

1 H.788

2 Introduced by Representative O'Brien of Richmond

3 Referred to Committee on

4 Date:

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

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

9 An act relating to approval of amendments to the charter of the town of  
10 Richmond

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 the charter of the town  
14 of Richmond as set forth in this act. Proposals of amendment were approved  
15 by the voters on March 6, 2012.

16 Sec. 2. 24 App. V.S.A. chapter 143 is amended to read:

17 CHAPTER 143. TOWN OF RICHMOND

18 \* \* \*

1 § 107. FORM OF GOVERNMENT

2 Pursuant to its provisions and subject only to the limitations imposed by the  
3 Vermont Constitution and by this charter, all powers of the town shall be  
4 vested in an elective council, hereinafter referred to as the selectboard, which  
5 shall enact ordinances, codes, and regulations, adopt budgets, and determine  
6 policies, and which shall execute the laws and administer the government of  
7 the town. The town shall have a town manager as provided in sections 502 and  
8 503 of this charter.

9 \* \* \*

10 § 303. APPOINTED OFFICERS

11 (a) The selectboard may appoint any officers required by the town's  
12 personnel regulations, this charter, or the general law of this state and shall fix  
13 their compensation.

14 (b) Notwithstanding any provision of law or town personnel rules to the  
15 contrary, forthwith after the annual meeting the selectboard shall appoint a  
16 collector of delinquent taxes who shall serve until the next annual meeting and  
17 until his or her successor is chosen. If the office of the collector of delinquent  
18 taxes becomes vacant, the selectboard shall forthwith fill the vacancy for the  
19 unexpired term. The collector of delinquent taxes shall hold office at the will  
20 of the selectboard and may be removed at any time by the selectboard by  
21 majority vote. The compensation of the collector of delinquent taxes shall be

1 determined by the selectboard. Any commissions or other amounts established  
2 by law and collected by the collector of delinquent taxes shall be the property  
3 of the town and shall be turned over to the town treasurer forthwith.

4 \* \* \*

5 Subchapter 5. Selectboard; Town Manager

6 \* \* \*

7 § 502. TOWN MANAGER

8 (a) Appointment. The selectboard shall appoint a town manager.

9 (b) Qualifications. The town manager shall be selected with special  
10 reference to his or her education, training, and experience to perform the duties  
11 of the office, and without reference to his or her political beliefs.

12 (c) Authority of selectboard. In all matters, the town manager shall be  
13 subject to the direction and supervision of the selectboard. He or she shall at  
14 all times be an at-will employee and shall serve at the pleasure of the  
15 selectboard unless otherwise provided in an employment agreement between  
16 the town and the town manager.

17 (d) Residency. The town manager need not be a resident of the town.

18 (e) Method of appointment; conditions of employment; compensation.

19 (1) The conditions of employment and compensation of the town  
20 manager shall be determined by the selectboard at the time of appointment and  
21 annually thereafter on the anniversary date of the appointment.

1           (2) The selectboard may consider the appointment, conditions of  
2           employment, compensation, discipline, and removal of the town manager and  
3           any acting town manager in executive session, provided that no formal or  
4           binding action shall be taken in executive session. Persons in attendance shall  
5           be limited to the selectboard and, in the discretion of the selectboard, its staff,  
6           clerical assistants, legal counsel, the town manager or acting town manager, as  
7           the case may be, and other persons whose information is needed.

8           (f) Oath; bond. Before entering into the duties of office, the town manager  
9           shall be sworn to the impartial and faithful performance of his or her duties.  
10          The selectboard, in its discretion, may require that the town manager give a  
11          bond in favor of the town for the faithful performance of his or her duties in a  
12          sum and with such sureties as the selectboard may require. The town shall pay  
13          the premiums for the sureties.

14          (g) Acting town manager.

15           (1) In the event that the town manager shall be, or notifies the  
16           selectboard that he or she intends to be, absent from the town for a period of  
17           time exceeding two consecutive weeks, he or she shall designate an acting  
18           town manager and shall fix his or her compensation, subject to review and  
19           modification by the selectboard.

