

Selectboard FAQ

Is the selectboard required to have a chair?

Yes. Statute provides, “Forthwith after its election and qualification, the selectboard shall organize and elect a chair” 24 V.S.A. §871. In many municipalities, the chair is the most senior board member. While experience can be helpful, an effective board chair must be a good leader and be able to manage meetings effectively and make the best use of the board's limited time and resources. Seniority should not be the only factor in choosing a chair.

How does the selectboard choose a chair?

By majority vote. Under Vermont law, a majority of the members of the selectboard must be present in order to hold a meeting. In order to take a binding vote or action, there must be "the concurrence of a majority of" the total number of selectboard members. 1 V.S.A. §172. For example, if there is a five-member board, with four members present and they vote three to one to elect a chair, the chair is elected because three of the five members have concurred. However, if only three of the five members are present and they vote two to one to elect a chair, that vote is not binding because only two members of the five-member board have concurred.

Can the selectboard chair vote?

Absolutely. There is no Vermont statute that prevents the selectboard chair from voting on any matter that comes before the board. While the selectboard chair has the responsibility to effectively facilitate board decisions and actions, being chair does not take away a board member's right to vote on matters before the board. The chair may curb his or her participation in board discussions to allow others the opportunity to express their thoughts, but the chair can still have, and express, an opinion. The successful chair makes sure all members have had an opportunity to speak on an issue and fulfills the board's legal duty to afford the public reasonable opportunity for participation and comment. 1 V.S.A. § 312(h).

What is the role of the selectboard chair?

The selectboard chair often has additional duties beyond the coordination and the running of board meetings, including calling special and emergency meetings, acting as spokesperson for the board and coordinating contact with the news media. The selectboard chair also has a few statutory duties and rights not held by other members of the board. The chair must keep, or cause to be kept, a record of all orders drawn by the board showing the number, date, to whom payable, for what purpose and the amount. 24 V.S.A. § 1622. The board chair also has the authority to sign written decisions and orders approved by the board. 24 V.S.A. § 1141.

What rules of procedure govern selectboard meetings?

Selectboard meetings are not required to be conducted under any specific set of rules or procedures. Nevertheless, we strongly recommend that meetings be conducted by some set of procedural rules. Many selectboards profess to be following *Robert's Rules of Order*, but on

closer examination, they rarely are. *Robert's Rules of Order* may work well for town meeting but they are not particularly suited for municipal boards. Most people find *Robert's Rules* confusing. In fact, the current 10th edition of *Robert's Rules of Order* is more than 700 pages long – not an easy place to find a quick answer. VLCT has prepared a simple set of model rules of procedure for selectboards that address important topics such as public comment periods, agendas, and voting requirements. It is available through the VLCT resource library at <http://resources.vlct.org>.

Does a selectboard meeting have to follow an agenda?

There is no direct reference to selectboard meeting agendas in the Open Meeting Law, but a provision in the law requires that the agenda for a special or regular meeting be made available to the news media or concerned persons prior to the meeting upon specific request. 1 V.S.A. § 312(d). The practical implication of this provision is that an agenda should be prepared for every regular and special selectboard meeting.

What should be included in the agenda?

The Vermont Supreme Court has routinely interpreted the Open Meeting Law with an eye toward making information available to the public. It can be inferred from the few cases that have addressed the Open Meeting Law that a vague or inaccurate agenda will not pass muster. An agenda should be crafted to give the public actual notice of the matters to be considered by the board at the meeting. In many towns, the board chair or town clerk is responsible for drafting the selectboard meeting agenda. While an informal approach can work, a dispute can arise regarding the content of the agenda, especially when no one is sure who has the final authority to determine the agenda's content. The best way to avoid this conflict is for the selectboard to specify, as part of its rules of procedure, who will craft the agenda, how the content will be determined, and who will have final say over the content. Often the person responsible for the agenda will present the agenda to the board as a draft at the beginning to the meeting. The members of the board can then suggest additions to the draft that will be approved by the entire board.

How closely should the agenda be followed?

When considering a deviation from the agenda, a selectboard must balance the public's right to notice and the board's ability to effectively deal with an emerging issue in a timely manner. When a selectboard engages in extensive discussion of issues not included on the agenda or takes binding action on matters not included in the agenda, it does so with the risk that the public trust, if not the law, will be violated. Agenda items such as "other business" or "public comment," while necessary, should be used sparingly and not as cover to avoid public scrutiny on difficult or controversial issues.

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