

The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

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Title 24: Municipal and County Government

Chapter 33: Municipal Officers Generally

Subchapter 1: BOARD OF CIVIL AUTHORITY

§ 801. Composition; meetings

The town clerk, selectboard members and justices residing in a town shall constitute the board of civil authority of such town. Meetings of the board shall be called by the town clerk, or by one of the selectboard members, on application, by giving written notice to each member, and by posting a notice in two or more public places in the town at least five days previous to the meeting. The board shall choose a chair, and the town clerk shall be its clerk. The act of a majority of the board present at the meeting shall be treated as the act of the board, except that when the board is dealing with election issues, 17 V.S.A. § 2103(5) shall control. (Amended 1979, No. 200 (Adj. Sess.), § 118.)

Subchapter 2: OATHS; BONDS

§ 831. Oaths

The clerk, selectboard members, constables, listers, and fence viewers of a town shall be sworn before entering upon the duties of their offices. A record thereof shall be made by the town clerk. (Amended 2017, No. 93 (Adj. Sess.), § 19.)

§ 832. Bonds; requirements

Before the school directors, constable, road commissioner, collector of taxes, treasurer, assistant treasurer when appointed by the selectboard, clerk, and any other officer or employee of the town who has authority to receive or disburse town funds enter upon the duties of their offices, the selectboard shall require each to have crime insurance coverage or give a bond conditioned for the faithful performance of his or her duties: the school directors, to the town school district; the other named officers, to the town. The treasurer, assistant treasurer when appointed by the selectboard, and collector shall also be required to have crime insurance coverage or give a bond to the town school district for like purpose. All such crime insurance coverage or bonds shall be in sufficient sums and with sufficient sureties as prescribed and approved by the selectboard. If the selectboard at any time considers the crime insurance coverage or a bond of any such officer or employee to be insufficient, it may require, by written order, the officer or employee to give an additional bond in such sum as it deems necessary. If an officer or employee, so required, neglects for 10 days after such request to give such original or additional bond, his or her office shall be vacant. A bond or crime insurance coverage furnished pursuant to the provisions of this section shall not be valid if signed by any other officer of the same municipality as surety thereon. (Amended 1959, No. 183, § 2; 1967, No. 147, § 36, eff. Oct. 1, 1968; 2011, No. 155 (Adj. Sess.), § 25; 2021, No. 179 (Adj. Sess.), § 21, eff. July 1, 2022.)

§ 833. Approval; record; evidence

On the approval of crime insurance coverage or a bond required by section 832 of this title, the selectboard of a town shall file the same in the office of the town clerk to be recorded by such clerk in a book kept for that purpose. Copies thereof duly certified by such clerk shall be evidence in court as if the original were produced. (Amended 2021, No. 179 (Adj. Sess.), § 21, eff. July 1, 2022.)

§ 834. Neglect of clerk or constable; indemnity

A town shall make good the pecuniary damages which may accrue to a person by the neglect or default of the town clerk or constable of such town, to be recovered in a civil action on this statute.

§ 835. Payment of premiums

Bonds or crime insurance coverage required of officers of a municipality shall be paid for by the municipality requiring the same. (Amended 2021, No. 179 (Adj. Sess.), § 22, eff. July 1, 2022.)

Subchapter 3: ORGANIZATION OF SELECTBOARD; APPOINTMENTS; POWERS

§ 871. Organization of selectboard; appointments

(a) Forthwith after its election and qualification, the selectboard shall organize and elect a chair and, if so voted, a clerk from among its number, and file a certificate of such election for record in the office of the town clerk.

(b) The selectboard shall appoint a tree warden, who need not be a resident of the municipality, and may appoint from among the registered voters the following officers who shall serve until their successors are appointed and qualified and shall certify the appointments to the town clerk who shall record the same:

(1) three fence viewers;

(2) a poundkeeper, for each pound; voting residence in the town need not be a qualification for this office provided appointee gives his or her consent to the appointment;

(3) one or more inspectors of lumber, shingles, and wood;

(4) one or more weighers of coal;

(5) one town service officer; and

(6) one grand juror.

