



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

2 Lincoln Street  
Essex Junction, VT 05452  
Thurs., Dec. 12 2019  
7 PM

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*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** [7:00 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **APPROVE AGENDA**
4. **PUBLIC TO BE HEARD**
5. **BUSINESS ITEMS**
  - a. Discuss Taxation Proposal and Consider Next Steps
  - b. Discuss Representation Proposal and Consider Next Steps
  - c. Review and Consider Approval of Draft Report on Representation Proposal
  - d. Review Updated Infographic and Consider Approval
  - e. Approve minutes: November 14, 2019; November 19, 2019
6. **READING FILE/BINDER ADDITION**
  - a. Draft Charter for Merged Municipality with Boilerplate Language
7. **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: 12/06/2019 *J Mitchell*

## **Memorandum**

**To:** Governance Subcommittee; Evan Teich, Unified Manager

**CC:** Greg Duggan, Deputy Manager, Sarah Macy, Finance Director and Assistant Manager

**From:** Ann Janda, Project Manager

**Re:** Discuss Taxation Proposal and Consider Next Steps

**Date:** December 12, 2019

## **Issue**

### **At its 11/19 meeting the Governance Subcommittee discussed the issue of taxation.**

Subcommittee members discussed the phase in period of the unified tax rate, but there was no consensus. Subcommittee members also discussed some ideas to lower the tax impact to the Town outside the Village if the municipalities merge. Ideas discussed were:

- Using some amount fund balance
- A local option tax
- A Village of Essex Junction historic (capital) district

## **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?**

	Essex should have a single tax rate		
	TOTAL N = 844	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.

**Guidance from Dan Richardson:**

"The idea of a temporary or transitional tax district has some precedent in other states, but it is not a common feature in Vermont mergers. The best example that I have found is the proposed merger for the City and County of St. Louis in Missouri, which is proposing something similar to ease the different tax districts. I am concerned about the proposed length of the transitional district [somewhere between 7 and 12 years], but if it can be tagged to specific benchmarks, then I think it has a better chance of passing the legislature. The idea of tagging the district to completion or close-out of existing capital projects or debt is good, but I think it does make sense to set up a meeting with legislators and possibly legislative counsel to discuss this issue with them."

**Cost**

NA

**Recommendation**

Staff recommends that the Governance Subcommittee develop a taxation proposal to discuss with legislators and possibly legislative counsel with Dan Richardson's assistance.

## **Memorandum**

**To:** Governance Subcommittee; Evan Teich, Unified Manager

**CC:** Greg Duggan, Deputy Manager

**From:** Ann Janda, Project Manager

**Re:** Discuss Representation Proposal and Consider Next Steps

**Date:** December 12, 2019

### **At its 11/14 meeting the Governance Subcommittee discussed the issue of representation.**

Although Subcommittee members generally (but not unanimously) favored an exclusively at-large representative model, members agreed that sentiments must be informed by popular opinion expressed in the quantitative survey as well as other concerns likely to arise from the prospect of merging two separate municipal corporate entities. The Subcommittee Recommended to the Joint Boards:

- A seven member board
- Two seats designated exclusively for representatives from the combined Essex Town 8-1 and 8-3 representative districts.
- Two seats designated exclusively for representatives from the Essex Junction 8-2 representative district.
- Three remaining seats for representatives from any representative district (i.e. 'at-large from 8-1, 8-2, or 8-3')
- The lengths of the terms will be staggered to balance turnover with continuity
- This representative model will be considered 'transitional' and will remain in place for period of time (yet to be determined) during which the new government will review alternative models including 'exclusively at-large' and 'voting district/ward' models based on updated and precise population data. At the end of the designated period the representative model will revert to an exclusively at-large model if no other model has been approved.

### **Guidance from Dan Richardson:**

I do not see any problem with the transitional government structure, but keep in mind that unless you include another governmental structure to follow, then this is less of a transitional structure. In other words, if the charter does not have a provision for a new structure or for the transitional structure to sunset, then you can assume but you cannot guarantee that another structure will be adopted to replace it. My advice is that even in this type of transitional structure, you should ask whether it is in the best interests of the new entity. If this is what the current political climate requires, then it may very well be, but I would not plan for another change unless there are triggers in the current charter that would obligate the new entity to adopt a third and final government structure.

### **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**

Staff recommends that the Governance Subcommittee consider a transitional plan for representation, with guidance from Dan Richardson, to propose to the Joint Boards.

**Memorandum**

**To:** Governance Subcommittee; Evan Teich, Unified Manager

**CC:** Greg Duggan, Deputy Manager

**From:** Ann Janda, Project Manager

**Re:** Review Updated Infographic and Consider Approval

**Date:** December 12, 2019

**Issue:**

Staff has updated the first page of the Infographic *Answering Questions about the November 3, 2020 Merger Vote* for use in the upcoming Annual Reports. The deadline is January 10, 2020.

**Discussion:**

Staff updated the first page of the Infographic with the language approved by both boards to answer the question "Why Merge?" This language was approved for use as an FAQ on [www.greateressex2020.org](http://www.greateressex2020.org). The Governance Subcommittee should consider if other edits are necessary.

As a general principal of public administration and engagement, the information should educate and inform about the issue as well as explain why elected officials are advocating for merger.

**Cost:**

NA

**Recommendation**

Staff recommends that the Governance Subcommittee suggest any further edits and consider submitting to the Joint Boards for full approval.

