.
2. If a service provider is a sole proprietor or partner owner(s) of an unincorporated business exempt from carrying Workers' Compensation insurance under the provisions of 21 VSA § 601(14), prior to commencing work for the Town/Village they must agree to sign the Non-Employee Work Agreement and the Liability Hold-Harmless Agreement (**Attachment C**) with the Town of Essex/Village of Essex Junction to affirm that :
  - They are not an employee of the Town of Essex or Village of Essex Junction
  - They are working independently
  - They have no employees
  - They have not contracted with other independent contractors
  - They understand they have the right to purchase workers compensation insurance and have elected not to do so.
  - They hold the Town/Village harmless for any injury or death they cause or any damage to property they cause.
3. If a service provider is a sole proprietor or partner owner(s) of an unincorporated business, they should provide a business card or the name of their website in addition to the Non-Employee Work Agreement and the Liability Hold-Harmless Agreement.
4. All service providers are required to enter into a written contract for the services they provide to the Town/Village. If a Department Head waives this requirement they must acknowledge that their department will be responsible for the Workers Compensation insurance the Town/Village will be required by our insurance carrier to provide for that contactor.
5. All vendors must provide a completed W9 form prior to commencement of work for the Town/Village.
6. In limited cases, sole source contractors who work off-site may be waived from the requirement of signing the Hold Harmless Agreement on the advice of the Town/Village attorney.

## **NEW SERVICE VENDORS**

Whenever a new vendor is engaged to deliver services to the Town or Village, the Department Head must obtain a certificate of insurance or the hold harmless agreement, a contract, and a W9 prior to the commencement of work by the vendor.

## CREDIT CARD USE POLICY

### Departmental and Municipal Major Credit Cards

#### General

Town/Village Corporate Credit Cards are a streamlined approach to pay for point-of-sale, invoiced purchases, online purchases, recurring charges that can only be paid for by direct debit or a credit card (e.g., software recurring charges), and to pay for business-related travel expense in the most cost-effective manner possible. Credit cards facilitate efficient purchases both online and in local retail stores, and in some cases, are the only payment accepted by a vendor. The use of a Town/Village Credit Card is a privilege and should be treated as such.

The Town and Village both issue credit cards to Department Heads for departmental use. The Village also possesses a Village credit card that can be used by various Village Departments.

#### Authorization for Use of Departmental or Village Municipal Credit Card

Employees must be authorized by the Supervisor and Department Head based upon both the need for a credit card and the card limits.

#### Card Use

Department Heads are responsible for knowing the dollar limits per transaction and per statement period for their Credit Card, and to use the Credit Card appropriately within those limits.

Users must verify the availability of the item being charged when placing a telephone, fax, or online order. Back orders should not be charged until time of shipment. Verification is needed such that the combined price and freight charge being charged is under the approved level of signature authority dollar limit. Users need to verify that Vermont sales tax is not being charged.

When placing an order by phone, fax, or online, the **receiver's name (purchaser)** must be put on the shipping label or packing list to expedite delivery and a receipt requested to be sent with the purchase. All charges will require a receipt be attached to the monthly statement. If using the Village Corporate Master Card, the card must be signed in and out of the Village Office and a receipt (with AP stamp completed) must be submitted to Finance when the card is returned.

The Internet may be used to place orders only when the receiving/contacted web site is secure. To determine whether a web site is secure, purchasers need to look for a closed padlock on the lower right-hand corner of the screen, or at the web site address. If the padlock is open or non-existent, the web site is not secure and should not be used for placing orders. If the web site address is "https:", the site is secure, if the address is "http:" (no "s"), the site is not secure.

## Town of Essex/Village of Essex Junction Purchasing Policy

If merchandise is to be returned, the purchaser needs to verify that the vendor will credit the credit card account. A copy of the credit slip/voucher needs to be requested and submitted with the monthly statement.

If an attempt to make a Credit Card transaction is denied, the purchaser must contact the Finance Department (802-878-1359) immediately to resolve the problem.

### **Unacceptable Uses**

- Charges for personal or non-business related goods or services. If a personal charge is discovered it must be immediately brought to the attention of Finance and reimbursement be made to the Town/Village for the personal purchase.
- Purchases over the individual's signature authority limit. Dividing an order to satisfy this limit is not allowed.
- Cash advances, traveler's checks, or the use of ATM machines.
- Fuel for personal vehicles. (Reimbursement for mileage shall be made on the Travel Authorization Form at the current IRS reimbursement rate.)

