

ASK THE LEAGUE

Our town made an error in the warning of our annual or special town meeting. Is there anything we can do about it?

Perhaps you missed the deadline to submit notice of a town meeting to the local newspaper. Or, you belatedly discovered that your town meeting warning omitted information about the meeting's time or location. Even with careful preparation, a notice violation or warning mistake can occur. Through "validation," Vermont law offers a way to "correct and legalize" errors of omission or noncompliance with notice and warning requirements for municipal meetings. A town can cure this type of error – if the meeting and the business conducted at that meeting is otherwise legal and within the scope of the town's authority – by holding a vote at a properly warned subsequent town meeting. The town need not vote anew on each article of the prior meeting, but merely pose one question in substantially the following form: "Shall the action taken at the meeting of this town (or city, village or district) held on (state date) in spite of the fact that (state the error or omission), and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed." 17 V.S.A. § 2662. The town may choose to call a special town meeting to hold this vote or wait until its next annual town meeting. Keep in mind, however, that a delay may heighten the risk that the actions taken at the improperly noticed meeting will be challenged.

What if we made an error in how we conducted our town meeting?

Validation may also be used to correct and legalize procedural errors or omissions in the conduct of the town meeting itself. Here, it is the selectboard who must hold a vote. 17 V.S.A. § 2662. To cure conduct errors, a selectboard must pass a resolution at a properly warned selectboard meeting by a two-thirds vote, stating that the procedural error or omission that occurred at the town meeting was "the result of oversight, inadvertence or mistake." Once this resolution is passed, and assuming that the town otherwise had the power to act, the actions taken at the prior town meeting are deemed valid.

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