(c) After the selectboard appoints a tree warden, the selectboard shall certify the appointment to the Commissioner of Forests, Parks and Recreation. The certification shall include contact information for the appointed tree warden. (Amended 1963, No. 74, § 2; 2007, No. 121 (Adj. Sess.), § 18; 2015, No. 71 (Adj. Sess.), § 2; 2017, No. 93 (Adj. Sess.), § 2; 2019, No. 171 (Adj. Sess.), § 1, eff. Nov. 1, 2020.)

§ 872. Selectboard; general powers and duties

(a) The selectboard shall have the general supervision of the affairs of the town and shall cause to be performed all duties required of towns and town school districts not committed by law to the care of any particular officer.

(b) The selectboard shall annually, on or before July 31, acknowledge receipt of and review the document made available by the Auditor of Accounts pursuant to 32 V.S.A. § 163(11) regarding internal financial controls and which has been completed and provided to the selectboard by the treasurer pursuant to section 1571 of this title.

(c) The selectboard may require any other officer or employee of the town who has the authority to receive or disburse town funds to complete and provide to the selectboard a copy of the document made available by the Auditor of Accounts pursuant to 32 V.S.A. § 163(11). The officer or employee shall complete and provide the document to the selectboard within 30 days of the selectboard's requirement. The selectboard shall acknowledge receipt of and review the completed document within 30 days of receiving it from the officer or employee. (Amended 2011, No. 155 (Adj. Sess.), § 26.)

§ 873. Repealed. 1967, No. 147, § 53(b), eff. Oct. 1, 1968.

Subchapter 4: ACTIONS BY OR AGAINST OFFICERS; LIABILITY; PENALTIES

§ 901. Actions by or against town officers

(a) Where an action is given to any appointed or elected municipal officer or town school district officer, the action shall be brought in the name of the town in which the officer serves and in the case of a town school district officer in the name of the town school district. If the action is given against such officers, it shall be brought against such town or town school district, as the case may be.

(b) The municipality shall assume all reasonable legal fees incurred by an officer when the officer was acting in the performance of his or her duties and did not act with any malicious intent. (Amended 1967, No. 147, § 36, eff. Oct. 1, 1968; 1973, No. 235 (Adj. Sess.), § 1.)

§ 901a. Tort claims against municipal employees

(a) As used in this section, "municipal employee" means any person employed for a wage or salary by a municipality; a volunteer whose services have been requested by the legislative body of a municipality; a volunteer whose services have been requested by a municipal officer; or a volunteer whose services have been requested by an employee of the municipality acting within the scope of the employee's authority.

(b) When the act or omission of a municipal employee acting within the scope of employment is alleged to have caused damage to property, injury to persons, or death, the exclusive right of action shall lie against the municipality that employed the employee at the time of the act or omission; and no such action may be maintained against the municipal employee or the estate of the municipal employee.

(c) When a municipality assumes the place of a municipal employee in an action as provided in subsection (b) of this section, the municipality may assert all defenses available to the municipal employee, and the municipality shall waive any defense not available to the municipal employee, including municipal sovereign immunity.

(d)(1) The municipality shall defend and indemnify a municipal employee for any legal costs if a municipal employee is improperly named as a defendant in a proceeding.

(2) The municipality shall defend or, when a cause of action contains elements not covered by insurance, reimburse legal defense and expense costs incurred by a municipal employee in the event that a municipal employee is named as a party under subsection (e) of this section and the employee is dismissed from the matter before the entry of a judgment by the court or the acts or omissions of the employee are determined not to be willful, intentional, or outside the scope of the employee's authority.

(e) This section shall not apply to an act or omission of a municipal employee that was willful, intentional, or outside the scope of the employee's authority.

(f) When two or more conflicting statutes provide protection to a municipal employee whose act or omission is alleged to have caused damage to property, injury to persons, or death, a court shall apply the statute that grants greater protection to the municipal employee. (Added 2003, No. 62, § 1; see effective date note below.)

