

Waitsfield Planning Commission

Rules of Procedure and Conflict of Interest Policy

Section I: Authority.

The Planning Commission of the Town of Waitsfield hereby adopts the following rules of procedure (hereinafter referred to as these Rules) in accordance with 24 V.S.A. § 4323(b).

Section II: Policy.

These Rules are adopted to ensure consistent and fair treatment of members, interested persons, and participants, orderly and efficient public meetings, and compliance with state and federal law. These Rules shall also ensure that no Commission member will gain a direct personal or financial advantage from his or her work for the Commission, so that the public trust in municipal government will be preserved.

Section III: Definitions.

- A. “Commission member” means a regular or alternate member of the Waitsfield Planning Commission.
 - B. “Commission” means the Waitsfield Planning Commission.
 - C. “Conflict of interest” means any one of the following:
 - 1. A direct personal interest of a Commission member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, or any other matter pending before the Waitsfield Planning Commission.
 - 2. A direct financial interest of a Commission member, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister in law, business associate, employer or employee, in the outcome of a cause, proceeding, or any other matter pending before the Waitsfield Planning Commission.
- “Conflict of Interest” does not arise in the case of votes or decisions on matters in which the public officer has a personal or pecuniary interest in the outcome no greater than that of other persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.
- D. “Executive session” means a session of a public body from which the public is excluded, pursuant to 1 V.S.A. § 313. Such private session may only be held for one of the reasons permitted by the statute, and no binding action may be taken in executive session.

- E. "Official act or action" means any legislative or administrative act performed by any Commission member.
- F. "Public deliberations" means the weighing, examining, and discussing, in a public proceeding, the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.
- G. "Recuse" means to remove oneself from a particular vote because of a conflict of interest.

Section IV: Members; Officers, and Duties.

- A. The Waitsfield Planning Commission shall consist of seven regular members. After Town Meeting but prior to May 1, or at other times throughout the year as needed, the Waitsfield Planning Commission shall hold an organizational meeting and elect by majority vote, a Chair and Vice Chair.
- B. Chair: The Chair shall preside at all meetings, hearings, and deliberative sessions, decide all points of order or procedure, and appoint members to any subcommittee of the Commission. The Chair may administer oaths and may request the attendance of witnesses and the production of material germane to any issue under consideration.
- C. Vice Chair: The Vice Chair shall assume the duties of the Chair whenever the Chair is absent, or at the Chair's request.
- D. It shall be the duty of all members to review the minutes and other official records of the Waitsfield Planning Commission meetings and actions, and correct and ratify these when appropriate and necessary.
- E. Signature: The Chairperson's signature shall be the official signature of the Commission and shall appear on all applicable documents pertaining to actions of the Commission which were made at meetings of the Commission when the Chair was present and presiding. The Vice Chairperson's signature shall appear on all documents pertaining to actions of the Commission which were made when the Chair was not present or when the Chair was not presiding.
- F. Vacancies: The Waitsfield Selectboard shall be notified immediately of any vacancy of the Commission. If the office of Chair becomes vacant, the Commission shall fill that office by election for the unexpired term at the next regular meeting of the Commission.
- G. Planning and Zoning Administrator: The Planning and Zoning Administrator shall be responsible for the orderly and efficient administrative processes concerning all aspects of the Commission's function and have the following duties:

1. Conduct official correspondence subject to these rules and at the direction of the Commission;
2. Issue the proper forms, compile all information, maps, and records for the Commission's review;
3. Send out all notices required by law and these rules of procedure;
4. Inform persons who come before the Commission of these rules of procedure and the laws or bylaws which pertain to that person's appearance before the Commission;
5. Prepare minutes or cause minutes to be prepared of all meetings of the Commission and make them available to the public in accordance with 1 V.S.A. §312; and
6. Maintain copies of the minutes and records of examination and other official actions of the Commission separate and apart from those filed with the Town Clerk.

Section V: Regular and Special Meetings.

- A. Regular meetings shall be held in the Town Offices at 7:00 p.m. on the first and third Tuesdays of the month, or as warranted. The Planning and Zoning Administrator shall post meeting agendas or cancel meetings at the request of the Chair in accordance with 1 V.S.A. §§310-314.
- B. Special or emergency meetings may be called by the Chair in accordance with 1 V.S.A. §§310-314.
- C. A quorum shall consist of a majority of the plenary Commission.
- D. Members may participate electronically in accordance with 1 V.S.A. §§312.
- E. All meetings shall be open to the public unless the Commission has entered an executive session. The Commission may only hold an executive session pursuant to the reasons permitted by 1 V.S.A. §313, and only after a majority vote to enter executive session. Decisions shall be made on the record.
- F. There shall be an agenda for each meeting, which may include time allotted for each item or group of items to be considered. The Chair shall determine the content of the agenda after consultation with staff.

