

1 H.527

2 Introduced by Representative Jessup of Middlesex

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; Town of East Montpelier;
6 amendments; East Montpelier Fire District No. 1; merger

7 Statement of purpose of bill as introduced: This bill proposes to approve
8 amendments to the charter of the Town of East Montpelier and to approve the
9 merger of the Town and the East Montpelier Fire District No. 1.

10 An act relating to approval of amendments to the charter of the Town of
11 East Montpelier and to the merger of the Town and the East Montpelier Fire
12 District No. 1

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

14 Sec. 1. CHARTER AMENDMENT AND MERGER APPROVAL

15 The General Assembly approves the amendments to the charter of the Town
16 of East Montpelier and the merger of the Town and the East Montpelier Fire
17 District No. 1 as set forth in this act. Proposals of amendments and the merger
18 were approved by the voters on March 7, 2017.

19 Sec. 2. 24 App. V.S.A. chapter 114E is amended to read:

20 CHAPTER 114E. TOWN OF EAST MONTPELIER

1 § 1. STATEMENT OF PURPOSE

2 * * *

3 (d) The modifications are intended to accomplish the following goals:

4 * * *

5 (3) to be consistent with democratic control, particularly observing the
6 principle of checks and balances; and

7 (4) to avoid or minimize unintended consequences from the
8 modification;

9 ~~(5) to include changes that can be accomplished only through a~~
10 ~~charter; and~~

11 ~~(6) to keep the chapter simple.~~

12 § 2. ~~ELECTED~~ ABOLISHED OFFICES

13 (a) The offices of Town Grand Juror~~;~~₂ Town Agent~~;~~₂ ~~and;~~₂ Trustees of Public
14 Funds; Fence Viewer; Weigher of Coal; and Inspector of Lumber, Shingles,
15 and Wood are abolished~~;~~₂ ~~and the functions assigned to the Selectboard.~~

16 (b) The functions of Town Grand Juror, Town Agent, and Trustees of
17 Public Funds are assigned to the Selectboard. In performing the duties of the
18 Trustees of Public Funds, the Selectboard shall consult with and have the
19 assistance of the Town Treasurer.

20 § 3. TOWN TREASURER

21 (a) The Selectboard shall appoint a Town Treasurer ~~in the manner set forth~~

1 ~~in this section~~ pursuant to section 8 of this chapter. The appointee shall be
2 competent in the keeping of records, investments, and accounting, ~~and shall~~
3 ~~serve at the pleasure of the Selectboard.~~ The person chosen need not be a
4 resident or qualified voter of ~~East Montpelier~~ the Town.

5 (b)(1) ~~Prior to appointing a Town Treasurer and no more than 45 days after~~
6 ~~the Treasurer position is vacated, the Selectboard shall appoint a committee to~~
7 ~~review and recommend to the Selectboard qualified candidates for the position~~
8 ~~of Treasurer.~~ If a vacancy occurs in the office of the Town Treasurer, the
9 Selectboard shall appoint an interim treasurer to serve until the process
10 described in section 8 of this chapter is completed.

11 (2) ~~The committee shall be composed of two residents, a certified public~~
12 ~~accountant, and the following town officers: two members of the Selectboard,~~
13 ~~an auditor, and the Town Clerk.~~ ~~All except the certified public accountant~~
14 ~~shall be residents of the Town of East Montpelier.~~

15 (3) ~~The committee shall have the authority to solicit candidates,~~
16 ~~advertise notice of a vacancy in the Treasurer's position, and to make an~~
17 ~~investigation of a candidate's credentials and background as the committee~~
18 ~~deems appropriate.~~ ~~Upon completion of the investigation and interviewing of~~
19 ~~candidates, the committee shall submit to the Selectboard the names of those~~
20 ~~candidates deemed qualified for the position.~~

21 (c) ~~No later than 30 days following the submission of the names of~~

1 ~~candidates deemed qualified by the committee, the Selectboard shall appoint a~~
2 ~~Treasurer from the candidates recommended by the committee or, if~~
3 ~~applicable, notify the committee that none of the candidates shall be appointed~~
4 The Selectboard shall appoint an Assistant Town Treasurer after consultation
5 with the Town Treasurer.

