

H.447

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

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 Springfield as set forth in this act. The voters approved the proposals of amendment on November 3, 2020.

Sec. 2. 24 App. V.S.A. chapter 149 is amended to read:

CHAPTER 149. TOWN OF SPRINGFIELD

* * *

§ 2. APPLICATION OF GENERAL LAW; PROPOSED CHARTER

(a) Purpose. This document is drafted to ~~supersede~~ update and replace the existing charter.

(b) Application of general laws.

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(2) In the event of any conflict or contradiction, either direct or implied, between the powers conferred ~~herein~~ in this charter and State statute, this charter shall prevail.

§ 3. POWERS OF THE TOWN

(a) The Town of ~~Springfield~~ shall have all the powers and functions conferred upon ~~towns and villages~~ municipalities by the Constitution and

general laws of the State, ~~and shall also have~~ all implied powers necessary to implement ~~such~~ those powers and functions, and any additional powers conferred by this charter that are consistent with the Constitution. All powers and functions conferred or implied by the charter shall be in addition to the powers and functions conferred upon the Town by laws now in force or ~~hereinafter~~ later enacted.

(b) Without limiting any of the express or implied powers granted by this charter, the Town shall have the following additional specific authorities:

(1) To adopt and enforce ordinances relating to the cleaning and repair of any premises when in a condition that:

(A) impairs the general appearance of the Town;

(B) may physically injure other property in the vicinity; or

(C) is a health hazard.

(2) To control the removal of rubbish, waste, and objectionable material of any premises subject to subdivision (1) of this subsection.

(3) Not less than 30 days before any action taken under this subsection, the Town shall provide to the property owner and any recorded lienholders a notice of the Town's intent to issue civil penalties; clean or repair the premises; or remove rubbish, waste, or objectionable material. The Town shall provide to the property owner and any recorded lienholders reasonable opportunity and

information to appeal the proposed action or to clean or repair the premises before the Town takes any final action.

(c) Nothing in this charter shall be construed as a limitation of ~~such~~ the powers and functions incident to public and municipal corporations.

* * *

§ 5. ORDINANCES

(a) Town legislation. Town legislation shall be by ordinance. Ordinances and rules ~~promulgated~~ adopted pursuant ~~thereto~~ to ordinances shall have the full force of law embodied in this charter.

(b) Legislative body.

* * *

(2) Town ~~meeting~~ meetings, annual or special, as constituted ~~herein in~~ this section, in addition to ~~its~~ their other functions, shall also serve as a legislative body and may adopt, amend, or repeal an ordinance.

* * *

(B) The entire text or an explanation of the nature and purpose of ordinances subject to Town meeting action must be posted on the Town's website and published in a newspaper or newspapers of general circulation as may be directed or designated by the Selectboard, at least 30 days before the meeting.

(C) Any ordinance to be considered by Town meeting shall be reviewed by the Town Attorney or other counsel engaged by the Selectboard prior to the official warning. ~~Said~~ The Attorney shall be charged with the duty to correct ~~such~~ the ordinance to avoid repetition, illegal, or unconstitutional provisions, and to ensure accuracy in the text and reference, along with clear and precise phraseology. The ordinance shall not be changed in its meaning and effect.

(D) The effect of Town meeting action on an ordinance shall take place upon passage unless otherwise provided ~~therein~~ in the body of the ordinance.

(E) ~~Ordinances acted upon by Town meeting shall not apply to any appointments of officers, members of boards and commissions to be made by the Board of Selectmen, or to the appointment or designation of the selectmen, or their rules of order. [Repealed.]~~

* * *

(c) Ordinance adoption procedure, other than zoning and subdivision bylaws.

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(d) Procedure for drafting, adoption, rejection, major amendment, or repeal of ordinances.

(1) Drafting.

~~(A) Ordinances or actions related thereto~~ The Selectboard may appoint an ordinance committee including not more than two Selectboard members.

~~(B) If the Selectboard appoints an ordinance committee, ordinances of all categories, with the exception of emergency ordinances, shall be drafted by or submitted in draft form to an~~ the ordinance subcommittee consisting of no more than two Selectboard members ~~committee.~~

(2) Reporting out.

~~(A) The~~ If the Selectboard appoints an ordinance committee, the ordinance subcommittee ~~committee~~ shall review ~~the~~ any ordinance for form submitted to them by the Selectboard and report ~~it~~ out to the ~~Board of Selectmen~~ Selectboard for first review within 90 days following submission.

~~(B) Ordinances reported out for first review must be reviewed beforehand by the Town Attorney or other counsel~~ engaged by the Selectboard, and signed by him/her signifying proper legal form and constitutionality the Town Attorney or other counsel.

* * *

(3) Introduction and first review.

(A) The proposed ordinance ~~or action~~, amendment, or repeal shall be introduced at a ~~Board of Selectmen~~ Selectboard meeting by the ordinance ~~subcommittee~~ committee.

(B) During first review, the proposed ordinance ~~or action~~, amendment, or repeal may be amended.

(C) ~~A final draft~~ The proposed ordinance including any amendments must be accepted or rejected at the completion of first review.

(D) Upon completion of first review, a date for second review and public hearing shall be fixed within ~~no~~ not less than 14, ~~but not~~ nor more than ~~28~~ 40 days from first review.

* * *

(C) ~~At~~ A public hearing shall be held at the time and place specified in the notice, ~~a public hearing shall be held~~.

(5) Amendment during second review. Should the Selectboard decide after the public hearing to substantively amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in ~~no~~ not less than 14, ~~but not~~ nor more than ~~28~~ 40 days and all notice requirements to be met in ~~subsection 4 above~~ subdivision (4) of this subsection.

(6) Final action.

* * *

(B) Failure to act ~~in 14~~ within 40 days following the final review shall constitute a rejection.

* * *

(e) Minor amendments. ~~An action classed~~ Any proposed change to an existing ordinance that is classified by Selectboard vote as to constitute a minor amendment, pursuant to subsection (e) of this section, may be adopted by the Selectboard after the completion of the first review.

(f) Emergency ordinances.

(1) ~~To meet a public emergency affecting life, health, property, or the public peace~~ Following a declaration of public emergency pursuant to section 10 of this charter, the Selectboard may adopt one or more emergency ordinances.

* * *

(4) An emergency ordinance must be clearly titled as such, and contain a clear declaration of the emergency, describing it in specific terms.

(5) An emergency ordinance may be adopted ~~or rejected, with or without amendment, at the meeting at which it is introduced, but an affirmative vote of four Selectboard members is required for adoption, amended, or repealed upon a two-thirds vote, with at least three affirmative votes.~~

* * *

(7) Any emergency ordinance shall automatically stand repealed on the 61st day following adoption; ~~this shall not prevent reenactment of the ordinance if the emergency still exists~~ its effective date.

(8) In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the Selectboard, the ordinance must be ratified in a manner similar to other ordinances; ~~this shall not prevent reenactment of the ordinance if the~~ Selectboard determines that the emergency still exists.

(9) An emergency ordinance may also be repealed ~~by the adoption of a repealing ordinance~~ in the manner specified in this section for emergency ordinance.

(g) ~~Changes in zoning and subdivision bylaws: Changes in zoning and subdivision bylaws shall be in accordance with Vermont statutes. [Repealed.]~~

(h) Standard codes of technical regulations.

(1) The Selectboard may adopt any standard code of technical regulations by ~~references thereto~~ reference in an ~~adopting~~ ordinance.

(2) The procedure and requirements governing ~~such an adopting ordinance~~ the adoption of an ordinance concerning standard codes of technical regulations shall be the same as prescribed for ordinances generally except that the requirements of ~~this charter~~ for distribution and filing of copies of the

ordinance shall include the ~~adoption~~ ordinance itself, ~~but~~ and shall ~~not~~ only include a citation to the entire set of technical regulations, and a copy of each adopted code of technical regulations shall be authenticated and recorded by the Town Clerk for distribution or for purchase at a reasonable price.

(i) Authentication and recording, codification, ~~printing~~ and publication.

* * *

(2) ~~Printing~~ Publication of ordinances and resolutions.

(A) The Selectboard shall cause each ordinance and resolution ~~having the force and effect of law to be printed~~ published.

(B) ~~Printed ordinances~~ Ordinances, resolutions, charters, and charter amendments shall be ~~distributed or sold~~ published electronically and made available in printed form for sale to the public at reasonable prices set by the Selectboard.

(C) All ~~printed~~ ordinances, codes, resolutions, and charter amendments should follow a uniform format or style ~~established by the initial codification following this charter adoption.~~

(3) Codification.

(A) ~~Within one year after the adoption of this charter, and at~~ At least every ~~five~~ 10 years ~~thereafter~~, the Selectboard shall provide for the uniform codification of all ordinances, zoning bylaws, subdivision bylaws, and resolutions ~~having the force of law.~~

(B) When completed, the updated codification ~~will be adopted by the Selectboard by ordinance,~~ shall be published in a form convenient for general use and shall be incorporated into the Town code.

(j) Penalties.

* * *

(2) The Town may take actions necessary to prosecute any person who violates ordinances passed under this charter. ~~Said~~ The prosecution may be through the courts ~~or the Town Grand Juror as may be established under this charter.~~

(3) The Town may also bring an action for injunctive relief seeking a court order to require compliance with any ordinance in addition to the penalty set forth in the ordinance.

