

1 H.890

2 Introduced by Representatives Wright of Burlington, Donovan of Burlington,
3 Cole of Burlington, Krowinski of Burlington, McCormack of
4 Burlington, O'Sullivan of Burlington, Pearson of Burlington,
5 Rachelson of Burlington, Ram of Burlington, and Wizowaty of
6 Burlington

7 Referred to Committee on

8 Date:

9 Subject: Municipal government; municipal charters; City of Burlington;
10 amendment; redistricting

11 Statement of purpose of bill as introduced: This bill proposes to approve
12 amendments to the charter of the City of Burlington regarding the redistricting
13 of City election areas.

14 An act relating to approval of amendments to the charter of the City of
15 Burlington regarding the redistricting of City election areas

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

17 Sec. 1. CHARTER AMENDMENT APPROVAL

18 The General Assembly approves the amendments to the charter of the City
19 of Burlington as set forth in this act. Proposals of amendment were approved
20 by the voters on March 4, 2014.

1 Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

2 CHAPTER 3. CITY OF BURLINGTON

3 Subchapter 1. Incorporation; City and Ward Boundaries

4 * * *

5 Article 2. ~~Wards and Boundaries~~ City Election Areas Defined

6 § 2. ~~WARDS DESCRIBED~~ ELECTION BOUNDARIES

7 ~~The City of Burlington is hereby divided into seven wards constituted as~~
8 ~~follows:~~

9 ~~Ward One~~

10 ~~Ward One shall include all that part of said City lying easterly and northerly~~
11 ~~of the following described line:~~

12 ~~Beginning at the centerline of the Winooski River under the Central~~
13 ~~Vermont Railway bridge below the Winooski Lower Falls; thence westerly in~~
14 ~~the centerline of said railroad to a point where the centerline of Hyde Street~~
15 ~~extended northerly intersects the same; thence southerly along the centerline of~~
16 ~~Hyde Street so extended and the centerline of Hyde Street to the intersection of~~
17 ~~the centerline of North Willard Street; thence southerly along the centerline of~~
18 ~~North Willard Street to the centerline of Pearl Street; thence easterly along the~~
19 ~~centerline of Pearl Street to the intersection of Pearl Street and South Williams~~
20 ~~Street; thence southerly along the centerline of South Williams Street to the~~
21 ~~intersection of South Williams and College Streets; thence westerly along the~~

1 centerline of College Street to the intersection of College Street and So.
2 Willard Street; thence southerly along the centerline of So. Willard Street to
3 the intersection of So. Willard Street to the intersection of So. Willard and
4 Main Streets; thence easterly in the south line of Main Street to a point in the
5 south line of Main Street said point being 116 feet east of the intersection of
6 the south line of Main Street and the east line of South Prospect Street; thence
7 south 25 degrees, 30 minutes east a distance of 865 feet to a point in the east
8 boundary of the Burlington Water Works reservoir property located south of
9 Main Street, said point being 660 feet southerly of the south line of Main
10 Street; thence south 61 degrees, 30 minutes east a distance of 363 feet to
11 monument number 14 of the University of Vermont property markers also
12 known as the southeast corner of the University Terrace subdivision; thence
13 from the above named point south 19 degrees, zero minutes east a distance of
14 1,630 feet to the northwest corner of the Gutterson Field House; thence along
15 the north line of the Gutterson Field House, north 83 degrees, 15 minutes east
16 extended easterly to the common line between Burlington and South
17 Burlington, a distance of 660 feet; thence north seven degrees, 46 minutes west
18 a distance of 1,610 feet along the common boundary between Burlington and
19 South Burlington to the south line of Main Street; thence easterly along the
20 south line of Main Street to the east line of the City.

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1 centerline of Depot Street to its intersection with North Avenue and by the
2 centerline of North Avenue northerly thereof, and northerly by the northern
3 boundary of the Central Vermont Railroad right of way.

4 ~~Ward Four~~

5 ~~Ward Four shall include all that part of the City laying northerly of the~~
6 ~~centerline of Institute Road and westerly of the centerline of North Avenue to~~
7 ~~the intersection of the centerline of Fairfield Drive thence continuing westerly~~
8 ~~along the centerline of Fairfield Drive to the intersection of the property line~~
9 ~~between those properties fronting on Westward Drive and the eastern boundary~~
10 ~~of the Village at Northshore, thence continuing northerly along the Village of~~
11 ~~Northshore Boundary, then westerly along the northerly boundary of the~~
12 ~~Village at Northshore to a point where said boundary extended intersects Lake~~
13 ~~Champlain.~~

