PLANNING COMMISSION
RULES OF PROCEDURE AND ETHICS
OF THE
TOWN OF EAST MONTPELIER, VERMONT

Article 1. Governing Rules

1.1 **Source of Authority:** The Planning Commission of the Town of East Montpelier shall be governed by the provisions of all applicable state statutes, municipal bylaws, and these Rules in accordance with 24 V.S.A. §4461(a) and 1 V.S.A. §312(e), (f), and (h).

1.2 **Establishment of the Planning Commission:** As used in the rules, the term "Commission" shall mean the Planning Commission duly created by the legislative body of the Town of East Montpelier, under the authority of 24 V.S.A. §4321, and the voters of East Montpelier, under 24 V.S.A. §4323(c).

1.3 **Purpose:** To perform acts and functions, as the Commission deems necessary or appropriate, to fulfill the duties and obligations imposed by Chapter 117 of Title 24 V.S.A., as the same now provides or may hereafter be amended; to ensure consistent and fair treatment of participants, orderly and reasonably efficient public proceedings, and compliance with state and federal law; and to ensure that no commission member will gain a personal or financial advantage from his or her work for the Commission, so that the public trust in municipal government will be preserved.

1.4 **Responsibilities:** The Commission shall have the following specific responsibilities: create and update periodically the Town Plan, Land Use Development Regulations, and other related regulations; and may perform other duties as set forth in 24 V.S.A. §4325.

1.5 **Annual Review:** The entire Commission shall review, and amend as necessary, these Rules annually in the month of April.

Article 2. Membership

2.1 **Election:** The Planning Commission shall consist of nine voting members, elected by the Town at its annual Town Meeting, for a term of three years, or as otherwise designated under the provisions of 24 V.S.A. §§4322 and 4323 (c). Terms of members shall be staggered so that three members will be elected each year.

2.2 **Resignation, Vacancies:** Resignations shall be given in writing to the Chairperson, who shall then notify the Select Board and request that an appointment be made to fill the vacancy until the next meeting of the municipality, at which time the voters shall elect a commissioner to fill the unexpired term. The Select Board shall fill all vacancies as soon as possible.

2.3 **Orientation:** The Commission Chairperson shall ensure that newly elected Commission members receive an orientation to the responsibilities of the Commission and to the laws

and regulations under which it functions within three months of their election or appointment.

Article 3. Officers and Duties

3.1 **Election of Officers:** The Commission shall elect by majority vote a Chairperson, Vice Chairperson, and Secretary, annually in the month of April. These officers shall perform the duties prescribed by state law, municipal bylaws, and these Rules.

3.2 **Duties of the Chairperson:** The Chairperson shall ensure that those who have a right to participate realize that right, and to allow for those in attendance to be heard; preside at all meetings, hearings, and deliberations of the Commission; decide all questions of order and procedure subject to these Rules; have all other usual powers of supervision and management as may pertain to the Office of Chairperson for the efficient conduct of commission business; and perform such other duties as directed by the Commission. The Chairperson shall be the official spokesperson on behalf of the Planning Commission. The Chairperson's signature shall be the official signature of the Commission. The Chairperson has the right to vote, the right to make and second motions, and the right to question participants, just as any other member of the board.

3.3 **Duties of the Vice Chairperson:** The Vice Chairperson shall assume the duties and powers of the Chairperson in his or her absence, or at the Chairperson's request.

3.4 **Acting Chairperson:** If both the Chairperson and Vice-chairperson are absent from a meeting at which there is a quorum present, the members present shall elect an acting chairperson who shall assume the duties of the chairperson for the meeting at which he or she is elected. The acting chairperson's office shall terminate upon return of the Chairperson or Vice-chairperson.

3.5 **Duties of the Secretary:** The Secretary or designated alternate shall conduct all official correspondence of the Commission, subject to these Rules and the direction of the Commission, and perform such other duties as the Chairperson and the Commission may designate.

3.6 **Recording Clerk:** The Zoning Administrator shall be the Recording Clerk, unless the Commission designates otherwise. The Clerk shall keep minutes of all meetings, hearings, and proceedings of the Commission, subject to these Rules and the direction of the Commission. The Clerk shall also record the names of all who participate orally and in writing at Commission meetings and hearings in the meeting minutes; and perform such other duties as the Chairperson and the Commission may designate. The Clerk shall be paid at a rate determined by the Selectboard.

3.7 **Vacancies of Officers:** Any vacancy among the officers of the Commission shall be filled by election, for the unexpired term, at the next regular meeting of the Commission.

Article 4. Conduct of Business

4.1 **Records:** The Commission shall keep a full and accurate record of its business, including minutes of each meeting and attendance; all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of these. Minutes for meetings of the Commission shall be posted on the town website (https://eastmontpeliervt.org) and filed with the Town Clerk within five days following the meeting date. For the purpose of this provision, draft minutes may be filed and later replaced by the final approved minutes. It shall be the duty of all members to review the minutes and other official records of Commission meetings and actions, and correct and ratify these when appropriate and necessary. All Commission records shall be maintained by the Recording Clerk in a central file located in the Municipal Office Building and shall be available to the public, in conformance with the Vermont Public Records Act (1 V.S.A. §§315-320) as the same now provides or is hereafter amended.

4.2 **Annual Report:** The Commission shall make an annual report to the Town.

