

ASK THE LEAGUE, AUGUST-SEPTEMBER 2015

Our selectboard only meets a few times over the summer. In order to make sure that town payments are made on time, can we allow selectboard members to show up at the town office and sign payment orders at their convenience?

No, not unless there has been a vote at a prior selectboard meeting to authorize payment. The general rule is that the approval of orders requires that the selectboard hold an official meeting and, by a majority of the total number of members of the board, vote to authorize the treasurer to disburse money. This is because Vermont law only gives the selectboard authority to act as a group. 1 V.S.A. § 172. No individual selectboard member (or combination of members) has authority to act on behalf of the town. Vermont law also requires that when an action is taken (such as approving an order for payment) by a majority of the selectboard members, such action must occur within the context of a duly-warned open meeting. 1 V.S.A. § 312.

There are two exceptions to the above general rule that are found in 24 V.S.A. § 1623. First, the selectboard can vote at a duly-warned selectboard meeting to approve certain payments in advance so that there is no need for the members to actually sign the orders. Such a vote must identify the person(s) to whom payment is to be made and the purpose(s) for that payment. The treasurer may then use a certified copy of the minutes of the meeting as full authority to make the approved payment.

The second exception created by 24 V.S.A. § 1623 allows the selectboard to authorize one or more selectboard members to review and approve orders on behalf of the entire board. A vote to give such authorization must take place at a duly-warned selectboard meeting and must be reflected in the meeting minutes. A motion to give such authorization might be phrased as, "I move that we appoint [*insert name(s) of selectboard member(s)*] to approve and sign orders for [*insert types of claims that the person has authorization to approve such as "payroll," "operating expenses," etc.*] for [*insert period of time*]." Any orders that are approved under this authority must "state definitely the purpose for which they are drawn." The full selectboard must later be provided with a record of all the orders approved.

Unless and until the selectboard votes to take one of the above actions, the individual members may not merely show up at the town office and sign payment orders at their convenience. Doing so would be a violation of the Open Meeting Law, which requires that whenever a majority of the members take an action or make a decision (which is exactly what they are doing when they sign an order approving payment), they must do so within the context of a duly-warned open meeting.

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