

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 [Repealed.]~~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
19 14 days after the last date allowed for notice of appeal, and at such place
20 within the town as he or she shall designate. Notice of such time and place
21 shall be given by posting a warning therefor in three or more public places in
22 ~~such town, and by mailing a copy of such warning, postage prepaid, to each~~

1 ~~member of the board, the agent of the town to prosecute and defend suits or~~
2 other designee of the legislative body of the town, the chair of the board of
3 listers, and to all persons so appealing.

4 * * *

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

6 § 4461. TIME AND MANNER OF APPEAL

7 * * *

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

1 * * *

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

3 § 4463. OBJECTIONS TO APPEAL

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

18 Sec. 6. TRANSITIONAL PROVISIONS

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

21 Sec. 7. EFFECTIVE DATE

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

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

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

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

** * **

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

** * **

Sec. 2. 24 V.S.A. § 1061 is amended to read:

§ 1061. CONVEYANCE OF REAL ESTATE

** * **

(d) Subject to the provisions of subsections (a) and (b) of this section, real estate owned by a city, town, village, or town school district may be conveyed by an agent ~~elected or appointed~~ designated by the legislative body for that purpose, and the conveyance shall be under the hand and seal of ~~such~~ the agent. ~~When the municipality fails to elect an agent, or the office becomes vacant or the municipality is not required by law to elect an agent, the legislative body may appoint such an agent, and~~ The legislative body shall certify the designation of an agent and have the certificate of appointment recorded by the clerk.

* * *

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

§ 4404. APPEALS FROM LISTERS AS TO GRAND LIST

* * *

(b) The town clerk forthwith shall call a meeting of the board to hear and determine such appeals, which shall be held at such time, not later than 14 days after the last date allowed for notice of appeal, and at such place within the town as he or she shall designate. Notice of such time and place shall be given by posting a warning therefor in three or more public places in such town, and by mailing a copy of such warning, postage prepaid, to each member of the board, ~~the an agent of the town to prosecute and defend suits designated by the legislative body, the chair of the board of listers, and to all persons so appealing.~~

* * *

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

§ 4461. TIME AND MANNER OF APPEAL

* * *

(b) On or before the last day on which appeals may be taken from the decision of the board of civil authority, ~~the an agent of the town to prosecute and defend suits in which the town is interested~~ designated by the legislative body of the town, in the name of the town, on written application of one or more taxpayers of the town whose combined grand list represents at least three

percent of the grand list of the town for the preceding year, shall appeal to the Superior Court from any action of the board of civil authority not involving appeals of the applying taxpayers. However, the ~~town~~ agent designated by the legislative body shall, in any event, have at least six business days after receipt of such taxpayers' application for appeal in which to take the appeal, and the date for the taking of such appeal shall accordingly be extended, if necessary, until the six business days shall have elapsed. The \$70.00 entry fee shall be paid by the applicants with respect to each individual property thus being appealed ~~which~~ that is separately listed in the grand list.

* * *

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

§ 4463. OBJECTIONS TO APPEAL

When a taxpayer, ~~town~~ an agent designated by the legislative body of the town, or selectboard claims that an appeal to the Director is in any manner defective or was not lawfully taken, on or before 14 days after mailing of the notice of appeal by the clerk under Rule 74(b) of the Vermont Rules of Civil Procedure, the taxpayer, ~~town~~ agent, or selectboard shall file objections in writing with the Director, and furnish the appellant or appellant's attorney with a copy of the objections. When the taxpayer, ~~town~~ agent, or selectboard so requests, the Director shall thereupon fix a time and place for hearing the objections, and shall notify all parties thereof, by mail or otherwise. Upon hearing or otherwise, the Director shall pass upon the objections and make

such order in relation thereto as is required by law. The order shall be recorded or attached in the town clerk's office in the book wherein the appeal is recorded.

Sec. 6. 24 App. V.S.A. chapter 13, § 301 is amended to read:

§ 301. OFFICERS; GENERAL PROVISIONS

The officers of the City of South Burlington shall be those provided by law for towns, except as otherwise provided by this charter. The officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law. The offices of Fence Viewer, Weigher of Coal, and Inspector of Lumber shall be abolished.

** * **

(2) The Council by majority vote of all its members shall appoint annually the City Treasurer, whose office shall be no longer elective and the City Attorney, Zoning Administrator, Auditor, First and Second Constable, Grand Juror, ~~City Agent~~, and Trustee of Public Funds.

** * **

Sec. 7. 24 App. V.S.A. chapter 123, § 302 is amended to read:

§ 302. ELECTIVE OFFICERS

(a) The officers elected and their compensation fixed by the Town at its annual meeting shall be:

** * **

(12) ~~A Town Agent~~ [Repealed.]

* * *

Sec. 8. 24 App. V.S.A. chapter 129, § 306 is amended to read:

§ 306. APPOINTED OFFICERS

* * *

(e) The Selectboard shall appoint the following officers using the same procedure specified in the Town's administrative code for employees or vendors engaged by the Town on a contract basis.

* * *

(3) ~~Town Attorney/Town Agent~~

* * *

Sec. 9. 24 App. V.S.A. chapter 149, § 23 is amended to read:

§ 23. LOCAL ELECTED OFFICIALS

(a) Local elective offices to be filled by the voters of the Town of Springfield shall be only those articulated by this charter and shall include:

* * *

(6) ~~Town Agent;~~ [Repealed.]

* * *

Sec. 10. 24 App. V.S.A. chapter 155C, § 3 is amended to read:

§ 3. APPOINTED OFFICERS

(a) In addition to all other offices which may be filled by appointment by the Selectboard pursuant to State law, the Selectboard shall appoint the following officers:

** * **

(3) Delinquent Tax Collector; and

(4) cemetery commissioners; ;

(5) ~~Town Agent; and [Repealed.]~~

(6) ~~Town Grand Juror. [Repealed.]~~

** * **

Sec. 11. 24 App. V.S.A. chapter 245, § 6 is amended to read:

§ 6. VILLAGE OFFICERS

(a) The officers of the corporation shall consist of a Moderator, five trustees, a Clerk, and a Treasurer, ~~and an agent to convey real estate.~~ The officers shall be elected at the annual meeting of the corporation for the term of one year and until their successors are elected, except that trustees shall hold office for five years. One trustee shall be elected at each annual meeting, except that after the approval of this charter at the annual Village meeting, the voters shall elect five trustees, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years. The trustees and the Treasurer, at the time of

their election, shall be legal voters of the Village of Morrisville or the Town of Morristown.

* * *

Sec. 12. TRANSITIONAL PROVISIONS

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

Sec. 13. EFFECTIVE DATE

This act shall take effect on July 1, 2019.