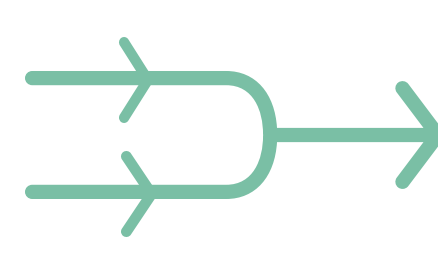


# GREATER ESSEX 2020

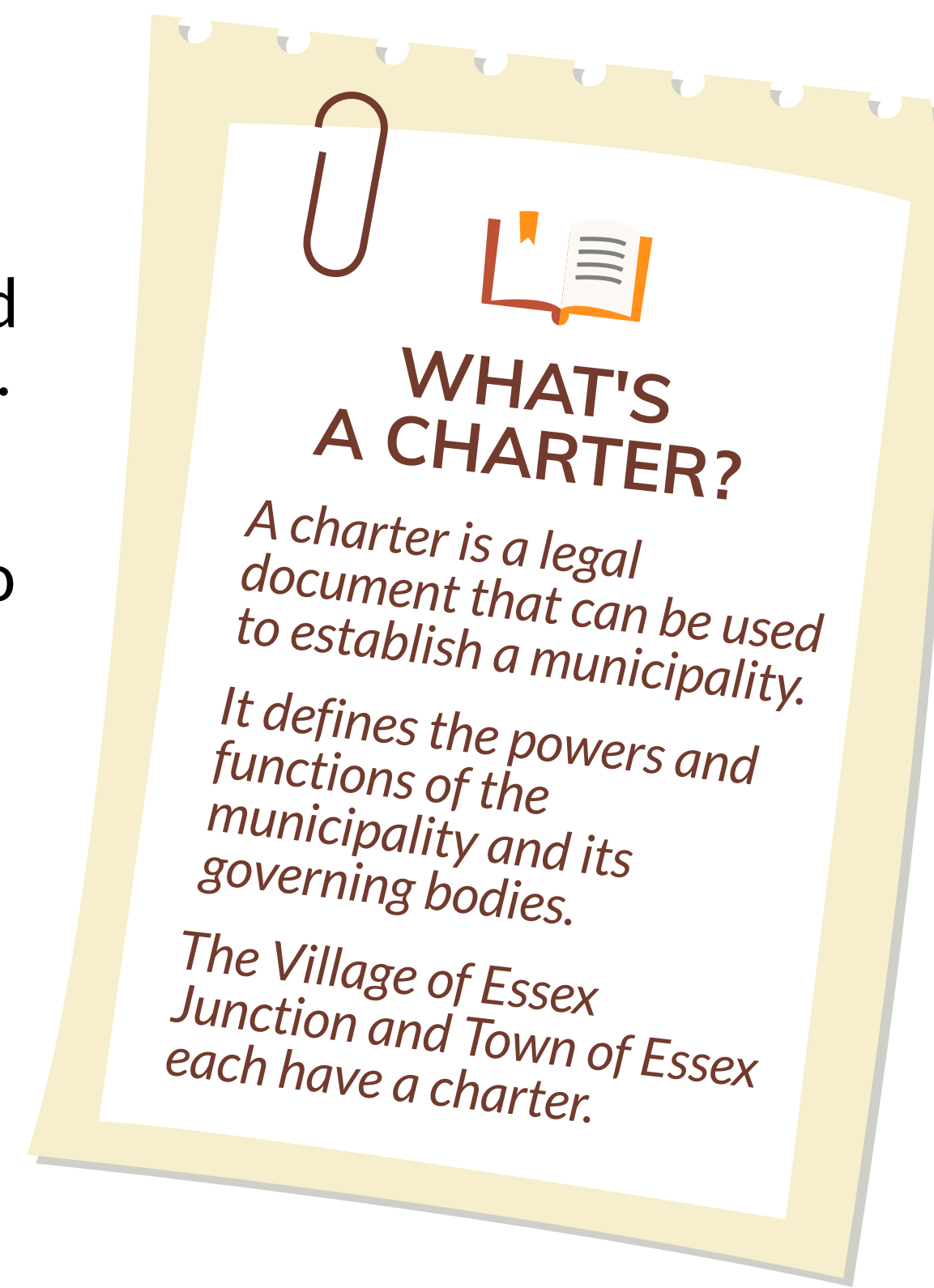
ANSWERING YOUR QUESTIONS  
about the NOVEMBER 2020 MERGER VOTE

## FIRST THING'S FIRST: WHAT ARE WE VOTING ON?

The Town of Essex and the Village of Essex Junction are currently **two municipalities** with **two separate charters**, sharing some municipal services under contract. Town and Village residents are all residents of the Town -- Village residents are residents of both.

 The **Town of Essex Selectboard** and the **Village of Essex Junction Board of Trustees** are exploring a potential merger of the governance of the two municipalities under a single charter to form a single government entity.

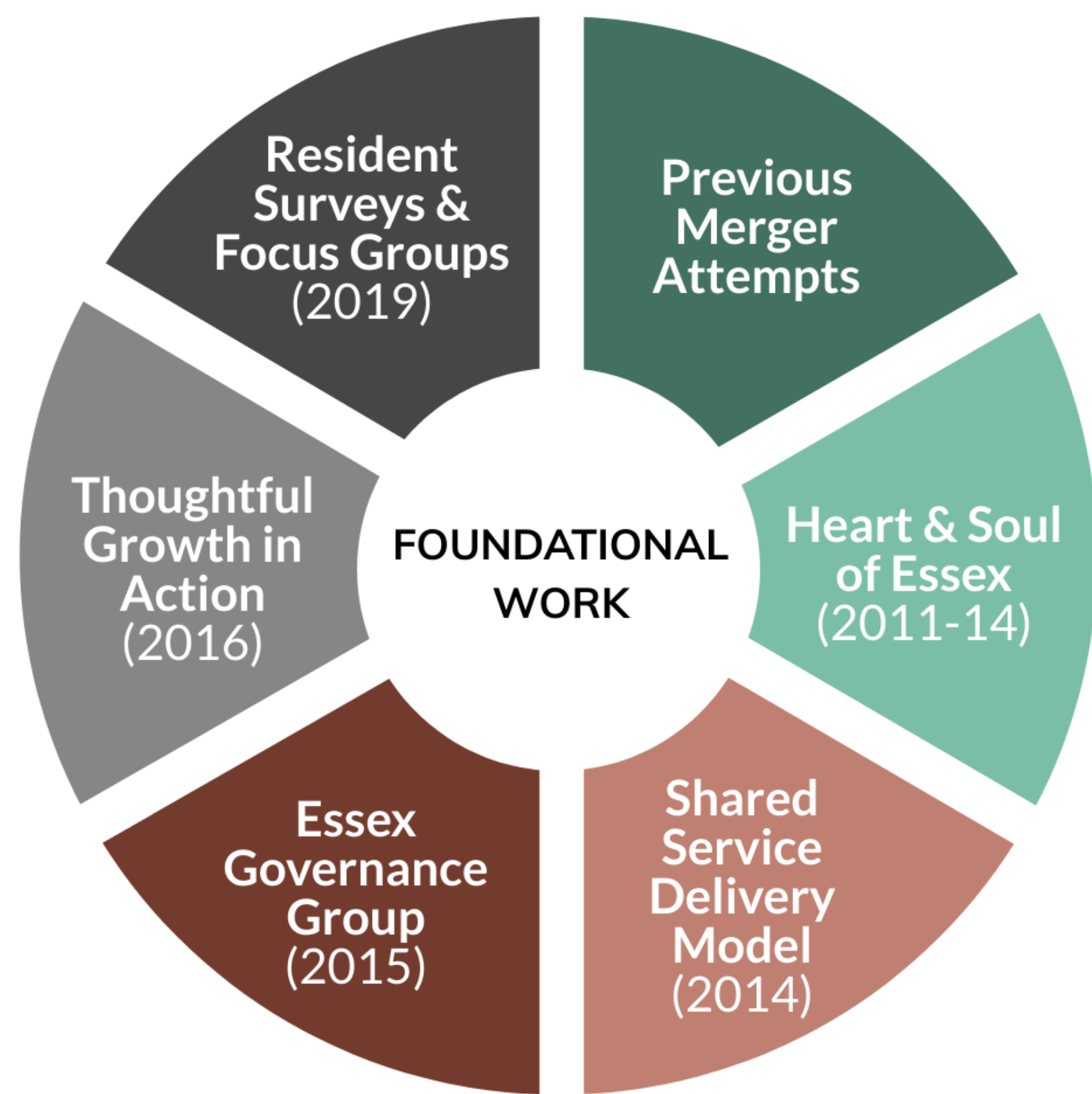
Following extensive research, collaboration, and a robust public engagement process, the community will vote on **November 3, 2020** on whether to proceed.



