H.294

Introduced by Representatives Hooper of Montpelier and Kitzmiller of Montpelier

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; city of Montpelier; amendment

Statement of purpose: This bill proposes to approve amendments to the charter of the city of Montpelier.

An act relating to approving amendments to the charter of the city of Montpelier

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 Montpelier as set forth in this act. Proposals of amendment were approved by the voters on November 2, 2010.

Sec. 2. MERGER APPROVAL

The general assembly approves the merger of the Berlin Fire District No. 1 and the city of Montpelier. The merger was approved by the voters of the Berlin Fire District No. 1 and the city of Montpelier on March 2, 2002, and

~~was confirmed by the voters of the Berlin Fire District No. 1 and the city of~~ Montpelier on November 2, 2010.

Sec. 3. 24 App. V.S.A. chapter 5 § 317 is amended to read:

§ 317. COUNCIL APPOINTMENTS

The city council shall, pursuant to Subchapter 10 of this charter, appoint a city manager, city treasurer, city attorney, and city representative to the Central Vermont Regional Planning Commission and may remove any such appointee and appoint another. The city council shall also appoint the following officers, none of whom shall be members of the city council: members of the Montpelier housing authority, housing and building code board of appeals, ~~board of adjustment~~ development review board, and planning commission. The city council shall appoint only such other officers as it is specifically required to do by law. Any appointment made by the city council to fill a vacancy shall be only for the balance of the unexpired term in which the vacancy occurred.

Sec. 4. 24 App. V.S.A. chapter 5 § 509 is amended to read:

§ 509. ELECTION OF OFFICERS

At the annual meeting the said city shall elect from among the legal voters thereof a mayor for a term of two years; a city clerk for a term of three years; ~~a city treasurer for a term of three years; three auditors for a term of three years commencing in 1985;~~ one commissioner of Green Mount Cemetery for a term

~~of five years; one park commissioner for a term of five years, two school~~ commissioners, each for a term of three years, except that three school commissioners shall be elected in 1974 and each third year thereafter; and one council member from each district for a term of two years, who shall hold office until their successors are duly elected and qualified.

Sec. 5. 24 App. V.S.A. chapter 5, subchapter 11 is amended to read:

Subchapter 11. Indebtedness; Sinking Fund;
Bonds and Notes for Improvement

§ 1101. POWERS

The city may issue bonds or notes for any improvement authorized by general or special law including this charter. The word "improvement,"~~,~~ as used in this subchapter, shall include, apart from its ordinary signification, the acquisition of land, the construction or purchase or remodeling of buildings or additions, the purchase and installation of furnishings or equipment for any new or existing improvement or department, the construction of water works, the construction of sewers and sewage treatment or disposal plants, the construction of streets or bridges or sidewalks, the acquisition and construction of facilities for the production and delivery of heat or electricity and of devices, facilities, and other measures to meter electricity, conserve energy, or promote efficient energy use, and the acquisition or construction of any other

~~work or improvement for which municipalities of the state may now or~~ hereafter be authorized to raise money.

* * *

§ 1122. SPECIAL INDEBTEDNESS FOR WATER PURPOSES ~~OR~~, SEWAGE DISPOSAL, AND HEAT AND ELECTRICITY IMPROVEMENTS

For the purpose of owning, operating, extending, adding to, improving, conducting, controlling, and managing its public water works system, a public sewage disposal system ~~or both~~, heat or electricity facilities and devices, facilities, and other measures to meter electricity, conserve energy, or promote efficient energy use, or any combination thereof, the city, by action of the city council, in lieu of the issuance of bonds or the levy of taxes and in addition to any other lawful methods or means of providing for the payment of indebtedness shall have the power to provide for or to secure the payment for all or a part of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing its said water works system ~~or a~~, public sewage disposal system, ~~or both,~~ heat or electricity facilities and devices, facilities, and other measures to meter electricity, conserve energy, or promote efficient energy use, or any combination thereof by pledging, assigning, or otherwise hypothecating all or any part of the net earnings or profits derived, or to be derived from the

