As the capital of Vermont, Montpelier is the site of the Vermont State House, seat of the legislative branch of Vermont government. As of the 2010 Census, the City’s population is 7,855. By population, it is the smallest state capital in the United States.

The City provides municipal services for its residents and businesses. These include local law enforcement, firefighting, planning and zoning regulation, a senior activity center and provision for potable drinking water and wastewater.

Montpelier's government follows the City Council/Manager plan. The City Council consists of a Mayor and six members, each elected from districts with each district electing two members for two-year terms. The Mayor is elected in a citywide vote to a two-year term.

All powers of the City shall be vested in its Council which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and appoint the City Manager, who is the chief administrative officer of the city. The Manager shall enforce the laws and ordinances and administer the government of the City.

Serving on Montpelier’s City Council is an important and meaningful way to contribute to your community … but, it requires that a lot of time, effort and energy be devoted toward developing information, recommendations and plans for consideration by the community. Without you doing this work, city government would not be able to function effectively.

The staff hopes that this orientation booklet will provide useful information and guidelines for you. Congratulations on being elected to this seat of local government. The staff looks forward to working with you.

Office of the City Manager
# Table of Contents

Opening Letter ............................................................................................................................................... ii  
Table of Contents ........................................................................................................................................ iii  
City of Montpelier ......................................................................................................................................... 5  
  Leadership Philosophy ...................................................................................................................................... 5  
  Branding Statement ....................................................................................................................................... 6  
  Organizational Chart ................................................................................................................................... 7  
  Staff Directory ............................................................................................................................................. 8  
CITY COUNCIL OVERVIEW ...................................................................................................................... 10  
  Strategic Plan 2018-2019 ............................................................................................................................ 18  
  City Council and Staff... Working Together .............................................................................................. 27  
  Tips for Working with Media Representatives ......................................................................................... 33  
  City Council Rules of Procedure .................................................................................................................. 34  
  Ethics Policy .................................................................................................................................................. 37  
    ICMA Code of Ethics with Guidelines ........................................................................................................ 40  
  APPOINTMENT POLICY ............................................................................................................................ 46  
  Conflicts of Interest and Incompatible Offices .......................................................................................... 47  
  Agenda Preparation Guidelines .................................................................................................................... 55  
  Expense Reimbursement ............................................................................................................................ 56  
Vermont Public Records Law ....................................................................................................................... 57  
Vermont Open Meeting Law ......................................................................................................................... 65  
  Logistics for Entering into Executive Session ......................................................................................... 69  
  Open Meeting Law .................................................................................................................................... 72  
  Frequently Asked Questions ....................................................................................................................... 72  
    THE LAW ................................................................................................................................................ 72  
    EMAIL, PHONE, AND OTHER ELECTRONIC COMMUNICATION .................................................... 73  
    AGENDAS ............................................................................................................................................... 74  
    POSTING, NOTICING, AND ANNOUNCING MEETINGS .................................................................. 75  
    MEETING MINUTES ............................................................................................................................... 75  
    EXCEPTIONS TO THE OPEN MEETING LAW ................................................................................... 76  
    VIOLATIONS OF THE OPEN MEETING LAW .................................................................................. 77  
City Policies .................................................................................................................................................. 79  
  Debt Policy Update ..................................................................................................................................... 79  
  Debt Management Policy ........................................................................................................................... 80  
  Fund Balance Policy ................................................................................................................................... 81
Environmental Purchasing Policy ................................................................................................................... 84
Investment Policy .................................................................................................................................................. 87
Montpelier Community Fund ........................................................................................................................... 91
Purchasing Policy .................................................................................................................................................. 93
Policy for Sale or Disposition of Municipally Owned Land/Property .......................................................... 95
Services to Non-residents Policy ..................................................................................................................... 97

Department Fact Sheets .......................................................................................................................... 98
Assessor’s Office ................................................................................................................................................ 98
Cemetery ........................................................................................................................................................... 99
City Clerk’s Office ............................................................................................................................................ 100
City Manager’s Office .................................................................................................................................. 101
Finance ............................................................................................................................................................ 102
Department of Planning & Community Development .............................................................................. 103
The Department of Public Works .................................................................................................................. 105
Montpelier Fire and Emergency Services ..................................................................................................... 107
Montpelier Police Department ...................................................................................................................... 109
Montpelier Community Justice Center ........................................................................................................ 112

Community Services ....................................................................................................................................... 113
Montpelier Senior Activity Center .................................................................................................................. 113
Parks & Trees ................................................................................................................................................... 115
Montpelier Recreation Department ................................................................................................................ 116

City of Montpelier Boards and Commissions ................................................................................ 118
“Charges” for the Various City Boards and Commissions ........................................................................... 118
Boards and Commissions Staffing Information ........................................................................................... 121

City Owed Land - Map .................................................................................................................................. 122
City Voting Districts - Map .............................................................................................................................. 123
City of Montpelier Road Index Map ........................................................................................................... 124
City of Montpelier
Leadership Philosophy

The City of Montpelier employees are the most successful when working together as a team. Leadership is everyone’s responsibility.

We are motivated by meaningful work and value creative solutions. Each individual holds critical knowledge and information and, collectively, with mutual trust, we produce maximum results. Decisions are made in a consultative and participatory way with those who do and know the work.

We have a culture of learning, self-direction, and creativity that supports professional growth and the advancement of employees. We encourage each employee’s contribution to the overall mission of the City by honoring individual competency and job clarity. We embrace new technologies, ideas and best practice. We are proud to contribute to an enjoyable and productive work environment.

Serving Montpelier with integrity is our CRAFT:

- Competence
- Respect
- Accountability
- Fairness
- Teamwork
Branding Statement

Every day we serve the people of the Green Mountain State. As the seat of Vermont’s government, the decisions made in this smallest of capitals impacts the entire state. Leaders who started here have gone on to become national figures yet they remain tied to this place we call home. Most importantly the decision makers here are our neighbors and friends. You might bump into the Governor at a local restaurant, a Senator enjoying the Farmers Market, or the Mayor on a stroll through downtown. Here we practice democracy in personal form, are not afraid to disagree without being disagreeable, and the product of our work is a community that can make all Vermonters proud.

Every day we serve up the arts. We offer an artistic environment on the caliber of much larger cities. Whether it is a showing of an independent film, a live production on stage, artists in our galleries, and sculpture in the street art infuses our everyday life. We celebrate the arts with festivals and welcome with open arms the talented students that come here to learn at the Vermont College of Fine Arts.

Every day we serve up the fine food and drink of a state renowned for our connection of farm and table. Our restaurants are an eclectic mix of fine dining and casual fare where cuisine both familiar and exotic come together. Our farmers market is a showcase of the bounty of our land. And as home to the New England Culinary Institute, we are a place where the culinary arts are honed each day.

Every day we serve up customer service. We are the largest collection of independent businesses in central Vermont. Our downtown hearkens to a time when a grocer, a hardware store, and a pharmacist were staples in the community. Add to this our specialty shops where one-of-a-kind finds are offered in an array of places that would rival the shopping in some of America’s most sophisticated downtowns.

Every day we serve up recreation. It is in this capital city that can you go on a hike on the mountain behind the gilded dome of the State House, hop on a bike path or off-road trail in the heart of downtown, enjoy parks unrivaled in beauty, and can be on the slopes in the time it takes most folks to get out of their neighborhood. We cherish the outdoors and continually look for ways to preserve our environment in innovative ways.

Every day we serve our young people. We cherish our children and know that in a world that is changing, our community is still a place where kids can walk downtown and neighbors look after neighbors. We are deeply proud of our schools where our children not only learn but also become engaged as citizens in this most unique of places.

Every day Montpelier serves. People come here to do the work of the people, to take care of one another, we do it with pride in the Green Mountain State. Ours is a city that combines the ideals that American’s cherish in a small town and couples those ideals with innovation and energy rarely found in a community of 8,000. We invite you to visit, experience, or stay in Montpelier, America’s Small Town Capital and a place where we serve Vermont daily.
Staff Directory
March, 2019

CITY MANAGER’S OFFICE
William Fraser, City Manager 223-9502
Sue Allen, Assistant City Manager 262-6250
Jamie Granfield, Assistant to the City Manager 223-9502
(Call Jamie to reserve City Hall meeting rooms)

CITY ASSESSOR’S OFFICE
Stephen Twombly, Assessor & Facilities Project Manager 223-9505
Jane Aldrighetti, Administrative Assistant 223-9504

FINANCE OFFICE
Todd Provencher, Finance Director 262-6253
Tanya Chambers, Payroll & Human Resources Manager 262-6254
Heather Graves, Staff Accountant 262-6256
Seth Wood, Tech Support Specialist 262-6258

CITY CLERK’S OFFICE
John Odum, City Clerk 262-6263
Crystal Chase, Assistant City Clerk 262-6281

PLANNING DEPARTMENT
Michael Miller, Director 262-6269
Audra Brown, Planning & Zoning Assistant 223-9506
Kevin Casey, Community Development Specialist 223-9507
Chris Lumbra, Building Inspector 262-6170
Meredith Crandall, Zoning Administrator 262-6270

PUBLIC WORKS
City Hall Office: 223-9508
Tom Mc Ardle, Public Works Director 262-6275
Jasmine Boyce, Administrative Assistant 262-6276
Kurt Motyka, Assistant Engineer 262-6277
Corey Line, Project Management Director 262-6272
Zach Blodgett, Staff Engineer 262-6252
Ryan Graves, Staff Engineer 262-6274
**Garage/Dog River Road:**
Eric Chase, Stock Records Clerk/Dispatcher 223-9510  
Eric Ladd, Supervisor – Equipment Division 223-9605  
Brian Tuttle, Superintendent 262-1154

**Waste Water Treatment Facility/Dog River Road:**
Christopher Cox, Chief Operator 223-9511

**Water Treatment Facility/Paine Turnpike, Berlin:**
Geoff Wilson, Chief Operator 229-1401

**FIRE DEPARTMENT**
Bob Gowans, Chief 262-6208  
Jim Quinn, Deputy Fire Chief 262-6206  
Non-Emergency Numbers 229-4913/229-2923

**POLICE DEPARTMENT**
Dispatch/Non-Emergency Number 223-3445  
Tony Facos, Chief  
Neil Martel, Captain

**GREEN MOUNT CEMETERY**
Patrick Healy, Supervisor 223-5352

**COMMUNITY JUSTICE CENTER**
Yvonne Byrd, Director 262-6260

**COMMUNITY SERVICES**
Geoff Beyer, Parks Director/Tree Warden 249-2424 (Cell)  
Parks Administration 223-7335  
Arne McMullen, CPRP, Recreation Director 225-8699  
Janna Clar, Director of the Montpelier Senior Activity Center 262-6283

**NOTE:** All e-mail addresses are set up as:
<first initial><last name>@montpelier-vt.org
The City Charter is the document which defines the local government authority and operations. The current version was most recently amended in 2015 and has amendments proposed this year. The charter and any amendments are adopted by Montpelier voters then approved by the legislature. Issues not specifically addressed by the charter are governed by the general laws of the state concerning municipalities. These are found in Title 24 and other places in Vermont statutes. The Powers and Duties of the Mayor and City Council are enumerated specifically in Chapters 300 and 400 of the City Charter.

Powers & Duties:

Council Voting: All of the Council's authority flows from actions of the group as an entity and not from unilateral actions of individual members. A minimum of four council members present is required to have a quorum to conduct business. Any action requires an affirmative vote of four city councilors regardless of attendance at a meeting. By tradition and rules of procedure, but not legal requirement, the Mayor only votes to break a tie or create a fourth vote. The charter also provides veto authority to the Mayor with five votes required to override a veto.

Appointments: The City Council directly appoints the City Manager, City Treasurer, Auditors, City Attorneys, Regional Planning Commission representative, Regional Planning Transportation Advisory Committee representative, Solid Waste District Representative, Public Library Trustee, Housing Authority Board members, Planning Commissioners, Development Review Board Members, Design Review Committee, Tree Board, Conservation Commission and other ad hoc committees. The Council generally advertises for applicants to fill vacancies in any of the above committee assignments. Applicants are offered the opportunity to speak to the council about their application and respond to questions from the Council.

Ordinances: The Council adopts and amends municipal ordinances through the authority in Chapter 700 in the charter. Two public readings are held by traditional practice although not required by charter or statute. Zoning ordinances and zoning amendments must be considered by the Planning Commission prior to Council action. There are very specific warning requirements for zoning amendments which differ from general ordinances. The Council often holds a concept discussion on a potential ordinance before directing that specific wording be drafted for consideration. The charter provides citizens the opportunity to disapprove ordinances adopted by the Council. This can be done through a petition and special election process although it rarely happens in practice.

Policies: The City Council is the policy making body of the city government. As with ordinances, general discussion sometimes precedes a formal policy draft. Proposed policies may be initiated by the City Manager or staff based on perceived need. Policy can also be established through Council decisions on various issues or through initiative of a Council Member.

Budget: The City Council approves an annual budget which is then presented to the voters for consideration on Town Meeting Day. The process by which that budget is developed requires additional time spent by Council Members. In September/October the City Manager provides Council Members with information about various aspects of city operations and finances. Council members
provided comments and general guidance. In some years, the Council has developed specific finance and budget policy, in other years, just broad guidelines.

Based on a Council approved schedule and process, the City Manager and Finance Director compile the budget, review departmental requests and make an assessment of community needs. The City Manager presents the Council with a recommended budget in December. The Council conducts public budget workshops as needed or desired to discuss operations, budget requests and specific issues. These workshops are usually held in December and January. During or immediately after these workshops, the Council may make changes to the Manager's recommended budget. The Council then conducts public budget hearings in January. Throughout the process, city staff provides budget information to the public through press releases, an article in the Montpelier Bridge, website and other opportunities. After the public hearings, the Council adopts the budget and places it on the annual City Meeting Warning for voter consideration. The annual report details the proposed budget for the public.

**City Council Operations:**

*Meeting Schedule:* Regular Council Meetings are normally held on the second and fourth Wednesdays of each month. There are occasional special meetings held outside of this time frame such as the budget and goals workshops and others as necessary. The schedule is sometimes switched to accommodate vacations, anticipated absences, etc. When feasible, one meeting during the summer is cancelled.

*Meeting Agenda:* The City Manager, with input from the Mayor, prepares the agenda for Council meetings. The agenda and packet of supporting information is generally prepared by the Friday preceding a Wednesday meeting. Any council member can place an item on an agenda by request. Such requests are most helpful when they are as specific as possible and received by the Manager’s office by the Thursday preceding a meeting. City staff will assist council members with agenda items. The City Manager's weekly memo will contain a tentative schedule of upcoming agenda items so that Council members can anticipate certain discussions. One method of introducing items for the agenda is to raise the issue during a member's Council report. This provides other Council Members an opportunity to react, allows the Manager to schedule the item as appropriate and gives staff time to prepare back up information for the Council. Citizens may request agenda items as well as per the charter.

*Agenda Approval:* State law requires a public body to approve its agenda at the beginning of the meeting including approving any changes.

*Consent Agenda:* Virtually all Council meetings contain a consent agenda item. This item is used to handle routine or administrative matters in one vote. Typical consent agenda items are meeting minutes, license approvals, bid awards, authorization for contract signatures, etc. Any item can be pulled off of the consent agenda for full discussion at the request of any individual council member. The consent agenda is intended to be used for convenience and time savings, not to sidestep discussion or deliberation. It is helpful if a council member provides the Manager with advance notice of questions about a consent agenda item so that a proper response can be provided.

*Council Reports:* Each council meeting contains a Council Reports agenda item. During this time, each council member is provided the opportunity to speak on any topic they feel is relevant. This time has been used to request agenda items, relay communications from citizens, present initiatives or state
concerns/positions on issues. It is also often used to offer congratulations, thanks or acknowledgments or make other announcements.

**Citizen Comments:** Each council meeting includes General Business and Appearances. This provides an opportunity for anybody to raise an issue or make a comment about something not on that night’s agenda. The Council is not obliged to take any action on these comments but sometimes schedules issues raised at a future meeting. In addition, citizens are generally offered an opportunity to participate in deliberation of agenda items - especially during public hearings. City staff makes an effort to contact citizens known to be interested in or directly impacted by particular agenda items, council members are urged to do the same with their constituents.

**Weekly Packet:** The City Manager’s office prepares and distributes a weekly packet of information for Council Members. This information is distributed electronically. The packet includes meeting agendas and supporting information for agenda items. The packet information is also posted on the city’s website.

The packet includes a weekly memo from the Manager and Department Heads updating the council on various activities. Please read this memo as soon as you can as it often contains time sensitive information. The packet also contains copies of correspondence and other matters of interest to the council. Council members may provide material to the Managers office that they’d like included in the packet. All material in the Council packet is considered public information unless clearly marked otherwise with proper statutory citation. Items that are confidential are typically restricted to active litigation, contract negotiations, real estate matters or personnel issues consistent with the public records law. Confidential information is often sent separately from the weekly material.

**Public Hearings:** Public Hearings are required for a variety of issues including some ordinances, grant applications, bond issues, charter changes, budgets and ballot articles. Public Hearings are different from regular agenda items in that they are specifically designed to elicit public comment and are warned as such on the meeting agenda. During a public hearing, the Mayor usually calls for an explanation of the issue being considered then will officially open the hearing. Council Members should refrain from deliberation during the public hearing since that is the time for input from the general public. If an unusually large crowd wishes to speak, the Mayor may ask for people to sign up and may impose time limits on speakers. Council members may add comments and take action after the Mayor closes the hearing.

**Strategic Planning:** Both Council and Staff have found that issues move forward more efficiently when the Council as a whole establishes some clear goals, objectives and priorities for the City. The strategic plan for the year as well as the pacing of council agenda items is then geared toward accomplishing these priorities. The Council has typically held a separate workshop to identify major policy goals with specific activities/objectives designated for each goal. Once developed, these goals are formally adopted at a regular council meeting. The Manager is provides the council with progress reports on the goals. Strategic planning is scheduled for April 15-17 in 2019 with a consultant.

**Legislative Priorities:** As issues arise during the session, the council may be asked to take positions. The council may wish to revisit how and when/if they want to take positions on legislative issues.

**Lobbying:** In an effort to maintain consistency in the city’s voice or position, legislative advocacy efforts are coordinated through the City Manager’s office. The City Manager visits the State House occasionally and generally testifies on behalf of the city on significant issues or priorities. The Mayor and/or Council
Members are occasionally called in for major items. Department Heads may testify on issues within their area of expertise. In addition to the city’s direct efforts, the Vermont League of Cities and Towns (VLCT) represents the interests of municipal governments. The city works closely with the League to coordinate efforts and tracking of issues. VLCT adopts a municipal policy which directs its advocacy work. The City Manager is currently a member of the VLCT Board of Directors.

**Communications with public:** Council members will receive communications from residents in the form of phone calls, letters, e-mail and sidewalk conferences as well as citizen participation at council meetings. If the communication involves a direct complaint about city services, Council members should relay the information to the City Manager’s office as soon as reasonably possible. Staff will address the concern, contact the citizen directly (or work through the council member whichever is preferable) and either develop a path for resolution or an explanation of the city’s actions/decision/policy etc.

Letters or comments dealing with broader city policy should be shared with other council members and the City Manager. This can be done through the council packet and/or council reports. It is still advisable to contact the City Manager’s office immediately so that the Council member can obtain as much information for response as possible. It is good general policy to copy all council members and the City Manager on e-mail correspondence concerning city business. That said, electronic deliberations of issues are a violation of the open meeting law.

**Communications with city staff:** The city operates in a Council-Manager form of government. In the strictest sense of the form, the council should communicate with city staff solely through the City Manager (Chapter 10, section 1009 of the charter). In reality, Council members occasionally contact department heads directly for the purposes of obtaining information or sharing information. Department Heads are expected to inform the City Manager of the content of all such contacts. Council Members are urged to begin their inquiries with the Manager who may refer them to the appropriate staff member. This maintains open lines of communication. Council members should exercise restraint and discretion with regard to official contact with all other city employees (excluding the Manager's office staff) unless absolutely necessary and should inform the Manager if and when such contact occurs. Any e-mail inquiry from a Council Member to any staff member must be copied to the City Manager.

Whenever possible, responses to individual Council members will be copied to all Council members so that everyone receives the same information. This may occur with verbal conversations as well. All electronic mail communications between municipal officials, particularly between fellow members of elected bodies, are considered public information and should be treated as such. They are subject to release if a public records request is received by the City. The city provides an e-mail address for council members so that all city related communications can be maintained on the city’s server. Communications about city business conducted on personal e-mail accounts are still considered public documents.

**Communications with the press:** Statements to the press on behalf of the official city government are generally made by the Mayor, the City Manager or a specifically authorized representative of the city on a particular matter. Such statements are intended to communicate the policy or philosophy of the council and city as a whole and not necessarily nuances that an individual member may be concerned with. Council members may speak individually, of course, but need to be clear whether they are expressing their personal opinion or speaking as an authorized representative of the entire council.
In addition to responding to regular questions from the press as matters arise, City staff often issues press releases about council actions or city government activities. The Manager and Mayor also write a regular article for the Montpelier Bridge newspaper and the city maintains a web site (www.montpelier-vt.org) and Facebook (City of Montpelier, VT) and Twitter (@vtmontpelier) accounts to provide public information. Front Porch Forum is also used to disseminate information.

**Legal Issues:** In matters involving legal issues - especially active litigation, the council usually adopts a motion referring all press or public inquiries to the City Manager and/or City Attorney. This maintains a consistent line of communication and reduces the opportunities for statements which may disrupt or confuse resolution of the matter.

**City Attorneys:** The City uses three main law firms. Primmer Piper in Montpelier, is the city’s general law firm. Paul Giuliani handles matters of general municipal law as well as contracts, collections, ordinance enforcement, etc. Steven Stitzel and Robert Fletcher, of Stitzel, Page & Fletcher in Burlington, handle land use cases and specialized matters. That means they, or another member of the firm (usually Joe McLean and/or David Rugh), handles zoning appeals and advice, permit issues, Act 250 issues and other cases as requested. John Klesch has been handling insurance and public records cases. Scott Cameron of Zalinger, Cameron & Lambek in Montpelier, handles labor issues such as collective bargaining questions, arbitrations, and compliance with employment related laws. In addition, the city is occasionally covered by our liability insurance carrier when general liability suits are brought against the city. The carrier will hire an attorney for the city who works in conjunction with the City Attorneys office. Additionally, the City may retain other attorneys for specialized work or when a conflict of interest occurs with one or more of our regular firms.

**Legal Case Management:** If the city is sued or if a local board decision is appealed to court, the council will receive immediate e-mail notice and a copy of the suit. If the case involves unusual issues or will require an extraordinary expenditure of funds, the case attorney will meet with the City Council in executive session to review the facts, options and strategies. The Council generally provides broad guidance to the attorney and delegates case management to the attorney and City Manager. The matter is brought back to the council as updates are necessary or key decisions are required.

If the city is about to commence a legal action such as a law suit or major enforcement action, the Council must be directly involved in the decision. The council also directly makes decisions about appeals of Superior Court decisions to the Supreme Court.

**Open Meeting Law:** As a public body, the City Council is subject to the provisions of the open meeting law. Over the last few years, the Council has attempted to utilize executive sessions as infrequently as possible. The Council has adopted a formal statement regarding open meetings as guidance for city committees. It is particularly important to avoid deliberation and decision making on substantive matters either electronically or in non-public meetings. (i.e. four or council members standing on a sidewalk or at a social event, talking by phone or even in the council chambers after a meeting has formally adjourned). Council meetings are televised on local cable TV, streamed live on the web with the video archived on the web so that they can be viewed after the fact.

**Public Records:** Similarly, the City is subject to the state’s open records law. Generally all city documents or records are considered open to the public. The law contains some specific exemptions. There is evolving law developing on electronic records and communications. As stated earlier, any e-mail you send or receive in your capacity as a City Council Member may be considered a public record.
and could be released to a member of the public or press. Please keep that in mind when communicating by e-mail.

**Rules of Procedure:** The Council adopts Rules of Procedure for itself for the ensuing year. This generally occurs at the first meeting after March elections.

**Group Norms:** Recent Councils have adopted group norms as guidance about how to conduct themselves and their expectations for flows of communication.

**Vermont League of Cities & Towns:** The city is a member of VLCT. The League is an association of all municipal governments in Vermont. Their mission is to strengthen and serve Vermont local government. They are the lobbying voice of municipalities and also provide many direct services, products and training. The city purchases property and casualty liability insurance, worker's compensation insurance and unemployment insurance through VLCT insurance trusts, for example.

**City Manager:**

Montpelier operates under the Council-Manager form of city government. Under this system, the City Council is the legislative body with responsibility for adopting policy (including financial policy) for the city, making certain board/commission appointments and enacting ordinances and regulations. The City Manager is appointed by the City Council to implement council policies, appoint/remove city staff, enforce local ordinances and regulations and run the local government. Section 10 of the City Charter details the duties and authority of the City Manager. In practical terms, the relationship between Council and Manager is similar to that of School Board-Superintendent or a Board of Directors and an Executive Director.

In this system, all city employees (except the City Clerk) report directly or indirectly to the City Manager and the Manager has administrative authority over all departments. This includes appointment and removal authority. The Manager is the link between the elected representatives of the community (the Council) and the administrative and service delivery end of government (the departments/employees).

**Interaction with City Council:** The Manager has very frequent interaction with the Council at meetings, in writing, by e-mail and by telephone. The Manager provides reports, updates and action recommendations to the council. As mentioned earlier, Council actions are a product of the group as a whole. As such, priority is placed on those issues which have been endorsed, supported, approved or directed by the group. Requests from individual council members are handled as appropriate and may be referred to the whole council for consideration. Constituent complaints, however, will be responded to directly unless they involve policy decisions. The Manager’s office also receives many direct citizen comments and is handling any number of internal operational issues at a given time. Individual meetings between the Manager and Council members are encouraged for the purpose of talking about concerns, constituent service, developing policy, etc. with the understanding that no decisions can be made without support of the whole council. The Mayor and Manager often meet to discuss meeting agendas, project progress, public statements, etc.

**Annual Performance Review:** The City Council conducts an annual performance review of the City Manager in January and February (prior to elections and potential changes on the Council). Each Council member receives a written evaluation form which they complete and return. A compilation of
all responses is made and distributed to the Council for review. The Council and Manager then meet in a special workshop executive session to discuss the written comments, the manager’s performance and the performance of all city operations. This has proven to be a very productive and constructive process for both the Manager and the Council.

**Employment Agreement:** The City Manager has a written employment agreement with the City Council. The agreement is usually reviewed in conjunction with the Manager’s annual review.

**Municipal Operations:** The City government is responsible for the following operations:

- **Elections/Licenses/Revenues/Land Records** - City Clerk John Odum 223-9500
  jodum@montpelier-vt.org
- **Fire/Ambulance/ Emergency Management/Health** - Fire Chief Robert Gowans 229-4913
  rgowans@montpelier-vt.org
- **Police/Parking/Dispatch** - Police Chief Anthony Facos 223-3445 afacos@montpelier-vt.org
- **Public Works incl. Streets, Water, Sewer, Equipment** - Public Works Director Tom McArdle 223-9508 tmcardle@montpelier-vt.org
- **Planning/Development/Zoning/Housing/Building Inspection** - Planning Director Mike Miller mmiller@montpelier-vt.org 223-9506
- **Finance/Risk Management/Information Systems/Human Resources/Treasury** - Finance Director Todd Provencher 223-9510 tprovencher@montpelier-vt.org
- **Property Assessment** - Assessor Stephen Twombly 223-9504 stwombly@montpelier-vt.org
- **Parks & Parks Commission** – Elected Parks Commission, Parks Director Geoff Beyer 223-7335 gbeyer@montpelier-vt.org
- **Recreation & Recreation Board** – Recreation Director Arne McMullen, 225-8699,
  amcmullen@montpelier-vt.org
- **Montpelier Senior Activity Center** – Senior Center Director Janna Clar, 223-2518,
  jclar@montpelier-vt.org
- **Green Mount Cemetery** – Elected Independent Cemetery Commission, Cemetery Superintendent Patrick Healy 223-5352 gcemetery@montpelier-vt.org

The City Clerk is elected directly by public, the City Treasurer is appointed by the City Council, all others are appointed by City Manager except Cemetery Superintendent who is appointed by the Cemetery Commission. Presently the Treasurer is Charlotte Hoyt who works part time in the Finance Department.

