

1 Reflecting amendments proposed by:

Commerce

Energy and Technology

Government Operations

4 Sec. B.1. 24 V.S.A. chapter 138 is added to read:

5 CHAPTER 138. RURAL ECONOMIC DEVELOPMENT

6 INFRASTRUCTURE DISTRICTS

7 § 5701. PURPOSE

8 The purpose of this chapter is to enable formation of special municipal
9 districts to finance, own, and maintain infrastructure that provides economic
10 development opportunities in rural and underresourced **communities areas of**
11 **the State, including areas within one or more municipalities.** Specifically,
12 this chapter provides mechanisms for public and private partnerships,
13 including opportunities for tax-incentivized financing and voluntary citizen
14 engagement, to help overcome density and economic hardship.

15 § 5702. ESTABLISHMENT; GENERAL PROVISIONS

16 (a) Establishment. Upon written application by 20 or more voters within a
17 proposed district **or upon its own motion**, the legislative body of a
18 municipality may establish a rural economic development infrastructure
19 district. The application shall describe the infrastructure to be built or
20 acquired; the plan for financing its acquisition; the anticipated economic
21 benefit; the source of revenues for loan, bond, or lease payments; and plans for

1 retention and disbursement of excess revenues, if any. The application also
2 shall clearly state that the proposed district shall not have authority to levy
3 taxes upon the grand list and may not levy service charges or fees upon any
4 underlying municipality except for services used by such municipality, its own
5 officers, and employees in the operation of municipal functions. Notice of
6 establishment of a district shall be recorded as provided in subsection (e) of
7 this section, posted in at least three public places within the municipality for at
8 least 30 days, and published in a newspaper of general circulation within the
9 municipality not more than 10 days from the date of establishment by the
10 legislative body. Following 40 days from the later of the date of establishment
11 by the legislative body of the municipality or an affirmative vote under
12 subdivision (d)(1) or (2) of this section, the district shall be deemed to be a
13 body politic and corporate, capable of exercising those powers and
14 prerogatives explicitly granted by the legislative body of the municipality in
15 accordance with this chapter and the district’s establishment application.

16 (b) Districts involving more than one municipality. Where the limits of a
17 proposed district include two or more municipalities, or portions of two or
18 more municipalities, the application required by this section shall be made to
19 and considered by the legislative body of each such municipality.

20 (c) Alteration of district limits. The legislative body of a municipality in
21 which a district is located may alter the limits of a district upon application to

1 the governing board of the district, provided the governing board gives prior
2 written consent. A district expansion need not involve contiguous property.
3 Notice of an alteration of the limits of a district shall be recorded as provided
4 in subsection (e) of this section, posted in at least three public places within the
5 municipality for at least 30 days, and published in a newspaper of general
6 circulation within the municipality not more than 10 days from the date of the
7 legislative body’s decision to alter the limits of a district.

8 (d)(1) Contestability. If a petition signed by five percent of the voters of
9 the municipality objecting to the proposed establishment or alteration of limits
10 of a district is presented to the municipal clerk within 30 days of the date of
11 posting and publication of the notice required by subsection (a) or (c) of this
12 section, as applicable, the legislative body of the municipality shall cause the
13 question of whether the municipality shall establish or alter the limits of the
14 district to be considered at a meeting called for that purpose. The district shall
15 be established in accordance with the application or the limits altered unless a
16 majority of the voters of the municipality present and voting votes to
17 disapprove such establishment or alteration of limits.

18 (2) If a petition signed by five percent of the voters of the municipality
19 objecting to a legislative body’s decision denying the establishment or the
20 alteration of limits of a district is presented to the municipal clerk within 30
21 days of the legislative body’s decision, the legislative body shall cause the

1 question of whether the municipality shall establish or alter the limits of the
2 district to be considered at an annual or special meeting called for that purpose.

3 (e) Recording. A record of the establishment of a district and any alteration
4 of district limits made by a legislative body shall be filed with the clerk of each
5 municipality in which the district is located, and shall be recorded with the
6 Secretary of State.

7 § 5703. LIMITATIONS; TAXES; INDEBTEDNESS; **EMINENT DOMAIN**

8 Notwithstanding any grant of authority in this chapter to the contrary:

9 (1) A district shall not accept funds generated by the taxing or
10 assessment power of any municipality in which it is located.

11 (2) A district shall not have the power to levy, assess, apportion, or
12 collect any tax upon property within the district, nor upon any of its underlying
13 municipalities, without specific authorization of the General Assembly.

14 (3) All obligations of the district, including financing leases, shall be
15 secured by and payable only out of **the assets of or** revenues or monies in the
16 district, including revenue generated by an enterprise owned or operated by the
17 district.

18 **(4) A district shall not have powers of eminent domain.**

19 § 5704. GOVERNING BOARD; COMPOSITION; MEETINGS; REPORT

20 (a) Governing board. The legislative power and authority of a district and
21 the administration and the general supervision of all fiscal, prudential, and

1 governmental affairs of a district shall be vested in a governing board, except
2 as otherwise specifically provided in this chapter.

