

1 H.451

2 Introduced by Representatives Lenes of Shelburne and Webb of Shelburne

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; town of Shelburne;

6 amendment

7 Statement of purpose: This bill proposes to approve amendments to the charter

8 of the town of Shelburne.

9 An act relating to amending the charter of the town of Shelburne

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

11 Sec. 1. CHARTER APPROVAL

12 The general assembly approves the amendments to the charter of the town

13 of Shelburne as set forth in this act. Proposals of amendment were approved

14 by the voters on March 1, 2011.

15 Sec. 2. 24 App. V.S.A. chapter 147 is amended to read:

16 CHAPTER 147. TOWN OF SHELBURNE

17 Subchapter 1. Powers of the Town

18 * * *

1 § 1.2. GENERAL LAW; APPLICATION

2 Except when changed, enlarged, or modified by the provisions of this
3 ~~charter~~ chapter, or by any legal regulation or ordinance of the Town of
4 Shelburne, all provisions of the statutes of this state relating to municipalities
5 shall apply to the Town of Shelburne.

6 § 1.3. POWERS OF THE TOWN

7 (a) The town shall have all the powers granted to towns and municipal
8 corporations by the constitution and laws of this state together with all the
9 implied powers necessary to carry into execution all the powers granted; it may
10 enact ordinances not inconsistent with the constitution and laws of the State of
11 Vermont or with this ~~charter~~ chapter, and impose civil or criminal penalties for
12 violation thereof, ~~not in excess of a fine of \$100.00~~, together with the costs of
13 civil or criminal prosecution, or imprisonment for not more than ~~sixty~~ 60 days,
14 or both.

15 * * *

16 (c) In this ~~charter~~ chapter, no mention of a particular power shall not be
17 construed to be exclusive or to restrict the scope of the powers which the town
18 would have if the particular power were not mentioned.

19 § 1.4. ADDITIONAL POWERS

20 The general grant of authority in section 1.3 of this ~~charter~~ chapter shall
21 include, but shall not be limited to, the following:

1 * * *

2 § 1.5. RESERVATION OF POWERS TO THE TOWN

3 Nothing in this ~~charter~~ chapter shall be so construed as in any way to limit
4 the powers and functions conferred upon the Town of Shelburne and the
5 ~~selectmen~~ selectboard of said town by general or special enactments in force or
6 effect or hereafter enacted; and the powers and functions conferred by this
7 ~~charter~~ chapter shall be cumulative and in addition to the provisions of such
8 general or special enactments.

9 § 1.6. ORDINANCES

10 (a) The ~~selectmen~~ selectboard may provide penalties for the breach of any
11 ordinance authorized by general law or this ~~charter~~ chapter; may prosecute
12 civilly or criminally any person violating the same through the town, police
13 officers, or any other public officer authorized by law so to do, who for such
14 purposes shall be informing officers; and may maintain actions to restrain
15 actual or threatened violations of the same. The establishment of any fine or
16 penalty shall be by ordinance.

17 (b) Introduction; first and second readings; public hearing.

18 (1) Every ordinance shall be introduced in writing. The enacting clause
19 of all ordinances shall be “The ~~selectmen~~ selectboard of the Town of
20 Shelburne hereby ordain...” If the ~~selectmen~~ selectboard passes the
21 proposed ordinance upon the first reading, they shall cause a short and concise

1 one-paragraph description of the general topical nature of the proposed
2 ordinance to be published in a newspaper of general circulation in the town, at
3 least once, together with a notice of the time and place where and when there
4 shall be a public hearing to consider the same for final passage. Such
5 publication shall include reference to a place ~~withing~~ within the town where
6 copies of the entire text of the proposed ordinance may be examined. The first
7 of such publications shall be at least one week but not more than two weeks
8 prior to the date of said public hearing.

9 (2) At the time and place so advertised, or at any time and place to
10 which such hearing may from time to time be adjourned, such ordinance shall
11 be read in full, except that by vote of majority of the ~~board~~ selectboard, the
12 ordinance may be read by title, and after such reading, all persons interested
13 shall be given an opportunity to be heard.