## WHY EXPLORE A MERGER?

The Village Board of Trustees and Town Selectboard believe we will be stronger together as one united community. We can work as one to:

-  Plan for the future
-  Restore and enhance our infrastructure
-  Attract and retain a vibrant business community
-  Improve our services
-  Protect our natural resources
-  Overcome challenges we face
-  Establish ourselves as Vermont's premier livable community



## KEY CHALLENGES:

There are still a number of issues to resolve leading up to a community decision, including:

-  Taxation
-  Governing board structure & elections
-  Community identity

## CURRENTLY:

The Town and Village function **TOGETHER** in many ways:

- 
  - Manager's Office (One Unified Manager)
  - Police Department
  - Clerk's Office
  - Finance Department
  - Essex Area Senior Center
  - Public Works Department

 These departments and services are paid for by all members of the Essex community.

 Consolidations have saved more than \$2.8 million combined from fiscal years 2014-2020.

The Town and Village still budget **SEPARATELY** for these services:

- 
  - Fire Department
  - Libraries
  - Community Development
  - Parks and Recreation
  - Capital Planning
  - Elected & Appointed Boards

WHAT'S NEXT? 



VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
SUBCOMMITTEE ON GOVERNANCE - SPECIAL MEETING  
November 14, 2019

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

**ADMINISTRATION:** Evan Teich, Unified Manager; Ann Janda, Project Manager;

**OTHERS PRESENT:** John Sheppard; Ken Signorello; Irene Wrenner

**1. CALL TO ORDER**

George 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**

George Tyler requested adding to agenda item 5c a response from Dan Richardson to Andy Watts’s question regarding the perception that the Village is able to vote twice on charter changes and if it is possible for residents in the Town outside the Village to have a second vote as they did in the Proctor merger in 1965.

**3. AGENDA APPROVAL**

**GEORGE TYLER made a motion, and RAJ CHAWLA seconded, that the Subcommittee on Governance approve the agenda as amended. Motion passed 3-0.**

**4. PUBLIC TO BE HEARD**

None at this time.

**5. BUSINESS ITEMS**

**a. Discuss representation**

George introduced this topic and asked subcommittee members to discuss their preferences for models for voting representation, based on the surveys and information-gathering by KSV and research by Dan Richardson.

Andy Watts stated that he has a strong preference for an at-large representation model. He stated that at-large representatives need to appeal to a broad base in order to get elected and are more likely to represent the entire district. He also stated his concern about having an even number of representatives, specifically that it could lead to impasses or gridlock. He further stated that a representative model may maintain divisiveness unless district lines are drawn to include a mix of residence types, which is not much different than an at-large representation model. He added that representatives should serve alternate two-year terms, in order to avoid high turnover and loss of continuity on representative boards. He finally stated that he has no preference for the number of board members, but either five or seven members makes sense.

**SUBCOMMITTEE ON GOVERNANCE  
(DRAFT)**

**November 14, 2019**

46 Raj Chawla stated that he does not have a strong preference for one model over another, but that  
47 creating new districts would not guarantee equal representation, and that low population density  
48 in some areas would be an issue. He emphasized the difficulty of creating new voting districts  
49 without perpetuating the continued separation of the community into different segments.  
50

51 Max Levy stated that, given the survey says representation is important to many voters, he has a  
52 preference for a transitional representative model with two voting districts which would combine  
53 the current 8-1 and 8-3 districts and maintain district 8-2. Each district would have two  
54 representatives and the community would have three at-large representatives, for a total of seven  
55 members serving on the governing board. He suggested this as an initial model, which could be  
56 in place for several election cycles, about 7 years. This would allow the government time to  
57 consider whether transitioning to more than two districts or to a totally at-large representation  
58 model would be feasible and practical for the community, and to plan for any future changes. It  
59 would also enable the formation of a districting committee in about five years to research and  
60 make recommendations on districts.  
61

62 George Tyler described his research into past voting decisions for Selectboard and Trustee  
63 meetings to see how votes were split and stated that votes were overwhelmingly 5-0 on issues,  
64 which seemed to indicate that a 5-member board was sufficient for robust discussion and  
65 efficient decision-making. He added that none of the 4-1 or 3-2 decisions he observed were  
66 driven by a member's constituency or residence. He added that he agreed generally with Mr.  
67 Watts's suggested model features for at-large representation, but that he also liked Mr. Levy's  
68 proposal of a phase-in period with continued use of districts and then a potential transition to an  
69 at-large model, viewing it as a good compromise that addresses concerns about representation  
70 from both Town and Village residents heard from the surveys and focus group discussions.  
71

72 The subcommittee agreed, after further discussion, on a proposal that included a representative  
73 body of seven members, with two each from the current 8-2 district and a combined 8-1 and 8-3  
74 district and three at-at large members, all with staggered terms.  
75

76 Irene Wrenner commented that having district representation from an urban Village and the more  
77 rural Town would serve the community of Essex well. She also agreed with a statement made by  
78 Mr. Chawla that it is easier to be elected for a district seat than for an at-large seat, which is why  
79 it is more difficult for residents of the Town outside the of Village to get an at-large seat.  
80

81 Mr. Levy asked if there would be a transition at the end of the above proposed model to an all at-  
82 large representative model, or if the end of the transition period would represent a check-point to  
83 determine whether to redistrict, transition to at-large, or maintain status quo. Mr. Tyler replied  
84 that the population could change significantly during the transition period, and that the transition  
85 period could also be used to phase in any tax changes.  
86

**87 b. Discuss next steps on taxation proposal**

88 Ms. Janda asked the subcommittee whether they had suggestions on the timeframe for equalizing  
89 the tax rate and how to do that in a way that would be fair, equitable, and with minimal impact  
90 over time. Subcommittee members needed more time to research further, and decided that they  
91 would devote a large portion of the group's next meeting to discussing suggestions for a taxation

92 proposal. Evan Teich suggested that Sarah Macy attend that meeting to present models and lend  
93 subject matter expertise to the discussion.

94

95 **c. Discuss next steps regarding the merger plan, review draft outline for merger plan and**  
96 **charter, and consider approving process**

97 Mr. Tyler stated that in addition to questions about representation and taxation, the subcommittee  
98 will need to propose a draft merger plan and charter to bring to the Joint Trustees/Selectboard.

99 He added that Dan Richardson has provided the subcommittee with a comprehensive list of all  
100 elements needed in a merger plan and charter, which he has put into an outline for the group. Ms.  
101 Janda added that because the Village and Town charters are structured differently, Mr.  
102 Richardson researched other modern Vermont charters and proposed an outline with a number of  
103 common elements and transition provisions. She added that while some of the outline includes  
104 decision points, other sections will include boilerplate language that the subcommittee can react  
105 to once they begin drafting the charter.

106

107 Mr. Tyler proposed recommending to the Joint Boards that the current subcommittee continue  
108 meeting into 2020 and work with Mr. Richardson on the technical details of a merger plan and  
109 charter.

110

111 Mr. Watts briefly described the question on which he sought legal guidance from Mr. Richardson  
112 regarding whether Town outside of the Village residents could have a second vote on the merger  
113 plan and proposed charter for a merged community. Mr. Watts stated that some residents feel as  
114 though the Village is able to vote twice, which runs contrary to a one-person-one-vote policy.

