

1 H.716

2 Introduced by Representatives Stevens of Waterbury and Wood of Waterbury

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; Edward Farrar Utility

6 District, charter adoption; Village of Waterbury, charter repeal;

7 merger of Village into District

8 Statement of purpose of bill as introduced: This bill proposes to approve the  
9 adoption of the charter of the Edward Farrar Utility District, merge the Village  
10 of Waterbury into the District, and repeal the Village charter.

11 An act relating to approval of the adoption of the charter of the Edward  
12 Farrar Utility District and the merger of the Village of Waterbury into the  
13 District

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

15 Sec. 1. CHARTER ADOPTION AND REPEAL AND MERGER

16 APPROVAL

17 The General Assembly approves the adoption of the Edward Farrar Utility  
18 District charter, the repeal of the Village of Waterbury charter, and the merger  
19 of the Village into the District, as set forth in this act. The voters approved  
20 these charters' adoption and repeal and the merger on June 20, 2017.

1 Sec. 2. 24 App. V.S.A. Part VII is redesignated to read:

2 PART VII. WATER UTILITY DISTRICTS

3 ~~Sec. 3. 24 App. V.S.A. chapter 705 is added to read:~~

4 ~~CHAPTER 705. EDWARD FARRAR UTILITY DISTRICT~~

5 ~~§ 1. ESTABLISHMENT.~~

6 ~~There is hereby established a body politic and corporate known as the~~  
7 ~~Edward Farrar Utility District (District) whose inhabitants shall be those of the~~  
8 ~~Village of Waterbury (Village).~~

9 ~~§ 2. BOUNDARIES.~~

10 ~~The boundaries of the District are co-extensive with the current boundaries~~  
11 ~~of the Village of Waterbury, and may be extended in the same manner as~~  
12 ~~general law provides for annexation by villages.~~

13 ~~§ 3. VOTERS; GRAND LIST.~~

14 ~~(a) Voters. The checklist of legal voters of the Town of Waterbury residing~~  
15 ~~within the District shall be the checklist of legal voters of the District.~~

16 ~~(b) Grand list. The grand list of the District shall be grand list of the Town~~  
17 ~~of Waterbury property within the District.~~

18 ~~§ 4. BOARD OF UTILITY COMMISSIONERS.~~

19 ~~(a) The legislative body of the District shall be the Board of Utility~~  
20 ~~Commissioners consisting of five persons.~~

21 ~~(b) Commissioners shall be elected by Australian ballot from among the~~

1 legal voters of the District

2 (c) Commissioners' terms shall be staggered and commence upon election,  
3 and the length of Commissioners' terms shall be as follows:

4 (1) three Commissioners shall serve a term of three years; and

5 (2) two Commissioners shall serve a term of one year.

6 § 5. POWERS

7 (a) The District shall have the power and authority to:

8 (1) own, operate, maintain, improve, and extend public water supply  
9 systems and sewerage collection, treatment, and disposal systems, all as  
10 provided by and with the benefit of the general laws of the State, currently  
11 existing and as may be amended and supplemented;

12 (2) levy taxes upon its grand list; establish rates, charges, and fees; and  
13 impose such assessments as allowed by law for any purpose for which it is  
14 authorized under this charter;

15 (3) hold, manage, purchase, and sell real estate, deposits, accounts,  
16 contract rights, investments, reserve funds, loan funds, and loan programs as it  
17 may acquire from the Village of Waterbury or otherwise; and

18 (4) incur debt for the purposes of and in the manner provided by  
19 general law.

20 (b) Extraterritorial water and sewer service may be provided under such  
21 terms as the Board of Utility Commissioners deems advisable.

1 ~~§ 6. DISTRICT OFFICERS~~

2 ~~(a) At the discretion of the Board of Utility Commissioners, the District~~  
3 ~~may engage and employ a manager and such additional personnel as it deems~~  
4 ~~necessary.~~

5 ~~(b) The Board of Utility Commissioners shall appoint a district clerk and~~  
6 ~~district treasurer, who shall serve at the pleasure of the Board.~~

7 ~~§ 7. ANNUAL MEETING~~

8 ~~(a) Until changed in the manner provided by general law, the annual~~  
9 ~~meeting of the District shall be held on the second Wednesday of May,~~  
10 ~~commencing on May 8, 2019. The annual and special meetings shall be~~  
11 ~~warned in the same manner as for annual and special town meetings.~~

12 ~~(b) Unless provided for otherwise by vote of the District, the general laws~~  
13 ~~of the State shall control in all matters relating to the call, notice, and conduct~~  
14 ~~of annual and special District meetings.~~

15 ~~(c) Justices of the peace residing within the District shall constitute election~~  
16 ~~officials for all purposes.~~

*Sec. 3. 24 App. V.S.A. chapter 705 is added to read:*

*CHAPTER 705. EDWARD FARRAR UTILITY DISTRICT*

*§ 1. ESTABLISHMENT*

*There is hereby established a body politic and corporate known as the*  
*Edward Farrar Utility District (District) whose inhabitants shall be those of*

the Village of Waterbury.