20           (2) In the event that illness, injury, or other incapacity renders the town  
21           manager unable to discharge his or her duties, or in the event that the town

1 manager is suspended or placed on administrative leave, is terminated, or  
2 resigns, the selectboard shall appoint an acting town manager to serve until  
3 such time as the town manager is able to assume regular duties or a new town  
4 manager is appointed.

5 (3) An acting town manager shall have all the authority and perform all  
6 duties of the town manager and shall be compensated at a rate of pay not  
7 inconsistent with the responsibilities of the position, determined as provided in  
8 subdivision (1) of this subsection or as otherwise determined by the  
9 selectboard. An acting town manager shall not serve for more than 90 days,  
10 but this time period may be extended for successive periods each not  
11 exceeding 90 days, should the selectboard find it necessary. Subsections (b),  
12 (c), (d), and (f) and subdivision (e)(2) of this section shall apply to the acting  
13 town manager.

14 (h) Town manager disqualification to hold certain offices. In no case shall  
15 a selectboard member, town clerk, lister, town treasurer, or tax collector act as  
16 a town manager or as an acting town manager.

17 § 503. RESPONSIBILITIES AND AUTHORITY OF TOWN MANAGER

18 (a) General authority. The town manager shall be the chief administrative  
19 officer of the town. He or she shall be responsible to the selectboard for the  
20 administration and general supervision of all business affairs and property

1 placed in his or her charge pursuant to this charter, other state statutes, or  
2 otherwise.

3 (b) Limits to authority in general.

4 (1) The authority of the town manager shall in no way extend to:

5 (A) The calling or administration of elections;

6 (B) The assessment of taxes or property valuation judgments;

7 (C) Judicial or legislative functions of the selectboard or other legal  
8 bodies, boards, or commissions;

9 (D) Supervision of the town clerk, town treasurer, listers, or tax  
10 collector in the performance of their statutory duties, except as otherwise  
11 provided by this charter;

12 (E) The setting of water or sewage disposal rates and charges or the  
13 establishment of rules or regulations for the control or operation of the town's  
14 water or sewage disposal systems.

15 (2) Where general state law places the appointment or dismissal of an  
16 official in the control of an official other than the town manager, general state  
17 law shall control.

18 (3) The town manager may, upon request, advise or counsel officers in  
19 the performance of their duties.

20 (4) The town manager may not serve in any elective position in the  
21 town. He or she may, however, when authorized by the selectboard, serve on

1 appointed boards and commissions relevant to town functions in an ex officio,  
2 nonvoting status.

3 (c) Authority and duties in particular. The town manager shall be charged  
4 with full authority and be responsible for the following:

5 (1) To organize, reorganize, continue, or discontinue any town  
6 departments as the selectboard may determine;

7 (2) To direct and supervise the administration of all departments,  
8 offices, and agencies of the town except as otherwise provided by this charter  
9 or other state statute;

10 (3) To carry out the policies determined by the selectboard and report to  
11 the selectboard on their disposition;

12 (4) To maintain an appropriate budget control system;

13 (5) To keep the selectboard informed on the financial condition of the  
14 town, including monthly and year-end reports showing in detail all receipts and  
15 expenditures for town functions;

16 (6) To keep the selectboard informed as to the future needs of the town  
17 and make proper administrative provisions for long-term planning in all areas  
18 within the scope of the duties of the town manager;

19 (7) To make such reports as the selectboard may require or as the town  
20 manager deems appropriate, or as may be required by law or ordinance  
21 regarding any and all functions under his or her supervision;

1           (8) To keep full and complete records of the actions of the town  
2           manager's office;

3           (9) To be present at all regular selectboard meetings unless excused by  
4           the selectboard, and to have the right to attend and take part in all special  
5           meetings of the selectboard and subcommittees thereof, except when the  
6           conditions of employment, compensation, discipline, or removal of the town  
7           manager is being discussed;

