



VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
Subcommittee on Governance
Special Meeting Agenda

2 Lincoln Street
Essex Junction, VT 05452
Thurs., Nov. 14, 2019
6:30 PM

E-mail: manager@essex.org

www.essexjunction.org
www.essex.org

Phone: (802) 878-1341

The Governance Subcommittee consists of two members of the Essex Junction Board of Trustees and two members of the Essex Selectboard. The members will not discuss or take action on any issue outside of the scope of the subcommittee and shall not act as the Town Selectboard or Village Board of Trustees at the meeting.

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
5. **BUSINESS ITEMS**
 - a. Discuss Representation
 - b. Discuss Next Steps on Taxation Proposal
 - c. Discuss Next Steps Regarding the Merger Plan and Consider Approving Process
 - d. Review FAQ Language "Why are we doing this now?" Consider Approving for use on GreaterEssex2020
 - e. Consider Future Meeting Schedule: Nov. 21, Dec. 5, Dec. 12 (or 19), and Jan 2
 - f. Approve minutes: October 30, 2019
6. **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 Chair or 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 Chair or President. This agenda is available in alternative formats upon request. Meetings, like all programs and activities of the Village of Essex Junction and the Town of Essex, are accessible to people with disabilities. For information on accessibility or this agenda, call the Unified Manager's office at 878-1341.

Certification: 11/08/2019

J Mitchell

Memorandum

To: Governance Subcommittee; Evan Teich, Unified Manager

CC: Greg Duggan, Deputy Manager

From: Ann Janda, Project Manager

Re: Discuss Representation

Date: November 14, 2019

Issue

Discuss the representation component of a merger plan for voters to consider in November 2020.

Discussion

According to the results of the quantitative survey, “Overall, Essex residents are more favorable toward a district-/ward-based representation, with residents across the community — but in particular TOV residents — indicating an acceptance of that model. Those that are generally in favor of merger (N = 409), however, are more likely to support an at large structure. Given that those in favor of merger are seeking a more unified community, an at-large structure is seen as a way of eliminating divisions, whether those divisions are real or perceived. A district- or ward-based system is seen by proponents as a solution to address the concerns in the community around fair or equal representation, and to ensure that the unique needs across the community are better addressed. However, even those in favor of such a model caution that it could perpetuate TOV and Village divides unless wards are created by rethinking existing Village and TOV lines.”

Issue to Consider:

- **Legal Issues** - The law that governs is US Supreme Court case law. If the percentage difference in population between the most and least populous wards is 10% or higher, redistricting is required. The same rule applies when drawing new wards and districts.
- **Examples in Vermont** - The Secretary of State’s Office advises that all the municipalities in Vermont that have municipal districts for their elected officials, except Burlington, follow the same lines as the state representative districts. (Burlington is the only one where the municipal lines are different than the state rep lines.) However, in the Essex 8-3 district, the population is significantly lower than 8-1 and 8-2 because it spans Essex and Westford. ([See map of Essex Districts.](#)) The last official numbers come from 2012
<http://www.leg.state.vt.us/reapportionment/H.789%20As%20Passed%20House%20and%20Senate-House%20Statistics.pdf>
8-1 = 8,199
8-3 = 9,070
8-3 = est. 2,309 in Essex (total = 4,347; Westford 2012 est. population = 2,038)
- **Burlington Example** - The Secretary of State’s Office referred us to City of Burlington on alternate methods for drawing districts. Here is guidance from Jay Appleton, City of Burlington: *Be advised that electoral districting or redistricting is an excruciating process for everyone. It is also inherently political. The first step is to decide how many representatives will be on the governing body. You do not have to, but the process becomes simpler. Burlington wanted to reduce the size of the City Council, but how much was not clear. I made numerous Plans for Council size ranging from 10-14. (See attachment.)*

- **National Examples** – From the National League of Cities: Breakdown of Types of City Council Elections by City Size (2001)* (n = 649)

	Small (25,000-69,999)	Medium (70,000-199,999)	Large (200,000 and up)
At-Large	48.9%	43.7%	16.4%
Mixed System	25.0%	25.4%	38.2%
District	26.1%	31.0%	45.5%

*Study based on a mailed questionnaire completed by a random sample of 664 council members in cities with populations of 25,000 and higher (Svara). Source: <https://www.nlc.org/municipal-elections>

- **Census Tract Boundaries** – On possibility to consider is using Census tract boundaries. (See attachment.)
- **Timing** - The Census Bureau releases an early version for reapportionment. Those data are released by April 1, 2021. See <https://www.census.gov/programs-surveys/decennial-census/about/rdo/program-management.html>
- **Place of Voting** - The Secretary of State’s Office advises that you may have a polling place in each ward/district, but you don’t have to. If two or more districts/wards are served by the same polling place, you just have two different check-in tables and voting areas. Colchester has done this for a long time with their two districts voting in the same location. However, what will best serve your voters should be the driving consideration. Important things to think about – capacity, accessibility, parking, etc.

Cost
NA

Recommendation

Given the complexities involved with creating districts distinct from state representative districts and the timing of Census data for district apportionment, staff recommends that the Governance Subcommittee consider a transitional plan for representation that enables sufficient study and public input for representative districting.

Essex and Essex Junction Voting Districts

Chittenden 8-1

(2 members)

All of the Town of Essex outside of Essex Junction chartered boundaries minus the voters residing in the area described under 8-3.

