

1

H.525

2

Introduced by Representative Scheuermann of Stowe

3

Referred to Committee on

4

Date:

5

Subject: Municipal government; municipal charters; Town of Stowe;

6

amendment

7

Statement of purpose of bill as introduced: This bill proposes to approve

8

amendments to the charter of the Town of Stowe.

9
10

An act relating to approval of amendments to the charter of the Town of
Stowe

11

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

12

Sec. 1. CHARTER AMENDMENT APPROVAL

13

The General Assembly approves the amendments to the charter of the Town

14

of Stowe as set forth in this act. Proposals of amendment were approved by

15

the voters on March 5, 2013.

16

Sec. 2. 24 App. V.S.A. chapter 153 is amended to read:

17

CHAPTER 153. TOWN OF STOWE

18

Subchapter 1. General Law; Application

1 § 101. GENERAL LAW;² APPLICATION

2 Except as modified by the provisions of this charter,⁷ or by any lawful
3 regulation or ordinance of the Town of Stowe, all provisions of the statutes of
4 this ~~state~~ State applicable to towns shall apply to the Town of Stowe.

5 Subchapter 2. General Powers of the Town

6 § 201. CORPORATE EXISTENCE RETAINED

7 The inhabitants of the Town of Stowe within the corporate limits now
8 established shall continue to be a municipal corporation by the name of the
9 Town of Stowe. The ~~town's~~ Town's entire governmental jurisdiction includes
10 the entire area which was previously that of the Village of Stowe.

11 § 202. POWERS OF THE TOWN

12 (a) The ~~town~~ Town shall have all of the powers granted to towns and
13 municipal corporations by the ~~constitution~~ Constitution and laws of this ~~state~~
14 State. It may enact ordinances, bylaws,² and regulations not inconsistent with
15 the Constitution of Vermont or with this charter, and impose penalties for the
16 violation thereof.

17 (b) The ~~town~~ Town may acquire real property within or without its
18 corporate limits for any town purpose, in fee simple or lesser interest or estate,
19 by purchase, gift, devise,² or lease, and may sell, lease, mortgage, hold, manage,²
20 and control such real property as its interests may require. The ~~town~~ Town
21 may further acquire property within its corporate limits by condemnation

1 where such authority is granted to towns by the statutes of the State of
2 Vermont. ~~The vote of the town shall be required for purchase or sale of any~~
3 ~~real property, except that purchase, lease or sale of real property or any right or~~
4 ~~interest therein may be approved by the Selectboard from authorized~~
5 ~~conservation funds for conservation purposes consistent with 10 V.S.A.~~
6 ~~chapter 155 after following the ordinance procedures set forth in section 204 of~~
7 ~~this charter. A petition for rescission under this subsection must be filed~~
8 ~~within ten (10) days of final passage.~~

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

12 § 203. PARTICULAR POWERS

13 In addition to powers otherwise conferred upon it by law, the ~~town~~ Town is,
14 for the purpose of promoting the public health, safety, welfare, and
15 convenience, authorized:

16 (1) ~~To~~ to adopt and enforce ordinances relating to the making and
17 installation of local improvements including curbs, sidewalks, and storm drains
18 in a manner specified by the ~~town~~ Town as a condition precedent to the
19 issuance of a building permit;

1 (2) ~~¶~~ to adopt and enforce police ordinances regulating the parking,
2 operation, and speed of motor vehicles upon town and state aid streets and
3 highways;

4 (3) ~~¶~~ to adopt and enforce ordinances relating to regulations, licensing,
5 or prohibition of the storage and accumulation of garbage, ashes, rubbish,
6 refuse, and waste materials; regulation of the removal and disposal of such
7 materials; licensing for revenue and regulation or prohibition of the collection,
8 removal, and disposal of such material; collection and removal of such
9 materials by the ~~town~~ Town either by contract or by a town officer or
10 department now existing or created for that purpose; and establishment of
11 service rates to be paid the ~~town~~ Town for such services;

12 (4) ~~¶~~ to establish and maintain a police department and to adopt
13 ordinances pertaining thereto;

14 (5) ~~¶~~ to establish and maintain a fire department and to adopt
15 ordinances pertaining thereto;

16 (6) ~~¶~~ to establish and maintain a water department and to adopt
17 ordinances pertaining thereto;

