

1 H.31

2 Introduced by Representatives Jerman of Essex, Devereux of Mount Holly,  
3 Mitchell of Barnard, Pearson of Burlington, Sharpe of Bristol,  
4 Stevens of Waterbury and Townsend of Randolph

5 Referred to Committee on

6 Date:

7 Subject: Municipal government; charters; amendments; legislative approval

8 Statement of purpose: This bill proposes to allow municipalities to amend  
9 their charters, adopt new charters, and repeal their charters without the  
10 approval of the general assembly, unless the attorney general, six senators, or  
11 30 representatives of the house petition for legislative approval.

12 An act relating to legislative approval of municipal charter amendments

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

14 Sec. 1. 17 V.S.A. § 2645 is amended to read:

15 § 2645. CHARTERS, AMENDMENT, PROCEDURE

16 (a) In the exercise of its subsisting patronage and control of municipal  
17 corporations under Article II, §§ 6 and 69 of the Constitution of the State of  
18 Vermont, the general assembly hereby establishes a procedure whereby cities,  
19 towns, and villages may exercise such powers and perform such functions  
20 relating to their respective governance and affairs which are not expressly

1 prohibited by the Vermont constitution, the general law of the state, or  
2 common law.

3 (b) A municipality may ~~propose to the general assembly to~~ amend or repeal  
4 its charter or adopt a new charter by majority vote of the legal voters of the  
5 municipality present and voting at any annual or special meeting warned for  
6 that purpose in accordance with the following procedure:

7 (1) A proposal to adopt, repeal, or amend a municipal charter may be  
8 made by the legislative body of the municipality or by petition of five percent  
9 of the voters of the municipality.

10 (2) An official copy of the proposed charter amendments shall be filed  
11 as a public record in the office of the clerk of the municipality at least ten days  
12 before the first public hearing, and copies thereof shall be made available to  
13 members of the public upon request.

14 (3) The legislative body of the municipality shall hold at least two  
15 public hearings prior to the vote on the proposed charter amendments. The  
16 first public hearing shall be held at least 30 days before the annual or special  
17 meeting.

18 (4) If the charter proposals ~~to amend the charter~~ are made by the  
19 legislative body, the legislative body may revise the amendments as a result of  
20 suggestions and recommendations made at a public hearing, but in no event  
21 shall such revisions be made less than 20 days before the date of the meeting.

1 If revisions are made, the legislative body shall post a notice of these revisions  
2 in the same places as the warning for the meeting not less than 20 days before  
3 the date of the meeting and shall attach such revisions to the official copy kept  
4 on file for public inspection in the office of the clerk of the municipality.

5 (5) If the charter proposals ~~to amend the charter~~ are made by petition,  
6 the second public hearing shall be held no later than ten days after the first  
7 public hearing. The legislative body shall not have the authority to revise  
8 charter proposals ~~to amend the charter~~ made by petition. After the warning  
9 and hearing requirements of this section are satisfied, proposals by petition  
10 shall be submitted to the voters at the next annual meeting, primary, or general  
11 election in the form in which they were filed, except that the legislative body  
12 may make technical corrections.

13 (6) Notice of the public hearings and of the annual or special meeting  
14 shall be given in the same way and time as for annual meetings of the  
15 municipality. Such notice shall specify the sections to be adopted, repealed, or  
16 amended, setting out sections ~~to be amended in the amended~~ in the proposed  
17 form, with deleted matter in brackets and new matter underlined or in italics.  
18 If the legislative body of the municipality determines that the ~~proposed charter~~  
19 ~~amendments~~ charter proposals are too long or unwieldy to set out in ~~amended~~  
20 the proposed form, the notice shall include a concise summary of the ~~proposed~~  
21 ~~charter amendments~~ charter proposals and shall state that an official copy of

1 the ~~proposed charter amendments~~ charter proposals is on file for public  
2 inspection in the office of the clerk of the municipality and that copies thereof  
3 shall be made available to members of the public upon request.

4 (7) Voting on charter ~~amendments~~ proposals shall be by Australian  
5 ballot. The ballot shall show each section to be adopted, repealed, or amended  
6 in the ~~amended proposed~~ form, with deleted matter in brackets and new matter  
7 underlined or in italics and shall permit the voter to vote on each proposal of  
8 adoption, repeal, or amendment separately. If the legislative body determines  
9 that the ~~proposed charter amendments~~ charter proposals are too long or  
10 unwieldy to be shown in the ~~amended proposed~~ form, an official copy of the  
11 ~~proposed charter amendments~~ charter proposals shall be maintained  
12 conspicuously in each ballot booth for inspection by the voters during the  
13 balloting, and voters shall be permitted to vote upon the charter ~~amendments~~  
14 proposals in their entirety in the form of a yes or no proposition.

15 ~~(b)~~(c) The clerk of the municipality, under the direction of the legislative  
16 body, shall announce and post the results of the vote immediately after the vote  
17 is counted. The clerk, within 10 days after the day of the election, shall certify  
18 to the secretary of state each proposal of ~~amendment~~ showing the facts as to its  
19 origin and the procedure followed.

20 ~~(e)~~(d) The secretary of state shall file the certificate and deliver copies of it  
21 to the attorney general and clerk of the house of representatives, the secretary

1 of the senate, and the chairman of the committees concerned with municipal  
2 charters of both houses of the general assembly immediately if it is then in  
3 biennial session and, if not in session, within 10 days of its organization at the  
4 biennial session.

5 (e) The secretary of the senate and the clerk of the house shall each publish  
6 a notice of each charter proposal that has been submitted to them in the  
7 calendars of their respective chambers within five days of their receipt. The  
8 notices shall be published in the calendars for 15 successive legislative days.

9 ~~(d)(f)~~ The amendment, new charter, or repeal of the charter of a  
10 municipality shall become effective upon affirmative enactment of the  
11 proposal, either as proposed or as amended by the general assembly. A  
12 proposal for a charter amendment may be enacted by reference to the  
13 amendment as approved by the voters of the municipality at the expiration of  
14 30 days after the first day that the notice required under subsection (e) of this  
15 section is published in the calendars, provided no petition is filed under  
16 subsection (g) of this section.

17 (g) The attorney general or not fewer than six senators or not fewer than 30  
18 members of the house of representatives may file a petition for legislative  
19 approval of an amendment to, the adoption of, or the repeal of a charter of a  
20 municipality. A petition submitted by the attorney general must include a  
21 statement indicating that the attorney general believes that the charter proposal

1 violates the Vermont constitution. A petition submitted by the appropriate  
2 number of senators or representatives must include a statement indicating that  
3 the signers believe that the charter proposal has significant statewide  
4 ramifications. The petition shall be filed with the clerk of the municipality and  
5 with the clerk of the house of representatives or the secretary of the senate  
6 within 30 days after the first day that the notice required under subsection (e)  
7 of this section is published in the calendars.

8 (h) If a petition is submitted pursuant to subsection (g) of this section, the  
9 charter proposal shall take effect only upon its approval by enactment into law  
10 by the general assembly.

11 (i) If the general assembly adjourns fewer than 30 days after the first day  
12 that the notice required under subsection (e) of this section is published in the  
13 calendars, the charter proposal shall become effective 30 days after the date of  
14 convening the next regular or adjourned session, unless a petition is submitted  
15 pursuant to subsection (g) of this section within 30 days of convening. The  
16 general assembly may specifically approve a charter proposal at any time after  
17 its receipt and regardless of when it is received. Any proposal specifically  
18 approved shall become effective on the date of approval.