

H.894

An act relating to approval of amendments to the charter of the City of Montpelier and to merging the Montpelier Fire District No. 1 into the City of Montpelier

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

Sec. 1. CHARTER AMENDMENT AND MERGER APPROVAL

The General Assembly approves the amendments to the charter of the City of Montpelier and the merger of the Montpelier Fire District No. 1 into the City of Montpelier as set forth in this act. Proposals of charter amendment and the merger were approved by the voters on March 4, 2014.

Sec. 2. 24 App. V.S.A. chapter 5 is amended to read:

CHAPTER 5. CITY OF MONTPELIER

Subchapter 1. Incorporation and Grant of Powers

§ 101. ~~THE~~ CITY OF MONTPELIER

The inhabitants of the territory formerly the Town of Montpelier, and that portion of the Town of Berlin annexed to the City of Montpelier, by an act entitled, “An act to annex an adjacent portion of the Town of Berlin to the City of Montpelier,” which act was approved November 29, 1898, are hereby ~~continued to be incorporated and a body corporate and politic~~ as a municipal corporation under the name of the City of Montpelier (hereafter the City); and under that name may sue and be sued, prosecute and defend in any court; may have a common seal and alter it at pleasure; may borrow money on the credit

of the City, in the mode and under the restrictions hereinafter provided; may elect representatives to the General Assembly of the State, and the number of justices of the peace as provided in Chapter II of the Vermont Constitution for a town of equal population; and generally shall have, exercise, and enjoy all such rights, immunities, powers, and privileges as are conferred upon, or are incident to, towns in this State; and shall be subject to like duties, liabilities, and obligations, except as otherwise provided in this ~~charter~~ chapter.

§ 102. GENERAL POWERS

~~Such corporation~~ The City shall have all the powers given to towns and town school districts by the general law; and may purchase, hold, and convey any real estate and erect and keep in repair any buildings necessary or convenient for its purposes; and may acquire, construct, and maintain such ~~dams, aqueducts, reservoirs, and sewage disposal facilities~~ infrastructure as it may deem necessary for the benefit of the City.

§ 103. FORM OF GOVERNMENT

(a) The municipal government provided by this ~~charter~~ chapter shall be known as council-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the State Constitution and by this ~~charter~~ chapter, all powers of the City shall be vested in an elective ~~council~~, ~~hereinafter referred to as the Council~~, City Council which shall enact ordinances, codes, and regulations; adopt budgets; determine policies; and

appoint the City Manager, who shall ~~execute~~ enforce the laws and ordinances and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this ~~charter~~ chapter or prescribed by ordinance.

(b) The Mayor and Council members shall be sworn to the faithful performance of their respective duties. The Mayor and Council members in their joint capacity shall constitute the City Council. The City Council shall have all the powers of selectboards, as well as additional powers granted by this chapter.

§ 104. ~~CHANGE OF FORM OF GOVERNMENT~~

~~Upon petition of a number of legal voters equal to four percent of the total vote cast for Governor at the last preceding general election, the legal voters of the City may, at any annual meeting or a special meeting duly warned and held for that purpose, vote to change the council manager form of government to any other legal form. A majority of the legal votes cast shall be needed to effect a change of government. In the event a change of government is voted terminating the position of City Manager, the City Manager shall be entitled to three months pay from the effective date of said termination. [Repealed.]~~

§ 105. INTERGOVERNMENTAL RELATIONS

The City, through its City Council or Board of School Commissioners, or both, may enter into ~~any agreement~~ agreements with the United States of

~~America or the State of Vermont, or both, or with any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to accept grants, loans, and assistance from the United States of America or the State of Vermont, or both, or from any subdivision, department, agency, or activity of the United States of America or the State of Vermont, or both, to make public improvements within said City, or upon property or rights of said City outside its corporate limits, whether owned by said City as sole owner or owned by said City in common with another municipality or other municipalities, and the City may make appropriations consistent with this charter chapter~~ to accomplish such purposes.

Subchapter 2. City Voting Districts

§ 201. ~~CREATION OF CITY VOTING DISTRICTS~~

~~The City Council is empowered to designate or eliminate the boundaries of voting districts~~ There shall be three voting districts for the City, which shall be defined and filed with the City Clerk. The City Council may make changes from time to time ~~in~~ to the ~~number and~~ boundaries of the districts ~~as it may deem proper, having regard, so far as practicable and convenient, to in order to provide~~ an equal division of population among them in accordance with U.S. Census data. ~~Such~~ Voting district changes shall not be made more frequently than once in five years. ~~Such districts shall be described by ordinance.~~ Such changes shall be approved by the legal voters of the City at an

annual or special meeting of the City and shall become effective immediately upon approval unless a later date is established therein.

Subchapter 3. City Council

§ 301. ~~ADMINISTRATION AND POWERS~~ AND DUTIES OF CITY COUNCIL

~~(a) The administration of all fiscal, prudential, and municipal affairs of the City and the government thereof shall be vested in the Mayor and Council members, subject to the provision herein contained respecting a City Manager. The Mayor and Council members shall be sworn to the faithful performance of their duties, respectively. The Mayor and Council members in their joint capacity shall constitute the City Council. The City Council shall have all the powers of selectmen. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this chapter, and the Council shall perform all duties and obligations imposed on the City by law.~~

(b) In addition, the Council shall have general oversight of the affairs and property of the City not committed by law to the care of any particular officer, including the following powers and duties:

(1) Acquire property, real and personal, within or outside its corporate limits for any lawful purpose and by any lawful means, including condemnation, in fee simple, or any lesser interest of estate, by purchase, gift, devise, lease, or other means of transfer. The Council may also sell, lease,

mortgage, hold, manage, and control such property as its interest may require, in accordance with State law.

(2) Promote and safeguard the public health, safety, comfort, or general welfare by the adoption, amendment, or repeal of ordinances and regulations, including the following subjects:

(A) Construction of improvements, including curbs, sidewalks, lighting, and storm drains in a manner specified as a condition precedent for, but not limited to, the issuance of a building permit. The City has power to assess part or all of the expenses of such improvements to the property owners benefited thereby in proportion to respective frontage upon highways or respective values of property or by such standard as determined by the Council. The Council has power to provide for violation or nonperformance.

(B) Regulation or prohibition of any condition, activity, enterprise, public nuisance, or matter concerning promotion of public health, safety, and welfare as permitted by the general law of the State.

(C) Licensing of any activity or enterprise as permitted by general law of the State.

(3) Adopt and amend personnel policies for City employees in accordance with general laws of the State, including 24 V.S.A. § 1121 as may be amended from time to time.

(4) Authorize the expenditure of funds raised from taxation, assessments, appropriations, fines, grants applied for and received, and other lawful sources.

(5) Provide for citizen participation as appropriate on boards, commissions, and committees.

(6) Fix, demand, impose, and enforce such items, conditions, and regulations for the excavation of any street or highway by any person as shall be just and reasonably related to the City's reconstruction and maintenance costs, including expenses to be paid to the City for damages resulting from a street excavation or for the purpose of erecting and maintaining poles, wires, or other apparatus in or under the street. The City has the power to prohibit the use of any street by any such person until such conditions have been complied with.

(7) Permit the nonhighway use, occupancy, or reservation of portions of public streets and thoroughfares, provided that such use, occupancy, or reservation is in the public interest and will not impair or interfere with the free and safe flow of vehicular and pedestrian traffic thereon.

(8) Establish fees and benefit charges for City services, permits, licenses, hearings, and uses of City property and establish fees for dog licenses.

§ 302. ~~BOARD OF~~ CITY COUNCIL MEMBERS COMPOSITION AND
TERM OF OFFICE

The ~~Board of~~ City Council members of said City shall consist of the Mayor and two Council members from each voting district. Members shall be elected by the legal voters of ~~said City from among the legal voters of said~~ each respective district. Council members shall serve for a term of two years, and one Council member shall be elected per year for each district.

§ 303. ~~VACANCIES~~ VACANCY IN OFFICE OF COUNCIL MEMBER

A vacancy on the ~~Board of~~ City Council members shall occur upon the death, removal from the district, inability to serve, or resignation of a Council member. A vacancy in the office of Council member with more than 90 days of unexpired term remaining shall be filled by the remaining members of the City Council. ~~The~~ At the next annual meeting of the City, the unexpired term of the office of ~~Council member filled as provided in this section, shall, at the~~ next annual meeting of the City, be filled by election for the balance of the unexpired term. The Council may remove a Council member who has unexcused absences at four or more consecutive Council meetings upon approval of two-thirds of the Council.

§ 304. ELECTION OF PRESIDENT AND, VICE PRESIDENT OF THE
BOARD OF COUNCIL MEMBERS, AND PARLIAMENTARIAN

(a) The Following the annual meeting, the City Council members duly elected and qualified shall constitute the Board of Council members, and shall annually elect one of their from its members a President of said Board and another, Vice President, to serve in such offices until the next election of Council members and Parliamentarian.

(b) The President shall assume all the duties of the Mayor, in the event of a vacancy in that office. The Vice President shall assume powers and duties of the Mayor in the event of a vacancy in the offices of Mayor and President. The Parliamentarian shall advise the Council on rules of procedure.

§ 305. VACANCY IN THE OFFICE OF PRESIDENT AND, VICE
PRESIDENT, OR PARLIAMENTARIAN

In the event of the death, resignation, or disqualification of the President or, Vice President of the Board of Council members, or Parliamentarian, the remaining City Council members shall elect a successor and the successor so elected shall hold office to serve until the next election of Council members annual meeting.

§ 306. DUTIES OF THE PRESIDENT AND VICE PRESIDENT

All powers and duties vested in the Mayor by this charter or the general law shall, in event of a vacancy in the office or in case of disqualification,

~~incapacity, or absence from the City of the Mayor be vested in the President of the Board of Council members, or in the Vice President in case of disqualification, incapacity, or absence from the City of the Mayor and the President of the Board of Council members. [Repealed.]~~

§ 307. COUNCIL MEETINGS

The City Council shall hold meetings ~~on the second and fourth Wednesdays of each month~~ monthly on a regular schedule, and ~~oftener~~ more often at the call of the Mayor.

§ 308. SPECIAL COUNCIL MEETINGS

(a) ~~The Mayor, or in the case of the Mayor's failure, the City Clerk, shall~~ may call special meetings of the City Council on request of one half of the members of the Board of Council members at any time. Special meetings may also be called by the Clerk on a petition signed by a majority of the City Council and filed with the Clerk.

(b) Public notice and notice to the Council shall be given in accordance with 1 V.S.A. § 312, as may be amended from time to time.

§ 309. COUNCIL AGENDA

~~It shall be the duty of the~~ The City Manager to shall prepare a written agenda for each meeting of the Council. The City Manager shall add to the agenda any items requested by a Council member or by written request of any other person. The agenda shall be posted in ~~at least one public place in the~~

~~City at least 24 hours prior to the time of the meeting~~ accordance with State law.

§ 310. COUNCIL QUORUM

A quorum of the City Council, consisting of a majority or four Council members, shall be necessary to conduct business; however, the transaction of business shall be in accordance with 1 V.S.A. § 172 as may be amended from time to time. A number less than a quorum may adjourn from time to time, may compel the attendance of absent members, and enforce such penalties for non-attendance as the City Council may by ordinance prescribe.

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§ 312. COUNCIL MEETINGS GENERALLY PUBLIC

All meetings of the City Council shall be open to the public and conducted in accordance with the Vermont Open Meeting Law and rules of procedure adopted by the Council, ~~except when an executive session is voted by a majority of the Council~~ that a meeting may be closed to the public for deliberations of the Council when acting in a quasi-judicial capacity or in accordance with the executive session provision of the Vermont Open Meeting Law.

§ 313. COUNCIL MINUTES RECORDED

All minutes of the City Council meetings shall be recorded ~~in a book of City Council records~~ and shall be available to the public ~~unless they concern a~~

~~person's reputation, contracts, or the security of the State is involved as~~
provided in the general access to public records laws of the State.

§ 314. ~~ACTION IN EXECUTIVE SESSION~~

~~Action on ordinances, rules, regulations, or appointments shall not take place in executive session~~ The Council may enter into executive session by majority vote in accordance with 1 V.S.A. § 313(a) as may be amended from time to time.

