



8/23/22, 12:20 PM

## Town of Essex Proposed Charter Revisions 2022

Vermont Laws

§ 117-104. [Repealed.]

Formatted: Header, Line spacing: single

Formatted: Footer, Line spacing: single, Pattern: Clear (Background 1)



# Town of Essex Proposed Charter Revisions 2022

powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.

Formatted: Header, Line spacing: single

Commented [CT17]: Investigate to clarify or re-write?

Commented [CT18R17]: Pull and move powers of town?

## Subchapter 2: Officers

### § 117-201. Officers generally

The elected officers of the Town of Essex shall be Selectboard members and Moderator. These officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law. The terms of the officers shall commence on the first day of the month following the month of election.

Commented [CT19]: Keep five?

Formatted: Font: 11 pt

Formatted: Normal, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 0.45"

Formatted

Formatted: Font: 11 pt

Commented [CT20]: Note staggered?

Formatted: Font: 11 pt

Formatted: Normal, No bullets or numbering, Tab stops: Not at 0.46"

Formatted

Formatted

Commented [CT21]: Continue as at-large or have districts? See KSV and EGG report.

Formatted

Commented [CT22]: Recall provision?

Formatted: Font: (Default) +Body (Calibri), 11 pt, Character scale: 100%

Formatted: Articles

Formatted

Formatted

Commented [CT23]: Which election to certify? Of officers or town meeting? If town meeting, specify that's what's being certified. Administer oath here too.

Formatted

Formatted: Font: 11 pt

Commented [CT24]: Until the next annual meeting? Who's eligible?

Commented [GD25]: Committee: add "... until the next annual meeting."

Formatted

Commented [CT26]: Who's serving that term? Clarify all of this.

Formatted

Commented [CT27]: Clarify.

Formatted: Font: 11 pt

Formatted: Footer, Line spacing: single, Pattern: Clear (Background 1)

### § 117-202. Selectboard- Number, terms of office, election

- (a)
- (a) There shall be a Selectboard consisting of five members.
- (b)
- (b) The terms of office of Selectboard members shall be for three years.
- (c)
- (c) Unless necessary to fill a vacancy, no more than two Selectboard members shall be elected at any annual meeting. Notwithstanding, the terms of the presently elected Selectboard members shall not be modified by this section.
- (d) All Selectboard members shall be elected at large.

### § 117-203. Organization

- (a)
- (a) As soon as practicable after the first day of the month of the month following annual Town meeting, the Selectboard shall organize and elect a Chairperson, Vice Chairperson and Clerk by a majority vote of the entire Board, and shall file a certificate of the election for record in the office of the Town Clerk.
- (b) (b) The Chairperson of the Selectboard or in the Chairperson's absence, the Vice Chairperson, shall preside at all meetings of the Board and shall be recognized as the head of the Town government for all ceremonial purposes.
- (c) In the event of death, resignation, or incapacity of any Selectboard member, the remaining members of the Board may appoint a person eligible to fill that position. At the next annual meeting, the vacancy shall be filled by serving the remaining balance of the term. Incapacity shall include the failure by any member of the Board to attend at least 50 per cent of the meetings of the Board in any calendar year. In the event the Board is unable to agree upon an interim replacement until the next annual Town meeting, a special election shall be held forthwith to fill the position.
- (d) In the event of death, resignation, or incapacity of the Moderator, the Selectboard shall appoint a person eligible to fill that position. At the next annual meeting, the vacancy shall be filled.

### § 117-204. Meetings

- (a)

# Town of Essex Proposed Charter Revisions 2022

(a) As soon as possible after the election of the Chairperson and Vice Chairperson, the Selectboard shall fix the time and place of its regular meetings and such meetings shall be held at least once a month.

(b) The Board shall determine its own rules and order of business.

(c) The presence of three members shall constitute a quorum.

(d)

(e) All meetings of the Board shall be open to the public unless, by an affirmative vote of the majority of the members present, the Board shall vote that any particular session shall be an executive session in accordance with 1 V.S.A. § 313.

