

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 447 entitled “An act relating to approval of amendments to the charter
4 of the Town of Springfield” respectfully reports that it has considered the
5 same and recommends that the bill be amended in by striking out Sec. 2,
6 24 App. V.S.A. chapter 149 (Town of Springfield) in its entirety and inserting
7 in lieu thereof a new Sec. 2 and Sec. 3 to read as follows:

8 Sec. 2. 24 App. V.S.A. chapter 149 is amended to read:

9 CHAPTER 149. TOWN OF SPRINGFIELD

10 * * *

11 § 2. APPLICATION OF GENERAL LAW; PROPOSED CHARTER

12 (a) Purpose. This document is drafted to ~~supersede~~ update and replace the
13 existing charter.

14 (b) Application of general laws.

15 * * *

16 (2) In the event of any conflict or contradiction, either direct or implied,
17 between the powers conferred ~~herein~~ in this charter and State statute, this
18 charter shall prevail.

19 § 3. POWERS OF THE TOWN

20 (a) The Town of ~~Springfield~~ shall have all the powers and functions
21 conferred upon ~~towns and villages~~ municipalities by the Constitution and

1 general laws of the State, ~~and shall also have~~ all implied powers necessary to
2 implement ~~such~~ those powers and functions, and any additional powers
3 conferred by this charter that are consistent with the Constitution. All powers
4 and functions conferred or implied by the charter shall be in addition to the
5 powers and functions conferred upon the Town by laws now in force or
6 ~~hereinafter~~ later enacted.

7 (b) Without limiting any of the express or implied powers granted by this
8 charter, the Town shall have the following additional specific authorities:

9 (1) To adopt and enforce ordinances relating to the cleaning and repair
10 of any premises when in a condition that:

11 (A) impairs the general appearance of the Town;

12 (B) is injurious to other property in the vicinity; or

13 (C) is a health hazard.

14 (2) To control the removal of rubbish, waste, and objectionable material
15 of any premises subject to subdivision (1) of this subsection.

16 (c) Nothing in this charter shall be construed as a limitation of ~~such~~ the
17 powers and functions incident to public and municipal corporations.

18 * * *

19 § 5. ORDINANCES

1 (a) Town legislation. Town legislation shall be by ordinance. Ordinances
2 and rules ~~promulgated~~ adopted pursuant ~~thereto~~ to ordinances shall have the
3 full force of law embodied in this charter.

4 (b) Legislative body.

5 * * *

6 (2) Town ~~meeting~~ meetings, annual or special, as constituted ~~herein in~~
7 this section, in addition to ~~its~~ their other functions, shall also serve as a
8 legislative body and may adopt, amend, or repeal an ordinance.

9 * * *

10 (B) The entire text or an explanation of the nature and purpose of
11 ordinances subject to Town meeting action must be posted on the Town's
12 website and published in a newspaper or newspapers of general circulation as
13 may be directed or designated by the Selectboard, at least 30 days before the
14 meeting.

15 (C) Any ordinance to be considered by Town meeting shall be
16 reviewed by the Town Attorney or other counsel engaged by the Selectboard
17 prior to the official warning. ~~Said~~ The Attorney shall be charged with the duty
18 to correct ~~such~~ the ordinance to avoid repetition, illegal, or unconstitutional
19 provisions, and to ensure accuracy in the text and reference, along with clear
20 and precise phraseology. The ordinance shall not be changed in its meaning
21 and effect.

1 (2) Reporting out.

2 (A) ~~The~~ If the Selectboard appoints an ordinance committee, the
3 ordinance ~~subcommittee~~ committee shall review ~~the~~ any ordinance for form
4 submitted to them by the Selectboard and report ~~it~~ out to the ~~Board of~~
5 ~~Selectmen~~ Selectboard for first review within 90 days following submission.

6 (B) Ordinances reported out for first review must be reviewed
7 beforehand by the Town Attorney or other counsel engaged by the
8 Selectboard, and signed by ~~him/her signifying proper legal form and~~
9 ~~constitutionality~~ the Town Attorney or other counsel.

10 * * *

11 (3) Introduction and first review.

12 (A) The proposed ordinance ~~or action~~, amendment, or repeal shall be
13 introduced at a ~~Board of Selectmen~~ Selectboard meeting by the ordinance
14 ~~subcommittee~~ committee.

15 (B) During first review, the proposed ordinance ~~or action~~,
16 amendment, or repeal may be amended.

17 (C) ~~A final draft~~ The proposed ordinance including any amendments
18 must be accepted or rejected at the completion of first review.

19 (D) Upon completion of first review, a date for second review and
20 public hearing shall be fixed within ~~no~~ not less than 14, ~~but not~~ nor more than
21 ~~28~~ 40 days from first review.

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(C) ~~At~~ A public hearing shall be held at the time and place specified in the notice, ~~a public hearing shall be held.~~

(5) Amendment during second review. Should the Selectboard decide after the public hearing to substantively amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in ~~no~~ not less than 14, ~~but no~~ nor more than ~~28~~ 40 days and all notice requirements to be met in ~~subsection 4 above~~ subdivision (4) of this subsection.

(6) Final action.

* * *

(B) Failure to act ~~in 14~~ within 40 days following the final review shall constitute a rejection.

* * *

(e) Minor amendments. ~~An action classed~~ Any proposed change to an existing ordinance that is classified by Selectboard vote as to constitute a minor amendment, ~~pursuant to subsection (e) of this section,~~ may be adopted by the Selectboard after the completion of the first review.

(f) Emergency ordinances.

(1) ~~To meet a public emergency affecting life, health, property, or the public peace~~ Following a declaration of public emergency pursuant to section

1 10 of this charter, the Selectboard may adopt one or more emergency
2 ordinances.

3 * * *

4 (4) An emergency ordinance must be clearly titled as such, and contain a
5 clear declaration of the emergency, describing it in specific terms.

6 (5) An emergency ordinance may be adopted ~~or rejected, with or~~
7 ~~without amendment, at the meeting at which it is introduced, but an affirmative~~
8 ~~vote of four Selectboard members is required for adoption, amended, or~~
9 repealed upon a two-thirds vote, with at least three affirmative votes.

10 * * *

11 (7) Any emergency ordinance shall automatically stand repealed on the
12 61st day following ~~adoption; this shall not prevent reenactment of the~~
13 ~~ordinance if the emergency still exists~~ its effective date.

14 (8) In order for actions taken under an emergency ordinance to be
15 binding beyond the time period of the emergency as determined by the
16 Selectboard, the ordinance must be ratified in a manner similar to other
17 ordinances; this shall not prevent reenactment of the ordinance if the
18 Selectboard determines that the emergency still exists.

19 (9) An emergency ordinance may also be repealed ~~by the adoption of a~~
20 ~~repealing ordinance~~ in the manner specified in this section for emergency
21 ordinance.

1 available in printed form for sale to the public at reasonable prices set by the
2 Selectboard.

3 (C) All ~~printed~~ ordinances, codes, resolutions, and charter
4 amendments should follow a uniform format or style ~~established by the initial~~
5 ~~codification following this charter adoption.~~

6 (3) Codification.

7 (A) ~~Within one year after the adoption of this charter, and at At least~~
8 every ~~five~~ 10 years ~~thereafter~~, the Selectboard shall provide for the uniform
9 codification of all ordinances, zoning bylaws, subdivision bylaws, and
10 resolutions ~~having the force of law.~~

11 (B) When completed, the updated codification ~~will be adopted by the~~
12 ~~Selectboard by ordinance,~~ shall be published in a form convenient for general
13 use and shall be incorporated into the Town code.

14 (j) Penalties.