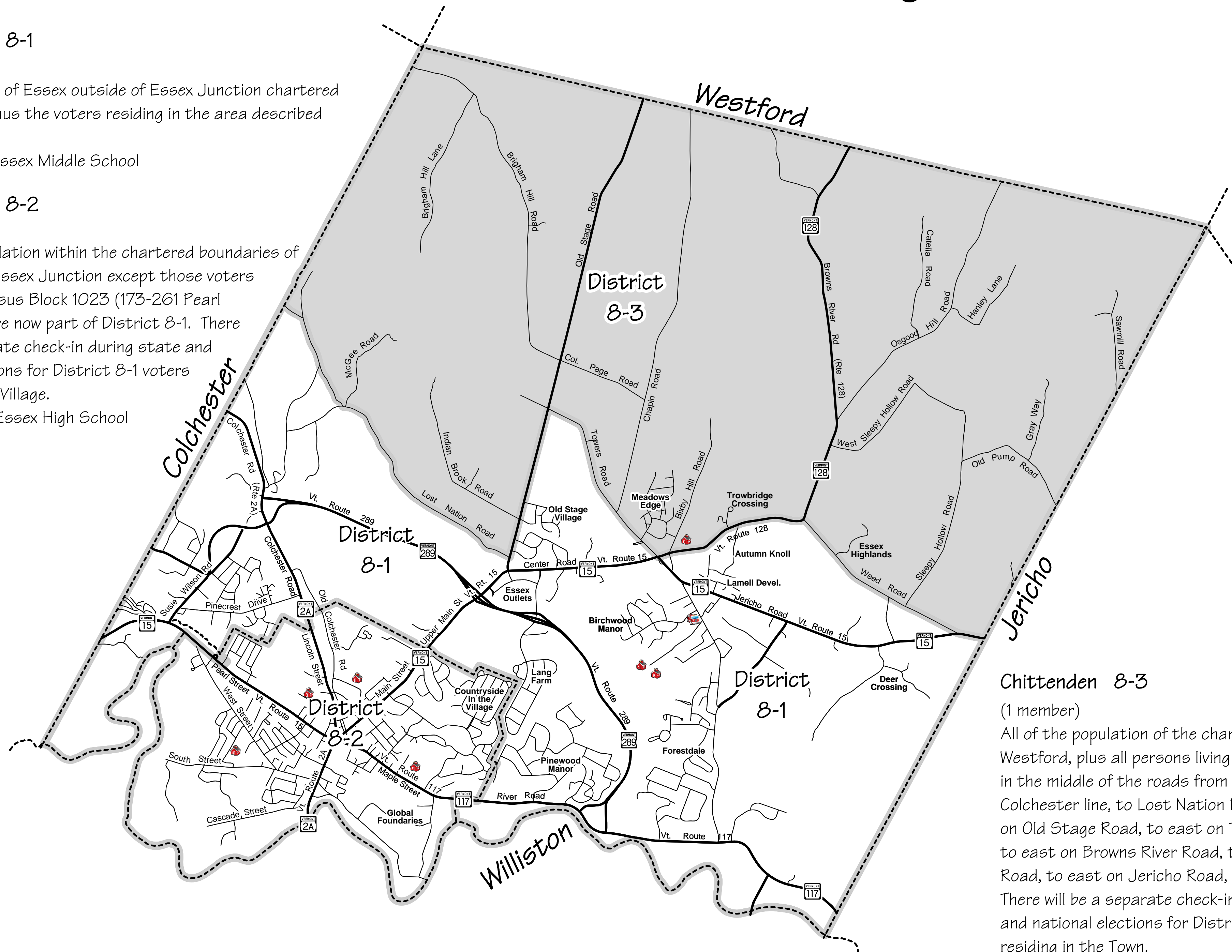
Polling place: Essex Middle School

Chittenden 8-2

(2 members)

All of the population within the chartered boundaries of the Village of Essex Junction except those voters residing in Census Block 1023 (173-261 Pearl Street) who are now part of District 8-1. There will be a separate check-in during state and national elections for District 8-1 voters residing in the Village.

Polling place: Essex High School

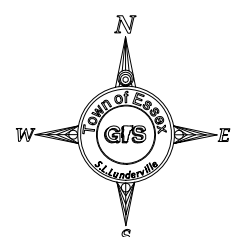


Chittenden 8-3

(1 member)

All of the population of the chartered Town of Westford, plus all persons living above a line in the middle of the roads from Curve Hill at the Colchester line, to Lost Nation Road, to north on Old Stage Road, to east on Towers Road, to east on Browns River Road, to east on Weed Road, to east on Jericho Road, to Jericho line. There will be a separate check-in during state and national elections for District 8-3 voters residing in the Town.

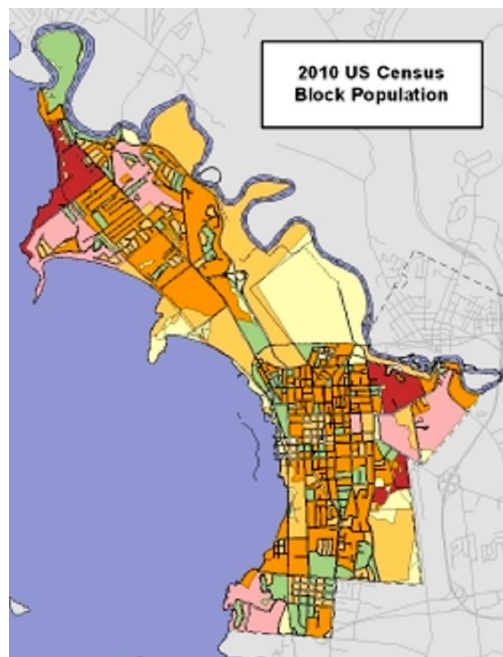
Polling place: Essex Middle School
(Town of Essex residents only)



How to Redistrict

Definitions: from FairVote.org

- **Census Block** - Smallest unit of census geography for which population data are counted and reported. Census blocks are delineated by the Census Bureau and are generally bounded by physical features such as roads, creeks, or shorelines, but also may be bounded by invisible features such as city, county, school district, or voting district boundaries.
- **Deviation** - Amount or percentage by which a district's population varies from that district's Ideal Population. The percentage is the difference between actual population and Ideal Population, divided by the Ideal Population.
- **District** - Boundaries that define the constituency of an elected official. A district can include one or more elected legislators (Councilors).
- **Ideal Population** - Number of people that should be in each of a town or city's voting districts for exactly equal representation. This number is calculated by dividing the total city or town population by the total number of legislators (City Councilors), and then summed by the number of legislators in each district. Also called Target Population.
- **Plan** - An electoral district configuration proposal.
- **Overall Plan Deviation** - The difference between the least populated district and the most populated district, divided by the Ideal Population, expressed as a percent.



Defining Equal Representation:

U.S. Supreme Court and other precedent have established that for municipal election purposes, when the actual district population (defined by the most recent Census) is within ten percent (10%) of the Ideal Population, the district provides equal representation. Deviations greater than 10% may be acceptable if needed to meet other important representational goals, but the intent is to keep the variation as close to or below 10% as possible.

In legal challenges, the courts use Overall Plan Deviation to evaluate redistricting plans, which must be 10% or less to qualify as equal representation.

Existing Ward Calculations:

The 2010 US Census found Burlington's population had grown to 42,417 people. Currently Burlington has 14 City Councilors, elected from 7 Wards with 2 Councilors each. (Ideal Population numbers are rounded.)

- Ideal Population = 42,417 divided by 14 Councilors = 3030 People per Councilor
- Ideal Ward Population = 3030 times 2 Councilors each = 6060 People per Ward

Table 1: Existing Ward Population and Deviations

Ward	Number of Councilors	2010 Census Population	Ward Population Per Councilor	Deviation from Ideal Per Councilor	Ward Deviation (%)
1	2	7593	3797	767	25.3%
2	2	6106	3053	23	0.8%
3	2	6076	3038	8	0.3%
4	2	5081	2541	-489	-16.1%

5	2	5817	2909	-121	-4.0%
6	2	6343	3172	142	4.7%
7	2	5401	2701	-329	-10.9%
Totals:	14	42417			
Ideal Population Per Councilor:			3030	Overall Plan Deviation:	41.5%

Table 1 shows that Ward 1 has too many people - its Ward Deviation of 25.3% is above the 10% legal maximum limit. Wards 4 and 7 have too few people - Ward Deviations are -16.1% and -10.9% respectively. Further, the resulting Overall Plan Deviation is 41.5%. The maximum Overall Deviation allowed by the courts is 10%, unless there are circumstances that justify higher deviations. Burlington's existing Ward Plan has become outside the legal definition of equal representation, and must be redefined.

How Redistricting Plans are Developed:

US Census population data serve as the base for electoral redistricting. "Census Blocks" are the smallest geographic unit for population data, which form the raw material for redistricting. The process of redistricting involves grouping Census Blocks so the resulting district total populations are equal as defined above. This is the process of creating Redistricting Plan Maps.

Vermont Law Title 17 Elections, Sec 1903(b) provides guidance on how to group Census blocks into districts for the State Legislature. Common sense dictates that municipal redistricting should follow the same.

Sec 1903(b): The representative and senatorial districts shall be formed consistent with the following policies insofar as practicable:

1. *preservation of existing political subdivision lines;*
2. *recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests;*
3. *use of compact and contiguous territory.*

Political Subdivision Lines: Town, City or Ward boundaries. State districts should attempt to follow municipal ward boundaries where possible.

