H.525

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

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of Stowe as set forth in this act. Proposals of amendment were approved by the voters on March 5, 2013.

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

CHAPTER 153. TOWN OF STOWE

Subchapter 1. General Law~~,~~; Application

§ 101. GENERAL LAW~~,~~; APPLICATION

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

Subchapter 2. General Powers of the Town

§ 201. CORPORATE EXISTENCE RETAINED

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

§ 202. POWERS OF THE TOWN

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

(b) The ~~town~~ Town may acquire real property within or without its corporate limits for any town purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, or lease, and may sell, lease, mortgage, hold, manage, and control such real property as its interests may require. The ~~town~~ Town may further acquire property within its corporate limits by condemnation where such authority is granted to towns by the statutes of the State of Vermont. ~~The vote of the town shall be required for purchase or sale of any real property, except that purchase, lease or sale of real property or any right or interest therein may be approved by the Selectboard from authorized conservation funds for conservation purposes consistent with 10 V.S.A. chapter 155 after following the ordinance procedures set forth in section 204 of this charter. A petition for rescission under this subsection must be filed within ten (10) days of final passage.~~

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

§ 203. PARTICULAR POWERS

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

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

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

(3) ~~To~~ to adopt and enforce ordinances relating to regulations, licensing, or prohibition of the storage and accumulation of garbage, ashes, rubbish, refuse, and waste materials; regulation of the removal and disposal of such materials; licensing for revenue and regulation or prohibition of the collection, removal, and disposal of such material; collection and removal of such materials by the ~~town~~ Town either by contract or by a town officer or

department now existing or created for that purpose; and establishment of service rates to be paid the ~~town~~ Town for such services~~.~~;

(4) ~~To~~ to establish and maintain a police department and to adopt ordinances pertaining thereto~~.~~;

(5) ~~To~~ to establish and maintain a fire department and to adopt ordinances pertaining thereto~~.~~;

(6) ~~To~~ to establish and maintain a water department and to adopt ordinances pertaining thereto~~.~~;

(7) ~~To~~ to establish and maintain an electric power system and to regulate power line installations, provided, however, that the ~~town~~ Town shall have no authority under this charter which conflicts with that authority granted to the ~~public service board~~ Public Service Board or any other state governmental agency. It shall have power to adopt ordinances pertaining thereto~~.~~;

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

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

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

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

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

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

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

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

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

§ 204. ORDINANCES

(a) Method of adoption and enforcement.

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

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

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

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

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

(3) After such hearing, the Selectboard may finally ~~pass~~ adopt such ordinance with or without amendment, except that, if the Selectboard makes an amendment, ~~they~~ it shall cause the amended ordinance or a concise summary of it meeting the requirements of 24 V.S.A. § 1972(a) to be published at least once together with a notice of the time and place of a public hearing at which such amended ordinance will be further considered, which publication shall be at least three (3) days prior to the public hearing. At the time so advertised or

at any time and place to which such meeting may be adjourned, the amended ordinance shall be read in full, and after such hearing, the Selectboard may finally ~~pass~~ adopt such amended ordinance, or again amend it subject to the same procedure as outlined herein.

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

(d) Rescission. All ordinances shall be subject to rescission by a special town meeting, as follows: If, after final passage by the Selectboard of any such ordinance, a petition signed by voters of the ~~town~~ Town not less in number than five (5) percent of the legal voters of the ~~town~~ Town is filed with the ~~town clerk~~ Town Clerk requesting its reference to a special town meeting, the Selectboard shall fix the time and place of such meeting~~,~~ which shall be within sixty (60) days after the filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special town meeting. An ordinance so referred shall remain in effect upon the conclusion of such meeting unless a majority of those present vote against the ordinance at the special meeting.

(e) Petition for enactment.