15 * * *

16 (2) The Town may take actions necessary to prosecute any person who
17 violates ordinances passed under this charter. ~~Said~~ The prosecution may be
18 through the courts ~~or the Town Grand Juror as may be established under this~~
19 ~~charter.~~

1 ~~(f) Any contract, sale, or action taken in violation of this section shall be~~
2 ~~voidable by the Board of Selectmen.~~

3 ~~(g) Officers of the Town may buy; sell goods and services from; to the~~
4 ~~Town subject to the restrictions above, provided said procurement is done~~
5 ~~competitively in accordance with the procurement ordinance.~~

6 ~~(h) The Board of Selectmen may require public disclosure of assets or~~
7 ~~financial interest, in a form they may prescribe, of any elected or appointed~~
8 ~~official as part of an investigation into matters of conflict of interest, or for the~~
9 ~~purposes of general investigation. Failure to disclose or incomplete or falsified~~
10 ~~disclosure may be cause for removal as provided under subdivision~~
11 ~~23(b)(8)(B) of this charter.~~

12 ~~(i) No officer shall devote any Town property or labor to private use,~~
13 ~~except as may be provided by law or ordinance.~~

14 The Selectboard shall adopt and maintain a conflict of interest policy.

15 § 8. LICENSES; FEES; CHARGES; USER FEES; FEES FOR SERVICE

16 (a) The Selectboard shall have the sole authority for the setting of all fees,
17 charges, user fees, or fees for services, related to Town government, except
18 those prescribed by State statute relating to the Office of the Town Clerk or
19 otherwise provided for in this charter. ~~All fees and charges set by the~~
20 ~~Selectboard shall be reasonably related to actual costs.~~

1 (b) ~~The Board of Selectmen shall have the authority to license or issue~~
2 ~~permits for any function or activity taking place or occurring within the~~
3 ~~boundaries of the Town over which jurisdiction is established by statute,~~
4 ~~ordinance or this charter. [Repealed.]~~

5 (c) ~~All licenses required by the Town shall be authorized by passage and/r~~
6 ~~amendment of a license ordinance. [Repealed.]~~

7 (d) ~~All fees, charges, user fees, or fees for service shall be implemented by~~
8 ~~passage of a comprehensive fee ordinance which shall be placed on the Board~~
9 ~~of Selectmen agenda for review and/or update, every three years from its date~~
10 ~~of passage. [Repealed.]~~

11 (e) No officer of the Town shall collect fees or monetary prerequisites for
12 ~~his or her~~ the Town officer's own use, and all fees or charges shall be accrued
13 to the ~~General Fund~~ Town funds.

14 § 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

15 (a) The Selectboard shall pass ~~an ordinance~~ a policy governing the
16 acquisition or disposition of Town property, which shall outline procedures for
17 the handling of ~~such~~ these matters.

18 (b) The Selectboard may acquire or dispose of real property in accordance
19 with ~~such ordinance~~ policy.

1 § 10. EMERGENCY POWERS

2 (a) Declaration of public emergency. The Selectboard may, upon ~~majority a~~
3 two-thirds vote with at least three members present, declare a state of public
4 emergency ~~which that~~ that threatens life, property, or the public health or welfare.

5 (b) Condemnation, eminent domain. In the event of a declared public
6 emergency ~~which that~~ that threatens life, property, the public health or welfare,
7 duly declared by ~~unanimous~~ Selectboard ~~duly warned~~ meeting warned in
8 accordance with State statute, the Selectboard, by a minimum of three
9 affirmative votes and not more than one dissenting vote, may exercise powers
10 of eminent domain and condemnation and take real property or personal
11 property, after notice to the owner and the fixing of fair compensation. An
12 aggrieved party may appeal to Superior Court.

13 (c) Civil preparedness. The Town Manager shall be the designated civil
14 preparedness Chair and shall be duty bound to exercise the powers afforded by
15 statute and any powers and functions outlined by the Selectboard in a declared
16 emergency. On an annual basis, the Selectboard shall adopt an emergency
17 preparedness plan that shall go into effect upon declaration of a public
18 emergency.

19 § 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

20 (a) The procedures and process for charter amendment ~~herein~~ in subsection
21 (b) of this section may be initiated either by a ~~unanimous~~ vote of four members

1 of the Selectboard or by a citizen initiative (petition) equal to of at least five
2 percent of the voters registered at the time that the petition is submitted.

3 (b) The procedure for charter ~~revision~~ amendment shall be as follows:

4 (1) The Selectboard shall appoint a Charter Review Committee of not
5 less than ~~ten (10)~~ 11 members, which shall include two representatives from
6 the Selectboard; and two representatives from the administration, and the
7 ~~community at large~~ one of which must be the Town Clerk, with the majority
8 from the community at large.

9 * * *

10 (3) The Selectboard shall determine if the proposed amendments are a
11 comprehensive revision and shall determine the format of the article. All
12 provisions of 17 V.S.A. § 2645 that are not in conflict with this charter shall be
13 adhered to.

14 (4) Any changes in the charter must be effected by a Town meeting vote
15 ~~with at least 25 of voters participating.~~

16 (c) In addition to the procedure set forth above in subsections (a) and (b) of
17 this section, the charter may be revised or amended by the submission of a
18 citizen initiative (petition) specifying the amendments or revisions desired and
19 signed by 10 percent of the registered voters. The petition and subsequent
20 action shall conform to the requirements of State statutes relating to charter
21 amendment procedures, ~~shall be subject to the determination of the Board of~~

1 ~~Selectmen as to whether or not they are comprehensive in nature,~~ and shall be
2 approved by ~~a~~ an annual Town meeting vote with at least ~~25~~ 15 percent of
3 voters participating. If a proposed amendment or revision under this
4 subsection is voted down at the annual Town meeting, it or a substantially
5 similar amendment may not be petitioned again for a period of three years.

6 (d) Any changes in the Town charter shall become effective immediately
7 upon passage by the registered voters and approval by the ~~Legislature~~ General
8 Assembly as prescribed by statute.

9 (e) ~~Charter amendment revote shall be subject to the limits prescribed in~~
10 ~~section 22(b)(7) of this charter~~ A comprehensive revision of this charter, as
11 determined by the Selectboard, may be voted only once in three years.

12 * * *

13 § 13. USE OF STREETS BY PUBLIC UTILITIES AND PRIVATE
14 INTERESTS

15 Every non-Springfield municipal public utility ~~and~~ or private interest that
16 desires to ~~dig up~~ excavate in a public street or alley ~~for the purpose of laying~~
17 ~~pipes or wires~~ right-of-way shall first obtain from the Selectboard Town
18 Manager or designee a written permit stating the place where and the time
19 when ~~digging~~ excavation and repair may be done. Upon receipt of a permit,
20 the ~~digging up and replacing of the street or alley~~ excavation and repair shall
21 be done under the supervision of the Selectboard; ~~they may complete the work~~

1 at the expense of the utility or private interest and recover that expense in an
2 action of tort under 19 V.S.A. § 1525, in the name of the Town, with costs
3 Town Manager or designee.

4 § 14. ~~SEPARABILITY~~ SEVERABILITY

5 The sections of this charter and the parts thereof are ~~separable~~ severable. If
6 any portion of this charter, or application thereof to any person or
7 circumstance, shall be held invalid, the remainder thereof or the application of
8 such invalid portions to other persons or circumstances shall not be affected
9 thereby.

10 Subchapter 2. Elections and Local Officials

11 § 21. ~~FORM OF GOVERNMENT~~ GOVERNMENTAL AUTHORITY

12 All governmental authority of the Town of ~~Springfield~~ rests ultimately with
13 the citizens and registered voters of the Town, who shall exercise their power
14 by Australian ballot at the annual Town meeting in determining:

15 * * *

16 (5) Any articles placed on the warning ~~which~~ that involve the
17 expenditure of tax dollars or ~~in the provision of direction in the exercise of~~
18 directing the power vested in elected or appointed officials;

19 (6) Adoption, amendment, or repeal of ordinances provided by petition
20 per section 5 of this charter; and

21 (7) charter amendments.

1 § 22. TOWN MEETING; ELECTIONS

2 (a) ~~Applicability of general laws: Except as otherwise herein limited,~~
3 ~~provisions of the general laws of the State related to voter qualifications,~~
4 ~~warnings, methods of voting, duties of Town officers at Town meeting and~~
5 ~~elections, counting of votes, recount of votes, certification of results, and~~
6 ~~nominations of candidates, so far as they may be applicable, shall govern all~~
7 ~~municipal elections and all annual and special Town meetings. [Repealed.]~~

8 (b) Meetings and Elections.