Patterns of Geography, Social Interaction, Common Interests, etc: Includes neighborhoods.

Compactness: A tight geometric shape. A circle is the most compact shape. Contorted shapes have little compactness.

Contiguity: A single unbroken shape. A district divided into two separate pieces is not contiguous. A district divided into two separate pieces touching only at their corners is also not contiguous.

Determining the size of the legislative body (City Council) is the recommended first step in the mapping process.

Table 2: City Council Size and Population Represented

Number of Councilors	Ideal Population per Councilor	Maximum Deviation per Councilor
10	4240	424
11	3860	386
12	3530	353
13	3260	326
14	3030	303
15	2830	283

16	2650	265
----	------	-----

Tradeoffs:

Redistricting guidance criteria are not necessarily complementary, and often adversely affect one another. For example, if a certain neighborhood's geography is not compact, then a compact district may divide the neighborhood into pieces. Conversely, to include all of the non-compact neighborhood in a district, contiguity may have to be less than desired.

Decisions on how to balance tradeoffs between competing goals make redistricting a challenging task. Often there is no best plan, but rather a number of redistricting plan options with differing tradeoffs.

Geographic features may severely limit redistricting options, such as mountain ranges or areas accessible by few roads. For this reason the courts may allow district plans where the Overall Plan Deviation exceeds the 10% maximum limit for equality.

End of How to Redistrict

Here are the basic statistics for the four Census tracts in Essex (including Essex Junction). The first table is from the 2010 Census, and includes total population, voting-age citizens, and housing units (there's lots of other information from the Census too, if needed). We also have a better count of housing units than the Census, if needed.

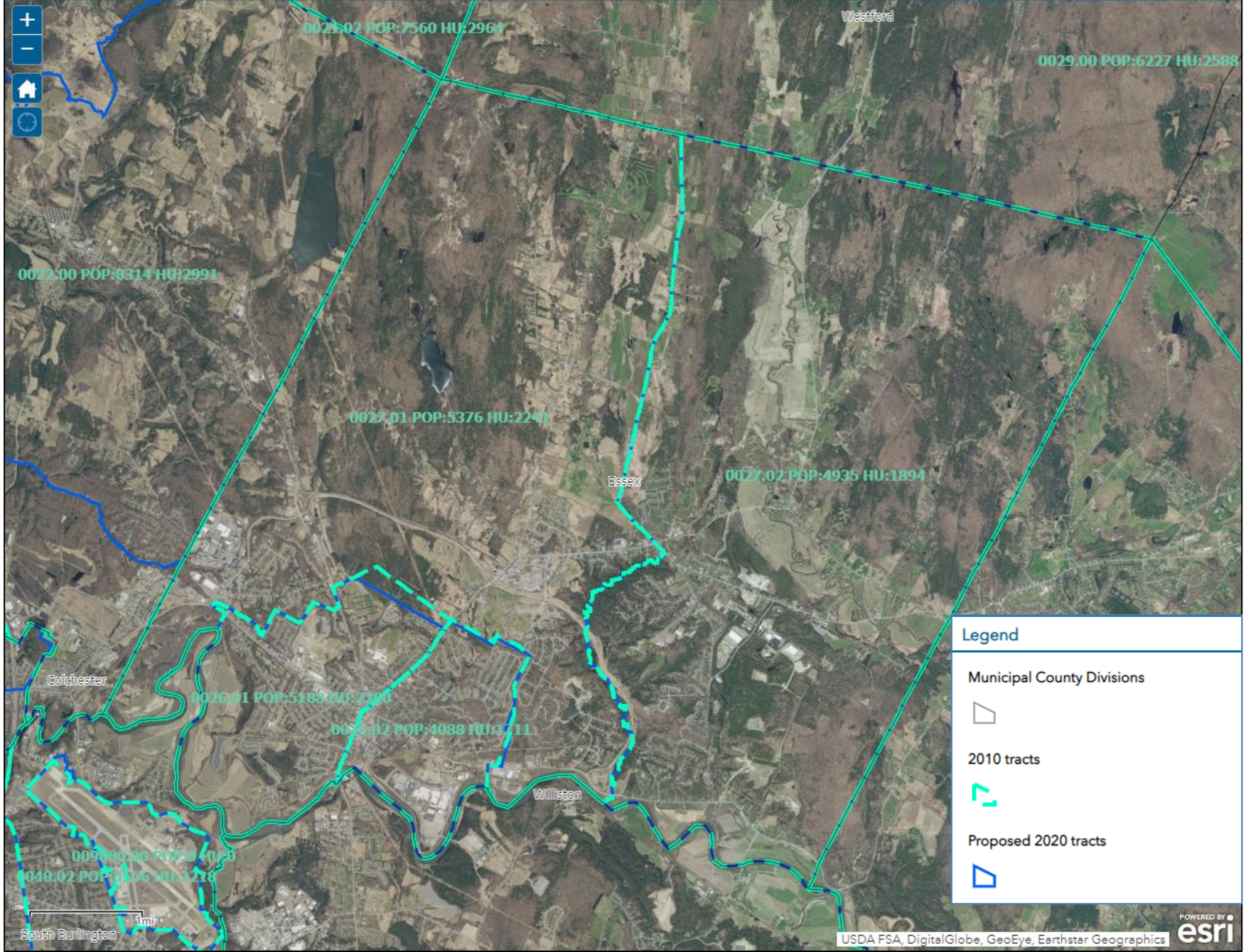
2010 Census Count	26.01 – Village West	26.02 – Village East	27.01 – TOV West	27.02 – TOV East
Population	5,188	4,088	5,376	4,935
Housing units	2,300	1,711	2,241	1,894
Voting-age citizens	4,031	3,075	4,114	3,615

The second table is the 2017 American Community Survey estimates (which also include a Margin of Error, since it's just an estimate, but it should reflect more closely the 2020 Census count).

2017 ACS Estimates	26.01 – Village West	26.02 – Village East	27.01 – TOV West	27.02 – TOV East
Population	5,731	4,401	5,783	4,986
Population MOE	+/- 206	+/- 204	+/- 193	+/- 190
Housing units	2,450	1,959	2,531	1,968
Housing units MOE	+/- 128	+/- 115	+/- 101	+/- 69
Voting-age citizens	4,297	3,258	4,352	3,362
Voting-age citizens MOE	+/- 270	+/- 213	+/- 214	+/- 181