115 Mr. Tyler confirmed with Mr. Watts that he is satisfied with the clarification from Mr.

116 Richardson, that the Village votes on merger and the proposed charter as Village residents and  
117 then all Town residents vote on merger and the proposed charter as Town residents as this is just  
118 the nature of the municipal systems in place and there is no legal authorization to carve out a new  
119 voting district. Mr. Watts commented that Mr. Richardson explained that Proctor's merger was  
120 ordered by the legislature and that the merger statutes were created in 1965, the same year as the  
121 Proctor merger, which suggests that the merger statutes might have been a reaction to the Proctor  
122 merger.

123

124 **d. Review FAQ language "Why are we doing this now?" Consider for approving use on**  
125 **GreaterEssex2020**

126

127 Ms. Janda noted that Ms. Wrenner had previously asked for clarification regarding information  
128 in the FAQ that stated that the cost of a merger increases with every year that passes. She added  
129 that a merger continues to be more expensive with every passing year because Village taxes  
130 increase every year, and a merger would spread the Village tax rate across the whole Town.

131 Subcommittee members stated that they would like to now include this answer as written on the  
132 GreaterEssex2020 website.

133

134 Ms. Wrenner said that making such statements in response to the question of timing assumes that  
135 a merger is the goal for the future of Essex and that it is inevitable. She urged the subcommittee  
136 to consider multiple options and the cost/benefit of each, rather than putting all effort into the  
137 direction of a merger option.

**SUBCOMMITTEE ON GOVERNANCE  
(DRAFT)**

**November 14, 2019**

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**e. Consider future meeting schedule: Nov. 21, Dec. 5, Dec. 12 (or 19), and Jan 2**

The subcommittee on governance will meet on the following dates (all at 7:00pm):

- November 19<sup>th</sup>
- December 12<sup>th</sup>
- December 19<sup>th</sup>

**f. Approval of minutes**

*October 30, 2019:*

**MAX LEVY made a motion, and ANDY WATTS seconded, to approve the Subcommittee on Governance meeting minutes from October 30, 2019 as written.**

**Motion passed 4-0.**

**6. ADJOURN:**

**GEORGE TYLER made a motion, and RAJ CHAWLA seconded, to adjourn the meeting. Motion passed 4-0. The meeting adjourned at 8:30pm.**

Respectfully Submitted,  
Amy Coonrad  
Recording Secretary

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019

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

**VILLAGE OF ESSEX JUNCTION TRUSTEES  
TOWN OF ESSEX SELECTBOARD  
SUBCOMMITTEE ON GOVERNANCE - SPECIAL MEETING  
November 19, 2019**

**SUBCOMMITTEE MEMBERS:** George Tyler, Chair; Raj Chawla; Max Levy; Annie Cooper

**ADMINISTRATION:** Evan Teich, Unified Manager; Sarah Macy, Finance Director/Assistant Manager; Greg Duggan, Deputy Manager

**OTHERS PRESENT:** Robert Bates; Diane Clemens; Elaine Haney; Mike Nosch; Brian Shelden; John Sheppard; Ken Signorello; Irene Wrenner;

**1. CALL TO ORDER**

George 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 7 pm.

**2. AGENDA ADDITIONS/CHANGES**

None.

**3. PUBLIC TO BE HEARD**

Ken Signorello said he had heard a representation proposal at last night’s Selectboard meeting. This called for two representatives from the Village, two from the Town outside of the Village, and three at-large. He said campaigning is easier in the Village, due to its geographic size, which could lead to having more Village than Town outside of the Village residents in the at-large seats. He suggested a totally district-based system of representation.

**4. BUSINESS ITEMS**

**a. Discuss Taxation Proposal and Consider Recommendation to Boards**

Mr. Tyler asked Ms. Macy to present some information regarding the financial timing of a merger. She said that, should the merger vote in November 2020 be affirmative, the Vermont legislature will need to approve the change, likely in the spring of 2021. If voters and the legislature approve the merger, the first combined budget for the merged community would be in fiscal year 2023. The Village will have paid off all of its existing debt by fiscal year 2035.

Ms. Macy said she had looked into the possibility of using the fund balance account to reduce the financial impact of merger on property owners in the Town outside of the Village. The Town of Essex currently has a 15% unallocated fund balance, while the Village has a 10% unallocated fund balance. Ms. Macy said that she would recommend against using the fund balance to decrease the tax burden, due to the fact that it is not sustainable. She said that another option available for reducing the tax burden is finding an additional source of revenue, such as a local option tax. Ms. Macy said the other primary option to bring in new revenue is to grow the grand list.

Ms. Cooper said a local option tax may be a better solution than increasing property taxes, and liked the fact that it would be spread evenly throughout the community.

**SUBCOMMITTEE ON GOVERNANCE  
(DRAFT)**

**November 19, 2019**

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Mr. Tyler said he was on the Board of Trustees when the community overwhelmingly voted down the local option tax. This tax would need to be established by a separate vote. He expressed concern about bringing this to another vote.

Mr. Levy said he was also not a proponent of a local option tax. He felt that if the boards want to phase in the tax increase for the Town outside of the Village, it should be done during the transitional government. He suggested using fund balance to reduce the tax burden on property owners in the Town outside of the Village. He also suggested that the Village do something similar with its fund balance to pay off Village-only debt faster.

Ms. Macy noted that her current calculations had not factored in using the fund balance to offset Town outside the Village only property owners, and that she would need to prepare a new spreadsheet in order to calculate the potential impact of this.

Mr. Tyler stated that he would like to recommend a twelve-year phase in period of the unified tax rate. He suggested designating the Village of Essex Junction as a historic downtown, which could become a special tax district to pay for historic building upkeep, certain capital needs, and sidewalk repair/maintenance. He suggested the special tax district raise \$800,000 per year. Doing so would help to reassure Village residents that their connectivity/walkability would be sustained in a merger, and serve as an emotional and political gesture to Town outside of the Village residents, recognizing that the Village has some additional amenities that residents are willing to pay for independently.

Mr. Tyler said that if the limits of this fund are clearly stated a new elected board would not need to be created to oversee the special district, however an advisory board could be established to make recommendations on how to spend these funds. If, in a merged community, the special tax district generated \$800,000 per year that remained within the boundaries of the former Village of Essex Junction – as opposed to shifting all Village costs into a town-wide budget – taxes would be estimated to increase \$19 a year for Town outside of the Village residents, and decrease \$30 per year for Village residents. Mr. Tyler said the special tax district could be phased out at the end of the transition period.

Mr. Levy asked how Mr. Tyler chose the twelve-year period, saying that it seemed to be a long time. Mr. Tyler said the 12-year timeframe aligns with when all of the Village debts would be paid off, and said that the further that the tax shift is pushed off, the less the initial tax hit the Town outside of the Village would take.

Mr. Chawla said he would also like to see a shorter timeframe, noting that a tax shift spread over twelve years may not be attractive to Village residents.

Mr. Tyler said he believes that the last merger vote failed because many residents were concerned about the significant initial tax increase.

Ms. Macy said she would produce estimates based on a one, seven, and twelve-year phase in period for taxes.

