

What can restoration reserve funds that are created under 32 V.S.A. § 1671(c) be used for?

Restoration reserve funds are designated reserve funds established for the specific purpose of restoring, preserving, and conserving municipal records. Thirty-two V.S.A. § 1671 (c) authorizes legislative bodies to create reserve funds to preserve municipal records for posterity. These reserve funds are known as restoration reserve funds and may only be used for the restoration, preservation, and conservation of municipal records. This means that they cannot be used for general fund purposes.

Restoration funds are established or abolished only by an affirmative vote of the legislative body at a legally warned meeting of the body. Unless the fund is properly created, monies cannot be collected for, or expended from, the fund. These funds are primarily funded by a portion of recording fees that are collected pursuant to 32 V.S.A. § 1671 (a) (1)-(6), but once established, a municipality can commit other monies to the fund in addition to recording fees.

The importance of municipal records cannot be overstated. They tell the story of a town's history, ensure the integrity of governmental actions, and provide certainty in property transactions. Restoration reserve funds provide the funding to ensure that these important documents are maintained not only for future generations, but also for use by the public today.

If you have any questions about whether your proposed expenditures of restoration reserve funds comply with 32 V.S.A. § 1671 (c), the Public Records Division of Buildings and General Services can assist you by providing general information about what it considers to constitute restoration, preservation, and conservation of municipal records.

- Julie Fothergill, Attorney, VLCT Municipal Assistance Center

VLCT News, December 2003