

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred House
3 Bill No. 508 entitled “An act relating to approval of amendments to the charter
4 of the Town of Bennington” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 24 App. V.S.A. chapter 103 is amended to read:

8 CHAPTER 103. TOWN OF BENNINGTON

9 Preamble

10 The people of Bennington reaffirm faith in Government of the people, by
11 the people, and for the people and describe this government in a charter with
12 provision to review and amend. The charter of the Town of Bennington
13 reflects concern to improve the quality of life for all people and to improve the
14 operation of Town government.

15 * * *

16 § 101. GENERAL LAW APPLIES

17 (a) All provisions of the Constitution and laws of the State relating to
18 towns and villages shall apply to the Town of Bennington, except as modified
19 by this charter;

20 (b) The Town of Bennington shall have all the powers and functions
21 conferred upon towns and villages by the Constitution and ~~general~~ laws of ~~this~~

1 the State and shall also have all implied powers necessary to implement such
2 powers and functions;

3 (c) The powers and functions conferred upon the Town of Bennington by
4 this charter shall be in addition to the powers and functions conferred upon the
5 Town by the laws now in force or hereafter enacted of the State. Nothing in
6 this charter shall be construed as a limitation upon such powers and functions.

7 * * *

8 § 203. COMPENSATION

9 (a) Compensation paid to the Select Board members shall be set by the
10 voters at Town meeting.

11 (b) Subject to subsection (a) of this section, the Select Board ~~members~~ shall
12 fix the compensation ~~to~~ of all elective officers and of all officers appointed by
13 the Select Board.

14 (c) The Town Manager, under policies approved by the Select Board
15 ~~members~~, shall fix the compensation of all other officers and employees whose
16 compensation is not fixed by the Select Board pursuant to subsection (b) of this
17 section.

18 * * *

1 § 301. SELECT BOARD MEMBERS; THE LEGISLATIVE BODY

2 The Select Board shall constitute the legislative body of the Town of
3 Bennington and shall have all powers and authority necessary for the
4 performance of the legislative function.

5 * * *

6 § 303. FURTHER POWERS OF SELECT BOARD MEMBERS

7 In addition to powers otherwise conferred by law, the Select Board
8 members shall also have the power to:

9 (1) organize, and from time to time reorganize, the Fire Department
10 under the supervision of a coordinating committee formed by the Select Board
11 from its members; such Department shall be a volunteer department ~~and the,~~
12 unless an affirmative vote of the members of the Fire Department authorizes a
13 transition to a paid or combination paid and volunteer department as set forth
14 in a transition plan proposed by the Select Board working with a committee
15 formed from members of the Fire Department;

16 (2) ~~Select Board shall have authority to~~ continue any existing contract
17 with a volunteer fire department or to enter on behalf of the Town into
18 contracts with other volunteer fire departments to provide additional fire
19 protection to the inhabitants;

1 § 402. TOWN MANAGER NONPARTISAN

2 (a) The Town Manager shall be chosen solely on the basis of ~~his/her~~ his or
3 her executive, administrative, and professional qualifications.

4 (b) The Town Manager shall not take part in the organization or direction
5 of a political party, serve as a member of a party committee, nor be a candidate
6 for election to any public office.

7 § 403. OATH AND BOND

8 Before entering upon his or her duties, the Town Manager shall be sworn to
9 the faithful performance of his or her duties by the Town Clerk and shall ~~give a~~
10 ~~bond to the Town~~ be bonded in such amount and with such sureties as the
11 Select Board ~~members~~ may require.

12 § 404. DUTIES FOR MANAGER

13 (a) The Town Manager shall be the Chief Executive Officer of the Town
14 and shall:

15 (1) ~~carry~~ Carry out the policies established by the Select Board, to
16 whom the Town Manager shall be ~~responsible~~ accountable.

17 ~~(b)(2) The Manager shall attend~~ Attend all meetings of the Select Board,
18 except when his or her compensation or removal is being considered, shall
19 keep the Select Board ~~members~~ informed of the financial condition and future
20 needs of the Town, and shall make such other reports as may be required by

1 law, requested by the Select Board ~~members~~, or deemed by him or her to be
2 advisable.

3 ~~(e)(3) He or she shall perform~~ Perform all other duties prescribed by this
4 charter; or required by law; or by resolution of the Select Board ~~members~~.

5 ~~(d)(4) The Manager shall be~~ Be an ex-officio member of all standing
6 committees except the ~~Zoning~~ Development Review Board, ~~but may and shall~~
7 not vote.

8 ~~(e)(5) The Manager shall prepare~~ Prepare an annual budget, submit it to the
9 Select Board ~~members~~, and be responsible for its administration after adoption.

