

Can you explain the appropriate use of and difference between policies, rules, resolutions, and regulations with respect to the selectboard's duties?

There is little by way of definition for these terms or distinction between uses in the Vermont Statutes Annotated. We offer the following commonly accepted legal definitions and guidance for use.

First, as the administrative head of local government, the legislative body (selectboard, village trustees, city aldermen, prudential committee) has the authority to enact public policies to guide its decision-making. Broadly speaking, a ***policy*** is a statement of the general principles and standards regarded by the legislative body as being of fundamental concern to the municipality as a whole, and which guides the board in its decision-making. Examples of typical municipal public policies include class 4-road maintenance policy, procurement or bidding policy for the issuance of public contracts, investment policy, conflict of interest and personnel policies. Generally speaking, public policies enacted by one board are not automatically binding upon future boards, are not subject to voter approval and may be changed or revoked at a regular board meeting.

Administrative ***rules*** adopted by a legislative body are similar to a policy but are more narrowly fashioned. Some commonly enacted rules adopted by a legislative body are: rules of procedure and order for meetings, highway access and permitting requirements, rules for processing citizen complaints, employment recruitment and hiring. Rules also may be changed at the discretion of the board without public involvement.

A ***resolution*** is defined as, "A formal expression of an opinion, intention, or decision by an official body or assembly (*esp. a legislature*)." *Black's Law Dictionary, Seventh Edition*. One example of a municipal board resolution consists of a statement reflecting the formal action taken by the selectboard to 'create' a development review board (DRB). The text of such a resolution would consist in part of a statement of purpose (i.e. the creation of the DRB), establishment of the membership, terms of office, limits or extent of authority, etc. Resolutions are discretionary actions by the board although citizens may petition the board to enact a resolution for a specific purpose, such as to publicly recognize a local official or citizen volunteer for example.

In contrast to the above, when a legislative body enacts a municipal ***regulation*** it is creating a law, which is enforceable in a court much the same as state law. Furthermore, the municipal legislative body may impose civil penalties for violation of the regulation. At the municipal level, regulations typically take the form of and are also known as '***ordinances***.' Because Vermont is not a "Home Rule" state and municipalities only have the powers granted to them by the Legislature, the authority of the municipality to regulate a specific subject must be authorized by statute (or through a municipal governance charter). There are many examples of municipal regulations (these are only a few): animal control ordinances, zoning and subdivision regulations, speed limit, solid waste disposal, health, wastewater disposal, junkyard, public nuisances, liquor control. There is a formal process for the adoption of municipal regulations, which, once adopted by the legislative body, may be petitioned for repeal by the voters. For sample regulations, policies and rules contact the VLCT Municipal Assistance Center.

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