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**Proposed Amendments to H.117 – April 27, 2015**

\* \* \* Municipal Telecommunications Districts \* \* \*

Sec. 1. 30 V.S.A. chapter 82 is added to read:

CHAPTER 82. TELECOMMUNICATIONS UNION DISTRICTS

§ 3051. FORMATION

(a) Two or more towns and cities may elect to form a union district for the delivery of communications services and the operation of communications plants, which union district shall be a body politic and corporate.

(b) A town or city electing to form a union district under this chapter shall submit to the eligible voters of such municipality a proposition in substantially the following form: “Shall the Town of \_\_\_\_\_ enter into a telecommunications union district to be known as \_\_\_\_\_, under the provisions of Chapter 122A of Title 24, Vermont Statutes Annotated?” at an annual or special meeting of such town or city.

(c) Additional towns or cities may be admitted to the union district in the manner provided in section 3085 of this chapter.

§ 3052. COMPOSITION

A union district formed under this chapter shall be composed of and include all of the lands and residents within those towns and cities electing the provisions of this chapter, and such other towns and cities as are subsequently

1 admitted to the union district as provided in this chapter except for those towns  
2 and cities that may withdraw as provided in this chapter. Registered voters in  
3 each member municipality shall be eligible to vote in all union district  
4 meetings.

5 § 3053. CREATION; DURATION; NONCONTESTABILITY

6 (a) Following the organizational meeting called for in section 3060 of this  
7 chapter, the governing board shall cause to be filed with the Office of the  
8 Secretary of State a certificate attesting to the vote conducted under subsection  
9 3051(b) of this chapter.

10 (b) A union district formed under this chapter shall continue as a body  
11 politic and corporate unless and until dissolved according to the procedures set  
12 forth in this chapter.

13 (c) No action shall be brought directly or indirectly challenging,  
14 questioning, or in any manner contesting the legality of the formation, or the  
15 existence as a body corporate and politic of any telecommunications union  
16 district created under this chapter after six months from the date of the  
17 recording in the Office of the Secretary of State of the certificate required by  
18 subsection 3053(a) of this chapter; nor shall any action be brought directly or  
19 indirectly challenging, questioning, or in any manner contesting the legality or  
20 validity of obligations or long-term contracts or other contracts, to defray costs  
21 of communication plant improvements approved by the district governing  
22 board, after six months from the date upon which the district governing board

1 voted affirmatively to issue obligations or to enter into long-term contracts or  
2 other contracts to defray costs of communications plant improvements. This  
3 section shall be liberally construed to effect the legislative purpose to validate  
4 and make certain the legal existence of all telecommunications union districts  
5 in this State and the validity of obligations, long-term contracts, and other  
6 contracts by such district, and to bar every remedy therefor notwithstanding  
7 any defects or irregularities, jurisdictional or otherwise, after expiration of the  
8 six-month period.

9 § 3054. POWERS

10 In addition to the powers enumerated in 24 V.S.A. § 4866, and, subject to  
11 the limitations and restrictions set forth in section 3056 of this chapter, a  
12 telecommunications union district created under this chapter shall have the  
13 power to:

14 (1) operate, cause to be operated, or contract for the construction,  
15 ownership, management, financing, and operation of any and all  
16 communications plants for the delivery of communications services, as  
17 provided in 24 V.S.A. chapter 54, and all enactments supplementary and  
18 amendatory thereto;

19 (2) purchase, sell, lease, own, acquire, convey, mortgage, improve, and  
20 use real and personal property in connection with its purpose;

21 (3) hire and fix the compensation and terms of employment of  
22 employees;

1           (4) sue and be sued;

2           (5) enter into contracts for any term or duration;

3           (6) contract with architects, engineers, financial and legal consultants,  
4           and others for professional services;

5           (7) contract with individuals, corporations, associations, authorities, and  
6           agencies for services and property, including the assumption of the liabilities  
7           and assets thereof;

8           (8) provide communications services for its member municipalities, the  
9           inhabitants thereof, and the businesses therein, and for such others as its  
10          facilities and obligations may allow;

11          (9) contract with the State of Vermont, the United States of America, or  
12          any subdivision or agency thereof for services, assistance, and joint ventures;

13          (10) contract with any municipality for the services of any officers or  
14          employees of that municipality useful to it;

