

1 H.607

2 Introduced by Representatives McDonald of Berlin, Atkins of Winooski, Head
3 of South Burlington, Hooper of Montpelier, Johnson of South
4 Hero, McCullough of Williston, Minter of Waterbury and
5 Zuckerman of Burlington

6 Referred to Committee on

7 Date:

8 Subject: Transportation; Chittenden County Transportation Authority; charter
9 codification; amendment

10 Statement of purpose: This bill proposes to codify and amend the charter of
11 the Chittenden County Transportation Authority to change it to a regional
12 transit authority and allow it to combine with non-Chittenden County transit
13 service.

14 An act relating to codifying and amending the charter of the Chittenden
15 County Transportation Authority

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

17 ~~Sec. 1. CHITTENDEN COUNTY TRANSPORTATION AUTHORITY;~~

18 ~~CHARTER; CODIFICATION~~

19 ~~The legislative council shall, consistent with section 424 of Title 2, codify~~
20 ~~the charter of the Chittenden County Transportation Authority as set forth in~~

~~No. 122 of the Acts of 1973 and as that act is further amended by this act.~~

Codification may include the correction of internal cross-references.

Sec. 2. Secs. 2, 3, 6, and 7 of No. 122 of the Acts of 1973 are amended to read:

Sec. 2. Area of operation

The area of operation shall be Chittenden County, and may additionally include the boundaries of municipalities in adjoining counties, if such municipalities determine to join the authority as set forth in section 3 of this act, Franklin, Grand Isle, Lamoille, and Washington Counties and the towns of Orange, Washington, and Williamstown. The area of operation for the provision of commuter services only shall be Addison and Caledonia Counties and the towns of Orange County other than Orange, Washington, and Williamstown.

Sec. 3. Membership in the authority

Membership in the authority shall consist of those municipalities which elect to join the authority by majority vote of its voters present and voting on ~~said~~ the question at an annual or special meeting duly warned for ~~such~~ the purpose prior to July 1, 2010. Beginning July 1, 2010, a municipality may hold an annual meeting or a special meeting for the purpose of determining through election by a majority vote of its voters present and voting on the question only if the municipality is

1 ~~specifically authorized to join the authority either under section 13 of~~
2 ~~this charter or by resolution duly passed by the Chittenden County~~
3 ~~Transportation Authority Board of Commissioners. The initial meeting~~
4 ~~of a municipality called to determine whether or not to join the~~
5 ~~authority shall be warned in the manner provided by law, except that~~
6 ~~for such meeting only, any warning need not be posted for a period in~~
7 ~~excess of 20 days, any other provision of law or municipal charter to~~
8 ~~the contrary notwithstanding. Membership may be terminated only in~~
9 ~~the manner provided in section 8 of this act charter.~~

10 Sec. 6. Government and organization

11 (a) The officers of the authority, and their election or designation shall be
12 as follows:

13 (1) Board of commissioners. The purposes, powers, duties and
14 responsibilities of the authority shall be exercised by the board of
15 commissioners, consisting of ~~two commissioners~~ one commissioner from each
16 municipality which is a member of this authority and two commissioners from
17 the City of Burlington. ~~Such~~ The commissioners shall be appointed by and
18 serve at the pleasure of the legislative body of the member municipality. Any
19 vacancies on the board of commissioners shall be filled by the legislative body
20 of the respective member municipality, but in the event that the legislative
21 body fails to appoint a commissioner within two months from the date of the

1 ~~occurrence of the vacancy, such the vacancy shall be filled by the board of~~
2 commissioners. Commissioners shall serve without pay.

3 * * *

4 Sec. 7. Annual budget and assessments

5 * * *

6 (c) The treasurer of the authority, following adoption of the budget, shall
7 apportion the sums required to be contributed by each member municipality
8 according to the ~~average number of weekly miles of service for the 12 month~~
9 ~~period preceding the adoption of the budget, for each member community, as~~
10 ~~compared to the average number of weekly miles of service for all member~~
11 ~~communities for the same period~~ formula for apportionment. The formula for
12 apportionment may be changed by the board of commissioners with the
13 concurrence of ~~all~~ the legislative bodies of at least three-quarters of the
14 member municipalities.