* * *

§ 7. POTENTIAL OR ACTUAL CONFLICT OF INTEREST; PERSONAL FINANCIAL INTEREST

~~(a) At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the Town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the Town relating to his or her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.~~

~~(b) Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.~~

~~(c) Discussions of salary and benefits shall be exempt from this prohibition.~~

~~(d) Any officer or employee having such an interest shall immediately make said interest known publicly.~~

~~(e) Any officer who willfully conceals such an interest, or willfully violates any requirement of this section shall forfeit said office or position, as provided under subdivision 23(b)(8)(B) of this charter.~~

~~(f) Any contract, sale, or action taken in violation of this section shall be voidable by the Board of Selectmen.~~

~~(g) Officers of the Town may buy; sell goods and services from; to the Town subject to the restrictions above, provided said procurement is done competitively in accordance with the procurement ordinance.~~

~~(h) The Board of Selectmen may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal as provided under subdivision 23(b)(8)(B) of this charter.~~

~~(i) No officer shall devote any Town property or labor to private use, except as may be provided by law or ordinance.~~

The Selectboard shall adopt and maintain a conflict of interest policy.

§ 8. LICENSES; FEES; CHARGES; USER FEES; FEES FOR SERVICE

(a) The Selectboard shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to Town government, except those prescribed by State statute relating to the Office of the Town Clerk or otherwise provided for in this charter. ~~All fees and charges set by the Selectboard shall be reasonably related to actual costs.~~

(b) ~~The Board of Selectmen shall have the authority to license or issue permits for any function or activity taking place or occurring within the boundaries of the Town over which jurisdiction is established by statute, ordinance or this charter.~~ [Repealed.]

(c) ~~All licenses required by the Town shall be authorized by passage and/r amendment of a license ordinance.~~ [Repealed.]

(d) ~~All fees, charges, user fees, or fees for service shall be implemented by passage of a comprehensive fee ordinance which shall be placed on the Board of Selectmen agenda for review and/or update, every three years from its date of passage.~~ [Repealed.]

(e) No officer of the Town shall collect fees or monetary prerequisites for ~~his or her~~ the Town officer's own use, and all fees or charges shall be accrued to ~~the General Fund~~ Town funds.

§ 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

(a) The Selectboard shall pass ~~an ordinance~~ a policy governing the acquisition or disposition of Town property, which shall outline procedures for the handling of ~~such~~ these matters.

(b) The Selectboard may acquire or dispose of real property in accordance with ~~such ordinance~~ policy.

§ 10. EMERGENCY POWERS

(a) Declaration of public emergency. The Selectboard may, upon ~~majority~~ a two-thirds vote with at least three members present, declare a state of public emergency ~~which that~~ that threatens life, property, or the public health or welfare.

(b) Condemnation, eminent domain. In the event of a declared public emergency ~~which that~~ that threatens life, property, the public health or welfare, duly declared by ~~unanimous~~ Selectboard ~~duly warned~~ meeting warned in accordance with State statute, the Selectboard, by a minimum of three affirmative votes and not more than one dissenting vote, may exercise powers of eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to Superior Court.

(c) Civil preparedness. The Town Manager shall be the designated civil preparedness Chair and shall be duty bound to exercise the powers afforded by statute and any powers and functions outlined by the Selectboard in a declared emergency. On an annual basis, the Selectboard shall adopt an emergency preparedness plan that shall go into effect upon declaration of a public emergency.

§ 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

(a) The procedures and process for charter amendment ~~herein~~ in subsection (b) of this section may be initiated either by a ~~unanimous~~ vote of four members of the Selectboard or by a citizen initiative (petition) ~~equal to~~ of at least five percent of the voters registered at the time that the petition is submitted.

(b) The procedure for charter ~~revision~~ amendment shall be as follows:

(1) The Selectboard shall appoint a Charter Review Committee of not less than ~~ten (10)~~ 11 members, which shall include two representatives from the Selectboard; and two representatives from the administration, and the community at large one of which must be the Town Clerk, with the majority from the community at large.

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(3) The Selectboard shall determine if the proposed amendments are a comprehensive revision and shall determine the format of the article. All

provisions of 17 V.S.A. § 2645 that are not in conflict with this charter shall be adhered to.

(4) Any changes in the charter must be effected by a Town meeting vote ~~with at least 25 of voters participating.~~

(c) In addition to the procedure set forth above in subsections (a) and (b) of this section, the charter may be revised or amended by the submission of a citizen initiative (petition) specifying the amendments or revisions desired and signed by 10 percent of the registered voters. The petition and subsequent action shall conform to the requirements of State statutes relating to charter amendment procedures, ~~shall be subject to the determination of the Selectboard as to whether or not they are comprehensive in nature,~~ and shall be approved by a an annual Town meeting vote with at least ~~25~~ 15 percent of voters participating. If a proposed amendment or revision under this subsection is voted down at the annual Town meeting, it or a substantially similar amendment may not be petitioned again for a period of one year.

(d) Any changes in the Town charter shall become effective immediately upon passage by the registered voters and approval by the ~~Legislature~~ General Assembly as prescribed by statute.

(e) ~~Charter amendment revote shall be subject to the limits prescribed in section 22(b)(7) of this charter~~ A comprehensive revision of this charter, as determined by the Selectboard, may be voted only once in three years.

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§ 13. USE OF STREETS BY PUBLIC UTILITIES AND PRIVATE
INTERESTS

Every non-Springfield municipal public utility ~~and~~ or private interest that desires to ~~dig up~~ excavate in a public street or alley ~~for the purpose of laying pipes or wires~~ right-of-way shall first obtain from the Selectboard Town Manager or designee a written permit stating the place where and the time when ~~digging~~ excavation and repair may be done. Upon receipt of a permit, the ~~digging up and replacing of the street or alley~~ excavation and repair shall be done under the supervision of the Selectboard; ~~they may complete the work at the expense of the utility or private interest and recover that expense in an action of tort under 19 V.S.A. § 1525, in the name of the Town, with costs~~ Town Manager or designee.

§ 14. SEPARABILITY SEVERABILITY

The sections of this charter and the parts thereof are ~~separable~~ severable. If any portion of this charter, or application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.

Subchapter 2. Elections and Local Officials

§ 21. ~~FORM OF GOVERNMENT~~ GOVERNMENTAL AUTHORITY

All governmental authority of the Town of ~~Springfield~~ rests ultimately with the citizens and registered voters of the Town, who shall exercise their power by Australian ballot at the annual Town meeting in determining:

* * *

(5) any articles placed on the warning ~~which~~ that involve the expenditure of tax dollars or ~~in the provision of direction in the exercise of~~ directing the power vested in elected or appointed officials;

(6) adoption, amendment, or repeal of ordinances provided by petition per section 5 of this charter; and

(7) charter amendments.

§ 22. TOWN MEETING; ELECTIONS

~~(a) Applicability of general laws: Except as otherwise herein limited, provisions of the general laws of the State related to voter qualifications, warnings, methods of voting, duties of Town officers at Town meeting and elections, counting of votes, recount of votes, certification of results, and nominations of candidates, so far as they may be applicable, shall govern all municipal elections and all annual and special Town meetings. [Repealed.]~~

(b) Meetings and Elections.

(1) Annual Town meeting.

(A) On the Monday preceding the first Tuesday in March, beginning at ~~7:30~~ 7:00 p.m. at a place designated by the Selectboard, the Town shall start its annual meeting and may transact at that time any business not involving Australian ballot. At this meeting, public discussion of ballot ~~issues~~ questions and all other issues appearing on the warning, other than the election of candidates, shall be permitted.

* * *

(C) The date of the annual Town meeting may be changed by a vote of the citizens at a an annual or a special Town meeting duly warned for that purpose.

* * *

(3) Warnings.

(A) Timetable and notice. Public notice of every annual or special Town meeting, or Town election, shall be given by a warning posted in ~~at least five~~ not less than four public places in the Town and on the Town's website, ~~at least~~ not less than 30, but no nor more than 40 days prior to the meeting; and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the Selectboard.

(B) Contents. The warning shall contain:

* * *

(ii) ~~specific indications of separate articles which reflect~~
specifically indicating the business to be voted, transacted in the language to be
voted upon;

* * *

(C) Placing of articles on a warning for the annual Town meeting.

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(ii) Articles submitted by petition must be filed ~~with the Town~~
~~Clerk not less than 40 days before the date of the meeting~~ pursuant to State
statute as to form and process.

(4) Power of Selectboard on Australian ballot decree.

(A) The Selectboard may cause any question ~~not covered in section~~
~~21(1) of this charter~~ to be voted by Australian ballot at any annual or special
Town meeting called on their action, or by petition, provided that the warning
for such meeting specifies the question to be voted.

(B) ~~Any article~~ All articles to be voted by Australian ballot shall be
preceded by a public informational hearing. The warning of the vote shall
include the notice of the public informational hearing and set forth the time and
place of ~~said~~ the public informational hearing.

(5) Presiding officials at Town meeting and elections.

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(E) While the polls are open, the Town Clerk shall rule on all questions covering the conduct of Australian ballot elections, except the resolution of questions concerning the checklist ~~which~~ that shall be made by the majority of the Board of Civil Authority members present.