15          (11) promote cooperative arrangements and coordinated action among  
16          its members and other public and private entities;

17          (12) make recommendations for review and action to its members and  
18          other public agencies which perform functions within the region in which its  
19          members are located;

20          (13) exercise any other powers which are necessary or desirable for  
21          dealing with telecommunications matters of mutual concern and that are  
22          exercised or are capable of exercise by any of its members;

1           (14) enter into financing agreements as provided by 24 V.S.A. § 1789  
2           and chapter 53, subchapter 2, or other provisions of law authorizing the pledge  
3           of net revenue, or alternative means of financing capital improvements and  
4           operations;

5           (15) establish a budget to provide for the funding thereof out of general  
6           revenue;

7           (16) appropriate and expend monies;

8           (17) establish sinking and reserve funds for retiring and securing its  
9           obligations;

10          (18) establish capital reserve funds and make appropriations thereto for  
11          public improvements and the financing thereof;

12          (19) enact and enforce any and all necessary or desirable regulations for  
13          the orderly conduct of its affairs for carrying out its purpose and for protection  
14          of its property;

15          (20) solicit, accept, and administer gifts, grants, and bequests in trust or  
16          otherwise for its purpose;

17          (21) exercise all powers incident to a public corporation;

18          (22) adopt a name under which it shall be known and shall conduct  
19          business; and

20          (23) establish an effective date of its creation.

1        § 3055. COMMUNICATIONS PLANTS

2            Each member municipality shall make available for lease to the union  
3        district one or more sites for communications plants or components thereof  
4        within such member municipality.

5        § 3056. LIMITATIONS

6            (a) Notwithstanding any grant of authority in this chapter to the contrary, a  
7        union district created under this chapter shall not exercise any power,  
8        authority, or prerogative in contravention of any general law restricting,  
9        limiting, or proscribing the direct or indirect use of any taxing or assessment  
10       power to support or subsidize the ownership or operation of a communications  
11       plant.

12           (b) Notwithstanding any grant of authority in this chapter to the contrary, a  
13       union district created under this chapter shall not have the power to levy,  
14       assess, apportion, or collect any tax upon property within the union district, nor  
15       upon any of its constituent members, without specific authorization of the  
16       General Assembly.

17       § 3057. AUTHORITY

18           The legislative power and authority of a union district created under this  
19       chapter and the administration and the general supervision of all fiscal,  
20       prudential, and governmental affairs thereof shall be vested in a legislative  
21       branch known as the governing board, except as specifically provided  
22       otherwise in this chapter.

1       § 3058. GOVERNING BOARD; COMPOSITION

2           The union district governing board shall be composed of one representative  
3       from each member town and city and one or more alternates to serve in the  
4       absence of the designated representative.

5       § 3059. GOVERNING BOARD; APPOINTMENT

6           Annually on or before the last Monday in April commencing in the year  
7       following the effective date of the union district's creation, the legislative  
8       branch of each member town and city shall appoint its representative and one  
9       or more alternate members to the governing board. Appointments of  
10       representatives and alternates shall be in writing, signed by the chair of the  
11       legislative branch of the appointing town or city, and presented to the clerk of  
12       the union district. The legislative branch of a member town or city, by  
13       majority vote, may replace its appointed representative or alternate at any time  
14       and shall promptly notify the clerk of the union district of such replacement.

15       § 3060. ORGANIZATIONAL MEETING

16           Annually, on the second Tuesday in May following the appointments  
17       contemplated in section 3059 of this chapter, the governing board shall hold its  
18       organizational meeting. At such meeting, the governing board shall elect from  
19       among its appointed representatives a chair and a vice chair, each of whom  
20       shall hold office for one year and until his or her successor is duly elected and  
21       qualified.

22       § 3061. REGULAR MEETINGS

1       A schedule of regular meetings of the governing board shall be established  
2       at the organizational meeting.

3       § 3062. SPECIAL MEETINGS

4       Special meetings of the governing board may be called at any time by its  
5       chair or shall be called by the clerk upon written request of a majority of the  
6       members of the governing board. Except in case of an emergency, each  
7       member of the governing board shall be given at least 24 hours' notice of any  
8       special meeting of the governing board by notice in person, electronically, by  
9       telephone, or by written notice delivered personally, mailed, or left at such  
10      member's usual place of residence.