18 (7) ~~¶~~ to establish and maintain an electric power system and to regulate
19 power line installations, provided, however, that the ~~town~~ Town shall have no
20 authority under this charter which conflicts with that authority granted to the

1 ~~public service board~~ Public Service Board or any other state governmental
2 agency. It shall have power to adopt ordinances pertaining thereto;

3 (8) ~~To~~ to establish and maintain a sewer department and to adopt
4 ordinances pertaining thereto;

5 (9) ~~To~~ to compel the demolition, completion, and/or repair of any
6 premises in such condition as to be substantially injurious or dangerous to
7 persons or to other property in the vicinity and to adopt ordinances pertaining
8 thereto;

9 (10) ~~To~~ to establish and maintain an ambulance service and to adopt
10 ordinances pertaining thereto;

11 (11) ~~To~~ to establish and maintain a highway department and to adopt
12 ordinances pertaining thereto;

13 (12) ~~To~~ to regulate or prohibit the moving of buildings in the streets or
14 public highways of the town;

15 (13) ~~To~~ to regulate the holding of public meetings in the streets,
16 highways, or on public property of the ~~town~~. Town;

17 (14) ~~To~~ to prevent riots, noises, disturbances, and disorderly assembly;

18 (15) ~~To~~ to establish and enforce an ordinance to control dogs; and

19 (16) ~~To~~ to adopt and enforce ordinances establishing building codes.

1 § 204. ORDINANCES

2 (a) Method of adoption and enforcement.

3 (1) Ordinance-making authority granted to the ~~town~~ Town by this
4 charter and general law shall be exercised pursuant to the provisions of
5 subsections (b) through (e) of this section.

6 (2) The Selectboard may provide penalties for the breach of any
7 ordinance authorized by general law or this charter; may prosecute any person
8 violating the same through the town grand jurors or police officers who for
9 such purposes shall be informing officers; and may maintain actions to restrain
10 actual or threatened violations of the same; ~~the~~. The establishment of any fine
11 or penalty shall be by ordinance.

12 (b) Introduction; first and second readings; public hearings.

13 (1) Every ordinance shall be introduced in writing. ~~The enacting clause~~
14 ~~of all ordinances shall be “The Selectboard of the Town of Stowe hereby~~
15 ~~ordains”~~. If the Selectboard ~~passes~~ adopts the proposed ordinance ~~upon first~~
16 ~~reading they, the Selectboard~~ shall cause ~~it~~ the ordinance or a concise summary
17 of it meeting the requirements of 24 V.S.A. § 1972(a) to be published in a
18 newspaper of general circulation in the ~~town~~ Town in the form ~~passed~~ adopted,
19 at least once, together with a notice of the time and place when and where
20 there will be a public hearing to consider the same for final passage. The first

1 such publication shall be at least one week prior to the date of ~~said~~ the public
2 hearing.

3 (2) At the time and place so advertised, or at any time and place to
4 which such hearing may from time to time be adjourned, such ordinance shall
5 be read in full, and after such reading, all persons interested shall be given an
6 opportunity to be heard.

7 (3) After such hearing, the Selectboard may finally ~~pass~~ adopt such
8 ordinance with or without amendment, except that, if the Selectboard makes an
9 amendment, ~~they~~ it shall cause the amended ordinance or a concise summary
10 of it meeting the requirements of 24 V.S.A. § 1972(a) to be published at least
11 once together with a notice of the time and place of a public hearing at which
12 such amended ordinance will be further considered, which publication shall be
13 at least three (3) days prior to the public hearing. At the time so advertised or
14 at any time and place to which such meeting may be adjourned, the amended
15 ordinance shall be read in full, and after such hearing, the Selectboard may
16 finally ~~pass~~ adopt such amended ordinance, or again amend it subject to the
17 same procedure as outlined herein.

18 (c) Effective Date. Every ordinance shall become effective upon passage
19 unless otherwise specified.

20 (d) Rescission. All ordinances shall be subject to rescission by a special
21 town meeting, as follows: If, after final passage by the Selectboard of any

1 such ordinance, a petition signed by voters of the ~~town~~ Town not less in
2 number than five (5) percent of the legal voters of the ~~town~~ Town is filed with
3 the ~~town clerk~~ Town Clerk requesting its reference to a special town meeting,
4 the Selectboard shall fix the time and place of such meeting, which shall be
5 within sixty (60) days after the filing of the petition, and notice thereof shall be
6 given in the manner provided by law in the calling of a special town meeting.