(1) Subject to the provisions of subsection (d) of this section, voters of the ~~town~~ Town may at any time petition in the same manner as in subsection (d) for the enactment of any proposed lawful ordinance by filing such petition,

including the text of such ordinance, with the ~~town clerk~~ Town Clerk. The Selectboard shall call a special town meeting to be held within sixty (60) days of the date of such filing, unless prior to such meeting such ordinance shall be enacted by the Selectboard. The ordinance shall take effect immediately after the conclusion of such meeting provided that voters constituting a majority of those voting thereon, shall have voted in the affirmative.

(2) The proposed ordinance shall be examined by the ~~town attorney~~ Town Attorney before being submitted to the special town meeting. The ~~town attorney~~ Town Attorney is authorized, subject to the approval of the Selectboard, to correct such ordinances so as to avoid repetitions, illegalities, and unconstitutional provisions and to ensure accuracy in its text and references and clearness and precision in its phraseology, but he or she shall not materially change its meaning and effect.

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

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

§ 205. RESERVATION OF POWERS TO THE TOWN

Nothing in this subchapter shall be so construed as in any way to limit the powers and functions conferred upon the Town of Stowe and the Selectboard

of the ~~town~~ Town by general or special enactments in force or effect or hereafter enacted by the General Assembly; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.

Subchapter 3. Town Meeting

§ 301. APPLICATION OF GENERAL LAW

Provisions of the laws of the State of Vermont relating to the qualifications of voters, the manner of voting, the duties of election officers, and all other particulars respective to preparation for, conducting, and management of elections, so far as they may be applicable, shall govern all town elections~~,~~ and all general and special meetings, except as otherwise noted in this subchapter. The ~~moderator~~ Moderator shall conduct all town meetings according to Robert's Rules of Order. The ~~town clerk~~ Town Clerk shall keep a record of the proceedings of all town meetings.

* * *

Subchapter 4. Officers

§ 401. OFFICERS GENERALLY; ELECTED OFFICERS; RECALL

(a) The elected officers of the Town of Stowe shall be: Selectboard members, ~~town clerk, moderator~~ Moderator, ~~treasurer,~~ and ~~listers~~ Listers. These officers shall have all the powers and authority necessary to carry out

their duties and responsibilities under this charter and the laws of the State of Vermont.

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

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

* * *

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

* * *

§ 403. ORGANIZATION OF SELECTBOARD

(a) Forthwith after their election and qualification, the Selectboard shall organize and elect a chair, vice-chair, and clerk by a majority vote of the entire Selectboard, and shall file a certificate of such election for record in the office

of the ~~town clerk~~ Town Clerk. The ~~clerk~~ Clerk shall not be a member of the Selectboard.

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

(c) In the event of death, resignation, change of residence to a location outside the ~~town~~ Town, or incapacity of any Selectboard member, the remaining members of the Selectboard may appoint a person eligible to fill that position until the next annual or special town meeting. Incapacity shall include the failure by any member of the Selectboard to attend at least seventy (70) percent of the meetings of the Selectboard in any calendar year. In the event the Selectboard is unable to agree upon an interim replacement until the next annual town meeting, a special election shall be held forthwith to fill the position. In the event of a second vacancy, an election shall be held forthwith to fill both positions.

§ 404. MEETINGS OF THE SELECTBOARD

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

* * *

§ 405. RECORD OF PROCEEDINGS OF THE SELECTBOARD

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

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

§ 406. APPOINTMENTS BY THE SELECTBOARD

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

(b) The Selectboard shall appoint the following:

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

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

(3) Town manager; and

(4) Constable or constables.

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

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

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

§ 407. COMPENSATION OF OFFICERS; APPOINTEES

* * *

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

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

§ 408. POWERS AND DUTIES OF THE SELECTBOARD

(a) The members of the Selectboard shall constitute the legislative body of the Town of Stowe for all purposes required by statute except as otherwise herein specifically provided in this charter, and shall have all powers and authority given to and shall perform all duties required of town legislative

bodies or ~~Selectboards~~ selectboards under the laws of the State of Vermont and this charter.

