

TOWN OF ELMORE, VT SOP Committee Meeting

Meeting Minutes – prepared by G. Schwartz
Status: Approved

Meeting Date: June 2, 2025

Start Time: 6:00 PM

Adjourn: 7:28 PM

Meeting Attendees: Glenn Schwartz, Sharon Fortune, Nancy Davis, Shorty Towne and Shelia Rysz

1. The Standard Operating Procedure (SOP) Committee reviewed the updated draft SOP's (copies attached)
 - Contacting the Towns Attorney
 - Open Meeting Law

Notes: Each SOP was reviewed and final comments were made. Nancy Davis will make the suggested changes and they will be submitted to the Elmore Select Board for approval at the next ESB meeting. The committee will meet again on July 7, 2025 @ 6:00 PM to review the Elmore Select Board Annual Review draft SOP.

Minutes Respectfully Created and Submitted by:

Glenn Schwartz

6/6/25

Town of Elmore Open Meetings SOP

Effective:

Purpose: The purpose of this SOP is to outline the process for calling and conducting open meetings for the Town of Elmore. By following these guidelines the Town of Elmore can ensure that all public meetings are in compliance with the State of Vermont Open Meeting Law (Act 133) and give Elmore residents openness and accessibility to public bodies.

Scope: This SOP applies to all public bodies in the Town of Elmore and describes emergency meetings, special meetings and regular meetings. This includes the Select Board, Planning Commission, Development Review Board, and Cemetery Commission.

Responsibilities: It is the responsibility of each member of an Elmore public board or commission to know and adhere to this SOP, serving the residents of Elmore with transparent and consistent information.

Definitions:

- SOP is defined as a Standard Operating Procedure.
- Public Body is defined as boards and commissions of a municipality required to comply with the Open Meeting Law.
- Meeting refers to a gathering of a quorum to discuss business or take action. It is NOT a meeting if members communicate to schedule a meeting, organize an agenda, or distribute materials to discuss at a meeting, AND no other business of the body is discussed or conducted.
- Quorum is defined as the majority of the members of a public body.
- Chairperson is defined as the presiding officer of a board.
- Emergency Meetings are defined as those called only when necessary to respond to an unforeseen occurrence or condition that needs immediate attention. These situations require action to protect public health, safety, or welfare.
- Special Meetings are defined as any meeting required to address a specific topic that arises outside of the regular meeting schedule.
- Regular meetings are defined as meetings that have predefined schedules and meet at the Town Office

Select Board meets the 2nd Wednesday of each month at 6:00pm

Development Review Board meets the 1st Tuesday of each month at 6:00pm

Planning Commission meets the 3rd Thursday of each month at 5:30pm

Cemetery Commission meets quarterly with date/time TBA each quarter

- Agenda is defined as an outline that allows interested members of the public to be reasonably informed about what specific topics shall be discussed, and what actions may be taken at the meeting. The agenda shall have physical and remote participation information.
- Warning is defined as public notice of a meeting including the purpose, date, time and location of the meeting.
- Minutes are defined as a permanent record of all topics and motions that arise at a meeting and must give a true indication of the business of the meeting. Minutes include the names of all the members of the public body and all participants and attendees. All motions, proposals, and resolutions made shall be documented and shall include their dispositions along with the results of all votes. Action to be taken regarding public questions or concerns shall also be included.

Procedure: Calling and Warning Meetings

Emergency Meetings

- Shall only be called by the chairperson or quorum.
- There is no agenda requirement.
- Warning shall be given as soon as possible.
- An emergency meeting should not be used if the public body is able to comply with the 24-hour notice requirements for special meetings.

Special Meetings

- Shall be requested by the chairperson, quorum or public petition.
- A public petition request shall be forwarded to the board chairperson following verification of signatures.
- A quorum vote of a board shall decide if a special meeting is warranted.
- An agenda shall be prepared by the chairperson or designated board member.
- Warnings shall be posted at least 24 hours in advance and include the agenda and supporting documents.
- Warning shall be posted to public forums, posted at designated Town sites and posted to the Town website.

