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H.883

Introduced by Representatives Gonzalez of Winooski and Bissonnette of
Winooski

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; City of Winooski;
amendment

Statement of purpose of bill as introduced: This bill proposes to approve
amendments to the charter of the City of Winooski.

An act relating to approval of amendments to the charter of the City of
Winooski

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the City
of Winooski as set forth in this act. Proposals of amendments were approved
by the voters on March 1, 2016.

Sec. 2. 24 App. V.S.A. chapter 19 is amendment to read:

CHAPTER 19. CITY OF WINOOSKI

Article 1. Incorporation and Grant of Powers

1 § 101. CORPORATE EXISTENCE RETAINED; FORM OF
2 GOVERNMENT

3 * * *

4 (c) ~~Upon petition of a number of legal voters equal to four percent of the~~
5 ~~total vote cast for Governor at the last preceding general election, the legal~~
6 ~~voters of the City may, at any annual meeting or a special meeting duly warned~~
7 ~~and held for that purpose, vote to change the council-manager form of~~
8 ~~government to any other legal form. A majority of the legal votes cast shall be~~
9 ~~needed to effect a change of government. [Repealed.]~~

10 * * *

11 Article 2. City Meetings

12 * * *

13 § 203. SPECIAL MEETINGS

14 The City Clerk shall, when directed by the City Council on its own motion
15 or upon receipt of a proper petition, call a special meeting of the City at such
16 time and place as the City Council may direct. The warning for such special
17 meeting shall state the purposes for which is it called, shall designate the time
18 and place thereof, and shall be posted and published in the manner provided by
19 general law. Special city meetings shall be called and warned as provided by
20 general law.

21 * * *

1 Article 3. Governance

2 § 301. COMPOSITION; ELIGIBILITY; ELECTION AND TERMS

3 * * *

4 (c) Election and terms. At the annual City meeting, the City shall elect four
5 councilors, as hereinafter set forth, who shall hold office for two years and
6 until their ~~successors are chosen~~ successor takes office. Two councilors shall
7 be elected at the annual City meeting to be held on the first Tuesday of March,
8 following adoption of this charter, who shall hold office for two years. At each
9 succeeding annual City meeting, two councilors shall be elected for two years.
10 ~~A councilor in office on the effective date of this charter shall continue to serve~~
11 ~~the term balance until a successor is chosen.~~

12 * * *

13 § 303. MAYOR AND DEPUTY MAYOR, ELECTION, TERMS, AND
14 DUTIES

15 At the annual City meeting to be held on the first Tuesday of March,
16 commencing March 3, 2015, and every three years thereafter, the Mayor shall
17 be elected for a term of three years, and until the Mayor's successor ~~is chosen~~
18 takes office. ~~The Mayor in office on the effective date of this charter shall~~
19 ~~continue to serve the term balance until a successor is chosen.~~ The Mayor
20 shall be the City Council presiding officer and Chair of the City's Strategic
21 Planning Committee. The Mayor shall be the City Council liaison with regard

1 to the City Manager, governmental entities, and independent agencies and shall
2 be permitted to take any action approved by the City Council, including the
3 execution of documents. The Council shall elect from its members a Deputy
4 Mayor who shall act as Mayor during the absence or disability of the Mayor
5 and, if a vacancy occurs in the office of the Mayor, the Deputy Mayor shall
6 become Mayor ~~for the remainder of the unexpired term if the vacancy occurs~~
7 ~~less than 180 days prior to the termination of the original term; otherwise a~~
8 ~~special election shall be called as provided in this charter, to elect a successor~~
9 ~~for the~~ until the next annual meeting, at which a new Mayor shall be elected to
10 serve any remainder of the prior Mayor's unexpired term.

