



**CITY OF ESSEX JUNCTION CITY COUNCIL
SPECIAL MEETING AGENDA**

Online & 2 Lincoln St.
Essex Junction, VT 05452
Wednesday, March 6, 2023
6:30 PM

E-mail: admin@essexjunction.org

www.essexjunction.org

Phone: (802) 878-6944

This meeting will be in-person at 2 Lincoln Street and available remotely. Options to watch or join the meeting remotely:

- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 944 6429 7825; Passcode: 635787

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **PUBLIC HEARING**
 - a. Public Hearing on the Proposed Charter Changes
6. **BUSINESS ITEMS**
 - a. Discussion and Consideration of the Proposed Charter Changes
7. **CONSENT ITEMS** - none
8. **READING FILE** - none
9. **EXECUTIVE SESSION** - none
10. **ADJOURN**

Members of the public are encouraged to speak during the Public to Be Heard agenda item, during a Public Hearing, or, when recognized by the President, during consideration of a specific agenda item. The public will not be permitted to participate when a motion is being discussed except when specifically requested by the President. This agenda is available in alternative formats upon request. Meetings of the City Council, like all programs and activities of the City of Essex Junction, are accessible to people with disabilities. For information on accessibility or this agenda, call the City Manager's office at 802-878-6944 TTY: 7-1-1 or (800) 253-0191.

Notice of Public Hearing
City of Essex Junction Charter
March 6, 2023 and March 13, 2023
6:30 p.m.

The legal voters of the City of Essex Junction, Vermont are hereby notified and warned to meet at 6:30 p.m. on March 6, 2023 and March 13, 2023 at the City Offices, 2 Lincoln Street, Essex Junction, Vermont and electronically on Zoom. You can find the link at www.essexjunction.org or join via conference call (audio only): (888) 788-0099 | Meeting ID: 944 6429 7825; Passcode: 635787. The purpose of the meetings is for the City Council to hear input on the proposed amendments to the Charter for the City of Essex Junction.

The Proposed charter amendments include the following amendments (strikethrough represents a deletion, and underline represents an addition) to Section 206(a), Section 302, and Section 401 (a):

§ 206. CONFLICT OF INTEREST; PROHIBITIONS

(a) Holding other office. No Council member shall hold any City employment during the term for which they were elected to the Council, unless allowed by state statute. A Council member may be appointed to represent the City on other boards except as pursuant to 17 V.S.A. § 2647. ~~No former Council member shall hold any compensated appointive municipal office or employment, except for poll worker, until one year after the expiration of the term for which they were elected to the legislative body.~~

§ 302. MODERATOR

~~The voters~~ Council at the City Annual Meeting shall ~~elect~~ appoint a Moderator who shall preside at the next City Annual Meeting. The term of Moderator shall be one year. Only qualified voters of the City of Essex Junction shall be eligible to hold the office of Moderator.

§ 401. CITY MEETINGS AND ELECTIONS

(a) ~~The voters~~ Council shall ~~at each annual meeting vote to set~~ the date of the next annual meeting, at which time the voters shall vote for the election of officers, the voting on the City budget, and any other business included in the warnings for the meetings.

Dated at Essex Junction, Vermont this 1st day of February, 2023.

Signed:

Andrew Brown, President

Raj Chawla

Dan Kerin

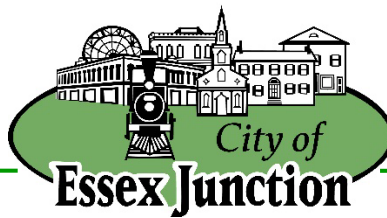
Amber Thibeault

George Tyler

Attest:

Susan McNamara-Hill, City Clerk

An official copy of the proposed charter amendments will be on file and available for public inspection at the Clerk's Office at 81 Main Street, Essex Junction, Vermont 05452, beginning February 24, 2023. Copies will be made available upon request.



MEMORANDUM

To: City Council
From: Regina Mahony, City Manager
Meeting Date: 3/6/2023
Subject: Proposed Charter Change Amendments

Issue

The issue is to consider changes to the proposed charter amendments.

Discussion

The purpose of these amendments is described in the attached memo dated 1/20/2023 from City Council President, Andrew Brown.

The City Attorney has reviewed the proposed charter changes and offers one amendment in yellow highlight:

§ 401. CITY MEETINGS AND ELECTIONS

(a) **By January 1 of each year,** the voters-Council shall ~~at each annual meeting vote to~~ set the date of the next annual meeting, at which time the voters shall vote for the election of officers, the voting on the City budget, and any other business included in the warnings for the meetings.

