Opinions

Office of the Vermont Secretary of State

Vol. 12, #3 March 2010

After Town Meeting - A Checklist

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2010 Vermont Centennial Business Awards

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Quote of the Month

Those who cannot remember the past are condemned to repeat it.

George Santayana

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A Message from the Secretary

Williston Town Clerk Deb Beckett, who is also a member of the National Guard, understands the importance of ensuring that the ballots of our military and overseas voters can be counted. When she was deployed to Kuwait in 2005 she missed her own race for re-election. And although she received her ballot for that election, it arrived very late. To this day she is unsure whether her vote was ever counted.

Last week the Vermont House made it easier for our military and overseas voters to have their votes count by changing the date of our primary election from mid-September to late August. This change is in response to a new federal law that requires ballots to be sent to military and overseas voters at least 45 days before an election. By moving our primary date, Vermonters who are serving in remote areas of the world will have the same opportunity to cast a ballot as the rest of us here in Vermont. This change could not have come sooner with as many as 1,500 Vermont National Guard members being deployed to Afghanistan over the course of this year.

Although the federal mandate is new, our efforts to make it easier for our service men and women to vote are not. It has long been the position of the Secretary of State's Office that Vermont must do whatever it can to ensure that our military and overseas voters have every opportunity to vote in our elections. Indeed during every legislative session since 2000, we have recommended that Vermont's primary be moved to an earlier date to allow enough time to print and prepare ballots so that they can be received and returned by our overseas and military voters by election day.

Moving our primary to the fourth Tuesday in August will be a shift for Vermonters who are used to voting in September. Naysayers suggest that we instead implement internet voting or accept ballots for at least two weeks after the election. But neither of these solutions will work.

First, no internet voting system is federally certified as secure and reliable. We already fax or send ballots electronically to military and overseas voters who request them, but these efforts have not been sufficient to ensure timely return of voted absentee ballots from remote locations. Counting ballots received after the election would significantly change how we manage our elections, raising questions about the security of the ballots and finality of the votes. But even more importantly, late counting would deprive our military men and women of the privacy of their vote since only one or two ballots would be received after election day.

We ask the men and women who serve in the military to sacrifice a lot. But they shouldn't have to sacrifice their right to vote. By moving our primary to the end of August we will ensure that they have the same opportunity to have their votes cast and counted as the rest of us.

Deborah L. Markowitz, Secretary of State

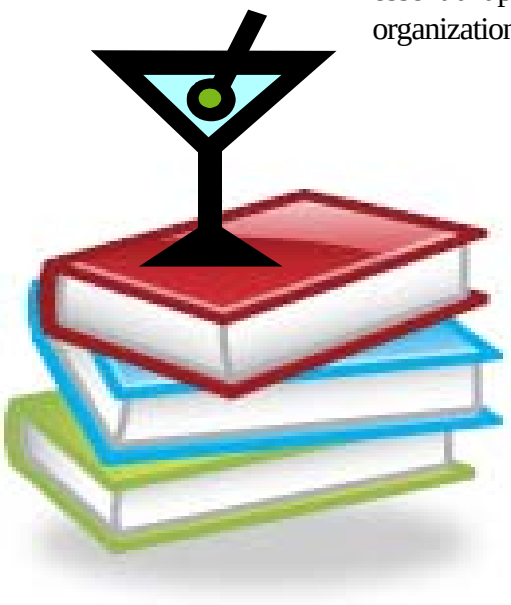
Voice from the Vault

by Gregory Sanford, State Archivist

Information Management, Archives, and Planning

When we last left off the state archivist was napping, eating raisins, and keeping a glass of gin at hand in an effort to improve his memory (see *Combing The Archival Record* at http://vermont-archives.org/publications/voice/pdf/CombingArchivalRecords.pdf). The fact that I am once again writing about government planning is less a reflection of a continued spotty memory than a deep seated interest in such planning and its (potential) connection to archival records.

Last month I provided a rather idiosyncratic and breathless rush through a sampling of recent government planning initiatives as, at least partially, captured in archival records. Looking at records created in the past to inform the present's efforts to shape the future is not only an interesting conflation of time, but also an essential approach to successful planning. Too often we ignore the past in planning our organizational future.



