

ASK THE LEAGUE, JAN. 2015

Is there an alternative to mailing the town report?

Yes. State law says that the town report must be “mailed or otherwise distributed to the voters or residents of the town at least ten days before the annual meeting.” 24 V.S.A. § 1682. A “resident” is defined by 17 V.S.A. § 2122(b). The law doesn’t define or provide examples of what it means to “otherwise distribute” the report, but conventional wisdom is that this means to pass out or deliver the town reports to their intended recipients.

While most towns choose to mail their town report, the law does give the voters the authority to agree to a different arrangement. Specifically, the voters may vote at a duly-warned special or annual town meeting to provide “notice of availability” of the town report instead of mailing or otherwise distributing it. However, it is not enough that the voters merely decide to give notice that the town report is available. They must also specify how that notice is provided. A sample article for such a vote could take the following form:

Shall the voters provide notice of the availability of the town report to the [voters/residents] of the town in lieu of mailing or otherwise distributing the report pursuant 24 V.S.A. § 1682?The notice of availability shall be provided by [*insert specific manner of providing notice of availability*].

Examples of the manner of providing notice include postcards that are mailed to voters or residents alerting them that the town report is available to be picked up at the town clerk’s office, and public notices posted at the town hall and post office announcing that the town report will be available at the local transfer station.

Despite this option, there are some things that the voters won’t be able to change. Regardless of the method chosen, the notice of availability must be provided to the voters or residents at least 30 days before the annual town meeting. At the same time the notice of availability is provided the town auditors must still deliver enough copies to the town clerk in order to comply with his or her responsibilities under 24 V.S.A. §§ 1173, 1174 as well as any surplus copies. The town’s vote will also not relieve the auditors of their duty to mail or distribute town reports to voters or residents upon request. For a town that has voted to eliminate the office of town auditor, these responsibilities will be carried out by the selectboard.

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