

City Council Rules of Procedure for Meetings City of Essex Junction

PURPOSE. The City Council of Essex Junction is required by law to conduct its meetings following the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314. A “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 public body or for the purpose of taking action. 1 V.S.A. § 310(3)(A). Meetings of the City Council of the City of Essex Junction must always be open to the public, except as provided in 1 V.S.A. § 313 for executive session. The purpose of these meetings is to conduct the business of the public body efficiently and effectively, while still allowing a reasonable opportunity for public comment.

APPLICATION. This policy setting forth rules of procedure applies to the City Council of the City of Essex Junction, referred to below as “the body.” These rules apply to all regular, special, and emergency meetings of the body. These rules do not apply to municipal quasi-judicial proceedings. The City Council of Essex Junction adopts these rules to further its significant interest in conducting its meetings in an efficient and orderly fashion. To this end, the following rules are established for the conduct of all persons, including board members, staff members, and members of the public attending the body’s meeting.

I. ORGANIZATION.

1. The body must annually elect a president, a vice president, and a clerk, who will serve until the body’s next annual meeting unless otherwise removed. Vacancies in the offices of president, vice president, or clerk will be filled by a majority vote of the body.
2. The body may vote to remove the president, vice president, or clerk at any time and elect a president, vice president, or clerk by a majority vote.
3. The president of the Council or, in the president’s absence, the vice president will preside over all meetings (i.e., presiding officer). If both the president and the vice president are absent, a member selected by the body will act as the presiding officer for that meeting.
4. A majority of three Councilors constitutes a quorum. If a quorum of the members of the body is not present at a meeting, no meeting will take place.
5. No single member of the body has the authority to represent or act on behalf of the body unless, either by statute or by majority vote, the body has delegated such authority as recorded in its meeting minutes.

6. All members, including the president and vice president of the body, are entitled to full participation in its proceedings, including the right to attend, speak, make motions, and vote.
7. Meetings of the body may be recessed (i.e., a brief break), or adjourned (i.e., postponed) and continued at a later date, time, and place certain. A motion stating the time and place that a meeting is either recessed or adjourned to must be made in public before the meeting is recessed or adjourned and such motion recorded in the meeting minutes.
8. These rules may be amended by a majority vote of the body and may be reviewed annually.

II. AGENDAS.

1. Each regular and special meeting of the body must have an agenda with time allotted for each item of business to be considered by the body. The president and City Manager will create and manage the body's agenda. Notwithstanding the president and City Manager's authority over the agenda, the body, in its discretion, may amend the final content of the agenda before or, to some extent, during the body's next meeting. Those who wish to add an item(s) to the meeting agenda need to contact the President and City Manager to request its inclusion on the agenda. All requests for additional agenda items must be provided no later than 10 am on the Wednesday preceding a regular meeting and 48 hours in advance of a special meeting to be considered.
2. At least 48 hours prior to a regular meeting and at least 24 hours prior to a special meeting, a meeting agenda must be posted in or near the municipal office and at the following designated public places in the municipality: Brownell Library at 6 Lincoln Street, and Essex Junction Recreation and Parks Department at 75 Maple Street. At least 48 hours prior to a regular meeting and at least 24 hours prior to a special meeting, a meeting agenda must be posted on www.essexjunction.org. The agenda must also be made available to any person who requests it prior to the meeting.
3. All business will be conducted in the same order as it appears on the noticed agenda, unless voted otherwise, except that any addition to or deletion from the noticed agenda may be made as the first act of business at the meeting. No additions to or deletions from the agenda will 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 or postponing or tabling actions, may be made by a majority vote of the body.
4. No binding action can be taken on matters not appearing on the agenda, unless, when necessary, to respond to an unforeseen occurrence or condition requiring immediate

attention by the body. Nor can the agenda item entitled “other business” be used for taking binding action.