**City Manager’s Office**
City Hall - 39 Main Street
Montpelier, Vermont 05602
802-223-9502 Phone
802-223-9519 Fax

**City Manager’s Residence**
93 Towne Hill Road
Montpelier, Vermont 05602
802-522-5846 Cell Phone
wfraser@montpelier-vt.org
The Assistant City Manager is Sue Allen sallen@montpelier-vt.org  802-262-6250

The Assistant to the City Manager is Jamie Granfield jgranfield@montpelier-vt.org  802-223-9502

The other Staff Assistant in the Manager’s office (Assessor’s Assistant) is Jane Aldrighetti jaldrigh@montpelier-vt.org

City Hall Official Hours of operation are 8:00 AM to 4:30 PM Monday through Friday. Closed on Holidays.
### Strategic Plan 2018-2019

**Strategic Outcome: Community Prosperity**

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Objective</th>
<th>Actions</th>
<th>Person(s) Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop the Economic Development Strategic Plan (EDSP) and ensure Economic Development Outcomes are properly aligned with tools and strategies.</td>
<td>1. Actively pursue businesses and employees. 2. Update tax stabilization policy to reflect current priorities.</td>
<td>City Manager, Community Development, Planning, Finance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Strategic Outcome: Environmental Stewardship

<table>
<thead>
<tr>
<th>Initiative: Develop resilient designs and standards for addressing stormwater issues.</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Priority</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Problem being solved/Opportunity being seized:</strong> Resiliency, clear water, meeting legal standards, balanced budget</td>
<td>11/01/2018</td>
<td>DPW</td>
<td>High</td>
<td>Include progress to date</td>
</tr>
<tr>
<td>11/01/2018</td>
<td>DPW/finance</td>
<td>Explore private property solutions and public education with Conservation Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/01/2018</td>
<td>DPW/trees</td>
<td>Coordinate all OIP projects to improve existing stormwater system where possible</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Identify and repair damaged sewer lines to minimize infiltration/exfiltration</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Explore hydroponic stormwater gardens in conjunction with CSOs</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Encourage prop. Owners to develop their own buffer zones to minimize storm water runoff - even a 1 ft. strip of grass helps</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maintain healthy trees in right-of-way and on city lands helps mitigate stormwater/flood issues</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>green infrastructure, rain gardens, replace boards with buffers (i.e. Blanchard lot could be a row of selective trees/etc).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiative: Develop a comprehensive plan and strategy for achieving Net Zero goals.</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Problem being solved/Opportunity being seized:</strong> Reduce carbon footprint</td>
<td>11/01/2018</td>
<td>DPW</td>
<td>Discontinue or install solar hot water drainback system to supplement summer heating demand in DH loops</td>
</tr>
<tr>
<td>01/01/2019</td>
<td>DPW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/01/2018</td>
<td>Council/Finance</td>
<td>Establish location and system, ensure safety</td>
<td></td>
</tr>
<tr>
<td>12/01/2018</td>
<td>Parks/Trees Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>DPW/facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiative: Ban plastic bags.</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Problem being solved/Opportunity being seized:</strong> Too much plastic! Ruining the oceans and earth</td>
<td>Begin immediately</td>
<td>City Manager/CC/MEAC Council</td>
<td>Research the ban in other communities, hold public info. session, educate public, consider other single use plastics, seek grants</td>
</tr>
<tr>
<td>12/15/2018</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Action Items</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish baseline (stormwater report)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quantify funding needs and possible sources for specific projects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Implement Municipal facility best practices</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Strategic Outcome: Inclusive, Equitable, and Welcoming Community

**Initiative: Consider non-citizen voting charter change.**

**Problem being solved/Opportunity being seized:** Non-citizen residents want to be more involved

<table>
<thead>
<tr>
<th>Action Items</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conduct informational meetings</td>
<td></td>
<td></td>
<td>Top</td>
</tr>
<tr>
<td>Prepare report for public and council addressing key questions and answers</td>
<td>09/01/2018</td>
<td>Clerk</td>
<td></td>
</tr>
<tr>
<td>Ballot petition (expected) certified</td>
<td>10/09/2018</td>
<td>Council</td>
<td></td>
</tr>
</tbody>
</table>

### Notes
- How do we measure success?
- Person Responsible: City Clerk

---

**Initiative: Make tenant rights more apparent. Clearinghouse with info on who to call and what is not ok.**

**Problem being solved/Opportunity being seized:** Complaints from tenants regarding unsafe/insecure housing; tenants unsure of rights

<table>
<thead>
<tr>
<th>Action Items</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post resources on website for renters and landlords</td>
<td>09/01/2018</td>
<td>City Manager/CS Planning</td>
<td>Clearly identify areas of city responsibility and city role. Provide links to State handbook, housing partners, CV/EO housing manual.</td>
</tr>
<tr>
<td>Have hard copies of manuals available for renters and landlords</td>
<td>09/01/2018</td>
<td>City Manager/CS Planning</td>
<td>Social media, press release, non-profits, place in businesses, Welcome to Montpelier packets</td>
</tr>
<tr>
<td>Conduct public outreach when resources are available</td>
<td>09/01/2018</td>
<td>City Manager/CS Planning</td>
<td></td>
</tr>
</tbody>
</table>

### Notes
- How do we measure success?
- Person Responsible: City Manager, CS, Planning (building inspector, permit)

---

**Initiative: Establish a racial and social justice committee, host racial and social justice workshops.**

**Problem being solved/Opportunity being seized:**

<table>
<thead>
<tr>
<th>Action Items</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish charge for committee and appoint members. Invite school participation?</td>
<td>08/15/2018</td>
<td>Council</td>
<td></td>
</tr>
<tr>
<td>Provide summary of current demographics</td>
<td>08/15/2018</td>
<td>City Manager</td>
<td></td>
</tr>
<tr>
<td>Conduct community workshops if desired by Equity Committee and approved by Council</td>
<td>As approved by Council</td>
<td>Committee</td>
<td></td>
</tr>
</tbody>
</table>

### Notes
- How do we measure success?
- Person Responsible: Community Services

---

**Initiative: Get wayfinding signs done - make it easy to find what we have.**

**Problem being solved/Opportunity being seized:** Improve pedestrian environment, solving navigational challenges (peds, bikes, and vehicles), strengthening attraction information, promoting our City sites and businesses

<table>
<thead>
<tr>
<th>Action Items</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approve plan</td>
<td>03/01/2019</td>
<td>DPW/Montpelier Alive/Council</td>
<td>Obtain State approval of plan</td>
</tr>
</tbody>
</table>

### Notes
- Person(s) Responsible: DPW, Montpelier Alive

---

**Priority: Other**

---

**Priority: Other**
## Strategic Outcome: Sustainable Infrastructure

<table>
<thead>
<tr>
<th>Initiative: Complete streets.</th>
<th>Deadline</th>
<th>Person(s) Responsible:</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem being solved/Opportunity being seized: comply with state law &amp; community desire, consider all modes of transportation equally</td>
<td>12/01/2018</td>
<td>DPW / Planning</td>
<td>How do we measure success? % of streets meeting recommendation</td>
</tr>
<tr>
<td><strong>Action Items</strong></td>
<td><strong>Deadlines</strong></td>
<td><strong>Person Responsible</strong></td>
<td><strong>Notes</strong></td>
</tr>
<tr>
<td>Present Complete Streets Plan, get approval</td>
<td>12/01/2018</td>
<td>DPW, Planning</td>
<td>Prioritize plan for all streets</td>
</tr>
<tr>
<td>Recommend potential funding sources</td>
<td>12/01/2018</td>
<td>Finance</td>
<td>Identify, plan and report on maintenance implications</td>
</tr>
<tr>
<td>Present implementation schedule</td>
<td>12/01/2018</td>
<td>DPW</td>
<td>Stand alone or coordinated projects</td>
</tr>
<tr>
<td><strong>Initiative: Water Resources Recovery Facility (WRRF) plan for future bonding (Phase 1)</strong></td>
<td><strong>Deadline</strong></td>
<td><strong>Person(s) Responsible:</strong></td>
<td><strong>Priority:</strong></td>
</tr>
<tr>
<td>Problem being solved/Opportunity being seized: Aging infrastructure, phosphorus management &amp; potential for lost revenue/ Organics to Energy &amp; Net Zero</td>
<td>08/22/2018</td>
<td>DPW/Finance/Council</td>
<td>DPW</td>
</tr>
<tr>
<td><strong>Action Items</strong></td>
<td><strong>Deadlines</strong></td>
<td><strong>Person Responsible</strong></td>
<td><strong>Notes</strong></td>
</tr>
<tr>
<td>Bond decision in Sept.</td>
<td>08/22/2018</td>
<td>DPW/MEAC</td>
<td></td>
</tr>
<tr>
<td>Explore and report on all generation opportunities (including energy partners)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Initiative: Address deferred maintenance to achieve steady state for municipal infrastructure. | **Deadline** | **Person(s) Responsible:** | **Priority:** |
| Problem being solved/Opportunity being seized: Substandard street PCI, undersized and outdated water mains, outdated and failing storm and sewer systems, CSO compliance | 11/01/2018 | DPW | DPW | High |
| **Action Items** | **Deadlines** | **Person Responsible** | **Notes** |
| Report on PCI targets as to meeting minimum standards (budget work) | 11/01/2018 | DPW | Address storm and sewer interconnections |
| Conduct annual projects based on water and sewer master plan | On-going | DPW | Address deferred maintenance of City Buildings (City Hall roof, Public Works Garage) |
| Fund and comply with long term control plan for CSO elimination | On-going | DPW | |
| **DPW/ Buildings** | Disconnect Roof Drains (CODO): Develop plan and funding strategy | DPW | Regularly publicize results |
## Strategic Outcome: Sustainable Infrastructure

<table>
<thead>
<tr>
<th>Initiative: Work with State and Rail to plan for a commuter rail.</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Priority: Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem being solved/Oppportunity being seized: Finding potential alternative transportation options, reducing downtown parking demand</td>
<td>How do we measure success?</td>
<td>Planning</td>
<td>Other</td>
</tr>
<tr>
<td>Action Items</td>
<td>Deadlines</td>
<td>Person Responsible</td>
<td>Notes</td>
</tr>
<tr>
<td>Apply for funding to investigate feasibility of commuter rail</td>
<td>Immediate</td>
<td>Community Development</td>
<td>If successful hire consultant to develop report.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiative: Prioritize non-fossil fuel-based vehicles in equipment plan.</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Priority: Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem being solved/Oppportunity being seized: Hedge City from volatile fuel market, reduce environmental impact from CO2 emissions</td>
<td>How do we measure success?</td>
<td>DPW, MPD, Parks (depts with alternative vehicle options), Finance</td>
<td>Other</td>
</tr>
<tr>
<td>Action Items</td>
<td>Deadlines</td>
<td>Person Responsible</td>
<td>Notes</td>
</tr>
<tr>
<td>Evaluate compatible fuel match for existing fleet (budget)</td>
<td>01/01/2019</td>
<td>DPW/PD/FO</td>
<td>Conduct research (available alternatives, pros/cons)</td>
</tr>
<tr>
<td>Determine cost and explore funding options (budget)</td>
<td>01/01/2019</td>
<td>DPW/PD/FO</td>
<td></td>
</tr>
<tr>
<td>Implementation schedule (full or partial fleet) (budget)</td>
<td>01/01/2019</td>
<td>City Manager/Finance</td>
<td></td>
</tr>
<tr>
<td>Seek grants for EV charging stations on city property</td>
<td>08/01/2018</td>
<td>Finance/Comm. Devel.</td>
<td></td>
</tr>
</tbody>
</table>
### Strategic Outcome: Thoughtfully Planned Built Environment

<table>
<thead>
<tr>
<th>Initiative: Increase park land and recreational play areas throughout the City.</th>
<th>Deadline:</th>
<th>Person(s) Responsible:</th>
<th>Priority:</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have a park/playground south of the river</td>
<td></td>
<td>Parks, Finance</td>
<td>Top</td>
<td></td>
</tr>
<tr>
<td>Increase park area</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expand parks throughout the City – family play areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Problem being solved/Opportunity being seized:** Unequal access to parks throughout city.

**How do we measure success?**
- Park within 10 minute walk from each neighborhood

**Action Items**
- Create Official Map
- Develop plan to improve existing riverfront access from gateway, MHS, bike path, rec. field, etc.
- Complete feasibility study of S5 Barre and potential Community Center; improved indoor play areas

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Person Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2018</td>
<td>CI, Planning (Official M)</td>
<td>Seek funding to implement Green Print</td>
</tr>
<tr>
<td>01/01/2019</td>
<td>CI</td>
<td>Explore a municipal current use tax or recreation discount</td>
</tr>
<tr>
<td>10/01/2018</td>
<td>Finance</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiative: Shared use path construction.</th>
<th>Deadline:</th>
<th>Person(s) Responsible:</th>
<th>Priority:</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem being solved/Opportunity being seized: Improving recreational and transportation alternatives</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**How do we measure success?**
- Construction completion, connectivity, econ. dev.

**Action Items**
- Award construction contract
- Manage project

<table>
<thead>
<tr>
<th>Deadlines</th>
<th>Person Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate</td>
<td>DPW</td>
<td>Identify future maint. Needs and costs; promote use and river access opportunities; identify future enhancements/amenities</td>
</tr>
<tr>
<td>Immediate</td>
<td>DPW</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiative: Barre-Main Corridor Study.</th>
<th>Deadline:</th>
<th>Person(s) Responsible:</th>
<th>Priority:</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem being solved/Opportunity being seized: Safety, congestion, incomplete street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**How do we measure success?**
- Completion of study

**Action Items**
- Receive study
- Provide plan for implementation

<table>
<thead>
<tr>
<th>Deadlines</th>
<th>Person Responsible</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/01/2018</td>
<td>DPW</td>
<td>Explore funding</td>
</tr>
<tr>
<td>03/01/2019</td>
<td>DPW</td>
<td>Receive alternative designs &amp; present them to the public</td>
</tr>
</tbody>
</table>

- Receive final study with short term and long term recommendations
- Identify and possibly implement temporary demonstration projects which reflect aspects of alternative designs
- Fund storm water operational permit fee and inspection
- Conduct public hearing
## Strategic Outcome: Thoughtfully Planned Built Environment

<table>
<thead>
<tr>
<th>Initiative: 1 Taylor Street.</th>
<th>Deadline:</th>
<th>Person(s) Responsible: City Manager’s Office, Finance, DPW, Planning</th>
<th>Priority: Top</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem being solved/Opportunity being seized: Lack of transportation hub, insufficient housing, multi-use path connectivity</td>
<td>08/01/2018</td>
<td>How do we measure success? Construction, completion, housing, connectivity</td>
<td></td>
</tr>
<tr>
<td>Action Items</td>
<td></td>
<td>Person Responsible</td>
<td>Notes</td>
</tr>
<tr>
<td>Construction</td>
<td>08/01/2018</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Develop and fund maintenance plan</td>
<td>04/01/2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide for future rail integration</td>
<td>08/01/2018</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiative: Address short- and long-term parking strategies.</th>
<th>Deadline:</th>
<th>Person(s) Responsible: City Manager’s Office, MPO, Planning</th>
<th>Priority: Top</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem being solved/Opportunity being seized: Loss of parking during construction, lack of sufficient and strategically located parking</td>
<td>10/01/2018</td>
<td>How do we measure success? Creating alternate parking opportunities, 85% occupancy</td>
<td></td>
</tr>
<tr>
<td>Action Items</td>
<td></td>
<td>Person Responsible</td>
<td>Notes</td>
</tr>
<tr>
<td>Balance demand and supply management</td>
<td>10/01/2018</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Find places for public and employees to park</td>
<td>01/01/2019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short term city staff parking incentive</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiative: Capitol Plaza parking garage decision.</th>
<th>Deadline:</th>
<th>Person(s) Responsible: City Manager</th>
<th>Priority: Top</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem being solved/Opportunity being seized: Lack of parking, opportunity to add garage, facilitate econ. dev.</td>
<td>Decision made</td>
<td>How do we measure success? Decision made</td>
<td></td>
</tr>
<tr>
<td>Action Items</td>
<td></td>
<td>Person Responsible</td>
<td>Notes</td>
</tr>
<tr>
<td>Make recommendation to Council</td>
<td>08/22/2018</td>
<td>City Manager</td>
<td>Consider appearance</td>
</tr>
<tr>
<td>Funding pro forma</td>
<td>09/11/2018</td>
<td>City Manager/Finance</td>
<td></td>
</tr>
<tr>
<td>Make decision</td>
<td>09/11/2018</td>
<td>Council</td>
<td></td>
</tr>
</tbody>
</table>
## Strategic Outcome: Housing

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Priority</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop strategy to address housing shortage and ensure housing for all incomes and ages of life.</td>
<td></td>
<td></td>
<td>Top</td>
<td></td>
</tr>
<tr>
<td><strong>Problem being solved/Opportunity being seized:</strong> Housing shortage/insecurity</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>How do we measure success?</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>150 new housing units for all ranges</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Action Items</strong></td>
<td><strong>Deadlines</strong></td>
<td><strong>Person Responsible</strong></td>
<td><strong>Notes</strong></td>
<td></td>
</tr>
<tr>
<td>Complete housing strategy for Master Plan</td>
<td>03/01/2019</td>
<td>Planning</td>
<td>Use Montpelier Foundation and others to solicit bequests of property when appropriate</td>
<td></td>
</tr>
<tr>
<td>Partner with developers; use TIF and other options to spark housing projects</td>
<td>On-going</td>
<td>City Manager/MDC Planning</td>
<td>Consider multi-fam dwelling conversions through tax incentives</td>
<td></td>
</tr>
<tr>
<td>Improve rental prop. quality through voluntary inspection program</td>
<td>02/01/2019</td>
<td>Planning</td>
<td>Explore landlord incentives</td>
<td></td>
</tr>
<tr>
<td>Consider buying land to provide housing options</td>
<td>03/01/2019</td>
<td>Planning</td>
<td>Focus efforts on downtown and repurposing existing residential buildings</td>
<td></td>
</tr>
<tr>
<td>Include Smart Growth policies in Master Plan</td>
<td>03/01/2019</td>
<td>Planning</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Initiative: Work with property owner to create a plan for housing in Sabin's Pasture

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Priority</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Problem being solved/Opportunity being seized:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>How do we measure success?</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Action Items</strong></td>
<td><strong>Deadlines</strong></td>
<td><strong>Person Responsible</strong></td>
<td><strong>Notes</strong></td>
</tr>
<tr>
<td>Support mixed use, including commercial if needed, to incentivize development</td>
<td>Immediate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subsidize infrastructure support through TIF</td>
<td>September 2018 (VEPC)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consider purchasing Sabin's for housing and open space</td>
<td>06/01/2018</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Strategic Outcome: Public Health and Safety

<table>
<thead>
<tr>
<th>Initiative</th>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Priority</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proactively address drug issues.</td>
<td></td>
<td></td>
<td>Top</td>
<td></td>
</tr>
<tr>
<td><strong>Problem being solved/Opportunity being seized:</strong> Drug addiction, crime, domestic violence, negative community impact</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>How do we measure success?</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Action Items</strong></td>
<td><strong>Deadlines</strong></td>
<td><strong>Person Responsible</strong></td>
<td><strong>Notes</strong></td>
<td></td>
</tr>
<tr>
<td>Develop substance abuse prevention efforts and parenting networks in collaboration with Montpelier schools</td>
<td>01/01/2019</td>
<td>CS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seek funding to expand CSSA model to work with DCF families</td>
<td>02/01/2019</td>
<td>CJC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare a written profile of community drug use profile, families in need, income demographics</td>
<td>11/01/2018</td>
<td>City Manager</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Publicize information on resources available/public events</td>
<td>09/01/2018</td>
<td>City Manager</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Initiative: Develop a policy and strategy for implementing body-worn cameras in Montpelier Police Department.

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Person(s) Responsible</th>
<th>Priority</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Problem being solved/Opportunity being seized:</strong></td>
<td></td>
<td></td>
<td>Other</td>
</tr>
<tr>
<td><strong>How do we measure success?</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Action Items</strong></td>
<td><strong>Deadlines</strong></td>
<td><strong>Person Responsible</strong></td>
<td><strong>Notes</strong></td>
</tr>
<tr>
<td>Draft policy</td>
<td>10/01/2018</td>
<td>PD</td>
<td>Identify funding needed</td>
</tr>
<tr>
<td>Finance/PD/Technology</td>
<td></td>
<td></td>
<td>Storage - how long, where, privacy, destruction, etc.</td>
</tr>
</tbody>
</table>
## Strategic Outcome: Responsive and Responsible Government

**Initiative:** Update City ordinances to ensure enforceability and develop strategies to ensure compliance. Unenforced ordinances should be eliminated or modified to be enforceable.

**Problem being solved/Opportunity being seized:** Outdated ordinance, lack of resources to enforce, inequity of regulation

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Person Responsible</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/01/2019</td>
<td>Everyone</td>
<td>Top</td>
</tr>
<tr>
<td>Begin immediately; 1/1/2019</td>
<td>CIC</td>
<td></td>
</tr>
<tr>
<td>Begin immediately; 1/1/2019</td>
<td>City Manager / PD</td>
<td></td>
</tr>
</tbody>
</table>

**Action Items**
- Review ordinances, present recommendations to Council
- Include restorative justice options, where appropriate
- Address enforceability

**Deadline** | **Person Responsible** | **Notes**
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>08/01/2018</td>
<td>City Manager</td>
<td>Training, develop measures</td>
</tr>
</tbody>
</table>

**Initiative:** Maintain existing service levels.

**Problem being solved/Opportunity being seized:** Continue to meet residents’ needs

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Person Responsible</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/10/2018</td>
<td>City Manager</td>
<td>Top</td>
</tr>
<tr>
<td>10/10/2018</td>
<td>City Manager</td>
<td></td>
</tr>
</tbody>
</table>

**Action Items**
- Implement Envisio Software to track performance

**Deadline** | **Person Responsible** | **Notes**
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>08/01/2018</td>
<td>City Manager</td>
<td></td>
</tr>
</tbody>
</table>

**Initiative:** Budget parameters align with service expectations.

**Problem being solved/Opportunity being seized:** Prior budget limits not sustainable to maintain services

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Person Responsible</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/10/2018</td>
<td>City Manager/Finance</td>
<td>Top</td>
</tr>
<tr>
<td>10/10/2018</td>
<td>City Manager/Finance</td>
<td></td>
</tr>
</tbody>
</table>

**Action Items**
- Conduct workshop with Council about expectations and priorities
- Reinstitute budget survey for Council

**Deadline** | **Person Responsible** | **Notes**
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>09/01/2018</td>
<td>City Manager</td>
<td></td>
</tr>
<tr>
<td>09/01/2018</td>
<td>City Manager</td>
<td></td>
</tr>
<tr>
<td>10/10/2018</td>
<td>City Manager</td>
<td></td>
</tr>
</tbody>
</table>

**Initiative:** Encourage more resident engagement with government.

**Problem being solved/Opportunity being seized:**

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Person Responsible</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/12/2018</td>
<td>Finance</td>
<td>Other</td>
</tr>
</tbody>
</table>

**Action Items**
- Prepare formal Communications strategy
- Build on use of Community Services communications to engage residents
- Implement public dashboard of Envisio

**Deadline** | **Person Responsible** | **Notes**
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>09/01/2018</td>
<td>City Manager</td>
<td>Improve social media posts</td>
</tr>
<tr>
<td>09/01/2018</td>
<td>CS</td>
<td>FFP posts on City Council meetings</td>
</tr>
<tr>
<td>10/10/2018</td>
<td>City Manager/CS</td>
<td>Allow community suggestions via form submissions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Weigh the pros and cons of See Click Fix</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Community Services job fair</td>
</tr>
</tbody>
</table>

**Initiative:** Revise the investment policy to align with shared values.

**Problem being solved/Opportunity being seized:**

<table>
<thead>
<tr>
<th>Deadline</th>
<th>Person Responsible</th>
<th>Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/12/2018</td>
<td>Finance</td>
<td>Other</td>
</tr>
</tbody>
</table>

**Action Items**
- Draft City investment plan that reflects our shared values

**Deadline** | **Person Responsible** | **Notes**
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>09/12/2018</td>
<td>Finance</td>
<td></td>
</tr>
</tbody>
</table>
City Council and Staff... Working Together
What You Can Expect From Staff:

<table>
<thead>
<tr>
<th>STAFF SERVES THE CITY COUNCIL</th>
<th>The City Council is the governing body of the City. While we serve Council Members individually for the purpose of inquiry and constituent concerns, we take direction from Council on policy matters.</th>
</tr>
</thead>
<tbody>
<tr>
<td>WE ARE HERE TO SERVE</td>
<td>Our work is guided by the ICMA Code of Ethics which ensures the highest in ethical behavior (see attached). As public servants, we put the needs of our citizens first. We are here to take care of citizens in a timely, courteous and professional manner and to provide them with the highest quality customer service.</td>
</tr>
<tr>
<td>MINIMIZE SURPRISES</td>
<td>If there is a media story on a City matter, and we know about it, you will know about it. We will help you be ready to respond to citizens’ questions about important matters.</td>
</tr>
<tr>
<td>COURTEOUS AND PROFESSIONAL</td>
<td>Staff will treat Council Members with respect and courtesy at all times. As professionals, we request the same treatment.</td>
</tr>
<tr>
<td>TREATMENT</td>
<td></td>
</tr>
<tr>
<td>WE ARE A LEARNING ORGANIZATION</td>
<td>We are not perfect, but we take time to learn from both our mistakes and major incidents in the community. By studying our response to crises/complaints, we are better able to respond to the next community issue.</td>
</tr>
<tr>
<td>INFORMATION IS SHARED WITH THE FULL COUNCIL</td>
<td>When Council Members request information, generally our response is provided to the full Council. The only potential exception to this is inquiries that are district specific.</td>
</tr>
</tbody>
</table>
City Council and Staff... Working Together
What We Ask of You:

| LET THE CITY MANAGER'S OFFICE BE YOUR CONDUIT | Please call or e-mail the City Manager's Office when you need assistance. We will ensure the proper City staff attends to your needs quickly. While you talk with various staff periodically for the purpose of inquiry, please confine any directives to only the City Manager or Assistant City Manager. |
| WORK AS OUR PARTNERS IN CUSTOMER SERVICE | Let us help you resolve a citizen concern, provide you with information about an issue, and use our experience and expertise to help you determine a course of action. City employees have rich and diverse backgrounds in public administration and/or other fields, and our professional experience and network with our local government colleagues is valuable and can help guide your decisions. |
| GIVE STAFF THE BENEFIT OF THE DOUBT | City employees are committed to ethical behavior and first-class service to the public. When an angry citizen or business owner calls, please give us a chance to explore the issue and offer our side of the story. We will do everything we can to find a solution. |
| STAFF WORK ASSIGNMENTS | Requests for significant staff analysis preparation are placed on the Council's agenda as a discussion item. Once approved, staff is then tasked to complete the work. Minor requests for information and analysis from Council Members are handled routinely by staff, and the information is shared with the full Council. |
Council Policies and Standards
Adopted July 12, 2017, revised – September 13, 2017

Group Norms

- Be fully present
- Save communications outside this room for breaks
- Speak our truth, in a respectful manner, using our finest and kindest words
- When we express dissent, we communicate why
- Listen for understanding, and if we wonder, ask
- Respect others and allow them to talk without interruption
- Focus on the issues, don’t personalize discussions
- Come prepared
- When a Council member feels someone isn’t following the group norms, use this language: “we have all agreed to group norms”
- Support innovative thinking
- Assume best intentions
- We will monitor our group discussions and strive to stick to substantive issues
- Don’t pigeon-hole one another and don’t assume that previous perspectives represent current opinions
- It’s okay to express uncertainty
- Advocate for and defend the legitimacy of city government
- Acknowledge that government processes can be messy and be flexible and open to the imperfection of our processes
- Avoid making personal attacks on other council members and city staff at meetings and with media. Focus on ideas, not people

Policy Development Process

1. Policy issues are identified by staff, City Manager, Mayor, Council Members, public, etc.
2. Issues are filtered within framework of goal-setting process and City Manager, working with the leadership team, decides which are important enough to bring to Council (however, City Manager lists all in weekly notes).
3. Council, honoring staff expertise, decides which warrant research, with a willingness to say “no.”
4. With non-budgeted requests from the public, we will have a consistent communication approach about how the budgeting process/cycle works.
5. City Manager supervises research/analysis, brings results to the Council
6. Council makes policy decision
7. City Manager implements policy
8. There is continual two-way information flow about implementation, evaluation and assessment and review.
9. Goal setting and review (process begins all over again).
Communication Guidelines

Communications approaches should seek to build positive relations between City Council Members and City Staff.