§ 315. COUNCIL AUTHORITY TO REQUIRE INFORMATION

The City Council shall have the authority to require the City Clerk, ~~City Treasurer,~~ and each appointive City officer, excluding school department officers, to furnish information concerning anything connected with, or work planned to be performed in, their respective department.

§ 316. COMPENSATION

The Mayor and Council members shall receive as compensation for their services such sums as shall be voted to them at the annual ~~City~~ meeting of each year.

§ 317. COUNCIL APPOINTMENTS

(a)(1) The City Council shall, ~~pursuant to subchapter 10 of this charter,~~ appoint a the following officers:

(A) City Manager;:

(B) City Treasurer;: and

~~(C) City Attorney, and City representative to the Central Vermont Regional Planning Commission and attorneys.~~

~~(2) The City Council may remove any such appointee set forth in subdivision (1) of this subsection and appoint another.~~

~~(b) The City Council shall also appoint the following officers, none of whom shall be members of the City Council: members of the Montpelier Housing Authority, Housing and Building Code Board of Appeals, Development Review Board, and Planning Commission and remove members of boards and commissions created by the Council and other officers approved by the Council or required by law. The City Council shall appoint only such other officers as it is specifically required to do by law.~~

~~(c) Any appointment made by the City Council to fill a vacancy shall be only for the balance of the unexpired term in which the vacancy occurred.~~

§ 318. CLAIMS FOR PERSONAL SERVICES

No claim for personal services shall be allowed to the officers elected at the annual meeting, except when compensation for such services is provided for under the provisions of this ~~charter~~ chapter or by the general law, ~~except that the City Clerk, City Treasurer, and auditors shall receive such compensation as shall be fixed by the City Council.~~ The compensation of all ~~other~~ officers and employees of the City shall be fixed by the City Council, except as herein otherwise provided.

§ 319. SALE OF PUBLIC PROPERTY

The City Council may authorize the sale or lease of any real or personal estate belonging to the City. All conveyances, transfers, grants, or leases of any real estate owned by the City shall be signed by the Mayor ~~and shall be sealed with the City Seal~~ in accordance with 1 V.S.A. § 313 as may be amended from time to time.

§ 320. CONTRACTS

All contracts on behalf of and any purchases for the City shall be authorized by the City Council, except as otherwise provided by ordinances of the City of Montpelier or this ~~charter~~ chapter.

§ 321. EX-OFFICIO APPOINTMENTS

The City Council shall have the powers of the board of water and sewer commissioners, the local board of health (when convened with the health officer), and the local board of liquor control as specified by this chapter and State statute.

§ 322. PROHIBITIONS AND CONFLICTS OF INTEREST

(a) Holding other office. Except where authorized by law, no member of the City Council shall hold any other City office or City employment during the term of election to the Council. However, a paid or unpaid volunteer member of the Fire Department, other than an officer or member of the

Department appointed directly by the City Manager, may serve as a member of the City Council.

(b) Appointments and removals. Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of the Manager's subordinates are empowered to appoint.

(c) Interference with administration. Except for the purpose of inquiries and investigations under this chapter, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

(d) Conflict of interest. By ordinance, resolution, or parliamentary rule of prohibition, the Council shall adopt measures relating to the definition, disclosure, and consequences of a conflict of interest or any perception thereof involving elected and appointed City officials.

Subchapter 4. Mayor

§ 401. ELECTION AND TENURE OF ~~OFFICE~~ MAYOR

The Mayor shall be elected by and from the qualified voters of ~~the City of~~ Montpelier. The Mayor shall hold office for a term of two years or until the Mayor's successor is elected and qualified.

§ 402. ~~VACANCY IN THE OFFICE~~ POWERS AND DUTIES OF MAYOR

(a) ~~In the case of a vacancy in the office of Mayor, with more than 120 days of unexpired term remaining, the City Council shall forthwith direct the City Clerk to call a special meeting of the legal voters of the City for the election of a Mayor, and the person elected at such meeting shall serve for the unexpired term and until the Mayor's successor is duly elected and qualified. Said special meeting shall be called in the manner provided in section 3 of this subchapter. Voting shall be by ballot. A special meeting of the voters of the City for the election of a Mayor shall be conducted as are other special City meetings. The City Council shall determine prior to such special meeting the time during which the ballot boxes shall be kept open. Said time shall not be less than two hours. In the event 120 days or less remain of the unexpired term as a result of such vacancy in the Office of Mayor computed from the time the vacancy occurs, no special election shall be called to fill the unexpired term.~~

The Mayor shall be the chief executive officer of the City subject to provisions in this chapter related to the City Manager. The Mayor shall use the Mayor's best efforts to see that the laws and the City ordinances are enforced, and that the duties of all subordinate officers are faithfully performed. The Mayor shall take care that the finances of the City are properly managed, and shall bring before the City Council public issues relevant to the affairs of the City. The Mayor shall preside at all City Council meetings with the powers of moderator

and shall have a voice and vote in City Council meetings in accordance with Council rules and procedures.

(b) The Mayor may veto any action passed by the City Council, provided it is done before the next regular Council meeting and the Mayor provides a written explanation for the veto. Any veto by the Mayor can be overridden by a vote of five or more Council members at the next regular City Council meeting.

§ 403. ~~NOMINATIONS TO FILL~~ VACANCY IN OFFICE OF MAYOR

(a) In the case of a vacancy in the Office of Mayor, with more than 120 days of unexpired term remaining, the City Council shall forthwith direct the City Clerk to call a special meeting of the legal voters of the City for the election of an interim mayor to serve for the unexpired term and until the Mayor's successor is duly elected and qualified.

(b) Nominations to fill a vacancy in the Office of Mayor shall be by certificate signed by at least 25 legal voters. ~~Such~~ The certificate shall be filed with the City Clerk not ~~less~~ fewer than 15 and not more than 25 days before ~~such~~ the special election. ~~The then-current checklist shall be used.~~

(c) In the event 120 days or fewer remain of the unexpired term, the Council President shall assume the duties of the Mayor.

§ 404. ~~DUTIES OF THE MAYOR~~

~~The Mayor shall be the Chief Executive Officer of the City subject to the operation of the provisions herein contained respecting a City Manager. The Mayor shall use the Mayor's best efforts to see that the laws and the City ordinances are enforced and that the duties of all subordinate officers are faithfully performed. The Mayor shall take care that the finances of the City are properly managed and shall bring before the City Council whatever the Mayor may deem worthy of their attention for prudentially and efficiently carrying on the affairs of the City. [Repealed.]~~

§ 405. ~~POWERS OF THE MAYOR~~

~~The Mayor shall preside at all City Council meetings. The Mayor may veto any action passed by the City Council, providing that the Mayor does so before the next regular meeting of said City Council, and any action so vetoed shall not become effective unless at the first regular meeting with all members present after the Mayor's veto five or more Council members vote to override the Mayor's veto. [Repealed.]~~

Subchapter 5. City Meetings; Nomination and Election of Officers

§ 501. CITY MEETINGS

(a)(1) On the first Tuesday of March in each year, a meeting of ~~legal the~~ voters of ~~said the~~ City shall be held as designated on the warning for such meeting, at a place or places to be appointed by the City Council ~~of said City,~~

~~and a warning shall be posted in at least three public places within the limits of said City, and at least 12 days previous thereto, which warning shall be signed by the City Clerk, or, in case of the City Clerk's failure, by the Mayor, provided that, if the annual meeting shall fail to be held for want of warning before mentioned, or for any other cause, the City shall not be thereby prejudiced, and the several officers hereinafter mentioned may, at any time thereafter, be elected at a special meeting, called for that purpose, as hereinafter provided; and provided, further, that any accordance with State statute.~~

(2) Any business or election required by this ~~charter~~ chapter or the general law to be transacted at the annual ~~City~~ meeting may also be transacted at ~~such a~~ a special meeting.

(b) The warning for annual and special City meetings shall, by separate articles, specifically indicate the business to be transacted, including the offices and the questions to be voted upon. The warning also shall contain any legally binding article or articles requested by 10 percent of the registered voters of the City ~~or~~. The warning shall also include any nonlegally binding article or articles, including matters of State, national, or international importance requested by five percent of the registered voters of the City and. Petitions requesting that an article be placed on the warning shall be filed with the City Clerk not fewer than 40 days before the day of the meeting.

(c) All budgets, elections, and public questions shall be considered by Australian ballot at annual and special meetings.

(d) A vote taken at an annual or special meeting shall remain in effect unless rescinded or amended.

§ 502. PUBLISHING AND POSTING OF ARTICLES

When questions involving authorization of public improvements and the incurring of debt to pay for the same are to be referred to the voters at an annual or special City meeting, the articles of the warning ~~dealing with the same shall be posted and published as hereinafter provided in subchapter 11.~~ Such articles will be posted under the caption: ~~“Extract from warning for annual City meeting March...”~~. ~~The extract containing such articles will be signed by the City Clerk or, in case of the City Clerk’s failure, by the Mayor.~~ ~~In addition to being posted and published in extract form as above provided, such articles will be included in the full warning to be posted in at least three public places within the limits of said City, at least 12 days prior to the annual City meeting for the meeting shall be posted as provided by State statute.~~

§ 503. SPECIAL CITY ~~MEETING~~ MEETINGS; SPECIAL MEETINGS TO AUTHORIZE IMPROVEMENTS AND INCUR DEBT

(a)(1) The City Clerk, when directed by the City Council, or ~~upon written application~~ when requested in writing by 10 percent of the ~~legal~~ voters of the

City to do so, shall call a special meeting of the voters of the City in the same manner ~~as is provided for the calling of the annual meeting; in~~.

(2) In case of the failure of the City Clerk to call such special meeting as ~~aforsaid~~ provided in subdivision (1) of this subsection, that duty shall be performed by the Mayor, ~~except that special~~.

(b) Special meetings to authorize public improvements and the incurring of debt to pay for the same shall be warned as ~~hereinafter~~ provided ~~in subchapter 44~~ by general laws of the State.

(c)(1) The City Council shall call the special meeting within 60 days of the application being received by the City Clerk.

(2) The City Council may rescind the call of a special meeting that it initiated ~~by it itself,~~ but not a special meeting called upon the ~~application~~ petition of 10 percent of the ~~registered~~ voters.

§ 504. ~~METHOD OF ELECTION OF OFFICERS~~

(a) All officers shall be elected by Australian ballot, according to ~~the~~ general ~~law~~ laws of the State, except as when otherwise provided in this ~~charter~~ chapter.

(b) Candidates' names shall appear in ~~such~~ order on the ballot as shall be drawn by lot ~~and by~~ under the direction of the Board of Civil Authority.

(c) Provisions for write-in votes shall be available for voters. ~~The ballot box at the annual meeting or any special meeting called as provided in the~~

~~event the annual meeting shall fail to be held shall be kept open for a minimum of nine consecutive hours between 6 a.m. and 7 p.m. as shall be designated on the warning for such meeting; and no business except election of officers and matters that by law must be balloted upon, shall be transacted at any annual or special meeting, unless directed by the City Council, until after seven o'clock p.m. Persons shall be checked against the legal voting list before being admitted to City or special meeting procedures taking place after seven o'clock p.m.~~

§ 505. ~~PLACING OF VOTING MACHINES~~ CONDUCT OF ELECTIONS

~~The City Council shall direct the placing and opening of as many sets of voting machines as there shall be districts in said City, at the place where the annual or any special meeting of the City shall be held, and at such other polling places as the City Council may direct, for receiving votes for all officers to be elected and other ballot issues to be voted upon. The number of the district shall be distinctly marked on each voting machine, and notice shall be posted pointing out where the voters of each district shall vote, and the machines shall be so located as, in the opinion of the City Council, will best accommodate the voters~~ The City Clerk and Board of Civil Authority shall conduct elections in accordance with general laws of the State.

§ 506. ~~CHECK/LISTS OF VOTERS~~ VOTER CHECKLISTS

~~Check/lists of the voters of the City shall be made in conformity with the laws of this State and this charter for all such meetings by the Board of Civil Authority, and the City Council shall divide such check/lists of voters according to districts and shall arrange the names of the voters in each district in alphabetical order, which checklists so divided as aforesaid shall be certified by the Mayor and City Clerk as the checklist for each district respectively, and shall be kept at the polling place of such district. All persons who are legal voters in City meetings shall be entitled to have their names added to the check/list for the district where they reside, at the time such check/list is compiled and no person shall vote for any City officers or other item on the warning unless the person's name is on such check/list~~ The City Clerk and Board of Civil Authority shall manage voter qualification, registration, checklist, and absentee balloting in accordance with general laws of the State.