14 ~~Ward Five~~

15 ~~Ward Five shall include all that part of the City lying southerly of the~~
16 ~~centerline of Main Street and said centerline extended westerly to the west line~~
17 ~~of the City and westerly of a line running from the centerline of Main Street~~
18 ~~southerly along the centerline of St. Paul Street to the centerline of Adams~~
19 ~~Street, thence easterly along the centerline of Adams Street to the centerline of~~
20 ~~South Winooski Avenue, thence southerly along the centerline of South~~
21 ~~Winooski Avenue to the centerline of St. Paul Street, thence southerly along~~

1 ~~the centerline of St. Paul Street and Shelburne Street to the south line of the~~
2 ~~City.~~

3 ~~Ward Six~~

4 ~~Ward Six shall include all that part of the City lying southerly of the~~
5 ~~centerline of King Street between St. Paul and South Union Streets, but~~
6 ~~otherwise southerly of the centerline of Main Street and the south line of Ward~~
7 ~~One, and easterly of the east boundary of Ward Five.~~

8 ~~Ward Seven~~

9 ~~Ward Seven shall include all that part of the City lying easterly of Ward~~
10 ~~Four, westerly of the Winooski River and northerly of the boundaries of Wards~~
11 ~~Two and Three respectively.~~

12 ~~Reference is also made to a map entitled "Proposed Ward Boundaries,~~
13 ~~Burlington, Vermont, Department of Zoning and Planning, GIS, Burlington,~~
14 ~~Vermont, Prepared September 11, 1992 and amended October 5, 1992" located~~
15 ~~in the Burlington Chief Administrative Officer's office in further aid of the~~
16 ~~above description.~~

17 (a) City Districts Described. For the annual meeting of 2015 and all City
18 elections thereafter, the City of Burlington is divided into four electoral
19 districts, constituted as follows:

20 (1) East District. The East District shall include all that part of said City
21 lying easterly and northerly of the following described boundaries: Beginning

1 at the common boundary between the Cities of Burlington and Winooski in the
2 Winooski River beneath the Central Vermont Railway bridge downstream of
3 the Lower Winooski Falls and Salmon Hole; thence westerly in the centerline
4 of said railroad tracks, crossing Intervale Road, to a point where the centerline
5 of Hyde Street extended northeasterly intersects said railroad track centerline
6 (approximately -73.2045 longitude, 44.4912 latitude); thence southerly along
7 the extension of the centerline of Hyde Street, continuing on the centerline of
8 Hyde Street to the intersection of the centerline of North Willard Street;
9 thence southerly along the centerline of North Willard Street to the intersection
10 of the centerline of Pearl Street; thence westerly along the centerline of Pearl
11 Street to the intersection of the centerline of South Winooski Avenue; thence
12 southerly along the centerline of South Winooski Avenue to the intersection of
13 the centerline of Main Street; thence easterly along the centerline of Main
14 Street to the intersection of the western property line of 525 Main Street
15 extended, containing the Main Street Water Reservoir (approximately -73.1992
16 longitude, 44.4763 latitude); thence southerly along the western property
17 boundary of 525 Main Street to its southwestern corner
18 approximately -73.1991 longitude, 44.4746 latitude); thence easterly along the
19 southern property boundary of 525 Main Street to its southeastern corner
20 (approximately -73.1984 longitude, 44.4746 latitude); thence southwesterly
21 along the western property boundaries of 49, 55, and 59 University Terrace to

the southwestern corner of 59 University Terrace (approximately -73.1987 longitude, 44.4742 latitude); thence southeasterly along the southern property boundaries of 59 University Terrace and 60 University Terrace, extended to the centerline of University Heights Road (approximately -73.1964 longitude, 44.4732 latitude); thence southerly along the centerline of University Heights Road 1,314 feet to its intersection with the extended centerline of the walkway serving the University of Vermont Southwick Hall and the Music Building from the Redstone Campus loop road (approximately -73.1968 longitude, 44.4698 latitude); thence westerly along the extended walkway and walkway centerline, with the Music Building to the north and Southwick Hall to the south, 367 feet to its intersection with the centerline of the Redstone Campus loop road (approximately -73.1982 longitude, 44.4698 latitude); thence northerly and then westerly along the centerline of the Redstone Campus loop road to its intersection with the centerline of South Prospect Street; thence southerly along the centerline of South Prospect Street to its intersection with the centerline of the Davis Road; thence northeasterly along the centerline of Davis Road to its intersection with University Heights Road, continuing easterly along the centerline of Davis Road to its intersection with the common boundary between the Cities of Burlington and South Burlington.

