

## CHAPTER 28. SELECTBOARD

### *Roles and Responsibilities*

The selectboard is at the center of Vermont's local government. It is the body that has general supervision and control over the affairs of the town. 24 V.S.A. § 872. The selectboard performs three primary functions: legislative (enacts local ordinances, regulations, and policies); administrative (prepares and presents the budget, oversees all town expenditures, supervises personnel, and controls town buildings and property); and quasi-judicial (determines private rights in such areas as laying out, discontinuing, and reclassifying highways, and hearing appeals as the local board of health and as the local liquor control commission).

**Election.** At the annual town meeting, one selectboard member is elected for a term of three years. 17 V.S.A. §§ 2646(4), 2649. The result is that towns have a board of three members with staggered terms. If the voters wish, they may vote to elect two additional selectboard members for staggered one- or two-year terms each. 17 V.S.A. § 2650(b). A vacancy on the board shall be filled by appointment made by the remaining selectboard members until the next special or annual meeting. If the majority of selectboard seats are vacant, a special meeting must be called for the purpose of filling the vacancies. If all of the positions are vacant, the secretary of state will call a special election. 24 V.S.A. § 963.

**Compensation.** The selectboard's compensation may be set at the annual meeting by the voters. However, if no compensation is set, the auditors must fix the compensation at the time of the town audit. If the town has voted to eliminate the office of auditor and the town does not fix the compensation, the selectboard shall continue to be compensated at the rate set the previous year. 24 V.S.A. §§ 932, 933. With the exception of a few small towns that are not covered by Social Security, the town must treat the selectboard as employees for tax purposes, issuing a W-2 form and taking out the usual withholding.

**Authority.** The selectboard may act only by the concurrence of a majority of its members. 1 V.S.A. § 172. Individual members have no power to bind the town without authorization from the board. See *State v. Baldwin*, 116 Vt. 112 (1949). The selectboard has authority over the general supervision of the town and may perform all duties required of the town and town school district not committed to the care of a particular officer. 24 V.S.A. § 872. This means that the board has expansive authority, but cannot control other elected officials who have independent statutory authorization. *Town of Bennington v. Booth*, 101 Vt. 24 (1928).

**Organizational Meeting.** At its organizational meeting, the selectboard sets its regularly scheduled meeting, adopts a rule of procedure (not necessarily "Robert's Rules of Order"), elects a chair and, if so voted, a clerk from the board's membership. 24 V.S.A. § 871. Every meeting of the selectboard is subject to Vermont's Open Meeting Law. This means that notice of the date, time, and place of the regularly scheduled meeting must be clearly designated by charter, regulation, ordinance, bylaw, or resolution, and the agenda of each meeting must be made available upon request prior to the meeting. Special meetings must be publicly announced 24 hours in advance. Notice of the meeting must be provided by posting an announcement in the town clerk's office and two other public places, and by notifying members of the board and news media that have requested such notification. Emergency meetings may be called, without public announcement, in order to respond to an unforeseen occurrence that requires the immediate attention of the board, provided some notice is provided as soon as possible prior to the meeting. 1 V.S.A. § 312.

**Administrative Functions.** The administrative functions of the selectboard include the following. This list is not exhaustive, but is meant to illustrate the many administrative powers of the board.

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- **Overseeing the Highways and the Business of the Town.** The selectboard is responsible for the general supervision over the affairs of the town. It is the body that must ensure that the town buildings, property, and equipment are in good working order and are properly maintained. The board contracts with providers of goods and services to the town, and must ensure that the town roads are in good and sufficient repair. 19 V.S.A. §§ 303, 304; 24 V.S.A. § 872.
- **Town Funds.** The selectboard prepares the budget for voter authorization, sets the tax rate, and decides when or if it is necessary to borrow to pay for current expenses in anticipation of taxes. The selectboard controls the expenditure of almost all town funds insofar as the town treasurer cannot pay out from town funds unless he or she has an order signed by an authorized member of the selectboard. 17 V.S.A. § 2664; 24 V.S.A. §§ 872, 1623.
- **Personnel.** The selectboard is in charge of managing, hiring, and firing all personnel, unless the town has adopted a town manager form of government. This includes adopting rules relating to personnel administration (which will not apply to elected officials who are independent from the selectboard). The selectboard also appoints various officials, fills vacancies, sets the bond for elected officials when required by law, and sets the compensation for officials when the voters have not set a specific salary. 24 V.S.A. §§ 832, 933, 961, 963, 1121, 4323, 4448, 4460.
- **Legal Representative of the Town.** The selectboard has exclusive control over all litigation involving the town. It is the only body that can initiate or settle suits or hire an attorney on behalf of the town. 24 V.S.A. § 872. *Cabot v. Britt*, 36 Vt. 349 (1863); *Lawton v. Town of Brattleboro*, 128 Vt. 525 (1970).
- **Legislative Function.** The selectboard is the legislative body of the town. It may enact ordinances that cover all areas in which the legislature has provided local authority to regulate. This includes animal control, noise, open container, public assemblies, local entertainment, public nuisance, streets and highways, solid waste, signs, telecommunications facilities, and itinerant vendors, to name a few. Authority for many of these areas is found in 24 V.S.A. § 2291, but others are scattered throughout the statutes. Ordinances must be designated either criminal or civil and adopted by a majority of the board at a regular or special meeting of the board warned for that purpose. The ordinance must be posted and published and will go into effect 60 days after its adoption unless five percent of the voters petition for a permissive referendum, in which case the ordinance becomes effective only upon approval of the voters. 24 V.S.A. Chapter 59.
- **Quasi-Judicial Function.** The selectboard acts as a quasi-judicial body when it hears appeals from decisions of the health officer, when it holds a hearing about an alleged vicious dog, when it determines personnel matters, when it acts as the local liquor control commissioners, when it acts on the board of abatement, when it determines whether to lay out, reclassify, or discontinue town highways, and when it acts as part of the board of civil authority. 7 V.S.A. § 236; 18 V.S.A. § 127; 19 V.S.A. §§ 708 et seq.; 20 V.S.A. § 3546; 24 V.S.A. § 1533; 32 V.S.A. § 4404.

For more information about the role and responsibilities of the selectboard, please consult VLCT's *Handbook for Vermont Selectboards* (2011). This handbook may be viewed (under "League Resources") or purchased (under "Marketplace") online at [www.vlct.org](http://www.vlct.org).