§ 507. ~~PRESIDING OFFICER AT CITY MEETINGS~~

~~All City meetings shall be called to order by the Mayor. The Mayor shall preside at all City meetings, but the Mayor may at the Mayor's discretion designate a moderator to preside during all or any part of the City meeting.~~

[Repealed.]

§ 508. ~~METHOD OF VOTING TAX APPROPRIATION~~

~~The tax appropriation consists of two separate items of General Fund, and recreation, which shall be voted upon separately by separate ballot, during regular voting hours. [Repealed.]~~

§ 509. ELECTION OF CITY OFFICERS

(a) At the annual meeting ~~the said City, Montpelier voters~~ shall elect from among the legal City voters ~~thereof~~ a Mayor for a term of two years; a City Clerk for a term of three years; ~~one commissioner of Green Mount Cemetery for a term of five years; one park commissioner for a term of five years; a City Council member from each district for a term of two years; other elective City officers; and~~ two school commissioners, each for a term of three years, ~~except that three school commissioners shall be elected in 1974 and each third year thereafter; and one Council member from each district for a term of two years, who,~~

(b) Each elected officer shall hold office until ~~their successors are a~~ successor has been duly elected and qualified.

§ 510. CERTIFICATES OF NOMINATION

(a) Certificates of nomination for City offices to be filled at annual City meetings shall be filed by the candidate or with the candidate's written assent with the City Clerk not ~~less~~ fewer than 30 nor more than 40 calendar days before such meeting. ~~The list of candidates so nominated and sample ballots~~

~~shall be posted in at least three public places in the City at least four days
before such meeting.~~

(b)(1) All nominations for such City offices shall be made by certificate signed by 25 or more voters, but the same need not be under oath or statement of residence or designation of political party in accordance with general laws of the State.

(2) A candidate running for City Council needs a certificate signed by 25 or more voters from the specific district in which that candidate resides.

(c) A voter shall not sign more than one certificate for the same office except when there are multiple seats to be filled.

§ 511. CANVASSING OF BALLOTS

(a) At the close of the balloting at any City election or annual or special City meeting, the City Clerk and the Board of Civil Authority as hereinafter constituted, and such other election officers as may be designated by said the Board of Civil Authority, shall canvass the ballots cast for all officers and for any proposal voted upon by proposals on the ballot and.

(b) The City Clerk shall report to the meeting a list of candidates for whom votes have been cast for each office and the number of votes such candidates have received, and any other result, which shall be recorded by the City Clerk, and the results in accordance with State statute.

(c) The candidate who has received a plurality of the votes cast for each respective City office shall, by the Mayor or Moderator, be declared elected to that office. But an

(d) Any election for State or county officers or representatives to the General Assembly shall, in all cases, be conducted according to the general law of the State.

§ 512. ~~OTHER VACANCIES~~ IN CITY OFFICES

(a) A vacancy in an elective office occurs upon the death or resignation of the office holder, inability to serve, removal from the City, and in the case of a Council member, removal from the district.

(b) ~~All other vacancies~~ Vacancies occurring in an elective office with more than 90 days of unexpired term remaining, excepting a vacancy in the office of Council member or school commissioner, shall be filled by the City Council until the next annual meeting of the City. The unexpired term of any office filled as provided in this ~~section~~ subsection shall, at the next annual meeting of the City, be filled by election for the balance of ~~said~~ the term in accordance with general law.

§ 513. ~~VACANCY CREATED~~

~~A vacancy in an elective office occurs upon the death, removal from the City, and in the case of a Council member, removal from the district, or resignation of the office holder. [Repealed.]~~

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§ 515. SCHOOL BUDGET VOTE

The school budget shall be voted ~~by~~ as a separate ballot ~~during regular voting hours~~ item at an annual meeting.

Subchapter 6. Schools

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§ 602. ELECTION OF BOARD OFFICIALS

(a) The Board of School Commissioners shall annually, not later than the second Wednesday after the first Tuesday in May, elect one of their number ~~Chairman~~ Chair of ~~said the~~ Board, one of their number ~~Vice/Chairman~~ Vice Chair of the Board, one of their number Secretary of ~~said the~~ Board, and one of their number Treasurer of ~~said the~~ Board.

(b)(1) The Board shall require its Treasurer and other commissioners it deems necessary to give bond to the City to the satisfaction of the Board for faithful discharge of their trust. If the Board shall require a bond with a fidelity company as surety, the expense thereof shall be paid from the School Fund.

(2) The Board may, by agreement with the City Council, provide that its Treasurer be covered under a blanket bond to be contracted as authorized by section ~~9 of subchapter 9~~ 910 of this chapter. In such event, an equitable

proportion of the cost of such blanket bond shall be paid out of the School Fund.

* * *

§ 604. SUPERINTENDENT OF SCHOOLS

The Board of School Commissioners shall, at the meeting specified in ~~section 2 above~~ section 602 of this subchapter or at any subsequent meeting, appoint a Superintendent of Schools who shall not be one of their number. The Board shall fix the compensation of the Superintendent of Schools, and ~~said~~ the compensation shall be paid in the same manner as other expenses for the support of schools.

* * *

§ 608. REQUISITION OF SCHOOL FUND

The Board of School Commissioners shall, from time to time as the same shall be required, make requisitions on the City Council for warrants on the City Treasury for such sum of money as they shall require for the payment of the expenses of the schools, which warrants in the aggregate in any year shall not exceed the amount of the School Fund established as provided by section ~~13 of subchapter 6~~ 613 of this charter subchapter.

* * *

§ 611. PAYMENT OF SCHOOL NOTES AND BONDS

(a) The Board of School Commissioners shall include in its estimate of necessary expenditures for the support of schools and its recommendation of the amount of money to be raised by local taxation for the support of schools, which estimate and recommendation are provided for in section 7 607 of this subchapter, the amount of money required for payment of principal ~~and/or~~ or interest, or both on any bonds or notes heretofore or hereafter issued by the City of Montpelier for school purposes, and ~~said~~ the amount shall be specifically designated in ~~said~~ the estimate and recommendation by the Board of School Commissioners.

(b) The City in voting money for school purposes at any annual or special meeting shall include in the amount voted for the support of schools ~~said~~ the amount of money needed for the payment of principal ~~and/or~~ or interest, or both on bonds or notes heretofore or hereafter issued by the City for school purposes. ~~Said~~ The amount of money required for the payment of principal ~~and/or~~ or interest, or both on bonds or notes as hereinbefore set forth shall be used by the Board of School Commissioners for the purpose of paying ~~said~~ the principal ~~and/or~~ or interest, or both.

(c) In case of conflict between this section and other provisions of this ~~charter~~ chapter, this section will prevail.

* * *

Subchapter 7. City Ordinances

§ 701. COUNCIL AUTHORITY

The City Council may ~~make, alter~~ adopt, amend, ~~or~~ repeal, and enforce any ~~resolution,~~ bylaw, regulation, or ordinance which it may deem necessary and proper for carrying into execution the powers granted by this ~~charter~~ chapter and State law or for the ~~well-being~~ well-being of said ~~the~~ City, ~~provided such resolution, bylaw, regulation, or ordinance shall not conflict with the federal or Vermont Constitutions or federal laws or laws of this State or this charter in~~ accordance with 24 V.S.A. § 2291, as may be amended from time to time.

§ 702. ~~ENACTMENT PROCEDURE~~ ORDINANCE ADOPTION, NOTICE,
AND EFFECTIVE DATE

(a) ~~No~~ A proposed bylaw, regulation, or ordinance shall be ~~effective~~ adopted upon its passage at the ~~time of its introduction but the same shall be~~ completion of the process that includes public notification and public hearing prior to passage by the City Council. ~~Such bylaw, regulation, or~~

(b) The adoption or amendment of an ordinance shall be ~~forthwith~~ published by title only in some newspaper of general circulation in said City, ~~together with a notice that the City Council is to consider the same at its next regular meeting, and a copy thereof shall be conspicuously posted in the City Clerk's office. At least six days before its effective date, such bylaw,~~

~~regulation, or ordinance shall be published at least once in some newspaper of general circulation in said City warned in accordance with 24 V.S.A. § 1972, as may be amended from time to time, in addition to posting on the City website and public notice six days prior to the effective date.~~

~~(c) An ordinance takes effect 15 days after passage unless the City Council or the City Clerk receives a petition signed by five percent of the voters calling for a public vote to disapprove the ordinance.~~

~~§ 703. NOTICE BEFORE FINAL ACTION~~

~~In the enactment or general revision by said City Council of a body of bylaws, regulations, or ordinances, no notice or publication in respect thereto shall be required beyond the conspicuous posting of a copy of the same in the City Clerk's office and publication of an appropriate notice in some newspaper of general circulation in said City forthwith upon introduction, and at least 10 days prior to final City Council action upon the same. A printed copy of such body of bylaws, regulations, or ordinances shall be available at the City Clerk's office for delivery to any adult inhabitant of the City at least 10 days before the effective date of such body of bylaws, regulations, or ordinances.~~

~~[Repealed.]~~

~~§ 704. RECORD OF ORDINANCES~~

~~The City Clerk shall prepare and keep in the City Clerk's office the ordinances ~~finally~~ passed by the Council ~~together,~~ with a complete index of the~~

ordinances according to subject matter. City ordinances shall be available on the City website.

§ 705. PENALTY FOR VIOLATION OF AN ORDINANCE

~~Any person who shall violate any bylaw, regulation, or ordinance adopted pursuant to the authority of this subchapter may, on conviction of such violation, be fined not in excess of \$500.00 and committed to a correctional facility designated by the State Commissioner of Corrections for a term not exceeding three months, in addition to or in lieu of fine, at the discretion of the court. If any person convicted of violation of a bylaw, regulation, or ordinance adopted under the provisions of this subchapter shall neglect to pay such fine and costs as the court in its discretion shall adjudge, subject to the limitations herein contained, such person shall be committed to the correctional facility designated by the State Commissioner of Corrections under the same regulations, and for the same term and in the same manner provided by law when fines in criminal matters are not paid. All fines, penalties, taxes, and moneys paid for licenses and permits under authority of this subchapter shall belong to the City and shall be paid into the City Treasury~~ The violation of an ordinance shall be enforced according to State statute.

§ 706. ACTIONS IN TORT

In addition to ~~the~~ any fine and other punishment ~~above~~ provided for ~~any~~ violation of a bylaw, regulation, or ordinance ~~adopted under the authority of~~

~~this subchapter~~, the City of Montpelier may have and maintain an action in tort founded on this statute against any person damaging or destroying ~~any of the~~ City property of said City, or injuring or corrupting any of the water supply or water system of ~~said the~~ City, and may recover treble damages against such person.

§ 707. ~~VIOLATIONS BY NON-RESIDENTS~~ PUBLIC NUISANCES

~~If any person while residing without this State and owning real or personal property within this State shall, personally or by the person's agents or servants, violate any bylaw, regulation, or ordinance lawfully made by the City Council, the City may sue for and recover the penalty for violation of such bylaw, regulation, or ordinance, in an action founded on this statute and the ordinance. In such suit, the City shall proceed in the same manner as in civil actions against persons residing without the State having property within the State~~ In prosecutions for public nuisances, possible relief for the City may include damages and injunction relief, as well as orders to authorize the City to remedy the nuisance, if possible, and charge the offending party.

§ 708. ~~LIABILITY FOR DAMAGES~~

~~A person violating any bylaw, regulation, or ordinance of the City shall be liable in damages to the City or to any person who shall sustain damages as the direct result of said violation and such damage may be recovered in an action declaring upon such bylaw, regulation, or ordinance.~~ [Repealed.]

Subchapter 8. Boards and Commissions

§ 801. GREEN MOUNT CEMETERY ~~COMMISSIONERS~~ COMMISSION

(a) The ~~commissioners of Green Mount Cemetery~~ Commission shall constitute a ~~Board of Cemetery Commissioners and shall~~ have charge of all public cemeteries and burial grounds in the City with the same power and authority as similar officials in towns.

