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H.541

Introduced by Representatives Jerman of Essex and Waite-Simpson of Essex

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; Village of Essex Junction;
amendment

Statement of purpose of bill as introduced: This bill proposes to approve the
amendments to the charter of the Village of Essex Junction.

An act relating to approval of amendments to the charter of the Village of
Essex Junction

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
Village of Essex Junction as set forth in this act. Proposals of amendment
were approved by the voters on April 9, 2013.

Sec. 2. 24 App. V.S.A. chapter 221 is amended to read:

CHAPTER 221. VILLAGE OF ESSEX JUNCTION

Subchapter 1. Powers of the Village

* * *

1 § 1.03. GENERAL POWERS

2 The Village shall have all powers possible for a municipality to have under
3 the Constitution and laws of this State as fully and completely as though they
4 were specifically enumerated in this ~~Charter~~ charter. Except when changed,
5 enlarged, or modified by the provisions of this ~~Charter~~ charter, all provisions
6 of the statutes of this State relating to municipalities shall apply to the Village
7 of Essex Junction.

8 § 1.04. CONSTRUCTION

9 The powers of the Village under this ~~Charter~~ charter shall be construed
10 liberally in favor of the Village, and the specific mention of particular powers
11 in the ~~Charter~~ charter shall not be construed as limiting in any way the general
12 power stated in this subchapter.

13 * * *

14 Subchapter 2. Village Trustees

15 § 2.04. PROHIBITIONS

16 (a) Holding Other Office. Except where authorized by law, no Trustee
17 shall hold any other Village office or employment during the term for which he
18 or she was elected to the Trustees, and no former Trustee shall hold any
19 compensated appointive Village office or employment until one year after the
20 expiration of the term for which he or she was elected to the Trustees. This
21 prohibition shall not preclude a former Trustee from accepting appointment to

1 the Village Planning Commission or Zoning Board of Adjustment immediately
2 following expiration of his or her elected term.

3 (b) Appointments and Removals. Neither the Board of Trustees nor any of
4 its members shall in any manner dictate the appointment or removal of any
5 Village administrative officers or employees whom the ~~manager~~ Manager or
6 any of his or her subordinates are empowered to appoint, but the Board of
7 Trustees may express its views and fully and freely discuss with the ~~manager~~
8 Manager anything pertaining to appointment and removal of such officers and
9 employees.

10 (c) Interference with Administration. Except for the purpose of evaluating
11 the Manager's performance or for the purpose of inquiries and investigations
12 under section 2.06, the Board of Trustees or its members shall deal with
13 Village officers and employees who are subject to the direction and
14 supervision of the ~~manager~~ Manager solely through the ~~manager~~ Manager, and
15 neither the Board of Trustees nor its members shall give orders to any such
16 officer or employee, either publicly or privately.

17 § 2.05. VACANCIES; FILLING OF VACANCIES

18 (a) Vacancies. The office of a Trustee shall become vacant upon his or her
19 death, resignation, or removal from office in any manner authorized by law.

20 * * *

1 § 2.08. PROCEDURE

2 (a) Meetings. The Trustees shall meet regularly at least once in every
3 month at such times and places as the Trustees may prescribe by rule. Special
4 meetings may be held on the call of the ~~president~~ President and two other
5 members and, whenever practicable, upon no less than 48 hours' notice to each
6 member. All meetings shall be public, however, in accordance with Vermont
7 law the Trustees may vote to have a portion of a meeting in executive session.

8 * * *

9 § 2.09. APPOINTMENTS

10 (a) The Trustees shall appoint the Planning Commission, the Zoning Board
11 of Adjustment, and other appointments required by law and this charter;

12 (b) The ~~trustees'~~ Trustees' approval shall be required for the ~~manager's~~
13 Manager's annual appointments of a ~~village treasurer/tax collector~~ Village
14 Treasurer/Tax Collector, ~~village clerk~~ Village Clerk, ~~village attorney~~ Village
15 Attorney, ~~village fire chief~~ Village Fire Chief, and ~~village engineering~~
16 ~~consultant~~ Village Engineering Consultant. Residents of the ~~village~~ Village or
17 a member of the ~~fire department~~ Fire Department who resides in the ~~town~~
18 Town of Essex shall be eligible to hold the office of ~~village fire chief~~ Village
19 Fire Chief.

20 * * *

1 § 3.03. MODERATOR

2 The voters at the annual Village meeting shall elect a ~~moderator~~ Moderator
3 who shall preside at each Village meeting. Only qualified voters of the Village
4 shall be eligible to hold the office of Moderator.

5 Subchapter 4. Village Manager

6 § 4.01. APPOINTMENT; QUALIFICATIONS; COMPENSATION;

7 REMOVAL

8 The Trustees shall appoint a Village ~~manager~~ Manager for an indefinite
9 term and fix his or her compensation. The ~~manager~~ Manager shall be
10 appointed solely on the basis of his or her executive and administrative
11 qualifications in accordance with the Vermont statutes. In all matters, the
12 Village Manager shall be subject to the direction and supervision of the
13 Trustees and shall hold office at the will of the Trustees.

