POSTPONED 2022 ANNUAL TOWN MEETING COVID-19 FAQs

Can we move the date of our annual meeting? If so, how?

Yes, the Act temporarily allows municipal legislative bodies to change the date of the annual town meeting to a later date in 2022. The legislative body (i.e., selectboard, council, trustees, etc.) must vote, by approval of a majority of its total membership, at a duly warned meeting to move the date of its annual meeting. We recommend including reference to the Act in the motion, which must include a specific date to which the meeting is moved. Here’s a sample motion: “I move, pursuant to Act 77 of 2022, to move the date of the 2022 annual municipal meeting to [enter date for meeting to be moved to, e.g., June 7, 2022]”

Keep in mind all of the related deadlines (e.g. for warning and notice, candidate consent forms, voter-backed petitions, town report, etc.) will shift as a result.

Who does the Act apply to?

The law applies to “any municipality” of the State. The term “municipality” is defined under law as including “a city, town, town school district, incorporated school or fire district or incorporated village, and all other governmental incorporated units.” 1 V.S.A. § 126.

Can a legislative body vote to move the date of annual meeting to a later date if it has already posted and noticed the town meeting warning?

Yes. Legislative bodies can vote to move the date of town meeting using the Act even if they have already posted the warning for a March 1, 2022, annual meeting. The legislative body will just need to ensure that it moves the meeting to a date far enough into the future to meet the warning and notice deadline requirements for its rescheduled town meeting (i.e., not less than 30 nor more than 40 days before town meeting).

When is the last day a legislative body can vote to move the date of the annual meeting to a later date?

Ideally, this decision should be made as soon as possible. In terms of an absolute deadline, the last day a legislative body can vote to move the date of town meeting will be the day before the annual town meeting is scheduled. Waiting until the last minute however is likely to cause voters unnecessary confusion and consternation.
What is the last possible date to which we can move the 2022 annual town meeting?

Theoretically, a legislative body can move the date of its municipality’s annual town meeting to as late as December 31, 2022. This is because the temporary law authorizing moving the town meeting permits legislative bodies to move their annual meetings to any later date in the calendar year 2022.

If we move the annual town meeting to a later date, do we have to specify a date or can we postpone it to some future general timeframe (e.g., “when it is safe to do so”)?

The relevant language of the Act on this point reads, “a municipal legislative body may vote to move the date of the municipality’s 2022 annual meeting to a date later in the year 2022.” (Emphasis added.) On its face, we interpret this provision to mean that, if the annual meeting is moved, it must be moved to a specific date. We recommend that the legislative body’s motion to move the date of town meeting include a reference to the Act and specify the date on which the meeting will be held.

We’ve already switched to Australian ballot voting for this year’s annual town meeting. Can we still move the annual town meeting to a later date in 2022?

Yes. In response to the concerns posed by COVID-19, this law also temporarily allows municipalities that normally vote from the floor on Town Meeting Day to instead use the Australian ballot method of to avoid in-person public gatherings due to the risk they pose to the public health and safety. But just because a legislative body has voted to switch to the Australian ballot voting for its annual meeting does not preclude it from also moving the date of that meeting if it so chooses.

If we move our meeting to a later date in 2022, when do we have to mail out our town (auditors’) report?

At least ten days before the new date to which the annual town meeting has been moved. State law requires the town auditors to “report their findings in writing and cause the same to be mailed or otherwise distributed to the voters of the town at least ten days before the annual meeting.” 24 V.S.A. § 1682. If you have moved the date of your annual town meeting, then your town report doesn’t have to be mailed until ten days before the new town meeting date. Please also see our Annual Town Report FAQs.

If we move our town meeting to a later date in 2022, should we delay the printing of our town report?

It depends on whether your town uses the town report as a means of noticing its town meeting warning. Vermont Law requires that the town meeting warning either be included in the town report or published in a newspaper of general circulation. If your town report is used to distribute the town meeting warning, then
there’s a chance that the preexisting town meeting warning will need to change (e.g., because of a new voter-backed petitioned article). If the town meeting warning is changed, then the warning in the town report is inaccurate. If the warning is inaccurate, then the town will have to either republish the town report with the correct town meeting warning or publish the new warning in a newspaper of general circulation at least 5 days before town meeting.

