

H.522

An act relating to approval of amendments to the charter of the City of Burlington

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the City of Burlington as set forth in this act. Proposals of amendments were approved by the voters on March 7, 2017.

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

CHAPTER 3. CITY OF BURLINGTON

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§ 38. REGULAR MEETINGS

Regular meetings of the City Council shall be held based on a schedule adopted by the City Council for the fiscal year and generally on the first Monday of Mondays once or twice each month. ~~In case for any reason such meeting in any month is not then held or is held and for any reason finally adjourned without the transaction of business, such meeting shall be held on the second Monday in such month, but the Mayor may call such meeting to be held before the second Monday, in the manner herein provided for the calling of special meetings of the Council, and such call shall specify only that the Council is to meet for the purpose of holding a regular meeting, or the regular meeting which was not but should have been held on the first Monday of the~~

~~month, or was then held and finally adjourned without the transaction of any business, as the case may be, and shall authorize the transaction by the Council of any and all business within its jurisdiction~~ The schedule may be amended by action of the Council.

§ 39. SPECIAL MEETINGS

Special meetings of the City Council may be called at any time by the Mayor, and shall be called by the Chief Administrative Officer on petition signed by a majority of the City Council then in office and filed with ~~said~~ the Chief Administrative Officer. Notice of special meetings shall be ~~served on~~ provided to the City councilors ~~unless service thereof shall be accepted by them, by some person appointed for such purpose by the one calling such meetings, by delivering to each City councilor a true and attested copy of such call, or by leaving such copy at the place of his or her usual abode, with the return thereon of the person serving the same~~ by any means sufficient to reasonably ensure that all councilors have or should have received notice of the date, time, and purpose of the meeting. Leaving a written notice at the address the Chief Administrative Officer has on file for a councilor or providing notice to the electronic mail address of the councilor or through an electronic scheduling program that sends automatic updates to a councilor shall, among other means, be considered sufficient notice.

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

(a)(1) The City Council with Mayor presiding shall constitute the Board of Civil Authority for ~~said~~ the City, except that all duties with respect to preparing checklists of voters and making additions thereto or alterations or corrections thereon imposed upon ~~said~~ the Council by this charter or the provisions of the general statutes relating thereto shall be performed by a board of ~~40~~ 12 members, to be known as the Board for Registration of Voters.

(2) Not more than ~~five~~ six members of ~~said~~ the Board shall at any one time be from the same political party.

(b)(1) ~~On the first Monday in June 1994, the City Council with Mayor presiding shall appoint three members of said Board for Registration of Voters, two of whom shall be additional members of such Board. All members of the Board shall be legal voters of the City and shall serve a term of five years. Two of the three members so appointed shall be appointed for a term of five years and one of the members so appointed shall be appointed for a term of three years, each term commencing July 1, 1994, and continuing for the terms designated and until a successor is duly appointed and qualified.~~

(2) ~~Thereafter on the first Monday~~ Terms shall be staggered so that in June in each year the City Council with Mayor presiding shall appoint ~~either one or two~~ no more than three members of ~~said~~ the Board depending upon the

expiration of terms to serve for a term of five years from the July first next succeeding or until his or her or their successor(s) is or are duly appointed and qualified.

(3) Vacancies in ~~said the~~ Board for any cause shall be filled by appointment by the City Council with Mayor presiding for the balance of the unexpired term.

(c)(1) ~~Said~~ The records of the Board shall maintain be maintained in an office in the City Hall of the City, or another location determined by the Chief Administrative Officer that is open for business during the regular business hours of said the City, wherein shall be kept available for public inspection the records pertaining to the qualifications of all legal voters and freemen of the City.

(2) ~~Said~~ The Board shall advise any petitioner affected by an adverse decision whose application to vote has been rejected or whose name has been removed from the checklist of his or her statutory right to seek judicial review of such decision pursuant to 17 V.S.A. § 2148.

(3) ~~Said~~ The Board shall also appoint a Clerk, who need not be a member thereof, who shall have such duties as the Board may assign, together with the duties imposed upon the Chief Administrative Officer by sections 106 and 107 of the Vermont Statutes, Revision of 1947, as amended.

(4) Records of the taking of ~~freemen's~~ voter's oaths heretofore kept by the City Clerk shall be transferred to the Clerk of ~~said~~ the Board.

