

H.160

An act relating to approval of the charter of the Town of Hartford

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

Sec. 1. CHARTER APPROVAL

The general assembly approves the adoption of the charter of the town of Hartford as provided in this act. The charter was approved by the voters on November 4, 2008.

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

CHAPTER 123A. TOWN OF HARTFORD

§ 101. INCORPORATED

The inhabitants of the town of Hartford, including the villages of Hartford, West Hartford, Quechee, Wilder, and White River Junction, are a corporate and political body under the name of “town of Hartford” (herein called “the town”). As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. The Hartford school district (herein called “the school district”) shall enjoy all rights, immunities, powers, and privileges is are subject to all the duties and liabilities now appertaining to or incumbent upon it as a state school district.

§ 102. GENERAL POWERS

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

(b) The town and school district shall have all the powers and functions conferred upon towns and school districts by the Constitution and Laws of the State of Vermont and shall also have all implied powers necessary to implement those powers and functions.

(c) The powers and functions conferred upon the town and school district by this chapter shall be separate and be in addition to the powers and functions conferred upon the town and school district by laws now in force or hereafter enacted. Nothing in this chapter shall be construed as a limitation upon these previously specified powers and functions.

(d) The town or school district may acquire real property for any town or school district purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, or lease, and may sell, lease, hold, manage, and control real property as its interests may require. The town or school district may further acquire property within its legal limits by condemnation where that authority is granted to towns and school districts by state statutes. A petition for rescission shall be filed within 10 days from the posting of approved selectboard or

school board minutes related to the property decision, and the petition shall be signed by no less than 350 registered voters.

(e) 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 or school district would have if the particular power were not mentioned. The selectboard and the school board shall operate as separate and independent entities. Nothing in this chapter shall be interpreted as allowing either one to inhibit or infringe upon the rights, powers, or privileges of the other.

§ 103. PARTICULAR POWERS

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

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

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

(3) Adopt and enforce policies relating to: regulations, licensing, or prohibition of the storage and accumulation of garbage, ashes, rubbish, refuse,

and waste materials; the regulation of the removal and disposal of those materials; licensing for revenue and regulation or prohibition of the collection, removal, and disposal of those materials; the collection and removal of those materials by the town either by contract or by a town officer or department now existing or created for that purpose; and the establishment of service rates to be paid to the town for those services.

(4) Establish and maintain a police department and adopt policies pertaining to that department.

(5) Establish and maintain a fire department and adopt policies pertaining to that department.

(6) Establish and maintain an ambulance service and adopt policies pertaining to that service.

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

(8) Establish and maintain a wastewater department financed by an enterprise fund and adopt policies pertaining to that department.

(9) Establish and maintain a highway department and adopt policies pertaining to that department.

(10) Regulate the moving of buildings in the streets or public highways of the town.

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

(12) Regulate riots, noises, disturbances, and disorderly assembly and adopt pertinent policies.

(13) Establish and maintain control of domestic animals within the town and adopt pertinent policies.

(14) Establish and maintain a financial services department.

(15) Establish and maintain a planning and development department.

(16) Establish and maintain a park and recreation department.

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

§ 201. TOWN MEETING

(a) Town operational and school district meeting. All governmental authority for the town of Hartford and the Hartford school district ultimately rests with voters within the boundaries of the town who exercise their duty and power at town meeting and Australian ballot election. In this tradition, the Hartford annual town meeting will combine town operational and school district warnings, meetings, and elections into a single entity.

(b) Standing town/school district meeting committee. Responsibility for organization, (including comfort, presentation, publicity, program,

refreshments, entertainment), budget discussion/candidates night meeting and town/school district meeting, other than as stated in this chapter and state statute, shall rest with a committee of five registered voters of the town.

Appointing authority by: Town Clerk—one for two years; Selectboard—one for two years, one for three years; School District—one for two years, one for three years. The appointing authority may work with the committee but may not self appoint.

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

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

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

(1) Budget discussion/candidates night meeting. On the last Monday night in February at 7:00 p.m. at a place determined by the town and school district meeting committee, a town and school district budget discussion and candidates night meeting shall be called for the purpose of:

(A) explanation and citizen comment upon town and school district budgets;

(B) introduction of candidates, presentation by candidates, and opportunity for citizen questioning of candidates;

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

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

(A) The time and place of a recount or a new vote (other than town and school district budgets) shall be determined by the board of civil authority preceded by warning notice and public hearing. A tie vote for town and school district budgets (interpreted as a “no” vote by Robert’s Rules of Order, Newly Revised) shall be determined pursuant to subdivision (3) of this subsection.