11 § 304. GENERAL POWERS AND DUTIES

12 * * *

13 (b) Additional powers. In addition to powers otherwise conferred upon it
14 by law, the City, by the action of the Council or, if specifically required by law
15 or this charter, by the action of its voters, has the following powers and rights,
16 including:

17 (1) To acquire property within or outside its corporate limits for any
18 lawful purpose, including urban renewal and by any lawful means, including
19 condemnation, in fee simple or any lesser interest or estate, by purchase, gift
20 device, lease, or other means of transfer, and may sell, lease, mortgage, hold,

1 manage, and control such property, as its interest may require, in the manner
2 provided by general law.

3 (A) In addition to and not in limitation of the powers set forth in
4 subdivision (1) of this subsection, the power to acquire lands for the purpose of
5 eventual rental, lease, or resale to industrial or to commercial users or
6 purchasers, or for the purpose of erecting thereon and with the further right and
7 power by the City to erect thereon one or more speculative industrial or
8 commercial buildings and to rent, sell, or lease the same to others, with or
9 without option to purchase, as the City Council may find to be necessary in the
10 public interest and to issue its bonds or other evidence of debt therefor in an
11 amount as the City Council shall establish by ~~two-thirds' vote~~ a majority of the
12 entire Council. However, no such indebtedness shall be authorized unless the
13 City Council shall determine first that the value of such lands and buildings
14 together with the amount of the sale agreement if sold or the rents accruing
15 therefrom if rented and the purchase option (if any) thereto appertaining will
16 be reasonably sufficient from time to time to cover the payment of bonds or
17 other debt outstanding issued to defray the cost of any such lands or buildings;
18 and provided further no such expenditure shall be made or indebtedness
19 incurred unless authorized by a majority vote of the legal voters voting on such
20 question at an annual or at a special meeting duly warned and held for that
21 purpose.

1 (B) All monies received from the sale, rental, or lease of any such
2 lands and buildings shall be kept in a separate fund to be used solely to pay any
3 such expenditure or indebtedness as the same becomes due and payable. In the
4 event the amount in the fund shall have become more than sufficient to meet
5 such expenditures or indebtedness, the ~~legal voters~~ City Council may ~~authorize~~
6 ~~the transfer of~~ any surplus to the general fund of the City.

7 * * *

8 (6) To adopt ~~and~~, amend, repeal, and enforce personnel and other
9 policies relating to any activity or enterprise that does not require adoption of
10 an ordinance under this charter.

11 * * *

12 (10) To appoint and, when deemed necessary for the good of the
13 service, suspend or remove the following, who shall hold office at the will of
14 the City Council:

15 (A) a City Treasurer for a term of up to three years. The Council
16 may reappoint the Treasurer.;

17 (B) a City Attorney or firm;

18 (C) an Auditor or firm; and

19 (D) a Health Officer and his or her deputies.

20 * * *

1 (12) To serve as, and exercise the powers of, the local Board of Health,
2 the local Liquor Control Board, ~~the Personnel Board,~~ and the Board of Water
3 and Sewer Commissioners, and serve as members of the Board of Civil
4 Authority.

5 * * *

6 § 307. JUDGE OF QUALIFICATION

7 The Council shall be the judge of the election and qualifications of its
8 members and of the grounds for forfeiture of their office and for that purpose
9 shall have power to subpoena witnesses, administer oaths, and require the
10 production of evidence. A member charged with conduct constituting grounds
11 for forfeiture of this office shall be entitled to a public hearing on demand, and
12 notice of such hearing shall be given as for notice of a special City Council
13 meeting. A decision that a Councilor has forfeited his or her office shall
14 require a two-thirds vote of the entire Council.

15 § 308. CLERK OF THE CITY COUNCIL

16 The City Council shall designate the City Clerk, or such other person as the
17 City Council shall appoint or designate, as the Clerk of the Council who shall
18 give notice of Council meetings to its members and the public, keep the journal
19 of its proceedings, and perform such other duties as are prescribed by law and
20 assigned by this charter or as directed by the City Council.