9 (1) Annual Town meeting.

10 (A) On the Monday preceding the first Tuesday in March, beginning
11 at ~~7:30~~ 7:00 p.m. at a place designated by the Selectboard, the Town shall start
12 its annual meeting and may transact at that time any business not involving
13 Australian ballot. At this meeting, public discussion of ballot ~~issues~~ questions
14 and all other issues appearing on the warning, other than the election of
15 candidates, shall be permitted.

16 * * *

17 (C) The date of the annual Town meeting may be changed by a vote
18 of the citizens at a an annual or a special Town meeting duly warned for that
19 purpose.

20 * * *

21 (3) Warnings.

1 Town meeting called on their action, or by petition, provided that the warning
2 for such meeting specifies the question to be voted.

3 (B) ~~Any article~~ All articles to be voted by Australian ballot shall be
4 preceded by a public informational hearing. The warning of the vote shall
5 include the notice of the public informational hearing and set forth the time and
6 place of ~~said~~ the public informational hearing.

7 (5) Presiding officials at Town meeting and elections.

8 * * *

9 (E) While the polls are open, the Town Clerk shall rule on all
10 questions covering the conduct of Australian ballot elections, except the
11 resolution of questions concerning the checklist ~~which~~ that shall be made by
12 the majority of the Board of Civil Authority members present.

13 (F) In the absence ~~or disability~~ of the Town Clerk, should it occur
14 before an election, the Board of Civil Authority shall, upon notice,
15 immediately meet and designate an Acting Clerk for the duration of the
16 election. Should ~~such~~ the absence or disability occur on election day, the
17 Board of Civil Authority members present at the election shall designate an ~~on-~~
18 ~~site temporary officer~~ Acting Clerk to preside for the duration of the election.

19 (6) Postponing or continuing of Town meetings.

20 (A) The Selectboard may postpone ~~the~~ a special Town meeting vote
21 ~~on any question to be voted at a special meeting~~ to the ~~later~~ annual Town

1 meeting if the date of the special Town meeting ~~would~~ will fall within 75 days
2 ~~prior to~~ of the annual Town meeting.

3 (B) If a special Town meeting called by petition falls within 45 days
4 of a ~~later~~ subsequent special or annual Town meeting called by petition, the
5 Selectboard may warn the questions to be voted at such Town meeting for the
6 later Town meeting and may by resolution rescind the call of the earlier
7 meeting.

8 (7) Citizen initiatives; revote; ~~recession~~ rescission of articles other than
9 election of officers.

10 (A) Any question voted at an annual or special Town meeting, except
11 ~~charter revision or amendment~~ the adoption, amendment, or repeal of
12 ordinances or of the charter and the recall of elected officials, may be
13 submitted for revote or ~~recession~~ rescission at a subsequent annual or special
14 Town meeting, subject to the limits contained herein.

15 (B) Requests for revote or ~~recession~~ rescission must be by resolution
16 of at least four members of the Selectboard or by a petition filed with the
17 Town Clerk and signed by at least five percent of the voters registered on the
18 date of the action.

19 (C) Any ~~action~~ request for revote or ~~recession~~ rescission must be taken
20 or filed within 30 days ~~of~~ following the date the ~~action~~ question was first
21 considered.

1 revoted at a special Town meeting within ~~the timetable prescribed by charter~~
2 60 days.

3 (B) ~~Recount~~ Recounts other than tie votes may be requested in
4 accordance with State statute.

5 (9) Nonproductive elections. In the event that a legal election fails to
6 produce a person to fill any elected Town office, the Selectboard shall, within
7 30 days ~~of following~~ the election, appoint a ~~qualified individual~~ registered
8 voter to serve in the position until the next annual Town meeting at which an
9 election will occur for the term of office or remaining balance of the unexpired
10 term, whichever is applicable.

11 * * *

12 § 23. LOCAL ELECTED OFFICIALS

13 (a) Local elective offices to be filled by the registered voters of the Town
14 ~~of Springfield~~ shall be only those articulated by this charter and shall include:

15 * * *

16 (2) ~~Listers;~~ [Repealed.]

17 * * *

18 (4) ~~First Constable~~ Library Trustees;

19 * * *

20 (b) Provisions related generally to all elected local offices.

21 (1) Term.

1 (A) Terms for elective offices shall begin officially ~~at the point which~~
2 when the Town Clerk and Board of Civil Authority certify election returns as
3 final.

4 (B) In the event of a recount, or unresolved irregularities in election
5 returns, should ~~emergency~~ action be required, it shall be taken by the ~~elective~~
6 officials sitting at the time of the election.

7 (2) Oath of office.

8 (A) ~~Before taking any official action, an~~ An elected official shall take
9 the oath of office prescribed by statute, if applicable, prior to taking any
10 official action.

11 * * *

12 (4) Recall of elected officials.

13 * * *

14 (B) If the Town votes for removal of an elected officer, the office
15 shall thereupon become vacant, and the Selectboard shall call a special
16 meeting, to be held within 45 days ~~of~~ following the vote for removal, to fill the
17 vacancy ~~until the term of the officer so removed expires~~ for the remainder of
18 the unexpired term. The office shall remain vacant until the next annual Town
19 meeting if ~~such~~ the special Town meeting would fall within 75 calendar days
20 prior to the annual Town meeting.

1 (i) Organizational meeting.

2 (I) Within seven days after the annual Town meeting, the
3 Selectboard, ~~duly certified~~, shall meet for the purpose of taking the oath of
4 office, organizing, electing a ~~Chair~~ chair and ~~Vice-Chair~~ vice chair, and the
5 ~~adoption of~~ adopting rules for the transaction of business.

6 (II) The Town Clerk or designee shall preside at the
7 organizational meeting of the Selectboard prior to the election of the Board
8 Chair.

9 * * *

10 (ii) Regular meetings.

11 * * *

12 (II) ~~The time and place of regular Selectboard meetings shall be~~
13 ~~publicly announced to the media.~~ [Repealed.]

14 (iii) Agenda.

15 (I) ~~The Chair or Vice Chair shall, with the Town Manager,~~
16 ~~prepare a written agenda for each regular meeting of the Selectboard.~~
17 [Repealed.]

18 (II) Any Selectboard member, citizen in attendance, or the
19 Manager may request at the start of the meeting that items be added to the
20 agenda, ~~provided all Selectboard members present so vote to add the item.~~
21 Items may be added to the agenda subject to Selectboard approval.

1 (iv) Quorums; votes.

2 * * *

3 (III) No action of the Board shall be valid or binding unless
4 acted upon by ~~the affirmative vote of three or more members of the board a~~
5 majority of the members present unless otherwise provided for by this charter.

6 (v) ~~Clerk; minutes~~ Minutes.

7 (I) The Town Clerk or the Selectboard's designee shall be the
8 official Clerk of the ~~Board~~ Selectboard and shall be responsible for minutes in
9 a form prescribed by ~~the Board~~ Vermont's Open Meeting Law.

10 (II) ~~The Selectboard may employ a stenographer to assist the~~
11 ~~Town Clerk in the discharge of duties related to minutes.~~ [Repealed.]

12 (vi) Special meetings and workshops.

13 ~~(I)~~ Special meetings may be called at any time by the Chair, or
14 the Vice Chair in the absence of the Chair, or by written request, signed by
15 three Board members.

