

1 H.927  
2 Introduced by Representatives Hooper of Montpelier and Kitzmiller of  
3 Montpelier  
4 Referred to Committee on  
5 Date:  
6 Subject: Municipal and county government; municipal charters; City of  
7 Montpelier; amendments  
8 Statement of purpose of bill as introduced: This bill proposes to approve  
9 amendments to the charter of the City of Montpelier.

10 An act relating to approval of amendments to the charter of the City of  
11 Montpelier

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

13 Sec. 1. CHARTER AMENDMENT APPROVAL

14 The General Assembly approves the amendments to the charter of the City  
15 of Montpelier as set forth in this act. Voters approved the proposals of  
16 amendment on March 6, 2018.

17 Sec. 2. 24 App. V.S.A. chapter 5 is amended to read:

18 CHAPTER 5. CITY OF MONTPELIER

19 Subchapter 1. Incorporation and Grant of Powers

20 \* \* \*

1       § 102. GENERAL POWERS

2           The City shall have all the powers given to towns ~~and town school districts~~  
3       by the general law; and may purchase, hold, and convey any real estate and  
4       erect and keep in repair any buildings necessary or convenient for its purposes;  
5       and may acquire, construct, and maintain such infrastructure as it may deem  
6       necessary for the benefit of the City.

7   \* \* \*

8       § 105. INTERGOVERNMENTAL RELATIONS

9           The City, through its City Council ~~or Board of School Commissioners, or~~  
10       ~~both~~, may enter into agreements with the United States of America or the State  
11       of Vermont to accept grants, loans, and assistance to make public  
12       improvements, and the City may make appropriations consistent with this  
13       chapter to accomplish such purposes.

14   \* \* \*

15   Subchapter 3. City Council

16   \* \* \*

17       § 509. ELECTION OF CITY OFFICERS

18           (a) At the annual meeting, Montpelier voters shall elect from among the  
19       City voters a Mayor for a term of two years; a City Clerk for a term of three  
20       years; a City Council member from each district for a term of two years; and  
21       other elective City officers; ~~and two school commissioners, each for a term of~~

1 ~~three years.~~ At the annual meeting there shall be elected from among the City  
2 voters members of the Board of School Directors of the Montpelier-Roxbury  
3 Unified Union School District as provided in the June 20, 2017 Articles of  
4 Agreement between the City of Montpelier and the Roxbury Town School  
5 District.

6 (b) Each elected City officer shall hold office until a successor has been  
7 duly elected and qualified.

8 § 510. CERTIFICATES OF NOMINATION

9 (a) Certificates of nomination for City offices to be filled at annual City  
10 meetings shall be filed ~~by the candidate or with the candidate's written assent~~  
11 ~~with the City Clerk not fewer than 30 nor more than 40 calendar days before~~  
12 ~~such meeting~~ in accordance with the general laws of the State.

13 ~~(b)(1) All nominations for City offices shall be made by certificate signed~~  
14 ~~by 25 or more voters in accordance with general laws of the State.~~

15 ~~(2)~~ A candidate running for City Council needs a certificate signed by  
16 25 or more voters from the specific district in which that candidate resides.

17 (c) A voter shall not sign more than one certificate for the same office  
18 except when there are multiple seats to be filled.

19 \* \* \*

20 Subchapter 8. Boards and Commissions

21 \* \* \*

~~§ 805. PLANNING COMMISSION~~

~~The Planning Commission shall consist of seven members appointed by the City Council for two-year terms in accordance with 24 V.S.A. §§ 4322-4323, as may be amended from time to time. On October 1, 2018, the City Council shall appoint four members to two-year terms and three members to one-year terms. Thereafter all terms shall run for two years. Terms shall begin on October 1 and expire on September 30. Appointments to vacated positions shall run until the expiration of the existing term. The Planning Commission shall perform such planning functions and duties as may be required by the City Council, this chapter, ordinances, or applicable State laws.~~

*§ 805. PLANNING COMMISSION*

*The Planning Commission shall consist of seven members appointed by the City Council for two-year terms in accordance with 24 V.S.A. §§ 4322-4323, as may be amended from time to time. On October 1, 2018, the City Council shall appoint four members to two-year terms and three members to one-year terms. Thereafter all terms shall run for two years beginning on October 1. Appointments to vacated positions shall run until the expiration of the existing term. The Planning Commission shall perform such planning functions and duties as may be required by the City Council, this chapter, ordinances, or applicable State laws.*

§ 806. DEVELOPMENT REVIEW BOARD

1 (a) The Development Review Board shall consist of ~~five~~ seven regular  
2 members and two alternate members, appointed by the City Council for ~~three-~~  
3 ~~year terms~~ in accordance with 24 V.S.A. § 4460, as may be amended from  
4 time to time.