11      § 3063. QUORUM

12      For the purpose of transacting business, the presence of delegates or  
13      alternates representing more than 50 percent of member municipalities shall  
14      constitute a quorum. However, a smaller number may adjourn to another date.  
15      Any action adopted by a majority of the votes cast at a meeting of the  
16      governing board at which a quorum is present shall be the action of the  
17      governing board, except as otherwise provided in this chapter.

18      § 3064. VOTING

19      Each member municipality's delegation shall be entitled to cast one vote.

20      § 3065. TERM

21      Unless replaced in the manner provided in section 3059 of this chapter, all  
22      representatives to the governing board shall hold office until their successors



1 are duly appointed and qualified. Any representative or alternate may be  
2 reappointed to successive terms without limit.

3 § 3066. VACANCY

4 Any vacancy on the governing board shall be filled within 30 days after  
5 such vacancy occurs by appointment by the authority which appointed the  
6 representative or alternate whose position has become vacant. An appointee to  
7 a vacancy shall serve until the expiration of the term of the representative or  
8 alternate to whose position the appointment was made and may thereafter be  
9 reappointed.

10 § 3067. RULES OF PROCEDURE

11 Except as otherwise provided by law, or as may be agreed upon by the  
12 governing board, Robert's Rules of Order shall govern at all meetings.

13 § 3068. COMPENSATION OF MEMBERS

14 Each member municipality may reimburse its representatives to the  
15 governing board for expenses as it shall determine reasonable.

16 § 3069. OFFICERS; BOND

17 (a) The officers of the union district shall be the chair and the vice chair of  
18 the governing board, the clerk of the district, and the treasurer of the district.  
19 Prior to assuming their offices, officers may be required to post bond in such  
20 amounts as shall be determined by resolution of the governing board. The cost  
21 of such bond shall be borne by the union district.

1       (b) The chair of the governing board shall be the chief executive officer of  
2       the union district. The chair shall preside at all meetings of the governing  
3       board and shall make and sign all contracts on behalf of the union district upon  
4       approval by the governing board. The chair shall perform all of the duties  
5       incident to the position and office.

6       (c) During the absence of or inability of the chair to render or perform his  
7       or her duties or exercise his or her powers, the same shall be performed and  
8       exercised by the vice chair, and when so acting the vice chair shall have all the  
9       powers and be subject to all the responsibilities hereby given to or imposed  
10       upon the chair.

11       (d) During the absence or inability of the vice chair to render or perform his  
12       or her duties or exercise his or her powers, the governing board shall elect from  
13       among its membership an acting vice chair who shall have the powers and be  
14       subject to all the responsibilities hereby given or imposed upon the vice chair.

15       (e) Upon the death, disability, resignation, or removal of the chair or vice  
16       chair, the governing board shall forthwith elect a successor to such vacant  
17       office until the next annual meeting.

18       § 3070. CLERK

19       The clerk of the union district shall be appointed by the governing board,  
20       and shall serve at its pleasure. The clerk shall have the exclusive charge and  
21       custody of the records of the union district and the seal of the union district.

22       The clerk shall record all votes and proceedings of the union district, including

1 meetings of the union district and meetings of the governing board, and shall  
2 prepare and cause to be posted and published all warnings of meetings of the  
3 union district. Following approval by the governing board, the clerk shall  
4 cause the annual report to be distributed to the legislative branches of its  
5 member municipalities. The clerk shall prepare and distribute any other  
6 reports required by laws of the State and resolutions or regulations of the  
7 governing board. The clerk shall perform all of the duties and functions  
8 incident to the office of secretary or clerk of a body corporate.

9 § 3071. TREASURER

10 The treasurer of the union district shall be appointed by the governing  
11 board, and shall serve at its pleasure. The treasurer shall have the exclusive  
12 charge and custody of the funds of the union district and shall be the disbursing  
13 officer of the union district. When authorized by the governing board, the  
14 treasurer may sign, make, or endorse in the name of the union district all  
15 checks and orders for the payment of money and pay out and disburse the same  
16 and receipt therefor. The treasurer shall keep a record of every obligation  
17 issued and contract entered into by the union district and of every payment  
18 thereon. The treasurer shall keep correct books of account of all the business  
19 and transactions of the union district and such other books and accounts as the  
20 governing board may require. The treasurer shall render a statement of the  
21 condition of the finances of the union district at each regular meeting of the  
22 governing board and at such other times as shall be required of the treasurer.

