

1 H.8

2 Introduced by Representative Olsen of Jamaica

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; town of Jamaica;
6 amendment

7 Statement of purpose: This bill proposes to approve amendments to and codify
8 the charter of the town of Jamaica.

9 An act relating to approval of amendments to and codification of the charter
10 of the town of Jamaica

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

12 Sec. 1. CHARTER APPROVAL

13 The general assembly approves the amendments to and codifies the charter
14 of the town of Jamaica as set forth in this act. Proposals of amendment were
15 approved by the voters on November 2, 2010.

16 Sec. 2. 24 V.S.A. App. chapter 123B is added to read:

17 CHAPTER 123B. TOWN OF JAMAICA

18 § 1. STATEMENT OF PURPOSE

19 Under the authority granted by the general assembly of the state of
20 Vermont, this chapter establishes certain guidelines with respect to

1 organization and functioning of local town government in the town of Jamaica,
2 Vermont.

3 § 2. GENERAL LAW; APPLICATION

4 Except when changed by the provisions of this chapter, all provisions of the
5 statutes of the state of Vermont relating to municipalities shall apply to the
6 town of Jamaica.

7 § 3. POWERS OF THE TOWN

8 (a) The town of Jamaica shall have all the powers granted to towns and
9 municipal corporations by the constitution and laws of this state and this
10 chapter, together with all the implied powers necessary to carry into execution
11 all the powers granted. The town of Jamaica may enact ordinances not
12 inconsistent with the constitution and laws of the state of Vermont or with this
13 chapter, and impose penalties for violation thereof.

14 (b) The town may acquire real property within or without its corporate
15 limits necessary or convenient for any lawful purpose, in fee simple or any
16 lesser interest or estate, by purchase, gift, devise, lease, or otherwise, consistent
17 with the constitution and laws of the state of Vermont, and may sell, lease,
18 mortgage, hold, manage and control such property as its interest may require
19 consistent with the constitution and laws of the state by vote of a majority of
20 the voters present and voting at a duly warned meeting. Once the voters have
21 approved the sale, lease, or mortgage of property of the town of Jamaica, the

1 selectboard shall have the full authority to sign all conveyances and legal
2 documents in the name of the town to complete the transaction.

3 (c) In this chapter, no mention of a particular power shall be construed to
4 be exclusive or to restrict the scope of the powers which the town would have
5 if the particular powers were not mentioned, unless this chapter otherwise
6 provides.

7 § 4. RESERVATION OF POWERS TO THE TOWN

8 Nothing in this chapter shall be construed in any way to limit the powers
9 and functions conferred on the town of Jamaica, the selectboard of the town, or
10 its elected and appointed officials by general or special enactments of state
11 statutes or regulations in force or effect or hereafter enacted, and the powers
12 and functions conferred by this chapter shall be cumulative and in addition to
13 the provisions of such general or special enactments unless this chapter
14 otherwise provides.

15 § 5. OPEN MEETINGS

16 Meetings of all town boards and commissions shall be open and held in
17 accordance with the general law of this state relating to public meetings. The
18 record of all official proceedings shall be available for public inspection and
19 copying as provided by the general law of this state.

1 § 6. GENERALLY

2 The officers of the town of Jamaica shall be those provided by law for
3 towns, except as otherwise provided by this chapter. Officers shall have all the
4 powers and duties necessary to carry out the provisions of this chapter as well
5 as those provided by law.

6 § 7. ELECTED OFFICERS

7 The following officers of the town and such other town officers as are
8 provided by law and previous vote of the electorate as to number, length of
9 term, and manner of election at an annual meeting shall be elected from the
10 floor, as required by law, unless otherwise stated, and shall include the
11 following:

12 (1) a moderator to be elected by paper ballot from the floor, for a term
13 of one year;

14 (2) selectboard members, three of whom shall serve staggered three-year
15 terms and two of whom shall serve one-year terms;

16 (3) listers, for terms of three years, staggered to ensure that no more than
17 one term ends in any particular year;

18 (4) other town officers as the town shall order as provided by law.