1 § 309. INVESTIGATIONS

2 The Council may make investigations into the affairs of the City and the
3 conduct of any City department, office, or agency and for this purpose may
4 subpoena witnesses, administer oaths, take testimony, and require the
5 production of evidence. Any City official, appointee, or employee who fails or
6 refuses to obey a lawful order issued in the exercise of these powers by the
7 Council shall be removed from office or employment upon majority vote of the
8 entire Council.

9 * * *

10 § 311. PROCEDURE

11 (a) Meetings. The Council shall meet regularly at least once in every
12 month at such times and places as the Council may prescribe by rule. Special
13 meetings may be held on the call of the Mayor or of ~~three~~ two or more
14 members, and, whenever practicable, upon no less than 12 hours' notice to
15 each member. All meetings shall be conducted in accordance with the open
16 meeting laws of the State.

17 * * *

18 (c) Voting. Voting, ~~except on procedural motions,~~ shall be by voice,
19 unless, upon such a vote, the margin of affirmation or denial is one member or
20 a member of the Council calls for a roll call vote, in which case, voting shall be
21 by roll call and the ayes and nays shall be recorded in the journal. Three

1 members of the Council shall constitute a quorum, but a smaller number may
2 meet from time to time and may compel the attendance of absent members in
3 the manner and subject to the penalties prescribed by the rules of the Council.
4 No action of the Council, except as otherwise provided in this charter, shall be
5 valid or binding unless adopted by the affirmative vote of ~~three or more~~
6 ~~members~~ a majority of a quorum of the Council.

7 Article 4. Ordinances and Referendums

8 § 401. ACTION REQUIRING AN ORDINANCE

9 In addition to other acts required by law or by specific provisions of this
10 charter to be done by ordinance, those acts of the City Council shall be by
11 ordinance ~~which~~ that:

12 * * *

13 (6) amend or repeal any ordinance previously adopted, except as
14 otherwise provided in this Article ~~8 of this charter~~ with respect to repeal of
15 ordinances reconsidered under the referendum power. Acts other than those
16 referred to in the preceding sentence may be done either by ordinance or by
17 resolution; and

18 * * *

19 § 403. EMERGENCY ORDINANCES

20 To meet a public emergency affecting life, health, property, or the public
21 peace, the Council may adopt one or more emergency ordinances, but such

1 ordinances may not levy taxes, grant, renew, or extend a franchise or regulate
2 the rate charged by any public utility. An emergency ordinance shall be
3 introduced in the form and manner prescribed for ordinances generally, except
4 that it shall be plainly designated as an emergency ordinance and shall contain,
5 after the enacting clause, a declaration stating that an emergency exists and
6 describing it in clear and specific terms. The declaration of an emergency shall
7 be deemed to be conclusive as to its existence. An emergency ordinance may
8 be adopted with or without amendment or rejected at the meeting at which it is
9 introduced, but the affirmative vote of at least three members shall be required
10 for adoption. After its adoption, the ordinance shall be posted and published
11 immediately. It shall become effective upon adoption or at such later time as it
12 may specify. Every emergency ordinance shall expire and be of no further
13 force and effect as of midnight on the ~~61st~~ 31st day following the date on
14 which it was adopted, but this shall not prevent reenactment of the ordinance in
15 the manner specified in this section if the emergency still exists. An
16 emergency ordinance may also be repealed by adoption of a repealing
17 ordinance in the same manner specified in this section for adoption of
18 emergency ordinances.

19 * * *

1 § 410. GENERAL AUTHORITY FOR INITIATIVE AND REFERENDUM

2 (a) Initiative. The qualified voters of the City shall have power to propose
3 ordinances to the Council and, if the Council fails to adopt an ordinance so
4 proposed without any change in substance, to adopt or reject it at a City
5 election, provided that such power shall not extend to the budget or capital
6 improvements program or any ordinance relating to appropriation of money,
7 levy of taxes, or salaries of City offices or employees.

8 (b) Referendum. The qualified voters of the City shall have power to
9 require reconsideration by the Council of any adopted ordinance and, if the
10 Council fails to repeal an ordinance so reconsidered, to approve or reject it at a
11 City election, provided that such power shall not extend to the budget or
12 capital improvements program or any emergency ordinance or ordinance
13 relating to appropriation of money or levy of taxes.