1 The treasurer shall prepare the annual financial statement and the budget of the  
2 union district for distribution, upon approval of the governing board, to the  
3 legislative bodies of the member municipalities. The treasurer shall do and  
4 perform all of the duties appertaining to the office of treasurer of a body politic  
5 and corporate. Upon removal or the treasurer's termination from office by  
6 virtue of removal or resignation, the treasurer shall immediately pay over to the  
7 successor all of the funds belonging to the union district and at the same time  
8 deliver to the successor all official books and papers.

9 § 3072. RECORDS

10 The conduct of all meetings and public access thereto, and the maintaining  
11 of all records, books, and accounts of the union district shall be governed by  
12 the laws of this State relating to open meetings and accessibility of public  
13 records.

14 § 3073. AUDIT

15 Once the telecommunications union district becomes operational, the  
16 governing board shall cause an audit of the financial condition of the union  
17 district to be performed annually by an independent professional accounting  
18 firm.

19 § 3074. EXECUTIVE BOARD; COMMITTEES

20 The governing board shall have the authority to establish an executive  
21 committee and grant and delegate to it such powers as it may deem necessary.  
22 Members of the executive committee shall serve staggered terms. The

1 governing board shall have the authority to establish any and all committees as  
2 it may deem necessary.

3 § 3075. COMPENSATION OF OFFICERS

4 Officers of the union district shall be paid such compensation or  
5 reimbursement of expenses, or both, as shall be determined by the governing  
6 board.

7 § 3076. RECALL OF OFFICERS

8 An officer may be removed by a two-thirds vote of the governing board  
9 whenever, in its judgment, the best interest of the union district will be served.

10 § 3077. FISCAL YEAR

11 The fiscal year of the union district shall commence on January 1 and end  
12 on December 31 of each year.

13 § 3078. BUDGET

14 (a) Annually on or before the 15th day of September, the governing board  
15 shall approve and cause to be distributed to the legislative branch of each  
16 member municipality for review and comment an annual report of its activities,  
17 together with a financial statement, a proposed budget of the union district for  
18 the next fiscal year, and a forecast presenting anticipated year-end results. The  
19 proposed budget shall include reasonably detailed estimates of:

20 (1) deficits and surpluses from prior fiscal years;

21 (2) anticipated expenditures for the administration of the union district;

1           (3) anticipated expenditures for the operation and maintenance of any  
2           union district communications plants;

3           (4) payments due on obligations, long-term contracts, leases, and  
4           financing agreements;

5           (5) payments due to any sinking funds for the retirement of union  
6           district obligations;

7           (6) payments due to any capital or financing reserve funds;

8           (7) anticipated revenues from all sources;

9           (8) such other estimates as the governing board shall deem necessary to  
10          propose.

11          (b) Coincident with a regular meeting thereof, the governing board shall  
12          hold a public hearing on or before the first day of October of each year to  
13          receive comments from the legislative branches of member municipalities and  
14          hear all other interested persons regarding the proposed budget. Notice of such  
15          hearing shall be given to the legislative branches of member municipalities at  
16          least 30 days prior to such public hearing. The governing board shall give  
17          consideration to all comments received and make such changes to the proposed  
18          budget as it deems advisable.

19          (c) Annually on or before December 1, the governing board shall adopt the  
20          budget, and appropriate the sums which it deems necessary to meet its  
21          obligations and operate and carry out the union district's functions for the next  
22          ensuing fiscal year.

1        (d) Actions or resolutions of the governing board for the annual  
2        appropriations of any year shall not cease to be operative at the end of the  
3        fiscal year for which they were adopted. Appropriations made by the  
4        governing board for the various estimates of the budget shall be expended only  
5        for such estimates, but by majority vote of the governing board the budget may  
6        be amended from time to time to transfer funds between or among such  
7        estimates. Any balance left or unencumbered in any such budget estimate, or  
8        the amount of any deficit at the end of the fiscal year, shall be included in and  
9        paid out of the operating budget and appropriations in the next fiscal year. All  
10       such budget amendments shall be reported by the district treasurer to the  
11       legislative branches of each member municipality within 14 days of the end of  
12       the fiscal year.