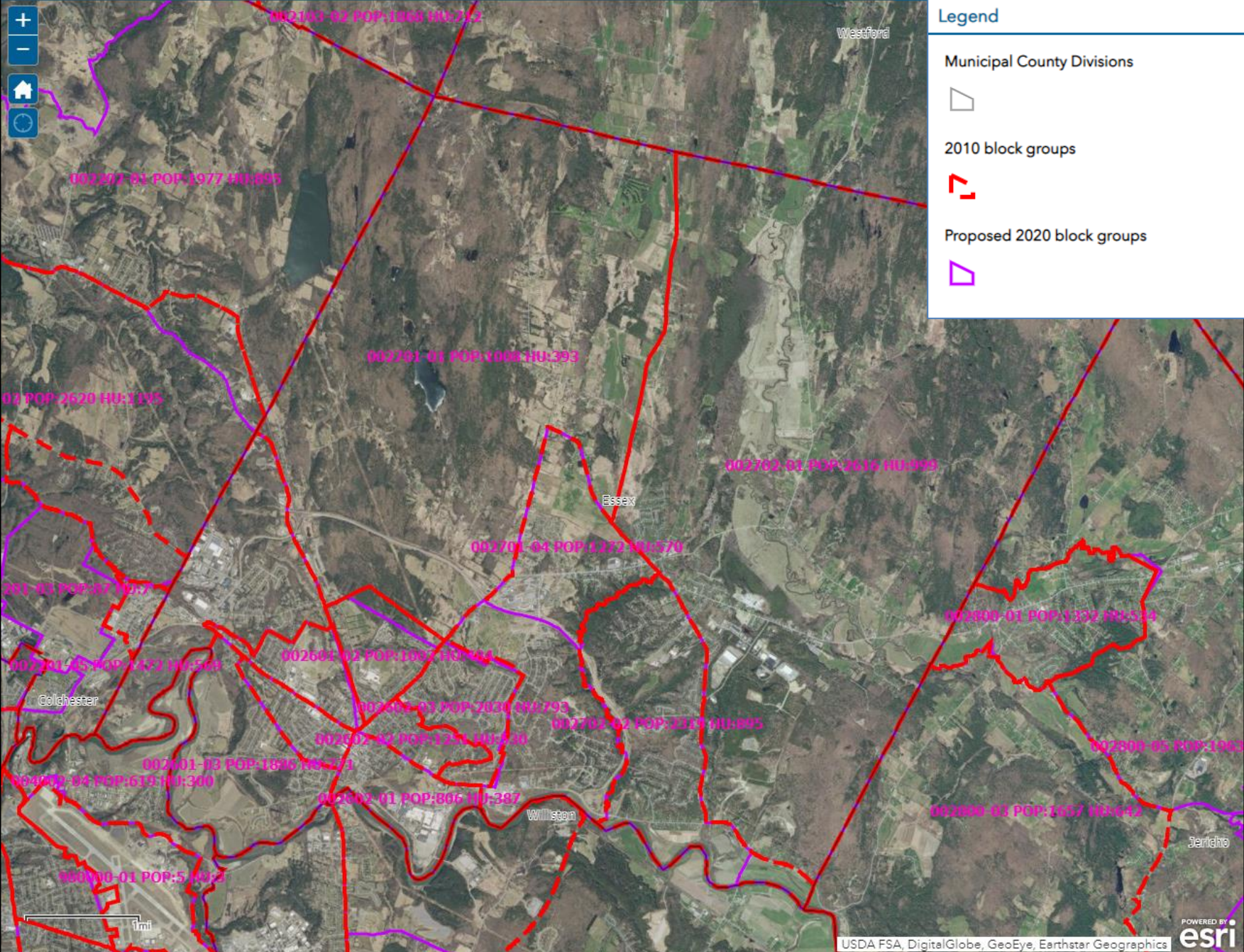
Lots of this information is also available in the Housing Needs Assessment.

Map navigation controls: zoom in (+), zoom out (-), home, and refresh.



Legend

- Municipal County Divisions
- 2010 tracts
- Proposed 2020 tracts



Legend

- Municipal County Divisions
- 2010 block groups
- Proposed 2020 block groups

002103-02 POP:1868 HU:712

002277-01 POP:1977 HU:895

01 POP:2620 HU:1115

002701-01 POP:2008 HU:393

003702-01 POP:2616 HU:999

003701-04 POP:1237 HU:570

002800-01 POP:1332 HU:514

002701-05 POP:1473 HU:569

002501-02 POP:1052 HU:404

002800-03 POP:2020 HU:793

002701-02 POP:2129 HU:805

002601-01 POP:1324 HU:510

002800-05 POP:1963

002601-03 POP:1826 HU:711

002601-01 POP:866 HU:387

002800-03 POP:1657 HU:643

002601-04 POP:619 HU:300

002601-01 POP:5 HU:3

Memorandum

To: Governance Subcommittee; Evan Teich, Unified Manager

CC: Greg Duggan, Deputy Manager

From: Ann Janda, Project Manager

Re: Discuss Next Steps on Taxation Proposal

Date: November 14, 2019

Issue

The issue is determining next steps regarding a taxation proposal to include in a merger plan for voter consideration November 2020.

Discussion

According to the quantitative survey: “Two-thirds of the community would support a single tax rate. However, there are clear, predictable divisions within the community. Village residents in 8-2 are overwhelmingly in favor, with 41% of them indicating it would result in their taxes going down. That wasn’t the top reason they support a single tax rate, however. Across all districts, residents that support a single tax rate (N = 561) say they feel it is fair because everyone is an Essex resident — 80.39% of those in favor of a single tax rate said this, making it the top-cited reason. The other top reason is the belief that a single tax rate would help ensure the quality of municipal services, and that access to those services would be maintained throughout all of Essex — 73.26% of those in favor of a single tax rate selected this answer choice. Half of those in favor said a single tax rate would make it feel like a more unified community. A third of the community, however, does not support a single tax rate (N = 287), with the strongest opposition coming from 8-3. The top reason for not wanting a single tax rate, cited by 76.31% of those not in favor, is the belief that not everyone benefits equally from municipal services and shouldn’t have to pay based on the same rate. One comment noted that some services are more convenient for Village residents. Additionally, half of those that don’t support a single tax rate say so because they believe it would mean taxes increasing.”

Q. Merger that results in a single municipal tax rate may cause property taxes to increase for some residents. If a single tax rate for all residents in the community were to be achieved after a period of time of gradually evening-out tax rates, what would be the ideal time frame?

	TOTAL N = 844	Essex should have a single tax rate	
		Agree N = 558	Disagree N = 286
Immediately	16.23%	17.74%	13.29%
No more than 3 yrs.	18.60%	26.88%	2.45%
No more than 5 yrs.	25.12%	34.05%	7.69%
No more than 7 yrs.	5.21%	5.73%	4.20%
No more than 10 yrs.	12.09%	11.11%	13.99%
No more than 12 yrs.	22.75%	4.48%	58.99%

In the listening sessions, we touched on the topic of phasing in a tax increase, should a merger be put up for a vote. We asked the above question in the interest of gauging public sentiment on the ideal time frame, should a single tax rate come into effect.

While the survey was in the field, we received feedback that this question forced respondents who are not in favor of a single tax rate to make a choice without giving them an option to indicate they wouldn’t support it, and we agree with that feedback. That could in part explain why the majority of those that would disagree with having a single tax rate would want to push it out as far as possible.

Cost

NA

Recommendation

Staff recommends that the Governance Subcommittee begin planning next steps and a process for determining a taxation proposal.

Memorandum

To: Governance Subcommittee; Evan Teich, Unified Manager

CC: Greg Duggan, Deputy Manager

From: Ann Janda, Project Manager

Re: Discuss Next Steps Regarding the Merger Plan and Consider Approving Process

Date: November 14, 2019

Issue

The issue is determining next steps regarding a Merger Plan for voter consideration November 2020.

Discussion

As per VSA 24: Municipal And County Government, Chapter 49: Merger of Municipalities:

§ 1482. Preliminary plan

A plan of merger shall be prepared which shall be approved by a majority of the legislative body of each of the parties to the proposed merger before being promulgated. (Added 1965, No. 184, § 2(a).)