What role will the past, the record, have in Vermont's current planning efforts? What role could or should records have? In other jurisdictions good record and information management is directly linked to policy development. The 2003 management framework for "information assets" developed by the government of Alberta is just one example. Alberta notes that "implementing the information management framework will build public confidence in government planning and decision-making" by providing everything from greater transparency in planning to "a common approach to information management [that] will facilitate more effective cooperation, increased sharing of information, and the optimization of the future value of information." For the report see: http://www.im.gov.ab.ca/imf/pdf/IMFrameworkReport.pdf. Alberta's framework is similar to what we are doing as explained in the January 2010 column http://vermont-archives.org/publications/voice/pdf/TheWholeoftheMoon.pdf.

While effective information and record management is important to government functionality, much less planning, what about archival records? A few public administration experts have looked at the role of the "past" in government planning. A good summary is Christopher Pollitt's *Time, Policy, Management: Governing with the Past*. I have neither the skill nor space to summarize Pollitt's numerous points, but a major point is that "there are very often elements of the past that prefigure the proposed new policy/programme/organizations and experience which may yield suitably contextualized 'lessons' about aspects of the new initiative."

That is a little high falutin' but he offers some quick examples: "As the saying goes, 'there's nothing new under the sun.' Performance pay for teachers? It was tried in the nineteenth century. Allocating public service delivery to autonomous agencies and boards? Ditto. Close measurement of staff performance? This was the root of the 'scientific management'…at the end of the nineteenth and the beginning of the twentieth centuries….Performance budgeting? Attempts were made in the U.S. Federal government soon after the Second World War, and then again, and again, over the succeeding decades."

Well, you get the picture.

In this case Pollitt is arguing that the "past" provides context for decision making. It is worth noting that Pollitt is not an archivist nor are archives particularly prominent in his book.

He does, on occasion, mention records and in doing so loops back to the idea of information management, such as addressed in Alberta's framework. "One curious aspect of recent practice in a number of advanced Western [countries] is the way in which the business of recording the past of one's own organization has fallen into decay at precisely the same time that politicians and 'policy wonks' scour other sectors or countries for examples of 'best practice.' Yet in many ways analytical logic would point the other way. Policies and practices are frequently very sensitive to contexts. Thus it may be easier to learn reliable lessons from the past of one's own organization…(where many contextual features will remain reasonably constant) than from other jurisdictions, however 'advanced' or exotic."

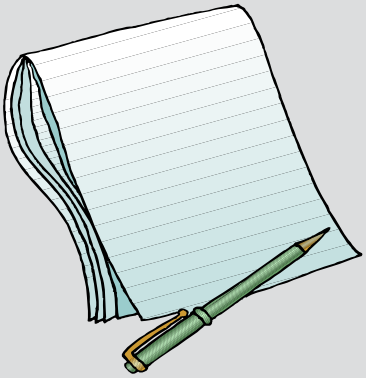
Okay, all of this may sound more esoteric than exotic but it is important to consider whether you are in a private or public administration or work in municipal or state government. Planning without context is a risky business.

Tip of the Month

Proofreading Warnings and Ballots

Each year in the 30 days before Town Meeting, the Elections Division receives 20 to 40 calls from town clerks or other town officials about typographical errors, omissions of names or articles, or the inclusion of names or articles that the board did not intend to include on the warning or ballots.

We all can make inadvertent human errors, but we can share methods to limit the chances of such mistakes. First, someone who is not on the board and not working in the town office should be asked to volunteer (or you can hire a proofreader) to read the warning. The person must be instructed to compare the warning to the minutes of the board meeting or meetings where the articles were approved and to compare it to the last two town or school district meeting warnings to make sure that articles were not inadvertently dropped when cutting and pasting, to make sure that articles from past meeting are not included by mistake, and to look for inadvertent typos, and particularly review the complete dates and appropriation amounts—these are frequent errors.



Second, the chair of the selectboard and school board or a designated board member should be asked to carefully review (not just sign) the final draft of the warning and compare it to the minutes to make sure that the warning reflects the articles included in the boards motion to approve the warning, and also to proofread for typos.

The same process should be used for the ballots before the ballots are printed. Most printers have a proof sheet where the clerk must sign that he or she has approved. I recommend to clerks who are preparing ballots for selectboards, school boards, technical centers, fire districts or any other jurisdiction that you prepare a form to be attached to the ballot to be proofed and that you require a signature from a board member or designated administrator indicating approval of the ballot as attached or whatever corrections need to be made. This allows more eyes to review the ballot and reduces the possibility of something being missed.