## § 117-205. Record of proceedings

(a)

(a) An official record of the proceedings of the Selectboard shall be kept by its Clerk, who need not be a member of the Selectboard, which shall be kept in the office of the Town Clerk and shall be open for public inspection. The Town Clerk shall keep official record of the proceedings of all special and annual Town meetings.

(b) The minutes of each meetings shall be approved by the Board at its next meeting and the official copy authenticated by the signature of the Clerk of the Board.

## § 117-206. Appointments by Selectboard

(a)

(a) The Selectboard shall appoint the members of the following permanent Commissions and positions:

(1)

Zoning Board of Adjustment;

(2)

Planning Commission;

(3)

Town Attorney;

(4)

Town Manager.

(b)

(b) The Selectboard may appoint such additional commissions as they feel to be in the best interest of the Town and all other appointive or elective officers authorized by statute.

(c) The terms of all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.

## § 117-207. Jurisdiction over other officers or employees

Neither the Selectboard nor any of its members shall direct or request the appointment, by any other officer or employee of the Town, of any person to office or employment, or his or her suspension or removal therefrom, or in any

Formatted: Header, Line spacing: single

Commented [CT28]: Make it consistent with 313.

Formatted

Formatted: Font: 11 pt

Commented [CT29]: What is an official record? How long maintained? Who maintains?

Formatted: Font: 11 pt

Formatted

Formatted

Formatted: Normal, Right: 0", Line spacing: single, No bullets or numbering, Tab stops: Not at 0.45"

Commented [GD30]: We've had instances of special meetings or short turnarounds where we have not had minutes ready to include in a packet for approval at the "next meeting" of the Selectboard. I also want to say there's been one or two times where minutes were considered but not approved. Per VLCT, statute does not require "final" or "approved" minutes. <https://www.vlct.org/open-meeting-law-faqs>. If it is preferred to have the charter require "approved" minutes, I'd recommend changing "at its next

Formatted

Formatted

Commented [CT31]: Should minutes be more robust a

Commented [CT32R31]: Are minutes part of the officia

Commented [GD33]: Committee/Dawn: specify other

Commented [CT34]: Cemetery Commission

Formatted: Font: 11 pt

Formatted

Formatted

Formatted

Formatted

Commented [CT35]: Replace with DRB

Commented [GD36]: Consider moving to Development

Formatted: Font: 11 pt

Formatted

Formatted: Font: (Default) +Body (Calibri)

Formatted

## Town of Essex Proposed Charter Revisions 2022

manner take part in the appointment, discipline, or removal of subordinates and employees of the Town, except as otherwise provided in this charter. The Selectboard and its members shall deal with that portion of the service of the Town for which the Manager is responsible solely through the Manager. This shall not be construed to prohibit the Selectboard from recommending to the Town Manager a prospective employee for his or her consideration, or bringing to the attention of the Manager any complaint concerning the actions of any officer or employee of the Town. This section shall not be construed to prohibit the review by the Selectboard of actions by the Manager or hearings brought to the Selectboard by employees pursuant to appellate rights granted them by statute.

### § 117-208. Compensation of Selectboard; appointees

- (a)
- (a) Compensation paid to the Selectboard members shall be set by the voters at the annual meeting, with a minimum of \$500.00 a year each. Selectboard members' members & #8217; salaries must be set forth as a separate item in the annual budget presented to the meeting.
- (b) (b) The Selectboard shall fix the compensation of all officers and employees, except as otherwise provided in this charter.

### § 117-209. Powers and duties

- (a)
- (a) The members of the Selectboard shall constitute the legislative body of the Town of Essex for all purposes required by statute and shall have all powers and authority given to, and perform all duties required of town legislative bodies or selectboards under the laws of the State of Vermont.
- (b) (b) Within the limitations of the foregoing, the Selectboard shall have the power to:
  - (1) appoint and remove the Town Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter;
  - (2) appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter;
  - (3) provide for an independent audit by a registered or certified public accountant;
  - (4) inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs;
  - (5) exercise each and every other power that is not specifically set forth herein, but that is granted to the Selectboard by the statutes of the State of Vermont.

### Subchapter 3: Town Meeting - Amendment Of Charter

### § 117-301. Application of general law

Formatted: Header, Line spacing: single

Commented [CT39]: \$1500 min in merger charter. Change?