14 (c) Further Consideration; Final Passage. After such hearing, the ~~selectmen~~
15 selectboard may finally pass such ordinance with or without amendment;
16 except that if the ~~selectmen make~~ selectboard makes an amendment ~~they, it~~
17 shall cause a short concise one-paragraph description of the general topical
18 nature of the amended ordinance to be published at least once together with a
19 notice of the time and place of a public hearing at which such amended
20 ordinance will be further considered, which publication shall be at least three
21 days but not more than 10 days prior to the public hearing. Such publication

1 shall include a reference to a place within the town where copies of the entire
2 text of the amended ordinance may be examined. At the time so advertised or
3 at any time and place to which such meeting may be adjourned, the amended
4 ordinance shall be read in full, except that by vote of a majority of the board
5 the amended ordinance may be read by title. After such hearing, the ~~selectmen~~
6 selectboard may finally pass such amended ordinance, or again amend it
7 subject to the same procedure as outlined herein.

8 * * *

9 (e) Filing. The town clerk shall prepare and keep in the town clerk's office
10 a book of ordinances which shall contain each ordinance finally passed by the
11 ~~selectmen~~ selectboard together with a complete index of ordinances according
12 to subject matter.

13 (f) All ordinances shall be subject to overrule by a special town meeting as
14 follows: if, within 30 days after final passage by the ~~selectmen~~ selectboard of
15 any such ordinance, a petition signed by electors of the town not less in
16 number than 10 percent of the number of votes cast in the last municipal
17 election is filed with the town clerk requesting its reference to a special town
18 meeting, the ~~selectmen~~ selectboard shall fix the time and place of such
19 meeting, which shall be within 60 days after filing of the petition, and notice
20 thereof shall be given in the manner provided by law in the calling of a special
21 town meeting. An ordinance so referred shall remain in effect upon the

1 conclusion of such meeting unless electors not less in number than 10 percent
2 of the number of votes cast in the last municipal election and constituting a
3 majority of those voting thereon, shall have voted against the ordinance.

4 (g) Petition for Enactment of Ordinance; Special Meeting.

5 (1) Subject to the provisions of subsection (f) of this section, electors of
6 the town may at any time petition in the same manner as in subsection (f) of
7 this section for the enactment of any proposed lawful ordinance by filing such
8 petition, including the text of such ordinance, with the town clerk. The
9 ~~selectmen~~ selectboard shall call a special town meeting to be held within 50
10 days of the date of such filing, unless prior to such meeting such ordinance
11 shall be enacted by the ~~selectmen~~ selectboard. The warning for such meeting
12 shall include a short concise one paragraph description of the general topical
13 nature of the proposed ordinance and shall provide for an aye and nay vote as
14 to its enactment. The warning shall also include reference to a place within the
15 town where copies of the entire text of the proposed ordinance may be
16 examined. Such ordinance shall take effect on the 10th day after the
17 conclusion of such meeting provided that electors as qualified in subsection (f)
18 of this section, constituting a majority of those voting thereon, shall have voted
19 in the affirmative.

20 (2) The provisions of this section shall not apply to any appointments of
21 officers, members of commissions, or boards made by the ~~selectmen~~

1 selectboard or to the appointment; or designation of ~~selectmen~~ selectboard
2 members, or to rules governing the procedure of the ~~selectmen~~ selectboard.

3 * * *

4 Subchapter 3. Officers

5 § 3.1. GENERALLY

6 The officers of the Town of Shelburne shall be those provided by law for
7 towns, except as otherwise provided by this ~~charter~~ chapter. Such officers
8 shall have all of the powers and duties necessary to carry out the provisions of
9 this ~~charter~~ chapter as well as those provided by law.

10 § 3.2. ELECTIVE OFFICERS

11 The elective officers of the Town shall be:

- 12 (1) Five ~~selectmen~~ selectboard members
13 (2) A town clerk
14 (3) A treasurer
15 (4) A ~~treasurer~~ moderator
16 (5) A first constable.