6 ~~(d) Members of the committee described in subsection (b) of this section~~
7 ~~shall serve until a Treasurer is appointed by the Selectboard. Meetings of the~~
8 ~~committee shall be warned and conducted as public meetings in accordance~~
9 ~~with the requirements of Vermont statutes and this chapter and the committee~~
10 ~~shall be entitled to meet in executive session as authorized by 1 V.S.A. § 313.~~

11 ~~(e) Until such time as a Treasurer is appointed pursuant to this section, the~~
12 ~~Selectboard shall appoint an interim treasurer.~~

13 § 4. ZONING ADMINISTRATOR

14 A Zoning Administrator shall be nominated by the Planning Commission
15 and appointed by the Selectboard for a term of one year. ~~The Zoning~~
16 ~~Administrator may be removed for cause at any time by the Selectboard after~~
17 ~~consultation with the Planning Commission.~~

18 § 5. TOWN CLERK

19 (a) The Selectboard shall appoint a Town Clerk pursuant to section 8 of
20 this chapter. The appointee shall have strong interpersonal skills and shall be
21 competent in the keeping of records. The person chosen need not be a resident

1 of the Town; preference shall be given to a qualified resident.

2 (b) If a vacancy occurs in the office of Town Clerk, the Selectboard shall
3 appoint an interim clerk to serve until the process described in section 8 of this
4 chapter is completed.

5 (c) The Selectboard shall appoint an Assistant Town Clerk after
6 consultation with the Town Clerk.

7 § 6. COLLECTOR OF CURRENT TAXES AND COLLECTOR OF
8 DELINQUENT TAXES

9 (a) The Selectboard shall appoint a Collector of Current Taxes and a
10 Collector of Delinquent Taxes. The same person, who may be a current Town
11 employee, may be appointed to both positions. The appointees shall have
12 strong interpersonal skills and shall be competent in record keeping, handling
13 money, and accounting. The person or persons chosen need not be residents of
14 the Town; preference shall be given to qualified residents.

15 (b) If a vacancy occurs in the office of Collector of Current Taxes or
16 Collector of Delinquent Taxes, the Selectboard shall appoint an interim
17 collector of current taxes or collector of delinquent taxes to serve until the
18 process described in subsection (a) of this section is completed.

19 § 7. APPOINTED OFFICERS; TERMS OF OFFICE; DUTIES

20 The Town Treasurer and his or her assistant, the Zoning Administrator, the
21 Town Clerk and his or her assistant, the Collector of Current Taxes, and the

1 Collector of Delinquent Taxes shall:

2 (1) Be employees of the Town and shall be appointed for one-year terms
3 concurrent with the Town's fiscal year or for such lesser terms as necessary to
4 match the remaining portion of the then-current fiscal year. They may be
5 reappointed, although the Selectboard is under no obligation to do so, and if an
6 incumbent who was selected pursuant to section 8 of this chapter is to be
7 reappointed, the process in section 8 of this chapter need not be repeated.

8 (2) Fulfill the statutory requirements for their respective positions plus
9 such other duties as the Selectboard may assign. They shall follow all adopted
10 Town ordinances, policies, and procedures applicable to their respective
11 positions.

12 (3) Be subject to the personnel policies of the Town and, during their
13 appointed terms, may be terminated for cause by the Selectboard. The
14 Selectboard shall determine compensation level and methodology.

15 § 8. SELECTION COMMITTEE

16 (a) Prior to appointing a Town Treasurer or Town Clerk and no more than
17 45 days after either of these positions is vacated, the Selectboard shall appoint
18 a committee to review and recommend to the Selectboard a qualified candidate
19 for the vacant position.