10 ~~(f)(6) The Manager shall compile~~ Compile for general distribution at the
11 end of each fiscal year a complete report on the finances and administrative
12 activities of the Town for the year.

13 ~~(g)(7) The Manager shall provide~~ Provide to the Select Board a monthly
14 financial statement, with a copy to the Town Treasurer.

15 ~~(h)(8) The Manager shall perform~~ Perform all duties now conferred by law
16 on the Road Commissioner within all areas of the Town, except within such
17 villages as may vote not to surrender their charters under this charter,
18 notwithstanding the provisions of 24 V.S.A. § 1236(5).

19 ~~(i)(9) The Manager shall perform~~ Perform all duties now conferred by law
20 on the Collector of Delinquent Taxes.

1 ~~(j)~~(10) ~~The Manager, under~~ Under policies approved by the Select Board
2 ~~members, shall,~~ be the General Purchasing Agent of the Town and purchase all
3 equipment and supplies and contract for services for every department
4 pursuant to the purchasing and bid policies approved by the Select Board.

5 ~~(k)~~(11) ~~The Manager shall be~~ Be responsible for the system of accounts.

6 ~~(l)~~(12) ~~The Manager shall be~~ Be responsible for the operation of all
7 departments, including ~~by specification~~ the Police and Fire Departments.

8 ~~(m)~~(13) ~~The Manager, under~~ Under policies approved by the Select Board
9 ~~members, shall~~ have exclusive authority to appoint, fix the salaries of, suspend,
10 and remove, all officers and employees except those who are elected or who
11 are appointed by the Select Board ~~members~~. When the ~~managership~~ Town
12 Manager position is vacant, this authority shall be exercised by the Select
13 Board.

14 ~~(n)~~(b) The Town Manager may, when advisable or proper, delegate to
15 subordinate officers and employees of the Town, any duties conferred upon
16 him or her.

17 § 405. COMPENSATION

18 The Town Manager shall receive such compensation as may be fixed by the
19 Select Board ~~members~~.

1 § 406. REMOVAL

2 (a) On 90 ~~days~~ days' written notice from the Select Board, the Town
3 Manager may be removed without cause by a majority of the Select Board
4 ~~members so voting~~ at a meeting called for the purpose of voting on removal.
5 During the ~~90-day~~ 90-day period, the Town Manager may be suspended with
6 pay.

7 (b) The Select Board ~~members~~ may adopt at any time a resolution stating
8 ~~their~~ its intention to remove the Town Manager and the reasons therefore, a
9 copy of which shall be sent to the Town Manager. The Town Manager may,
10 within 10 days after such notice is sent, request a hearing, ~~which~~. The hearing
11 shall be held by the Select Board ~~members~~ not less than 10 days nor more than
12 20 days from the date of such request, after which the Select Board ~~members~~
13 may dismiss the Town Manager. If no request for a hearing is filed in
14 accordance with the foregoing, the Select Board ~~members~~ may dismiss the
15 Town Manager immediately. During the period after the resolution of
16 intention is adopted and until the Town Manager's dismissal, he or she may be
17 suspended with pay.

18 * * *

19 § 501. TAXES

20 Taxes shall be assessed by the Town based on the fair market value of real
21 ~~and personal~~ property, in accordance with State law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

* * *

§ 503. FAIR MARKET VALUE OF REAL ESTATE

(c) When the fair market value of real estate is finally determined by a ~~State board or appraisers~~ the Director of Property Valuation and Review (PVR) or by a court having jurisdiction, then the value so fixed shall be the fair market value of such real estate for the year for which such appeal is taken and for the ensuing two years, unless the taxpayer's property is altered materially; is damaged; or if the Town in which it is located has undergone a complete revaluation of all taxable real estate, in the event of which, such fair market value may be changed.

§ 504. SPECIAL ASSESSMENTS

Despite any contrary provision in general law, the Select Board ~~members~~ may in ~~their~~ its sole discretion make a special assessment upon real estate for the installation or construction of a public improvement, such special assessment to be such proportion of the total cost of such improvement as the benefit to a parcel of real estate bears to the total benefit resulting to the public in general.

§ 505. TAX WITHIN BENNINGTON RURAL FIRE DISTRICT NO. 1

(a) The tax assessed by the Town on the grand list shall be reduced with respect to real estate in the Bennington Rural Fire District No. 1. This

1 reduction shall be in direct proportion to the amount of the tax assessed by the
2 Town ~~which~~ that is used by the Town to provide fire protection services to
3 property not included in the Bennington Rural Fire District No. 1.