Communications between City Council and Staff

- Council Members let the City Manager know whenever they speak with any staff.
- Council Members may ask for info from staff and convey public opinions to staff, but not in a way that conveys pressure or implies a directive: councilors will not use their position of authority to influence outcomes.
- Council Members may contact city staff for needed services (as any citizen would).
- Council Members may find it helpful to contact City Manager for advice, before contacting staff.
- If individual city staff members reach-out to Council Members with a problem, the best approach is to convene a small meeting with the City Manager, the Council Member and the employee (three way conversation).
- Manager will include the rest of the Council in communications raised by any Council Member about substantive policy issues.
- Check who is being cc’ed before sending sensitive emails
- Good practice: “please don’t reply all” but encourage responses to City Manager in emails.
- Emails regarding city business are publicly accessible: don’t put anything in writing that you don’t want to see in the newspaper the next day.
- When staff sends a recommendation, the City Manager’s signature should indicate clearly whether she/he/they endorses it or not. Other staff dissent should be noted.
- Council Members and City Manager should always feel comfortable contacting one another, at any time: however, Council Members and city staff will not expect one another to respond to emails after hours or on weekend, unless there is an emergency.
- Reply to one another’s emails when there are requests for actions, even if the response is that no action can be taken in the short run. Mark “urgent” if it is. Mark “no need to respond” if it is informational. Mark as “no need to read/respond except during working hours” if appropriate.
  - Direct emails from a Councilor to the City Manager should get a response, even if cc’ed on a forward to staff.
  - Requests for time above City Manager’s capacity can be discussed with the Mayor.

Relationships between City Council and City Staff

- Include staff at council meetings as decisions are being made: invite their expertise, not just at budget time.
- Schedule field visits by Council Members to observe work of staff – either individually or as a group, ask department for the best timing, or ask City Manager.
- Staff will make an effort not to “surprise” the City Council, while helping to build the capacity of the Council to deal with emergency needs and other unanticipated developments.
- City Manager will play a leadership role in facilitating two-way communication between staff and Council by acting as a liaison.
- Consider which issues are better served by a workshop setting – without elevated seating, as that can make collaboration with staff harder.
- Invite memos from staff about their perspectives and concerns – ensure that staff feels comfortable and welcome to provide information and expertise – formally let them know that this is welcomed and helpful, especially in written form ahead of meetings.
If a Council Member wishes to attend a meeting of the Mayor and the City Manager, call and check regarding the time.
Council Members will meet individually with the City Manager at least twice per year.

Council Internal Communication

- Individual Council Members may speak with up to two other councilors about a given issue or to educate themselves about an issue.
- We encourage out-of-meeting communications with one another within the requirements of the open meeting law.
- Council Members will lead with an intention of personal support, even when we disagree about issues.

Front Porch Forum, Social Media

- When Council Members encounter a harsh issue on FPF, they will respond with a personal email, rather than publicly online.
- If Council Members spot a major factual error on FPF, they will point out the problem to the appropriate staff or City Manager rather than responding.
- Councilors may use FPF (or FB or Twitter, etc) to seek public opinions about specific issues.
- City Manager and Mayor are the default point of contact when speaking for city government as a whole, versus individual City Council Members speaking for themselves.

Effective Meetings

City Manager's Role

- Track upcoming issues/agenda items.
- Debrief each meeting with staff: look ahead at upcoming two to three meetings and how to prepare.
- Track other incoming consent items.
- Discuss upcoming two meetings with Mayor at weekly meetings.
- Draft agenda and order of items and discuss with Mayor.
- Agenda and supporting materials sent to Council on Friday night.
- Write cover memo to highlight key issues.
- Challenge: short turn around on late-breaking issues. In these cases, City Manager tries to frame these on cover sheet.
- Council needs preparation time.
- Protect City Council’s time by not allowing people to present unless they are prepared and have made a specific request in a timely fashion. Presenters need to be prepared with full information and there should have been time staff to do their research about the item.
- Let folks know ahead of time if it is highly unlikely that Council will be able to act so they can choose not to present, if appropriate.
- Provide pre-meeting material, including:
  - Weekly memo giving heads-up about coming issues.
  - City Manager’s report.
  - Thoughtful memos clarifying difficult issues.
Mayor’s Role

- Run effective meetings that don’t waste peoples’ time, and respect the public
- Act as time manager, while being respectful

Council Members’ Role

- Ask clarifying/factual questions of staff ahead of the meeting

Meeting Guidelines

- Require folks to fill out a cover form when requesting time on the agenda with complete info by Wed or Thursday.
  - Cover form should identify an ask
  - For complicated issues, supplement cover form with memo from Bill.
- Don’t make last minute changes to the agenda if staff are coming but have not arrived.
- Staff can direct public to read-ahead materials, including making hard copies of packet available in city clerk’s office.
- Consider having a set time per speaker, e.g: “no more than 10 minutes”
- Save easier things for the end, but do consent agenda early
- Front-load more challenging items and most time-sensitive issues.
- Councilors can move to place individual items in the consent agenda.
- Questions about items on the consent agenda should be asked by individual councilors ahead of the meeting.
- Until zoning is over: defer all possible issues.
- Staff should bring memos about current commitments to goal sessions.
- Staff should add key words to the top of cover sheets as a quick guide to Councilors being asked to digest a lot of information.
- Staff should be time sensitive: assume that councilors have read material, and not go over it all in detail.

Consistent Decision-Making

- Don’t revisit decisions previously make: Long serving members can thoughtfully inform newer members of the history of particular issues
- If a meeting is missed, watch it on TV
Tips for Working with Media Representatives...

Newspaper, radio and television reporters will call you from time to time to ask you questions about a number of topics. Following are suggestions to help you prepare for interviews:

- **Prepare in Advance**
  - Practice three key messages you want to communicate
  - Write an overview statement that you want to say at the beginning
  - Think about difficult questions you might get asked, and prepare answers ahead of time
  - Quotable quotes – think sound bites
  - Handouts
  - Video/Imagery
  - Practice your response

- **Remain Calm and in Control at All Times**
  - Keep your composure if an interview gets rough
  - Never say or do anything that you don’t want to see repeated
  - Answer a question and then be quiet; reduce verbal fillers
  - Dress appropriately; we represent the capital city of Vermont
  - Be aware of your body language

- **Review Expectations at the Start of the Interview**

- **Don’t Go Off the Record**

- **Remember – All Microphones, Records and Pencils are Live**

- **Keep Answers Clear and Concise**
  - Use familiar language
  - Explain technical terms and acronyms

- **When You Don’t Know the Answer …**
  - Say, “I don’t know”
  - Offer to find the answer and then follow up
  - Never use this response as a way to avoid answering a question
  - Call the City Manager if you need additional information

- **Look Out for “What If” Questions**
  - Avoid requests for an opinion or speculation
  - Return to the facts that you are prepared to release or the key messages
  - Use these “bridges” to help get the interview back on track
    - “That’s not what happened, here are the facts …”
    - “That’s highly unlikely because …”
    - “I’m not going to speculate on that.”

- **Never Say, “No Comment”**
  - Find an alternate phrase such as, “I can’t reply to that question because the matter is under legal review ...”
  - Explain why you can’t answer

- **Call the Reporter Back If You Need To**

- **Take Your Time**

- **Think Positive!**

- **Tell the Truth; The Public Will Forgive Mistakes, But Not Dishonesty**
City Council Rules of Procedure
Adopted April 10, 1963
(Amended March 9, 1977; May 28, 1980; May 11, 1983; May 13, 1987; March 8, 1989; March 17, 1992; March 9, 1994; March 27, 1996; March 11, 1998; March 10, 1999; March 8, 2000; March 28, 2001; March 12, 2008; March 14, 2012; March 12, 2014)

1. The Chair shall preserve order in the meetings and regulate its procedure by applying the rules of order impartially to all members and the public. Absent objection, the Chair may determine the order in which the City Council considers items on the agenda. Absent such unanimous consent, the provisions of Rule 8(c) below shall control.

2. The Mayor will vote only to break a tie vote, to create a tie vote, to create a fourth vote, or for appointments and bond resolutions of necessity.

3. No one other than the Mayor may normally address the meeting unless called upon or recognized by the Chair. If members of the City Council or staff wish to speak, therefore, they must first be recognized by the Chair.

4. Members of the audience must be recognized by the Chair as well, and are required to state their name and address.

5. No vote is required unless a motion is involved.

6. Any discussion should be limited to the agenda item under consideration and not more than one person should be speaking on the same item at one time.

7. Any items discussed in the agenda under the heading of general appearances should be limited to not more than 10 minutes per subject, unless extended by majority vote of the Council.

8. Definitions:
   a. Regular meetings shall mean the meetings to be held on the second and fourth Wednesday of each month, and may be adjourned to a date and time certain.
   b. Special meetings shall mean all meetings of the City Council other than regular meetings; notice thereof shall be given as provided by statute.
   c. Agenda shall mean a table of items of business for consideration at a Council meeting. Upon motion duly seconded and adopted, agenda items may be added deleted or passed over at any time.
   d. Executive Session shall mean meetings as provided for in V.S.A., Title I, Section 313, Subsection (a), for the purpose of discussing contracts, labor relations, agreements with employees, arbitration, grievances, civil actions at law or prosecutions by the State where premature general public knowledge would clearly place the state, municipality, other public body or person involved at a substantial disadvantage; the negotiating or securing of real estate options; the appointment or employment or evaluation of a public officer or employee; a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such officer or
employee to a public hearing if formal charges are brought; a clear and imminent peril to the public safety; discussion or consideration of records or documents excepted from the access to public records provisions of section 317(b) of this title, or any other purpose allowed by statute. Discussion or consideration of the excepted record or document shall not itself permit an extension of the Executive Session to the general subject to which the record or document pertains. The substance of matters discussed in Executive Session shall not be disclosed by any participant, nor shall minutes of Executive Sessions be maintained.

9. The agenda shall be prepared by the City Manager and shall include such items of business as the Mayor may wish to bring to the attention of the Council, and also such items as may be requested by any member of the City Council before 12:00 noon on a Thursday preceding the regular Council meeting.

10. The agenda for the regular meetings shall be closed at 12:00 noon on Thursday preceding the regular Council meeting and a copy of the same shall be delivered to each Council member.

11. Citizens may request that items be placed on the Council’s agenda by submitting written requests. In the event that the nature or timing of the item is such that it must be discussed at the next regular Council meeting, the written request must be submitted to the City Manager by 4:30 PM on the Thursday preceding the next Council meeting. With other requests, the Manager may determine the appropriate meeting date based on criteria including, but not limited to, items already scheduled, continuity with other issues and required deadlines or time lines.

12. The agenda shall indicate the name of the official proposing the item and whether or not such official anticipates voting action on it.

13. Each agenda may contain a section entitled Consent Agenda. Items listed on the Consent Agenda may be voted upon collectively. Examples of such Consent Agenda items are the minutes, vendors’ licenses, routine approvals and other non-controversial matters. If desired, the request of a single Council Member will be sufficient cause to remove an item from the Consent Agenda and vote on it separately.

14. Items on the agenda not indicated for vote are not to be brought on for vote without the consent of two-thirds of the Council Members present at the meeting. Matters not on the agenda of a regular meeting may be brought on for discussion and vote by the unanimous consent of all Council Members present.

15. Special and emergency meetings may be called by the Mayor. The Mayor, or, in case of, his/her failure, the City Clerk, shall call special or emergency meetings on the request of three (3) members of the City Council.

16. Notice of special meetings, including a statement of the business proposed to be transacted, shall be given to each member of the City Council at least twenty-four (24) hours in advance of the time of the meeting. Notice of special meetings need not be in writing, but in event of failure of actual notice, written notice mailed or delivered to the home of the Council Members not otherwise contacted and posted at least twenty-four (24) hours in advance of the meeting shall be sufficient.

17. Special emergency meetings may be held without formal notice, providing not less than five (5) members of the Council voluntarily agree to assemble for that purpose, but such meeting shall be held only after all reasonable means have been used to notify any Council Member not
present, with reasonable opportunity given to such Council Member to attend, and the minutes of such meeting shall state the means used to notify or attempt to notify such absent members that the meeting was to be held.

18. Application for Council permits shall be considered as agenda items.

19. The rules of procedure to be followed by the City Council shall be Robert’s Rules of Order, most recent revision, when otherwise not specified in the Rules of Procedure and City Charter.

20. Nothing in these Rules of Procedure shall conflict or alter the Rules and Procedures granted by the Montpelier City Charter and/or State Law.

21. A parliamentarian shall be elected at the same time as the President and Vice President of the City Council.
Ethics Policy
City of Montpelier Vermont
Adopted by City Council on February 10, 1999
Passed after two public hearings on April 21, 1999
Re-affirmed annually at first meeting in March.

Whereas, the residents of Montpelier deserve the finest municipal government possible and;

Whereas, the Montpelier City Council desires to maintain the public trust by conducting all municipal operations in the most ethical and fair manner possible and;

Whereas, the Montpelier City Council appoints many various boards, commissions and committees, as well as the City Manager, and;

Whereas, the Montpelier City Council recognizes that conflicts of interest will occasionally arise in the course of the conduct of municipal affairs, and;

Whereas, the Montpelier City Council desires to provide ethical guidelines and standards for all branches of city government;

Now be it resolved that the Mayor and City Council of the City of Montpelier, Vermont for the purpose of promoting public accountability and trust, hereby adopt the following policy concerning ethical conduct and conflicts of interest for itself and for all subordinate boards, commissions, agencies, committees and employees:

I - Recusal from Official Action

A. A public officer shall not take any official action if she/he/they has a conflict of interest in a matter that could result in the officer receiving direct or indirect financial benefit.

B. In matters involving a conflict of interest other than those previously set forth above, a public officer shall not take any official action on any matter in which she/he/they has a conflict of interest. A public officer shall not take any action on any matter in which she/he/they has an appearance of a conflict of interest unless in his or her own estimation, she/he/they is able to do so fairly, objectively and in the public interest in spite of the appearance of conflict of interest.

C. It is recognized that Montpelier may have a large number of Vermont State Employees as members of local public agencies. These individuals may generally participate in matters involving state government but should consider recusal or disclosure when matters involve their specific work responsibilities or employment unit.

D. Public Officers shall not offer their individual professional services to applicants after an application is filed.

II - Disclosure

A. A public officer who has reason to believe that she/he/they has a conflict of interest shall recuse themselves. A public officer who has reason to believe they have an appearance of a
conflict of interest but believes she/he/they is able to act fairly, objectively and in the public interest in spite of the appearance of conflict of interest shall, prior to taking any official action on the matter involving the conflict, disclose to other board members during an official public meeting of the board the nature of the potential appearance of conflict of interest, the action required by the board and the reason why the official believes she/he/they is able to take such action fairly, objectively and in the public interest in spite of the potential appearance of conflict.

B. In the event a public officer personally (or through any member of the household, business associate, employer or employee) represents, appears for, or negotiates in a private capacity on behalf of any person or organization in any cause, proceeding, application or other matter pending before the public body in which the officer holds office, the public officer shall disclose his/her relationship to that public body. In such cases, the officer shall not sit with the remaining members of the public body nor be included in any deliberations other than to the extent that all applicants/members of the public are included.

C. If a public officer does not voluntarily withdraw from official action on any matter in which that public officer has or may have a conflict of interest, another member of the same public body or any interested party to the matter being heard may request that the public body consider the issue of whether that member should recuse themselves because of conflict of interest. Upon such request the members of the public body, excluding the member with the potential conflict, shall act on the following motion. “Should ___ recuse themselves because of a conflict of interest or an appearance of a conflict of interest?” If a majority of those voting vote in favor of the motion and if the member with the potential conflict does not recuse themselves, the chair of the public body shall refer the action of the public body to the City Council.

D. Violations of this ethics regulation may be grounds for removal from public office, except if such removal is prohibited by law.

III - Emergency

A. The provisions of Section I shall not apply if the City Council has voted that an emergency exists and that actions of the public body or agency otherwise could not take place. In such cases, a public officer who has reason to believe she/he/they has a conflict of interest shall disclose such conflict as provided in Section II - A.

IV - Definitions

A. “Conflict of Interest” means a personal or pecuniary interest of a public officer or his or her relative (as defined in 12 VSA 61 (a) and 24 VSA 1203), member of the household, business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the public body in which she/he/they holds office or is employed. “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) who are residents of Montpelier.

B. “Emergency” means an imminent threat or peril to the public health, safety or welfare.
C. “Public Body” means the City Council of the City of Montpelier as defined in the City Charter and all other boards, councils, commissions or committees under the administrative control of the City Council.

D. “Public Officer” means a member of the City Council and/or members of all other boards, councils, commissions or committees under the administrative control of the City Council elected or appointed to perform executive, administrative, legislative or quasi-judicial functions as a member of or for a public body.

E. “Official Action” means engaging in a vote, entering into a contract, authorizing the issuance of a permit, deliberating in connection with or rendering a written or recorded decision, conducting a criminal or disciplinary investigation, or taking any formal action in a quasi-judicial capacity in the course of a public officer’s performance of the duties and responsibilities of his or her office.
ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in June 2018. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2018.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

**Tenet 1.** Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

**Tenet 2.** Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

**GUIDELINE**

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

**Tenet 3.** Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

**GUIDELINES**

**Public Confidence.** Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

**Influence.** Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

**Length of Service.** For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

**Appointment Commitment.** Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of
employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

**Credentials.** A member’s resume for employment or application for ICMA’s Voluntary Credentialing Program shall completely and accurately reflect the member’s education, work experience, and personal history. Omissions and inaccuracies must be avoided.

**Professional Respect.** Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person’s motives or integrity.

**Reporting Ethics Violations.** When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

**Confidentiality.** Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

**Seeking Employment.** Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent’s separation from employment is publicly known.

**Relationships in the Workplace.** Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

**Tenet 4.** Serve the best interests of the people.

**GUIDELINES**

**Impacts of Decisions.** Members should inform their governing body of the anticipated effects of a decision on people in their jurisdictions, especially if specific groups may be disproportionately harmed or helped.

**Inclusion.** To ensure that all the people within their jurisdiction have the ability to actively engage with their local government, members should strive to eliminate barriers to public involvement in decisions, program, and services.

**Tenet 5.** Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both city attorney and city manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity’s operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member’s professional ability and to develop the competence of associates in the use of management techniques.
GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member’s responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members’ personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term “Gift” includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member’s official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law. The guideline is not intended to apply to normal social practices, not associated with the member’s official duties, where gifts are exchanged among friends, associates and relatives.
Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member’s personal interest is not permitted. Purchases and sales which might be interpreted as speculation for quick profit should be avoided (see the guideline on “Confidential Information”). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member’s family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the member is compensated or not for the
member’s support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation:

(1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members’ observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.
APPOINTMENT POLICY

PREAMBLE: On occasion, members of the Montpelier City Council and other City officials and employees are recruited to serve on governing bodies of various governmental, quasi-governmental, community and similar non-profit and public organizations. To the extent the interests of such organizations may diverge from those of the City, an actual or perceived conflict of interest may arise out the service of such member, official of such governing body. A conflict of interest also may arise when the governing body of such organization is considering an action which advances the organization’s interests over those of the City.

PURPOSE: In order to avoid actual or perceived conflicts of interest, the City Council proposes to offer guidance on the subject of appointment of City Council members and City officials and employees to governing bodies of non-City organizations. The guidance afforded by the policies set out herein is intended to be evaluated and modified periodically.

POLICY: This policy is intended to provide guidance to the Montpelier City Council when considering the appointment of a City Council member or other City official or employee to the governing body of a non-City organization and to such appointees during their service on such governing bodies:

(1) No appointment shall be made to the governing body of an organization whose history includes instances of positions and action which are adverse to the City.

(2) In making appointments to the governing bodies of non-City organizations, the City Council at all times shall have the right to revoke such appointments when, in the judgment of the City Council, such revocation would be in the best interest of the City.

(3) No City Council member or other City official or employee appointed to the governing body of a non-City organization shall have a vested right or interest in such organization or the governing body thereof.

(4) Appointments by the City Council to the governing bodies of non-City organizations shall be for a stated term.

(5) It shall be a condition of any such appointment that the appointee, when confronted with a situation in which the City has, will have or is likely to have a direct interest in its outcome, shall recuse themselves from considering, discussing or voting on such matter.

(6) No appointee shall, directly, indirectly or by inference, use his or her City position in the consideration of any matter by the governing body of the non-City organization to which such person has been appointed.

(7) No appointee shall use his or her appointed position to influence the action or decision of any City body, agency or officer.

(8) At all times the interests of the City shall take precedence over the interests of the non-City organization to which a City Council member or City official or employee has been appointed.

From VLCT Select Handbook April 2006 (Modified)
Conflicts of Interest and Incompatible Offices

A. INTRODUCTION

The proper operation of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in proper channels of government structure; that public office not be used for personal gain and that the public have confidence in the integrity of its government.

While the vast majority of Vermont's local officials have always taken due care to ensure that personal interests did not influence their public decisions, local officers have never been immune from conflict of interest allegations. Elected officials are rightfully seen as occupying a caretaker relationship to the town and worthy of the responsibility of keeping the town's best interests foremost. Yet the very structure of Vermont local government, the breadth of its responsibilities, and the oft-contentious nature of local issues all increase the likelihood that allegations will be leveled against even the most conscientious selectboard member.

Of all the issues facing Vermont towns, none has proven more difficult to address than the allegation that a local official has a conflict of interest. Such allegations touch the core of people's beliefs about local government and bring into question the personal motives of the official. However, it is often very difficult to determine if she/he/they has a genuine conflict. Concrete measures are few and far between and, for better or worse, the Legislature and Supreme Court have never provided much guidance for resolving local conflict of interest issues.

As a result, the resolution of conflicts of interest has often relied, for the most part, on the moral conscience of the persons involved. Unfortunately, it is both easy to make allegations of unethical conduct and difficult to defend against such accusations. A mere accusation can do significant damage to the reputation of the accused and, at times, an entire board. Beyond damage to one's reputation, there are other, perhaps more direct reasons to avoid conflicts. For example, conflicts of interest may result in void contracts. Courts in several jurisdictions have held that where a public official enters into a contract, the execution of which may make it possible for the official's personal interest to come into conflict with his or her discharge of a public duty, the contract is void as against public policy, regardless of the good faith of the parties and the reasonableness of the deal. See McQuillan, Municipal Corporations § 29.97. As a further remedy for this self-dealing, a court may also require the official to surrender any profit realized as a result of the questionable deal. Davenport v. Town of Johnson, 49 Vt. 403 (1877). Conflicts can also result in void quasi-judicial decisions. The Vermont Environmental Court has stated unequivocally that if a development review board (DRB) member with a conflict of interest participates in a DRB decision, the Court can vacate the decision for that reason, and order the matter be reconsidered by the DRB without the participation of that member. Appeal of Janet Cote, 257-11-02 Vtec (2003).

Towns often fail to pay attention to conflicts of interest until an allegation is made or an outright crisis has developed. As the leaders of local government, it is incumbent upon the selectboard members to take the lead and develop strategies and tools for addressing conflicts of interest prospectively. They should take appropriate steps to minimize their own conflicts and appropriately address them when they arise, not only for their own protection and protection of other local officials, but to uphold the public's faith in their local government.

B. IDENTIFYING CONFLICTS OF INTEREST
One of the most difficult aspects of conflicts is determining when they exist. Part of the problem is the breadth of local government's responsibilities. As explained in the Introduction, local government stretches across the three traditional functions of government: legislative, judicial and executive. Conflicts may be viewed in different ways, and different standards may apply, when a local official is acting in each of these various roles. Nonetheless, experience has shown that a local official is likely to have four types of interests that may result in a conflict: direct monetary interest, indirect monetary interest, direct personal interest, and indirect personal interest. In quasi-judicial proceedings, an official must also be conscious of bias and ex-parte communication. The following scenarios are examples of when conflicts of interest might arise in the selectboard's executive, legislative, and executive roles.

1. **Direct monetary interest.** A conflict of interest can be present when a local official acts on a matter affording the official a direct financial gain.

   - **Executive function.** A selectboard is considering acceptance of a new public road. The road is located in a new subdivision proposed by one of the selectboard members. The town's acceptance of the road would relieve the selectboard member of the expense of maintaining it.

   - **Legislative function.** A selectboard is considering adoption of an ordinance setting weight limits on the local highways and bridges. One selectboard member owns a local trucking company that might not be able to use several roads if lower weight limits are imposed.

   - **Judicial function.** A selectboard is considering an application for a highway access permit. The applicant is proposing construction of a convenience store and deli. One selectboard member owns an existing convenience store and gas station on the same road. Direct monetary interests are most easily identified and can present clear conflicts in all three of the selectboard's roles.

2. **Indirect monetary interests.** A conflict of interest can be present when a local official acts on a matter that financially benefits one closely tied to the official, such as an employer or family member.

   - **Executive function.** A selectboard is considering bids for a new highway truck. The daughter-in-law of one of the selectboard members is the general manager of one of the two equipment dealerships that has submitted a bid.

   - **Legislative function.** A selectboard is considering a revision to the town's zoning bylaw. The proposed revision would directly limit a selectboard member's brother's ability to expand his existing business.

   - **Judicial function.** A selectboard is considering an application for a liquor license at a new restaurant. One of the selectboard members has been hired by the applicant to manage the new facility.

