

VLCT NEWS

A PUBLICATION OF THE VERMONT LEAGUE OF CITIES & TOWNS

SERVING AND STRENGTHENING VERMONT LOCAL GOVERNMENTS

December 2009

PACIF WC RATES DOWN 10%; LIABILITY LIMITS INCREASED TO \$5M

The VLCT Property and Casualty Inter-municipal Fund (PACIF) Board of Directors met on October 9, 2009 to, among other things, set rates for 2010. The Board reduced Workers' Compensation rates by an average of ten percent and kept property rates flat. Board members also agreed that it was necessary to increase the rates for automobile liability and physical damage and for public officials and employment related practices liability. Overall, the result is an average rate reduction of 0.4 percent; actual member contributions will differ due to the municipality's exposure changes, loss experience (its *experience modification factor*) and credits or

debits. Many members' renewal invoices will be further reduced by this year's contribution credit, which is 50 percent higher than last year's and was also approved by the PACIF Board at its October meeting.

In addition to the overall rate reduction, the PACIF Board of Directors voted to provide higher levels of liability protection to members. Beginning January 1, 2010, each member municipality will have a liability limit of \$5 million per occurrence (from a previous standard of \$2 million), with no annual aggregate cap. The increased limit applies to casualty coverages such as general and

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UNDERSTANDING THE FINANCIAL AUDIT

For most local governments, the annual financial statement audit is as much a part of the yearly round of public finance as the approval of the operating budget. Despite its routine character, however, the financial statement audit appears to remain something of a mystery to most outside the auditing profession. This article will attempt to dispel the cloud of mystery by first reviewing the nature and purpose of the financial statement audit and then examining ten specific points of misunderstanding commonly encountered in practice.

NATURE AND PURPOSE

Anyone entrusted with responsibility for managing financial resources on behalf of others should provide a full accounting of that stewardship. For state and local governments, such an accounting ideally takes

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PRESIDENTIAL SNAPSHOT

VLCT's incoming Board of Directors President is Sanford "Sandy" Miller, who has managed the Town of Milton since 2003. (For more pre-Presidential background on Sandy, see the February 2006 VLCT News, www.vlct.org/d/about/vlct/vlctnews/2006/02vlctnewsfeb06.pdf.) We wondered what he foresees as he takes the VLCT helm.

First of all, Miller expects the legislature will make many difficult decisions in the upcoming session. "The fiscally constrained environment will be driving a lot of decisions," he said. "A lot of programs will be on the chopping block. In particular I think we need to be vigilant about possible local transportation program cuts and the possibility of moving the funding for the teachers' retirement system into the education fund, which means increases in local property taxes." VLCT's role will be to ensure that municipal interests are strongly represented in any legislative decision, he said.

Miller is enthusiastic about the composition of the VLCT board, whose members include clerks, mayors, selectpersons, and managers who "bring their concerns

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PRESIDENTIAL SNAPSHOT

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to the board. There's more interest in synthesizing their concerns" into a League policy than in the past, when there was less communication among the disparate groups. Also, over the last year the board has tried to be more proactive in visiting and working with the legislature, "taking positions on behalf of its members and not leaving that entirely to staff."

Miller also serves on the VLCT Health Trust Board. "Without a Health Trust Board," he says, "it could be difficult for municipalities to obtain insurance at a competitive rate. Municipalities would be at the mercy of a very small insurance market. It's very difficult in a state of our size to have a competitive health insurance industry."

Miller likes the mostly non-partisan manner in which local government plays out in Vermont. In New York, where he worked before assuming his post in Milton, "even at the local level, people ran as Democrats, Republicans, Independents or something else.

Here it's less partisan," leading to a sense of cordiality and cooperativeness.

He says the League has brought together all types of government officials – elected selectboard members, mayors, clerks, treasurers, managers, administrators – to work on its various committees. "Lots of cooperation among various types of local officials exists in Vermont that didn't happen in New York," he says. "I think the League will continue to play a terrific role in building on that."

When asked if there was any truth to the rumor that he'll try to establish a new Vermont-wide currency called the "Milton" during his presidency, Miller replied "There has been some quiet discussion about that. It would benefit the town of Milton, but I don't know if it will get any traction with the League or with the legislature. But you never give up hope."

Hope is what Miller has in spades regarding his tenure as Board president. "It's a humbling experience to be elected president. I will do my very best to serve the municipalities in the state, and I thank everybody for the trust that they have put in me."

*David Gunn
Co-editor, VLCT News*



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LEGAL AND REGULATORY NOTES



LISTERS MUST DEMONSTRATE THAT SELECTIVE APPRAISAL HAS RATIONAL BASIS

The Vermont Supreme Court has ruled that an appraisal conducted by the Castleton listers violated the Proportional Contribution Clause of the Vermont Constitution. The Proportional Contribution Clause provides "That every member of society hath a right to be protected in the enjoyment of life, liberty, and property, and therefore is bound to contribute the member's proportion towards the expense of that protection ..." Vt. Const. Ch. I, Art. 9. According to the Court, the listers' selective reappraisal of a property lacked a rational basis and was therefore constitutionally defective. *Selectboard, Town of Castleton v. Parento*, 2009 VT 65.

The property in question is comprised of two parcels in a neighborhood bordering Lake Bomoseen. The first parcel (the House Parcel) consists of 3.35 acres of land on which there was an historic residence. The House Parcel is not lakefront. The second parcel (the Lake Parcel) consists of 0.19 acres of undeveloped land on Lake Bomoseen. The parcels are in close proximity but are not contiguous. Castleton zoning regulations prohibit development of the Lake Parcel.

The Town conducted a complete town-wide reappraisal in 2004. Pursuant to the reappraisal, the listers assessed the value of the House Parcel at \$193,600. The Lake Parcel was listed at \$17,000. The owner, Robert Parento, unsuccessfully grieved the listers' assessment of the House Parcel and thereafter appealed to the Board of Civil Authority. The BCA disagreed with the value set by the listers and ascribed a new value to the land, \$58,100. The BCA reasoned that the listers had incorrectly classified the House Parcel as having "lake access," one of the factors contributing to the value of the House Parcel, simply because the owner had concur-

rent ownership of the Lake Parcel. On appeal to the state appraiser, the listers' position prevailed and the appraiser affirmed the listers' assessment of the land at \$193,600 for tax year 2004.

The value of the House Parcel remained \$193,600 for tax year 2005 in conformity with 32 V.S.A. § 4468. That statute provides that, absent certain exceptions, including any town-wide reappraisal, values set by the appraiser shall remain fixed for two years. The value of the Lake Parcel likewise remained the same as tax year 2004, \$17,000. For tax

year 2006, the Town conducted a town-wide statistical reappraisal; pursuant to this reappraisal, the listers increased the assessed value of the House Parcel to \$221,500 and the Lake Parcel to \$19,400.

Once again, Mr. Parento unsuccessfully grieved the listers' valuation of the House Parcel and appealed to the BCA. In September 2006, the BCA again rejected the listers' valuation and set the value of the House Parcel at \$66,915. The BCA reasoned that

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UPDATED EEO LAW AND POSTER

The Equal Opportunity Employment Commission (EEOC) recently revised its "Equal Employment Opportunity is the Law" poster. The poster, which already reflects laws protecting applicants and employees from employment discrimination based on sex, race, color, religion, national origin, pregnancy, disability and age, now incorporates the passage of the Genetic Information Nondiscrimination Act of 2008 (GINA).

