

1 H.790

2 Introduced by Representatives Christie of Hartford, Bohi of Hartford, and

3 Zagar of Barnard

4 Referred to Committee on

5 Date:

6 Subject: Municipal government; municipal charters; town of Hartford;

7 amendment

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

9 of the town of Hartford.

10 An act relating to approval of amendments to the charter of the town of
11 Hartford

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

13 Sec. 1. CHARTER APPROVAL

14 The general assembly approves the amendments to the charter of the town
15 of Hartford as set forth in this act. Proposals of amendment were approved by
16 the voters on March 6, 2012.

17 Sec. 2. 24 App. V.S.A. chapter 123A is amended to read:

18 § 101. INCORPORATED

19 The inhabitants of the town of Hartford, including the historical,
20 unincorporated villages of Hartford, West Hartford, Quechee, Wilder, and

1 White River Junction, are a corporate and political body under the name of
2 “town of Hartford” (herein called “the town”). As such, inhabitants enjoy all
3 rights, immunities, powers, and privileges and are subject to all the duties and
4 liabilities now appertaining to or incumbent upon them as a municipal
5 corporation. The Hartford school district (herein called “the school district”) is
6 the town school district for the town of Hartford and shall enjoy all rights,
7 immunities, powers, and privileges and ~~is are~~ subject to all the duties and
8 liabilities now appertaining to or incumbent upon it as a state school district.

9 § 102. GENERAL POWERS

10 (a) All provisions of the Constitution and ~~Laws~~ laws of the State of
11 Vermont relating to towns, ~~villages~~ and town school districts shall apply to the
12 town and the school district, except as otherwise provided by this chapter.

13 (b) The town and school district shall have ~~all the powers and functions~~
14 ~~conferred upon towns and school districts~~ and enjoy the rights, immunities,
15 powers, and privileges conferred by the Constitution and ~~Laws~~ laws of the
16 State of Vermont and shall also have all implied, necessary, and incidental
17 ~~powers necessary to implement those powers and functions~~ for the discharge of
18 their respective purposes.

19 (c) The powers and functions ~~conferred upon~~ of the town and school
20 district ~~by set forth in~~ this chapter shall be ~~separate and be~~ in addition to the
21 powers and functions otherwise conferred ~~upon the town and school district~~ by

1 the Constitution and laws now in force or hereafter enacted of the state of
2 Vermont. Nothing in this chapter shall be construed as a limitation upon these
3 previously specified powers and functions.

4 (d) The town or school district may acquire real property for any town or
5 school district purpose, in fee simple or lesser interest or estate, by purchase,
6 gift, devise, or lease, and may sell, lease, hold, manage, and control real
7 property as its interests may require. The town or school district may further
8 acquire property ~~within its legal limits~~ by condemnation where that authority is
9 granted to towns ~~and or~~ school districts by state statutes. ~~A petition for~~
10 ~~reversion shall be filed within 10 days from the posting of approved~~
11 ~~selectboard or school board minutes related to the property decision, and the~~
12 ~~petition shall be signed by no less than 350 registered voters.~~

13 (e) In this ~~charter~~ chapter, no mention of a particular power shall be
14 construed to be exclusive or to restrict the scope of the powers ~~which~~ that the
15 town or school district would have if the particular power were not mentioned.
16 The selectboard and the school board shall operate as separate and independent
17 entities. Nothing in this chapter shall be interpreted as allowing either one to
18 exercise, inhibit, or infringe upon the rights, powers, or privileges of the other.

1 § 103. PARTICULAR POWERS

2 In addition to powers otherwise conferred upon it by law, the town is, for
3 the purpose of promoting the public health, safety, welfare, and convenience,
4 authorized to: adopt and enforce ordinances, rules, and regulations concerning:

5 (1) ~~Adopt and enforce policies relating to the making~~ Making and
6 ~~installation of installing~~ local improvements, including curbs, sidewalks, and
7 storm drains in a manner specified by the town as a condition precedent to the
8 issuance of a building permit.