§ 1483. Contents of plan

The plan of merger shall include provisions relating to structure, organization, functions, operation, finance, property, and other appropriate matters; shall include special provisions contained in a charter of any municipality included in the plan, which provisions are peculiar to that municipality, and which it is desired to retain as charter provisions of the consolidated municipality; and shall include adequate provisions for the satisfaction of all obligations of the parties concerned. ([See complete statute online.](#))

Important Items for Consideration

BIG PICTURE

1. Identity
2. Taxation
3. Representation
4. Board Composition
5. Planning Commission/ZBA/DRB
6. Powers
 - a. Legislative Body
 - b. Manager
7. Town Meetings/Voting

ORGANIZATIONAL

8. Libraries
9. Fire
10. Recreation and Community Development (doesn't need to be in transition plan)
11. Administrative Seat (81 Main or 2 Lincoln)
12. Transition Plan

Cost

NA

Recommendation

Staff recommends that the Governance Subcommittee begin planning next steps and a process for regarding the Merger Plan.

Outline of Merged Entity Charter

Subchapter 1: Transitional Provisions

§ 101 Adoption of town and village assets and liabilities

This first provisions should demarcated the new entity as the successor entity to the village and the town as such all assets, contracts, liabilities, rights, and obligation held by the former entities shall transition to the new entity. This should dovetail and mirror Section 201 below.

§ 102. Transition Period

This provision should define the length of the transition period, if the period will extend to all or certain municipal functions, when the transition will begin, and when its provisions will sunset.

§ 103. Organizational Municipal Meeting

Depending on whether the new entity follows a town meeting format or an Australian ballot format of annual meetings, this provision should lay out what will happen at the first meeting of the new entity, who will be elected, who will lead the meeting, and what items (such as a budget) will be voted.

§ 104. Transitional Districts

These would create districts for the purpose of taxes, services, and other issues within the new municipality that would eventually disappear, but that would assist the transition.

§ 105. Interim Governing Body

This provision should lay out how the new municipality will be governed between adoption of the new charter and the first organizational meeting. There are a variety of options. This body could be the duly elected Trustees and Selectboard; a representative hybrid of the two; or a body created by each of the Trustees and Selectboards composed of new members. This body should have certain powers and duties to oversee the new municipality and to oversee the transition.

§ 106. Budget and Municipality Administration

I would recommend laying out how the first year's budget and any capital or larger issues will be addresses during the transition from a governance stand-point. I would recommend utilizing the manager to assist in this process.

§ 107. Village and Town Boards and departmentTransitional Provisions

This section should have provisions for zoning and planning, recreation, library, and any other service that has not already been merged but that will either during or after the transition.

§ 108. Unification and Adoption of Ordinances, bylaws, and rules

This provision should provide (1) for adoption of existing ordinances and bylaws; (2) the repeal of such ordinances or bylaws that conflict; and (3) a temporary grant of power to the transitional body to oversee these ordinances and to make changes as may become necessary during the transition.

§ 109. Personnel

This provision should cover all town and village employees during transitional period for issues of employment, compensation, and benefits.

§ 110. Water and Sewer District

This provision should lay out any transitional provisions to unite the town and village water and sewer districts, including any necessary provisions for their management and eventual integration.

§ 111. Finances

Declaring all grand lists to remain in effect from the town and village and that any taxes due under the old entities will be payable to the new municipality. That the new entity will manage the existing budget of the old entities with the assistance of the existing selectboard and board of trustees. Transition provisions for assets and property, bonds, and obligations.

§ 112. Terms Extended

Extending the governing officers' terms for the length of the transitional period (if necessary).

§ 113. Municipal Government Seat

As necessary provisions stating where the new municipality will conduct meetings and any provisions for town buildings affected by the merger that must be addressed prior to the new municipal government taking office.

§ 114. Transitional Tax Districts and Transitional Tax Provisions.

Create tax districts and set up timelines for their existence. Should follow the transitional districts created in Section 103.

§ 115. Repeals

(a) 24 App. V.S.A. chapters 117 (Town of Essex Charter) and 221 (Village of Essex Junction Charter) are repealed.

Subchapter 2: Incorporation and Powers of The Town

§ 201. Corporate Existence

This section should define the new entity, its corporate existence, and it should reference the prior charters to name this new entity as a successor to both the town and village and also to acknowledge the merger of the Town and Village.

§202. General powers, law

Should defined the powers of the new entity, incorporating Sections 117-102 and parts of 117-103 of the Essex Town Charter along with Section 221-11.03 of the Essex Junction Village Charter

§ 203. Specific Powers

This section should set out any special or specific powers of the new entity including the enumerated powers in Section 117-103 of the Essex Town Charter along with Sections 221-1.05, 221-1.06 and 221-2.07 of the Essex Junction Village Charter. This section or a separate section should intergovernmental relations provision that authorizes the new entity to enter into agreements, grants, loans, and assistance programs with the federal government, the state, and other municipalities for public improvements.

§ 204. Reservation of powers

This provision is a catch-all that would state that nothing in this charter would be intended to limit the power of the new entity otherwise given through statute or executive delegations.

§ 205. Property

This section should address the merged property holdings of the new entity and empower the new entity and its governing body to manage and control the properties and any other general power that would be necessary to oversee the merged properties.

§206 Form of Government

This section should describe the adopted form of government with a town/city manager, selectboard/council and whether there is a mayor and voting districts.

§ 207, et sec. Any Other General Powers or Incorporation issues

Any other sections in this subchapter can be drafted to address grants of general power to the new entity or to deal with specific incorporation issues that arise during this process. This may include the creation of any special districts.

Subchapter 3: Voting District and Governance Structure

§ 301 Voting Districts (assuming the Town and Village decide to adopt voting districts)

This should define any voting districts (wards) as well as any provisions regarding when and how such districts would be re-drawn and modified to ensure equal population distributions.

§ 302 Powers and Duties of Governing body

This section should set out the powers and duties of the selectboard/council incorporating and elaborating on the general powers of 24 V.S.A. § 872. May include the power to compel municipal employees to present information on their department or municipality's functions. It should also include provisions to provide for an independent annual audit.

§ 303 Governing body composition and term of office

Defining the number of the body, length of term, eligibility, election, any staggering of offices. Note: there may have to be a separate section identifying the Moderator if the new entity retains the town meeting model. In such case, I would recommend a separate subchapter defining town meeting process and officers.

§ 304 Vacancy in office

Provisions for appointing members between elections where there is a death, disability, or resignation.

§305 Election of governing body officers

If a selectboard, provisions to elect chair and vice-chair. If a council, then election of president and vice-president. Some municipalities also elect a parliamentarian. Should have vacancy provisions for these officers.

§ 306 Compensation

How members of the governing body can be compensated.

§ 307 Prohibitions and conflicts of interest

Incompatible offices, limitations on actions involving the manager and staff, conflict of interest terms, and other prohibitions on officers.

§ 308 governing body meetings

This section defines when, where, and how meetings occur along with any special provisions about notice. May call for set meetings or may authorize body to set its own meeting schedule at the beginning of each term following a new election.

§ 309 Special meetings

How special or emergency meetings can be called and conducted. May contain provisions regarding ratification, if necessary.

§ 310 Procedure

This section should include the process for how meetings are conducted including the body's agenda, quorums, attendance at meetings, the public nature of meetings, rules and minutes/journal of the meetings, executive sessions,

§ 311 Appointments

The power and process to appoint individuals to various municipal boards. May include the power to make ex-officio appointments.

§ 312, et sec. Additional governing body provisions

The additional sections in this subchapter could be dedicated to outlining or breaking out other special powers, processes, or other functions of the governing body including but not limited to a process for members to make claims for personal services, process for the sale of public property, and provisions for making contracts.

