

1 H.443

2 Introduced by Representatives Pugh of South Burlington, Audette of South

3 Burlington, Geier of South Burlington and Head of South

4 Burlington

5 Referred to Committee on

6 Date:

7 Subject: Municipal government; municipal charters; amendment; city of South

8 Burlington

9 Statement of purpose: This bill proposes to approve amendments to the charter
10 of the city of South Burlington.

11 An act relating to approval of amendments to the charter of the City of
12 South Burlington

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

14 Sec. 1. CHARTER APPROVAL

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

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

2 § 103. POWERS OF THE CITY

3 (a) The city shall have all the powers granted to towns and municipal
4 corporations by the constitution and laws of this state together with all the
5 implied powers necessary to carry into execution all the powers granted; and it
6 may enact ordinances not inconsistent with the constitution and laws of the
7 state of Vermont or with this charter, ~~and impose penalties for violation thereof~~
8 ~~not in excess of a fine of \$100.00, together with the costs of prosecution, or~~
9 ~~imprisonment for not more than sixty days, or both.~~

10 * * *

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

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

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

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

19 § 107. FURTHER CONSIDERATION; FINAL PASSAGE

20 After ~~such~~ the hearing, the Council may finally pass ~~such~~ the ordinance
21 with or without amendment, except that if the council makes an amendment it

1 shall cause a short concise one-paragraph description of the effects of the
2 amended ordinance, including a concise description of the proposed
3 amendments to be published at least once together with a notice of the time
4 and place of a public hearing at which ~~such the~~ amended ordinance will be
5 further considered, which publication shall be at least ~~three days~~ one week
6 prior to the public hearing. ~~Such~~ The publication shall include a reference to a
7 place within the city where copies of the entire text of the amended ordinance
8 may be examined. At the time so advertised or at any time and place to which
9 ~~such the~~ meeting may be adjourned, the amended ordinance shall be read in
10 full, except that by vote of a majority of the council, the ordinance may be read
11 in full, except that by vote of a majority of the council, the ordinance may be
12 read by title. After ~~such the~~ hearing, the council may finally pass ~~such the~~
13 amended ordinance, or again amend if subject to the same procedures as
14 outlined herein.

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

16 § 110. ANNUAL CITY REPORT

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

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

2 § 301. OFFICERS; GENERAL PROVISIONS

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

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

15 * * *

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

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

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

20 (b) In making any appointment under this section; notice of the position or
21 positions to be filled shall be published in a ~~daily~~ newspaper of general

1 circulation within the city, or by electronic means, at least 15 days prior to the
2 appointment.

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

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

13 (8) Neighborhood forums.

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

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

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

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

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

19 § 504. POLLING PLACES

20 In any annual or special city or school district meeting, for the purpose of
21 the election of officers and the voting on all questions to be decided by

1 Australian ballot, there shall be ~~additional~~ polling places which shall be the
2 polling places designated for the election of representatives to the general
3 assembly ~~in~~ of each representative district. The check list for each polling
4 place shall be composed of those voters residing in that representative district.
5 The votes cast shall be separately counted in the manner provided in the
6 election of representatives to the general assembly. Except as provided in this
7 section, the conduct of such meeting shall conform to the requirements where
8 applicable, set forth in ~~chapter 19, subchapter 2~~ chapters 51 and 55 of Title 17,
9 V.S.A.

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

11 (a) Subject to the provisions of section 505 of this charter, ~~electors~~ voters
12 of the city may at any time petition in the same manner as in section 505 for
13 the enactment of any proposed lawful ordinance by filing such petition,
14 including the text of such ordinance, with the city clerk. The council shall call
15 a special city meeting to be held within 45 days of the date of such filing,
16 unless prior to such meeting such ordinance shall be enacted by the council.
17 The warning for such meeting shall include a short concise one-paragraph
18 description of the effects of the proposed ordinance and shall provide for an
19 aye and nay vote as to its enactment. The warning shall also include reference
20 to a place within the city where copies of the entire text of the proposed
21 ordinance may be examined. Such ordinance shall take effect on the 10th day

1 after the conclusion of such meeting provided that the electors as qualified in
2 section 505, constituting a majority of those voting thereon, shall have voted in
3 the affirmative.

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

5 § 1102. POWERS AND DUTIES

6 (a) The steering committee shall hold public meetings on the city and
7 school district budgets as set forth in this charter. The committee shall review
8 proposed programs to be implemented by the city and the school district in the
9 next fiscal year or for future years, and may inquire into and review any
10 matters of financial interest to the city and the school district.

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

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

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

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

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

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

12 § 1303. CITY AND SCHOOL DISTRICT ANNUAL MEETING WARNING
13 AND BUDGET

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

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

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

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

10 § 1306. DEPARTMENTAL BUDGET

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

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

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

21 * * *

1 ~~(b)~~(2) No person appointed in the administrative service of the city,
2 under the city manager, shall continue in ~~such~~ that position after becoming a
3 candidate for nomination or election to any South Burlington public office, nor
4 shall he or she make any contribution to the campaign funds on behalf of any
5 candidate for city office. He or she may not take any part in the management
6 of any political party, except by the ordinary exercise of his or her right as a
7 citizen to belong to a political party, to express his or her opinions, and to vote.
8 Sec. 21. 24 App. V.S.A. chapter 13 § 1903 is amended to read:

9 § 1903. REAPPRAISAL OF TAXABLE PROPERTY

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

16 (1) Had ~~zoning~~ land development regulations in effect for the preceding
17 12 months which required the issuance of a permit for the construction of any
18 new structure, the change in use of any structure or land, or the renovation of
19 any existing structure involving an estimated cost ~~of over \$1,000~~ as determined
20 by definition in the land development regulations.

1 expired, or if the zoning permit has been appealed to the Vermont
2 Environmental Court, the assessor shall not consider the land to be benefited
3 by the permit.

4 Sec. 23. LEGISLATIVE COUNCIL; STATUTORY REVISION

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

8 Sec. 24. EFFECTIVE DATE

9 This act shall take effect upon passage.