

H.881

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

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 Westford 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 155B (Town of Westminster) is redesignated to read:

CHAPTER ~~155B~~ 155D. TOWN OF WESTMINSTER

Sec. 3. 24 App. V.S.A. chapter 155C is added to read:

CHAPTER 155C. TOWN OF WESTFORD

§ 1. GENERAL PROVISIONS

The Town of Westford shall have all the powers granted to towns and municipal corporations by the Constitution and laws of the State of Vermont and by this chapter, together with all the implied powers necessary to carry into execution all the powers granted.

§ 2. ELECTED OFFICERS

(a) Except as otherwise provided by this chapter, the elected officers of the Town of Westford shall be those required for towns by State law and they shall be elected by Australian ballot.

(b) Elected officers shall perform all duties and responsibilities necessary or required to carry out the provisions of this chapter as well as those provided by State law generally.

(c) The Selectboard shall constitute the legislative body of the Town of Westford for all purposes required by statute except as otherwise herein specifically provided, and shall have all the powers and authority given to, and perform all duties required of, town legislative bodies under the laws of the State of Vermont.

(1) Organization of the Selectboard shall be done in accordance with 24 V.S.A. § 871.

(2) The Selectboard shall elect a Vice Chair at its organizational meeting.

(3) The Chair of the Selectboard shall preside at all meetings of the Selectboard. If the Chair is not present, the Vice Chair of the Selectboard shall serve as acting chair.

(4) If any member of the Selectboard fails to attend at least 70 percent of the meetings in any 12-month period or misses three consecutive meetings

without the consent of the Selectboard, the Selectboard may declare the position vacant and fill it in accordance with State law.

(5) The Selectboard shall determine its own rules and orders of business not addressed by this chapter and State statute.

(6) The Selectboard may appoint or dissolve any authorities, boards, commissions, or committees created by it and under its purview as authorized by this chapter or State statute.

§ 3. APPOINTED OFFICERS

(a) In addition to all other offices which may be filled by appointment by the Selectboard pursuant to State law, the Selectboard shall appoint the following officers:

- (1) Town Treasurer;
- (2) listers or an assessor;
- (3) Delinquent Tax Collector;
- (4) cemetery commissioners;
- (5) Town Agent; and
- (6) Town Grand Juror.

(b) The number of persons appointed to the offices set forth in subsection (a) of this section shall be determined by the Selectboard.

(c) All appointments shall be made in accordance with the Town of Westford Personnel Rules.

(d) In appointing the Town Treasurer and Delinquent Tax Collector, the Selectboard shall use the following guidelines in addition to following the Town of Westford Personnel Rules:

(1) Nominating committee.

(A) When a vacancy exists in the office of Town Treasurer or Delinquent Tax Collector, the Selectboard shall call for the formation of a nominating committee comprising one Selectboard member, two justices of the peace, and two residents. The Selectboard and justices of the peace shall select which of their members will serve on the committee. These three officials shall select the two residents.

(B) Meetings of the committee shall be warned and conducted as public meetings in accordance with the requirements of Vermont statutes. Members of this committee shall serve until any vacancy is filled by the Selectboard.

(2) Search process. The committee shall have the authority to solicit candidates, to advertise notice of a vacancy, 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 up to three names of those candidates deemed qualified for the positions.

(3) Appointing a candidate. Within 45 days of its receipt of candidates' names from the committee, the Selectboard shall appoint from such candidates a person(s) to fill any vacancy or notify the committee in writing that none of the candidates shall be appointed. If no appointment is made, the committee shall then reconvene and submit the names of additional qualified candidates to the Selectboard.

(4) Interim appointment. Until such a time as a vacancy is filled pursuant to this section, the Selectboard may appoint an official on an interim basis to fill the vacancy.

(e) All appointed Town officers shall be governed by the Town of Westford Personnel Rules.

(f) From time to time and whenever a job is open in an appointed Town office, the Selectboard shall adopt or revise a general statement of the qualifications necessary to perform the duties and responsibilities of the office and a job description of the office.

§ 4. INDEPENDENT AUDIT

The Selectboard shall provide for an independent audit of all Town accounts as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the Town government or any of its officers.

§ 5. REMOVAL OF ELECTED TOWN OFFICERS

Any elected Town officer may be removed from office in the following manner:

(1) A petition must be filed with the Town Clerk seeking the removal of the elected Town officer or officers. The petition must be signed by at least 15 percent of registered voters.

(2) Within 15 days after receipt of the petition, the Selectboard shall warn a special Town meeting, or if the annual meeting is to occur within 90 days of the filing of the petition, the Selectboard shall include an article in the warning for the annual meeting, for the purpose of voting by Australian ballot on whether the officer or officers shall be removed from office.

(3) Removal shall only occur if a majority of the votes cast at the annual or special town meeting approve removal and the total of all votes cast on the removal question equals or exceeds the total of all votes that were cast to elect the officer.

(4) If an officer is removed, the officer shall immediately cease to hold office and the office shall become vacant. The vacancy shall be filled as provided by law.

(5) Only one petition for removal may be filed against any given elected officer during any 12-month period of his or her term of office.

§ 6. CONFLICT OF INTEREST

(a) A Town officer shall recuse himself or herself or be disqualified from any proceeding in which his or her impartiality might reasonably be questioned.

(b) If anyone thinks a Town officer has a conflict in a case before a board, commission, or committee, that person can bring it to the attention of the officer's respective group. If the officer does not disqualify himself or herself, the board, commission, or committee shall consider the factual basis for the question and vote on the member's disqualification, the challenged member abstaining. This vote shall occur before any other business is conducted.

(c) 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.

(d) Town officers and employees shall follow the rules outlined in the Westford Conflict of Interest Policy.

§ 7. SEVERABILITY

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 provision to other persons or circumstances shall not be affected thereby.

Sec. 4. TRANSITIONAL PROVISION; APPOINTMENT OF OFFICERS

When an appointment is made pursuant to Sec. 3 of this act, 24 App. V.S.A. chapter 155C § 3 (appointed officers), and the office is filled by a person who was elected to the office prior to the effective date of that section, the Selectboard shall give at least 30 days' notice to that elected officer that his or her term shall expire and the elected officer shall vacate the office within those 30 days.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.