14 § 411. COMMENCEMENT OF PROCEEDINGS; AFFIDAVIT

15 (a) Any qualified voter or group of voters may commence initiative or
16 referendum proceedings by filing with the City Clerk an affidavit stating that
17 he, she, or they will be responsible for circulating the petition and filing it in
18 proper form, stating the name and address of the voter who will serve as
19 petitioner to which all notices are to be sent, and setting out in full the
20 proposed initiative ordinance or citing the ordinance sought to be reconsidered.

1 (b) Promptly after the affidavit of the petitioner is filed, the Clerk shall
2 issue the appropriate petition forms to the petitioner.

3 § 412. PETITIONS

4 (a) Number of signatures. Initiative and referendum petitions must be
5 signed by at least five percent of the legal voters of the City.

6 (b) Form and content. All papers of a petition shall be uniform in size and
7 style and shall be assembled as one instrument for filing. Each signature shall
8 be executed in ink or indelible pencil and shall be followed by the address of
9 the person signing. Petitions shall contain or have attached thereto throughout
10 their circulation the full text of the ordinance proposed or sought to be
11 reconsidered.

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

19 (d) Time for filing referendum petitions. Referendum petitions must be
20 filed within 30 days after adoption by the Council of the ordinance sought to
21 be reconsidered.

1 § 413. PROCEDURE AFTER FILING

2 (a) Certificate of Clerk; amendment. Within 20 days after the petition is
3 filed, the City Clerk shall complete a certificate as to its sufficiency,
4 specifying, if it is insufficient, the particulars wherein it is defective and shall
5 promptly send a copy of the certificate to the petitioner by registered mail. A
6 petition certified insufficient for lack of the required number of valid
7 signatures may be amended once if the petitioner files a notice of intention to
8 amend it with the Clerk within two days after receiving the copy of such
9 certificate. Such supplementary petition shall comply with the requirements of
10 subsections 412(b) and (c) of this charter, and within five days after it is filed,
11 the Clerk shall complete a certificate as to the sufficiency of the petition as
12 amended and promptly send a copy of such certificate to the petitioner by
13 registered mail as in the case of an original petition. If a petition or amended
14 petition is certified sufficient, or if a petition or amended petition is certified
15 insufficient and the petitioner does not elect to amend or request Council
16 review under subsection (b) of this section within the time required, the Clerk
17 shall promptly present the certificates to the Council and the certificates shall
18 then be a final determination as to the sufficiency of the petition.

19 (b) Council review. If a petition has been certified insufficient and the
20 petitioner does not file notice of intention to amend it or if an amended petition
21 has been certified insufficient, the petitioner may, within two days after

1 receiving the copy of such certificate, file a request that it be reviewed by the
2 Council. The Council shall review the certificate within five days following
3 the filing of such request and approve or disapprove it, and the Council's
4 determination shall then be a final determination as to the sufficiency of the
5 petition.

6 (c) Court review; new petition. A final determination as to the sufficiency
7 of a petition shall be subject to court review. A final determination of
8 insufficiency, even if sustained upon court review, shall not prejudice the filing
9 of a new petition for the same purpose.

10 § 414. REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF
11 ORDINANCE

12 When a referendum petition is filed with the City Clerk, the ordinance
13 sought to be reconsidered shall be suspended from taking effect. Such
14 suspension shall terminate when:

15 (1) there is a final determination of insufficiency of the petition;

16 (2) the petitioner withdraws the petition;

17 (3) the Council repeals the ordinance; or

18 (4) 30 days have elapsed after a vote of the City on the ordinance.

19 § 415. ACTION ON PETITIONS

20 (a) Action by Council. When an initiative or referendum petition has been
21 finally determined sufficient, the Council shall promptly consider the proposed

1 initiative ordinance in the manner provided in this Article or reconsider the
2 referred ordinance by voting its repeal. If the Council fails to adopt a proposed
3 initiative ordinance without any change in substance within 60 days or fails to
4 repeal the referred ordinance within 30 days after the date the petition was
5 finally determined sufficient, it shall submit the proposed or referred ordinance
6 to the voters of the City.