(2) Central District. The Central District shall include all that part of the City bounded as follows: On the east, beginning at the common boundary

1 between the City of Burlington and Town of Colchester in the Winooski River
2 at the intersection of the centerline of Institute Road extended northeasterly
3 (approximately -73.2139 longitude, 44.5077 latitude); thence southerly along
4 the common boundary between the City of Burlington and Town of Colchester
5 in the Winooski River to a point beneath the Central Vermont Railway bridge
6 downstream of the Lower Winooski Falls and Salmon Hole; thence southerly
7 along the East District eastern boundary to its intersection with the centerline
8 of King Street; on the south along the centerline of King Street extended
9 westerly to Lake Champlain; on the west by Lake Champlain; on the north,
10 beginning at the intersection of the common property boundary between
11 87 North Avenue and 9 Lakeview Terrace extended westerly to Lake
12 Champlain (approximately -73.2252 longitude, 44.4832 latitude); thence
13 northeasterly along the extended property boundary between 87 North Avenue
14 and 9 Lakeview Terrace to its intersection with the centerline of the Central
15 Vermont Railway railroad track (approximately -73.2239 longitude, 44.4837
16 latitude); thence northerly and easterly along the centerline of the Central
17 Vermont Railway railroad track, crossing North Avenue and the Burlington
18 Beltline, to its intersection with the centerline of Spring Street extended
19 northwesterly (approximately -73.2183 longitude, 44.4912 latitude); thence
20 northwesterly along the extension of the centerline of Spring Street to its
21 intersection with the centerline of Institute Road extended northeasterly

1 (approximately -73.2281 longitude, 44.4995 latitude); thence northeasterly
2 along the extension of the centerline of Institute Road extended to its
3 intersection with the common boundary between the City of Burlington and
4 Town of Colchester in the Winooski River (approximately -73.2139 longitude,
5 44.5077 latitude).

6 (3) South District. The South District shall include all that part of the
7 City south of the southern boundaries of the East and Central Districts.

8 (4) North District. The North District shall include all that part of the
9 City north of the northern boundary of the Central District.

10 (b) Wards Described. Each of the City of Burlington's four electoral
11 districts set forth in subsection (a) of this section hereby comprises two wards,
12 each of which is constituted as follows:

13 (1) East District - Ward 1 and Ward 8.

14 (A) The East District is divided into two wards by the following
15 boundary: Beginning at the center of the intersection of Pearl Street and South
16 Willard Street; thence southerly along the centerline of South Willard Street to
17 the intersection of the centerline of College Street; thence easterly along the
18 centerline of College Street extended to the intersection of the centerline of
19 University Place; thence southerly along the centerline of University Place to
20 the intersection of the centerline of Main Street; thence easterly along the

1 centerline of Main Street to the common boundary between the Cities of
2 Burlington and South Burlington.

3 (B) Ward 1 lies to the north and east of the boundary described in
4 subdivision (A) of this subdivision (1), and Ward 8 lies to the south and west.

5 (2) Central District - Ward 2 and Ward 3.

6 (A) The Central District is divided into two wards by the following
7 boundary: Beginning at the centerline of the Central Vermont Railway
8 railroad track at the intersection of the centerline of Spring Street extended
9 northwesterly (approximately -73.2183 longitude, 44.4912 latitude); thence
10 southerly along the centerline of Spring Street extended northwesterly,
11 continuing along the centerline of Spring Street to its intersection with the
12 centerline of Elmwood Avenue; thence southerly along the centerline of
13 Elmwood Avenue to its intersection with the centerline of Pearl Street; thence
14 easterly along the centerline of Pearl Street to the intersection of the centerlines
15 of North and South Winooski Avenue.

16 (B) Ward 2 lies to the east of the boundary described in subdivision
17 (A) of this subdivision (2), and Ward 3 lies to the west.

18 (3) South District - Ward 5 and Ward 6.

19 (A) The South District is divided into two wards by the following
20 boundary: Beginning at the intersection of the centerlines of King Street and
21 Saint Paul Street; thence southerly along the centerline of Saint Paul Street to

1 its intersection with the centerline of Shelburne Street; thence southerly along
2 the centerline of Shelburne Street to its intersection with the centerline of
3 Flynn Avenue; thence easterly along the centerline of Flynn Avenue extended
4 easterly to the common boundary between the Cities of Burlington and South
5 Burlington.

6 (B) Ward 5 lies to the west of the boundary described in subdivision
7 (A) of this subdivision (3), and Ward 6 lies to the east.

8 (4) North District - Ward 4 and Ward 7.