14 § 4.02. POWERS AND DUTIES OF THE VILLAGE MANAGER

15 The Village ~~manager~~ Manager shall be the chief administrative officer of
16 the Village. He or she shall be responsible to the Trustees for the
17 administration of all Village affairs placed in his or her charge by or under this
18 charter. He or she shall have the following powers and duties in addition to
19 those powers and duties delegated to municipal managers under the Vermont
20 statutes.

1 (1) The ~~manager~~ Manager shall appoint and, when he or she deems it
2 necessary for the good of the service, suspend or remove all Village
3 employees, and other employees provided for by or under this charter for
4 cause, except as otherwise provided by law, this charter, or personnel rules
5 adopted pursuant to this charter. He or she may authorize any employee who
6 is subject to his or her direction and supervision to exercise these powers with
7 respect to subordinates in that employee's department, office, or agency.

8 (2) The ~~manager~~ Manager shall direct and supervise the administration
9 of all departments, offices, and agencies of the Village, except as otherwise
10 provided by this charter or by law.

11 (3) The ~~manager~~ Manager shall attend all Trustees meetings and shall
12 have the right to take part in discussion and make recommendations but may
13 not vote.

14 (4) The ~~manager~~ Manager shall see that all laws, provisions of this
15 charter, and acts of the Trustees, subject to enforcement by him or her or by
16 officers subject to his or her direction and supervision, are faithfully executed.

17 (5) The ~~manager~~ Manager shall prepare and submit the annual budget
18 and capital program to the Trustees.

19 (6) The ~~manager~~ Manager shall submit to the Trustees and make
20 available to the public a complete report on the finances and administrative
21 activities of the Village as of the end of each fiscal year.

1 (7) The ~~manager~~ Manager shall make such other reports as the Trustees
2 may require concerning the operations of Village departments, offices, and
3 agencies subject to his or her direction and supervision.

4 (8) The ~~manager~~ Manager shall keep the Trustees fully advised as to the
5 financial condition and future needs of the Village and make such
6 recommendations to the Trustees concerning the affairs of the Village as he or
7 she deems desirable.

8 (9) The ~~manager~~ Manager or his or her designee shall perform the duties
9 of ~~zoning administrative officer~~ Zoning Administrative Officer.

10 (10) The ~~manager~~ Manager shall be responsible for the enforcement of
11 all Village ordinances and laws.

12 (11) ~~{Repealed.}~~

13 ~~(12)~~ The ~~manager~~ Manager may when advisable or proper delegate to
14 subordinate officers and employees of the Village any duties conferred upon
15 him or her by this charter, the Vermont statutes, or the Trustees.

16 ~~(13)~~(12) The ~~manager~~ Manager shall annually appoint, subject to the
17 ~~Trustees~~ Trustees' approval, the Village ~~treasurer/Tax collector~~ Treasurer/Tax
18 Collector, Village ~~clerk~~ Clerk, Village ~~attorney~~ Attorney, Village Fire Chief,
19 and Village ~~engineering consultant~~ Engineering Consultant.

20 ~~(14)~~(13) The ~~manager~~ Manager shall perform such other duties as are
21 specified in this charter, or in state law, or as may be required by the Trustees.

1 § 4.03. ~~REMOVAL~~ HEARING PROCESS

2 (a) The Board of Trustees may remove the ~~manager~~ Manager from office
3 for cause in accordance with the following procedures:

4 (1) The Board of Trustees shall adopt by affirmative vote of a majority
5 of all its members a preliminary resolution which must state the reasons for
6 removal and may suspend the ~~manager~~ Manager from duty for a period not to
7 exceed 45 days. A copy of the resolution shall be delivered within three (3)
8 days to the ~~manager~~ Manager.

9 (2) Within five days after a copy of the resolution is delivered to the
10 ~~manager~~ Manager, he or she may file with the Trustees a written request for a
11 hearing. Said hearing to be in a public or executive session by choice of the
12 ~~manager~~ Manager. This hearing shall be held at a special Trustees meeting not
13 earlier than ~~fifteen~~ 15 days nor later than ~~thirty~~ 30 days after the request is
14 filed. The ~~manager~~ Manager may file with the Trustees a written reply not
15 later than five days before the hearing.

16 (3) The Trustees may adopt a final resolution of removal, which may be
17 made effective immediately, by affirmative vote of a majority of all its
18 members at any time after five days from the date when a copy of the
19 preliminary resolution was delivered to the ~~manager~~ Manager, if he or she has
20 not requested a public hearing, or at any time after the public hearing if he or
21 she has requested one.

1 (b) The ~~manager~~ Manager shall continue to receive his or her salary until
2 the effective date of a final resolution of removal.

3 * * *

4 Subchapter 6. Financial Procedures

5 * * *

6 § 6.02. SUBMISSION OF BUDGET AND BUDGET MESSAGE

7 On or before the 1st day of December of each year, the ~~manager~~ Manager
8 shall submit to the Trustees a recommended budget for the ensuing fiscal year
9 and an accompanying message.