Formatted

Formatted

Commented [GD40]: Committee: specify that SB may also abolish/dissolve commissions?

Formatted: Normal, Space Before: 0 pt, No bullets or numbering, Tab stops: Not at 0.46"

Formatted

Formatted

Formatted: Footer, Line spacing: single, Pattern: Clear (Background 1)

# Town of Essex Proposed Charter Revisions 2022

Provisions of the laws of the State of Vermont relating to the qualifications of voters, the manner of voting, the duties of election officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all municipal elections, and all general and special meetings, except as otherwise provided in this charter.

## § 117-302. Time of holding

(a)

The annual meeting of legal-registered voters shall be held at 7:30 o'clock in the afternoon p.m. of the day specified in 17 V.S.A. § 2640(b) as the same may from time to time be amended and may transact at that time any business not involving voting by Australian ballot or voting required by law to be by ballot. A meeting so started shall be adjourned until the following day.

(b) The election of officers and the voting on all questions to be decided by Australian ballot or voting required by law to be by ballot shall take place on the day specified in 17 V.S.A. § 2640(a), which may from time to time be amended. The ballot boxes or voting machines shall be open for a minimum of nine consecutive hours between 6:00 a.m. and 10:00 p.m. as shall be determined and warned by the Selectboard.

## § 117-303. Budget

An annual budget shall be adopted at Town meeting by the vote of a majority of those eligible to vote present at the meeting. If, after the total budget has been appropriated, the Selectboard finds additional appropriations necessary, the appropriations shall be made and reported at the next Town meeting as a specific item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense in any office, department, or agency that may be increased over the budget amount by an amount not more than 10 percent of the office's, department's, or agency's budget.

## § 117-304. Rescission of ordinances

All ordinances shall be subject to rescission by a special or annual Town meeting, as follows: If, within 44 days after final passage by the Selectboard of any such ordinance, a petition signed by voters of the Town not less in number than five percent of the qualified voters of the municipality is filed with the Town Clerk requesting its reference to a special or annual Town meeting, the Selectboard shall fix the time and place of the meeting, which shall be within 60 days after the filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special or annual Town meeting. Voting shall be by Australian ballot. An ordinance so referred shall remain in effect upon the conclusion of the meeting unless a majority of those present and voting against the ordinance at the special or annual Town meeting exceeds five percent in number of the qualified voters of the municipality.

## § 117-305. Petition for enactment of ordinance; special meeting

(a) Subject to the provisions of section 304 of this charter, voters of the Town may at any time petition in the same manner as in section 304 for the enactment of any proposed lawful ordinance by filing the petition, including the text of the ordinance, with the Town Clerk. The Selectboard shall call a special Town meeting (or include the ordinance as annual meeting business) to be held within 60 days of the date of the filing, unless prior to the meeting the ordinance shall be enacted by the Selectboard. The warning for the meeting shall state the proposed ordinance in full or in concise summary and shall provide for an Australian ballot vote as to its enactment. The ordinance shall take effect on the 10th day after the conclusion of the meeting provided that voters as qualified in section 304, constituting a majority of those voting thereon, shall have voted in the affirmative.

Formatted: Header, Line spacing: single

Commented [CT41]: 7:30 pm will suffice

Formatted: Font: 11 pt

Formatted

Formatted: Normal, Left, Right: 0", Space Before: 0 pt, Line spacing: single, No bullets or numbering, Tab stops: Not at 0.45"

Commented [GD42]: Does "at Town meeting" mean by floor vote only, now that we're voting by ballot for the budget?

Formatted: Normal, Indent: Left: 0", First line: 0", Right: 0", Line spacing: single

Commented [CT43]: Revise to reflect actual process: vote on budget next day by Australian ballot. Incorporate the provision voted on by town in previous election that permitted this process.

Commented [CT44]: This will need to be revised because it's not folks present at the meeting.

Formatted

Commented [CT45]: Consider.

Commented [CT46]: Does this work? Simplify? Numbers okay? Compare with other towns?

Formatted: Font: (Default) +Body (Calibri), 11 pt, Character scale: 100%

Formatted: Articles, Space Before: 0 pt

Formatted

Formatted

Commented [CT47]: What is a qualified voter?

