

The statutes dealing with circulating the Town Report and publicizing the Warning for Town Meeting are a little confusing. Can you clarify?

The term “Town Report” is used to refer to two different things. First, it refers to the annual financial report that is the responsibility of the auditors, unless the municipality has voted to eliminate the office of auditor, under authority of 17 V.S.A. § 2651b. The auditors or the selectboard, if the office of auditor has been eliminated, are responsible for distributing the financial audit or Town Report. Whether it is sent out by the auditors or by the selectboard, the Report must “be mailed or otherwise distributed to the legal voters of the town at least ten days before the annual meeting.” 24 V.S.A. § 1682.

The other, more common use of “Town Report” is the booklet that the town produces each year which contains the financial audit, vital statistics, next year’s proposed budget, photographs, and (usually), the warning. The warning is a public notice that tells people when and where to go for the town meeting or polling places. It must also list the separate articles of business to be transacted. The warning and notice must be posted in two or more public places plus in or near the town clerk’s office 30 to 40 days before the meeting. In addition, the warning must be published in a newspaper of general circulation unless it is “published in the town report, or otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting.” 17 V.S.A. § 2641.

So, the situation is that the Town [financial] Report must go to “legal voters of the town” and the warning must be published or sent to “all town or city postal patrons.” The latter provision is especially problematic in towns where “postal patrons” of the local post office may not live in that town. For example, a number of residents of Town A get their mail through the Town B post office. So, they might get the Town B warning but not their own town warning.

We think the best practice, at a minimum, is to be sure that the Town Report is sent to every person on the voter checklist, the “legal voters,” and that the warning is published in a newspaper of general circulation. That will meet the statutory mandates. If the town also wants to send direct mail to others or publish or post notices saying that the Town Report and warning are available at the clerk’s office or the general store, or somewhere else in town, that’s fine. There is no law against over-informing citizens about what is going on in their town with their tax dollars.

- Libby Turner, VLCT Staff Attorney

(This question is reprinted from the December 2001 VLCT News due to the many requests made at our recent Workshop for Town Treasurers and Auditors.)

VLCT News, December 2002