

SPRINGFIELD, VERMONT
RULES OF PROCEDURE
FOR
BOARD OF CIVIL AUTHORITY PROPERTY TAX ASSESSMENT
APPEAL HEARINGS

- A. PURPOSE.** The Board of Civil Authority (“BCA”) of the Town of Springfield is required by 32 V.S.A. Chapter 131 to conduct appeal hearings of lister property valuation decisions. The purpose of these rules is to establish uniform procedures for conducting such appeal hearings and to ensure compliance with Vermont’s Open Meeting Law.
- B. APPLICATION.** These rules of procedure shall apply to all property tax assessment appeal hearings conducted by the Town of Springfield Board of Civil Authority. A copy of these rules shall be provided to the Town of Springfield Board of Listers and to each party bringing an appeal before the BCA.
- C. PROCEDURE.**
1. The chair of the BCA, or in the chair’s absence, the vice-chair, shall chair all tax appeal hearings. If both the chair and the vice-chair are absent, a member selected by the BCA shall chair the hearing. The chair may make motions and may vote on all questions before the BCA. The chair shall rule on all questions or order and procedure. All motions must receive a second before being voted on.
 2. A majority of those BCA members present at a tax appeal hearing shall constitute a quorum, so long as there are at least three members present. With respect to a particular hearing, the act or decision of a majority of those members present at the hearing shall be treated as the act or decision of the full BCA. 24 V.S.A. § 801. If a quorum is not present, the only action that may be considered is a motion for recess or adjournment of the hearing.
 3. Each BCA meeting shall have an agenda prepared by the clerk, with fifteen minutes allotted for each hearing. All hearings shall be conducted in the same order as they appear on the agenda, except that by [unanimous/two-thirds/majority] vote of the BCA, the order of hearings may be modified.
 4. All hearings shall be tape-recorded. Appellants shall submit four copies of all documentary evidence to the BCA. The clerk shall mark all documents submitted to the BCA with appropriate identifying information.
 5. The chair may exclude any irrelevant, unreliable or unnecessarily repetitive evidence. Relevant evidence is any verbal testimony or document that tends to demonstrate the value of the property subject to appeal. Reliable evidence is any relevant evidence commonly relied upon by reasonably prudent people in the conduct of their affairs.
 6. The chair shall conduct all tax appeal hearings in the following sequence:

- a. Open the hearing, stating the name of the appellant, property location and parcel ID number.
- b. Ask the appellant and listers to take the following oath, to be given by town clerk:

Under the pains and penalties of perjury, do you solemnly swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?
- c. Ask the appellant if he/she has received a copy of these rules of procedure and whether he/she has any questions about how the hearing will proceed.
- d. Request BCA members to disclose any conflict of interest and/or *ex parte* communication.
 - ❖ A member shall be disqualified from all tax appeals in any year in which he/she appeals their own taxes or has an interest in a property under appeal beyond the board of listers. 32 V.S.A. § 4404(d).
 - ❖ A *Conflict of Interest* shall be defined as a direct or indirect personal, familial, or financial interest by a BCA member or the member's spouse, business associate, employer or employee, in the outcome of a hearing that is greater than that experienced by a member of the general public, or a situation where a board member has publicly displayed a prejudgment of the merits of a proceeding. BCA members shall recuse themselves from proceedings where they have a conflict of interest. (Derived from 24 VSA § 1984.)
 - ❖ *Ex parte communication* shall be defined as any communication regarding the merits of an appeal that occurs between a member of the board and a party to an appeal that occurs outside of a duly warned hearing. Ex parte communication must be strictly avoided. This applies to the property inspection also. Any ex parte communication that occurs must be reported in the public hearing and included in the minutes.
- e. Ask the Listers to introduce the property on appeal by describing the property and its present valuation.
- f. Ask the appellant to present his/her valuation and supporting evidence.
- g. Ask the listers to respond to the information presented by the appellant.
- h. Invite questions from BCA members.
- i. Ask the listers to present their valuation and supporting evidence.
- j. Ask the appellant to respond to the information presented by the listers.

- k. Invite questions from BCA members.
- l. Appoint an inspection committee of at least three BCA members to inspect the property at a date and time set by the chair and report its findings back to the BCA.
- m. Recess to a date and time not more than 30 days from the hearing to accept the inspection committee report.
- n. Reopen the hearing at the date and time specified.
- o. Invite the inspections committee to present its report.
- p. Invite final questions from the BCA.
- q. Invite final comments from the appellant.
- r. Invite final comments from the Listers.
- s. Close the hearing and explain that the BCA will enter deliberative session and will issue a written decision in writing within 15 days.

7. Each property shall be subject to an inspection by a site inspection committee of not less than three BCA members appointed by the chair. The site inspection committee shall report to the board within 30 days of the hearing. If, after notice, an appellant refuses to allow an inspection of the property as required under 32 V.S.A. 4404(c), including the interior and exterior of any structure on the property, the appeal shall be deemed withdrawn.

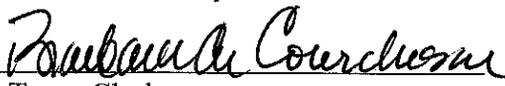
8. These rules may be amended by [unanimous/two thirds/majority] vote of the Board of Civil Authority.

9. These rules shall be made available at all meeting and hearings.

Adopted by the Springfield Board of Civil Authority at its organizational meeting held July 26, 2018.


Chair

Board of Civil Authority

Attest: 
Town Clerk