Subchapter 4 Other Elected Offices

§ 401 Library Trustees

This could be an incorporation of the Village's charter provision Section 221-3.02.

§ 402 Mayor (if such a position is created)

Defining the office of mayor including the term, elections power, and duties. Should also include provisions for appointment when a vacancy arises.

§ 403 et sec. Any other elected positions

This may include the position of Clerk, Treasurer, Cemetery Commissioners

Subchapter 5 City/Town Meetings

(This section would either lay out a traditional town meeting process or the modified process for conducting non-town meeting annual elections)

Alternative I (non-town meeting elections)

§ 501 New Entity Meetings/Elections

The process generally defined, date of the annual election, general conduct of election

§ 502 Notice of Meeting

Requirements for publishing and posting of articles

§ 504 Special meetings;

Provisions for special meetings to authorize improvements and incur debt outside of annual election meeting.

§ 505 Election of officers

Defining how officers are elected and when and provisions for voting districts.
Certificates of nomination provisions.

§ 506 Conduct of elections

Election process

§ 507 Voter checklists

Provisions for developing a voter check list

§ 508 Canvassing of ballots

Provisions for counting ballots.

§ 510 Reconsideration and rescission

Provisions for public rescission and reconsideration votes.

Alternative II (traditional town meeting provisions)

§ 501 Town Meeting Defined and Provisions

This section would outline the town meeting process adopted, cite to any adoption of general town meeting law, call for election of moderator, and lay out the provisions for conducting the town meeting.

§ 502. Time of holding

Defining the time of meeting and provisions for alternate days or meetings that spill over beyond the day.

§ 503. Budget

Laying out the budget adoption process.

§ 504. Rescission of ordinances

Provisions for rescission at town meeting

§ 505. Petition for enactment of ordinance; special meeting

Provisions for ordinances and special meeting.

§ 506 Town Report

Provisions for creating and distributing an annual town report.

§ 507 et sec. Other provisions

Any other town meeting provisions that are necessary to govern the administration, process, and substance of town meeting to the extent that the new entity wishes to modify the process beyond the default statutory provisions of title 17.

Subchapter 6 Ordinances

§ 601. Ordinances-Method of adoption and enforcement

Outline of ordinance adoption process following 24 V.S.A. §§ 1972–1975 and following town charter Sections 117-105, 117-106. State governing body’s authority, notice provisions, and effective dates. (this may be broken out into multiple sections).

§ 602 Filing and recording of ordinances

How ordinances are officially recorded, indexed, and kept as records.

§ 603 Actions in tort

Giving the new entity the right to seek tort damages if there is damage done to municipal property.

§ 604 Public nuisances

Giving the municipality the power to prosecute and seek damages and injunctive relief to end or mitigate public nuisances.

§ 605, et sec. Other ordinance provisions

These could include specific areas that the new entity may seek to regulate or process that would deviate from the standards under 24 V.S.A. § 1974.

Subchapter 7: (Town/City) Manager

§701 Appointment/Hiring of Manager

Appointment/Hiring process, term, qualifications, compensation, standards for removal. Terms of employment contract.

§ 702 Powers of Manager

Enumerating general and specific powers of Manager. Defining position as chief administrative officer and day-to-day manger of the new entity.

§ 703 Officials appointed by Manager

To the extent that this power is not enumerated in the prior section, the powers of the manger to hire and appoint various municipal officers and department heads. Whether the appointments must be made with the consent of the governing body or not.

§ 704 Hearing/Removal Process

Detailing the process for removing a manager and terms of termination.

§ 705 Vacancy in office of manger

How to appoint an interim manager and who should serve/make decisions in the case of a vacancy.

§ 706 et sec. Other provisions

Other powers, duties, terms, or limitations on the office of manager.

Subchapter 8: Boards and Commissions

§ 801 Cemetery Commission

Laying out the cemetery commissioners, powers, terms of office, method of appoint/election.

§802 Parks Commission

Laying out the parks commissioners, powers, terms of office, method of appoint/election

§ 803 Board of Civil Authority

Establishing the membership and duties of the BCA for elections and tax appeals.

§ 804 Board for Abatement of Taxes

Establishing the membership and duties of the BAT for tax abatement petitions

§ 805 Planning Commission

Establishing the membership, appointment process, terms, and duties of the Planning Commission for drafting the municipal plan and zoning ordinances as well as any other powers under 24 V.S.A. Ch. 117.

§ 806 Development Review Board

Establishing the membership, appointment process, terms, and duties of the DRB for reviewing and deciding certain zoning permits, waivers, variance, NOVs, and other municipal and zoning permits consistent the powers under 24 V.S.A. Ch. 117.

§ 807 Recreation governance

A recreation commission or board to assist and provide support to recreation department.

§ 808 Library board(s)

Laying out the library board(s), powers, terms of office, method of appoint/election. Incorporating any necessary language or terms from

§ 809 governing body's authority over boards and commissions

Clarifying the governing body's authority over the boards and commissions and the reservation of power to manage and make decisions if the decision of such a board or commission is appealed or if such action leads to other litigation.

§ 810 Youth members

Allowing youth members to serve on certain boards and commissions as ex officio members to promote civic education and life-long community engagement.

§ 811, et sec. other boards or commissions

Any other boards or commissions that the new municipality wishes to create on a permanent basis (sidewalk board, economic development board, etc.).

Subchapter 9: Administrative Departments

Part I

§ 901 General provisions

Outlining the process of creating a department through the governmental body and placing oversight with the manager.

§ 902 Administrative officers

Heads of departments how created, hired, powers, and termination.

§ 903 Personnel administration and benefits

Adoption of personnel policy and benefits.

§ 904 Officers' bonds

If necessary bonds for officers or waiver if insurance is available.

Part II

§ 905 Department of Real Estate Appraisal

Qualifications, appointment, terms, and powers of such department serving as the municipality's assessor.

§ 906. Appraisal of property

Guidance and provision on the appraisal of real estate for the grand list.

§ 907 Appraisal of business personal property for tax purposes

Provisions on how to appraise business personal property.

§ 908 Duties of Department

Duties and powers of department of real estate appraisal (incorporating listers' powers).

§ 909 Purpose

Purpose of a professional Department in lieu of publicly elected listers.

Part III

§ 910 Finance Department

Outlining the powers and duties of the finance department and staffing.

Subchapter 10 Budget Process

§ 1001 Fiscal year

Establishing fiscal year for budgets, taxes, and other purposes.

§ 1002 Annual municipal budget

Assigning the finance department primary responsibility under the manager to develop and support the drafting of an annual budget.

§ 1003 Governing Body's action on the budget

Laying procedure and process for the Governing body to review the municipality's budget and adopt as an initial procedure of the budget process.

§ 1004 meeting warning and budget

Laying out process for voter review and vote on budget.

§ 1005. Appropriation & Transfers

Directing funds from general budget to specific departments and process for manager to move or re-allocate appropriations from one department to another as necessary.

Clarification about oversight and management of municipal budget. (May need to be a separate section).

§ 1006. Amount to be raised by taxation

Tying budget to taxes and creation of tax rate.

§ 1007 et sec. Additional budget provisions

Any additional budget processes, duties, or provisions concerning the development and implementation of the municipality's annual budget.

Subchapter 11: Taxation

§ 1101 Taxes on real and personal property

How taxes are assessed, what is taxed, and how tax bills are sent to residents.