GINA protects applicants and employees from discrimination based on genetic information in all aspects of employment and also restricts the acquisition and dissemination of genetic information. GINA takes effect November 21, 2009. Municipalities can fulfill their posting requirements by posting either the new EEOC poster or the EEOC supplement poster next to EEOC's September 2002 "EEO is the Law" poster or OFC-CP's August 2008 "EEO is the Law" poster on November 21, 2009. These posters may be downloaded for free from www.eeoc.gov/posterform.html or by calling the EEOC Clearinghouse at 1-800-669-3362.

The posters should be placed in a prominent, central location and at all secondary work sites, unless all employees visit the central location on a regular basis.

Municipalities may also purchase VLCT's 2009 Workplace Poster Packet which includes all state and federally required workplace posters at our online bookstore, www.vlct.org/marketplace/bookstore/products/?c=2. You can also download them for free at the Vermont Department of Labor's website, www.labor.vermont.gov/. The Vermont Department of Labor's website also includes links to all mandatory federal posters.

*Garrett Baxter, Staff Attorney
VLCT Municipal Assistance Center*



SELECTIVE APPRAISAL

(continued from previous page)

the listers had erred in concluding that the House Parcel should be deemed as having lake access just because Parento owned the Lake Parcel. According to the BCA, “[b]oth parcels need to be treated independently of each other.” The Town did not appeal the BCA’s September 2006 decision. Therefore, the listed value of the House Parcel became \$66,915 for tax year 2006.

Notwithstanding the BCA’s 2006 decision, the Town listers changed the assessed values of the two parcels in 2007. They valued the House Parcel at \$221,500 and the Lake Parcel at \$54,400, adding a flat charge of \$35,000 to the value of the Lake Parcel without reference to comparable properties. Having unsuccessfully grieved the listers’ latest decision, Mr. Parento yet again appealed to the BCA. The BCA disagreed with the value ascribed to the parcels by the listers. It reduced the value of the House Parcel to \$91,465 and set the value of the Lake Parcel at \$19,400. Once again, the BCA concluded that the House Parcel should not be deemed as having lake access. The Town appealed the BCA’s decision to the state appraiser, who upheld in part the BCA’s valuation of the parcels. The appraiser set the value of the Lake Parcel at \$19,400 and assessed the House Parcel at \$221,500.

In addition to his valuation arguments, Mr. Parento also asserted that the Town selectively reassessed his property in violation of the Proportional Contribution Clause by failing to apply uniform standards in appraising similarly situated properties in 2007. Of particular concern was the \$35,000 flat charge applied to the Lake Parcel, which was not applied to similarly situated non-lakefront homesites in lake neighborhoods, the owners of which also owned separate, undevelopable lakefront parcels.

Noting that there must be a rational basis for identifying a subset of properties to be reassessed, the Court also explained that the reappraisal of this subset of properties must be carried out consistently. The Court concluded that the Castleton listers had not reassessed the homesite and lakefront parcels of numerous other similarly situated property owners, including those whose properties abutted or were in close proximity to Mr. Parento’s, rendering the reappraisal “constitutionally suspect.” With respect to those properties that it reassessed, the Town was unable to demonstrate that it had reassessed the

properties uniformly. The Town’s selective reassessment of the Parento property did not “clear the comparatively low hurdle that is rational basis scrutiny.”

While the Vermont Supreme Court has readily recognized the legitimacy of partial reappraisals, it has been clear that there must at least be a rational basis for identifying a subset of properties to be selectively reassessed. Once subsets are established, properties within the subset must be treated similarly. The listers must be able to demonstrate

to the state appraiser or a reviewing court that the reassessment was carried out consistently with respect to these properties in the subset. Assessed values should never be based on anticipated decisions of the Board of Civil Authority.

A copy of the decision can be obtained at http://info.libraries.vermont.gov/supct/current/eo2008-203.html#_ftnref5

*Jim Barlow, Senior Staff Attorney,
VLCT Municipal Assistance Center*

UPCOMING TRAINING OPPORTUNITIES

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Tuesday, December 1, Hartford Town Offices

Thursday, December 3, Milton Town Offices

Delinquent Tax Collection

This workshop will examine the legal and practical requirements of collecting delinquent property taxes in Vermont by providing an overview of delinquent tax collection methods, examining the tax sale process in depth, and discussing the steps to take when a delinquent taxpayer files for bankruptcy.

Tuesday, December 8, Hartford Town Offices

Thursday, December 10, Milton Town Offices

The Essentials of Payroll Management

Paying your employees can be one of the most difficult tasks that finance officials encounter. This workshop will focus on issues related to paying exempt and non-exempt employees, correctly taxing income and benefits, understanding how to use IRS forms, paying overtime, and more. Attendees will also learn how to access payroll information from the Social Security Administration, Department of Labor, and other resources.

Thursday, December 10, Vermont Interactive Television

Variations on a Theme: Guiding Development through Planned Unit Development Bylaws

Planned unit development (PUD) language can supplement an existing bylaw or bind future development to an approved stand-alone master plan. As a planning tool, PUD has many applications beyond open space preservation and clustered development. This workshop will explore the broad, enabling legislation and how towns are using the PUD process to achieve various development goals. It is delivered in the evening via interactive television and is co-sponsored by Vermont’s Regional Planning Commissions and the Vermont Association of Planning and Development Agencies.

SAVE THE DATE

Wednesday, February 17, Capitol Plaza,
Montpelier

Town Meeting Tune-Up

Tuesday, March 23, Hartford Town Offices

Thursday, March 25, Milton Town Offices

Treasurers’ Workshop

Wednesday, March 10, Vermont Interactive
Television

**Making the Most of Municipal Planning
Data Resources**

Saturday, March 27, Lake Morey Inn, Fairlee

Selectboard Institute

For registration and other information, please visit www.vlct.org/eventscalendar/upcomingevents/ or call 1-800-649-7915 or email info@vlct.org.



ASK THE LEAGUE

LAND USE BYLAWS; TIMELY TAX PAYMENTS

When a rural town adopts land use bylaws via Australian ballot at town meeting, must the selectboard hold its final public hearing on the proposed bylaw before posting the warning and notice for town meeting?

Yes. The selectboard of "a rural town with a population of fewer than 2,500 persons" that adopts bylaws via Australian ballot [24 V.S.A. § 4442 (c) (2)], must conclude the bylaw amendment process before posting the annual town meeting warning and notice for the adoption of the bylaws by the voters. This year, the last day to post the warning

and notice is January 31, 2010. 17 V.S.A. §§ 2521 and 2641. Even though there is no requirement that bylaws be voted on at town meeting, some municipalities only hold a single town meeting to conduct their business. Holding a single town meeting may encourage greater participation on issues, and reduce costs for towns.

The process for adopting land use bylaws is found in 24 V.S.A. § 4442. Actions must be taken in order, many within specific timeframes. And each step in the process must be completed prior to taking the next step.

The adoption process begins at the conclusion of the planning commission's public hearing process, when the proposed bylaws are submitted to the selectboard. "Not less than 15 nor more than 120 days after" the planning commission submits the proposed bylaws to the selectboard, the selectboard must hold its first public hearing. Only one

hearing is required under the law; however, a selectboard may make changes that require additional hearings. At the conclusion of its final public hearing, the selectboard in a rural town may then warn the proposed bylaw for adoption at town meeting (or a special meeting.)

