

**No. M-7. An act relating to approval of amendments to the charter of the City of Burlington.**

(H.503)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the City of Burlington as set forth in this act. Proposals of amendments were approved by the voters on March 3, 2015.

Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

CHAPTER 3. CITY OF BURLINGTON

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Subchapter 3. City Council with Mayor Presiding and City Council

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ARTICLE 25. APPROPRIATIONS

§ 65. SOURCE OF FUNDS FOR APPROPRIATIONS; OPERATING  
EXPENSES FOR DEPARTMENTS; CREATION OF SPECIAL  
FUNDS

(a) All money received from taxation, assessments, fines, and other lawful sources, except revenues and income of the Water, Waste Water/Solid Waste, and Traffic Divisions of the Public Works Department and of the Electric Light Department, shall constitute the entire sum from which appropriations and payments are to be made by and under the authority of the City Council. The necessary operating expenses and the cost of repairs, improvements, and

additions to the property and equipment of such Divisions and of the Light Department shall be paid from the receipts of said Divisions and Department, respectively.

(1) The Electric Light Department, the Water Division, and the Waste Water Division shall every fiscal year make a contribution to the City in lieu of taxes in the form of a cash payment ~~and/or~~ or the equivalent in free services and municipal rate benefits, or a combination of cash and free services, in an amount equaling the amount of money ~~which~~ that would be received by the City in ad valorem real estate taxes and personal property inventory taxes were such Divisions and Department privately owned utilities.

(A) In order to determine the amount of contribution in lieu of taxes to be received from each such Division and Department, the City Assessor shall annually make an assessment of their respective properties in the same manner as and at the same time that assessments of taxable properties are made. Each Division and Department shall likewise file with the City Assessor inventory forms at the time and in the manner required by State law of taxable persons.

(B) Each Division and Department shall have the same right of grievance and appeal as is afforded to taxpayers. ~~However,~~ except that the determination of the Board of Civil Authority shall be final.

(C) The specific level of the contribution shall be fixed in the same manner as the amount of tax on taxable properties and inventories are determined, immediately upon the setting of the annual tax rate by the City Council.

(2) The City Council, with the prior approval of the Board of Light Commissioners ~~and/or~~ or the Board of Public Works Commissioners, as applicable, shall have authority to create and establish, maintain, build up, and increase from year to year from the earnings of such Department and Divisions, special reserve funds for such Department and Divisions, to be kept by the City Treasurer in a separate bank deposit and in a separate account for each Department and Division and to be used only to pay for such ~~permanent improvements, extensions, and additions to the property and equipment of such Department and Divisions, from time to time,~~ expenses as the Electric Light ~~and or~~ or Public Works Departments may recommend and the City Council may approve and authorize.

(A) Appropriations and payments from the earnings of said Department and Divisions to said reserve funds ~~shall be made only during the first 30 days of a fiscal year from the earnings of said Department and Division for the previous year and when~~ may be made at any time but must be authorized by separate resolution of the City Council for each Department and Division.

(B) The total amount of such reserve funds ~~shall~~ may be limited to such sum as the City Council may by resolution from time to time determine and prescribe.

(3) All portions of all appropriations remaining unexpended at the close of the fiscal year, except in the case of appropriations to the School Department and the Streets Division of the Public Works Department, shall then become part of the General Fund, unless the City Council provides otherwise by resolution.

(b) In addition to the Reserve Funds for the Electric Light Department and for such Divisions of the Public Works Department authorized ~~above~~ in subsection (a) of this section, the City Council may by resolution create and establish a reserve ~~fund~~ funds to pay for public improvements, replacement of equipment, capital expenses, and planned or unplanned operating expenditures of any City department department(s) or division division(s) thereof, and, in the case of any department and division for which such reserve fund shall have been established,

(1) Once established, the City Council may maintain, build up, and increase ~~the same~~ a fund from year to year by ~~appropriating thereto during the first 30 days of a fiscal year such portion, or all, of its unexpended appropriation for the preceding fiscal year as~~ depositing in the fund any monies the City Council may deem advisable, to the extent not prohibited by any other law or regulation. ~~Such reserve fund shall be used only to pay for such~~

~~permanent improvements, extensions, or additions to the property and equipment of the particular department or division thereof as the City Council may from time to time authorize.~~

(2) Monies deposited in and expended from a reserve fund shall be identified in the City budget as it may be amended from time to time.