5 ~~(b) On May 1, 2018 the City Council shall appoint three members to three-~~  
6 ~~year terms, three members to two-year terms, and one member and two~~  
7 ~~alternates to one-year terms. Thereafter all terms shall run for three years.~~  
8 ~~Terms shall begin on May 1 and expire on April 30. Appointments to vacated~~  
9 ~~positions shall run until the expiration of the existing term.~~

*(b) On May 1, 2018 the City Council shall appoint three members to three-*  
*year terms, three members to two-year terms, and one member and two*  
*alternates to one-year terms. Thereafter all terms shall run for three years*  
*beginning on May 1. Appointments to vacated positions shall run until the*  
*expiration of the existing term.*

10 (c) The Development Review Board shall, upon the request of an interested  
11 person, hear the appeal of any decision or act taken by the Administrative  
12 Officer in accordance with the procedures outlined in 24 V.S.A. chapter 117,  
13 subchapter 11, as may be amended from time to time, and perform such other  
14 duties as may be required by the City Council, this chapter, ordinances, or  
15 applicable State laws.

16 (e)(d) A quorum shall consist of a minimum of ~~three~~ four regular or

1 alternate members up to a maximum of ~~five~~ seven regular or alternate  
2 members.

3 ~~(d)~~(e) Alternate members may serve on the Development Review Board  
4 when one or more regular members are unable to attend a meeting.

5 ~~(e)~~(f) The Development Review Board shall be further governed by rules  
6 and procedures as provided in the City ordinances.

7 \* \* \*

8 Subchapter 9. Annual City Report

9 \* \* \*

10 § 909. ANNUAL CITY REPORT

11 A full record of expenditures shall be kept and a clear statement of all  
12 receipts and disbursements of City money and of the affairs of the City  
13 generally, together with the report of ~~the Board of School Commissioners,~~  
14 ~~auditors,~~ and other City officials, shall be annually published under the  
15 direction of the City Manager. A reasonable number shall be made available  
16 for distribution among the voters of the City at least 10 days prior to the  
17 annual City meeting. The report shall include estimates of receipts and  
18 proposed expenditures of the City for the ensuing year.

19 § 910. OFFICERS' BONDS

20 All officers from whom the City Manager may require bonds, or as required  
21 by State statute, shall annually give bonds to the City, to the satisfaction of the

1 City Manager, for the faithful discharge of their respective trusts. Such bond  
2 shall be given before the officer concerned enters upon the officer's duties. If  
3 the City Manager requires a bond with a fidelity company as surety, the City  
4 shall pay the expense thereof. The City Manager may contract for one blanket  
5 bond to cover all City officials and employees required to furnish bonds. Such  
6 blanket bond may, with the concurrence of ~~the Board of School~~  
7 ~~Commissioners and~~ other boards or agencies requiring bonds from officers and  
8 employees under their control, cover ~~the Treasurer of the Board of School~~  
9 ~~Commissioners and~~ other officers or employees under control of such boards.

10 \* \* \*

11 Subchapter 11. Indebtedness; Sinking Fund; Bonds and Notes  
12 for Improvements

13 \* \* \*

14 § 1102. SUBMISSION TO VOTERS; PUBLIC IMPROVEMENTS

15 (a) When the City Council shall determine that the public necessity or  
16 interest demands improvements, ~~other than improvements relating to schools~~  
17 ~~or school property~~, and that the cost of the same will be too great to be paid  
18 out of the ordinary revenue of the City, the Council may by vote of two-thirds  
19 of its members order the submission of a proposition to make such  
20 improvements and incur debt to pay for the same to the voters of the City at an  
21 annual or special meeting warned and held for that purpose.