Failure of a town to take action on a proposed bylaw within a year of the final hearing by the planning commission could result in disapproval of an amendment, "unless five percent of the voters of the municipality petition for a meeting of the municipality to consider the amendment and the petition is filed with 60 days of the end of that year." If such a petition is filed, then a town meeting must be held to consider bylaw amendment via Australian ballot. 24 V.S.A. § 4442 (g).

*Stephanie Smith (AICP), Senior Associate
VLCT Municipal Assistance Center*

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VLCT 2009-2010 MUNICIPAL CALENDAR CORRECTION

We recently discovered an error on VLCT's 2009-2010 Municipal Calendar. The error concerns the February 20, 2010 entry (six columns from the left and five entries down) which reads, "Town Meeting Warning must be published in newspaper by this date if town report has not been distributed otherwise." 17:2641(b). The date of the entry should be February 25, 2010. The applicable provision of that statute reads, "In addition, the warning shall be published in a newspaper of general circulation in the municipality at least *five days* before the meeting, unless the warning is published in the town report, or otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting." (emphasis added). Please be sure to cross out the "20" next to this entry and write in "25."

For more information, contact Garrett Baxter, VLCT Staff Attorney, at 1-800-649-7915 or gbaxter@vlct.org.

VLCT CONSULTING SERVICES

Experienced local officials and professional staff are available to assist cities and towns in a number of areas including:

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DOUG HOYT
RETIRED POLICE CHIEF



DAVE LEWIS
RETIRED TOWN MANAGER



ASK THE LEAGUE

(continued from previous page)

Can the town change the method of timely delivery of tax payments to only those postmarked by the U.S. Postal Service?

Yes. The law allows a municipality to set, by vote, at a regular or special town meeting the “date or dates, time of acceptance, and method of delivery, including acceptance of postmarked mail, for the payment of the tax ...” 32 V.S.A. § 4773 (a). If a town wants to specify any of these elements – such as what is considered timely payment or allowing only envelopes that are postmarked by the U. S. Postal Service – it should clearly describe the elements in an article to be voted on at town meeting. If the article passes, a town might want to provide further education to tax payers (who may not be residents) by including a notice in the tax bill.

A town that doesn’t fix a date, time, or method of delivery “shall accept payment of a tax delivered or postmarked before midnight on the day established in the notice.” 32 V.S.A. § 4773 (b).

*Stephanie Smith (AICP), Senior Associate
VLCT Municipal Assistance Center*

VLCT RELEASES 2009 COMPENSATION REPORT

The 2009 Vermont Municipal Compensation and Benefits Report, published in November, compiles the responses to VLCT’s comprehensive survey of municipal salaries and benefits. The report contains information from 227 member municipalities and is organized by population. Every town that participated in the survey has received a free copy, and anyone can order a copy from the VLCT website (www.vlct.org/marketplace/bookstore/) or by calling 800-649-7915 to request an order form.

Responding municipalities may purchase a second copy for \$20, and municipalities that did not respond may purchase a copy for \$50. To receive a free report that can help you during next year’s budget planning season, please plan to complete the 2010 questionnaire for your municipality.

VLCT’S EVENT CANCELLATION POLICY

For a full refund, please cancel in writing by the posted deadline, typically seven days prior to the event. For your convenience, you may pre-register for an event without paying. However, if you do not attend the workshop and have not cancelled your registration in writing by fax or email by the deadline, you will be billed for the full cost of the workshop.

VLCT must adhere to this cancellation policy to keep down the costs of our workshops. We simply cannot absorb the expense of food, room rental, materials, etc. for those who cannot attend unexpectedly. Attendees who must cancel will be sent the written materials upon request. If you have an extenuating circumstance, please contact our office.

Cancellations may be emailed to info@vlct.org or faxed to (802) 229-2211 and should include your name, contact information, and the event date and title.

We very much appreciate your patience and understanding.

2009 - 2010 MUNICIPAL EDUCATION GRANTS AVAILABLE – APPLY TODAY!

The Department of Economic, Housing and Community Development (DEHCD) is offering the Municipal Education Grant (MEG) program again this year, and we encourage municipal officials to take advantage of this no-cost educational opportunity. Municipalities can submit grant applications until May 15, 2010 to bring MAC staff to their offices for a free on-site training. Links to descriptions of VLCT’s land use workshops and the MEG application are available on VLCT’s website at www.vlct.org/municipalassistancecenter/customworkshops/.

To schedule a land use training, please contact Abby Friedman, MAC Director, at 800-649-7915 or afriedman@vlct.org. For more information about the MEG program visit the DEHCD website (www.dhca.state.vt.us/Planning/MEG.htm), or contact Brenda Greika at the DEHCD, 802-828-3243 or Brenda.greika@state.vt.us.

There are 15 VLCT Land Use Training Workshops to choose from, including two new topics noted below:

CORE TOPICS

- Capital Planning and Budgeting
- Conducting Effective Meetings and Hearings
- The Effective Land Use Board (new)
- Effective Zoning Enforcement
- Field Guide to Adopting and Amending the Town Plan and Bylaws
- How to Interpret Development Plans
- How to Make and Write an Effective Land Use Decision
- Managing Conflicts of Interest in Local Land Use Decisions (new)
- Major Types of Development Review

SPECIFIC TOPICS

- Adopting Local Act 250 Review
- Is a Development Review Board Right for Our Town?
- Planning for Ancient Roads – What Every Municipality Should Know
- Should Our Town Adopt On the Record Review?
- Should Our Town Adopt Zoning?
- Understanding Homeowners’ Associations

Remember to apply early as funding may run out before the May 15, 2009 deadline.



STAFF NEWS AND NOTES

According to the U.S. Department of Labor, workers between the ages of 18 and 38 change jobs an average of 10 times. **Trevor Lashua** (age ∞) is about to trade number 5 (Senior Associate, Advocacy and Information Services) for number 6 (Essex Assistant Town Manager). For the past four years, Trevor learned the ins and outs of advocacy, including the art of making silk purses out of sows' ears, while dealing with members of the Vermont Legislature. Now he'll be able to apply those skills and more in an actual local government setting. While we certainly wish him well, we do hope this employment upgrade doesn't derail his long-term goal of fronting his apocryphal band (whose



Beth Peters

name you'd recognize if only we could print it) at the Bonnaroo Music and Arts Festival.

Meanwhile, **Beth Peters** is VLCT's new Director of Human Resources and Administrative Services. (It's her nth job.) With more than 20 years of HR and management experience in Vermont and Maine, Beth assumes some new responsibilities for the position formerly known as Human Resources Manager. Jessica Hill and Sonia Rivera will work with her in an expanded department that includes administrative and reception functions, conference coordination, and facilities management.

That's all very well, but our readers expect us to look for the uncommon in a new hire. Ergo, I posed a few uncommon questions to her:

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TRIVIA

Clarissa Holmes, Hartford Assessor, and **John Adams**, Shelburne DRB Administrator, knew that **Pawlet**, **Danby**, and **Mt. Tabor** (formerly known as Harwich) were the three Vermont towns granted to the men from Nine Partners, New York. (Yes, but who were the nine partners?) Mr. Adams further counseled me to "put [the answer] in [my] disk array controller!" And when I did, out popped out December's trivia question:

A number of Vermont towns have undergone name changes since they were chartered. What are the present day names of the following?

- Caldersburgh
- Missiskouie
- Duncansborough
- Mooretown
- Kellyvale
- New Flamstead
- Lutterlock
- Turnersburgh

Email your answers to dgunn@vlct.org. Then watch this space in January's especially engaging issue for the answer.