16 ~~(II) Notice of a special meeting shall be served, in a reasonable~~
17 ~~manner, on all members of the Selectboard.~~

18 ~~(III) Notice of the special meeting shall be released to the local~~
19 ~~news media.~~

20 ~~(IV) Whenever practical, an agenda shall be issued at a special~~
21 ~~meeting, with additions to be handled in the same manner as regular meetings.~~

1 ~~(V) If an emergency meeting of the Selectboard is required, on~~
2 ~~very short notice, every possible effort shall be made to notify the media.~~

3 ~~(vii) Public meetings; citizen input; executive Executive session.~~

4 ~~(I) All meetings of the Selectboard shall be open to the public~~
5 ~~and shall comply with all the pertinent provisions of this charter.~~

6 ~~(II) Allowances should be made informally or on the agenda~~
7 ~~for citizen comment unless it interferes with regular business.~~

8 ~~(III) The Board Selectboard may, upon a vote of four (4)~~
9 ~~members hold an executive session to discuss any action in accordance with~~
10 ~~the provisions of section 6 of this charter Vermont's Open Meeting Law.~~

11 ~~(viii) Correction of irregularities. Any irregularities or defects in~~
12 ~~the notice of or conduct of any meeting of the Selectboard may be cured at any~~
13 ~~subsequent regular meeting, provided that such resolution is included on the~~
14 ~~agenda of a regular or special meeting and is adopted by a majority of the~~
15 ~~Board. [Repealed.]~~

16 ~~(ix) Vacancies. A vacancy on the Selectboard shall may be filled~~
17 ~~by a majority vote of the ~~remaining Board~~ Selectboard, ~~said the~~ appointment to~~
18 ~~run until the next annual Town meeting at which an election ~~can~~ shall be~~
19 ~~warned to fill the any unexpired term.~~

20 ~~(2) Listers.~~

1 ~~(C) The Constable shall be in attendance at all Town meetings~~
2 ~~thereby serving as a Sergeant at Arms to assist the Moderator as necessary in~~
3 ~~the maintenance of order.~~

4 ~~(D) The constables shall have powers of service equal to a deputy~~
5 ~~sheriff under Vermont Statutes.~~

6 ~~(E) The Constable may exercise the law enforcement duties vested in~~
7 ~~the position only upon completion of certifiable training and being subject to~~
8 ~~the supervision of the Chief of Police.~~

9 ~~(F) A vacancy in the Office of Constable shall be filled by a majority~~
10 ~~vote of the Selectboard.~~

11 (A) The Library Board of Trustees shall consist of seven members to
12 be elected at large.

13 (B) Library Trustees shall serve staggered terms of three years.

14 (C) Should a vacancy occur in the Office of Library Trustee, it may
15 be filled by a majority vote of the Selectboard, the appointment to run until the
16 next annual Town meeting at which an election shall be warned to fill any
17 unexpired term.

18 (5) Cemetery ~~commissioners~~ Commissioners.

19 (A) There shall be elected five Cemetery ~~commissioners~~ Commissioners ~~for a term of~~
20 ~~five years on a rotating basis~~ each to serve staggered five-year
21 terms.

1 preservation of principal. In service of this goal, they shall file with the
2 Selectboard an annual plan outlining the program of investments for the year.

3 * * *

4 (F) ~~Vacancies on the trustees~~ Should a vacancy occur in the office of
5 trustee of public funds, shall it may be filled by a majority vote of the
6 Selectboard, ~~said the~~ appointment to run until the next annual Town meeting at
7 which an election ~~can~~ shall be warned to fill the unexpired term.

8 § 24. APPOINTED NONADMINISTRATIVE OFFICIALS

9 (a) General provisions applying to all appointed positions.

10 * * *

11 (3) All appointees shall be administered the oath of office in the form as
12 provided for by statute, if applicable.

13 * * *

14 (5) ~~For the purposes of the administrative code, within one year after the~~
15 ~~adoption of this charter, all appointees, positions, boards, and commissions~~
16 ~~shall be required to submit a proposed ordinance to the Selectboard outlining~~
17 ~~duties and responsibilities, which the Selectboard shall amend and adopt.~~

18 [Repealed.]

19 * * *

20 (7) Although operating independently, all appointive boards and
21 commissions shall be required to cooperate with the Selectboard in the exercise

1 of their duties in the pursuit of the public good. They shall be required to file
2 an annual report for inclusion in the Town report, and also to file any other
3 reports requested by the Selectboard, and ~~be in attendance at~~ attend any
4 meeting so requested by the Selectboard.

5 (8) If an appointed official misses three consecutive ~~regular~~ regularly
6 scheduled meetings of the appointed body ~~for reasons other than health or~~
7 ~~personal emergency, that office may be declared immediately vacant by the~~
8 Selectboard, the chair of that board or commission shall report to the
9 Selectboard, who may then declare that position vacant. The official shall be
10 ~~entitled to a hearing before the Board prior to a final determination.~~

11 * * *

12 (10) ~~Members of the administrative service~~ Town employees may serve
13 in appointive positions as limited by charter, but may not vote on any issue
14 directly affecting their position or conditions of employment.

15 (b) Appointed positions.

16 (1) The functions of the following positions are ~~created by this charter,~~
17 ~~their functions to be~~ governed by the applicable State statute, as limited by
18 charter or ordinance:

19 (A) ~~Weigher of Coal;~~ [Repealed.]

20 (B) ~~Fence viewers;~~ [Repealed.]

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(3) Any body created under this ~~section~~ subsection shall not have an effective life of more than three years. At the end of that period, the mandate creating the committee shall terminate and the Selectboard shall be required to review the reason for the body's existence and may act to reconstitute the body.

Subchapter 3. The Administrative Service

§ 31. THE TOWN MANAGER

* * *

(b) Qualifications. The Town Manager shall be appointed solely on the basis of ~~his or her~~ the person's executive and administrative skills, based on education, training, and experience relative to the duties of the Town Manager, and without reference to political belief or personal relationships.

(c) Term of appointment. The Manager may be appointed for ~~an indefinite~~ a term of not less than two years and not more than five years and may be removed at the pleasure of the Selectboard.

(d) Residency. The person appointed as Town Manager ~~need not be a resident of the Town or State at the time of appointment, but must assume residence within a period judged reasonable by the Selectboard, but not to exceed six months~~ must become a resident of Vermont within six months of appointment and may be required to become a resident of the Town within a

1 period of time judged reasonable by the Selectboard at the time of
2 appointment.

3 (e) ~~Conditions~~ Terms and conditions of employment; compensation. The
4 conditions of employment and compensation shall be a matter to be determined
5 at the time of appointment, and annually thereafter by the Selectboard ~~on the~~
6 ~~Manager's anniversary date~~ on a date convenient for the annual budgeting
7 process, after negotiations that may be held in executive session between the
8 Town Manager (candidate) and the Selectboard.

9 (f) Town Manager; evaluation. Before the Selectboard determines the
10 subsequent annual compensation of the Manager, the Board and Town
11 Manager shall be required to hold an evaluation session in executive session, at
12 which the Town Manager shall present management goals for the coming year
13 based on townwide goals articulated by the Selectboard, and shall be evaluated
14 by the Selectboard regarding performance in relation to such goals set out for
15 the previous year, and the Selectboard may also employ commonly used
16 evaluation practices in the town management profession.

17 (g) Oath and bond. Before entering into the duties of office, the Town
18 Manager shall be sworn to the impartial and faithful performance thereof, with
19 a certificate to that effect to be filed with the Town Clerk. The Town Manager
20 shall execute a bond in favor of the Town for the faithful performance of ~~his or~~
21 ~~her~~ the Town Manager's duties in a sum determined by the Selectboard, or

1 shall purchase comparable insurance coverage. The premium for said surety
2 shall be paid by the Town.

3 (h) Town Manager nonrenewal or removal. The Town ~~Manager~~ Manager's
4 term of employment may be not renewed without explanation or reason. The
5 Town Manager may be removed at the discretion of for cause by the
6 Selectboard, with ~~no~~ written reasons presented to the Town Manager and an
7 opportunity for a public hearing before the Selectboard with not less than four
8 affirmative votes, after the following procedure is followed:

9 (1) The ~~Board~~ Selectboard shall draft, in executive session, a resolution
10 stating its intent to remove the Town Manager. ~~Said~~ The resolution must state
11 the reasons for removal and must be served upon the Town Manager
12 personally, not more than five days from the date of drafting.

