



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

Online & 2 Lincoln St.
Essex Junction, VT 05452
Wednesday, February 1, 2023
11:30 AM

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** [11:30 AM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
5. **BUSINESS ITEMS**
 - a. Discussion and Consideration of Warning the Public Hearings for Charter Changes
6. **CONSENT ITEMS** - none
7. **READING FILE** - none
8. **EXECUTIVE SESSION** - none
9. **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.

Date: 1/30/2023

To: Essex Junction City Council

Cc: Regina Mahony

From: Andrew Brown

Subject: Charter Change Public Hearings

According to the VLCT Quick Guide to Charter Procedure (see enclosed) a notice (meeting warning) must be “not less than 30 nor more than 40 days before the hearing.” This is the same timeline for warning our annual meeting. Because of this we cannot move the charter changes forward without adding the two public hearings to our schedule.

I propose adding:

Monday, March 6th at 6:30pm – first public hearing and adopt annual meeting warning

Monday, March 13th at 6:30pm – second public hearing

The goals of these meetings would be to ensure we follow state statute with changing our charter and limit the agenda for these meetings to only conduct the business necessary for the charter changes. All other business would need to wait for a regular scheduled meeting.

Because the second public hearing falling outside of the window to warn the annual meeting, no changes to the charter changes would be allowed at the second public hearing. To be clear, we will only be able to accept changes of the charter changes before or during the first public hearing.

City Clerk, Susan McNamara-Hill, has reviewed this timeline and says it follows the required process and will not impact the printing of ballots.

Recommendation:

I move the City Council warn the first public hearing for the proposed charter changes on Monday, March 6th at 6:30pm and a second public hearing for the proposed charter changes on Monday, March 13th at 6:30pm with both meetings taking place at 2 Lincoln Street and on zoom.

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.

CHARTER PREPARATION

Charter submission. A proposal to adopt/amend/repeal a governance charter may be submitted to the legal voters of a municipality at an annual or special town meeting by the selectboard or a petition of 5% of the voters.

Revisions to voter-backed proposal. A charter proposal by petition cannot be changed by the selectboard, except for technical corrections, and must be submitted to the voters at the next annual meeting or primary or general election.

Copies available. Official copy of the charter proposal must be filed as a public record with the town clerk at least 10 days before the first of two required public hearings. The clerk must certify the date he or she received the official copy. Copies must be made available to the public upon request.

PUBLIC HEARINGS

Hearings and notice. Selectboard must hold at least two public hearings prior to the vote on the charter proposal.

First public hearing. The first public hearing is held at least 30 days before the special or annual town meeting. Notice for the first public hearing must:

- Be in accordance with 17 V.S.A. § 2641:
 - Post in at least two public places in the municipality, and in or near the town clerk's office, not less than 30 nor more than 40 days before the hearing; and
 - Published in a newspaper of general circulation in the municipality at least five days before the hearing
- Show each charter section(s) to be adopted, repealed, or amended in amended form by showing deleted matter struck through and new matter underlined. However, if the selectboard decides the charter proposal is too long or unwieldy to be shown in amended form, notice shall include:
 - Concise summary of the charter proposal;
 - A statement that an official copy of the proposal is on file for public inspection at the town clerk's office and that copies will be made available upon request.

Second public hearing. The second public hearing is held no later than 10 days after the first public hearing if the charter proposal was made by petition. Notice for second public hearing is the same process as the first public hearing.

Revisions following public hearings. The selectboard may make revisions only if the charter proposal is from the selectboard and revisions are made no less than 20 days before the date of the special or annual town meeting to vote on the charter proposal. If revisions are made, the selectboard must:

- Post notice of revisions:
 - In the same places as the warning for the special or annual town meeting; and
 - Not less than 20 days before the date of the special or annual town meeting.
- Attach revisions to the official copy kept on file for public inspection in the town clerk's office.

SPECIAL OR ANNUAL TOWN MEETING

Notice for town meeting. Notice for special or annual town meeting is the same process and timing as for annual town meeting under 17 V.S.A. § 2641. The notice must also show each charter section(s) to be adopted, repealed, or amended in amended form by showing deleted matter struck through and new matter underlined. However, if the selectboard decides the charter proposal is too long or unwieldy to be shown in amended form, notice shall include a:

- Concise summary of the charter proposal; and
- Statement that an official copy of the proposal is on file for public inspection at the town clerk's office and that copies will be made available upon request.

Method of voting and ballot requirements. The vote on the charter proposal must be conducted by Australian ballot. The ballot must:

- Show each section to be amended in the amended form by showing deleted matter in struck through and new matter underlined;
- Allow the voter to vote on each separate proposal contained within the charter proposal.
- If the selectboard decides the charter proposal is too long or unwieldy to be shown in the proposed form on the ballot, voters must be permitted to vote on each separate proposal in its entirety in the form of a "yes" or "no" proposition.

Copies available. An official copy of the charter proposal must be posted conspicuously in each ballot booth for inspection by the voters during balloting.

POST-VOTE

Results. The town clerk must announce and post voting results immediately after the vote is counted.

Certification. Within 10 days following the day of the election, the town clerk must certify to the Secretary of State and provide:

- Each separate charter proposal and the facts as to its origin and the procedure followed;

- If the charter proposal as made by the selectboard, the minutes recorded by the selectboard that detail the origins and intent of each separate proposal;
- If by voter petition, the body of the petition and evidence of the required number of petition signatures;
- A copy of the official certified copy of the charter proposal filed with the town clerk;
- Copies of the warnings and published notices for each of the public hearings;
- Minutes recorded by the selectboard that detail each of the public hearings;
- Copies of warnings and published notices for the meeting to vote on the charter proposal; and
- A copy of the ballot and the results of the vote or votes on the charter proposal.

Confirmation. The Secretary of State must confirm the town clerk's certification, file the certificate, and deliver copies to: The Attorney General, the Clerk of the House of Representatives, Secretary of the Senate, Chair people of the committees concerned with town charters to both houses of the General Assembly.

Effective date. The charter/amendment/repeal becomes effective upon enactment into law either as:

- Originally proposed; or
- Amended by the General Assembly.