

**No. M-6. An act relating to approval of amendments to the charter of the Village of Essex Junction.**

(H.541)

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

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§ 1.03. GENERAL POWERS

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

§ 1.04. CONSTRUCTION

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

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## Subchapter 2. Village Trustees

### § 2.04. PROHIBITIONS

(a) Holding Other Office. Except where authorized by law, no Trustee shall hold any other Village office or employment during the term for which he or she was elected to the Trustees, and no former Trustee shall hold any compensated appointive Village office or employment until one year after the expiration of the term for which he or she was elected to the Trustees. This prohibition shall not preclude a former Trustee from accepting appointment to the Village Planning Commission or Zoning Board of Adjustment immediately following expiration of his or her elected term.

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

(c) Interference with Administration. Except for the purpose of evaluating the Manager's performance or for the purpose of inquiries and investigations under section 2.06, the Board of Trustees or its members shall deal with Village officers and employees who are subject to the direction and

supervision of the ~~manager~~ Manager solely through the ~~manager~~ Manager, and neither the Board of Trustees nor its members shall give orders to any such officer or employee, either publicly or privately.

#### § 2.05. VACANCIES; FILLING OF VACANCIES

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

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#### § 2.08. PROCEDURE

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

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#### § 2.09. APPOINTMENTS

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

(b) The ~~trustees'~~ Trustees' approval shall be required for the ~~manager's~~ Manager's annual appointments of a ~~village treasurer/tax collector~~ Village Treasurer/Tax Collector, ~~village clerk~~ Village Clerk, ~~village attorney~~ Village Attorney, ~~village fire chief~~ Village Fire Chief, and ~~village engineering~~

~~consultant~~ Village Engineering Consultant. Residents of the ~~village~~ Village or a member of the ~~fire department~~ Fire Department who resides in the ~~town~~ Town of Essex shall be eligible to hold the office of ~~village fire chief~~ Village Fire Chief.

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### § 3.03. MODERATOR

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

#### Subchapter 4. Village Manager

### § 4.01. APPOINTMENT; QUALIFICATIONS; COMPENSATION;

#### REMOVAL

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

### § 4.02. POWERS AND DUTIES OF THE VILLAGE MANAGER

The Village ~~manager~~ Manager shall be the chief administrative officer of the Village. He or she shall be responsible to the Trustees for the administration of all Village affairs placed in his or her charge by or under this

charter. He or she shall have the following powers and duties in addition to those powers and duties delegated to municipal managers under the Vermont statutes.

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

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

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

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

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

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

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

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

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

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

(11) ~~{Repealed.}~~

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

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

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

§ 4.03. ~~REMOVAL~~ HEARING PROCESS

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

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

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

(3) The Trustees may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the ~~manager~~ Manager, if he or she has

not requested a public hearing, or at any time after the public hearing if he or she has requested one.

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

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### Subchapter 6. Financial Procedures

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#### § 6.02. SUBMISSION OF BUDGET AND BUDGET MESSAGE

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

#### § 6.03. BUDGET MESSAGE

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

#### § 6.04. BUDGET

(a) The budget shall provide a complete financial plan of all Village funds and activities for the ensuing fiscal year and, except as required by law or this



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

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#### § 6.05. CAPITAL PROGRAM

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

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#### § 6.12. TRANSFER OF APPROPRIATIONS

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

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

#### § 6.13. ADMINISTRATION OF BUDGET

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

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

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

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#### Subchapter 8. Village Elections

##### § 8.01. VILLAGE ELECTIONS

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

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

## Subchapter 9. Initiative

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## § 9.02. PETITIONS

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(c) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed.

## Subchapter 10. General Provisions

## § 10.01. CONFLICT OF INTEREST

Any Village officer or employee who has a substantial financial interest or business relationship, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Village or in the sale of any land, supplies, or services to the Village, to a contractor supplying the Village, or to an applicant or other party who appears before the board or commission of which the officer is a member, shall make known that interest or relationship and shall refrain from voting upon or otherwise participating in his or her capacity as a Village officer or employee in the making of such sale, decision, or in the making or performance of such contract. Any Village officer or

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

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Date the Governor signed the bill: May 20, 2013