Ask the League

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with 1 V.S.A. § 313(a), which requires only the vote of "a majority of its members present" to enter executive session. The addition of the word "present" lowers the threshold for action. Sticking with our five-member selectboard, while three would still be needed to constitute a meeting, only two of those three members would be needed to vote in the affirmative for the board to enter executive session.

Why the relaxed standard for entering into executive session? Reviewing the nine reasons for entering executive session reveals that all share one common attribute – the exercise of a little discreetness on behalf of the board: contracts, labor relation agreements, etc. where premature public knowledge could place the municipality or person involved at a substation disadvantage; a disciplinary or dismissal action against a public officer or employee; academic records or suspension or discipline of students; testimony in a parole proceeding; information protected from disclosure, etc. Recall as well that "no formal or binding action shall be taken in executive session except actions relating to the securing of real estate options ..." so all a board will be able to do is simply talk about these issues. It will still have to come out of executive session to take formal or binding action, which itself will still demand the concurrence of a majority of the total membership of the board.

Garrett Baxter, Staff Attorney II
VLCT Municipal Assistance Center

Our town would like to hire an assessor. Can we eliminate the office of lister?

Yes. Towns and cities a can adopt a charter provision to eliminate the office of lister and allow the appointment of an assessor. Last session, under Act 21, the Vermont Legislature gave municipalities another option to replace the board of listers with a "professionally qualified assessor" without adopting a charter. To do so, a town must approve an article at the annual town meeting to eliminate the office. A vote to eliminate the office of lister will remain in place until a municipality votes otherwise. Forty-five days later – or once the selectboard appoints an assessor, whichever comes first – the term of any existing elected listers will end. An appointed assessor can be a contractor or an employee of the municipality and need not be a resident of the town. When a municipality's charter requires the election or appointment of listers, it must continue to do so until the charter amendment process is used to take advantage of this new statutory authority. 17 V.S.A. § 2651c.

Appointed assessors have the same responsibility as a board of listers. He or she will carry out all property assessment responsibilities, set the grand list, and hear grievances. Also, his or her decisions are appealable to the board of civil authority. 17 V.S.A. § 2651c (b)(1).

If your town wants to take advantage of this authority, it can use the following sample article for the annual town meeting warning:

"Shall the voters authorize the elimination of the Office of Lister and replace it with a professionally qualified assessor appointed by the selectboard who shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32?"

(Note: this vote requires a ballot vote.) 17 V.S.A. § 2651c (b)(1).

Stephanie Smith, AICP, Senior Associate
VLCT Municipal Assistance Center

Upcoming Municipal Assistance Center Workshops

Fall Selectboard Institute

Saturday, November 2, DoubleTree Hotel, Burlington
(Sponsored by the VLCT Municipal Assistance Center)

This new workshop will expand our training on the unique roles and responsibilities of Vermont selectboard members. We will discuss timely town meeting preparation topics, including drafting articles, preparing the warning and dealing with petitioned articles, as well as how to prepare and manage the annual budget. In addition, we will review employee termination and ordinance adoption and enforcement. Designed for both newly elected and seasoned selectpersons, this highly interactive workshop allows attendees to learn from each other's experiences.

Fall Planning and Zoning Forum

Tuesday, November 19, Capitol Plaza Hotel and Conference Center, Montpelier
(Sponsored by the VLCT Municipal Assistance Center)

Meet with planning officials to discuss emerging and important topics in planning and land use. Join us to hear from experts on a range of topics that include responding to requests for and managing public records, the new flood resilience town plan element, a review of the requirements of H.520 that addresses Building Energy Standards and the responsibilities of administrative officers, and an update on Vermont Neighborhood Development Areas and other designation programs.

Protecting your Increasingly Insecure Data – Information, Technology and Security for Municipalities and Schools

Wednesday, December 11, Capitol Plaza Hotel and Conference Center, Montpelier
(Sponsored by the VLCT Municipal Assistance Center, VLCT PACIF, and the Vermont Association of School Business Officials)

Is your electronic data secure? How can you be sure? These days, every function in municipal government has data stored on a computer somewhere, either at the town office or in the "cloud" or even on a laptop a telecommuting employee takes home. Come hear experts from banking, academia, and business discuss cutting edge technology and data security and describe what municipal officials need to know and how to make sure their computer systems are secure.

For registration, agendas, and other information, please visit www.vlct.org/eventscalendar, call 800-649-7915, or email info@vlct.org.