§ 1102. Penalty

Penalty on late payments.

§ 1103 Tax collector

Appointing an officer to serve as tax collector and another as delinquent tax collector.

§ 1104 Assessment and taxation agreement

Empowering municipality to enter into assessment and taxation agreements.

§ 1105 delinquent tax process

Laying out process to issue warrants on delinquent taxes and any other utility (water, sewer, etc.) bills.

§ 1106 Lien upon real estate

Authorizing the municipality to file liens on real estate for delinquent taxes or fees.

§ 1107 Application of payment on delinquent taxes

How partial payments on delinquent taxes are handled.

§ 1108 et sec. Additional tax and tax collection provisions.

Any additional provisions to cover taxation or collection services.

Subchapter 12: Indebtedness, Bonds, Capital improvements

§ 1201 Powers

Laying out the powers of the municipality to borrow, bond, or build capital funds.

§ 1202 Submission to voters; public improvements

Requirement that bonds and indebtedness for a term of greater than one year shall go to the voters and be tied to a public improvement project.

§ 1203 Bonds;

Terms of bonds and requirements for their adoption and treatment by the municipality. Should include provisions on the municipality's general debt limits, specifications of the bonds, how taxes will be assigned to meet interest and payments, public notice requirements, execution of bond documents, recording of bonds by treasurer, use of bond proceeds and excess proceeds at the end of a projects.

§ 1204 Temporary loans in anticipation of taxes and for current expenses

Authorizing the municipality to borrow in anticipation of taxes without additional authorization or additional voter approval.

§ 1205 Capital programs

For the raising, allocating, and development of capital funds to replace, repair, or expand infrastructure, property and equipment.

§ 1206 Special indebtedness for municipal projects

Authorizing the municipality to borrow for special public projects and process.

§ 1207 Budget surplus and deficit

Authorizing the processes of how to apply budget surpluses and how to borrow to cover a deficit.

Subchapter 13: Amendment of Charter and Initiatives

§ 1301. Laws governing

Establishing how this charter may be amended.

§ 1302. General authority for initiative

How voters can propose ordinances to the governing body and bypass governing board to take

§ 1303 Petitions

Requirements, process, and effect of petitions for action on issues raised to governing body and ultimately the voters.

Subchapter 14: General

§ 1401 Oath of allegiance; oath of office

Oath to be administered to all officers, department heads, and other office holders.

§ 1402 Savings clause

Repeal or modification of this charter shall not affect of validity of previously enacted ordinance, resolution, or bylaw.

§ 1403 Separability of provisions

Noting that titles of sections of this title are convenience and should not be read as substantive or controlling. The provisions are severable and invalidity of one section shall not necessarily limit another provision.

Memorandum

To: Governance Subcommittee; Evan Teich, Unified Manager

CC: Greg Duggan, Deputy Manager

From: Ann Janda, Project Manager

Re: Review FAQ Language “Why are we doing this now?” Consider approving for use on GreaterEssex2020

Date: November 14, 2019

Issue

The issue is answering the question posed by Irene Wrenner, for data to back up the FAQ language “Each year that passes increases the cost of merger”.

Discussion

See revised language (for greater clarity) in bold below. The statement is based on the average annual grand list growth town-wide, which is 1.6% and the average annual budget increase in the Village, which is about 4%. See the data that substantiates these averages on the following pages.

Why are we doing this now?

To understand why merger talks are happening now, we need to look several years into the past. In an effort to improve services across the entire Essex community, the Town of Essex and Village of Essex Junction have, since 2013, consolidated some of the municipal services that were historically provided by both governments. As an additional benefit, these consolidations have reduced the amount of taxes the municipalities need to raise – a combined savings of more than \$2.1 million since 2013.

To continue consolidation efforts, the Town of Essex Selectboard and the Village of Essex Junction Board of Trustees have met jointly for the past few years. Joint meetings in the last several months have been about preparing for a dialogue with the Greater Essex community regarding our consolidation efforts going forward. In June 2018 both boards created a joint Governance Subcommittee tasked with researching potential new governance structures. In December, after researching and vetting over a dozen possibilities, the subcommittee recommended looking at three governance frameworks: one government with one tax rate; one government with special taxing districts; and the status quo with a Town government, a Village government, and different tax rates. The governance framework options also include models for at-large representation, or representation by districts. Residents weighed in on the options through surveys and focus groups during the summer of 2019 and will have more opportunities later through other outreach efforts.

Each year that passes increases the cost of merging. Although consolidation efforts lowered the cost since the 2006/2007 vote, as long as Village taxes continue to increase, the tax impact of merger on residents outside the Village grows.

Cost

NA

Recommendation

Staff recommends the Governance Subcommittee discuss and consider if they would like to include this language in the “Why are we doing this now” FAQ on www.greateressex2020.org.

Town-wide Grand List Percentage Change By Year								
All Codes		FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	AVERAGE
Residential I	R1	0.40%	0.56%	0.51%	0.43%	0.63%	1.36%	0.65%
Residential II	R2	-0.33%	0.27%	0.87%	0.11%	0.60%	2.14%	0.61%
Mobile Homes-U	MHU	-4.56%	0.00%	0.00%	0.00%	0.00%	0.00%	-0.76%
Mobile Homes-L	MHL	-2.70%	2.89%	-3.57%	0.05%	-8.60%	0.62%	-1.88%
Commercial	C	-1.33%	2.36%	-8.53%	6.28%	-0.27%	10.82%	1.56%
Commercial Apts	CA	8.01%	4.60%	106.16%	7.96%	16.54%	5.89%	24.86%
Industrial	I	21.84%	4.56%	-14.47%	0.17%	2.14%	-5.53%	1.45%
Utilities-E	UE	9.37%	2.62%	4.86%	2.82%	-8.33%	-2.89%	1.41%
Utilities-O	UO	-0.07%	118.42%	-0.06%	140.76%	-1.32%	-2.04%	42.62%
Farm	F	0.00%	-4.09%	0.00%	0.00%	-8.75%	-8.54%	-3.56%
Other	O	1.41%	1.34%	4.45%	1.81%	1.96%	1.29%	2.04%
Miscellaneous	M	<u>-0.22%</u>	<u>35.26%</u>	<u>9.22%</u>	<u>4.17%</u>	<u>7.64%</u>	<u>-40.99%</u>	<u>2.52%</u>
Total Listed Value		1.72%	2.12%	1.25%	2.41%	1.38%	1.05%	1.66%
Veterans Exemption		4.26%	18.37%	3.45%	1.67%	9.84%	2.99%	6.76%
Farm Contracts		0.00%	11.50%	-6.55%	-4.06%	-3.39%	0.00%	-0.42%
Current Use		<u>-5.64%</u>	<u>-4.47%</u>	<u>-9.82%</u>	<u>3.17%</u>	<u>-3.40%</u>	<u>1.94%</u>	<u>-3.04%</u>
Total Exemptions		-2.64%	3.29%	-5.69%	1.60%	0.56%	2.01%	-0.15%
Total Grand List		1.73%	2.12%	1.28%	2.41%	1.38%	1.04%	1.66%

What has the actual % Change in budgets been?