9 (A) The North District is divided into two wards by the following
10 boundary: Beginning at the intersection of the centerlines of North Avenue
11 and the Central Vermont Railway railroad track; thence northerly along the
12 centerline of North Avenue to its intersection with the centerline of Fairfield
13 Drive; thence westerly along the centerline of Fairfield Drive to its intersection
14 with the western property boundary of 39 Westward Drive extended southerly;
15 thence northerly along the western property boundaries of 39 and 40 Westward
16 Drive, continuing northerly along the western property boundaries of
17 properties fronting the west side of Hardy Avenue to the southern boundary of
18 35 Derway Drive; thence westerly along the southern boundary of 35 Derway
19 Drive, extended to its intersection with the centerline of Derway Drive
20 (approximately -73.2690 longitude, 44.5249 latitude); thence northeasterly
21 along the centerline of Derway Drive to its intersection with the centerline of

1 Claire Pointe Drive; thence northerly along the centerline of Claire Pointe
2 Drive approximately 44 feet to its intersection with the southern property
3 boundary of the Claire Pointe condominium development; thence westerly
4 along the southern property boundary of the Claire Pointe condominium
5 development to the Waterfront Bike Path right-of-way approximately 537 feet
6 (approximately -73.2707 longitude, 44.5253 latitude), and then extended to
7 Lake Champlain.

8 (B) Ward 4 lies to the west of the boundary described in subdivision
9 (A) of this subdivision (4), and Ward 7 lies to the east.

10 (5) Ward map reference. Reference is also made to a map entitled
11 “Ward Redistricting, 8 Wards – 4 Districts, 12 Councilors, Referred to City
12 Council by CC Committee (v.3), Map Date: December 2, 2013” located in the
13 Burlington Chief Administrative Officer’s office in further aid of the
14 description of the wards set forth in this subsection.

15 Subchapter 2. Elections and City Meetings; City Elections

16 § 3. ELECTION OF MAYOR AND CITY COUNCILORS

17 (a) Election of Mayor. On the first Tuesday in March 2003, and triennially
18 thereafter, the legal voters of the City shall, from among the legal voters
19 thereof, elect a Mayor. Notwithstanding any provision of this ~~Charter~~ charter
20 or the general statutes, no person shall be eligible to have his or her name
21 printed on the ballot as a candidate for the Office of Mayor who has not

1 submitted a nominating petition signed by at least 150 registered voters of the
2 City within the time limits specified in 17 V.S.A. chapter 55, as the same may
3 be amended from time to time. ~~On the first Tuesday in March 1994, and~~
4 ~~biennially thereafter, the legal voters of Wards One, Two, Three, Five, and Six~~
5 ~~shall, from among the legal voters thereof, elect one City councilor and all~~
6 ~~ward officers hereinafter named; and on the first Tuesday in March 1995, and~~
7 ~~biennially thereafter, the legal voters in Wards One, Two, Three, Five, and Six~~
8 ~~shall, from among the legal voters thereof, elect one City councilor and all~~
9 ~~ward officers hereinafter named.~~

10 (b) Election of City councilors. ~~On the first Tuesday in March 1994, the~~
11 ~~legal voters of Wards Four and Seven shall, from among the legal voters~~
12 ~~thereof, elect two City councilors, one for a one-year term and one for a two-~~
13 ~~year term, as well as all ward officers hereinafter named. Annually thereafter,~~
14 ~~the legal voters of Wards Four and Seven shall, from among the legal voters~~
15 ~~thereof, elect one City councilor and all ward officers hereinafter named.~~

16 (1) On the first Tuesday in March 2015 and biennially thereafter, the
17 legal voters of each of the South, Central, East, and North City Districts shall,
18 from among the legal voters of their respective district, elect a City councilor
19 for a two-year term.

20 (2)(A) On the first Tuesday in March 2015, the legal voters from each of
21 Wards One, Two, Three, Four, Five, Six, Seven, and Eight shall, from among

1 the legal voters of their respective ward, elect a City councilor for a three-year
2 term.

3 (B) On the first Tuesday in March 2018 and biennially thereafter, the
4 legal voters of each ward shall elect a City councilor for a two-year term.

5 § 4. ELECTION OF SCHOOL COMMISSIONERS

6 (a) The legal voters of each ward and City district of the City shall elect,
7 from among the legal voters of their respective wards and City districts, school
8 commissioners to serve for terms hereinafter provided.

9 (b) Election of school commissioners in each ward and City district shall be
10 held on the first Tuesday in March in the year in which the term of office of the
11 school commissioner therein shall expire.