(b)(1) Commissioners of ~~said the~~ Green Mount Cemetery shall be elected at the annual meeting of the City to comply with the charter of ~~said the~~ Green Mount Cemetery ~~and they.~~

(2) ~~and the~~ The City Treasurer ~~and they~~ shall have all the authority and carry out all the conditions made by the charter of Green Mount Cemetery. ~~Said commissioners~~

(3) These commissioners shall be five in number, and one shall be elected at each annual meeting for a five-year term. ~~Commissioners already in office shall continue to serve until their terms are completed.~~

(c) Vacancies on the ~~Board~~ Commission shall be filled by the remaining commissioners until the next annual meeting of the City.

§ 802. ~~PARK COMMISSIONERS~~ PARKS COMMISSION

(a) The ~~Board of Park Commissioners~~ Parks Commission shall consist of five members, one of whom shall be elected at each annual meeting for a

five-year term. ~~Commissioners already in office shall continue to serve until their terms are completed.~~

(b) Vacancies in the ~~Board~~ Commission shall be filled by the remaining commissioners until the next annual meeting of the City. ~~Said commissioners~~

(c) The Commission shall have charge of the construction, maintenance, and control of all public parks within the City. The term “public parks” shall not be construed to include recreational fields and playgrounds.

§ 803. BOARD OF CIVIL AUTHORITY

(a) ~~The City Council, City Clerk, and the justices of the peace resident in the City shall constitute the Board of Civil Authority for the City, and in conjunction with the City Assessor and City Clerk shall constitute a Board for the Abatement of Taxes and shall be governed by the general laws of the State in respect to the abatement of taxes. The Board of Civil Authority and the Board for the Abatement of Taxes which shall perform all the duties imposed by law upon such boards in towns, except as otherwise provided in this Charter chapter.~~

(b) All meetings of the Board of Civil Authority shall be called by the Mayor who shall request the City Clerk to notify the members of the Board of the time and place of such meeting, either personally or by written notice duly mailed to each member at least five days before such time appointed. If the Mayor fails to call a meeting of the Board of Civil Authority when such

meeting is required by law, the City Clerk shall call such meeting and shall notify the members.

(c)(1) A minimum of one-third of the members shall constitute a quorum. Annually, at the first meeting of the Board of Civil Authority after the annual City meeting, the members of the Board shall elect one of their members as Chair of the Board to serve until after the next City election. The Chair shall preside at each meeting of the Board. The City Clerk shall preside at each meeting until the presiding officer is chosen.

(2) The Board of Civil Authority shall meet before all annual or special meetings and State and national elections, and before City party caucus dates for the purpose of adding and purging the voter checklist.

§ 804. ~~MEETINGS OF THE BOARD OF CIVIL AUTHORITY FOR~~
ABATEMENT OF TAXES

(a) The Board for Abatement of Taxes, consisting of the Board of Civil Authority, the City Assessor, and the City Treasurer, shall be governed by the general laws of the State in respect to abatement of taxes.

(b)(1) The Board for Abatement of Taxes shall meet on the first Tuesday in June in each year, which meeting may be adjourned from time to time thereafter for the purpose of considering abatement of paid taxes as provided by 24 V.S.A. § 1535, as may be amended from time to time.

(2) All requests for the abatement of paid taxes shall be filed with the City Clerk at least five days before the date of such meeting.

(3) The City Clerk shall cause such meeting to be warned by posting and publishing a notice of the same at least 15 days prior to such meeting and also five days prior to such meeting.

(c) All meetings of the Board of Civil Authority and the Board for the Abatement of Taxes shall be called by the Mayor who shall request the City Clerk to notify the members thereof of the time and place of such meeting, either personally or by written notice duly mailed to each member at least five days before such time appointed. In event of failure of If the Mayor fails to call a meeting of the Board of Civil Authority or the Board for the Abatement of Taxes when such meeting is required by law, the City Clerk shall call such meeting and shall notify the members thereof of the time and place of such meeting by written notice mailed to each member at least five days before such time appointed. A minimum of one third of the members shall constitute a quorum. Annually, at the first meeting of the Board of Civil Authority after the annual City meeting, the members of the Board shall elect one of their members as Chair of the Board to serve until after the next City election. The Chair shall preside at each meeting of the Board. The City Clerk shall preside at each meeting until the presiding officer is chosen. The Board of Civil Authority shall meet before all annual or special meetings, State and national

~~elections, and before City party caucus dates for the purpose of adding names to the checklist.~~

§ 805. PLANNING COMMISSION

The Planning Commission ~~of the City of Montpelier~~ shall consist of seven members appointed by the City Council for two-year terms in accordance with 24 V.S.A., ~~as amended, chapter 91, §§ 4322–4323,~~ as may be amended from time to time. The Planning Commission shall perform such planning functions and duties as may be required by the City Council, ~~charter~~ this chapter, ordinances, or applicable State laws.

§ 806. ~~BOARD OF ADJUSTMENT~~ DEVELOPMENT REVIEW BOARD

(a) The ~~Board of Adjustment of the City of Montpelier~~ Development Review Board shall consist of five regular members and two alternate members, appointed by the City Council for three-year terms in accordance with 24 V.S.A., ~~as amended, chapter 117, § 4461~~ 24 V.S.A. § 4460, as may be amended from time to time.

(b) The ~~Board of Adjustment~~ Development Review Board shall, upon the request of an interested person, hear the appeal of any decision or act taken by the Administrative Officer in accordance with the procedures outlined in 24 V.S.A., ~~as amended, chapter 91, subchapter 8;~~ 24 V.S.A. chapter 117, subchapter 11, as may be amended from time to time, and perform such other

duties as may be required by the City Council, ~~charter~~ this chapter, ordinances, or applicable State laws.

(c) A quorum of ~~the Board of Adjustment~~ shall consist of a ~~maximum~~ minimum of ~~five~~ three regular or alternate members ~~and up to a minimum~~ maximum of ~~three~~ five regular or alternate members.

(d) Alternate members may serve on the Development Review Board when one or more regular members are unable to attend a meeting.

(e) ~~The Board of Adjustment~~ Development Review Board shall be further governed by ~~the rules and procedures for the Board of Adjustment~~ as provided in the City ordinances.

§ 807. RECREATION GOVERNANCE

(a) The City may establish, maintain, and conduct a system of public recreation including playgrounds; may set apart for such use any ~~other~~ land or buildings owned or leased by ~~it~~ the City; may acquire land, buildings, and recreational facilities by gift or purchase, ~~and~~ may issue bonds therefore as provided by law and equip and conduct the same; may employ a Director of Recreation and ~~assistant~~ other employees as necessary; and may expend funds for the aforesaid purposes.

(b) ~~The legislative body~~ City Council may conduct the same through a Department ~~or Bureau~~ of Recreation; ~~or~~. Alternately, the Council may delegate the conduct thereof to a ~~Recreational Board~~ Recreation Board created

by ~~them~~ the Council, or to a the School Board, or to any other appropriate existing board or commission.

(c) ~~The Recreation Board of the City of Montpelier~~ If the City Council chooses to appoint a Recreation Board, it shall consist of five members appointed by the legislative body Council for three-year terms, or in the case of a commission, elected at large at the annual meeting of the City. The Recreation Board shall perform such planning functions and duties as may be required by the ~~legislative body Council, charter~~ this chapter, ordinances, or applicable State laws.

(d) The Recreation Board budget shall be an integral part of the City budget and under the control of the ~~legislative body City~~ or its designee.

§ 808. ~~MEETINGS OF BOARD OF ABATEMENT~~

~~The Board of Abatement, consisting of the Board of Civil Authority, the City Assessor, and the City Treasurer, shall meet on the first Tuesday in June in each year, which meeting may be adjourned from time to time thereafter for the purpose of considering the abatement of paid taxes as provided by law. All requests for the abatement of paid taxes shall be filed with the City Clerk at least five days before the date of such meeting. The City Clerk shall cause such meeting to be warned by posting and publishing a notice of the same at least 15 days prior to such meeting and also five days prior to such meeting.~~

[Repealed.]

§ 809. COUNCIL AUTHORITY OVER BOARDS AND COMMISSIONS

(a) The City Council has the authority to create new boards and commissions. The City Council also has the authority to consolidate or eliminate any City boards and commissions not required by law.

(b) Upon approval of two-thirds of its members, the Council has the authority to remove a member of a board or commission.

§ 810. YOUTH MEMBERS

The City Council may appoint nonvoting youth members to City boards and commissions, in addition to the regular appointed members. Youth members shall be enrolled in a secondary school at the time of appointment. Appointments shall last one year, commencing in the beginning of the regular school year calendar.

Subchapter 9. Administration

§ 901. FISCAL YEAR

The fiscal year ~~of the City of Montpelier~~ shall begin the first day of July and end ~~of~~ the 30th day of June each year, or as otherwise authorized by the ~~legal~~ voters of the City.

§ 902. ANNUAL CITY BUDGET

The City Manager shall prepare and submit a proposed fiscal budget to the City Council ~~on or before March 1st of each year~~ in December or in compliance with their agreed-upon schedule. The ~~City~~ Council shall have the

authority to ~~change~~ set the budget submission date ~~when in the opinion of the Council it is in the best interests of the City to change the date.~~

* * *

§ 904. ADMINISTRATIVE OFFICERS

The ~~Administrative~~ administrative officers of the City of Montpelier shall be those provided by law for towns except as otherwise provided by this ~~charter~~ chapter. ~~Such officers~~ Officers shall have all the powers and duties necessary to carry out the provisions of this ~~charter~~ chapter as well as those provided by law.

§ 905. ELECTION AND TENURE OF CITY CLERK AND CITY
TREASURER

The City Clerk ~~and City Treasurer~~ shall be elected ~~and after their~~ by the voters of Montpelier for a term of three years. Following his or her election and qualification, the City Clerk may appoint one or more assistant City clerks ~~and assistant City treasurers, respectively.~~ In the event of a vacancy in the Office of City Clerk ~~or City Treasurer~~, the assistant City clerk ~~or assistant City treasurer, respectively,~~ shall assume the duties of ~~such~~ the office until such time as the vacancy is filled. The powers, authority, and responsibilities of the City Clerk shall be those prescribed by general law in addition to those set forth in this chapter.

§ 906. ~~ADMINISTRATIVE CODE~~ APPOINTMENT OF CITY

TREASURER

~~The administrative code of the City of Montpelier shall provide for the administration of City government by various departments and divisions and defining the functions and duties of each~~ The City Treasurer shall be appointed by the City Council. The Treasurer shall serve as an officer and employee of the City under the City Manager's administrative control.

§ 907. PERSONNEL ADMINISTRATION AND BENEFITS

The City Council may adopt rules relating to personnel administration, including the following: job classification, tenure, retirement, pensions, leaves of absence, vacation, holidays, hours of work, group insurance, salaries, layoffs, reinstatement, promotion, demotion, dismissal, transfer, injury, and settlement of disputes and appeals.

§ 908. ~~PAYMENT OF CONTRACTUAL ACCRUED LIABILITY~~

~~In case a contract or contracts shall be made pursuant to section 6 above with one or more insurance companies or associations of recognized standing, or with any retirement group, plan, or fund established by the State of Vermont, any accrued liability existing at the time of execution of such contract or contracts may be paid over a period of not more than 20 years if the other contracting party or parties agree. The City Council is hereby authorized, as a specific exception to the restrictions of this charter prohibiting~~

~~the creation of indebtedness by the City Council, to contract for the payment of such accrued liability over a period not to exceed 20 years, or to issue a note or notes of the City in the amount of such accrued liability, said note or notes to be payable within a period of not more than 20 years. [Repealed.]~~

§ 909. ANNUAL CITY REPORT

A full record of expenditures shall be kept and a clear statement of all receipts and disbursements of City money and of the affairs of the City generally, together with the report of the Board of School Commissioners, auditors, and other City officials, shall be annually published under the direction of the ~~Mayor, and a~~ City Manager. A reasonable number shall be made available for distribution among the voters of the City at least 10 days prior to the annual City meeting. ~~Such~~ The report shall include estimates of receipts and proposed expenditures of the City for the ensuing year.

§ 910. OFFICERS' BONDS

All officers ~~required by this charter or the general law to give bonds, and all~~ officers from whom the City Manager may require bonds, or as required by State statute, shall annually give bonds to the City, to the satisfaction of the City Manager, for the faithful discharge of their respective trusts. Such bond shall be given before the officer concerned enters upon the officer's duties. If the City Manager requires a bond with a fidelity company as surety, the City shall pay the expense thereof. The City Manager may, ~~in the City Manager's~~

~~discretion,~~ contract for one blanket bond to cover all City officials and employees required to furnish bonds. Such blanket bond may, with the concurrence of the Board of School Commissioners and other boards or agencies requiring bonds from officers and employees under their control, cover the Treasurer of the Board of School Commissioners and other officers or employees under control of such boards.

