

Town of Mount Holly Planning Commission

RULES OF PROCEDURE

PURPOSE

The Planning Commission of the Town of Mount Holly (hereafter sometimes referred to as “the body”) hereby adopts the following rules of procedure (hereinafter referred to as these “Rules”) in accordance with 24 V.S.A. § 4461(a) and the Vermont Open Meeting Law, 1 V.S.A. §§ 310–314. These Rules govern the conduct of the body’s meetings and proceedings.

The body 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(5)(A). Meetings 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

These rules apply to all regular, special, and emergency meetings of the body. Because the Commission comprises five members, a meeting as defined by the Open Meeting Law occurs whenever a quorum of three or more members discuss the body’s business. These rules do not apply to town quasi-judicial proceedings (i.e., hearings) which are governed by the Commission’s Procedures for Quasi-Judicial Hearings, adopted as a separate document and incorporated herein by reference. The body 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 people, including Commission members, staff members, and members of the public attending the body’s meetings.

ORGANIZATION

1. The body shall annually elect a chair, vice-chair, and secretary who will serve until the body’s next annual meeting, unless otherwise removed. Vacancies in the offices will be filled by majority vote of the body.
2. The body may vote to remove the chair or vice-chair at any time and elect a new chair or vice-chair by two-thirds vote.
3. The chair of the body or, in the chair’s absence, the vice-chair will preside over all meetings (hereafter sometimes referred to as the “presiding officer”). If both the chair and the vice-chair are absent, the secretary will act as presiding officer for that meeting.
4. The body may be supported by an administrative assistant, commonly known (and referred to herein) as a clerk, and may delegate ministerial and administrative tasks to the clerk in whole or in part, including preparing agendas, compiling materials, preparing and posting minutes, and preparing and posting public notices. The clerk is not a member of the body and shall not vote on any matter. The clerk may also hold other roles for the Town, including serving as the Town’s Administrative Officer.
5. In addition to duties described elsewhere in these Rules, the chair may perform the following administrative duties on behalf of the body, subject to and consistent with these Rules:
 - a. prepare and manage meeting agendas, or delegate such tasks to the body’s clerk;

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- b. coordinate with the body's clerk and the Town's Administrative Officer regarding scheduling, preparation of meeting materials, and compliance with posting and notice requirements;
 - c. prepare, or oversee preparation of, an annual report of the body's activities for the town report;
 - d. present periodic status updates to the Select Board;
 - e. execute approved plats and related instruments when authorized, including where signature is required to implement a written decision of the body;
 - f. ensure that surveys, plats, and other materials required to be filed or uploaded are transmitted to the appropriate repository, including the Vermont Land Survey Library, as applicable;
 - g. coordinate and track member training, including annual training expectations established by these Rules;
 - h. communicate with governmental entities (including state agencies, regulators, regional planning commissions) and expert or advisory organizations (such as attorneys and the Vermont League of Cities and Towns) to request or provide procedural, technical, or factual information relevant to the body's work and/or the work of such entities, provided that the chair:
 - i. shall not include more than one additional member of the body in those communications;
 - ii. shall not commit the body to a position or course of action without authorization by vote; and
 - iii. shall report such activities to the body at the next regular meeting.
6. A majority of the total membership (3 or more of the 5 members) of the body constitutes a quorum. If a quorum of the members of the body is not present, no meeting will take place.
 7. No single member of the body has the authority to represent or act on behalf of the body unless authorized by statute, by resolution of the body recorded in the meeting minutes, or as expressly provided in these Rules.
 8. All members, including the chair and vice-chair of the body, are entitled to full participation in its proceedings, including the right to attend, speak, make motions, and vote.
 9. 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.
 10. These rules may be amended by majority vote of the body and must be readopted annually.
 11. All officers and members of the body shall:
 - a. Comply with the Town of Mount Holly's conflict of interest policy, as amended; and
 - b. Provide the chair and clerk with their current electronic mail address and the phone number where they can most readily be reached; and
 - c. Promptly inform the chair and clerk of any changes in their contact information; and
 - d. Consent to receive notice at such electronic mail address, and acknowledge that any notice sent to such address shall be deemed to have been received and read; and
 - e. Check their electronic mail regularly; and
 - f. Attend at least one hour of online or in-person training provided by the Vermont League of Cities and Towns (VLCT) per year.

COMMITTEES

1. The chair may establish working groups or committees to investigate and make recommendations on issues of interest to the body. The work of committees shall be advisory only and shall have no authority to take binding action on behalf of the body.
2. Any such working group or committee shall be constituted at a regular meeting and consist of no more than two (2) members of the body. Committees may include members other than members of the body.
3. The work product of any such group shall be reported to the body at a warned meeting and, where appropriate, included in the meeting record.

AGENDAS

1. Each regular and special meeting of the body must have an agenda for each item of business to be considered by the body. The agenda will include sufficient details to identify the specific business to be discussed. Whenever the body includes an executive session as an item on its posted meeting agenda, it must list it as "proposed executive session" and indicate the nature of the business of the executive session. The chair will create and manage the body's agenda, or at their discretion delegate the task to the clerk.
2. Notwithstanding the chair's authority over the agenda, the body, in its discretion, may amend the final content of the agenda before or, to a limited extent, during the body's next meeting. Those who wish to add an item(s) to the meeting agenda need to contact the chair to request its inclusion on the agenda. All requests for additional agenda items must be provided at least 72 hours in advance of a regular and 48 hours in advance of a special meeting to be considered.
3. 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 town office and at the following designated public places in the town: the Mount Holly post office, and Belmont post office. 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 mounthollyvt.org. The agenda must also be made available to any person who requests it prior to the meeting.
4. If the body meets without a physical meeting location, then it must post information that enables the public to directly access the designated electronic platform and include this information in the published agenda or public notice for the meeting.
5. If the body holds a hybrid meeting, then it should post information that enables the public to directly access the designated electronic platform and include this information in the published agenda or public notice for the meeting.
6. 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 majority vote of the body at any time.
7. No binding action can be taken on matters not appearing on the agenda, unless it is necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the body. Nor can the agenda item entitled "other business" or "public comment" be used for taking binding action.