(F) In the absence ~~or disability~~ of the Town Clerk, should it occur before an election, the Board of Civil Authority shall, upon notice, immediately meet and designate an Acting Clerk for the duration of the election. Should ~~such~~ the absence ~~or disability~~ occur on election day, the Board of Civil Authority members present at the election shall designate an ~~on-site temporary officer~~ Acting Clerk to preside for the duration of the election.

(6) Postponing or continuing of Town meetings.

(A) The Selectboard may postpone ~~the~~ a special Town meeting vote ~~on any question to be voted at a special meeting~~ to the ~~later~~ annual Town meeting if the date of the special Town meeting ~~would~~ will fall within 75 days ~~prior to~~ of the annual Town meeting.

(B) If a special Town meeting called by petition falls within 45 days of a ~~later~~ subsequent special or annual Town meeting called by petition, the Selectboard may warn the questions to be voted at such Town meeting for the later Town meeting and may by resolution rescind the call of the earlier meeting.

(7) Citizen initiatives; revote; ~~recession~~ rescission of articles other than election of officers.

(A) Any question voted at an annual or special Town meeting, except ~~charter revision or amendment~~ the adoption, amendment, or repeal of ordinances or of the charter and the recall of elected officials, may be submitted for revote or ~~recession~~ rescission at a subsequent annual or special Town meeting, subject to the limits contained herein.

(B) Requests for revote or ~~recession~~ rescission must be by resolution of at least four members of the Selectboard or by a petition filed with the Town Clerk and signed by at least five percent of the voters registered on the date of the action.

(C) Any ~~action request~~ request for revote or ~~recession~~ rescission must be taken or filed within 30 days of following the date the ~~action~~ question was first considered.

(D) The Town Clerk shall warn a special Town meeting to be held within 60 days of the date of following the ~~call~~ request for revote or ~~recession~~ rescission.

(E) The Town budget shall be subject to a revote only if voted in the negative, ~~or if voted in the affirmative at an election having a turnout of less than 15 percent of the registered voters at the time of the Town meeting.~~

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(G) Any question voted on or considered shall be subject to revote or ~~recession~~ rescission only once in the 12 months following the initial vote, except for the Town budget, which shall be voted until passed, and except for charter amendments by citizen initiative that are governed by subsection 11(c) of this charter.

(H) A vote of a proposed amendment or revision of this charter by citizen initiative that is substantially similar in substance to a previous proposed amendment by citizen initiative may ~~be voted~~ occur only once in one year.

(8) Tie votes.

(A) A tie vote, other than for an elected office, at any Town meeting shall ~~be subject to~~ require an immediate recount; the article or election shall be subject to immediate revote if the tie vote is affirmed, then the articles must be revoted at a special Town meeting within ~~the timetable prescribed by charter~~ 60 days.

(B) ~~Recount~~ Recounts other than tie votes may be requested in accordance with State statute.

(9) Nonproductive elections. In the event that a legal election fails to produce a person to fill any elected Town office, the Selectboard shall, within 30 days ~~of~~ following the election, appoint a ~~qualified individual~~ registered voter to serve in the position until the next annual Town meeting at which an

election will occur for the term of office or remaining balance of the unexpired term, whichever is applicable.

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§ 23. LOCAL ELECTED OFFICIALS

(a) Local elective offices to be filled by the registered voters of the Town of ~~Springfield~~ shall be only those articulated by this charter and shall include:

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(2) ~~Listers;~~ [Repealed.]

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(4) ~~First Constable~~ Library Trustees;

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(b) Provisions related generally to all elected local offices.

(1) Term.

(A) Terms for elective offices shall begin officially ~~at the point which~~ when the Town Clerk and Board of Civil Authority certify election returns as final.

(B) In the event of a recount, or unresolved irregularities in election returns, should ~~emergency~~ action be required, it shall be taken by the ~~elective~~ officials sitting at the time of the election.

(2) Oath of office.

(A) ~~Before taking any official action, an~~ An elected official shall take the oath of office prescribed by statute, if applicable, prior to taking any official action.

* * *

(4) Recall of elected officials.

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(B) If the Town votes for removal of an elected officer, the office shall thereupon become vacant, and the Selectboard shall call a special meeting, to be held within 45 days ~~of~~ following the vote for removal, to fill the vacancy ~~until the term of the officer so removed expires~~ for the remainder of the unexpired term. The office shall remain vacant until the next annual Town meeting if ~~such~~ the special Town meeting would fall within 75 calendar days prior to the annual Town meeting.

(5) Attendance. ~~Any~~ All elected ~~official shall be required~~ officials are expected to regularly attend all meetings of the public bodies of which they are members.

(6) Holding of more than one office.

(A) Elective offices. Nothing ~~herein~~ in this section shall be interpreted as limiting any person from holding a State or federal elective office at the same time ~~he/she~~ that person holds local office, provided ~~such~~ the

service does not interfere or conflict with the proper attendance at meetings and execution of the duties of the office.

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(7) Qualification to run for ~~and~~ or hold local office.

(A) No person shall be qualified to run for or be elected to hold an elective office unless ~~he/she~~ the person is a ~~duly qualified~~ registered voter in the Town of ~~Springfield~~ and a resident.

(B) Should an elected holder of local office establish residence in some place other than ~~Springfield~~ the Town, the office shall be declared immediately vacant by the Selectboard and said vacancy shall be filled in accordance with the provisions of ~~the~~ this charter.

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(8) Vacancy of elected office.

(A) In addition to the requirement of subdivision (7) of this subsection (b), a vacancy shall be deemed to exist in any local office where an officer dies; resigns; is removed or recalled from office; is convicted of a felony; is convicted of a misdemeanor involving a breach of public trust; ~~or~~ is judicially declared to be mentally incompetent; or ~~is~~ no longer ~~a resident~~ resides in the Town.

(B) The declaration of ~~a condition for forfeiture of office~~ vacancy shall be made by ~~the unanimous~~ a majority vote of the Selectboard, or in the

case of a Selectboard member, by the other members of the ~~Selectboard, and shall be according to procedures established in 3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to the Superior Court as contested cases are appealed~~ Selectboard.

(c) Elected officers, duties, responsibilities, and conduct.

(1) Selectboard.

(A) Number and term. Unless altered by the procedures provided herein, the policy making body for the Town shall be a five member Selectboard, elected at large, on a nonpartisan basis, to ~~rotating, three year~~ staggered three-year terms.

* * *

(E) Meetings. All meetings shall be conducted in accordance with Vermont's Open Meeting Law, 1 V.S.A. chapter 5, subchapter 2.

(i) Organizational meeting.

(I) Within seven days after the annual Town meeting, the ~~Selectboard, duly certified,~~ shall meet for the purpose of taking the oath of office, organizing, electing a ~~Chair~~ chair and ~~Vice-Chair~~ vice chair, and ~~the adoption of~~ adopting rules for the transaction of business.

(II) The Town Clerk or designee shall preside at the organizational meeting of the Selectboard prior to the election of the Board Chair.

* * *

(ii) Regular meetings.

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(II) ~~The time and place of regular Selectboard meetings shall be publicly announced to the media.~~ [Repealed.]

(iii) Agenda.

(I) ~~The Chair or Vice Chair shall, with the Town Manager, prepare a written agenda for each regular meeting of the Selectboard.~~

[Repealed.]

(II) Any Selectboard member, citizen in attendance, or the Manager may request at the start of the meeting that items be added to the agenda, ~~provided all Selectboard members present so vote to add the item.~~ Items may be added to the agenda subject to Selectboard approval.

(iv) Quorums; votes.

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(III) No action of the Board shall be valid or binding unless acted upon by ~~the affirmative vote of three or more members of the board~~ a majority of the members present unless otherwise provided for by this charter.

(v) ~~Clerk; minutes~~ Minutes.

(I) The Town Clerk or the Selectboard's designee shall be the official Clerk of the ~~Board~~ Selectboard and shall be responsible for minutes in a form prescribed by ~~the Board~~ Vermont's Open Meeting Law.

~~(II) The Selectboard may employ a stenographer to assist the Town Clerk in the discharge of duties related to minutes. [Repealed.]~~

(vi) Special meetings and workshops.

~~(⊕) Special meetings may be called at any time by the Chair, or the Vice Chair in the absence of the Chair, or by written request, signed by three Board members.~~

~~(II) Notice of a special meeting shall be served, in a reasonable manner, on all members of the Selectboard.~~

~~(III) Notice of the special meeting shall be released to the local news media.~~

~~(IV) Whenever practical, an agenda shall be issued at a special meeting, with additions to be handled in the same manner as regular meetings.~~

~~(V) If an emergency meeting of the Selectboard is required, on very short notice, every possible effort shall be made to notify the media.~~

(vii) ~~Public meetings; citizen input; executive~~ Executive session.