12 * * *

13 Article 4. Qualification of Voters

14 § 7. AGE AND RESIDENCE REQUIREMENTS

15 Every ~~male or female~~ citizen of this State not less than 18 years of age who
16 has taken the Freeman's (~~Voters~~ Voter's) Oath, who resides in said City and
17 who has registered to vote with the Board for Registration of Voters no later
18 than the deadline established by Vermont law prior to any warned City or ward
19 or City district election or any annual or special City meeting shall be a legal
20 voter at said election or meeting, and no other person shall be allowed to vote
21 at such election or meeting.

§ 8. PERSON TO VOTE IN WARD OR CITY DISTRICT IN WHICH THE
PERSON RESIDES; RESIDENCE REQUIREMENT

No such citizen shall vote except in the ward or City district of which he or
she is at the time a resident.

Article 5. Penalties for Illegal Voting

§ 9. ADOPTED

The penalties set forth in Vermont Statutes Annotated shall be applicable
for illegal voting at any City or ward or City district election.

Article 6. Ward Officers

§ 10. SPECIFIED; ~~SELECTION~~ ELECTION; TERM

(a)(1) The ward officers shall be a Clerk and three inspectors of election.

All three inspectors of election may not be members of the same political
party. In such event, the City Council shall forthwith appoint an inspector who
shall serve instead of the candidate who received the third largest number of
votes.

(2) Ward clerks and inspectors of election elected at the annual City
meeting shall take office on the first Monday in April in the year of their
election.

(b)(1) Ward clerks shall be chosen for two-year terms and inspectors of
elections for three-year terms by the legal voters of each ward at the annual
City election.

Officer. One copy of such lists shall be posted by or under the direction of the Chief Administrative Officer in some public place in the wards or City districts to which the voters whose names are on such list respectively belong, at least 12 days previous to any such election.

* * *

§ 18. COPIES OF LIST TO BE GIVEN INSPECTORS

After all such additions, alterations, and corrections shall have been made by said Board for Registration of Voters, a true copy of such checklist shall be made by the Chief Administrative Officer, and delivered to the inspectors of election in the several wards, for use at such annual or special City election or ward ~~section~~ or City district election; and no person whose name is not on such lists shall be allowed to vote at any such election.

Article 8. Method of Conducting Elections

§ 19. WHERE ELECTIONS HELD; EARLY VOTER ABSENTEE

BALLOTS

Annual and special elections shall be held in the several wards, ~~for use at such annual or special City or ward election.~~ Notwithstanding 17 V.S.A. chapter 51, the ballots of early or absentee voters may be returned to the ward clerks of the various wards within the City.

§ 20. WARD CLERK TO KEEP RECORDS; CERTIFICATES OF
ELECTION TO BE FURNISHED SUCCESSFUL CANDIDATES;
ELECTION RESULTS TO BE PUBLISHED

It shall be the duty of the clerk of each ward subject to supervision by the Chief Administrative Officer as presiding officer for City and ward and City district elections to make a record of all elections held therein, and to furnish to each officer who shall have been elected for such ward or City District, including ~~city~~ City councilors and school commissioners, a certificate of his or her election, and also immediately after any election in such ward to return and certify to the Chief Administrative Officer a statement of the votes for all officers in his or her ward, which statement shall be recorded in the City records, and a certificate by the Chief Administrative Officer of the result of such election in the whole City shall be forthwith published in the various newspapers of said City.

* * *

§ 22. BALLOTS

For all City or ward or City district elections, and also for the election of justices of the peace in said City, the Chief Administrative Officer shall prepare all official ballots, consistent with the requirements of any regulation adopted under section 5 of this chapter, and otherwise in the same manner and subject to all the provisions of the laws of this State providing for and

1 regulating the preparation and distribution of official ballots in towns and
2 cities; provided, however, that said Chief Administrative Officer shall cause to
3 be printed for every ward or City district in said City not less than 60 ballots
4 for every 50 names or fractional part thereof on the voting list prepared and
5 posted in such ward or City district for any such election; and further provided
6 that said Chief Administrative Officer shall deliver to the inspectors of election
7 in each ward on the day of such election and before the hour for opening the
8 polls in said ward, such number of blocks of ballots containing 100 each as
9 shall nearest represent two thirds of the whole number required to be printed
10 for such ward or City district, and shall retain the balance of the ballots for
11 each ward or City district so prepared.

12 § 23. RETAINED BALLOTS TO BE DELIVERED TO INSPECTORS ON
13 DEMAND

14 In case the inspectors of election in any ward for any cause shall require the
15 ballots so belonging to such ward or City district and retained by said Chief
16 Administrative Officer, or any part thereof, they shall notify him or her in
17 writing. Said Chief Administrative Officer shall thereupon forthwith transmit
18 to said inspectors of election such part or all of said ballots so retained in his or
19 her possession as said inspectors of election shall specify.

