

**Town of Richmond, Vermont**  
**Governance Committee – Minority Report**  
**Elected Listers or Appointed Assessors**

**Charge to the committee:** Should the Town of Richmond continue with an elected Board of Listers or retain appointed assessors to establish property tax values and maintain the Grand List?

**Dissenting opinion:** The Town of Richmond Selectboard should move to retain the Board of Listers as a three-member elected board comprised of town citizens. The governance committee appointed by the Richmond Selectboard failed to justify changing this vital town function in such a dramatic manner, and it did not provide the necessary logistical considerations for Selectboard review.

**Review of Majority Report Key Issues and Recommendations:**

- ***Lack of oversight/ greater accountability/misplaced authority:***

**Minority opinion:** No evidence was discovered to support the premise that the Town of Richmond Board of Listers (past or present) does not have sufficient oversight and accountability. First, the ultimate level of accountability remains in the hands of the Town electorate, which can remove ineffective listers from elected office. The appointed assessor option calls for a protracted complaint process involving a contract employee, their boss, the company owner, the Richmond Town Manager, the Town Attorney, and multiple executive sessions in which the Town and/or the complainant have zero transparency or due process. In addition, terminating a contract due to breach involves possible monetary damages paid by the Town taxpayers.

Secondly, Richmond maintains a robust Board of Civil Authority (BCA) to provide the necessary checks and balances for grieved citizens. Members of the Selectboard serve on the BCA. Grieved citizens may appeal all the way to the Vermont Judicial system. The Selectboard already possesses the authority to set the budget for the Board of Listers and must be able to justify the Lister office costs to the taxpayer. Finally, over 50% of property tax money levied against property owners in the State of Vermont is passed directly to the State for reallocation for educational purposes. This requires a significant amount of oversight of all listers by State District Advisors and the Vermont Department of Taxation's Property Valuation and Review Division (PVR).

- ***Lack of citizen interest in the post/filled versus unfilled positions:***

**Minority opinion:** No evidence was found to support this key issue or recommendation. There has always been interest on the part of Town citizens to serve their community, as evidenced by the recent evolution of the Town Planning Commission from seven to five and back to seven members. Specifically, interest in the elected lister post has varied from its current configuration to many elected listers holding their post for multiple election cycles in much the same manner as the Selectboard. The Town of Richmond has never been without a majority opinion on the Board of Listers to execute the duties of the office. In 2008, grievances were heard by the lone elected lister and a contracted assessor.

- ***Vacant Position/ balanced versus unbalanced workload:***

**Minority opinion:** No evidence was found to support this key issue or recommendation. Currently, one lister position remains vacant and the Selectboard already possesses the authority to appoint, and has failed to do so, a town citizen to fill the vacant post until the next Town Meeting Election. Many towns in Vermont have vacant lister positions, including our neighbor Hinesburg, with no

impact to the Town of Hinesburg. Chapter 17 V.S.A. § 963 was enacted to allow towns with NO elected listers the necessary authority to appoint an assessor to fulfill the duties of the Office of Listers. Richmond has never been in this situation. In addition, the Town of Richmond had only one lister serving in 2008 and the Selectboard took no action at that time, recognizing that the duties were being fully executed by the citizen volunteer. Three of the five members of this governance committee have served as Selectboard members in the past. No historical evidence was presented or exists from their tenure as Selectboard members to support this key issue that a vacant lister position, while the other lister posts are held by able-minded elected citizens, is a detriment to the Town of Richmond.

Our current and previous listers, many of whom have served in multiple elected Town offices, are required to and have attended State-sponsored training to complete the duties of the Listers' office. The Town of Richmond receives money from the State for this purpose. Examination of Town of Richmond expenditures supports the fact that elected listers have attended multiple levels of training and coursework to properly fulfill their duties. All listers can execute all facets of the workload. Appointed assessors would also require the office to divide labor amongst more than one person, or worse yet, impose a concentrated workload upon a single individual. Should the duties of lister fall to a single individual assessor, there would be no multiple member lister board to hear grievance. Every neighboring town surveyed retains more than one assessor (Jericho) or lister (Huntington, Charlotte, Hinesburg, Bolton, and Williston).

- ***Inexperience/Professional Qualifications/restricted talent pool/casting a wider net:***

**Minority opinion:** No evidence was presented to support this key issue or recommendation. As stated in the previous bullet item, elected listers receive multiple levels of training to complete their duties. The responsibilities of the Board of Listers have evolved with the advancement of technology, as has the skill-base of every citizen in the Town of Richmond. The premise of the majority opinion is unsupported by the evidence. Every town in Vermont is required to update its Common Level of Appraisal (CLA) as an indication (call it a graded effort) of how well the listers' office is establishing fair market value for taxation purposes. Richmond's CLA is over 97% and has never dropped to the unacceptable level of 80% which would trigger town-wide reappraisal.