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Ms. Wrenner asked Mr. Tyler to confirm that if the Village stopped paying a special tax in the final year, that taxes in the Town outside the Village would increase by about \$80 in that final year. She also said she believes that fund balance should be saved for a rainy day.

Mr. Tyler said that when the Village highway fund was moved into the Town highway fund, it was approximately \$750,000. He noted that this bump was palatable to the voters. He also said he thought the new board could find ways to limit the bump. Mr. Levy said the Village highway cost was largely offset by reducing the Town-outside-the-Village highway tax. Mr. Levy said the \$800,000 could perhaps be stepped down over the time of transition.

**5. READING FILE/BINDER ADDITIONS**  
**a. Memo from Susan McNamara-Hill, Clerk Regarding Timeline for Merger Plan Public Hearings/Certification**

**6. ADJOURN:**

**GEORGE TYLER made a motion, and RAJ CHAWLA seconded, to adjourn the meeting. Motion passed 4-0. The meeting adjourned at 8:15 pm.**

Respectfully Submitted,  
Darby Mayville  
Recording Secretary

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019

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

**Memorandum**

**To:** Governance Subcommittee; Evan Teich, Unified Manager

**CC:** Greg Duggan, Deputy Manager

**From:** Ann Janda, Project Manager

**Re:** Draft Charter for Merged Municipality with Boilerplate Language

**Date:** December 12, 2019

**Issue:**

Utilizing the outline provided by Attorney, Dan Richardson, staff has added boilerplate language for review and discussion at the December 19 Governance Subcommittee meeting.

**Discussion:**

Other than transition provisions, the boilerplate language was taken mostly from the current language in the Town and Village charters. Where new language was required, it was taken from other charters, such as South Burlington, Colchester, or Montpelier and is noted as such. Some sections may not be needed and are therefore left empty. Some sections will be filled out when decisions are made regarding taxation and representation and when the Library boards have submitted their proposal.

**Cost:**

NA

**Recommendation**

Staff recommends that the Governance Subcommittee develop a list of questions to ask Dan Richardson at the December 19 Governance Subcommittee meeting.



## Outline of Merged Entity Charter

### **Subchapter 1: Transitional Provisions**

#### § 101 Adoption of town and village assets and liabilities

This first provisions should demarcate 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.

*(a) All assets and obligations formerly owned or held by the Town and Village shall become the assets and obligations of the [name of municipality] upon the effective date of the charter. This shall include all real property, easements, rights and interests in land, buildings and other improvements; vehicles, equipment, and other personal property; assessed but uncollected taxes, rents and charges, together with lien rights and enforcement powers; moneys, rights of action in legal or administrative proceedings; insurance policies; documents and records; debts, claims, bonded indebtedness; without any further act, deed, or instrument being necessary.*

*(b) All contracts, agreements, trusts, and other binding written documents affecting the Town or Village shall remain in effect on the effective date of the charter, and the [Name of Municipality] shall assume all the responsibilities formerly belonging to the Town and Village.*

#### § 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.

*The transition period shall begin not later than July 1, following the approval of the charter by the Legislature, and end on June 30, 20\_\_\_. At the end of the transition period, the charter will become effective and the City or Town shall be fully established and organized.*

#### § 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.

*The first annual City or Town meeting shall occur in the March preceding the July 1 effective date of the charter. Time and holding of the meeting shall be pursuant to section \_\_\_ of the City or Town charter. The first annual City or Town meeting shall be jointly warned by the Village Trustees and Town Selectboard. The election of a moderator shall be the first order of business followed by adoption of a budget as prepared under § 105b.*

§ 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.

*Two Temporary Tax Districts?*

*Two Temporary Voting Districts?*

*Special Debt Assessment District?*

§ 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.

*(a) All members of the Town Selectboard and of the Village Trustees shall comprise an Interim Governing Body. Notwithstanding, any individual who simultaneously serves as a Trustee and Selectperson shall not be eligible for appointment to the Interim Governing Body. In such an event, the Interim Governing Body shall consist of an equal number of trustees and selectpersons. In no event shall the Interim Governing Body consist of less than three trustees and three selectpersons appointed by the respective legislative bodies. The Interim Governing Body shall address the details and issues relating to the transition from a town and village to the new City or Town. The Interim Governing Body with the assistance of the Unified Manager shall develop recommendations for whatever proposals or policies are needed to ensure a smooth transition. The City or Town council may implement such proposals once the charter becomes effective.*

*(b) The Interim Governing Body will also, with the assistance of the Unified Manager and staff, propose and warn in the manner pursuant to this charter, the first annual budget of the [name of municipality] for consideration and adoption by the voters at the first annual [name of municipality] meeting held pursuant to § 103. The Interim Governing Body shall present the budget.*

§ 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 department Transitional 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.

*(a) TRANSFER OF VILLAGE FIRE DEPARTMENT Notwithstanding provisions in the Village Charter or elsewhere, the operations of the Essex Junction Fire Department and all associated expenses except debt will be transferred over to the [name of municipality] as of (date). The land, buildings, and other assets will remain under the ownership of the Village of Essex Junction until the effective date of the charter. As of the effective date of the transfer of operations, the Fire Chief for the merged department shall be appointed by the Town Manager.*

*(b) TRANSFER OF VILLAGE RECREATION AND PARKS DEPARTMENT Notwithstanding provisions in the Village Charter or elsewhere, the operations of the Essex Junction Recreation and Parks Department and all associated expenses except debt will be transferred over to the [name of municipality] as of (date). The land, buildings, and other assets will remain under the ownership of the Village of Essex Junction until the effective date of the charter. As of the effective date of the transfer of operations, the Recreation Director for the merged department shall be appointed by the Town Manager.*

*(c) TRANSFER OF VILLAGE COMMUNITY DEVELOPMENT PLANNING AND ZONING DEPARTMENT Notwithstanding provisions in the Village Charter or elsewhere, the operations of the Essex Junction Community Development Planning and Zoning Department and all associated expenses except debt will be transferred over to the [name of municipality] as of (date). As of the effective date of the transfer of operations, the Planning Director for the merged department shall be appointed by the Town Manager.*

§ 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.

*On the effective date of this charter, all ordinances, and bylaws of the Town of Essex and the Village of Essex Junction shall become ordinances and bylaws of the City or Town. The City council or Town selectboard shall be fully authorized to amend or repeal any ordinance according to the provisions of subchapter\_\_ of the charter. Whenever a power is granted by any such ordinance, or bylaw to an officer or officers of the Town of Essex or the Village of Essex Junction, such power is conferred upon the appropriate officer or officers of the [name of municipality].*

§ 109. Personnel

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

- (a) The Interim Governing Body established in § 105 shall develop a pay and classification plan and make recommendations to meet the Town's needs. The City council or Town selectboard may implement such proposals once the charter becomes effective.*
- (b) The Town of Essex personnel regulations in effect as of 6/30/\_\_\_ shall carry over and control as of July 1, 20\_\_\_ until amended by the [name of municipality] council or selectboard.*
- (c) Employees of the Town of Essex and the Village of Essex Junction shall become employees of the [name of municipality]. The dates of hire with the Town of Essex and the Village of Essex Junction will be used as the dates of hire for purposes related to benefits with the [name of municipality] and all accrued benefits shall carry over.*
- (d) Upon the effective date of the charter, employees of the Village as of June 30, 20\_\_\_ shall have the option to remain in the retirement program they are enrolled in as of June 30, 20\_\_\_ or to join the Vermont Municipal Employees Retirement System.*

§ 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.