7 (b) Submission to voters. The vote of the City on a proposed or referred
8 ordinance shall be held not less than 30 days from the date of the final Council
9 vote thereon. If no regular City election is to be held within the period
10 prescribed in this subsection, the Council shall provide for a special election;
11 otherwise, the vote shall be held at the same time as such regular election,
12 except that the Council may in its discretion provide for a special election at an
13 earlier date within the prescribed period. Copies of the proposed or referred
14 ordinance shall be made available at the polls.

15 (c) Withdrawal of petitions. An initiative or referendum petition may be
16 withdrawn at any time prior to the 15th day preceding the day scheduled for a
17 vote of the City by filing with the City Clerk a request for withdrawal signed
18 by the petitioners. Upon the filing of such request, the petition shall have no
19 further force or effect and all proceedings thereon shall be terminated.

1 § 416. RESULTS OF ELECTION

2 (a) Initiative. If a majority of the qualified voters voting on a proposed
3 initiative ordinance vote in its favor, it shall be considered adopted upon
4 certification of the election results and shall be treated in all respects in the
5 same manner as ordinances of the same kind adopted by the Council. If
6 conflicting ordinances are approved at the same election, the one receiving the
7 greatest number of affirmative votes shall prevail to the extent of such conflict.

8 (b) Referendum. If a majority of the qualified voters voting on a referred
9 ordinance vote against it, it shall be considered repealed upon certification of
10 the election results.

11 Article 5. City Officers

12 § 501. APPOINTMENT; QUALIFICATIONS; COMPENSATION OF CITY
13 MANAGER

14 The Council shall appoint a City Manager for ~~an~~ a mutually agreed-upon
15 term and fix the Manager’s compensation. The Manager shall be appointed
16 solely on the basis of executive and administrative qualifications. The
17 Manager need not be a resident of the City or State at the time of appointment
18 but may reside outside the City while in office only with the approval of the
19 Council.

20 * * *

1 § 503. REMOVAL OF CITY MANAGER

2 (a) Procedure. The Council may remove the City Manager from office in
3 accordance with the following procedures.

4 (1) The Council shall adopt by affirmative vote of a majority of all its
5 members a preliminary resolution which ~~must~~ shall ~~state the reasons~~ just cause
6 for removal and may suspend the Manager from duty for a period not to
7 exceed 45 days. A copy of the resolution shall be delivered promptly to the
8 City Manager. In the event of suspension, the City Council may assume the
9 duties of the Manager or appoint an Interim Manager.

10 * * *

11 (b) Salary; review. The Manager shall continue to receive a salary until the
12 effective date of a final resolution of removal, except ~~that in the event~~ upon a
13 judicial finding of criminal behavior or gross negligence by the Manager, the
14 Council may cease payment upon its initial resolution. The action of the
15 Council in suspending or removing the Manager shall not be subject to review
16 by any court or agency.

17 § 504. POWERS AND DUTIES OF THE CITY MANAGER

18 The City Manager shall be the Chief Administrative Officer of the City.
19 The City Manager shall be responsible to the Council for the administration of
20 all City affairs placed in the Manager's charge by or under this charter. The
21 City Manager shall have the following powers and duties:

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* * *

(6) Submit to the Council and Treasurer and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year, or more frequently upon request of the Council or the Treasurer.

* * *

(9) Act as the Emergency Management Director consistent with 20 V.S.A. chapter 1.

(10) Perform such other duties as are specified in this charter or may be required by the Council.

~~(10)~~(11) Have all other powers and duties prescribed by law upon municipal managers and not herein specifically enumerated or withheld.