Chittenden East Supervisory School District is an award-winning school system with. One of its recent graduates, Mr. Taylor Yeates, was elected to the Selectboard and now chairs this committee. The premise of the majority report drastically under-estimates the depth of the talent pool that exists among town citizens and offends the professional qualifications and learning capacity of any resident of the State who has held the position. Town citizens are best suited to hold this office due to their demonstrated commitment to the community they serve. The power to elect Listers should not be stripped from the voting electorate.

- ***Misplaced authority/Policy versus process:***

**Minority opinion:** No evidence was discovered to support the premise that the Richmond Board of Listers has abused or neglected its authority to conduct all duties of the Office of Lister. The Richmond Board of Listers (past and present) implements policy as authorized by the State of Vermont and outlined in the *Property Valuation and Review Handbook* with a strict and mandated adherence to process. At no time has the Board of Listers deviated from this charge and undertaken a personalized and case-by-case evaluation of property tax value. The existence of Land Schedules and NEMRC databases ensures a consistent approach to assessments town-wide and state-wide. Should the Selectboard choose to move toward an appointed assessorship, the ability to

set tax rate (Selectboard power) will be concentrated with the authority to establish property tax value (Board of Listers power) by the fact that the Selectboard will be required to approve Town Manager recommendations for appointing assessors, sign contracts authorizing the third-party to conduct the scope of work, and serve on the BCA to hear property tax value grievances. The juried hearings that occur on an annual basis between grieving property owner and the Board of Listers support maintaining the current elected Board of Listers.

**Additional Considerations:**

- At no time did this appointed governance committee evaluate the performance of the Richmond Board of Listers (past or present) to determine if such a drastic change in town government is duly warranted. The majority recommendation will saddle the Town Manager with additional staff/contractor oversight responsibilities not specifically outlined in his chartered job description. In addition, the majority members claim the duties of the Board of Listers is so complicated as to warrant a qualified and contracted professional to fulfill. This implies that the elected members of the BCA do not possess the necessary knowledge base to hear and rule on property valuation grievances. Does our Town Manager possess the necessary knowledge-base and, more importantly, the time to provide the required oversight? Did the Selectboard (past or present) possess sufficient knowledge or ability to execute the duties of their position at the time they were elected or did they receive some training (both formal and on-the-job) after taking office?
- Every neighboring town has a larger budget, and burden to the taxpayers, to fulfill the duties of the Board of Listers, including the only neighboring town (Jericho) with an appointed assessor. A change to appointed assessors would result in an increase in cost to taxpayers. This issue was the impetus for the motion at Town Meeting resulting in the committee's charge. Contracted assessors cannot be supervised as easily as staff. Historically, added staff positions in the Town office lead to added hours to complete the workload, handle cost of living wage increases, and manage benefits.

Only one cost estimate was provided in the Majority Report specifying 40 days per year of appointed assessor service in the Town of Richmond offices; at a cost of approximately \$78 per hour. With less than eight hours per week of service by a paid professional, I have strong concerns that all the duties outlined will not be fulfilled to the level of professionalism necessary while supervising the efforts of an assistant. The Town of Jericho allocates 20 hours per week for the lead assessor with additional support staffing requirements. It is highly doubtful that a contracted assessor working less than eight hours per week can oversee the office duties as well as perform 400 site visits (to conduct the quadrant study) within the contract year. These supervisory duties will fall to the Town Manager, who may not possess the necessary knowledge to provide proper instruction. The addition of a part-time staffer (8 to 12 hours per week) adds little confidence that the Town of Richmond will receive the level of service it has currently. The day-to-day duty of "data entry," as well as fielding public inquiries, will fall to the least experienced and untrained individual in the office.

- Reducing our Town's governing mechanisms by eliminating three elected positions disenfranchises our current and future voting population; silencing their democratic rights. Throughout the Town of Richmond's history, multiple generations of Town citizens have served in an elected capacity. This recommendation undermines core strands of the educational standards enacted by Chittenden East Supervisory District, the Vermont Department of

Education, and national education standards by removing the opportunity to exercise civic responsibility and serve the community. How can I, as a civic-minded educator, implement these standards if the opportunity to model the expectation is no longer available?