13 (2) ~~Within five working days from the date of service of the resolution,~~
14 ~~the Manager must file with the Selectboard a written request for a public~~
15 ~~hearing. Failure to file said notice shall constitute waiver of the right to a~~
16 ~~hearing.~~

17 (3) ~~No less than 15 days but no more than 45 days from the deadline~~
18 ~~prescribed in subdivision (2) of this subsection, the Selectboard shall schedule~~
19 ~~a meeting or public hearing for the purpose of considering the resolution.~~

20 (4) ~~Final action on the resolution shall be taken within five days of the~~
21 ~~hearing in subdivision (3) of this subsection.~~

1 ~~(5) During the period in which the above proceedings transpire, the~~
2 ~~Manager shall be on administrative leave and accrue full salary until official~~
3 ~~date of action on the resolution.~~

4 ~~(6) Action by the Selectboard in the removal of a Town Manager shall~~
5 ~~be final.~~

6 ~~(7) In the event of the removal of a Manager for reasons other than poor~~
7 ~~performance or wrongful conduct, the Selectboard may negotiate severance~~
8 ~~pay to the maximum of six months.~~

9 (i) Acting Town Manager; vacancy in the office.

10 (1) In the event that the Town Manager shall be absent from the Town
11 for a period exceeding two consecutive weeks, ~~he or she~~ the Town Manager
12 shall designate an acting Town Manager, subject to the advice and consent of
13 the Selectboard, who shall exercise the duties of Town Manager. ~~The Manager~~
14 ~~may overrule the actions of the Acting Manager.~~

15 (2) In the event that illness or injury renders a Town Manager unable to
16 discharge ~~his or her~~ the Town Manager's duties for a period exceeding two
17 consecutive weeks, or in the event that the Town Manager is suspended or
18 placed on administrative leave, the Selectboard shall declare a vacancy in the
19 office and appoint an acting Town Manager to serve until such time as the
20 Town Manager is able to assume regular duties or a new Town Manager is
21 selected appointed.

1 (G) To make such reports as the Selectboard may require, or the
2 Manager deems appropriate, or may be required by law ~~or ordinance~~ regarding
3 any and all functions under ~~his or her~~ the Town Manager's supervision.

4 (H) To keep full and complete records of the actions of the Town
5 Manager's office.

6 (I) To be present at all regular Selectboard meetings unless excused
7 by the Board and to have the right to attend and ~~take part~~ participate in all
8 special meetings of the Selectboard and subcommittees ~~thereof~~, except when
9 the removal of the Town Manager is being discussed. ~~Nothing herein shall~~
10 ~~deny the Manager any rights outlined in subsection (h) of this section, Town~~
11 ~~Manager removal.~~

12 (J) To appoint, upon merit ~~and fitness~~ alone, and, when the Town
13 Manager deems necessary for the good of the ~~service~~ Town, suspend or
14 remove any subordinate official, employee, or agent under the Town
15 Manager's supervision as provided for in this charter. Notwithstanding
16 appeals of Town Manager decisions to the Selectboard, the Town Manager
17 shall have the exclusive authority to hold subordinate employees, officers, or
18 agents responsible for the faithful discharge of their duties. All such
19 appointments may be without definite terms unless for provisional, temporary,
20 or emergency service, in which case, terms shall not exceed the maximum
21 periods prescribed by the ~~personnel rules and regulations~~ employee handbook.

1 The Town Manager may authorize the head of a department, or of an office
2 responsible to the Town Manager, to appoint and remove subordinates in ~~such~~
3 the office or department.

4 (K) To ensure the proper and equitable administration of the Town’s
5 ~~personnel system~~ human resources function.

6 (L) To ~~fix the compensation of~~ make recommendations to the
7 Selectboard as to the compensation for Town employees as provided in this
8 charter.

9 (M) To remain ultimately responsible to the Selectboard for all
10 administrative actions under ~~his or her~~ the Town Manager’s jurisdiction
11 ~~although he or she may hold subordinate employees offices or agents~~
12 ~~responsible for the faithful discharge of their duties~~.

13 * * *

14 (O) To examine, or cause to be examined, with or without notice, the
15 affairs of any department under ~~his or her~~ the Town Manager’s control, or the
16 conduct of any officer or employee ~~thereof~~ of a department under the Town
17 Manager’s control. For this purpose, the Town Manager shall have access to
18 all books, papers, files, reports, or records of all departments that may be
19 necessary for the proper performance of ~~his or her~~ the Town Manager’s duties.

20 (P) To ensure the preservation of the public peace, health, and safety
21 of persons and property, ~~and~~ to see to the enforcement of this charter; and

1 ordinances; and to ensure the Town's compliance with State and federal laws
2 as applicable.

3 * * *

4 (R) To have charge and supervision of all Town buildings, properties,
5 and facilities, all repairs thereon, and all construction by the Town ~~unless~~
6 ~~otherwise voted.~~

7 (S) To ~~supervise and~~ expend all special appropriations of the Town
8 as if they were a separate Town department, ~~unless otherwise voted by the~~
9 ~~town or provided in this charter.~~

10 (T) To cause to be collected ~~by the Town Treasurer, or to collect,~~ all
11 taxes due the Town, except as otherwise provided by statute.

12 * * *

13 (V) To perform such other duties consistent with ~~his or her~~ the Town
14 Manager's office as may be required by a vote of the Selectboard, by law,
15 ordinance, or mandate not inconsistent with this charter.

16 (4) Accountability, ~~noninterference,~~ and appointive power. The Town
17 Manager shall be responsible to the Selectboard for the proper and efficient
18 administration of the departments under ~~his or her~~ the Town Manager's charge
19 as outlined ~~above~~ in this charter. Neither the Selectboard, any individual
20 member of the Selectboard, nor any of its committees or committee members
21 shall dictate the appointment or discharge of any Town employee by the Town

1 Manager, or in any manner interfere with ~~his or her~~ the Town Manager's
2 exercising of judgment in the appointment and discharge of employees in the
3 administration.

4 (5) Noninterference with administrative discretion and supervision:

5 Except for the purposes of formal inquiries ~~or~~ investigations, suspensions, and
6 terminations made under this charter, the Selectboard and its members shall
7 deal with the ~~administration~~, Town officers, and employees, who are subject to
8 the Town Manager's direction and supervision, solely through the Town
9 Manager. Neither the Selectboard ~~or~~ nor any of its members shall give orders
10 to, or request any action publicly or privately of any Town employee.

11 Communications for the purposes of information and background shall be
12 considered proper when approved by the Town Manager.

13 § 32. ADMINISTRATIVE DEPARTMENTS

14 (a) ~~Plan of administrative organization. Within one year after the adoption~~
15 ~~of this charter, the Town Manager shall submit to the Selectboard a plan of~~
16 ~~organization for the administration, dividing the administrative service into~~
17 ~~departments and divisions and defining the functions of each. Said plan shall~~
18 ~~be reviewed and acted on within 30 days from submission. [Repealed.]~~

19 (b) Department heads. Each Town department shall have a designated
20 department head appointed by the Town Manager who shall supervise and

1 control the department and employees ~~therein~~ of the department. The Town
2 Manager may, at any time, assume the duties of a department head.

3 * * *

4 (d) Creation, reorganization, consolidation, or abolition of administrative
5 departments. Departments within the ~~administrative service~~ Town
6 administration can only be created, reorganized, consolidated, or abolished by
7 formal action of the Selectboard.

8 § 33. ADMINISTRATIVE CODE

9 (a) ~~Submission and adoption. On a timetable prescribed by the~~
10 ~~Selectboard, but not to exceed two years in length, the Town Manager shall~~
11 ~~assemble an administrative code for review and approval by the Selectboard,~~
12 ~~which shall consist of~~ The administrative code shall include the following:

13 * * *

14 (3) a copy of the Town's ~~personnel rules and regulations~~ employee
15 handbook, classification, and pay plan;

16 (4) a copy of the Town's financial and purchasing and procurement
17 ~~regulations~~ policies;

18 * * *

19 (6) enabling Town legislation, ordinances, and resolutions for all Town
20 ~~boards, commissions, and committees~~ public bodies, accompanying an updated
21 list of all elected and appointed officers;

1 ~~(7) A copy of the plan of administrative organization.~~

2 (b) Distribution and availability.