§ 902. Penalty

Unless otherwise provided, a town officer who fails or neglects to perform a duty imposed upon him or her by law shall be fined not more than \$100.00.

§ 903. Nonliability of municipal officers for money paid out

An action shall not be maintained against a person for money paid out by him or her as an officer of a municipal corporation in accordance with a vote of such corporation, whether such vote was valid or not.

§ 931. Claims for personal services

Claims for personal services, except where compensation is fixed by law or by vote of the town or town school district, shall not be allowed to a town or town school district officer, but the auditors shall report claims and the nature and extent of the services at such meeting.

§ 932. Town may vote compensation

A town may vote to compensate any or all town officers for their official services. Such town in annual meeting may fix the compensation of such officers and of town employees.

§ 933. Selectboard may fix; when

When a town does not fix the amount of the compensation to be paid such officers and town employees, the selectboard shall fix and determine the same except as to their own pay which shall be fixed by the auditors at the time of the annual town audit. If the town has voted to eliminate the office of auditor and the voters fail to fix the compensation to be paid to members of the selectboard, selectboard members shall be compensated at the rate at which they were compensated during the immediately preceding year. (Amended 1997, No. 83 (Adj. Sess.), § 3.)

§ 934. Selectboard to adjudicate claims

The selectboard shall audit and in its discretion may allow claims against the town and draft orders therefor.

Subchapter 6: VACANCIES IN TOWN OFFICES

§ 961. Vacancy or suspension of officer's duties

(a) When a municipal officer resigns the officer's office, has been removed from the office, dies, becomes unable to perform the officer's duties due to a mental condition or psychiatric disability, or removes from town, the office shall become vacant. Notice of this vacancy shall be posted by the legislative body in at least two public places in the municipality, and in and near the municipal clerk's office, within 10 days of the creation of the vacancy.

(b) In the event there are so many vacancies on the legislative body that a quorum cannot be achieved, the remaining member or members of the legislative body shall be authorized to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled pursuant to section 963 of this title.

(c) The legislative body of a county, municipality, or special purpose district may designate a person to perform the duties of an officer whose duties have been suspended as a condition of release pending trial for violating 13 V.S.A. § 2537.

(d) When a municipal officer refuses or neglects within 30 days of election or appointment to take an oath of office pursuant to section 831 of this title, the office shall become vacant. However, the office shall not be deemed vacant until the legislative body of the municipality has warned a regular meeting for that purpose and affords the municipal officer the opportunity to take the oath of office at the meeting. (Amended 1981, No. 239 (Adj. Sess.), § 27; 1993, No. 115 (Adj. Sess.), § 1, eff. March 30, 1994; 2007, No. 169 (Adj. Sess.), § 5; 2013, No. 96 (Adj. Sess.), § 150; 2021, No. 16, § 1.)

§ 962. Special meeting

A town at a special meeting may fill a vacancy in a town office.

§ 963. Duties of selectboard; special meeting

(a) When a vacancy occurs in any town office, the selectboard forthwith by appointment in writing shall fill such vacancy until an election is had; except that in the event of vacancies in a majority of the selectboard at the same time, such vacancies shall be filled by a special town meeting called for that purpose.

(b) The selectboard shall file an appointment made under this section in the office of the town clerk and the town clerk shall duly record it in the book of town records.

(c) If there are no selectboard members in office, the Secretary of State shall call a special election to fill any vacancies and for that interim shall appoint and authorize the town clerk or another qualified person to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled. (Amended 1981, No. 239 (Adj. Sess.), § 28; 1993, No. 115 (Adj. Sess.), § 2, eff. March 30, 1994; 2017, No. 50, § 60.)

Subchapter 7: ANNUAL SETTLEMENTS; RECORDS; MONIES

§ 991. Records to be delivered to successor

When a town or town school district office becomes vacant by expiration of the term of office of the incumbent, or otherwise, and a successor is elected or appointed, on demand, he or she shall be entitled to receive from the last incumbent of the office or anyone having possession of the same the records, files, books, and papers of such office, or property of the town or the town school district, as the case may be. A person having such records, files, books, papers, or other property in his or her possession who refuses for ten days after such demand to surrender the same shall be fined \$10.00 for each week's refusal.