Article 5. Meetings and Hearings

5.1 **Regular Meetings:** The Regular meeting of the Planning Commission shall be held in the Municipal Office Building at 7:00 p.m. on the first and third Thursday of each month, unless there is no business to transact, in which case no meeting shall be held. The Zoning Administrator, at the direction of the Chairperson, or Vice Chairperson in his or her absence, shall give each member of the Commission at least 24 hours prior notice of cancellation of such meeting. Members may participate by telephone, or other available electronic means, as long as the absent member can hear everything that is occurring at the meeting and everyone present at the meeting can hear the board member. There shall be an agenda for each meeting, with time allotted for each item or group of items to be considered. Those who wish to be added to the agenda shall contact the Chairperson to arrange for a convenient time. The Chairperson shall determine the content of the agenda with input from members and shall include a ten-minute period of time reserved for public comment.

5.2 **Special Meetings:** Special meetings of the Commission may be called by the Chairperson, provided that at least twenty-four (24) hours notice of the time, place and business of such meeting shall be given each member of the Commission.

5.3 **Meeting Notice:** Notice of any regular meeting of the Commission shall state the meeting and place. Notice of a special meeting shall be provided to all concerned parties at least twenty-four (24) hours prior to such meeting and shall state the time, place and general nature of business to be discussed. Meeting agendas shall be posted on the town website (https://eastmontpeliervt.org) and in three (3) public locations at least 48 hours before a regular Planning Commission meeting and 24 hours before any special, non-emergency Planning Commission meeting.

5.4 **Hearing Notice:** Public hearings of the Planning Commission shall be noticed in accordance with 24 V.S.A. §4464, and these Rules. Notice of any public hearing shall be posted in at least three public places and in a newspaper of general publication in the town, and shall state the general nature of business to be discussed, and the time and place of the hearing. This notice shall be made no less than 15 days prior to the hearing.
When a public hearing is recessed, its continuance shall not require further public notification as required herein provided that the date, time, and place of the continuance is announced prior to adjournment of the hearing.

Notice for hearings on the adoption, amendment, or repeal of the bylaw and other regulatory tools shall be pursuant to 24 V.S.A. §4444, as amended.

5.5 **Open Meetings:** All Commission meetings shall be open to the public and held in conformance with the Vermont Open Meeting Law (1 V.S.A. §§310-314) as the same now provides or may hereafter be amended. All meetings shall be conducted in an open and democratic manner, and questions of meeting conduct shall be resolved according to Robert's Rules of Order (2020 edition).

Article 6. Voting

6.1 **Quorum:** For the conduct of a meeting or a hearing and the taking of any action a quorum must be present. A quorum shall be a majority of the members of the Commission with vacancies counted. The Chairperson has the same voting rights as all members and can make motions. For a motion to pass, it must receive the concurrence of a majority of the entire board, regardless of how many are present. [1 V.S.A. §172; 24 V.S.A. §4461(a)]

6.2 **Conflicts of Interest:** The Planning Commission and each individual member is bound by the Town of East Montpelier's Conflict of Interest Ordinance, incorporated into this document by reference.

No Commission member shall participate in any hearing or vote on a matter in which he or she has a personal interest; has a direct or indirect financial interest; has exhibited bias or prejudice prior to hearing a case; or has failed to disclose and/or rectify ex parte communications. The disqualified member shall not preside at the hearing or be counted by the Commission establishing the required quorum.

At all hearings, the Chairperson shall request that board members disclose all potential conflicts of interest. When recognized by the Chairperson, any person may request disclosure of potential conflicts of interest. Nonetheless, after disclosing a conflict or perceived conflict, a member who believes that he or she is able to act fairly, objectively, and in the public interest, shall disclose the nature of the potential conflict of interest, and the reason(s) why he or she is able to act in the matter fairly, objectively, and in the public interest. This shall be noted in the minutes of the proceeding.

If the Chairperson is disqualified, the Vice Chairperson shall preside. If the Vice Chairperson is also disqualified, a majority of the remaining Commission members shall designate an Acting Chairperson to preside.

Article 7. Hearings

7.1 **Hearing Procedures:** The Chair shall conduct the hearing in the following manner:

7.1.1 Open the hearing by reading the warning of the hearing.

7.1.2 Review the order of events, remind all present that the proceeding will be conducted in an orderly manner, and make copies of these Rules available.

7.1.3 Request disclosure of conflicts of interest.

7.1.4 Accept written information presented to the board.

7.1.5 Invite members of the public to present information or opinions regarding the topic of discussion.

7.1.6 Invite Commission members to respond to the information presented.

7.1.7 Invite more questions or comments from members of the public; invite more questions from members of the board; allow final comments or questions from the public or members of the board.

7.1.8 During the meeting or hearing, the presiding officer shall have the power to exclude comments that are immaterial, unduly repetitious, or otherwise unhelpful to the Commission in deciding the issue at hand.

7.1.9 Upon motion and majority approval, the Chairperson shall either adjourn the hearing to a time certain, or close the proceedings by stating that this is the final public hearing on the matter.

Article 8. Bylaw Amendments

8.1 **Amendment Procedure:** These Rules may be amended by a majority vote at any meeting having a quorum of members, provided that all Commission members have been presented a written copy of the proposed amendment at least 48 hours before the meeting at which the vote is taken.

Revised and adopted April 6, 2023.