Commented [CT48]: Consider process. Apply numbers (5%, majority vote)?

Formatted: Font: (Default) +Body (Calibri), 11 pt, Character scale: 100%

Formatted: Articles, Space Before: 0 pt

Formatted

Formatted

Commented [CT49]: Why 10 days?

Formatted: Font: 11 pt

Formatted

Formatted: Footer, Line spacing: single, Pattern: Clear (Background 1)

# Town of Essex Proposed Charter Revisions 2022

(b) (b) The proposed ordinance shall be examined by the Town Attorney before being submitted to the special Town meeting. The Town Attorney is authorized, subject to the approval of the Selectboard, to correct the ordinance so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and preciseness in its phraseology, but the Town Attorney shall not materially change its meaning and effect.

(c) (c) The provisions of this section shall not apply to any appointments of officers, members of commissions, or boards made by the Selectboard or to the appointment or designation of Selectboard, or to rules governing the procedures of the Selectboard.

## Subchapter 4: Planning

### § 117-401. Board established

A Planning Commission shall be established and its powers, obligations, and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter.

## Subchapter 5: Department Of Real Estate Appraisal

### § 117-501. Creation of Department

There shall be established a Department of Real Estate Appraisal, headed by a professionally qualified real estate appraiser, who shall be appointed by the Manager with the approval of the Selectboard.

### § 117-502. Appraisal of property

The Department of Real Estate Appraisal shall appraise all real and business personal property for the purpose of establishing the grand list. Appraisals shall be reviewed periodically and kept up to date. Technically qualified individuals or firms may be employed as needed.

### § 117-503. Appraisal of business personal property for tax purposes

Appraisal of business personal property shall be in accordance with the provisions of 32 V.S.A. § 3618, as the same may from time to time be amended provided that all business personal property acquired by a taxpayer after September 30, 1995 shall be exempt from tax.

### § 117-504. Duties of Department

The duties and powers of the Department of Real Estate Appraisal shall be the same as those established for listers under the general statutes.

Formatted: Header, Line spacing: single

Commented [GD50]: See § 117-206, consider changing ZBA to Development Review Board. If so, does that need to be listed here?

Formatted: Font: 11 pt, Not Bold, Not Italic, Character scale: 100%

Formatted: Font: 11 pt, Not Bold, Not Italic, Character scale: 100%

Formatted: Font: 11 pt, Not Bold, Not Italic, Character scale: 100%, Not Expanded by / Condensed by

Formatted: Font:

Commented [CT51]: Include conflict of interest provisions here or authorize town or select board to

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted: Font: (Default) +Body (Calibri)

Formatted: Articles

Formatted: Font: 11 pt

Commented [CT52]: Specify parameters (e.g., roles and

Commented [GD53]: Legal question: is this too specific

Formatted: Not Expanded by / Condensed by

Formatted

Formatted: Not Expanded by / Condensed by

Commented [GD54]: This may alleviate my above

Formatted

# Town of Essex Proposed Charter Revisions 2022

## § 117-505. Purpose

The purpose of the Department of Real Estate Appraisal is to provide for appointment of a qualified real estate assessor rather than the election of listers. The Town shall be governed by, and each taxpayer shall have rights granted by the applicable statutes concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.

## Subchapter 6: Town Manager

Formatted: Header, Line spacing: single

Commented [CT55]: Let residents have an option to weigh in? Express views during review? Put this in the charter?

Formatted: Font: 11 pt, Character scale: 100%

Formatted: Subchapter, Indent: Left: 0"

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Character scale: 100%

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Character scale: 100%

Formatted: Font: Not Bold, Not Italic

Formatted: Font: 11 pt, Not Bold, Not Italic

Formatted: Footer, Line spacing: single, Pattern: Clear (Background 1)



(3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years.

(4) A capital budget for the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements.

(5) Such other information as may be required by the Selectboard.

(b)

The budget shall be published not later than two weeks after its preliminary adoption by the Selectboard. The board shall fix the time and place for holding a public hearing for the budget, and budget and shall give a public notice of such hearing. The board shall then review the budget and recommend it, with or without change, to the annual Town meeting.