Do we need this section?

§ 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.

*(a) The existing real property tax system of the town shall become the system of the [name of municipality]. Upon the effective date of the charter, all grand lists will remain in effect and any remaining taxes due to the Village and Town will be payable to the [name of municipality]. The [name of municipality] will manage the existing budget of the Village and Town with oversight by the Interim Governing Body.*

*[Special Debt Assessment District under § 104?]*

§ 112. Terms Extended

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

*The Selectboard and Trustee terms set to expire in 20\_\_ shall be extended without further action necessary, until June 30, 20\_\_.*

§ 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.

*Should the voters of the Town of Essex and the Village of Essex Junction, and the Vermont General Assembly approve the proposed [name of municipality] charter and plan of merger, the Transition Committee will prepare a detailed plan with cost estimates for the renovation of \_\_\_\_\_ to serve as the administrative seat of government along with any other facility improvements that may be necessary to meet the needs of the merged community.*

§ 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.

*Two Temporary Tax Districts?  
Special Debt Assessment District?*

§ 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.

*The inhabitants of the Town of Essex, within the corporate limits as now established, shall be a municipal corporation by the name of the [name of municipality].*

### **§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

*Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the [name of municipality], all provisions of the statutes of this state applicable to municipal corporations shall apply to the [name of municipality].*

### **§ 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.

*(a) The [name of municipality] shall have all the powers granted to towns and municipal corporations by the Constitution and laws of this State together with all the implied powers necessary to carry into execution all the powers granted; and it may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter.*

*(b) The [name of municipality] may acquire real and personal property within or without its corporate limits for any municipal purpose, including storm water collection and disposal, waste water collection and disposal, solid waste collection and disposal, provision of public water supply, provision of public parks and recreation facilities, provision of municipal facilities for office, fire protection, and police protection, provision of public libraries, provision of public parking areas, provision of sidewalks, bicycle paths, and green strips, provision of public roadways, provision of public view zones and open spaces, and such other purposes as are addressed under the general laws of the State of Vermont. The [name of municipality] may acquire such property in fee simple or any lesser interest or estate, by purchase, gift, devise,*

*lease, or condemnation and may sell, lease, mortgage, hold, manage, and control such property as its interest may require. (from S. Burlington Charter)*

- (c) The [name of municipality] may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with other Vermont municipalities, the State of Vermont, any one or more subdivisions or agencies of the State, or the United States or any agency thereof.*
- (d) The Town may establish and maintain an electric power system and regulate power line installations; provided, however, that the Town shall have no authority under this charter which conflicts with that authority granted to the Public Utilities Commission or any other state regulatory agency.*
- (e) In this charter, mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the [name of municipality] would have if the particular power were not mentioned. (from S. Burlington Charter)*

§ 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.

*Nothing in this charter shall be so construed as in any way to limit the powers and functions conferred upon the [name of municipality] and the City Council or Town Selectboard by general or special enactments in force or effect or hereafter enacted; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.*

§ 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.

*See § 203. (b)*

§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.

- (a) The municipal government provided by this chapter shall be known as council or selectboard-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this chapter, all powers of the*

*[name of municipality shall be vested in an elective City or Town Council or Selectboard which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and appoint the City or Town Manager, who shall enforce the laws and ordinances and administer the government of the City or Town. All powers of the City or Town shall be exercised in the manner prescribed by this chapter or prescribed by ordinance. (from Montpelier Charter)*

*(b) Two Temporary 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.

*(a) The City Council or Town Selectboard is empowered to make such changes from time to time, by resolution or ordinance, in the number and boundaries of the several districts of the City as it may deem proper, having regard so far as practicable and convenient, to an equal division of population among them; provided that after the first change so made, such changes shall not be made more than once in five or seven years. (from St. Albans Charter)*

§ 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.

*(a) The members of the Council or Selectboard shall constitute the legislative body of the [Name of Municipality] for all purposes required by statute, and except as otherwise herein specifically provided shall have all the powers and authority given to, and perform all duties required of town legislative bodies or selectboards under the laws of the State of Vermont. (from Town of Colchester charter)*

*(b) Within the limitations of the foregoing, the Council or Selectboard shall have the power to:*



- (1) *Appoint and remove a Town Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter.*
- (2) *Appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter.*
- (3) *Provide for an independent audit by a certified public accountant.*
- (4) *Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs.*
- (5) *Exercise every other power which is not specifically set forth herein, but which is granted to selectboards or legislative bodies by the statutes of the state of Vermont.*

§ 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.

- (a) *There shall be a City council or Town selectboard consisting of seven members.*
- (b) *The term of office of a City councilor or Town selectboard member shall be three years.*
- (c) *Unless necessary to fill a vacancy, City councilors or Town selectboard members shall be elected at any annual meeting.*
- (d) *All City councilors or Town selectboard members shall be elected at-large. [or other language here]*

§ 304 Vacancy in office

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

*In case of a vacancy of any elected Town official, such vacancy shall be filled by the City council or Town selectboard until the next annual election. The person then elected shall serve for the remainder of the unexpired term. If more than one vacancy occurs on an elected board at the same time the vacancy shall be filled by a special City or Town meeting called for that purpose. Separate filing shall be made for such unexpired term. (from Town of Colchester charter)*

### §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.

- (a) *At the first meeting following the annual City or Town meeting, the City council or Town selectboard shall organize and elect a chairperson, vice chairperson and clerk of the council by a majority vote of the entire City council or Town selectboard, and shall file a certificate of the election for record in the office of the City or Town clerk.*
- (b) *The chairperson of the City council or Town selectboard or in the chairperson's absence, the vice chairperson, shall preside at all meetings of the City council or Town selectboard and shall be recognized as the head of the City or Town government for all ceremonial purposes.*
- (c) *In the event of death, resignation, or incapacitation of any City council or Town selectboard member, the remaining members of the City council or Town selectboard may appoint a person to fill that position until the next annual election. At the next annual election, the vacancy shall be filled and the person so elected shall serve for the remainder of the term of office. In the event the City council or Town selectboard is unable to agree upon an interim replacement until the next annual Town election, a special election shall be held forthwith to fill the position.*

### § 306 Compensation

How members of the governing body can be compensated.