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

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

(2) ~~Appoint~~ appoint and remove the ~~town manager~~ Town Manager or ~~interim town manager~~ Interim Town Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter and by law~~.~~;

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

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

§ 409. INTERFERENCE WITH ADMINISTRTION

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

Subchapter 5. Board of Listers and Real Estate Appraiser;

Board of Library Trustees

§ 501. BOARD OF LISTERS

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

§ 502. APPRAISAL OF PROPERTY

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

§ 503. BOARD OF LIBRARY TRUSTEES

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

(b) Library personnel are town employees subject to the personnel policies and labor agreements duly adopted by the Selectboard. The ~~town manager~~

Town Manager shall have the authority to hire, appoint, fix the salary of, discipline, suspend, and remove the ~~library director~~ Library Director and all employees pursuant to the provisions of this charter and personnel rules adopted pursuant to this charter.

(c) On the hiring of the ~~library director~~ Library Director, the ~~town manager~~ Town Manager shall seek the advice of the ~~library trustees~~ Library Trustees. The ~~library trustees~~ Library Trustees shall have at least two trustees on the ~~search committee~~ Search Committee to review resumes and interview candidates. The ~~town manager~~ Town Manager shall give seven days' notice to the ~~library trustees~~ Library Trustees of his or her intent to hire the ~~library director~~ Library Director prior to extending a job offer.

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

(e) Except as otherwise provided in this section, to the extent of any conflict between the provisions of this charter and the provisions of Vermont

statutes pertaining to municipal libraries, the provisions of this charter shall control.

* * *

Subchapter 7. Town ~~Administrator~~ Manager

§ 701. TOWN MANAGER; APPOINTMENT; QUALIFICATIONS; TERM

The Selectboard shall appoint a ~~town manager~~ Town Manager for an indefinite term. The ~~town manager~~ Town Manager shall be chosen on the basis of executive, administrative, and professional qualifications and not on the basis of political affiliation. The ~~town manager~~ Town Manager shall not:

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

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

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

§ 702. OATH; BOND

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

§ 703. POWERS AND DUTIES

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

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

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

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

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

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

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

(h) The ~~town manager~~ Town Manager shall have authority to hire, appoint, fix the salary of, discipline, suspend, and remove the ~~zoning administrator~~ Zoning Administrator, Town Clerk, Town Treasurer, Assistant Town Clerk(s), Assistant Treasurer(s), and all other employees of the ~~town~~ Town not hired or appointed by the Selectboard, subject to the provisions of this charter or personnel rules adopted pursuant to this charter. The ~~town manager~~ Town Manager may authorize any department head subject to the ~~town manager's~~ Town Manager's direction and supervision to exercise these powers with respect to that department head's subordinates. Prior to hiring a department head, the ~~town manager~~ Town Manager shall notify the Selectboard of the intent to hire a department head, and the Selectboard may take action within seven days of receipt of that notice that overrides the ~~town manager's~~ Town Manager's authority to hire that department head. Thereafter, the ~~town~~

~~manager~~ Town Manager shall select and submit notification to the Selectboard of an alternate choice for that department head.

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

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

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

§ 704. COMPENSATION

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

§ 705. REMOVAL OF TOWN MANAGER

The ~~selectboard~~ Selectboard may remove the ~~town manager~~ Town Manager by a vote of a least three of its members to be effective not less than 60 days after the vote. The ~~town manager~~ Town Manager may be suspended during the period from initial action to remove the ~~town manager~~ Town Manager by

the Selectboard to the end of the removal date, but the ~~town manager~~ Town Manager shall continue to be paid throughout the suspension.