Routine Meetings

- An agenda shall be prepared by the chairperson or designated board member.
- Agenda requests must be submitted to the Chairperson or acting Chairperson for inclusion at least 7 days prior to the meeting.
- If a quorum cannot be established prior to a scheduled meeting, the meeting shall be rescheduled for the third Wednesday of the month. If the third Wednesday cannot confirm a quorum, then the chairperson shall select a new date.
- Warning shall be posted at least 48 hours in advance and include the agenda and supporting documents.



- Warning shall be posted to public forums, posted at designated Town sites and posted to the Town website.

Procedure: Conducting a Meeting

- The Chairperson shall call the meeting to order and verify the presence of a quorum before proceeding with the agenda.
- Meetings shall follow Robert's Rules of Order.
- Time limits may be assigned for agenda items.
- All attending individuals must sign in.
- Public may participate remotely and must identify themselves when they join.
- Vermont Open Meeting Laws shall be followed for meeting documentation
 - Video recordings shall be made for each meeting.
 - Video recordings shall be posted on the Town website with corresponding viewing link information.
 - Written minutes shall be recorded by a designated board member.
 - Following each meeting, draft minutes shall be posted within 5 days to the Town website.
 - Draft minutes shall be reviewed, discussed, and approved at the next regular meeting and made available on the Town website.
- Executive Session is permissible but only after a finding that "premature general public knowledge would clearly place the public body, or a person involved at a substantial disadvantage." To enter executive session, a motion must be made in open session that indicates its reason for doing so. Minutes are not to be taken during executive sessions.

Compliance:

Municipalities must post on their websites: An explanation of procedures for submitting notice of OML violation to the public body or Attorney General and a copy of the text of 1 V.S.A. § 314

If the public body acknowledges a violation of the open meeting law, it must cure the violation within 14 calendar days. The public body must either ratify, or declare as void, any action that was taken at or resulted from:

- A meeting with an improperly public announcement and posting of regular, special, and emergency meetings.
- A meeting that a person or the public was wrongfully excluded from attending.
- An executive session, or a portion of an executive session, that was not authorized
- The public body must adopt specific measures that actually prevent future violations.

A quorum may meet to:

- perform administrative functions such as scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, clerical work, or work assignments of staff or other personnel. Routine, day-to-day administrative matters that do not require action by the public body so long as no money is appropriated, spent, or encumbered.
- Other functions. Occasions when a quorum of a public body attends social gatherings, conventions, training programs, press conferences, media events, etc.
- Meeting of a Different Public Body. A gathering of a quorum of a public body at a duly warned meeting of another public body.
- Site inspections for tax assessments or abatements.

If members of the body stray into discussing the business of the body at any of the above gatherings where a quorum is present, a meeting shall have taken place.

Revision History

This SOP may be amended by a majority vote of the Select Board members at a regular meeting. Revision history entries shall include:

- Date of revision
- Description of the changes
- Names of individuals that approved the changes

Appendix

Act 133 Vermont Open Meeting Law

1 V.S.A. § 314 Penalty and Enforcement

Revision History

Date:

Description of the change:

Revision Approved by:

Town of Elmore Attorney Contact SOP

Effective:

Purpose: The purpose of this SOP is to outline the procedure for contacting the Elmore Town Attorney and to avoid attorney fees when possible.

Scope: This SOP applies to all public bodies in the Town of Elmore and includes the Select Board, Planning Commission, Development Review Board, Cemetery Commission and Town employees. *ADD Zoning Admin*

Responsibility: It is the responsibility of individuals and boards under the scope of this SOP to adhere to these procedures. It is the responsibility of the Select Board to determine when outreach to the Town Attorney is warranted and to ensure taxpayer dollars are wisely spent.

Definitions:

- SOP is defined as a Standard Operating Procedure
- VLCT is defined as the Vermont League of Cities and Towns
- Chairperson is defined as as the presiding officer of a board
- Quorum is defined as the majority of the members of a public body
- Requestor is defined as the individual initiating the Town Attorney Contact Form

The Select Board Chairperson, Town Clerk, Town Treasurer and Zoning Administrator are the only positions in the Town or Elmore that may contact the Town Attorney directly.