If you have a tip to share, contact Alison Kaiser at akaiser@townofstowevermont.org

Opinions of *Opinions*

by Secretary of State Deb Markowitz

1. **Certain votes require two-thirds instead of a simple majority at Town Meeting.** It's a fairly short list: Tax stabilization agreements relating to commercial or industrial property (24 V.S.A. §2741(b)); and when Robert's Rules requires two-thirds for procedural motions such as motions to suspend the rules, to rearrange articles, to cease or limit debate; to adopt special rules of order; to allow a nonresident to speak after a voter has objected, to close nominations; and to postpone to a time certain (17 V.S.A. §2658).

2. **Articles that are "passed over" or "postponed indefinitely" can be voted on at a later meeting.** When an article is "passed over" or "postponed indefinitely" it can be raised again only if it is warned as a new article at a subsequent special or annual meeting**.** Likewise if an article is "tabled" (it could be removed from the table during that meeting) it cannot be considered at a subsequent special or annual meeting without being warned as an article for the new meeting. Voters rely on the warning to know what will be discussed.

3. **Candidate who dies before the election stays on the ballot.** If a candidate whose name is printed on the ballot dies before the election, the name must be left on the ballot. However, in such a case it is appropriate for other candidates to mount a write-in campaign to fill the office. In the event that the deceased candidate wins, the office will be considered vacant and will be filled by the legislative body. In some cases, the family of the candidate who died may want to make it known to the public and encourage some others in the community to run for the office.

4. **If the town fails to elect someone to serve in an office there is a vacancy that is filled by the legislative body or by special meeting.** If no one is elected to a town or school office, then either the selectboard or the school board may appoint someone to fill the vacancy until the next election, or the legislative body may warn a special town or school meeting to have an election for the office. 24 V.S.A. §963; 16 V.S.A. §424 If voters are unhappy with a board appointment, the voters may submit a petition signed by at least 5% of the legal voters to ask the board to hold an election to fill the vacancy.

5. **Vacancies must be filled by person who is legally qualified to serve.** When the legislative body fills a vacancy the appointee must be a legally qualified person. This means they must meet all the statutory requirements to be elected to the position**.** For example, if a school board member resigns creating a vacancy, the school board must fill the vacancy with a person who is a legal voter in the school district. 16 V.S.A. §424, 558; 17 V.S.A. §2646. If a person who is not a legal voter is appointed it could jeopardize action take by the board. The chair of the school board or the chair of the selectboard should contact the town clerk to verify that a person is a legal voter before making an appointment.

6. **There are some town offices for which there are no statutory qualifications.** If the statutes creating the office are silent about qualifications, then the selectboard may appoint a non-resident. For some town boards, such as for library trustees, there are no residency requirements. For the planning commission the statute provides that at least a majority must be town residents. Therefore, the selectboard must check the statutory qualifications for each office before making an appointment.

7. **The town clerk is responsible for preparation of Town Meeting minutes.** 24 V.S.A.§1152. Even if the town clerk is not seeking re-election, it is the responsibility of the clerk whose term is ending to make a record of the town meeting. The record or minutes must be approved and attested to by any two of the following: moderator, a selectboard member or a justice of the peace. The clerk shall request approval within seven days after each town meeting and the clerk's request shall be given prompt consideration.

8. **Public question articles for Town Meeting must be worded as questions that can be answered with a Yes or No.** 17 V.S.A. §2681a. There cannot be any "multiple choice" or "rate the following in order of preference" articles on a warning or on a ballot. If either a board or citizens want voters to indicate preferences from a list of options, then a survey could be prepared and placed outside the polling place (or be handed out to voters outside the polling place) or in towns with floor town meeting, the survey can be circulated and completed even inside the meeting hall.

9. **Australian Ballot is not the same as a "paper ballot."** People often confuse the terms "paper ballot" (or "written ballot") and "Australian ballot." The two are different. A written ballot is a paper ballot vote used at a traditional school district or town meeting when required by the statutes or when requested by at least seven voters. An Australian ballot vote refers to the practice of voting at designated polling places during designated polling hours (usually, 7 a.m.-7 p.m.) with printed ballots that are available 20 days prior to the school district or town meeting and 30 days prior to state primary or general elections for absentee voting.