§ 992. Annual settlements; penalty

Not less than 25 days before each annual town meeting, all officials and other persons authorized to receive or disburse money belonging to a town shall settle their accounts with the auditors of such town, and the treasurer shall include in such settlement his or her accounts as town school district treasurer. When an officer refuses or neglects to make such settlement, he or she shall be ineligible to reelection for the year ensuing.

§ 993. Money to be paid over; penalty

When a person who has served as a town or a town school district officer does not at the expiration of his or her term of office forthwith pay to the proper treasurer all money in his or her hands belonging to the town or town school district, he or she shall be fined not more than \$200.00. The town or town school district, as the case may be, may recover such money of such person in a civil action on this statute.

Subchapter 8: INSPECTORS OF LUMBER; WIRING; WEIGHERS OF COAL

§ 1031. Inspector of lumber, shingles, and wood

At the request of any party interested, an inspector of lumber, shingles, and wood shall examine and classify the quality of lumber and shingles, measure lumber, shingles, and wood, and give certificates thereof.

§ 1032. Weigher of coal

A weigher of coal shall be sworn and shall not be directly or indirectly interested in the sale of coal. Upon request of the seller or purchaser, he or she shall weigh all coal sold in his or her town.

§ 1033. Inspector of wiring

A municipality may authorize the selectboard, mayor and board of aldermen, or trustees to appoint an inspector of electric wiring and fix his or her compensation.

Subchapter 9: AGENT TO CONVEY REAL PROPERTY

§ 1061. Conveyance of real estate

(a)(1) If the legislative body of a town or village desires to convey municipal real estate, the legislative body shall give notice of the terms of the proposed conveyance by posting a notice in at least three public places within the municipality, one of which shall be in or near the municipal clerk's office. Notice shall also be published in a newspaper of general circulation within the municipality. The posting and publication required by this subsection shall occur at least 30 days prior to the date of the proposed conveyance. Unless a petition is filed in accordance with subdivision (2) of this subsection, the legislative body may authorize the conveyance.

(2) If a petition signed by five percent of the legal voters of the municipality objecting to the proposed conveyance is presented to the municipal clerk within 30 days of the date of posting and publication of the notice required by subdivision (1) of this subsection, the legislative body shall cause the question of whether the municipality shall convey the real estate to be considered at a special or annual meeting called for that purpose. After the meeting, the real estate may be conveyed unless a majority of the voters of the municipality present and voting vote to disapprove of the conveyance.

(b) As an alternative to the procedures set forth in subsection (a) of this section, the legislative body may elect to have the voters decide, at an annual or special meeting warned for that purpose, whether the real estate should be conveyed. If a majority of the voters of the municipality present and voting vote to approve the proposed conveyance, the real estate may be conveyed.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the legislative body of a town or village may authorize the conveyance of municipal real estate if the conveyance:

(1) Is directly related to the control, maintenance, construction, relocation, or abandonment of highways.

(2) Is directly related to the control, maintenance, operation, improvement, or abandonment of a public water, sewer, or electric system.

(3) Involves real estate used for housing or urban renewal projects under chapter 113 of this title.

(4) Involves lease land pursuant to chapter 65, subchapter 1 of this title.

(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 designated by the legislative body for that purpose, and the conveyance shall be under the hand and seal of the agent. The legislative body shall certify the designation of an agent and have the certificate recorded by the clerk.

(e) Nothing in this section shall be construed to impair or affect the authority or responsibility of any municipality or the legislative body thereof with respect to any real estate held or acquired in a fiduciary capacity.

(f) Nothing in this section shall be construed to impair or affect any provisions in a charter of a town or village involving the conveyance of real estate. (Amended 1993, No. 151 (Adj. Sess.), § 1; 2017, No. 152 (Adj. Sess.), § 2; 2019, No. 84 (Adj. Sess.), § 2.)