17 § 3.3. TERM OF OFFICE

18 (a) ~~Selectmen~~ Selectboard. Three members of the ~~board of selectmen~~
19 selectboard shall have terms of office of three years; two members shall have
20 terms of office of two years. At each election, one ~~selectman~~ selectboard

1 member shall be elected for a three-year term and one for a two-year term. All
2 ~~selectmen~~ selectboard members shall be elected at large.

3 (b) Except as otherwise provided in this ~~Charter~~ chapter, all elective
4 officers shall hold office for the term established by law or until their
5 successors are qualified.

6 § 3.4. REMOVAL OF ELECTED TOWN OFFICERS

7 Elected ~~Town~~ town officers may be removed for cause by the ~~board of~~
8 ~~selectmen~~ selectboard after hearing. Such hearing shall be public, if the officer
9 so requests.

10 § 3.5. APPOINTIVE OFFICERS

11 (a) The ~~selectmen~~ selectboard shall appoint any other officers required by
12 law or this ~~charter~~ chapter. Such appointment shall be annually, or for such
13 terms established by law.

14 (b) The ~~selectmen~~ selectboard may create such other appointive officers not
15 provided for by this act or required by law as ~~they deem~~ it deems to be in the
16 best interest of the town.

17 (c) Appointed terms shall commence April 1 or as soon thereafter as the
18 successor is appointed and has qualified, unless a different term is established
19 by law. Incumbent appointees shall serve until April 1 or until their successors
20 are appointed and are qualified to serve.

1 (d) Members of the ~~board of selectmen~~ selectboard shall not be appointed
2 to commissions.

3 (e) There shall be a an Assessing Department of Assessment, which shall
4 consist of a chief assessor and such assistants as are deemed necessary by the
5 town manager with the approval of the ~~board of selectmen~~ selectboard. The
6 chief assessor and assistants shall be appointed, and may be removed, by the
7 ~~board of selectmen~~ selectboard in accordance with this subchapter.

8 § 3.6. COMPENSATION

9 (a) Compensation paid to the ~~selectmen~~ selectboard shall be set by the
10 voters at town meeting.

11 (b) Subject to subsection (a) of this section, the ~~selectmen~~ selectboard shall
12 fix the compensation of all elective officers and of all officers appointed by the
13 ~~selectmen~~ selectboard.

14 (c) The town manager, with the approval of the ~~selectmen~~ selectboard, shall
15 fix the compensation of all other officers and employees whose compensation
16 is not fixed by the ~~selectmen~~ selectboard pursuant to subsection (b) of this
17 section.

18 § 3.7. REMOVAL OF OFFICERS APPOINTED BY THE BOARD

19 Officers appointed by the selectboard may be removed by the selectboard at
20 any time with cause after a hearing. The hearing shall be public if the official
21 so requests.

1 Subchapter 5. ~~Board of Selectmen~~ Selectboard

2 § 5.1. POWERS AND DUTIES

3 (a) The members of the ~~board of selectmen~~ selectboard shall be and
4 constitute the legislative body of the Town of Shelburne for all purposes
5 required by statutes and except as otherwise herein specifically provided, shall
6 have all powers and authority given to, and perform all duties required of town
7 legislative bodies or ~~boards of selectmen~~ selectboards under the laws of the
8 State of Vermont.

9 (b) Within the limitations of the foregoing, the ~~selectmen~~ selectboard shall
10 have the power to:

11 (1) Appoint and remove the town manager and supervise, create,
12 change, and abolish offices, commissions, or departments other than the
13 offices, commissions, or departments established by this ~~charter~~ chapter or by
14 law.

15 (2) Assign additional duties to offices, commissions, or departments
16 established by this ~~charter~~ chapter, but may not discontinue or assign to any
17 other office, commission, or department duties assigned to a particular office,
18 commission, or department established by this ~~charter~~ chapter or by law.

19 (3) Appoint the members of all boards, commissions, committees, or
20 similar bodies and establish their terms of office unless specifically provided
21 otherwise by state statute or this ~~charter~~ chapter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(7) Authorize the application for any grant at any scheduled selectboard meeting and approve the terms of any grant agreement.