10. **Voters can petition for reconsideration of an article voted on at town meeting.** A petition signed by at least five percent of the legal voters of the town or school district can be submitted to request reconsideration of an article within 30 days following the town or school meeting. Note that the law permits towns, by vote, to increase the number of signatures required for reconsideration to as much as 20 percent. 17 V.S.A.§ 2661(b). If a proper petition is submitted in a timely manner, the legislative body (selectboard or school board) must schedule and warn a special meeting to be held not later than 60 days after receipt of the petition to vote on the requested article. The law now requires that if there is a special meeting warned for reconsideration of an article, the number of votes cast in favor of reconsideration must exceed two-thirds of the number of votes cast for the prevailing side at the original meeting (unless the town already voted to increase or decrease the percentage). This 2007 amendment to state law was intended to prevent a very small number of voters at a special meeting reverse to the result on an article that was voted by a substantially greater number of voters at the annual meeting.

11. **Election of officers may not be reconsidered.** While 17 V.S.A. §2661 provides a method for reconsideration of public questions and budgets, the election of officers cannot be reconsidered by filing a petition with the legislative body. The only way to challenge or contest an election of an officer, is by filing a petition with the appropriate superior court. (17 V.S.A. §2603) The statute sets out that you must allege either errors sufficient to change the outcome of the election, fraud in the process sufficient to change the result, or that for any other reason the election is not valid.

12. **Town officers take office at town meeting.** Newly elected town officers take office on town meeting day. Some officials must take an oath before they officially take office. This can be done by the clerk at town meeting, or at any time thereafter. 17 V.S.A. § 2646. An official who is required to take an oath of office (by either swearing or affirming) and who refuses to do so may not take office, thereby creating a vacancy.

13. **Union school officers take office on July 1st, except for moderator.** "Union district officers elected at an annual meeting shall enter upon their duties on July 1 following their election and shall serve a term of one year or until their successors are elected and qualified, except that if the voters at an annual meeting so vote, moderators elected at an annual meeting shall assume office upon election and shall serve for a term of one year or until their successors are elected and qualified." The law also provides that school directors elected at an annual meeting shall assume office upon election and shall serve a term of three years or until their successors are elected and qualified. 16 V.S.A. § 706k.

14. **Selectboard must elect chair and set regular meeting schedule.** At its first meeting following Town Meeting the selectboard is required to elect a chair, and, if so voted, a clerk (of the board), and file a certificate of such election in the office of the town clerk. The board then adopts rules of procedure (Roberts Rules for small boards, or any other rules, including ones made up by the board) and sets the schedule for its regular meetings by resolution. The board should decide how the agenda for each meeting will be created. In some towns the chair prepares the agenda, but the best practice is to allow all members of the board a chance to propose items for the agenda. At its organizational meeting the board must appoint a legal voter to be the tree warden. The board may choose to appoint three fence viewers; a poundkeeper (who is not required to be a legal voter); one or more inspectors of lumber, shingles and wood; and one or more weighers of coal. 24 V.S.A. § 871 (as amended in 2008).

15. **Only the selectboard (or town manager) can enter into contracts that bind the town.** Insofar as the law gives the selectboard general oversight of town affairs it is the board that has authority to enter into binding contracts for the town. There are also a number of specific statutory provisions that make it clear that it is the selectboard's role to contract for the town. The board can delegate this function to the town manager or to other employees in particular situations; however, a contract entered into by an official or employee of the town who is not authorized to do so will be void. Lakeside Equipment Corp. v. Town of Chester 172 Vt. 527 (2000); Courchesne v. Town of Weathersfield, 174 VT 453 (2003). 24 VSA § 872, 934, 1092, 1236, 2692.

16. **Board may authorize chair or vice-chair to sign decisions or orders.** Whenever any written decision or order issued by a board, commission, committee or authority of any municipality must be signed by the board, the law permits this decision or order to be signed by the chair or vice-chair on behalf of the issuing body. 24 V.S.A. § 1141. In order to take advantage of this law the board should vote at its organizational meeting, or at some other time, to authorize the chair or vice chair to sign on its behalf.

17. **The selectboard may authorize one or more board members to act on behalf of the board to pay bills.** The law permits the selectboard to vote to authorize one or more members of the board to examine and allow claims against the town for town expenses and draw orders for such claims to the party entitled to payment. The orders drawn by these board members should be specific about the purpose for which they are drawn and will authorize the treasurer to make the payments. The full selectboard must be provided with a record of orders drawn under this provision of law whenever orders are signed by less than a majority of the board. 24 V.S.A. § 1623.