~~operation thereof. To that end the city council shall have full power to~~ authorize and direct the execution and issuance of contracts and evidences of indebtedness as may be necessary to carry out the provisions of this section. Such contracts and evidence of indebtedness shall be in such form, shall contain such provision, and shall be executed as may be determined by the city council. Nevertheless, no such indebtedness shall be incurred nor evidence thereof be issued, nor shall such revenues be pledged, assigned, or otherwise hypothecated by the city council unless and until at least a majority of the legal voters of the city present and voting thereon at a duly warned meeting, called for that purpose, shall have first voted to authorize the same. Such meeting shall be warned and held in the same manner as meetings for the transaction of ordinary business without regard to the foregoing bonds or notes for improvements. Evidences of indebtedness issued as authorized herein shall be payable solely from the net earnings or profits derived, or to be derived from the operation of such public water works system, ~~or~~ sewage disposal system, ~~or both~~ heat or electricity facilities and devices, facilities, and other measures to meter electricity, conserve energy, or promote efficient energy use, or a combination thereof, and shall not constitute a municipal indebtedness nor impose an obligation or liability upon the city to pay the same from any funds of the city other than such net earnings or profits. A statement referring to the limited nature of the obligation and that it has been issued under this section

~~shall be made plainly to appear in or upon each evidence of indebtedness.~~ Such certificates shall be legal investments for savings banks and trust companies in the state.

* * *

Sec. 6. 24 App. V.S.A. chapter 5, subchapter 12 is amended to read:

Subchapter 12. Assessment and Collection of Taxes;

Establishment of Water and Heat Rates

* * *

§ 1210. THERMAL ENERGY RATES

The city council shall establish rates to be paid for the use of heat and improvements supplied by the city for the production and distribution of heat, and such rates shall be called heat rates. Such heat rates shall be a lien in the nature of a real estate tax upon the real estate so supplied with heat, improvements for the delivery of heat, or both, and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe.

§ 1211. HEAT METERS

The city council may provide for use of meters or other devices as a basis of charging users of heat supplied by the city system. and may in its discretion provide for use of such devices by all users of specified classes.

~~§ 1212. ELECTRICITY METERS~~

The city council may provide for meters to measure the delivery of electricity for the purpose of selling electricity at wholesale or by net metering pursuant to 30 V.S.A. § 219a or for other uses as authorized by law.

~~§ 1210~~ § 1213. TAX COLLECTOR

* * *

~~§ 1211~~ § 1214. PROPERTY TAX CREDITS

* * *

Sec. 7. 24 App. V.S.A. chapter 5, subchapter 13 is amended to read:

Subchapter 13. Public Works; Assessments;

Taking property for Public Purposes

§ 1301. LAYING OUT STREETS, SIDEWALKS, SEWERS, HEAT OR ELECTRICITY FACILITIES AND DEVICES, FACILITIES, AND OTHER MEASURES TO CONSERVE ENERGY OR TO PROMOTE EFFICIENT ENERGY USE

The city council, upon notice to persons affected, may lay out, of any convenient width, alter, maintain, establish, and change the grade of and discontinue any street, road, highway, lane, alley, ~~or~~ sidewalk, or any heat or electricity facilities and devices, facilities, and other measures to conserve energy or to promote efficient energy use in said city and appraise and settle the damage therefore; and may make, maintain, and repair such common

~~sewers and sewage disposal plants and facilities for the production and~~ distribution of heat or electricity within or without the City of Montpelier as the public health or the convenience of individuals shall require. The city council may take land and other property necessary to accomplish such purposes on making compensation for the same, causing their proceedings to be recorded in the city clerk's office in said city.

* * *

§ 1303. SPECIAL ASSESSMENTS – STREETS ~~AND~~, SIDEWALKS, AND HEAT PRODUCTION AND DISTRIBUTION IMPROVEMENTS

The city council, in laying out or establishing new streets ~~or~~, highways, or facilities for the production and distribution of heat or electricity, and in making, altering, or repairing sidewalks, and in grading, paving, acadamizing, curbing, and guttering streets and highways, either at the time of laying out or improving the street or making the sidewalk or after its completion, shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of making such new street or sidewalk or street improvements, or heat or electricity improvements, including land damage for new streets, as the city council shall adjudge such lands to be benefited thereby.