13       (e) Financial statements and audit results shall be delivered to the  
14       legislative branches of each member municipality within 10 days of delivery to  
15       the governing board.

16       § 3079. INDEBTEDNESS

17       The governing board may borrow money through the issuance of notes of  
18       the telecommunications union district for the purpose of paying current  
19       expenses of the union district. Such notes must mature within one year, and  
20       may be refunded in the manner provided by law, and shall be payable solely  
21       from the union district's operating revenues. The governing board may borrow  
22       money in anticipation of the receipt of grants-in-aid from any source and any

1 revenues. Such notes must mature within one year, but may be renewed as  
2 provided by general law.

3 § 3080. PLEDGE OF REVENUES

4 (a) When the governing board, at a regular or special meeting called for  
5 such purpose, shall determine by resolution passed by a vote of a majority of  
6 members present and voting that the public interest or necessity demands  
7 communications plant improvements, or a long-term contract, and that the cost  
8 of the same will be too great to be paid out of the ordinary annual income and  
9 revenue, the governing board shall be authorized to pledge communications  
10 plant net revenues and enter into long-term contracts to provide for such  
11 improvements. A “long-term contract” means an agreement in which the  
12 union district incurs direct or conditional obligations for which the costs are  
13 too great to be paid out of the ordinary annual income and revenues of the  
14 union district, in the judgment of the governing board. “Long-term contract”  
15 includes an agreement authorized under 24 V.S.A. § 1789, wherein  
16 performance by the union district is conditioned upon periodic appropriations.  
17 The term “communications plant improvements” shall include improvements  
18 that may be used for the benefit of the public, whether or not publicly owned  
19 or operated.

20 (b) The pledge of communications plant net revenues, and other obligations  
21 allowed by law, may be authorized for any purpose permitted by this chapter,  
22 24 V.S.A. chapter 53, subchapter 2, and chapter 54, or any other applicable



1 statutes. Communications plants are declared to be projects within the  
2 meaning of 23 V.S.A. § 1821(4).

3 § 3081. SINKING AND RESERVE FUNDS

4 (a) The governing board may establish and provide for sinking and reserve  
5 funds, however denominated, for the retirement and security of pledges of  
6 communications plant net revenue, or for long-term contracts. When so  
7 established, such funds shall be kept intact and separate from other monies at  
8 the disposal of the union district, and shall be accounted for as a pledged asset  
9 for the purpose of retiring or securing such obligations or contracts. The cost  
10 of payments to any sinking or reserve fund shall be included in the annual  
11 budget of the union district.

12 (b) The governing board shall establish and provide for a capital reserve  
13 fund to pay for communications plant improvements, replacement of worn out  
14 buildings and equipment, and planned and unplanned major repairs in  
15 furtherance of the purpose for which the union district was created. Any such  
16 capital reserve fund shall be kept in a separate account and invested as are  
17 other public funds and shall be expended for such purposes for which  
18 established. The cost of payments to any capital reserve fund shall be included  
19 in the annual budget of the union district.

20 § 3082. SERVICE FEES

1       The governing board may from time to time establish and adjust service,  
2       subscription, access, and utility fees for the purpose of generating revenues  
3       from the operation of its communications plants.

4       § 3083. SPECIAL MEETINGS

5       (a) The governing board may call a special meeting of the union district  
6       when it deems it necessary or prudent to do so and shall call a special meeting  
7       of the union district when action by the voters is necessary under this chapter.  
8       In addition, the governing board shall call a special meeting upon receipt of a  
9       petition signed by at least five percent of the registered voters within the  
10       district, request of at least 25 percent of member towns or cities evidenced by  
11       formal resolutions of the legislative bodies thereof, or petitions signed by at  
12       least one percent of the registered voters of such town or city. The governing  
13       board may rescind the call of a special meeting called by it but not a special  
14       meeting called as provided in this subsection. The governing board may  
15       schedule the date of such special meetings to coincide with the date of annual  
16       municipal meetings, primary elections, general elections, or similar meetings  
17       when the electorate within the member municipalities will be voting on other  
18       matters.

