

TOWN OF WAITSFIELD
APRA ADVISORY COMMITTEE MEETING
Waitsfield Town Office OR Remote via Zoom
Wednesday, August 24th, 2022
4:30 P.M. to 6:00 P.M

Please see note below for access

I. Call to Order: 4:30 P.M.

II. Regular Business.

1. Agenda additions, removals, or adjustments per 1 V.S.A. § 312 (d) (3) (A).
2. Introductions and committee goals
3. Appoint Chair, Vice Chair, and Secretary (note taker)
4. Conflict of Interest Policy and Open Meeting Law review
5. Review Waitsfield ARPA Advisory Committee Guidelines
6. Review summary of Waitsfield ARPA award and process
7. Discuss project prioritization ideas
8. Discuss public outreach and project intake
9. Determine meeting schedule

III. Adjourn.

***PLEASE NOTE: Public access will be via Zoom. To watch and participate, please use the following link:**

<https://us02web.zoom.us/j/84820601919>

Meeting ID: 848 2060 1919

By phone: 1 (929) 205-6099

ALL TIMES ARE APPROXIMATE

Waitsfield Town Offices • 4144 Main Street • Waitsfield, VT 05673

ARPA Committee: Charlie Goodman III * Leo Laferriere (WCC) * Mac Rood * Christine Sullivan (SB) * Brian Voigt (PC) * Jordan Gonda (SB alt.) * *vacant* * *vacant*

Town Administrator: Annie Decker-Dell'Isola (802) 496-2218, x5 townadmin@gmavt.net

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2. Introductions and committee goals

- The members of the committee should introduce themselves, briefly describe their interest in serving on the committee, and identify any goals they have for the ARPA Advisory Committee.

3. Appoint Chair, Vice Chair, and Secretary

- The Committee should consider appointments to the Chair, Vice Chair, and Secretary positions.
- The Chair's primary responsibility is to set the agenda and run the meetings, with the Vice Chair serving in this capacity in the event that the chair is unable to attend a meeting.
- The Secretary shall be the committee's primary note taker. Carol Chamberlin, recording secretary for the Selectboard, is able to provide this service as well.
- **RECOMMENDED ACTION:** *Motion to appoint Chair/Vice Chair and Secretary (if needed).*

4. Conflict of Interest Policy and Open Meeting Law Review

- The Town of Waitsfield Conflict of Interest Policy is enclosed for review.
- Open Meeting Law resources developed by VLCT are enclosed for review.

5. Review Waitsfield ARPA Advisory Committee Guidelines

- The Waitsfield ARPA Advisory Committee Guidelines are enclosed for review.
- The committee should review the primary duties and function of the committee.

6. Review summary of Waitsfield ARPA award and process

- *Much of the information provided below is summarized from the [VLCT ARPA Information webpage](#) which includes many useful resources related to municipal ARPA funding.*
- **Waitsfield award:** \$506,081.79
- **What is the intent of ARPA funding?**
 - The State and Local Fiscal Recovery Funds (SLFRF, aka ARPA) program provides governments across the country with the resources needed to:
 - Fight the pandemic and support families and businesses struggling with its public health and economic impacts
 - Maintain vital public services, even amid declines in revenue resulting from the crisis
 - Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity
- **Timeline for obligating/expending municipal ARPA funds:**
 - ARPA funds must be obligated by December 31, 2024. Any funds not obligated by this date must be returned to Treasury. Obligation means an order placed for property and

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services and entering into contracts, subawards, and similar transactions that require payment.