Indirect monetary interests can be difficult to identify, especially if the member at issue fails to disclose his or her relationship to the party that stands to benefit from the decision. At times, dealing with the family member or close associate of a selectboard member may be in the best interest of the town. However, when that relationship is the only reason, or a major reason for the decision, the arrangement may be detrimental to the town and may present a conflict. The failure to appropriately deal with an indirect monetary interest may lead to an allegation of nepotism or cronyism.
3. **Direct personal interest.** A conflict may be present when a local official acts on a matter that benefits the official in a non-financial way, but in a matter of significant importance.

   - **Executive function.** The town's development review board has denied a permit for a large retail project. The selectboard is considering participation in an appeal to the environmental court as an interested party. One selectboard member has been a vocal proponent of the project and has written an op-ed piece about the project for the local newspaper.

   - **Legislative function.** The selectboard is considering whether to allow snowmobiles on a town road that bisects property owned by a selectboard member.

   - **Judicial function.** A resident has submitted a written complaint of a dog bite. A selectboard member owns the dog in question.

Direct personal interests can take many forms and, therefore, can be particularly difficult to identify. In the judicial role, a direct personal interest may rise to the level of a bias that prevents a local official from making decisions objectively. However, the same interest may be perfectly acceptable, or even desirable, when the official is acting in an executive or legislative role.

4. **Indirect personal interest.** A conflict may be present when a local official acts on a matter in which the member's judgment may be affected because of a family or personal relationship, or membership in some organization, and a desire to help that person or organization further its own interests.

   - **Executive function.** The selectboard is preparing next year's proposed town budget. A member of the selectboard is also the chief of the town's volunteer fire department. The selectboard member would like the budget to include a line item for purchase of a piece of fire equipment.

   - **Legislative function.** The selectboard is considering revisions to the town's zoning bylaw. Several members of a selectboard member's family have petitioned the proposed revision, which would restrict expansion of several industrial uses in a certain zone. The family members own homes in the zone.

   - **Judicial function.** A selectboard member is sitting on the board of civil authority. The board member's sister is a town lister.

The concern presented by an indirect personal interest is embodied in the phrase "a person cannot serve two masters." Voters reasonably expect that when a local official is making a decision, she/he/they will give first consideration to the interest of the town. An official's close affiliation with, or membership in, another organization may result in a division of loyalties. Failure to address the conflict may result in the perception that the official is using the office to further the interest of that other group.

5. **Close calls.** The foregoing scenarios have been greatly simplified to provide examples of when conflicts of interest might be present. The reality is that conflicts, and potential conflicts, can be much more difficult to identify. Often times, the appearance of a conflict of interest can be more damaging than the conflict itself. Take, for example, a selectboard member who refuses to recuse themselves, and votes to approve a roadside mowing contract between themselves and the town. While the value of that conflict may be relatively small, the public's perception that the office has been used for private gain may be very costly, not only to the member, but to the entire selectboard. The best advice when trying to identify conflicts is to err on the side of caution, if only for the preservation and protection of the public's confidence in local government.
C. HANDLING CONFLICTS

That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

- Chapter I, Article 7, Vermont Constitution

1. Transparency and disclosure. Chapter I, Article 7 of the Vermont Constitution ensures that government be operated for the benefit of all the people and not for the advantage of a single person, family or group. It also reserves to the people the right to reform their government in a manner that is most conducive to the public good.

Violations of the public trust are most likely to occur when the transparency of local government is obscured. One of the best methods to effect transparency is to create an environment in which the full and frank disclosure of conflicts of interest is supported and encouraged. Selectboards can take the lead in promoting transparency by actively encouraging an environment where all local officials feel free to disclose facts that may lead to an actual or apparent conflict of interest.

Beyond transparency, disclosure can also be an effective tool for evaluating conflicts. When potential conflicts are disclosed, they can be discussed and evaluated with other local officials. Oftentimes, discussion of the facts surrounding a potential conflict may lead to the conclusion that no conflict actually exists or can be dealt with effectively.

2. Appropriate recusal. When a conflict of interest is identified and disclosed, the proper course of action is recusal from participation in the matter, i.e. from discussing, questioning, commenting and voting. While some officials may feel it is sufficient to just refrain from voting, complete recusal acknowledges that the outcome of events and decisions often rests on more than the final vote. A conflicted official should not be allowed to use his or her position to influence others' decisions. Practically speaking, this can mean leaving the room, or at least the table, where the discussion is occurring.

A common mistake is to equate recusal for conflict of interest with a vote to abstain. They are entirely separate processes. To recuse means "to disqualify ... from participation in a decision on grounds such as prejudice or personal involvement." American Heritage Dictionary, 1143 (3d ed., 1997). To abstain means "to refrain from something by one's own choice." Id. at 6. Abstention from voting is used by a board member when she/he/they has inadequate information on which to judge the merits. This may occur where the member has not had an opportunity to examine all of the evidence or to attend all of the hearings for reasons other than conflict of interest. Recusal, on the other hand, involves complete removal from participation in the discussion and the vote, where a conflict, or the appearance of a conflict, is present.

3. Remedies. Can a selectboard force a conflicted local official to recuse themselves when the member has a conflict of interest? Absent a local conflict of interest ordinance, the answer is probably not. Local government is not a private organization that can define its own membership and discipline its own members. Just as the Legislature has taken a limited role in defining conflicts, it has also been
relatively silent on how to deal with conflicts once they are identified and disclosed. Absent a local
conflict of interest ordinance (see below), the most a selectboard might be able to do is register its
displeasure with a member's conduct by passing a resolution censuring the member. Even this limited
remedy can have its pitfalls.


**D. LOCAL TOOLS FOR PREVENTING AND ADDRESSING CONFLICTS**

Many have argued that the best remedy for those officials who engage in conflicts is to vote the offender
out of office. However, as explained in Chapter 2, there is no provision in Vermont law for recall of local
officials, though some charters provide for it. It can be several years before the expiration of an office.
Relying on political remedies is rarely sufficient. VLCT recommends that municipalities avail themselves
of one or more of the local tools for addressing conflicts.

1. **Conflict of Interest Ordinance.** In 2000, the Legislature authorized towns to adopt a conflict of
interest prohibition for its elected and appointed officials. 24 V.S.A. § 1984. The process for adoption
of the prohibition may be initiated by the selectboard or by application of five percent of the town's
voters. 17 V.S.A. §§ 2643(a), 2642(a). The prohibition must be adopted by the majority of those present
and voting at an annual or special meeting warned for that purpose. 24 V.S.A. § 1984(a). Regardless
of where the ordinance initiates, it must contain the following elements:

- A definition of conflict of interest.
- A list of the elected and appointed officials covered by such prohibition.
- A method to determine whether a conflict of interest exists.
- Actions that must be taken if a conflict of interest is determined to exist.
- A method of enforcement against individuals violating such prohibition. 24 V.S.A. §1984(a).

The statute provides a default definition of a conflict of interest:

[A] direct personal or pecuniary interest of a public official, or the official's spouse, household
member, business associate, employer, or employee, in the outcome of a cause, proceeding,
application, or any other matter pending before the official or before the agency or public body in
which the official holds office or is employed. 'Conflict of interest' does not arise in the case of
votes or decisions on matters in which the public official has a personal or pecuniary interest in the
outcome, such as in the establishment of a tax rate, that is no greater than that of other persons
generally affected by the decision. 24 V.S.A. 1984(b).

While the statute provides a good starting point, towns should remember that they retain the authority
to craft their own definitions. VLCT maintains a file of conflict of interest ordinances from around the
state. If you are drafting a proposed conflict of interest prohibition and would like to review the work
of other towns, please feel free to contact the League for assistance.

2. **Conflict of Interest Policy.** The law also authorizes the selectboard to establish a conflict of interest
policy. A policy and an ordinance have a small but significant difference: an ordinance has the force
and effect of law. A policy is usually only advisory in nature and affords no direct legal remedy.

While selectboard policies typically have no bearing on the actions of the town's independently elected
officials (e.g., town clerk, listers, auditors), the law expressly provides that a conflict of interest policy
adopted by a selectboard will apply to "all elected officials of the town, city, or incorporated village." 24 V.S.A. § 2291(20).

Please see the Appendices for VLCT's model conflict of interest policy.

3. **Purchasing and Bidding Policies.** Another effective tool available for avoiding conflicts of interest is the purchasing policy. Such policies typically provide procedures for competitive bidding and may prohibit local officials or employees from participating in the bidding process. A copy of VLCT's model bidding policy is located in the Appendices.

4. **Municipal Administrative Procedures Act.** The Vermont Municipal Administrative Procedures Act (MAP A) requires towns that have adopted it to follow certain administrative procedures when conducting contested hearings. 24 V.S.A. § 1201. MAPA is an enabling statute and applies only in those towns where it has been adopted. The law creates procedural rights and duties, with an eye toward affording parties more formal hearings and additional due process protections. 24 V.S.A. § 1202. Though usually adopted and applied in conjunction with zoning hearings, towns may elect to apply MAP A to any other contested hearing held by a local board. 24 V.S.A. § 1201.

One of the features of MAPA is the conflict of interest provision, which requires local boards to comply with the requirements of the statute proscribing the circumstances under which a judge must be disqualified from hearing a case. 12 V.S.A. § 61(a). This statute prohibits persons from acting in a judicial capacity in which the person has an interest or is related to a party within the fourth degree of consanguinity. 12 V.S.A. § 61(a). Another feature of MAP A is the treatment of ex parte communications. The chair and all board members are expressly prohibited from communicating with any party or the party's representative, while the proceeding is pending. 24 V.S.A. § 1207(a), (b). Any ex parte communication received by the chair or a board member must be disclosed on the record. 12 V.S.A. § 1207(c).

E. **STATUTORY REQUIREMENTS**

1. **Appropriate Municipal Panels (AMPs).** Under the 2004 revisions to Vermont's zoning statute, local land use panels (planning commissions conducting zoning review, zoning boards of adjustment, and development review boards) are required to adopt rules of ethics with respect to conflicts of interest. 24 V.S.A. § 4461(a).

2. **Quasi-judicial Proceedings.** Where the Municipal Administrative Procedures Act applies, board members must recuse themselves as would members of the judiciary who are subject to 12 V.S.A. § 61. 24 V.S.A. § 1203. Indeed, as mentioned below, recusal is mandated for members of any body acting in a quasi-judicial proceeding, even in the absence of the Municipal Administrative Procedures Act, since 12 V.S.A. § 61 (a) states that no one shall "act in a judicial capacity ... as trier of a cause or matter in which he ... is interested .... " 12 V.S.A. § 61(a).

3. **Setting Compensation.** A town may vote at its annual meeting to compensate its local officials. 24 V.S.A. § 932. If the town does not set the compensation, the selectboard may. However, the selectboard may not set its own pay, which must be set by the auditors at the time of the annual town audit. 24 V.S.A. § 933.

4. **Liquor Licenses.** There is a statutory conflict that prohibits the selectboard, acting as the local liquor control commissioners, from issuing a liquor license to "any enforcement officer or member of a local
control board [or] to any person or corporation acting in his behalf." 7 V.S.A. § 223. In other words, a selectperson cannot receive a liquor license in his or her own town.

5. **Election Officials.** No person may serve as an election official in an election where his or her name appears as a candidate for selectperson on the Australian ballot unless she/he/they is the only candidate for that office. 17 V.S.A. § 2456. These same prohibitions would apply to village officers as well. 1 V.S.A. § 139.

**F. SIGNING ORDERS**

Many small towns find themselves in the position of having to employ selectpersons to perform some extra services (e.g. road commissioner or board clerk). Even though there is no statutory prohibition on a selectperson being an employee of a town, selectpersons must be cautious when deciding to hire themselves and when setting compensation for these extra services.

A selectperson should not sign a paycheck or warrant for services that she/he/they renders. If the payment or salary amount is set by the voters or the auditors, then this conflict is not that critical. 24 V.S.A. § 931. But if the amount is not set by the voters or auditors, it is best to avoid any situation which would even remotely hint of conflict. It is simplest for the selectboard to avoid hiring individual selectpersons to perform services for the towns. However, if a town must hire a selectperson for a task, then a plan or system of bidding should be implemented to insure that unfair influence is not wielded by any selectperson.

**G. INCOMPATIBLE OFFICES**

> No political truth is certainly of greater intrinsic value, or is stamped with the authority of more enlightened patrons of liberty, than that the accumulation of all power, legislative, executive, and judiciary, in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

- James Madison, Federalist Papers, No. 47

In recognition of the principle that the aggregation of political power may result in the diminishment of citizens' freedoms, the Legislature has prescribed a list of incompatible offices. The general statute concerning incompatible town offices is 17 V.S.A. § 2647. Under that statute, a selectboard member may not hold the offices of auditor, collector of current or delinquent taxes, first constable, lister, town agent, town manager or town treasurer. Likewise, the spouse of a selectboard member or "any person assisting [a selectboard member] in the discharge of their official duties" is not eligible to serve as auditor.

The incompatible offices statute does not apply in a town with 25 or fewer legal voters, but even in those towns "an auditor [or the auditor's spouse] shall not audit his own accounts kept and rendered in some other official capacity." 17 V.S.A. § 2648. It should also be noted that the statute does not prohibit one from running for two incompatible offices. For example, one person may simultaneously run for the office of treasurer and auditor, but if elected to both positions, must resign from one office before commencing duties in the other.

Finally, while the incompatible office statute does not mention romantic co-habitants or civil union partners, the intimacy of such relationships would necessarily imply that the same prohibitions apply to these relationships as well.

A Chart of Incompatible Offices is located in the Appendices.
H. NEPOTISM

A word about nepotism is also warranted. Nepotism may occur when town officers appoint their relatives to positions in town government. At times, the relative may be well qualified or even the most qualified person, and appointment is appropriate and in the best interest of the town. This is especially true in small towns. Nepotism, however, occurs when the relationship is the only reason or a major reason for the appointment. Such an appointment is not in the best interest of the town and may be detrimental to the town.

I. CRIMINAL OFFENSES

1. **Kickbacks.** Under Vermont criminal law, public officials or employees who solicit or accept gifts, gratuities or promises of such with the understanding that the official or employee will be influenced in any matter within his or her official capacity (i.e., kickbacks) may be fined or imprisoned. Possible penalties include fines of up to $10,000 and prison terms of up to five years, depending on the value of the gift or benefit. 13 V.S.A. §§ 1106, 1107.

2. **False Claims.** State law makes it illegal for municipal officials to make any false claims to defraud a municipality. Guilt may result in a fine of up to $10,000 and/or a prison term of up to five years. 13 V.S.A. § 3016.

J. CONCLUSION - CONFLICTS OF INTEREST IN A NUTSHELL

Many of Vermont's municipalities find it difficult to appoint and elect boards and commissions that do not include people with extensive business and family ties to their community. While conflicts cannot always be avoided, they can, and should, be managed. Here are some final tips to remember:

- Conflicts can have significant legal and personal consequences. Mere allegations of conflicts of interest can cause damage to reputations and undermine public confidence in local government.
- Disclosure of potential conflicts effectuates transparency and affords opportunities for discussion and evaluation of potential conflicts.
- When a conflict is identified and disclosed, the local official should recuse themselves from participation in the matter under consideration.
- Municipalities should take a proactive approach to conflicts and avail themselves of all tools for dealing with conflicts, including conflict ordinances, conflict policies, nepotism policies and bidding policies.
- Remember to check State law. State statutes often have specific provisions to limit conflicts of interest or to prohibit one person from holding two offices simultaneously.
- In some extreme instances, conflicts of interest can rise to the level of criminal offenses.
Agenda Preparation Guidelines
September 23, 2009

1. Add-on items will be NOT allowed unless they are true emergencies. If you anticipate the need for an agenda item, prepare the action item and recommendation and indicate what information will be coming in later. Supporting information can go out to the Council until the Tuesday before the meeting but the item itself needs to be on the Friday agenda. Plan bid dates accordingly.

2. Agenda items received in the Manager’s office after Noon on Fridays run the risk of not being included on the agenda and will only be added by express approval of the Manager. While we understand that there are multiple deadlines, there are also too many items coming in late on Fridays to be properly reviewed. Framing action items and providing sufficient information to the elected officials for whom we work should be a high priority.

3. The Manager’s office will look more carefully at timing estimates and sequence of items. Items for which it can be anticipated that large groups of citizens will attend will be scheduled first.

4. Staff prepared items must list options/alternatives considered including a summary of the consequences of “doing nothing” or not taking action on the agenda item. Must layout the reasoning behind the staff recommendation. (“who, what, when, where, why & how”) The staff recommendation should be written, essentially, in the form of the motion we would like the Council to pass.

5. Council members and members of the public should be able to read the agenda item and supporting material and clearly understand the issue before them and the action being requested.

6. Non-straight forward (licenses, minor bids, etc.) consent agenda items need to be more fully explained in writing, not less. This is the exchange for not having to do a full discussion item. Please have a plan for addressing questions (someone at meeting, someone briefed, Ok to wait until next meeting, or whatever) in the event an item gets pulled from the consent agenda.

7. The staff member or department connected to the item needs to be clearly identified and responsible for tracking the item from start to finish including knowing how the issue was resolved and for handling the next steps to make it happen. Manager’s office will help coordinate this. The key staff member and any others involved will get all the supporting material either in written or electronic form. Agenda will contain a notation indicating the associated staff person or department.
Expense Reimbursement

The City of Montpelier does not have a written policy but the standing operating procedure has been to reimburse Council Members and staff for necessary and reasonable expenses incurred while conducting official City business or representing the City at authorized activities.

Individuals are expected to exercise prudent judgment when making travel arrangements and expenditures. Expense reports are open to the public and should be able to sustain the test of public review.

An electronic version, or hard copy, of the receipt/backup documentation should be submitted to the Administrative Assistant in the City Manager’s Office as soon as possible. Because account payables are processed every two weeks, there is a delay in reimbursements. If reimbursement is needed in a more timely manner, a request for a “manual check” should be made.

The City follows the IRS mileage rates. As of January 1, 2019, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) are:

- 58 cents per mile for business miles driven
- 20 cents per mile driven for medical or moving purposes
- 14 cents per mile driven in service of charitable organizations

Any questions should be directed to the City Manager’s Office or the Finance Department (see Staff Directory).
§ 315. Statement of policy

It is the policy of this subchapter to provide for free and open examination of records consistent with Chapter I, Article 6 of the Vermont Constitution. Officers of government are trustees and servants of the people and it is in the public interest to enable any person to review and criticize their decisions even though such examination may cause inconvenience or embarrassment. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Consistent with these principles, the General Assembly hereby declares that certain public records shall be made available to any person as hereinafter provided. To that end, the provisions of this subchapter shall be liberally construed to implement this policy, and the burden of proof shall be on the public agency to sustain its action. (Added 1975, No. 231 (Adj. Sess.), § 1; amended 2011, No. 59, § 1.)

§ 316. Access to public records and documents

(a) Any person may inspect or copy any public record of a public agency, as follows:

(1) For any agency, board, department, commission, committee, branch, instrumentality, or authority of the State, a person may inspect a public record on any day other than a Saturday, Sunday, or a legal holiday, between the hours of nine o’clock and 12 o’clock in the forenoon and between one o’clock and four o’clock in the afternoon;

(2) For any agency, board, committee, department, instrumentality, commission, or authority of a political subdivision of the State, a person may inspect a public record during customary business hours.

(b) If copying equipment maintained for use by a public agency is used by the agency to copy the public record or document requested, the agency may charge and collect from the person requesting the copy the actual cost of providing the copy. The agency may also charge and collect from the person making the request, the costs associated with mailing or transmitting the record by facsimile or other electronic means. Nothing in this section shall exempt any person from paying fees otherwise established by law for obtaining copies of public records or documents, but if such fee is established for the copy, no additional costs or fees shall be charged.

(c) Unless otherwise provided by law, in the following instances an agency may also charge and collect the cost of staff time associated with complying with a request for a copy of a public record: (1) the time directly involved in complying with the request exceeds 30 minutes; (2) the agency agrees to create a public record; or (3) the agency agrees to provide the public record in a nonstandard format and the time directly involved in complying with the request exceeds 30 minutes. The agency may require that requests subject to staff time charges under this subsection be made in writing and that all charges be paid, in whole or in part, prior to delivery of the copies. Upon request, the agency shall provide an estimate of the charge.
(d) The Secretary of State, after consultation with the Secretary of Administration, shall establish the actual cost of providing a copy of a public record that may be charged by state agencies. The Secretary shall also establish the amount that may be charged for staff time, when such a charge is authorized under this section. To determine "actual cost," the Secretary shall consider the following only: the cost of the paper or the electronic media onto which a public record is copied, a prorated amount for maintenance and replacement of the machine or equipment used to copy the record and any utility charges directly associated with copying a record. The Secretary of State shall adopt, by rule, a uniform schedule of public record charges for State agencies.

(e) After public hearing, the legislative body of a political subdivision shall establish actual cost charges for copies of public records. The legislative body shall also establish the amount that may be charged for staff time, when such a charge is authorized under this section. To determine actual cost charges, the legislative body shall use the same factors used by the Secretary of State. If a legislative body fails to establish a uniform schedule of charges, the charges for that political subdivision shall be the uniform schedule of charges established by the Secretary of State until the local legislative body establishes such a schedule. A schedule of public records charges shall be posted in prominent locations in the town offices.

(f) State agencies shall provide receipts for all moneys received under this section. Notwithstanding any provision of law to the contrary, a State agency may retain moneys collected under this section to the extent such charges represent the actual cost incurred to provide copies under this subchapter. Amounts collected by a State agency under this section for the cost of staff time associated with providing copies shall be deposited in the General Fund, unless another disposition or use of revenues received by that agency is specifically authorized by law. Charges collected under this section shall be deposited in the agency’s operating account or the General Fund, as appropriate, on a monthly basis or whenever the amount totals $100.00, whichever occurs first.

(g) A public agency having the equipment necessary to copy its public records shall utilize its equipment to produce copies. If the public agency does not have such equipment, nothing in this section shall be construed to require the public agency to provide or arrange for copying service, to use or permit the use of copying equipment other than its own, to permit operation of its copying equipment by other than its own personnel, to permit removal of the public record by the requesting person for purposes of copying, or to make its own personnel available for making handwritten or typed copies of the public record or document requested.

(h) Standard formats for copies of public records shall be as follows: for copies in paper form, a photocopy of a paper public record or a hard copy print-out of a public record maintained in electronic form; for copies in electronic form, the format in which the record is maintained. Any format other than the formats described in this subsection is a nonstandard format.

(i) If an agency maintains public records in an electronic format, nonexempt public records shall be available for copying in either the standard electronic format or the standard paper format, as designated by the party requesting the records. An agency may, but is not required to, provide copies of public records in a nonstandard format, to create a public record or to convert paper public records to electronic format.

(j) A public agency may make reasonable rules to prevent disruption of operations, to preserve the security of public records or documents, and to protect them from damage.

(k) Information concerning facilities and sites for the treatment, storage, and disposal of hazardous waste shall be made available to the public under this subchapter in substantially the same

§ 317. Definitions; public agency; public records and documents

(a) As used in this subchapter:

(1) "Business day" means a day that a public agency is open to provide services.

(2) "Public agency" or "agency" means any agency, board, department, commission, committee, branch, instrumentality, or authority of the State or any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the State.

(b) As used in this subchapter, "public record" or "public document" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business. Individual salaries and benefits of and salary schedules relating to elected or appointed officials and employees of public agencies shall not be exempt from public inspection and copying.

(c) The following public records are exempt from public inspection and copying:

(1) Records which by law are designated confidential or by a similar term.

(2) Records which by law may only be disclosed to specifically designated persons.

(3) Records which, if made public pursuant to this subchapter, would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State.

(4) Records which, if made public pursuant to this subchapter, would cause the custodian to violate any statutory or common law privilege other than the common law deliberative process privilege as it applies to the General Assembly and the Executive Branch agencies of the State of Vermont.

(5) (A) Records dealing with the detection and investigation of crime, but only to the extent that the production of such records:

(i) could reasonably be expected to interfere with enforcement proceedings;

(ii) would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(v) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecution if such disclosure could reasonably be expected to risk circumvention of the law;
(vi) could reasonably be expected to endanger the life or physical safety of any individual.

(B) Notwithstanding subdivision (A) of this subdivision (5), records relating to management and direction of a law enforcement agency; records reflecting the initial arrest of a person, including any ticket, citation, or complaint issued for a traffic violation, as that term is defined in 23 V.S.A. Â§ 2302; and records reflecting the charge of a person shall be public.

(C) It is the intent of the General Assembly that in construing subdivision (A) of this subdivision (5), the courts of this State will be guided by the construction of similar terms contained in 5 U.S.C. Â§ 552(b)(7) (Freedom of Information Act) by the courts of the United States.

(D) It is the intent of the General Assembly that, consistent with the manner in which courts have interpreted subdivision (A) of this subdivision (5), a public agency shall not reveal information that could be used to facilitate the commission of a crime or the identity of a private individual who is a witness to or victim of a crime, unless withholding the identity or information would conceal government wrongdoing. A record shall not be withheld in its entirety because it contains identities or information that have been redacted pursuant to this subdivision.

(6) A tax return and related documents, correspondence and certain types of substantiating forms which include the same type of information as in the tax return itself filed with or maintained by the Vermont Department of Taxes or submitted by a person to any public agency in connection with agency business.

(7) Personal documents relating to an individual, including information in any files maintained to hire, evaluate, promote, or discipline any employee of a public agency, information in any files relating to personal finances, medical or psychological facts concerning any individual or corporation; provided, however, that all information in personnel files of an individual employee of any public agency shall be made available to that individual employee or his or her designated representative.

(8) Test questions, scoring keys, and other examination instruments or data used to administer a license, employment, or academic examination.

(9) Trade secrets, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it, except that the disclosures required by 18 V.S.A. Â§ 4632 shall not be included in this subdivision.

(10) Lists of names compiled or obtained by a public agency when disclosure would violate a person’s right to privacy or produce public or private gain; provided, however, that this section does not apply to lists which are by law made available to the public, or to lists of professional or occupational licensees.

(11) Student records, including records of a home study student, at educational institutions or agencies funded wholly or in part by State revenue; provided, however, that such records shall be made available upon request under the provisions of the Federal Family Educational Rights and Privacy Act of 1974 (P.L. 93-380) and as amended.
(12) Records concerning formulation of policy where such would constitute a clearly unwarranted invasion of personal privacy, if disclosed.

(13) Information pertaining to the location of real or personal property for public agency purposes prior to public announcement of the project and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts thereof.

(14) Records which are relevant to litigation to which the public agency is a party of record, provided all such matters shall be available to the public after ruled discoverable by the court before which the litigation is pending, but in any event upon final termination of the litigation.

(15) Records relating specifically to negotiation of contracts including collective bargaining agreements with public employees.

(16) Any voluntary information provided by an individual, corporation, organization, partnership, association, trustee, estate, or any other entity in the State of Vermont, which has been gathered prior to the enactment of this subchapter, shall not be considered a public document.

(17) Records of interdepartmental and intradepartmental communications in any county, city, town, village, town school district, incorporated school district, union school district, consolidated water district, fire district, or any other political subdivision of the State to the extent that they cover other than primarily factual materials and are preliminary to any determination of policy or action or precede the presentation of the budget at a meeting held in accordance with section 312 of this title.

(18) Records of the Office of Internal Investigation of the Department of Public Safety, except as provided in 20 V.S.A. § 1923.

(19) Records relating to the identity of library patrons or the identity of library patrons in regard to library patron registration records and patron transaction records in accordance with 22 V.S.A. chapter 4.

(20) Information which would reveal the location of archaeological sites and underwater historic properties, except as provided in 22 V.S.A. § 762.

(21) Lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine’s continued financial viability, and is exercised pursuant to specific guidelines adopted by the editor of the magazine.