~~§ 1304. SPECIAL ASSESSMENT – HEAT AND ELECTRICITY IMPROVEMENTS~~

The city council shall have the power to create an energy district of the City of Montpelier or part thereof and to incur indebtedness for or otherwise finance by any permitted means acceptable facilities for the production and delivery of heat or electricity and of devices, facilities, and other measures to meter electricity to conserve energy or to promote efficient energy use on properties within the district. Participation by any property owner in these improvements is subject to city council approval. Persons who participate with an eligible project or projects shall be subject to the requirements of this special assessment. The city council shall establish the criteria and procedures for participation in this special assessment.

§ 1305. SPECIAL ASSESSMENT – SEWERS AND DRAINS

* * *

~~§ 1305.~~ § 1306. RIGHT OF APPEAL

* * *

~~§ 1306.~~ § 1307. RECORD OF SPECIAL ASSESSMENTS

* * *

~~§ 1307.~~ § 1308. NOTICE AND TIME OF PAYMENT

* * *

~~§ 1308.~~ § 1309. RECORD OF PAYMENT

* * *

~~§ 1309.~~ § 1310. WARRANT FOR COLLECTION OF SPECIAL ASSESSMENT

* * *

~~§ 1310.~~ § 1311. CITY SHERIFF AUTHORITY TO SELL PROPERTY

* * *

~~§ 1311.~~ § 1312. LIEN NOT VACATED

The pendency of proceedings on appeal from an assessment made under the provision of this subchapter shall not vacate the lien created by such assessment, but shall suspect the same until final determination of the proceedings. The liens for all city assessments shall not be vacated or dissolved.

~~§ 1312.~~ § 1313. SUFFICIENT DESCRIPTION

* * *

~~§ 1313.~~ § 1314. TAKING PROPERTY FOR PUBLIC IMPROVEMENTS

* * *

~~§ 1314.~~ § 1315. CITATION AND TIME OF SERVING

* * *

~~§ 1315.~~ § 1316. CITATION SERVED ON NON-RESIDENTS

* * *

~~§ 1316.~~ § 1317. OFFICER'S RETURN

* * *

~~§ 1317.~~ § 1318. CITATION SERVED ON PERSONS HAVING OTHER INTERESTS

* * *

~~§ 1318.~~ § 1319. PROCEEDINGS NOT VOIDED FOR FAILURE TO GIVE NOTICE

* * *

~~§ 1319.~~ § 1320. CORRECTION OF CITATION RECORD

* * *

Sec. 8. EFFECTIVE DATE

This act shall take effect on passage.

Sec. 1. CHARTER APPROVAL

The general assembly approves the amendments to the charter of the city of Montpelier as set forth in this act. Proposals of amendment were approved by the voters on November 2, 2010.

Sec. 2. 24 App. V.S.A. chapter 5 § 317 is amended to read:

§ 317. COUNCIL APPOINTMENTS

The city council shall, pursuant to Subchapter 10 of this charter, appoint a city manager, city treasurer, city attorney, and city representative to the Central Vermont Regional Planning Commission and may remove any such appointee and appoint another. The city council shall also appoint the following officers, none of whom shall be members of the city council: members of the Montpelier housing authority, housing and building code board of appeals, ~~board of adjustment~~ development review board, and planning commission. The city council shall appoint only such other officers as it is specifically required to do by law. Any appointment made by the city council to fill a vacancy shall be only for the balance of the unexpired term in which the vacancy occurred.

Sec. 3. 24 App. V.S.A. chapter 5 § 509 is amended to read:

§ 509. ELECTION OF OFFICERS

At the annual meeting the said city shall elect from among the legal voters thereof a mayor for a term of two years; a city clerk for a term of three years; ~~a city treasurer for a term of three years; three auditors for a term of three years commencing in 1985;~~ one commissioner of Green Mount Cemetery for a term of five years; one park commissioner for a term of five years, two school commissioners, each for a term of three years, except that three school commissioners shall be elected in 1974 and each third year thereafter; and one council member from each district for a term of two years, who shall hold office until their successors are duly elected and qualified.