#### § 117-703. Town meeting warning and budget

The proposed budget and the warning for the annual meeting shall be distributed to the legal voters of the Town at least 10 days before the annual meeting. In addition, the Selectboard shall comply with the statutory requirements applicable to town meetings in the warning of any annual or special meeting.

#### § 117-704. Appropriation

From the effective date of the budget, the several amounts stated therein, as approved by the annual town meeting, become appropriated to the several agencies and purposes therein named.

#### § 117-705. Amount to be raised by taxation

Upon passage of the budget by the annual Town meeting, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year and the Selectboard shall levy such taxes on the grand list by the Assessor for the corresponding tax year.

#### § 117-706. [Reserved.]

#### § 117-707. Transfers of appropriations

(a)

The Manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department, or agency.

(b) At the request of the Manager, the Selectboard may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the Selectboard's budget from one department, office, or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the Selectboard's budget shall be transferred or used for any other purpose.

Formatted: Centered

***Subchapter 8: Taxation***

**§ 117-801. Taxes on real and personal property**

Taxes on real and personal property shall be paid in two equal payments, with one-half of the annual tax bill for each taxpayer due and payable on September 15 and March 15 of each fiscal year.

**§ 117-802. Penalty**

An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section 801 of this charter, and interest as authorized by Vermont statutes.

**§ 117-803. Board of Abatement**

The Board of Civil Authority shall constitute a Board of Abatement as provided by law. The Board of Abatement shall meet and discharge its duties as required by the applicable statutory provisions.

**§ 117-804. Assessment and taxation agreement**

Notwithstanding any other provisions of this charter and the requirements of the general law of the State of Vermont, the Selectboard is authorized to negotiate and execute assessment and taxation agreements between the Town and a taxpayer or taxpayers within the Town consistent with applicable requirements of the Vermont Constitution.

***Subchapter 9: Personnel***

**§ 117-901. Appointment and removal**

All Town employees not elected by the voters shall be appointed, supervised, and removed by the Town Manager unless otherwise specified by this charter. There shall be no discrimination in employment on account of race, religion, sex, or political opinions. Appointments, lay-offs, suspensions, promotions, demotions, and removals shall be made primarily on the basis of training, experience, fitness, and performance of duties, in such manner as to ensure that the responsible administrative officer may secure efficient service.

**§ 117-902. Personnel rules and regulations**

(a)

Formatted: Centered

(a) The Town Manager or the Town Manager's appointee shall be the Personnel Director. The Town Manager shall maintain personnel rules and regulations protecting the interests of the Town and of the employees. These rules and regulations must be approved by the Selectboard and shall include the procedure for amending them and for placing them into practice. Each employee shall receive a copy of the rules and regulations when ~~he or she~~that employee is hired.

(b) (b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointments, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.

#### **§ 117-903. Prohibitions**

No person in the service of the Town shall either directly or indirectly give, render, pay, or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion, or proposed promotion.

#### ***Subchapter 10: Amendment Of Charter***

##### **§ 117-1001. Laws governing**

This charter may be amended in accordance with the procedure provided for by law for amendment of municipal charters.

#### ***Subchapter 11: Severability***

##### **§ 117-1101. Severability**

The provisions of this charter are declared to be severable. If any provisions of this charter are for any reason invalid, such invalidity shall not affect the remaining provisions that can be given effect without the invalid provision.

#### **ADDITIONAL NOTES, SUGGESTIONS, AND REVISIONS:**

Formatted: Centered

Standard for Special Meeting notice (more than at least 24-hours in advance)?

Comparison between Merger Charter and current charter for SB composition, governance powers, and powers of the Town Manager

Address conflicts of interest (e.g., with DRB/Planning commission)

Add something like South Burlington Ordinance section specific to fees and ordinances

National Civic League:

Preamble speaking to town goals, including values such as diversity and inclusiveness

Source of authority

Intent section with "equal opportunity"

#### MISCELLANEOUS FROM COMMITTEE

Alexis: incorporate equity and inclusion, accessibility, into charter

Recall provision (proposed by Brad Kennison)

•

Formatted: Centered