

1 H.880

2 Introduced by Representative Smith of New Haven

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; Town of Bridport;
6 adoption and codification

7 Statement of purpose of bill as introduced: This bill proposes to approve the
8 adoption of and codify the charter of the Town of Bridport.

9 An act relating to approval of the adoption and codification of the charter of
10 the Town of Bridport

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

12 ~~Sec. 1. CHARTER APPROVAL~~

13 The General Assembly approves the adoption of and codifies the charter of
14 the Town of Bridport as set forth in this act. The voters approved the charter
15 on March 1, 2016.

1 ~~Sec. 2. 24 App. V.S.A. chapter 107A is added to read:~~

2 CHAPTER 107A. TOWN OF BRIDPORT

3 Subchapter 1. Corporate Existence Retained

4 § 1. CORPORATE EXISTENCE RETAINED

5 (a) Pursuant to the authority granted by the General Assembly, there is
6 hereby enacted a charter to govern the organization and operation of local
7 government in the Town of Bridport.

8 (b) The inhabitants of the Town of Bridport, within the geographical limits
9 as now established, shall continue to be a municipal corporation by the name
10 of the Town of Bridport.

11 Subchapter 2. General Provisions

12 § 2. GENERAL PROVISIONS

13 (a) Except when changed, enlarged, or modified by the provisions of this
14 chapter, all provisions of the statutes of the State relating to municipalities
15 shall apply to the Town.

16 (b) The Town shall have all the powers granted to towns and municipal
17 corporations by the Constitution and laws of the State and this chapter,
18 together with all the implied powers necessary to carry into execution all the
19 powers granted. The Town may enact ordinances not inconsistent with the
20 Constitution of the State or this chapter, and impose penalties for violation
21 thereof.

1 ~~(c) In this chapter, any mention of a particular power shall not be construed~~
2 ~~to restrict the scope of the powers that the Town would have if the particular~~
3 ~~power were not mentioned, unless this chapter otherwise provides.~~

4 (d) Nothing in this chapter shall be construed to in any way limit the
5 powers and functions conferred on the Town, the Selectboard, or its elected or
6 appointed officers by general or special enactment of State statutes or rules in
7 force or effect or hereafter enacted, and the powers and functions conferred by
8 this chapter shall be cumulative and in addition to the provisions of the general
9 or special enactment unless this chapter otherwise provides.

10 Subchapter 3. Appointed Officers

11 § 3. APPOINTED OFFICERS

12 (a) In addition to all other offices that may be filled by appointment by the
13 Selectboard pursuant to State law or this chapter, the Selectboard shall appoint
14 the following Town officers, who shall serve for such terms as the Selectboard
15 may establish in its act of appointment or until the office otherwise becomes
16 vacant:

17 (1) A Town Treasurer who shall not simultaneously hold any elective
18 office within Town government. The Town Treasurer shall:

19 (A) be open to the public at hours adopted by the Selectboard;

20 (B) be responsible for the collection of current taxes;

1 ~~(C) perform duties as specified in the accounting and financial~~
2 ~~policies adopted by the Selectboard and required by State law; and~~

3 ~~(D) make monthly reports to the Selectboard of the financial~~
4 ~~activities of the Town. These reports shall include:~~

5 ~~(i) a listing of all expenditures during the preceding month;~~

6 ~~(ii) a listing of all revenue received during the preceding month,~~
7 ~~including the source of these revenues;~~

8 ~~(iii) an accounting of all reserve funds of the Town; and~~

9 ~~(iv) a statement showing the balance in the general, highway, and~~
10 ~~all special funds at the end of the preceding month.~~

11 ~~(2) A Town Clerk who shall not simultaneously hold any elective office~~
12 ~~within Town government. The Town Clerk shall:~~

13 ~~(A) be open to the public at hours adopted by the Selectboard; and~~

14 ~~(B) perform those duties adopted by the Selectboard and required by~~
15 ~~State law.~~

16 ~~(3) A Delinquent Tax Collector who shall ensure that town property~~
17 ~~taxes are paid by all taxpayers of the Town and provide and accounting of~~
18 ~~these records to the Selectboard and the auditors for inclusion in the annual~~
19 ~~Town report.~~

20 ~~(b) The Selectboard shall adopt and revise, from time to time, a general~~
21 ~~statement of the qualifications necessary to perform the duties and~~

1 ~~responsibilities of each of these appointed Town offices and a job description~~
2 of those offices. These appointed officers shall exercise all the powers and
3 duties necessary to carry out the provisions of this chapter as well as those
4 provided by State law generally.

5 (c) These appointed officers shall be employees of the Town, subject to all
6 personnel and employment rules, regulations, and policies of the Town. An
7 officer appointed hereunder shall be eligible to apply for reappointment at the
8 expiration of his or her term of office, but failure by the Selectboard to make
9 such reappointment shall not be construed as discharge from employment.

10 (d) A person appointed to the position of Town Treasurer, Town Clerk, or
11 Delinquent Tax Collector need not be a resident or voter of the Town.

