

## HOW TO CONDUCT EFFECTIVE SELECTBOARD MEETINGS

Your town has elected you to serve on the selectboard. Your responsibility as a board member is tremendous, and you are ready for the challenge. The selectboard has “the general supervision of the affairs of the town and shall cause to be performed all duties required of towns and town school districts not committed by law to the care of any particular officer.” 24 V.S.A. § 872. As a single member, you have very little authority, because a majority vote by the entire board is required before any action is taken. 1 V.S.A. § 172. Therefore, it is crucial to have a solid working relationship with your fellow selectboard members, and to treat them with respect. Understand that at times you may have to compromise to move issues forward, or you may hold a minority position. This should not affect your relationship with board members; your objective is to serve the people of the town.

Since you can’t act alone, it is also vital to understand how and when the board will conduct its business. A majority of the board’s work will be performed in the context of *meetings*. State law defines a meeting as “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.” 1 V.S.A. § 310 (2). In order for the board to be effective and efficient, it must understand the open meeting law, the importance of adopting rules of procedure, and how to communicate with the public. Whether you are an old-timer or new to local government, the following information and strategies will help you get the most from selectboard meetings.

**Open Meeting Law.** According to Chapter I, Article 6 of the Vermont Constitution, government officials “exist to aid in the conduct of the people’s business” and are accountable to the public for their actions. 1 V.S.A. § 311. The open meeting law, 1 V.S.A §§ 310-314, implements this order and instructs us how public bodies will transact their business, with its goal being transparency.

All selectboard meetings are “declared to be open to the public at all times.” Board business must be conducted in an open meeting, and any actions taken outside of this forum will not be considered binding. 1 V.S.A § 312 (a). The two exceptions to this rule are executive session and deliberative session. Selectboards use executive session to discuss specific topics, such as personnel matters and negotiation of contracts. A motion and a majority vote are required to go into executive session and no decisions – except those related to securing real estate options – may be made in executive session. 1 V.S.A § 313. The selectboard uses deliberative session when it is acting in a quasi-judicial capacity, such as in abatement hearings and tax appeals. 1 V.S.A. § 312 (e).

A common misconception is that public bodies can hold *work sessions* and that they are not subject to the open meeting law. This is not true. There is no mention in statute of a work session, much less an exemption from the open meeting law. When a quorum of the board gets together to talk about board business, it is a “meeting” and the provisions of the open meeting law apply.

Minutes must be taken of the meetings of all public bodies and address “all topics and motions that arise at the meeting and give a true indication of the business of the meeting.” 1 V.S.A § 312 (b) (1). At a minimum, minutes must include:

1. All members of the public body present;
2. All other active participants in the meeting;
3. All motions, proposals and resolutions made, offered and considered, and what disposition is made of same; and
4. The results of any votes, with a record of the individual vote of each member if a roll call is taken.

**Rules of Procedure.** It is true that “the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body,” but this does not give the public license to hijack a selectboard meeting. Managing public comment and controlling the meeting are vital to getting work done. The law provides that the chair may establish reasonable rules under which citizens may participate. 1 V.S.A § 312 (h). Any established rules should be codified in adopted Rules of Procedure. This policy may set out the order of business, how and when the board will hear public comments, and how items are placed on a selectboard agenda. Every member of the public has a right to participate in a selectboard meeting. In addition to governing how the public may participate, rules also direct the board – specifically the chair – how to handle the public. A meeting is the only forum in which the selectboard can conduct its business; therefore, it must use its time wisely.

**Communicating with the Public.** The meeting is not the selectboard’s only opportunity to communicate information to the public about a budget, ordinance, or other board business. The agenda notifies citizens of what the selectboard will discuss, time associated with each item, and when opportunities for public comment will be given. Agendas are not specifically required under state law, but an agenda “shall be made available to the news media or concerned persons prior to the meeting upon specific request.” 1 V.S.A. § 312 (d). We recommend an agenda as a tool to manage time and to communicate with the public about board business.

A board may use other means, such as newspaper or radio, municipal website, or email to share information with the public before a meeting. Armed beforehand with information such as a selectboard packet, the board may spend less time introducing proposals and more time taking input and answering questions.

When an issue requires public input, there are strategies a board can use to engage citizens in the conversation. These include creating an environment that facilitates dialogue, following your rules of procedure, summarizing public comments to confirm public input, and making sure the board itself stays on topic. Finally, the public should be aware of its role in the decision-making process. In most cases, the selectboard makes the final decision; expanding the public’s role beyond what is outlined in the law may lead to unhappy voters.

You will be in the public eye, all your actions will be scrutinized, and you may even be criticized. The stronger the relationship that you build with your constituents through open government, the more effective you will be at carrying out your official duties. For more on the

open meeting law and sample rules of procedure, please visit VLCT's resource library, <http://resources.vlct.org/>, where you can find the *Handbook for Vermont Selectboards* and other pertinent documents. VLCT will also be holding its annual *Selectboard Institute* on April 4, 2009 in Montpelier.

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