§ 5.2. ORGANIZATION

(a) Forthwith after their election and qualification, the ~~selectmen~~ selectboard shall organize and elect a ~~chairman, vice chairman and a clerk~~ chair and vice chair by a majority vote of the entire board and file a certificate of such election for record in the office of the town clerk.

(b) The ~~chairman~~ chair of the board, or in his or her absence the ~~vice chairman~~ vice chair, shall preside at all meetings of the board and shall be recognized as the head of the town government for all ceremonial purposes.

§ 5.3. VACANCIES

When a vacancy occurs on the ~~board of selectmen~~ selectboard, the remaining members shall fill the vacancy until the next annual meeting when the town shall fill the vacancy for any remaining portion of the term of the selectboard member who created the vacancy.

§ 5.4. MEETINGS

(a) As soon as possible after the election of the ~~chairman~~ chair and ~~vice chairman~~ vice chair, the board shall fix the time and place of its regular meetings and such meetings shall be held at least once a month.

* * *

1 (d) All meetings of the board shall be ~~open to the public unless, by an~~
2 ~~affirmative vote of the majority of the members present, the board shall~~
3 ~~determine that such meeting, or a portion thereof, shall be in executive session~~
4 ~~conducted~~ in accordance with ~~subchapter 2 of Title 1, Vermont Statutes~~
5 ~~Annotated~~ 1 V.S.A. chapter 5, subchapter 2, as enacted or from time to time
6 amended.

7 § 5.5. RECORD OF PROCEEDINGS

8 (a) It shall be the duty of the ~~board of selectmen~~ selectboard to keep official
9 records of its proceedings which shall be open for public inspection.

10 (b) The minutes of each meeting shall be approved by the board at its next
11 meeting and the official copy authenticated by the signature of the ~~clerk~~ chair
12 and placed on file in the town clerk's office.

13 Subchapter 7. Town Manager

14 § 7.1. APPOINTMENT AND COMPENSATION

15 (a) The ~~selectmen~~ selectboard may appoint a town manager.

16 (b) The manager shall receive such pay as may be fixed by the ~~selectmen~~
17 selectboard.

18 § 7.2. QUALIFICATIONS

19 (a) The manager shall be chosen solely on the basis of his or her executive
20 and administrative and professional qualifications.

1 (b) The manager shall not take part in the organization or direction of a
2 political party, serve as a member of a party committee, nor be a candidate for
3 election to any ~~public~~ federal, state, or Town of Shelburne office.

4 § 7.3. OATH; BOND

5 Before entering upon his or her duties, the manager shall be sworn to the
6 faithful performance of his or her duties by the town clerk and shall give a
7 bond to the town in such amount and with such surety as the ~~selectmen~~
8 selectboard may require.

9 § 7.4. REMOVAL

10 The ~~board of selectmen~~ selectboard may remove the town manager by a
11 majority vote of its members. At least ~~thirty~~ 30 days before such removal shall
12 become effective the ~~board of selectmen~~ selectboard shall by a majority vote of
13 its members adopt a preliminary resolution stating the reason for his or her
14 removal. The manager may reply in writing and may request a public hearing
15 which shall be held not earlier than ~~twenty~~ 20 days nor later than ~~thirty~~ 30 days
16 after the filing of such request. After such public hearing, if one be requested,
17 and after full consideration, the board by a majority vote of its members may
18 adopt a final resolution of removal. By the preliminary resolution, the board
19 may suspend the manager from duty, but the regular salary of the manager
20 shall continue to be paid to him or her during the period of suspension.

1 § 7.5. ABSENCE

2 To perform his or her duties during his or her temporary absence or
3 disability, the manager may, with the consent of the board, designate by letter
4 filed with the town clerk a qualified administrative officer of the town. In the
5 event of the failure of the manager to make such designation, the board may by
6 resolution appoint any officer of the town to perform the duties of the manager
7 until he or she shall return or his or her disability shall cease.