- ARPA funds must be expended by December 31, 2026. Any funds not expended by this date must be returned to Treasury.
 - The Selectboard has requested an initial list of prioritized ARPA projects from the ARPA Advisory Committee (AAC) by November 12, 2022. If more time is needed, a request can be sent to the Selectboard.
 - When the Selectboard is ready to obligate funds, a Resolution should be passed outlining the projects to be funded (template enclosed)
- **How can Waitsfield spend the funding?**
 - ARPA includes four broad criteria outlining eligible uses:
 - To **respond to the public health emergency or its negative economic impacts**, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - To **respond to workers performing essential work** during the COVID-19 public health emergency by providing premium pay to eligible workers;
 - **For the provision of government services** to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
 - To make necessary investments in **water, sewer, or broadband infrastructure**.
 - **What does the "provision of government services" mean and what is restricted?**
 - Waitsfield can use ARPA funds on government services up to the revenue loss amount. The Selectboard has selected the "Standard Allowance" which allows the Town to claim our entire award amount as lost revenue.
 - Government services generally include **any service traditionally provided by a government**, unless Treasury has stated otherwise*. Here are some common examples, although this list is not exhaustive:
 - Construction of schools and hospitals
 - Road building and maintenance, and other infrastructure
 - Health services
 - General government administration, staff, and administrative facilities
 - Environmental remediation
 - Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
 - * Restrictions:
 - No deposits into pension funds
 - No debt service or replenishing financial reserves
 - No satisfaction of settlements and judgments
 - No project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (e.g., uses of funds that undermine COVID-19 mitigation practices in line with CDC guidance and recommendations) and may not be used in violation of the Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance. Other applicable laws and regulations, outside of SLFRF program requirements, may also apply (e.g., laws

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around procurement, contracting, conflicts-of-interest, environmental standards, or civil rights).

7. Discuss project prioritization ideas

- As per guidance provided by VLCT, the ACC should consider the following questions as we formulate our criteria for uses/requests:
 - Does the use/request follow the intent of the Coronavirus State and Local Fiscal Recovery Funds (aka ARPA)?
 - Fight the pandemic and support families and businesses struggling with its public health and economic impact
 - Maintain vital public services, even amid declines in revenue resulting from the crisis
 - Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity
 - Does the use/request comply with the [Town Plan](#)?
 - If the Town has a Master Plan or any other plans, studies or reports, is the use/request included in them?
 - If the Town has a Capital Improvement Plan, is the use/request contained in the CIP?
 - Does the use/request set a precedent that will be difficult for the Town to fulfill for others in the future? (ex. stormwater project on private property)
 - Does the use/request create an ongoing expense that will need to be funded with property taxes when ARPA funds have been exhausted? (ex. hiring new Town employees)
 - Does the use/request have broad community benefit or does it benefit just a few?
 - Does the use/request bring long-term value to the community for generations to come?
 - Can the use/request leverage other grant funds? (ex. Town Hall improvements – town could apply for funding through new source from H.518; paving projects – has the Town applied for a paving grant from VTrans?)
 - Can the use/request be redirected to an existing program with the State’s ARPA (or other funds)? (ex. direct assistance to households for housing expenses, refer them to: **Housing Resources for Vermonters in Need**)

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- Based on the hundreds of municipal inquiries VLCT has received to date regarding local ARPA funding, below is a non-exhaustive list of items that many communities throughout Vermont are considering in their spending plans:
 - **Investments to improve municipal business operations:**
 - Implement cybersecurity measures
 - Purchase hybrid meeting equipment
 - Connect public buildings to broadband, as appropriate
 - Digitize land records
 - Make capital improvements to municipal buildings: ventilation, weatherization, fire safety (as appropriate - sprinklers, centrally monitored alarm systems), code upgrades including ADA compliance and measures to ensure continuity of operations during future disasters
 - Implement software changes to streamline operations and enable remote work
 - Create or enhance official town websites to strengthen communications with residents
 - Create a formal Capital Plan
 - Seed a town administrator position to source grant opportunities to help fund projects in your community and coordinate efforts between local officials for deep efficiency and impact
 - **Investments that revitalize a community, making it a better and safer place to live for existing residents and to help in attracting new ones:**
 - Outdoor recreation (trails, parks, green spaces, recreational facilities, etc.)
 - Diversity, equity, inclusion (DEI) measures to make a community more welcoming so everyone feels like they belong
 - High-quality affordable childcare to support working residents
 - Landbanking and other measures to support housing development to grow the tax base

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- Acquisition and rehabilitation of abandoned properties or greening them
- Improvements to bike and pedestrian safety
- Improvements to community gathering spaces
- Support for local non-profits doing excellent work that benefits residents

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SELECTBOARD CONFLICT OF INTEREST POLICY

Section I: Purpose

Under the authority granted in 24 V.S.A. § 2291(20), the purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public official 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 insure that all decisions made by municipal officials are based on the best interest of the community at large.