(22) Any documents filed, received, or maintained by the Agency of Commerce and Community Development with regard to administration of 32 V.S.A. chapter 151, subchapters 11C and 11D (new jobs tax credit; manufacturer’s tax credit), except that all such documents shall become public records under this subchapter when a tax credit certification has been granted by the Secretary of Administration, and provided that the disclosure of such documents does not otherwise violate any provision of Title 32.

(23) Any data, records, or information developed, discovered, collected, or received by or on behalf of faculty, staff, employees, or students of the University of Vermont or the Vermont State Colleges in the conduct of study, research, or creative efforts on medical, scientific, technical, scholarly, or artistic matters, whether such activities are sponsored alone by the institution or in conjunction with a governmental body or private entity, until such data,
records, or information are published, disclosed in an issued patent, or publicly released by
the institution or its authorized agents. This subdivision applies to, but is not limited to,
research notes and laboratory notebooks, lecture notes, manuscripts, creative works,
correspondence, research proposals and agreements, methodologies, protocols, and the
identities of or any personally identifiable information about participants in research.

(24) Records of, or internal materials prepared for, the deliberations of any public agency
acting in a judicial or quasi-judicial capacity.

(25) Passwords, access codes, user identifications, security procedures, and similar
information the disclosure of which would threaten the safety of persons or the security of
public property.

(26) Information and records provided to the Department of Financial Regulation by an
individual for the purposes of having the department assist that individual in resolving a
dispute with any person or company regulated by the Department, and any information or
records provided by a company or any other person in connection with the individual’s
dispute.

(27) Information and records provided to the Department of Public Service by an individual
for the purposes of having the Department assist that individual in resolving a dispute with a
utility regulated by the Department, or by the utility or any other person in connection with
the individual’s dispute.

(28) Records of, and internal materials prepared for, independent external reviews of health
care service decisions pursuant to 8 V.S.A. Â§ 4089f and of mental health care service
decisions pursuant to 8 V.S.A. Â§ 4089a.

(29) The records in the custody of the Secretary of State of a participant in the address
Confidentiality Program described in 15 V.S.A. chapter 21, subchapter 3, except as provided
in that subchapter.

(30) All code and machine-readable structures of State-funded and controlled database
applications, which are known only to certain State departments engaging in marketing
activities and which give the State an opportunity to obtain a marketing advantage over any
other state, regional, or local governmental or nonprofit quasi-governmental entity, or
private sector entity, unless any such State department engaging in marketing activities
determines that the license or other voluntary disclosure of such materials is in the State’s
best interests.

(31) Records of a registered voter’s month and day of birth, motor vehicle operator’s license
number, the last four digits of the applicant’s Social Security number, and street address if
different from the applicant’s mailing address contained in an application to the statewide
voter checklist or the statewide voter checklist established under 17 V.S.A. Â§ 2154.

(32) With respect to publicly owned, managed, or leased structures, and only to the extent
that release of information contained in the record would present a substantial likelihood of
jeopardizing the safety of persons or the security of public property, final building plans, and
as-built plans, including drafts of security systems within a facility, that depict the internal
layout and structural elements of buildings, facilities, infrastructures, systems, or other
structures owned, operated, or leased by an agency before, on, or after the effective date of
this provision; emergency evacuation, escape, or other emergency response plans that have
not been published for public use; and vulnerability assessments, operation and security
manuals, plans, and security codes. For purposes of this subdivision, “system” shall include
electrical, heating, ventilation, air conditioning, telecommunication, elevator, and security systems. Information made exempt by this subdivision may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to a licensed architect, engineer, or contractor who is bidding on or performing work on or related to buildings, facilities, infrastructures, systems, or other structures owned, operated, or leased by the State. The entities or persons receiving such information shall maintain the exempt status of the information. Such information may also be disclosed by order of a court of competent jurisdiction, which may impose protective conditions on the release of such information as it deems appropriate. Nothing in this subdivision shall preclude or limit the right of the General Assembly or its committees to examine such information in carrying out its responsibilities or to subpoena such information. In exercising the exemption set forth in this subdivision and denying access to information requested, the custodian of the information shall articulate the grounds for the denial.

(33) The account numbers for bank, debit, charge, and credit cards held by an agency or its employees on behalf of the agency.

(34) Affidavits of income and assets as provided in 15 V.S.A. Â§ 662 and Rule 4 of the Vermont Rules for Family Proceedings.

(35) Expired.

(36) Anti-fraud plans and summaries submitted by insurers to the Department of Financial Regulation for the purposes of complying with 8 V.S.A. Â§ 4750.

(37) Records provided to the Department of Health pursuant to the Patient Safety Surveillance and Improvement System established by 18 V.S.A. chapter 43a.

(38) Records held by the Agency of Human Services, which include prescription information containing prescriber-identifiable data, that could be used to identify a prescriber, except that the records shall be made available upon request for medical research, consistent with and for purposes expressed in 18 V.S.A. Â§Â§ 4621, 4631, 4632, 4633, and 9410 and 18 V.S.A. chapter 84, or as provided for in 18 V.S.A. chapter 84A and for other law enforcement activities.

(39) Records held by the Agency of Human Services or the Department of Financial Regulation, which include prescription information containing patient-identifiable data, that could be used to identify a patient.

(40) Records of genealogy provided in support of an application for tribal recognition pursuant to chapter 23 of this title.

(41) Documents reviewed by the Victims Compensation Board for purposes of approving an application for compensation pursuant to 13 V.S.A. chapter 167, except as provided by 13 V.S.A. Â§Â§ 5358a(b) and 7043(c).

(42) Except as otherwise provided by law, information that could be used to identify a complainant who alleges that a public agency, a public employee or official, or a person providing goods or services to a public agency under contract has engaged in a violation of law, or in waste, fraud, or abuse of authority, or in an act creating a threat to health or safety, unless the complainant consents to disclosure of his or her identity. (Added 1975, No. 231 (Adj. Sess.), Â§ 1; amended 1977, No. 202 (Adj. Sess.); 1979, No. 156 (Adj. Sess.), Â§ 6; 1981, No. 227 (Adj. Sess.), Â§ 4; 1989, No. 28, Â§ 2; 1989, No. 136 (Adj. Sess.), Â§ 1; 1995, No. 46, Â§Â§ 23, 58; 1995, No. 159 (Adj. Sess.), Â§ 2; No. 167 (Adj. Sess.), Â§ 29; No. 182 (Adj. Sess.),
Vermont Open Meeting Law

1 V.S.A. §§ 310-314

Vermont’s Open Meeting Law provides that “[a]ll meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].” 1 V.S.A. § 312(a)(1). The intent of the law is to create transparency in government by requiring advance public notice and an opportunity for public participation in governmental decisions. The law generally applies whenever a majority of the members of a municipal board, council, commission, committee, or subcommittee have a conversation or make a decision about municipal business.

REQUIREMENTS:
- Public announcement of meetings. 1 V.S.A. §§ 312(c), 310(4)
- Preparation and posting of agendas for every regular and special meeting. 1 V.S.A. § 312(d)
- Conducting the business of the municipality in open meetings (unless specifically exempted). 1 V.S.A. § 312(a). Resolutions, rules, appointments, or formal actions that are not taken or made at an open meeting are not considered binding, except actions to secure real estate options. 1 V.S.A. §§ 312(a)(1); 313(a)(2)
- Allowing for public comment at meetings (subject to reasonable rules). 1 V.S.A. § 312(h)
- Taking minutes at meetings, making those minutes available five days after the meeting, and posting on a website, if there is one. 1 V.S.A. § 312(b)
- Responding in a timely manner when there is an allegation of violation of the law. 1 V.S.A. § 314(b)

APPLICATION:
The law applies to every “public body” of a municipality and the requirements are triggered whenever a “quorum” of a public body is “meeting.” A public body is any board, council, commission, committee, or subcommittee of a municipality. 1 V.S.A. § 310(3). The law does not apply to community justice boards or community justice centers. 24 V.S.A. § 1964(b). A meeting is a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. 1 V.S.A. § 310(2).

The law does not apply to written correspondence or electronic communication between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that such written correspondence or such electronic communication that results in written or recorded information shall be available for inspection and copying under Vermont's Public Records Law. 1 V.S.A. § 310(2).

AGENDAS:
An agenda must be created and posted in advance of every regular or special meeting. 1 V.S.A. § 312(d). At least 48 hours in advance of a regular meeting, and at least 24 hours in advance of a special meeting, an agenda must be posted in or near the municipal office and in at least two other designated public places in the municipality. 1 V.S.A. § 312(d). In addition, the public body must post the agendas of regular and special meetings to an official website, if one exists that is maintained...
or has been designated as the official website. 1 V.S.A. § 312(d). An item may only be added or removed from a meeting agenda as the first order of business at the meeting. 1 V.S.A. § 312(d)(3)(A). Other adjustments to an agenda may be made at any time during the meeting. 1 V.S.A. § 312(d)(3)(B).

NOTICES:
Meetings must be properly noticed and announced:
- The time and place of all regular meetings “shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution or other determining authority of the public body and this information shall be available to any person upon request.” 1 V.S.A. § 312(c)(1).
- The time, place and purpose of a special meeting shall be “publicly announced” at least 24 hours before the meeting. 1 V.S.A. § 312(c)(2). Publicly announced means that notice is given to an editor, publisher, or news director of a newspaper or radio station serving the area of the state in which the public body has jurisdiction, and to any person who has requested to be notified of special meetings. 1 V.S.A. § 310(4).

Municipal public bodies shall post notices of special meetings in or near the municipal clerk’s office and in at least two other designated public places in the municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting. 1 V.S.A. § 312(c)(2).

- Emergency meetings “may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.” 1 V.S.A. § 312(c)(3).

MINUTES:
Meeting Minutes must be taken at every public meeting and must include at least the members present, active participants, motions made, and votes taken. 1 V.S.A. § 312(b)(1). Five days after the meeting, minutes must be available for inspection and must be posted to a website, if one exists, that is maintained or has been designated as the official website. 1 V.S.A. § 312(b)(2). If it is not possible to provide the final approved minutes in five days, then a draft that is marked with words such as “subject to approval” should be posted and made available. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. § 313(a).

Participation and voting at meetings by electronic means. One or more of the members of a public body may attend and participate in a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location as long as each member who attends electronically identifies themselves when the meeting is convened, and is able to hear the conduct of the meeting and be heard throughout the meeting. 1 V.S.A. §§ 312(a)(2)(A) and (C). If one or more members attend a meeting by electronic or other means, any vote of the public body shall be taken by roll call. 1 V.S.A. § 312(a)(2)(B).
If a quorum or more of the members of a public body attend a meeting without being physically present, the following additional requirements shall be met: (i) At least 24 hours prior to the meeting, or as soon as practicable prior to an emergency meeting, the public body shall publicly announce the meeting, shall post notice of the meeting in or near the municipal clerk’s office and in at least two other designated public places in the municipality; and (ii) the public announcement and posted notice of the meeting shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the public body, or at least one staff or designee of the public body, shall be physically present at each designated meeting location. 1 V.S.A. § 312(a)(2)(D).

EXCEPTIONS:
The requirements of the law are not imposed on municipal bodies in the following situations:

- **Site inspections** such as those for assessing damage or making tax assessments or abatements. 1 V.S.A. § 312(g)
- **Routine administrative matters** such updating listers’ cards. 1 V.S.A. § 312(g)
- **Deliberative sessions** such as hearings by a board of civil authority or zoning board, or employment termination. 1 V.S.A. § 312(e)
- **Executive sessions.** 1 V.S.A. §§ 312(a), 313.

**DELIBERATIVE SESSION** occurs only in “a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.” 1 V.S.A. § 310(5). A written decision issued by a public body in connection with a quasi-judicial proceeding “need not be adopted at an open meeting if the decision will be a public record.” 1 V.S.A. § 312(f).

**EXECUTIVE SESSION** is a closed portion of a public meeting and is allowed only in certain limited situations including the following:

1. Negotiating or securing real estate purchase or lease options. 1 V.S.A. § 313(a)(2)
2. The appointment or employment or evaluation of a public officer or employee (but the public body must make a final decision to hire or appoint in an open meeting and it must explain the reasons for its final decision). 1 V.S.A. § 313(a)(3)
3. A disciplinary or dismissal action against a public officer or employee (but such officer or employee has the right to a public hearing if formal charges are brought). 1 V.S.A. § 313(a)(4)
4. A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
5. Discussion or consideration of records or documents that are exempt from the public records laws (but that does not give authority to discuss the general subject to which the document pertains). 1 V.S.A. § 313(a)(6)

Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety. 1 V.S.A. § 313(a)(10)
In addition, in instances when the public body finds that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following:

6. contracts;
7. labor relations agreements with employees;
8. arbitration or mediation;
9. grievances, other than tax grievances;
10. pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or
11. confidential attorney-client communications made for the purpose of providing professional legal services to the body. 1 V.S.A. § 313(a)(1)

A motion to go into executive session must be made during the open portion of a meeting and must indicate the nature of the business to be discussed. 1 V.S.A. § 313(a). The motion must get the vote of a majority of the members present and must be recorded in the minutes of the meeting. 1 V.S.A. § 313(a). To enter into executive session for the reasons noted in 1 V.S.A. § 313(a)(1) (listed in numbers 7-12 above), there must first be a specific finding that premature general public knowledge would place the public body or a person involved at a substantial disadvantage. 1 V.S.A. § 313(a)(1). It is important that the minutes show that there was a careful analysis of the need to enter into executive session before the motion was made.

Attendance in executive session is limited to members of the public body, and, in their discretion, its staff, clerical assistants, legal counsel, and persons who are subject of the discussion or whose information is needed. 1 V.S.A. § 313(b). A motion to go into executive session should state whether individuals other than the members of the public body will attend the session.

No formal or binding action may be taken in executive session except for actions relating to the securing of real estate options. 1 V.S.A. § 313(a).

PENALTY: A person who knowingly and intentionally violates the Open Meeting Law may be guilty of a misdemeanor, punishable with a fine up to $500. 1 V.S.A. § 314(a). Either the Attorney General or any person aggrieved by the alleged violation may bring suit against the public body in Superior Court. Such a suit must be brought within one year of the alleged violation. 1 V.S.A. § 314(c). Prior to instituting such action, the Attorney General or person aggrieved must provide the public body with written notice of the alleged violation. Upon receipt of an allegation of violation, contact the town attorney or the Municipal Assistance Center immediately.
Logistics for Entering into Executive Session

An executive session is a closed portion of a public meeting and is allowed only in certain limited situations. Those that apply to municipal bodies are as follows:

- Negotiating or securing real estate purchase or lease options. 1 V.S.A. § 313(a)(2)
- The appointment or employment or evaluation of a public officer or employee (but the public body must make a final decision to hire or appoint in an open meeting and it must explain the reasons for its final decision). 1 V.S.A. § 313(a)(3)
- A disciplinary or dismissal action against a public officer or employee (but such officer or employee has the right to a public hearing if formal charges are brought). 1 V.S.A. § 313(a)(4)
- A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
- Discussion or consideration of records or documents that are exempt from the public records laws (but that does not give authority to discuss the general subject to which the document pertains). 1 V.S.A. § 313(a)(6)
- Security or emergency response measures, the disclosure of which could jeopardize public safety. 1 V.S.A. § 313(a)(10)

When (and only when) the public body has made a specific finding that premature general public knowledge (see #23) would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following:

- contracts;
- labor relations agreements with employees;
- arbitration or mediation;
- grievances, other than tax grievances;
- pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or
- confidential attorney-client communications made for the purpose of providing professional legal services to the body. 1 V.S.A. § 313(a)(1)

**What is “premature general public knowledge” and how could that place someone at a substantial disadvantage?** In order to go into executive session to discuss one of the subjects listed in 1 V.S.A. § 313(a)(1), there must be a reason that the subject cannot be discussed in open session at that time. For instance, if the municipality is in the midst of a contract negotiation, the selectboard would not want to discuss its proposed terms as that would give the other side an advantage at the bargaining table. In that instance, premature public knowledge of the subject would place the municipality at a substantial disadvantage.

**When can we enter into executive session to discuss legal matters?** The Law sets out two reasons to discuss legal issues in executive session once there has been a finding that premature general public knowledge would place a person or entity at a substantial disadvantage. First, you may discuss “pending or probable civil litigation or a prosecution, to which the public body may be a party.” Second, you may discuss “confidential attorney-client communications made for the purpose of providing professional legal services to the body.” 1 V.S.A. §§ 313(a)(1)(E) and (F). In addition, the law allows a public body to
have its attorney, among others, present during executive sessions. 1 V.S.A. § 313(b) (“Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.”) In addition to the above, the Law also allows a public body to discuss correspondence from the municipal attorney under 1 V.S.A. 317(c)(4). This provision of law exempts from the general rule of disclosure “records which, if made public... would cause the custodian to violate any statutory or common law privilege.” The attorney-client privilege falls within this exemption.

What are the logistics of entering into executive session? A motion to go into executive session must be made during the open portion of a meeting and must indicate the nature of the business to be discussed. 1 V.S.A. §§ 313(a). We recommend that you state the specific statutory provision that gives authority to enter into such session (“Title 1, Section 313, Subsection of the Vermont Statutes”). We also recommend that you provide in your motion as much information as you can, without giving away the details that necessitate the executive session. The motion must get the vote of a majority of the members present to pass. 1 V.S.A. §§ 313(a).

How do we make a motion to enter into executive session? The contents of the motion to enter into executive session depend on the reason for entering that executive session. To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(2)-(a)(10) (listed in #22, parts a-f), the motion merely needs to identify the topic of discussion and the specific statutory provision that gives authority to enter into such session. We also recommend that you provide in your motion sufficient information without giving away the details that necessitate the executive session. For instance: “Because it is time for our annual evaluation of the town manager, I move that we go into executive session to discuss the evaluation of a public officer or employee under the provisions of Title 1, Section 313(a)(3) of the Vermont Statutes.”

To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(1) (listed in #22, part g), you must make a finding that premature general public knowledge would place the public body or a person involved at a substantial disadvantage. 1 V.S.A. §§ 313(a)(1). Therefore, we recommend that you make two separate motions:

The first motion is to find that premature public discussion of the subject would cause the municipality or a person to suffer a substantial disadvantage. For instance, in the case of a contract under negotiation, the motion might be:

“I move to find that premature general public knowledge regarding the town’s contract with ABC Company would clearly place the town at a substantial disadvantage, because the selectboard risks disclosing its negotiation strategy if it discusses the proposed contract terms in public.”

In this hypothetical situation, the “substantial disadvantage” is the risk of losing the competitive edge in the negotiations by talking about the specific contract terms in public. For instance, once ABC Company hears the selectboard talk about the maximum price it can afford to pay, ABC Company may refuse to take anything less than that amount.

The second motion follows from the first and should recite the specific statutory provision that gives authority to enter into such session. For instance:
“I move that we enter into executive session to discuss the town’s contract with ABC Company under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes.”

It is important that the minutes show that there was a careful analysis of the need to enter into executive session before the first motion was made. The Vermont Supreme Court has stated:

It is not unworkable for a public body to make a careful analysis of need before deciding to go into executive session. In fact, in the absence of a case-by-case determination, the legislative policy of openness would be frustrated by the impossibility of describing in categorical terms, without being over-inclusive, the permissible subjects of executive sessions. The exercise of judgment is inevitable.

Trombley v. Bellows Falls Union High School Dist. No. 27, 160 Vt. 101, (1993). Given the Court’s opinion in Trombley, the first motion described above should only be made after a discussion (careful analysis) in general terms (otherwise the purpose of entering executive session would be defeated) of why “premature general public knowledge would clearly place the public body, or a person involved at a substantial disadvantage.”
Open Meeting Law
Frequently Asked Questions

The VLCT Municipal Assistance Center has written a primer on the law. The law casts a very broad net and, as you will see from reading this document, it generally applies whenever a majority of the members of a municipal board, council, commission, committee, or subcommittee have a conversation or make a decision about municipal business.

THE LAW

What is the Open Meeting Law?  The Open Meeting Law provides that “[a]ll meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].” 1

V.S.A. § 312(a). The intent of the law is to create transparency in government by requiring advance public notice and an opportunity for public participation in governmental decisions. The law is found in 1 V.S.A. §§ 310-314.

What are the requirements of the Open Meeting Law?

Provide advance notice of meetings. 1 V.S.A. §§ 312(e), 310(4);
Create and post an agenda for all regular and special meetings. 1 V.S.A. § 312(d);
Conduct all business in an open meeting (unless an exemption applies). 1 V.S.A. §§ 312(a); 313(a);
Vote by roll call when there is electronic participation. 1 V.S.A. § 312(a)(2)(B);
Allow public comment at meetings. 1 V.S.A. § 312(h);
Take and post minutes. 1 V.S.A. § 312(b); and
Respond to complaints of violation. 1 V.S.A. § 314(b)(2).

To whom does the law apply?  The law applies to every “public body” of a municipality. A public body is any board, council, commission, committee, or subcommittee of a municipality. 1 V.S.A. § 310(3). This includes bodies that are specifically mentioned in state statute and municipal charter such as selectboards, prudential committees, planning commissions, conservation commissions, cemetery commissions, development review boards, boards of civil authority, boards of health, zoning boards of adjustment, etc. It also includes committees and subcommittees of those groups. The law does not apply to community justice boards or community justice centers. 24 V.S.A. § 1964(b).

When does the law apply?  The requirements of the law are triggered whenever a “quorum” of the body is “meeting.” A quorum is a majority of the total members of the body. Quorum is determined based on the number of positions on the body, not the number of persons occupying those positions.

Therefore, quorum does not change when there is a recusal or a vacancy. "Meeting" is defined as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. 1 V.S.A. § 310(2). “Business of the public body” is defined
as the public body’s governmental functions, including any matter over which it has supervision, control, jurisdiction, or advisory power. 1 V.S.A. § 310(1).

The Law applies regardless of the physical location of the members; the members don’t all have to be in the same room at the same time for it to be considered a "meeting" under the Law. Therefore, a phone conversation between a quorum of the members is a "meeting" for purposes of the law. Furthermore, time is not a factor. If a conversation occurs over a period of time (for instance in a string of emails) that conversation may still amount to a "meeting" under the Law. This is why public bodies should generally avoid the use of group emails.

**Does this mean that we can never be in the same room at the same time unless we are in a meeting?** Not necessarily. The law does not prohibit members of a public body from assembling at social functions, conventions, conferences, training programs, press conferences, media events, or otherwise gathers, provided that the members refrain from discussing specific business of the public body that they expect to take up at a later time. 1 V.S.A. § 310(3)(C). The Law also allows a quorum of the members of a public body to talk about routine administrative matters (such as scheduling meetings) outside of a meeting.

The following does not constitute a "meeting" for purposes of the law: "any communication, including in person or through e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that: (i) no other business of the public body is discussed or conducted; and (ii) such communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act." 1 V.S.A. § 310(2).

**Can a quorum of one public body attend the meeting of another?** Yes. A gathering of a quorum of a public body at a duly warned meeting of another public body is not considered to be a “meeting,” provided that the attending public body does not take action on its own business. 1 V.S.A. § 310(3)(D).

**What are the different types of meetings and why does it matter?** There are three types of meetings under the Law. The Law imposes different requirements for notices and agendas depending on the type of meeting that is being held.

"Regular meetings" are meetings that take place at a regularly occurring, pre-arranged time and day.

"Special meetings" are meetings that take place at any time or date outside of the "regular" meeting schedule.

"Emergency meetings" may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body. 1 V.S.A. § 312(c)(3).

**EMAIL, PHONE, AND OTHER ELECTRONIC COMMUNICATION**

**Do group emails violate the Law?** Not necessarily. Group emails may be used to schedule a meeting, create an agenda, or to distribute materials to discuss at a meeting. Group emails should never be used for discussion purposes (which is why you should avoid hitting the “Reply All” button). Emails must generally be available for copying and inspection as public records. 1 V.S.A. § 310(2).
In addition, email may be used in instances where a public body is engaged in a quasi-judicial deliberation – for instance, when a development review board is in the midst of drafting the written decision on a permit application. 1 V.S.A. § 312(e). Before taking advantage of this exception to the Law, the public body must have conducted a quasi-judicial hearing in public session, and then entered into deliberative session to discuss the evidence and decide how to proceed. (See #20-21.)

**If a member is unable to attend a meeting, can that person vote by email or proxy?** No, the law does not allow for voting by email or by proxy. However, the law allows members to attend a meeting by electronic means (e.g., speaker phone or Skype), and to vote at that meeting, so long as the other requirements of the Open Meeting Law are adhered to (see #8, below). 1 V.S.A. § 312(a)(2).

**Can a member attend a meeting by phone or Skype?** Yes, a member may participate and vote at a meeting by electronic means (e.g., speaker phone, Skype, etc.) as long as that member identifies himself or herself when the meeting is convened, and the member is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call for any vote that is not unanimous. 1 V.S.A. § 312(a)(2).

a) What if a majority of members are not able to be physically present? Can they still have a meeting?

Yes. A quorum or more members of a public body may participate in a meeting electronically when the agenda that has been posted for such meeting designates at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body or at least one staff person or other designee must be present at that physical location. Each member that attends electronically must identify himself or herself when the meeting is convened, and must be able to hear and be heard throughout the meeting. Any voting that occurs at the meeting that is not unanimous must be done by roll call. 1 V.S.A. § 312(a)(2).

**AGENDAS**

**Does the law require an agenda for every meeting?** A written agenda must be created in advance of every regular or special meeting. 1 V.S.A. § 312(d). There is no requirement for an agenda for an emergency meeting.

**Do we have to post the agenda?** Yes. At least 48 hours in advance of a regular meeting, and at least 24 hours in advance of a special meeting, an agenda must be posted in or near the municipal office and in at least two other designated public places in the municipality. 1 V.S.A. § 312(d). If it has not already done so, every municipality should officially designate two or more public places in the municipality at which agendas will be posted. Our opinion is that the legislative body can make this designation on behalf of all of the public bodies in the municipality, unless those bodies are independently-elected. In addition, agendas for regular and special meetings must be posted to an official website, if one exists that is maintained or has been designated as the official website of the public body. 1 V.S.A. § 312(d).

**What must be contained in an agenda?** The Open Meeting Law does not contain a definition of “agenda.” That being said, it is clear from the intent of the Law that an agenda must be drafted so that it provides actual notice of the specific topics to be addressed and the actions that may be taken at that meeting. An agenda should include specific topics such as "proposed contract with ambulance service," or "discussion of speed limit on town highway 7" rather than general terms such as "contract," or "speed limits" which do not provide notice to the public about what will be discussed and decided.
Can we add items to an agenda after it is posted? A public body may table or otherwise postpone an item on their meeting agenda when necessary, as in situations where additional information is needed before a decision may be made. Other adjustments to an agenda such as changing the order of items may be made at any time during the meeting. 1 V.S.A. § 312(d)(3)(B).

There are more stringent standards for adding items to an agenda. The Law was amended in 2014 to state that an item may only be added or removed from a meeting agenda as the first order of business at that meeting. 1 V.S.A. § 312(d)(3)(A). Our opinion is that the language in 1 V.S.A. § 312(d)(3)(A) does not give a public body free reign to alter a meeting agenda at the last minute. Instead, our advice is that once the deadline for posting an agenda has passed (48 hours in advance of a regular meeting and 24 hours in advance of a special meeting) items should only be added to that agenda when necessary to deal with an unforeseen occurrence or condition requiring immediate action. In all other cases, an item that has not been listed on a posted agenda should not be discussed as a last-minute addition. Instead, the body should place the item on the agenda of their next regular meeting or, if necessary, call a duly-noticed special meeting to address that item. Taking this approach will assure that the public has adequate advance notice and an opportunity to be heard on all topics to be discussed and decided by the public body.