1 (b) The City Council shall, on receipt of a petition signed by ten percent of  
2 the voters, promptly order the submission of a proposition to make such  
3 improvements and incur debt to pay for them to the voters of the City at an  
4 annual or special meeting warned and held for that purpose.

5 \* \* \*

6 § 1106. AUTHORIZATION

7 When a majority of all the voters voting on such proposition at an annual  
8 meeting or special City meeting shall vote to authorize such improvements and  
9 the incurring of debt to pay for the same, the City Council ~~or, if the~~  
10 ~~improvements relate to schools or school property, the School Board~~ shall be  
11 authorized to make such improvements.

12 \* \* \*

13 § 1117. USE OF UNEXPENDED BOND PROCEEDS

14 (a) The proceeds of all bonds or notes shall be used for the purpose for  
15 which they were authorized. However, any unexpended balance remaining  
16 after carrying out the purpose for which they were authorized, ~~other than~~  
17 ~~school purposes,~~ may, by vote of any annual or special City meeting duly  
18 warned and held for that purpose, be authorized for any purpose for which  
19 bonds may be issued, in accordance with general law, or transferred to a  
20 sinking fund established by the Council.

21 (b) ~~Any unexpended balance remaining after carrying out a purpose~~

1 relating to schools or school property for which bonds or notes were  
2 authorized may, in addition to other uses permitted by law, be transferred to a  
3 sinking fund. [Repealed.]

4 \* \* \*

5 § 1125. BUDGET SURPLUS AND DEFICIT

6 Unless otherwise disposed of in the manner provided by law or set in  
7 reserve by the City Council or School Board, any surplus existing at the end of  
8 the fiscal year shall be carried forward as revenue in the General Fund or  
9 School Fund, as appropriate, for the next ensuing fiscal year. Any deficit  
10 existing at the end of the fiscal year shall be liquidated in the manner provided  
11 by law.

12 \* \* \*

13 Subchapter 12. Assessment and Collection of Taxes; Establishment  
14 of Water and Heat Rates

15 § 1201. ASSESSMENT OF TAXES AND ESTABLISHMENT OF TAX

16 RATE

17 (a) The City Council shall assess such taxes upon the grand list of the City  
18 as the voters at any annual or special meeting warned for that purpose have  
19 approved for the payment of debts and current expenses of the City, for  
20 carrying out any of the purposes of this chapter, for the support of schools, and  
21 for the payment of all State and county taxes and obligations imposed by law.

1 The vote of the City shall be upon the specific sum of budgeted tax  
2 appropriation for the support of all City departments, grants, schools,  
3 recreation, and elders. The City Council shall establish a tax rate based upon  
4 the true grand list as appraised by the City Assessor, and shall deliver the same  
5 to the City Treasurer for computation and collection.

6 \* \* \*

7 (c) For the purpose of assessing taxes upon the grand list of the City as  
8 provided in subsection (a) of this section, an owner whose personal property  
9 does not exceed the assessed value of \$10,000.00 shall not be set in the grand  
10 list of the City as taxable personal estate.

11 \* \* \*

12 Sec. 3. TRANSITIONAL PROVISIONS; MONTPELIER SCHOOL

13 DEPARTMENT

14 Effective on July 1, 2018, the Montpelier School Department will cease to  
15 exist and will be supplanted by the Montpelier-Roxbury Unified Union School  
16 District. On July 1, 2018, all City assets and property under control of the  
17 Montpelier School Department Board of Commissioners, together with all City  
18 liabilities attributable to the Montpelier School Department, shall pass to be  
19 assumed by the Montpelier-Roxbury Unified Union School District in  
20 accordance with the June 20, 2017 Articles of Agreement between the City of  
21 Montpelier and the Roxbury Town School District.

1      Sec. 4. REPEALS

2            In 24 App. V.S.A. chapter 5, the following are repealed:

3            (1) subchapter 3, § 515 (school budget vote);

4            (2) subchapter 6 (schools); and

5            (3) subchapter 11, § 1103 (submission to voters; school improvements).

6      Sec. 5. EFFECTIVE DATE

7            This act shall take effect on passage.