7 An ordinance so referred shall remain in effect upon the conclusion of such
8 meeting unless a majority of those present vote against the ordinance at the
9 special meeting.

10 (e) Petition for enactment.

11 (1) Subject to the provisions of subsection (d) of this section, voters of
12 the ~~town~~ Town may at any time petition in the same manner as in subsection
13 (d) for the enactment of any proposed lawful ordinance by filing such petition,
14 including the text of such ordinance, with the ~~town clerk~~ Town Clerk. The
15 Selectboard shall call a special town meeting to be held within sixty (60) days
16 of the date of such filing, unless prior to such meeting such ordinance shall be
17 enacted by the Selectboard. The ordinance shall take effect immediately after
18 the conclusion of such meeting provided that voters constituting a majority of
19 those voting thereon, shall have voted in the affirmative.

20 (2) The proposed ordinance shall be examined by the ~~town attorney~~
21 Town Attorney before being submitted to the special town meeting. The ~~town~~

1 ~~attorney~~ Town Attorney is authorized, subject to the approval of the
2 Selectboard, to correct such ordinances so as to avoid repetitions, illegalities,
3 and unconstitutional provisions and to ensure accuracy in its text and
4 references and clearness and precision in its phraseology, but he or she shall
5 not materially change its meaning and effect.

6 (f) Filing. The ~~town clerk~~ Town Clerk shall prepare and keep in the ~~town~~
7 ~~clerk's~~ Town Clerk's office a book of ordinances which shall contain each
8 ordinance finally passed by the Selectboard, together with a complete index of
9 the ordinances according to subject matter.

10 (g) Existing ordinances. All existing ordinances shall remain in effect.

11 § 205. RESERVATION OF POWERS TO THE TOWN

12 Nothing in this subchapter shall be so construed as in any way to limit the
13 powers and functions conferred upon the Town of Stowe and the Selectboard
14 of the ~~town~~ Town by general or special enactments in force or effect or
15 hereafter enacted by the General Assembly; and the powers and functions
16 conferred by this charter shall be cumulative and in addition to the provisions
17 of such general or special enactments.

18 Subchapter 3. Town Meeting

19 § 301. APPLICATION OF GENERAL LAW

20 Provisions of the laws of the State of Vermont relating to the qualifications
21 of voters, the manner of voting, the duties of election officers, and all other

1 particulars respective to preparation for, conducting, and management of
2 elections, so far as they may be applicable, shall govern all town elections, and
3 all general and special meetings, except as otherwise noted in this subchapter.

4 The ~~moderator~~ Moderator shall conduct all town meetings according to
5 Robert's Rules of Order. The ~~town clerk~~ Town Clerk shall keep a record of
6 the proceedings of all town meetings.

7 * * *

8 Subchapter 4. Officers

9 § 401. OFFICERS GENERALLY; ELECTED OFFICERS; RECALL

10 (a) The elected officers of the Town of Stowe shall be: Selectboard
11 members, ~~town clerk, moderator~~ Moderator, ~~treasurer~~, and ~~listers~~ Listers.

12 These officers shall have all the powers and authority necessary to carry out
13 their duties and responsibilities under this charter and the laws of the State of
14 Vermont.

15 (b) Elected town officers may be removed from office as follows:

16 (1) A petition signed by not less than 30 percent of the registered voters
17 of the ~~town~~ Town shall be filed with the Selectboard requesting a vote on
18 whether one or more elected officer shall be removed from office before the
19 expiration of the officer's term. The date of signing by each voter shall be
20 indicated in the petition, and the date shall not be earlier than 30 days prior to
21 the filing of the petition.

1 * * *

2 (3) The named elected town officer shall be removed only if at least as
3 many registered voters of the ~~town~~ Town vote as voted in the election at which
4 the officer was elected, or at least one-third of the registered voters of the ~~town~~
5 Town vote, whichever is greater, and a majority of the number of votes is cast
6 for removal.

7 * * *

8 § 403. ORGANIZATION OF SELECTBOARD

9 (a) Forthwith after their election and qualification, the Selectboard shall
10 organize and elect a chair, vice-chair, and clerk by a majority vote of the entire
11 Selectboard, and shall file a certificate of such election for record in the office
12 of the ~~town clerk~~ Town Clerk. The ~~clerk~~ Clerk shall not be a member of the
13 Selectboard.