Subchapter 10: PENSION SYSTEM; INSURANCE

§ 1091. Pension system

A municipality having a population of at least 5,000 according to the latest preceding U.S. census may adopt a pension system for its employees. However, a municipality having a population of less than 5,000 may adopt a pension system for its employees, if such municipality at its annual meeting so votes by a two-thirds vote of the voters present and voting.

§ 1092. Insurance contracts

By its legislative branch, as defined by section 1751 of this title, a municipal corporation may contract in the name of the municipality with an insurance company authorized to do business in this State to secure the benefits of all forms of insurance for the employees of the municipality, and for all forms of liability insurance but not limited to liability insurance to cover motor vehicles owned and operated by the municipality, and drivers thereof, and for fire, extended coverage, general liability insurance to cover public building, premises, and activities of the municipality, and liabilities which may accrue to the municipality under sections 901 and 902 of this title on any terms and conditions as to contributions and costs as the legislative branch shall determine. Provisions for the insurance heretofore made by a municipality are hereby approved. In addition, a municipal corporation may secure insurance to cover liabilities which may accrue to the municipality under section 901 of this title. (Amended 1959, No. 211, § 2; 1967, No. 266 (Adj. Sess.), § 1, eff. March 6, 1968; 1973, No. 235 (Adj. Sess.), § 2; 1975, No. 122, § 1, eff. April 22, 1975.)

Subchapter 11: PERSONNEL RULES

§ 1121. Authority to adopt

(a) A municipality may adopt rules relating to personnel administration, including the following: job classification, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours of work, group insurance, salaries, layoff, reinstatement, promotion, demotion, dismissal, transfer, injury, settlement of disputes, and appeals.

(b) The personnel rules may apply to any or all employees of a municipality, including officers and employees of a fire department or police department maintained by the municipality. Rules adopted by the selectboard of a town under this subchapter shall not apply to employees of a town school district. (Added 1969, No. 170 (Adj. Sess.), § 4, eff. March 2, 1970.)

§ 1122. Procedure for adoption

Rules adopted under authority of this subchapter shall be deemed to be administrative and may be adopted by majority vote of the legislative body of a municipality. Sections 1971-1975 of this title shall not apply to rules adopted under this subchapter. (Added 1969, No. 170 (Adj. Sess.), § 4, eff. March 2, 1970.)

Subchapter 12: ENERGY COORDINATOR

§ 1131. Energy coordinator; duties

(a) The legislative body of a municipality may appoint, and determine the length of term for, an energy coordinator.

(b) An energy coordinator shall coordinate existing energy resources in the town and cooperate with the municipal planning commission and with those federal, State, and regional agencies of government which are responsible for energy matters.

(c) An energy coordinator may study and evaluate sources of energy which are alternatives to those presently available with a view toward the more efficient and economical utilization of existing and potential energy resources.

(d) An energy coordinator shall make periodic reports of his or her activities to the legislative body as it may require and may perform such other duties, studies, or examinations as may be required by the legislative body. (Added 1975, No. 226 (Adj. Sess.), § 3; amended 2007, No. 1, § 1.)

Subchapter 13: ORDERS OR DECISIONS BY MUNICIPAL BOARDS OR COMMISSIONS

§ 1141. Boards or commissions; orders

Any decision or order approved for issue by a board, commission, committee, agency, or authority of any municipal corporation, including the legislative body of a municipal corporation, which is required by law to be in writing, may be signed by the chair or vice chair on behalf of the issuing body. (Added 1983, No. 190 (Adj. Sess.), § 3, eff. April 27, 1984.)

Subchapter 14: BUDGET COMMITTEE

§ 1147. Advisory budget committee creation; duties

If a municipality creates an advisory budget committee as provided in 17 V.S.A. § 2646, the committee shall evaluate the municipality's budget and make recommendations to the selectboard for the budget based on its findings. (Added 2013, No. 106 (Adj. Sess.), § 2.)