Section II: Definitions.

A. Board” means the Waitsfield Selectboard.

B. “Conflict of interest” means any of the following:

1. A direct or indirect personal interest of a public officer, his or her spouse, household member, family member, business associate, 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 direct or indirect financial interest of a public officer, his or her spouse, household member, family member, business associate, 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;
3. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding before the board. This shall not apply to a member’s particular political views or general opinion on a given issue; and
4. A situation where a public officer has not disclosed ex parte communications with a party in a proceeding before the board.

“Conflict of interest” does not arise in the case of votes or decisions on matters in which the Board member has a personal or pecuniary interest in the outcome no greater than that of other persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.

C. “Emergency” means an imminent threat or peril to the public health, safety or welfare.

D. “Executive session” means a session of a public body from which the public is excluded, pursuant to 1 V.S.A. §313. Such private session may only be held for one of the reasons permitted by the statute, and no binding action may be taken in executive session, except as permitted by Section 313(a).

- E. "Official act or action" means any legislative, administrative or quasi-judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.
- F. "Public body" means any board, council, commission or committee of the municipality.
- G. "Public interest" means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- H. "Public officer or public official" means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality.
- I. "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, which results in a written decision, the result of which is appealable by a party to a higher authority.
- J. "Recuse" means to remove oneself from a particular proceeding before a public body because of a real or perceived conflict of interest.

Section III: Disqualification.

- 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 officer holds office or is employed.
- C. In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter.
- D. Public officers shall not accept gifts or other offerings for personal gain by virtue of their public office that are not available to the public in general.

Section IV: Disclosure.

A public officer who has reason to believe that he or she has or may have a 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 of interest shall, prior to participating in any official action on the matter disclose to the

public body at a public hearing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. Nevertheless, a majority of the Selectboard may order that officer to recuse him or herself from the matter, subject to applicable law.

Section V: Recusal.

- A. A public officer shall recuse himself or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
 - 1. Any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself;
 - 2. A public officer who has recused him or herself from a proceeding shall not sit with the board, deliberate with the board, or participate in that proceeding as a board member in any capacity;
 - 3. If a previously unknown conflict is discovered, the board may take evidence pertaining to the conflict and, if appropriate, adjourn to a short deliberative session to address the conflict; and
 - 4. The board 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 board. The board may then resume the proceeding with sufficient members present.
- B. In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter, subject to applicable law.
- C. The recusal provisions shall not apply if the Selectboard determines that a clear public necessity exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Section IV.

Section VI: Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.

In cases where the conflict of interest procedures above have not been followed, the Selectboard may take progressive action to discipline an offending public officer. In the discipline of a public officer, the Selectboard shall follow these steps in order:

- A. The Chair shall meet informally, in private, with the public officer to discuss the possible conflict of interest violation. If the offending member is the Chair, the Vice Chair shall follow the procedures.

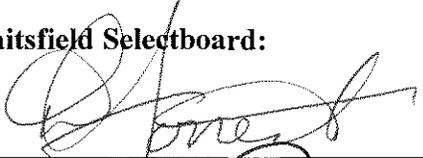
- B. The Board may meet to discuss the conduct of the public officer. Executive session may be used for such discussion (1 V.S.A. §313(4)). The public officer may request that this meeting occur in public. If appropriate, the Board may admonish the offending public officer in private.
- C. If the Board decides that further action is warranted, it 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.
- D. Upon majority vote, the Board may discipline or remove the public officer from office. If the offending public officer is a member of the Selectboard, the Board may request that the offending public officer resign from the Board.

Section VII: Amendments and Adoption.