- (a) *Compensation paid to the City councilors or Town selectboard members as reimbursement for expenses shall be set by the voters at the annual meeting, with a minimum of \$500.00 a year each. City councilors or Town selectboard members compensation must be set forth as a separate item in the annual budget presented to the meeting.*
- (b) *The City council or Town selectboard shall fix the compensation of all officers and employees, except as otherwise provided in this charter.*

### § 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.

- (a) *Holding Other Office. No City council or Town selectboard member shall hold any other City or Town office or employment during the term for which he/she/they was elected to the City council or Town selectboard. No former City council or Town selectboard*

*member shall hold any compensated appointive municipal office or employment until one year after the expiration of the term for which they were elected to the legislative body.*

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

*(c) Interference with Administration. Except for the purpose of inquiries and investigations under Section 209 (b)(4), the legislative body or its members shall deal with the municipal officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the legislative body nor its members shall give orders to any such officer or employee, either publicly or privately.*

#### § 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.

*As soon as possible after the election of the chairperson and vice chairperson, the City council or Town selectboard shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month.*

#### § 309 Special meetings

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

*Special City or Town meetings, shall be called in the manner provided by the laws of the State, and the voting on all questions shall be by the Australian ballot system. (from S. Burlington charter)*

#### § 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,

*(a) The City council or Town selectboard shall determine its own rules and order of business.*

*(b) The presence of \_\_\_ members shall constitute a quorum. \_\_\_ affirmative votes shall be necessary to take binding council action.*

- (c) *The City council or Town selectboard shall in accordance with Vermont law keep minutes of its proceedings. This journal shall be a public record.*
- (d) *All meetings of the City council or Town selectboard shall be open to the public unless, by an affirmative vote of the majority of the members present, the City council or Town selectboard shall vote that any particular session shall be an executive session or deliberative session in accordance with Vermont law.*

#### § 311 Appointments

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

*The Council or Selectboard shall have the power to appoint the members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter. The terms of all appointments shall commence on the day after the day of appointment unless the appointment is to fill a vacancy in an office, in which case the term shall commence at the time of appointment.*

#### § 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.

- (a) *No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this chapter or by the general law. The compensation of all officers and employees of the City or Town shall be fixed by the City Council or Town Selectboard, except as herein otherwise provided.*
- (b) *The City Council or Town Selectboard may authorize the sale or lease of any real or personal estate belonging to the City or Town.*

*(from City of Montpelier Charter)*

### **Subchapter 4 Other Elected Offices**

#### § 401 Library Trustees

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

*There shall be a five member Board of Library Trustees who shall be elected to five year terms by the voters at the annual meeting. Only qualified voters of the Village shall be eligible to hold the office of library trustee. The trustees who are now in office shall serve*

*until their terms are completed. The library trustees shall establish policy for the operation of the Library and shall otherwise act in conformance with the Vermont statutes. The five permanent, self-perpetuating library trustees shall function in accordance with the terms of the Brownell Trust agreement dated May 25, 1925. The Library shall be required to follow all financial and personnel policies adopted by the village trustees. (from Village of Essex Junction charter)*

§ 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

*(a) Annual meetings for the election of officers, the voting on the budgets, and any other business included in the warnings for the meetings, shall be on a date established and legally warned by the City Council or Town Selectboard.*

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

*(from City of South Burlington Charter)*

§ 502 Notice of Meeting

Requirements for publishing and posting of articles

*(See § 501)*

§ 504 Special meetings;

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

(See § 501)

§ 505 Election of officers

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

*The election of officers and the voting on all questions shall be by Australian ballot system. The ballot boxes shall be open for 12 consecutive hours between 6:00 a.m. and 7:00 p.m. as shall be determined and warned by the City Council or Town Selectboard.  
(from City of South Burlington Charter)*

§ 506 Conduct of elections

Election process

(See § 501)

§ 507 Voter checklists

Provisions for developing a voter check list

(See § 501)

§ 508 Canvassing of ballots

Provisions for counting ballots.

(See § 501)

§ 510 Reconsideration and rescission

Provisions for public rescission and reconsideration votes.

(See § 501)

***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).

*(a) The City Council or Town Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the City or Town attorney or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same. The establishment of any fine or penalty shall be by ordinance.*

*(b) Ordinance-making authority granted to the Town by this charter and general law shall be exercised pursuant to the provisions of sections \_\_\_ through \_\_\_ of this charter, except for zoning by-laws and/or subdivision regulations which shall be adopted pursuant to 24 V.S.A. Chapter 117, as amended from time to time hereafter.*

§ 602 Filing and recording of ordinances

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

*(a) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The City Council or Town Selectboard of the [name of municipality] hereby ordains. . . ." If the City Council or Town Selectboard passes the proposed ordinance upon first reading, then the City Council or Town Selectboard shall cause it to be published in a newspaper of general circulation in the City or Town in the form passed, or a concise summary of it, including a statement of purpose, principal provisions, and table of contents or list of section headings, together with a reference to a place within*

*the City or Town where copies of the full text of the proposed ordinance may be examined, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of the public hearing. Any published notice shall explain citizens' rights to petition for a vote on the ordinance at an annual or special meeting, pursuant to Vermont Statutes Annotated, Title 24 § 1973, and shall also contain the name, address and telephone number of a person with knowledge of the ordinance who is available to answer questions about it.*

- (b) At the time and place so advertised, or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be introduced, and thereafter, all persons interested shall be given an opportunity to be heard.*
- (c) After the hearing, the City Council or Town Selectboard may finally pass the ordinance with or without amendment, except that if the City Council or Town Selectboard makes an amendment, it shall cause the amended ordinance to be published, pursuant to subsection (a) of this section at least once together with a notice of the time and place of a public hearing at which the amended ordinance will be further considered, which publication shall be at least three days prior to the public hearing. At the time so advertised or at any time and place to which the meeting may be adjourned, the amended ordinance shall be introduced, and after the hearing, the City Council or Town Selectboard may finally pass the amended ordinance, or again amend it subject to the same procedures as outlined herein.*
- (d) Every ordinance shall become effective upon passage unless otherwise specified.*

§ 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.



*The City Council or Town Selectboard shall appoint a Town manager under and in accordance with Vermont Statutes Annotated, as amended from time to time hereafter. The Manager shall be appointed solely on the basis of his or her executive and administrative qualifications in accordance with the Vermont statutes.*

§ 702 Powers of Manager

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

*The Manager shall be the chief administrative officer of the [Name of Municipality]. He or she shall be responsible to the Council or Selectboard for the administration of all [Name of Municipality] 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 shall appoint and, when he or she deems it necessary for the good of the service, suspend or remove all [Name of Municipality] 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 shall direct and supervise the administration of all departments, offices, and agencies of the [Name of Municipality], except as otherwise provided by this charter or by law.*
- (3) The Manager shall have the authority to appoint with the advice of the City Council or Town Selectboard the City or Town attorney.*
- (4) The Manager shall attend all Council or Selectboard meetings and shall have the right to take part in discussion and make recommendations but may not vote.*
- (5) The Manager shall see that all laws, provisions of this charter, and acts of the Council or Selectboard, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.*
- (6) The Manager shall prepare and submit the annual budget and capital program to the Council or Selectboard.*

- (7) *The Manager shall submit to the Council or Selectboard and make available to the public a complete report on the finances and administrative activities of the [Name of Municipality] as of the end of each fiscal year.*
- (8) *The Manager shall make such other reports as the trustees may require concerning the operations of [Name of Municipality] departments, offices, and agencies subject to his or her direction and supervision.*
- (9) *The Manager shall keep the Council or Selectboard fully advised as to the financial condition and future needs of the [Name of Municipality] and make such recommendations to the trustees concerning the affairs of the [Name of Municipality] as he or she deems desirable.*
- (10) *The Manager shall be responsible for the enforcement of all [Name of Municipality] ordinances and laws.*
- (11) *The Manager may when advisable or proper delegate to subordinate officers and employees of the [Name of Municipality] any duties conferred upon him or her by this charter, the Vermont statutes, or the Councilors or Selectboard members.*
- (12) *The Manager shall perform such other duties as are specified in this charter or in State law, or as may be required by City Council or Town Selectboard.*

§ 703 Officials appointed by Manager

To the extent that this power is not enumerated in the prior section, the powers of the manager 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.