3 (1) ~~Copies of the~~ The administrative code and its components shall be
4 considered ~~an official document~~ documents to which a person may refer for
5 up-to-date information on the Town.

6 (2) ~~The document shall be placed in the Town Hall and Library for free~~
7 ~~public access and sufficient copies made for sale to citizens at a cost of~~
8 ~~production fixed by the Selectboard~~ A current administrative code shall be
9 made available in the Town Clerk’s office for public access at no charge.

10 ~~(c) Administrative Code update. The Town Clerk shall be responsible for~~
11 ~~the accurate maintenance and update of the administrative code.~~

12 § 34. ADMINISTRATIVE AND POLICY FUNCTIONS PRESCRIBED BY
13 CHARTER

14 (a) Department of Assessment.

15 (1) There shall be a the Department of Assessment ~~to consist of a Chief~~
16 ~~Assessor, the elected listers,~~ as prescribed by charter and State statute, ~~and~~
17 ~~such assistants and support~~ with any staff as may be recommended by the
18 Town Manager and approved by the Selectboard.

19 (2) The ~~Chief Assessor~~ head of the Department of Assessment shall be
20 appointed or removed by the Town Manager with the advice and consent of the
21 Selectboard.

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(4) The Department of Assessment shall have the same powers, discharge the same duties, proceed in the discharge ~~thereof~~ of those duties, and in the same manner be subject to the same liabilities as are prescribed for assessors, ~~listers, or boards of listers~~ under the laws of the State of Vermont, except as ~~herein~~ provided in this section. Tax grievances shall be appealed to the Department of Assessment. Appeals from the Department of Assessment will be to the Board of Civil Authority.

~~(5) The Department of Assessment on January 1 of each year shall proceed to take up such inventories and make such personal examination of the property, both real and personal, which they are required to appraise as will enable them to appraise it at its fair market value.~~

~~(6) The Department shall review, or cause to be reviewed, their appraisals of all real property in the Town which is subject to taxation in accordance with the standards of appraising established by the laws of the State of Vermont, except as herein provided.~~

~~(7)~~ All employees in the Department of Assessment shall be governed by applicable rules and regulations promulgated under this charter.

(b) Town Clerk, ~~Grand Juror~~, Town Treasurer, Town Attorney.

* * *

1 (B) The authority of the ~~Personnel Director~~ Human Resources
2 Manager in relation to all Town department heads shall be prescribed by the
3 Town Manager.

4 (3) ~~Personnel merit system ordinance.~~

5 ~~(A) There shall be adopted, within six months of the passage of this~~
6 ~~charter, a new personnel and merit system ordinance which shall carry the full~~
7 ~~force of law embodied in this charter.~~

8 ~~(B) The personnel ordinance shall enable the enactment of rules and~~
9 ~~regulations which shall include the following provisions:~~

10 ~~(i) a classification and pay plan for all Town employees with~~
11 ~~uniform procedures for reclassification;~~

12 ~~(ii) a system of evaluation for fitness or merit for appointment and~~
13 ~~promotion;~~

14 ~~(iii) a system of discipline and removal for cause or unfitness for~~
15 ~~duty;~~

16 ~~(iv) a system for the reduction in the work force, layoff, and~~
17 ~~recall;~~

18 ~~(v) a system dictating hours of work and attendance policies;~~

19 ~~(vi) allowances for provisional and part time appointments;~~

20 ~~(vii) a program for in-service training and employee development;~~

- 1 ~~(viii) a system for the hearing, processing, and resolution of~~
2 ~~employee grievances;~~
- 3 ~~(ix) provisions for relations with employee organizations and/or~~
4 ~~unions;~~
- 5 ~~(x) a uniform system regulating benefits, sick time, and vacations;~~
- 6 ~~(xi) opportunities for employee input related to safety, the quality~~
7 ~~of the work environment, and increased productivity;~~
- 8 ~~(xii) other practices, procedures, and issues as may be necessary to~~
9 ~~the ongoing administration of the personnel system. [Repealed.]~~

10 (4) ~~Personnel rules and regulations~~ Employee handbook.

11 (A) ~~The Personnel Director~~ Human Resources Manager shall issue
12 and maintain ~~in updated status a set of comprehensive rules and regulations an~~
13 employee handbook governing the ongoing administration of the Town
14 ~~personnel~~ human resources system.

15 (B) ~~The personnel rules shall be adopted and amended by a~~
16 ~~procedure established by the Selectboard and shall carry the full force of law of~~
17 ~~this charter.~~

18 ~~(C) Copies~~ A copy of the ~~personnel rules~~ employee handbook shall
19 be provided to each Town employee.

20 (5) Town charter and collective bargaining agreements.

1 (D) Nothing herein shall limit the right of an employee to express ~~his~~
2 ~~or her~~ the employee's opinion on a matter of public concern, belong to a
3 political party, or exercise ~~his or her~~ the employee's right to vote, ~~except as~~
4 ~~limited in subsection (c) above.~~

5 (E) Nothing ~~herein~~ shall limit the right of employees to participate in
6 the elective process for State and federal offices, except as otherwise stated in
7 this section.

8 (7) Surety bonds. Any Town officer and employee, as required by the
9 Selectboard, shall annually give surety bonds or shall purchase comparable
10 coverage to the satisfaction of the Selectboard for the faithful discharge of ~~his~~
11 ~~or her~~ the officer or employee's duties. In the event any officer or employee
12 neglects to give a bond, is unable to obtain a bond, or obtain comparable
13 coverage as herein specified in this section, after 10 calendar days' notice from
14 the ~~Board~~ Selectboard that ~~he or she~~ the officer or employee is required to do
15 so, ~~his or her~~ the officer or employee's office or position shall ~~thereupon~~
16 become vacant and the vacancy shall be filled as provided in this charter. ~~Each~~
17 ~~bond must be approved by the Town Attorney.~~ All official bonds shall be
18 corporate surety bonds, and the premiums thereon shall be paid by the Town.
19 Such bonds shall be filed with the Town Clerk.

1 Subchapter 4. Budgets and Finance

2 § 41. FISCAL YEAR OF THE TOWN GOVERNMENT

3 The fiscal year ~~for~~ of the Town government shall be fixed by the
4 Selectboard, ~~in a manner to maximize efficiency in Town financial matters.~~

5 § 42. ~~OPERATING~~ TOWN MANAGER'S PROPOSED BUDGET

6 TIMETABLE AND PREPARATION

7 (a) Submission of timetable. At least five months before the scheduled
8 date of Town meeting, the Town Manager shall prepare and present to the
9 Selectboard and Budget Advisory Committee a proposed timetable ~~which that~~
10 shall project the progress of events leading to the adoption of the Town budget.

11 (b) Statement by the Selectboard regarding budget policy. Upon receipt of
12 the Town Manager's timetable, the Selectboard shall issue an annual budget
13 policy statement, outlining the direction the Town Manager shall take in the
14 drafting or assembly of the budget document.

15 (c) Departmental submissions. In following the timetable submitted to the
16 Selectboard, all department heads, and elected or appointed officials with
17 budget responsibility shall submit ~~operating~~ budget requests to the Town
18 Manager in ~~a uniform~~ the format to be established by the Town Manager.

19 (d) Drafting of ~~administration's proposed~~ annual budget.

20 (1) Unified administrative request. The Town Manager shall, ~~upon~~ after
21 consultation with department heads, ~~draft a unified, proposed operating budget~~

1 ~~for submission~~ submit to the Selectboard, ~~reflecting~~ a single budget request
2 from the administration for ~~each department~~ all departments.

3 (2) ~~Manager's budget~~ Budget message. The Town Manager's
4 ~~administration's~~ proposed budget shall be ~~preceded~~ introduced by a budget
5 message ~~which~~ that shall explain the budget in both fiscal terms and in terms
6 of work programs. It shall outline the ~~proposed financial policies~~ budget of the
7 Town for the coming year, describe important features of the budget, indicate
8 any major changes from the current year in terms of ~~financial policies~~,
9 revenues; and expenditures, indicating the reasons for ~~the change~~ any changes.
10 The message shall summarize the Town's debt position, include a profile of the
11 capital expenditure program for the year, and also include any other material
12 ~~which~~ that the Town Manager deems appropriate.