15 * * *

16 Sec. 3. Sec. 48 of No. 56 of the Acts of 2003 is amended to read:

17 Sec. 48. Sec. 4(c)(11) of No. 122 of the Acts of 1973 is amended to read:

18 * * *

19 (11) Within Chittenden County and its member municipalities, to
20 acquire by the exercise of the power of eminent domain any real property
21 which it may have found necessary for its purposes, in the manner provided for

1 ~~the condemnation of land or rights therein as set forth in sections 221-233 of~~
2 Title 19, and acts amendatory thereof or supplementary thereto;

3 Sec. 4. No. 122 of the Acts of 1973 is amended by adding new sections 12, 13,
4 and 14 to read:

5 Sec. 12. ASSESSMENTS OF NEW MEMBERS OUTSIDE
6 CHITTENDEN COUNTY

7 Municipalities outside Chittenden County that vote to join Chittenden
8 County Transportation Authority on or after July 1, 2010, shall negotiate with
9 the board of commissioners of the Chittenden County Transportation Authority
10 on the amount of the levy to be assessed upon the municipality and terms of
11 payment of that assessment; and the municipality may not join prior to
12 agreement with the authority on terms of the levy and payment. Upon the
13 addition of one municipality to the membership of the Chittenden County
14 Transportation Authority from outside Chittenden County, the authority shall
15 immediately begin work on the formula for assessment that will be approved in
16 accordance with this act.

17 Sec. 13. MUNICIPALITIES AUTHORIZED TO VOTE FOR
18 MEMBERSHIP IN THE CHITTENDEN COUNTY
19 TRANSPORTATION AUTHORITY

20 The following municipalities are authorized to hold an election for the
21 purpose of determining membership in the Chittenden County Transportation

1 ~~Authority: Barre City, Berlin, Colchester, Hinesburg, Montpelier, Morrisville,~~
2 ~~Richmond, St. Albans City, Stowe, and Waterbury.~~

3 Sec. 14. OTHER REPRESENTATION

4 ~~If Washington, Lamoille, Franklin, or Grand Isle County does not have a~~
5 ~~municipal member from its county on the board of commissioners of the~~
6 ~~Chittenden County Transportation Authority, the regional planning~~
7 ~~commission serving the county may appoint a board member to the Chittenden~~
8 ~~County Transportation Authority from a member of its regional planning~~
9 ~~commission or regional planning commission staff to represent its interests on~~
10 ~~the Chittenden County Transportation Authority board.~~

11 Sec. 5. REPEAL

12 ~~Secs. 46 and 47 of No. 56 of the Acts of 2003 are repealed.~~

13 Sec. 6. EFFECTIVE DATE

14 ~~This act shall take effect upon passage.~~

*Sec. 1. CHITTENDEN COUNTY TRANSPORTATION AUTHORITY;
CHARTER; CODIFICATION*

*The legislative council shall, consistent with section 424 of Title 2, codify
the charter of the Chittenden County Transportation Authority as set forth in
No. 122 of the acts of 1973 and as that act is further amended by this act.
Codification may include the correction of internal cross-references.*

Sec. 2. Secs. 2, 3, 6, and 7 of No. 122 of the Acts of 1973 are amended to read:

Sec. 2. Area of Operation

*The area of operation shall be Chittenden County, and may additionally
include the boundaries of municipalities in adjoining counties, if such
municipalities determine to join the authority as set forth in section 3 of this
act, Franklin, Grand Isle, and Washington Counties and the towns of Orange,
Washington, and Williamstown. The area of operation shall include Addison*

and Caledonia counties and the towns of Orange County other than Orange, Washington, and Williamstown, but only for the provision of commuter services. The area of operation shall include Lamoille County, but only for the provision of published scheduled services.

