

H.927

An act relating to approval of amendments to the charter of the City of Montpelier

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 City of Montpelier as set forth in this act. Voters approved the proposals of amendment on March 6, 2018.

Sec. 2. 24 App. V.S.A. chapter 5 is amended to read:

CHAPTER 5. CITY OF MONTPELIER

Subchapter 1. Incorporation and Grant of Powers

\* \* \*

§ 102. GENERAL POWERS

The City shall have all the powers given to towns ~~and town school districts~~ by the general law; and may purchase, hold, and convey any real estate and erect and keep in repair any buildings necessary or convenient for its purposes; and may acquire, construct, and maintain such infrastructure as it may deem necessary for the benefit of the City.

\* \* \*

§ 105. INTERGOVERNMENTAL RELATIONS

The City, through its City Council ~~or Board of School Commissioners, or both~~, may enter into agreements with the United States of America or the State of Vermont to accept grants, loans, and assistance to make public improvements, and the City may make appropriations consistent with this chapter to accomplish such purposes.

\* \* \*

Subchapter 3. City Council

\* \* \*

§ 509. ELECTION OF CITY OFFICERS

(a) At the annual meeting, Montpelier voters shall elect from among the City voters a Mayor for a term of two years; a City Clerk for a term of three years; a City Council member from each district for a term of two years; and other elective City officers; ~~and two school commissioners, each for a term of three years.~~ At the annual meeting there shall be elected from among the City voters members of the Board of School Directors of the Montpelier-Roxbury Unified Union School District as provided in the June 20, 2017 Articles of Agreement between the City of Montpelier and the Roxbury Town School District.

(b) Each elected City officer shall hold office until a successor has been duly elected and qualified.

§ 510. CERTIFICATES OF NOMINATION

(a) Certificates of nomination for City offices to be filled at annual City meetings shall be filed ~~by the candidate or with the candidate's written assent with the City Clerk not fewer than 30 nor more than 40 calendar days before such meeting~~ in accordance with the general laws of the State.

~~(b)(1) All nominations for City offices shall be made by certificate signed by 25 or more voters in accordance with general laws of the State.~~

~~(2)~~ A candidate running for City Council needs a certificate signed by 25 or more voters from the specific district in which that candidate resides.

(c) A voter shall not sign more than one certificate for the same office except when there are multiple seats to be filled.

\* \* \*

Subchapter 8. Boards and Commissions

\* \* \*

§ 805. PLANNING COMMISSION

The Planning Commission shall consist of seven members appointed by the City Council for two-year terms in accordance with 24 V.S.A. §§ 4322-4323, as may be amended from time to time. On October 1, 2018, the City Council shall appoint four members to two-year terms and three members to one-year terms. Thereafter all terms shall run for two years beginning on October 1. Appointments to vacated positions shall run until the expiration of the existing

term. The Planning Commission shall perform such planning functions and duties as may be required by the City Council, this chapter, ordinances, or applicable State laws.

§ 806. DEVELOPMENT REVIEW BOARD

(a) The Development Review Board shall consist of ~~five~~ seven regular members and two alternate members, appointed by the City Council ~~for three-year terms~~ in accordance with 24 V.S.A. § 4460, as may be amended from time to time.

(b) On May 1, 2018 the City Council shall appoint three members to three-year terms, three members to two-year terms, and one member and two alternates to one-year terms. Thereafter all terms shall run for three years beginning on May 1. Appointments to vacated positions shall run until the expiration of the existing term.

(c) The Development Review Board shall, upon the request of an interested person, hear the appeal of any decision or act taken by the Administrative Officer in accordance with the procedures outlined in 24 V.S.A. chapter 117, subchapter 11, as may be amended from time to time, and perform such other duties as may be required by the City Council, this chapter, ordinances, or applicable State laws.

(e)(d) A quorum shall consist of a minimum of ~~three~~ four regular or alternate members up to a maximum of ~~five~~ seven regular or alternate members.

(d)(e) Alternate members may serve on the Development Review Board when one or more regular members are unable to attend a meeting.

(e)(f) The Development Review Board shall be further governed by rules and procedures as provided in the City ordinances.

\* \* \*

#### Subchapter 9. Annual City Report

\* \* \*

#### § 909. ANNUAL CITY REPORT

A full record of expenditures shall be kept and a clear statement of all receipts and disbursements of City money and of the affairs of the City generally, together with the report of ~~the Board of School Commissioners, auditors, and~~ other City officials, shall be annually published under the direction of the City Manager. A reasonable number shall be made available for distribution among the voters of the City at least 10 days prior to the annual City meeting. The report shall include estimates of receipts and proposed expenditures of the City for the ensuing year.