19 § 8. APPOINTED OFFICERS

20 (a) The selectboard may appoint, recommend, or approve the appointment
21 of any town officers for a term of one year from the date of the appointment

1 unless otherwise specified in this section, following such notice and warning as
2 required by this chapter, to include the following:

3 (1) town clerk;

4 (2) town treasurer;

5 (3) delinquent tax collector;

6 (4) town service officer;

7 (5) tree warden;

8 (6) emergency management director;

9 (7) fire warden, for a term of five years;

10 (8) health officer;

11 (9) members of the town planning commission;

12 (10) cemetery commissioners;

13 (11) members of the board of recreation;

14 (12) road commissioner;

15 (13) other town officers or municipal appointments that may be

16 necessary as provided by law or otherwise authorized by this chapter for the
17 orderly and expeditious operations of town government.

18 (b) All appointed town officers shall serve at the pleasure of the
19 selectboard.

20 (c) All appointed town officers shall be governed by the town personnel
21 policy.

1 § 9. ALTERNATE TOWN OFFICERS

2 The selectboard is authorized to appoint people to serve as alternate town
3 officers in anticipation of disqualifications or unavailability, as needed.

4 § 10. RELATIONSHIP BETWEEN AND AMONG TOWN OFFICERS

5 All town officers whether elected or appointed shall exercise their duties
6 and responsibilities independently unless otherwise provided by law.

7 § 11. TERMS OF OFFICE

8 Each appointed officer shall serve from the date he or she is appointed and
9 qualified until the end of the term. Each officer shall hold over until his or her
10 successor is appointed and qualified. Each officer may succeed himself or
11 herself, if the selectboard so approves, after fulfilling the notice provisions of
12 subsection 12(b) of this chapter.

13 § 12. TOWN CLERK; TREASURER; COLLECTOR OF DELINQUENT
14 TAXES

15 (a) The selectboard shall appoint a town clerk, a treasurer, and a delinquent
16 tax collector in the manner set forth in subsection (b) of this section. The
17 appointee shall be competent in the keeping of records, investments, and
18 accounting and shall serve at the pleasure of the selectboard.

19 (b) Prior to appointing a new town clerk, a treasurer, and a delinquent tax
20 collector, the selectboard shall appoint a committee composed of one member
21 of the selectboard, an auditor, a lister, and four residents of the town of

1 Jamaica to review and recommend to the selectboard qualified candidates for
2 the positions of town clerk, treasurer, and delinquent tax collector. The
3 committee shall have the authority to solicit candidates, to advertise notice of a
4 vacancy in the town clerk's, the treasurer's, and the delinquent tax collector's
5 positions and to make an investigation of a candidate's credentials and
6 background as the committee deems appropriate. Upon completion of the
7 investigation and interviewing of candidates, the committee shall submit to the
8 selectboard the names of those candidates deemed qualified for the positions of
9 town clerk, treasurer, and delinquent tax collector. The selectboard shall
10 appoint a town clerk, a treasurer, and a delinquent tax collector from among
11 those deemed qualified by the committee. In the event that the committee does
12 not submit at least three qualified candidates to the selectboard, the selectboard
13 shall either appoint a town clerk, a treasurer, or a delinquent tax collector from
14 among the qualified candidates or notify the committee in writing that none of
15 the candidates shall be appointed. The committee shall then reconvene and
16 submit the names of additional qualified candidates to the selectboard.

17 (c) No later than 30 days following submission of the names of candidates
18 deemed qualified by the committee, the selectboard shall appoint a town clerk,
19 a treasurer, and a delinquent tax collector or, if applicable, notify the
20 committee that none of the candidates shall be appointed..

1 (d) Members of the committee described in subsection (b) of this section
2 shall serve until a town clerk, a treasurer, and a delinquent tax collector or an
3 interim town clerk, an interim treasurer, and an interim delinquent tax collector
4 are appointed by the selectboard. Meetings of the committee shall be warned
5 and conducted as public meetings in accordance with the requirements of
6 Vermont statutes and this chapter, and the committee shall be entitled to meet
7 in executive session as authorized by Vermont statutes.

8 (e) Until such time as a town clerk, a treasurer, and a delinquent tax
9 collector are appointed pursuant to this section, the selectboard shall appoint an
10 interim town clerk, an interim treasurer, and an interim collector of delinquent
11 taxes.