9 (2) ~~Adopt and enforce policies regulating~~ Regulating the parking,
10 operation, and speed of motor vehicles upon town and Vermont state aid
11 streets and highways.

12 (3) ~~Adopt and enforce policies relating to: regulations, licensing, or~~
13 ~~prohibition of the storage and accumulation~~ Regulating or providing for the
14 storage, accumulation, collection, removal, and disposal of garbage, ashes,
15 rubbish, refuse, and other waste materials; ~~the regulation of the removal and~~
16 ~~disposal of those materials; licensing for revenue and regulation or prohibition~~
17 ~~of the collection, removal, and disposal of those materials; the collection and~~
18 ~~removal of those materials by the town either by contract or by a town officer~~
19 ~~or department now existing or created for that purpose; and the establishment~~
20 ~~of service rates to be paid to the town for those services, including contracting~~

1 with third parties for any or all of those services and establishing service rates
2 for those services.

3 (4) ~~Establish~~ Establishing and ~~maintain~~ maintaining a police department
4 and adopt policies pertaining to that department.

5 (5) ~~Establish~~ Establishing and ~~maintain~~ maintaining a fire department
6 and adopt policies pertaining to that department.

7 (6) ~~Establish~~ Establishing and ~~maintain~~ maintaining an ambulance
8 service and adopt policies pertaining to that service.

9 (7) ~~Establish~~ Establishing and ~~maintain~~ maintaining a water department
10 financed by an enterprise fund and adopt policies pertaining to that department.

11 (8) ~~Establish~~ Establishing and ~~maintain~~ maintaining a wastewater
12 department financed by an enterprise fund and adopt policies pertaining to that
13 department.

14 (9) ~~Establish~~ Establishing and ~~maintain~~ maintaining a highway
15 department and adopt policies pertaining to that department.

16 (10) ~~Regulate~~ Regulating the moving of buildings in the streets or public
17 highways of the town.

18 (11) ~~Regulate~~ Regulating the holding of public meetings in the streets,
19 highways, or on public property of the town.

20 (12) ~~Regulate~~ Regulating riots, noises, disturbances, and disorderly
21 assembly and adopt pertinent policies.

1 (13) ~~Establish~~ Establishing and ~~maintain~~ maintaining control of
2 domestic animals within the town and adopt pertinent policies.

3 (14) ~~Establish~~ Establishing and ~~maintain~~ maintaining a financial
4 services department.

5 (15) ~~Establish~~ Establishing and ~~maintain~~ maintaining a planning and
6 development department.

7 (16) ~~Establish~~ Establishing and ~~maintain~~ maintaining a park and
8 recreation department.

9 (17) ~~Establish~~ Establishing and ~~maintain~~ maintaining any other proper
10 and lawful town departments or services as deemed necessary, including the
11 establishment of enterprise funds.

12 § 201. TOWN MEETING

13 (a) Town ~~operational~~ and school district meeting. All governmental
14 authority for the town of ~~Hartford~~ and the ~~Hartford~~ school district not vested
15 by law in a particular town or town school district officer ultimately rests with
16 town voters ~~within the boundaries of the town~~ who ~~exercise their duty and~~
17 ~~power~~ vote at town meeting ~~and or by Australian ballot election~~. In this
18 tradition, the Hartford annual town meeting will combine and consider town
19 ~~operational~~ and school district matters, and the warnings, meetings, and
20 elections ~~into a single entity~~ shall be combined.