(3) Reserve funds shall be kept in separate accounts and invested in the same manner as other public funds.

(4) The City Council may expend monies from a reserve fund for any legal purpose for which that fund was established.

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#### Subchapter 5. Officers

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### ARTICLE 37. BOARDS ESTABLISHED

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#### § 121. ENUMERATED

~~(a) The City Council with Mayor presiding shall, on the first Monday in June, 1983, appoint one airport commissioner and one library commissioner. The City Council with Mayor presiding shall, also at such time, appoint up to five fire wardens. Annually thereafter and whenever a vacancy occurs, the City Council with Mayor presiding shall appoint one airport commissioner and up to five fire wardens.~~

~~(b) On the first Monday in June, 1991, the City Council with Mayor presiding shall appoint two library commissioners for a term of three years, one library commissioner for a term of two years, and one library commissioner for a term of one year. Thereafter, on the first Monday in June, the City Council with Mayor presiding shall appoint either two library commissioners or one library commissioner based upon the expiration of prior terms, all for a term of three years, or until their successors are duly appointed and qualified. [Repealed.]~~

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ARTICLE 39. APPOINTMENTS; HOW MADE [Repealed.]

§ 123. ~~STAGGERED APPOINTMENTS REQUIRED~~

~~The appointment of the commissioners provided for in the foregoing two sections shall be so made that no more than two thirds of the members of any one board shall at any one time be from the same political party; provided, however, that the Board of Library Commissioners and the Board of Health shall be excepted from the provisions of this section. [Repealed.]~~

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ARTICLE 41. TERMS OF OFFICE

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§ 126. COMMISSIONERS AND BOARD OF TAX APPEALS

(a) Except as specified in section 124 179 of this charter chapter with respect to the library commissioner elected from the library staff, each public

works commissioner, cemetery commissioner, police commissioner, fire commissioner, light commissioner, park and recreation commissioner, airport commissioner, planning commissioner, library commissioner, member of the Board of Health, and member of the Board of Tax Appeals shall hold office for the term of three years, ~~each airport commissioner and each City planning commissioner for the term of four years, and each library commissioner for the term of two years~~, from the first day of July following his or her appointment or until their successors are appointed and qualified.

(b) Each assessor, except the City Assessor, shall hold office for the term of three years from the first day of April following the appointment and until his or her successor is appointed and has qualified.

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#### Subchapter 6. Executive Departments

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### ARTICLE 61. LIBRARY DEPARTMENT

#### § 179. COMPOSITION

The Board of Library Commissioners shall consist of ten members. Six of such members shall be designated the public commissioners and four of such members shall be designated the trustee commissioners.

(1) Four of such public commissioners shall be appointed by the City Council with Mayor presiding. One public commissioner shall be the Mayor

or ~~his/her~~ his or her designee and one public commissioner shall be an employee of the Library elected by the employees thereof.

(2) The four trustee commissioners will be appointed on a self-perpetuating basis by the trustee commissioners.

(3) The term of all voting commissioners other than the Mayor and library staff shall be three years ~~and the~~. The Mayor's or his or her designee's term shall coincide with ~~his/her~~ the Mayor's term of office. The public commissioner elected from the Library staff shall be elected for a one-year term.

(4) ~~However, the~~ The initial terms of the commissioners shall be staggered. ~~The appointment of the four public commissioners by the City Council with Mayor presiding shall proceed as specified in section 121 of this charter.~~ During the first week in June, 1991, two trustee commissioners shall be appointed by the present Trustees of the Fletcher Free Library for a term of three years, one for a term of two years, and one for a term of one year. Thereafter, all such appointments shall be for a term of three years commencing the first day of July following their appointment and continuing until their successors have been appointed and qualified.

(5) The four public commissioners appointed by the City Council with Mayor presiding must at all times be residents of the City. Neither the public commissioner elected by the Library staff nor the trustee commissioners must



reside in the City, but all trustee commissioners must reside within Chittenden County.