### **Transaction Allocation**

Upon receipt of the monthly statement, cardholders shall confirm all transactions are legitimate, attach all receipts to the statement, obtain Department Head or Department Head designee approval on each purchase, and return the statement to Finance ASAP. Please note – the actual itemized receipt is required for meal purchases (not just the summary amount on the signature slip typically provided at restaurants).

If a receipt is lost, or was never provided by the vendor, a "Missing Credit Card Receipt Form" (**Attachment D**) shall be completed, signed by the supervisor, and forwarded to Finance to be attached to the monthly statement.

### **Personal – Non-business Charges**

In the event that personal or non-business related items are accidentally charged on the Town/Village card, reimbursement to the Town/Village shall be made by submitting a personal check payable to the Town of Essex/Village of Essex Junction, with a note attached showing the account to be credited. This reimbursement must be completed at the time of statement reconciliation or before. Repeated occurrences of personal or non-business related items being charged to the card and/or intentional misuse of the credit card may result in charging privileges being revoked and disciplinary action taken.

### **Disputing Charges**

If there is a dispute about a transaction, the cardholder should first try to resolve it with the merchant. If an item has been charged but has not been received, contact the merchant to verify shipment date. If the item has been or will be shipped soon, it is recommended that the charge be paid at the time of the statement. If charges are paid but not received by the next statement, contact the Finance Department for assistance in resolving the problem.

### **Change in Employment Status**

The cardholder (Department Head) will surrender possession of their card upon termination of employment. The cardholder may be asked to surrender the card at any time deemed necessary by the Finance Director, or the Unified Manager.

### **If Card is Lost or Stolen**

Keep the card in a safe place at all times. Contact the Finance Department (802-878-1359) immediately if the card is lost or stolen.

### **Local Merchants Charge Cards and Revolving Charge Accounts**

In addition to the Major Departmental Credit Cards and the Village Major Credit Card, the Town/Village also have charge cards for local vendors and charge accounts that are paid by statement. **Attachment E** is a list of local merchant cards and local charge accounts.

#### **Authorization for Use of Local Merchant Charge Cards**

Employees must be authorized by the Department Head or the Department Head designee to use a local merchant charge card or charge account.

#### **Card or Account Use**

Merchant charge cards are available at the Town Finance Office or at the Village Administration Office. Users must log the card out when they take it and log it back in when they return it. The log entry must contain the date the card was used and the name of the Merchant Card being used. As soon as the user has completed their purchase the card is to be returned to Finance or Village Administration. The receipt for the purchase should then be signed and coded by the Department Head or Department Head designee and forwarded to the Finance Department as soon as possible. When the billing statement for the merchant is received, Finance will match the receipt(s) to the statement. **Users need to verify that Vermont sales tax is not being charged at the time of purchase.**

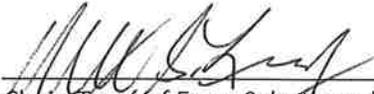
If merchandise is to be returned, the purchaser needs to verify that the vendor will credit the account. A copy of the credit slip/voucher needs to be requested and submitted to Finance with the department's authorized signature and coding.

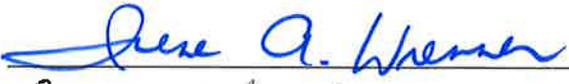
#### **Unacceptable Uses**

- Personal items may not be purchased with Merchant Charge Cards

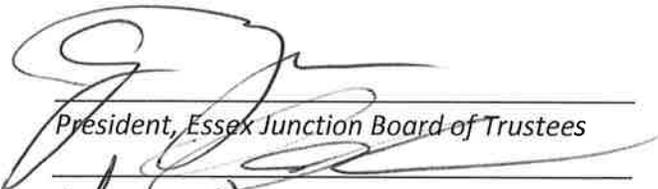
Town of Essex/Village of Essex Junction Purchasing Policy

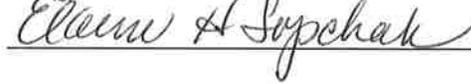
The foregoing Policy is hereby adopted by the Selectboard of the Town of Essex, Vermont, this 11<sup>th</sup> day of October and is effective as of this date until amended or repealed.

  
\_\_\_\_\_  
Chair, Town of Essex Selectboard  
  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
  
\_\_\_\_\_

The foregoing Policy is hereby adopted by the Trustees of the Village of Essex Junction, Vermont, this \_\_\_ day of \_\_\_\_\_ and is effective as of this date until amended or repealed.