13 (3) Budget; contents; and format.

14 (A) The ~~proposed~~ budget shall provide a complete financial plan for
15 all Town funded activities for the ensuing fiscal year, and except as required
16 by law, or charter, shall be in a form the Town Manager deems appropriate or
17 the Selectboard may ~~require~~ prescribe.

18 (B) ~~In organizing the budget, the~~ The Town Manager shall ~~utilize~~
19 organize the budget by utilizing the most feasible combination of expenditure
20 classifications by fund, organizational units, work ~~program~~ programs,
21 purposes, ~~action~~ actions, and objects.

1 (C) The budget shall begin with a clear, general summary of its
2 contents and shall show, ~~in detail,~~ all ~~proposed revenues, income,~~ expected
3 revenue and all proposed expenditures.

4 (D) The budget should be arranged so as to show comparative figures
5 for actual and ~~estimated~~ budgeted revenues, ~~income,~~ and expenditures for the
6 preceding year, and for the year covered by the ~~proposed~~ budget.

7 (E) The budget shall include ~~in separate sections:~~

8 (i) proposed expenditures for ~~current~~ operations during the
9 ensuing fiscal year, detailed by offices, departments, and agencies, detailed in
10 terms of respective work programs, and the method of financing such
11 expenditures;

12 * * *

13 (iv) proposed estimated ~~monies~~ revenues to be raised from ~~all~~
14 ~~sources~~ each source to be collected, levied, or raised by taxation to defray the
15 expenses of the Town.

16 (e) Subsidiary budgets for utilities.

17 * * *

18 (2) Cross subsidy in areas other than fund management between Town
19 government operations and utility operations shall be limited to ~~legitimate~~
20 services and support provided as approved by the Selectboard.

1 § 43. CAPITAL EXPENDITURE PROGRAM

2 (a) Preparation and submission. The Town Manager, after consultation
3 with department heads, shall submit a proposed five-year capital expenditure
4 program to the Selectboard, with a copy provided to the Budget Advisory
5 Committee, at least three months prior to Town meeting.

6 (b) Contents.

7 (1) The capital expenditure program shall include:

8 (A) a ~~clear~~ narrative summary of ~~needs~~ requests;

9 * * *

10 (C) ~~Actual cost~~ cost estimates, proposed methods of financing, and
11 necessary time schedules for each improvement; or asset

12 ~~(D) Estimated annual cost of operating and maintaining the facilities~~
13 ~~to be constructed or acquired.~~

14 (c) Revision and update. The above program shall be revised and extended
15 each year to reflect progress or projects still pending or assets to be acquired.

16 (d) Inclusion in ~~annual~~ budget. A summary of the capital expenditure
17 program shall be included in the ~~annual~~ budget with special emphasis on the
18 expenditures for the particular year.

19 § 44. ~~CAPITAL RESERVE FUNDS AND EQUIPMENT FUNDS~~

20 (a) The Selectboard may raise and appropriate money for the establishment
21 of capital reserve or equipment reserve funds for the financing of all or part of:

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(3) ~~the size and regulation of capital reserve funds shall be determined by Selectboard action~~ other purposes to meet specific obligations and needs of the Town so as to ensure efficient operations.

(b) The size and regulation of reserve funds shall be determined by the Selectboard.

§ 45. SELECTBOARD ACTION ON THE BUDGET

Board review and final action.

(1) The Selectboard shall schedule ~~public~~ one or more meetings, as it deems appropriate, for the review and discussion of the ~~administration's~~ proposed budget proposal and comments from the Budget Advisory Committee.

* * *

(3) The ~~Board~~ Selectboard shall then schedule a public hearing prior to Town meeting, warned as such.

(4) Following the public hearing, the Selectboard shall act to officially ~~fix~~ finalize the budget to be finalized or proposed at Town meeting.

(5) The Selectboard, in ~~fixing~~ finalizing the budget, shall place it on the warning as a gross appropriation.

1 § 46. SPECIAL APPROPRIATIONS

2 In response to a request, or upon its own initiative, should the Selectboard
3 so judge, the appropriation relative to a special element of Town business may
4 be placed on the warning as a special appropriation by a majority vote of the
5 Board Selectboard. In taking action, the Selectboard shall maintain the right to
6 reject, alter, or reduce a request. This section does not apply to articles placed
7 on the warning by petition, as described in subdivision 22(b)(3)(C)(i)(II) of
8 this charter.

9 § 47. ~~CITIZEN INPUT; CITIZEN PARTICIPATION IN THE BUDGET~~

10 ~~ADVISORY COMMITTEE; BUDGET PROCESS~~

11 ~~Citizen participation plan; public notice.~~

12 ~~(1) Timetable. Before the sixth month of a fiscal year, the Selectboard~~
13 ~~shall draft and adopt a citizen participation plan, which shall provide for a~~
14 ~~committee of not more than 18 citizens, for the upcoming budget cycle.~~

15 ~~(2) Contents.~~

16 ~~(A) The citizen participation plan shall outline, in specific terms, the~~
17 ~~manner by which the Selectboard intends to provide for citizen input and~~
18 ~~public notice of the budget and its contents.~~

19 ~~(B) The citizen participation plan must provide for, but shall not be~~
20 ~~limited to formal budget workshops before Town meeting; along with the~~
21 ~~publication of a budget summary in the Town report indicating budgeted and~~

1 actual expenditures for the current year and proposed expenditures for the
2 coming year.

3 (C) ~~The citizen participation plan shall make proper allowances for~~
4 ~~review of all special appropriations~~ The Selectboard shall appoint a Budget
5 Advisory Committee that shall be composed of not less than five and not more
6 than nine registered voters of the Town at least six months before the
7 scheduled date of the annual Town meeting. The Budget Advisory Committee
8 shall be governed by operating procedures established by the Selectboard.

9 § 48. APPROPRIATION–TOWN; BUDGET

10 (a) Gross appropriation fixed and levy.

11 (1) ~~The vote of Town meeting or other action finalizing the Town~~
12 ~~budget shall make a gross appropriation for the coming fiscal year. The Town~~
13 ~~meeting may not make any budget~~ No appropriation not recommended by the
14 ~~selectmen,~~ may be voted unless such action was duly warned.

15 * * *

16 (3) Nothing herein shall limit the authorizing of payments or making of
17 capital expenditures to be financed, ~~wholly or partly~~ whether in whole or in
18 part, by the issuance of bonds except as provided in section 52 of this charter.

19 (4) ~~Any officer~~ The Town Manager or the Town Manager's designee
20 may, upon approval of the Selectboard, make a contract or lease for payments
21 beyond the end of the fiscal year.

1 supplemental appropriations for the fiscal year up to the amount of such
2 excess, not to exceed five percent of the gross appropriation.

3 * * *

4 (d) Surplus. Any surplus created, subject to the provisions of subsection
5 (d) of this section, ~~shall~~ may be carried over to the next fiscal year's budget
6 and counted as a fixed receipt on the calculation of the ensuing tax rate, or, by
7 action of the Selectboard, may be placed in a capital reserve fund as provided
8 for in this charter.

9 * * *

10 (f) Ongoing appropriation; in the event of a budget revote.

11 * * *

12 (2) ~~Expenditures~~ In the event that the budget is not adopted before the
13 beginning of the fiscal year, expenditures during the budget revote shall be
14 limited on a monthly basis to an allotment based on the prior year's
15 appropriation until such time as the budget is adopted.

16 § 49. FINANCIAL ADMINISTRATION AND TOWN BUDGET

17 (a) ~~Financial officer~~ Finance Director.

18 (1) The Town Manager may appoint, ~~on the basis of education, training,~~
19 ~~experience, and performance, an officer~~ upon merit alone, a person who shall
20 serve as ~~financial officer~~ the Finance Director.

1 (4) Should the State of Vermont make such an audit at the request of the
2 ~~Board~~ Selectboard, it shall meet the requirements of this section.