19       (b) At any special meeting of the union district, voters of each member  
20       municipality shall cast their ballots at such polling places within the  
21       municipality of their residence as shall be determined by the governing board

1 of the union district in cooperation within the boards of civil authority of each  
2 member municipality.

3 (c) Not less than three nor more than 14 days prior to any special meeting,  
4 at least one public hearing shall be held by the governing board at which time  
5 the issues under consideration shall be presented and comments received.  
6 Notice of such public hearing shall include the publication of a warning in a  
7 newspaper of general circulation in the union district at least once a week, on  
8 the same day of the week, for three consecutive weeks, the last publication not  
9 less than five nor more than 10 days before the public hearing. Such notice  
10 may be included in the warning called for in subsection (d) of this section.

11 (d) The governing board shall warn a special meeting by filing a notice  
12 with the clerk of each member municipality and by posting a notice in at least  
13 five public places in each municipality in the union district not less than 30 nor  
14 more than 40 days before the meeting. In addition, the warning shall be  
15 published in a newspaper of general circulation in the union district once a  
16 week on the same day of the week for three consecutive weeks before the  
17 meeting, the last publication to be not less than five nor more than 10 days  
18 before the meeting.

19 (e) The original warning of any special meeting of the union district shall  
20 be signed by a majority of the governing board and shall be filed with the clerk  
21 before being posted.

1       (f) The posted and published warning notification shall include the date,  
2       time, place, and nature of the meeting. It shall, by separate articles,  
3       specifically indicate the business to be transacted and the questions to be  
4       voted upon.

5       (g) The Australian Ballot system shall be used at all special meetings of the  
6       union district when voting is to take place. Ballots shall be commingled and  
7       counted under the supervision of the district clerk.

8       (h) All legal voters of the member municipalities shall be legal voters of  
9       the union district. The member municipalities shall post and revise checklists  
10       in the same manner as for municipal meetings prior to any union district  
11       meeting at which there will be voting.

12       (i) At all special meetings the provisions of 17 V.S.A. chapter 51 regarding  
13       election officials, voting machines, polling places, absentee voting, process of  
14       voting, count and return of votes, validation, recounts and contest of elections,  
15       reconsideration or rescission of vote, and jurisdiction of courts shall apply  
16       except where clearly inapplicable. The clerk shall perform the functions  
17       assigned to the Secretary of State under that chapter. The Windsor Superior  
18       Court shall have jurisdiction over petitions for recounts. Election expenses  
19       shall be borne by the union district, unless within 30 days of the date of such  
20       resolution there is filed with the clerk of the union district a request to call a  
21       special district meeting under section 3083 of this chapter to consider a  
22       proposition to rescind such resolution.

1     § 3084. WITHDRAWAL OF A MEMBER MUNICIPALITY

2             A member municipality may withdraw from the union district upon the  
3     terms and conditions specified below:

4             (1) Prior to the union district pledging communications plant net  
5     revenues, or entering into a long-term contract, or contract subject to annual  
6     appropriation, a member municipality may vote to withdraw in the same  
7     manner as the vote for admission to the union district by such member  
8     municipality. If a majority of the voters of a member municipality present and  
9     voting at a meeting duly warned for such purpose shall vote to withdraw from  
10    the union district, the vote shall be certified by the clerk of that municipality  
11    and presented to the governing board. Thereafter, the governing board shall  
12    give notice to the remaining member municipalities of the vote to withdraw  
13    and shall hold a meeting to determine if it is in the best interest of the union  
14    district to continue to exist. Representatives of the member municipalities  
15    shall be given an opportunity to be heard at such meeting together with any  
16    other interested persons. After such a meeting the governing board may  
17    declare the union district dissolved immediately or as soon thereafter as its  
18    financial obligations and of each member municipality on account thereof have  
19    been satisfied, or it may declare that the union district shall continue to exist  
20    despite the withdrawal of such member municipality. The membership of the  
21    withdrawing municipality shall terminate as soon after such vote to withdraw

1 as any financial obligations of the withdrawing municipality have been paid to  
2 the union district.

3 (2) After the union district has pledged communications plant net  
4 revenues, or entered into a long-term contract or contract subject to annual  
5 appropriations, a member municipality may vote to withdraw in the same  
6 manner as the vote for admission to the union district by such member  
7 municipality. It shall be a condition that the withdrawing municipality shall  
8 enter into a written agreement with the union district whereby such  
9 withdrawing municipality shall be obligated to continue to pay its share of any  
10 contract obligations incurred by the union district for the remaining term of the  
11 contract term.