Staff offers the following amendment in yellow highlight:

§ 302. MODERATOR

The ~~voters~~ Council ~~at the City Annual Meeting~~ shall ~~elect~~ appoint a Moderator who shall preside at the next **City Informational Annual** Meeting. The term of Moderator shall be one year. Only qualified voters of the City of Essex Junction shall be eligible to hold the office of Moderator.

There are no City Attorney or Staff amendments for the following:

§ 206. CONFLICT OF INTEREST; PROHIBITIONS

(a) Holding other office. No Council member shall hold any City employment during the term for which they were elected to the Council, unless allowed by state statute. A Council member may be appointed to represent the City on other boards except as pursuant to 17 V.S.A. § 2647. ~~No former Council member shall hold any compensated appointive municipal office or employment, except for poll worker, until one year after the expiration of the term for which they were elected to the legislative body.~~

While there is a required and warned second public hearing for these changes on March 13, 2023, the second public hearing falls outside of the window to warn the annual meeting. Therefore, no changes to the charter changes would be allowed at the second public hearing. The Council can only accept changes of the charter changes during the first public hearing on March 6, 2023. The final proposed charter change amendments will be included on the annual meeting warning for Council consideration on March 8, 2023.

If these changes are approved by the voters, they will be sent to the state Legislature for approval. That approval would not be likely until the end of the 2024 legislative session. Therefore, the changes to 302 and 401 will not take effect until the City's 2025 annual meeting and election.

Recommendation

Staff recommends the City Council accept the changes presented in this memo.

Recommended Motion

I move the City Council accept the changes to the proposed charter change amendments for inclusion on the annual meeting warning to be considered on March 8, 2023.

Date: 1/20/2023

To: Essex Junction City Council

Cc: Regina Mahony

From: Andrew Brown

Subject: Proposed City Charter Changes

There are four charter changes I am proposing to better align with state statute and other Vermont municipalities. The first is to add “, unless allowed by state statute” to the second sentence within 206a. State statute requires each Town or City to have at least one health officer who is nominated by the municipal board and is then approved of by the Commissioner of Health. According to the Town Health Officer Manual, if the municipal board has not appointed a health officer (as is the case for Essex Junction), “the Commissioner will appoint the chair of the Selectboard to this position” (p.1). The City Council has not appointed a Health Officer and the Commissioner of Health has appointed me to fill the role of Town Health Officer. Regina has sought Claudine’s opinion and Claudine has said that being the Health Officer for Essex Junction is a form of employment by the City – thus we are in conflict with state law. By adding this language we will be able to prevent current City Councilors from being City employees unless in circumstances where state law deems it appropriate.

The second change is to remove the final sentence in section 206a of our charter. In reviewing all other Vermont City charters and a majority of Town charters, this is an area in which Essex Junction is an outlier. In my review no other municipalities require one year to pass after the end of their elected term before a former City Councilor can be employed by the municipality.

Third is to remove section 302 of our charter which would remove the role of Moderator from our municipality. The role of the Moderator, as defined within our charter, is to “preside at the next annual meeting.” In Essex Junction our annual meeting is no longer an in-person meeting where votes are taken by those physically present, instead our annual meeting is held via Australian ballot and decisions are made through the ballot. In essence, there is no annual meeting which needs moderating. In a review of the charters for Barre City, Montpelier, City of St. Albans, Rutland City, and Winooski none of these municipalities have a moderator as, just like Essex Junction, their annual meeting is held via Australian ballot.

Fourth is to no longer have the community vote on when to hold the annual meeting (Australian ballot voting) but to have the City Council make this decision. The intent of this is to continue the long-desired practice of having our community vote once on municipal and school items, just as we do now. Should the school district have a desire to change when they vote this would allow the City to collaborate with the school district quickly. In my review of the same municipal charters as the third change, all municipalities have their annual meeting date defined by their charter as the first Tuesday in March. To be clear, the intent of this proposal is not to change our annual meeting to Town Meeting Day.

Included with this memo is a draft of the charger with proposed amendments. Changes one and two can be found on page 7 of the charter. The third change is on pages 9 and 10, with the fourth change on page 10.

In order for us to make a change to the charter here is the timeline we must follow:

Jan 25th – Council proposed charter changes introduced

Feb 8th – Council warns public hearings

Feb 22nd – First public hearing

March 8th – Second and final public hearing and finalize warning

April 11th – Vote

Recommendation: This memo is for discussion purposes, no vote is required. The council can either agree to move forward with the charter changes as presented, make changes, or not move forward with the charter changes.