§ 910. OFFICERS' BONDS

All officers from whom the City Manager may require bonds, or as required by State statute, shall annually give bonds to the City, to the satisfaction of the City Manager, for the faithful discharge of their respective trusts. Such bond shall be given before the officer concerned enters upon the officer's duties. If the City Manager requires a bond with a fidelity company as surety, the City shall pay the expense thereof. The City Manager may contract for one blanket bond to cover all City officials and employees required to furnish bonds. Such blanket bond may, with the concurrence of ~~the Board of School Commissioners and~~ other boards or agencies requiring bonds from officers and employees under their control, cover ~~the Treasurer of the Board of School Commissioners and~~ other officers or employees under control of such boards.

\* \* \*

Subchapter 11. Indebtedness; Sinking Fund; Bonds and Notes  
for Improvements

\* \* \*

§ 1102. SUBMISSION TO VOTERS; PUBLIC IMPROVEMENTS

(a) When the City Council shall determine that the public necessity or interest demands improvements, ~~other than improvements relating to schools or school property,~~ and that the cost of the same will be too great to be paid out of the ordinary revenue of the City, the Council may by vote of two-thirds of

its members order the submission of a proposition to make such improvements and incur debt to pay for the same to the voters of the City at an annual or special meeting warned and held for that purpose.

(b) The City Council shall, on receipt of a petition signed by ten percent of the voters, promptly order the submission of a proposition to make such improvements and incur debt to pay for them to the voters of the City at an annual or special meeting warned and held for that purpose.

\* \* \*

#### § 1106. AUTHORIZATION

When a majority of all the voters voting on such proposition at an annual meeting or special City meeting shall vote to authorize such improvements and the incurring of debt to pay for the same, the City Council ~~or, if the improvements relate to schools or school property, the School Board~~ shall be authorized to make such improvements.

\* \* \*

#### § 1117. USE OF UNEXPENDED BOND PROCEEDS

(a) The proceeds of all bonds or notes shall be used for the purpose for which they were authorized. However, any unexpended balance remaining after carrying out the purpose for which they were authorized, ~~other than school purposes,~~ may, by vote of any annual or special City meeting duly warned and held for that purpose, be authorized for any purpose for which

bonds may be issued, in accordance with general law, or transferred to a sinking fund established by the Council.

(b) ~~Any unexpended balance remaining after carrying out a purpose relating to schools or school property for which bonds or notes were authorized may, in addition to other uses permitted by law, be transferred to a sinking fund.~~ [Repealed.]

\* \* \*

#### § 1125. BUDGET SURPLUS AND DEFICIT

Unless otherwise disposed of in the manner provided by law or set in reserve by the City Council ~~or School Board~~, any surplus existing at the end of the fiscal year shall be carried forward as revenue in the General Fund ~~or School Fund, as appropriate~~, for the next ensuing fiscal year. Any deficit existing at the end of the fiscal year shall be liquidated in the manner provided by law.

\* \* \*

#### Subchapter 12. Assessment and Collection of Taxes; Establishment of Water and Heat Rates

#### § 1201. ASSESSMENT OF TAXES AND ESTABLISHMENT OF TAX RATE

(a) The City Council shall assess such taxes upon the grand list of the City as the voters at any annual or special meeting warned for that purpose have



approved for the payment of debts and current expenses of the City, for carrying out any of the purposes of this chapter, ~~for the support of schools,~~ and for the payment of all State and county taxes and obligations imposed by law. The vote of the City shall be upon the specific sum of budgeted tax appropriation for the support of all City departments, grants, schools, recreation, and elders. The City Council shall establish a tax rate based upon the true grand list as appraised by the City Assessor, and shall deliver the same to the City Treasurer for computation and collection.

\* \* \*

(c) For the purpose of assessing taxes upon the grand list of the City as provided in subsection (a) of this section, an owner whose personal property does not exceed the assessed value of \$10,000.00 shall not be set in the grand list of the City as taxable personal estate.

\* \* \*

### Sec. 3. TRANSITIONAL PROVISIONS; MONTPELIER SCHOOL

#### DEPARTMENT

Effective on July 1, 2018, the Montpelier School Department will cease to exist and will be supplanted by the Montpelier-Roxbury Unified Union School District. On July 1, 2018, all City assets and property under control of the Montpelier School Department Board of Commissioners, together with all City liabilities attributable to the Montpelier School Department, shall pass to be

assumed by the Montpelier-Roxbury Unified Union School District in  
accordance with the June 20, 2017 Articles of Agreement between the City of  
Montpelier and the Roxbury Town School District.

Sec. 4. REPEALS

In 24 App. V.S.A. chapter 5, the following are repealed:

- (1) subchapter 3, § 515 (school budget vote);
- (2) subchapter 6 (schools); and
- (3) subchapter 11, § 1103 (submission to voters; school improvements).

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.