18. **Meeting minutes will authorize treasurer to pay bills.** When the selectboard submits to the town treasurer a certified copy of the selectboard minutes, properly signed by the clerk and chair or by a majority of the board, showing to whom, and for what purpose payments are to be made by the treasurer, then the treasurer will have full authority to make the approved payments. 24 V.S.A. § 1623.

19. **The town clerk controls town vault.** 24 V.S.A. § 1178 makes it clear that the town must have a vault or safe for the records in the town clerk's custody. Insofar as the town clerk is solely responsible for the care and preservation of the records of the town, the clerk is responsible for the security of the town vault, and it is up to him or her to control access to the vault. We generally recommend that the combination to the vault be given to the clerk's assistant as well as to the local fire chief, police chief and/or the chair of the selectboard so that, in the event of an emergency, the appropriate personnel can ensure the security of the records.

20. **The selectboard controls town buildings.** The selectboard has control over the town buildings. This means that the board may decide how the various spaces are used, whether and when repairs are made, etc . . . However, because the clerk has control over the records of the town the clerk has total control over the town vault. In some towns the selectboard feels the office must be made available to other local officials at times that the clerk is not ordinarily there. In such instances the board must work with the clerk to ensure that all of the records in her custody and the equipment of the office are protected. This might mean getting locking file cabinets and to password protect programs on the town computer.

21. **Not every local official must get paid.** While some officers, like clerk, treasurer and tax collector have fees set out by statute, Vermont law states that unless compensation is fixed by law or by vote of the town or town school district, local officials cannot demand payment for their services to the town. However, the law provides that if an official makes a request for payment the auditors must report the claim as well as the nature and extent of the services at town meeting. 24 V.S.A. § 931.

22. **Town or selectboard may set salary.** A town may vote to compensate any or all town officers for their official services. 24 V.S.A. § 932. However, when a town does not set a salary or stipend for an officer (or for town employees) the selectboard may fix the salary. Note that they may not set their own salary – but the selectboard's salary can be fixed by the auditors at the time of the annual town audit. Or, if the town has voted to eliminate the office of auditor and the voters fail to fix the compensation to be paid to members of the selectboard, selectboard members shall be compensated at the rate at which they were compensated during the immediately preceding year. 24 V.S.A. § 933.

23. **Board may choose to rotate chair.** In one town, no board member wished to serve as chair so the board members agreed to rotate the position. There is no law that would prevent this, although it might make sense not to rotate the chair from meeting to meeting since this might be confusing for the public and for town officers and employees who have to work with the board.

In our monthly Opinions, we provide what we believe the law requires based upon our legal judgment, years of observing Vermont's local government practices, and Vermont Court decisions. This information is intended as a reference guide only and should not replace the advice of legal counsel.

Civics Behind the Scenes

by Missy Shea, Civic Education and Voter Outreach Coordinator

Why History?

Despite the concerns about what the federal "No Child Left Behind" legislation may have done to social studies curricula across our nation since it was enacted in 2002, the majority of secondary schools still have a requirement that students must successfully pass a course in U.S. History before they can graduate. While most adults would agree that understanding the nation's history is a fundamental part of an American student's education, it is much harder to sell the kids on its relevance. I am continually preaching to my students that we must understand from whence we came in order to truly understand where we are today. Recently, a proposed Vermont House Resolution expressing regret for the passage of the Sterilization Act of 1931 was a poignant reminder of this, as well as a note of hope for how we might do things better in the future.

In 1925, UVM Professor of Zoology Henry Perkins began conducting the Eugenics Survey of Vermont, an allegedly scientific approach to improving the genetic condition of the human race. He helped draft legislation that was eventually adopted by the General Assembly as Act No. 174, "An Act for Human Betterment By Voluntary Sterilization" and signed into law. The stated intention of the law was "to prevent the procreation of idiots, imbeciles, feeble-minded or insane persons…by voluntary sterilization" (H.C.R. 195, 2010.) In practice, the law targeted persons with mental and physical disabilities, persons of French Canadian and Abenaki ancestry, and poor Irish and Italian immigrants. The sterilization was not always conducted with patient knowledge or consent. Fortunately, the Eugenics Survey ended in 1936. But permanent damage had been done.