STAFF NEWS

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- 1. Have you ever owned an exotic pet?** *Not that you would call it exotic, but I did have a goat named "Trouble." And no, I never lived on a farm.*
- 2. In your view, is there a qualitative difference between Maine and Idaho potatoes?** *I'm not a huge potato fan (gasp), but being a girl from Maine, I do have an opinion about lobster and blueberries.*
- 3. Can you look a person in the eye and determine what sort of ted-**

dy bear he or she will be drawn to, if any? *Heck no, in fact, most adults aren't drawn to teddy bears at all. If they were, I would be rich on Vermont Teddy Bear stock and retired by now.* (Ed. note: Beth is the erstwhile Director of Human Resources and Administration at Vermont Teddy Bear.)

- 4. You're working very hard, concentrating, and you're interrupted. Do you (a) welcome the break, (b) feel extremely irritated, or (c) vary between these two extremes?** *Depends on the project, the day, and whether or not my 5-year-old has absolutely refused to wear what I picked out*

for school that morning. Actually, I'm a pretty even-keeled person.

No matter this raises the question "can one be an odd-keeled person?", we're very glad to welcome Beth aboard.

And we're equally sorry to see **Chelsea St. Amour**, our part-time Administrative Assistant-Receptionist, leave to wrap up her collegiate studies. We wish her the best of luck, of course, and also hope to have a new voice answering the VLCT telephone by the time you read the next sentence.

*David Gunn
Co-editor, VLCT News*

FEDERAL TRADE COMMISSION DELAYS ENFORCEMENT, AGAIN AND AGAIN AND ...

On October 30, 2009, the Federal Trade Commission (FTC) announced that it will yet again delay enforcement of the "Red Flags Rule."

The Red Flags Rule is part of the federal Fair and Accurate Credit Transactions (FACT) Act of 2003, under which creditors with covered accounts must develop and implement identity theft prevention programs to identify, detect, and respond to potential indicators ("red flags") of identity theft. The FTC previously confirmed that the Red Flags Rule applies to all municipal utilities and other operations, such as municipal housing authorities, that extend credit as part of a continuing relationship for services.

Affected municipalities now have until **June 1, 2010** to develop and implement a theft identity prevention program. To read the FTC's latest press release in its entirety, go online to www.ftc.gov/opa/2009/10/redflags.shtm. The FTC has developed a template for those entities that have a low risk of identity theft, and that is available at www.ftc.gov/redflagsrule.

The VLCT Model Identity Theft Prevention Policy and the VLCT Identity Theft Prevention Memo of April 14 are also available online. For more information, contact Garrett Baxter, VLCT Staff Attorney, at 1-800-649-7915 or gbaxter@vlct.org.

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NEWS TO USE

VLCT Risk Management Services offers insurance, risk management and employee benefit services for Vermont municipalities.

UI TRUST 2010 RENEWAL NEWS

All Unemployment Insurance Trust members should have received their 2010 renewal information (statements and initial invoices) in mid-November. As anticipated and explained at the Trust's annual meeting on October 1, the rates for 2010 are tied closely to actual claims activity – and we all know that unemployment is up both in Vermont and nationwide.

An article in the August/September 2009 *VLCT News* discussed the severe depletion of the State of Vermont's unemployment insurance fund. One way the state has addressed that depletion has been to increase the maximum base wage (on which contributions are calculated) from \$8,000 to \$10,000. As that article explained, if all other things were equal, the base wage increase would allow VLCT's UI Trust rates to decrease. However, the steep increase in claims expe-

rienced in 2009 and anticipated for 2010 has more than compensated for the boost provided by the base wage increase. As a result, the UI Trust must increase its rates for 2010.

Setting the UI Trust rates each year involves several processes, including determining the Trust's total expected maximum claim liability for the upcoming year, calculating the claims experience of all members over several years, factoring in the possibility of a year with many high claims, and assessing each member's payroll and claim experience.

The Trust's expected maximum claim liability for 2010 is \$847,606. This is nearly a \$300,000 (54.5 percent) increase over 2009's estimate of \$540,405, which we thought was accurate when we set it (in late summer 2008). However, it has been outpaced by actual claims. The previous four years, in contrast, were all within \$40,000 (7.24 per-

cent) of the 2009 estimate. We now clearly see that the Trust's expenditures are having a steep rise after several stable years.

The upshot of all this is that rates are increasing across the Trust an average of 6.4 percent for 2010. The total impact of the rate increase and the change in the base wage is an average 28 percent increase in billed premiums. Particular members' rates will be lower or higher because of their historical claims experience and their current taxable payroll. Moreover, the UI Trust will not have any excess 2009 funds to distribute to members as a credit toward their 2010 contributions.

If you have any questions regarding the above information or your 2010 UI renewal statements, please feel free to call Kelley Avery, Benefit Program Administrator, at 800-649-7915.

*David Sichel, Deputy Director,
Risk Management Services, VLCT*

PACIF RATES DOWN

(continued from page 1)

premises liability, as well as law enforcement, emergency services, public officials, employment-related practices, and automobile liabilities.

To further protect members' property assets, the Board also decided to procure additional earthquake coverage. Starting in 2010, members will have access to up to \$7.5 million per occurrence for earthquake damage as defined in the coverage document. The previous limit was \$4 million.

Because the cost of these additional limits of coverage is included in the 2010 rates, renewing members will have the benefit of higher limits and lower costs on average.

*Ken Canning, Managing Deputy Director,
Risk Management Services*

DECEMBER 2009 RMS CALENDAR

Health Trust Open Enrollment Final Wrap-Up. December 1-11. Submit any remaining paperwork required to support the January 1, 2010 effective date for enrollment changes in medical insurance, vision insurance, and cafeteria plans. If you have any questions, email your Member Relations Representative or call 802-229-9111.

General Industry OSHA-30 Class. December 7-10. Asa Bloomer State Office Building, Rutland. Sponsored by the Vermont Safety and Health Council. More information is at www.vshc.org/ (events calendar).

Deadline for PACIF members with volunteer fire departments to submit documentation required for WC audits. January 8, 2010. See full description on page 11 of this newsletter. Call Pam VanDeursen at 802-229-9111, ext. 171 with questions.

MENT SERVICES

JOYCE A GUEST PANELIST AT NATIONAL CONFERENCE

Last September, Heidi Joyce, VLCT's Senior Health Promotion Consultant, was a guest speaker for the National Center for Women and Policing 14th Annual Leadership Conference. The daylong event was co-hosted by the New York State Police and the New York State Division of Criminal Justice Services.

The conference topic, "Health and fitness programs for law enforcement agencies: Can you afford not to play," was right up Heidi's alley. Other panelists included Jay Smith, owner of Fit Force; Col. Deborah Campbell, New York State Police; and Ret. Lt. Col. Gayle Cameron, New Jersey State Police. Their combined experience made for a well-rounded presentation.

National research shows a correlation between a high number of health risks in individuals and higher costs for health care and workers' compensation. Moreover, the cost of lost productivity tends to be three times higher than medical expenses. Wellness programs have been

(continued on page 18)



WC AUDITS FOR VOLUNTEER FIREFIGHTERS — INFORMATION DUE BY JANUARY 8, 2010

PACIF members will recall that volunteer fire departments (VFDs) are now subject to a separate workers' compensation audit. To streamline the process this year, the Underwriting Division will compile these audits, but we need certain documentation from those PACIF members that have VFDs.