	<u>FY10</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	
Town General Fund Budget	9,437,138	9,812,545	9,851,547	10,224,784	10,704,286	11,389,119	12,587,464	13,182,890	13,704,739	14,344,932	14,830,651	
Annual \$ Change		375,407	39,002	373,237	479,502	684,833	1,198,345	595,426	521,849	640,193	485,719	
Adjustment for Highway Funding shift (1)		-	-	-	-	-	877,070	-	-	-	-	
Adjusted, average budget increase/(decrease)		4.0%	0.4%	3.8%	4.7%	6.4%	2.8%	4.7%	4.0%	4.7%	3.4%	3.9%
(1) In FY16 the Town budget included for the first time the total cost of the Village Highway and Stormwater budgets causing a larger than average increase. This additional amount has been removed in the averaging.												
	<u>FY10</u>	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	
Village General Fund Budget	2,946,999	3,050,855	3,168,456	3,256,340	3,344,713	3,468,826	3,799,389	3,953,075	4,816,309	4,954,687	5,164,913	
Annual \$ Change		103,856	117,601	87,884	88,373	124,113	330,563	153,686	863,234	138,378	210,226	
Adjustment for Addition of EJP (2)		-	-	-	-	-	-	-	889,380	-	-	
Adjusted, average budget increase/(decrease)		3.5%	3.9%	2.8%	2.7%	3.7%	9.5%	4.0%	-0.7%	2.9%	4.2%	3.7%
(2) In FY18 EJP became a department of the Village adding \$889,380. This additional amount has been removed in the averaging.												

VILLAGE OF ESSEX JUNCTION TRUSTEES
TOWN OF ESSEX SELECTBOARD
SUBCOMMITTEE ON GOVERNANCE - SPECIAL MEETING
October 30, 2019

SUBCOMMITTEE MEMBERS: George Tyler, Chair; Andy Watts; Raj Chawla; Max Levy.

ADMINISTRATION: Evan Teich, Unified Manager; Greg Duggan, Deputy Manager; Ann Janda, Project Manager.

OTHERS PRESENT: Bridget Meyer; Ken Signorello; Margaret Smith, Irene Wrenner.

1. CALL TO ORDER

Mr. Tyler called the meeting of the Village of Essex Junction Trustees and Town of Essex Selectboard Subcommittee on Governance (hereafter referred to as “Subcommittee on Governance”) to order at 6:30pm.

2. AGENDA ADDITIONS/CHANGES

Mr. Tyler proposed an addition to the agenda of a set of questions for transforming KSV survey results into a merger proposal. He suggested including it as an attachment to current items 5a and 5b.

3. AGENDA APPROVAL

MAX LEVY made a motion, and RAJ CHAWLA seconded, that the Subcommittee on Governance approve the agenda as amended. Motion passed 4-0.

4. PUBLIC TO BE HEARD

Mr. Signorello stated his concern that the surveys conducted by KSV may be interpreted as a representative sample of residents in the Town and Village of Essex, when they represent neither a random sampling of residents nor statistically valid results. He urged the Subcommittee not to draw conclusions about a merger based solely on the survey results, and suggested that when results are discussed they should be qualified by noting that the results are based on this set of respondents, not the entirety of residents nor the populations of the Town or Village. Mr. Tyler acknowledged that the surveys were not part of a controlled scientific study but rather a polling of residents to gather information and feedback.

Ms. Wrenner asked that public officials consider integrating new ideas from the public, more specifically around ensuring equal representation on the Selectboard regardless of a merger. She noted a grassroots proposal called Separate and Share, which she said would manage costs without shifting expenses from Town to Village or vice versa. She added that this would particularly help with departments or municipal functions that have in the past resisted consolidation. She urged the boards to consider new proposals such as this in addition to other merger proposals. Mr. Tyler clarified that unconsolidated departments had not resisted consolidation, and that the Selectboard and Trustees have the authority to consolidate departments at their discretion, though the public can give input.

47 **5. BUSINESS ITEMS**

48 **a. Discuss survey results and follow-up from Oct. 29 Selectboard & Trustee Joint Meeting**

49 Mr. Tyler proposed discussing agenda items 5a and 5b together, as well as briefly reviewing the
50 draft list of questions for transforming the KSV survey results into a merger proposal. He asked
51 the subcommittee to think about how it could incorporate the information from the surveys and
52 focus groups into a proposal, which components and results should be included or excluded, and
53 how a merger proposal should be drafted. He suggested that each member review the draft list of
54 questions after this meeting and be prepared to discuss at the next Subcommittee meeting.
55

56 Mr. Levy and Mr. Watts stated that the surveys will be important to help develop an outline for
57 the first draft of a merger proposal, but that the surveys serve more as a guide to frame the
58 proposal rather than information to define the proposal itself.
59

60 The Subcommittee discussed the process and timeline for drafting a merger proposal. Mr. Levy
61 suggested drafting the merger proposal in sections and having each one vetted by the Selectboard
62 and Board of Trustees as it is drafted. Mr. Tyler noted that the most complex issue is around
63 representation and suggested focusing on that topic first. Mr. Chawla added that the
64 representation section of the proposal would then help inform the drafting of other sections, such
65 as taxation and timelines.
66

67 Mr. Chawla suggested that the group also think about presenting information to the public to
68 explain the merger and consolidation process for each specific service, adding that residents
69 might be hesitant to vote on an initiative if they don't understand the full picture.
70

71 Mr. Teich suggested that the Subcommittee and Boards should still seek out opportunities to
72 solicit feedback from the public around the merger conversation, such as through mini-surveys.
73

74 Next steps:

- 75 1. Members will review and answer draft questions proposed by Mr. Tyler and the
76 Subcommittee will review responses at the next meeting;
- 77 2. Members will focus on ideas around representation, which will be discussed at the next
78 meeting;
- 79 3. Subcommittee will brainstorm around developing a communication plan for the public;
- 80 4. Mr. Tyler will work with Dan Richardson to develop a comprehensive outline of the
81 elements needed in a merger plan, in order to develop a timeline for drafting a proposal;
82

83 **b. Discuss next steps and consider approving process**

84 This item was combined with item 5a above.
85

86 **c. Review draft FAQs and consider approving for use on GreaterEssex2020 website**

87 Ms. Janda noted that this iteration of the FAQs has been consolidated for readability and that
88 new additions were pulled from the Essex Reporter column pertaining to the merger.
89

90 **d. Review summary packet binders**

91 Mr. Tyler thanked staff for compiling information pertaining to the current governance initiative
92 into one reference document. Members of the public requested copies of the binders, and staff

**SUBCOMMITTEE ON GOVERNANCE
(DRAFT)**

October 30, 2019

93 noted that all materials are public documents and can be found on the Town and Village
94 websites.

95
96 **e. Consider future meeting schedule**

97 The Subcommittee on Governance will meet next on November 14, 2019 at 6:30pm.

98
99 **f. Approval of minutes**

100 *September 12, 2019:*

101 **RAJ CHAWLA made a motion, and MAX LEVY seconded, to approve the Subcommittee**
102 **on Governance meeting minutes from September 12, 2019 with the following corrections:**

- 103 • **Line 29: Insert “with sharing” after “separation” and before “be considered”**
- 104 • **Line 37: Insert “did not include” after “topic” and before “all 80 members”**

105
106 **Motion passed 4-0.**

107
108 **6. ADJOURN:**

109
110 **RAJ CHAWLA made a motion, and MAX LEVY seconded, to adjourn the meeting.**
111 **Motion passed 4-0. The meeting adjourned at 8:33pm.**

112
113 Respectfully Submitted,
114 Amy Coonradt
115 Recording Secretary

116
117
118 Approved this _____ day of _____, 2019

119
120 **(see minutes of this day for corrections, if any)**