~~(I) All meetings of the Selectboard shall be open to the public and shall comply with all the pertinent provisions of this charter.~~

~~(H) Allowances should be made informally or on the agenda for citizen comment unless it interferes with regular business.~~

~~(HH) The Board Selectboard may, upon a vote of four (4) members hold an executive session to discuss any action in accordance with the provisions of section 6 of this charter Vermont's Open Meeting Law.~~

~~(viii) Correction of irregularities. Any irregularities or defects in the notice of or conduct of any meeting of the Selectboard may be cured at any subsequent regular meeting, provided that such resolution is included on the agenda of a regular or special meeting and is adopted by a majority of the Board. [Repealed.]~~

~~(ix) Vacancies. A vacancy on the Selectboard shall may be filled by a majority vote of the remaining Board Selectboard, said the appointment to run until the next annual Town meeting at which an election ~~can~~ shall be warned to fill ~~the~~ any unexpired term.~~

~~(2) Listers.~~

~~(A) There shall be two elected listers elected on a nonpartisan basis for three-year terms that shall not coincide.~~

~~(B) The Chief Assessor shall serve as a third lister.~~

~~(C) Duties and responsibilities of the listers shall be in accordance with State statute and herein limited.~~

~~(D) Vacancies on the Board of Listers shall be filled by a majority vote of the Selectboard, said appointment to run until the next annual Town meeting at which an election can be warned to fill the unexpired term.~~

[Repealed.]

(3) Moderator.

* * *

(B) Should a vacancy occur in the office of Moderator, it shall may be filled by a majority vote of the Selectboard ~~for the,~~ the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.

(4) ~~Town Constable~~ Library Trustees.

~~(A) There shall be elected a Town Constable, who shall serve a one-year term.~~

~~(B) The Constable shall be responsible for assisting the Town Clerk in the regulation and licensing of dogs.~~

~~(C) The Constable shall be in attendance at all Town meetings thereby serving as a Sergeant at Arms to assist the Moderator as necessary in the maintenance of order.~~

~~(D) The constables shall have powers of service equal to a deputy sheriff under Vermont Statutes.~~

~~(E) The Constable may exercise the law enforcement duties vested in the position only upon completion of certifiable training and being subject to the supervision of the Chief of Police.~~

~~(F) A vacancy in the Office of Constable shall be filled by a majority vote of the Selectboard.~~

(A) The Library Board of Trustees shall consist of seven members to be elected at large.

(B) Library Trustees shall serve staggered terms of three years.

(C) Should a vacancy occur in the Office of Library Trustee, it may be filled by a majority vote of the Selectboard, the appointment to run until the next annual Town meeting at which an election shall be warned to fill any unexpired term.

(5) Cemetery ~~commissioners~~ Commissioners.

(A) There shall be elected five Cemetery ~~commissioners~~ Commissioners for a term of ~~five years on a rotating basis~~ Commissioners each to serve staggered five-year terms.

(B) The Town Clerk shall be a ~~sixth cemetery commissioner, but shall not vote~~ nonvoting ex-officio member of the Cemetery Commission.

* * *

~~(F) Vacancies~~ Should a vacancy occur in the office of ~~cemetery commissioner~~ Cemetery Commissioner, it may be filled by a majority

vote of the Selectboard, ~~said~~ the appointment to run until the next annual Town meeting at which an election ~~can~~ shall be warned to fill the unexpired term.

(6) Trustees of public funds. Public funds are funds received from private outside sources for specific long-term purposes and are maintained separately from the general operating fund. The Town has a fiduciary responsibility to maintain these funds in accordance with any restrictions placed on the funds at the time the funds were received.

(A) There shall be elected three trustees of public funds, each to serve a staggered three-year term terms.

(B) ~~The Town Treasurer shall serve the trustees of public funds in an advisory capacity in connection with fund management and shall attend all meetings.~~ [Repealed.]

* * *

(D) The trustees shall be charged with maximizing the return on all invested funds while maintaining their security, which shall include the preservation of principal. In service of this goal, they shall file with the Selectboard an annual plan outlining the program of investments for the year.

* * *

(F) ~~Vacancies on the trustees~~ Should a vacancy occur in the office of trustee of public funds, shall it may be filled by a majority vote of the

Selectboard, ~~said~~ the appointment to run until the next annual Town meeting at which an election ~~can~~ shall be warned to fill the unexpired term.

§ 24. APPOINTED NONADMINISTRATIVE OFFICIALS

(a) General provisions applying to all appointed positions.

* * *

(3) All appointees shall be administered the oath of office in the form as provided for by statute, if applicable.

* * *

~~(5) For the purposes of the administrative code, within one year after the adoption of this charter, all appointees, positions, boards, and commissions shall be required to submit a proposed ordinance to the Selectboard outlining duties and responsibilities, which the Selectboard shall amend and adopt.~~

[Repealed.]

* * *

(7) Although operating independently, all appointive boards and commissions shall be required to cooperate with the Selectboard in the exercise of their duties in the pursuit of the public good. They shall be required to file an annual report for inclusion in the Town report, and also to file any other reports requested by the Selectboard, and ~~be in attendance at~~ attend any meeting so requested by the Selectboard.

(8) If an appointed official misses three consecutive ~~regular~~ regularly scheduled meetings of the appointed body ~~for reasons other than health or personal emergency, that office may be declared immediately vacant by the Selectboard, the chair of that board or commission shall report to the Selectboard, who may then declare that position vacant. The official shall be entitled to a hearing before the Board prior to a final determination.~~

* * *

(10) ~~Members of the administrative service~~ Town employees may serve in appointive positions as limited by charter, but may not vote on any issue directly affecting their position or conditions of employment.

(b) Appointed positions.

(1) The functions of the following positions are ~~created by this charter, their functions to be~~ governed by the applicable State statute, as limited by charter or ordinance:

(A) ~~Weigher of Coal;~~ [Repealed.]

(B) ~~Fence viewers;~~ [Repealed.]

* * *

(D) ~~Surveyor of Wood and Lumber;~~ [Repealed.]

* * *

(I) ~~Grand Juror;~~ [Repealed.]

(J) Delinquent Tax Collector;

(K) Town Constable.

(i) The Selectboard shall appoint the Town Constable, who shall serve a one-year term.

(ii) The Constable shall be responsible for assisting the Town Clerk in the regulation and licensing of dogs.

(iii) The Constable shall be in attendance at all Town meetings and shall serve as sergeant at arms to assist the moderator as necessary in the maintenance of order.

(iv) The Selectboard may assign additional responsibilities to the Constable as necessary or convenient.

(v) A vacancy in the Office of the Constable shall be filled by a majority vote of the Selectboard.

(c) Appointed boards and commissions established by charter.

(1) Planning Commission.

(A) The Selectboard shall appoint the members of the Planning Commission in accordance with State statute. All members shall be registered voters of the Town.

~~(B) The duties and responsibilities of the Planning Commission shall be in accordance with State statute as limited herein. [Repealed.]~~

~~(2) Zoning Board of Adjustment Development Review Board.~~

(A) The Selectboard shall appoint the members of the ~~Zoning Board of Adjustment~~ Development Review Board in accordance with State statute. All members shall be registered voters of the Town.

(B) ~~Duties and responsibilities of the Zoning Board of Adjustment shall be in accordance with State statute as limited herein.~~ [Repealed.]

(3) Housing Authority.

(A) The Selectboard shall appoint members of the Housing Authority established pursuant to 24 V.S.A. chapter 113.

(B) ~~The Housing Authority shall be the agency responsible for dealing with all publicly owned housing, and subsidized housing issues in the Town of Springfield.~~ [Repealed.]

* * *

(4) Airport Commission.

(A) ~~So long as~~ Provided that there is ~~an~~ a regional, State-owned airport in ~~Springfield~~ the Town, the Selectboard shall appoint an Airport Commission, the number of members to be decided by the Selectboard.

* * *

(d) Boards, commissions, committees created by Selectboard action.

* * *

(3) Any body created under this ~~section~~ subsection shall not have an effective life of more than three years. At the end of that period, the mandate

creating the committee shall terminate and the Selectboard shall be required to review the reason for the body's existence and may act to reconstitute the body.

Subchapter 3. The Administrative Service

§ 31. THE TOWN MANAGER

* * *

(b) Qualifications. The Town Manager shall be appointed solely on the basis of ~~his or her~~ the person's executive and administrative skills, based on education, training, and experience relative to the duties of the Town Manager, and without reference to political belief or personal relationships.

(c) Term of appointment. The Manager may be appointed for ~~an indefinite~~ a term of not less than two years and not more than five years and may be removed at the pleasure of the Selectboard.

(d) Residency. The person appointed as Town Manager ~~need not be a resident of the Town or State at the time of appointment, but must assume residence within a period judged reasonable by the Selectboard, but not to exceed six months~~ must become a resident of Vermont within six months of appointment and may be required to become a resident of the Town within a period of time judged reasonable by the Selectboard at the time of appointment.

(e) ~~Conditions~~ Terms and conditions of employment; compensation. The conditions of employment and compensation shall be a matter to be determined at the time of appointment, and annually thereafter by the Selectboard ~~on the Manager's anniversary date~~ on a date convenient for the annual budgeting process, after negotiations that may be held in executive session between the Town Manager (candidate) and the Selectboard.

(f) Town Manager; evaluation. Before the Selectboard determines the subsequent annual compensation of the Manager, the Board and Town Manager shall be required to hold an evaluation session in executive session, at which the Town Manager shall present management goals for the coming year based on townwide goals articulated by the Selectboard, and shall be evaluated by the Selectboard regarding performance in relation to such goals set out for the previous year, and the Selectboard may also employ commonly used evaluation practices in the town management profession.