(B) Absentee ballots shall be available 30 days prior to the election and may be mailed to a voter, hand carried by voter, or the voter may vote in the town clerk’s office. A team of two board of civil authority members from different political parties may take a ballot to a voter in the voter’s home or health care facility if he or she needs assistance voting. Ballots shall be

returned to the town clerk by the close of polls on election day and counted along with all other ballots.

(3) Annual town/school district meeting. The annual town and school district meeting shall be called for the first Monday night four full weeks after Australian ballot/election day held under subdivision (2) of this subsection. If the town or school district budget fails in the Australian ballot, deciding votes at the annual town and school district meeting shall be according to Robert's Rules of Order, Newly Revised and state statute. In addition to budget votes, the town and school district meeting shall consider:

(A) the state of the town and of the school district;

(B) long-range planning, capital improvement projections;

(C) other business not determined at Australian ballot election.

(f) Special town and school district meeting. A special town or school district meeting may be called at any time by a majority of the applicable board, by the decree of the town clerk upon receipt of a petition signed by no less than 350 registered voters. A special town or school district meeting, called within 30 days of receipt of the filed petition, shall be held within 30 days from the date of the official call to meeting and warned 10 days prior to the meeting.

(g) Warnings. Warnings for town or school district meetings shall be posted on the town or school district websites, printed in area newspapers, and

posted in at least 12 public places in the town at least 40 or not less than 30 days before town meeting. The warning shall be signed and recorded by the town clerk before it is posted. Budgets and other applicable reports shall be available not later than 10 days prior to the budget informational meeting as established under subdivision (e)(1) of this section.

(h) Presiding officials:

(1) A moderator shall preside at town and school district budget discussion and candidates night meetings, annual town and school district meeting, and special town or school district meetings. 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 meeting.

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

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

(4) In the absence or a disability of the town clerk, should it occur before an election, the board of civil authority shall designate an acting clerk for the duration of the election. Should the absence or disability occur on

election day, the board of civil authority shall designate an on-site temporary officer to preside for the duration of the election.

§ 202. ELECTED OFFICERS

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

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

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

(d) Qualifications for serving in elected office:

(1) shall be a resident of the town;

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

(3) shall hold no other elected town or school district office, with the exception of town moderator who may be the town operational and school district moderator;

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

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

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

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

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

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

(5) five town library trustees, one elected each year for five years;

(6) all others as set forth in this chapter or state statute.

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

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

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

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

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

§ 203. DUTIES OF ELECTED OFFICERS

(a) Selectboard.

(1) Terms of office:

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

(B) Terms of office shall be as follows:

(i) Four members shall serve for three years;

(ii) Three members shall serve for two years.

(C) Members shall serve until successors are elected and qualified.

(D) Members shall be elected at large.

(E) In the event of a death, resignation, change of residence to a location outside the town, or incapacity of any selectboard member, the remaining members may appoint a person eligible to fill that position until the next annual or special town meeting. If 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.

(i) Incapacity shall include the failure by any member of the selectboard to attend at least 70 percent of the meetings in any 12-month period or missing three consecutive meetings without the consent of the selectboard.

(ii) In the event of two or more vacancies, an election shall be held forthwith to fill all vacant positions.

(2) Organization.

(A) Forthwith after the election and qualification of the members, the selectboard shall organize and elect a chair, vice chair, and clerk by a majority

vote of the board and shall file a certificate of the elections for record in the office of the town clerk.

(B) The chair of the selectboard, or in his or her absence the vice chair, shall preside at all meetings of the selectboard.

(C) As soon as possible after the election of chair and vice chair, the selectboard shall fix the time and place of its regular meetings.

(D) The selectboard shall determine its own rules and orders of business not addressed by this chapter.

(E) The presence of four members shall constitute a quorum.

(F) All meetings of the selectboard shall be open to the public; unless by an affirmative vote of a majority of members present, the selectboard shall vote that any particular session shall be an executive session in accordance with state statute.

(G) An official record of the proceedings of the selectboard shall be kept by its clerk. The record shall be filed with the office of the town clerk and shall be open for public inspection once draft minutes are approved by the selectboard.

(3) Appointments.

(A) Before any appointments are made, the selectboard shall compile and publicly post a list of all vacancies.

(B) The selectboard shall appoint and remove the town manager pursuant to section 301 of this chapter.

(C) The selectboard may examine or cause to be examined, with or without notice, the affairs of the town manager by having access to all tools used by the town manager in performance of his or her duties, including to books, papers, and wireless and electronic records, for information necessary to determine the proper performance of the town manager in the performance of his or her duties and responsibilities.

