

**No. M-12. An act relating to approval of amendments to the charter of the City of South Burlington.**

(H.443)

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

Sec. 1. CHARTER APPROVAL

The general assembly approves the amendments to the charter of the city of South Burlington as provided in this act. The proposals of amendment were approved by the voters on March 3, 2009.

Sec. 2. 24 App. V.S.A. chapter 13 § 103 is amended to read:

§ 103. POWERS OF THE CITY

(a) The city 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, and impose penalties for violation thereof not in excess of a fine of \$100.00, together with the costs of prosecution, or imprisonment for not more than sixty days, or both.

\* \* \*

(c) In this charter ~~no~~ mention of a particular power shall not be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned.

Sec. 3. 24 App. V.S.A. chapter 13 § 105(b) is amended to read:

(b) Ordinance-making authority granted to the city by this charter and general law shall be exercised pursuant to the provisions of sections 106 through 109 of this ~~charter~~ subchapter.

Sec. 4. 24 App. V.S.A. chapter 13 § 107 is amended to read:

§ 107. FURTHER CONSIDERATION; FINAL PASSAGE

After ~~such~~ the hearing, the Council may finally pass ~~such~~ the ordinance with or without amendment, except that if the council makes an amendment it shall cause a short concise one-paragraph description of the effects of the amended ordinance, including a concise description of the proposed amendments to be published at least once together with a notice of the time and place of a public hearing at which ~~such~~ the amended ordinance will be further considered, which publication shall be at least ~~three days~~ one week prior to the public hearing. ~~Such~~ The publication shall include a reference to a place within the city where copies of the entire text of the amended ordinance may be examined. At the time so advertised or at any time and place to which ~~such~~ the meeting may be adjourned, the amended ordinance shall be read in full, except that by vote of a majority of the council, the ordinance may be read in full, except that by vote of a majority of the council, the ordinance may be read by title. After ~~such~~ the hearing, the council may finally pass ~~such~~ the

amended ordinance, or again amend if subject to the same procedures as outlined herein.

Sec. 5. 24 App. V.S.A. chapter 13 § 110 is amended to read:

§ 110. ANNUAL CITY REPORT

The annual city report shall be ~~distributed~~ made available and noticed to the legal voters of the city and school district at the earliest time following the fiscal year, but not later than 105 days after the end of the fiscal year March 1.

Sec. 6. 24 App. V.S.A. chapter 13 § 301 is amended to read:

§ 301. OFFICERS; GENERAL PROVISIONS

The officers of the City of South Burlington shall be those provided by law for towns, except as otherwise provided by this charter. ~~Such~~ The officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law. The offices of fence viewer, ~~fire warden~~, weigher of coal, and inspector of lumber shall be abolished.

(1) The officers of the South Burlington school district shall continue to be those provided by law for school or school districts; provided, however, that the school directors shall hold no other school district or city office ~~except~~ with the exception of the board of civil authority, the board of abatement, and as provided otherwise in this charter. When a vacancy occurs on the Board of School Directors, the remaining members of the Board may fill the vacancy until the next annual meeting when the school district shall fill the vacancy.

\* \* \*

Sec. 7. 24 App. V.S.A. chapter 13 § 305(e) is added to read:

(e) As appropriate, the city council shall strive to meet twice a year in each elementary school within the school district.

Sec. 8. 24 App. V.S.A. chapter 13 § 307(b) is amended to read:

(b) In making any appointment under this section; notice of the position or positions to be filled shall be published in a ~~daily~~ newspaper of general circulation within the city, or by electronic means, at least 15 days prior to the appointment.

Sec. 9. 24 App. V.S.A. chapter 13 § 310(b)(7) and (8) are added to read:

(7) The city council and the school board, by their own actions, may establish reserve funds to pay for public improvements, replacement of equipment, and planned or unplanned operating expenditures. Monies to be deposited in any fund shall be included in a city or school district budget and shall not be excluded in calculating the net cost of operation pursuant to subsection 1309(a) of this chapter. Reserve funds shall be kept in separate accounts and invested in the same manner as other public funds. The city council and the school board may, from time to time, expend monies in those funds for purposes for which they were established without voter approval.

(8) Neighborhood forums.

(A) Whenever the city council or the school board (either individually being the convening board) shall determine that there has been a sufficient showing of interest or need to suggest that a public forum should be conducted in a neighborhood or neighborhoods within the city on a matter of public interest or concern, the convening board may, in its discretion, issue a call for a neighborhood forum. The convening board may make such a determination on the request of an interested citizen or citizens, or on its own motion.