POSTING, NOTICING, AND ANNOUNCING MEETINGS
What are the requirements for noticing and announcing a meeting?

Regular meetings: Regular meetings of a public body (i.e. meetings that occur at a regular date, time, and place) only need to be announced once: in a charter, local ordinance, or resolution. 1 V.S.A. § 312(c)(1). A resolution regarding the regular meeting schedule can be done in the public body’s annual organizational meeting (first meeting of the year). However, an agenda must be posted in advance of every regular meeting. 1 V.S.A. § 312(d). (See #9 and 10.)

Special meetings (meetings that occur outside of the regular schedule): must be publicly announced at least 24 hours in advance. 1 V.S.A. § 312(c)(2). A meeting is "publicly announced" when notice is given either orally or in writing to all the members of the public body; to an editor, publisher, or news director of a newspaper or radio station serving the area; and to any person who has requested notice of such meetings. 1 V.S.A. § 310(4). In addition, notices and agendas must be posted at the municipal clerk’s office and in at least two other designated public places in the municipality at least 24 hours in advance. 1 V.S.A. § 312(c)(2).

Emergency meetings: There is no specific requirement for announcing and posting notice for emergency meetings (which are held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body) although "some public notice must be given as soon as possible before any such meeting." 1 V.S.A. § 312(c)(3).

MEETING MINUTES
Do we have to take minutes at every meeting and provide them to the public? Who is responsible? Yes. Minutes must be taken at every public meeting. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. § 313(a). Each public body is responsible for creating its own minutes. Minutes must be kept by the secretary or clerk of the public body (which may or may not be the municipal clerk). 1 V.S.A. § 312(b)(1).
What must be included in the minutes? Meeting minutes do not have to be a transcript of the meeting. Minutes must give a "true indication of the business of the meeting" - which may require supplementing the following statutorily-required elements: members present; active participants at the meeting; motions, proposals, and resolutions made, offered, and considered and what disposition is made of the same; the result of any votes taken; and a record of individual votes if a roll call is taken. 1 V.S.A. § 312(b)(1).

When must minutes be available/posted? Minutes must be available for inspection five calendar days after the meeting. 1 V.S.A. § 312(b)(2). In addition, minutes must be posted no later than five calendar days after the meeting to an official website, if one exists, that is maintained or has been designated as the official website of the public body. 1 V.S.A. § 312(b)(2). Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken. 1 V.S.A. § 312(b)(2).

How can we have time to approve or finalize the minutes if they have to be available within 5 days? There is nothing in the Open Meeting Law that requires any official finalization, correction, or approval action by the public body. Since there is no law on the subject it is up to each public body to decide whether and how it will deal with corrections, approvals, etc. Many public bodies make it a practice to create a set of minutes labeled "draft" or "unapproved" and subsequently correct and "approve" those minutes at a subsequent meeting. This is done as an acknowledgement that the body has read the draft minutes and agree that they accurately reflect what took place at the meeting.

EXCEPTIONS TO THE OPEN MEETING LAW
In what instances can a public body meet in private? There are limited instances in which a public body can meet in private. These instances are described in the exceptions to the Open Meeting Law which are as follows:

Site inspections for the purpose of assessing damage or making tax assessments or abatements. 1 V.S.A. § 312(g);

Clerical Work. 1 V.S.A. § 312(g);

Work Assignments of staff or other personnel. 1 V.S.A. § 312(g);

Routine, day-to-day administrative matters that do not require action by the public body, provided that no money is appropriated, expended, or encumbered. 1 V.S.A. § 310(2);

Deliberative sessions within the context of a quasi-judicial proceeding. 1 V.S.A. § 312(e); and

Executive sessions. 1 V.S.A. § 312(a).

Is there an exception for "work sessions"? No. The only exceptions to the law are those that are listed in #17, above.

What falls under the exception for "routine administrative matters"? This exception is mainly only used by the town listers and auditors who engage in routine administrative matters when they update listers cards, examine the treasurer’s spread sheets, etc. On the other hand, this exception does not apply to the actions taken by the listers and auditors that are specifically required by statute (such as lodging the grand list, making decisions about the annual auditors' report, etc.) therefore, such actions may only
be taken in the context of a duly-warned open public meeting that meets all of the requirements of the Open Meeting Law.

**What is a "deliberative session"?** A deliberative session occurs only in conjunction with a quasi-judicial proceeding. These are situations where a public body (such as a selectboard or development review board) is acting like a judge or jury in that it takes evidence or testimony, and then weighs, examines, and discusses the reasons for or against an act or decision based on that evidence. 1 V.S.A. § 310(5). Examples include tax appeal hearings before the board of civil authority; vicious dog hearings and employment termination hearings before the selectboard; and zoning and subdivision hearings before a planning commission, zoning board of adjustment, or development review board. The exception for deliberative session is limited to quasi-judicial proceedings and does not apply simply because the public body wants time to deliberate in private.

**Do we have to come out of deliberative session to issue or adopt a decision?** Generally, no. The law allows a public body to make a decision in deliberative session so long as the decision is issued in writing and the writing is a public record. 1 V.S.A. § 312(f). This means that after the public body has heard all of the evidence in a hearing, it may adjourn the public portion of the hearing, privately discuss and determine the merits of the case, and then circulate drafts of an opinion for comment and approval prior to issuing its formal written decision.

**VIOLATIONS OF THE OPEN MEETING LAW**

**What are the consequences of violating the Law?** Either the Attorney General or "any person aggrieved by a violation of the law" can bring an action in Superior Court for injunctive relief or declaratory judgment. Prior to instituting such action, the Attorney General or person must provide the public body with written notice of the alleged violation and an opportunity to "cure" that violation. (See #_29.) In addition, a person who knowingly and willfully violates the Open Meeting Law, or who knowingly and willfully violates the Open Meeting Law on behalf of or at the behest of a public body, or who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any relevant meeting may be guilty of a misdemeanor, punishable with a fine up to $500. 1 V.S.A. § 314(a).

**What must the public body do if it receives written notice of an alleged violation of the Law?** Immediately contact your town attorney or the Municipal Assistance Center! A public body must respond publicly within ten calendar days after receiving written notice alleging a violation. Logistically, this means that it must immediately call a special meeting if a regularly-scheduled meeting does not fall within this timeframe and provide adequate notice and warning of that meeting, including an agenda.

During the meeting, the body should publicly discuss the situation and determine whether there was an inadvertent violation of the law. Based on this determination, it should issue a statement that either denies the allegation and states that no cure is necessary, or acknowledges that there was an inadvertent violation that will be cured within 14 calendar days. The public body should not publicly acknowledge a violation that is anything other than "inadvertent" without specific legal advice to do so.

Failure to respond to the allegation within ten calendar days is treated as a denial. 1 V.S.A. § 314(b). In the event that the public body is sued for a violation of the law the court will assess attorneys’ fees and costs based in part on whether there was a timely response to a notice of violation. 1 V.S.A. § 314(d).
Can someone sue the municipality for a violation of the law? Yes, but that person must first give the public body a chance to respond to the allegation of violation. After the public body issues an acknowledgement or denial of the alleged violation, and after allowing 14 calendar days for the body to cure the violation, either the Attorney General or any person aggrieved by the alleged violation may bring suit against the public body in Superior Court. Such a suit must be brought within one year from the date of the alleged violation. 1 V.S.A. § 314(a).

Is the public body liable for attorneys’ fees if it is sued for a violation of the law? The law is unclear on this point. It states that a public body is not liable for attorneys’ fees arising from litigation over an inadvertent violation of the law that is cured by the public body. 1 V.S.A. § 314(b)(1). However, the law also allows a court to assess attorneys’ fees against a public body found to have violated the law. Before making this assessment, however, the court must consider whether the public body had a reasonable basis in fact and law for its position and that it acted in good faith, which includes responding to the notice of violation in a timely manner. 1 V.S.A. § 314(d).

When does the clock start ticking? When has the public body “received” an allegation of violation? Receipt of a complaint or allegation starts the ten calendar day timeline for response. Unfortunately, the statute does not define when the “receipt” takes place. We therefore advise that you take the most conservative approach and consider that the public body has received an allegation when any member of the public body, or any municipal official who acts in an administrative capacity for the public body, receives a written complaint or allegation of violation. At that point, the public body has ten calendar days in which to respond.

How does the public body “cure” an inadvertent violation? An inadvertent violation must be cured within 14 calendar days after a public body acknowledges an inadvertent violation. A inadvertent violation is cured when the public body either ratifies or declares as void, any action taken at or resulting from a meeting that was not noticed in accordance with the Law; or a meeting that a person or the public was wrongfully excluded from attending; or an executive session or portion thereof that was not authorized under the Law. The public body must also adopt specific measures to prevent future violations of the law. 1 V.S.A. § 314(b)(4). Such measures should be geared toward addressing the particular violation and might include, for example, training regarding the requirements of the Open Meeting Law, or implementation of internal procedures to assist the public body in future Open Meeting Law compliance, such as VLCT’s “Revised Model Rules of Procedure,” which are available on our website (www.vlct.org).
City Policies
Debt Policy Update
October 17, 2014

In September of 2011 the City Council adopted a Debt Policy with the following debt ratios:

**DEBT RATIOS.**

The following guidelines will be used when determining if debt should be issued:

1. **Total direct debt service (principal and interest) for Government Activities (General Fund and other Governmental Activities) of the City will not exceed 8.2% of the total budgeted revenues for Governmental Activities (Based on Moody’s 2009 U.S. Local Government Medians for A rating for U.S. Cities under 50,000 population).**

2. **Total direct debt service (principal and interest) for the City as a Whole (Governmental Activities and Business Activities) will not exceed 15% of the total budgeted revenues for the Governmental Activities and the Business Activities (Water Fund, Sewer Fund, Parking Fund).**

*In the event that the total direct debt service (principal and interest) for Government Activities or City as a Whole exceed the ratios in the above guidelines, the City Council will adopt a plan to how to bring the debt ratios down to the recommended levels.*

We used these debt ratio guidelines when developing our “Steady-State” capital plan. We borrowed $710,000 in 2014 for Street/Capital Improvements and plan on borrowing $4,610,000 in 2017 (3.9 Million for Northfield Street)

The attached graphs show updated debt service information and compares the total debt service costs to the debt service maximum guideline provided by our debt service policy ratios (above)

The city is in compliance with all of its debt policies as of March 2017
Debt Management Policy
Approved: September 28, 2011

PURPOSE. The purpose of this Policy is to establish the guidelines for the issuance of debt by the City of Montpelier. Debt levels and the related annual debt service expenditures are important long-term obligations that must be managed with available short- and long-term resources. This policy also addresses the level of indebtedness that the City can reasonably expect to incur without jeopardizing its existing financial position.

Adherence to a debt management policy, along with the utilization of other sound and prudent financial practices and the City’s other financial policies, will assure the lending market that the City is well managed and will meet its obligations in a timely manner.

PLANNING AND PERFORMANCE. Debt management means adopting and maintaining financial plans for both the issuance and repayment of debt. The determination to issue new debt should be made as a part of the adoption of the annual capital budget, which prioritizes capital projects and identifies the various funding sources available for those projects. Planning for the repayment of debt will include analysis of the operating budget to determine if the fund will incur the additional debt service required by the new debt.

USE OF SHORT-TERM AND LONG-TERM DEBT. Short-term debt should be limited to borrowing to cover short-term, temporary cash flow shortages within the City’s fiscal year through the use of tax anticipation notes in those instances where there is an inadequate level of cash flow, or through the use of bond anticipation notes when cash is required to initiate a capital project prior to the receipt of bond proceeds. The City Council should manage the City's finances so as to avoid the use of short-term debt when possible.

Long-term debt should be issued for the acquisition, construction, or improvement of land, buildings, infrastructure, equipment, public improvements and payment of prior pension liability that cannot be financed from current revenues or other resources. Current year budget appropriations and accumulated reserve funds should be used to minimize the amount of long-term borrowing that is required.

PURPOSE OF DEBT. General obligation debt funded by general fund property taxes shall be used for projects that provide a general benefit to City residents and that cannot otherwise be self-supporting. Debt incurred for use by an enterprise fund, even if backed by a general obligation pledge of the City, shall be self-supporting and repaid solely from the revenues of such fund, unless a general benefit to City residents can be demonstrated.

REPAYMENT OF DEBT. The Council will project the revenue sources that will be utilized to repay any debt, and will analyze the impact on voters of both the additional debt service as well as any additional operating expenses resulting from the improvement, to determine if new debt should be issued and to structure the appropriate repayment terms for each debt issue. The maturity of long-term debt shall be kept as short as possible to minimize the overall impact on the taxpayers during the life of the debt. At the same time, it should not be so short that the repayment will create an unreasonable burden. In no event shall the life of the debt exceed the life of the improvement being financed.
**Fund Balance Policy**  
**Approved: September 28, 2011 - Amended October 22, 2014**

The Fund Balance Policy is intended to provide guidelines during the preparation and execution of the annual budget to ensure that sufficient reserves are maintained for unanticipated expenditures or revenue shortfalls. It also is intended to preserve flexibility throughout the fiscal year to make adjustments in funding for programs approved in connection with the annual budget. The Fund Balance Policy should be established based upon a long-term perspective recognizing that stated thresholds are considered minimum balances. The main objective of establishing and maintaining a Fund Balance Policy is for the City of Montpelier to be in a strong fiscal position that will allow for better position to weather negative economic trends.

The Fund Balance consists of five categories: Nonspendable, Restricted, Committed, Assigned, and Unassigned.

- **Nonspendable Fund Balance** consists of funds that cannot be spent due to their form (e.g. inventories and prepaids) or funds that legally or contractually must be maintained intact.

- **Restricted Fund Balance** consists of funds that are mandated for a specific purpose by external parties, constitutional provisions, or enabling legislation.

- **Committed Fund Balance** consists of funds that are set aside for a specific purpose by the City's highest level of decision making authority (City Council). Formal action must be taken prior to the end of the fiscal year. The same formal action must be taken to remove or change the limitations placed on the funds.

- **Assigned Fund Balance** consists of funds that are set aside with the intent to be used for a specific purpose by the City's highest level of decision making authority or a body or official that has been given the authority to assign funds. Assigned funds cannot cause a deficit in unassigned fund balance.

- **Unassigned Fund Balance** consists of excess funds that have not been classified in the previous four categories. All funds in this category are considered spendable resources. This category also provides the resources necessary to meet unexpected expenditures and revenue shortfalls.

**Nonspendable and Restricted Funds**

Nonspendable funds are those funds that cannot be spent because they are either:

1) Not in spendable form (e.g. inventories and prepaids)
2) Legally or contractually required to be maintained intact

It is the responsibility of the Finance Director to report all Nonspendable Funds appropriately in the City’s Financial Statements.

Restricted funds are those funds that have constraints placed on their use either:

1) Externally by creditors, grantors, contributors, or laws or regulations or other governments
2) By law through constitutional provisions or enabling legislation.
It is the responsibility of the Finance Director to report all Restricted Funds appropriately in the City’s Financial Statements.

**Order of Use of Restricted and Unrestricted Funds**

When both restricted and unrestricted funds are available for expenditure, restricted funds should be spent first unless legal requirements disallow it.

When committed, assigned and unassigned funds are available for expenditure, committed funds should be spent first, assigned funds second, and unassigned funds last.

**Authority to Commit Funds**

The City Council has the authority to set aside funds for a specific purpose. Any funds set aside as Committed Fund Balance requires the passage of a resolution by the City Council. The passage of a resolution must take place prior to June 30th of the applicable fiscal year. If the actual amount of the commitment is not available by June 30th, the resolution must state the process or formula necessary to calculate the actual amount as soon as information is available. Funds that are set aside during the budget approval process, such as Capital Improvement Plan funds, Equipment Plan funds will be included in the passage of a resolution prior to June 30th of the applicable fiscal year.

**Authority to Assign Funds**

Upon passage of the Fund Balance Policy, authority is given to the City Manager to assign funds for specific purposes in an amount not to exceed the City Manager’s authorization level in City of Montpelier Purchasing Policy (I. B. Non Capital Purchases). Any funds set aside as Assigned Fund Balance must be reported to the City Council at their next regular meeting and recorded in the minutes.

The City Council has the authority to set aside funds for the intended use of a specific purpose. Any funds set aside as Assigned Fund Balance requires a simple majority vote and must be recorded in the minutes. The same action is required to change or remove the assignment.

**Unassigned Fund Balance**

Unassigned Fund Balance is the residual amount in the General Fund. It represents the resources available for future spending. An appropriate level of Unassigned Fund Balance should be maintained in the General Fund in order to cover unexpected expenditures and revenue shortfalls.

Unassigned Fund Balance may be accessed in the event of unexpected expenditures or a revenue shortfall up to the minimum established level by the City Council. Any funds accessed by the City Council must be approved and recorded in the minutes.

The Fund Balance Policy establishes a goal to accumulate a minimum Unassigned Fund Balance equal to 15% of the budgeted General Fund expenditures each year.

Unrestricted Net Assets are the residual amount in the City’s Water, Sewer and Parking Funds. It represents the resources available for future spending. The Fund Balance Policy also establishes a goal to achieve positive Unrestricted Net asset balances in the City’s Water, Sewer and Parking Funds.

Management is expected to manage the budget so that revenue shortfalls and expenditure increases do not impact the total unassigned fund balance. In the event that a budget shortfall occurs that brings the
unassigned fund balance below the minimum level, the Council will adopt a plan on how to return unassigned fund balance back to the required level.

The Fund Balance Policy may be amended from time to time per the City Council.
Environmental Purchasing Policy

POLICY ESTABLISHING THE CITY OF MONTPELIER’S PURCHASING PROGRAM FOR ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES

1.0 Purpose

The City of Montpelier (the “City”) recognizes that it is a large consumer of goods and services. Every one of its purchases has an environmental impact resulting from the combined impact of a product’s manufacture, use, and disposal. Therefore, the purchasing decisions of the City’s employees and contractors will affect the environment positively or negatively. In addition, it is important that the City protect and preserve its resources to the best of its capabilities so that future residents inherit a viable community. Finally, the residents of Montpelier have officially ratified and adopted the Earth Charter, which makes the responsible use and reuse of resources a priority for the City.

The goal of this policy is to reduce the adverse environmental impact of the City’s purchasing decisions. By considering the environment in its purchasing decisions along with the traditional concerns of price, performance and availability, the City will remain fiscally responsible while promoting practices that improve public health and safety, reduce pollution, conserve natural resources, and reward manufacturers and vendors that reduce the adverse environmental impact of their production and distribution systems.

2.0 Defining “Environmentally Preferable”

Making “environmentally preferable” purchasing decisions means the City will seek products and services that have a reduced effect on human health and the environment when compared with competing products and services serving the same purpose. This comparison may consider all phases of a product’s life cycle, including raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance, disposal, and potential for reuse or recycling.

This means seeking out products that have reduced environmental impact because of the way they are made, used, transported, stored, packaged, and disposed of. It means looking for products that do not harm human health, are less polluting, minimize waste, maximize use of biobased or recycled materials, conserve energy and water, and reduce the consumption or disposal of hazardous materials. Following is a list of attributes that might be considered when determining whether a product is environmentally preferable:

- Recyclable
- Reduced greenhouse gas emissions
- Reduced packaging
- Refurbished
- Reusable
- Upgradeable
- Water efficient
- Durable
- Energy Efficient
- Heavy metal free (no lead, mercury)
- Made locally
- Low toxicity
- Made from renewable material
- Biobased
- Biodegradable
- Carcinogen-free
- CFC, VOC, and PBT free
- Compostable

Chlorofluorocarbons, Volatile Organic Compounds, and Persistent Bioaccumulative Toxins
3.0 Balancing Environmental Considerations with Performance, Availability, and Financial Cost

The City is committed to buying more environmentally preferable goods and services as long as they meet performance requirements and are available in a reasonable period of time at a reasonable cost. Nothing in this policy shall be construed as requiring a purchaser or contractor to procure products that do not perform adequately for their intended use, exclude adequate competition, or are not available at a reasonable price or in a reasonable period of time.

The City recognizes that competition exists not only in prices, but also in the technical competence of suppliers, their ability to make timely deliveries, and in the quality and performance (including environmental performance) of their products and services. Balancing these sometimes-competing factors means that initial cost is never the only consideration. It also means the City will sometimes pay more for higher-performing goods and services, including those with superior environmental performance.

Department Heads are advised that the purchase of some environmentally preferable products may exceed the costs of less environmentally preferable products. Cost should be compared to the environmental benefits, performance quality, and life cycle of the item considered. Generally, if the cost of the environmentally preferable product does not exceed that of equivalent products that serve the same purpose by an unreasonable amount, departments are authorized to acquire the product.

4.0 Establishing an Environmental Purchasing Task Force

Within one month from the date this policy is enacted, the City Manager shall designate an environmental purchasing coordinator to lead an environmental purchasing task force, comprised of a representative cross-section of municipal employees. The first task force meeting shall take place as soon as possible after the appointment of the environmental purchasing coordinator. It is recommended that the task force meet as needed to complete its objectives and at least two to four times each year. The Montpelier Conservation Commission and the Central Vermont Solid Waste Management District will be available to provide assistance and advice to the task force on certain issues, as necessary and practicable and as time and staffing allow.

The Task Force shall consider:

- Prioritizing a list of environmentally preferable purchasing goals and objectives.
- Identifying environmentally preferable purchasing opportunities.
- Developing educational materials, including written environmentally preferable purchasing recommendations and practices, to promote understanding of the City's environmental purchasing principles for all departments, contractors, vendors, and staff.
- Training staff to familiarize them with their responsibilities under this environmental purchasing policy.
- Keeping track of environmental standards and specifications the City can integrate into its purchasing specifications, including those developed by reputable, independent organizations such as Environmental Choice, Green Seal, or Energy Star.
- Establishing a program to recognize the efforts of individuals and departments that are most successful in implementing the goals of this policy.
- Preparing an annual report documenting the City's goals and progress towards buying more environmentally preferable goods and services.
5.0 Establishing Initial Priorities

As an initial priority, the environmental purchasing task force shall complete an examination of the City’s purchases of the commodities listed below and, based on anticipated purchasing needs, prioritize its efforts to integrate environmental considerations into their purchase. The target timeframe to complete this task will be one year.

- The more than 50 recycled content products designated by the US Environmental Protection Agency [www.epa.gov/cpg](http://www.epa.gov/cpg)
- The more than 35 energy-efficient products listed by the Energy Star program [www.energystar.gov](http://www.energystar.gov)
- The biobased products designated by the US Dept. of Agriculture [www.ars.usda.gov/bbcc](http://www.ars.usda.gov/bbcc)
- Cleaning products and services
- Paper (beyond initial recycled-content requirements)

Following completion of the above activity, the task force shall complete a similar examination and prioritization of the following commodities. The target timeframe to complete this task will be two years following the adoption of this policy.

- Building renovation and new construction
- Furniture
- Paint and painting services
- Pest management products and services
- Vehicle maintenance products and services
- Landscaping products and services
- Renewable electricity
- If applicable, hybrid electric or alternative fuel vehicles

6.0 Reviewing Existing Specifications, Solicitation Language, and Purchasing Regulations

As appropriate, the City Manager shall ensure that wherever possible existing specifications, solicitation language, and purchasing regulations are amended to expand the use of more environmentally preferable products. The review should ensure the following:

- All general solicitation language, purchasing regulations, and procedures shall be reviewed to ensure they do no conflict with the goals of this environmental purchasing policy.
- All City lessees shall be apprised of this environmental purchasing policy and, where possible, leases shall be amended or revised to reflect the principles and goals of that policy.
- All City vendors and service providers, particularly those with custodial responsibilities, shall be apprised of this environmental purchasing policy and, where possible, contracts and/or descriptions of work requirements shall be amended or revised to reflect the principles and goals of that policy.
- The City’s existing purchasing policy shall be amended to include consideration of these Environmentally Preferable Purchasing guidelines.

7.0 Reviewing the Policy

Within five years from the adoption of this environmentally preferable purchasing policy, the City will undertake a comprehensive review of the guidelines, goals, and action plans.
Investment Policy
AS AMENDED: JANUARY 9, 2019

1. Purpose

The investment policy aims to match the structure of cash management and City operations to achieve the best possible results, considering such matters as safety, liquidity, and over-all yield. The following are guidelines established to aid the Investment Committee to more effectively manage investments of the City.

2. Legal Authority/Governing Body

The Investment Committee shall be guided by the standard of care, portfolio strategy, and risk and return provisions of Uniform Prudent Investor Act (144 V.S.A. Ch. 9), and other relevant state and federal jurisprudence relating to the custody and investment of public funds. The Investment Committee may obtain professional advice with respect to the performance of its duties under this Policy.

The Finance Manager and Treasurer will report investment activity to the City Council. The City Council is ultimately responsible for ensuring compliance with this policy and any state statutes and municipal ordinances relating to investing.

The Investment Committee was established by the City Council. The Investment Committee shall consist of a City Council member and four community members. The Finance Director shall serve as an alternate member in the absence of a community member.

3. Administration of the Investment Portfolio

Administration of investment policy is by the Investment Committee under the direction of the City Council. The City Council sets the objectives and risk tolerances for the portfolios that it is responsible for. Based on the objectives and risk tolerances of each portfolio established by the City Council, the Investment Committee will create a one page addendum to this policy for each portfolio documenting the objective and risk tolerance for each portfolio. The City Treasurer will establish written procedures for managing the investment portfolios of the City consistent with this policy. The procedures will include safekeeping, investment transaction reporting, trade documentation and accounting for investments.

4. Portfolio Strategy

The City Council is responsible for setting the objectives and risk tolerances for different portfolios. This policy will be written to support multiple portfolios with different purposes. The section of the policy will broadly outline general strategies for investment portfolios with diversified purposes.