(See § 702)

§ 704 Hearing/Removal Process

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

- (a) *The City Council or Town Selectboard may remove the Manager from office for cause in accordance with the following procedures:*
  - 1. *The City Council or Town Selectboard 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 from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered within three days to the Manager.*

2. *Within five days after a copy of the resolution is delivered to the 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. This hearing shall be held at a special City Council or Town Selectboard meeting not earlier than 15 days nor later than 30 days after the request is filed. The Manager may file with the City Council or Town Selectboard a written reply not later than five days before the hearing.*
3. *The City Council or Town Selectboard 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, 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 shall continue to receive his or her salary until the effective date of a final resolution of removal.*

§ 705 Vacancy in office of manger

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

*The Manager, by letter filed with the City or Town Clerk, may appoint an officer or employee of the City or Town to perform his or her duties during his or her temporary absence or disability. In the event of failure of the Manager to make such designation, the City Council or Town Selectboard may by resolution appoint an officer or employee of the City to perform the duties of the Manager until he or she shall return or his or her disability shall cease. However, if the Manager has within his or her administration, formed and appointed the position of Assistant City or Town Manager, said Assistant shall automatically assume the Manager's responsibilities during his or her temporary absence or disability. (from City of South Burlington Charter)*

§ 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

*The board of civil authority shall constitute a board of abatement as provided by law. The board of abatement shall meet and discharge its duties as required by the applicable statutory provisions.*

§ 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.

*There shall be a Planning Commission and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the City Council or Town Selectboard for terms of three years from among the qualified voters of the City or Town. Members of the Commission shall hold no other City or Town office.*

§ 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.

*A Development Review Board shall be established and its powers, obligations and operation shall be under and in accordance with Vermont Statutes Annotated, as they may be amended from time to time hereafter, and members will be appointed by the City Council or Town Selectboard for terms of three years from among the qualified voters of the City or Town.*

§ 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.

*(See § 702)*

§ 902 Administrative officers

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

*(See § 702)*

§ 903 Personnel administration and benefits

Adoption of personnel policy and benefits.

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

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

*(c) No person in the service of the City or Town shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in*

*connection with any appointment, proposed appointment, promotion or proposed promotion.*

§ 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.

*There shall be established a department of real estate appraisal headed by a professionally qualified real estate assessor, who shall be appointed by the manager with the advice of the City Council or Town Selectboard.*

§ 906. Appraisal of property

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

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

§ 907 Appraisal of business personal property for tax purposes

Provisions on how to appraise business personal property.

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

§ 908 Duties of Department

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

*The duties and powers of the department of real estate appraisal shall be the same as those established for listers under the general statutes.*

§ 909 Purpose

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

*The purpose of the department of real estate appraisal is to provide for appointment of a qualified real estate assessor rather than the election of listers. The Town shall be governed by, and each taxpayer shall have rights granted by, the applicable statutes*

*concerning real and personal property taxation, appeal therefrom, and other statutes concerning taxation.*

*Part III*

§ 910 Finance Department

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

*(See § 702)*

**Subchapter 10 Budget Process**

§ 1001 Fiscal year

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

*The fiscal year of the City or Town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.*

§ 1002 Annual municipal budget

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

*With support from the finance department, the City or Town Manager shall submit to the City Council or Town Selectboard a budget at least 50 days before annual town meeting or at such previous time as may be directed by the City Council or Town Selectboard. The budget shall contain:*

- (1) An estimate of the financial condition of the Town as of the end of the fiscal year.*
- (2) An itemized statement of appropriations recommended for current expenses, and for capital improvements, during the next fiscal year; with comparative statements in parallel columns of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the immediate preceding fiscal year.*
- (3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years.*
- (4) A capital budget for the next five fiscal years, showing anticipated capital expenditures, financing, and tax requirements.*
- (5) Such other information as may be required by the Town council.*

§ 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.

*The City Council or Town Selectboard shall review, and approve the recommended budget with or without change. The budget shall be published not later than two weeks after its preliminary adoption by the City Council or Town Selectboard. The City Council or Town Selectboard shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing.*

§ 1004 meeting warning and budget

Laying out process for voter review and vote on budget.

- (a) The City Council or Town Selectboard shall hold at least one public hearing at least 30 days prior to the annual meeting to present and explain its proposed budget and shall give a public notice of such hearing.*
- (b) The City or Town Manager shall not less than 15 days prior to the annual meeting shall print and distribute the City Council or Town Selectboard recommended budget and the final warning of the pending annual meeting.*

§ 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).

- (a) From the effective date of the budget, the amounts stated therein, as approved by the voters, become appropriated to the several agencies and purposes therein named.*
- (b) The manager may at any time transfer an unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency. At the request of the manager, the City Council or Town Selectboard may, by resolution, transfer any unencumbered appropriation balance or portion thereof within the City Council or Town Selectboard budget from one department, office or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the City Council or Town Selectboard budget shall be transferred or used for any other purpose.*

§ 1006. Amount to be raised by taxation

Tying budget to taxes and creation of tax rate.

*Upon passage of the budget by the voters, the amounts stated therein as the amount to be raised by taxes shall constitute a determination of the amount of the levy for the purposes*



*of the City or Town in the corresponding tax year, and the City Council or Town Selectboard shall levy such taxes on the grand list as prepared by the assessor for the corresponding tax year.*

§ 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.

*Taxes on real and personal property shall be paid in two equal payments, with one-half of the annual tax bill for each taxpayer due and payable on September 15 and March 15 of each fiscal year or pursuant to such other schedule as the City Council or Town Selectboard may adopt by resolution, bylaw or ordinance.*

§ 1102. Penalty

Penalty on late payments.

*An additional charge of eight percent shall be added to any tax not paid on or before the dates specified in section § 1101 of this charter, and interest as authorized by Vermont statutes.*

§ 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.

*Notwithstanding section § 907 of this charter and the requirements of the general laws of the State of Vermont, the City Council or Town Selectboard are hereby authorized and empowered to negotiate and execute assessment and taxation agreements between the City or Town and a taxpayer or taxpayers within the [Name of Municipality] consistent with applicable requirements of the Vermont Constitution.*

§ 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.

*(a) The Manager shall prepare and submit to the City Council or Town Selectboard a five-year capital program at least three months prior to the final date for submission of the budget.*

*(b) Contents. The capital program shall include:*

- 1. A clear general summary of its contents;*
- 2. A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;*
- 3. Cost estimates, method of financing, and recommended time schedules for each such improvement; and*

4. *The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.*

*The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.*

§ 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.

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

§ 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.

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