  
\_\_\_\_\_  
President, Essex Junction Board of Trustees  
  
\_\_\_\_\_

  
\_\_\_\_\_  
  
\_\_\_\_\_

Town of Essex/Village of Essex Junction

Signature Authorization Form

Department Submitting Form \_\_\_\_\_

Department Head Name (Printed) \_\_\_\_\_

Name of Employee (Printed) \_\_\_\_\_

Employee ID# \_\_\_\_\_

Employee Title \_\_\_\_\_

\$ Authorization Amount \_\_\_\_\_

Effective Date of Authorization \_\_\_\_\_

Employee Signature & Initials \_\_\_\_\_

Department Head Signature \_\_\_\_\_

MODEL BID AND PRICING FORMS

ATTACHMENT B

UNDER DEVELOPMENT

**NON-EMPLOYEE WORK AGREEMENT**

Under 21 VSA § 601 (14) (F), sole proprietors and partner owners of an unincorporated business whose work: is distinct and separate from the municipality’s work; who control the means and manner of the work performed; hold themselves out as in business for themselves; hold themselves out for work for the general public and do not perform work exclusively for or with another person; and are not treated by the municipality as an employee for purposes of income or employment taxation with regard to the work performed; are not considered workers or employees of the municipality.

**To be completed by Municipality:**

- Work to be performed \_\_\_\_\_
- Written contract? (circle one)    **Yes**    **No**  
If yes, attach a copy of the contract.
- Beginning and end date of work: \_\_\_\_\_
- Could this work be considered a normal municipal function? \_\_\_\_\_
- Is this type of work also performed by a town employee? \_\_\_\_\_
- Do you have necessary equipment (owned, leased, rented, borrowed or shared) to perform this work?

**To be completed by Contractor:**

Undersigned, sole proprietor, or partner owner of an unincorporated business, of \_\_\_\_\_ (name of business), of \_\_\_\_\_ (business address), hereby certify that I am aware of my right to purchase Workers’ Compensation insurance and have elected to purchase Workers’ Compensation coverage as described below, or not to purchase Workers’ Compensation insurance coverage: (Check one)

Undersigned, hereby attests I have procured Workers Compensation Insurance Coverage from: Carrier: \_\_\_\_\_ Effective Dates: \_\_\_\_\_ to \_\_\_\_\_ Limits of Liability: \_\_\_\_\_ (Attach a valid Certificate of Insurance)

Undersigned, hereby attests that I am a sole proprietor, or partner owner of an unincorporated business, and as such am not considered to be a worker or employee under the provisions of 21 VSA § 601 (14).

I affirm that:

- I am not a worker or employee of Town of Essex / Village of Essex Jct.
- I am working independently;
- I have no employees; and
- I have not contracted with other independent contractors;
- I understand that I have the right to purchase workers compensation insurance, and I have elected not to purchase workers compensation insurance coverage.

Date: \_\_\_\_\_ Print Name: \_\_\_\_\_ Sign Name: \_\_\_\_\_

Municipal Representative Signature: \_\_\_\_\_

**(See other side for Liability Hold Harmless Agreement)**

**LIABILITY HOLD-HARMLESS AGREEMENT**

**For use with  
Sole Proprietors and Owner Partners of Unincorporated Businesses**

In consideration of the agreement of Town of Essex / Village of Essex Jct. to engage my company and me to perform certain services for the Municipality, my company and I agree, and for myself/ourselves and my/our heirs, executors and administrators agree to indemnify, defend and hold forever harmless Town of Essex / Village of Essex Jct. its officers, agents and employees from and against any and all claims, demands, liabilities, actions, judgments, settlements, damages, costs and expenses (including attorney's fees and disbursements) for injury to or death of any person, including myself, or damage to property arising out of or resulting from any material, product, equipment, vehicle or service supplied by the company or by me, or the agents, servants or employees of either, or from any action or failure to act on the part of myself or the company, or the agents, servants or employees of either, while performing services for, at the behest of, under contract with or on the premises of Town of Essex / Village of Essex Jct. .

Valid, current, certificate of insurance is attached.

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Witness: \_\_\_\_\_

Sign Name: \_\_\_\_\_

Company Name: \_\_\_\_\_

**(See other side for Non-Employee Work Agreement)**

Purchasing Policy  
Attachment D

Town of Essex/Village of Essex Junction  
Missing Credit Card Receipt Form

Card Holder \_\_\_\_\_

Card # \_\_\_\_\_

Date of Purchase \_\_\_\_\_

Amount of Purchase: \_\_\_\_\_

Description of and purpose for Purchase:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_