Although we can not erase injustices of our collective past, when we understand our history, we can sometimes ease a bit of that pain. Equally important, such acknowledgement and expression of regret causes us to reflect, and therefore contemplate our options for behaving differently when faced with similar issues of prejudicial judgment in the future.

There are many wonderful reasons to study our own history. Certainly understanding those instances for which we must apologize for the actions and behavior of our forbearers so that we might move more gracefully into our future and not leave the same legacies for our future generations is among the most valuable of reasons.

2010 Poster and Essay Contest

The Secretary of State's Office is gearing up for the 2010 Poster and Essay Contest. Students from kindergarten to grade 12 are eligible to submit posters or essays about designated topics. Winners will receive a cash prize and an opportunity to attend a rare viewing of Vermont's constitution.

For contest rules and more information, call Missy Shea at 802-828-1296 or visitwww.sec.state.vt.us/kids/contests.html

Entries must be postmarked by April 2, 2010.

Municipal Calendar

March 2010

1 - Voters, family members, authorized persons or health care providers may request early or absentee ballots until 5:00 p.m. or the closing of the town clerk's office on this day. 17 V.S.A. § 2531(a).
1 - Clerks must make a list of all early or absentee voters available upon request at their office. 17 V.S.A. § 2534
1 - Board of civil authority must appoint a presiding officer if the town clerk or other regular presiding officer is unable to preside at the Australian Ballot portion of town meeting or if more than one polling place is used. 17 V.S.A § 2452
1 - The presiding officer of each polling place must also post a copy of the warning and notice, sample ballots and the current checklist in a conspicuous place in each polling place before the polls open on election day. 17 V.S.A. § 2523(a) and (b)
1 - The presiding officer shall make sure that signs informing voters of procedures for depositing ballots are placed on or near the ballot boxes before the polls open on election day. 17 V.S.A. § 2523(b)
1 - Prior to the day of the election, board of civil authority must appoint assistant election officers for town meeting. 17 V.S.A. § 2454
1 - Last day for legislative body to hold public informational hearing on any public question to be voted by Australian Ballot at town meeting. 17 V.S.A. § 2680(g)
2 -A meeting of the legal voters of each town shall be held annually on the first Tuesday in March unless the town charter changes the date or the voters have voted to begin on one of the three days preceding the Tuesday. 17 V.S.A. §§ 2640(a) and (b), 2631
2 - Clerks must make a list of all early or absentee voters available upon request in each polling place as soon as it opens. 17 V.S.A. § 2534
9 - Last day for selectboard or town clerk to warn a run-off election if there was a tie vote for any Australian ballot race at town meeting (within seven days after election). 17 V.S.A. § 2682(e)
12 -Last day for a losing candidate for local office in a municipality using the Australian ballot system of voting to request a recount (within 10 days after the election). 17 V.S.A. § 2683(a)
12 - Deadline for a voter to file a request for a recount with the town clerk of any issue voted by Australian ballot (within 10 days after the election). 17 V.S.A. § 2688
12 - Last day for a local candidate who has made expenditures or accepted contributions of $500 or more to file a campaign finance report with the town clerk. 17 V.S.A. § 2822
12 - Last day for town clerk to certify to the secretary of state each proposal of (charter) amendment showing the facts as to its origin and the procedure followed. 17 V.S.A. §2645(b)
17 - Last day that a legal voter may contest the results of the local election results from the town meeting (within 15 days after the election). 17 V.S.A. § 2603(c)
18 - First day a run-off election may be held (15 days after the warning of the run-off election). 17 V.S.A. § 2682(e)
31 - Last day a run-off election may be held (22 days after warning; warning within seven days after election). 17 V.S.A. § 2682(e)

April 2010

1 - Last day for voters to file petitions for reconsideration or rescission of articles voted on at town meeting (within 30 days of the meeting). 17 V.S.A. § 2661(b).
1 - Last day for dog or wolf-hybrid licensing. 20 V.S.A. § 3581(a).
1 - Base date for setting appraisal value and determining ownership of real and personal property. 32 V.S.A. § 3482.
1 - Last day for town clerk to furnish listers with transfer book for preceding 12-month period. 32 V.S.A. § 3485(a).
15 - Last day for legislative body to notify the commissioner of children and families of appointment of town service officer. 33 V.S.A. § 2102(a)
15 - Last day for U.S. Congressional candidates to file FEC quarterly reports for the April quarter (Jan. 1-Mar. 30). 2 U.S.C. § 434(a)(2)
20 - Last day for return of property inventories to listers. 32 V.S.A. § 4004.
25 - State Withholding Tax Return is due (actual date by which return must be postmarked is shown on the printed form) if reporting less than $2,500 per quarter. More than $2,500 requires monthly report; more than $9,000 requires semi-weekly report. 32 V.S.A. § 5842.
30 - Last day for listers to receive applications for tax exemption due to disabled veteran status. 32 V.S.A. § 3802(11).
30 - Last day to file Form 941 (Quarterly Withholding Return) with the IRS.

