

# TOWN OF ELMORE, VT SOP Committee Meeting

Meeting Minutes – prepared by G. Schwartz  
Status: Draft

Meeting Date: April 28, 2025      Start Time: 6:00 PM      Adjourn: 7:10 PM

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

1. The Standard Operating Procedure (SOP) Committee reviewed the following draft SOP's (copies attached)
  - Contacting the Towns Attorney
  - Open Meeting Law
  - Annual review by the Select Board

**Notes:** Each SOP was reviewed and comments were made. Nancy Davis will make the suggested changes and the committee will meet again on June 2, 2025 @ 6:00 PM to review the revised draft SOP's. If the changes are accepted by this committee, these three SOP's will be forwarded to the Elmore Select Board for adoption at their June Meeting.

Minutes Respectfully Created and Submitted by:

*Glenn Schwartz*

4/30/25

## 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.

**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

### Procedure

1. Initial legal outreach is to the VLCT legal department.
  - a. The Select Board Chairperson, Town Clerk, Town Treasurer and Zoning Administrator are authorized to proceed directly to Step 2.
2. Section 1 of the Town Attorney Contact Form, obtained from the Town Clerk, must be completed with:
  - a. Name of individual submitting the form
  - b. Date
  - c. Question for consideration
    - i. May be generalized to avoid individual names
  - d. Contact and response information from VLCT legal department or Town Attorney
3. When the question posed is someone other than the individuals outlined in 1a, the Contact form will be forwarded to the Select Board Chairperson or other Select Board member.
4. If the question is not time-sensitive or urgent, the Select Board will 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 will result in completion of Section 2 on the Town Attorney Contact Form describing the Select Board decision to deny.
7. Quorum vote to proceed with contact will result in completion of Section 2 on Town Attorney Contact Form.
8. The Select Board Chairperson or other designated Select Board member will notify both the Town Attorney and requestor by email and supply the Town Attorney with the Contact Form and supporting documentation.

9. The Town Attorney may request more documentation or clarification by direct contact with the requestor.
10. The Town Attorney will 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.
12. If Step 10 does not sufficiently answer the posed question, or more follow-up is required Steps 4-10 will be repeated until satisfactory conclusion.
13. The summary recorded on the Town Attorney Contact Form (Section 3) will 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 will 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 will 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
- Town Attorney Contact Form

## Elmore Town Attorney Contact Form

### SECTION 1 Initial Contact and Response

**Name of Requestor**

**Date**

**Question to be considered**

**VLTC**

**Date of contact**

**Name of contact**

**Response**

**Direct Contact to Town Attorney to question in Section 1 by:**

Select Board Chairperson

Town Clerk

Town Treasurer

Zoning Administrator

**Date of contact**

**Response**

### SECTION 2 Select Board Quorum vote

**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**

### SECTION 3 Town Attorney Response

**Response requires no further action**

**Summary** (will also be included in Select Board minutes at the next meeting)

**Response requires further Town Attorney contact**

**Date of Select Board vote**

**Quorum vote and reason to proceed**

### SECTION 4 cost

Total cost to the Town for this Town Attorney Contact

### SECTION 5 documentation

All supporting documentation attached

## Town of Elmore Open Meetings

### Effective:

**Purpose:** This SOP outlines the process for calling and conducting open meetings for the Town of Elmore. By following these guidelines, we can ensure that all public meetings are in compliance with the State of Vermont Open Meeting Law (1 V.S.A. §§ 310 -314) 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 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.
- 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 will be discussed, and what actions may be taken at the meeting. The agenda will 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 formal actions taken by a public body and must give a true indication of the business of the meeting, covering all topics that arise. They include names of all members of the public body and participants, all motions, proposals, and resolutions made, and their dispositions and the results of all votes, with a record of individual votes if roll call is taken.

## **Procedure: calling and warning meetings**

### Emergency Meetings

- May only be called by the chairperson or quorum.
- There is no agenda requirement.
- Warning will 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

- May be called by the chairperson, quorum or public petition.
- A public request should be sent to the board chairperson
- Quorum of a board will decide if a special meeting is warranted.
- Warning will be at least 24 hours in advance.
- Warning will be given to a radio station as well as posted at designated town sites.

