

1 H.143

2 Introduced by Representative Sibia of Dover

3 Referred to Committee on

4 Date:

5 Subject: Elections; local elections; town agent; elimination

6 Statement of purpose of bill as introduced: This bill proposes to eliminate the
7 requirement that towns elect a town agent and instead give town selectboards
8 the ability to appoint that officer.

9 An act relating to appointing town agents

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 17 V.S.A. § 2646 is amended to read:

12 § 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

13 At the annual meeting, a town shall choose from among its registered voters
14 the following town officers, who shall serve until the next annual meeting and
15 until successors are chosen, unless otherwise provided by law:

16 * * *

17 (11) ~~A town agent to prosecute and defend suits in which the town or~~
18 ~~town school district is interested.~~ [Repealed.]

19 * * *

1 Sec. 2. 24 V.S.A. § 871 is amended to read:

2 § 871. ORGANIZATION OF SELECTBOARD; APPOINTMENTS

3 * * *

4 (b) The selectboard shall thereupon appoint from among the registered
5 voters a tree warden and may thereupon appoint from among the registered
6 voters the following officers who shall serve until their successors are
7 appointed and qualified, and shall certify such appointments to the town clerk
8 who shall record the same:

9 * * *

10 (5) one town service officer; ~~and~~

11 (6) one grand juror; and

12 (7) one town agent to prosecute and defend suits in which the town or
13 town school district is interested.

14 Sec. 3. 32 V.S.A. § 4404 is amended to read:

15 § 4404. APPEALS FROM LISTERS AS TO GRAND LIST

16 * * *

17 (b) The town clerk forthwith shall call a meeting of the board to hear and
18 determine such appeals, which shall be held at such time, not later than 14 days
19 after the last date allowed for notice of appeal, and at such place within the
20 town as he or she shall designate. Notice of such time and place shall be given
21 by posting a warning therefor in three or more public places in such town, and

1 by mailing a copy of such warning, postage prepaid, to each member of the
2 board, the agent of the town to prosecute and defend suits or other designee of
3 the legislative body of the town, the chair of the board of listers, and to all
4 persons so appealing.

5 * * *

6 Sec. 4. 32 V.S.A. § 4461 is amended to read:

7 § 4461. TIME AND MANNER OF APPEAL

8 * * *

9 (b) On or before the last day on which appeals may be taken from the
10 decision of the board of civil authority, the agent of the town to prosecute and
11 defend suits in which the town is interested or other designee of the legislative
12 body of the town, in the name of the town, on written application of one or
13 more taxpayers of the town whose combined grand list represents at least three
14 percent of the grand list of the town for the preceding year, shall appeal to the
15 Superior Court from any action of the board of civil authority not involving
16 appeals of the applying taxpayers. However, the town agent or designee of the
17 legislative body shall, in any event, have at least six business days after receipt
18 of such taxpayers' application for appeal in which to take the appeal, and the
19 date for the taking of such appeal shall accordingly be extended, if necessary,
20 until the six business days shall have elapsed. The \$70.00 entry fee shall be

1 paid by the applicants with respect to each individual property thus being
2 appealed which is separately listed in the grand list.

3 * * *

4 Sec. 5. 32 V.S.A. § 4463 is amended to read:

5 § 4463. OBJECTIONS TO APPEAL

6 When a taxpayer, town agent or other designee of the legislative body of the
7 town, or selectboard claims that an appeal to the Director is in any manner
8 defective or was not lawfully taken, on or before 14 days after mailing of the
9 notice of appeal by the clerk under Rule 74(b) of the Vermont Rules of Civil
10 Procedure, the taxpayer, town agent or other designee of the legislative body,
11 or selectboard shall file objections in writing with the Director, and furnish the
12 appellant or appellant's attorney with a copy of the objections. When the
13 taxpayer, town agent or other designee of the legislative body, or selectboard
14 so requests, the Director shall thereupon fix a time and place for hearing the
15 objections, and shall notify all parties thereof, by mail or otherwise. Upon
16 hearing or otherwise, the Director shall pass upon the objections and make
17 such order in relation thereto as is required by law. The order shall be recorded
18 or attached in the town clerk's office in the book wherein the appeal is
19 recorded.

1 Sec. 6. TRANSITIONAL PROVISIONS

2 Any elected town agent in office on the effective date of this act may serve
3 the remainder of his or her term.

4 Sec. 7. EFFECTIVE DATE

5 This act shall take effect on July 1, 2019.