

## Ask The League, Nov. 2015

### How can we best prepare for Town Meeting?

Vermont's 2016 annual town meeting day will be Tuesday, March 1<sup>st</sup>, and it is almost time to get the warning ready. The warning must be posted not less than 30 nor more than 40 days before the meeting, which means the first day to post the town meeting warning and notice will be Thursday, January 21, 2016; the last day will be Sunday, January 31. The warning must also be posted on the municipality's website if it is regularly updated.

The warning must be accompanied by a notice that includes information on voter registration, early or absentee voting where applicable, and other appropriate information. 17 V.S.A. § 2642(b). The warning and notices must be posted in at least two public places in the municipality and in or near the town clerk's office. 17 V.S.A. § 2641(a). The warning (but not the notice) must also be published in the town report and distributed in the same manner as the town auditors' report as provided in 24 V.S.A. § 1682, or published in a newspaper of general circulation at least five days before the meeting. Additionally, the warning must be posted on the municipality's website if that website is updated on a regular basis.

In drafting the warning, the selectboard should keep the following points in mind:

- Do not rely on last year's warning! Many selectboards have an unfortunate habit of simply copying the warning from last year's meeting. This often results in the inclusion of unnecessary

articles and the repeat of previous errors and mistakes. The warning should be carefully reviewed and updated each year.

- Each article should be written to express the intent of the drafters as precisely as possible. Avoid unnecessary words and strive to be clear. If a statute prescribes language for an article, that language must be used. If a statute doesn't prescribe language, it is often helpful to track the applicable statutory language as closely as possible and make reference to the statute.
- State each article dealing with a public question or appropriation of money in the form of a question that can be answered "yes" or "no." This is a requirement for public questions voted by Australian ballot and is a good practice for floor voting.
- Vermont law (17 V.S.A. § 2666) prohibits the inclusion of any opinion or comment by any town body or officer or other person on the matter to be voted on.
- Consult with the town clerk and moderator, as they may have suggestions for the warning that can help the meeting go smoothly. Check with the school district board of directors to coordinate the timing of your meeting.
- Check, double check, and then triple check the warning before it is posted. Each year, the Municipal Assistance Center receives questions about how to fix errors in the town meeting warning after it has already been posted. Most of these are minor problems but some have

led to significant difficulty. The warning is an important document. Please take the time to review it carefully. Mistakes need not happen.

The voters' deadline for submission of petitioned articles is Thursday, January 14, 2016. A petition must be signed by at least five percent of the voters of the municipality and filed with the municipal clerk. 17 V.S.A. § 2642(a). Keep in mind that the selectboard is only legally obligated to warn a petitioned article when the purpose stated in the petition "sets forth a clear right which is within the province of the town meeting to grant or refuse through its vote." *Royalton Taxpayers' Protective Assn. v. Wassmansdorf*, 128 Vt. 153 (1960). On the other hand, if a petitioned article does not cover a subject over which the voters have been given authority in statute, it is merely an advisory article and may be treated as such. Advisory articles may be included on the warning if the selectboard opts to include them; it is not legally obligated to do so. In exercising discretion over such articles, the selectboard can balance the efficient transaction of town business with the provision of a local forum for discussing state and national issues. *Clift v City of South Burlington*, 2007 VT 3.

About half a billion dollars are appropriated by Vermont local government each year on the basis of the words, "A town shall vote such sums of money as it deems necessary for the interest of its inhabitants and for the prosecution and defense of the common rights." 17 V.S.A. § 2664. There is no statutory guidance apart from the mandate that a municipality "express in its vote the specific amount, or the rate on a dollar of the grand list, to be appropriated for laying out and repairing highways and for other necessary town expenses." *Id.* As a result, municipal budget articles have become incredibly varied.

On the basis of the categories in 17 V.S.A. § 2662, some towns vote separate general fund and highway budgets. VLCT doesn't believe two separate budget articles are legally necessary, so long as highway funds are accurately accounted for within the general fund. VLCT recommends this form for the budget article:

Shall the voters approve total general fund expenditures of \$\_\_\_\_, of which \$\_\_\_\_ shall be raised by taxes and \$\_\_\_\_ by non-tax revenues?

This is an optional highway fund article for towns that vote separate general and highway fund budgets:

Shall the voters approve total highway fund expenditures of \$\_\_\_\_ of which \$\_\_\_\_ shall be raised by taxes and \$\_\_\_\_ by non-tax revenues?

A more in-depth analysis of the social service appropriation process is set out in the accompanying *Ask The League* article. The Municipal Assistance Center will also be posting model language for Town Meeting warnings and articles as well as other useful information and training opportunities on the Town Meeting Resources page on [www.VLCT.org](http://www.VLCT.org).

As always, feel free to contact the Municipal Assistance Center with any questions you may have.

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