§ 505. CITY MANAGER; VACANCY IN OFFICE OF

In the event of a vacancy in the office of City Manager or the Manager's incapacity to perform the duties and functions set forth in this article, the powers and duties shall be performed by the Acting City Manager, subject to the provisions of section 502 of this charter, ~~be performed by the City Council~~ until such vacancy has been filled or incapacity removed. Such vacancy shall be filled within a period not to exceed ~~180~~ 60 days.

1 § 506. CITY OFFICERS; APPOINTMENT OF

2 (a) General. The officers of the City of Winooski shall be those provided
3 by law for towns, except as otherwise provided or limited by this charter. Such
4 officers shall have all the powers and duties necessary to carry out the
5 provisions of this charter as well as those provided by law, ~~and, unless~~
6 ~~otherwise provided by law, shall hold office at the will of the appointing~~
7 ~~authority.~~

8 (b) Appointment. All officers of the City shall be appointed ~~annually~~ by
9 the City Manager, unless otherwise herein provided, ~~on the first Monday~~
10 ~~following the annual City meeting.~~ The City Manager shall fill any vacancy in
11 such offices.

12 (c) Officers. In accordance with the provisions of this section, the City
13 Manager shall appoint the following, who shall hold office at the will of the
14 City Manager:

15 * * *

16 (9) a Zoning Administrator; ~~and~~

17 (10) an Emergency Management Coordinator; and

18 (11) other officers required by law.

19 ~~The City Treasurer shall be appointed or reappointed, or both, by the~~
20 ~~City Council for a term of up to three years.~~ The powers of the Collector of
21 Taxes may be delegated to another appointed officer or department head. In

1 the event the Collector of Taxes is a City employee, that person is not entitled
2 to charge and collect from the taxpayers a commission on the amount of tax
3 collected.

4 (e) ~~Appointment by City Council. In the event of a vacancy in the Office~~
5 ~~of City Manager or of the Manager's incapacity to perform any one of his or~~
6 ~~her appointive duties, the powers of appointment above set forth shall be~~
7 ~~exercised by the City Council in filling vacant offices. [Repealed.]~~

8 (f) A nonresident of the City shall be eligible for appointment to any office
9 enumerated in this section.

10 Article 6. Government Organization

11 § 601. ORGANIZATION

12 * * *

13 (c) All departments, offices, and agencies under the direction and
14 supervision of the Manager shall be administered by an officer appointed by
15 and subject to the direction and supervision of the Manager. With the consent
16 of the Council, the Manager may serve as the head of one or more such
17 departments, offices, or agencies or may appoint one person as the head of two
18 or more of them.

19 (d) The Water Department shall continue to operate under, and have the
20 same powers and duties as set forth in No. 184 of the Acts of 1900 and all
21 amendments thereto, and any other provisions of the laws of the State of

1 Vermont applying to the Department, except as otherwise herein provided.
2 The management of the Department, the appointment or removal of the
3 Superintendent, or both, the hiring and dismissal of the Department employees
4 and all other administrative duties required by the act shall hereafter be and
5 become duties and responsibilities of the City Manager.

6 § 602. ~~GENERAL PROVISIONS~~ CITIZEN ENGAGEMENT

7 (a) ~~Direction by Manager. All departments, offices, and agencies under the~~
8 ~~direction and supervision of the Manager shall be administered by an officer~~
9 ~~appointed by and subject to the direction and supervision of the Manager.~~
10 ~~With the consent of the Council, the Manager may serve as the head of one or~~
11 ~~more such departments, offices, or agencies or may appoint one person as the~~
12 ~~head of two or more of them. [Repealed.]~~

13 * * *

14 (c) The boards, committees, commissions, and agencies shall exercise all
15 powers and duties as prescribed by law, ordinance, or administrative code, or a
16 combination of these, and the City Council shall approve a charter and bylaws
17 specifying the powers, duties, organization, and procedures of each board,
18 committee, commission, and agency.

19 * * *

1 § 603. PERSONNEL SYSTEM

2 * * *

3 (c) ~~Personnel Board. There shall be a Personnel Board consisting of the~~
4 ~~Mayor and the four councilors.~~ [Repealed.]