3 (b) Composition. The first governing board of the district shall consist of
4 four to eight members appointed in equal numbers by the legislative bodies of
5 the underlying municipalities. It shall draft the district's bylaws specifying the
6 size, composition, and manner of appointing members to the permanent
7 governing board. The bylaws shall require that a majority of the board shall be
8 appointed annually by the legislative bodies of the underlying municipalities.

9 Board members shall serve staggered, three-year terms, and shall be eligible to
10 serve successive terms. The legislative bodies of the municipalities in which
11 the district is located shall fill board vacancies, and may remove board
12 members at will. **Any bylaws developed by the governing board shall be**
13 **submitted for approval to the legislative bodies of the municipalities**
14 **within the district and shall be considered duly adopted 45 days from the**
15 **date of submission, provided none of the legislative bodies disapprove of**
16 **the bylaws.**

17 (c) First meeting. The first meeting of the district shall be called upon 30
18 days' posted and published notice by a presiding officer of a legislative body
19 in which the district is located. Voters within a municipality in which the
20 district is located are eligible to vote at annual and special district meetings. At
21 the first meeting of the district, and at each subsequent annual meeting, there

1 shall be elected from among board members a chair, vice chair, clerk, and
2 treasurer who shall assume their respective offices upon election. At the first
3 meeting, the fiscal year of the district shall be established and rules of
4 parliamentary procedure shall be adopted. Prior to assuming their offices,
5 officers may be required to post bond in such amounts as determined by
6 resolution of the board. The cost of such bond shall be borne by the district.

7 (d) Annual and special meetings. Unless otherwise established by the
8 voters, the annual district meeting shall be held on the second Monday in
9 January and shall be warned by the clerk or, in the clerk's absence or neglect,
10 by a member of the board. Special meetings shall be warned in the same
11 manner on application in writing by five percent of the voters of the district. A
12 warning for a district meeting shall state the business to be transacted. The
13 time and place of holding the meeting shall be posted in two or more public
14 places in the district not more than 40 days nor less than 30 days before the
15 meeting and recorded in the office of the clerk before the same is posted.

16 (e) Annual report. The district shall report annually to the legislative
17 bodies and the citizens of the municipalities in which the district is located on
18 the results of its activities in support of economic growth, job creation,
19 improved community efficiency, and any other benefits incident to its
20 activities.

21 § 5705. OFFICERS

1 (a) Generally. The district shall elect at its first meeting and at each annual
2 meeting thereafter a chair, vice chair, clerk, and treasurer, who shall hold
3 office until the next annual meeting and until others are elected. The board
4 may fill a vacancy in any office.

5 (b) Chair. The chair shall preside at all meetings of the board and make
6 and sign all contracts on behalf of the district upon approval by the board. The
7 chair shall perform all duties incident to the position and office as required by
8 the general laws of the State.

9 (c) Vice chair. During the absence of or inability of the chair to render or
10 perform his or her duties or exercise his or her powers, the same shall be
11 performed and exercised by the vice chair and when so acting, the vice chair
12 shall have all the powers and be subject to all the responsibilities given to or
13 imposed upon the chair. During the absence or inability of the vice chair to
14 render or perform his or her duties or exercise his or her powers, the board
15 shall elect from among its members an acting vice chair who shall have the
16 powers and be subject to all the responsibilities given or imposed upon the vice
17 chair.

18 (d) Clerk. The clerk shall keep a record of the meetings, votes, and
19 proceedings of the district for the inspection of its inhabitants.

20 (e) Treasurer. The treasurer of the district shall be appointed by the board,
21 and shall serve at its pleasure. The treasurer shall have the exclusive charge

1 and custody of the funds of the district and shall be the disbursing officer of the
2 district. When **warrants are** authorized by the board, the treasurer may sign,
3 make, or endorse in the name of the district all checks and orders for the
4 payment of money and pay out and disburse the same and receipt therefor.
5 The treasurer shall keep a record of every obligation issued and contract
6 entered into by the district and of every payment made. The treasurer shall
7 keep correct books of account of all the business and transactions of the district
8 and such other books and accounts as the board may require. The treasurer
9 shall render a statement of the condition of the finances of the district at each
10 regular meeting of the board and at such other times as required of the
11 treasurer. The treasurer shall prepare the annual financial statement and the
12 budget of the district for distribution, upon approval of the board, to the
13 legislative bodies of district members. Upon the treasurer's termination from
14 office by virtue of removal or resignation, the treasurer shall immediately pay
15 over to his or her successor all of the funds belonging to the district and at the
16 same time deliver to the successor all official books and papers.

17 § 5706. AUDIT

18 Once the district becomes operational, the board shall cause an audit of the
19 financial condition of the district to be performed annually by an independent
20 professional accounting firm. **The results of the audit shall be provided to**

1 the governing board and to the legislative bodies of the municipalities in
2 which the district is located.

3 § 5707. COMMITTEES

4 The board has authority to establish one or more committees and grant and
5 delegate to them such powers as it deems necessary. Members of an executive
6 committee shall serve staggered terms and shall be board members.