1 (b) ~~Standing town/school district meeting committee. Responsibility for~~
2 ~~organization, (including School and town meeting committee. To augment the~~
3 ~~statutory responsibilities for the annual town and school district meetings that~~
4 ~~are specified to the town and the school district and their respective officers,~~
5 ~~there shall be a school and town meeting committee which shall organize,~~
6 ~~arrange, and provide for the comfort, presentation, publicity, program,~~
7 ~~refreshments, entertainment); entertainment, and other nonstatutory aspects of~~
8 ~~the budget discussion/candidates night meeting (hereafter referred to as~~
9 ~~pretown meeting) and the combined town/school district meeting, other than as~~
10 ~~stated in this chapter and state statute, shall rest with a committee of five~~
11 ~~registered voters of the town. Appointing authority by: Town Clerk one for~~
12 ~~two years; Selectboard one for two years, one for three years; School District~~
13 ~~one for two years, one for three years. The appointing authority may work with~~
14 ~~the committee but may not self appoint (hereafter referred to as the floor~~
15 ~~meeting). The town clerk shall appoint one member for a two-year term. The~~
16 ~~selectboard shall appoint one member for a two-year term and one member for~~
17 ~~a three-year term. The school board shall appoint one member for a two-year~~
18 ~~term and one member for a three-year term. No school board member,~~
19 ~~selectboard member, or town clerk may serve on the school and town meeting~~
20 ~~committee. Each appointing body or person shall have the power to remove~~
21 ~~any incumbent member of the school and town meeting committee appointed~~

1 by that body or person and shall have the power to appoint a replacement
2 member to serve the unexpired term of any person who is removed or who
3 resigns.

4 (c) The method for identification and designation of eligible voters in the
5 town and school district shall be established by the board of civil authority.

6 (d) Polling places. Locations of annual or special town or school district
7 meetings for the purpose of election of officers and voting all questions to be
8 decided by Australian ballot shall be established by the board of civil authority.

9 (e) Meetings, dates, times, votes, ballots:

10 (1) ~~Budget discussion/candidates night meeting. On~~ Pretown meeting.
11 At 7:00 p.m. on the last final Monday night in February at 7:00 p.m. that meets
12 the statutory warning requirement for the town meeting day Australian ballot
13 vote at a place determined by the ~~town and school district~~ school and town
14 meeting committee, a town and school district budget discussion and
15 candidates night meeting shall be called for the purpose of:

16 (A) presentation, explanation of, and citizen comment upon town and
17 school district budgets;

18 (B) introduction of candidates, ~~presentation~~ presentations by
19 candidates, and opportunity for citizen questioning of candidates;

20 (C) any other appropriate informational matters or discussion of
21 articles to be voted on by Australian ballot.

1 (2) Australian ballot/election day. Australian ballot/election day shall be
2 on Vermont town meeting day, the first Tuesday after the 1st Monday in
3 March, at which time any business, budgets, and candidate election involving
4 Australian ballots will be transacted beginning at 7 a.m. until closing at 7 p.m.
5 The town ~~operational~~ budget as warned by the selectboard and the school
6 district budget as warned by the school ~~district~~ board shall be submitted to the
7 electorate at this town election. A majority vote shall be ~~the~~ a simple majority
8 of votes cast in this election. Under this subdivision:

9 (A) The time and place of a recount or a new vote (~~other on any~~
10 question other than town and school district budgets) ~~budgets~~ shall be
11 determined by the board of civil authority preceded by warning notice and
12 public hearing. A tie vote ~~for~~ on town ~~and~~ or school district budgets
13 (~~interpreted as a "no" vote by Robert's Rules of Order, Newly Revised~~) shall
14 be ~~determined pursuant to~~ deemed to be a negative vote and reconsideration of
15 any defeated budget shall proceed as provided in subdivision (3) of this
16 subsection.

17 (B) Absentee ballots shall be available ~~30 days~~ prior to the election as
18 provided by Vermont and federal election laws and may be mailed or
19 otherwise delivered to a voter, ~~hand-carried by voter, or the~~ upon a voter's
20 request, and when completed by the voter, mailed or otherwise delivered to the
21 town clerk. The voter also may vote by absentee ballot by completing the

1 ballot in the town clerk's office. ~~A team of~~ If an absentee ballot is
2 hand-delivered to a voter requiring assistance, then delivery and assistance
3 shall be provided by no fewer than two board of civil authority members from
4 different political parties ~~may take a ballot to a voter in the voter's home or~~
5 ~~health care facility if he or she needs assistance voting. Ballots shall be acting~~
6 together. Any absentee ballots returned to the town clerk by the close of polls
7 on election day ~~and shall be counted along~~ with all other ballots.

