



# *City of Barre, Vermont*

## *“Granite Center of the World”*

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City Clerk/Treasurer

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To: Mayor, Councilors  
From: Carol Dawes, City Clerk  
Date: September 19, 2018  
Re: Board of Civil Authority duties

As members of the Barre City Council, you are also members of the Barre City Board of Civil Authority (24 VSA §801). The BCA is made up of the clerk, council, and justices of the peace. In Barre City, that’s a total of 22 slots, however, sometimes councilors and JPs hold double positions.

BCA members have the following responsibilities as per various sections of statute in Titles 17 (Elections), 24 (Municipal and County Government), and 32 (Taxation and Finances):

- **Serve as election officials.** BCA members oversee elections under the leadership of the chief election official (clerk). This includes responsibility for setting up the polling place, overseeing proper procedures on election day, registering and assisting voters on election day, tally of votes, and tear down of polling place following election. BCA members help voters who need assistance casting their ballots. This includes assisting people who have come to the polls and need someone to help them read and/or mark the ballot. Two BCA members are required to assist in these instances, and the BCA members cannot be from the same political party. BCA members also deliver early ballots to people who are unable to get to the polls; again in pairs. They also assist voters who want to vote curbside at the polls; also in pairs. Should there be any question about a person interested in registering at the polls on election day, the BCA members in attendance shall caucus and make a ruling as to whether the person should be allowed to register or not. If they decide the person should not be registered, the person can appeal the ruling to the local superior court, or may vote with a provisional ballot. BCA members also participate in post-election vote tallying. They handle tallying of write-in votes, and hand-counts of paper ballots. If there are questionable ballots, all BCA members present will caucus and make a ruling as to how a ballot should be tallied. A quorum of BCA members at an election is considered to be the number of BCA members in attendance. There should be a minimum of 2 members present at all times, but statute allows as few as 1 BCA member to be considered legal.
- There is a wonderful elections handbook available from the Secretary of State’s website or from me. The Barre City BCA has also developed election guidelines.

- **Hear and rule on property tax assessment appeal hearings.** Hearings are generally held twice a year, with the largest group being held in late summer/early fall. The assessor lodges the abstract grand list in late May/early June, and then holds grievance hearings. They send out the grievance hearing results, and property owners have an opportunity to file an appeal request with the Board of Civil Authority. Property owners generally file appeals when they believe the assessed value of their property is too high. The BCA must follow a very strict schedule in holding the hearings:
  - Organizational meeting must be held within 14 days of the deadline for appeal request submissions, and then the meeting is recessed to the date of the actual hearings;
  - Hearings include testimony/evidence from the appellant, and testimony/evidence from the assessor. Following the hearings, BCA members volunteer to serve on inspection teams of three people, who inspect the properties under appeal;
  - Inspection teams must report back to the full BCA within 30 days of the original appeal hearing. They will hear the inspection report and deliberate until a decision is reached. These are quasi-judicial hearings, and the BCA serves as “jury”, hearing evidence from both sides – the appellant and the assessor;
  - Decisions are mailed out to the property owners within 15 days;
  - BCA decisions may be appealed to Superior Court or the State Appraiser.

There is the possibility of a second round of appeal requests in mid-winter, depending on whether the assessor and council approve any assessment changes through the errors & omissions process during the late fall/early winter.

A quorum of the BCA members necessary for property tax assessment appeal hearings is at least 3 people. It’s generally good to have much higher turnout than that, so there are plenty of people to serve on inspection teams.

There is a wonderful handbook available from the Secretary of State’s office website, or from me: *A Handbook on Property Tax Assessment Appeals*. Additionally, the Barre City BCA has developed an information sheet and policies and procedures for our hearings.

- **Reapportionment.** Following the decennial census, the BCA works in conjunction with the Vermont Legislature to review our legislative district, boundaries and population, and makes suggestions for possible changes, as necessary. At the same time, the BCA reviews ward boundaries and population.
- **Hear and rule on Board of Abatement appeal hearings.** The Board of Abatement is made up of the Board of Civil Authority plus the treasurer and the assessor. The BOA hears appeal requests from people seeking to reduce their property taxes or water/sewer bills. Unlike the property tax appeal process outlined above, there are no statutory requirements as to when BOA hearings must be held. Barre City generally holds 1-2 each year, depending on how many requests I receive, and when. However, there are very specific criteria under which an abatement can be granted including loss of property (usually through flood or fire), inability to pay, or error of the assessor. BOA hearings are conducted similarly to the property tax assessment appeals:
  - The appellant presents their testimony and/or evidence. The assessor and/or treasurer may present testimony or evidence on behalf of the City. These are quasi-judicial hearings, and the BOA serves as “jury”, hearing all evidence and

reaching a decision. BOA decisions can grant abatements or refunds going back in time for as many years as the BOA wants.

- Decisions are mailed out to the appellant within 15 days.
- BOA decisions are final.

A quorum of the BOA is complicated: it's either 50% + 1 of the total members of the board (there are 23 members of the BOA, so in Barre City a quorum would be 12 people); or it's a majority of the councilors plus the assessor and the treasurer (in Barre City that would be 6 people). Because of the high number of people required to make a quorum, BOA meetings are usually held before council meetings to help with attendance. There is a wonderful handbook available from the Secretary of State's office website, or from me: *About Abatement*. Additionally, the Barre City BOA has developed policies and procedures for our hearings.