(g) Oath and bond. Before entering into the duties of office, the Town Manager shall be sworn to the impartial and faithful performance thereof, with a certificate to that effect to be filed with the Town Clerk. The Town Manager shall execute a bond in favor of the Town for the faithful performance of ~~his or her~~ the Town Manager's duties in a sum determined by the Selectboard, or shall purchase comparable insurance coverage. The premium for said surety shall be paid by the Town.

(h) Town Manager nonrenewal or removal. The Town ~~Manager~~ Manager's term of employment may be not renewed without explanation or reason. The Town Manager may be removed at the discretion of for cause by the Selectboard, with ~~no~~ written reasons presented to the Town Manager and an opportunity for a public hearing before the Selectboard with not less than four affirmative votes, after the following procedure is followed:

(1) The ~~Board~~ Selectboard shall draft, in executive session, a resolution stating its intent to remove the Town Manager. ~~Said~~ The resolution must state the reasons for removal and must be served upon the Town Manager personally, not more than five days from the date of drafting.

(2) ~~Within five working days from the date of service of the resolution, the Manager must file with the Selectboard a written request for a public hearing. Failure to file said notice shall constitute waiver of the right to a hearing.~~

(3) ~~No less than 15 days but no more than 45 days from the deadline prescribed in subdivision (2) of this subsection, the Selectboard shall schedule a meeting or public hearing for the purpose of considering the resolution.~~

(4) ~~Final action on the resolution shall be taken within five days of the hearing in subdivision (3) of this subsection.~~

~~(5) During the period in which the above proceedings transpire, the Manager shall be on administrative leave and accrue full salary until official date of action on the resolution.~~

~~(6) Action by the Selectboard in the removal of a Town Manager shall be final.~~

~~(7) In the event of the removal of a Manager for reasons other than poor performance or wrongful conduct, the Selectboard may negotiate severance pay to the maximum of six months.~~

(i) Acting Town Manager; vacancy in the office.

(1) In the event that the Town Manager shall be absent from the Town for a period exceeding two consecutive weeks, ~~he or she~~ the Town Manager shall designate an acting Town Manager, subject to the advice and consent of the Selectboard, who shall exercise the duties of Town Manager. ~~The Manager may overrule the actions of the Acting Manager.~~

(2) In the event that illness or injury renders a Town Manager unable to discharge ~~his or her~~ the Town Manager's duties for a period exceeding two consecutive weeks, or in the event that the Town Manager is suspended or placed on administrative leave, the Selectboard shall declare a vacancy in the office and appoint an acting Town Manager to serve until such time as the Town Manager is able to assume regular duties or a new Town Manager is selected appointed.

(3) An acting Town Manager appointed to fill a declared vacancy in the office shall have all the powers and perform all the duties of the Town Manager and shall be compensated at a rate ~~of pay not inconsistent with the responsibilities of the position~~ as determined by the Selectboard. An acting Town Manager shall not serve for more than 180 calendar days unless the Selectboard determines there are extenuating circumstances that warrant an extension of that time period.

* * *

(j) Responsibilities and authority of the Town Manager ~~and authority~~.

(1) In general. The Town Manager shall be the chief administrative officer of the Town. ~~He or she~~ The Town Manager shall be ~~responsible~~ accountable to the Selectboard for the administration and general supervision of all business affairs and property placed in ~~his or her~~ the Town Manager's charge pursuant to this charter, State statute, or otherwise.

(2) Limits to authority in general.

(A) ~~The~~ In addition to the limits on authority enumerated in State statutes, authority of the Town Manager shall in no way extend to:

* * *

(iii) ~~judicial or legislative functions of the Selectboard or other legal bodies, boards, and commissions~~ Town public bodies;

* * *

(B) The Town Manager may, upon request, advise or counsel officials in the performance of the ~~above~~ duties in subdivision (A) of this subdivision (2).

(C) The Town Manager may not serve in any elective position in the Town of Springfield. ~~He or she~~ The Town Manager may, however, serve on appointed ~~boards and commissions~~ public bodies relevant to Town functions in an ex officio status, as may be determined by the Selectboard.

(3) Authority and duties in particular. ~~The~~ In addition to the authority conferred by State statute, the Town Manager shall be charged with full authority to, and be responsible for the following:

(A) ~~To organize, reorganize, continue, or discontinue such Town Departments as the Board may determine. [Repealed.]~~

* * *

(D) To institute and maintain an appropriate budget and financial internal control system systems.

(E) To keep the Selectboard informed on the financial condition of the Town, including monthly and year end reports showing in detail all ~~receipts~~ revenues and expenditures for Town functions

* * *

(G) To make such reports as the Selectboard may require, or the Manager deems appropriate, or may be required by law ~~or ordinance~~ regarding any and all functions under ~~his or her~~ the Town Manager's supervision.

(H) To keep full and complete records of the actions of the Town Manager's office.

(I) To be present at all regular Selectboard meetings unless excused by the Board and to have the right to attend and ~~take part~~ participate in all special meetings of the Selectboard and subcommittees ~~thereof~~, except when the removal of the Town Manager is being discussed. ~~Nothing herein shall deny the Manager any rights outlined in subsection (h) of this section, Town Manager removal.~~

(J) To appoint, upon merit ~~and fitness~~ alone, and, when the Town Manager deems necessary for the good of the ~~service~~ Town, suspend or remove any subordinate official, employee, or agent under the Town Manager's supervision as provided for in this charter. Notwithstanding appeals of Town Manager decisions to the Selectboard, the Town Manager shall have the exclusive authority to hold subordinate employees, officers, or agents responsible for the faithful discharge of their duties. All such appointments may be without definite terms unless for provisional, temporary, or emergency service, in which case, terms shall not exceed the maximum periods prescribed by the ~~personnel rules and regulations~~ employee handbook.

The Town Manager may authorize the head of a department, or of an office responsible to the Town Manager, to appoint and remove subordinates in ~~such~~ the office or department.

(K) To ensure the proper and equitable administration of the Town's ~~personnel system~~ human resources function.

(L) To ~~fix the compensation of~~ make recommendations to the Selectboard as to the compensation for Town employees as provided in this charter.

(M) To remain ultimately responsible to the Selectboard for all administrative actions under ~~his or her~~ the Town Manager's jurisdiction ~~although he or she may hold subordinate employees offices or agents responsible for the faithful discharge of their duties~~.

* * *

(O) To examine, or cause to be examined, with or without notice, the affairs of any department under ~~his or her~~ the Town Manager's control, or the conduct of any officer or employee ~~thereof~~ of a department under the Town Manager's control. For this purpose, the Town Manager shall have access to all books, papers, files, reports, or records of all departments that may be necessary for the proper performance of ~~his or her~~ the Town Manager's duties.

(P) To ensure the preservation of the public peace, health, and safety of persons and property, ~~and~~; to see to the enforcement of this charter; and

ordinances; and to ensure the Town's compliance with State and federal laws as applicable.

* * *

(R) To have charge and supervision of all Town buildings, properties, and facilities, all repairs thereon, and all construction by the Town ~~unless otherwise voted.~~

(S) To ~~supervise and~~ expend all special appropriations of the Town as if they were a separate Town department, ~~unless otherwise voted by the town or provided in this charter.~~

(T) To cause to be collected ~~by the Town Treasurer, or to collect,~~ all taxes due the Town, except as otherwise provided by statute.

* * *

(V) To perform such other duties consistent with ~~his or her~~ the Town Manager's office as may be required by a vote of the Selectboard, by law, ordinance, or mandate not inconsistent with this charter.

(4) Accountability, ~~noninterference,~~ and appointive power. The Town Manager shall be responsible to the Selectboard for the proper and efficient administration of the departments under ~~his or her~~ the Town Manager's charge as outlined ~~above~~ in this charter. Neither the Selectboard, any individual member of the Selectboard, nor any of its committees or committee members shall dictate the appointment or discharge of any Town employee by the Town

Manager, or in any manner interfere with ~~his or her~~ the Town Manager's exercising of judgment in the appointment and discharge of employees in the administration.

(5) Noninterference with administrative discretion and supervision:

Except for the purposes of formal inquiries ~~or~~ investigations, suspensions, and terminations made under this charter, the Selectboard and its members shall deal with the ~~administration,~~ Town officers, and employees, who are subject to the Town Manager's direction and supervision, solely through the Town Manager. Neither the Selectboard ~~or~~ nor any of its members shall give orders to, or request any action publicly or privately of any Town employee. Communications for the purposes of information and background shall be considered proper when approved by the Town Manager.

§ 32. ADMINISTRATIVE DEPARTMENTS

(a) ~~Plan of administrative organization. Within one year after the adoption of this charter, the Town Manager shall submit to the Selectboard a plan of organization for the administration, dividing the administrative service into departments and divisions and defining the functions of each. Said plan shall be reviewed and acted on within 30 days from submission. [Repealed.]~~

(b) Department heads. Each Town department shall have a designated department head appointed by the Town Manager who shall supervise and

control the department and employees ~~therein~~ of the department. The Town Manager may, at any time, assume the duties of a department head.

* * *

(d) Creation, reorganization, consolidation, or abolition of administrative departments. Departments within the ~~administrative service~~ Town administration can only be created, reorganized, consolidated, or abolished by formal action of the Selectboard.