5. The City Council President and City Manager determine whether an item belongs on the Consent Agenda. A Consent Agenda is a practice by which the ministerial action items are organized apart from the rest of the agenda and approved as a group. This includes all of the business items that require formal Council approval but no discussion before taking a vote. Examples include approval of minutes, routine approvals, approval items from past meetings, and other similar matters. Items may be removed from the Consent Agenda at the request of any Councilor and placed on the regular agenda. Items not removed may be adopted by general consent without debate.
6. The City Council President and City Manager determine what goes in the Reading File. The reading file contains reports provided for information only and correspondence requiring no action.
7. No request for an item to be added to the agenda will be unreasonably withheld. However, it is recognized that a requested agenda item will be considered in relation to the Council’s priorities and work programs. If the request aligns with the priorities and work program, it will be scheduled for a future meeting. If the request does not align with the current priorities and work program, it may be added to a future considerations list.
8. When Councilors are contacted directly by a resident either by phone, email, or in person and that resident is making a request for the Council’s consideration, the Councilor will specify that they are able to listen to the request and/or concern, but shall not comment or make a commitment to that citizen. Rather, the Councilor(s) shall indicate that the Council works together to resolve issues for residents and will refer that person’s request to the City Manager’s office for consideration by the City Manager, City Council President, and if necessary, by the other Councilors for placement on the agenda.

III. MEETINGS.

1. In accordance with Section 2.07 of the City Charter, “As soon as possible after the election of the President and Vice President, the Council shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.” Regular meetings will take place on the second and fourth Wednesday of every month at 6:30 p.m. in the Lincoln Hall conference room unless otherwise designated.
2. Special meetings must be publicly announced at least 24 hours in advance by giving notice to all members of the body, either orally or in writing unless previously waived; an editor, publisher or news director, or radio station serving the area; and any person who has requested notice of such meetings. In addition, notices must be posted in the municipal clerk’s office and at the following designated places in the municipality:

Brownell Library at 6 Lincoln Street and Essex Junction Recreation and Parks Department at 75 Maple Street.

3. Emergency meetings may be held without public announcement, without posting notice, 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 a condition requiring immediate attention by the body.
4. A member of the body 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 themselves when the meeting is convened and is able to hear and be heard throughout the meeting. Whenever one or more members attend a meeting electronically, voting by the body that is not unanimous must be done by roll call. If a quorum or more of the body attend a meeting without being physically present at a designated meeting location, the agenda for the meeting must 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 body, or at least one staff or designee of the body, must be physically present at each designated meeting location.
5. There is no allowance for voting by proxy. A member must be either physically present or, if applicable, present using electronic or other means in order to vote.

IV. MOTIONS AND VOTING.

1. Any member of the body may make a motion.
2. A member of the body may speak or make a motion without being recognized by the presiding officer.
3. Members of the body are not limited by the type of motions they may make (e.g., motion to amend, table, reconsider, object to consideration of the question, etc.), though all members should be aware of the consequences of the motion they make and/or approve.
4. Motions made by members of the body do require a second to proceed with discussion and/or action, if any.
5. The maker of a motion has the right to speak first in debate once the motion has been seconded and restated by the presiding officer.
6. Members must limit their comments and motions to the meeting agenda item under consideration.

7. All motions must be phrased in the affirmative.
8. All motions must be restated by the presiding officer prior to a vote.
9. Responses to voice votes, when provided, must be expressed as either “yes” or “no.” Members may also abstain or recuse themselves from voting.
10. In accordance with Section 2.09(b) of the City Charter, “The presence of three members shall constitute a quorum. Three affirmative votes shall be necessary to take binding Council action.” All members of the City Council, including the president, shall vote upon all items of business unless said voting would cause that councilor a conflict of interest. The City Manager shall have the right to participate in any and all discussions for debate by the City Council but shall not have any right to vote.
11. A member may change their vote up until such time as the vote is announced by the presiding officer.
12. Any member of the body may request a roll call vote. Whenever one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous.
13. The presiding officer must announce the result of all votes and what action, if any, the body has taken.
14. No member can speak more than once on any agenda item or motion until every other member choosing to speak thereon has been given the opportunity to do so.
15. A member of the body may call a point of order at any time, without being recognized, to bring attention to a potential rule violation. A point of order does not require a vote.
16. The presiding officer will rule on all points of order and state their justification.
17. Any member may appeal the presiding officer’s ruling on a point of order without being recognized. An appeal does require a second. If appealed, the ruling of the presiding officer may be overruled by a majority of the total membership of the body.
18. The failure of the body to strictly adhere to any provision of this section will not invalidate any action taken unless such action was taken by less than a majority of the total membership of the body or some other standard as specified by state law.