14 (b) The ~~chair~~ Chair of the Selectboard or, in his or her absence, the
15 ~~vice-chair~~ Vice-Chair, shall preside at all meetings of the Selectboard and shall
16 be recognized as head of the town government for all ceremonial purposes.

17 (c) In the event of death, resignation, change of residence to a location
18 outside the ~~town~~ Town, or incapacity of any Selectboard member, the
19 remaining members of the Selectboard may appoint a person eligible to fill that
20 position until the next annual or special town meeting. Incapacity shall include
21 the failure by any member of the Selectboard to attend at least seventy (70)

1 percent of the meetings of the Selectboard in any calendar year. In the event
2 the Selectboard is unable to agree upon an interim replacement until the next
3 annual town meeting, a special election shall be held forthwith to fill the
4 position. In the event of a second vacancy, an election shall be held forthwith
5 to fill both positions.

6 § 404. MEETINGS OF THE SELECTBOARD

7 (a) As soon as possible after the election of the ~~chair~~ Chair and ~~vice-chair~~
8 Vice-Chair, the Selectboard shall fix the time and place of its regular meetings.
9 Such meetings shall be held at least once a month.

10 * * *

11 § 405. RECORD OF PROCEEDINGS OF THE SELECTBOARD

12 (a) An official record of the proceedings of the Selectboard shall be kept by
13 its ~~clerk~~ Clerk, which shall be kept in the office of the ~~town-clerk~~ Town Clerk
14 and shall be open for public inspection within five (5) days of the meeting.

15 (b) The minutes of each meeting shall be approved by the Selectboard at its
16 next meeting and the official copy authenticated by signature of the ~~clerk~~ Clerk
17 of the Selectboard.

18 § 406. APPOINTMENTS BY THE SELECTBOARD

19 (a) Before making appointments, the Selectboard shall make public a list of
20 all vacancies.

1 (b) The Selectboard shall appoint the following:

2 (1) Members of the ~~zoning board of adjustment~~ Zoning Board of
3 Adjustment or ~~development review board~~ Development Review Board;

4 (2) Members of the ~~planning commission~~ Planning Commission;

5 (3) Town manager; and

6 (4) Constable or constables.

7 (c) The Selectboard may appoint such additional commissions, committees,
8 and officers they feel to be in the best interest of the ~~town~~ Town.

9 (d) The Selectboard may appoint in the event their services become
10 necessary: Grand jurors, real estate appraiser, fence viewers, and all other
11 appointive or elective officers authorized by statute.

12 (e) The terms of all appointed officers shall be not more than three (3)
13 years except as otherwise specified in this charter and shall commence on the
14 first day of the second month following the annual town meeting.

15 § 407. COMPENSATION OF OFFICERS; APPOINTEES

16 * * *

17 (b) The Selectboard shall fix the compensation of all appointees and the
18 ~~town manager~~ Town Manager, except as otherwise provided in this charter.

1 (c) Except as hereinafter provided, all fees prescribed by state law, charter,
2 ordinance, or otherwise shall be collected for the benefit of the ~~town~~ Town and
3 paid to the ~~town treasurer~~ Town Treasurer. No fees shall be used directly by
4 any receiving officer or inure directly to the benefit of the officer. ~~Insofar as~~
5 ~~this subsection applies to the town clerk and town treasurer, it shall not be of~~
6 ~~force and effect until the person(s) serving as such as of the effective date of~~
7 ~~this charter shall retire, resign or otherwise cease to serve as town clerk and/or~~
8 ~~treasurer.~~

9 § 408. POWERS AND DUTIES OF THE SELECTBOARD

10 (a) The members of the Selectboard shall constitute the legislative body of
11 the Town of Stowe for all purposes required by statute except as otherwise
12 herein specifically provided in this charter, and shall have all powers and
13 authority given to and shall perform all duties required of town legislative
14 bodies or ~~Selectboards~~ selectboards under the laws of the State of Vermont and
15 this charter.

16 (b) Within the limitations of the foregoing, the Selectboard shall have the
17 power to:

18 (1) ~~Authorize~~ authorize the expenditure of all town money, except when
19 this power is expressly conferred upon another body by this charter;

20 (2) ~~Appoint~~ appoint and remove the ~~town manager~~ Town Manager or
21 ~~interim town manager~~ Interim Town Manager and supervise, create, change,

1 and abolish offices, commissions, or departments other than the offices,
2 commissions, or departments established by this charter and by law;

3 (3) ~~Appoint~~ appoint the members of all boards, commissions,
4 committees, or similar bodies unless specifically provided otherwise by this
5 charter and by law; and

6 (4) ~~Inquire~~ inquire into the conduct of any officer, commission, or
7 department and investigate any and all municipal affairs.