§ 2. PURPOSE

The District is established for the purpose of providing water and sewer services as provided by 24 V.S.A. chapters 89 (waterworks), 97 (sewage system), and 101 (sewage disposal system); and holding, maintaining, and administering any property, assets, and liabilities that it shall acquire from the Village of Waterbury.

§ 3. BOUNDARIES

The boundaries of the District are coextensive with the current boundaries of the Village of Waterbury.

§ 4. VOTERS; GRAND LIST

(a) Voters. The checklist of legal voters of the Town of Waterbury residing within the District shall be the checklist of legal voters of the District.

(b) Grand list. The grand list of the District shall be the grand list of the Town of Waterbury property within the District.

§ 5. BOARD OF UTILITY COMMISSIONERS

(a) The legislative body of the District shall be the Board of Utility Commissioners consisting of five persons.

(b) Commissioners shall be elected by Australian ballot from among the legal voters of the District.

(c) Commissioners' terms shall be staggered and commence upon election,

and the length of Commissioners' terms shall be as follows:

(1) three Commissioners shall serve a term of three years; and

(2) two Commissioners shall serve a term of one year.

§ 6. POWERS

(a) The District shall have the power and authority to:

(1) own, operate, maintain, improve, and extend:

(A) public water supply systems as provided by 24 V.S.A. chapter 89;

and

(B) sewerage collection, treatment, and disposal systems as provided by 24 V.S.A. chapters 97 and 101;

(2) establish rates, charges, and fees for water service pursuant to 24 V.S.A. chapter 89, and for sewer service pursuant to 24 V.S.A. chapters 97 and 101.

(3) levy taxes upon its grand list and impose such assessments as allowed by law for any purpose for which it is authorized under this charter;

(4) hold, manage, purchase, and sell real estate, deposits, accounts, contract rights, investments, reserve funds, loan funds, and loan programs as it shall acquire from the Village of Waterbury or may otherwise acquire; and

(5) incur debt in the manner provided by general law for the purposes authorized under this charter.

(b) Extraterritorial water and sewer service may be provided under such

terms as the Board of Utility Commissioners deems advisable.

§ 7. DISTRICT OFFICERS

(a) At the discretion of the Board of Utility Commissioners, the District may engage and employ a manager and such additional personnel as it deems necessary.

(b) The Board of Utility Commissioners shall appoint a district clerk and district treasurer, who shall serve at the pleasure of the Board.

§ 8. ANNUAL MEETING

(a) Until changed in the manner provided by general law, the annual meeting of the District shall be held on the second Wednesday of May, commencing on May 8, 2019. The annual and special meetings shall be warned in the same manner as for annual and special town meetings.

(b) Unless provided for otherwise by vote of the District, the general laws of the State shall control in all matters relating to the call, notice, and conduct of annual and special District meetings.

(c) The Board of Civil Authority shall be the Board of Utility Commissioners, the District Clerk, and the Town of Waterbury justices of the peace residing within the District, all of whom shall constitute election officials for all District purposes.

1       Sec. 4. MERGER OF THE VILLAGE OF WATERBURY INTO THE  
2                   EDWARD FARRAR UTILITY DISTRICT; TRANSITIONAL

1 PROVISIONS

2 (a) On July 1, 2018, the Village of Waterbury (Village) shall merge into the  
3 Edward Farrar Utility District (District) and the Village shall cease to exist as  
4 provided in this act. On this date:

5 (1) Village tangible and intangible assets and liabilities of every type,  
6 nature, description, and location shall become the assets and liabilities of the  
7 District.

8 (2) Village ordinances, regulations, and bylaws shall be deemed to be  
9 repealed and shall no longer be operative, except those enactments relating to  
10 the ownership, management, and control of its public water supply and sewage  
11 systems.

12 (3) Village personnel and employees, except Police Department  
13 employees, shall become employees of the District, together with such vested  
14 rights, benefits, and entitlements as may then exist.

15 (4) Except as otherwise provided in this act, all Village departments,  
16 franchises, enterprises, and regulatory exercises shall cease.

17 (b)(1) The initial Board of Utility Commissioners shall be constituted by  
18 three incumbent Village Water and Sewer Commissioners and two incumbent  
19 Village Trustees on July 1, 2018.

20 (2) The incumbent Village Water and Sewer Commissioners shall serve  
21 for the remainder of their respective staggered three-year terms and until the



1 Utility District's annual meeting of the year in which that term expires. Upon  
2 the expiration of a respective term, an election shall be held to fill the office  
3 for a three-year term.

4 (3) The incumbent Village Trustees shall serve until the Utility District's  
5 annual meeting in the year 2019, at which time an election shall be held to fill  
6 each office for a one-year term.

7 Sec. 5. REPEAL

8 24 App. V.S.A. chapter 283 (Village of Waterbury charter) is repealed.

9 Sec. 6. EFFECTIVE DATE

10 This act shall take effect on July 1, 2018.