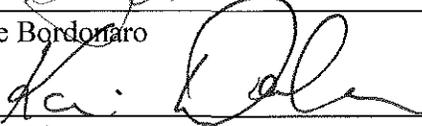
These Rules may be amended at any regular or special meeting by a majority vote, and must be readopted annually at the organizational meeting.

ADOPTED: This 13th day of March, 2017.

Waitsfield Selectboard:



Anne Bordonaro



Kari Dolan



Darryl Forrest



Paul Hartshorn



Sal Spinoso

2022 OPEN MEETING LAW COVID-19 FAQs

What is Act 78?

[Act 78](#) is a temporary law that suspends certain provisions of Vermont's Open Meeting Law by allowing a quorum of a municipal public body to meet remotely, without designating a physical location for the public to attend. Act 78 also allows public bodies to electronically post meeting agendas and special meeting notices, with some additional requirements in those cases.

What provisions of the Open Meeting Law specifically does Act 78 temporarily change?

Pursuant to [Act 78](#):

- A quorum or more of members of a public body may meet (e.g. regular, special, or emergency meeting) by electronic or other means (i.e., remotely) without being physically present. When meeting by electronic or other means:
 - the public body does not have to designate a physical meeting location where the public can attend; and
 - the members and staff of the public body are not required to be physically present at a designated meeting location.
- Whenever a public body holds a remote meeting, it must:
 - use technology that allows the public to attend by electronic or other means;
 - allow the public to access the meeting by telephone;
 - include and post information that enables the public to directly access and participate in the meeting electronically in its meeting agenda; and
 - record their meetings, if it is a meeting of a legislative body, unless unusual circumstances make it impossible for them to do so.
- In the event of a staffing shortage during the 2022 calendar year due to COVID-19, a public body may extend the time limit for posting meeting minutes from five (5) to not more than ten (10) calendar days from the date of the meeting.
- Posting meeting agenda and/or special meeting notice:
 - The Act also allows a public body to post any meeting agenda or special meeting notice in two designated electronic locations in lieu of the two physical locations (or a combination of physical and electronic locations, or both) normally required. As with the underlying Open Meeting Law, posting the notice or agenda in the town clerk's office is still required.
 - Public bodies must also provide a copy of each meeting agenda or special meeting notice to the newspapers of general circulation for the municipality.

All other requirements of the Open Meeting Law not explicitly overridden or relaxed by this temporary law remain in effect and must be followed. For more information about Open Meeting Law (OML) requirements, please see our [OML FAQs](#).

How long is Act 78 in effect?

The law is set to sunset (i.e. expire) on January 15, 2023.

To whom does Act 78 apply?

The Act applies to any public body. The Open Meeting Law defines a “public body” as, in relevant part, “any board, council, or commission of the State or one or more of its political subdivisions, any board, council, or commission of any agency, authority, or instrumentality of the State or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils, or commissions...” [1 V.S.A. § 310\(4\)](#). The term “municipality” is defined under law as including “a city, town, town school district, incorporated school or fire district or incorporated village, and all other governmental incorporated units.” [1 V.S.A. § 126](#). The law, therefore, applies to all municipal public bodies.

Does Act 78 apply to quasi-judicial hearings or only to meetings?

Act 78 also applies to quasi-judicial hearings, as hearings are just a different type of meeting (i.e. a gathering of a quorum of members of a public body to discuss business of the public body or to take action). A quasi-judicial hearing (“hearing”) occurs when the rights of parties are considered. Examples include applications for zoning approval before the development review board (DRB), appeals of lister grievances before the board of civil authority (BCA), and dog bite hearings before the selectboard. The Open Meeting Law requirements apply equally to hearings as they do to other meetings, with a few exceptions. For instance, hearings have their own specific notice requirements. Also, as opposed to other types of meetings, the public has no right to comment during a hearing and boards can make decisions (i.e. “deliberate”) in private. For more information about how the Open Meetings Law applies to quasi-judicial hearings, please refer to our [Open Meeting Law FAQs](#).