Procedure steps for the above positions

1. The VLCT legal department should be utilized, if practical.
2. The Elmore Direct Town Attorney Contact Form must be completed.
3. The question for consideration may be generalized to avoid individual names.
4. The summary recorded on the Direct Town Attorney Contact Form shall be presented at the next regular Select Board meeting for review and documentation. If the question legally falls under attorney/client privilege, Vermont Open Meeting laws governing Executive Session shall be followed.
5. Completed forms are to be filed at the Town Clerk Office

Procedure steps for Town Attorney Contact for all other Town of Elmore positions

1. **SECTION 1** of The Town Attorney Contact Form must be completed. This includes:
Name of individual submitting the form
 - a. Date
 - b. Question for consideration
 - i. May be generalized to avoid individual names
 - c. Contact and response information from VLCT legal department.
2. If the VLCT response is accepted the Contact form shall be forwarded to the Select Board Chairperson or other Select Board member for documentation.
3. If the VLCT response is not accepted or further review is recommended, the requester shall forward the question to the Select Board Chairperson or other Select Board member for review.

4. **SECTION 2** documents the Select Board Review. If the question is not time-sensitive or urgent, the Select Board shall evaluate the Contact Form information at the next regular Select Board meeting. If the question is time-sensitive or urgent, the Select Board may call a Special Meeting to evaluate the Contact Form information.
5. The Select Board quorum vote is required to contact the Town Attorney
6. Quorum vote to deny Town Attorney contact shall result in the Select Board documenting their summary reasoning for the decision to deny.
7. Quorum vote to proceed with contact shall result in the Select Board documenting their summary reasoning for the decision to proceed.
8. The Select Board Chairperson or other designated Select Board member shall notify both the Town Attorney and requestor by email and supply the Town Attorney with the Contact Form and supporting documentation. This date of contact is documented on the form.
9. **SECTION 3** Documents the Town Attorney response. The Town Attorney may request more documentation or clarification by direct contact with the requestor.
10. The Town Attorney shall deliver their response to the Select Board and the requestor.
11. If Step 10 sufficiently answers the posed question, the form and documentation is to be filed in the Town Clerk office with SECTION 3 completed. This includes the total cost for this question and all supporting documentation. The summary (including cost) recorded on the Town Attorney Contact Form shall be presented at the next regular Select Board meeting for review and documentation. If the question legally falls under attorney/client privilege, Vermont Open Meeting laws governing Executive Session shall be followed.
12. If Step 10 does not sufficiently answer the posed question, or more follow-up is required, Steps 4-10 shall be repeated, and documented in SECTION 3 until satisfactory conclusion is reached. When a satisfactory conclusion is reached, the form and documentation is to be filed in the Town Clerk office with SECTION 3 completed. This includes the total cost for this question and all supporting documentation. The summary (including cost) recorded on the Town Attorney Contact Form shall be presented at the next regular Select Board meeting for review and documentation. If the question legally falls under attorney/client privilege, Vermont Open Meeting laws governing Executive Session shall be followed.

Compliance

- Adherence to Vermont Open Meeting Laws

Revision

- This SOP may be amended by a majority vote of the Select Board members at a regular meeting. Revision history entries shall include:
 - Date of revision
 - Description of the changes
 - Names of individuals that approved the changes
- This SOP may not undergo revision during any unresolved issue before the Town Attorney

Appendix

- Town Attorney contact information
- Town Attorney fee schedule
- Elmore Direct Town Attorney Contact Form
- Elmore Town Attorney Contact Form

Elmore Direct Town Attorney Contact Form

Select Board Chairperson, Town Clerk, Town Treasurer and Zoning Administrator

Name of Requestor **Date**
Question to be considered

VLTC Contact Name Date
Response

Direct Contact to Town Attorney **Date**
Response

Follow-up Contact if required Date
Response

Total Cost to the Town for this Attorney Contact
All supporting documentation is attached and filed in the Town Clerk Office

Elmore Town Attorney Contact Form

SECTION 1 Requestor

Name of Requestor

Date

Question to be considered

VLTC Contact Name

Date

Response

SECTION 2 Select Board Review

Date request was considered

Select Board member vote record

Quorum Decision to Deny Summary

Quorum Decision to proceed with Contact to the Town Attorney Summary

Date Town Attorney is contacted

SECTION 3 Town Attorney Response

Response acceptable

Summary of Response

Response unacceptable to requestor

Date of Select Board review and vote record

Quorum vote deny summary

Quorum vote to proceed summary

Total cost to the Town for this Town Attorney Contact

All supporting documentation attached (required summaries may be documented on additional pages if enough room is not provided on the form)