**What happens to other town meeting related deadlines?**

Any required action that has a deadline tied to the date of the annual town meeting (e.g. warning and notice, candidate consent forms, voter-backed petitions, availability of ballots, etc.) will automatically shift as well. For example, Vermont Law requires that the town meeting warning and notice be posted not more than 40 days and not less than 30 days before the date of the annual town meeting. If your legislative body voted to move the date of town meeting to, e.g., June 1, 2022, the deadlines for posting your town meeting warning and notice will automatically shift as well (i.e., earliest date to post the warning and notice will be April 22nd, and the latest date will be May 2nd). Please consult VLCT’s Municipal Calendar 2021-2022 for other relevant deadlines. Here is a non-exhaustive list of important dates that will automatically shift if the legislative body votes to move the annual town meeting to a later date in 2022:

- Posting of warning and notice of town meeting;
- Candidate consent forms, submission and withdrawal;
- Voter-backed petitions;
- Town report (auditors’ report);
- Preparing and posting sample ballots (if voting by Australian ballot);
- Charter proposal amendments.

**What happens to the currently elected officers whose terms expire on March 1, 2022 if we move our town meeting to a later date in 2022?**

The Act clarifies that those municipal officers currently in office will continue to serve until the annual meeting is held and until successors are chosen.

**We’ve recently experienced a vacancy in one our elected offices. Should we fill it now?**

The law governing vacancies requires them to be filled “forthwith” by the legislative body. “Forthwith” means immediately or without delay. Conventional wisdom is that a vacancy does not have to be filled if it occurs within the timeframe for warning the annual town meeting (i.e. within 40 days). If the legislative body’s moving of the date of the annual town meeting to a later date brings it outside this 40-day timeframe then it should appoint someone to fill the vacancy until the meeting is held. Please also see our Vacancies in Elected Office FAQs.
Our legislative body voted to move the date of the annual town meeting in 2022 to a later date. How do we fund our operations if we can’t pass a budget?

Local election law states that “(a)t its annual meeting, 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. That means municipalities that have moved their annual meetings to a later date won’t be able to pass their budgets. In 2020, the Legislature enacted Act 105 (H.947) to assist those municipalities that weren’t able to hold their annual meetings. The law gave legislative bodies the temporary authority to adopt budgets for the next fiscal year without the need to hold town meetings to obtain voter approval. That law however was only applicable for those adopted within the calendar year 2020 and was not reauthorized. Instead, municipalities that have postponed their town meetings will have to borrow in order to fund their operations. Since voter approval is needed for most borrowing, these municipalities will have to avail themselves of the multiple ways in which they may borrow without voter approval see: VLCT News Article: Can the Selectboard Borrow Money Without Voter Approval?. Probably the most relevant ways that legislative bodies can borrow money until the budget is adopted are:

1) to pay for current expenses.
2) in anticipation of taxes.

Both are ways that legislative bodies can borrow without voter approval, as long as the repayment term of the loan is less than 1 year.

Can we still send out tax bills if we move our town meeting to a later date?

No. Without a budget, legislative bodies won’t be able to set the tax rates needed to compose the bills. To arrive at a tax rate, a legislative body must divide the amount of tax revenue needed by the total grand list. “If a town votes specific amounts in lieu of a rate on a dollar of the grand list, the selectboard shall, after the grand list book has been computed and lodged in the office of the town clerk, set the tax rate necessary to raise the specific amounts voted.” 17 V.S.A. § 2664. Without a budget, legislative bodies won’t know how much tax revenue the voters have authorized them to raise. In 2020, the Legislature Act 105 (H.947) to assist those municipalities that weren’t able to hold their annual meetings. The law gave legislative bodies the temporary authority to establish a tax rate for the next fiscal year without the need to hold town meetings to obtain voter approval. That law however was only applicable for budgets adopted within the calendar year 2020 and was not reauthorized. Municipalities will have to wait until after their postponed annual meetings in order to set their tax rates.

Will we have to reestablish our tax due date(s)?

Maybe- it depends on how far ahead you’ve moved your annual town meeting into the 2022 calendar year. Municipalities that have previously voted to establish the time and method of tax payment(s) won’t have to
do so again. 32 V.S.A. § 4773(a). However, if the date of your moved annual town meeting is scheduled after a tax due date, then you will have to either establish a new tax due date(s) or the date for the payment of taxes will be 30 days from whenever notice is mailed to the taxpayers. 32 V.S.A. § 4772.