

City Board & Committee Orientation

2026



— CITY OF —
**Essex
Junction**

Community Vision & Strategic Action Plan



Strategic Planning Process

- Department Heads develop Work Plans (July-Sept)
- Work Plans are presented to the City Council during Budget Day (Nov)
- Council and Department Head Retreat (June)
 - Progress on Work Plans
 - Priorities for next fiscal year

Essex Junction's Boards & Committees

Non-advisory: (also called “decision-making”) are public bodies that have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.

- City Council*
- Development Review Board*
- Board of Abatement
- Board of Civil Authority*
- Library Board of Trustees

Advisory: are public bodies that don't have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.

- Planning Commission
- Bike/Walk Advisory Committee
- Tree Advisory Committee
- Capital Program Review Committee
- Police Community Advisory Board
- Recreation Advisory Committee

*When these Boards engage in quasi-judicial proceedings additional/different rules apply

Responsibilities Boards & Committees

- attending and actively participating in committee meetings as scheduled;
- preparing for meetings (reading agenda materials prior to meeting);
- engaging in collaborative, respectful discussions relating to topics on the agenda, including sharing thoughts, opinions, and recommendations*;
- maintaining an open mind and allowing for a variety of opinions to be heard*;
- voting on motions that are put forward by committee members, unless a conflict of interest exist; and
- Adhere to the City's Municipal Code of Ethics and Vermont's Open Meeting Law requirements
- notifying the Chair or Staff Representative if they're unable to attend a scheduled meeting

Responsibilities Committee Chair

- facilitating the meeting and maintaining proper proceedings;
- ensuring the committee sticks to the agenda;
- encouraging participation in discussion topics and questions;
- calling for votes and/or seeking consensus as applicable; and
- Assisting the staff representative preparing agendas, minutes and meeting schedules

Responsibilities Staff Representative

- Serves as a subject matter expert to the committee
- Advises on City policy and procedures
- Connects committee work to City strategic plan
- Assist the Chair in preparing agendas, minutes and meeting schedules
- Manages public outreach activities and budgets

Open Meeting Law

- The Open Meeting Law [1 V.S.A. §§ 310-314](#), provides that “all 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.
- This presentation provides an overview of essential aspects of the law.

When does OML apply?

- The requirements of the OML are triggered whenever a “quorum” of the body is “meeting.”
- involved in a discussion or taking action; and
- the subject matter of the discussion is one over which the body has authority or responsibility.

When does OML not apply?

- Communicating for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting
- Occasions when a quorum of a public body attends social gatherings, conventions, conferences, training programs, press conferences, media events

What are the requirements of the OML?

- Provide advance notice of meetings.
- Create and post an agenda for all regular and special meetings.
- Conduct all business in an open meeting (unless an exemption applies).
- Allow public comment at meetings.
- Take and post minutes.
- Record, in audio or video form, all meetings of non-advisory bodies and post copies of recordings in a designated electronic location for a minimum of 30 days following the posting of the meeting minutes.

Exception - Deliberative Sessions*

- 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.
- The law defines “deliberations” as the “weighing, examining, and discussing the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties” [1 V.S.A. § 310\(3\)](#). 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\(8\)](#).
- Examples include tax appeal hearings before the board of civil authority; vicious dog hearings and employment termination hearings before the City Council; and zoning and subdivision hearings before a development review board.
- 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 close 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.

Open Meeting Law-Agendas

- At least 48 hours in advance of a regular meeting and 24 hours in advance of a special meeting, must be:
 - physically posted in or near the municipal office and two other public places (Brownell and EJP)
 - posted electronically to a website, and
 - available to a person prior to a meeting upon specific request.
- Must contain sufficient details concerning the specific matters to be discussed by the public body.
- Must contain an AGENDA ADDITIONS/CHANGES section as the first order of business.
- Must include a Public to be Heard section

Can a public body meet remotely?

Advisory

- Yes. A quorum or more of the members of an advisory body may, but does not have to, conduct a meeting by electronic or other means without being physically present at or staffing a designated meeting location.

Non-Advisory

- Yes, but only to attend an emergency meeting of the body or when needed to respond to a local incident or a declared state of emergency
- Hybrid meeting are allowed as long as an agenda includes a designated physical meeting location and a designated electronic meeting platform. At least one member of the body or at least one staff person or other designee must be present at that physical location.