### **Differences between Councilors and Justices of the Peace:**

Councilors are elected in March as part of Town Meeting. They take office immediately upon being elected and sworn in. They serve 2 year terms. There are 2 councilors per ward, and one councilor per ward is up for election each year. Councilors are non-partisan, and political parties are not allowed to be listed on town meeting ballots.

JPs are elected during the general election in November. They take office the following February 1<sup>st</sup>. The number of JPs in a community is dictated by statute. Barre City has 15, which is the maximum number allowed. In Barre City there is an informal agreement between the local Republican and Democratic parties that the JPs will be divided evenly with the extra person going to the party of the current sitting governor. Therefore, for the November 2018 general election, there are 7 Democratic JP candidates and 8 Republican candidates on the ballot. There is nothing stopping either party from nominating more candidates, and independent candidates can be nominated through the petition process.

JPs have the authority to perform marriages.

JPs currently can become ex officio notaries public, however that law has been changed, and beginning in 2019, there will no longer be an ex officio designation for notaries. Any JP interested in becoming a notary will need to go through the new training and testing process. Councilors can be notaries by going through the same process.

Materials available: I have copies of all of the following. Let me know if you would like them either emailed to you, or hard copies printed out:

- Elections handbook
- Election guidelines
- Property Tax Assessment Appeals handbook
- Assessment appeals info sheet
- Assessment appeals policies and procedures
- Abatement handbook
- Abatement policies and procedures
- JP handbook
- Notary Public handbook

Attached is a list of the current members of the BCA/BOA.

Justices of the Peace/Barre City Board of Civil Authority/Board of Abatement  
As of 6/30/18

Party	Last Name	First Name	Position	Address	(H) Phone	(W) Phone	(C) Phone	Email	Term To
Republican	Averill	Rosemary	Justice of the Peace	89 Tremont St	476-7668		249-2446	lynnaverill@charter.net	February 2019
Republican	Barnett	Buddy	Justice of the Peace	76 Washington	479-9890		272-9270	buddyb0914@charter.net	February 2019
	Batham	Brandon	Ward II Councilor	59 Summer St.			380-6708	b.batham@barrecity.org	March 2019
	Boutin	Michael	Ward II Councilor	5 Hillside Ave.			272-2858	m.boutin@barrecity.org	March 2020
Democrat	Carrigan	Joan H.	Justice of the Peace	15 Garden St.	476-4956			jcarrigan8@hotmail.com	February 2019
	Dawes	Carol	Clerk/Treasurer	122 Batchelder	479-2186	476-0242		cdawes@barrecity.org	March 2020
Democrat	Flint	Paul	Justice of the Peace	17 Averill St	479-2360		595-9365	flint@flint.com	February 2019
Republican	Gould	Jason	Justice of the Peace	9 Olliver St			498-8568	jason05641@yahoo.com	February 2019
	Herring	Lucas	Mayor	36 Railroad St.			272-8222	l.herring@barrecity.org	March 2020
	Higby	Sue	Ward I Councilor	18 Orange St.	476-5655	479-7069		s.higby@barrecity.org	March 2019
Republican	Koalenz-Rosa	Kimberlie	Justice of the Peace	176 Washington St			522-4319	kjkoalenzrosa@gmail.com	February 2019
Republican	Lauzon	Karen	Justice of the Peace	136 Nelson St	479-2043			karenlauzon@live.com	February 2019 (apptd to fill J. Barnett term)
	LePage	John	Ward III Councilor	16 Willey St.	839-9249			l.lepage@barrecity.org	March 2020
	LeVesque	Joe	Assessor		476-0244			j.levesque@barrecity.org	appointed
	Morey	Rich	Ward III Councilor	51 Fairview St.			272-3906	r.morey@barrecity.org	March 2019
Democrat	Pastor	Alexandra	Justice of the Peace	73 Park St			223-4545	w_roma@yahoo.com	February 2019
Republican	Perreault	Jo	Justice of the Peace	455 N. Main St #908			595-8289	joperreault@yahoo.com	February 2019
Democrat	Riddell	Christopher	Justice of the Peace	58 Hillside Ave	505-7345	522-6433	522-6433	cmriddell@gmail.com	February 2019
Democrat	Ristau	Anita	Justice of the Peace	21 Burns St	476-8045		371-7119	aaristau1@aol.com	February 2019
Democrat	Taylor	Tess	Justice of the Peace	45 Granite St #2			522-7818	tmtaylor24@gmail.com	February 2019
Republican	Toborg	William	Justice of the Peace	5 Hilltop Ave	479-7479			wtoborg@myfairpoint.net	February 2019
	Tuper-Giles	Jeffrey	Ward I Councilor	51 Hill St			369-6122	j.tuper-giles@barrecity.org	March 2020
Democrat	VACANT								
Democrat	Walz	Leslie	Justice of the Peace	157 Camp St.	476-7819		793-3222	vtbikern@aol.com	February 2019