The following documentation is due by Friday January 8, 2010 via email, fax, or mail:

- Roster of all volunteer fire fighters who served in 2009.
- 2009 payroll report for VFD only, by employee. (Please include stipends for officers, training wages, and all paid fire fighters.)
- Copies of all four quarterly 941s for 2009. (We understand that these will be for the entire municipality and are not specific to the VFD.)

Please note:

- If your VFD is paid, but not through payroll, please provide documentation and an explanation.
- If your VFD is not paid at all, please provide the roster with a note to that effect.

This information is due to Underwriting by January 8. Send documents via email to pvandeursen@vlct.org; via fax to 802-229-2211 Attn: Underwriting; or via surface mail to VLCT Underwriting Division, 89 Main Street, Montpelier, VT 05602-2948. Please call Pam VanDeursen, 802-229-9111 ext. 171, with questions.

LEAGUE'S FLU CLINICS A SUCCESS

This is a banner year for flu, and VLCT Health Trust members were in an ideal place for medical protection. Even though most of the headlines are about the H1N1 virus, the seasonal ("regular") flu virus is still making the rounds, and getting a shot against each strain is recommended.

Before the H1N1 vaccine effectively edged out the seasonal shots at clinics around the country, VLCT was able to secure enough doses to immunize all participants who signed up between August 25 and September 25 against the seasonal flu.

Starting at Town Fair on October 1, the VLCT Health Trust ran a total of 29 clinics to provide seasonal flu immunizations to municipal employees across the state. Shots were free for subscribers and their adult dependents, or \$20 each for non-HT employees of member towns. Everyone who signed up by the deadline was able to be vaccinated with no lines, no waiting, and little time wasted getting to and from the clinic site. (Imagine the difference if everyone had to go to their doctor's office instead.) In all, 1,130 municipal member employees and dependents were vaccinated. This should certainly decrease absenteeism in local governments this winter!

As an added bonus, VLCT Member Relations staff at each clinic helped employees fill out their online Health Assessment and Healthy Lifestyle Rewards surveys. Through this program, each VLCT Health Trust subscriber can earn \$50 to \$100 by getting a health screening, taking a health assessment at mycigna.com, and making other healthy lifestyle choices.

These flu clinics were organized by Heidi Joyce with help from Shawna O'Neill and the Health Trust Contact from each of 28 municipal hosts. The shots were paid for with a wellness grant from CIGNA.

Remember that the best flu prevention methods are to get vaccinated, practice good hygiene, get a lot of sleep, stay home if you are feeling ill, and drink plenty of fluids.

Joe Damiata, Manager, Safety and Health Promotion, VLCT



KEEPING OLDER WORKERS SAFE AND PRODUCTIVE

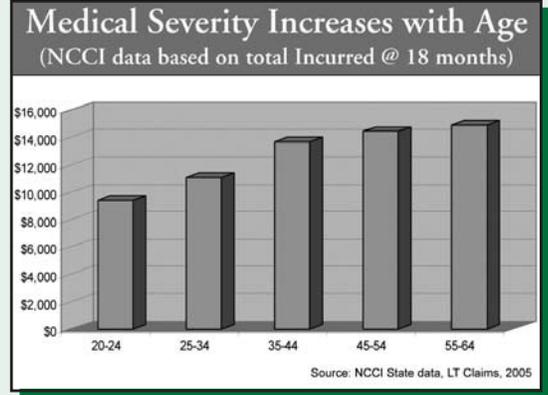
Fred Satink is VLCT's newest Loss Control Consultant, but he has years of experience in loss control and as a presenter. At the 2009 Vermont Town and City Management Association's Fall Conference in Montreal, Fred gave a presentation titled "Workplace Safety and the Aging Workforce – Trends and Best Practices." The presentation focused on workers' compensation claims, but had implications for casualty and liability risks also.

According to workforce and claim statistics, Vermont has an older workforce than the national average, and a comparatively high percentage of older workers are employed by local governments. Although younger, less experienced workers have more injuries than older workers, they recover more quickly and their claims cost less on average. Older workers have higher indemnity claim costs, in which the driving factors are slower recovery and incomplete recovery. Moreover, older workers incur higher medical costs due to increased surgical intervention and slow recovery periods. The bottom line: focusing loss prevention and claim cost controls on older workers saves money. In fact, the methods used to control costs, reduce injuries, etc. for aged employees benefit younger workers as well.

Fred identified five key measures you can take to help keep your aged workforce safe and healthy:

- Improve your hiring practices to make sure new hires can perform required tasks.
- Enhance your focus on workplace safety.
- Develop and implement a Transitional Return to Work Program (TRTW) for work-related injuries.
- Implement wellness initiatives to support overall health.
- Use occupational health providers as designated medical providers when available.

For more detailed information on these points or any assistance with controlling your municipality's losses, please call VLCT Loss Control at 800-649-7915.



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LISTERIANA

Ever wonder how the duties of a lister have evolved over the years? Vernon lister Carol Hammond did. And her research led her to assembling the following “listeriana.”

The position of Vermont lister was established before Vermont became a state and has undergone many changes and revisions since its inception. Although listing practices have changed over the years, one thing remains the same: listers list.

- In 1778, “An Act Directing Listers in their Office and Duty” was the first act aimed at securing an appraisal of property for purposes of taxation. All

inhabitants were required to submit in writing to the listers “a true account of all their listable polls and their ratable estate.”

- In the days before statehood, justices of the peace could nominate people to serve as listers. Those nominated were obligated to serve or pay a penalty.
- The early grand lists included:
 1. All males between the ages of sixteen and sixty were rated at six pounds and later at twenty pounds each. (There were exemptions for ministers, schoolmasters, and those incapacitated by sickness.)
 2. All livestock was listed by category and valued by age.
 3. Money on hand, over and above

debts owed, was assessed at six pounds for every hundred. By 1787, the assessment was raised to twenty pounds per hundred.

4. Household clocks not made of wood, gold watches, pianos, pleasure wagons, sleighs, dogs, swarms of bees, stock in corporations.
 5. Land that had been improved for at least a year.
 6. Doctors and lawyers based on their “faculties” and size of practice.
- Failure of a property owner to declare his list of taxable property in a timely manner resulted in “twofolding.”
 - If no list was returned, the listers

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UNDERSTANDING THE AUDIT

(continued from page 1)

the form of financial statements prepared in conformity with generally accepted accounting principles (GAAP).

It is easy to imagine circumstances where those giving an accounting of their stewardship might be tempted to be less than forthcoming, or worse. Accordingly, those who must rely on financial statements to make decisions have traditionally sought the assurance of a disinterested third party to justify that reliance. That third party, of course, is the independent auditor.

Role of Management. Since management is responsible for the stewardship of financial resources, it is also primarily responsible for preparing the financial statements that give an accounting of that stewardship. Even when management seeks outside help to prepare the financial statements, it remains responsible for their contents, just as taxpayers remain responsible for their tax returns, even if the returns are prepared by paid tax professionals. Thus, managers must take ownership of their financial reporting. Generally accepted auditing standards (GAAS) require that managers do so explicitly in the form of a *management representation letter*.

Role of Internal Control. It would be hard to place confidence in an approval process that amounted to little more than affixing initials to documents without first examining them. So, too, it would hardly be

meaningful for management to assume responsibility for the data presented in financial statements if management did not have some reasonable basis for doing so. That reasonable basis can be provided only by a *comprehensive framework of internal control*.