(B) Promptly upon such a determination, the convening board shall describe the neighborhood or neighborhoods having a community interest in the issue at hand, specify a date, time, and place for a neighborhood forum, describe the issues to be considered, appoint any suitable person as a temporary chair to convene the meeting, and issue a public warning of the meeting. The convening board shall further specify the objective or objectives of the meeting, such as to: (1) share information with the residents of the specified community; (2) solicit information or opinions; (3) permit the residents to make recommendations relating to the issues; or (4) serve some other appropriate objective. The temporary chair shall begin the meeting as warned and shall assist the meeting in the election of a meeting chair.

Sec. 10. 24 App. V.S.A. chapter 13 § 502(a) is amended to read:

(a) The annual city meetings of the city and the South Burlington school district for the election of officers, the voting on the budgets, and any other business included in the warnings for the meetings, shall be ~~held on the third Tuesday in May, unless otherwise~~ on a date established and legally warned by the council.

Sec. 11. 24 App. V.S.A. chapter 13 § 504 is amended to read:

§ 504. POLLING PLACES

In any annual or special city or school district meeting, for the purpose of the election of officers and the voting on all questions to be decided by Australian ballot, there shall be ~~additional~~ polling places which shall be the polling places designated for the election of representatives to the general assembly ~~in~~ of each representative district. The check list for each polling place shall be composed of those voters residing in that representative district. The votes cast shall be separately counted in the manner provided in the election of representatives to the general assembly. Except as provided in this section, the conduct of such meeting shall conform to the requirements where applicable, set forth in ~~chapter 19, subchapter 2~~ chapters 51 and 55 of Title 17, V.S.A.

Sec. 12. 24 App. V.S.A. chapter 13 § 506(a) is amended to read:

(a) Subject to the provisions of section 505 of this charter, ~~electors~~ voters of the city may at any time petition in the same manner as in section 505 for the enactment of any proposed lawful ordinance by filing such petition, including the text of such ordinance, with the city clerk. The council shall call a special city meeting to be held within 45 days of the date of such filing, unless prior to such meeting such ordinance shall be enacted by the council. The warning for such meeting shall include a short concise one-paragraph description of the effects of the proposed ordinance and shall provide for an aye and nay vote as to its enactment. The warning shall also include reference to a place within the city where copies of the entire text of the proposed ordinance may be examined. Such ordinance shall take effect on the 10th day after the conclusion of such meeting provided that the electors as qualified in section 505, constituting a majority of those voting thereon, shall have voted in the affirmative.

Sec. 13. 24 App. V.S.A. chapter 13 § 1102 is amended to read:

§ 1102. POWERS AND DUTIES

(a) The steering committee shall hold public meetings on the city and school district budgets as set forth in this charter. The committee shall review proposed programs to be implemented by the city and the school district in the

next fiscal year or for future years, and may inquire into and review any matters of financial interest to the city and the school district.

(b) The steering committee shall hold at least one regular meeting in each calendar quarter. Notice of any regular or special meeting, including a general statement of the purpose thereof, shall be placed in a ~~daily~~ newspaper of general circulation within the city, or by electronic means, at least seven days prior to the date for such meeting.

(c) All meetings of the committee shall be open to the public, and executive sessions shall not be permitted.

(d) Any expenses of the steering committee shall be approved by the ~~council and the board of school directors~~ steering committee, the cost to be divided equally between the city and the South Burlington school district.

Sec. 14. 24 App. V.S.A. chapter 13 § 1302(c) is amended to read:

(c) The council shall fix the time and place for holding a public hearing on the budgets for the city and the school district, and shall give notice of the hearing at least 10 days prior thereto in a ~~daily~~ newspaper of general circulation in the city, or by electronic means. The hearing shall be held not less than 40 days nor more than 60 days prior to the date of the annual city and school district meeting. The council shall then review the city budget and approve it for submission to the voters, with or without change, and in the

same manner the board of school directors shall review its budget and approve it for submission to the voters, with or without change.

Sec. 15. 24 App. V.S.A. chapter 13 § 1303 is amended to read:

§ 1303. CITY AND SCHOOL DISTRICT ANNUAL MEETING WARNING  
AND BUDGET

The proposed budgets of the city and school district shall be distributed to the legal voters of the city and school district at least 10 days before the public hearing on the budgets. The warnings for the annual city and school district meeting shall be published in a ~~daily~~ newspaper having general circulation within the city, or by electronic means, at least 10 days before the date of the annual meetings and the proposed budgets for the city and school district shall likewise be published.

Sec. 16. 24 App. V.S.A. chapter 13 § 1304(c) is amended to read:

(c) If the budget for the city or school district is not adopted by the voters at the special meeting provided for in subsection (b) of this section, the city council or school board shall adopt a budget with the net cost of operations pursuant to section 1309 of this chapter limited to the amount of the net cost of operations in the preceding tax year's budget, adjusted for the preceding calendar year's Consumer Price Index for All Consumers-Northeast Region, as published by the U.S. Department of Labor's Bureau of Labor Statistics.