### Routine Meetings

- An agenda will be prepared by the chairperson or designated board member.
- Agenda requests must be submitted to the Chairperson for inclusion at least 10 days, 1 week, last friday of previous month or 2 weeks...needs clarification
- If a quorum cannot be established prior to a scheduled meeting, the meeting will be rescheduled for the third Wednesday of the month. If the third Wednesday cannot confirm a quorum, then the chairperson will select a new date.
- Warnings, including agendas and rescheduled meetings, will be available on the official town website and in three physical locations within the town at least 48 hours prior to the meeting.

## **Procedure: conducting a meeting**

- The Chairperson will call the meeting to order and verify the presence of a quorum before proceeding with the agenda.
- Meetings will follow Robert's Rules of Order.
- Time limits may be assigned for agenda items.
- All individuals must sign in.
- Public participation is encouraged at designated times in the agenda.
- Public may participate remotely and must identify themselves when they join.
- Vermont Open Meeting Laws will be followed for meeting documentation
  - Video recordings will be made for each meeting.
  - Video recordings will be posted on the Town website with corresponding viewing link information.
  - Written minutes will be recorded by a designated board member.
  - Following each meeting, draft minutes will be posted within 5 days to the Town website.
  - Draft minutes will 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.

### **Compliance:**

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. 1
- 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 will have taken place.

### **Revision History**

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- Date of revision
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### **Appendix**

Vermont Open Meeting Law

## **Town of Elmore Select Board Annual Review**

Effective:

**Purpose:** The purpose of this SOP is to establish a guideline for the Select Board to annually review and take appropriate actions on training and town documents. By following this SOP, annual requirements will be met and new board members will have important Town-related information.

**Scope:** This SOP applies to the Elmore Select Board.

**Responsibility:** It is the responsibility of the Elmore Select Board to ensure all required training is completed and that all review requirements are met. This includes documentation of training.

### **Definitions:**

- SOP is defined as a Standard Operating Procedure
- OML is defined as Open Meeting Law

### **Training and documents covered under this SOP**

#### Required State of Vermont

- Open Meeting Law Training
  - Secretary of State Annual training for local chairs of legislative bodies
- Ethics Training
  - State Ethics Commission approved training
    - Initial training within 120 days after election or appointment of a member of a legislative body or a quasi-legislative body
    - A municipality shall make responsible efforts to provide training to all other municipal officers.
    - Continuing ethics training, after initial, is every three years.

#### Required Town of Elmore

- Review of road classification within the town
- Review of donated lands and any information associated with the donation
- Review of monetary donations to the town and associated account or designation.
- Review of all Town of Elmore SOPs
  - Select Board Annual Review
  - Open Meetings
  - Ethics
  - Contacting the Town Attorney

### **Procedure:**

1. Each required State Training, Town of Elmore document and SOP will have its own signature page created for the current year. (each page may reflect multiple years)
2. Each required individual will sign and date completion of training or review (note: The State of Vermont requires public record of completed OML and Ethics training)
3. The completed signature page for state required training will be filed with this SOP.

4. The signature pages for road classification, review of donated lands, review of monetary donations will be filed with the corresponding document.
5. The signature page for Town of Elmore SOPs will be filed with the corresponding SOP.
6. Any changes to the State of Vermont training, roads, lands or monetary donations or revisions to SOPs will be documented as a revision on the corresponding document.
7. All documents will be available to the public as a hard copy. There is no website requirement.

### **Compliance**

Documentation of OML and Ethics training is required by the State of Vermont. Compliance will be shown by signature pages.

Documentation of compliance to all defined Town of Elmore requirements will be shown by corresponding signature pages.

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### **Appendix**

Vermont Open Meeting Law

Vermont Ethics Commission

Physical location of Town of Elmore SOPs and documents outlined in this SOP.