20 * * *

1 Article 9. Special City Meetings

2 § 26. QUESTIONS AT SPECIAL MEETINGS TO BE DECIDED BY
3 BALLOT

4 The questions at any such special meeting shall be determined by ballot and
5 the checklist shall be used. There shall be at such meeting a separate polling
6 place, or polling places, for each ward, and as many of the ward officers
7 hereinbefore named as shall be necessary shall act at such meetings, in the
8 same manner as at City or ward or City district elections. For all such
9 meetings, it shall be the duty of the Chief Administrative Officer to prepare
10 suitable ballots in sufficient quantity.

11 * * *

12 Article 11. Freemen's Meetings

13 * * *

14 § 31a. ESTABLISHMENT OF VOTING PRECINCTS WITHIN WARDS
15 PERMITTED

16 (a) The City Council may, by resolution, establish voting precincts within
17 one or more of the several wards of the City, and from time to time amend or
18 alter the boundaries thereof, which said precincts so established shall be
19 designated by number.

20 (b)(1) In the event such precincts are so established, the ward officers
21 previously elected shall, from the remainder of their respective terms, be the

1 precinct officers of the first numbered precincts in their ward, whether or not
2 they reside therein, and the ~~Board of Aldermen~~ City Council shall appoint
3 additional precinct officers for each additional precinct.

4 (2) At the annual City meeting following the establishment, of such
5 precincts, and at each annual City meeting thereafter, precinct officers shall be
6 chosen by the legal voters of each precinct from among the legal votes thereof.

7 * * *

8 Subchapter 3. City Council with Mayor Presiding and City Council

9 Article 13. Administration

10 § 36. ADMINISTRATION; VESTED IN MAYOR AND CITY COUNCIL;
11 SELECTION AND TERMS OF SAME

12 (a) The administration of all the fiscal, prudential, and municipal affairs of
13 the City and the government thereof, except as herein otherwise provided, shall
14 be vested in a principal officer to be styled the Mayor and a board of ~~14~~ 12
15 members to be denominated the City Council. The City Council shall elect
16 one of the members President thereof.

17 (b) The Mayor and City Council sitting in their joint capacity shall be
18 called the City Council with Mayor presiding. ~~Except as herein otherwise~~
19 ~~provided, the Mayor and the members of the City Council shall hold office for~~
20 ~~the term of two years.~~

21 * * *

Article 16. Board of Civil Authority

§ 43. COMPOSITION; BOARD FOR REGISTRATION OF VOTERS;
DUTIES; APPOINTMENTS; OFFICES

(a) The City Council with Mayor presiding shall constitute the Board of Civil Authority for said City, except that all duties with respect to preparing checklists of voters and making additions thereto or alterations or corrections thereon imposed upon said Council by this ~~Charter~~ charter or the provisions of the general statutes relating thereto shall be performed by a board of ~~nine~~ 10 members, to be known as the Board for Registration of Voters. Not more than five members of said Board shall at any one time be from the same political party.

* * *

Subchapter 5. Officers

* * *

Article 37. Boards Established

§ 120. ENUMERATED

There shall be maintained in said City a Board of Assessors consisting of the City Assessor and two legal voters of said City; a Board of Tax Appeals normally consisting of seven legal voters of said City; a Board of Public Works Commissioners consisting of seven legal voters of said City; a Board of Cemetery Commissioners, a Board of Police Commissioners, a Board of Light

Commissioners, a Board of Fire Commissioners, and a Board of Health, each consisting of five legal voters of said City; a Board of Airport Commissioners consisting of four legal voters of the City of Burlington and one legal voter of the City of South Burlington; a Board of Park and Recreation Commissioners, consisting of five legal voters of said City; a Board of Library Commissioners consisting of 10 members; a Board of Planning Commissioners, the members of such boards to be appointed by the City Council with Mayor presiding; a Board of School Commissioners consisting of ~~14~~ 12 legal voters of said City and of the respective wards in which they are elected; and a Board of Finance to be constituted as hereinafter provided.