(6) In addition, the Board of Library Commissioners may appoint not more than two additional nonvoting advisory members of the Board to serve for terms ~~which~~ that the Board shall deem appropriate.

(7) A Chair of the Board of Library Commissioners and a Clerk of the Board shall be appointed at the first meeting in July. The Clerk need not be a member of the Board.

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#### ARTICLE 69. FIRE COMMISSIONERS

##### § 196. COMPOSITION

(a) The Board of Fire Commissioners shall consist of five legal voters of ~~said~~ the City, to be appointed by the City Council with Mayor presiding to serve for three years and until their successors are appointed and qualified, except as herein otherwise provided.

(b) The City Council with Mayor presiding shall also at the time of the commission appointments appoint up to five fire wardens.

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#### ARTICLE 84. AIRPORT COMMISSIONERS; AIRPORT MANAGER

##### § 276. COMPOSITION; TERMS; POWERS; MANAGER

(a)(1)(A) The Board of Airport Commissioners of the City of Burlington shall consist of four legal voters of said City to be appointed by the City

Council with Mayor presiding to serve for ~~four~~ three years and until their successors are appointed and qualified.

(B) In addition, so long as the public aviation field and municipal airport is located within the limits of the City of South Burlington, the Board of Airport Commissioners shall likewise consist of one legal voter of said City of South Burlington to be appointed by the governing body thereof to serve for ~~four~~ three years and until a successor is appointed and qualified.

(2) The City Council shall have the exclusive general management and control of all lands owned or leased and used by the City for the purpose of a municipal airport, and of all buildings, property, and equipment of the City thereon, and shall see that the same are kept in good condition and repair.

(3) The City Council may by resolution delegate any of its powers relating to the airport to the Board of Airport Commissioners.

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#### Subchapter 8. General Provisions

### ARTICLE 89. CHURCH STREET MARKETPLACE; DISTRICT AND COMMISSION

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#### § 322. ESTABLISHMENT OF COMMISSION

There shall be maintained in the City of Burlington a Church Street Marketplace Commission consisting of nine legal voters of the State of Vermont, ~~not less~~ no fewer than five of whom must be legal voters of the City,

who shall be appointed by the City Council. On the first Monday in June 1993 the City Council shall appoint four commissioners, three for a three-year term and one for a four-year term.

(1) On the first Monday in June 1994, the City Council shall appoint one commissioner for a three-year term and on the first Monday in June 1995, the City Council shall appoint two commissioners for three-year terms. On the first Monday in June 1999, the City Council shall appoint two commissioners for a two-year term. Thereafter, all appointments shall be for three-year terms and commissioners shall serve from the first day of July following their appointment and until their successors are duly appointed and have qualified. ~~Appointments shall be made so that no more than four of the commissioners shall at any one time be from the same political party.~~

(2) Two members at all times shall be proprietors or managers of retail businesses which are within the Church Street Marketplace District and such members need not be residents of Burlington. Two members at all times shall be proprietors or managers of retail businesses which are within the Downtown Improvement District, with one of such members being located within the Downtown Improvement District but outside the boundaries of the Church Street Marketplace and such members need not be residents of Burlington.

(3) The Commission shall organize by the election of a Chair and Vice Chair and by the appointment of a Clerk and a Treasurer. The Clerk shall keep

a written record of the proceedings of the Commission, such record to be the property of the City. The Clerk need not be a member of the Commission.

(4) The manner of removal of commissioners and filling of vacancies shall be as provided in sections 129 and 130 of this ~~charter~~ chapter, and the commissioners shall, except as otherwise herein expressly provided, be subject to all other provisions of this ~~charter~~ chapter relating to public officers.

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### Sec. 3. TRANSITIONAL PROVISION; COMMISSIONERS

Notwithstanding the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 3, §§ 126 (commissioners) and 276 (composition; terms) that provide that each library commissioner not elected from the library staff, airport commissioner, and planning commissioner shall hold office for the term of three years, any such commissioner in office immediately prior to the effective date of that section shall continue to hold that office for the remainder of the term to which he or she was originally appointed. At the end of such commissioner's term of office, the term lengths set forth in Sec. 2 of this act, 24 App. V.S.A. chapter 3, in §§ 126 and 276, shall apply.

### Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: May 18, 2015