

Town Meeting Primer: *Writing Common Articles*

One of the most frequent inquiries received at this time of year by the VLCT Municipal Assistance Center runs something like this: “Can you help us draft an article for the town warning to ask the voters to... ?” As a result, MAC staff member Jim Barlow, Esq., has revised and updated MAC’s list of sample articles for some of the most commonly requested topics. If your municipality is struggling with an article that does not appear on this list, please feel free to contact the MAC staff for assistance.

Approve the Municipal Budget

The wording for the article for approval of the town budget varies widely from town to town. Here is an example, with a provision to address expenditure of an unanticipated surplus from the previous fiscal year:

Shall the voters authorize a total general fund expenditure for operating expenses of \$_____, of which \$_____ shall be raised by taxes, \$_____ by non-tax revenues, and \$_____ by prior year surplus?

See 17 V.S.A. § 2664 for additional guidance on municipal budget approval.

Address Social Service Appropriations

Like budget articles, social service appropriation articles vary from town to town. Unless petitioned by the voters, the select- board has the option of wording these appropriation requests either as separate and distinct articles, or lumped together. In some towns, social service agency requests are included as line items in the selectboard’s proposed budget. Here are some samples for separate articles:

Example 1

Article 7. Shall the voters appropriate \$500.00 to be raised by taxes in support of The Snowbury Center Museum?

Article 8. Shall the voters appropriate \$7,500.00 to be raised by taxes in support of Happy Valley Ambulance Squad?

Example 2

Article 7. Shall the voters appropriate \$8,000.00 to be raised by taxes to the following organizations as shown:

*The Center for Disabled Race Horses \$500.00
Homes for the Disenfranchised \$7,500.00*

For addition guidance on social service appropriations, see 24 V.S.A. § 2691.

Eliminate the Office of Auditor

As town budgets have grown and accounting standards have become more complex, some towns have had difficulty finding qualified candidates for the office of auditor. The law authorizes the voters of a town to eliminate the office by their vote at town meeting, but the vote requires a paper ballot. An article to eliminate the office of auditor might state:

Shall the voters authorize the elimination of the office of Town Auditor, with future audits to be provided by a certified public accountant, and all other auditor duties performed by others as directed by the selectboard, in accordance with 17 V.S.A. § 2651b?

For additional guidance on the elimination of the office of auditor, see 17 V.S.A. § 2651b.

Restrict the Constable’s Law Enforcement Authority

When concerned about liability for the actions of an untrained constable, towns may vote to prohibit a constable from exercising law enforcement authority or vote to prohibit a constable from

exercising law enforcement authority without first receiving law enforcement training. Here are some examples:

Example 1:

Shall the voters prohibit the town constable from exercising any law enforcement authority, in accordance with 24 V.S.A. § 1936a(a)(1)? Example 2: *Shall the voters prohibit the town constable from exercising any law enforcement authority without having first successfully completed a course of training under 20 V.S.A. Chapter 151, in accordance with 24 V.S.A. § 1936a(a)(2)?*

For additional information about limiting a constable's law enforcement authority, see 24 V.S.A. § 1936a.

Move from an elected Constable To an appointed Constable

Another way to increase oversight of the constable and make sure he or she is properly trained is to make the position an appointed one. The law requires that appointed constables receive training before exercising law enforcement authority. 20 V.S.A. § 2358. The question to move to an appointed constable must be voted by Australian ballot:

Shall the voters authorize the selectboard to appoint a first constable, and, if needed, a second constable, in accordance with 17 V.S.A. § 2651a?

For more on the appointed constables, see 17 V.S.A. § 2651a, 24 V.S.A. § 1936a, and 20 V.S.A. Chapter 151.

Collect Property Taxes in Installments

Installment payments can lessen the pinch of increasing property taxes. Towns are free to provide for up to four installment payments. Taxes payable in installments can also bear interest.

Here is an example for two installment payments:

Shall the voters authorize payment of real and personal property taxes to the Town Treasurer in two installments, with the due dates being August 15 and November 15?

Here is an example for the collection of interest on overdue taxes with each installment:

Shall the voters authorize collection of interest on overdue taxes from the due date of each installment in the amount of 1% per month or fraction thereof for the first three months and thereafter 1½% per month or fraction thereof, in accordance with 32 V.S.A. § 4873?

The law regarding property tax installment payments can be found at 32 V.S.A. §§ 4871-4878.

Set the Town Clerk's Compensation

Municipal clerks are compensated for their services through specified statutory fees.

However, the voters do have the authority to change the way the clerk is paid by establishing a specific annual salary - either in addition to, or in lieu of, the statutory fees allowed. Many towns have done this. Here's how the question should be asked:

Salary in Lieu of Fees

Shall the town compensate the town clerk by paying an annual salary of \$_____ in lieu of any statutory fees allowed under 32 V.S.A. § 1401?

or

Salary in Addition to Fees

Shall the town compensate the town clerk by paying an annual salary of \$_____ in addition to any statutory fees allowed under 32 V.S.A. § 1401? For additional information on setting the town clerk's compensation, see 32 V.S.A. § 1224.

(For more discussion of town meeting related issues, please see this month's Ask the League.)