How do we hold a remote meeting?

All members, staff, and members of the public may attend and participate in remote meetings (e.g., telephone, Zoom, GoToMeeting, Skype, etc.). Each member of the public body who attends electronically must identify themselves when the meeting is convened and must be able to hear and be heard throughout the meeting. Any voting that occurs at the meeting that is not unanimous must be done by roll call.

Act 78 eliminates the physical location requirement for meetings of public bodies until January 15, 2023. During that time, a public body will not have to designate a physical location in order to meet, nor will anyone be required to be physically present for a meeting. The public body will have to post information on how the public may access and participate in its meetings electronically. This information must be included in each meeting’s agenda and we recommend including it in all notices or announcements as well. For more detailed guidance, a checklist, and models for remote meetings, please refer to our [Remote-Only Public Meetings Toolkit](#).

Must there be a physical location for the public to attend our meetings?

No. [Act 78](#) temporarily waives the Open Meeting Law’s physical location requirement until January 15, 2023. During this time, meetings can be solely electronic and remote for all participants. However, when a majority of the members of a public body gather to discuss the business of the body or to act, even through electronic means, the public must still be allowed to access and participate in the meeting. [Act 78](#) requires the use of technology that permits public attendance at all meetings through electronic or other means. The law also requires the public body to allow public participation by telephone.

The public body must provide clear instructions on how the public may access and participate in meetings electronically in its meeting agenda. We encourage public bodies to advertise these instructions in additional ways beyond the minimum that is required by the law in order to achieve the most impactful public participation possible. The public body must set up their remote meeting in such a way that enables all members of the public body to hear and be heard throughout the meeting.

If we can hold electronic meetings, do we still need to physically post meeting notices and agendas?

Yes, but the posting requirements for meeting agendas and notices of special meetings of public bodies have been relaxed to allow for electronic notification. [Act 78](#) gives municipalities the option, until January 15, 2023, to post any meeting agenda or notice of a special meeting in two designated electronic locations instead of the two designated physical locations that would ordinarily be required under the Open Meeting Law. Alternatively, towns can post meeting notices or agendas in a combination of the two (one physical, one electronic). Public bodies that use either option to post electronically must also post the notice or agenda in or near the town clerk’s office and provide a copy of each notice or agenda to the newspapers of general circulation for the municipality. (Note that the newspaper is not required to publish the notice or agenda.) All the other notice and agenda posting requirements remain the same and must be complied with, as this temporary allowance only applies to the physical posting element. Please see our [Open Meeting Law FAQs](#) for a listing of these requirements.

Does this allowance for electronic posting apply in all instances?

No, electronic posting is only an option for regular and special meeting agendas and special meeting notices.

Does this allowance for electronic posting only apply to meetings that are held remotely?

No. It applies to all meetings, whether they are held in person, remotely, or a combination of the two (i.e. as a hybrid meeting).

Do we have to post meeting notices and agendas electronically?

No. This is an option of which public bodies may, but do not have to, avail themselves. A public body can continue posting meeting notices and agendas in the required physical locations, as usual.

How can we possibly maintain order during a remote meeting?

The same way you would maintain order during a physical meeting. The chairperson should administer the meeting in accordance with your public body's rules of procedure. The Open Meeting Law requirement that the public be given a reasonable opportunity to express its opinion on matters considered by a public body has not been lifted or relaxed and still applies equally to all meetings, regardless of how they are conducted.

Civility, decorum, and order are all essential elements of a successful public meeting, and they are at times difficult to achieve even under the best of circumstances. One of the additional challenges posed by conducting a remote meeting is the absence or delay of any real time physical cues. For example, if a meeting is conducted by conference call only, the chairperson will be unable to see who has their hand raised to be recognized. Members of the public body and the public must also be mindful not to talk over one another and to speak clearly so that meetings can be properly recorded (if applicable) and that all can hear and be heard throughout the meeting. It is important therefore that the public body review its rules of procedure and amend them if necessary, so that they are still applicable to remote meetings. ([Model Rules of Procedure for Public Bodies](#) can be found at These model rules can be customized and adopted by public bodies to help run their meetings.) More than ever, it is incumbent upon public bodies to educate its members and the public as to its rules of procedure and how they will be enforced.