8 § 409. INTERFERENCE WITH ADMINISTRATION

9 Neither the Selectboard nor its members shall give orders to or seek to
10 direct the actions of any employee who is subject to the direction and
11 supervision of the ~~town manager~~ Town Manager.

12 Subchapter 5. Board of Listers and Real Estate Appraiser;

13 Board of Library Trustees

14 § 501. BOARD OF LISTERS

15 The ~~board of listers~~ Board of Listers shall consist of three (3) listers, one
16 elected each year for a term of three (3) years. The ~~board~~ Board shall have the
17 same powers and duties prescribed for listers under the laws of the State of
18 Vermont.

1 § 502. APPRAISAL OF PROPERTY

2 The ~~board of listers~~ Board of Listers shall appraise or cause to be appraised
3 by the real estate appraiser appointed by the Selectboard all real property for
4 the purpose of establishing the grand list.

5 § 503. BOARD OF LIBRARY TRUSTEES

6 (a) The ~~board of library trustees~~ Board of Library Trustees shall consist of
7 seven members appointed by the Selectboard to staggered three-year terms.
8 The ~~library trustees~~ Library Trustees shall be responsible for setting general
9 policies concerning library operations, including programs and collections,
10 consistent with the provisions of this charter. The ~~library director~~ Library
11 Director shall be responsible for ensuring that library policy adopted by the
12 ~~library trustees~~ Library Trustees is effectively implemented.

13 (b) Library personnel are town employees subject to the personnel policies
14 and labor agreements duly adopted by the Selectboard. The ~~town manager~~
15 Town Manager shall have the authority to hire, appoint, fix the salary of,
16 discipline, suspend, and remove the ~~library director~~ Library Director and all
17 employees pursuant to the provisions of this charter and personnel rules
18 adopted pursuant to this charter.

19 (c) On the hiring of the ~~library director~~ Library Director, the ~~town manager~~
20 Town Manager shall seek the advice of the ~~library trustees~~ Library Trustees.
21 The ~~library trustees~~ Library Trustees shall have at least two trustees on the

1 ~~search committee~~ Search Committee to review resumes and interview
2 candidates. The ~~town manager~~ Town Manager shall give seven days' notice to
3 the ~~library trustees~~ Library Trustees of his or her intent to hire the ~~library~~
4 ~~director~~ Library Director prior to extending a job offer.

5 (d) Trust funds and other donations to benefit the ~~library~~ Library shall be
6 under the exclusive control and direction of the ~~library trustees~~ Library
7 Trustees subject to the terms of the document creating the trust or evidencing
8 the gift. The ~~town treasurer~~ Town Treasurer shall maintain separate accounts
9 for these funds and shall write checks from those accounts as directed by the
10 ~~library trustees~~ Library Trustees. Town appropriations and all other
11 taxpayer-sourced library funds shall be subject to and handled in accord with
12 financial policies and controls duly adopted by the Selectboard.

13 (e) Except as otherwise provided in this section, to the extent of any
14 conflict between the provisions of this charter and the provisions of Vermont
15 statutes pertaining to municipal libraries, the provisions of this charter shall
16 control.

17 * * *

18 Subchapter 7. Town ~~Administrator~~ Manager

19 § 701. TOWN MANAGER; APPOINTMENT; QUALIFICATIONS; TERM

20 The Selectboard shall appoint a ~~town manager~~ Town Manager for an
21 indefinite term. The ~~town manager~~ Town Manager shall be chosen on the

1 basis of executive, administrative, and professional qualifications and not on
2 the basis of political affiliation. The ~~town manager~~ Town Manager shall not:

3 (1) be a candidate for or simultaneously hold any elective office within
4 the ~~town~~ Town;

5 (2) be employed by the ~~town~~ Town in any capacity except as ~~town~~
6 ~~manager~~ Town Manager; or

7 (3) organize any political party or serve as a member of a political party
8 committee.