Sec. 4. 24 App. V.S.A. chapter 5, subchapter 11 is amended to read:

Subchapter 11. Indebtedness; Sinking Fund;

Bonds and Notes for Improvement

§ 1101. POWERS

The city may issue bonds or notes for any improvement authorized by general or special law including this charter. The word "improvement,"~~,~~ as used in this subchapter, shall include, apart from its ordinary signification, the acquisition of land, the construction or purchase or remodeling of buildings or additions, the purchase and installation of furnishings or equipment for any new or existing improvement or department, the construction of water works, the construction of sewers and sewage treatment or disposal plants, the construction of streets or bridges or sidewalks, the acquisition and construction of facilities for the production and delivery of heat and of devices, facilities, and other measures to conserve energy or promote efficient energy use, and the acquisition or construction of any other work or improvement for which municipalities of the state may now or hereafter be authorized to raise money.

* * *

§ 1122. SPECIAL INDEBTEDNESS FOR WATER PURPOSES ~~OR~~,

SEWAGE DISPOSAL, AND HEAT IMPROVEMENTS

For the purpose of owning, operating, extending, adding to, improving, conducting, controlling, and managing its public water works system, a public sewage disposal system ~~or both~~, heat facilities and devices, facilities, and other measures to conserve energy, promote efficient energy use, or any combination thereof, the city, by action of the city council, in lieu of the issuance of bonds or the levy of taxes and in addition to any other lawful methods or means of providing for the payment of indebtedness shall have the power to provide for

or to secure the payment for all or a part of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing its said water works system ~~or a~~, public sewage disposal system, ~~or both,~~ heat facilities and devices, facilities, and other measures to conserve energy, promote efficient energy use, or any combination thereof by pledging, assigning, or otherwise hypothecating all or any part of the net earnings or profits derived, or to be derived from the operation thereof. To that end the city council shall have full power to authorize and direct the execution and issuance of contracts and evidences of indebtedness as may be necessary to carry out the provisions of this section. Such contracts and evidence of indebtedness shall be in such form, shall contain such provision, and shall be executed as may be determined by the city council. Nevertheless, no such indebtedness shall be incurred nor evidence thereof be issued, nor shall such revenues be pledged, assigned, or otherwise hypothecated by the city council unless and until at least a majority of the legal voters of the city present and voting thereon at a duly warned meeting, called for that purpose, shall have first voted to authorize the same. Such meeting shall be warned and held in the same manner as meetings for the transaction of ordinary business without regard to the foregoing bonds or notes for improvements. Evidences of indebtedness issued as authorized herein shall be payable solely from the net earnings or profits derived, or to be derived from the operation of such public water works system, ~~or~~ sewage disposal system, ~~or both~~ heat facilities and devices, facilities, and other measures to conserve energy, promote efficient energy use, or a combination thereof, and shall not constitute a municipal indebtedness nor impose an obligation or liability upon the city to pay the same from any funds of the city other than such net earnings or profits. A statement referring to the limited nature of the obligation and that it has been issued under this section shall be made plainly to appear in or upon each evidence of indebtedness. Such certificates shall be legal investments for savings banks and trust companies in the state.

* * *

Sec. 5. 24 App. V.S.A. chapter 5, subchapter 12 is amended to read:

Subchapter 12. Assessment and Collection of Taxes;

Establishment of Water and Heat Rates

* * *

§ 1210. THERMAL ENERGY RATES

The city council shall establish rates to be paid for the use of heat and improvements supplied by the city for the production and distribution of heat, and such rates shall be called heat rates. Such heat rates shall be a lien in the

nature of a real estate tax upon the real estate so supplied with heat, improvements for the delivery of heat, or both, and shall be collected and enforced under such regulations and ordinances as the city council shall prescribe.

§ 1211. HEAT METERS

The city council may provide for use of meters or other devices as a basis of charging users of heat supplied by the city system and may in its discretion provide for use of such devices by all users of specified classes.