Some municipalities have had success using available electronic meeting software to manage meetings. Some meeting software allows participants to press a button and electronically "raise their hand." Other municipalities have requested that those wishing to publicly speak fill out and submit a participant comment form prior to the meeting.

Must all public bodies record remote meetings?

No, only the legislative body's remote meetings must be recorded. Note that this is referring to making an audio recording of a meeting; it is not a requirement to video record a meeting nor is it creating a new requirement to record meeting minutes in the land records. If "unusual circumstances" make it impossible for the legislative body to record its meetings, then this requirement will not apply. The term "unusual circumstances" is not defined, but impossible is a rather high hurdle to clear so we recommend recording meetings of your legislative bodies if at all possible. Note that only one person must record the remote meeting, and most people have recording capabilities with smart phone devices. These recordings can be easily distributed via email and posted to the municipality's official website. The recording will be considered a public record. Please contact the State of Vermont

Archives and Records Administration (VSARA) for guidance regarding records management.

Does the new recording requirement mean we do not have to take minutes of those meetings?

No. Meetings minutes are still required by the Open Meeting Law. The new recording requirement for meetings of legislative bodies is in addition to the existing minutes requirement, which has not been changed.

Can we continue to meet in physical locations if we so choose?

The temporary changes to the Open Meeting Law are permissive, not restrictive so the law does not explicitly prevent members of a public body from physically gathering in the same location in order to meet. However, the safest course of action in our opinion, from both a public health and a liability perspective, is to conduct meetings remotely until further notice.

If a public body absolutely must meet physically, it can do so while still holding the meeting as a remote only meeting under [Act 78](#). In other words, the meeting would be noticed and otherwise run as a remote meeting from the public's perspective with the only difference being that the public body would physically gather. Note that those in physical attendance would still have to hear and be heard by all attendees. Alternatively, public bodies may continue to hold hybrid meetings, combining elements of both remote and in-person attendance. For more information, please see our [Hybrid Public Meeting Toolkit](#).

Are we restricted to what we can meet about?

No. You can meet about any business of the public body as you normally would. However, you should be sensitive to the concerns of those who may believe that, just because some of the requirements of the Open Meeting Law are relaxed, public bodies will take advantage and take far reaching action on controversial issues or matters of great importance while the public isn't looking. In light of those concerns, whether real or perceived, public bodies may want to meet electronically only if absolutely necessary and save those bigger issues for when things return to normal.

Can we hold an emergency meeting?

Yes. An emergency meeting may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body. In general, we think that if the public body can wait 24 hours, a special meeting should be noticed. To learn how to notice a special meeting please reference our [quick guide to open meetings](#).

What are the notice and minutes requirements for an emergency meeting?

There is no requirement to have an agenda for an emergency meeting. There is also no specific requirement for noticing an emergency meeting, although some public notice must be given as soon as possible before any such meeting. Minutes must be taken at every public meeting, including an

emergency meeting. [Act 78](#) includes one minor extension to the deadline for posting minutes. If there are staffing shortages due to COVID-19, then, until January 15, 2023, public bodies may post minutes within 10 calendar days from the date of the meeting (versus the former 5 days). We encourage you to make the minutes available as soon as possible after a remote meeting, even if they are simply posted to the town's official website.

If a member is unable to attend a remote meeting, can they vote by email or proxy?

No. The law does not allow for voting by email or by proxy (i.e., having another person vote on behalf of the member).

What are some methods or technology we can use for remote meetings?

The law does not specify methods for electronic participation of a remote meeting, except to say that it can be through electronic or other means, and that they must allow the public to access and participate in a meeting by telephone. Some electronic meeting software options include Zoom, GoToMeeting, RingCentral, UberConference, Skype, Google Hangouts, FreeConferenceCall.com, and Vast Conference. You should also contact your local telephone service provider to ask about standard conference call options that use just a telephone system.

