



City of Winooski

27 West Allen Street
Winooski, VT 05404
(802) 655-6410

City Council Agenda Item

Agenda Item	Adoption of Mayor and Council Rules of Procedure
Date	March 19, 2018
Submitting Department	Mayor and City Manager
Recommended Action	Review Rules of Procedure. Recommended motion: "Approve Mayor and Council Rules of Procedure as presented."
Strategic Vision Area and Strategy	All
Expenditure Required (amount and source)	N/A
Background Information	<p>The draft presented reflects the Rules of Procedure as currently adopted. This document is based on a model policy from the Vermont League of Cities and Towns.</p> <p>Annually these Rules of Procedure should be updated.</p>
Supporting Documents	Mayor and Council Rules of Procedure
Interested Parties	All
City Manager Approval	



CITY OF WINOOSKI

CITY COUNCIL

MAYOR SETH LEONARD

COUNCILOR HAL COLSTON
COUNCILOR ERIC COVEY
COUNCILOR KRISTINE LOTT
COUNCILOR NICOLE MACE

JESSIE BAKER
CITY MANAGER

Mayor and Council Rules of Procedure

Article 1: Purpose.

The Winooski City Council and its appointed Boards, Committees, and Commissions, are required by law to conduct meetings in accordance with the Vermont Open Meeting Law (1 V.S.A. §§ 310-314.) The authorities of the Mayor, City Council, and City Manager are established in the Winooski City Charter (24A V.S.A. § 19.)

Article 2: Application.

This policy setting forth rules of procedure shall apply to the Winooski City Council, which is referred to below as “the body.” These rules shall apply to all regular, special, and emergency meetings of the body. While this policy is not directly applicable to Boards, Committees, and Commissions as appointed by the City Council, such bodies are subject to the requirements of the Vermont Open Meeting Law, 1 V.S.A. §§ 310-314.

Article 3. Organization of the City Council.

- a. The Mayor shall serve as the Chair of the City Council. The Deputy Mayor shall preside over all meetings in the Mayor’s absence. If both the Mayor and the Deputy Mayor are absent, a member selected by the body shall act as chair for that meeting.
- b. The Mayor or presiding 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.
- c. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.
- d. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly noticed meeting and such delegation is recorded in the meeting minutes.
- e. Motions made by members of the body do require a second. The Mayor or presiding chair may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the quorum.
- f. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion only after being recognized by the Mayor or presiding chair. Motions to close or limit debate will be entertained.
- g. Any member of the body may request a roll call vote at any time.

- h. Members are allowed to attend a meeting electronically. 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. At least one member of the body, must be present in the physical location where the meeting is scheduled to be held.
- i. Meetings may be recessed to a time and place certain.
- j. These rules may be amended by majority vote of the body, and must be readopted annually.

Article 4: Council Meeting Agendas.

- a. Each regular and special meeting of the body shall have an agenda.
 - i. Councilors, staff, or members of the public who wish to be added to the meeting agenda shall contact the Mayor or City Manager by close of business on a Thursday prior to a regular meeting to request inclusion on the agenda. Requests for agenda items from the public must be put in writing to the Manager. The Mayor, in consultation with the City Manager, shall determine the final content of the agenda. If two or more Councilors request an agenda item, the Mayor and Manager must add it to the agenda.
 - ii. The agenda shall indicate the name of the official proposing the item and if the item is for discussion or approval.
 - iii. Each agenda may contain a “Consent Agenda” section. Items listed on the Consent Agenda may be voted upon collectively. Examples of such items are the minutes of prior meetings, routine approvals, approval items from past meetings, and other non-controversial matters. The request of a single Council Member will be sufficient cause to remove an item from the Consent Agenda and vote on it separately.
 - iv. Each agenda will contain an item on agenda review and City updates.
- b. 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 in the municipal office and at the following designated public places in the municipality: O’Brien Community Center and the Winooski High School. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda and supporting materials shall be posted on www.winooski.vt.org. The agenda must also be made available to any person who requests such agenda prior to the meeting.
- c. 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 or postponing or tabling actions) may be made by a majority vote of the body.

Article 5: Council Meetings.

- a. Regular meetings shall take place on the first and third Mondays of the month at 6:00 p.m. at the Claire Burke Council Chambers at Winooski City Hall.
- b. Special meetings shall be publicly announced 24 hours in advance by giving notice to all members of the body; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings in writing. In addition,

- notices shall be posted in the municipal clerk's office and at the following designated places in the municipality: O'Brien Community Center and the Winooski High School.
- c. 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. When practicable under the circumstances, members will be given at least 12 hours' notice. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.
 - d. 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 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 body 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 body shall be physically present at each designated meeting location.
 - e. In accordance with 1 V.S.A. §§ 313, the body may convene in Executive Session as needed.
 - f. The Council shall follow the most recent version of Robert's Rules of Order when a particular action or procedure is not addressed by these Rules of Procedure or the City Charter.