12 § 3085. ADMISSION OF MEMBERS

13 The governing board may authorize the inclusion of additional member  
14 municipalities in the union district upon such terms and conditions as it in its  
15 sole discretion shall deem to be fair, reasonable, and in the best interests of the  
16 union district. The legislative branch of any nonmember municipality which  
17 desires to be admitted to the union district shall make application for admission  
18 to the governing board. The governing board shall determine the financial,  
19 economic, governance, and operational effects that are likely to occur if such  
20 municipality is admitted and shall thereafter either grant or deny authority for  
21 admission of the petitioning municipality. If the governing board grants such  
22 authority, it shall also specify any terms and conditions, including financial

1 obligations upon which such admission is predicated. Upon resolution of the  
2 governing board, such applicant municipality shall become and thereafter be a  
3 member municipality of the union district.

4 § 3086. DISSOLUTION

5 (a) If the governing board by resolution approved by two-thirds of all the  
6 votes entitled to be cast determines that it is in the best interests of the public,  
7 the member municipalities, and the union district that the union district be  
8 dissolved, and if the union district then has no outstanding obligations under  
9 pledges of communications plant net revenue, long-term contracts, or contracts  
10 subject to annual appropriation, or will have no such debt or obligation upon  
11 completion of the plan of dissolution, it shall prepare a plan of dissolution and  
12 thereafter adopt a resolution directing that the question of such dissolution and  
13 the plan of dissolution be submitted to the voters of the union district at a  
14 special meeting thereof duly warned for such purpose. If a majority of the  
15 voters of the union district present and voting at such special meeting shall  
16 vote to dissolve the union district and approve the plan of dissolution, the  
17 union district shall cease to conduct its affairs except insofar as may be  
18 necessary for the winding up thereof. The governing board shall immediately  
19 cause a notice of the proposed dissolution to be mailed to each known creditor  
20 of the union district and to the Secretary of State and shall proceed to collect  
21 the assets of the union district and apply and distribute them in accordance  
22 with the plan of dissolution.

1        (b) The plan of dissolution shall:

2            (1) identify and value all unencumbered assets;

3            (2) identify and value all encumbered assets;

4            (3) identify all creditors and the nature or amount of all liabilities and  
5 obligations;

6            (4) identify all obligations under long-term contracts and contracts  
7 subject to annual appropriation;

8            (5) specify the means by which assets of the union district shall be  
9 liquidated and all liabilities and obligations shall be paid and discharged, or  
10 adequate provision shall be made for the satisfaction thereof;

11           (6) specify the nature and amount of any liabilities or obligations to be  
12 assumed and paid by the member municipalities;

13           (7) specify the means by which any assets remaining after discharge of  
14 all liabilities shall be liquidated if necessary;

15           (8) specify that any assets remaining after payment of all liabilities shall  
16 be apportioned and distributed among the member municipalities according to  
17 a formula based upon population.

18        (c) When the plan of dissolution has been implemented, the governing  
19 board shall adopt a resolution certifying that fact to the member municipalities  
20 whereupon the union district shall be terminated, and notice thereof shall be  
21 delivered to the Secretary of the Senate and the Clerk of the House of



1 Representatives in anticipation of confirmation of dissolution by the General  
2 Assembly.

3 \* \* \* VEDA Loans to Municipal Telecommunications Districts \* \* \*

4 Sec. 2. 10 V.S.A. § 212 is amended to read:

5 § 212. DEFINITIONS

6 As used in this chapter:

7 \* \* \*

8 (6) “Eligible facility” or “eligible project” means any industrial,  
9 commercial, or agricultural enterprise or endeavor approved by the authority  
10 that meets the criteria established in the Vermont Sustainable Jobs Strategy  
11 adopted by the Governor under section 280b of this title, including land and  
12 rights in land, air, or water, buildings, structures, machinery, and equipment of  
13 such eligible facilities or eligible projects, except that an eligible facility or  
14 project shall not include the portion of an enterprise or endeavor relating to the  
15 sale of goods at retail where such goods are manufactured primarily out of  
16 state, and except further that an eligible facility or project shall not include the  
17 portion of an enterprise or endeavor relating to housing. Such enterprises or  
18 endeavors may include:

19 \* \* \*

20 (N) industrial park planning, development, or improvement;~~or~~

21 (O) any combination of the foregoing activities, uses, or purposes.

