

**ASK THE LEAGUE, FEBRUARY 2016**

**Who fills a vacancy on the prudential committee of the fire district?**

A vacancy is filled by the selectboard of the town in which the district is located, and that appointment is effective until an election is held within the district.

A duly-formed fire district is recognized by statute as a municipality and is therefore generally legally independent from the town in which it is located. As such, the voters within the fire district have authority to elect a clerk, treasurer, collector of taxes, and members of the prudential committee. 20 V.S.A. § 2485. The prudential committee is charged with filling a vacancy that arises in the office of clerk, treasurer, or collector of taxes of the district. However, when there is a vacancy on the prudential committee, that vacancy may only be filled by election in the district or by appointment of the selectboard of the town. The statute declares that “[a] vacancy in such committee may be filled at an annual meeting, or at a special meeting called for that purpose, but the selectboard of the town in which such district is located may fill a vacancy in such committee until an election by the appointment of a resident of such district.”

If the selectboard chooses to exercise its authority to fill a vacancy on the prudential committee by appointment, it should follow the same process that is used to fill a vacant position within the town. Notice of the vacancy must be posted in at least two places within the district, and in or near the office of the fire district clerk. 24 V.S.A. § 961. The selectboard’s appointment should be made in writing and filed in the office of the fire district clerk. 24 V.S.A. § 963. The person who is appointed will serve on the prudential committee until the next annual or special meeting, at which time a successor should be elected to the position.

Regardless of whether the selectboard appoints someone to the prudential committee, a special meeting of the fire district may be held to elect someone to the position. Such a meeting may be called on application in writing by three or more voters of the district, or by five percent of the voters of the district, whichever is greater. 20 V.S.A. § 2483. The person elected at such time would serve out the remainder of the unexpired term of the person who created the vacancy.

Sarah Jarvis, Staff Attorney II  
VLCT Municipal Assistance Center