

TOWN OF EAST MONTPELIER

RULES OF PROCEDURE FOR VICIOUS DOG/WOLF-HYBRID HEARINGS

A. PURPOSE. The Selectboard of the Town of East Montpelier is required by 20 V.S.A. §3546 to conduct a hearing when a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, the person bitten requires medical attention for the attack, and the person bitten has filed a written complaint with the Selectboard. The purpose of these rules is to establish uniform procedures for conducting such vicious domestic pet or wolf-hybrid hearings and to ensure compliance with Vermont's Open Meeting Law.

B. APPLICATION. These rules of procedure shall apply to all vicious domestic pet or wolf-hybrid hearings conducted by the Town of East Montpelier Selectboard. A copy of these rules shall be provided to each party bringing a complaint before the Selectboard. The Selectboard Chair shall conduct the hearing in the following manner:

C. PROCEDURE.

1. The chair of the Selectboard, or in the chair's absence, the vice-chair, shall chair all vicious domestic pet or wolf-hybrid hearings. If both the chair and the vice-chair are absent, a member selected by a quorum of the Selectboard shall chair the hearing. The chair may make motions and may vote on all questions before the Selectboard. The chair shall rule on all questions of order and procedure.

2. The chair may exclude any irrelevant, unreliable or unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to demonstrate the innocence or guilt of the domestic pet or wolf-hybrid subject to complaint. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.

3. All vicious domestic pet or wolf-hybrid hearings shall be conducted in the following sequence:

- a. Open the hearing by reading the warning/notice of the hearing.
- b. Read the complaint received, and remind all present that this hearing is mandated by State law [20 V.S.A. §3546], will be conducted in an orderly manner and that all statements must be directed to the Chair.
- c. Ask the complainant/respondent if he/she has received a copy of these rules of procedure and whether he/she has any questions about how the hearing will proceed.
- d. Request disclosure of any conflicts of interest and/or *ex parte* communications.

- e. Direct the complainant or his/her representative and all others providing evidence thereafter to step forward and take the following oath:

I hereby solemnly swear (or affirm) that the evidence I give in the cause under consideration shall be the whole truth and nothing but the truth.

- f. Accept written information from the complainant presented to the Selectboard.
- g. Invite the complainant to present oral testimony to the Selectboard.
- h. Invite Selectboard members to ask questions of the complainant.
- i. Invite the domestic pet or wolf-hybrid's owner (respondent) or representative to respond to evidence presented.
- j. Invite Selectboard members to ask questions of the domestic pet or wolf-hybrid owner.
- k. Invite members of the public to present any relevant information regarding the complaint.
- l. Invite more questions or comments from members of the Selectboard.
- m. Allow final comments or questions from the complainant and domestic pet or wolf-hybrid's owner or their representatives or members of the Selectboard.
- n. Upon motion and majority approval, the Chair shall either recess the hearing to a time and date certain (e.g., to obtain additional evidence), or close the proceedings by stating that this is the final public hearing on the matter. The Selectboard shall issue a decision within 45 days of hearing adjournment.
- o. The Selectboard shall then conduct public deliberations, or may vote to enter deliberative session. The final decision of the Selectboard shall be issued in writing setting forth its findings of facts, conclusions of law, and protective order, if any, for the domestic pet or wolf-hybrid. The written decision shall be sent to the owner of the domestic pet or wolf-hybrid by certified mail, return receipt requested, within the time period set forth in subdivision (n) above.

These rules may be amended by majority vote of the Selectboard.

Adopted: July 21, 2014