10 § 6.03. BUDGET MESSAGE

11 The ~~manager's~~ Manager's message shall explain the budget both in fiscal
12 terms and in terms of the work programs. It shall outline the proposed
13 financial policies of the Village for the ensuing fiscal year, describe the
14 important features of the budget, indicate any major changes from the current
15 year in financial policies, expenditures, and revenues together with the reasons
16 for such changes, summarize the ~~village's~~ Village's debt position, and include
17 such other material as the ~~manager~~ Manager deems desirable.

18 § 6.04. BUDGET

19 (a) The budget shall provide a complete financial plan of all Village funds
20 and activities for the ensuing fiscal year and, except as required by law or this
21 charter, shall be in such form as the ~~manager~~ Manager deems desirable or the

1 Trustees may require. In organizing the budget the ~~manager~~ Manager shall
2 utilize the most feasible combination of expenditure classification by fund,
3 organization unit, program, purpose, or activity. It shall begin with a clear
4 general summary of its contents; shall show in detail all estimated income,
5 indicating the proposed property tax levy, and all proposed expenditures,
6 including debt service, for the ensuing fiscal year; and shall be so arranged as
7 to show comparative figures for actual and estimated income and expenditures
8 of the current fiscal year and actual income and expenditures of the preceding
9 fiscal year. It shall indicate in separate sections:

10 * * *

11 § 6.05. CAPITAL PROGRAM

12 (a) Submission to Trustees. The ~~manager~~ Manager shall prepare and
13 submit to the Trustees a five-year capital program at least three months prior to
14 the final date for submission of the budget.

15 * * *

16 § 6.12. TRANSFER OF APPROPRIATIONS

17 The ~~manager~~ Manager may at any time transfer an unencumbered
18 appropriation, balance, or portion thereof between general classifications of
19 expenditures within an office, department, or agency. At the request of the
20 ~~manager~~ Manager and within the last three (3) months of the budget year, the
21 Trustees may by resolution transfer any unencumbered appropriation balance;

1 or portion thereof within the Trustees' budget from one department, agency, or
2 office, to another. Notwithstanding the above, no unexpended balance in any
3 appropriation not included in the Trustees' budget shall be transferred or used
4 for any other purpose.

5 § 6.13. ADMINISTRATION OF BUDGET

6 (a) Work Programs and Allotments. At such time as the ~~manager~~ Manager
7 shall specify, each department, office, or agency shall submit work programs
8 for the ensuing fiscal year showing the requested allotments of its
9 appropriation by periods within the year. The ~~manager~~ Manager shall review
10 and authorize such allotments with or without revision as early as possible in
11 the fiscal year. He or she may revise such allotments during the year if he or
12 she deems it desirable and shall revise them to accord with any supplemental,
13 emergency, reduced, or transferred appropriations made pursuant to
14 section 6.12.

15 (b) Payments and Obligations prohibited. No payment shall be made or
16 obligation incurred against any allotment of appropriation except in accordance
17 with appropriations duly made and unless the ~~manager~~ Manager or his or her
18 designee first certifies that there is a sufficient unencumbered balance in such
19 allotment or appropriation and that sufficient funds therefrom are or will be
20 available to cover the claim or meet the obligation when it becomes due and
21 payable. Any authorization of payment or incurring of obligation in violation

1 of the provisions of this charter shall be void and any payment so made illegal;
2 such action shall be cause for removal of any officer who knowingly
3 authorized or made such payment or incurred such obligations, and he or she
4 shall also be liable to the Village for any amount so paid. However, except
5 where prohibited by law, nothing in this charter shall be construed to prevent
6 the making or authorizing of payment or making of contracts for capital
7 improvements to be financed wholly or partly by the issuance of bonds or to
8 prevent the making of any contract or lease providing for payments beyond the
9 end of the fiscal year, provided that such action is made or approved by
10 ordinance.

11 * * *

12 Subchapter 8. Village Elections

13 § 8.01. VILLAGE ELECTIONS

14 * * *

15 (b) Qualified Voters. All citizens qualified by the ~~constitution~~ Constitution
16 and laws of the ~~state~~ State of Vermont to vote in the Village and who satisfy
17 the requirements for registration prescribed by law shall be qualified voters of
18 the Village within the meaning of this charter.

19 (c) Conduct of Elections. Except as otherwise provided by this charter, the
20 provisions of the general election laws of the ~~state~~ State of Vermont shall apply
21 to all elections held under this charter.

1 or in the making or performance of such contract. Any Village officer or
2 employee who willfully conceals such a substantial financial interest or
3 business relationship or willfully violates the requirements of this section shall
4 be guilty of malfeasance in office or position and shall forfeit his or her office
5 or position. Violation of this section shall render the involved contract, sale, or
6 decision of a ~~Board~~ board or ~~Commission~~ commission voidable by the Village
7 Trustees.

8 * * *

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on passage.