Role of the Governing Body. While management is *primarily* responsible for financial reporting (including the comprehensive framework of internal control used to generate the financial statements), the governing body remains *ultimately* responsible for ensuring that management meets its responsibilities in this regard. Typically, an audit committee, comprising members of the governing body, provides the necessary oversight.

Objective of Fair Presentation. Precision comes at a price. That price can be justified only if the resulting benefits exceed their cost. In real life, few decisions require that amounts in financial statements be exact “down to the penny.” Thus, the goal of financial statements is *fairness* rather than absolute *accuracy*. That is, the objective of financial reporting is a presentation that is free from *material misstatement* (i.e., an error of such significance that it could affect decisions made based on it).

Concept of Reasonable Assurance. Considerations of cost benefit also affect the work of the independent auditor. It would typically be impractical for the independent auditor to examine each and every transaction. Instead, auditors seek *reasonable assurance* that amounts are fairly presented by testing *samples* of items.

The financial statement audit is designed to vouch for the *reliability* of the financial statements, *not* the soundness of the finances they portray. Just as the image of something unattractive in a photograph is no indication of a defective camera, poor financial condition is in no way inconsistent with fair financial statement presentation.

2. Financial statement audits are not designed to detect all instances of fraud, abuse, and program non-compliance (i.e., smaller items may be expected to fly under the radar screen). Many people assume that the principal goal of a financial statement audit is to uncover fraud, abuse, and instances of program noncompliance. In fact, the discovery of such items is only incidental to the purpose of a financial statement audit.

As already explained, the true purpose of a financial statement audit is to achieve *reasonable* (rather than *absolute*) assurance that the financial statements are *fairly* (rather than *accurately*) presented. Accordingly, the audit is designed to detect only those instances of fraud, abuse, or program non-compliance that would be *material* (i.e., significant enough to affect decisions made based on the financial statements). Needless to say, many, if not most, instances of fraud, abuse, and program noncompliance fail to reach this threshold and thus fall between the cracks of a financial statement audit.

The independent auditors will, of course, report any instances of fraud, abuse, and program noncompliance that they do encounter while performing the audit (unless it is clearly inconsequential), regardless of materiality. Still, the financial statement audit is *not* designed to identify immaterial instances of fraud, abuse, and program noncompliance, nor is it likely to do so.

3. Size is not the sole consideration in judging materiality (i.e., big things can come in small packages). Sometimes a government’s

(continued on next page)

TEN COMMON POINTS OF MISUNDERSTANDING

1. Fair presentation is not equivalent to financial health (i.e., a good picture is not necessarily a pretty picture). People frequently criticize the independent auditors when they find out that a government currently experiencing financial difficulties received an unqualified (i.e., “clean”) opinion on the fair presentation of its financial statements. Yet there is no inconsistency between a government receiving an unqualified opinion on the fairness of its financial statements and that same government experiencing financial difficulties.



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UNDERSTANDING THE AUDIT

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managers and its auditors will disagree as to whether a specific item should be treated as *material*. Such disagreements arise, as often as not, from a mistaken notion that size is the sole criterion for judging materiality. As discussed earlier, however, an item is considered to be *material* based on its potential for changing a decision. Clearly a relatively small amount could have just that effect in the right circumstances (e.g., the difference between a surplus and a deficit, the difference between a positive and a negative trend, a legal or contractual violation). Materiality has a *qualitative* as well as a *quantitative* dimension. Viewed another way, the very fact that the materiality of an item is being debated would seem to be an argument in favor of its importance (i.e., materiality) to someone.

4. Quantitative materiality needs to be assessed in relation to individual major funds and to each of the government-wide activity columns (the big picture is not good enough). Private-sector business enterprises do not use fund accounting; therefore, quantitative materiality is assessed in relation to the enterprise's financial statements taken as a whole. Conversely, in the public sector, quantitative materiality is assessed separately for each major fund (and for nonmajor funds in

the aggregate). It also is assessed separately for the *governmental activities* and *business-type activities* columns reported in the government-wide financial statements. As a result, an amount that might not have been material from the perspective of the government taken as a whole may be material from the narrower vantage point of an individual major fund or activity column.

5. You cannot assess the reliability of data yet ignore the system that generates the data (it is risky to trust unreliable people, even when they appear to be telling the truth).

There are two fundamental approaches an auditor can take to determine the reliability of data presented in financial statements. One approach is to directly test a given item (e.g., confirm the amount reported as *cash on deposit* with the bank). The other approach is to test the reliability of the underlying system that generates the data (e.g., validate the amount reported as *vendor payables* by testing the reliability of the processing of transactions in the purchasing system). Auditors describe the first approach as *substantive testing* and the second as the *testing of controls*.

There was a time in the not-so-distant past when auditors could choose to rely on the substantive testing to the virtual exclusion of tests of controls. More recently, the audit profession has concluded that auditors can never simply bypass the testing of controls. The basic notion behind the change is that no amount of substantive testing can

counterbalance the unreliability inherent in data generated by a system that is fundamentally flawed (just as it would be hard to justify relying on the assertions of an individual known to be dishonest, incompetent, or otherwise unreliable). Thus, the independent auditor must *always* assess the reliability of the internal controls that support financial reporting.

6. Auditors must report control weaknesses even if those weaknesses had no effect on the fair presentation of the financial statements (you cannot afford to ignore cracks in a dam).

It is possible, of course, to leave the front door of the house open wide upon leaving for work in the morning and still come home at night to find that nothing has been stolen. Such an outcome does not diminish the seriousness of the risk posed by leaving the door wide open all day long with everyone gone. Likewise, auditors are required to disclose *significant deficiencies* as part of the audit even if it can be clearly established that no harm actually resulted from those deficiencies.

7. Auditors are not allowed to perform any task that would compromise their independence (you cannot be both judge and defense attorney). A government's independent

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UNDERSTANDING THE AUDIT

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auditors possess a wealth of experience and expertise that managers understandably wish to draw upon. Accordingly, auditors routinely provide clients with professional advice on a broad range of topics. All the same, auditors must refrain from placing themselves in the position of having to audit their own work, which would occur if they were to perform managerial tasks (e.g., approving payroll, making journal entries) or a special assignment whose work product fell within the scope of the audit (e.g., selection or implementation of general ledger software). Thus, independent auditors are severely restricted in the types of non-audit work they may perform for a governmental client.

8. Audit fees cannot be the principal factor in selecting an audit firm (you often get what you pay for).

The quality of professional services will naturally vary with the professional that performs them. GAAP for state and local governments are substantially different from private-sector GAAP, just as public-sector auditing typically requires expertise well beyond GAAS (e.g., *Government Auditing Standards*, also known as the “Yellow Book” or generally accepted *government* auditing standards—GAGAS, and the Single Audit). Therefore, in the audit procurement process, it is essential that a government first determine whether a firm possesses the requisite expertise and experience to perform a quality audit before considering price. Unfortunately, it is easy for governments to allow price to trump all other considerations in the auditor selection process, which often has led to substandard audits. A substandard audit is not a bargain at any price.

9. It is in the government’s best interest to sign a multi-year audit contract (why pay more for the same thing?).

In an initial audit of a set of financial statements, the new auditors must incur substantial costs to gain an understanding of and document the

environment in which the government operates and its framework of internal control. In subsequent years, the auditor typically needs only to update that understanding and documentation. In a competitive, multi-year audit contract process, proposing audit firms can spread the initial cost over the entire term of the contract to arrive at the lowest possible bid. Conversely, if a government contracts for the financial statement audit only one year at a time, proposing firms must include the entire initial cost as part of the fee for that year or risk incurring a loss should the firm’s contract not be renewed. Accordingly, the Government Finance Officers Association recommends that governments minimize potential audit costs by entering into multi-year audit contracts of no less than five years.