12 § 13. GENERAL PROHIBITION

13 No elected or appointed town officer or employee of the town shall be
14 beneficially interested in any matter requiring the discharge of his or her public
15 office. The purpose of this section is to prohibit the use of public office for
16 financial or other advantage, whether direct or indirect, by any means or
17 methods whatsoever.

18 § 14. SPECIFIC CONFLICTS

19 A town officer shall be disqualified from any proceeding in which his or her
20 impartiality might reasonably be questioned, including instances where:

1 (1) The town officer or a near-relative or business associate has a
2 property or financial interest which might be substantially affected, favorably
3 or adversely, by the decision of the board, commission, or committee of which
4 the town officer is a member;

5 (2) The town officer has a personal bias or prejudice toward any party;
6 or

7 (3) The town officer has previously expressed an opinion as to the
8 proper disposition of a specific case or controversy involving the exercise of
9 his or her discretion while acting in a quasi-judicial capacity, such as serving
10 on the development review board on permits and appeals or as a member of the
11 selectboard acting to lay out, alter, reclassify, or discontinue town highways.

12 § 15. SPECIFIC PROHIBITION

13 A town officer who is disqualified by virtue of a conflict of interest shall
14 not vote upon, participate in the discussion of, or otherwise sit as a member of
15 any board, commission, or committee upon the matter from which he or she is
16 disqualified. He or she may, however, enter an appearance as a party and be
17 heard in all respects as a member of the public might be heard in the same
18 proceeding.

19 § 16. ANNOUNCING A CONFLICT

20 If a town officer recognizes that he or she might have a conflict of interest
21 or if another person raises an objection to the participation of any town officer,

1 the town officer or the other person shall state the nature of the conflict as soon
2 as may be possible and the town officer shall thereupon disqualify himself or
3 herself from further participation if there is a conflict of interest.

4 § 17. DETERMINATION OF CONFLICT BY OTHER THAN THE TOWN
5 OFFICER

6 If a question of a member's disqualification under this chapter is brought to
7 the attention of any board, commission, or committee by any party or person or
8 by another board, commission, or committee member and the member does not
9 disqualify himself or herself, the board, commission, or committee shall
10 consider the factual basis for the question and shall decide the matter by
11 majority vote, the challenged member abstaining, before any other business is
12 conducted. A formal vote shall be taken on every question of a conflict. Once
13 the vote is taken, the board, commission, or committee shall return to the
14 business before it, and no further time shall be devoted to the issue of that
15 conflict. A full report of the issue and discussion shall be made in the minutes
16 of the meeting.

17 § 18. APPOINTMENT OF ALTERNATE OFFICERS

18 The selectboard may appoint an alternate town officer to serve in place of a
19 disqualified town officer during the period of disqualification or unavailability.

1 § 19. NOTICE OF VACANCY DURING UNEXPIRED TERM

2 In order to inform citizens of the town and to afford them the opportunity to
3 participate or serve in town government, public notice shall be given of
4 municipal vacancies resulting from resignation, death, disability, or change of
5 residence from the town of a town officer on any board, commission, or
6 committee or in other public office whether elected or appointed. Notice shall
7 be made by posting the vacancy in the town clerk's office and two other public
8 places in the town within 10 days of the creation of the vacancy. Notice shall
9 provide for the right of any interested citizen to submit a written application to
10 the appointing authority regarding the vacancy and to be personally
11 interviewed by the appointing authority, if requested by the applicant, prior to
12 the filling of the vacancy as provided by law.

13 § 20. NEWSPAPER PUBLICATION

14 The selectboard may publish notices of vacancies in a newspaper of general
15 circulation in the town.

16 § 21. SEPARABILITY

17 If any provision of this chapter is held invalid, the other provisions of the
18 chapter shall not be affected thereby. If the application of the chapter or any of
19 its provisions to any person or circumstances is held invalid, the application of
20 this chapter and its provisions to other persons or circumstances shall not be
21 affected thereby.

1 § 22. AMENDMENT

2 The amendment of this chapter shall be as provided by law.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.