

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

H.154

Representative Hubert of Milton moves that the report of the Committee on Government Operations be amended by adding a new section to be Sec. 2A to read:

Sec. 2A. 17 V.S.A. § 2645 is amended to read:

§ 2645. CHARTERS; ADOPTION, REPEAL, OR AMENDMENT;

PROCEDURE

(a) A municipality may propose to the ~~general assembly~~ General Assembly to adopt, repeal, or amend its charter by majority vote of the legal voters of the municipality present and voting at any annual or special meeting warned for that purpose in accordance with the following procedure:

(1) A proposal to adopt, repeal, or amend a municipal charter (charter proposal) may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality.

(2) An official copy of the ~~proposed~~ charter ~~amendments~~ proposal shall be filed as a public record in the office of the clerk of the municipality at least 10 days before the first public hearing. The clerk shall certify the date on which he or she received the official copy, and the dated copies thereof shall be made available to members of the public upon request.

1 (3)(A) The legislative body of the municipality shall hold at least two
2 public hearings prior to the meeting to vote on the ~~proposed~~ charter
3 ~~amendments~~ proposal.

4 (B) The first public hearing shall be held in accordance with
5 subdivision (a)(2) of this section and at least 30 days before the ~~annual or~~
6 ~~special meeting~~ vote.

7 (4)(A) If the ~~proposals to amend the~~ charter ~~are~~ proposal is made by the
8 legislative body, the legislative body may revise the ~~amendments~~ proposal as a
9 result of suggestions and recommendations made at a public hearing, but in no
10 event shall such revisions be made less than 20 days before the date of the
11 meeting to vote on the charter proposal.

12 (B) If revisions are made, the legislative body shall post a notice of
13 these revisions in the same places as the warning for the meeting not less than
14 20 days before the date of the meeting and shall attach such revisions to the
15 official copy kept on file for public inspection in the office of the clerk of the
16 municipality.

17 (5)(A) If the ~~proposals to amend the~~ charter ~~are~~ proposal is made by
18 petition, the second public hearing shall be held no later than 10 days after the
19 first public hearing. The legislative body shall not have the authority to revise
20 ~~proposals to amend the~~ a charter proposal made by petition.

1 (B) After the warning and hearing requirements of this section are
2 satisfied, ~~proposals by petition~~ the petitioned charter proposal shall be
3 submitted to the voters at the next annual meeting, primary, or general election
4 in the form in which ~~they were~~ it was filed, except that the legislative body
5 may make technical corrections.

6 (6)(A) Notice of ~~the each~~ public hearings hearing and of the annual or
7 special meeting shall be given in ~~the same way and time as for annual meetings~~
8 of the municipality accordance with section 2641 of this chapter.

9 (B)(i) ~~Such~~ Each notice shall specify the charter sections to be
10 adopted, repealed, or amended, setting out those sections ~~to be amended~~ in the
11 amended form, with deleted matter ~~in brackets~~ struck through and new matter
12 underlined ~~or in italics~~.

13 (ii) If the legislative body of the municipality determines that the
14 ~~proposed charter amendments are~~ proposal is too long or unwieldy to set out in
15 amended form, the notice shall include a concise summary of the ~~proposed~~
16 ~~charter amendments~~ proposal and shall state that an official copy of the
17 ~~proposed charter amendments~~ proposal is on file for public inspection in the
18 office of the clerk of the municipality and that copies thereof shall be made
19 available to members of the public upon request.

1 (7)(A) Voting on a charter amendments proposal shall be by Australian
2 ballot.

3 (B)(i) The ballot shall show each charter section to be adopted,
4 repealed, or amended in the amended form, with deleted matter ~~in brackets~~
5 struck through and new matter underlined ~~or in italics~~, and shall permit the
6 voter to vote on each separate proposal of amendment separately contained
7 within the charter proposal.

8 (ii) If the legislative body determines that the ~~proposed~~ charter
9 ~~amendments are~~ proposal is too long or unwieldy to be shown in the amended
10 form, ~~an official copy of the proposed charter amendments shall be maintained~~
11 ~~conspicuously in each ballot booth for inspection by the voters during the~~
12 ~~balloting and~~ voters shall be permitted to vote upon ~~the charter amendments~~
13 each separate proposal in ~~their~~ its entirety in the form of a yes or no
14 proposition.

15 (C) An official copy of the charter proposal shall be posted
16 conspicuously in each ballot booth for inspection by the voters during the
17 balloting.

18 (b)(1) The clerk of the municipality, under the direction of the legislative
19 body, shall announce and post the results of the vote immediately after the vote
20 is counted.

1 (2) The clerk, within 10 days after the day of the ~~election meeting~~, shall
2 certify to the ~~secretary of state~~ Secretary of State each separate proposal of
3 amendment contained within the charter proposal, showing the facts as to its
4 origin and the procedure followed, which shall include:

5 (A)(i) If the charter proposal was made by the legislative body, the
6 minutes recorded by the legislative body that detail the origins and intent of
7 each separate proposal;

8 (ii) If the charter proposal was made by voter petition, the body of
9 the petition and evidence of the required number of petition signatures;

10 (B) A copy of the official certified copy of the charter proposal filed
11 with the clerk of the municipality pursuant to subdivision (a)(2) of this section;

12 (C) Copies of the warnings and published notices for each of the
13 public hearings held pursuant to subdivision (a)(3) of this section;

14 (D) Minutes recorded by the legislative body that detail each of the
15 public hearings held pursuant to subdivision (a)(3) of this section;

16 (E) Copies of warnings and published notices for the meeting to vote
17 on the charter proposal; and

18 (F) A copy of the ballot and the results of the vote or votes on the
19 charter proposal.

20 (c) ~~The secretary of state~~ After confirming that the clerk of the municipality
21 has certified each of the documents listed in subdivision (b)(2) of this section,

1 the Secretary of State shall file the certificate and deliver copies of it to the
2 ~~attorney general and clerk of the house of representatives~~ Attorney General,
3 the Clerk of the House, the ~~secretary of the senate~~ Secretary of the Senate, and
4 the ~~chairman~~ chairs of the committees concerned with municipal charters of
5 both houses of the ~~general assembly~~ General Assembly.

6 (d) The ~~amendment~~ charter proposal shall become effective upon
7 affirmative enactment of the proposal, either as proposed or as amended by the
8 ~~general assembly~~ General Assembly. ~~A proposal for a charter amendment may~~
9 ~~be enacted by reference to the amendment as approved by the voters of the~~
10 ~~municipality.~~