8 (3) ~~Annual town/school district~~ Floor meeting. The annual town and
9 school district floor meeting shall be called for the ~~first Monday night four full~~
10 ~~weeks after~~ fourth Saturday following the Australian ballot/election day held
11 under subdivision (2) of this subsection. If the town or school district budget
12 fails in the Australian ballot, deciding votes at the ~~annual town and school~~
13 ~~district~~ floor meeting shall be ~~according to Robert's Rules of Order, Newly~~
14 ~~Revised and state statute~~ provide a further opportunity for consideration of any
15 rejected budget and a final vote by the town voters. In addition to budget
16 votes, the ~~town and school district~~ floor meeting shall may consider:

- 17 (A) the state of the town and of the school district;
- 18 (B) long-range planning, capital improvement projections;
- 19 (C) other business not determined at Australian ballot election.

20 (f) Special town and school district ~~meeting~~ meetings. A special town or
21 school district meeting may be called at any time by a majority of the

1 applicable board; or by the ~~decree of the~~ town clerk upon receipt of a petition
2 signed by no ~~less~~ fewer than 350 registered voters. A special town or school
3 district meeting, ~~called within 30 days of receipt of the filed petition,~~ shall be
4 ~~held within 30 days from the date of the official call to meeting~~ called and
5 ~~warned 10 days prior to the meeting~~ in accordance with state statute.

6 (g) Warnings. Warnings for town or school district meetings shall be
7 posted on the town or school district websites, printed in area newspapers, and
8 posted in at least 12 public places in the town ~~at least 40 or not less than 30~~
9 ~~days before town meeting~~ under a schedule that is in accordance with state
10 statute. The warning shall be signed and recorded by the town clerk before it
11 is posted. Budgets and other applicable reports shall be available not later than
12 10 days prior to the budget informational meeting as established under
13 subdivision (e)(1) of this section.

14 (h) Presiding officials:

15 (1) A moderator shall preside at ~~town and school district budget~~
16 ~~discussion and candidates night meetings, annual town and school district~~
17 ~~meeting~~ pretown meeting, the floor meeting, and any special town or school
18 district meetings. In the moderator's absence, the town clerk shall ~~call the~~
19 ~~meeting to order and the first order of business shall be the election of~~ appoint
20 a moderator pro tempore to preside for the duration of the meeting.

1 (2) Town and school district meetings shall be conducted in accordance
2 with state statute, this chapter, and Robert's Rules of Order, Newly Revised.

3 (3) The town clerk shall be the presiding official at all Australian ballot
4 elections and, in cooperation with the board of civil authority, shall ensure that
5 all laws related to elections are faithfully observed.

6 (4) In the absence or a disability of the town clerk, should it occur
7 before an election, the board of civil authority shall designate ~~an acting clerk a~~
8 presiding official for the duration of the election. Should the absence or
9 disability occur on election day, the board of civil authority shall designate an
10 on-site temporary officer to preside for the duration of the election.

11 § 202. ELECTED OFFICERS

12 (a) Local elected offices to be filled by the town voters ~~of the town~~ shall be
13 only those articulated by this chapter.

14 (b) Terms for elected officers shall begin officially when the town clerk
15 certifies election returns as final and the elected candidates take their oath of
16 allegiance and oath of office as prescribed by state statute.

17 (c) All officers elected prior to the effective date of this chapter shall
18 remain in office until the end of their terms. Those persons in office as of the
19 effective date of this chapter whose terms would otherwise expire prior to the
20 next annual meeting shall remain in office until that meeting.