Article 6: Public Participation in Council Meetings.

- a. All meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express opinions about matters considered by the body, so long as order is maintained according to these rules.
- b. The Mayor or presiding chair can limit the time of the public comment, or the time an individual is allowed to speak, to ensure the timely work of the body. It is the intention that at least ten minutes be allocated for public comment at the beginning of each meeting. This may be expanded if needed.
- c. At the end of discussion of each agenda item, but before any action is taken by the public body at each meeting, there must be time afforded for open public comment.
- d. Comment by the public or members of the body must be addressed to the Mayor (or presiding chair) or to the body as a whole, and not to any individual member of the body or public.
- e. Members of the public must be acknowledged by the Mayor or presiding chair before speaking.
- f. 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.
- g. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor 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 body and members of the public are prohibited from making personal, impertinent, or threatening remarks.

- h. Members of the body and members of the public shall obey the orders of the Mayor or other presiding member. The Mayor or presiding 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:
 - i. Call the meeting to order and remind the members of the applicable rules of procedure.
 - ii. Declare a recess or table the issue.
 - iii. Adjourn the meeting until a time and date certain.
 - iv. Order the constable or police to remove disorderly person(s) from the meeting.

Article 7: Constituent Relations. As elected officials, members of the public will look to City Councilors as a primary point of contact for issues that concern the city or the community. When talking with constituents, Councilors must avoid speaking on behalf of the Council except to refer to an action previously adopted. Councilors must refrain from negotiating or giving the appearance of negotiating on behalf of the city without explicit Council delegation of authority. The City Manager is responsible for allocating resources, assuring services are provided, and staff management. Communication about these should be directed to the Manager.

Article 8: Electronic Communications and Public Records. All communication by a Councilor discussing City business is considered public and is subject to Vermont Public Records Act requests. The Mayor and Councilors are provided an email address from the City of Winooski. This email address should be used for all City business and is the property of the City. All messages from and to this account must be saved. Email can be used to file a report or schedule a meeting. All discussion and debate should take place in an open session of the Council.

Article 9: Media Relations. Members of the media may contact Councilors for a quote or for perspective on an issue facing the City. Councilors must speak on the Council's behalf only if authorized to do so by the Council. The Council's policy perspective is usually publically communicated by the Mayor. Questions and inquiries related to day-to-day operations, personnel, or legal issues should be directed to the City Manager.

Article 10: City Staff. The City Manager is the primary contact between the Council and City staff. To the extent that Councilors are reaching out to staff directly for information, the Manager should be copied on the communication. The Council cannot provide direction to staff. To the extent that Councilors have general questions, responses will be provided directly to the Councilor who asked the question. To the extent that Councilors ask questions about history, for details on operations, or other general implementation questions, this information will be shared with the full Council.

Article 11: Emergency Response. City staff are charged with responding to and managing the scene of emergency situations. During emergencies, staff's foremost concern is managing the situation and keeping the City and residents safe. In these instances, the Manager will be the primary contact between City staff and the Council. Should a situation escalate to the point of requiring an exceptional need for coordinated effort that cannot be managed at the scene, an

Emergency Operations Center (EOC) will open. It may become necessary to convene the Council in order to address needs or provide for a coordinated information process with residents and/or media. Should this occur, the Mayor will notify the Council.

Article 12: Liaison and Commission Assignments. Each Councilor will be assigned an operational division of the City Government to serve as liaison. This role is designed to strengthen oversight of the city functions. The Councilor shall work to understand the issues. The liaison role, however, does not include any supervision of positions. Department Heads are expected to regularly reach out to their liaison for updates and to keep the Councilor apprised of actions coming before the Council. Councilors will also be the prime contact for any committees that report directly to the Council. The Mayor, as a result of his/her position as Chair of the Strategic Planning process, shall always be the liaison for the Planning Commission.

Article 13: Adoption.


Submitted By:



Jessie Baker, City Manager

Approved By:

This 19 day of March, 2018.



Mayor Seth Leonard



Attest by City Clerk



Councilor Hal Colston



Councilor Eric Covey



Councilor Kristine Lott



Councilor Nicole Mace



City of Winooski

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 (802) 655-6410

City Council Agenda Item

Agenda Item	Adoption of the Conflict of Interest Policy
Date	March 19, 2018
Submitting Department	Mayor and City Manager
Recommended Action	Review Conflict of Interest Policy. Recommended Motion: "Approve Conflict of Interest Policy as presented."
Strategic Vision Area and Strategy	All
Expenditure Required (amount and source)	N/A
Background Information	<p>The draft presented reflects the Conflict of Interest Policy as currently adopted. This document is based on a model policy from the Vermont League of Cities and Towns.</p> <p>Additionally, the Winooski City Charter, 24 V.S.A. § 19-305, indicates that the Council "shall adopt measures relating to the definition, disclosure, and consequences of a conflict of interest involving elected and appointed City officials."</p> <p>Annually this Policy should be adopted.</p>
Supporting Documents	Mayor and Council Rules of Procedure
Interested Parties	All
City Manager Approval	<i>Jesse Bowen</i>



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Conflict of Interest Policy

Article 1. Authority. Under the authority granted in 24 V.S.A. § 2291(20), and in accordance the Winooski City Charter, 24A V.S.A. § 19-305, the Winooski City Council hereby adopts the following policy concerning conflicts of interest.

