H.887

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

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 East Montpelier as set forth in this act. Proposals of charter adoption were approved by the voters on March 4, 2014.

Sec. 2. 24 App. V.S.A. chapter 114E is added to read:

CHAPTER 114E. TOWN OF EAST MONTPELIER

§ 1. STATEMENT OF PURPOSE

(a) Under the authority granted by the General Assembly of the State of Vermont, this chapter modifies the organization and functioning of local Town government in the Town of East Montpelier, Vermont.

(b) Except when changed by the provisions of this chapter, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of East Montpelier.

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

(d) The modifications are intended to accomplish the following goals:

(1) to help the Selectboard more effectively exercise its ultimate responsibility for Town affairs;

(2) to solve problems that the Town currently has, has had in the past, or might have in the future;

(3) to be consistent with democratic control, particularly observing the principle of checks and balances;

(4) to avoid or minimize unintended consequences from the modification;

(5) to include changes that can be accomplished only through a charter; and

(6) to keep the chapter simple.

§ 2. ELECTED OFFICES

(a) The offices of Town Grand Juror, Town Agent, and Trustees of Public Funds are abolished, and the functions assigned to the Selectboard.

(b) In performing the duties of the Trustees of Public Funds, the Selectboard shall consult with and have the assistance of the Town Treasurer.

§ 3. TOWN TREASURER

(a) The Selectboard shall appoint a Town Treasurer in the manner set forth in this section. The appointee shall be competent in the keeping of records, investments, and accounting, and shall serve at the pleasure of the Selectboard. The person chosen need not be a resident or qualified voter of East Montpelier.

(b)(1) Prior to appointing a Town Treasurer and no more than 45 days after the Treasurer position is vacated, the Selectboard shall appoint a committee to review and recommend to the Selectboard qualified candidates for the position of Treasurer.

(2) The committee shall be composed of two residents, a certified public accountant, and the following town officers: two members of the Selectboard, an auditor, and the Town Clerk. All except the certified public accountant shall be residents of the Town of East Montpelier.

(3) The committee shall have the authority to solicit candidates, advertise notice of a vacancy in the Treasurer's position, and to make an investigation of a candidate's credentials and background as the committee deems appropriate. Upon completion of the investigation and interviewing of candidates, the committee shall submit to the Selectboard the names of those candidates deemed qualified for the position.

(c) No later than 30 days following the submission of the names of candidates deemed qualified by the committee, the Selectboard shall appoint a Treasurer from the candidates recommended by the committee or, if applicable, notify the committee that none of the candidates shall be appointed.

(d) Members of the committee described in subsection (b) of this section shall serve until a Treasurer is appointed by the Selectboard. Meetings of the committee shall be warned and conducted as public meetings in accordance

with the requirements of Vermont statutes and this chapter and the committee shall be entitled to meet in executive session as authorized by 1 V.S.A. § 313.

(e) Until such time as a Treasurer is appointed pursuant to this section, the Selectboard shall appoint an interim treasurer.

§ 4. ZONING ADMINISTRATOR

A Zoning Administrator shall be nominated by the Planning Commission and appointed by the Selectboard for a term of one year. The Zoning Administrator may be removed for cause at any time by the Selectboard after consultation with the Planning Commission.

§ 5. SEPARABILITY

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

Sec. 3. TRANSITIONAL PROVISION; ELECTED TREASURER

Notwithstanding the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, § 3 (Town Treasurer) that provide that the office of Town Treasurer shall be appointed by the Selectboard, an elected Town Treasurer in office immediately prior to the effective date of that section may continue to hold that office for the remainder of his or her term. At the end of the elected

Town Treasurer's term of office or, in the case of a vacancy in his or her office, the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, § 3 shall apply.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.