9 § 702. OATH; BOND

10 Before entering upon his or her official duties, the ~~town manager~~ Town
11 Manager shall be sworn to the faithful performance of those duties by the ~~town~~
12 ~~clerk~~ Town Clerk and shall give a bond to the ~~town~~ Town in an amount and
13 with sureties as the Selectboard may require.

14 § 703. POWERS AND DUTIES

15 (a) The ~~town manager~~ Town Manager shall be the chief executive officer
16 and the head of the administrative branch of the town government, and shall be
17 responsible to the Selectboard for the efficient administration of the municipal
18 affairs of the ~~town~~ Town.

19 (b) The ~~town manager~~ Town Manager shall attend all meetings of the
20 Selectboard, except when the ~~town manager's~~ Town Manager's removal or
21 discipline is being considered; shall keep the Selectboard informed of the

1 financial condition and future needs of the ~~town~~, Town; and shall make reports
2 as may be required by law, this charter, or ordinance, or which may be
3 requested by the Selectboard. The ~~town manager~~ Town Manager shall make
4 other reports and recommendations as he or she may deem advisable. The
5 ~~town manager~~ Town Manager shall perform other duties as may be prescribed
6 by this charter, or required of the ~~town manager~~ Town Manager by law,
7 ordinance, or resolution of the Selectboard not inconsistent with this charter.

8 (c) The ~~town manager~~ Town Manager shall be an ex-officio member of all
9 standing committees of the ~~town~~ Town but shall not have or cast a vote.

10 (d) The ~~town manager~~ Town Manager shall prepare and submit a
11 recommended annual budget to the Selectboard and be responsible for the
12 administration of the budget after adoption.

13 (e) The ~~town manager~~ Town Manager shall be the general purchasing agent
14 of the ~~town~~ Town and purchase all supplies for every department of the ~~town~~
15 Town, except the Electric Department.

16 (f) The ~~town manager~~ Town Manager shall perform any other duties
17 assigned by state law not in conflict with this charter.

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

1 (h) The ~~town manager~~ Town Manager shall have authority to hire, appoint,
2 fix the salary of, discipline, suspend, and remove the ~~zoning administrator~~
3 Zoning Administrator, Town Clerk, Town Treasurer, Assistant Town Clerk(s),
4 Assistant Treasurer(s), and all other employees of the ~~town~~ Town not hired or
5 appointed by the Selectboard, subject to the provisions of this charter or
6 personnel rules adopted pursuant to this charter. The ~~town manager~~ Town
7 Manager may authorize any department head subject to the ~~town manager's~~
8 Town Manager's direction and supervision to exercise these powers with
9 respect to that department head's subordinates. Prior to hiring a department
10 head, the ~~town manager~~ Town Manager shall notify the Selectboard of the
11 intent to hire a department head, and the Selectboard may take action within
12 seven days of receipt of that notice that overrides the ~~town manager's~~ Town
13 Manager's authority to hire that department head. Thereafter, the ~~town~~
14 ~~manager~~ Town Manager shall select and submit notification to the Selectboard
15 of an alternate choice for that department head.

16 (i) The ~~town manager~~ Town Manager may, when advisable or proper,
17 delegate to subordinate officers and employees of the ~~town,~~ Town any duties
18 conferred upon the ~~town manager~~ Town Manager by this charter or by action
19 of the Selectboard.

20 (j) The ~~town manager~~ Town Manager shall be responsible for the
21 enforcement of all town ordinances.

1 (k) Where final authority for policy formulation and adoption rests with the
2 Selectboard, the ~~town manager~~ Town Manager shall play an integral role in
3 developing and analyzing policies and alternatives for the Selectboard's
4 consideration and be responsible for implementation of policies approved by
5 the Selectboard.

6 § 704. COMPENSATION

7 The ~~town manager~~ Town Manager shall receive compensation as may be
8 determined by the Selectboard, subject to the provisions of this charter.

9 § 705. REMOVAL OF TOWN MANAGER

10 The ~~selectboard~~ Selectboard may remove the ~~town manager~~ Town Manager
11 by a vote of a least three of its members to be effective not less than 60 days
12 after the vote. The ~~town manager~~ Town Manager may be suspended during
13 the period from initial action to remove the ~~town manager~~ Town Manager by
14 the Selectboard to the end of the removal date, but the ~~town manager~~ Town
15 Manager shall continue to be paid throughout the suspension.