5 (d) Personnel policies. The Personnel Director shall prepare personnel
6 policies. The personnel rules shall be proposed to the Council, and the Council
7 may adopt them with or without amendment. These rules shall provide for:

8 (1) the classification of all City positions, based on the duties, authority,
9 and responsibility of each position, with adequate provision for reclassification
10 of any position whenever warranted by changed circumstances; and

11 (2) compensation, benefits, work rules, hiring and termination,
12 grievance procedures, and other matters required by law, collective bargaining,
13 or deemed appropriate by the City Council.

14 § 604. ~~LEGAL OFFICER~~

15 ~~The City Council may retain or engage one or more attorneys or firms of~~
16 ~~attorneys to provide general or specialized legal services.~~ [Repealed.]

17 § 605. SURETY BONDS

18 All City officers and employees, as directed by the City Council, shall
19 annually give bonds to the satisfaction of the Council for the faithful discharge
20 of their duties, the premiums of which shall be paid by the City. In the event
21 any officer or employee neglects to give a bond as herein specified, after 10

1 days' notice from the City Council that a bond is required, the office shall
2 thereupon become vacant, and the vacancy shall be filled as provided in this
3 charter.

4 Article 7. Finances

5 * * *

6 § 702. SUBMISSION OF BUDGET AND BUDGET MESSAGE

7 On or before ~~90~~ 60 days prior to the City annual meeting, the Manager shall
8 submit to the Council a budget for the ensuing fiscal year and an
9 accompanying message.

10 * * *

11 § 704. BUDGET

12 (a) Budget. Notwithstanding any prior acts of the voters, the general fund
13 budget for the ensuing fiscal year submitted by the Manager shall clearly
14 define all anticipated operational expenditures for all City departments, offices,
15 or agencies and a sum sufficient to pay the interest and principal for all
16 obligations of the City. The budget shall also include the estimated revenues
17 from taxation, fines, and all other lawful sources necessary to meet the
18 anticipated expenditures. The general fund budget shall ~~be presented by~~
19 ~~department, office, or agency~~ not include enterprise or special revenue funds.

20 * * *

1 (d) Surplus/deficit. Fund balances shall be carried forward ~~as revenue~~ in
2 the next fiscal year. Fund deficits shall be liquidated in the manner provided
3 by general law.

4 (e) The budget shall be prepared and managed by the Manager, ~~and who~~
5 shall issue an annual report on all City budgets, in accordance with section 504
6 of this charter. The budget shall be monitored by the City Treasurer who shall
7 make timely periodic reports thereof to the Council.

8 (f) The Manager shall submit enterprise and special revenue budgets to the
9 Council. The Council may amend and shall approve the enterprise and special
10 revenue budgets prior to the start of each fiscal year.

11 § 705. CAPITAL IMPROVEMENT PLAN

12 (a) Submission to Council. The Manager shall prepare and submit to the
13 Council a five-year capital improvement program at least ~~three months~~ 60 days
14 prior to the final date for submission of the budget.

15 * * *

16 § 708. AMENDMENTS AFTER ADOPTION

17 * * *

18 (b) Reduction of appropriations. If at any time during the fiscal year it
19 appears probable to the Manager that the revenues available will be insufficient
20 to meet the amount appropriated, the Manager shall report to the Council
21 without delay, indicating the estimated amount of the deficit, and any other

1 steps to be taken. The Council shall then take such further action as it deems
2 necessary to prevent or minimize any deficit, and for that purpose it may by
3 resolution reduce one or more appropriations, or transfer all or any portion of
4 the balance of a capital reserve fund.

5 (c) Transfer of appropriations. At any time during the fiscal year, the
6 Manager may transfer part or all of any unencumbered appropriation balance
7 among programs within a department, office, or agency and, upon written
8 request by the Manager, the Council may by resolution transfer part or all of
9 any unencumbered appropriation balance from one department, office, or
10 agency to another, or set aside all or any portion of an unencumbered
11 appropriation in a capital reserve fund.