Sec. 3. Membership in the authority

Membership in the authority shall consist of those municipalities which elect to join the authority by majority vote of its voters present and voting on ~~said~~ the question at an annual or special meeting duly warned for ~~such~~ the purpose prior to July 1, 2010. Beginning July 1, 2010, a municipality may hold an annual meeting or a special meeting for the purpose of determining through election by a majority vote of its voters present and voting on the question only if the municipality is specifically authorized to join the authority either under Sec. 13 of this charter or by resolution duly passed by the Chittenden County Transportation Authority Board of Commissioners. The initial meeting of a municipality called to determine whether or not to join the authority shall be warned in the manner provided by law, except that for such meeting only, any warning need not be posted for a period in excess of 20 days, any other provision of law or municipal charter to the contrary notwithstanding. Membership may be terminated only in the manner provided in section 8 of this act.

Sec. 6. Government and organization

(a) The officers of the authority, and their election or designation shall be as follows:

(1) Board of commissioners. The purposes, powers, duties and responsibilities of the authority shall be exercised by the board of commissioners, consisting of ~~two commissioners~~ one commissioner from each municipality which is a member of this authority and two commissioners from the City of Burlington. ~~Such~~ The commissioners shall be appointed by and serve at the pleasure of the legislative body of the member municipality. Any vacancies on the board of commissioners shall be filled by the legislative body of the respective member municipality, but in the event that the legislative body fails to appoint a commissioner within two months from the date of the occurrence of the vacancy, ~~such~~ the vacancy shall be filled by the board of commissioners. Commissioners shall serve without pay.

* * *

Sec. 7. Annual budget and assessments

* * *

(c) The treasurer of the authority, following adoption of the budget, shall apportion the sums required to be contributed by each member municipality according to the ~~average number of weekly miles of service for the 12 month period preceding the adoption of the budget, for each member community, as compared to the average number of weekly miles of service for all member communities for the same period~~ formula for apportionment. The formula for apportionment may be changed by the board of commissioners with the concurrence of ~~all~~ the legislative bodies of at least three-quarters of the member municipalities.

* * *

Sec. 3. Sec. 48 of No. 56 of the Acts of 2003 is amended to read:

Sec. 48. Sec. 4(c)(11) of No. 122 of the Acts of 1973 is amended to read:

* * *

(11) Within Chittenden County and its member municipalities, to acquire by the exercise of the power of eminent domain any real property which it may have found necessary for its purposes, in the manner provided for the condemnation of land or rights therein as set forth in sections 221-233 of Title 19, and acts amendatory thereof or supplementary thereto;

Sec. 4. No. 122 of the Acts of 1973 is amended by adding new sections 12, 13, and 14 to read:

Sec. 12. ASSESSMENTS OF NEW MEMBERS OUTSIDE OF CHITTENDEN COUNTY

Municipalities outside of Chittenden County that vote to join Chittenden County Transportation Authority on or after July 1, 2010, shall negotiate with the board of commissioners of the Chittenden County Transportation Authority on the amount of the levy to be assessed upon the municipality and terms of payment of that assessment; and the municipality may not join prior to agreement with the authority on terms of the levy and payment. Upon the addition of one municipality to the membership of the Chittenden County Transportation Authority from outside Chittenden County, said authority shall immediately begin work on the formula for assessment that will be approved in accordance with this act.

Sec. 13. MUNICIPALITIES AUTHORIZED TO VOTE FOR MEMBERSHIP IN THE CHITTENDEN COUNTY TRANSPORTATION AUTHORITY

The following municipalities are authorized to hold an election for the purpose of determining membership in the Chittenden County Transportation

Authority: Barre City, Berlin, Colchester, Hinesburg, Montpelier, Morristown, Richmond, St. Albans City, Stowe, and Waterbury.

Sec. 14. OTHER REPRESENTATION

If Washington, Lamoille, Franklin, or Grand Isle county does not have a municipal member from its county on the board of commissioners of the Chittenden County Transportation Authority, the regional planning commission serving the county may appoint a board member to the Chittenden County Transportation Authority from a member of its regional planning commission or regional planning commission staff to represent its interests on the Chittenden County Transportation Authority board.

Sec. 5. REPEAL

Secs. 46 and 47 of No. 56 of the Acts of 2003 are repealed.

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2011. However, a municipality that is authorized to vote for membership in the Chittenden County Transportation Authority under Secs. 3 and 13 of No. 122 of the Acts of 1973 as amended by this act, shall be authorized to do so at its 2011 annual meeting.