22 An eligible facility may include structures, appurtenances incidental to the

1 foregoing such as utility lines, storage accommodations, offices, dependent  
2 care facilities, or transportation facilities; or

3 (P) for purposes of subchapter 5 of this chapter, a  
4 telecommunications plant, as defined in 24 V.S.A. § 1911(2), owned by a  
5 municipality individually or in concert with one or more other municipalities  
6 under an interlocal contract as a union district.

7 \* \* \*

8 Sec. 3. 10 V.S.A. § 261 is amended to read:

9 § 261. ADDITIONAL POWERS

10 In addition to powers enumerated elsewhere in this chapter, the  
11 Authority may:

12 (1) make loans secured by mortgages, which may be subordinate to one  
13 or more prior mortgages, upon application by the proposed mortgagor, who  
14 may be a private corporation, partnership ~~or~~, person, or municipality financing  
15 an eligible project described in subdivision 212(6) of this title, upon such terms  
16 as the Authority may prescribe, for the purpose of financing the establishment  
17 or expansion of eligible facilities. Such loans shall be made from the Vermont  
18 Jobs Fund established under subchapter 3 of this chapter. The Authority may  
19 provide for the repayment and redeposit of such loans in the manner provided  
20 hereinafter.

21 \* \* \*

1 Sec. 4. 10 V.S.A. § 262 is amended to read:

2 § 262. FINDINGS

3 Before making any loan, the Authority shall receive from an applicant a  
4 loan application in such form as the Authority may by regulation prescribe, and  
5 the Authority, or the Authority's loan officer pursuant to the provisions of  
6 subdivision 216(15) of this title, shall determine and incorporate findings in its  
7 minutes that:

8 \* \* \*

9 (5) The principal obligation of the Authority's mortgage does not exceed  
10 \$1,500,000.00 which may be secured by land and buildings or by machinery  
11 and equipment, or both; unless:

12 (A) an integral element of the project consists of the generation of  
13 heat or electricity employing biomass, geothermal, methane, solar, or wind  
14 energy resources to be primarily consumed at the project, in which case the  
15 principal obligation of the Authority's mortgage does not exceed  
16 \$2,000,000.00, which may be secured by land and by buildings, or machinery  
17 and equipment, or both; such principal obligation does not exceed 40 percent  
18 of the cost of the project; and the mortgagor is able to obtain financing for the  
19 balance of the cost of the project from other sources as provided in the  
20 following section; or



1       (h) All actions of a municipality taken under this subchapter for the  
2       financing of an eligible project described in subsection 212(b) shall be as  
3       authorized in section 245 of this title.

4       (i) The provisions of section 247 of this title shall apply to the financing of  
5       an eligible project described in subdivision 216(6) of this title.

6                   \* \* \* Rapid Response; Pole Attachments \* \* \*

7       Sec. 5. POLE ATTACHMENTS; APPLICATIONS; DISPUTE

8               RESOLUTION

9       (a) Within 90 days of this act's passage, the Public Service Board by order  
10       shall institute a process for the filing of applications and the rapid and binding  
11       resolution of disputes pertaining to the attachment of a wire, cable, or other  
12       facility to an electric or communications pole for the purpose of supporting a  
13       broadband, telecommunications, or cable television deployment project. This  
14       process shall ensure that such projects proceed in a timely and coordinated  
15       manner and shall include notice to all potentially affected persons. In issuing  
16       this order, the Board shall have full authority to establish standards and  
17       procedures for the earliest feasible filing of pole attachment applications such  
18       that pole-owning utilities are able to complete their make-ready surveys and  
19       make-ready work and to establish a dispute resolution process that uses an  
20       expedited time frame and to which the contested case procedures of 3 V.S.A.  
21       chapter 25 do not apply.

- 1        (b) The process instituted by the Public Service Board under this section
- 2        shall include a more rapid time frame for dispute resolution than is currently
- 3        provided under Public Service Board rule 3.700.

DRAFT