§ 911. ~~AUTHORITY OF POLICE OFFICERS~~

~~All police officers and the City Sheriff appointed under authority of this charter shall have authority to serve anywhere within this State and return process in criminal causes returnable within the State, and for such duties there shall be taxed and allowed the fees provided by law for a sheriff for similar services. Such fees shall be paid into the City Treasury and shall belong to the City whenever such officer shall be under pay from the City. Said police officers and City Sheriff shall have the same powers and liabilities as are prescribed by law for constables of towns in all matters arising under the criminal and police laws of this State, and the ordinances and police regulations of the City. [Repealed.]~~

Subchapter 10. City Manager

§ 1001. APPOINTMENT; ELIGIBILITY, AND QUALIFICATIONS

The City Manager shall be chosen and appointed by majority vote of the City Council for an indefinite term, solely on the basis of the City Manager's

professional qualifications, ~~and~~. The City Manager need not be a resident of ~~the City of~~ Montpelier or the State of Vermont at the time of appointment, but shall ~~be expected to~~ reside in the City during the City Manager's tenure of office unless other conditions are approved by the Council.

§ 1002. ~~COMPENSATION OF THE CITY MANAGER~~ EMPLOYMENT CONTRACT

The City Council shall ~~fix the~~ enter into a written agreement with the City Manager establishing terms of employment, including salary of the City Manager and related benefits.

§ 1003. OATH OF OFFICE

The City Manager shall be required to take ~~an~~ the oath of allegiance and the oath of office as prescribed in the Constitution of the State of Vermont before entering upon the City Manager's duties. (See section 1401 of this chapter (oath of allegiance; oath of office)).

§ 1004. REMOVAL OF ~~THE~~ CITY MANAGER

The City Manager may be removed from office by a majority vote of the City Council at a duly warned meeting for that purpose, as provided by general law or employment contract. At least 30 days prior to the effective date of such removal, the City Council shall by majority vote of its members adopt a resolution stating the reason for the removal, and cause a copy of such resolution to be given to the Manager. ~~The Manager shall have the right to~~

~~reply in writing and request a public hearing upon the reasons for the dismissal. The public hearing in this matter shall be held not earlier than 20 nor later than 30 days after the filing of a request for public hearing with the City Clerk. The City Council may by such resolution immediately suspend the manager~~ City Manager from active duty, but shall continue the Manager's salary until final dismissal, ~~at which time any unpaid balance of the Manager's salary for the next three calendar months shall be paid, unless otherwise contracted between the Council and the City Manager.~~

§ 1005. VACANCY IN THE OFFICE OF CITY MANAGER

(a) During times of vacation and planned absences, the City Manager shall designate an acting City Manager to perform the duties of the Office. In the event of a vacancy in the Office of City Manager, or during the temporary absence or disability of the City Manager, the City Council, by resolution of the majority of its members, may appoint an ~~“acting City Manager”~~ acting City Manager to perform the duties of the ~~office, and fix~~ Office. The Council shall set the compensation of the person so appointed.

(b) The acting City Manager shall have all the powers and duties of the City Manager, except the power to appoint and remove officials. The City Council shall make temporary appointments to fill any vacancy in an office appointed by the City Manager any appointment or removal of officials or employees by the acting City Manager shall be confirmed by the City Council.

§ 1006. POWERS AND DUTIES OF ~~THE~~ CITY MANAGER

The City Manager shall be the administrative head of the City government; ~~and. The City Manager shall be responsible to the City Council for the~~ administration of the affairs of the City; and for carrying out the policies of the City Council. The powers and duties of the City Manager shall be as follows:

~~(a)(1) The City Manager shall see~~ ensure that all laws and ordinances are enforced; ~~and~~

~~(b)(2) Shall exercise administrative control over all departments herein created or that may be created by administrative codes; and~~

~~(c)(3) Shall make appointments and removals as provided in this charter chapter; and~~

~~(d)(4) Shall prepare the annual fiscal budget~~ budgets to be submitted to the City Council ~~on or before the date set each year by the City Council for~~ review and adoption prior to the annual meeting; and

~~(e)(5) Shall attend meetings of the City Council, take part in the business discussion, provide requested and relevant data, and make such~~ recommendations for the determination of policy as the City Manager may deem expedient; ~~and~~

~~(f)(6) Shall act as purchasing agent for all City departments, except~~ schools; ~~and~~

~~(g)~~(7) ~~Shall fix the~~ set salaries and wages of all employees under the City Manager's jurisdiction in accordance with this ~~charter~~ chapter, fiscal budgets, and personnel policies; ~~and~~

~~(h)~~(8) ~~Shall~~ administer the personnel policies, job classifications, and pay plan, and is authorized to take final action on all personnel issues for positions under the Manager's administrative control; ~~and~~

~~(i)~~(9) ~~May~~ delegate responsibility for administrative duties to department heads and subordinate officers; and

~~(j)~~(10) ~~Shall~~ perform such other duties as may be prescribed by this ~~charter~~ chapter or required by the City Council.

§ 1007. APPOINTMENTS

(a) Except for those appointments made by the City Council as provided for in this ~~charter~~ chapter, the City Manager shall ~~make the following appointments:~~ appoint and remove all City employees, including Chief of the Fire Department; Chief of Police; Director of Public Works; ~~City Engineer;~~ Superintendent of Streets, Water, and Sewers; City Grand Juror; Director of Planning and Community Development, Finance Director, Senior Citizen Director, Zoning Administrator; City Assessor; ~~Civil Defense Director;~~ Building Inspector; Assistant to City Manager; ~~City Sheriff; City Constable;~~ Health Officer; ~~Pound Keeper;~~ Parks Director/Tree Warden; ~~employees;~~ ~~Credit Union Loan Board;~~ Recreation Director, Tax Collector, and such all

other officers and ~~subordinate officers~~ employees as may be required by general law of the State, by this ~~charter~~ chapter, or by the City Council.

(b) City Manager appointments shall continue until removed by the City Manager. Removals by the city manager shall be in accordance with any personnel policy or plan adopted in accordance with section 907 of this chapter.

§ 1008. ~~TERMINATION OF APPOINTMENTS~~

~~The appointments of the City Manager shall continue in effect until 90 days after a new City Manager is appointed by the City Council and assumes the City Manager's duties, at which time they shall terminate, and the new City Manager shall fill all vacancies by appointment in accordance with this charter.~~

[Repealed.]

§ 1009. ~~NON/INTERFERENCE~~ NONINTERFERENCE BY THE CITY COUNCIL

(a) Neither the City Council as a body nor any of its members shall dictate or attempt to dictate the appointment of any person to office or employment, ~~nor~~ or the removal of any person from office or employment by the City Manager. The City Manager may seek the advice of the City Council or its members in matters of appointment or employment, but shall be free to exercise the City Manager's own judgment.

(b) In addition, neither the City Council nor any of its members shall collectively or individually give orders either publicly or privately to any department head or employee of the City under the jurisdiction of the City Manager but shall deal solely through the City Manager, except for purposes of inquiry.

Subchapter 11. Indebtedness; Sinking Fund; Bonds and Notes for
Improvements

§ 1101. POWERS

The City may issue bonds or notes for any improvement authorized by general or special law, including this ~~charter~~ chapter. The word “improvement,” as used in this subchapter, shall have the meaning ascribed to it by the general laws of the State and shall include, apart from its ordinary signification, the acquisition of land, the construction or purchase or remodeling of buildings or additions, the purchase and installation of furnishings or equipment for any new or existing improvement or department, the construction of water works, the construction of sewers and sewage treatment or disposal plants, the construction of streets or bridges or sidewalks, the acquisition and construction of facilities for the production and delivery of heat and of devices, facilities, and other measures to conserve energy or promote efficient energy use, and the acquisition or construction of any other

work or improvement for which municipalities of the State may now or hereafter be authorized to ~~raise money~~ incur debt.

§ 1102. SUBMISSION TO VOTERS; PUBLIC IMPROVEMENTS

(a) When the City Council shall determine that the public necessity or interest demands improvements, other than improvements relating to schools or school property, and that the cost of the same will be too great to be paid out of the ordinary ~~annual income and~~ revenue of the City, ~~it the Council~~ may by vote of two-thirds of ~~all~~ its members order the submission of ~~the a~~ a proposition ~~of making to make~~ such improvements and ~~incurring a~~ incur debt to pay for the same to the ~~legal~~ voters of the City at an annual or special meeting ~~to be~~ warned and held for that purpose.

(b) The City Council shall, on receipt of a petition signed by ten percent of the voters, promptly order the submission of a proposition to make such improvements and incur debt to pay for them to the voters of the City at an annual or special meeting warned and held for that purpose.

§ 1103. SUBMISSION TO VOTERS; SCHOOL IMPROVEMENTS

When the School Board ~~of School Commissioners~~ shall determine that the public necessity or interest demands improvements relating to schools or school property, or upon a petition signed by at least ten percent of the voters, and that the cost of the same will be too great to be paid out of ordinary ~~annual~~ income and revenue of the City, ~~it the School Board~~ may by vote of two-thirds

of ~~all~~ its members request the City Council to order the submission of ~~the a~~ proposition of ~~making to make~~ such improvements and ~~incurring a incur~~ debt to pay for the same to the ~~legal~~ voters of the City at an annual or special meeting ~~to be~~ warned and held for that purpose. The City Council shall, on receipt of such a request from the School Board of School Commissioners, or by petition, promptly order the submission of ~~the a~~ proposition of ~~making to make~~ such improvements and ~~incurring a incur~~ debt to pay for the same to the ~~legal~~ voters of the City at an annual meeting or special meeting ~~to be~~ warned and held for that purpose.

* * *

§ 1105. NOTICE OF MEETING

The City Clerk shall cause the warning of such meeting ~~or the extract~~ thereof ~~provided for in section 2 of subchapter 5~~ to be published in a newspaper of known circulation in said City once a week for three consecutive weeks ~~on the same day of the week, the last publication to be not less than five nor more than ten days before such meeting.~~ The City Clerk shall also cause ~~certified copies of such warning or extract to be posted in six public places~~ within said City not less than 14 nor more than 20 days immediately preceding ~~such meeting~~ as provided by the general laws of the State.

§ 1106. AUTHORIZATION

When a majority of all the voters voting on such proposition at an annual meeting, or special City meeting, ~~provided the total number of voters voting on such proposition at such special meeting is equal to at least 10 percent of the number of names on the check list of persons qualified to vote at the last annual meeting,~~ shall vote to authorize such improvements and the incurring of debt to pay for the same, the City Council or, if the improvements relate to schools or school property, the School Board of School Commissioners, shall be authorized to make such improvements.

§ 1107. CONDUCT OF MEETINGS

The qualifications of voters at all such City meetings shall be the same as the qualifications of voters at annual City meetings, and such meetings shall be conducted in the same manner as City meetings are conducted. The vote on the question of making the improvements and incurring a debt shall be by Australian ballot in the form provided by the general law of the State. ~~The form of ballot to be used shall be substantially as follows:~~

~~Shall the City make the following public improvements, viz: (stating them),
and incur not exceeding \$_____ debt to pay for the same?~~

~~If in favor of this proposal make a cross (X) in this square []~~

~~If opposed to this proposal make a cross (X) in this square []~~

§ 1108. CITY COUNCIL ACTION

When the incurring of a debt has been authorized by the voters in the manner ~~above~~ provided in this subchapter, the City Council shall determine by resolution whether notes or bonds are to be ~~issues~~ issued and the terms thereof. ~~Notes for this purpose shall mean obligations payable to or to the order of a named payee, or to bearer, without interest coupons attached, and shall mature within 10 years from date at such time or times and in such amount or amounts, not exceeding the amount fixed by vote of the City meeting, as the City Council may by resolution establish.~~

§ 1109. BONDS; MATURITIES

All bonds issued under this subchapter shall be payable serially, the first payment to be deferred not more than five years after date of issue and subsequent payments to be continued annually in equal or diminishing amounts so that the entire debt will be paid in not more than 25 years from the date of issue; ~~or within such period in excess of 25 years as may be otherwise permitted by law.~~

§ 1110. DEBT LIMITS

~~The City shall not incur an indebtedness for improvements which with its previously contracted indebtedness, shall in the aggregate exceed 10 times the amount of the last grand list of the City. Bonds or obligations given or created in excess of the limit authorized hereby and contrary to the provisions hereof~~

~~shall be void. In determining the amount of City indebtedness permitted by this subchapter, obligations created for current expenses, for the water supply system, for an income producing public sewage disposal system, for parking meters and publicly owned parking facilities which produce income, and temporary loans created in anticipation of the collection of taxes shall not be taken into account. Sinking funds and other moneys set aside for the sole purpose of paying outstanding bonds or notes which are subject to the above limit shall be deducted. There shall also be deducted any indebtedness created for any purpose authorized by the general statutes, which by the terms of such statutes is made exempt from debt limit restrictions which otherwise would apply~~ The City's debt limits shall be calculated as provided by general laws of the State.