* * *

Article 41. Terms of Office

§ 125. MAYOR, AND CITY COUNCILORS, ~~WARD AND PRECINCT~~
~~OFFICERS~~

(a) Term of Mayor. ~~Except as herein otherwise provided, the Mayor elected on the first Tuesday in March 1993, shall hold office from the first Monday in April 1993, to the first Monday in April 1995, and those elected thereafter shall hold office for the term of two years from the first Monday in April next following such election. On the first Tuesday in March 1994, the voters of Ward One, Two, Three, Five, and Six shall each elect, from among the legal voters thereof, one City councilor for a term of two years from the~~

1 ~~first Monday in April 1994. On the first Tuesday in March 1995, the voters of~~
2 ~~Wards One, Two, Three, Five, and Six shall each elect, from among the legal~~
3 ~~voters thereof, one City councilor for a term of two years from the first~~
4 ~~Monday in April 1995. On the first Tuesday in March 1994, the legal voters of~~
5 ~~Wards Four and Seven shall each elect, from among the legal voters thereof,~~
6 ~~two City councilors, one for a one-year term and one for a two-year term.~~
7 ~~Notwithstanding any other provision hereof, the election of a City councilor in~~
8 ~~Ward Four in 1993 shall be for a one-year term only. Thereafter, the election~~
9 ~~of City councilors in each ward shall be held on the first Tuesday in March in~~
10 ~~the year in which the term of office of a City councilor therein shall expire, and~~
11 ~~each City councilor shall be elected for the term of two years from the first~~
12 ~~Monday in April following such election. The various ward and precinct~~
13 ~~officers elected on the first Tuesday in March 1994, and the various ward and~~
14 ~~precinct officers thereafter elected, shall hold office for the term of one year~~
15 ~~from the first Monday in April following such election. The provisions of this~~
16 ~~section shall control the provisions of section 3 of this charter. On the first~~
17 ~~Tuesday in March 2003 and triennially thereafter, the legal voters of the City~~
18 ~~shall, from among the legal voters thereof, elect a Mayor who shall hold office~~
19 ~~for the term of three years from the first Monday in April next following such~~
20 ~~election.~~

21 (b) Term of City Councilors.

VT LEG #298736 v.1

1 (b)(1) In case of any vacancy in the City Council from any of the ~~above~~
2 ~~mentioned~~ causes described in subsection (a) of this section, the same shall be
3 filled by a new election in the proper ward; ~~and if~~ or City district.

4 (2) If any City ~~Councilor~~ councilor shall remove out of the ward or City
5 district for which he or she may have been elected or no longer reside in such
6 ward or City district as a result of reapportionment, his or her office shall
7 thereupon become vacant and the same shall be filled by a new election in the
8 proper ward; ~~and in~~ or City district.

9 (c)(1) In case there shall arise an occasion for any such new election, as a
10 result of a vacancy in the Office of Mayor or City ~~Councilor~~ councilor for any
11 of the ~~above mentioned~~ causes described in this section, the same shall be held
12 within 90 days of the date of such vacancy, provided such vacancy shall occur
13 before the first day in October in any year, unless a citywide election has been
14 prescheduled to occur between the 90th and the 120th day of the date of such
15 vacancy, in which case the same shall be held on such prescheduled election
16 date; otherwise it shall be filled at the next annual City election.

17 (2) In every case, the person so elected shall serve for the remainder of
18 the official term.

19 (3) In the case of reapportionment, such election shall be held at the next
20 ensuing annual City meeting and the term of the City councilor who no longer
21 resides in the ward or City district as a result of reapportionment shall continue

1 until the newly elected City councilor assumes office on the first Monday in
2 April.

3 Article 43. Removal from Office and Filling Vacancies

4 * * *

5 § 130. MANNER OF FILLING VACANCY AND RESIDENCY
6 REQUIREMENT

7 * * *

8 (b)(1) Any individual elected to the position of Mayor must be a legal voter
9 of the City as of the date the written consent required by 17 V.S.A. § 2681(a) is
10 filed and at all times during his or her term of office.

11 (2) Any individual elected to the position of City councilor or school
12 commissioner must be a legal voter of the City and of the ward or City district
13 he or she proposes to represent as of the date the written consent required by
14 17 V.S.A. § 2681(a) is filed and at all times during his or her term of office.

15 (3) Any person appointed to serve as a member of any City commission
16 must, except as otherwise specifically provided for herein, be a legal voter of
17 the City at all times during his or her term of office.

18 * * *

19 Article 49. Appointive Officers and their Trusts; City Clerk

20 § 138. DUTIES OF CHIEF ADMINISTRATIVE OFFICER GENERALLY

21 * * *

1 (b)(1)(A) The Chief Administrative Officer shall perform for said City the
2 same duties devolving by the law of the State upon town clerks, except insofar
3 as the same are changed or modified by the provisions of this charter and shall
4 receive and collect for and on behalf of the City to be used for City purposes
5 all and the same fees to be paid to town clerks for the performance of those
6 duties under the general laws of the State.

7 (B) The Chief Administrative Officer shall keep a full and complete
8 record and account of all fees as received and as paid to the Chief
9 Administrative Officer in a form and manner as the Board of Finance and the
10 City Auditor may prescribe, and shall give a proper receipt for every fee
11 collected.

