

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.

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

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

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

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

7       § 5. POWERS

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

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

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

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

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

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

3       § 6. DISTRICT OFFICERS

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

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

9       § 7. ANNUAL MEETING

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

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

17       (c) Justices of the peace residing within the District shall constitute election  
18       officials for all purposes.

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

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

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

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

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

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

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

1           (2) The incumbent Village Water and Sewer Commissioners shall serve  
2           for the remainder of their respective staggered three-year terms and until the  
3           Utility District's annual meeting of the year in which that term expires. Upon  
4           the expiration of a respective term, an election shall be held to fill the office for  
5           a three-year term.

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

9           Sec. 5. REPEAL

10           24 App. V.S.A. chapter 283 (Village of Waterbury charter) is repealed.

11           Sec. 6. EFFECTIVE DATE

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