Safety of Principal

The primary consideration of investment portfolio management is safety of principal. If the City is primarily investing in debt instruments (bonds) the greatest risk to safety of principal is default risk. This is the risk that the issuer of the bond defaults on their payment of principal and interest. Maturity limits are another strategy for controlling risk and capital preservation. Maturity limits address the duration, i.e. the interest rate sensitivity, of the investment portfolio. The objectives of the investment
portfolio will determine maturity or average-life limits. A portfolio with an objective of higher liquidity will most likely have shorter-maturity limits. Shorter-maturity limits will normally reduce the yield available to the portfolio. Longer-maturity limits offer opportunities for higher yields but usually at the expense of capital preservation. Although all risk cannot be entirely eliminated strategies should be implemented to manage the risks to the levels established by the City Council for each portfolio. The trade-off of managing risk is yield and return. Lower risk will result in lower yield and return. This needs to be considered in developing strategies for various investment portfolios.

a. Liquidity

Liquidity is another aspect of the investment portfolio strategy. Liquidity is the ability to have access to funds in the event that portfolios must be sold. The strategy will be to ensure that if liquidating a portfolio maximum value is obtained. Liquidity strategy must be managed in coordination with the cash management policy. By managing cash positions liquidating investment portfolios will be optimized for timing. Strategies for managing liquidity risk include purchasing securities that are traded in an active market, part of a large issue, or of well-known issuers, such as government agencies and highly-rated corporations.

b. Yield

Yield is another consideration in managing the investment portfolio strategy. The Investment Committee should seek a fair yield from its management of its investment portfolio based on the objectives and risk tolerances established for each. Yield is one metric for measuring the performance of the investment portfolio. Total return can also be used to measure the performance of the investment portfolio.

c. Portfolio Diversification

Portfolio diversification is a risk management strategy. At its highest level, portfolio diversification involves a broad array of securities. For instance, purchasing stocks, bonds, bank certificates of deposits, commercial notes would constitute a diversified investment portfolio. Other aspects of portfolio diversification include sector and security selection. Sector selection is a choice amongst the main parts of the fixed-income markets, namely U.S. Treasury and agencies, mortgage-backed securities, corporate and municipal bonds. The Investment Committee must evaluate each investment portfolio to determine how diversification can be utilized for each individual portfolio. Depending on the objective of the portfolio diversification may be restricted. Small portfolios will have difficulty obtaining sufficient diversification without incurring high transaction costs. Issue and issuer diversification as well as sufficient sector diversification will reduce the overall risk level as not all asset classes and issuers are positively correlated with each other in terms of investment performance. When possible the management of the City’s investment portfolio should strive for maximum diversification within the objectives of the portfolio.

d. Risk Rating

The Investment Committee may choose to use risk ratings from a nationally recognized rating agency in its investment portfolio management. The Investment Committee may set a minimum risk rating by investment portfolio based on the objectives and risk tolerances established for the portfolio. The risk ratings will apply to individual securities within a portfolio. If an individual security within a portfolio risk rating falls below the minimum established by the Investment Committee, the Committee will
review the security. Working with its investment advisor the Committee will make a recommendation to the City Council to either sell the security or continue monitoring its risk rating.

e. Investment Restrictions

In selecting or recommending investment vehicles, the Investment Committee shall be mindful of limitations or restrictions imposed by the terms of bequests, grants and donations, and those imposed by law (e.g. investment of bond and note proceeds).

5. Broker/Dealer Relationships

The Investment Committee may establish relationships with securities broker/dealers to facilitate the management of the investment portfolios. The Investment Committee should develop criteria for selecting broker/dealers to work with. The criteria should include evaluating the reputation of the broker/dealer, checking references, checking regulatory agencies for any outstanding prohibitions or orders against the broker/dealer. The Investment Committee may want to work with more than one broker/dealer. Having multiple broker/dealer relationships can provide more options to the Investment Committee when managing its portfolios.

6. Ethics and Conflicts of Interest

Investment Committee members may not accept gifts from broker/dealers or safekeeping agents that it does business with. Investment Committee members shall disclose any material financial interests in the broker/dealers that conduct business with the City. Investment Committee members shall disclose any material personal financial/investment position that could be related to the performance of the City’s investment portfolios. Investment Committee members involved in investment management for the City shall comply with all applicable laws, regulations, professional codes of conduct and City policies.

7. Accounting for Investments

The City Treasurer and the Finance Manager are responsible for ensuring that investments are properly accounted for. If there are any questions about how an investment should be accounted for the Finance Manager should refer questions to the City’s financial auditors.

8. Reporting of Investment Activity

The City Treasurer and the Finance Manager will prepare monthly investment reports that summarize the investment activity for the month. The reports should summarize the strategy for each investment portfolio. The report should detail how the portfolio is performing compared to its objective. Any new purchases and current month maturities should be included. At least quarterly the market value for portfolios should be compared to book value. The reports should provide enough detail to allow the Investment Committee to be able to evaluate the performance of the investment portfolios.

9. Investment Advisors

When permitted by statute the Investment Committee may choose to engage independent investment advisors to assist in managing one or some of the investment portfolios. The role of the investment advisor is to assist the Investment Committee ensuring that the investment portfolios meet their objectives. Depending on statute and the objective of the investment portfolio, an investment advisor may be granted discretionary investment authority. If this is the case this does not relieve the
Investment Committee from their responsibilities under this policy. An investment advisor shall follow the guidance outlined in this policy. The selection and engagement of an investment advisor must comply with any existing City policy for procuring services. This may include the use of a Request for Proposals. The fees charged by an investment advisor must be compared to the increase in performance of the investment portfolio. At least annually the Investment Committee should evaluate the performance of the investment advisor relative to the objective of the investment portfolio.

10. Environmental, Social and Governance (ESG)

The portfolio shall avoid investing in individual securities of companies that derive the majority of their revenues from the following sources/activities:

- Production/manufacture and sale of alcohol and/or tobacco products
- Production/manufacture and sale of firearms
- Exploration, extraction, refining of fossil fuels as well as products and services that support these processes

The City Council and the Investment Committee recognize exclusion of these market sectors may impact the performance of the investment portfolio when compared to industry performance benchmarks. While comparison to benchmark performance may be used as a guide in assessing the returns on the investment portfolio, it is not considered the primary investment objective.

The Investment Manager shall seek to minimize direct investments in these areas, in order to gain exposure to certain assets classes (e.g. small cap equities, international equities) it may be necessary for the manager to purchase shares of mutual funds and/or ETF’s that to do have some exposure to the identified industries/sectors.

Recognizing that the individual directives outlined by the City Council as to the sectors and/or industries which they would like to avoid investment in are quite specific, the policy shall be implemented in tiers based on individual portfolio balances:

**For accounts with a total portfolio value under $300,000 value:**

In order to maintain appropriate diversification among investments and asset classes it is recommended that individual accounts with less than $300,000 in value be invested in mutual funds and/or ETF strategies. Recognizing the difficulty in identifying mutual funds/ETF’s that adhere to the specific directives, portfolios in this classification will not be required to comply with the ESG directive as defined by the City's Investment Policy.

**For accounts with a total portfolio value over $300,000 in value:**

Once an individual account is valued over $300,000 for a minimum of 3 consecutive months, there are sufficient assets for the manager to implement an investment strategy using individual securities which incorporate the City's Investment Policy ESG goals. While the manager shall exclude direct investments in industry sectors identified, in order to gain exposure to certain assets classes (e.g. small cap equities, international equities) it may be necessary for the manager to purchase shares of mutual funds and/or ETF’s that to do have some exposure to the identified industries/sectors.
Montpelier Community Fund
Proposed by previous Mayor John Hollar
Adopted by City Council on July 18, 2012

Montpelier Community Fund Board Revisions: October 1, 2012
Adopted by City Council on October 10, 2012

Statement of Purpose and Scope

The Montpelier City Council establishes the Montpelier Community Fund ("MCF"). As an alternative to funding organizations and projects using the annual city meeting ballot and other fund sources, the City Council shall include within its annual budget the MCF, which shall be dedicated to awarding grants to eligible organizations and projects as set forth in this policy.

Except as listed below, all private non-profit organizations that benefit the residents of Montpelier are eligible to apply for grants from the MCF.

Kellogg-Hubbard Library, Green Mountain Transit Agency, Montpelier Alive, and Central Vermont Economic Development Corporation, which may receive grants from other funds within the city budget, are not eligible.

Also eligible to apply to the MCF are arts organizations and individual artists who have been eligible in the past for grants from the Montpelier Arts Grant Program. That program is discontinued.

A person or organization that elects to place an article on the city ballot by petition in any year shall be disqualified from applying to the MCF for that year. Similarly, a person or organization that applies to the MCF waives its right to place an article on the ballot by petition.

For FY 2014, the city shall allocate to the MCF the amount of $118,000, which is the combined approximate amount of grants awarded in FY 2013 to organizations and projects which are now eligible to apply to the MCF. This amount shall not be reduced by grants awarded through the ballot petition process.

Montpelier Community Fund Board

a) Board Membership. The City Council shall appoint five members to serve as the board of directors ("Board") of the MCF. Members shall be Montpelier residents. The Board shall adopt rules, review applications for grant awards, and make recommendations to the City Council for approval.

b) Board terms. Initially, two members shall be appointed to three-year terms, two members shall be appointed to two-year terms, and one member shall be appointed to a one-year term. Thereafter, members shall serve three-year terms. A member shall serve no more than two consecutive terms.

c) Conflict of interest. No member shall participate in the consideration of an application from an organization on which the member or his or her family member serves as a board member or for whom the member or his or her family member is employed. Members may also decide to recuse themselves if there is a reasonable basis to conclude their consideration of an application may be biased.
**Grant Award Criteria**

The Board shall consider the following criteria in awarding funds:

a) The extent to which the applicant will receive funds from the city in the next fiscal year through in-kind contributions and direct appropriations.

b) Prior sums the applicant has received through ballot initiatives or other city funding sources.

c) The extent to which the amount received will complement services provided by Montpelier city government.

d) The extent to which the grant will benefit Montpelier, its residents and the public good.

e) The extent to which the applicant can raise funds from other sources.

**Application**

The Board shall prepare an application form for grant requests and shall adopt rules relating to the application process. Applications must be completed and filed with the Board by December 1st.

**Grant Awards**

The Board shall adopt rules governing its review of grant applications. After review, the Board shall endeavor to reach consensus regarding proposed allocations from the MCF.

The Board shall submit its funding recommendations to the City Council in January. The City Council shall consider the Board’s recommendations in January or early February, and shall approve or deny the Board’s recommendations, which shall not be subject to amendment by the City Council. The Montpelier Annual Report shall list all grant recipients and amounts.

**Recipient Reporting**

One year after receiving an MCF grant, the recipient shall report to the Board the results of the funding. A recipient seeking subsequent funding from the MCF shall submit a progress report with its application.
Purchasing Policy
(Amended 8/24/94; 11/28/01; 9114/05; 7/1/2011)

I. SMALL PURCHASES: (supplies, non-professional services, materials costing not more than $7,500.)
   A. Items under $500: Purchases may be paid for with petty cash, or the department can be billed. No purchase order is necessary. Prices between suppliers should be checked.
   B. Items $500-$7,500: Purchase orders or invoices for items $500-$5,000 signed by the Department Head, or designee, must be used. City Manager, or designee, approval is needed for purchase orders or invoices more than $5,000. Approval of the invoice indicates that the service or goods have been received and are in satisfactory condition. A record of price of rate quotations must be kept. Services involving construction work or equipment plus operator rental in excess of $7,500 require a contract prior to the work being performed.

II. CAPITAL PURCHASES: (supplies, non-professional services, construction work, materials, etc., costing more than $7,500.)
   A. Competitive Sealed Bids
      1) This process is used when a complete specification for purchase description is available, two (2) or more responsible and qualified suppliers are willing to compete and the procurement lends itself to a fixed price contract based on set requirements that are clear and precise, allowing for a fair comparison of vendors’ qualifications and price.
      2) Sealed bids are publicly solicited through a formal bid advertisement in at least one (1) newspaper of general circulation. Bids should be timed to take advantage of dealer availability and the highest trade-in value if applicable. A sufficient time period to the bid opening date should be allowed. Bids should also be solicited from an adequate number of known suppliers.
      3) The invitation for Bids should include a clear and accurate description of the technical requirement for the material, product, or service, and such description shall not contain features that unduly restrict competition. Such bid specifications should be periodically updated so as to remain generic to all suppliers as much as possible. The Bid Invitation should also clearly set forth all requirements which bidders must fulfill, and whether or not the City will accept any deviation from what is requested. Package proposals will be accepted when unit prices are also provided and competition is enhanced thereby. If clarifications of the bid document are needed, written clarifications or amendments should be sent to all potential bidders.
Clarifications or amendments should not be issued after 72 hours prior to the bid opening.

4) All bids shall be opened publicly at the time and place specified in the Bid Invitation.

5) A firm fixed price contract (Lump sum or unit price) shall be awarded to a responsible bidder. In determining whether a bidder is responsible, the following shall be considered:

6) Ability to perform successfully under the terms and conditions of the proposed contract, contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

7) If only one (1) bid is received, City Council approval is necessary before the award is made.

8) Any or all bids may be rejected for any reason. Low bid does not always have to be taken.

III. OVERALL POLICIES

1) Affinitive steps shall be taken to see what small and minority firms and women's firms are utilized as sources of supplies, construction services.

2) All procurement transactions shall be conducted in a manner that provides maximum open and free competition.

IV. CAPITALIZATION THRESHOLD

Purchase of equipment and office furniture valued at $10,000 or more are recorded as a capital asset and depreciated over the life of the asset. Further the $10,000 threshold shall be applied on a project basis. (For example, if five computers and related software are purchased that cost a total of $10,000, then this "project" should be capitalized). All land, buildings and building improvements purchases are recorded as capital assets and depreciated over the life of the asset. Improvements that will extend the life of an asset for less than three years are considered maintenance or repairs and should not be capitalized. This policy shall be applied to all current and future assets.

For Consideration of the October 24, 2012 Consent Agenda: Consideration of increasing the City’s Capitalization Threshold for fixed assets from $5,000 to $10,000 effective July 1, 2011. Our Capitalization Threshold for equipment and furnishings has been $5,000 since 1994 (City Ordinances, Chapter 2 Administration, Article III, Section IV). This means that equipment and furniture purchases over $5,000 are recorded as capital assets and depreciated over the life of the asset. By updating this policy to the more usual $10,000 level, we will avoid fixed asset accounting on small purchases. The finance director and the city auditors recommend making this change for the 2012 fiscal year.
Policy for Sale or Disposition of Municipally Owned Land/Property

William Fraser, City Manager
August 5, 2004

During the recent discussion on the transfer of excess road right of way on Marvin Street, the Council asked that a written policy on land sales/transfer/disposition be drafted. The city has acted very consistently over the years with regard to these transactions and I’ve attempted to articulate the past practice as a policy as best as I can.

To review, the city does not own land unnecessarily or speculatively. It acquires and holds land only to further public purposes. When a parcel is deemed by the City government to be excess or no longer serving a public purpose than it is appropriate to consider conveying that land. City owned parcels come in many different types. They may be individual lots with buildings on them (City Hall, Fire Station, Police Station, etc.), they may be individual lots with no buildings (Berlin Pond), they may be lots with facilities on them like ball fields or parks. City owned property also includes rights of ways for streets and sidewalks, easements for water/sewer lines, small plots of land for pump stations and other unusual configurations for various public infrastructure.

While there may be no current written policy with regard to conveyance of public property, the city’s own subdivision regulations establish the standard that the city must meet. Those regulations do not permit the creation of a lot or parcel which is non-conforming. Therefore a full open public bidding, auctioning or offering process cannot occur when a non-conforming parcel is involved. By its very nature, the number of people to whom it can be transferred (essentially the direct abutters) is limited.

Legalities of land transfers: Title 24, Chapter 33, Section 1061 of the Vermont Statutes concerning the Conveyance of Real Estate by Municipalities outlines a procedure for disposition of municipal land. However, subsection 1061 (f) states “Nothing in this section shall be construed to impair or affect any provisions in a charter of a town or village involving the conveyance of real estate.”

Title 3, Section 19 of the Charter states: “Sale of Public Property. The city council may authorize the sale or lease of any real or personal real estate belonging to the city. All conveyances, grants or leases of any real estate owned by the city shall be signed by the mayor and shall be sealed with the city seal.”

Therefore the Council is clearly authorized to sell or lease real estate belonging to the city and has done so for many years. In the Marvin Street transaction, the Council opted to incorporate a specific public notice provision which is present in the statute but not in the charter.

Exchange of Value: As we have heard from legal counsel in the issues surrounding Berlin Pond, the Council has a fiduciary responsibility to see that appropriate value is obtained from the transfer of city assets. This can be done through a direct cash sale, an exchange of real property or any other transaction in which the council can make a finding of sufficient value. (For example, deeding property to a private non-profit like the Library might be seen as acceptable because the property was continuing use in the public’s interest.)
Recommended Policy:

- In all cases, notice should be provided to abutting landowners and a general notice provided to the public detailing the proposed transaction and date of the council meeting when the transaction will be considered.

- Parcels (particularly road right of way) of size and value that do not meet the city’s own definition of a conforming lot should be conveyed to the immediate abutter(s) at the discretion of the city council when found to be excess, no longer owned for the public's benefit and/or when the public might benefit from such conveyance. In the event that more than one abutter is eligible to obtain all or part of the property, the city should first attempt to work out an arrangement satisfactory to all eligible landowners. If such an arrangement is not possible, the city should conduct a conveyance offering and process which is restricted to those eligible landowners.

- Parcels that constitute conforming lots, existing buildings or other tangible assets should be offered publicly through an open publicized process for the purpose of creating a public benefit and value in the outcome. The Council should, as much as possible, define the criteria in advance by which the transaction will be made (highest price, best project, highest future tax revenue, most public value, etc.).

- The Council should retain the right to waive this practice when determined to be in the best interests of the city. The city's charter is written to grant broad discretion to the Council for a reason, it allows the Council to be flexible when responding to specific circumstances and situations. This determination should be made in advance and announced publicly.
Services to Non-residents Policy
Proposed by previous Mayor John Hollar
Adopted by City Council on July 18, 2012

“City agencies and non-profit entities that provide services to residents of Montpelier and surrounding towns shall reasonably strive to, as a condition of receiving funds from the City of Montpelier, ensure that per capita costs of services are reasonably apportioned between the City of Montpelier and Montpelier participants, and other communities and non-resident participants.”
Department Fact Sheets

Assessor’s Office

City Hall, 39 Main Street

CONTACT PERSON(S):
Stephen Twombly, Assessor & Facilities Project Manager
stwombly@montpelier-vt.org
Jane Aldrighetti, Assessor’s Assistant
jaldrigh@montpelier-vt.org
Office: 223-9505

FACTS OF INTEREST:

✓ Number of employees: 1.6 FTE

✓ Assessor is a .6 (3 days/week) contracted service.

✓ Assessor’s Assistant is a full-time employee.

✓ The Assessor's Office is responsible for maintaining ownership, the listing and valuation of real and personal property, filing of the annual Grand List, maintaining parcel maps, annual updating of the Downtown Improvement District (DID) and sprinkler credit lists, manages the Assessor’s Department web page and coordinates creation and printing of the Annual Report.

✓ Beginning on July 1, 2017, Steve Twombly contracted with the City for one day per week to provide facility project management services. Projects are undertaken as assigned. Job responsibilities include developing scope of work/specification documents, soliciting prices from vendors, negotiating and drafting contracts for projects and managing and coordinating work when underway.

✓ Last city-wide reappraisal done in 2010.

✓ The 2018 Grand List includes 2,920 taxable real properties and 537 personal property accounts, plus cable and exempt properties.
Cemetery

Green Mount Cemetery
251 State Street

CONTACT PERSON(S):
Director Patrick Healy (30 years of service)
cemetery@montpelier-vt.org
Office: 223-5352
Cell: 279-6957 (call anytime)

FACTS OF INTEREST:

✔ Employees – 1 full-time; 1 shared position with Department of Public Works

✔ Main Work Force – Department of Corrections: 8 inmates, 5 days a week for 26 weeks, since 1981

✔ With 35 acres of hilly cemetery and over 2.5 miles of roads, it can take 8 days to mow the cemetery once

✔ Also maintained are Elm Street Cemetery, both Roundabouts, Berlin Street Bus Stop Area, Stone Cutter's Way, Gateway Park and various other green spaces for the City

✔ Parking lots are plowed in winter for Department of Public Works

✔ The number of yearly burials averages between 20 and 30; winter burials are provided, if possible

✔ Various burial options are offered including casket, cremation, in-the-woods cremation, personal mausoleums and columbariums

✔ This quasi-municipal cemetery is administered by 5 elected Commissioners.

✔ Adheres to VT Statues Title 18 Chapter 121
City Clerk’s Office

City Hall
39 Main Street, Suite 2

CONTACT PERSON(S):
John Odum, City Clerk
jodum@montpelier-vt.org

Crystal Chase, Deputy City clerk
ccchase@montpelier-vt.org

FACTS OF INTEREST:

✓ The City Clerk is responsible for the administration of all elections, city business licenses and dog licenses.

✓ The City Clerk manages the city’s voter checklist, and coordinates the Boards of Civil Authority and Abatement.

✓ The office is responsible for recording and indexing land records and vital statistics (births, deaths and marriages), and generating and archiving the official records of the City Council.

✓ In 2018, the Clerk's office recorded 52 births, 74 marriages, 79 deaths and licensed 390 dogs.
City Manager’s Office

City Hall
39 Main Street, Suite 1

CONTACT PERSON(S):
William J. Fraser, City Manager
wfraser@montpelier-vt.org
Office: 223-9503 / Cell: 522-5846

Sue Allen, Assistant City Manager
sallen@montpelier-vt.org
Office: 262-6250

Jamie Granfield, Assistant to the City Manager
jgranfield@montpelier-vt.org
Office: 223-9502

FACTS OF INTEREST:

✓ Number of employees: 3 FTE

✓ The City Manager is appointed by the City Council to implement Council policies, appoint/remove City staff, enforce local ordinances and regulations and run the local government. All employees (except the City Clerk) report directly or indirectly to the City Manager, and the Manager has administrative authority over all departments; this includes appointment and removal authority. The Manager is the link between the elected representatives of the community (the Council) and the administrative and service delivery end of government (the departments/employees).

✓ The Manager’s Office shares space with the Assessor’s Office; the Assistants cover for one another and either can help with questions, etc., when you call or stop by.
Finance
Financial Management & Administrative Services
Technology Services Division

Monday-Friday from 8:00 A.M. to 4:30 P.M.

City Hall
39 Main Street, Suite 6

CONTACT PERSON(S):
Todd Provencher, Finance Director
tprovencher@montpelier-vt.org
Office: 802-223-9520
Direct Line: 802-262-6253

FACTS OF INTEREST:

✓ The City of Montpelier has 23 active funds, 10 departments and 4 labor contracts/employee plans. Montpelier has $73 million dollars invested in capital assets financed by 51 loans that total $22.02 million dollars. The annual operating budgets for the city’s governmental and business-type activities total $22.4 million dollars. Our chart of accounts include over 2,700 accounts indicating the complexity of our financial structure. As directed by the City Council, the Recreation Department moved from school management to city management effective July 1, 2016.

✓ In addition to processing the city’s financial transactions, the Finance Department is responsible collection and remittance of tax payments for the Montpelier Roxbury School District. Over $50 million passes through our bank accounts annually.

✓ Todd Provencher was hired as our Finance Director in October of 2016. Tanya Chambers is our Payroll and HR Manager. The department continues to rely on Senior Staff Accountant, Ruth Dockter and Charlotte Hoyt, City Treasurer for reconciling accounts, producing and processing property tax bills, providing compliance and internal control oversight, working with regulatory reporting and providing cash management. Heather Graves serves as a Staff Accountant, Peggy Bolduc processes cash receipts, and Serena Baker for utility billings and accounts payable.

✓ The Finance Department’s Technology Division provides technology support services to all city departments. Seth Wood, Technology Support Technician, works with The Tech Group to maintain and safeguard the citywide computers, networks and telephone technology systems.

✓ Budget, Financial and Annual Audit information can be found online at:
http://www.montpelier-vt.org/192/Periodically-Released-Financial-Data
Department of Planning & Community Development

City Hall, Ground Floor
39 Main Street, Suite 11

CONTACT PERSON(S): Director Mike Miller
mmiller@montpelier-vt.org
Direct line: 262-6269

Audra Brown
abrown@montpelier-vt.org
Main Office: 223-9506

MISSION:

To serve the community by facilitating the creation and preservation of a healthy, sustainable, and high quality living environment through the management of an effective on going planning and implementation process

This broad mission is carried out through several areas of responsibility:

- To protect and enhance Montpelier’s natural and built environment
- To strengthen the local economy and tax base
- To meet the needs of low and moderate income residents
- To engage the whole community in planning for growth and change
- To provide information and service to the public
- To be accountable to our citizens

FACTS OF INTEREST:

- Employees: 3 full-time staff (Director, Community Development Specialist and Assistant Planning and Zoning Administrator) and 1 part-time Zoning Administrator. The department also shares the Building Inspector position with the Fire Department.

- Activities can generally be broken into four groups:

  - planning (developing broad master plans or making specific plans on topics like parking, stormwater, or economic development; proposing revisions to zoning bylaws, coordinating committee and subcommittee meetings, and facilitating public input);
o regulatory programs (such as zoning administration, flood hazard regulations, and building permits);

o community development programs (managing the housing trust fund, housing preservation grant program, and business loan fund; grant writing and administration; economic development assistance, E-911 road naming coordination, community rating system for floodplains, certified local government for historic preservation); and

o special projects (one-time projects like the stump dump solar energy project and development of a parking garage)

✓ Provides staff assistance to many committees including complete Streets Committee, Montpelier Energy Advisory Committee (MEAC), Historic Preservation Committee, Housing Task Force, Planning Commission, Design Review Board and Development Review Board.

✓ The Building Inspector has two primary responsibilities:

  o Reviewing plans and providing support for construction projects in the city to ensure work is performed in compliance with the Vermont building and life safety codes
    ▪ Most construction, except for minor repairs or routine maintenance, requires a building permit.

  o Inspecting current buildings, especially residential rental units, to ensure safe and healthy conditions
    ▪ Buildings are inspected primarily on receipt of a complaint, although there are limited inspections on a scheduled basis.
The Department of Public Works

CONTACT PERSON(S): Tom McArdle, Director
tmcardle@montpelier-vt.org
Office: 223-9508

39.5 employees work for Montpelier’s Department of Public Works (DPW), with one employee being shared half-time with the Green Mount Cemetery. DPW provides essential services that: sustain infrastructure, establish safe living and working conditions, and contribute to a high quality of life for our citizens. As such, it is the largest of the City’s Departments and includes the: Streets, Water & Sewer, Water Treatment, Wastewater Treatment, Equipment/Fleet Operations, Building Maintenance, District Heat and Administrative/Engineering Divisions.

If you think of the city’s infrastructure as providing the community’s skeletal framework, you will quickly understand that almost every project undertaken in the City touches Public Works in some way. And, the technical expertise of the department’s staff is both wide-ranging and a critical asset to the community.

FACTS OF INTEREST:

- The DPW administrative and engineering offices are located on the basement level of City Hall. The various division facilities consist of the Water Resource Recovery Facility, Water Treatment Facility & the Public Works Garage located on Dog River Road. The Public Works Garage houses the Street, Water/Wastewater & Equipment Divisions.

- The administration and engineering staff designs, plans and manages the various infrastructure projects, provide technical support to the operations divisions, the City Manager’s Office, boards and committees, and also maintains all city-owned traffic signals, street lights and facilities including buildings and grounds of municipal buildings (except schools). State mandated performance requirements such as a potable water system operator and storm water permits and other reporting processes are either managed directly or are supported by this staff.

- Permits for private construction related activities taking place within a public right-of-way and utility connection permits are also processed by the engineering staff.
The Streets Division maintains 55.8 miles of paved streets, approximately 25 miles of sidewalk, as well as nearly 1.7 miles of shared use paths within the city limits. Responsibilities extend beyond the physical streets and sidewalks to: 16 bridges (including 2 for pedestrian use), guardrails and retaining walls, storm drains. Other maintenance duties include street sweeping, pavement markings, signage, plowing and snow removal, autumn leaf collection and maintenance of pedestrian trash and recycling containers, as well as downtown benches and flower barrels. The Water/Waste Water Division is responsible for 52 miles of water mains, 44 miles of sewer mains, 8 wastewater pump stations.

The Equipment Division repairs and maintains the City’s fleet, including vehicles owned by the Public Works, Police, Fire, Green Mount Cemetery, Parks, Recreation and School Departments. Fuel is also provided by agreement with regional agencies such as the Sheriff’s Department. This division also manages and provides maintenance support for communication systems such as the expansive SCADA network, monitoring controls and alarms related to critical pumps, which was recently expanded to include operational control assistance for the District Heat system.