3 (5) At the conclusion of the audit, the auditors shall present their report
4 and findings to the Selectboard in open session.

5 (d) Authorization for expenditure of Town funds.

6 (1) Money shall not be paid out of the Town Treasury unless it is
7 authorized by a payroll or payment authorization signed by at least three
8 members of the Selectboard, or in accordance with the provisions of 24 V.S.A.
9 § 1623.

10 (2) No payment of money on account of any department of which the
11 Town Manager has supervision shall be made except upon vouchers approved
12 by the Town Manager or ~~his or her~~ the Town Manager's designated agent.

13 (3) In the event of the absence, ~~disability~~ termination, or suspension of
14 the Town Manager, the Selectboard may approve ~~such~~ the vouchers or
15 authorize their approval by ~~some other person~~ a Town employee or other Town
16 officer.

17 (4) The Town Manager may provide for periodic or quarterly allotments
18 of the appropriations to departments, funds, or agencies under such rules as ~~he~~
19 ~~or she~~ the Town Manager may prescribe and as may be agreeable to the
20 Selectboard.

1 (e) ~~Budget~~ Financial reports, ~~books,~~ and records.

2 (1) Regular reporting. The Town Manager shall submit, on a schedule
3 prescribed by the Selectboard, but ~~no~~ not less often than quarterly, a budget
4 report indicating the relationship between actual and estimated ~~receipts~~
5 revenues and expenditures to date.

6 (2) All ~~books-of-account~~ accounting records, in relation to the receipt,
7 holding, or disbursement of money of the Town kept by any official of the
8 Town, shall be paid for by the Town, shall remain the property of the Town,
9 and shall be turned over to the Town Clerk whenever the keeper of the ~~books~~
10 ~~of-account~~ accounting records retires from office. All ~~books~~ records pertaining
11 to Town affairs kept by the Town Manager, Town Clerk, or other elective or
12 appointive officer of the Town shall be kept in the Town buildings in their
13 proper places and shall not be removed therefrom without an order of a court
14 or a vote of the Selectboard.

15 (f) Purchasing and procurement.

16 (1) All purchasing and procurement for the Town shall be the
17 responsibility of the Town Manager, who may delegate purchasing authority ~~to~~
18 within the limits allowed by charter.

19 (2) All purchasing and procurement shall be by competitive bid or quote
20 wherever practical or as required.

1 (3) The Collector of Taxes or Delinquent Taxes may charge and collect
2 such fees and interest as may be fixed by the Selectboard and shall deposit
3 them ~~in~~ into the General Fund. Fees and interest established shall not exceed
4 those provided by statute.

5 (c) Manner of collection.

6 (1) The timetable of tax collection in terms of due dates and installments
7 shall be fixed by the Town Treasurer, subject to the approval of the
8 Selectboard.

9 (2) ~~Delinquent taxes shall be administered in accordance with State~~
10 ~~statute.~~ [Repealed.]

11 (d) ~~Tax abatement. Tax abatement shall be administered in accordance with~~
12 ~~State statute.~~ [Repealed.]

13 (e) Tax stabilization.

14 (1) ~~Authority~~ The authority to negotiate and grant tax stabilization
15 agreements shall be granted and revoked by the voters.

16 (2) The Selectboard shall negotiate all stabilization agreements when so
17 authorized by the voters.

18 (3) Under this section, the Selectboard shall ~~draft~~ maintain uniform
19 guidelines outlining the scope and nature of tax stabilization agreements.

20 (4) The Selectboard shall ~~confer with the School Board on stabilization~~
21 ~~related matters but shall~~ retain final authority on stabilization agreements.

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~~(g) Tax classification; special nonresidential property tax; repeal of inventory tax:~~

~~(1) For purposes of this section:~~

~~(A) All real and personal property, other than inventory, that is not classified in the grand list as residential property, a farm, or vacant land shall be classified as commercial, industrial, utilities (electric), utilities (other), or equipment, and shall be collectively classified as “special nonresidential property.” Special nonresidential property does not include property used for dwelling or farm purposes or accessory property which is subordinate to or customarily incidental to the main residential or farm use, such as garages and out buildings.~~

~~(B) “1996 minimum grand list value” means the aggregate grand list value of special nonresidential property and inventory on January 1, 1996.~~

~~(C) “Special tax” means the additional tax on special nonresidential property and inventory authorized by this section.~~

~~(2) Beginning with the January 1, 1997 grand list, the inventory tax shall be phased out over a period of five years and real and personal property shall be taxed as provided in this section.~~

~~(3) For purposes of calculating the property tax rate, the aggregate grand list value of special nonresidential property and inventory shall be the~~

1 ~~aggregate grand list value of such property and inventory as calculated below~~
2 ~~or the 1996 minimum grand list value, whichever is greater.~~

3 ~~(4) Beginning with the January 1, 1997 grand list, special nonresidential~~
4 ~~property and inventory shall be subject to a special tax. The special tax shall~~
5 ~~be imposed in any tax year in which the aggregate grand list value of special~~
6 ~~nonresidential property and inventory is less than the 1996 minimum grand list~~
7 ~~value. The special tax shall be in addition to taxes imposed on real and~~
8 ~~personal property generally. The special tax rate shall be sufficient to generate~~
9 ~~the tax revenues necessary to fully offset the decrease in tax revenues that~~
10 ~~would result from basing the property tax rate on the 1996 minimum grand list~~
11 ~~value rather than the actual aggregate grand list value of special nonresidential~~
12 ~~property and inventory.~~

13 ~~(5) Inventory shall be valued on the grand list as follows:~~

14 ~~(A) 80% percent of fair market value as of January 1, 1997.~~

15 ~~(B) 60% percent of fair market value as of January 1, 1998.~~

16 ~~(C) 40% percent of the fair market value as of January 1, 1999.~~

17 ~~(D) 20% percent of the fair market value as of January 1, 2000.~~

18 ~~(E) Zero percent of the fair market value for the year 2001 and~~

19 ~~thereafter.~~

1 ~~(6) Properties upon which payments are made in lieu of taxes pursuant~~
2 ~~to a contractual agreement with the Town shall be classified according to their~~
3 ~~grand list classification and assessed for the purposes of such payments.~~

4 ~~(7) If a property is used for both residential and nonresidential purposes~~
5 ~~for both farm and nonfarm purposes, the value of the property shall be~~
6 ~~apportioned according to such uses and classified and assessed as in this~~
7 ~~section. [Repealed.]~~

8 § 52. DEBT; AND BONDED DEBT FOR TOWN ~~AND SCHOOL~~
9 IMPROVEMENTS

10 (a) Authorization for any long-term ~~bonded~~ debt shall be granted by the
11 voters at an annual or special Town meeting duly authorized for that purpose.
12 As used in this section, “long-term” means a period of indebtedness greater
13 than five years.

14 (b) An article requesting authorization to incur long-term debt can only be
15 placed on the warning by a vote of four Selectboard members, ~~which indicates~~
16 ~~that the cost of the improvement will be too great to be paid out of the annual~~
17 ~~income or revenues of the Town.~~

18 (c) ~~Any vote authorizing long term debt shall only be valid if voted at a~~
19 ~~Town meeting at which the total number of votes casting ballots exceeds 10~~
20 ~~percent of the total number of names on the checklist on the date of the last~~
21 ~~annual Town meeting. [Repealed.]~~

1 (d) Articles requesting authorization for long-term debt shall be warned in
2 accordance with ~~section 22(b)(3) of this charter related to Town warnings~~
3 ~~generally~~ State statute.

4 (e) The Town Treasurer shall be authorized, subject to the approval of the
5 Selectboard, to incur short-term debt in anticipation of taxes for ~~Town and~~
6 ~~school~~ funding.

7 Sec. 3. REPEAL

8 24 App. V.S.A. chapter 149, § 6 (open meetings; freedom of information) is
9 repealed.

10 and by renumbering the remaining sections to be numerically correct.

11 (Committee vote: _____)

12 _____

13 Representative _____

14 FOR THE COMMITTEE