

## ASK THE LEAGUE, MARCH 2016

### The Post-Town Meeting Process

*(This article updates an article that appeared in the March 2013 and March 2014 editions of the VLCT News.)*

The gavel has come down and the polls are closed, but the work necessary to ensure a truly successful town meeting is just beginning. This article will help you navigate the numerous post-meeting legal requirements that are found in Vermont statutes.

**The Official Record.** Under state law, the town clerk must record “all proceedings of all town meetings.” 24 V.S.A. § 1152. There is no requirement that the clerk create a full transcript of the meeting, but the record should at least include the following information: all articles introduced, the substance of any motions made, the identity of the motion-makers and of those who spoke in regard to the articles and motions, and the results of all votes taken. Once it is created, the record must be approved by any two of the following officials who were present at the meeting: moderator, selectpersons, and justices of the peace. The clerk must request approval of the record from these officials within seven days after the meeting and the request must be given prompt consideration.

**Certifying Elections.** State law mandates that the town clerk report the election of certain officials. Certificates of election can be found on the Elections Division page of the Secretary of State’s Office website, <https://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx>.

- **Town Clerk:** File a certificate of election or appointment and a copy of the official oath with the county clerk within six days of the election or appointment. This certificate must be signed by the moderator if the clerk is elected from the floor; by the chair of the board of civil authority if the clerk is elected by Australian ballot; or by the selectboard if the clerk is appointed. 24 V.S.A. § 1151.
- **Treasurer:** Report the name of the town treasurer to the state treasurer on or before July 1<sup>st</sup> of every year. 24 V.S.A. § 1166.
- **Selectpersons:** File with the secretary of state a list of the names and addresses of selectpersons elected and notify the secretary of state of any changes in the list as filed. 17 V.S.A. § 2665.
- **Lister:** Names, post office addresses, and lengths of term of office of each lister must be reported to the director of the Division of Property Valuation and Review after each annual meeting and in the event that a lister is appointed to fill a vacancy. 24 V.S.A. § 1168.
- **First Constable:** Certify the name and post office address of the person elected to the county clerk. 24 V.S.A. § 1169.
- **Justice of the peace:** Send or deliver to each candidate that is elected a certificate (on a form provided by the secretary of state) signed by the town clerk and one other election official. The town clerk shall also file with the secretary of state a list of the names and addresses of justices of the peace and notify the secretary of state of any changes in the list as filed. 17 V.S.A. § 2592(i).

**Announcing and Reporting Votes.** The clerk’s post-town meeting responsibilities also include reporting certain actions taken by the voters at town meeting. Within five days of the meeting, the

clerk must certify votes on all financial actions (raise taxes, borrow money, make any appropriation) to the town treasurer and selectboard chair. 24 V.S.A. § 1167. If the townspeople voted to amend their town charter, the clerk must, under direction of the local legislative body, announce and post the results of the vote immediately after it is counted; within ten days, the clerk must certify facts of the origin and procedure followed for each amendment adopted, if any, to the secretary of state and certify the result before any subsequent action on the amendment by the Vermont Legislature. 17 V.S.A. §§ 2645(b), 2663.

Towns that conduct elections by Australian ballot have different reporting requirements depending on how votes are tabulated. In towns that count by hand, the presiding officer must publicly announce the results when each summary sheet is completed. For those that use vote tabulating machines, the presiding officer may publicly announce the results from the tabulator tape and post them as “unofficial incomplete results” in the polling place. The clerk must deliver one certified copy of the election return to the secretary of state, the senatorial district clerk, the county clerk, and the representative district clerk within 48 hours of the close of the polls. 17 V.S.A. § 2588.

**Appointing Assistants.** After his or her election, the town clerk must appoint at least one assistant. 24 V.S.A. § 1170. The treasurer may, but does not have to, appoint an assistant. 24 V.S.A. § 1573. If the treasurer fails to appoint an assistant within ten days of a selectboard’s request to do so, the selectboard may appoint one for him or her. The clerk’s assistant must be sworn into office. 24 V.S.A. § 1171. A record of the assistant clerk’s appointment must be certified by the clerk and a copy of the assistant’s oath must be deposited with the county clerk. 24 V.S.A. § 1172. Appointments for both offices must be recorded in the town clerk’s office.

**Administering Oaths of Office.** A handful of town officers must be sworn into office before carrying out any of their duties. Among them are the clerks and their assistants (24 V.S.A. §§ 831 and 1171); selectpersons, justices of the peace, constables, listers, grand jurors, and fence viewers (24 V.S.A. § 831); village clerks, treasurers, and collectors of taxes (24 V.S.A. § 1306); assistant election officials (17 V.S.A. § 2454(a)); and members of the board of civil authority (32 V.S.A. § 4405). State law prescribes different oaths for different town officers. The town clerk may administer oaths of office whenever they are required and must keep a record of all oaths taken. The clerk’s oath may be administered by a justice of the peace; notary public; supreme, superior, or assistant court judge; presiding officer, secretary or clerk of either chamber of the Vermont General Assembly; or by the governor. A listing of the different oaths of office is posted on the Elections Division page of the Secretary of State’s Office website, <https://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx>.

**Settling Accounts.** When a new treasurer is elected, his or her predecessor must immediately pay over to his or her successor all funds belonging to the town and town school district and deliver all books and papers in his or her possession. 24 V.S.A. § 1578. Similarly, if there is a change regarding the collection of taxes, the predecessor collector must give the treasurer all uncollected tax bills and all moneys collected thereon. These bills must be audited and reissued to the new collector, who must in turn provide a receipt for them. 32 V.S.A. § 4671.

**Bonding Requirements.** Certain officers and employees must provide a bond conditioned on the faithful performance of their duties. These include constables, road commissioners, collectors of taxes, treasurers, clerks, assistant treasurers when appointed by the selectboard, and any other officer or employee of the town authorized to receive or disburse town funds. 24 V.S.A. § 832. The purpose of the bonding requirement is to protect the municipality financially from the possible wrongdoing, misappropriation, or honest mistake committed by its officers or employees. Bond amounts are set by

the selectboard and paid for by the town. 24 V.S.A. § 835. Such bonding is customarily done through the town's insurance carrier or a specialty surety company. (VLCT PACIF provides coverage to its member municipalities that meets the statutory requirement for bonding but is technically not a bond. Certain acts committed by elected and appointed officials and employees are covered by the PACIF program as stated in the coverage document. PACIF will facilitate the procurement of additional coverage.) The clerk must record all bonds filed in a separate book kept for that purpose. 24 V.S.A. § 833.

**Organizational Meetings.** After its election, the selectboard must hold an organizational meeting at which it must elect a chair and, if it so votes, a selectboard clerk. 24 V.S.A. § 871. Certificates of election for these positions must be recorded with the town clerk. The first organizational meeting of the selectboard is a good time to establish the board's regular meeting schedule and adopt rules of procedure. (You can download VLCT's Model Selectboard Rules of Procedure [here](#).) The selectboard may also want to use this meeting to designate physical locations in the town for posting meeting notices, choose the town's newspaper of record for public notices, and authorize a designated selectboard member to sign orders on behalf of the town.

The selectboard must also appoint a legally-qualified voter to serve as the tree warden and may, though it is no longer required to, appoint three fence viewers, a poundkeeper (residency not required), and one or more inspectors of lumber, shingles and wood, and weighers of coal. These appointments, if made, must be recorded by the town clerk. 24 V.S.A. § 871.

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