§ 1111. SPECIFICATIONS

The City Council shall ~~determine~~ approve the rate of interest, the date, the denominations, the time and place of payment, and the form of such bonds or notes. The City Council may provide that the bonds or notes be sold on ~~bids fixing the rate of interest, and if so sold, the accepted bid shall fix the rate of interest~~ the bonds are to bear a competitive bid basis or by negotiated sale.

§ 1112. TAXES TO MEET INTEREST AND PAYMENTS

At the time of voting a general tax levy, the City shall provide annually for the assessment and collection each year, until such bonds or notes are paid, of

a tax sufficient to pay the interest on such bonds or notes and ~~such~~ the part of the principal as shall become due prior to the time the taxes are due in the next following year.

§ 1113. ADVERTISEMENT

~~The bonds issued under this chapter shall be sold at not less than par and accrued interest to the highest bidder if the bonds are sold bearing a specified rate of interest, or the highest bidder agreeing to accept the lowest rate of interest if the bonds are sold on bids fixing the rate of interest, after being advertised at least once not less than five nor more than 30 days before the date of sale in a newspaper published in the county and in a Vermont daily newspaper, which may be the same newspaper, and in case of issues exceeding \$250,000 also in some financial paper published in Boston, Massachusetts or New York, New York. The advertisement shall state the amount, date and denomination of the bonds, date of maturity, rate of interest, or that the bidding shall be based thereon, and the time and place where the bids will be received. The City Council may reject any and all bids. In case all bids are so rejected, they may advertise and call for new bids in the manner hereinbefore provided, or in case, after the bonds have been advertised for sale as herein provided, no bids have been received, or all bids have been rejected and the whole or any part of the bonds remain unsold, those unsold may be sold by the City Council~~

~~at private sale at not less than par and accrued interest~~ Bond of the City shall
be advertised for sale as provided by the general laws of the State.

§ 1114. EXECUTION

All bonds and notes issued under this subchapter shall be signed by the Mayor and Treasurer of the City and in addition bonds shall bear the Seal of the City. ~~The coupons to such bonds shall be signed by or bear the facsimile signature of the Treasurer.~~ The bonds or notes shall contain a statement that they were issued for the purposes mentioned in and in conformity with the provisions of this ~~charter~~ chapter or applicable provisions of the general laws, and such statement shall be conclusive evidence of the same and of the liability of the City to pay the bonds or notes and the interest thereon in an action by a person who in good faith holds such bonds or notes.

§ 1115. RECORD BY TREASURER

The City Treasurer shall keep a record of every bond or note issued under this subchapter, stating ~~therein~~ the number and denomination of each bond or note, when issued, and the rate of interest ~~thereon~~. The Treasurer shall also keep a record of payments of interest or principal, ~~and, if coupons are taken up, shall record the fact and deface the same.~~ When notes or bonds are paid the ~~City Treasurer shall keep a record of the same, and such notes or bonds shall be cancelled.~~

§ 1116. ~~RECORD~~

~~All ordinances or resolutions required by this subchapter to be enacted by the City Council or the Board of School Commissioners shall be duly recorded in the office of the City Clerk. [Repealed.]~~

§ 1117. USE OF UNEXPENDED BOND PROCEEDS

(a) The proceeds of all bonds or notes shall be used for the purpose for which they were authorized. However, any unexpended balance remaining after carrying out the purpose for which they were authorized, other than school purposes, may, by vote of any annual or special City meeting duly warned and held for that purpose, be authorized for any purpose for which bonds may be issued, in accordance with general law, or transferred to the General Fund of said City or to the Sinking Fund a sinking fund established as hereinafter provided by the Council.

(b) Any unexpended balance remaining after carrying out a purpose relating to schools or school property for which bonds or notes were authorized may, ~~by vote of an annual or special City meeting~~ in addition to other uses permitted by law, be transferred to ~~the School Fund, or the above mentioned Sinking Fund~~ a sinking fund.

§ 1118. BONDS OR NOTES FOR REFUNDING—; AUTHORIZATION;;
PROCEDURE

The City may issue bonds or notes to refund the principal and interest of bonds or notes then outstanding and for any other purpose authorized by the general laws of the State. Such refunding bonds or notes shall be authorized and issued as provided by law.

§ 1119. TEMPORARY LOANS IN ANTICIPATION OF TAXES AND FOR
CURRENT EXPENSES

The City Council shall have the authority to borrow ~~money in any fiscal year in anticipation of taxes in an amount not to exceed 90% of the amount of taxes assessed for such year, or 90% of the amount of taxes assessed for the prior year if the taxes for the current year have not been assessed, and may issue the City's notes therefore. Such notes shall be signed by the Mayor and by the City Treasurer and shall be payable within 12 months from the date of issue from the tax receipts in anticipation of which such notes were given, but they shall nevertheless be negotiable and shall constitute general obligations of the City. Such notes shall be designated "tax anticipation loan" but the proceeds shall be considered as revenue of the City in ascertaining the amount which may be expended in any one year~~ in anticipation of the receipt of taxes and other revenue, in anticipation of the receipt of grants, in anticipation of the

issuance of bonds, and for current expenses as provided by the general law, including 24 V.S.A. §§ 1773 and 1786, as may be amended from time to time.

§ 1120. ~~TEMPORARY LOANS FOR CURRENT EXPENSES~~

~~At any time or times in any fiscal year of the City, the City Council may borrow money not in excess of a specified sum for the purpose of paying the debts and expenses of the City due and to become due before the close of the fiscal year, and to issue the City's notes therefore, as provided by law. Such notes shall be signed by the Mayor and the City Treasurer and shall be payable within 12 months from the date of issue from the proceeds of the annual tax for the following year or the proceeds of loan in anticipation thereof, but they shall nevertheless be negotiable and shall constitute general obligations of the City and may be refunded as provided by law. [Repealed.]~~

§ 1121. LIMITATIONS

The credit of the City shall not be pledged, except in the manner herein provided, and the City Council shall not expend in any year a sum of money in excess of the revenues of the City for that year or increase the indebtedness of the City, except, as provided by this ~~charter~~ chapter or to meet obligations imposed by law.

§ 1122. SPECIAL INDEBTEDNESS FOR WATER PURPOSES, SEWAGE
DISPOSAL, AND HEAT IMPROVEMENTS

For the purpose of owning, operating, ~~extending, adding to,~~ improving, ~~conducting, controlling,~~ and managing its public water works system, a public sewage disposal system, heat facilities and devices, facilities, and other measures intended to conserve energy use, promote efficient energy use, or any combination thereof, the City, ~~by action of the City Council, in lieu of the issuance of bonds or the levy of taxes and in addition to any other lawful methods or means of providing for the payment of indebtedness shall have the power to provide for or to secure the payment for all or a part of the cost of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating, or managing its said water works system, public sewage disposal system, heat facilities and devices, facilities, and other measures to conserve energy, promote efficient energy use, or any combination thereof by pledging, assigning, or otherwise hypothecating all or any part of the net earnings or profits derived, or to be derived from the operation thereof. To that end the City Council shall have full power to authorize and direct the execution and issuance of contracts and evidences of indebtedness as may be necessary to carry out the provisions of this section. Such contracts and evidence of indebtedness shall be in such form, shall contain such provision, and shall be executed as may be determined by the City Council.~~

~~Nevertheless, no such indebtedness shall be incurred nor evidence thereof be issued, nor shall such revenues be pledged, assigned, or otherwise hypothecated by the City Council unless and until at least a majority of the legal voters of the City present and voting thereon at a duly warned meeting, called for that purpose, shall have first voted to authorize the same. Such meeting shall be warned and held in the same manner as meetings for the transaction of ordinary business without regard to the foregoing bonds or notes for improvements. Evidences of indebtedness issued as authorized herein shall be payable solely from the net earnings or profits derived, or to be derived from the operation of such public water works system, sewage disposal system, heat facilities and devices, facilities, and other measures to conserve energy, promote efficient energy use, or a combination thereof, and shall not constitute a municipal indebtedness nor impose an obligation or liability upon the City to pay the same from any funds of the City other than such net earnings or profits. A statement referring to the limited nature of the obligation and that it has been issued under this section shall be made plainly to appear in or upon each evidence of indebtedness. Such certificates shall be legal investments for savings banks and trust companies in the State may pledge all or any part of the net revenues of such enterprises in the manner provided by general laws of the State.~~

§ 1123. POWERS OF THE CITY NOT LIMITED

The powers ~~hereinabove~~ granted in this subchapter shall not be construed in limitation, diminution, or in substitution for, but in addition to, power provided by law for municipalities generally in authorizing and incurring indebtedness for public improvements or otherwise, all of which general powers shall inure to and be exercisable by the City of ~~Montpelier~~.

§ 1124. CITY FINANCES

Except as hereinafter provided, the money raised by taxation from fines and penalties and from other lawful sources shall constitute the entire sum for which appropriations and payments are to be made by authority of the City Council, except that money raised by bonds or notes as hereinafter authorized shall be appropriated and paid out in the manner set forth in this ~~charter~~ chapter.

§ 1125. BUDGET SURPLUS AND DEFICIT

Unless otherwise disposed of in the manner provided by law or set in reserve by the City Council or School Board, any surplus existing at the end of the fiscal year shall be carried forward as revenue in the General Fund or School Fund, as appropriate, for the next ensuing fiscal year. Any deficit existing at the end of the fiscal year shall be liquidated in the manner provided by law.

Subchapter 12. Assessment and Collection of Taxes;

Establishment of Water and Heat Rates

§ 1201. ASSESSMENT OF TAXES AND ESTABLISHMENT OF TAX
RATE

(a) The City Council shall assess such taxes upon the grand list of the City as the City voters at any annual or special meeting warned for that purpose ~~and~~ ~~may vote~~ have approved for the payment of debts and current expenses of the City, for carrying out any of the purposes of this ~~charter~~ chapter, for the support of schools ~~in said City~~, and for the payment of all State and county taxes and obligations imposed ~~upon said City~~ by law. The vote of the City shall be upon the specific sum of budgeted tax appropriation for the support of all City departments, grants, schools, recreation, and senior citizens. The City Council shall establish a tax rate based upon the true grand list as appraised by the City Assessor, and shall deliver the same to the City Treasurer for computation and collection. ~~Any general statutory provisions insofar as they pertain to expressing in the vote the specific sum or rate per cent on the dollar of the grand list for highway purposes or other necessary expenditures shall not apply to any action taken by the City of Montpelier in regard to voting money for City purposes.~~

(b) The City shall have the authority to change the way that the annual fiscal budget is approved, enabling voters to approve the entire municipal

budget instead of or in addition to voting on the budgeted tax appropriation amount. Voting on the entire municipal budget shall take effect when such process is adopted by the majority of voters at an annual or special meeting duly warned for this purpose in accordance with general law.