Subchapter 8. Budget

§ 801. FISCAL YEAR

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

§ 802. GENERAL FUND BUDGET PREPARATION AND SUBMISSION

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

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

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

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

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

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

* * *

§ 805. AMOUNT TO BE RAISED BY TAXATION

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

Subchapter 9. Taxes

§ 901. TAXES ON REAL PROPERTY

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

* * *

§ 903. BOARD OF ABATEMENT

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

Subchapter 10. Personnel

§ 1001. APPOINTMENT AND REMOVAL

(a) Subject to the provisions of this charter, all employees other than elected officials and appointees of the Selectboard shall be appointed, suspended, or removed by the ~~town manager~~ Town Manager without interference by the Selectboard. The ~~town~~ Town and its employees shall comply with Vermont's Fair Employment Practices Act and shall not discriminate in their employment practices on account of political opinions or affiliations. Appointments, layoffs, promotions, and discipline, including suspensions, demotions, and removals, shall be determined on the basis of training, experience, fitness, and performance of the individual and be undertaken to ensure that the responsible administrative officer will secure efficient and competent service.

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

(c) The ~~town manager~~ Town Manager may remove a department head from his or her position, provided notification that the ~~town manager~~ Town Manager

intends to remove a department head is given in advance to the ~~selectboard~~ Selectboard.

§ 1002. PERSONNEL RULES AND REGULATIONS

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

* * *

§ 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.

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

(i) The ~~commissioners~~ Commissioners shall have the authority to enter into labor agreements and to adopt personnel policies affecting the working conditions and terms of employment for Electric Department employees without the approval of the Selectboard. The ~~general manager~~ General Manager of the Electric Department shall, subject to terms of labor agreements

and personnel policies adopted by the ~~electric commissioners~~ Electric Commissioners, have the authority to hire, appoint, fix the salary of, discipline, suspend, and remove all employees of the Electric Department. The ~~general manager~~ General Manager of the Electric Department shall receive all funds due the Electric Department, shall issue bills for services rendered, have responsibility to maintain books of account. The ~~electric commisioners~~ Electric Commissioners shall approve the expenditure of money as it pertains to the Electric Department. The ~~general manager~~ General Manager and other designated persons with authority specifically approved by the ~~commissioners~~ Commissioners shall execute and issue on behalf of the Stowe Electric Department drafts, checks and/or other negotiable orders for the payment of bills and charges of the Electric Department. All such accounting functions of the Electric Department shall be subject to an annual independent audit by a certified public accountant chosen by the ~~electric commissioners~~ Electric Commissioners.

* * *

(m) An official record of the proceedings of the ~~commission~~ Commission shall be kept by its ~~clerk~~ Clerk, shall be kept in the office of the ~~town clerk~~ Town Clerk, and shall be open for public inspection within five days of the meeting. The minutes of each meeting shall be approved by the ~~commission~~

Commission at its next meeting and the official copy authenticated by signature of the ~~clerk~~ Clerk of the Selectboard.

Subchapter 12. Stowe Water Utility Commission

§ 1201. WATER UTILITY COMMISSION

* * *

(d) The Selectboard of the Town of Stowe shall be the ~~water commissioners~~ Water Commissioners and shall have the power to adopt and enforce rules, regulations, or ordinances concerning the control and operation of such water system in accordance with the powers enumerated in the general laws of the ~~state~~ State with respect to water works and water supply.

* * *

Subchapter 13. Amendment of Charter

§ 1301. LAWS GOVERNING

No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed or amended. Any amendment to this charter must be submitted to the voters for their approval and, upon such approval, submitted to the ~~legislature~~ General Assembly as provided by statutes. Amendments may be placed on the ballot by the Selectboard, a duly authorized ~~charter review commission~~ Charter Review Commission appointed by the Selectboard, or upon petition filed with the ~~town clerk~~ Town Clerk by

five (5) percent of the legal voters of the ~~town~~ Town. The petition must clearly state the amendment and must be filed at least seventy-five (75) days before any annual town meeting. In the event the petition is filed more than ninety (90) days prior to the next annual town meeting, the Selectboard shall be required to hold a special town meeting for the purpose of considering the proposed amendment.

Subchapter 14. Effective Date

§ 1401. EFFECTIVE DATE

This charter shall become effective upon approval in accordance with ~~24 V.S.A. § 703~~ 17 V.S.A. § 2645. Any amendment to this charter shall become effective in accordance with the laws of Vermont then in effect.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.