Open Meeting Law-Minutes

- Must be taken at every public meeting.
- Minutes must give a true indication of the business of the meeting
- Five calendar days after the meeting minutes must be available for inspection and copying and must be posted to a website. [1 V.S.A. § 312\(b\)\(2\).](#)
- The recording requirement does not apply to gatherings of a public body for purposes of a site inspection or field visit. [1 V.S.A. § 312\(a\)\(6\).](#)

Try to Avoid Or MUST Avoid*

- E-mail “reply all”
- Google Docs
- Texting During Meetings
- Social Media –Facebook, Front Porch Forum

Evidence*



The only evidence you may consider is that which is presented to you during a hearing.

DON'T INVESTIGATE ON YOUR OWN!

From VLCT's Training – Role of the BCA in Tax Assessment Appeals, Carl Andeer, 5/13/2025

NO Ex-Parte Communication*



■ *Ex Parte* Communication:

A direct or indirect communication between a board member and any party, party's representative, party's counsel or any person interested in the outcome of any quasi-judicial proceeding before the board that occurs outside the proceeding and concerns the substance or merits of the proceeding.

From VLCT's Training – Role of the BCA in Tax Assessment Appeals, Carl Andeer, 5/13/2025

Open Meeting Law Complaint Process

- Open Meeting Law complaints directed to the City must be filed with the City Manager by e-mail at admin@essexjunction.org or to the City Offices at 2 Lincoln Street, Essex Junction, VT 05452. The written notice of complaint must allege a specific violation of the Open Meeting Law, identify the public body that committed the alleged violation, and request a specific cure of such violation.
- Post on its website:
 - an explanation of the procedures for submitting notice of an Open Meeting Law violation to the public body or the Attorney General; and
 - a copy of the text of 1 V.S.A. § 314.
(www.essexjunction.org/boards/open-meeting-law)

Code of Ethics

- The Act establishes a statewide municipal code of ethics
- It also requires municipalities to investigate and record ethics complaints, to appoint an Ethics Liaison to receive complaints and serve as a point of contact for the Ethics Commission, and for municipal staff and committees to complete an ethics training.

What is a conflict of Interest?

- A direct or indirect interest of a municipal officer or such an interest, known to the officer, of a member of the officer's immediate family or household, or of a business associate, in the outcome of a particular matter pending before the officer or the officer's public body, or that is in conflict with the proper discharge of the officer's duties.
- "Conflict of interest" does not include any interest that is not greater than that of other individuals generally affected by the outcome of a matter.

What Do I Do If I Believe I Have A Conflict Of Interest?

- Recusal and disclosure for conflicts of interest:
 - Municipal officers faced with a conflict of interest, or the appearance of a conflict of interest, shall publicly recuse themselves from the matter in question.
 - A public recusal can be accomplished by making a statement during a public meeting. If the municipal officer believes they may proceed with the matter despite the conflict, they must disclose the nature of the conflict and the reason for the non-recusal in writing.
 - If a municipal official first becomes aware of a potential conflict during a public meeting and decides to proceed, the written non-recusal statement may be filed after the meeting. Confidential information need not be disclosed.

I Have Recused Myself –Now What?

- A public officer who has recused himself or herself from participating in an official act or action by a public body shall not sit with the public body, deliberate with the public body, or participate in the discussions about that official act or action in any manner in his or her capacity as a public officer, though such member may still participate as a member of the public or private party, if applicable.

Conduct Prohibited by the Ethics Policy

- No directing others to act unethically
- No improper preferential treatment
- No using municipal position, information, or resources for improper personal or financial gain
- Limitations on gifts to municipal officers
- No making unauthorized commitments on behalf of the municipality
- No benefitting from contracts

Process for Investigation and Enforcement of Ethical Violations

- Essex Junction Ethics Liaison: Colleen Dwyer, Human Resources Director
- The City website has information on the Process for Investigation and Enforcement of Ethical Violations and Ethics Complaint Form: www.essexjunction.org/codes/municipal-code-of-ethics
 - Quick chart for identifying conflicts of interest