Sec. 17. 24 App. V.S.A. chapter 13 § 1306 is amended to read:

§ 1306. DEPARTMENTAL BUDGET

The budget for all departments shall include all proposed expenditures, and the council and board of school directors shall make a gross appropriation for each department for the ensuing fiscal year. The gross appropriation for each department of the city and school district shall not be exceeded except for consent of the council and board of directors, respectively, ~~subject to the provisions of section 1308.~~

Sec. 18. 24 App. V.S.A. chapter 13 § 1309(a) is amended to read:

(a) Net cost of operations shall be defined as the gross budget of the city or school district less the following deductions as defined in subsections (b) through (f) of this section if such items appear in the gross budget:

\* \* \*

(7) Payments assessed against the city or schools by other public bodies or quasi-public bodies such as the Chittenden County transit authority, Winooski valley park district, and Chittenden County Court, Regional Planning Commission, and Metropolitan Planning Organization.

\* \* \*

Sec. 19. 24 App. V.S.A. chapter 13 § 1502 is amended to read:

§ 1502. PENALTY

A late charge of eight percent (~~8%~~) will be added to any tax not paid on or before the dates specified in section 1501 of this ~~charter~~ subchapter. In ~~additions~~ addition, interest at the rate of one percent (~~1%~~) per month will be added to any tax not paid on or before its due date, for each month or fraction thereof after the date on which the tax payment was due.

Sec. 20. 24 App. V.S.A. chapter 13 § 1703 is amended to read:

§ 1703. ~~PROHIBITIONS~~ ETHICAL GUIDELINE

The city council shall further define business conduct and ethics in an approved guideline document to include at least the following:

~~(a)~~(1) No person in the service of the city 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.

~~(b)~~(2) No person appointed in the administrative service of the city, under the city manager, shall continue in ~~such~~ that position after becoming a candidate for nomination or election to any South Burlington public office, nor shall he or she make any contribution to the campaign funds on behalf of any candidate for city office. He or she may not take any part in the management

of any political party, except by the ordinary exercise of his or her right as a citizen to belong to a political party, to express his or her opinions, and to vote.

Sec. 21. 24 App. V.S.A. chapter 13 § 1903 is amended to read:

§ 1903. REAPPRAISAL OF TAXABLE PROPERTY

The department of assessment shall reappraise at least every three years but may reappraise annually all taxable property located in the city on April 1 of each year. The department shall determine the fair market value of such property as of April 1 of each year and set the property in the grand list on the basis of such valuation. The department shall not be required to physically inspect all property reappraised provided that the city has:

(1) Had ~~zoning~~ land development regulations in effect for the preceding 12 months which required the issuance of a permit for the construction of any new structure, the change in use of any structure or land, or the renovation of any existing structure involving an estimated cost ~~of over \$1,000~~ as determined by definition in the land development regulations.

(2) Had ~~subdivision~~ land development regulations in effect for the preceding 12 months which required the approval of the planning commission for the division of any parcel of land into two or more parcels for purposes of sale, lease or other conveyance and provided further that the department has:

(A) Physically inspected all property for which a zoning permit or subdivision approval has been issued.

(B) ~~Developed~~ Pursuant to state regulation and industry standards, developed a method approved by the city council for determining the fair market value of all property in the city as of April 1 of the subject year. This method must be:

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Sec. 22. 24 App. V.S.A. chapter 13 § 1904(c) is amended to read:

(c) As of April 1 next following the date of issuance of a zoning permit under the City of South Burlington Zoning Land Development Regulations authorizing construction of a building or buildings for commercial or industrial purposes, the assessor shall determine the appraisal value of the land benefitted by said permit, taking into account all factors required under general law, including any permit or approval or any improvements not previously considered pursuant to subsections (a) and (b) of this section. If the permit holder has not taken action to initiate the authorized construction within six months of the date of issuance of the zoning permit and the zoning permit has expired, or if the zoning permit has been appealed to the Vermont Environmental Court, the assessor shall not consider the land to be benefitted by the permit.

Sec. 23. LEGISLATIVE COUNCIL; STATUTORY REVISION

The legislative council is directed to revise the charter of the city of South Burlington, codified in chapter 13 of Title 24 App., consistent with section 424 of Title 2, to achieve gender neutrality in the use of terminology.

Sec. 23a. REPEAL

24 App. V.S.A. chapter 13 § 301(3) (requirement that the city council appoint the city clerk) is repealed.

Sec. 24. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: May 27, 2009