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H.536

Introduced by Representatives Dakin of Colchester, Brennan of Colchester,  
Condon of Colchester, and Taylor of Colchester

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; Town of Colchester;  
amendments

Statement of purpose of bill as introduced: This bill proposes to approve  
amendments to the charter of the Town of Colchester.

An act relating to approval of amendments to the charter of the Town of  
Colchester

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town  
of Colchester as set forth in this act. Proposals of amendment were approved  
by the voters on March 7, 2017.

Sec. 2. 24 App. V.S.A. chapter 113 is amended to read:

CHAPTER 113. TOWN OF COLCHESTER

\* \* \*

1 § 202. ELECTIVE OFFICERS; GENERALLY

2 (a) At the annual meeting, the Town shall elect by Australian ballot from  
3 among the legally qualified voters thereof the following Town officers, who  
4 shall serve until the next annual meeting or until others are chosen.

5 \* \* \*

6 (5) ~~One Grand Juror.~~

7 (6) ~~[Repealed.]~~

8 (7) A Library Trustee for a term of five years.

9 \* \* \*

10 § 207. RECORD OF PROCEEDINGS

11 (a) It shall be the duty of the Selectboard to keep an official record of its  
12 proceedings and policies, which shall be open for public inspection and  
13 published on the Town's website.

14 \* \* \*

15 § 304. BUDGET

16 An annual Town budget exclusive of school district budget shall become  
17 effective after adoption at Town meeting by the vote of the majority of those  
18 eligible to vote present at such meeting. After such budget has been adopted,  
19 the Selectboard may make emergency appropriations totaling not in excess of  
20 ~~two~~ four percent of the aggregate budget appropriations, following an  
21 opportunity for public comment on the matter. Such emergency appropriations

1 shall be reported to the next Town meeting. Any appropriation in excess of  
2 such ~~two~~ four percent shall require prior approval of a special Town meeting.  
3 ~~Any article in the warning providing for appropriation of funds in addition to~~  
4 ~~the Selectboard's budget shall be voted on by Australian ballot.~~

5 \* \* \*

6 § 401. APPOINTMENT

7 The Selectboard shall appoint a Town Manager ~~for an indefinite term~~  
8 pursuant to 24 V.S.A. chapter 37.

9 \* \* \*

10 § 404. POWERS AND DUTIES

11 \* \* \*

12 (b) Unless otherwise excused by the Selectboard, the Town Manager or his  
13 or her designee shall attend all meetings of the Selectboard and the Town  
14 Manager or his or her designee shall keep the Selectboard informed of the  
15 financial condition and future needs of the Town and shall make such reports  
16 as may be required by law, or ordinance, or which may be requested by the  
17 Selectboard. The Town Manager shall make such other reports and  
18 recommendations as the Town Manager may deem advisable, but shall not  
19 vote. The Town Manager shall perform such other duties as may be prescribed  
20 by this chapter, or required of the Town Manager by law, ordinance, or  
21 resolution of the Selectboard not inconsistent with this chapter.

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\* \* \*

(1) The Town Manager may, when advisable or proper, delegate to subordinate officers and employees of the Town any duties conferred upon the Town Manager by this chapter or by action of the Selectboard, including the enforcement of Town ordinances, and hold them responsible for the faithful discharge of such duties.

\* \* \*

§ 406. REMOVAL

(a) On 90 days' notice, the Town Manager shall be removed by a majority of the entire Selectboard so voting upon a finding of cause for removal. The Town Manager may be suspended during this period, but the Town Manager's pay shall continue until removal.