16 Subchapter 8. Budget

17 § 801. FISCAL YEAR

18 The fiscal year of the ~~town~~ Town shall begin on the first day of July and
19 end on the last day of June of each calendar year. The fiscal year shall
20 constitute the budget and accounting year as used in this charter.

1 § 802. GENERAL FUND BUDGET PREPARATION AND SUBMISSION

2 (a) The ~~town manager~~ Town Manager, at least 50 days before the annual
3 town meeting, or at such previous time as may be directed by the Selectboard,
4 shall submit to the Selectboard a financial report containing:

5 (1) ~~An~~ an estimate of the financial condition of the ~~town~~ Town as of the
6 end of the fiscal year;

7 (2) ~~An~~ an itemized statement of appropriations recommended for current
8 expenses, during the next fiscal year, with actual appropriations and
9 expenditures for the immediate preceding fiscal year;

10 (3) ~~An~~ an itemized statement of estimated revenues from all sources
11 other than taxation, for the next fiscal year, and comparative figures of tax and
12 other sources of revenue for the current and immediate preceding fiscal years;

13 (4) ~~A~~ a capital budget and program showing anticipated capital
14 expenditures, financing, and tax requirements; and

15 (5) ~~Such~~ such other information as may be required by the Selectboard.

16 * * *

17 § 805. AMOUNT TO BE RAISED BY TAXATION

18 The ~~town~~ Town shall annually consider an article to raise by taxes on the
19 grand list an amount equal to those expenditures to be paid by taxes which
20 amount was appropriated by the voters at town meeting and which
21 expenditures are not met by funds from other sources.

1 Subchapter 9. Taxes

2 § 901. TAXES ON REAL PROPERTY

3 Taxes on real property shall be due in four equal installments on dates
4 established annually by the Selectboard, provided the first payment in each
5 fiscal year is not earlier than 30 days after the date tax bills for that fiscal year
6 are mailed to taxpayers. Any taxes not paid when due shall be deemed
7 delinquent and payable to the ~~collector of delinquent taxes~~ Collector of
8 Delinquent Taxes.

9 * * *

10 § 903. BOARD OF ABATEMENT

11 The ~~board of civil authority~~ Board of Civil Authority (the Selectboard
12 members, ~~town clerk~~ and ~~justices of the peace~~ Justices of the Peace) with the
13 ~~town treasurer and listers~~ Listers shall constitute a ~~board of abatement~~ Board of
14 Abatement as provided by law.

15 Subchapter 10. Personnel

16 § 1001. APPOINTMENT AND REMOVAL

17 (a) Subject to the provisions of this charter, all employees other than
18 elected officials and appointees of the Selectboard shall be appointed,
19 suspended, or removed by the ~~town manager~~ Town Manager without
20 interference by the Selectboard. The ~~town~~ Town and its employees shall
21 comply with Vermont's Fair Employment Practices Act and shall not

1 discriminate in their employment practices on account of political opinions or
2 affiliations. Appointments, layoffs, promotions, and discipline, including
3 suspensions, demotions, and removals, shall be determined on the basis of
4 training, experience, fitness, and performance of the individual and be
5 undertaken to ensure that the responsible administrative officer will secure
6 efficient and competent service.

7 (b) Employees of the ~~town~~ Town whose terms and conditions of
8 employment are not governed by the provisions of a collectively bargained
9 labor agreement shall be hired, disciplined, suspended, demoted, removed, or
10 laid off in accordance with the personnel rules and policies adopted by the
11 Selectboard.

12 (c) The ~~town manager~~ Town Manager may remove a department head from
13 his or her position, provided notification that the ~~town manager~~ Town Manager
14 intends to remove a department head is given in advance to the ~~selectboard~~
15 Selectboard.

16 § 1002. PERSONNEL RULES AND REGULATIONS

17 (a) The ~~town manager~~ Town Manager or his or her designee shall be the
18 personnel director. He or she may prepare personnel rules and regulations
19 protecting the interests of the ~~town~~ Town and of the employees. These rules
20 and regulations must be approved by the Selectboard and shall include the
21 procedure for amending them and for placing them into practice.

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§ 1003. PROHIBITIONS

No person in the service of the ~~town~~ Town shall either directly or indirectly give, render, pay, or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion, or proposed promotion.