The Municipal Calendar is provided by the Vermont League of Cities and Towns/Chittenden Bank and the Secretary of State's Office.

Upcoming Events

Hartford: Municipal Treasurer's Workshop

March 23, 2010
Sponsored by VLCT Municipal Assistance Center
Location: Hartford Town Offices, 171 Bridge Street, White River Jct., VT
Time: 12:30 pm

Milton: Municipal Treasurer's Workshop

March 25, 2010
Sponsored by VLCT Municipal Assistance Center
Location: Milton Town Offices, 43 Bombardier Road, Milton, VT
Time: 12:30 pm

For either workshop above:
Contact: Jessica Hill (info@vlct.org)
Phone: 802-229-9111, Fax: 802-229-2211
Web site: http://www.vlct.org/d/eventcalendar/workshops/Municipal_Treasures_10.pdf
Price: PACIF members $55, VLCT members $80, Non Members $125

Municipal treasurers have many responsibilities and face many challenges in today's difficult economic conditions. This workshop will give treasurers the basic tools they need to address the day-to-day issues to best serve taxpayers, and to improve efficiency and effectiveness. Whether you are newly elected to the position or have served for a number of years, you will come away from the workshop with a better understanding of your job. Please note that lunch is not included. Registration deadline is March 17, 2010 for above workshops.

Selectboard Institute

March 27, 2010
Sponsored by VLCT Municipal Assistance Center
Location: Lake Morey Resort, 1 Clubhouse Road, Fairlee, VT
Time: 8:30 am
Contact: Jessica Hill (info@vlct.org)
Phone: 802-229-9111
Fax: 802-229-2211
Web site: http://www.vlct.org/d/eventcalendar/workshops/web_Selectboard_Institute10.pdf
Price: PACIF members $55, VLCT members $80, Non Members $125

This event is on a Saturday. The Selectboard Institute is an annual program offered exclusively to Vermont selectboard members. Designed for both newly elected and more seasoned selectpersons, the program is highly interactive and allows members to learn from each other's experience. Staff members who report to the selectboard are welcome as well. Registration deadline is: March 19, 2010.

Town Officer Education Conferences

Mark your calendars now for the 2010 TOEC, coordinated by the University of Vermont Extension:

April 5 - St. Michael's College - Colchester
April 8 - Lyndon State College - Lyndonville
April 13 - Lake Morey Resort - Fairlee
April 20 - Mount Snow, Dover
April 28 - Rutland Holiday Inn, Rutland Town

Contact Sally Cleveland at University of Vermont Extension, Phone: 802-773-3349, Email: sally.cleveland@uvm.edu
Website for information and/or registration: http://www.uvm.edu/extension/

After Town Meeting - A Checklist

1. FINISH THE MINUTES: The town clerk is obliged to prepare the minutes of town meeting and have them approved by two people from among the following officers: selectboard member, moderator, or justices of the peace. This must be done within seven days of the meeting. 24 V.S.A. § 1152.

2. GET ORGANIZED: "Forthwith," the statute announces, the selectboard must meet, elect a chair, a clerk (of the board), and let the town clerk know your decision. At this meeting, you will also need to appoint a tree warden and may choose to appoint three fence viewers; a poundkeeper; inspectors of lumber, shingles and wood; and weighers of coal. 24 V.S.A. § 871. The same process should be followed by any board, including auditors, listers, the board of civil authority, the board for abatement of taxes, planning commission, and zoning board of adjustment, and any others. Take up the issue at your first meeting, elect a chair, set your regular meeting schedule and let the town clerk know about it.

3. SETTLE: Immediately after town meeting, if not before, auditors need to "settle" with former town officers. If a new delinquent tax collector has been elected, for instance, the former collector must pay over all funds collected to date and make a complete accounting of the taxes still owed. 24 V.S.A. § 1578. All papers in the collector's hands are also to be turned over to the successor collector.