§ 33. ADMINISTRATIVE CODE

(a) ~~Submission and adoption. On a timetable prescribed by the Selectboard, but not to exceed two years in length, the Town Manager shall assemble an administrative code for review and approval by the Selectboard, which shall consist of~~ The administrative code shall include the following:

* * *

(3) a copy of the Town's ~~personnel rules and regulations~~ employee handbook, classification, and pay plan;

(4) a copy of the Town's financial and purchasing and procurement ~~regulations~~ policies;

* * *

(6) enabling Town legislation, ordinances, and resolutions for all Town ~~boards, commissions, and committees~~ public bodies, accompanying an updated list of all elected and appointed officers;

~~(7) A copy of the plan of administrative organization.~~

(b) Distribution and availability.

(1) ~~Copies of the~~ The administrative code and its components shall be considered ~~an official document~~ documents to which a person may refer for up-to-date information on the Town.

~~(2) The document shall be placed in the Town Hall and Library for free public access and sufficient copies made for sale to citizens at a cost of production fixed by the Selectboard~~ A current administrative code shall be made available in the Town Clerk's office for public access at no charge.

~~(c) Administrative Code update. The Town Clerk shall be responsible for the accurate maintenance and update of the administrative code.~~

§ 34. ADMINISTRATIVE AND POLICY FUNCTIONS PRESCRIBED BY
CHARTER

(a) Department of Assessment.

(1) There shall be a the Department of Assessment ~~to consist of a Chief Assessor, the elected listers,~~ as prescribed by charter and State statute, ~~and such assistants and support~~ with any staff as may be recommended by the Town Manager and approved by the Selectboard.

(2) The ~~Chief Assessor~~ head of the Department of Assessment shall be appointed or removed by the Town Manager with the advice and consent of the Selectboard.

* * *

(4) The Department of Assessment shall have the same powers, discharge the same duties, proceed in the discharge ~~thereof~~ of those duties, and in the same manner be subject to the same liabilities as are prescribed for assessors, ~~listers, or boards of listers~~ under the laws of the State of Vermont, except as ~~herein~~ provided in this section. Tax grievances shall be appealed to the Department of Assessment. Appeals from the Department of Assessment will be to the Board of Civil Authority.

~~(5) The Department of Assessment on January 1 of each year shall proceed to take up such inventories and make such personal examination of the property, both real and personal, which they are required to appraise as will enable them to appraise it at its fair market value.~~

~~(6) The Department shall review, or cause to be reviewed, their appraisals of all real property in the Town which is subject to taxation in accordance with the standards of appraising established by the laws of the State of Vermont, except as herein provided.~~

~~(7) All employees in the Department of Assessment shall be governed by applicable rules and regulations promulgated under this charter.~~

(b) Town Clerk, ~~Grand Juror~~, Town Treasurer, Town Attorney.

* * *

(2) The duties of the Town Clerk and Town Treasurer shall be as prescribed by statute, except as provided herein.

* * *

~~(4) The term of the Grand Juror shall not exceed three years. He or she shall be responsible for the prosecution of violations of local ordinances. The salary of the Grand Juror shall be fixed by the Selectboard and he or she shall be responsible to the Board in the performance of his or her duties. The Grand Juror shall be duty bound to work in cooperation with the Town Manager and administrative service. The Grand Juror may recommend to the Selectboard the appointment of staff who shall be part of the administrative service.~~

[Repealed.]

~~(5) Appointments of the Town Clerk, Grand Juror, Treasurer, and Town Attorney shall be validated by the voters at the next annual town meeting following the appointment. Until validation, all appointments shall be temporary. [Repealed.]~~

(6) Removal of a the Town Clerk, ~~Grand Juror~~, Town Treasurer, and Town Attorney shall be by a process identical to removal of the Town Manager as outlined in ~~section~~ subsection 31(h) of this charter.

* * *

(8) Support personnel, supplies, material, and equipment for the Town Clerk and Town Treasurer ~~shall~~ may be provided by the Selectboard upon recommendation by the Town Manager.

* * *

(10) All staff provided to the Town Clerk, ~~Grand Juror~~, and Town Treasurer shall be part of the ~~administrative service~~ Town administration and be subject to all rules and regulations ~~promulgated~~ adopted under this charter.

* * *

(c) ~~Personnel system~~ Human Resources Department.

(1) Merit principle outlined. All employment actions relating to Town officers and employees shall be made ~~solely~~ on the basis of merit ~~and fitness~~, except for employees subject to collective bargaining agreements.

(2) ~~Personnel Director~~ Human Resources Manager.

(A) There shall be a ~~Personnel Director~~ Human Resources Manager who shall be responsible for the ongoing administration of the Town's ~~personnel system~~ human resources system. The ~~Personnel Director~~ Human Resources Manager shall be the ~~Town Manager or his or her~~ Town Manager's designated agent, but must be a member of the ~~administrative service~~ Town administration.

(B) The authority of the ~~Personnel Director~~ Human Resources Manager in relation to all Town department heads shall be prescribed by the Town Manager.

(3) ~~Personnel merit system ordinance.~~

~~(A) There shall be adopted, within six months of the passage of this charter, a new personnel and merit system ordinance which shall carry the full force of law embodied in this charter.~~

~~(B) The personnel ordinance shall enable the enactment of rules and regulations which shall include the following provisions:~~

~~(i) a classification and pay plan for all Town employees with uniform procedures for reclassification;~~

~~(ii) a system of evaluation for fitness or merit for appointment and promotion;~~

~~(iii) a system of discipline and removal for cause or unfitness for duty;~~

~~(iv) a system for the reduction in the work force, layoff, and recall;~~

~~(v) a system dictating hours of work and attendance policies;~~

~~(vi) allowances for provisional and part time appointments;~~

~~(vii) a program for in-service training and employee development;~~

~~(viii) a system for the hearing, processing, and resolution of
employee grievances;~~

~~(ix) provisions for relations with employee organizations and/or
unions;~~

~~(x) a uniform system regulating benefits, sick time, and vacations;~~

~~(xi) opportunities for employee input related to safety, the quality
of the work environment, and increased productivity;~~

~~(xii) other practices, procedures, and issues as may be necessary to
the ongoing administration of the personnel system. [Repealed.]~~

(4) ~~Personnel rules and regulations~~ Employee handbook.

(A) ~~The Personnel Director~~ Human Resources Manager shall issue
and maintain ~~in updated status a set of comprehensive rules and regulations~~ an
employee handbook governing the ongoing administration of the Town
~~personnel~~ human resources system.

~~(B) The personnel rules shall be adopted and amended by a
procedure established by the Selectboard and shall carry the full force of law of
this charter.~~

~~(C) Copies~~ A copy of the ~~personnel rules~~ employee handbook shall
be provided to each Town employee.

(5) Town charter and collective bargaining agreements.

(A) The Selectboard ~~may not commit the Town to any collective bargaining agreement which shall contradict, violate, or circumvent any provision of this charter or ordinances passed pursuant to this charter~~ shall have the sole authority to enter into collective bargaining agreements and may commit the Town to collective bargaining agreements that shall control over conflicting rules and regulations adopted pursuant to this charter.

(B) ~~Selectboard may commit the Town to bargaining agreements which shall act as a substitute for rules and regulations promulgated pursuant to this charter.~~ [Repealed.]

(6) Service of Town employees in elective or appointive office.

(A) A Town employee may not, ~~other than membership in the General Assembly,~~ hold a local, State, or federal elective office, other than membership in the General Assembly, which that makes policy that shall directly or indirectly affect ~~his or her~~ the employee's department or any Town functions while employed by the Town of Springfield.

* * *

(C) A Town employee may not be disciplined ~~in any way for failing refusing to electioneer on behalf of~~ campaign for or against any candidate for any ~~local Town~~ elective office, contribute financially to a ~~local candidate's~~ campaign, or take or advocate a position on referendum questions.

(D) Nothing herein shall limit the right of an employee to express ~~his or her~~ the employee's opinion on a matter of public concern, belong to a political party, or exercise ~~his or her~~ the employee's right to vote, ~~except as limited in subsection (c) above.~~

(E) Nothing ~~herein~~ shall limit the right of employees to participate in the elective process for State and federal offices, except as otherwise stated in this section.

(7) Surety bonds. Any Town officer and employee, as required by the Selectboard, shall annually give surety bonds or shall purchase comparable coverage to the satisfaction of the Selectboard for the faithful discharge of ~~his or her~~ the officer or employee's duties. In the event any officer or employee neglects to give a bond, is unable to obtain a bond, or obtain comparable coverage as herein specified in this section, after 10 calendar days' notice from the ~~Board~~ Selectboard that ~~he or she~~ the officer or employee is required to do so, ~~his or her~~ the officer or employee's office or position shall ~~thereupon~~ become vacant and the vacancy shall be filled as provided in this charter. ~~Each bond must be approved by the Town Attorney.~~ All official bonds shall be corporate surety bonds, and the premiums thereon shall be paid by the Town. Such bonds shall be filed with the Town Clerk.