8 § 7.6. POWERS AND DUTIES

9 The town manager shall be the chief executive officer and the head of the
10 administrative branch of the town government, and shall be responsible to the
11 ~~board of selectmen~~ selectboard for the proper administration of all affairs of
12 the town. ~~He~~ The manager shall have all powers and duties laid down by
13 chapter 37 of Title 24, V.S.A., as amended from time to time, and not
14 inconsistent with this act. Any inconsistency shall be resolved in favor of the
15 manager. ~~He~~ The manager shall also have the power and be required to
16 perform the following.

17 (1) The manager shall attend all meetings of the ~~board of selectmen~~
18 selectboard, except when his or her removal is being considered, and keep
19 ~~them~~ it informed of the financial condition and future needs of the town and
20 shall make such reports as may be required by law, this article, or ordinance, or
21 may be requested by the ~~selectmen~~ selectboard. ~~He~~ The manager shall make

1 such other reports and recommendations as he or she may deem advisable. ~~He~~
2 The manager shall perform such other duties as may be prescribed by this
3 ~~charter~~ chapter, or required of him or her by law, ordinance, or resolution of
4 the ~~selectmen~~ selectboard not inconsistent with this ~~charter~~ chapter.

5 (2) The manager shall be an ex-officio member of all ~~standing~~
6 ~~committees~~ boards or commissions appointed by the selectboard except the
7 ~~zoning board~~ development review board, but may not vote.

8 (3) The manager shall prepare the annual budget and submit it to the
9 ~~selectmen~~ selectboard and be responsible for its administration after adoption.

10 * * *

11 (5) The manager shall be responsible for the enforcement of all town
12 laws and ordinances. The manager shall be the administrative officer under the
13 Vermont Planning and Development Act, with all the powers and duties set
14 forth in said act. The manager may appoint an assistant administrative officer
15 with the approval of the ~~board of selectmen~~ selectboard to exercise all powers
16 and duties required of the administrative officer under the Vermont Planning
17 and Development Act.

18 * * *

19 (8) The manager shall be responsible for the operation of all
20 departments of the town, not otherwise provided for in this ~~charter~~ chapter.

1 which in no case shall exceed one and one-half percent per month. In addition,
2 a late charge of ~~eight~~ five percent will be added to any tax not paid on or
3 before its due date, ~~except that the board of selectmen.~~ The selectboard shall
4 have the power to waive such penalty for just cause shown for any tax paid
5 within seven days after said due date. If the taxpayer and the town enter into
6 an agreement to bring a delinquent account current, payments may be applied
7 to the current tax due and past principal. All tax payments paid by taxpayers
8 who do not have a current agreement shall first be applied to the most
9 outstanding delinquent accounts.

10 Subchapter 11. Budget

11 § 11.1. FISCAL YEAR

12 The fiscal year of the town shall begin the first day of July and end on the
13 last day of June of each calendar year. The fiscal year shall constitute the
14 budget and accounting year as used in this ~~charter~~ chapter.

15 § 11.2. PREPARATION AND SUBMISSION

16 (a) The town manager, at least 45 days before the date of the regular annual
17 town meeting, shall submit to the ~~selectmen~~ selectboard a budget in such form
18 required by them.

19 (b) The budget shall be published not later than ~~two~~ four weeks after its
20 submission to the ~~board of selectmen~~ selectboard. Said budget as published
21 shall also include an itemized statement of revenues and expenditures for the

1 preceding fiscal year. The ~~board~~ selectboard shall fix the time and place for
2 holding a public hearing for the budget, and shall give a public notice of such
3 hearing in a newspaper having general circulation in the town at least five days
4 but not more than ~~fifteen~~ 15 days before such hearing. Said notice shall
5 include a designation of the place or places within the town where copies of
6 the budget are available for distribution. In the manner provided in this
7 subsection, the directors of the Shelburne School District shall likewise submit
8 their budget for the next fiscal year to the public hearing provided for in this
9 subsection.

10 § 11.3. TOWN MEETING WARNING AND BUDGET

11 The budget and warning for the annual town meeting shall be distributed to
12 the legal voters of the town at least 10 days before the annual meeting.