- G. All business shall be conducted in the same order as it appears on the agenda, except that by majority vote, the Chair may alter the order of items to be considered and/or the time allotted.
- H. The Chair shall rule on all questions of order or procedure and shall enforce these rules pursuant to 1 V.S.A. § 312(h).
- I. At each meeting, there shall be a ten minute period of time reserved for public comment near the beginning of the meeting. The Chair may extend or reduce this period of time as necessary. Speakers may participate at other times throughout a meeting but only when recognized by the Chair. The Commission shall apply consistent time limits to all recognized to speak.
- J. 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. Public hearings shall be publicly noticed in accordance with 24 V.S.A. §§ 4464(a)(1-2), as amended.

Section VI: Decisions.

The Planning Commission shall make decisions in public session. Commission members absent for parts of the public hearing shall listen to audiotapes of the meetings and review exhibits and other information submitted in order to participate in the decision. The following rules shall apply to voting on decisions:

- A. Motions shall be made in the affirmative. This does not imply that the person making or seconding the motion supports that motion.
- B. The Chair has the same voting rights as other members and can make motions.
- C. No second shall be required for a motion to have the floor.
- D. All members present are expected to vote unless they have recused themselves.

Section VII: Conflicts of Interest.

Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

- A. **Participation.** A Commission member shall not participate in any official action where he or she has a conflict of interest in the matter under consideration, except if the conflict is disclosed and a verbal statement is made by the member pursuant to subsection (B) of this section. A Commission member shall not, personally or through any member of his or her

household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any proceeding pending before the Waitsfield Planning Commission.

- B. Disclosure.** At all hearings, the Chair shall request that Commission members disclose all actual and potential conflicts of interest. When recognized by the Chair, any person may request disclosure of potential conflicts of interest.

Nonetheless, after disclosing an actual or potential conflict, if a member who believes that he or she is able to act fairly, objectively, and in the public interest despite the actual or potential conflict, that member shall make a statement describing the matter under consideration by the Commission, the nature of the potential conflict of interest pertaining to the matter, and the reason(s) why the member believes he or she is able to act in the matter fairly, objectively, and in the public interest despite the actual or potential conflict of interest.

This statement shall be filed as part of the minutes of the proceeding pertaining to the matter under consideration.

- C. Recusal.** A Commission member shall recuse him or herself from any matter in which he or she has an actual conflict of interest, pursuant to the following:

1. The applicant or any interested person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself.
2. A Commission member who has recused him or herself from a proceeding shall not sit with the Commission, deliberate with the Commission, or participate in that proceeding as a Commission member.
3. If a previously unknown conflict is discovered, the Planning Commission may take evidence pertaining to the conflict, and if appropriate, adjourn to a short executive session to address the conflict.
4. The Commission may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the Commission. The Commission may then resume the proceeding with sufficient members present.

Section VIII: Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.

In cases where the conflict of interest procedures in Section IX have not been followed, the Commission may take progressive action to discipline an offending Commission member. In the discipline of a member, the Commission shall follow these steps in order:

- A. The Chair shall meet informally, in private, with the Commission member to discuss possible conflict of interest violation.
- B. The Commission may meet to discuss the conduct of the Commission member. Executive session may be used for such discussion. 1 V.S.A. § 313(4). The Commission member may request that this meeting occur in public. If appropriate, the Commission may admonish the offending Commission member in private.
- C. If the Commission decides that further action is warranted, the Commission may admonish the offending Commission member at an open meeting and reflect this action in the minutes of the meeting. The Commission member shall be given the opportunity to respond to the admonishment.
- D. Upon majority vote, the Commission may request that the offending Commission member resign from the Planning Commission. A member is not required to resign, but may be removed by a unanimous vote of the legislative body pursuant to Section XI.

Section IX: Removal.

Upon majority vote, the Commission may request that the legislative body remove a Commission member from the Waitsfield Planning Commission. Commission members may be removed for cause by the legislative body upon written charges and after public hearing. 24 V.S.A. § 4460(c). Planning Commissioners may be removed at any time by unanimous vote of the legislative body. 24 V.S.A. § 4323(a).

Section X: Amendments.

These rules may be amended at any regular or special meeting by a majority vote, provided that each Planning Commission member has been presented a written copy of the proposed amendment at least 24 hours before the meeting at which the vote is taken. Only those amendments which are presented to the members prior to the meeting may be amended at that meeting.

Adopted by the Waitsfield Planning Commission on the 6th day of December, 2016.