7 Membership on other committees established by the board is not restricted to
8 board members.

9 § 5708. DISTRICT POWERS

10 A district created under this chapter has the power to:

11 (1) exercise independently and in concert with other municipalities any
12 other powers which are necessary or desirable for the installation, ownership,
13 operation, maintenance, and disposition of infrastructure promoting economic
14 development in rural communities areas and matters of mutual concern and
15 that are exercised or are capable of exercise by any of its members;

16 (2) enter into municipal financing agreements as provided by sections
17 1789 and 1821-1828 of this title, or other provisions authorizing the pledge of
18 district assets or net revenue, or alternative means of financing capital
19 improvements and operations;

20 (3) purchase, sell, lease, own, acquire, convey, mortgage, improve, and
21 use real and personal property in connection with its purpose;

1 (4) enter into contracts for any term or duration;

2 (5) operate, cause to be operated, or contract for the construction,
3 ownership, management, financing, and operation of an enterprise which a
4 municipal corporation is authorized by law to undertake;

5 (6) hire employees and fix the compensation and terms of employment;

6 (7) contract with individuals, corporations, associations, authorities, and
7 agencies for services and property, including the assumption of the liabilities
8 and assets thereof, provided that no assumed liability shall be a general
9 obligation of either the district or a municipality in which the district is located;

10 (8) contract with the State of Vermont, the United States of America, or
11 any subdivision or agency thereof for services, assistance, and joint ventures;

12 (9) contract with any municipality for the services of any officers or
13 employees of that municipality useful to it;

14 (10) promote cooperative arrangements and coordinated action among
15 its members and other public and private entities;

16 (11) make recommendations for review and action to its members and
17 other public agencies that perform functions within the region in which its
18 members are located;

19 (12) sue and be sued; provided, however, that the property and assets of
20 the district, other than such property as may be pledged as security for a district
21 obligation, shall be subject to levy, execution, or attachment;

1 (13) appropriate and expend monies; provided, however, that no
2 appropriation shall be funded or made in reliance upon any taxing authority of
3 the district;

4 (14) establish sinking and reserve funds for retiring and securing its
5 obligations;

6 (15) establish capital reserve funds and make deposits in them;

7 (16) solicit, accept, and administer gifts, grants, and bequests in trust or
8 otherwise for its purpose;

9 **(17) enter into an interstate compact consistent with the purposes of**
10 **this chapter, subject to the approval of the Vermont General Assembly**
11 **and the United States Congress;**

12 **(18) develop a public sewer or water project, provided the legislative**
13 **body and the planning commission for the municipality in which the sewer**
14 **or water project is proposed to be located confirm in writing that such**
15 **project conforms with any duly adopted municipal plan, and the regional**
16 **planning commission confirms in writing that such project conforms with**
17 **the duly adopted regional plan;**

18 (19) exercise all powers incident to a public corporation, but only to the
19 extent permitted in this chapter; and

20 (20) adopt a name under which it shall be known and shall conduct
21 business.

1 § 5709. DISSOLUTION

2 (a) If the board by resolution approved by a two-thirds vote determines that
3 it is in the best interests of the public, the district members, and the district that
4 such district be dissolved, and if the district then has no outstanding
5 obligations under pledges of ~~communications plant net~~ **district assets or**
6 revenue, long-term contracts, or contracts subject to annual appropriation, or
7 will have no such debt or obligation upon completion of the plan of
8 dissolution, it shall prepare a plan of dissolution and thereafter adopt a
9 resolution directing that the question of such dissolution and the plan of
10 dissolution be submitted to the voters of the district at a special meeting thereof
11 duly warned for such purpose. If a majority of the voters of the district present
12 and voting at such special meeting shall vote to dissolve the district and
13 approve the plan of dissolution, the district shall cease to conduct its affairs
14 except insofar as may be necessary for the winding up of them. The board
15 shall immediately cause a notice of the proposed dissolution to be mailed to
16 each known creditor of the district and to the Secretary of State and shall
17 proceed to collect the assets of the district and apply and distribute them in
18 accordance with the plan of dissolution.

19 (b) The plan of dissolution shall:

20 (1) identify and value all unencumbered assets;

21 (2) identify and value all encumbered assets;

1 (3) identify all creditors and the nature or amount of all liabilities and
2 obligations;

3 (4) identify all obligations under long-term contracts and contracts
4 subject to annual appropriation;

5 (5) specify the means by which assets of the district shall be liquidated
6 and all liabilities and obligations paid and discharged, or adequate provision
7 made for the satisfaction of them;

8 (6) specify the means by which any assets remaining after discharge of
9 all liabilities shall be liquidated if necessary; and

10 (7) specify that any assets remaining after payment of all liabilities shall
11 be apportioned and distributed among the district members according to a
12 formula based upon population.

13 (c) When the plan of dissolution has been implemented, the board shall
14 adopt a resolution certifying that fact to the district members whereupon the
15 district shall be terminated, and notice thereof shall be delivered to the
16 Secretary of the Senate and the Clerk of the House of Representatives in
17 anticipation of confirmation of dissolution by the General Assembly.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on passage.