§ 1202. ~~WARRANT AND NOTICE TO NONRESIDENT TAXPAYER~~
NOTICE OF TAX BILL AND DUE DATE

Thirty days before the ~~issuance of a warrant against the person or property of a nonresident taxpayer~~ due date for the payment of taxes or before the first installment payment thereof, the City Treasurer shall ~~give such nonresident~~ send all municipal taxpayers notice in writing of the tax bill, the amount thereof, and the ~~time within which the same may~~ “due date” by which this amount shall be paid to the City Treasurer. ~~Said notice may be delivered to such nonresident taxpayer or sent by certified mail to the last and usual place of abode, or to the last address given by said nonresident taxpayer as the address to which notices should be sent.~~

§ 1203. TAX PAYMENT SCHEDULE

Except as hereinafter provided, ~~all other~~ taxes assessed upon the grand list of the City of Montpelier shall be due and payable in equal installments, or as the City Council may provide by ordinance. Default in payment of any installment due shall render ~~the full amount of such tax overdue~~ a penalty based on the payment that is in default. Any special tax assessed on the grand

list of said ~~the~~ City shall be due and payable in one installment within 30 days
~~after the above provided notice~~ as the City Council shall provide by ordinance.

§ 1204. ~~DELINQUENT TAXES~~

~~At the expiration of 90 days from the date of the notice above provided, the
City Treasurer shall issue a warrant against all taxpayers delinquent in payment
of installments of taxes permitted to be paid in installments for the full amount
of their unpaid taxes. Penalties and interest as provided by ordinance and by
law shall be added to each delinquent tax. [Repealed.]~~

§ 1205. WARRANTS ON DELINQUENT TAXES AND WATER, SEWER,
AND THERMAL ENERGY BILLS

~~Warrants issued as above provided shall be delivered~~ Within 30 days
following the due date, the Treasurer shall prepare warrants for taxpayers and
property owners delinquent in payment of taxes or water, sewer, or thermal
energy bills. The Treasurer shall deliver these warrants forthwith to the City
Sheriff Tax Collector for collection, together with a rate bill of such delinquent
taxes with penalties and interest as provided by ordinance and by law. Such
warranty warrants shall remain in full force until all the taxes thereon and other
delinquent payments have been either collected, abated, or have become
outlawed under the general law.

§ 1206. LIEN UPON REAL ESTATE

All taxes lawfully assessed upon real estate in ~~said~~ the City as well as charges for water, sewer services, heat, and any special assessments shall constitute an underlying lien on such real estate, and shall enjoy priority in law over all other liens regardless of whether such other liens have priority in time.

§ 1207. APPLICATION OF PAYMENT ON DELINQUENT TAXES

Payments made on the account of a delinquent taxpayer shall be applied: first, to all outstanding personal property taxes for which said delinquent taxpayer is responsible; second, to real estate taxes for which said delinquent taxpayer is responsible. ~~Provided, however, that~~ However, the holder of a mortgage or other lien upon real or personal property of a taxpayer may make payment on said taxpayer's account and may specify that such payments be applied on the tax assessed against the property covered by such mortgage or lien. Any taxes paid shall be applied to penalty, interest, and oldest outstanding delinquency in that order first.

§ 1208. WATER AND SEWER RATES

The City Council shall establish rates to be paid for the use of water supplied by the City water system, ~~and such rates shall be called water rates and sewage disposal and benefit charges.~~ ~~Such water~~ Water rates and sewage disposal charges shall be and are hereby made a lien in the nature of a real estate tax upon the real estate so supplied with water and public sewers, and

shall be collected and enforced under such regulations and ordinances as the City Council shall prescribe.

* * *

§ 1212. TAX COLLECTOR

Delinquent taxes, fees, charges, and assessments shall be collected by the City Tax Collector, appointed under section ~~7 of subchapter 10~~ section 1007 of this chapter, whose powers and duties, ~~in addition to those provided by general law, shall be those of the City Sheriff. The Tax Collector's compensation and terms of employment shall be determined by the City Council~~ shall be those provided by general law.

§ 1213. PROPERTY TAX CREDITS; SPRINKLERS

By resolution or ordinance, the City Council may grant credits equal to no more than 10 percent of the annual municipal property tax, or reductions of up to 10 percent of the appraised valuation, for residential and nonresidential buildings equipped with an operating fire sprinkler system approved by the Fire Chief in accordance with applicable codes and ordinances.

Subchapter 13. ~~Public Works;~~ Special Assessments; Taking Property
for Public Purposes

§ 1301. ~~LAYING OUT STREETS, SIDEWALKS, SEWERS, HEAT
FACILITIES AND DEVICES, FACILITIES, AND OTHER
MEASURES TO CONSERVE ENERGY OR TO PROMOTE~~

EFFICIENT ENERGY USE TAKING PROPERTY FOR PUBLIC
PURPOSES

The City Council, upon notice to persons affected, may lay out, ~~of any convenient width, alter~~ make, maintain, alter, establish, ~~and change the grade of and~~ install, construct, discontinue, or repair the following: any street, road, highway, lane, alley, transportation path, or sidewalk, ~~or~~; any heat facilities and devices, ~~facilities, and~~ or other measures to conserve or generate energy or ~~to~~ promote efficient energy use in ~~said~~ the City ~~and appraise and settle the damage therefore; and may make, maintain, and repair such common sewers and sewage disposal plants and facilities for the production and distribution of heat within or without the City of Montpelier as the public health or the convenience of individuals shall require. The City Council may take land and other property necessary to accomplish such purposes on making compensation for the same, causing their proceedings to be recorded in the City Clerk's Office in said City;~~ any public facilities, parks, playing fields, and other improvements deemed necessary by the Council; any municipal building; any water source, treatment, storage, delivery, sale, transmission, and distribution facilities within and without the City; and any sewer and storm water collection, transmission, separation, treatment, and disposal facilities as the public health or the public good shall require.

§ 1302. PROCEDURE FOR TAKING LAND AND OTHER PROPERTY

~~In taking land and other property for the purposes stated in the preceding section, the City Council shall proceed in the same manner as is provided by law for selectmen in taking land for highways. Any person aggrieved by the proceedings shall have like opportunity of applying to the county court to obtain redress as is or may be allowed by law to those aggrieved by the proceedings of selectmen in taking land for highways. Such appeal, if taken from the appraisal of damages only, shall not prevent the City from proceeding with its work as though no appeal had been taken.~~

(a) Highways and urban renewal. In taking land and other property for the purposes of laying out roads and highways, the City Council shall proceed in the same manner as is provided by law for municipalities in taking land for highways. In taking land and other property for the purposes of urban renewal, the Council shall proceed in the same manner as is provided by law for municipalities in taking land for urban renewal.

(b) Other public purposes.

(1) For all other purposes stated in section 1301 of this subchapter, when the City Council determines that interests in real estate are needed or when a municipality votes to purchase additional lands or interests therein, or when, in the exercise of any of the powers or functions authorized by general law or its chapter it becomes necessary for public use and benefit to take, damage, or

affect an interest in real estate, and the owner refuses to release or convey the same to the City for a reasonable price, the City Council shall set out the necessary lands or interests therein and cause the same to be surveyed.

(2) The City Council shall appoint a time and place for hearing and give at least ten days' notice before such hearing to the persons evidencing a recorded interest therein either personally or by written notice left at the residence or place of business of such person. At such hearing, the Council shall determine the damages sustained by such interested persons.

(3) The damages agreed upon or assessed shall be paid or tendered to such persons before taking possession of the lands. Upon payment or tender of damages as determined by the Council, the City shall be entitled to take possession of such property.

(c) Notice to mortgagee and application of payment. When such lands are encumbered by mortgage, the City Council shall cause the same notice to be given to the mortgagee or assignee thereof as is required to be given to the owner, and the damages agreed upon or otherwise determined, as finally ascertained, shall be paid to the property owner and the mortgagee or assignee.

(d) Removal of improvements. When the City Council decides to take lands, in its order for that purpose, it shall fix a time and notify the owner or occupant thereof. Within such time the owner shall, if so ordered, remove his or her buildings, fences, wood, or trees, which, in the case of enclosed or

improved lands, shall not, without the consent of the owner, be less than three months nor until compensation for damages to such lands is tendered or paid.

If such obstructions are not removed within such time, the Council shall remove them at the expense of the City.

(e) Record of orders and proceedings. Orders and proceedings of the Council under the provisions of this section, with the survey of the lands taken, shall be recorded in the land records of the City or in the land records of the town in which such lands are located.

(f) Disagreement as to damages. When the owner of such land does not accept the damages awarded by the City Council, the Council and the owner may agree to refer the question of damages to one or more disinterested persons whose award shall be made in writing and shall be final.

(g) Petition; appointment of commissioners. When a person having an interest in such land is dissatisfied with the action of the Council in locating and setting it out or with the damages awarded therefor by them, such person may apply by petition to the Superior Court for the county in which such land lies within 60 days of the recording of the order of the City Council. The petition with a citation shall be served on the City Clerk as a writ of summons requiring entry to be made therein within 21 days from the date of service. The court shall appoint three disinterested commissioners who shall inquire into the amount of damages sustained by the persons interested therein.

(h) Notice, hearing, report, costs. The commissioners shall give the City Clerk and the petitioners six days' notice of the time and place of the hearing. When they have completed their inquiries, they shall report to the Court. Upon hearing, the Court may accept or reject the report, in whole or in part, may make such orders as are necessary for locating and setting out such land and for the removal of obstructions thereon, may render judgment for the petitioners for such damages as they have severally sustained, may tax costs for either party, and may award execution in the premises.

(i) Title to vest on payment of damages. When the damages finally awarded are paid to the person entitled thereto, title to such lands or the right to damage or affect lands shall vest in the City.

(j) Definitions. As used in this chapter:

(1) "Necessity" means a reasonable need which considers the greatest public good and the least inconvenience and expense to the condemning party and to the property owner. Necessity shall not be measured merely by expense or convenience to the condemning party. Necessity includes a reasonable need for the project in general as well as a reasonable need to take a particular property and to take it to the extent proposed. In determining necessity, consideration shall be given to the:

(A) adequacy of other property and locations;

(B) quantity, kind, and extent of cultivated and agricultural land which may be taken or rendered unfit for use, immediately and over the long term, by the proposed taking;

(C) effect upon home and homestead rights and the convenience of the owner of the land;

(D) need to accommodate present and future utility installations within the improvement area;

(E) need to mitigate the environmental impacts of the improvements; and

(F) effect upon grand lists and revenues.

(2) Damages resulting from the taking or use of property under the provisions of this chapter shall be the value for the most reasonable use of the property or right in the property, and of the business on the property, and the direct and proximate decrease in the value of the remaining property or right in the property and the business on the property. The added value, if any, to the remaining property or right in the property which accrues directly to the owner of the property as a result of the taking or use, as distinguished from the general public benefit, shall be considered in the determination of damages.

(3) “Interested person” or “person interested in lands” or “property owner” means a person who has a legal interest of record in the property taken or proposed to be taken.

§ 1303. SPECIAL ASSESSMENTS—; STREETS, SIDEWALKS, AND
HEAT PRODUCTION, AND DISTRIBUTION IMPROVEMENTS

The City Council, in laying out or establishing new streets, highways, or facilities for the production and distribution of heat, and in making, altering, or repairing sidewalks, and in grading, and paving, ~~acadamizing, curbing, and guttering~~ streets and highways, either at the time of laying out or ~~improving the street or making the sidewalk~~ or after its completion, shall have the power and may upon notice to the owners of adjoining lands assess the owners of such lands so much of the expense of making such new street or sidewalk or street improvements, or heat improvements, including land damage for new streets, as the City Council shall adjudge such lands to be benefited thereby.

§ 1304. SPECIAL ASSESSMENT—; HEAT IMPROVEMENTS

The City Council shall have the power to create an energy district of the City of Montpelier or part thereof and to incur indebtedness for or otherwise finance by any permitted means acceptable facilities for the production and delivery of heat and ~~of~~ devices, facilities, and other measures to conserve energy or to promote efficient energy use on properties within the district. Participation by any property owner in these improvements is subject to City Council approval. Persons who participate with an eligible project or projects shall be subject to the requirements of this special assessment. The City

Council shall establish the criteria and procedures for participation in this special assessment.

* * *

§ 1306. ~~RIGHT OF APPEAL~~

~~From any assessment made upon any land or other property or the owner thereof, there shall be the same right of appeal to the county court as is provided by law for appeal from the proceedings of selectmen in the laying out of highways. The same proceedings shall be followed in respect to such appeal, so far as the same shall be applicable, and the decision of the county court in the matter of such appeal shall be final, when the record thereof is duly recorded in the land records of said City. Such appeal shall not delay the laying out or building of such new highway or street, or the making, altering, or repairing of a sidewalk or sewer, if taken from the assessment only.~~

[Repealed.]