20 (b)(1) The Committee shall be composed of seven persons:

21 (A) one Selectboard member;

1 (B) three other Town officers whose positions work closely with the
2 position being filled; and

3 (C) three other persons.

4 (2) For the position of Town Treasurer, a certified public accountant
5 shall be on the Committee. All except the certified public accountant and any
6 nonresident officers shall be residents of the Town.

7 (c) The Selectboard shall solicit candidates and advertise notice of the
8 vacant position. The Committee shall have the responsibility to investigate a
9 candidate's credentials and background as the Committee deems appropriate.

10 Upon completion of the investigation and interviewing of candidates, the
11 Committee shall submit to the Selectboard the names of those candidates
12 deemed qualified for the position.

13 (d) No later than 30 days following the submission of the names of
14 candidates deemed qualified by the Committee, the Selectboard shall appoint a
15 Town Treasurer or Town Clerk from the candidates recommended by the
16 Committee or, if applicable, notify the Committee that none of the candidates
17 shall be appointed and direct the Committee to renew its search.

18 (e) Members of the Committee described in subsection (b) of this section
19 shall serve until any vacancy is filled by appointment by the Selectboard.

20 Meetings of the Committee shall be warned and conducted as public meetings
21 in accordance with the requirements of Vermont law and this chapter, and the

1 Committee shall be entitled to meet in executive session as authorized in
2 1 V.S.A. § 313.

3 § 9. SEPARABILITY

4 If any provision of this chapter is held invalid, the other provisions of the
5 chapter shall not be affected thereby. If the application of the chapter or any of
6 its provisions to any person or circumstances is held invalid, the application of
7 this chapter and its provisions to other persons or circumstances shall not be
8 affected thereby.

9 Sec. 3. MERGER OF EAST MONTPELIER FIRE DISTRICT NO. 1 AND
10 THE TOWN OF EAST MONTPELIER; TRANSITIONAL
11 PROVISIONS

12 (a) Merger of the Fire District and Town. On July 1, 2017, East
13 Montpelier Fire District No. 1 shall merge into the Town of East Montpelier,
14 and East Montpelier Fire District No.1 shall cease to exist as a political entity
15 or body corporate.

16 (b) Settling the Affairs of East Montpelier Fire District No. 1. Prior to the
17 merger, the Prudential Committee of East Montpelier Fire District No. 1 shall
18 settle so far as possible its financial affairs and shall, on the date of the merger,
19 turn over and deliver to the Clerk of the Town of East Montpelier all records,
20 books, and documents of East Montpelier Fire District No. 1. The Prudential
21 Committee shall execute whatever documents may be necessary to transfer the

1 District's assets and liabilities to the Town of East Montpelier.

2 (c) Assets Transferred and Liabilities Assumed. Upon the merger, all the
3 assets and property of East Montpelier Fire District No. 1 shall become vested
4 in, and become the property of, the Town of East Montpelier, and all
5 indebtedness of East Montpelier Fire District No. 1 shall be assumed by the
6 Town of East Montpelier.

7 (d) Ordinances and Rules. Upon the merger, all existing ordinances and
8 bylaws of East Montpelier Fire District No. 1 shall be repealed.

9 ~~Sec. 4. EFFECTIVE DATE~~

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

Sec. 4. TRANSITIONAL PROVISIONS; ELECTED TOWN OFFICERS

Notwithstanding the provisions of Sec. 2 of this act, 24 App. V.S.A. chapter 114E, §§ 5 (Town Clerk) and 6 (Collector of Current Taxes and Collector of Delinquent Taxes), that provides that the offices of the Town Clerk and Collector of Delinquent Taxes shall be appointed by the Selectboard, an elected Town Clerk or Collector of Delinquent Taxes in office immediately prior to the effective date of that section may continue to hold that office until July 1, 2017. At the end of the elected Town Clerk's or Collector of Delinquent Taxes' 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 114E, §§ 5 (Town Clerk) and 6 (Collector of Current Taxes and Collector of Delinquent Taxes), shall

apply.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.