10. Mandatory auditor rotation may pose special risks in the public sector (do not force yourself into a bad decision).

Many people believe that periodically changing audit firms offers real advantages such as a fresh outlook and greater independence from management. Accordingly, many private-sector business enterprises and not-for-profits mandate that a new audit firm be selected periodically.

The potential benefits of auditor rotation depend on the presence of a sufficient number of qualified firms being interested in performing the audit. Unfortunately,

such is often *not* the case in the public sector, where the highly specialized character of governmental GAAP and governmental auditing standards often severely restrict the number of qualified firms in a given location. Accordingly, a policy of mandatory auditor rotation, when applied to state and local governments, could force a government into the position of hiring a less-than fully qualified replacement for its current independent auditor.

Given these facts, the best course of action for most governments is to mandate an aggressive procurement effort at the end of the audit contract to maximize the possibility for auditor rotation, without precluding the current audit firm from participating. Furthermore, many of the potential benefits of auditor rotation could be achieved by rotating the personnel assigned to the engagement within the current auditing firm.

There is no reason for the financial statement audit to remain a mystery for managers and others outside the auditing profession. Gaining a better understanding of the financial statement audit and the principles that underlie it should help all concerned to better cooperate toward the common goal of greater accountability.

Stephen J. Gauthier is director of the GFOA’s Technical Services Center in Chicago, Illinois.

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Please visit the VLCT website www.vlct.org/marketplace/classifiedads/ to view more classified ads. You may also submit your ad via an email link on this page of the site.

VLCT NEWS ADVERTISING POLICY

The *VLCT News* welcomes classified advertisements from municipal entities, public agencies, businesses and individuals. This service is free for VLCT members (regular, contributing and associate); the non-member rate is \$41 per ad.

Classified ads are generally limited to 150 words and run for one issue. These ads are also placed on the VLCT website for up to one month.

The *VLCT News* is published eleven times per year (the August and September issues are combined) and reaches readers during the first week of the month.

The copy deadline for advertisements is the first Friday of the month prior to the issue date. Space is sometimes available for late additions; please feel free to check with the editor for availability.

For more information on placing classified ads in the *VLCT News*, contact classifieds@vlct.org. For details on display or municipal marketplace advertising, email vlctnews@vlct.org. Instructions for ad requirements may also be downloaded at www.vlct.org/aboutvlct/vlctnewsletter/advertisinginformation/.

HELP WANTED

City Manager. The City of Presque Isle, Maine seeks a qualified City Manager. Presque Isle (pop. 9,500) is the commercial, economic, educational and medical center of Aroostook County. It has a tax valuation of \$472 million, total school and municipal budget of \$14.5 million, and 120 municipal employees. We seek an in-

dividual with strong budget preparation and oversight skills and strong financial management skills, experience in personnel management and labor relations, and experience in long-range planning and economic development issues. Candidates should possess excellent written and oral communication skills, and be a leader who can create an atmosphere which encourages innovation, efficiency and creative thinking that gets results in a fast moving environment. A Master's degree and experience at a senior management level in a public, private or non-profit organization are preferred, but candidates with equivalent or different backgrounds are encouraged to apply. Salary negotiable based on experience and training. More information is available at www.presqueisle.govoffice2.com. Send resume, cover letter, and salary history via fax to 207-624-0118, via email to HumanResource@memun.org, or by surface mail to Director of Personnel Services, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330. **Deadline, December 10, 2009.** EOE.

Police Officer. The Littleton N.H. Police Department is accepting applications for the full-time position of Temporary Police Officer. Anticipated opening not to exceed 2 years in length. Requirements: high school diploma or equivalent (Associate's degree preferred); full-time certification (N.H. Police Standards and Training preferred); must be 21 years or older; valid N.H. driver's license; physical ability to carry out essential functions of position; ability to work with limited direction and communicate effectively in writing and verbally; and establish working knowledge of all applicable state, local and federal procedures, processes, regulations and statutes. Selection process will include a written exam, psychological testing, extensive background investigation, and physical exam. A polygraph may be administered prior to employment. Salary: \$18.57/hour. Benefits include New Hampshire Retirement System, full medical coverage, accrual of annual leave time, holiday pay. Application and job description available at Littleton

Police Department, 2 Kittridge Lane, Littleton, NH 03561. Position open until filled. No phone calls, please. Equal Opportunity Employer. (10-23)

Director of Communication and Educational Services. The Maine Municipal Association is accepting resumes for the position of Director of Communication and Educational Services. The individual in this position will take a lead role in overseeing and managing the Association's communication, media relations, training and affiliate group services, business patrons and advertising, and citizen education efforts regarding municipal government. This position has lead responsibility for MMA's primary communication vehicles (e.g., Maine Townsman, website) and provides support to assist MMA's operating departments in its communication and training activities. This is a senior management position that reports to the Executive Director. The successful candidate will have a strong background in and working knowledge of the broad field of communication and will have demonstrated experience in managing multi-faceted operations. Strong interpersonal skills and knowledge of municipal government would be valuable assets. A degree in Communication, Public Relations, Education, Public Administration, Journalism, or a related field would be appropriate. Salary commensurate with experience and training plus a comprehensive benefit package. To apply, send resume with cover letter and salary requirement **by November 30, 2009**, to Director of Personnel Services, Maine Municipal Association, 60 Community Drive, Augusta, ME 04330, or email HumanResource@memun.org. MMA (www.memun.org) is an Equal Opportunity Employer. (10-27)

Recreation and Parks Director. The City of Lebanon, N.H. is seeking an experienced, highly motivated, senior management level professional to administer and manage its very active Recreation

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CLASSIFIEDS

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& Parks Department. The Director reports to the City Manager and is responsible for providing efficient, effective, and ethical organizational leadership and customer service; to formulate departmental policy in accordance with existing state and federal laws; generate activity reports and revenue projections; and to plan and implement capital improvement projects to include park and facility improvements. Requirements: Bachelor's (Master's preferred) degree in Recreation Management, Leisure Studies, Physical Education, or related field; 3 to 5 years of full-time professional progressive supervisory experience in recreation, parks, and leisure services; valid driver's license; and other certifications in Leisure Professional or Provisional Leisure Professional, Certified Aquatic Facility Operator, and/or Certified Playground Safety Inspector. Knowledge of grant application processes is highly desired. Salary, \$59,458 to \$80,267 DOQ, plus the city offers generous benefits. Visit www.lebcity.com for a full job de-

scription and city application. To apply, send a letter of interest, resume, and application to paula.maville@lebcity.com (electronic submission preferred) or to Paula Maville, Executive Assistant to the City Manager, City of Lebanon, 51 North Park Street, Lebanon, NH 03766. Applications accepted until position is filled. (11-4)

Planning Assistant. The Town of Cabot, Vt. is seeking a part-time planning assistant to work with the Planning Commission on town planning and zoning documents. Responsibilities include data collection and analysis, report writing, document drafting, and attendance at public meetings. Candidates should have direct experience in municipal planning and zoning and be familiar with Vermont municipal planning laws. The position is 20 hours per week for six months, with the possibility of extension. To apply, please send cover letter, resume, and salary requirements to Cabot Planning Commission, PO Box 36, Cabot, VT 05647, or email tco-cabot@fairpoint.net. Review of applications begins later this month and continues until the position is filled. (11-4)

