

1 H.184

2 Introduced by Representatives Jerman of Essex, Beyor of Highgate, Cross of
3 Winooski, Devereux of Mount Holly, Donaghy of Poultney,
4 Donovan of Burlington, Fagan of Rutland City, Feltus of
5 Lyndon, Hebert of Vernon, McCormack of Burlington, Stevens
6 of Waterbury, Stuart of Brattleboro, Till of Jericho, and
7 Wizowaty of Burlington

8 Referred to Committee on

9 Date:

10 Subject: Municipal government; charters; legislative approval; municipal
11 authority

12 Statement of purpose of bill as introduced: This bill proposes to allow
13 municipalities to adopt new charters, amend their charters, and repeal their
14 charters without the approval of the General Assembly, unless the Attorney
15 General, six Senators, or 30 Representatives of the House petition for
16 legislative approval.

17 An act relating to municipal authority to adopt, amend, and repeal charters
18 without legislative approval

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

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

2 § 2645. CHARTERS, AMENDMENT, PROCEDURE

3 (a) In the exercise of its subsisting patronage and control of municipal
4 corporations under Chapter II, §§ 6 and 69 of the Constitution of the State of
5 Vermont, the General Assembly hereby establishes a procedure whereby cities,
6 towns, and villages may exercise such powers and perform such functions
7 relating to their respective governance and affairs which are not expressly
8 prohibited by the Vermont Constitution, the general law of the State, or
9 common law.

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

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

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

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

5 (4) If the charter proposals ~~to amend the charter~~ are made by the
6 legislative body, the legislative body may revise the amendments as a result of
7 suggestions and recommendations made at a public hearing, but in no event
8 shall such revisions be made less than 20 days before the date of the meeting.
9 If revisions are made, the legislative body shall post a notice of these revisions
10 in the same places as the warning for the meeting not less than 20 days before
11 the date of the meeting and shall attach such revisions to the official copy kept
12 on file for public inspection in the office of the clerk of the municipality.

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

1 (6) Notice of the public hearings and of the annual or special meeting
2 shall be given in the same way and time as for annual meetings of the
3 municipality. Such notice shall specify the sections to be adopted, amended, or
4 repealed, setting out sections ~~to be amended~~ in the ~~amended~~ proposed form,
5 with deleted matter in brackets and new matter underlined or in italics. If the
6 legislative body of the municipality determines that the ~~proposed~~ charter
7 ~~amendments proposals~~ are too long or unwieldy to set out in ~~amended~~ the
8 proposed form, the notice shall include a concise summary of the ~~proposed~~
9 charter ~~amendments proposals~~ and shall state that an official copy of the
10 ~~proposed~~ charter ~~amendments proposals~~ is on file for public inspection in the
11 office of the clerk of the municipality and that copies thereof shall be made
12 available to members of the public upon request.

13 (7) Voting on charter ~~amendments proposals~~ shall be by Australian
14 ballot. The ballot shall show each section to be adopted, amended, or repealed
15 in the ~~amended~~ proposed form, with deleted matter in brackets and new matter
16 underlined or in italics and shall permit the voter to vote on each proposal of
17 adoption, amendment, or repeal separately. If the legislative body determines
18 that the ~~proposed~~ charter ~~amendments proposals~~ are too long or unwieldy to be
19 shown in the ~~amended~~ proposed form, an official copy of the ~~proposed~~ charter
20 ~~amendments proposals~~ shall be maintained conspicuously in each ballot booth
21 for inspection by the voters during the balloting, and voters shall be permitted

1 to vote upon the charter ~~amendments~~ proposals in their entirety in the form of a
2 yes or no proposition.

3 ~~(b)~~(c) The clerk of the municipality, under the direction of the legislative
4 body, shall announce and post the results of the vote immediately after the vote
5 is counted. The clerk, within 10 days after the day of the election, shall certify
6 to the ~~secretary of state~~ Secretary of State each charter proposal of amendment
7 showing the facts as to its origin and the procedure followed.

8 ~~(e)~~(d) The ~~secretary of state~~ Secretary of State shall file the certificate and
9 deliver copies of it to the ~~attorney general and clerk of the house of~~
10 ~~representatives, the secretary of the senate, and the chairman~~ Attorney General,
11 the Clerk of the House of Representatives, the Secretary of the Senate, and the
12 chairs of the committees concerned with municipal charters of both houses of
13 the ~~general assembly~~ General Assembly. The copies shall be delivered
14 immediately if the General Assembly is then in biennial session and, if not in
15 session, within 10 days of its organization at the biennial session.

16 (e) The Secretary of the Senate and the Clerk of the House shall each
17 publish a notice of each charter proposal that has been submitted to them in the
18 calendars of their respective chambers within five days of their receipt. The
19 notices shall be published in the calendars for 15 successive legislative days.

20 ~~(d)~~(f) The new charter or amendment or repeal of a charter of a
21 municipality shall become effective upon affirmative enactment of the

1 ~~proposal, either as proposed or as amended by the general assembly. A~~
2 ~~proposal for a charter amendment may be enacted by reference to the~~
3 ~~amendment as approved by the voters of the municipality at the expiration of~~
4 ~~30 days after the first day that the notice required under subsection (e) of this~~
5 ~~section is published in the calendars, provided no petition is filed under~~
6 ~~subsection (g) of this section.~~

7 (g) The Attorney General or not fewer than six Senators or not fewer than
8 30 Members of the House of Representatives may file a petition for legislative
9 approval of the adoption of, an amendment to, or the repeal of a charter of a
10 municipality. A petition submitted by the Attorney General must include a
11 statement indicating that the Attorney General believes that the charter
12 proposal violates the Vermont Constitution. A petition submitted by the
13 appropriate number of Senators or Representatives must include a statement
14 indicating that the signers believe that the charter proposal has significant
15 statewide ramifications. The petition shall be filed with the clerk of the
16 municipality and with the Clerk of the House of Representatives or the
17 Secretary of the Senate within 30 days after the first day that the notice
18 required under subsection (e) of this section is published in the calendars.

19 (h) If a petition is submitted pursuant to subsection (g) of this section, the
20 charter proposal shall take effect only upon its approval by enactment into law
21 by the General Assembly.

1 (i) If the General Assembly adjourns fewer than 30 days after the first day
2 that the notice required under subsection (e) of this section is published in the
3 calendars, the charter proposal shall become effective 30 days after the date of
4 convening the next regular or adjourned session, unless a petition is submitted
5 pursuant to subsection (g) of this section within 30 days of convening. The
6 General Assembly may specifically approve a charter proposal at any time
7 after its receipt and regardless of when it is received. Any proposal
8 specifically approved shall become effective on the date of approval.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2013.