1 (d) Qualifications for serving in elected office:

2 (1) shall be a resident of the town;

3 (2) shall be a registered voter in the town;

4 (3) shall hold no other elected town ~~or~~ school district, or statutorily
5 incompatible office, with the exception of town moderator who may be both
6 the town ~~operational~~ and school district moderator;

7 (4) shall not be a town or school district employee.

8 (e) The elected officers of the town shall be:

9 (1) seven selectboard members, elected as set forth in section 203 of this
10 chapter;

11 (2) one moderator, elected for a one-year term;

12 (3) ~~one~~ a town clerk, elected for a three-year term;

13 (4) three listers, one elected each year for three years;

14 (5) ~~five town library trustees, one elected each year for five years~~ a town
15 treasurer, elected for a three-year term;

16 (6) three trustees of public funds, one elected each year for three years;

17 ~~(6)(7) all others as set forth~~ other town officers provided in this chapter
18 or state statute.

19 (f) The elected officers of the school district shall be:

20 (1) one moderator, elected for a one-year term;

21 (2) five school board members, elected in accordance with state statute.

1 (g) The elected board of civil authority shall consist of 15 justices of the
2 peace, elected every two years in accordance with ~~state statute at November~~
3 ~~elections~~ the general law. The town clerk shall be the clerk of the board of
4 civil authority. The duties performed by the board of civil authority shall be in
5 accordance with state statute.

6 (h) Compensation for elected officers of the town and school district shall
7 be determined by vote at the annual town and school district meeting as a
8 separate item in the annual town and school district budgets.

9 § 203. DUTIES OF ELECTED OFFICERS

10 (a) Selectboard.

11 (1) Terms of office:

12 (A) There shall be a selectboard consisting of seven members.

13 (B) Terms of office shall be as follows:

14 (i) Four members ~~shall serve~~ for three years;

15 (ii) Three members ~~shall serve~~ for two years.

16 * * *

17 (2) Organization.

18 * * *

19 (E) The presence of four or more members shall constitute a quorum
20 for the purposes of holding a meeting. The affirmative vote of a simple

1 majority of the members present and voting at a meeting at which a quorum is
2 present shall be necessary to adopt any matter before the selectboard.

3 * * *

4 (3) Appointments.

5 * * *

6 (E) The selectboard may appoint or dissolve any authorities, boards,
7 commissions, or committees; under their purview as authorized by this chapter
8 or state statute, excluding the ~~standing town/school district~~ school and town
9 meeting committee established in subdivision 201(b) of this chapter and any
10 authorities, boards, commissions, or committees created by the general
11 assembly.

12 (4) Powers and duties.

13 (A) General. The selectboard shall constitute the legislative body of
14 the town for all purposes required by statute except as otherwise provided in
15 this chapter, and shall have all powers and authority given to, and perform all
16 duties required of, town legislative bodies or selectboards under the laws of the
17 state of Vermont.

18 (B) Powers. The selectboard may:

19 * * *

1 the selectboard for the proper and efficient administration of departments
2 under the manager's charge as outlined in this chapter.

3 * * *

4 (b) Acting town manager.

5 (1) In the event the town manager shall be absent from town for a period
6 of up to two consecutive weeks, he or she may designate an acting manager
7 with selectboard approval, who shall exercise the duties of the manager. The
8 town manager may overrule the actions of the acting manager.

9 (2) In the event the manager is unable to discharge his or her duties or in
10 the event the manager is suspended or placed on administrative leave, the
11 selectboard shall appoint an acting manager to serve until the manager is able
12 to assume regular duties or a new manager is appointed. The acting manager
13 appointed to fill a declared vacancy in the office shall have all powers and
14 perform all duties of the manager. An acting manager shall be reviewed within
15 180 days.

16 (3) In no case shall a serving selectboard member act as the acting town
17 manager.

18 * * *

19 § 401. MISCELLANEOUS

20 (a) Conflict of interest. The selectboard and the school board and school
21 superintendent shall each maintain comprehensive conflict of interest policies