GUEST PANELIST

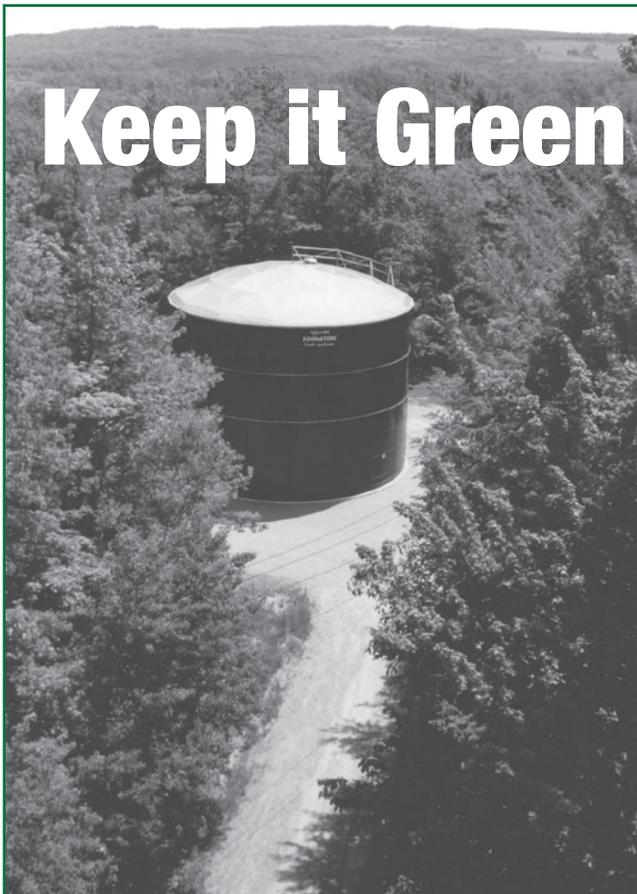
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shown to be an effective means of reducing medical and lost productivity costs. Dee Edington, Director of the University of Michigan Health Management Research Center and a well-known wellness researcher, sees evidence showing a three-to-one return on wellness investment. His mantra is "Don't get worse," and his research indicates that helping healthy people stay healthy is the most cost-effective form of healthcare.

Heidi promotes wellness for VLCT members by designing programs for improving individual lifestyle habits through exercise and nutrition. The goal of her annual "Keep It Off Challenge" is to prevent weight gain from the holiday season through April. The program may not help you lose weight, but it will support you in *not gaining* weight at a time when many people do so.

We are proud that Heidi is so highly esteemed in her field that a national organization invited her to share her knowledge at its annual conference.

Joe Damiata, Manager, Safety and Health Promotion, VLCT



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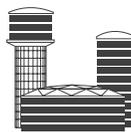
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LISTERANIA

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- made out a list based on their own judgment.
- Listers had the power to “fourfold” which meant they could add to the lists according to their judgment if they felt the lists were not accurate. Half the amount arising from these fourfolds went to the listers.
- People who appealed the “fourfolding” were required to take an oath that they were telling the truth. Further appeals could be made to the selectmen and another oath would be required.
- A parent or guardian of a minor in military service was granted a deduction of \$20 with an additional deduction of \$13.50 if he was in the cavalry. But no deduction would be allowed until it was proved that the equipment and horse actually belonged to the parent or guardian and not just borrowed for the purpose of satisfying the listers’ inspection.
- In 1819 reappraisals were required every three years.
- A separate assessment of a dwelling and two acres began in the early 1800s – the forerunner of our “housesite.”

- The grand list was very complex in the early 1800s. Each category carried a different percentage until 1841, when all categories were listed at 1%.
- Since a person’s wealth was determined by what he owned, all property owned outside a township was also included in the listing of the township.
- If a town didn’t submit a grand list to the state at the appropriate time, the state could “doom” the town and then assess it for any amount it chose.
- In 1801, all persons were commanded to tell the listers the total number of sheep shorn each year.
- Because the state didn’t know how to tax intangible assets, listers had unlimited power to assess at what they believed to be the actual value. The state gave this power to the listers to correct deficiencies in the listing laws.
- After 1825, appraisals were every five years; in 1872, appraisals were required every four years.
- Stock held in banks by taxpayers was reported to the listers by the bank cashiers. If not reported, the cashier was fined.

For more than two hundred years, many patches and band aids have been applied to listing laws due to general dissatisfaction. Some things never change!

THE LOCAL GOVERNMENT QUILT CALENDAR

VLCT is justifiably proud of the Local Government Quilt Project that began in 2005. The project so far is two quilts: one made up of 47 handcrafted squares from municipalities across the state plus a VLCT square; and, a second one, new this year, consisting of 12 blocks, with three more waiting in the wings. (The goal is to have one block for each town in the state. You can find more information about the project at www.vlct.org/aboutvlct/townfairquilt-project/ and see the squares that we already have.) Now we’ve turned the images from each quilt into a stunning Vermont calendar for 2010.

VLCT will accept pre-orders from members at our website bookstore until Tuesday, December 8 for delivery by Christmas (we hope!). The \$16.00 pre-order price includes delivery by the USPS. After December 10, the calendar will be available direct from Lu-Lu.com for \$17.00 each, plus shipping. Watch the VLCT website for more information.

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Calendar

For more information about the following workshops or events, please contact Jessica Hill, Manager, VLCT Administrative Services, tel. (800) 649-7915; email jhill@vlct.org. Or visit www.vlct.org's Events Calendar and select a workshop for more information or to register online. For non-VLCT events listed below, please contact the individuals directly. (The online registration option is available for VLCT workshops and events only.)

Rescheduled! Basic Governmental Accounting. Sponsored by the VLCT Municipal Assistance Center. This workshop, originally scheduled for November 17 and 19, has been rescheduled for May 4 and 6, 2010.

Delinquent Tax Collection. Tuesday, December 1, Hartford Town Offices, and Thursday, December 3, Milton Town Offices. Sponsored by the VLCT Municipal Assistance Center. This workshop will examine the legal and practical requirements

of collecting delinquent property taxes in Vermont by providing an overview of delinquent tax collection methods, examining the tax sale process in depth, and discussing the steps to take when a delinquent taxpayer files for bankruptcy.

2010 Legislative Preview. Tuesday, December 1, South Burlington City Offices, Wednesday, December 2, St. Johnsbury Town Offices, or Tuesday, December 8, Windsor Town Offices. Sponsored by VLCT Public Policy and Advocacy Services. Meet with VLCT legislative staff members to discuss the upcoming session.

The Essentials of Payroll Management. Tuesday, December 8, Hartford Town Offices, and Thursday, December 10, Milton Town Offices. Sponsored by the VLCT Municipal Assistance Center. Paying your employees can be one of the most difficult tasks that finance officials encounter. This workshop will focus on issues and legal requirements related to paying employees as

well as examining resources available from federal agencies and the State of Vermont. Municipal staff responsible for payroll administration, including treasurers, municipal managers and administrators, and finance officials, will benefit from attending this workshop.

Variations on a Theme: Guiding Development Through Planned Unit Development Bylaws. Thursday, December 10, Vermont Interactive Television. Sponsored by the VLCT Municipal Assistance Center and Vermont's Regional Planning Commissions. This workshop is designed for all local officials involved in land use planning and regulation. All are welcome, though it is particularly relevant for planning commissioners, planners, zoning administrators, development review board members, selectboard members, town managers and administrators, conservation commissioners, and other interested parties.