

RULES OF PROCEDURE AND BYLAWS
WEST FAIRLEE BOARD OF ADJUSTMENT
(Adopted: May 22, 2017)

A. POWERS of the BOARD OF ADJUSTMENT.

The legal basis of the Board of Adjustment stems from, and is stipulated in, 24 V.S.A., Chapter 117, as amended and such other laws as may be enacted by the Vermont General Assembly including, but not limited to Act 250, Section 248, Act 248a and Act 174.

B. PURPOSE.

The purposes and function of municipal Boards of Adjustment are prescribed in 24 V.S.A., Chapter 117. The Board of Adjustment of the Town of West Fairlee is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314. Meetings of the Board of Adjustment must be open to the public at all times, except as provided in 1 V.S.A. § 313.

C. APPLICATION.

This policy setting forth rules of procedure shall apply to the Board of Adjustment. These rules shall apply to all regular, special, and emergency meetings of the Board of Adjustment.

D. ORGANIZATION.

1. The Select Board of West Fairlee shall appoint the members of the Board of Adjustment for terms of up to three years as determined by the Select Board. The Select Board may remove a member at any time by unanimous vote. Any Select Board appointment to fill a vacancy on the Board of Adjustment shall be for the balance of the term remaining or until a successor is appointed. In the event of a vacancy of an officer position, such office shall be filled by majority vote at the next Board of Adjustment meeting. Officers so elected are to hold office for the balance of the current term or until their successors are elected. The Board of Adjustment shall have not less than three (3) nor more than five (5) voting members.

Members must be conscientious about regular attendance at all meetings. Members shall make reasonable efforts to notify the chair or clerk of their inability to attend a meeting. Repeated absences without a satisfactory excuse may result in a request for resignation from the chair.

The organizational year shall be from April 1 through March 31. An Annual Organization Meeting shall be called by the chair during the month of April for the purpose of electing officers and to undertake any other business deemed proper. The terms of officers shall take effect immediately after the Annual Organization Meeting and shall be for one year or until their successors have been duly elected.

2. The Board of Adjustment shall annually elect a chair, vice-chair and clerk. The chair, vice-chair and clerk shall be voting members unless appointment to the Board of Adjustment is as an ex officio member. The chair of the Board of Adjustment or, in the chair's absence, the vice-chair shall preside over all meetings. If both the chair and the vice-chair are absent, a member selected by the Board of Adjustment shall act as chair for that meeting. The clerk shall perform all the duties customary to that office, including keeping minutes of hearings. The clerk shall be the custodian of all records and correspondence. The clerk shall have the power to delegate all or part of the duties of this office to a non-member staff person.

3. The chair shall preserve order in the meeting and shall regulate its proceedings by applying these rules and making determinations about all questions of order or procedure.
4. A majority of the members of the Board of Adjustment shall constitute a quorum. If a quorum of the members of the Board of Adjustment is not present at a meeting, no meeting shall take place.
5. No single member of the Board of Adjustment shall have authority to represent or act on behalf of the Board of Adjustment unless, by majority vote, the Board of Adjustment has delegated such authority for a specific matter at a duly-noticed meeting and such delegation is recorded in the meeting minutes.
6. Motions made by members of the Board of Adjustment require a second. The chair of the Board of Adjustment may make motions and may vote on all questions before the Board of Adjustment. A motion will only pass if it receives the votes of a majority of the total membership of the Board of Adjustment.
7. There is no limit to the number of times a member of the Board of Adjustment may speak to a question. A member may speak or make a motion without being recognized by the chair. Motions to close or limit debate will be entertained.
8. Any member of the Board of Adjustment may request a roll call vote. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous.
9. Meetings may be recessed to a time and place certain.
10. These Rules of Procedure may be amended by majority vote of the Board of Adjustment.

E. AGENDAS.

1. Each regular and special meeting of the Board of Adjustment shall have an agenda, with time allotted for each item of business to be considered by the Board of Adjustment. Those who wish to be added to the meeting agenda shall contact the chair to request inclusion on the agenda. The chair shall determine the final content of the agenda.
2. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted at the following designated public places in the municipality: West Fairlee Community Building, 870 Route 113, on the bulletin board at the exterior entrance to the Town Clerk's office, at the entrance to the West Fairlee Public Library and at the entrance to B&B Cash Market, West Fairlee. The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting. No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by majority vote of the Board of Adjustment.

F. MEETINGS.

1. The chair shall be responsible for scheduling meetings when relevant matters are referred by the Administrative Officer, or in the absence of a duly appointed Administrative Officer, by a majority vote of the Select Board. Meetings will be held in the Community Building (lower level), 870 VT Route 113,

West Fairlee, at such times and at such other locations as determined by the chair in compliance with legal notice requirements.

2. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the Board of Adjustment unless previously waived and to any person who has requested notice of such meetings. In addition, notices shall be posted at the following designated places in the municipality: West Fairlee Community Building, 870 Route 113, and West Fairlee on the bulletin board at the exterior entrance to the Town Clerk's office, at the entrance to the West Fairlee Public Library and at B&B Cash Market, West Fairlee.
3. 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.
4. A member of the Board of Adjustment may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened, and is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting that is not unanimous must be done by roll call. If a quorum or more of the Board of Adjustment attend a meeting (regular, special, or emergency) without being physically present at a designated meeting location, the agenda for 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 Board of Adjustment, or at least one staff or designee of the Board of Adjustment, shall be physically present at each designated meeting location.

G. PUBLIC PARTICIPATION.

1. All meetings of the Board of Adjustment are meetings in the public (except as provided by Vermont law), not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the Board of Adjustment, so long as order is maintained according to these rules.
2. At the beginning of each agenda item, but before any action is taken by the public body at each meeting, there may be two (2) minutes afforded for open public comment. By majority vote, the Board of Adjustment may increase the time for open public comment and its place on the agenda.
3. Comment by the public or members of the Board of Adjustment must be addressed to the chair or to the Board of Adjustment as a whole, and not to any individual member of the Board of Adjustment or public.
4. Members of the public must be acknowledged by the chair and are requested to state their names and addresses before speaking.
5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.
6. Order and decorum shall be observed by all persons present at the meeting. Neither members of the Board of Adjustment, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the Board of Adjustment and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.

7. Members of the Board of Adjustment and members of the public shall obey the orders of the chair or other presiding member. The chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:
 - a. Call the meeting to order and remind the members of the applicable rules of procedure.
 - b. Declare a recess or table the issue.
 - c. Adjourn the meeting until a time and date certain.
 - d. Order the constable to remove disorderly person(s) from the meeting.

ADOPTED:	John Benjamin	
	Nancy Malmquist	
	Tom Baccei	
	(Printed Names)	(Signatures) (Date)