(D) Standing boards, commissions, and authorities to be appointed include:

(i) business revolving loan fund (five appointed, three years);

(ii) conservation commission (seven appointed, four years);

(iii) design review commission (five appointed, three years);

(iv) energy commission (seven appointed, three years);

(v) Hartford housing authority (five appointed, five years);

(vi) historic preservation commission (five appointed, three years);

(vii) parks and recreation commission (seven appointed, three years);

(viii) planning commission (seven appointed, three years);

(ix) tree board (five appointed, three years);

(x) zoning board of adjustment (ZBA) (five appointed, three years).

(E) The selectboard may appoint or dissolve any authorities, boards, commissions, or committees, under their purview as authorized by this chapter or state statute, excluding the standing town/school district meeting committee established in subdivision 201(b) of this chapter.

(4) Powers and duties.

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

(B) Powers. The selectboard may:

(1) authorize the expenditure of all town monies and may:

(A) submit the annual operational budget to the town meeting;
and

(B) fix the compensation of all officers, appointees, and municipal employees except as otherwise provided in this chapter;

(2) inquire into the conduct of any officer, appointee, commission, or department and investigate any and all town affairs.

(3) exercise each and every other power which is not specifically set forth in this chapter, but which is granted to the selectboard by the statutes of the state of Vermont.

(b) The moderator:

(1) shall perform all duties and responsibilities prescribed by this chapter and the state of Vermont;

(2) shall follow Robert's Rules of Order, Newly Revised (RONR) in deliberations and conduct of all meetings;

(3) may be the same individual who presides at town and school district budget and candidates night meeting, annual town meeting, and special town and school district meeting.

(c) Town clerk. The town clerk shall perform all duties and responsibilities prescribed by this chapter and the state of Vermont.

(d) Listers:

(1) shall perform all duties and responsibilities prescribed by this chapter and the state of Vermont;

(2) may appoint professional appraisers to help perform their duties. An appraiser shall be under the direction and supervision of the elected listers and shall adhere to all personnel rules and regulations of the town.

(e) Town library trustees. The town library trustees shall perform all duties and responsibilities prescribed by this chapter and the state of Vermont.

(f) All others. Shall include all others as deemed necessary for the conduct of town or school district business.

§ 301. APPOINTED OFFICERS

(a) Town manager. The town manager shall be the chief administrative officer of the town appointed by a majority of the selectboard. The town manager shall be selected with special reference to training, experience, education and ability to perform the executive and administrative duties of the manager's office and without reference to his or her political position or persuasion. The town manager shall be responsible to the selectboard for the proper and efficient administration of departments under the manager's charge as outlined in this chapter.

(1) The town manager shall be appointed for a period not to exceed three years and may thereafter be appointed for successive terms of not more than three years. The town manager shall not simultaneously hold any elective office within the town nor be employed by the town in any capacity except as specified in this chapter.

(2) The town manager need not be a resident of the town.

(3) Conditions of employment and compensation shall be determined at the time of appointment, and there shall be an annual review of performance and compensation by the selectboard.

(4) Before entering into the duties of office, the manager shall be sworn to the impartial and faithful performance thereof with a certificate to that effect to be filed with the town clerk.

(5) Removal.

(A) On 90 days' written notice, the manager may be removed without cause by a majority of the selectboard so voting at a meeting called for the purpose of voting on removal. During the 90-day period, the manager may be suspended with pay.

(B) The selectboard may adopt a resolution stating its intention to remove the manager and reasons therefore, a copy of which shall be sent to the manager. The manager may, within 10 days after notice is sent, request a hearing which shall be held by the selectboard not less than 10 days nor more than 20 days from the date of the request, after which the selectboard may dismiss the manager. If no request for a hearing is filed, the selectboard may dismiss the manager immediately. During the period after the resolution of intention is adopted and until the manager's dismissal, he or she may be suspended with pay.

(C) Termination of benefits will be determined by the selectboard in conjunction with legal counsel.

(b) Acting town manager.

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

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

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

§ 302. DUTIES OF APPOINTED OFFICERS; TOWN MANAGER

Town manager.

(1) The manager shall be the chief executive officer of the town and shall carry out policies established by the selectboard to whom the manager shall report. The manager shall be responsible to the selectboard for the proper and efficient administration of departments under the manager's charge as outlined in this chapter.

(2) The manager is expected to attend all meetings of the selectboard.

(3) The manager shall provide to the selectboard a monthly financial statement.

(4) The manager shall make reports as the selectboard requires or the manager deems appropriate, or may be required by law or ordinance regarding any and all functions under the manager's supervision.