Subchapter 4. Budgets and Finance

§ 41. FISCAL YEAR ~~OF THE~~ TOWN GOVERNMENT

The fiscal year ~~for~~ of the Town government shall be fixed by the Selectboard, ~~in a manner to maximize efficiency in Town financial matters.~~

§ 42. ~~OPERATING~~ TOWN MANAGER'S PROPOSED BUDGET

TIMETABLE AND PREPARATION

(a) Submission of timetable. At least five months before the scheduled date of Town meeting, the Town Manager shall prepare and present to the Selectboard and Budget Advisory Committee a proposed timetable ~~which that~~ shall project the progress of events leading to the adoption of the Town budget.

(b) Statement by the Selectboard regarding budget policy. Upon receipt of the Town Manager's timetable, the Selectboard shall issue an annual budget policy statement, outlining the direction the Town Manager shall take in the drafting or assembly of the budget document.

(c) Departmental submissions. In following the timetable submitted to the Selectboard, all department heads, and elected or appointed officials with budget responsibility shall submit ~~operating~~ budget requests to the Town Manager in ~~a uniform~~ the format ~~to be~~ established by the Town Manager.

(d) Drafting of ~~administration's~~ proposed annual budget.

(1) Unified administrative request. The Town Manager shall, ~~upon~~ after consultation with department heads, ~~draft a unified, proposed operating budget~~

~~for submission~~ submit to the Selectboard, ~~reflecting~~ a single budget request from the administration for ~~each department~~ all departments.

(2) ~~Manager's budget~~ Budget message. The Town Manager's ~~administration's~~ proposed budget shall be ~~preceded~~ introduced by a budget message ~~which~~ that shall explain the budget in both fiscal terms and in terms of work programs. It shall outline the ~~proposed financial policies~~ budget of the Town for the coming year, describe important features of the budget, indicate any major changes from the current year in terms of ~~financial policies,~~ revenues; and expenditures, indicating the reasons for ~~the change~~ any changes. The message shall summarize the Town's debt position, include a profile of the capital expenditure program for the year, and also include any other material ~~which~~ that the Town Manager deems appropriate.

(3) Budget; contents; and format.

(A) The ~~proposed~~ budget shall provide a complete financial plan for all Town funded activities for the ensuing fiscal year, and except as required by law, or charter, shall be in a form the Town Manager deems appropriate or the Selectboard may ~~require~~ prescribe.

(B) ~~In organizing the budget, the~~ The Town Manager shall ~~utilize~~ organize the budget by utilizing the most feasible combination of expenditure classifications by fund, organizational units, work ~~program~~ programs, purposes, ~~action~~ actions, and objects.

(C) The budget shall begin with a clear, general summary of its contents and shall show, ~~in detail,~~ all ~~proposed revenues, income,~~ expected revenue and all proposed expenditures.

(D) The budget should be arranged so as to show comparative figures for actual and ~~estimated~~ budgeted revenues, ~~income,~~ and expenditures for the preceding year, and for the year covered by the ~~proposed~~ budget.

(E) The budget shall include ~~in separate sections:~~

(i) proposed expenditures for ~~current~~ operations during the ensuing fiscal year, detailed by offices, departments, and agencies, detailed in terms of respective work programs, and the method of financing such expenditures;

* * *

(iv) proposed estimated ~~monies~~ revenues to be raised from ~~all sources~~ each source to be collected, levied, or raised by taxation to defray the expenses of the Town.

(e) Subsidiary budgets for utilities.

* * *

(2) Cross subsidy in areas other than fund management between Town government operations and utility operations shall be limited to ~~legitimate~~ services and support provided as approved by the Selectboard.

§ 43. CAPITAL EXPENDITURE PROGRAM

(a) Preparation and submission. The Town Manager, after consultation with department heads, shall submit a proposed five-year capital expenditure program to the Selectboard, with a copy provided to the Budget Advisory Committee, at least three months prior to Town meeting.

(b) Contents.

(1) The capital expenditure program shall include:

(A) a ~~clear~~ narrative summary of ~~needs~~ requests;

* * *

(C) ~~Actual cost~~ cost estimates, proposed methods of financing, and necessary time schedules for each improvement; or asset

~~(D) Estimated annual cost of operating and maintaining the facilities to be constructed or acquired.~~

(c) Revision and update. The above program shall be revised and extended each year to reflect progress or projects still pending or assets to be acquired.

(d) Inclusion in ~~annual~~ budget. A summary of the capital expenditure program shall be included in the ~~annual~~ budget with special emphasis on the expenditures for the particular year.

§ 44. ~~CAPITAL RESERVE FUNDS AND EQUIPMENT FUNDS~~

(a) The Selectboard may raise and appropriate money for the establishment of capital reserve or equipment reserve funds for the financing of all or part of:

* * *

(3) ~~the size and regulation of capital reserve funds shall be determined by Selectboard action~~ other purposes to meet specific obligations and needs of the Town so as to ensure efficient operations.

(b) The size and regulation of reserve funds shall be determined by the Selectboard.

§ 45. SELECTBOARD ACTION ON THE BUDGET

Board review and final action.

(1) The Selectboard shall schedule ~~public~~ one or more meetings, as it deems appropriate, for the review and discussion of the ~~administration's~~ proposed budget proposal and comments from the Budget Advisory Committee.

* * *

(3) The ~~Board~~ Selectboard shall then schedule a public hearing prior to Town meeting, warned as such.

(4) Following the public hearing, the Selectboard shall act to officially ~~fix~~ finalize the budget to be finalized or proposed at Town meeting.

(5) The Selectboard, in ~~fixing~~ finalizing the budget, shall place it on the warning as a gross appropriation.

§ 46. SPECIAL APPROPRIATIONS

In response to a request, or upon its own initiative, should the Selectboard so judge, the appropriation relative to a special element of Town business may be placed on the warning as a special appropriation by a majority vote of the Board Selectboard. In taking action, the Selectboard shall maintain the right to reject, alter, or reduce a request. This section does not apply to articles placed on the warning by petition, as described in subdivision 22(b)(3)(C)(i)(II) of this charter.

§ 47. ~~CITIZEN INPUT; CITIZEN PARTICIPATION IN THE BUDGET~~
ADVISORY COMMITTEE; BUDGET PROCESS

~~Citizen participation plan; public notice.~~

~~(1) Timetable. Before the sixth month of a fiscal year, the Selectboard shall draft and adopt a citizen participation plan, which shall provide for a committee of not more than 18 citizens, for the upcoming budget cycle.~~

~~(2) Contents.~~

~~(A) The citizen participation plan shall outline, in specific terms, the manner by which the Selectboard intends to provide for citizen input and public notice of the budget and its contents.~~

~~(B) The citizen participation plan must provide for, but shall not be limited to formal budget workshops before Town meeting; along with the publication of a budget summary in the Town report indicating budgeted and~~

~~actual expenditures for the current year and proposed expenditures for the coming year.~~

~~(C) The citizen participation plan shall make proper allowances for review of all special appropriations~~ The Selectboard shall appoint a Budget Advisory Committee that shall be composed of not less than five and not more than nine registered voters of the Town at least six months before the scheduled date of the annual Town meeting. The Budget Advisory Committee shall be governed by operating procedures established by the Selectboard.

§ 48. ~~APPROPRIATION-TOWN;~~ BUDGET

(a) Gross appropriation fixed and levy.

~~(1) The vote of Town meeting or other action finalizing the Town budget shall make a gross appropriation for the coming fiscal year. The Town meeting may not make any budget~~ No appropriation not recommended by the selectmen, may be voted unless such action was duly warned.

* * *

(3) Nothing herein shall limit the authorizing of payments or making of capital expenditures to be financed, ~~wholly or partly~~ whether in whole or in part, by the issuance of bonds except as provided in section 52 of this charter.

~~(4) Any officer~~ The Town Manager or the Town Manager's designee may, upon approval of the Selectboard, make a contract or lease for payments beyond the end of the fiscal year.

(5) Every appropriation, except an appropriation for a capital expenditure and multiyear contracts for which Town monies have been obligated, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made has been accomplished or abandoned.

~~(6) The money raised by taxation, and other lawful sources, shall constitute the entire sum from which appropriations and payments are to be made by or under the authority of the Selectboard.~~

(b) Overruns on gross appropriations, emergency appropriations.

(1) The gross appropriation may not be exceeded, except by consent of the Selectboard, as ~~herein~~ limited in this charter.

* * *

(3) Any amount in excess of five percent of the gross appropriation shall be warned and voted by special or regular Town meeting.

(c) Under expenditures; excess revenues.

(1) Under expenditures. If during the fiscal year, the Board, upon recommendation and certification of the Town Manager, determines that there are funds available due to under expenditure of the funds or revenue returns exceeding projections proposed in the budget, the Board may make

supplemental appropriations for the fiscal year up to the amount of such excess, not to exceed five percent of the gross appropriation.

* * *

(d) Surplus. Any surplus created, subject to the provisions of subsection (d) of this section, ~~shall~~ may be carried over to the next fiscal year's budget and counted as a fixed receipt on the calculation of the ensuing tax rate, or, by action of the Selectboard, may be placed in a capital reserve fund as provided for in this charter.

* * *

(f) Ongoing appropriation; in the event of a budget revote.

* * *

(2) ~~Expenditures~~ In the event that the budget is not adopted before the beginning of the fiscal year, expenditures during the budget revote shall be limited on a monthly basis to an allotment based on the prior year's appropriation until such time as the budget is adopted.