We encourage public bodies to use various means concurrently, if possible, to ensure members of the public have options. Broadband is not always a reliable option for Vermonters so offering a menu of choices to enable participation in the same meeting, concurrently, is ideal. For instance, you can set up a Zoom or Skype video meeting but also have a speaker phone positioned near someone's computer to capture audio for a conference call option. Think creatively but be sure to provide clear instructions so everyone has notice of these options and understands how to participate.

Can we cancel meetings/hearings of public bodies? How?

Public bodies may cancel meetings/hearings at any time. There are no requirements in the Open Meeting Law for how to give public notice of a meeting/hearing cancellation, but we recommend giving notice via the same method for noticing a meeting/hearing.

How does payroll and other municipal bills get processed if the legislative body is not meeting or is meeting electronically?

Individual members may not merely show up at the municipal office and sign payment orders at their convenience. Doing so would be a violation of the Open Meeting Law, which requires that whenever a majority of the members take an action or make a decision (e.g., sign an order approving payment), they must do so within the context of a duly warned open meeting.

There are two exceptions to the above general rule.

- First, the legislative body can vote at a duly warned legislative body meeting to approve certain payments in advance so that there is no need for members to physically sign orders. Such a vote must identify the person(s) to whom payment is to be made and the purpose(s) for that payment. The treasurer may then use a certified copy of the minutes of the meeting as full authority to make the approved payment.
- The second exception allows the legislative body to authorize one or more members to review and approve orders on behalf of the entire board. A vote to give such authorization must take place at a duly warned legislative body meeting and must be reflected in the meeting minutes. A motion to give such authorization might be phrased as, "I move that we appoint [insert name(s) of legislative body member(s)] to approve and sign orders for [insert types of claims that the person has authorization to approve such as "payroll," "operating expenses," etc.] for [insert period of time]." Any orders that are approved under this authority must state definitively the purpose for which they are drawn. The full legislative body must later be provided with a record of all the orders approved.

Relatedly, in the event that there are so many vacancies on the legislative body that a quorum cannot be achieved, the remaining member(s) have the authority to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled.

What about decisions or orders that are required to be in writing?

The law authorizes the chair or vice chair of a public body to sign any decision or order approved for issue which is required by law to be in writing. This law is useful particularly in the context of deliberative sessions that occur after quasi-judicial hearings. For example, a local board of health must give notice and hold a hearing if it is considering issuing a health order. Using this law, the local board of health may deliberate remotely after the hearing and then the chair or vice chair can sign the written decision approved by the board.

If we can meet remotely, can we sign documents remotely?

Documents may be signed by a quorum of a public body or by an individual member (if authorized by law as described above) or delegated the authority by the public body. Generally, whether electronic signatures can be used in the State of Vermont depends on the circumstances. Under the VT Uniform Electronic Transactions Act, if a law requires a signature, an electronic signature will suffice. An "electronic signature" is defined under the law as "an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record." The full law may be accessed [here](#).

For additional guidance on best practices and answers to frequently asked questions regarding electronic signatures, including their retention, please visit the VT State Archives and Records Division [\(VSARA\) website](#).

Town of Waitsfield
ARPA ADVISORY COMMITTEE

I. NAME

This body shall be known as the Town of Waitsfield American Rescue Plan Act (ARPA) Advisory Committee, herein after known as the “ARPA Committee.”

II. PURPOSE

The purpose of the ARPA Committee shall be to determine appropriate uses for up to \$506,081.79 of the Town of Waitsfield’s ARPA award and make a prioritized list of recommendations to the Waitsfield Selectboard for spending. Final decision on spending will be made by the Waitsfield Selectboard.

III. DURATION

The ARPA Committee shall exist upon formation by the Waitsfield Selectboard in a duly warned meeting until the obligation of all ARPA funds or December 31, 2024, whichever comes first.