4. GET SWORN: Town clerks, select board members, constables, listers, grand jurors and fence viewers and the school board must be sworn in before taking office. 24 V.S.A. § 831. See the town clerk for forms, or look at the oath in Chapter II, Section 56 of the Vermont Constitution, in the first volume of Vermont Reports.

5. GET BONDED: School directors, constables, road commissioners, collectors of taxes, treasurers, and town clerk must be bonded before taking office. 24 V.S.A. § 832. The selectboard sets the amount. This is usually done through your insurance company. The town or school district pays for the bonds, not the officers. 24 V.S.A. § 835.

6. TELL WHO WAS ELECTED: Newly elected town clerks must file the certificate of their election with the county clerk, signed by the moderator of the meeting, within five days of the election. File a copy of your oath of office as well. 24 V.S.A. § 1151. The clerk should also write the state treasurer to tell him the name of the new town treasurer. 24 V.S.A. § 1166. Actually, this must be done before July 1, but why not do it now and get it out of the way? Within five days of town meeting, the clerk should also send each lister's name, mailing address, and length of term to the commissioner of taxes. 24 V.S.A. § 1168. Send the name and address of the constable to the county clerk. 24 V.S.A. § 1169.

7. APPOINT ASSISTANTS: Town clerks and treasurers must have assistants. They should be appointed by the clerk and treasurer following the beginning of each new term, and the appointment recorded. 24 V.S.A. §§ 1170, 1573. Send the county clerk a copy of the appointment of the assistant town clerk and of the assistant's subscribed oath. 24 V.S.A. § 1172.

8. LEARN THE OPEN MEETING AND PUBLIC RECORDS LAWS: Read them. They are found back to back in the first volume of the Vermont Statutes Annotated, at 1 V.S.A. §§ 310-320. Everything is open unless you can find a reason to close it in these laws. Don't meet with a quorum of your board without public notice. That's against the law. See the Pocket Guide To The Open Meetings Law as well as our publication A Matter of Public Record: A Guide to Vermont's Public Records Law on our website for details.

9. LEARN HOW TO DEAL WITH THE PUBLIC: You are a public officer. That means you are available to help, answer questions, find official paperwork, and anything else people ask of you. There are limits, of course. You don't need to be abused. But as long as the public remains civil, you should try to help.

10. LEARN HOW TO ASK FOR HELP: Everybody helps everybody in Vermont. Call those who held the office before you. Call those who hold the same office but in another town. Call us. Call the League of Cities and Towns. Call state offices. There's no reason not to ask for help. Everything is complicated at first.

Centennial Businesses to be Honored

The 2010 Vermont Centennial Business Awards are scheduled for Thursday, March 10, at 4:00 p.m. at the Vermont State House.

This year's honorees:

Snowsville General Store - East Braintree - est. 1830
Noyle W. Johnson Insurance - Montpelier - est. 1876
Kinney Pike Insurance Company - Rutland - est. 1904
Paige & Campbell, Inc. - Barre - est. 1907
R. Dente Market - Barre - est. 1907
Paquet Farm - Barre - est. 1909
Roblee Farm - Pawlet - est. 1909

For more information go to
http://www.sec.state.vt.us/centennial_business.html

To register for the event, visit
http://www.vtchamber.com/events/calendar/centennial_business_awards/

2010 Vermont Public Service Awards

As of today, 71 municipalities from all 14 Vermont counties have submitted nominations for the 2010 Vermont Public Service Awards.

Here are some interesting facts we have discovered so far:

- County with the highest number of nominations - **ADDISON**
- Municipality with the highest number of nominations - **MIDDLEBURY**
- Highest number of years served by one individual - **60!**

We are scheduling award ceremonies around the state. All town clerks and nominees will be notified of the date and time of the ceremony for your region. We are looking forward to visiting you in the near future.

Service Recognition

Please join us in thanking the following municipal officials for their service to the citizens of Vermont. These officials have recently left, or will be retiring soon. They include:

Janet Ladd, Benson
Laura Sumner, Halifax
Chuck Hafter, South Burlington City Manager
Katharine Bergen, Wells
Larry Melen, Weathersfield Town Manager
Pauline Schmoll, Winooski

We wish you well!

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Thank you for helping us keep Opinions running efficiently!

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