MEETINGS

1. The Annual Meeting will take place at the regular meeting of the body in November after the appointment of members by the Select Board.
2. Regular meetings will take place at the Mount Holly Town Office on the third Tuesday of each month at 6:30 PM, unless changed by the body.
3. 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; the Mount Holly Newsflash email service; on mounthollyvt.org; and any person who has requested notice of such meetings. In addition, notices must be posted in the town clerk's office and at the places in the town designated above for agendas.
4. 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.
5. If the body meets without a physical meeting location, then it must post information that enables the public to directly access the designated electronic platform and include this information in the published agenda or public notice for the meeting.
6. 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.
7. 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.
8. A quorum or more of the members of the body may attend an emergency meeting of the body by electronic or other means without being physically present at or staffing a designated meeting location.
9. If the body meets without a physical location, then it must designate and use an electronic platform that allows for the direct access, attendance, and participation of the public, including access by telephone.
10. There is no allowance for voting by proxy. A member must be either physically present or, if applicable, present using electronic or other means to vote.
11. If a resident, a member of the body, or member of the press requests (in writing) physical access to a remote regular meeting or electronic or phone access to an in-person regular meeting, the body must grant the request unless:
 - a. There is an all-hazards event (20 V.S.A. § 2) or declared state of emergency;
 - b. There is a local incident (1 V.S.A. § 312a); or
 - c. Compliance would impose an undue burden on the town, as determined by the body.

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 only after 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.),

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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 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, restated by the presiding officer, and the member is recognized by the presiding officer.
6. Members of the body 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 orally as either "yes" or "no." Members may also abstain or recuse themselves from voting.
10. All motions require the approval of the majority of the total membership of the body to pass, unless the threshold has been increased by the body, or as otherwise modified by state law.
11. A vote is required to both enter and exit executive session.
12. A member of the body may change their vote, up until such time as the vote is announced by the presiding officer.
13. 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.
14. The presiding officer must announce the result of all votes and what action, if any, the body has taken.
15. The presiding officer may, in their discretion, seek to approve any action by unanimous consent when the presiding officer reasonably believes the matter is not expected to be opposed. The presiding officer shall clearly state the proposed action and ask, "Is there any objection?" (or the equivalent). If no member objects after a reasonable pause, the action is approved by unanimous consent and the presiding officer shall declare, "Hearing no objection, so ordered." Any objection, for any reason, requires that the matter be decided by motion and vote. Actions approved by unanimous consent shall be recorded in the minutes.
16. No member of the body 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.
17. 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.
18. The presiding officer will rule on all points of order and state their justification.
19. Any member of the body may appeal the presiding officer's ruling on a point of order, without being recognized. An appeal requires a second. If appealed, the ruling of the presiding officer may be overruled by a majority of the total membership of the body.
20. 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.

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.

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4. Members of the public will be afforded a reasonable opportunity to express their opinions about matters under consideration by the body at the meeting, 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 Mount Holly.
6. No member of the public may speak longer than 3 minutes without the consent of the presiding officer.
7. 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. Members of the public must raise their hand and be acknowledged by the presiding officer before speaking.
10. Members of the public must wait their turn to speak and may not interrupt others.
11. Speakers may be asked to state their name and/or address.
12. Public comment must be germane to an item on the agenda and limited to the business of the body.
13. All remarks shall be addressed to the presiding officer, not to others in the room or members of the body.
14. Time permitting, a member of the public may speak more than once on the same agenda item only with the consent of the presiding officer and only after every other member of the public has been given an opportunity to speak.
15. The balance of time not used by a speaker will expire and cannot be reserved or yielded to another.
16. Members of the public do not have the right to vote on meeting agenda items.
17. Meetings may be recorded by any member of the public unless doing so constitutes an actual disruption to the proceedings of the meeting.
18. Attendance in executive session is limited to members of the body and, in its discretion, staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed, and who are invited by the body to attend. The public is otherwise excluded from executive session.

ORDER

1. Order must be observed by all people 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. No signs, posters, or placards are permitted to be erected or displayed by persons in attendance inside the meeting room.
4. 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.
5. 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 or maintain order.
7. Speakers must refrain from repetitious speech or speech that is irrelevant to the business of the body at the meeting.
8. Speakers must refrain from threatening or harassing speech.
9. Members of the body should be addressed by their official title (e.g., Chair, Commissioner, etc.) followed by their last name.

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10. 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.
11. Robert's Rules of Order Newly Revised, latest edition, shall govern all questions of procedure that are not otherwise provided by these Rules or by state law.

MEETING RECORDINGS

1. The body must record or cause to be recorded, in audio or video form, all meetings (except site inspections and site visits) unless doing so will impose an undue hardship on the town.
2. A copy of the meeting recording must be posted to a designated electronic location for a minimum of 30 days following the day when meeting minutes are posted.

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," and shall include 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. The minutes may include information in addition to the statutorily required elements as may be needed to give a "true indication of the business of the meeting," as may be deemed appropriate by the presiding officer.
4. Minutes must be available for inspection five calendar days after the meeting.
5. Minutes must be posted no later than five calendar days after the meeting to mounthollyvt.org.
6. Minutes must be approved by a majority of the total membership of the body.
7. Minutes can be amended by concurrence of a majority of the total membership of the body.

EFFECTIVE DATE

This policy will become effective immediately upon its adoption by the body.

Adopted February 17, 2026