IV. DUTIES AND FUNCTIONS (*this is a menu of items from which you may pick or abandon all and create your own; none are mandatory*)

The duties and functions of the ARPA Committee shall include, but not be limited to:

1. Keep apprised of:
 - The ARPA award [Terms and Conditions](#) and [Assurances of Compliance with Civil Rights Requirements](#)
 - Current eligible uses and Treasury's [Compliance and Reporting Guidance](#) document
 - Current timeline of funding for obligation and spending as well as reporting
2. Communicate and collaborate with other Town commissions, committees, boards and staff as appropriate to collect project proposals
3. Carrying out community engagement and stakeholder outreach to invite and collect project recommendations from the public
4. Utilize a project selection and prioritization tool to assist in project collection, ranking, and prioritization (CVRPC has provided a template that can be used). The list of ARPA eligible uses should be used as a guide.
5. Communicate and collaborate with other neighboring ARPA advisory committees, as appropriate
6. Coordinate with VLCT and CVRPC ARPA support staff for assistance as needed.
7. Develop a plan for completing a prioritized list of recommendations for Selectboard review. An initial list should be provided for the November 14, 2022 Selectboard meeting.
8. Explore opportunities to leverage additional state and federal grant programs with submitted proposals and applications

9. Prioritizing qualified proposals and applications to make recommendations to the Waitsfield Selectboard

V. MEMBERSHIP

1. No less than 5 and not more than 7 voting members shall be appointed by the Waitsfield Selectboard. They shall be registered voters of Waitsfield and should include representation of different interests in Town. Members may include Waitsfield business owners, representatives on local non-profits, and representatives from Town Boards, Commissions, and Committees.
2. At least one member of the Waitsfield Selectboard and one member of the Waitsfield Planning Commission shall be on the committee.
3. The Town Administrator shall serve as a non-voting member of the committee.

VI. OFFICERS AND DUTIES

The members shall elect a Chair, a Vice Chair for the duration of the ARPA Committee.

VII. MEETINGS

The ARPA Committee is a Town committee and shall comply with Open Meeting Law (OML). The Clerk of the Committee shall be responsible for educating, or coordinating the education, of new Committee members on OML and ensuring that all requirements of this law are observed as it relates to the ARPA Committee.

The ARPA Committee shall decide its own meeting schedule and structure. It shall meet no less than one (1) time each month to start.

VIII. PUBLIC PARTICIPATION AND INVOLVEMENT

Public participation and involvement in the Committee's work is a high priority and the Committee is invited to support the Selectboard in presenting ideas and receiving feedback through public forums and educational sessions pertaining to ARPA awards and uses of the funding.

RESOLUTION 22-XX

RESOLUTION FOR AMERICAN RESCUE PLAN ACT (ARPA) ALLOCATION

WHEREAS, on March 11, 2021, the President of the United States signed into law the American Rescue Plan Act (ARPA) to provide continued relief from the public health and economic impacts of the COVID-19 public health emergency; and

WHEREAS, ARPA created the Coronavirus State and Local Fiscal Recovery Fund (SLFRF) that provided direct funding to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency; and

WHEREAS, the **Town of _____** has accepted an allocation of SLFRF in the amount of _____, payable in two tranches; and

WHEREAS, the **Town of _____** is in receipt of the first tranche in the amount of _____; and

WHEREAS, SLFRF provides needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency; and

WHEREAS, Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.”; and

WHEREAS, Recipients may elect a “standard allowance” of \$10 million to spend on government services through the period of performance; and

WHEREAS, All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula provided by the U.S. Department of the Treasury, including those with total allocations of \$10 million or less; and

WHEREAS, the **Town of _____** has the need to fund government services while in the recovery phase of the COVID-19 pandemic.

NOW, THEREFORE IT BE RESOLVED, the **Selectboard** of the **Town of _____**, Vermont, authorize the following:

Section 1. The following allocation of ARPA funding to fund government services under the replacing lost public sector revenue spending category as follows:

Project A
Project B
Project C
Total

Passed and Adopted by the **Selectboard** of the **Town of _____**, Vermont on the ____ day of _____, 2022.

ATTEST:
