H.535

An act relating to the approval of the adoption and to the codification of the charter of the Town of Woodford

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

Sec. 1. CHARTER ADOPTION APPROVAL

The General Assembly approves the adoption of and codifies the charter of the Town of Woodford as set forth in this act. Proposals of charter adoption were approved by the voters on March 5, 2013.

Sec. 2. 24 App. V.S.A. chapter 162 is added to read:

CHAPTER 162. TOWN OF WOODFORD

§ 1. STATEMENT OF PURPOSE

Under the authority granted by the General Assembly of the State of Vermont, this charter establishes certain guidelines with respect to organization and functioning of local town government in the Town of Woodford, Vermont. The voters of the Town of Woodford adopt a charter for the following purposes:

(1) to clarify the structure and organization of town government;

(2) to define the duties and responsibilities of town officers, officials, and employees;

(3) to establish procedural requirements for the proper transaction of town business; and

(4) to provide for citizens of the Town of Woodford a unified and convenient reference with respect to the basic laws affecting government.

§ 2. AUTHORITY OF CITIZENS

All governmental authority of the Town of Woodford rests with the citizens of the Town of Woodford, who exercise their powers at town meeting, and to whom elected and appointed officers of the Town are ultimately responsible.

§ 3. GENERAL LAW; APPLICATION

Except as altered, enlarged, or modified by the provisions of this charter or by any current or future lawful ordinance or regulation of the Town of Woodford, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of Woodford and its officials.

§ 4. POWERS OF THE TOWN

(a) The Town of Woodford shall have all the powers granted to towns and municipal corporations by the Constitution and laws of the State and by this charter, together with all the implied powers necessary to carry into execution all the powers granted. The Town of Woodford may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter and may impose penalties for violation thereof.

(b) The Town may acquire real property within or without its corporate limits necessary or convenient for any lawful purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or otherwise, consistent

with the Constitution and laws of the State of Vermont, and may sell, lease, mortgage, hold, manage, and control such property as its interest may require consistent with the Constitution and laws of the State by vote of a majority of the voters present and voting at a duly warned meeting. Once the voters have approved the sale, lease, or mortgage of property of the Town of Woodford, the Selectboard shall have the full authority to sign all conveyances and legal documents in the name of the Town to complete the transaction.

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

§ 5. RESERVATION OF POWERS TO THE TOWN

Nothing in this charter shall be construed to limit in any way the powers and functions conferred on the Town of Woodford, the Selectboard of the Town, the Town Clerk, the Town Treasurer, or its elected and appointed officials by general or special enactments of state statutes or regulations in force or effect or hereafter enacted, and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments unless this charter otherwise provides.

§ 6. OPEN MEETINGS

Meetings of all town boards, commissions, and their committees shall be open and held in accordance with the general law of this State relating to

public meetings. The record of all official proceedings shall be available for public inspection and copying as provided by the general law of this State. It shall be the policy of the Town of Woodford to afford all citizens the opportunity to participate in the government of their town as fully and completely as may be possible. To this end all meetings of agencies, boards, citizen committees, and any other group acting under the authority of the Town of Woodford shall be conducted openly and in accordance with the policy of the laws of the State of Vermont relative to meetings of governmental bodies. No executive session shall be held except in accordance with the terms of the law

§ 7. OFFICERS GENERALLY

(a) The officers of the Town of Woodford shall be those provided by law for towns, except as otherwise provided by this charter. Such officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

(b) Elected and appointed officials as generally needed or requested shall be required to attend meetings in order to participate in the smooth governance of Woodford.

(c) All town officers shall be governed by general law, the Town Charter, personnel policy, job description, and established rules of procedures and ethics and handbooks published for Vermont municipal officials.

§ 8. ELECTED OFFICERS

(a) The following officers of the town and such other town officers as are provided by law and previous vote of the electorate as to number, length of term, and manner of election at an annual meeting shall be elected by Australian (secret) ballot, unless otherwise stated, and shall include the following:

(1) A moderator to be elected by paper ballot from the floor, for a term of one year.

(2) Three Selectboard members, who shall serve staggered three-year terms.

(3) Three listers, for terms of three years, staggered to ensure no more than one term ends in any particular year. The Board of Listers shall have the same powers and duties prescribed for listers under the laws of the State of Vermont and this charter. The listers or the assessors shall annually review or cause to be reviewed their assessment of all property in the Town which is subject to taxation. The property shall be assessed in accordance with the standards established by the laws of the State.

(4) A town clerk for a term of three years.

(5) A town treasurer for a term of three years.

(6) A delinquent tax collector for a term of three years.

(7) Four trustees of public funds, three of whom are Selectboard members and one who is the Town Treasurer. Each is to serve a three-year term.

(8) Three auditors shall be elected for staggered three-year terms, with one elected each year. They shall be responsible for the proper financial accountability of the Town by ensuring that an annual audit is done by an independent professional auditing firm hired by the Selectboard and may be assigned other financial-related duties by the Selectboard.

(b) Justices of the Peace are also part of the Board of Civil Authority. To become a Justice of the Peace, a person shall be elected at a general election or be appointed to fill the vacancy by the Governor of Vermont. These elected officials are actually county officers. The duties of the Justices fall into five categories of responsibilities: Elections; Tax Abatement and Appeals; Civil Marriages; Oaths and Notary; and Magistrate.

(c) The Board of Civil Authority has the duty of updating the voter checklist and hearing tax abatements and tax grievance appeals. The Board of Civil Authority consists of the Justices of the Peace, the Town of Woodford Selectboard, the Town Clerk, the Town Treasurer, and the Town Assessor(s) (for abatement only). Note Vermont State Statutes, 17 V.S.A. §§ 2103(5), 2122, and 2142–2150.

§ 9. DUTIES OF ELECTIVE OFFICERS

(a) The Board of Listers shall perform duties established by law.

(b) The Auditors shall perform duties as established in 24 V.S.A. §§ 1681–1691.

(c) The Town Moderator shall perform duties as prescribed by law and shall preside at all town meetings, but in the Moderator's absence, the Town Clerk shall call the meeting to order, and the first order of business shall be the election of a Moderator Pro Tempore to preside for the duration of the meeting. The Moderator shall conduct every meeting according to this charter or the laws of the State of Vermont. The Moderator shall preserve order in the conduct of the business of the meeting and in all things shall preserve the principles of fairness and openness in town government.

(d)(1) The Town Clerk shall perform the duties of Town Clerk as required by state statutes, this charter, a written personnel policy, and job a description. He or she shall also:

(A) receive fees for filing copies of records and other instruments and shall cause these to be paid to the general fund of the Town and recorded into a ledger;

(B) maintain a record of all action taken at special or annual town meetings;

(C) maintain all town records and an index to those records;

(D) maintain and file all reports required by law, this charter, or ordinances;

(E) prepare and keep in the Town Clerk's office a book of ordinances which shall contain each town ordinance together with a complete index of the ordinances according to subject manner; and

(F) serve as the presiding officer at all town elections by Australian (secret) ballot and shall cooperate with the Board of Civil Authority to assure that all the laws relating to elections are faithfully observed. While the polls are open, the Town Clerk may rule on all questions concerning the conduct of the election and shall not be disqualified from performing any duties by reason of his or her own candidacy for any office. In the Town Clerk's absence, the members of the Board of Civil Authority who are present may designate one of the members to perform the Town Clerk's duties under this section.

(2) Before entering upon the duties of the office, the Town Clerk shall give bond conditioned for the faithful performance of the Clerk's duties. The bond shall be of a sum and with such surety as prescribed and approved by the Selectboard, and the premium shall be paid by the Town.

(3) The Town Clerk shall be subject to this charter, a written comprehensive personnel policy, and a job description.

(e)(1) The Town Treasurer shall perform the duties required by state statutes, this charter, and Woodford's written comprehensive personnel policy and job description. He or she shall:

(A) receive taxes, assessments, charges, and levies and maintain a record of monies collected and uncollected;

(B) serve in the capacity of collector of current taxes;

(C) pay orders drawn on the Treasurer by officials authorized to draw orders;

(D) promptly deposit funds coming into the Treasurer's hands in such depositories as may be designated by the Selectboard;

(E) invest town funds coming into the Treasurer's hands in the manner designated by the Selectboard;

(F) keep such books and accounts as may be required by the Selectboard;

(G) provide detailed financial statements and reports as may be requested or required by the Selectboard; and

(H) perform any other such duties required by state statute, this charter, Woodford's ordinances, Woodford's written comprehensive personnel policy and job description, and as the Selectboard may require.

(2) Before entering upon the duties of the office, the Town Treasurer shall give bond conditioned for the faithful performance of the Treasurer's

duties. The bond shall be a sum and with surety as prescribed and approved by the Selectboard and the premium shall be paid by the Town.

(3) In addition to other defined duties, the Treasurer shall also be a member of the Trustees of Public Funds.

§ 10. RECALL OF ELECTED OFFICIALS

(a) Any elected official may be removed from office for just cause as follows: A petition signed by not less than 30 percent of the registered voters shall be filed with the Selectboard requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and such date shall not be earlier than 30 days prior to the filing of the petition. The Selectboard shall call a special town meeting, to be held within 45 days of receiving the petition, to vote on whether the elected official shall be removed. The official shall be removed if at least one-third of the registered voters of the Town vote and two-thirds of the number of votes is cast for removal.

(b) If the Town votes for removal of an elected officer, the office shall thereupon become vacant and the Selectboard shall call a special meeting, to be held within 45 days of the vote for removal, to fill the vacancy until the term of the officer so expires. The votes for removal and to fill the office removed shall be by Australian (secret) ballot.

§ 11. APPOINTED OFFICERS

(a) The Selectboard may appoint, recommend, or approve the appointment of any town officers, for a term of one year or longer from date of such appointment unless otherwise specified below, following such notice and warning as required by this charter, to include the following:

(1) Town Service Officer;

(2) Tree Warden;

(3) Emergency Management Director;

(4) Fire Warden;

(5) Health Officer;

(6) Members of the Town Planning Commission (PC);

(7) Members of the Zoning Board of Appeals (ZBA);

(8) Cemetery Commissioners for a term of three years;

(9) Road Commissioner;

(10) Regional Planning Commissioners;

(11) E-911 Coordinator;

(12) Animal Control Officer;

(13) Zoning Administrator for a term of three years; and

(14) such other town officers or municipal appointments as may be necessary as provided by law or otherwise authorized by this charter for the orderly and expeditious operations of town government.

(b) All appointed town officers shall serve at the pleasure of the Selectboard.

§ 12. RELATIONSHIP BETWEEN AND AMONG TOWN OFFICERS

All town officers whether elected or appointed shall exercise their duties and responsibilities independently according to general law, this charter, the Woodford personnel policy, and the job description for the officer's position that is currently in effect.

§ 13. TERMS OF OFFICE

Each officer so appointed shall serve from the date he or she is appointed and qualified until the end of his or her term. Each officer shall hold over until his or her successor is appointed and qualified. Each appointed officer may succeed himself or herself, if the Selectboard so approves, after fulfilling notice provisions. Service and term of office will cease immediately upon an officer being recalled or disqualified following action approved by this charter.

§ 14. GENERAL PROHIBITION

No elected or appointed town officer or employee of the town shall be beneficially interested in any matter requiring the discharge of his or her public office. The purpose of this section is to prohibit the use of public office for financial or other advantage, whether direct or indirect, by any means or methods whatsoever.

§ 15. SPECIFIC CONFLICTS

A town officer shall be disqualified from any proceeding in which his or her impartiality might reasonably be questioned, including instances where:

(1) the town officer, near relative, or business associate has a property or financial interest which might be substantially affected, favorably or adversely, by the decision of a board, commission, or committee of which the Town is a member;

(2) the town officer has demonstrated a personal bias or prejudice toward any party; or

(3) the town officer has previously expressed an opinion or taken inappropriate or questionable action as to the proper disposition of a specific case or controversy involving the exercise of his or her discretion while acting in a quasi-judicial capacity.

§ 16. SPECIFIC PROHIBITIONS

A town officer who is disqualified by virtue of a conflict of interest shall not vote upon, participate in the discussion of, or otherwise sit as a member of any board, commission, or committee upon the matter from which he or she is disqualified. He or she may, however, enter an appearance as a party and be heard in all respects as a member of the public may be heard in the same proceeding.

§ 17. ANNOUNCING A CONFLICT

If a town officer recognizes that he or she might have a conflict of interest or if another person raises an objection to the participation of any town officer, the town officer or the other person shall state the nature of the conflict as soon as possible and the town officer shall thereupon disqualify himself or herself from further participation if there is a conflict.

§ 18. DETERMINATION OF CONFLICT BY OTHER THAN THE TOWN OFFICER

If undeniable reason for an officer to disqualify himself or herself is brought to the attention of any board, commission, or committee by any party or person or by another board, commission, or committee member and the member does not disqualify himself or herself, the board, commission, or committee shall consider the factual basis for the question and shall decide the matter by majority vote, the challenged member abstaining, before any other business is conducted. A formal vote shall be taken on every question of conflict. Once the vote is taken, the board, commission, or committee shall return to the business before it, and no further time shall be devoted to the issue of that conflict. A full report of the issue and discussion shall be made in the minutes of the meetings.

§ 19. APPOINTMENT OF ALTERNATE OFFICERS

The Selectboard may appoint an alternate town officer to serve in place of a town officer during a stated period of disqualification or unavailability.

§ 20. NOTICE OF VACANCY DURING AN EXPIRED/UNEXPIRED TERM

(a) In order to inform citizens of the Town and to afford them the opportunity to participate or serve in town government, public notice shall be given of municipal vacancies resulting from an expired term, resignation, death, disability, or change of residence from the Town of a town officer on any board, commission, or committee or in other public office whether elected or appointed. Such notice shall:

(1) be made by posting the vacancy in the Town Clerk's office and two other public places in the town at least ten days prior to the meeting at which the appointing authority intends to fill the vacancy; and

(2) provide for the right of any interested citizen to submit a written application to the appointing authority regarding such vacancy and to be personally interviewed by the appointing authority, if requested by the applicant, prior to the filling of said vacancy as provided by law.

(b) As lawfully approved by Vermont state statute to do so, a nonresident may serve in office. For example, a nonresident may not lawfully serve as a Town Clerk or as a Selectboard or ZBA member.

§ 21. NEWSPAPER PUBLICATION

The Selectboard may publish notices of vacancies in a newspaper of general circulation in the Town.

§ 22. SEPARABILITY

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of this charter and its provisions to other persons or circumstances shall not be affected thereby.

§ 23. AMENDMENT

This charter may be amended as set forth by state law under 17 V.S.A. § 2654.

§ 24. ORDINANCES; ADOPTION BY SELECTBOARD

(a) If the Selectboard desires to adopt an ordinance, it shall cause the ordinance to be entered in the official record kept of the Board's proceedings, and, thereafter, the Board shall adopt the ordinance subject to final approval after the public hearing as hereafter set forth. The ordinance shall then be published in a newspaper of general circulation of the Town together with a notice of the time and place of a public hearing to consider the ordinance for final passage, such publication to be on a day at least one week and not more than two weeks prior to the date of the hearing.

(b) At the public hearing or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be read in full, unless the Selectboard elects to read the ordinance by title, and after such reading, all persons interested shall be given an opportunity to be heard.

(c) After the public hearing, the Selectboard may finally adopt the ordinance, with or without amendment. If the Board amends the ordinance prior to passage, it shall cause the amended ordinance to be entered into the official record of Board proceedings and shall also cause the amended sections of the ordinance, as finally passed, to be published in a newspaper of general circulation in the Town on a day not more than 14 days after adoption. Any published notice shall explain citizens' rights to petition for a vote on the ordinance at an annual or special meeting pursuant to Title 24 of the Vermont Statutes Annotated.

(d) Every ordinance shall become effective upon passage unless otherwise stated. If a referendum petition is filed within 40 days of adoption, the ordinance shall not become effective until after the question of repeal is voted.

(e) The Town Clerk shall prepare and keep in the Town Clerk's office a book of ordinances which shall contain each Town ordinance, together with a complete index of the ordinances according to subject matter. Failure to comply with this provision shall not invalidate a Town ordinance lawfully passed.

(f) A town ordinance may provide:

(1) that any professional fees or costs incurred by the Town in the enforcement of any ordinance shall be charged to the violator; those charges shall constitute a lien against real property or a levy against personal property and shall be enforced within the time and in the manner provided for the collection of taxes or personal property; and

(2) that the Selectboard may authorize the Town Attorney to bring action in the name of the Town of Woodford for any relief which the Selectboard may deem appropriate for the enforcement of any town ordinance.

§ 25. REFERENDUM

All town ordinances, except as specified, may be repealed by vote of the Town as follows: A petition signed by not less than five percent of the registered voters shall be filed with the Town Clerk requesting a vote on a question of repealing the ordinance. The Selectboard shall call a special town meeting to be held within 60 days of the date of filing the petition to vote on whether the ordinance shall be repealed. The ordinance shall be repealed only if 15 percent of the registered voters vote and a majority of that number vote for repeal.

§ 26. INITIATIVE

Any lawful ordinance may be enacted by vote of the Town as follows: A petition signed by not less than five percent of the registered voters shall be

filed with the Town Clerk requesting enactment of the ordinance and accompanied by the text thereof. The Selectboard shall call a special town meeting to be held within 60 days of the date the petition is filed unless, prior to such meeting, the Selectboard shall have enacted the ordinance. The warning for the meeting shall include the text of the proposed ordinance and shall provide for a "yes" or "no" vote to its enactment. The ordinance shall be adopted if at least 15 percent of the registered voters vote and a majority of that number vote for adoption.

§ 27. COMPENSATION OF SELECTBOARD MEMBERS; APPOINTEES

(a) Compensation to the Selectboard members shall be set by the voters at the annual meeting, with a minimum of $1,000.00 a year each. Selectboard members' salaries (stipends) must be set forth as a separate item in the annual budget presented at the meeting.

(b) The Selectboard shall fix the compensation of all officers and employees except as otherwise provided in this charter.

§ 28. NONAPPLICABILITY TO ZONING AND SUBDIVISION

(a) The provisions of this charter shall not apply to the enactment, amendment, or repeal of any zoning ordinance or zoning bylaw; any land subdivision ordinance or land subdivision bylaw; the enactment, amendment, or repeal of any municipal plan or comprehensive municipal plan; the enactment, amendment, or repeal of any regional municipal plan or

comprehensive regional plan; the enactment, amendment, or repeal of such ordinances, bylaws, and plans being specifically controlled by 24 V.S.A. chapter 117; or by such other statutes regulating zoning, subdivision, and municipal and regional plans as may be enforced from time to time.

(b) The adoption, amendment, or repeal of all other ordinances shall be in conformity with this charter.

§ 29. BONDING OF OFFICERS

All officers of the Town required to be bonded by state law shall be bonded. The amount of bonding insurance shall be determined by the Selectboard.

§ 30. APPLICATION OF GENERAL LAW

Provisions of the laws of the State of Vermont relating to voter qualification, warning, method of voting, the duties of town officers at town meetings and elections, and all other particulars relating to preparation for conducting and managing town meetings and elections shall, so far as they may be applicable, govern all municipal elections and all annual and special town meetings, except as otherwise provided in this charter.

§ 31. FISCAL YEAR

The fiscal year shall commence on the first day of January and end on the last day of December unless the Town at its annual meeting shall determine otherwise. If the Town votes another fiscal year, it shall specify the procedure for transition, including the method for financing the transition.

§ 32. AMOUNT TO BE RAISED BY TAXATION

Upon passage of the budget by the annual town meeting, the amount stated therein as the amount to be raised by property taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year, and the Selectboard shall levy such taxes on the grand list furnished by the listers of the corresponding year.

§ 33. BUDGET LIMITATIONS; BORROWING

(a) The incurring of bonded indebtedness, the issuing of bonds, the making of temporary loans in anticipation of bond sales, and all other matters pertaining to bonded indebtedness shall be controlled by 24 V.S.A. chapter 53 or such statutes as are applicable.

(b) The Town, through the Selectboard, may borrow money in anticipation of taxes. The total amount so borrowed shall not exceed 90 percent of the taxes assessed for such year, and notes or orders issued therefore shall mature not later than the end of the fiscal year of the Town.

(c) The Town, by vote at any annual or special meeting, may borrow money under such terms and conditions and for such lawful municipal purposes as the Town shall vote.

(d)(1) In cases of emergency, the Selectboard may appropriate funds or borrow money in the name of the Town. The total combined emergency appropriations and borrowing in any year shall not exceed five percent of the

amount voted at the annual meeting as the town budget or, if the appropriation or borrowing is prior to the annual meeting, then five percent of the amount voted at the prior annual meeting as the town budget.

(2) Notes or orders for such emergency borrowing shall mature not more than one year from the date of issuance and shall not thereafter be renewed unless the Town so votes.

(3) Any federally or state-declared emergency that requires borrowing or appropriation in excess of five percent shall require a duly warned special meeting, and a majority of Trustees of Public Funds must approve such expenditures.

(4) Any emergency borrowing or approval shall be reported at the next Town meeting.

(e) The Selectboard, in the name of the Town, may borrow funds in anticipation of federal and state funds which have been approved and committed, until such time as such funds are available. Any debt so incurred for a project shall be repaid from the first federal or state funds received for that project.

(f) Any appropriations beyond the amount in the Town budget, except as specified in subsection (d) of this section, and all borrowing, except as specified in subsections (a), (b), (c), and (e) of this section, shall be by vote of the Town and upon such terms and conditions as the Town shall vote.

(g) An annual budget shall be adopted at town meeting by the vote of a majority of those eligible to vote present at the meeting. If, after the total budget has been appropriated, the Selectboard finds additional appropriations necessary, the appropriations shall be made and reported at the next town meeting as a specified item. The appropriations shall only be made in special circumstances or situations of an emergency nature. No specific explanation need be given for any normal annual operating expense which may be increased over the budget amount by an amount not more than ten percent of the specified budget.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.