An average of 1 million gallons of water per day is distributed to Montpelier and Berlin residents via the Water Treatment Facility. Water Quality Reports are available on the City’s Water and Sewer web page for easy reference. In addition to operations and maintenance of the treatment plant and two air release/vacuum stations, this Division recently assumed responsibility for the City’s two water booster stations as well as the associated potable water storage tanks.

The department’s responsibilities shift throughout the year to accommodate and respond to New England’s changing seasons and challenges. Snow removal is an obvious example, but other examples include: collaboration with Police and Fire Departments to provide flood monitoring through DPW’s River Watch/Ice Jam Prevention Program; leaf collection; and infrastructure repair and construction such as the many summer/fall paving projects.

The District Heating system represents another major seasonal shift of staff responsibilities. This entails spring and fall conversion from the State of Vermont Central Heat Plant to our own City Hall boilers, as well as annual valve operations, flushing of the system and customer support.

Almost 2 million gallons of wastewater flow through the Water Resource Recovery Facility daily. As a water pollution control facility, the processed effluent quality frequently exceeds state required minimum standards ensuring our river systems remain as clean as possible. Septage and leachate receiving, laboratory work, sludge pressing and de-watering, and phosphorus control are all managed by DPW staff, plus maintaining accurate and timely reporting to the State. This operation will see a significant change over the next few years as the plant is modified and upgraded to accept High Strength Organic Waste which will allow for increased methane production. This methane will initially be used for heating at the facility with a goal of a second project phase to further utilize this gas which will support the City’s net zero goals.
The mission of the Montpelier Fire and Emergency Services Department is the preservation of life, health, property, and the environment for its residents and businesses at a reasonable and acceptable cost. We value the faith and trust of the community and will continually work to deserve that confidence through our conduct and accomplishments.

The Montpelier Fire and Emergency Services Department consists of 16 full-time members who are highly skilled to serve Montpelier residents. All members are certified Firefighter 1 or above and EMT's, with 12 Firefighters completing the advanced EMT certification and 3 Paramedics. Training and education are always a top priority in our department.

Along with responding to approximately 2,500 emergency and fire calls each year, the department assists with the following:

**Emergency Services:**

- Pre-plan fire inspection of all commercial buildings in the city annually to familiarize ourselves with the building and advise the owners on safety improvements they can make to the property
- EMS Bike patrol during large events in the city
- Assist residents and businesses with water-related events including mitigate water problems, frozen pipes and assist with clean-up activities
- Conduct on-site inspections for burn permits and fireworks permits
- Assist residents that have locked them self's out of their homes gain entry
- Assist the Police department in missing person searches with manpower and equipment
- Dailey observation and report of river gauges

**Vehicles, Buildings and Grounds:**
- Daily inspection of all vehicles and equipment
- Maintain all vehicles, including weekly comprehensive inspection of all vehicles
- In-house maintenance of all small tools and equipment
- Maintain station and surrounding areas including all janitorial work and most building repairs completed by on-duty Firefighters
- Perform annual comprehensive spring cleaning of the building
- Bi-annual testing of all hose and pumps

**Public Education:**
- Public CPR classes
- Fire prevention presentations to public groups
- Station tours and safety demonstrations to schools, daycares and local groups
- Daily blood pressure checks to public
- Department loans out chimney cleaning equipment and educates public on chimney fire safety
- Change batteries in smoke and carbon monoxide detectors for residents unable to do so on their own
- Loan residents smoke and carbon monoxide detectors when theirs’ are not working properly or they are unable to purchase
- Assist the City with holiday decorations
- Research, write and submit our own grants

**Mandated Training:**
- Annual CPR / AED recertification
- EMT recertification
- Firefighter annual recertification
- Fire Officer annual recertification
- Annual Driver training using NFPA certified course

**Additional Training:**
- The Department has assigned the fire training program approved annually by the Deputy Fire Chief. Training is conducted weekly, and is mandatory for all Firefighters / Fire Officers.
- Mandatory weekly EMS training conducted by the Paramedics
- Annual collaborative training with lifeguards at the pool to ensure we have compatible equipment and training during potential rescues
- Daily physical fitness activity
- Implementing new employee evaluation system
Montpelier Police Department

1 Pitkin Court

CONTACT PERSON(S): Anthony J. Facos, Police Chief
afacos@montpelier-vt.org
Office: 802-223-3445 ext. 113
Fax: 802-223-9518

The department's staff levels for 2018 included 16 full-time police officers: (chief, one captain, three sergeants, one detective, one school resource officer, and nine patrol officers (three of whom are patrol shift corporals), one Public Safety Support Services Administrator, seven full-time Emergency Services Dispatchers and one dispatch supervisor, one full-time and two part-time Community Service Officers (Parking Division).

MISSION STATEMENT

The ultimate responsibility for peace, good order, and law enforcement rests with the community of citizens in a democratic society. The complexity of modern society dictates that police efforts must be coordinated and directed by the services of law enforcement professionals.

Therefore, the Montpelier Police Department will be devoted to providing professional and quality police services, and will strive to remain effective, efficient, and responsive to the changing needs of our community while providing a safe environment that enhances the quality of life in Montpelier.

Patrol:

The department provides 24 hour police and communications services seven days a week. For safety reasons, there is a minimum of two police officers on duty during any given shift. Most officers work four-ten hour shifts per week. This schedule enables the department to have critical shift overlaps during peak times and reduce the amount of overtime used when officers are on leave.
Investigations:

The majority of criminal investigations are handled by patrol personnel, depending on the type of investigation as well as the training and experience of the case officer. For example, many of our officers have specialized training in areas such as death investigation, financial crime, child sexual abuse, and narcotics investigations. Officers and agents from MPD, Barre City PD, Vermont State Police, Drug Enforcement Administration, Bureau of Alcohol Tobacco and Firearms, the FBI, the U.S. Marshal's Service, the Vermont Drug Task Force, and other area departments continue to work collectively to respond to and prevent criminal activity that is intensified by the drug addiction problem in Vermont.

Another important function of police investigations is criminal intelligence and analysis. The department has come a long way with improving the robustness of our intelligence and analysis thanks to the cooperation of our colleagues at the local, state, and federal levels. Public/private cooperative ventures with vetted partners further serve as a force multiplier for the department, especially during fiscally challenging times such as these.

"Project Safe Catch"

Project Safe Catch is a law enforcement addiction support and recovery effort, where anyone can seek help for drug addiction anytime, day or night and MPD personnel will coordinate linking an addict with treatment. Officers will also offer treatment through Project Safe Catch in a post arrest situation as well if drug addiction is suspected with an arrestee. All MPD officers carry Narcan and there were several cases in 2018 where they deployed the drug to unconscious individuals who had over-dosed on opiates.

Building Community Trust and Legitimacy:

Maintenance of the department’s Facebook page is carried out by a small team of officers, overseen by a sergeant in order to keep the page fresh without relying on one individual. This is also just one more way the department can keep the public informed with emergency and public safety information.

"Coffee with a Cop” events have provided members of the department with a way to meet with citizens in a relaxed setting and engage in general conversations on a variety of topics ranging from quality of life to crime. These meetings provide great opportunities for understanding neighborhood and city-wide concerns and exploring possible solutions in a collaborative manner.

Training:

It is imperative that our officers stay current in criminal law, juvenile law, liability issues related to policing, evidence (collection and maintenance), technology, weapons and tactics, interacting with vulnerable populations, first aid/CPR, emergency vehicle operation, critical incident management, ethics, and training on departmental policies. For the last six years, the department has instituted rigorous training requirements for all officers in high-risk areas such as use of force, mental health/crisis intervention training, legal training, and vehicle operation. The department does as much training internally as it can, utilizing “in house” academy-certified instructors when possible. However, it is common for our officers to travel around the state or even out of state to attend certain trainings, all of which add to the cost. Therefore, we are careful in our selection of classes and assessing officer and departmental needs.
Communications (Dispatch):

Dispatchers are the lifeline for our citizens and for our police officers. The MPD Dispatch is a regional dispatch center that has two contracts, one with the Capitol Police (State House), and the other with Capital Fire Mutual Aid (Capital West) which is an organization representing fire and emergency medical services covering 18 communities. The two contracts for FY 19 totaled $349,515 in revenue.

The department’s dispatch handles nearly 16,000 incidents per year. The dispatchers are quite frequently a citizen’s first point of contact with public safety services, but they also field general questions as well, including after-hours calls for department of public works or simple questions such as “what time does the parade start?” Our Dispatchers also provide clerical support to both police and parking division functions of the department as well as monitoring the security cameras located in City Hall and the police station.

Parking Division:

Parking enforcement is primarily accomplished using one full-time and two part-time Community Service Officers (CSOs). One of the CSO’s duties is parking meter maintenance (we have over 400 meters around town) and the maintenance of five permit vending machines. Police officers also issue parking tickets and they are the ones tasked with winter ban parking enforcement and applying the “boot” on vehicles when owners have past due parking violations.
Montpelier Community Justice Center

The Montpelier Community Justice Center promotes the well-being of the community through application of restorative principles and practices.

City Hall, Ground Floor
39 Main Street, Suite 12

CONTACT PERSON(S):
Director Yvonne Byrd
ybyrd@montpelier-vt.org
Office: 223-9606
Cell: 279-8595

FACTS OF INTEREST:

✓ Employees: 3 full-time; 1 part-time – three are professional mediators
✓ Primary focus: Promotes the well-being of the community through the application of restorative principles and practices Services include:
  o Conflict Assistance Program Offers free mediation services to citizens of Montpelier to resolve disputes between neighbors, landlords and tenants, neighborhood conflicts, etc.
  o Restorative Justice Program Provides a community-based response to crime focusing on harm to victims and amends-making by the people responsible for the harm
  o Restorative Reentry Program Improves community safety by supporting successful reintegration and accountability by people returning to the community following incarceration
  o Community Forums and Education Staff convene public forums and workshops on crime, conflict and justice-related topics that affect the Montpelier community
  o Victim Outreach Program Provides community support and information to victims of crime

✓ In FY 18 the Restorative Justice Program handled 90 cases with a 92% positive completion rate.
✓ 31 volunteers dedicated over 670 hours to serve on Restorative Justice Panels
✓ 30 volunteers dedicated more than 1200 hours working with 15 core members in the Circle of Support and Accountability (COSA) program
✓ Funded by Vermont Agency of Human Services grants, with space and support provided by the City of Montpelier
Community Services

Montpelier Senior Activity Center
58 Barre Street, Montpelier, VT 05602
A Place for Healthy Aging, Lifelong Learning, and Delicious Meals
802-223-2518 • msac@montpelier-vt.org • www.montpelier-vt.org/msac

About the Montpelier Senior Activity Center

The mission of the Montpelier Senior Activity Center is to enhance the quality of life for the older adults in the Montpelier area through opportunities that develop physical, mental, cultural, social, and economic well-being at a welcoming, flexible environment.

According to the National Council on Aging senior center participants have higher levels of health, social interaction, and life satisfaction than their peers.

- **Over 1,500 central Vermont seniors are members**
  - One in five seniors in Montpelier are members
  - Hundreds more benefit from MSAC and community events and services offered here
  - 68% of members are from Montpelier and the remainder are from surrounding towns
  - 23% of MSAC members are between 50 and 64 years old, 47% are between 65 and 74 years old and the remainder are 75 or older

- **More than 18,000 meals served last year through our FEAST meals program**
  - 18% of seniors served by the FEAST program are considered at high nutritional risk, and an additional 44% are at moderate risk.
    - We provide nutritious meals, emphasizing local ingredients, at no charge while offering recipients the opportunity to contribute toward the cost
    - The program also serves home-bound individuals through the FEAST at Home (Meals on Wheels) program
  - 33% of FEAST meal recipients report they eat most meals alone – FEAST Together community meals help combat the mental health implications of frequent isolation

*We served more than 18,000 FEAST meals last year.*
Our programs embody a holistic approach of “healthy aging and lifelong learning”
- Our core program is our diverse set of over seventy-five weekly classes, including movement classes, humanities classes, arts classes, and technology classes that encourage mental and physical well-being. We also offer over 30 hours of free programming weekly, such as games, support groups, music groups and conversations and lectures.
- Additionally, MSAC serves to connect older adults to vital community services that can help them stay healthy and independent.
  - MSAC hosts a free tax clinic, monthly Memory Café, yoga therapy, inexpensive foot care and massage clinics, and serves as a gateway to community agencies.
  - An extensive Resource Room provides a library of information about senior services and options.
- Special event programming like author talks, film series, and presentations by community organizations is in turns educational and entertaining.

A true community resource and operation
- We pride ourselves on our partnerships with other community organizations and local businesses
  - Clinics by CVHHH, CVCOA, AARP
  - Partnership with GMTA to increase use of public transportation
  - Three-way collaboration with CVCOA, non-profit partner, and Good Taste Catering, for-profit partner, for FEAST meals program
- Over 170 volunteers contributed over 12,000 hours in FY18
Parks & Trees

58 Barre Street

CONTACT PERSON(S): Geoff Beyer, Parks Director and Tree Warden
gbeyer@montplier-vt.org
Office: 262-1118 | Cell: 249-2424

Alec Ellsworth, Parks Supervisor
aellsworth@montpelier-vt.org

FACTS OF INTEREST:

✓ Montpelier Parks consists of 400 acres of Parks, 17 miles of trails, and 7 acres of lawns and fields.

✓ We care for the roughly 2000 trees growing within the city right of way along our streets.

✓ With only 2 staff members, we rely on a wide variety of volunteer heroes to help us manage resources and run community events. Volunteers play a vital role in not only maintaining our parks resources, but also developing new and exciting projects that will serve the community for years to come. Overall, we logged almost 10,000 volunteer hours in 2018! This represents the equivalent of more than 7 full time employees.

✓ Hubbard Park’s Old and New Shelters may be reserved for public use.

✓ 45 hazardous trees were removed in 2018. Parks and trees staff worked with Tree Board members and volunteers to plant around 45 more.

✓ City Council added Confluence Park as a new City park.
Montpelier Recreation Department

Department Mission:
The mission of the Montpelier Recreation Department is to provide a variety of quality programs, community events, and recreational services in a safe and affordable manner, and to effectively develop and maintain recreational facilities for all residents of the Montpelier Community.

Department Overview:
The Montpelier Recreation Department has been serving the Montpelier and surrounding communities since 1945. We offer affordable programs and special events for all ages, abilities and interest. The Montpelier Recreation Department is open year round for the members of the community to enjoy. The Recreation Department also provides maintenance to Montpelier School’s outdoor athletic facilities and even plowing in the winter as well as oversite of the Skating Rink on the Statehouse Lawn.

Our outdoor facilities are open to the community seven days a week. This includes several multi use athletic fields, a skate park, swimming pool, basketball & tennis courts, and picnic areas. Season Pool Passes and Recreation Center Passes are available for anyone who would like to purchase one for themselves or their family. In 2018, 1,113 pool passes were sold and the pool saw over 12,000 total visits. The Recreation Baseball Field is home to the Vermont Mountaineers who had over 22,000 fans for the season attendance in 2018.

2018 By The Numbers
- 2,700+ Enrolled in Programs
- 3,300+ Visited Special Events
- 12,000+ Swimming Pool Visits
- 5,000+ Open Gym/Pickleball Visits
- 2,600 Volunteer Hours

Recreation Facilities
- Recreation Center (58 Barre Street)
- Montpelier Pool
- Rec Field Complex (Basketball, Tennis, Skate Park, Baseball Fields, Soccer, Playground)
- Dog River Fields
- Pavilion
- Barre Street Playground

The Montpelier Pool on a hot summer day. Photo taken by Robert Lehmert.
Special Events
- Family Fun Day July 3rd
- Pool Celebration
- Touch a Truck
- Valentines Dance
- Ski & Skate Sale
- Egg Hunt
- Halloween Party
- Pool Special Events

Recreation Programs:
There is a program for everyone at Montpelier Recreation Department. Toddlers to seniors of all interest will find something to improve their leisure time. Programs include youth athletics, adult basketball, tennis, pickleball, dodgeball, art classes, language classes, fitness classes, ski trips, summer camps, swimming lessons, and much more. Our goal is to offer as many recreation opportunities to as many residents as possible.

Montpelier Recreation Full Time Staff:
Director: Arne McMullen
Program & Pool Coordinator: Eric White
Office Manager: Norma Maurice
Maintenance Foreman: Rick Lachapelle
Maintenance: Carl Nunn

Office Hours:
Monday-Friday 9am-4pm

“It is a Privilege to serve our Community”
City of Montpelier Boards and Commissions
“Charges” for the Various City Boards and Commissions
For more information, visit https://www.montpelier-vt.org/154/Boards-Commissions

- **ADA Committee**: The ADA Committee’s continuing mission is to (1) coordinate and monitor City ADA compliance; (2) provide guidance and evaluate efforts to improve access to City facilities and programs; (3) develop procedures to identify and correct access deficiencies, including access to communications; (4) advise the City Council regarding compliance-related issues and recommend appropriate remedial actions; (5) field complaints alleging the City’s noncompliance with ADA; and (6) connect City and community to achieve greater awareness of the ADA.

- **Cemetery Commission**: The Cemetery Commission’s functions include all aspects of the management and operations of the city’s two cemeteries.

- **Complete Streets Committee**: The Complete Streets Committee was formed to advocate for and promote the safe use of streets for, pedestrians, bicyclists, and public transit riders of all ages and abilities. The committee will catalyze diverse uses of the street through events, such as We Walk Week, outreach, education and partnerships with other organizations such as Montpelier Alive, Parks and Recreation, Planning and Community Development. Public Works, the Police Department, Green Mountain Transportation, Transportation Infrastructure Committee and local schools.

- **Community Fund Board**: Members review and make recommendations to the City Council for approval of grant funding to community agencies, including the City’s Arts Grant Program.

- **Community Justice Center Advisory Board (CJC)**: The Citizen Advisory Board gives community input in setting goals, priorities, and policies for the Montpelier Community Justice Center.

- **Conservation Commission**: The Montpelier Conservation Commission (MCC) has all duties and powers as laid out in the Statute (24 VSA §4505) and seeks to strengthen the relationship between people and nature in order to involve residents in the protection and enhancement of the City’s natural environment. The Commission is also charged with advising the Planning Commission, City Council, and other city officials on issues concerning Montpelier’s natural resources.

- **Design Review Committee**: The Design Review Committee’s role is to advise the Development Review Board on matters concerning exterior alterations to land or properties in the Design Control District.

- **Development Review Board**: As the name suggests, the Development Review Board (DRB) is responsible for reviewing certain development proposals in the city of Montpelier.

- **Energy Advisory Committee (MEAC)**: The mission of MEAC is to promote energy conservation, energy efficiency, and the use of renewable energy resources among the city’s residents, businesses, and in municipal affairs. This mission will be accomplished by promotion of the City’s Net Zero Montpelier Project, which has set a goal for Montpelier to meet all of its energy needs through renewable energy sources and efficiency by 2030.
- **Historic Preservation Commission:** The Montpelier Historic Preservation Commission's main role is planning and advocacy for the protection and appreciation of Montpelier's historic and architecturally significant resources.

- **Housing Task Force:** The Montpelier Housing Task Force was organized in 1999 in order to (1) gather and evaluate information regarding housing trends in the City; (2) to develop responses to housing concerns that are identified; and (3) to recommend housing policies to City Government.

- **Housing Trust Fund:** The Montpelier Housing Trust Fund is a special revenue account used exclusively by the City to award grants and loans to appropriate non-profit organizations to preserve, construct and rehabilitate affordable dwelling units with a priority for homeownership units, and which are subject to covenants or restrictions that preserve their affordability for a minimum of 15 years. The Housing Trust Fund Loan Committee is comprised of one City Council Member and four citizens at large; they evaluate applications and provide funding recommendations to City Council.

- **Investment Committee:** Established to review and provide guidance to the Council on how best invest and manage funds that are donated or bequeathed to the City of Montpelier. Qualified individuals will have experience in investing, managing funds, or working with donated dollars.

- **Montpelier Business Loan Fund:** The Montpelier Business Loan Fund (MBLF) is a Revolving Loan Fund (RLF) that provides low interest loans to businesses in Downtown that are unable to obtain sufficient financing through existing commercial lending institutions. Eligible uses of the MBLF include: Purchase of inventory, equipment, materials, supplies, operating capital, remodeling or renovations, marketing expenses or accessibility improvements.

- **Montpelier Foundation:** The Montpelier Foundation was established by resolution of the City Council. It is an agency of the City, and reports to and is under the jurisdiction of the Council. The Foundation's role is to serve as a trustee of unrestricted and donor-restricted gifts, bequests and donations for the purpose of funding capital improvements and betterments not otherwise paid for out of City resources. The Foundation Board is appointed by the City Council. It administers and manages the Foundation endowment, and acts upon funding applications received from the community.

- **Montpelier Loan Fund Committee (MLFC):** The MLFC is a 4-member committee appointed by the City Council to assist the Planning and Community Development Department, in its capacity as the Montpelier Community Development Agency, in managing the various loan programs that have been established for business and economic development. The MLFC reviews loan applications and credit worthiness of prospective borrowers; determines terms and conditions of loan approvals; and helps to determine the distribution of loan funds to meet program objectives.

- **Montpelier Senior Activity Center Advisory Council:** The MSAC Advisory Council advocates for MSAC in the community, representing MSAC at public events, working with community partners, and building relationships that bring the center new members, connections, and fundraising opportunities.

- **Parks Commission:** The Parks Commission has all duties and powers as laid out in the Statute (24 VSA ch. 5 § 802) including the charge of the construction, maintenance, and control of all public parks within the City. The term "public parks" shall not be construed to include recreational fields and playgrounds.
- **Planning Commission**: The Planning Commission has all the duties and powers as laid out in Statute (24 VSA §4325) including the responsibility to prepare the City Master Plan, prepare bylaws and amendments, undertake studies, hold public meetings, and to undertake comprehensive planning including related preliminary planning and engineering studies.

- **Recreation Advisory Board**: The Recreation Advisory Board assists with decision making for the Montpelier Recreation Department. The Board offers input on budgeting, programs, funding sources, and to effectively develop and maintain recreational facilities for all residents.

- **Social & Economic Justice Advisory Committee**: The City Council has established the Montpelier Social and Economic Justice Advisory Committee to assist them in addressing and reshaping the systems, policies and practices that perpetuate these barriers to social and economic justice in our community.

- **Sprinkler Variance Committee**: The Sprinkler Variance Committee was appointed by City Council to review applications for variances from the City Sprinkler Ordinance. The Committee meets on an as needed basis.

- **Transportation Infrastructure Committee (MTIC)**: The Montpelier Transportation Infrastructure Committee is tasked with advising City Council on policy and infrastructure improvements related to transportation, as per City Council's direction. Transportation is an interdisciplinary field and thus members include representatives from pedestrian, vehicle, bike, conservation and energy backgrounds. The Committee is also attended by two staff members and a member of City Council. The Committee aims to plan, maintain and help create Complete Streets that accommodate all users including pedestrians, bikers, motorists and transit riders of all ages and abilities. MTIC will act as a steering committee for

- **Tree Board**: is responsible for the urban forest of the city. The board plans how to optimize trees in the public rights of way, including protection, planting, pruning and maintenance, and also consults with private property owners about their trees. They work closely with the Tree
## Boards and Commissions Staffing Information

<table>
<thead>
<tr>
<th>Board, Committee, or Commission</th>
<th>Chair</th>
<th>Department Head Lead</th>
<th>Other City Staff Representative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Americans with Disabilities Advisory Committee</td>
<td></td>
<td>Tom McArdle</td>
<td>Tom McArdle, Chris Lumbra, Kevin Casey &amp; Arne McMullen</td>
</tr>
<tr>
<td>Capital Improvement Plan Committee</td>
<td></td>
<td>Tom McArdle</td>
<td>Todd Provencher, Bill Fraser</td>
</tr>
<tr>
<td>Cemetery Commission</td>
<td>Jake Brown</td>
<td>Patrick Healy</td>
<td></td>
</tr>
<tr>
<td>Citizen Advisory Board</td>
<td></td>
<td>Yvonne Byrd</td>
<td>Jamie Granfield</td>
</tr>
<tr>
<td>Complete Streets Committee</td>
<td>Gary Holloway</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Fund Board</td>
<td>Christine Zachai</td>
<td>Todd Provencher</td>
<td></td>
</tr>
<tr>
<td>Conservation Commission</td>
<td>James Brady</td>
<td>Geoff Beyer</td>
<td></td>
</tr>
<tr>
<td>Design Review Committee</td>
<td>Stephen Everett</td>
<td>Mike Miller</td>
<td>Meredith Crandall</td>
</tr>
<tr>
<td>Development Review Board</td>
<td>Dan Richardson</td>
<td>Mike Miller</td>
<td>Meredith Crandall</td>
</tr>
<tr>
<td>Energy Advisory Committee</td>
<td>Kate Stephenson</td>
<td>Mike Miller</td>
<td>Vistas</td>
</tr>
<tr>
<td>Historic Preservation Commission</td>
<td>Eric Gilbertson</td>
<td>Mike Miller</td>
<td>Meredith Crandall</td>
</tr>
<tr>
<td>Investment Committee</td>
<td></td>
<td>Todd Provencher</td>
<td></td>
</tr>
<tr>
<td>Montpelier Business Loan Fund</td>
<td></td>
<td>Todd Provencher</td>
<td>Kevin Casey</td>
</tr>
<tr>
<td>Montpelier Foundation</td>
<td>William Cody</td>
<td>Todd Provencher</td>
<td></td>
</tr>
<tr>
<td>Montpelier Housing Authority</td>
<td>Ed Larson, JoAnn Troiano</td>
<td>Sue Allen</td>
<td>Kevin Casey</td>
</tr>
<tr>
<td>Montpelier Housing Task Force</td>
<td>Polly Nichol, Jennifer Hollar</td>
<td>Mike Miller</td>
<td>Kevin Casey, Vistas</td>
</tr>
<tr>
<td>Montpelier Transportation Infrastructure Committee</td>
<td>Jenn Gordon</td>
<td>Tom McArdle</td>
<td>Corey Line, Kevin Casey</td>
</tr>
<tr>
<td>Montpelier Housing Trust Fund</td>
<td></td>
<td>Mike Miller</td>
<td>Kevin Casey</td>
</tr>
<tr>
<td>MSAC Advisory Council</td>
<td>Bob Barrett</td>
<td>Janna Clar</td>
<td></td>
</tr>
<tr>
<td>Parks Commission</td>
<td>Dan Dickerson</td>
<td>Geoff Beyer</td>
<td>Alec Ellsworth</td>
</tr>
<tr>
<td>Planning Commission</td>
<td>Leslie Welts</td>
<td>Mike Miller</td>
<td>Meredith Crandall</td>
</tr>
<tr>
<td>Recreation Advisory Board</td>
<td>James Surwilo</td>
<td>Arne McMullen</td>
<td></td>
</tr>
<tr>
<td>Social &amp; Economic Justice Advisory Committee</td>
<td>Julia Chafets</td>
<td></td>
<td>Jamie Granfield</td>
</tr>
<tr>
<td>Sprinkler Variance Committee</td>
<td></td>
<td>Bob Gowns, Chris Lumbra</td>
<td>Sue Allen</td>
</tr>
<tr>
<td>Tree Board</td>
<td>John Snell</td>
<td>Geoff Beyer</td>
<td></td>
</tr>
<tr>
<td>Investment Committee</td>
<td>Terrence Field</td>
<td>Todd Provencher</td>
<td></td>
</tr>
</tbody>
</table>
City of Montpelier Voting Districts
Washington Country Vermont
January 2013

- D1
- D2
- D3

Legend:
- Voting Districts
- Roads
- Rivers & Lakes

Scale: 0 - 2 Miles