

Can we use a consent agenda to manage our time at selectboard meetings?

Yes. A consent agenda is a tool public bodies can use to manage time at their “regular meetings.” 1 V.S.A. § 312 (c) (1). It allows a body to dispatch with non-controversial and routine items that require action. Typical items on a consent agenda include minutes, accepting reports from public officials and communications from the public. For example, the board will review materials associated with a routine matter in advance of the meeting, allowing (if there are no questions) for acceptance of the matter as presented. The consent agenda enables a public body to move and approve all the items at once, and without discussion. Be advised, though, that using a consent agenda does not mean the items listed are automatically approved. Only after a thorough review by the individual members of accompanying information should the public body move the consent agenda forward without discussion.

If there are questions about an item listed on the consent agenda, a single board member may request that the item be removed. The item is then placed on the regular meeting agenda and considered at the appropriate time, allowing for discussion and clarifying questions. In order for the consent agenda to be successful, we recommend preparation and procedures for approval at the meeting, including:

- Distribution in advance of the consent agenda and accompanying materials, such as draft minutes and copies of reports and communications.
- Members of the public body should come prepared to the meeting, having reviewed all materials relative to the consent agenda.
- The chair should introduce the consent agenda at the meeting.
- It takes a motion and a second to accept the consent agenda, generally. The chair can entertain a request from a member to remove an item, which is then placed on the regular agenda.
- Finally, approval of the consent agenda.

To remove items from the consent agenda and place it on the regular agenda, include the following language at the end of the consent agenda. This provides an indication to the public of the procedure.

“The [public body] deems all items listed on the consent agenda non-controversial and routine in nature. The body will approve these items under one motion and there will be no discussion. A member of the [public body] wishing to discuss an item on the consent agenda may request it be removed from the consent agenda, and placed on the regular agenda. The body will consider and discuss the item at that time.”

A consent agenda does not eliminate the provision of Vermont’s open meeting law that the “public shall be given reasonable opportunity to express its opinion on matters considered by the public body during the meeting [....]” 1 V.S.A. § 312 (h). For this reason, we recommend setting a public comment period before the consideration of the consent agenda. This will give the public the opportunity to comment on the consent agenda. If the items are appropriate for inclusion on a consent agenda, this should be a rare occurrence.

The benefit of using a consent agenda is that there is more time to engage in discussion, by the public and board members, of topics of community importance. However, some municipalities may find it politically difficult to use this practice. The city councils of Burlington and Montpelier and Hartford's selectboard are examples of municipal boards that use consent agendas to manage time. You can access their websites where their agendas are posted through www.vlct.org/vermontlocalgovernment/municipaldirectory/.

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