8           (10) To appoint upon merit and fitness alone and, when the town  
9           manager deems necessary for the good of the town, discipline, suspend, or  
10          remove any subordinate official, employee, or agent. All such appointments  
11          may be without definite terms unless for provisional, temporary, or emergency  
12          service, in which case terms shall not exceed the maximum periods prescribed  
13          by the personnel rules and regulations. The town manager may authorize the  
14          head of a department or of an office responsible to the town manager to  
15          appoint and remove subordinates in such office or department;

16          (11) To ensure the proper and equitable administration of the town's  
17          personnel system;

18          (12) To fix the compensation of town employees;

19          (13) To remain ultimately responsible to the selectboard for all  
20          administrative actions under his or her jurisdiction although he or she may hold

1 subordinate employees' offices or agents responsible for the faithful discharge  
2 of their duties;

3 (14) To draft an annual budget document and capital expenditure plan;

4 (15) To examine or cause to be examined, with or without notice, the  
5 affairs of any department under his or her control or the conduct of any officer  
6 or employee thereof. For this purpose, the town manager shall have access to  
7 all books, papers, files, reports, or records of all departments that may be  
8 necessary for the proper performance of his or her duties, unless prohibited  
9 by law;

10 (16) To oversee the preservation of the public peace and the health and  
11 safety of persons and property, and to uphold the enforcement of this charter,  
12 ordinances, and state and federal laws as applicable;

13 (17) To be the general purchasing agent for the town, with an  
14 independent purchasing authority set from time to time by the selectboard.

15 (18) To have the charge and supervision of all town buildings,  
16 properties, and facilities, all repairs thereon, and all construction by the town  
17 unless otherwise voted;

18 (19) To supervise and expend all special appropriations of the town  
19 unless otherwise voted by the town or provided in this charter;

20 (20) To cause duties of the municipality not committed to the care of  
21 any particular officer to be duly performed and executed;

1           (21) To perform any other duties consistent with his or her office as may  
2           be required by a vote of the selectboard or by law, ordinance, or mandate not  
3           inconsistent with this charter;

4           (22) To be the chief administrative officer of the town department or  
5           departments responsible for the town's water and sewage disposal systems,  
6           with the same authority and limitations provided in this section.

7           (d) Accountability, noninterference, and appointive power. The town  
8           manager shall be responsible to the selectboard for the proper and efficient  
9           administration of the departments under his or her charge as outlined above in  
10          this charter. Neither the selectboard, any individual member of the  
11          selectboard, nor any of its committees or committee members shall dictate the  
12          appointment, discipline, or discharge of any town employee by the town  
13          manager or in any manner interfere with his or her exercise of judgment in the  
14          appointment, discipline, or discharge of employees.

15          (e) Noninterference with administrative discretion and supervision. Except  
16          for the purposes of formal inquiries or investigations made under this charter,  
17          the selectboard and its members shall deal with the administrative and town  
18          officers and those employees who are subject to the town manager's direction  
19          and supervision solely through the town manager. Neither the selectboard nor  
20          any of its members shall give orders to or request any action publicly or  
21          privately of any town employee. Communications for the purposes of

1 information and background shall be considered proper when approved by the  
2 town manager.

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4 Sec. 3. TRANSITIONAL PROVISION

5 Notwithstanding the provisions of 24 App. V.S.A. chapter 143, § 303(b)  
6 (appointed officers; collector of delinquent taxes), if an elected collector of  
7 delinquent taxes is in office in the town of Richmond on the effective date of  
8 this act, that incumbent may serve the remainder of his or her term of office.  
9 Once the term of the elected collector of delinquent taxes has expired or in the  
10 case of his or her resignation prior to term expiration, the provisions of  
11 24 App. V.S.A. chapter 143, § 303(b) shall apply.

12 Sec. 4. EFFECTIVE DATE

13 This act shall take effect on passage.