12 (2) The Chief Administrative Officer shall receive only an annual salary
13 or other compensation as shall be determined by the City Council.

14 (3) The Chief Administrative Officer shall be ex officio Clerk of the
15 City Council with Mayor presiding, City Council, Board of Civil Authority,
16 Board for the Abatement of Taxes, and Liquor Control Commissioners.

17 (4) The Chief Administrative Officer shall have exclusive charge and
18 custody of the public records of the City and of all records, papers, and
19 documents belonging to the Town of Burlington at the time the City of
20 Burlington was organized.

(B) An assistant within the Chief Administrator's office may be designated by the Chief Administrative Officer to be the presiding officer for ward, City district, City, and legislative district elections.

Subchapter 6. Executive Departments

Article 57. School Commissioners

(a) The Board of School Commissioners of said City shall be composed of ~~14~~ 12 school commissioners, ~~two each~~. One commissioner from wards one Ward One through ~~seven~~ Eight inclusive ~~who~~ and one commissioner from each of the four districts shall be elected as hereinbefore and hereinafter provided.

(b) Anything contained herein or in the general statutes to the contrary notwithstanding, all candidates for the Board of School Commissioners shall be elected on a nonpartisan basis. No reference shall be made on an election ballot to a candidate's political affiliation or to the endorsement of any such candidate by political party or parties.

§ 164. TERMS; ELECTIONS

~~On the first Tuesday in March 1994, the voters of wards one, two, three, five, and six shall each elect, from among the legal voters thereof, one school commissioner for a term of two years from the first Monday in April 1994. On the first Tuesday in March 1995, the voters of wards one, two, three, five, and six shall each elect, from among the legal voters thereof, one school commissioner for a term of two years from the first Monday in April 1995. On the first Tuesday in March 1994, the legal voters of wards four and seven shall each elect, from among the legal voters thereof, two school commissioners, one for a one-year term and one for a two-year term. Thereafter, the election of school commissioners in each ward shall be held on the first Tuesday in March in the year in which the term of office of the school commissioner therein shall expire, and each school commissioner shall be elected for a term of two years from the first Monday in April following such election. Notwithstanding any other provision hereof, the election of a school commissioner in ward four in 1993 shall be for a one year term only.~~

(a) On the first Tuesday in March 2015 and biennially thereafter, the legal voters of each of the South, Central, East, and North City districts shall, from among the legal voters of their respective districts, elect a school commissioner for a two-year term.

* * *

The City Council may by ordinance provide for the creation and maintenance of a Harbor Commission or a single Harbor Commissioner, and for the appointment of a Superintendent of Harbors, and define and prescribe their powers and duties in regard to the supervision, control, and regulation, within the jurisdiction of the City, of harbors, public and private wharfs, docks, and piers, and the waterfront within the City on Lake Champlain, under any and all lawful regulations and ordinances that may be made and enacted, and may fix the time of the appointment of such officers and their terms of office,

1 and such officers shall receive such compensation as may be voted them by the
2 ~~Board of Aldermen~~ City Council.

3 Sec. 3. TRANSITIONAL PROVISIONS

4 (a) City election areas. Notwithstanding the provisions of Sec. 2 of this act,
5 24 App. V.S.A. chapter 3, § 2 (election boundaries), that establish new City of
6 Burlington election area boundaries, the seven wards that were in effect
7 immediately prior to the effective date of that section shall remain in effect
8 until the terms of the City councilors, school commissioners, and ward officers
9 elected pursuant to the election area boundaries set forth in Sec. 2 of this act,
10 24 App. V.S.A. chapter 3, § 2, begin on the first Monday of April 2015.

11 (b) Terms of officers.

12 (1) City councilors. The terms of City councilors elected on the first
13 Tuesday of March 2013 and on the first Tuesday of March 2014 shall expire
14 on the first Monday of April 2015.

15 (2) Ward officers.

16 (A) The terms of ward officers in effect immediately prior to the
17 effective date of this act shall expire on the first Monday of April 2015.

18 (B)(i) The ward officers elected to the seven wards that were in effect
19 immediately prior to the effective date of Sec. 2 of this act, 24 App. V.S.A.
20 chapter 3, § 2, shall serve as the election officers for the City of Burlington's
21 2015 annual meeting on the first Tuesday of March 2015.

1 (ii) The ward officers for Ward 8 in the City of Burlington's 2015
2 annual meeting shall be appointed for that election by the Board of Civil
3 Authority.

4 (3) School commissioners. The terms of school commissioners elected
5 on the first Tuesday of March 2013 and on the first Tuesday of March 2014
6 shall expire on the first Monday of April 2015.

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on March 3, 2015.