

## ASK THE LEAGUE, JUNE 2015

### **What does it mean to be an ex-officio member of a planning commission?**

The term “ex officio” means “because of the office.” An ex officio member of a body is a member of that body merely by virtue of holding another office.

Twenty four V.S.A. § 4322 provides “the selectmen [sic] of a rural town, or not more than two elected or appointed officials of an urban municipality who are chosen by the legislative body of the urban municipality, shall be nonvoting ex officio members of a planning commission.” A “rural town” is a town having a population of fewer than 2,500 persons, or a town having between 2,500 to 5,000 persons that has voted by Australian ballot to be considered a “rural town.” 24 V.S.A. § 4303(25).

A selectboard member of a rural town is automatically, and by operation of law, an ex officio member of the planning commission. No election or appointment is necessary. However, such a member is “nonvoting” and his or her presence at meetings does not count toward the quorum of the commission.

To be a fully vested member of the planning commission with the right to vote (and to be counted toward the quorum of the commission), a selectboard member must be specifically chosen for that role. In a town that elects its planning commission members, that selectboard member would have to be separately elected by public vote to serve on the planning commission. In a town that appoints its planning commission members, there would have to be a vote of the selectboard for a particular selectboard member to serve as a fully vested (voting) member.

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