4 (b) The purpose of this ~~amendment~~ section is to make substantially uniform
5 the taxes assessed throughout the Town for fire protection furnished by all fire
6 departments in the Town. This tax reduction shall remain in effect until such
7 time as the Bennington Rural Fire District No. 1 dissolves itself or merges with
8 the Town of Bennington, in accordance with the charter of the Town of
9 Bennington.

10 * * *

11 § 508. PURPOSES AND POWERS

12 (a) The District is created for the general purpose of maintaining and
13 improving the economic, social, cultural, and environmental vitality and
14 quality of the Town of Bennington (in particular, the District created by ~~this~~
15 section ~~507~~ 506 of this charter); to promote the Town and the District as a
16 regional retail, commercial, and service center; and to serve as an advocate for
17 the orderly development of the District in order to encourage expansion of the
18 retail, commercial, and service base of the District and the Town by attracting
19 new business and investment.

20 * * *

21 § 510. DISTRICT TAXES

1 (a) District taxes are charges levied upon the owners of taxable properties
2 located in the District, ~~excepting properties used exclusively for residential~~
3 ~~purposes, which~~ except for owner-occupied residential properties. The District
4 taxes shall be used to defray the expenses incurred ~~in connection with~~ for the
5 operation, maintenance, and repair of the District.

6 * * *

7 (d) In the case of any property used for both residential and nonresidential
8 purposes within the District as of April 1, the Board of Listers (Board) shall
9 adjust the listed value for the purposes of determining the District tax under
10 this section to exclude the value of that portion of the property used for owner-
11 occupied residential purposes. The Board shall determine the adjusted grand
12 list value of the business portion of the property and give notice of the same as
13 provided under 32 V.S.A. chapter 131. Any property owner may file a
14 grievance with the Board and appeal the decision of the Board as provided for
15 under 32 V.S.A. chapter 131; however, the filing of an appeal of the
16 determination of the Board and pendency of the appeal shall not vacate the lien
17 on the property assessed, and the District taxes must be paid and continue to be
18 paid as they become due.

19 § 511. LOCAL OPTION TAX

1 § 603. ADMINISTRATION OF ORDINANCE OF VILLAGES ~~WHICH~~
2 THAT MERGE

3 When ~~such~~ villages cease to exist ~~as aforesaid~~ pursuant to this charter, the
4 ~~Town legislative body~~ Select Board, Board of Adjustment Development
5 Review Board, and Administrative Officer shall have jurisdiction of and
6 administer zoning in ~~said~~ the village area as a separate zoned area in
7 accordance with the provisions of the ordinance in force therein and the
8 general law. If no Town Administrative Officer ~~and Board of Adjustment~~ have
9 ~~or Development Review Board~~ has then been appointed by the ~~legislative body~~
10 Select Board, ~~that body~~ the Select Board shall ~~forthwith~~ make such
11 appointment.

12 § 604. COMPREHENSIVE TOWN ORDINANCE

13 ~~The billboard zoning ordinance enacted for the area outside the villages in~~
14 ~~the Town shall continue to be administered by the Town officials having~~
15 ~~charge of zoning.~~ When ~~such~~ Town officials having charge of zoning acquire
16 jurisdiction of the zoning ordinance in other zoned areas as ~~herein~~ provided in
17 this section, ~~said the ordinances, together with said billboard zoning~~
18 ~~ordinance~~, shall be deemed to be part of a general ~~town~~ Town zoning
19 ordinance duly and legally enacted in accordance with a comprehensive plan.
20 ~~Such~~ The general ordinance shall be subject to repeal, amendment, or
21 alteration by the Town ~~under the application provisions of law.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

* * *

§ 806. CHARTER REVIEW COMMITTEE

~~The~~ At least once every five years, the Select Board ~~may~~ shall appoint a Charter Review Committee of not ~~less~~ fewer than five nor more than nine members ~~of~~ from among the ~~inhabitants~~ residents of the Town, ~~said~~. The Committee ~~to~~ shall review the charter and recommend ~~such~~ any changes ~~therein~~ as it finds necessary or advisable for the purpose of improving the operation of Town government. ~~Said~~ The Committee shall prepare a written report of ~~their recommended amendments to the charter~~ its recommendations in time for ~~same~~ those recommendations to be submitted to the Select Board for review no later than one year after the appointment of ~~said~~ the Committee. At the discretion of the Select Board ~~such amendments,~~ the recommendations may be warned for ballot vote at an annual or special Town meeting to be held no later than one year after the submission of the report. The Select Board shall provide in ~~their~~ its budget for any year when a Charter Review Committee is appointed, ~~a sum of money~~ funding for ~~said~~ the Committee.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

1

2

Representative _____

3

FOR THE COMMITTEE