§ 1307. RECORD OF SPECIAL ASSESSMENTS

When the City Council shall make assessments, ~~it~~ the City Clerk shall immediately make out a statement of all such assessments, giving the name of the owner and describing the land or other property assessed, and shall cause the same to be properly recorded and indexed in the City Clerk's office. The City Clerk shall, as soon as such assessments have been recorded ~~as above provided~~, deliver a copy of the same to the City Treasurer for collection.

§ 1308. NOTICE AND TIME OF PAYMENT

The City Treasurer shall forthwith notify each person so assessed by mail.

The notice shall state the nature of the assessment, the amount of the same, and the time of payment. ~~Said time of payment~~ Payment due date shall ~~not be later than 30 days after date of notice~~ as noted on the bill.

§ 1309. RECORD OF PAYMENT

Payment, when made, shall be entered on the record of assessment.

Recording as provided in section ~~6 above~~ 1307 of this subchapter shall be required before such assessment becomes a lien on the land or other property affected.

§ 1310. WARRANT FOR COLLECTION OF SPECIAL ASSESSMENT

(a) If the owner of lands or other property assessed by authority of this subchapter shall neglect ~~for the space of 30 days after notice of such assessment has been mailed by~~ to pay the City Treasurer, ~~or in case of an appeal to the county court for the space of~~ the billed amount of such assessment within 30 days after the ~~final decision of the county court, if such final decision upholds the assessment, has been recorded in the office of the City Clerk, to pay to the City Treasurer the amount of such assessment~~ due date as noticed on the assessment, the City Treasurer shall issue a warrant for collection of the same and deliver ~~said~~ the warrant to the ~~City Sheriff Tax Collector~~ Collector for collection.

(b) In case of an appeal, if the court upholds the assessment and it has been recorded in the office of the City Clerk, payment shall be due within 30 days after the final court decision, and the City Treasurer shall issue a warrant for collection of the same and deliver the warrant to the Tax Collector for collection.

§ 1311. ~~CITY SHERIFF~~ TAX COLLECTOR AUTHORITY TO SELL
PROPERTY

The ~~City Sheriff~~ Tax Collector shall have authority to sell at public auction so much of said land or other property as will satisfy such assessment and all legal fees, and will proceed in the same manner in the collection of such assessment as collectors of town taxes are authorized and required by law to proceed in selling real estate at public auction for the collection of town taxes. ~~The City Sheriff shall receive the same fees as are provided by law for collectors of town taxes in proceedings in collection of town taxes.~~ All other remedies given towns by law for collection of town taxes are given the City of Montpelier for collection of all legal assessments made under the provisions of this subchapter.

§ 1312. LIEN NOT VACATED

~~The pendency of proceedings~~ While the final resolution is pending on an appeal from an assessment made under the provisions of this subchapter, the City shall not vacate the lien created by such assessment, but shall ~~suspect~~

suspend the same until final determination of the proceedings. The liens for all City assessments shall not be vacated or dissolved.

§ 1313. SUFFICIENT MINIMUM DESCRIPTION

Whenever a description of lands or buildings is required in making assessments, or in the recording thereof, reference to the deed of conveyance to the last record owner thereof, giving the date of the same and the volume and page of the land records where the same is recorded, or the street upon which the same is situated and the number, shall be a sufficient minimum description.

§ 1314. ~~TAKING PROPERTY FOR PUBLIC IMPROVEMENTS~~

~~Whenever, under the provisions of this charter, the City Council is required to give notice for the taking of land or other property for public purposes or for the awarding of damages or for the laying of assessments, a citation shall be issued. Said citation shall be signed by the City Clerk, shall contain the names of all persons to whom notice is to be given, and shall be issued not less than six nor more than 60 days before the time of hearing by the City Council thereon. Notice shall be given to all owners and other persons having an interest of record in the land or other property affected. [Repealed.]~~

§ 1315. ~~CITATION AND TIME OF SERVING~~

~~Such citation shall be served by any sheriff, constable, or police officer in the City upon the persons named therein not less than six nor more than 60 days prior to the time of hearing. Service of such citation may be accepted by~~

~~any or all persons named therein, by endorsing their acceptance in writing thereon. [Repealed.]~~

§ 1316. ~~CITATION SERVED ON NONRESIDENTS~~

~~Such citation may be served on any person not an inhabitant of this State by leaving a true and attested copy of such citation, with the officer's return thereon endorsed, with or at the residence of the person's known agent or attorney, if the person has one in this State; and, if not, with or at the residence of the occupant of the land or buildings to which such hearing may appertain. If there is no such occupant, then such copy of said citation shall be left by said sheriff, constable, or police officer with the City Clerk for such persons owning or otherwise interested in such land or other property. Said City Clerk shall mail to the last known post office address of such person, in a registered package, a true and attested copy of such citation. Said City Clerk shall make a certificate of the City Clerk's doings touching said copy. [Repealed.]~~

§ 1317. ~~OFFICER'S RETURN~~

~~The return of such sheriff, constable, or police officer upon the original citation, and the certificate of the City Clerk with the registry receipts, shall be prima facie evidence of the service of said citation as herein provided. Said citation and the return thereon, with said certificates of the City Clerk and registry receipts, shall be made a part of the record of said proceedings, and shall be filed in the office of the City Clerk. [Repealed.]~~

§ 1318. ~~CITATION SERVED ON PERSONS HAVING OTHER
INTERESTS~~

~~If at any stage of the proceedings for the taking of land or other property for public purposes, or for the making of assessments thereon by the City Council, or at any proceedings subsequent thereto, it shall appear that any person owning or having other interest of record in such land or other property shall not have been duly notified, the City Council shall cause a citation to be issued and served on such person as above provided for persons originally cited. The City Council shall further cause such proceedings to be postponed to such time as will permit such citation so issued to be served as provided in this subchapter. [Repealed.]~~

§ 1319. ~~PROCEEDINGS NOT VOIDED FOR FAILURE TO GIVE NOTICE~~

~~No proceedings instituted by the City Council in pursuance of a citation issued as provided in this subchapter nor any proceedings subsequent and pertaining thereto shall be void on account of failure to give notice to any person or persons interested therein, or for that reason be dismissed. Such proceedings shall be suspended until such person or persons are duly notified, whereupon the same proceedings shall be had in the same manner as if such person or persons are duly notified, whereupon the same proceedings shall be had in the same manner as if such person or persons had been duly notified by the original citation. If the person so notified shall appear, the person may be~~

~~heard upon all matters therein pending in which the person may be interested.~~

[Repealed.]

§ 1320. ~~CORRECTION OF CITATION RECORD~~

~~At the time of issue of the citation hereinbefore provided, a copy thereof, duly certified by the City Clerk as a true copy, shall be filed in the office of the City Clerk and an appropriate notice shall be entered in the land record index system under the name of each person owning land or other property affected. The filing of such copy and the entry of such notice shall serve to join any person or persons subsequently acquiring an interest of record in land or other property affected, as though such person or persons had been included in the original citation and as though service had been duly made or accepted as provided in this subchapter. [Repealed.]~~

Subchapter 14. General

§ 1401. OATH OF ALLEGIANCE; OATH OF OFFICE

All elective officials of the City shall, before assuming office, take, subscribe, and file with the City Clerk the following ~~oath~~ two oaths, as prescribed by the Constitution of the State of Vermont, Chapter II, § 56:

Oath or Affirmation of Allegiance

“I _____ do solemnly swear (or affirm) that I will be true and faithful to the State of Vermont, and that I will not, directly or indirectly, do any act or thing

injurious to the Constitution or Government thereof. (If an oath) So help me God. (If an affirmation) Under the pains and penalties of perjury.”

Oath or Affirmation of Office

“I ____ do solemnly swear ~~or affirm~~ (or affirm) that I will faithfully execute the Office of ____ ~~of~~ for the City of Montpelier and will therein do equal right and justice to all persons to the best of my judgment and ~~abilities~~ ability, according to law, ~~so~~. (If an oath) So help me God or I so affirm. (If an affirmation) Under the pains and penalties of perjury.”

§ 1402. SAVINGS CLAUSE

The ~~passage of this act~~ amendment of this chapter shall not affect any ordinance, resolution, or by-law lawfully enacted, ordained, and established under the provisions of ~~the acts hereby amended by this act, and not inconsistent with the provisions of this act~~ this chapter prior to the amendment, but the same shall be and remain in full force and effect until repealed, altered, or amended.

§ 1403. TITLE OF ~~CHARTER~~ CHAPTER

This ~~act~~ chapter shall be designated as the ~~charter~~ Charter of the City of Montpelier. A copy of this ~~act~~ chapter shall be kept in the office of the Montpelier City Clerk of the City of Montpelier, to which copy shall be affixed a certificate under the hand of the Secretary of State and the Seal of the State

of Vermont that the laws therein contained are statute laws of the State of Vermont, and such certified copy shall be an authentic record of such laws.

§ 1404. ~~CONTINUATION IN OFFICE~~

~~The Mayor and Council Members of said City, and all City officials holding office therein by virtue of the general laws of this State or the acts hereby amended shall hold office until expiration of their current terms of office, unless such office shall sooner become vacant under the provisions of the general laws of this State, or the provisions of this act. [Repealed.]~~

§ 1405. AMENDMENT OF THE ~~CHARTER~~ CHAPTER

This act chapter may be altered, amended, or repealed by the General Assembly whenever the public good shall require in accordance with the general laws of the State. A copy certified by the Secretary of State of all acts ~~in alteration, amendment, or repeal~~ that alter, amend, or repeal this chapter shall be kept in the office of the City Clerk of the City of Montpelier, and said copy shall be certified by the Secretary of State as provided in the preceding section.

§ 1406. ~~TRANSFER OF PROPERTY, RIGHTS, PRIVILEGES, AND~~
~~FRANCHISES~~

~~All property, rights, franchises, rights of action, land records, and other records belonging or appertaining to the former Town and Village of Montpelier shall belong and appertain to the City of Montpelier. All rights,~~

~~privileges, and franchises heretofore granted to the Village of Montpelier, by any act of the Legislature, or existing under any law, or by virtue of any contract relating to the water works formerly possessed by said Village, are hereby confirmed under the City of Montpelier. [Repealed.]~~

§ 1407. ~~PENALTIES, FORFEITURES, OR SUITS NOT AFFECTED~~

~~This act shall not affect a penalty or forfeiture incurred under any acts amended by this act, nor any suit or proceeding had or commenced in a civil or criminal cause before this act takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this act. [Repealed.]~~

§ 1408. ~~CONTINUATION OF ACTS NOT AMENDED~~

~~The provisions of this act, so far as they are the same as those of acts hereby amended, shall be construed as a continuation of such acts, and not as new enactments. Nothing in this act shall exempt the City from the legal jurisdiction of the Water Conservation Board. [Repealed.]~~

§ 1409. ~~APPLICATION OF STATE STATUTES~~

~~Except when changed or modified by the provisions of this act, or by any legal regulation or ordinance of said City, all provisions of the statutes of this State, relating to towns or town officers shall apply to said City, and to the several officers thereof corresponding to like officers of towns. In such statutes the words "selectmen" and the "Board of Civil Authority" shall include "City Council" and the words "first selectmen" shall include "Mayor". [Repealed.]~~

§ 1410. ~~INCONSISTENT ACTS REPEALED~~

~~All acts and parts of acts affecting the charter of the City of Montpelier inconsistent with this act are hereby repealed. [Repealed.]~~

§ 1411. SEPARABILITY OF PROVISIONS

If any provision of this ~~act, chapter~~ or the application of ~~such provision~~ it to any person, body, or circumstances, shall be held invalid, the remainder of this ~~act, chapter~~ or the application of ~~such provisions~~ it to persons, bodies, or circumstances other than those as to which it shall have been held invalid, shall not be affected thereby.

§ 1412. ~~CHARTER EFFECTIVE~~

~~This act shall take effect when adopted by the majority vote of the legal voters of the City of Montpelier present and voting at an annual or special meeting of said City duly warned for that purpose, and upon legislative approval in accordance with the laws of the State of Vermont. [Repealed.]~~

Sec. 3. MERGER OF THE MONTPELIER FIRE DISTRICT NO. 1 INTO
THE CITY OF MONTPELIER

On the effective date of this act, the Montpelier Fire District No. 1 shall be merged into the City of Montpelier and the Montpelier Fire District No. 1 shall cease to exist.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.