13 Distribution shall be accomplished by posting the town report on the Town of
14 Shelburne website and making copies available at the town clerk's office.

15 There shall be included in such distribution the ~~board of selectmen's~~
16 selectboard's best estimate of the tax rate for the next fiscal year based upon an
17 estimate of the grand list furnished by the ~~listers~~ assessor to the ~~board of~~
18 ~~selectmen~~ selectboard.

19 § 11.4. APPROPRIATIONS

20 From the effective date of the budget, the several amounts therein stated, as
21 approved in accordance with section 11.8 of this ~~charter~~ chapter become

1 appropriated to the several ~~agencies~~ departments, agencies, entities, and
2 purposes therein named.

3 § 11.5. AMOUNT TO BE RAISED BY TAXATION

4 Upon passage of the town budget in accordance with section 11.8 of this
5 ~~charter~~ chapter, the ~~amounts~~ amount stated therein as the amount to be raised
6 by property taxes shall constitute a determination of the amount of the levy for
7 the purposes of the town in the corresponding tax year and the ~~selectmen~~
8 selectboard shall levy such taxes on the grand list furnished by the Assessing
9 Department ~~of Assessment~~ for the corresponding tax year.

10 § 11.6. DEPARTMENT BUDGET

11 The budget for all departments shall include all proposed expenditures and
12 the budget approved in accordance with section 11.8 of this ~~charter~~ chapter
13 shall include a gross appropriation for each department for the ensuing fiscal
14 year. The gross appropriation for each department shall not be exceeded
15 except by consent of the ~~board of selectmen~~ selectboard, subject to the
16 provisions of section 11.8 of this ~~charter~~ chapter.

17 § 11.7. TRANSFERS OF APPROPRIATIONS

18 The manager may at any time transfer an unencumbered appropriation
19 balance or portion thereof between general classifications of expenditures
20 within an office, department, or agency. At the request of the manager and
21 within the last three months of the budget year, the ~~board of selectmen~~

1 selectboard may by resolution transfer any unencumbered appropriation
2 balance or portion thereof within the ~~selectmen's~~ selectboard's budget from
3 one department, agency, or office to another. Notwithstanding the above, no
4 unexpended balance in any appropriation not included in the ~~selectmen's~~
5 selectboard's budget, shall be transferred or used for any other purpose.

6 § 11.7a. GENERAL FUND UNRESTRICTED FUND BALANCE

7 At the sole discretion of the selectboard, a general fund unrestricted reserve
8 may be established in an amount that may not exceed five percent of the
9 general fund budget being considered by the selectboard for presentation to the
10 voters at town meeting. The purpose of the fund shall be to aid in the cash
11 flow and operation of the town and to be used for such purpose as may be
12 caused by an emergency. For expenditures other than an emergency, if in any
13 year a portion of the unrestricted fund balance is applied as revenue to the
14 general fund or in a year that the reserve fund exceeds five percent of the
15 current operating budget, funds must be applied to fund items found in the
16 town's capital improvement plan.

17 § 11.8. ADOPTION OF BUDGET

18 (a) An annual budget shall become effective after adoption by a majority
19 vote of the town's legal voters present and voting by Australian ballot at the
20 annual town meeting. If the voters disapprove the proposed budget at the
21 annual town meeting, the ~~selectmen~~ selectboard shall proceed to warn a special

1 town meeting to be held within ~~sixty~~ 60 days of the annual meeting, for the
2 purposes of considering the disapproved budget. ~~The special town meeting~~
3 ~~shall not increase the amount recommended by the selectmen or make any~~
4 ~~budget appropriation not recommended by the selectmen. Voting on the~~
5 ~~proposed budget at the special meeting shall be by paper ballot, unless two-~~
6 ~~thirds (2/3rds) of those present and voting desire a voice vote~~ An informational
7 meeting regarding the proposed budget shall be held the evening preceding the
8 vote regarding the budget. The vote shall conform to the procedure in use for
9 votes by Australian ballot at the regular town meeting.