~~§ 1210~~ § 1212. TAX COLLECTOR

* * *

~~§ 1211~~ § 1213. PROPERTY TAX CREDITS

* * *

Sec. 6. 24 App. V.S.A. chapter 5, subchapter 13 is amended to read:

Subchapter 13. Public Works; Assessments;

Taking Property for Public Purposes

§ 1301. LAYING OUT STREETS, SIDEWALKS, SEWERS, HEAT FACILITIES AND DEVICES, FACILITIES, AND

OTHER MEASURES TO CONSERVE ENERGY OR TO

PROMOTE EFFICIENT ENERGY USE

The city council, upon notice to persons affected, may lay out, of any convenient width, alter, maintain, establish, and change the grade of and discontinue any street, road, highway, lane, alley, ~~or~~ sidewalk, or any heat facilities and devices, facilities, and other measures to conserve energy or to promote efficient energy use in said city and appraise and settle the damage therefore; and may make, maintain, and repair such common sewers and sewage disposal plants and facilities for the production and distribution of heat within or without the City of Montpelier as the public health or the convenience of individuals shall require. The city council may take land and other property necessary to accomplish such purposes on making compensation for the same, causing their proceedings to be recorded in the city clerk's office in said city.

* * *

§ 1303. SPECIAL ASSESSMENTS – STREETS ~~AND~~, SIDEWALKS, AND

HEAT PRODUCTION AND DISTRIBUTION IMPROVEMENTS

The city council, in laying out or establishing new streets ~~or~~, highways, or facilities for the production and distribution of heat, and in making, altering, or repairing sidewalks, and in grading, paving, acadamizing, curbing, and guttering streets and highways, either at the time of laying out or improving the street or making the sidewalk or after its completion, shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of making such new street or sidewalk or street improvements, or heat improvements, including land damage for new streets, as the city council shall adjudge such lands to be benefited thereby.

§ 1304. SPECIAL ASSESSMENT—HEAT IMPROVEMENTS

The city council shall have the power to create an energy district of the City of Montpelier or part thereof and to incur indebtedness for or otherwise finance by any permitted means acceptable facilities for the production and delivery of heat and of devices, facilities, and other measures to conserve energy or to promote efficient energy use on properties within the district. Participation by any property owner in these improvements is subject to city council approval. Persons who participate with an eligible project or projects shall be subject to the requirements of this special assessment. The city council shall establish the criteria and procedures for participation in this special assessment.

§ 1305. SPECIAL ASSESSMENT – SEWERS AND DRAINS

* * *

~~§ 1305.~~ § 1306. RIGHT OF APPEAL

* * *

~~§ 1306.~~ § 1307. RECORD OF SPECIAL ASSESSMENTS

* * *

~~§ 1307.~~ § 1308. NOTICE AND TIME OF PAYMENT

* * *

~~§ 1308.~~ § 1309. RECORD OF PAYMENT

* * *

~~§ 1309.~~ § 1310. WARRANT FOR COLLECTION OF SPECIAL ASSESSMENT

* * *

~~§ 1310.~~ § 1311. CITY SHERIFF AUTHORITY TO SELL PROPERTY

* * *

~~§ 1311.~~ § 1312. LIEN NOT VACATED

The pendency of proceedings on appeal from an assessment made under the provision of this subchapter shall not vacate the lien created by such assessment, but shall suspect the same until final determination of the proceedings. The liens for all city assessments shall not be vacated or dissolved.

~~§ 1312.~~ § 1313. SUFFICIENT DESCRIPTION

* * *

~~§ 1313.~~ § 1314. TAKING PROPERTY FOR PUBLIC IMPROVEMENTS

* * *

~~§ 1314.~~ § 1315. CITATION AND TIME OF SERVING

* * *

~~§ 1315.~~ § 1316. CITATION SERVED ON NON-RESIDENTS

* * *

~~§ 1316.~~ § 1317. OFFICER'S RETURN

* * *

~~§ 1317.~~ § 1318. CITATION SERVED ON PERSONS HAVING OTHER INTERESTS

* * *

~~§ 1318.~~ § 1319. PROCEEDINGS NOT VOIDED FOR FAILURE TO GIVE NOTICE

* * *

~~§ 1319.~~ § 1320. CORRECTION OF CITATION RECORD

* * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

1