Article 2. Purpose. The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to ensure that all decisions made by municipal officers are based on the best interest of the community at large.

Article 3. Application. This policy applies to all public officers as that term is defined below.

Article 4. Definitions. For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A direct or indirect personal or financial interest of a public officer, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee in the outcome of a cause, proceeding, application, or any other matter pending before the officer or before the public body in which he or she holds office or is employed.
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.
3. A situation where a public officer has not disclosed ex parte communications with a party in a quasi-judicial proceeding.

A "conflict of interest" does not arise in the case of votes or decisions on matters in which the public official has a personal or financial 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.

B. **Emergency** means an imminent threat or peril to the public health, safety, or welfare.

C. **Ex Parte Communication** means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a

quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.

D. **Official act or action** means any legislative, administrative, or quasi-judicial act performed by any public officer while acting on behalf of the municipality.

E. **Public body** means any board, council, commission, or committee of the municipality.

F. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.

G. **Public officer** means a person elected or statutorily-appointed to perform executive, administrative, legislative, or quasi-judicial functions for the municipality. This includes appointees by the Council to Boards, Committees, or Commissions. This term does not include any municipal employee.

H. **Quasi-judicial proceeding** means 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 opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision that is appealable by a party to a higher authority.

Article 5. Prohibited Conduct.

- A. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.
- B. A public officer shall not personally – or through any member of his or her household, business associate, employer or employee – represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application, or other matter pending before the public body in which the public officer holds office.
- C. A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general.
- D. A public officer shall not use resources unavailable to the general public – including but not limited to municipal staff time, equipment, supplies, or facilities – for private gain or personal purposes.

Article 6. Disclosure. A public officer who has reason to believe that he or she has or may have an actual or perceived conflict of interest in a particular matter shall, prior to participating in any official action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to an actual or perceived conflict of interest.

Article 7. Consideration of Recusal. Once there has been a disclosure of an actual or perceived conflict of interest, other public officers may be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is disclosed or discovered during a meeting or hearing conducted by a public body of the municipality, the public body may take evidence pertaining to

the conflict and, may in accordance with 1 V.S.A. §§ 313, adjourn to an executive session to address the conflict.

Article 8. Recusal.

- A. **Recusal of Elected Officers.** After taking the actions listed in Articles 6 and 7, an elected public officer should declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest. As each member of the public body is independently elected and answers only to the voters, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately.
- B. **Recusal of Appointed Officers.** The failure of an appointed public officer to recuse himself or herself in spite of an actual or perceived conflict of interest may be grounds for discipline or removal from office. Certain appointed officials may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard as outlined in the municipal charter, if such provisions are applicable.

Article 9. Post-Recusal Procedure.

- A. A public officer who has recused himself or herself from serving on a public body in a particular proceeding shall not sit with the public body, deliberate with the public body, or participate in that proceeding as a member of the public body in any capacity, though such member may still participate as a member of the public.
- B. The public body may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

Article 10. Enforcement.

- A. **Enforcement Against Elected Officers; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.** In cases where an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 9, the Winooski City Council may take progressive action to discipline such elected officer as follows:
 - 1. The Mayor may meet informally with the public officer to discuss the possible conflict of interest violation.
 - 2. The Winooski City Council may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. The Winooski City Council may admonish the offending public officer in private.
 - 3. If the Winooski City Council decides that further action is warranted, the Winooski City Council may admonish the offending public officer at an open meeting and reflect this action

in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.

4. Upon majority vote in an open meeting, the Winooski City Council may request (but not order) that the offending public officer resign from his or her office.

B. Enforcement Against Appointed Officers. The Winooski City Council may choose to follow any of the steps articulated in Article 10A. In addition to or in lieu of any of those steps, the Winooski City Council may choose to remove an appointed officer from office, subject to state law, the Winooski City Charter, and any applicable policies.

Article 11. Exception. The recusal provisions of Article 8 shall not apply if the Winooski City Council determines that an emergency exists and that actions of the public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 6.

Article 12. Effective Date. This policy shall become effective immediately upon its adoption by the Winooski City Council.

Submitted By:



Jessie Baker, City Manager

Approved By:

This 19th day of March, 2018.



Mayor Seth Leonard



Attest by City Clerk



Councilor Hal Colston



Councilor Eric Covey



Councilor Kristine Lott



Councilor Nicole Mace