10 (b) After the annual budget has been adopted, the ~~selectmen~~ selectboard
11 shall not make any single appropriation not set forth in the budget which totals
12 in excess of two percent of the ~~aggregate~~ annual operating budget
13 ~~appropriations~~. Any such appropriation made by the ~~selectmen~~ selectboard
14 shall only be done if they deem an emergency situation requires such
15 appropriation. Such emergency appropriations shall be reported to the next
16 annual town meeting. Any single appropriation in excess of said two percent
17 shall require prior approval by vote by Australian ballot at a duly warned town
18 meeting. The issuance of bonds or notes, except notes for one year or less or
19 in anticipation of revenue or grants and aid to be paid within the fiscal year in
20 which issued, shall be authorized by Australian ballot at the annual or a special
21 town meeting. Any article in the warning providing for appropriation of funds

1 in addition to the ~~selectmen's~~ selectboard's budget, shall be voted on by
2 Australian ballot.

3 § 11.9. BALLOTING AT TOWN MEETINGS

4 The ~~selectmen~~ selectboard, at ~~their~~ its discretion, shall determine which
5 articles to be submitted to the voters at any annual or special town meeting
6 shall be voted on by Australian ballot, unless other provisions of this ~~charter~~
7 chapter or the laws of this state require Australian balloting for a particular
8 issue.

9 Subchapter 13. ~~Merger of Municipalities~~

10 § 13.1. ~~MERGER OF MUNICIPALITIES~~

11 ~~Any municipality within the town of Shelburne may enter into an agreement~~
12 ~~with the town providing for the transfer of any and all of its functions, assets~~
13 ~~and liabilities to the town, and for its merger with the town and the surrender~~
14 ~~of its charter or its dissolution, subject to any appropriate provisions, terms and~~
15 ~~conditions. Any such agreement shall take effect only upon its ratification by a~~
16 ~~majority of the qualified voters of the municipality voting by Australian ballot~~
17 ~~at a meeting duly warned for the purpose, and also by a majority of the~~
18 ~~qualified voters of the town also so voting at a duly warned town meeting. In~~
19 ~~lieu of ratification of a specific agreement, the voters may authorize their~~
20 ~~respective legislative bodies to negotiate and enter into an agreement for such~~
21 ~~merger on such terms and provisions as the legislative bodies shall see fit. The~~

1 provisions of 17 V.S.A. § 2642 as from time to time amended, concerning a
2 petition calling for the consideration of a question by the voters, shall apply
3 under this subchapter, except the 3% of the voters of each municipality shall be
4 sufficient to require the submission of such question.

5 Subchapter 15. ~~Board of Selectmen~~ Miscellaneous Provisions

6 § 15.1. WATER DEPARTMENT

7 This charter shall not be construed to alter, amend, or repeal No. 263 of the
8 Acts of the General Assembly of 1935, as amended, establishing the Shelburne
9 Water Department, except in the following manner:

10 (1) ~~The superintendent and other employees shall be appointed in the~~
11 ~~manner provided in subchapter 7, subsection 7.6(9).~~

12 (2) ~~The commissioners shall be appointed by the board of selectmen in~~
13 ~~the manner provided in subchapter 3, subsection 3.4~~ The water department
14 shall be operated in accordance with the general laws of the state of Vermont.

15 § 15.2. SEVERABILITY

16 If any provisions of this charter is for any reason held invalid, such
17 invalidity shall not affect the remaining provisions which can be given effect
18 without the invalid provision. To this end, the provisions of this act are
19 ~~declared to be severable~~ The sections of this chapter and the parts hereof are
20 severable. If any portion or section of this chapter or the application thereof to
21 any person or circumstance shall be held invalid by a court of competent

1 jurisdiction, the remainder of this chapter shall not be affected thereby. If a
2 clause, portion of, or section of this chapter is so held invalid, then the
3 applicable provisions of state law, if any, shall govern.

4 Sec. 3. REPEAL

5 No. 263 of the Acts of 1935 is repealed.

6 Sec. 4. EFFECTIVE DATE

7 This act shall take effect on passage.