§ 44. AUTHORIZED

At all meetings of the Board of Civil Authority, the Board for the Abatement of Taxes, and also of the City Council for the appointment of officers or for the removal of such officers, except for the meeting for the appointment of those officers identified in Article 38, and in all proceedings by the City Council for the purpose of taking lands or other property for public purposes, the Mayor shall preside and shall vote as other members thereof.

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§ 92. BOARD OF TAX APPEALS TO HEAR APPEALS; DEADLINE FOR HEARINGS; MANNER OF CONDUCTING; POSSIBLE BOARD OF CIVIL AUTHORITY REVIEW

(a) ~~Said~~ The Board of Tax Appeals shall meet, hear, and determine all appeals in the manner set forth ~~below~~ in this section, notwithstanding 32 V.S.A. § 4404. All such appeals shall be heard and determined no later than December 31 of that year. Hearings and inspections of the property shall be conducted by the entire panel as described ~~below~~ in this section.

(b)(1) The City Assessor shall have the right to request and the Board shall have the right to issue a subpoena for all records of the taxpayer ~~which~~ that are material to a determination of the appeal.

(2) Such records shall be regarded as confidential, shall not be further distributed, and shall be utilized only for the purpose of deciding the appeal; provided that no subpoena shall issue unless and until a taxpayer has appealed to the Board of Tax Appeals.

(3) If the taxpayer fails to provide requested records in response to a subpoena properly issued hereunder or refuses to allow an inspection of his or her property, the appeal shall be deemed withdrawn or dismissed and no further appeal shall be available to such taxpayer.

(c) ~~Said~~ The Board shall hear and decide appeals by three member hearing panels, the membership of such panels to be rotated on a periodic basis. ~~At~~ All three members must be present and voting, and at least two of the three members of the hearing panel must join in the decision in order for it to be valid.

(d) Either a taxpayer or the City Assessor aggrieved by the decision of the Board of Tax Appeals may, ~~within 10 days of the date of such decision, file a request for review thereof by the Board of Civil Authority. A taxpayer or the City Assessor may, alternatively,~~ file an appeal of a decision of the Board of Tax Appeals directly with the Director of the Division of Property Valuation and Review of the Vermont Department of Taxes or the Superior Court pursuant to 32 V.S.A. § 4461 within 30 days of the mailing of the Board of Tax Appeals, Appeals' decision to the taxpayer. ~~The Board of Civil Authority~~

~~shall not be obligated to agree to review a decision of the Board of Tax Appeals, but may do so in its sole discretion by a majority vote if the decision of the Board of Tax Appeals was not unanimous or if the Board of Civil Authority determines either that the Board of Tax Appeals' decision was clearly erroneous or that the hearing panel failed to give the taxpayer appropriate due process. The Board of Civil Authority shall determine whether it will hear an appeal within 30 days of the date a request is made. If the Board of Civil Authority should agree to review such a decision, it shall hear from the taxpayer, the City Assessor, and a representative of the Board of Tax Appeals and shall make its decision to affirm or modify the decision of the Board of Tax Appeals within 60 days of the date it decides to review the decision. A decision of the Board of Civil Authority, including a decision not to review a decision of the Board of Tax Appeals, may be appealed pursuant to 32 V.S.A. § 4461.~~

(e) ~~The decision of the Board of Tax Appeals or the Board of Civil Authority, as the case may be, if not further appealed, shall become the basis for the grand list of the taxpayer for the year in question plus the next two years unless new information of a material nature about the property is discovered, the property is materially changed, or if the City undertakes a rolling or complete re-evaluation~~ reevaluation ~~of real estate which that~~ includes the property in question.

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§ 132. MAYOR, CITY COUNCIL, AND OTHER CITY OFFICIALS

(a)(1) The Mayor shall receive such annual compensation as shall be voted ~~him or her~~ by the City Council, but the same shall not be less than \$12,000.00 per year.

(2) Each member of the City Council, beginning on July 1, 2017 and thereafter with the first Monday of April ~~2002~~ 2018 shall receive ~~\$1,500.00,~~ and ~~beginning the first Monday of April 2003 and thereafter,~~ the annual sum of ~~\$3,000.00~~ \$5,000.00.

(3) Compensation shall be prorated according to actual months of service.

(b) A member of the City Council shall receive proper reimbursement for any expenses necessarily incurred in fulfilling the duties of the member's office. Regulations for determining eligibility for necessary expense reimbursement may be promulgated by the Board of Finance. The City Council shall fix the compensation of all other City officers, except as herein otherwise provided.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.