(b) The Selectboard shall adopt a resolution stating its intention to remove the Town Manager and the reasons therefor, a copy of which shall be served forthwith on the Town Manager ~~who may, within 10 days, demand a public hearing. Upon or after passage of such resolution the Selectboard may suspend the Town Manager from duty, but the Town Manager's pay shall continue until removal. If no appeal is filed, the dismissal by the Selectboard of the Town Manager shall be effective on the 19th day after notice. In the event of an appeal, the Selectboard shall hold a public hearing, along with a notice of termination hearing~~ not less than 10 days or more than 20 days from the date of

1 ~~appeal, after which it may dismiss the Town Manager notice. The Town~~  
2 ~~Manager shall have an opportunity to be heard at the hearing. The Selectboard~~  
3 ~~may thereafter dismiss the Town Manager for cause.~~

4 \* \* \*

5 § 602. PREPARATION AND SUBMISSION

6 (a) The Town Manager, at least 75 days before the annual Town meeting or  
7 at such previous time as the Town Manager may be directed by the  
8 Selectboard, shall submit to the Selectboard a budget containing:

9 \* \* \*

10 (2) An itemized statement of appropriations recommended for current  
11 expenses, and for capital improvements other than those included in multi-  
12 year, voter approved capital plans, voter approved financing agreements, voter  
13 approved debt, or impact fees adopted in accordance with 24 V.S.A.  
14 chapter 131, during the next fiscal year; with comparative statements of  
15 appropriations and estimated expenditures for the current fiscal year and actual  
16 appropriations and expenditures for the immediate preceding fiscal year.

17 \* \* \*

18 (4) ~~A~~ For capital to be funded through revenues other than those  
19 included in multi-year, voter approved capital plans, voter approved financing  
20 agreements, voter approved debt, or impact fees adopted in accordance with

1 24 V.S.A. chapter 131, a capital budget for the next five fiscal years, showing  
2 anticipated capital expenditures, financing, and source of funding.

3 (b) The annual budget should be presented as follows:

4 \* \* \*

5 (4) Not less than 15 days prior to the annual Town meeting, the Town  
6 Manager shall print and distribute the Selectboard's recommended budget and  
7 the final warning of the pending Town meeting.

8 (5) Not less than 15 days prior to the annual Town meeting, the Town  
9 Manager shall also file the proposed capital budget with the Town Clerk and  
10 Secretary of the Planning Commission pursuant to 24 V.S.A. § 4443(a).

11 § 603. TOWN MEETING AND BUDGET

12 The budget shall be approved or rejected by the legal voters by Australian  
13 ballot, at the annual Town meeting or a special Town meeting. In the event of  
14 rejection of the budget by the legal voters, within 30 days of a vote rejecting  
15 the budget, the Selectboard shall set the time and place of the next special  
16 Town meeting on the budget shall be set by the Selectboard within 30 days.

17 \* \* \*

18 § 606. DEPARTMENTAL BUDGET

19 The budget for a department shall include all proposed expenditures as  
20 provided in the overall budget adopted at Town meeting. ~~The gross~~  
21 ~~appropriation for each department shall not be exceeded except by consent of~~

1 ~~the Selectboard, subject to the provisions of section 304 of this chapter.~~ Town  
2 department heads shall not exceed expenditures as approved by voters, or as  
3 altered by the Selectboard or Town Manager, as permitted through this charter  
4 or as permitted by Vermont law.

5 § 607. TRANSFERS OF APPROPRIATION

6 The Town Manager may at any time transfer an unencumbered  
7 appropriation balance or portion thereof between general classification of  
8 expenditures with an office, agency, or department. The Selectboard shall be  
9 notified in writing of all such interdepartment transfers. The Selectboard may  
10 transfer an unencumbered appropriation balance or a portion thereof between  
11 departments. All transfers shall be documented and signed, and distributed to  
12 the Town Clerk and Treasurer. Account transfers as noted in this section must  
13 be managed within the total budget, with its ~~two percent~~ constraint as required  
14 by section 304 of this chapter.

15 § 608. CAPITAL BUDGETING FOR VOTER APPROVED FUNDING

16 Capital budgets funded through voter approved multi-year capital plans,  
17 voter approved agreements, voter approved debt, or impact fees adopted in  
18 accordance with 24 V.S.A. chapter 131, shall follow the process for approval  
19 outlined in 24 V.S.A. § 4443.

20 \* \* \*





1 § 1001. AMENDMENT OF CHARTER

2 This charter shall be reviewed at a maximum five-year interval by a  
3 committee appointed by the Selectboard and may be amended in accordance  
4 with State law.

5 \* \* \*

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on passage.