12 * * *

13 § 709. LAPSE OF APPROPRIATIONS

14 Every appropriation, except an appropriation for a capital expenditure, shall
15 lapse at the close of the fiscal year to the extent that it has not been expended
16 or encumbered. An appropriation for a capital expenditure shall continue in
17 force until the purpose for which it was made has been accomplished or
18 abandoned. ~~The purpose of any such appropriation shall be deemed~~
19 ~~abandoned if three years pass without any disbursement from or encumbrance~~
20 ~~of the appropriation.~~

1 § 710. ADMINISTRATION OF BUDGET

2 * * *

3 (b) Payments and obligations prohibited. No payment shall be made or
4 obligation incurred against any allotment or appropriation except in accordance
5 with appropriations duly made ~~and unless the Manager or designee first~~
6 ~~certifies that there is a sufficient unencumbered balance in such allotment or~~
7 ~~appropriation and that sufficient funds therefor are or will be available to cover~~
8 ~~the claim or meet the obligation when it becomes due and payable.~~ Any
9 authorization of payment or incurring of obligation in violation of the
10 provisions of this charter shall be voided and any payment so made illegal;
11 such action shall be cause for removal of any officer who knowingly
12 authorized or made such payment or incurred such obligation, and the officer
13 shall also be liable to the City for any amount so paid. However, except where
14 prohibited by law, nothing in this charter shall be construed to prevent the
15 making or authorizing of payments or making of contracts for capital
16 improvements to be financed wholly or partly by the issuance of bonds or to
17 prevent the making of any contract or lease providing for payments beyond the
18 end of the fiscal year, provided that such action is made or approved by
19 resolution.

1 § 711. BONDS ~~AND INDEBTEDNESS~~

2 Whenever the City shall vote in the manner prescribed by general law to
3 incur debt by issuance of bonds for the purpose of making improvements, the
4 vote to incur such indebtedness shall authorize the Manager to include in each
5 annual budget a sum sufficient to pay the interest on such indebtedness and
6 that part of principal thereof next coming due.

7 § 712. WARRANTS FOR PAYMENT

8 Money shall not be paid out of the City Treasury except on a warrant signed
9 by at least three members of the Council and approved by the City Council,
10 and such approval shall be authenticated by the City Clerk. A full record of all
11 expenditures for all City funds, by departments, shall be kept, and a clear
12 statement of all receipts and disbursements of City monies and of the affairs of
13 the City generally, shall be published annually in the City report under the
14 direction of the City Council. The City Treasurer shall establish and maintain
15 charts of account detailing all receipts, revenues, expenditures, and
16 disbursements, and shall report all such activity to the Manager and the
17 Council no less frequently than quarterly.

18 § 713. TAX LEVY; AUTHORITY FOR

19 The City Council shall have the power annually to levy and assess upon the
20 grand list such tax, as set forth in the budget approved by the voters at the
21 annual or a special meeting called for the purpose, and such other tax as may

1 be necessary for the payment of all State, county, and State highway taxes.
2 Such tax bills, with a ~~warrant~~ resolution signed by at least three members of
3 the Council, shall be delivered to the Treasurer, to whom all taxes shall be paid
4 in money.

5 * * *

6 § 715. EXPENDITURES NOT TO EXCEED REVENUES

7 * * *

8 (b) The City Council, without special direction of the voters of the City
9 shall not draw orders on the City ~~Treasurer~~ Treasury in excess of the current
10 revenues, except to meet obligations imposed by law. The City Treasurer,
11 without special direction of the voters of the City, shall not honor orders drawn
12 in excess of the current revenues, except to meet obligations imposed by law.
13 ~~Any official violating the provisions of this section shall be liable to the full~~
14 ~~amount of all orders so drawn or so honored.~~

15 * * *

16 Sec. 3. REPEAL

17 24 App. V.S.A. chapter 19, Article 8 (Initiative and Referendum) is
18 repealed.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on passage.