(5) The manager shall prepare an annual budget, submit it to the selectboard, and be responsible for its administration after adoption.

(6) The manager shall compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the town for the year.

(7) The manager or his or her designee shall be the collector of delinquent taxes.

(8) The manager shall keep the selectboard apprised of the needs of the town within the scope of the manager's duties and annually furnish to the selectboard a long-range projection of capital expenditures.

(9) The manager shall examine or cause to be examined, with or without notice, the affairs of any department under the manager's control or the conduct of any officer or employee thereof. For that purpose, the manager shall have access to all books, papers, and wireless and electronic records of those departments for the information necessary for the proper performance of his or her duties.

(10) The manager shall appoint, upon merit and fitness alone, and when the manager deems necessary for the good of the service, suspend or remove any subordinate official, employee, or agent under the manager's supervision as provided for in this chapter. All appointments may be without definite terms unless for provisional, temporary, or emergency service, in which case, terms shall not exceed the maximum periods prescribed by personnel rules and regulations. The manager may authorize the head of a department or office responsible to the manager to appoint and remove subordinates in the office or department.

(11) The manager, under policies approved by the selectboard, shall have the exclusive authority to appoint, fix the salaries of, and suspend and remove all officers and employees except those who are elected or who are appointed by the selectboard.

(12) The manager shall direct and supervise the administration of all departments, offices, and agencies of the town except as otherwise provided by chapter or statute.

(13) The manager shall keep full and complete records of the manager's office.

(14) The manager shall have oversight of buildings, properties, facilities, repairs thereon, and construction by the town unless otherwise voted.

(15) The manager shall perform other duties which may be required by the selectboard, bylaws, or ordinance consistent with this chapter.

(16) The manager may, when advisable and proper, delegate to town subordinate officers or employees duties conferred on the manager.

(17) Neither the selectboard, any individual member of the board, nor any of its committees or committee members shall dictate the appointment or discharge of any town employee by the manager or in any manner interfere with his or her exercising of judgment in the appointment and discharge of employees in the town.

(18) The manager shall perform other duties consistent with his or her office and this chapter as required by the selectboard, law, ordinance, or mandate.

§ 401. MISCELLANEOUS

(a) Conflict of interest. The selectboard and the school board and school superintendent shall each maintain comprehensive conflict of interest policies which shall apply to all town and school district employees, elected and appointed officials, and committee and board members.

(b) Ethics – responsibilities. Any elected or appointed board, commission, or authority member:

(1) has no legal powers unless acting at a duly warned board meeting or acting for the board after it formally grants power to act on its behalf;

(2) shall maintain confidentiality of discussion conducted in executive session and of other privileged information;

(3) shall use a chain of command and avoid making commitments or promises that compromise the town and school district;

(4) shall work to further public interest, maintain public trust, be open and accessible to the public at large, and maintain leadership of the highest degree without regard for personal gain;

(c) Rights and privileges.

(1) Nothing in this chapter, except as otherwise specifically provided, shall affect or impair rights or privileges of persons who are officers or employees of the town or school district at the time of its adoption.

(2) Except as specifically provided by this chapter, if at the time this chapter takes effect, an individual holds any elected or appointed office or position which is or can be abolished by or under this chapter, he or she shall continue in the office or position until the term expires.

(d) Severability. If any provision of this chapter is for any reason held invalid, that invalidity shall not affect the remaining provisions which can be given effect without the invalid provision. To this end, the provisions of this chapter are declared to be severable.

(e) Charter review.

(1) The selectboard and school board shall appoint a charter review committee of registered voters of the town to review its charter and recommend changes as the committee finds necessary or advisable for the purpose of improving the operation of the town and school district.

(2) The charter shall be reviewed not less than three years after its initial adoption and subsequently every five years unless amended by a town meeting vote.

(3) The committee shall submit a written report of recommendations to the selectboard and school board not later than one year after the appointment of the committee.

(4) Recommendations shall be warned for a vote at the next Australian ballot town meeting.

(5) The selectboard and school board shall provide funds for the committee in their budgets for any year when a charter review committee is appointed.

Sec. 2a. APPLICATION

The requirements set forth in 24 V.S.A. App. chapter 123A §§ 202(e)(1) and 203(a)(1)(A), that the selectboard of the town of Hartford consist of seven members, shall apply so that the two additional members of the selectboard shall be elected at the 2010 annual meeting; and the requirement set forth in

24 V.S.A. App. chapter 123A § 203(a)(2)(E), that the presence of four members of the selectboard shall constitute a quorum, shall apply following the election of those two additional members of the selectboard at the 2010 annual meeting.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.