* * *

Subchapter 11. Stowe Electric Utility Commission

§ 1101. ELECTRIC UTILITY COMMISSION

* * *

(g) The ~~general manager~~ General Manager shall attend all meetings of the Electric Commission, except when the ~~general manager's~~ General Manager's removal or discipline is being considered, and shall keep the Electric Commission informed of the financial condition and future needs of the Electric Department, and shall make reports as required by law or ordinance or which may be requested by the Electric Commission. The ~~general manager~~ General Manager shall make other reports and recommendations as the ~~general manager~~ General Manager may deem advisable. The ~~general manager~~ General Manager shall perform other duties as may be prescribed by this charter, or required of the ~~manager~~ Manager by law, ordinance, or resolution of the Electric Commission not inconsistent with this charter.

1 (h) Prior to hiring a ~~general manager~~ General Manager, the ~~commissioners~~
2 Commissioners shall notify the Selectboard of the intent to hire, and the
3 Selectboard may take action within seven days of receipt of that notice
4 overriding the ~~commissioners'~~ Commissioners' authority to hire the identified
5 individual as the ~~general manager~~ General Manager. Thereafter, the
6 ~~commissioners~~ Commissioners shall select and submit notification to the
7 Selectboard of an alternate choice for ~~general manager~~ General Manager until
8 the Selectboard is in agreement.

9 (i) The ~~commissioners~~ Commissioners shall have the authority to enter into
10 labor agreements and to adopt personnel policies affecting the working
11 conditions and terms of employment for Electric Department employees
12 without the approval of the Selectboard. The ~~general manager~~ General
13 Manager of the Electric Department shall, subject to terms of labor agreements
14 and personnel policies adopted by the ~~electric commissioners~~ Electric
15 Commissioners, have the authority to hire, appoint, fix the salary of, discipline,
16 suspend, and remove all employees of the Electric Department. The ~~general~~
17 ~~manager~~ General Manager of the Electric Department shall receive all funds
18 due the Electric Department, shall issue bills for services rendered, have
19 responsibility to maintain books of account. The ~~electric commissioners~~
20 Electric Commissioners shall approve the expenditure of money as it pertains
21 to the Electric Department. The ~~general manager~~ General Manager and other

1 designated persons with authority specifically approved by the ~~commissioners~~
2 Commissioners shall execute and issue on behalf of the Stowe Electric
3 Department drafts, checks and/or other negotiable orders for the payment of
4 bills and charges of the Electric Department. All such accounting functions of
5 the Electric Department shall be subject to an annual independent audit by a
6 certified public accountant chosen by the ~~electric commissioners~~ Electric
7 Commissioners.

8 * * *

9 (m) An official record of the proceedings of the ~~commission~~ Commission
10 shall be kept by its ~~clerk~~ Clerk, shall be kept in the office of the ~~town clerk~~
11 Town Clerk, and shall be open for public inspection within five days of the
12 meeting. The minutes of each meeting shall be approved by the ~~commission~~
13 Commission at its next meeting and the official copy authenticated by
14 signature of the ~~clerk~~ Clerk of the Selectboard.

15 Subchapter 12. Stowe Water Utility Commission

16 § 1201. WATER UTILITY COMMISSION

17 * * *

18 (d) The Selectboard of the Town of Stowe shall be the ~~water~~
19 ~~commissioners~~ Water Commissioners and shall have the power to adopt and
20 enforce rules, regulations, or ordinances concerning the control and operation

1 of such water system in accordance with the powers enumerated in the general
2 laws of the ~~state~~ State with respect to water works and water supply.

3 * * *

4 Subchapter 13. Amendment of Charter

5 § 1301. LAWS GOVERNING

6 No section or provision of this charter may be repealed or amended unless
7 the act making such repeal or amendment refers specifically to this charter and
8 to the sections or provisions so repealed or amended. Any amendment to this
9 charter must be submitted to the voters for their approval and, upon such
10 approval, submitted to the ~~legislature~~ General Assembly as provided by
11 statutes. Amendments may be placed on the ballot by the Selectboard, a duly
12 authorized ~~charter review commission~~ Charter Review Commission appointed
13 by the Selectboard, or upon petition filed with the ~~town clerk~~ Town Clerk by
14 five (5) percent of the legal voters of the ~~town~~ Town. The petition must clearly
15 state the amendment and must be filed at least seventy-five (75) days before
16 any annual town meeting. In the event the petition is filed more than ninety
17 (90) days prior to the next annual town meeting, the Selectboard shall be
18 required to hold a special town meeting for the purpose of considering the
19 proposed amendment.