V. PUBLIC PARTICIPATION.

1. All meetings of the body are conducted in the public; they are not meetings of the public.
2. All meetings of the body are open to the public.
3. Meetings of the body are a limited public forum.
4. Members of the public will be afforded a reasonable opportunity to express their opinions about matters considered by the body, so long as order is maintained according to these rules.
5. Public comment is open to all members of the general public, not just residents of Essex Junction.
6. At the beginning of every agenda, a "Public to be Heard" section is included to provide the opportunity for the public to express its opinion. No member of the public may speak longer than two minutes without the consent of the presiding officer.
7. At the end of the discussion of each agenda item, but before any action is taken by the public body at each meeting, there may be two minutes afforded for public comment on the agenda item. By majority vote, the body may increase the time for public comment and its place on the agenda.
8. Speakers will be taken on a first-come, first-served basis, though the presiding officer may suspend this rule to protect against repetitive or irrelevant comments and to ensure that varied, especially opposing viewpoints, are heard.
9. Speakers may be asked, but not compelled, to state their name and/or address.
10. Members of the public must be acknowledged by the presiding officer before speaking.
11. Members of the public must wait their turn to speak and may not interrupt others.
12. Public comment must be germane to an item on the agenda.
13. A member of the public can only speak more than once on the same agenda item, time permitting, with the consent of the presiding officer and only after every other member of the public has been given an opportunity to speak.
14. The balance of time not used by a speaker will expire and cannot be reserved or yielded to another.
15. Members of the public do not have the right to vote on meeting agenda items.

16. Public comment under “Public to be Heard” is limited to the business of the body (i.e., the public body’s governmental functions, including any matter over which the body has supervision, control, jurisdiction, or advisory power).
17. Meetings may be recorded by any member of the public unless doing so constitutes an actual disruption to the proceedings of the meeting.

VI. ORDER.

1. Order must be observed by all persons attending the meeting, whether in-person or electronically.
2. The presiding officer will preserve order in the meeting and regulate its proceedings by applying these rules and by making determinations about all questions of order or procedure.
3. All electronic devices used by members of the body, the public, and others present must be silenced (i.e., turned off or put on "vibrate") during meetings.
4. All comments must be addressed to the presiding officer.
5. No person may disrupt, disturb, or otherwise impede (except for a point of order) the orderly conduct of the meeting or interrupt any person while they’re speaking.
6. The only people who may interrupt another from speaking are 1) a member of the body for a point of order directed towards the presiding officer or 2) the presiding officer themselves to enforce a rule.
7. Speakers must refrain from repetitious speech or speech that is irrelevant to the business of the body.
8. Members of the body should be addressed by their official title (e.g., selectperson, commissioner, committee member, etc.) followed by their last name. Members of the public should likewise be addressed as either “the Speaker” or by some similar title of respect (e.g., Mr., Ms., Sir, Madam, Mx., etc.).
9. Members of both the body and the public must obey all orders and rulings of the presiding officer. The presiding officer should adhere to the following process to address any disruption to a meeting and as needed to restore order, but may bypass any or all steps when they determine, in their sole discretion, that deviation from the process is warranted:
 - a. Call the meeting to order and remind the member of the body or the public of the applicable rules of procedure.
 - b. Declare a recess or table the issue under consideration.

- c. Adjourn (i.e., postpone) and continue the meeting until a place and time certain or close (end) the meeting.
- d. Ask disorderly person(s) to leave the meeting room for the remainder of that meeting.
- e. Request law enforcement assistance in removing a disorderly person(s) from the meeting when their conduct substantially impairs the effective conduct of the meeting for the remainder of that meeting.

VII. MEETING MINUTES.

- 1. Minutes must be taken of every meeting of the body.
- 2. 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.
- 3. Minutes must be available for inspection five calendar days after the meeting.
- 4. 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 body.
- 5. Minutes must be approved by a majority of the total membership of the body.
- 6. Minutes can be amended by a concurrence of a majority of the total membership of the body.

VIII. EFFECTIVE DATE. This policy will become effective immediately upon its adoption by the Essex Junction City Council.

Adopted (Date): January 8, 2025