

Our selectboard handles orders to pay bills by having each member stop in the office and sign them. Is that legal?

No. The law requires that any board with three or more members must act by “the concurrence of a majority” of the board. Our Supreme Court has said that “concurrence, as used in [1 V.S.A. § 172] involves physical presence, not merely a state of mind, plus an expressed assent.” *State v. Vt. Emergency Bd.*, 136 Vt. 506 (1978). Therefore, three or five selectboard members making independent decisions on bills does not constitute concurrence and board action.

The ideal procedure would be for the board to examine and discuss all bills at a regular meeting and to arrive at a joint decision to sign the order to pay them. That may be impractical for some boards, especially those which meet only once a month. Therefore, the legislature provided alternative procedures in 24 V.S.A. § 1623.

First, the entire selectboard may authorize one or more members to examine and sign orders on behalf of the entire board. In that case the order must state definitely what the payment is for and a record or copy of the signed order must be provided for the full board’s examination at its next meeting. 24 V.S.A. § 1623(a). This arrangement may be an on-going one for the year. After town meeting, when the new selectboard holds its organizational meeting, it should decide whether or not to continue the practice and who the authorized signers will be for the ensuing year.

Second, the selectboard may give a certified copy of its minutes to the treasurer authorizing that a certain payment may be made. These minutes must be signed by a majority of the board and must indicate to whom and for what purpose such payment is authorized. For example, “payment to the ABC Truck Company upon delivery of the new town dump truck.” This sort of arrangement is obviously meant to be used for a one-shot situation and not for routine or recurring bills.

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