§ 49. FINANCIAL ADMINISTRATION AND TOWN BUDGET

(a) ~~Financial officer~~ Finance Director.

(1) The Town Manager may appoint, ~~on the basis of education, training, experience, and performance, an officer~~ upon merit alone, a person who shall serve as ~~financial officer~~ the Finance Director.

(2) The ~~financial officer~~ Finance Director shall be a member of the ~~administrative service~~ Town administration and be subject to all rules and regulations ~~therein~~ of the Town administration, and may be the Town Treasurer or ~~other administrative officer~~ a Selectboard member.

(3) The ~~financial officer~~ Finance Director shall perform such duties as the job description submitted by the Town Manager and approved by the Selectboard shall indicate.

(b) Depository of Town funds; cash and fund management.

* * *

(3) The officer responsible for each fund ~~management~~ shall issue a ~~regular~~ report of investments and yields to the ~~manager~~ Town Manager and the Selectboard at least annually and when requested by either the Town Manager or the Selectboard.

(c) Independent audit; ~~Town Auditor~~.

* * *

(2) ~~Such~~ The audits shall be made by ~~the Town Auditor who shall be a~~ CPA certified public accountant or firm of such accountants who have no personal interest, direct or indirect, with Town government, its fiscal affairs, or its officers.

(3) The ~~Board~~ Town Manager shall appoint such accountant or firm annually at a time proper to the scheduling of the audit itself.

(4) Should the State of Vermont make such an audit at the request of the ~~Board~~ Selectboard, it shall meet the requirements of this section.

(5) At the conclusion of the audit, the auditors shall present their report and findings to the Selectboard in open session.

(d) Authorization for expenditure of Town funds.

(1) Money shall not be paid out of the Town Treasury unless it is authorized by a payroll or payment authorization signed by at least three members of the Selectboard, or in accordance with the provisions of 24 V.S.A. § 1623.

(2) No payment of money on account of any department of which the Town Manager has supervision shall be made except upon vouchers approved by the Town Manager or ~~his or her~~ the Town Manager's designated agent.

(3) In the event of the absence, ~~disability~~ termination, or suspension of the Town Manager, the Selectboard may approve ~~such~~ the vouchers or authorize their approval by ~~some other person~~ a Town employee or other Town officer.

(4) The Town Manager may provide for periodic or quarterly allotments of the appropriations to departments, funds, or agencies under such rules as ~~he~~ or she the Town Manager may prescribe and as may be agreeable to the Selectboard.

(e) ~~Budget~~ Financial reports, ~~books,~~ and records.

(1) Regular reporting. The Town Manager shall submit, on a schedule prescribed by the Selectboard, but ~~no~~ not less often than quarterly, a budget report indicating the relationship between actual and estimated ~~receipts~~ revenues and expenditures to date.

(2) All ~~books of account~~ accounting records, in relation to the receipt, holding, or disbursement of money of the Town kept by any official of the Town, shall be paid for by the Town, shall remain the property of the Town, and shall be turned over to the Town Clerk whenever the keeper of the ~~books of account~~ accounting records retires from office. All ~~books~~ records pertaining to Town affairs kept by the Town Manager, Town Clerk, or other elective or appointive officer of the Town shall be kept in the Town buildings in their proper places and shall not be removed therefrom without an order of a court or a vote of the Selectboard.

(f) Purchasing and procurement.

(1) All purchasing and procurement for the Town shall be the responsibility of the Town Manager, who may delegate purchasing authority ~~to~~ within the limits allowed by charter.

(2) All purchasing and procurement shall be by competitive bid or quote wherever practical or as required.

(3) The Town Manager shall ~~establish~~ maintain purchasing and procurement ~~guidelines~~ policies approved by the Selectboard as part of the Town code.

§ 50. TRUST FUNDS

(a) Trust funds of the Town of ~~Springfield~~ shall ~~continue to be~~ accounted for separately and kept separate and apart from other Town funds.

(b) Trust funds shall be ~~in the hands~~ the responsibility of the trustees of public funds in accordance with this charter and State law, unless the trust document specifies otherwise.

§ 51. TAXATION AND COLLECTION

(a) ~~Authority for taxation.~~

~~(1) The Town shall retain rights of taxation as afforded by State statute related to real estate and personal property.~~

~~(2) The Selectboard shall be the tax authority for all Town and school functions and shall fix all rates of taxation as limited by charter and statute.~~

[Repealed.]

(b) Responsibility for taxation and collection.

* * *

~~(2) The Selectboard shall designate the Collector of Delinquent Taxes.~~

[Repealed.]

(3) The Collector of Taxes or Delinquent Taxes may charge and collect such fees and interest as may be fixed by the Selectboard and shall deposit them ~~in~~ into the General Fund. Fees and interest established shall not exceed those provided by statute.

(c) Manner of collection.

(1) The timetable of tax collection in terms of due dates and installments shall be fixed by the Town Treasurer, subject to the approval of the Selectboard.

(2) ~~Delinquent taxes shall be administered in accordance with State statute.~~ [Repealed.]

(d) ~~Tax abatement. Tax abatement shall be administered in accordance with State statute.~~ [Repealed.]

(e) Tax stabilization.

(1) ~~Authority~~ The authority to negotiate and grant tax stabilization agreements shall be granted and revoked by the voters.

(2) The Selectboard shall negotiate all stabilization agreements when so authorized by the voters.

(3) Under this section, the Selectboard shall ~~draft~~ maintain uniform guidelines outlining the scope and nature of tax stabilization agreements.

(4) The Selectboard shall ~~confer with the School Board on stabilization related matters but shall~~ retain final authority on stabilization agreements.

* * *

~~(g) Tax classification; special nonresidential property tax; repeal of inventory tax:~~

~~(1) For purposes of this section:~~

~~(A) All real and personal property, other than inventory, that is not classified in the grand list as residential property, a farm, or vacant land shall be classified as commercial, industrial, utilities (electric), utilities (other), or equipment, and shall be collectively classified as "special nonresidential property." Special nonresidential property does not include property used for dwelling or farm purposes or accessory property which is subordinate to or customarily incidental to the main residential or farm use, such as garages and out buildings.~~

~~(B) "1996 minimum grand list value" means the aggregate grand list value of special nonresidential property and inventory on January 1, 1996.~~

~~(C) "Special tax" means the additional tax on special nonresidential property and inventory authorized by this section.~~

~~(2) Beginning with the January 1, 1997 grand list, the inventory tax shall be phased out over a period of five years and real and personal property shall be taxed as provided in this section.~~

~~(3) For purposes of calculating the property tax rate, the aggregate grand list value of special nonresidential property and inventory shall be the~~

~~aggregate grand list value of such property and inventory as calculated below or the 1996 minimum grand list value, whichever is greater.~~

~~(4) Beginning with the January 1, 1997 grand list, special nonresidential property and inventory shall be subject to a special tax. The special tax shall be imposed in any tax year in which the aggregate grand list value of special nonresidential property and inventory is less than the 1996 minimum grand list value. The special tax shall be in addition to taxes imposed on real and personal property generally. The special tax rate shall be sufficient to generate the tax revenues necessary to fully offset the decrease in tax revenues that would result from basing the property tax rate on the 1996 minimum grand list value rather than the actual aggregate grand list value of special nonresidential property and inventory.~~

~~(5) Inventory shall be valued on the grand list as follows:~~

~~(A) 80% percent of fair market value as of January 1, 1997.~~

~~(B) 60% percent of fair market value as of January 1, 1998.~~

~~(C) 40% percent of the fair market value as of January 1, 1999.~~

~~(D) 20% percent of the fair market value as of January 1, 2000.~~

~~(E) Zero percent of the fair market value for the year 2001 and~~

~~thereafter.~~

~~(6) Properties upon which payments are made in lieu of taxes pursuant to a contractual agreement with the Town shall be classified according to their grand list classification and assessed for the purposes of such payments.~~

~~(7) If a property is used for both residential and nonresidential purposes for both farm and nonfarm purposes, the value of the property shall be apportioned according to such uses and classified and assessed as in this section. [Repealed.]~~

§ 52. DEBT; AND BONDED DEBT FOR TOWN ~~AND SCHOOL~~
IMPROVEMENTS

(a) Authorization for any long-term ~~bonded~~ debt shall be granted by the voters at an annual or special Town meeting duly authorized for that purpose. As used in this section, "long-term" means a period of indebtedness greater than five years.

(b) An article requesting authorization to incur long-term debt can only be placed on the warning by a vote of four Selectboard members, ~~which indicates that the cost of the improvement will be too great to be paid out of the annual income or revenues of the Town.~~

~~(c) Any vote authorizing long term debt shall only be valid if voted at a Town meeting at which the total number of votes casting ballots exceeds 10 percent of the total number of names on the checklist on the date of the last annual Town meeting. [Repealed.]~~

(d) Articles requesting authorization for long-term debt shall be warned in accordance with ~~section 22(b)(3) of this charter related to Town warnings~~ generally State statute.

(e) The Town Treasurer shall be authorized, subject to the approval of the Selectboard, to incur short-term debt in anticipation of taxes for ~~Town and school~~ funding.

Sec. 3. REPEAL

24 App. V.S.A. chapter 149, § 6 (open meetings; freedom of information) is repealed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.