12 Subchapter 4. Separability

13 § 4. SEPARABILITY

14 If any provision of this chapter is held invalid, the other provisions of the
15 chapter shall not be affected thereby.

16 Sec. 3. TRANSITIONAL PROVISIONS

17 On July 15, 2016, the terms of the elected Town Treasurer, Town Clerk,
18 and Delinquent Tax Collector in office on that date shall expire. Thereafter, a
19 Town Treasurer, Town Clerk, and Delinquent Tax Collector shall be appointed
20 by the Selectboard as provided in Sec. 2 of this act, 24 App. V.S.A. chapter
21 107A, § 3.

1 ~~Sec. 4. EFFECTIVE DATE~~

2 ~~This act shall take effect on passage.~~

Sec. 1. CHARTER APPROVAL

The General Assembly approves the adoption of and codifies the charter of the Town of Bridport as set forth in this act. The voters approved the charter on March 1, 2016.

Sec. 2. 24 App. V.S.A. chapter 107A is added to read:

CHAPTER 107A. TOWN OF BRIDPORT

Subchapter 1. Corporate Existence Retained

§ 1. CORPORATE EXISTENCE RETAINED

(a) Pursuant to the authority granted by the General Assembly, there is hereby enacted a charter to govern the organization and operation of local government in the Town of Bridport.

(b) The inhabitants of the Town of Bridport, within the geographical limits as now established, shall continue to be a municipal corporation by the name of the Town of Bridport.

Subchapter 2. General Provisions

§ 2. GENERAL PROVISIONS

(a) Except when changed, enlarged, or modified by the provisions of this chapter, all provisions of the statutes of the State relating to municipalities shall apply to the Town.

(b) The Town shall have all the powers granted to towns and municipal corporations by the Constitution and laws of the State and this chapter, together with all the implied powers necessary to carry into execution all the powers granted. The Town may enact ordinances not inconsistent with the Constitution of the State or this chapter, and impose penalties for violation thereof.

(c) In this chapter, any mention of a particular power shall not be construed to restrict the scope of the powers that the Town would have if the particular power were not mentioned, unless this chapter otherwise provides.

(d) Nothing in this chapter shall be construed to in any way limit the powers and functions conferred on the Town, the Selectboard, or its elected or appointed officers by general or special enactment of State statutes or rules in force or effect or hereafter enacted, and the powers and functions conferred by this chapter shall be cumulative and in addition to the provisions of the general or special enactment unless this chapter otherwise provides.

Subchapter 3. Appointed Officers

§ 3. APPOINTED OFFICERS

(a) In addition to all other offices that may be filled by appointment by the Selectboard pursuant to State law or this chapter, the Selectboard shall appoint the following Town officers, who shall serve for such terms as the

Selectboard may establish in its act of appointment or until the office otherwise becomes vacant:

(1) A Town Treasurer who shall not simultaneously hold any elective office within Town government. The Town Treasurer shall:

(A) be open to the public at hours adopted by the Selectboard;

(B) be responsible for the collection of current taxes;

(C) perform duties as specified in the accounting and financial policies adopted by the Selectboard and required by State law; and

(D) make monthly reports to the Selectboard of the financial activities of the Town. These reports shall include:

(i) a listing of all expenditures during the preceding month;

(ii) a listing of all revenue received during the preceding month, including the source of these revenues;

(iii) an accounting of all reserve funds of the Town; and

(iv) a statement showing the balance in the general, highway, and all special funds at the end of the preceding month.

(2) A Town Clerk who shall not simultaneously hold any elective office within Town government. The Town Clerk shall:

(A) be open to the public at hours adopted by the Selectboard; and

(B) perform those duties adopted by the Selectboard and required by State law.

(b) The Selectboard shall adopt and revise, from time to time, a general statement of the qualifications necessary to perform the duties and responsibilities of each of these appointed Town offices and a job description of those offices. These appointed officers shall exercise all the powers and duties necessary to carry out the provisions of this chapter as well as those provided by State law generally.

(c) These appointed officers shall be employees of the Town, subject to all personnel and employment rules, regulations, and policies of the Town. An officer appointed hereunder shall be eligible to apply for reappointment at the expiration of his or her term of office, but failure by the Selectboard to make such reappointment shall not be construed as discharge from employment.

(d) A person appointed to the position of Town Treasurer or Town Clerk need not be a resident or voter of the Town.

Subchapter 4. Separability

§ 4. SEPARABILITY

If any provision of this chapter is held invalid, the other provisions of the chapter shall not be affected thereby.

Sec. 3. TRANSITIONAL PROVISIONS

Notwithstanding the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 107A, § 3 (appointed officers) that provides that the office of Town Clerk and Town Treasurer shall be appointed by the Selectboard, an elected

Town Clerk or Town Treasurer in office immediately prior to the effective date of that section may continue to hold that office for the remainder of his or her term and until a successor is appointed. At the end of the elected Town Clerk and Town Treasurer's term of office or, in the case of a vacancy in his or her office, the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 107A, § 3, shall apply.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.